

CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

OCTOBER 17, 2016

Council Chamber

Regular Session

6:00 PM

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 - Andrew S. Friedberg, Mayor.

C. Pledges of Allegiance - Andrew S. Friedberg, Mayor.

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.

Friends of the Libraries Week:

Issuance of a proclamation by Andrew S. Friedberg, Mayor, proclaiming the week of October 16-22, 2016, as Friends of the Libraries Week in the City of Bellaire, Texas - Requested by Mary Cohrs, Director of Library.

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:

Public Hearing on proposed amendments to the City of Bellaire Code of Ordinances, Chapter 24, Planning and Zoning, Section 24-544, Technical Research Park District (TRPD), to reduce the number of permitted uses by right, to create a new subsection for specific uses, and to include a requirement for site plan reviews on all specific use permit applications - Submitted by John McDonald, Director of Development Services, on behalf of the Planning and Zoning Commission of the City of Bellaire, Texas.

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 the Mayor and Council.

F. Close of Public Hearing.

As the City Council's final deliberation of the proposal is scheduled for the same date

following the Public Hearing, public comment on the proposal, whether oral or written, will not be received following the close of the Public Hearing.

See Rules of Procedure of the City Council of the City of Bellaire, Texas, as of October 10, 2016.

G. Adjourn.

II. REGULAR MEETING

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. Reports/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.
2. Monthly Financial Report for the Period Ending September 30, 2016 - Submitted by Terrence Beaman, Chief Financial Officer.
3. Texas Municipal League Annual Conference Update - Submitted by Trisha S. Pollard, Council Member.
4. Presentation and discussion regarding the 2016 Citizen Survey Instrument - Submitted by Mary Cohrs, Director of Library.

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 the minutes of the City Council of the City of Bellaire, Texas for the following sessions: Special Session held on September 19, 2016, and Regular Session held on September 19, 2016 - Submitted by Tracy L. Dutton, City Clerk.

- i. Mayor and Council - Special Session - Sep 19, 2016 5:30 PM
- ii. Mayor and Council - Regular Session - Sep 19, 2016 6:00 PM

b. Award of Contracts(s)/Amendment(s)/Change Order(s):

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, an Agreement for Professional Services with Texas BBG Consulting, Inc., for services necessary for the enforcement of the City's building codes to include construction plan review and the provision of onsite inspection services in an estimated annual amount of \$125,000 - Submitted by John McDonald, Director of Development Services.

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, fixing the tax rate and tax levy for the City of Bellaire, Texas, for tax year 2016 (fiscal year beginning October 1, 2016, and ending September 30, 2017), upon all taxable property in the City - Submitted by Terrence Beaman, Chief Financial Officer.
- b. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with Terrain Studio to provide design and construction services for a Beautification Pilot Project in an amount not to exceed \$170,000 - Submitted by Cheryl Bright, Assistant Director, Parks, Recreation and Facilities.
- c. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 24, Planning and Zoning, Section 24-544, Technical Research Park District (TRPD), of the Code of Ordinances, for the purpose of reducing the number of permitted uses by right, to create a new subsection for specific uses, and to include a requirement for site plan reviews on all specific use permit applications - Submitted by John McDonald, Director of Development Services, on behalf of the Planning and Zoning Commission of the City of Bellaire, Texas.
- d. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing a change order to the FY 2015 Pavement Management Project Contract with AAA Asphalt in an amount not to exceed \$220,000.00 - Submitted by Brant Gary, Director of Public Works.

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: 10/17/16 06:00 PM
Department: Library
Category: Proclamation
Department Head: Mary Cohrs
DOC ID: 2021

**SCHEDULED
PROCLAMATION (ID #
2021)**

Item Title:

Issuance of a proclamation by Andrew S. Friedberg, Mayor, proclaiming the week of October 16-22, 2016, as Friends of the Libraries Week in the City of Bellaire, Texas - Requested by Mary Cohrs, Director of Library.

Background/Summary:

Mary Cohrs, Director of Library, has requested the issuance of a proclamation by Andrew S. Friedberg, to proclaim the week of October 16-22, 2016, as Friends of the Libraries Week in the City of Bellaire, Texas.

Previous Council Action Summary:

N/A

Fiscal Impact:

N/A

Recommendation:

Director of Library recommends issuance of the proclamation

ATTACHMENTS:

- 2016 Proclamation for Friends of the Bellaire Library (PDF)



Proclamation

Whereas, the Friends of the Bellaire Library raise money that enables our Library to move from good to great—providing the resources for additional programming, much-needed equipment, support for children's summer reading and special events throughout the year; and

Whereas, the work of the Friends highlights on an on-going basis the fact that our Library is a cornerstone of our community, providing opportunities for all to engage in the joy of life-long learning and to connect with the thoughts and ideas of others from ages past through to the present; and

Whereas, the Friends understand the critical importance of well-funded libraries and advocate to ensure that our Library gets the resources it needs to provide a wide variety of services to all ages, including access to print and electronic materials, assistance in research, readers' advisory and children's services; and

Whereas, the Friends' gift of their time and commitment to our Library—for the past 65 years—sets an example for all in how volunteerism leads to positive civic engagement and the betterment of our community;

Now, Therefore, I, **Andrew S. Friedberg, Mayor of the City of Bellaire, Texas**, do hereby proclaim the week of **October 16-22, 2016** as

Friends of Libraries Week

in the City of Bellaire, Texas, and urge all residents to join with the Friends in support of the Bellaire Library, and express our community's appreciation for all they do to make our Library so much better.



In Witness Whereof, I have hereunto set my hand and caused the seal of the City of Bellaire, Texas, to be affixed this 17th day of October, 2016.

Andrew S. Friedberg
Mayor
City of Bellaire, Texas

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 10/17/16 06:00 PM
Department: Development Services
Category: Public Hearing
Department Head: John McDonald
DOC ID: 2019

**SCHEDULED
ACTION ITEM (ID # 2019)**

Item Title:

Public Hearing on proposed amendments to the City of Bellaire Code of Ordinances, Chapter 24, Planning and Zoning, Section 24-544, Technical Research Park District (TRPD), to reduce the number of permitted uses by right, to create a new subsection for specific uses, and to include a requirement for site plan reviews on all specific use permit applications - Submitted by John McDonald, Director of Development Services, on behalf of the Planning and Zoning Commission of the City of Bellaire, Texas.

Background/Summary:

This public hearing is scheduled to gather input on a proposed amendment to Chapter 24, Planning and Zoning, Sec. 24-544, Technical Research Park District (TRPD). The proposal reduces the number of permitted uses by right, creates a new subsection for specific uses, and includes a requirement for site plan review on all specific use permit applications. There appears to be some misunderstanding of this proposal by residents in the area around Chevron.

This proposal was initiated by the Director of Development Services after consulting with the Planning and Zoning Commission. The proposed amendment will add an additional level of review over any future use or development, requiring a developer, builder, or business owner to apply for a Specific Use Permit prior to the initialization of a new project. This requirement adds a more detailed application process as well as calls for two public hearings to be held prior to consideration of final approval by City Council: one before the Planning and Zoning Commission (P&Z) and the second before Council. Therefore, this proposal allows greater oversight and public input on future development. No new uses were added, nor were any deleted. For example, residential development is not permitted in the TRPD today, and under this proposal this would not change.

This proposal is a stop-gap measure to allow the P&Z time to prepare an update to the Comprehensive Plan which would allow the rezoning of the property. Rezoning of this property is severely limited until the Comprehensive Plan is amended. This area is identified on that map as "Business Park". Rezoning of a property must be based on this map and therefore, today, the City is limited to "office and research and technology related uses in a campus like environment."

The P&Z has begun discussions on amending the Comprehensive Plan and the Future Land Use Map in reference to this parcel and is working towards making a recommendation to City Council. Not until the Plan is updated can rezoning of the property occur, with any new zoning based on the updated Plan.

The Commission held a public hearing on this item on September 13, 2016, with five residents offering comments. After considerable discussion, the Commission voted unanimously to recommend approval of the amendment to City Council the same evening. Vice Chairman Dirk Stiggins' report and recommendation is attached.

The City Clerk has fulfilled the notice requirements for this public hearing.

Recommendation:

No action is required at this time. This item is scheduled for later in the evening.

ATTACHMENTS:

- Code Amendment - Chapter 24 - Sec 24-544 TRP Redline (PDF)
- P&Z TRPD MATERIALS(PDF)

Sec. 24-544. – Technical Research Park

A. Purpose. The Technical Research Park District is an area of high quality office use, including technical laboratory, computer center, engineering/operations and research facility uses, which is in close proximity to Interstate highway Loop 610 and is characterized by the zoning requirements set forth in this Section.

B. Permitted Uses.

- 1) Public Parks.
- 2) Utilities:
 - a) Local utility distribution lines;
 - b) Telephone lines and related cross connecting points.
- 3) Accessory Uses, subject to the requirements of Section 24-510.
- ~~4) Home occupations, subject to the requirements of Section 24-517.~~
- 4) Facilities owned and maintained by the City.

C. Specific Uses:

- ~~5)1) Churches.~~
- ~~6)2) Schools.~~
- ~~7) Facilities owned and maintained by the City.~~
- ~~8)3) Office buildings.~~
- ~~9)4) Parking structures and parking lots (private).~~
- ~~10)5) Central plant including electrical generating facility (private).~~
- ~~11)6) Automobile service station.~~
- ~~12)7) Radio, television and microwave antenna or tower.~~
- ~~13)8) Technical research laboratories.~~
- ~~14)9) Computer operations.~~

~~C.D.~~ Standard Regulations.

- 1) Size and area.
 - a) Lot area: The minimum lot area shall be two (2) acres.
 - b) Maximum building height: No building, except those buildings and their appurtenances existing as of November 1, 1983, shall have a height in excess of six (6) stories (excluding cooling towers, roof gables, chimneys, radio and television antennas, vent stacks and similar extensions which may extend for an additional height, the total not to exceed eighty-four (84) feet. A greater height may be permitted in the granting of a specific use amendment for radio, television and microwave antenna or tower.
 - c) Maximum floor area to site area: 100 percent of site area.
 - d) Building lines (except those buildings and their appurtenances existing as of November 1, 1983):
 1. No building shall be constructed less than fifty (50) feet from the right-of-way line of the abutting Interstate Highway Loop 610 Service Road;
 2. All other building lines shall be computed on the basis of a ratio of .84 foot of building height per one (1) foot of distance between said

building lines and the nearest point on a lot zoned residential or in residential use that is outside of the district and existing on the date said district is established by ordinance.

e) Maximum site coverage: 75 percent of site area.

~~f) Those buildings and their appurtenances existing as of November 1, 1983 shall be declared as conforming with the provisions pertaining to this District.~~

f) Site plan review required: All specific use applications in this district require site plan review and approval to ensure conformance with the standards for this district and other applicable provisions of the City Code. Applicants shall satisfy all application and submittal requirements for the site plan review itemized in Section 24-524.

2) [Deleted.]

3) Screening. Shall comply with Section 24-513.

4) Outdoor lighting. All outdoor lighting shall be located, screened or shielded so that adjacent residential lots or structures are not directly illuminated.



CITY OF BELLAIRE

Planning and Zoning Commission

September 15, 2016

To: Mayor and City Council
 From: Dirk Stiggins, Vice Chairman, Planning & Zoning Commission *Dirk Stiggins*
 CC: John McDonald, Director of Community Development
 Subject: Report and Recommendation on proposed amendments to the City of Bellaire Code of Ordinances, Chapter 24, Planning and Zoning, Section 27-544, Technical Research Park District (TRPD).

On September 13, 2016, the Planning & Zoning Commission held a public hearing on proposed amendments to the City of Bellaire Code of Ordinances, Chapter 24, Planning and Zoning, Section 24-544, Technical Research Park District (TRPD), to reduce the number of permitted uses by right, to create a new subsection for specific uses, and to include a requirement for site plan review on all specific use permit applications. The amendment was requested by the Director of Development Services.

Notifications regarding the public hearing were mailed out to all addresses within 500 feet of the property. Any and all persons desiring to be heard in connection with the proposed code amendments were invited to speak before the Commission. Five (5) residents spoke during the public hearing. Comments focused on the current list of uses, as well as the long term plans for the area.

RECOMMENDATION

During the same meeting, and after due consideration and discussion, the Commission amended the proposal by striking several paragraphs which dealt with the criteria for site plan review. The Commission then voted (6-0) to recommend approval of the code amendments to City Council, as revised.

VOTE OF THE COMMISSION

Members present and voting FOR this recommendation to City Council:

-Mike Axelrad, Jonathan Saikin, Lynne Skinner, Marc Steinberg, Dirk Stiggins, Bill Thorogood

Members present and voting AGAINST this recommendation to City Council:

-None

Members Absent:

- Win Frazier, Chairman

Attachment: P&Z TRPD MATERIALS (2019 : PH-Amendment to TRP Zoning District)

Planning and Zoning Commission

City Council Chambers, First Floor of
City Hall
Bellaire, TX 77401



Meeting: 09/13/16 06:00 PM
Department: Development Services
Category: Public Hearing
Department Head: John McDonald
DOC ID: 2026

SCHEDULED PUBLIC HEARING (ID # 2026)

Item Title:

Public Hearing on proposed amendments to the City of Bellaire Code of Ordinances, Chapter 24, Planning and Zoning, Section 24-544, Technical Research Park District (TRPD), to reduce the number of permitted uses by right, to create a new subsection for specific uses, and to include a requirements for site plan reviews on all specific use permit applications.

Background/Summary:

As the Commission is aware, Chevron has announced the closing of its Bellaire facility. This is currently scheduled to occur in 2017. Chevron representatives have informed the City that the property will go on the market this fall.

The property is zoned Technical Research Park (TRP) and is identified on the Comprehensive Plan's Future Land Use Map as "Business Park". In order to place some additional controls over the property until such time that the Comprehensive Plan can be updated to give better guidance to future development of the site, the attached amendment Chapter 24, Sec. 24-544, Technical Research Park, is proposed.

The amendment has two main changes:

1. The majority of the currently allowed uses within the district are reclassified from "Permitted Uses" to "Specific Uses". Only parks, utilities, accessory uses, and City uses remain as uses permitted by right; and
2. Require all uses listed under "Specific Uses" to go through the requirements of site plan review as detailed in Chapter 24, Sec 24-524, Site Plan Review.

If adopted, these changes will still permit development as allowed today, but ensure that the City, through review at the staff, Commission, and City Council levels, has the opportunity to properly review and consider any proposed development.

The Planning and Zoning Secretary has fulfilled the notice requirements for this public hearing.

Recommendation:

No action at this time. This item is scheduled for consideration the same night.

ATTACHMENTS:

- Code Amendment - Chapter 24 - Sec. 24-544 TRP Redline (PDF)

V. PUBLIC HEARINGS

Public Hearing on proposed amendments to the City of Bellaire Code of Ordinances, Chapter 24, Planning and Zoning, Section 24-544, Technical Research Park District (TRPD), to reduce the number of permitted uses by right, to create a new subsection for specific uses, and to include a requirements for site plan reviews on all specific use permit applications.

1. Presentation of the Public Hearing Process

Mr. McDonald reviewed the public hearing process with the Commission and the public. He stated that because this is a staff initiated request the presentation by the applicant and the staff findings would be one in the same. He also mentioned that because this item is on the agenda for consideration during the same meeting no additional written comments will be accepted.

2. Presentation by the Applicant

Mr. McDonald informed the Commission that there was previously a discussion regarding the fact that the Chevron facility will be closing its Bellaire location at the beginning of 2017. He explained that this area is currently zoned as a Technical Research Park District (TRPD), and includes two properties, the Chevron facility that goes from Rice to the north side of Fournace, all the way to the frontage road, as well as the gas station at the corner of the frontage road at Fournace, which is not owned by Chevron. Mr. McDonald added that Chevron also owns 12-15 lots off of Mayfair Street, but that the proposed changes will not affect those, as they are zoned as residential-single family. He mentioned that as part of the preparation for what that site could become, two things need to be discussed, the current zoning and how it works on the site, and any future zoning for the site. Mr. McDonald added that the Comprehensive Plan also needs to be taken into account during this process. He explained that the changes he is proposing are the reclassification of a majority of the currently permitted uses to specific uses, as well as the requirement for site plan review on any specific use permit (SUP) applications. He stated that only parks, utilities, accessory uses, and City uses will remain as uses permitted by right. Mr. McDonald stated that the idea is to essentially put a "stop gap measure" on this zoning district until such time that the Comprehensive Plan can be updated to give better guidance to future development of the site. He informed the Commission that the City's intention is to gain more control over the area without negatively impacting the sale of the property. Mr. McDonald explained that the proposed changes will continue to permit development as allowed today, but will ensure that the City, through review at the staff, Commission, and City Council levels, has the opportunity to properly review any proposed development.

3. Staff Findings

See Presentation by the Applicant.

4. Public Comments

- a. **Persons at the meeting who have indicated their desire to address the Commission by submitting the form provided shall have three (3) minutes each to present comments concerning the Application. If a speaker wishes to yield their time to another speaker, a total of six (6) minutes will be allotted. If additional time is not yielded, the time limit**

may be extended to five (5) minutes at the discretion of the Chair, with the consent of the Commission.

The following members of the public spoke during the public hearing:

Lynn McBee
Catherine Lewis
Benjamin Lavine
Pamela Wogenstahl

Most comments were regarding concerns with the current list of uses, as well as the long term plans for the area. Ms. McBee questioned why city facilities were listed as a permitted use. She was also concerned that the City was proposing to allow 100% lot coverage.

5. Response of Applicant

Attorney Petrov explained that city uses are a standard part of the zoning code and that all cities list municipal facilities as permitted uses by right.

Mr. McDonald explained that every use listed in the proposal is a use that is currently allowed by right in that area. He added that these changes give the City and Commission more control over what goes in to that property with the requirement of a specific use permit. He also mentioned that the maximum lot coverage is 75%, and that any project that increases the lot coverage will be required to mitigate for that.

6. Questions from the Commission

Commissioner Thorogood stated that based on his research, the property is 30.5 acres, and has a property tax base of approximately \$77 million. He added that if the property was rezoned to residential-single family it would have a property tax base of approximately \$146 million, and that he liked the idea of linking it residentially to the rest of the neighborhood. Commissioner Thorogood mentioned the stop gap that was done for the UV-T Zoning District and asked if there was a requirement within that change which stated that everything must go through the SUP process. He then asked if the Commission could strike all permitted uses except for churches, meaning that all other uses would require a specific use permit.

Mr. McDonald and Attorney Petrov explained that the Comprehensive Plan was being updated at that time, and that they believe there was a short moratorium that was put into place for the UV-T until such time that the codes were adopted. Mr. McDonald stated that the Commission has the right to amend the proposal as it wishes, but then reiterated that the idea is not to interfere with the selling of the property, simply to gain more control through the requirement for a specific use permit and site plan approval.

Commissioner Skinner asked if the property could be subdivided into several different lots. She also questioned whether each property would be required to apply for a specific use permit.

Mr. McDonald confirmed that it could potentially be subdivided, but that the replats would have to come before the Commission for approval. He also stated that each use would need its own SUP.

Commissioner Skinner asked if each subdivided lot would have to meet the 75% maximum lot coverage requirement.

Mr. McDonald confirmed this.

Commissioner Skinner asked if a traffic study should be done for the area, and also stated that she was concerned about flooding.

Mr. McDonald explained that a mobility study was recently done for the City and that he would see if this area was included in that. He added that the City Engineer, James Andrews, has recently completed a drainage study that he will be presenting to the City Council this month, and that funds from the bond will go towards that.

Commissioner Skinner asked if there are specific streets listed in the bond package.

Mr. McDonald stated that he does not believe the streets have been identified yet.

Commissioner Saikin asked for clarification that the current use of the property is vested.

Mr. McDonald explained that the use is vested by state law except in the event that the use is discontinued for a time period of 6 months.

7. Invitation for Written Comments, if applicable

Vice Chairman Stiggins reiterated that the Commission will be acting on this item during the same meeting, therefore, no written comments will be accepted.

8. Closure of the Public Hearing

Vice Chairman Stiggins closed the public hearing at 7:02 PM.

VI. CURRENT BUSINESS (ITEMS FOR DISCUSSION, CONSIDERATION, AND/OR POSSIBLE ACTION)

- 1. Consideration of proposed amendments to the City of Bellaire Code of Ordinances, Chapter 24, Planning and Zoning, Section 24-544, Technical Research Park District (TRPD), to reduce the number of permitted uses by right, to create a new subsection for specific uses, and to include a requirement for site plan review on all specific use permit applications.**

Motion: a motion was made by Commissioner Axelrad and seconded by Commissioner Steinberg to approve the proposed amendments to the TRPD.

Commissioner Thorogood stated that he understood the need to move forward quickly and that he felt strongly about the stop gap measure, however, he was concerned with the list of uses and the fact that the administrative official would have the ability to approve the site plan.

Commissioner Saikin mentioned that the authorization of the administrative official to waive elements of the site plan requirements was also of some concern.

Amended Motion: An amended motion was made by Commissioner Thorogood and seconded by Commissioner Skinner to approve the proposed amendments to the TRPD with the deletion of all uses after C. 1), and to require an SUP for all others, as well as to remove section f) 1. a., the City administrative official's authority to approve the site plan.

Commissioner Axelrad asked if this amended motion would still allow for Chevron's use of the site.

Mr. McDonald confirmed that it would, but that they would not be allowed to expand.

Commissioner Steinberg stated that he was not in favor of the amendment to the motion, and that he felt the Commission would need more time to discuss the issue of the allowable uses.

Commissioners Saikin and Axelrad mentioned that they also were not in favor of the amended motion.

Vote on amended motion: the amended motion failed with a vote of 2-4.

Mr. McDonald suggested that the Commission strike sections f) 1.a, b, c, & e. from the proposed amendments if they were concerned with the administrative official's authority with regard to the site plan.

Chairman Stiggins then made a 2nd amendment to the motion:

2nd Amended Motion: To approve the proposed amendments to the TRPD with the deletion of sections f) 1. a, b, c,& e.

Commissioner Axelrad seconded the amendment.

Vote on 2nd Amended Motion: the amendment to the motion passed with a vote of 6-0.

Commissioner Steinberg suggested that the Commission hold a workshop prior to the next meeting in order to further discuss the concerns with the uses.

Commissioner Saikin asked for clarification that Chevron was notified that this was taking place, and asked how often the Commission votes to amend the zoning code once finding out that a property is up for sale.

Mr. McDonald confirmed that notice was sent to Chevron regarding the proposed changes. He added that this situation doesn't happen very often, however, several re-zonings have taken place in the City within the past few years where properties that are for sale were involved.

Commissioner Saikin asked if it was the size of this site or the current use that was an issue.

Mr. McDonald explained that it is a combination of the two. He stated that this is the largest tract of potential new development that the City has seen in a long time, and therefore comes with many opportunities. He added that with the potential turnover of this use, it is a good time for the City and the Commission to determine what they would like to see for this property in the future.

Vote on original motion to approve the proposed changes to the TRPD: 6-0.

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 10/17/16 06:00 PM
Department: City Manager's Office
Category: Presentation
Department Head: Paul A. Hofmann
DOC ID: 1926

**SCHEDULED
ACTION ITEM (ID # 1926)**

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

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 10/17/16 06:00 PM
Department: City Manager's Office
Category: Report
Department Head: Diane K White
DOC ID: 1914

**SCHEDULED
ACTION ITEM (ID # 1914)**

Item Title:

Monthly Financial Report for the Period Ending September 30, 2016 - Submitted by Terrence Beaman, Chief Financial Officer.

Background/Summary:

In accordance with the Charter of the City of Bellaire, Article VII, Section 4, Paragraph 3, please find attached the monthly financial report for the month of September for FY 2016.

Previous Council Action Summary:

N/A

Fiscal Impact:

N/A

Recommendation:

N/A

ATTACHMENTS:

- September 30, 2016 Monthly Report (PDF)

City of Bellaire

Monthly Financial Report
for the period ending
September 30, 2016

Attachment: September 30, 2016 Monthly Report (1914 : Monthly Financial Report for the Period Ending September 30, 2016)

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City of Bellaire Finance



MEMORANDUM

To: Paul A. Hofmann, City Manager

From: Terrence Beaman, Chief Financial Officer

Date: October 17, 2016

Subject: Financial Analysis for Month Ending September 30, 2016

GENERAL FUND

General Fund Revenues:

FY 2016 Budget	Actual 09/30/2016	Allocated Budget	Over/(Under) Allocated Budget
\$19,047,107	\$19,123,857	\$19,047,107	\$76,750

The allocated budget is a five year average of the percent of revenue collected as of the end of each month in the fiscal year by major categories. In the month ending September 30, 2016 the City has collected 100% of its total budgeted revenues and is over its allocated budget for the twelve months ending September 30, 2016 by \$76,750.

Approximately 97% of current property taxes are receipted in the months of November through February. The City has collected 99% of its current property tax revenue as of September 30, 2016.

Sales tax is tracking slightly higher than budget while Franchise fees are tracking under budget with collection rates at 101% and 98% respectively. Sales tax revenue received through September is over the allocated budget by \$25,196. Franchise fees are under the allocated budget by \$32,458. Cable franchise revenue is over budget by \$7,610 while gas franchise revenue is tracking under budget through September.

Development permits, fees and licenses are under the allocated budget by \$2,189. New residential permits are down 25.5% in the number of permits issued and down 14.6% in the value of new residential permits. Commercial permit values for new and remodeling are \$33.9 million for FY 2016 compared to \$40.2 million for FY 2015.

Parks & Recreation fees are trending higher than the allocated budget by \$91,701. Revenue line items over their allocated budget as of September 30, 2016 are: Evergreen pool - \$10,694, Bellaire pool - \$42,203, swim lessons - \$22,795, and annual swim pass - \$16,075.

In the public safety category, alarm permits fees are slightly higher than budget by \$6,175, ambulance billing is over budget by \$16,606 and rescue billing is \$42,797 over budget.

General Fund Expenditures:

FY 2016 Budget	Actual 09/30/2016	Allocated Budget	Over/(Under) Allocated Budget
\$20,343,095	\$19,650,679	\$20,343,095	(\$692,416)

Salary and benefits are 73.0% of the general fund total budget for FY2016. As of September, salary and benefits are slightly under budget to actual at 97% expended.

Purchased services expenditures are at 92% or \$308,870 under the allocated budget for this period. Included in this category are contract labor and other professional services that due to timing will be paid in subsequent months.

Supplies are under the allocated budget by \$146,312. This category includes fuel which has experienced reduced rates which will impact current year fuel expenditures. Other line items that impact this category are driven by the timing in which departments make purchases and finance staff has been working with the departments to ensure expenditures are recognized in the current fiscal year.

The "other" category is mainly the transfers from the General Fund to the Capital and Vehicle and Equipment Replacement fund and those transfers are made monthly and are right on target. Other/transfers is over the allocated budget to due to a one-time overpayment in sales tax.

ENTERPRISE FUND**Enterprise Fund Revenues:**

FY2016 Budget	Actual 09/30/2016	Allocated Budget	Over/(Under) Allocated Budget
\$7,746,600	\$7,255,461	\$7,746,000	(\$491,139)

Water revenues are below the allocated budget by \$286,212 and wastewater revenues are under the allocated budget by \$10,283. Rainfall through September totaled 87.97 inches compared to 65.49 inches in FY 2015. Solid Waste fees are slightly above the allocated budget by \$10,561. Overall revenue collection in the Enterprise fund compared to the FY 2016 adopted budget is slightly under budget at 94% of total collections.

Enterprise Fund Expenditures:

FY2016 Budget	Actual 09/30/2016	Allocated Budget	Over/(Under) Allocated Budget
\$8,726,146	\$8,295,176	\$8,726,146	(\$430,970)

Salary and benefits are under the allocated budget due to vacancies. The purchased services & supplies are under the allocated budget which is driven by the timeliness of when items are purchased. Finance issued the annual year-end memo providing detailed information to departments to assist with ensuring current year expenditures are recognized in the correct fiscal year.

Overall Enterprise Fund Line items are tracking slightly less than budget with total expended through September of 95%.

	FY2016	FY2015	FY2014	FY2013
Cumulative Rainfall thru September	87.97	68.21	56.48	37.47
Annual Rainfall		71.70	57.57	40.06

City of Bellaire
General Fund
Revenues and Expenditures (Unaudited)
YTD as of September 2016

	September			Year to Date			
	FY 2016 Budget	Actual	% of Budget	Allocated Budget	Actual	Over/(Under) Allocation	YTD % to Budget
Revenues							
Property	11,359,339	12,030	0%	11,359,339	11,274,387	(84,952)	99%
Franchise Taxes	1,397,000	68,707	5%	1,397,000	1,364,542	(32,458)	98%
Sales Taxes	2,454,118	178,264	7%	2,454,118	2,479,314	25,196	101%
Permits, Fees, Licenses	1,082,550	61,653	6%	1,082,550	1,080,361	(2,189)	100%
PARD Charges and Fees	904,200	32,820	4%	904,200	995,901	91,701	110%
Public Safety	386,800	37,582	10%	386,800	450,978	64,178	117%
Fines	766,500	46,189	6%	766,500	737,506	(28,994)	96%
All Other	696,600	66,757	10%	696,600	740,866	44,266	106%
Total Operating Revenues	\$ 19,047,107	504,000	3%	19,047,107	19,123,857	76,750	100%
Expenditures							
Salary & Benefits	13,020,134	1,058,588	8%	13,020,134	12,694,457	(325,677)	97%
Purchased Services	3,708,907	348,764	9%	3,708,907	3,400,037	(308,870)	92%
Supplies	1,173,054	146,743	13%	1,173,054	1,026,742	(146,312)	88%
Other/Transfers	2,430,000	194,243	8%	2,430,000	2,518,597	88,597	104%
Capital Purchases	11,000	-	0%	11,000	10,847	(153)	100%
Total Operating Expenditures	20,343,095	1,748,338	9%	20,343,095	19,650,679	(692,416)	97%
Net Revenues/(Expenditures)	\$ (1,295,988)	\$ (1,244,338)	\$ (0)	\$ (1,295,988)	\$ (526,823)	\$ 769,165	
Audited Fund Balance 9/30/15	\$ 5,604,047						
FY 2016 Revenue Budget	19,047,107						
FY 2016 Expenditure Budget	20,343,095						
Projected Ending Fund Balance	<u>\$ 4,308,059</u>						
60 Day Reserve Requirement (Includes only operating budget)	\$ 3,004,349						

City of Bellaire
Enterprise Fund
Revenues and Expenses (Unaudited)
YTD as of September 2016

	September			Year to Date			
	FY 2016 Budget	September Actual	% of Budget	Allocated Budget	Actual	Over/(Under) Allocation	YTD % to Budget
Revenues							
Water	3,595,900	314,401	9%	3,595,900	3,309,688	(286,212)	92%
Wastewater	2,186,000	183,862	8%	2,186,000	2,175,717	(10,283)	100%
Solid Waste	1,666,000	140,802	8%	1,666,000	1,678,378	12,378	101%
All Other	298,700	7,087	2%	298,700	91,677	(207,023)	31%
Total Revenues	\$ 7,746,600	\$ 646,152	8%	\$ 7,746,600	\$ 7,255,461	\$ (491,139)	94%
Expenditures							
Salary & Benefits	1,811,916	136,077	8%	1,811,916	1,568,172	(243,744)	87%
Purchased Services	1,652,730	203,984	12%	1,652,730	1,586,828	(65,902)	96%
Supplies	2,565,400	208,910	8%	2,565,400	2,483,102	(82,298)	97%
Other	2,696,100	221,533	8%	2,696,100	2,657,074	(39,026)	99%
Total Expenditures	8,726,146	770,504	9%	8,726,146	8,295,176	(430,970)	95%
Net Revenues/(Expenditures)	\$ (979,546)	\$ (124,352)	\$ (0)	\$ (979,546)	\$ (1,039,715)	\$ (60,169)	
Working Capital 9/30/15	\$ 2,670,089						
FY 2016 Revenue Budget	7,746,600						
FY 2016 Expenditure Budget	8,726,146						
Projected ending Working Capital	<u>\$ 1,690,543</u>						
60 Day Fund Balance	\$ 1,275,691						
(Includes only operating budget)							
Working Capital (current assests minus current liabilities)							

Attachment: September 30, 2016 Monthly Report (1914 : Monthly Financial Report for the Period Ending September 30, 2016)

**City of Bellaire
Debt Service Fund
Revenues and Expenditures
YTD as of September 2016**

	FY 2016 Budget	YTD Unaudited Actual
Revenues		
Property Taxes	5,883,026	5,846,605
Investment Earnings	3,000	6,922
Total Operating Revenues	5,886,026	5,853,527
Operating Transfer In	950,000	950,000
Bond Premium		0
Total Revenues	\$ 6,836,026	\$ 6,803,527
Expenditures		
Principal Payment	4,055,000	4,055,000
Interest Payment	2,768,026	2,768,026
Other Debt Expense	13,000	4,650
Total Expenditures	\$ 6,836,026	6,827,676
Net Revenues/(Expenditures)	\$ -	\$ (24,149)
 Audited Fund Balance 9/30/15	 \$ 514,125	
FY 2016 Revenue Budget	6,836,026	
FY 2016 Expenditure Budget	6,836,026	
Projected Ending Fund Balance	<u>\$ 514,125</u>	

City of Bellaire
Vehicle/Equipment Replacement Fund
Revenues and Expenditures
YTD as of September 2016

	FY 2016 Budget	September Actual	YTD Actual	Encumbrance	FY2016 Budget Balance
Revenues					
Transfers - General	1,066,000	88,833	1,066,000		-
Transfers - Enterprise	542,000	45,167	542,000		-
Total Operating Revenues	\$ 1,608,000	\$ 134,000	\$ 1,608,000	\$ -	\$ -
Expenditures					
Development Services	25,000	-	22,986	-	2,014
Fire	55,000	-	40,478	-	14,522
Police	300,000	20,675	264,278	531	35,190
Parks & Recreation	50,000	26,078	52,157	-	(2,157)
Public Works	265,000	233	141,249	135,197	(11,446)
Enterprise Public Works	520,000	23,753	176,548	240,428	103,024
Total Capital Expenditures	\$ 1,215,000	\$ 70,739	\$ 697,696	\$ 376,156	\$ 141,147
Net Revenues/(Expenditures)	\$ 393,000	\$ 63,261	\$ 910,304	\$ (376,156)	\$ (141,147)
Audited Fund Balance 9/30/15	\$ 419,975				
FY 2016 Revenue Budget	1,608,000				
FY 2016 Expenditure Budget	1,215,000				
Projected Ending Fund Balance	<u>\$ 812,975</u>				

City of Bellaire
CIP Fund
Revenues and Expenditures
YTD as of September 2016

	FY 2016 Budget	Carryover Funds/Budget	Total Funds/Budget	September Actual	YTD Actual	Encumbrance	FY2016 Budget Balance
Revenues							
General Fund Transfer	1,240,000	530,000	1,770,000	103,333	1,239,996		4
RBB Facilities		751,051	751,051				-
RBB Infrastructure		1,000,000	1,000,000				-
Enterprise Fund Transfer	530,000	1,203,471	1,733,471	44,167	530,004		(4)
Evelyn's Park	190,148	1,488,580	1,678,728	14,828	190,148		-
Designated Park Funds		351,200	351,200				-
Insurance - Flood		305,845	305,845	-	195,488		(195,488)
Insurance - Traffic Signal		33,693	33,693				-
Road Humps		702	702				-
Total Revenues	\$ 1,960,148	\$ 5,664,542	\$ 7,624,690	\$ 162,328	\$ 2,155,636		\$ (195,488)
Projects							
FY 2014 City Wide Beautification		5,721	5,721	-	5,721		-
FY 2014 Street & Drainage Reconstruction - Phase 5B*	614,057	386,862	1,000,919			995,465	5,454
FY 2015 Evelyn's Park	190,148	1,488,580	1,678,728	402,597	561,726	1,094,018	22,984
FY 2015 Municipal Rehab Projects	-	40,860	40,860	-	22,097		18,763
FY 2015 Park Improvements		279,568	279,568	6,493	228,096	-	51,472
FY 2015 Traffic Signal Maintenance		33,693	33,693		33,693		-
FY 2015 Memorial Day Flood		305,845	305,845	8,845	204,866		100,979
FY 2016 Pilot Esplanade Beautification Project **	300,000		300,000	28,937	48,937	89,376	161,687
FY 2016 Pavement Mgt Program	830,618		830,618	2,154	2,574	44,780	783,264
FY 2016 Playground/Shade Structure	70,000		70,000	69,990	69,990	-	10
FY 2016 PW Facilities Assessment	25,000		25,000	-	23,652	348	1,000
FY 2016 ROW	50,000		50,000				50,000
FY 2016 Storm Water Drainage	45,000		45,000	3,600	44,100	900	-
Total General Projects	\$ 2,124,823	\$ 2,541,129	\$ 4,665,952	\$ 522,616	\$ 1,245,453	\$ 2,224,887	\$ 1,195,613
FY 2013 Fine Screen Building		149,408	149,408	27,790	61,871	28,850	58,687
FY 2013 WWT Electrical		8,440	8,440			2,216	6,224
FY 2015 City Wide Scada System	150,000	94,500	244,500	-	42,000	48,950	153,550
FY 2015 Facility Water Barrier		33,000	33,000				33,000
FY 2015 Water/Sanitary Sewer Program		605,875	605,875	-	523,048	31,324	51,503
FY 2016 Rehab Renwick Ground Storage	55,000		55,000			43,265	11,735
FY 2016 Wendell-Bellaire Lift Station	55,000		55,000	39,936	69,670	44,143	(58,813)
FY 2016 WW Collection Line	20,000		20,000	-	5,950	13,800	250
FY 2016 WW System Upgrades	250,000		250,000	28,290	97,642	7,379	144,979
Total Enterprise Projects	\$ 530,000	\$ 891,223	\$ 1,421,223	\$ 96,016	\$ 800,182	\$ 219,927	\$ 401,113
Total Expenditures/Encumbrances	\$ 2,654,823	\$ 3,432,352	\$ 6,087,175	\$ 618,633	\$ 2,045,635	\$ 2,444,814	\$ 1,596,726
Net Revenues/(Expenditures)	\$ (694,675)	\$ 2,232,190	\$ 1,537,515	\$ (456,305)	\$ 110,001		

*Pay as you Go portion of Bonds in Fund 620

**Council action 9/12/16

Audited Fund Balance 9/30/15	\$ 5,668,626
FY 2016 Revenue Budget	1,960,148
FY 2016 Expenditure Budget	6,087,175
Projected Ending Fund Balance	<u>\$ 1,541,599</u>

Attachment: September 30, 2016 Monthly Report (1914 : Monthly Financial Report for the Period Ending September 30, 2016)

**City of Bellaire
Bond Fund
Revenues and Expenditures
YTD as of September 2016**

	Preliminary						FY 2016 Budget Balance
	FY 2016 Budget	Carryover Funds/Budget	Total Budget	September Actual	YTD Actual	Encumbrance	
Revenues							
Interest				3,749	47,591		(47,591)
Bond Proceeds		20,995,926	20,995,926				
Total Revenues	\$ -	\$ 20,995,926	\$ 20,995,926	\$ 3,749	\$ 47,591		\$ (47,591)
Projects							
FY 2012 Drainage Phase 5		7,462,026	7,462,026	857,082	6,398,010	1,064,015	1
FY 2015 Drainage Phase 5B	7,910,187		7,910,187	1,531,957	2,556,403	5,353,784	0
FY 2013 New City Hall/Police/Municipal Court		812,611	812,611	75,269	246,383	541,097	25,130
FY 2015 Evelyn's Park		4,687,159	4,687,159	360,214	3,399,882	1,276,539	10,738
FY 2015 Nature Discovery Center		500,000	500,000	122,200	137,382	362,618	-
Total Project Expenditures	7,910,187	13,461,796	21,371,983	2,946,723	12,738,061	8,598,053	35,869
Net Revenues/(Expenditures)	\$ (7,910,187)	\$ 7,534,130	\$ (376,057)	\$ (2,942,973)	\$ (12,690,469)		\$ (83,461)

Audited Fund Balance 9/30/15	\$ 20,995,926
FY 2016 Revenue Budget	-
FY 2016 Expenditure Budget	21,371,983
Projected Ending Fund Balance	<u>\$ (376,057)</u>

Note to ending balance RBB funds from General CIP will be used to reconcile negative balance.

**City of Bellaire
Metro Fund
Revenues and Expenditures
YTD as of September 2016**

	Preliminary						FY 2016 Budget Balance
	FY 2016 Budget	Carryover Funds/Budget	Total Budget	September Actual	YTD Actual	Encumbrance	
Revenues							
Metro Sales Tax	1,200,000	2,898,256	4,098,256	89,132	1,332,784	-	(132,784)
Interest	1,700		1,700	712	7,804		(6,104)
Total Revenues	\$ 1,201,700	\$ 2,898,256	\$ 4,099,956	\$ 89,844	\$ 1,340,588		\$ (138,888)
Projects							
FY2014 City Wide Trip Hazard		471,331	471,331	-	224,521	246,810	-
FY2014 Sidewalk Projects		456,212	456,212	8,706	269,698	2,383	184,131
FY2015 Street Pavement Mgt Program	1,200,000	1,896,620	3,096,620	32,848	1,421,428	597,937	1,077,255
FY2015 Street Striping Program		75,793	75,793	-	59,840	450	15,503
Total Project Expenditures	1,200,000	2,899,956	4,099,956	41,554	1,975,487	847,581	1,276,889
Net Revenues/(Expenditures)	\$ 1,700	\$ (1,700)	\$ -	\$ 48,290	\$ (634,899)		
Audited Fund Balance 9/30/15	\$ 2,901,556						
FY 2016 Revenue Budget	1,201,700						
FY 2016 Expenditure Budget	4,099,956						
Projected Ending Fund Balance	<u><u>\$ 3,300</u></u>						

**CITY OF BELLAIRE
CURRENT PROPERTY TAX COLLECTIONS
FY 2013 - FY 2016**

<u>Month</u>	<u>FY 2013</u>	<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2016</u>
Oct	\$ -	\$ -	\$ -	\$ -
Nov	501,713	652,841	585,025	131,234
Dec	3,558,843	3,908,433	5,450,400	3,881,188
Jan	10,050,022	10,346,813	11,526,041	8,702,108
Feb	12,978,460	13,952,561	15,160,981	4,005,865
Mar	13,101,633	14,090,483	15,457,518	206,525
Apr	13,251,738	14,192,561	15,521,158	90,455
May	13,284,289	14,238,069	15,576,794	49,017
Jun	13,307,908	14,279,764	15,630,176	57,865
Jul	13,319,875	14,282,615	15,634,846	14,076
Aug	13,339,458	14,282,615	15,634,846	-
Sep	13,344,243	14,282,615	15,634,846	
			YTD Collections	\$ 17,138,332
			% of Budget	100.05%
			% of Total Levy	99.64%
			FY 2016 Budget - Total Tax Revenue	\$ 17,130,365
			2015 Tax Year Taxable Value - Certified Appraisal Roll*	\$ 4,061,031,301
			2015 Tax Year - Under Protest or not Certified*	459,542,279
			Total	<u>4,520,573,580</u>
			Total Levy at \$0.3805 / \$100 =	<u>\$ 17,200,782</u>

Ten Largest Taxpayers in City of Bellaire (Tax Year 2015) *

		<u>Taxable Value</u>
Chevron Chemical Company	Oil & Gas	79,604,253
Pin Oak North Parcels LL LLC	Land/Improvement:	49,900,289
KBS SOR 6565 6575 West Loop	Land/Improvement:	40,675,000
BRI 1833 6330 LLC	Land/Improvement:	39,319,862
Centerpoint Energy Inc.	Electric Utility	29,510,049
SBC Communications	Utility	28,734,297
CHP Houston Tx MOB Owner LLC	Land/Improvement:	25,165,006
CHP Houston TX Hospital Land	Hospital	24,940,369
Pin Oak South Parcel LL LLC	Land/Improvement:	19,941,588
5909-5959 Realty LTD	Land/Improvement:	12,650,000
		<u>\$ 350,440,713</u>
Tax Levy @ \$0.3805/100		<u>\$ 1,333,427</u>
% of Total Levy		7.75%

* Source: Municipal Advisory Council of Texas

Attachment: September 30, 2016 Monthly Report (1914 : Monthly Financial Report for the Period Ending September 30, 2016)

**CITY OF BELLAIRE
HOUSING INFORMATION
FY 2016**

September

Houses, Townhomes & Vacant Lots for Sale *

<u>Price Range</u>	
\$ 0 - \$ 250,000	1
\$ 250,001 - \$ 500,000	38
\$ 500,001 - \$ 750,000	31
\$ 750,001 - \$ 1,000,000	26
> \$ 1,000,000	66

Total Units For Sale * 162

Total HCAD Residential Units/Lots ** 6,018

For Sale as a % of Total Units 2.69%

Highest Listing Price - Home \$ 2,988,888

Lowest Listing Price - TH/Lot \$ 249,900

Houses for Lease * 61

Highest Lease/Month \$ 9,500

Lowest Lease/Month \$ 1,300

Foreclosure History as of end of Quarter Reported by RealtyTrac

	<u>Auction</u>	<u>Bank Owned</u>
At Quarter End 12-31-14	3	2
At Quarter End 03-31-15	4	2
At Quarter End 06-30-15	3	2
At Quarter End 09-30-15	2	2
At Quarter End 12-31-15	3	2
At Quarter End 03-31-16	2	2
At Quarter End 06-30-16	-	2
At Quarter End 09-30-16		2

New Residential Construction

<u>Fiscal Year</u>	<u>New Units</u>	<u>Dollar Value</u>	
		<u>Construction</u>	<u>Avg/Unit</u>
2007	169	85,632,703	506,702
2008	132	75,405,507	571,254
2009	49	26,026,889	531,161
2010	*** 64	34,682,458	541,913
2011	56	30,064,905	536,873
2012	*** 93	54,914,376	590,477
2013	*** 113	65,491,037	579,567
2014	125	78,420,596	627,365
2015	98	52,190,001	532,551
2016	73	44,585,564	610,761

Average Appraised Value (Tax Year 2015) \$ 835,801

* Source: realtor.com does not include for sale or lease by owner

** Based on information provided by the Harris County Tax Assessor-Collector and the Harris County Appraisal District includes estimated values

*** Numbers revised based on system correction

CITY OF BELLAIRE
SUMMARY OF SALES & MIXED BEVERAGE TAX
FY 2014 - FY 2016

<u>Payment</u>				
<u>Month</u>	<u>Period</u>	<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2016</u>
<u>Sales Tax</u>				
Oct	Aug	\$ 506,393	\$ 168,534	\$ 153,643
Nov	Sep	191,544	204,637	236,498
Dec	Oct	186,277	187,620	196,711
Jan	Nov	178,766	168,955	253,578
Feb	Dec	239,214	289,944	253,419
Mar	Jan	180,302	175,468	176,377
Apr	Feb	168,270	168,824	171,712
May	Mar	189,723	201,769	210,865
Jun	Apr	169,660	174,538	172,229
Jul	May	159,472	171,111	186,436
Aug	Jun	253,895	230,014	266,791
Sep	Jul	186,787	209,043	178,264
Sub-Total		<u>\$ 2,610,303</u>	<u>\$ 2,350,457</u>	<u>\$ 2,456,522</u>
<u>Mixed Beverage</u>				
Oct	1st Qtr	4,366	5,493	6,012
Jan	2nd Qtr	4,730	6,053	5,238
Apr	3rd Qtr	4,616	5,839	5,570
Jul	4th Qtr	5,341	6,004	5,970
Sub-Total		<u>19,053</u>	<u>23,389</u>	<u>22,790</u>
Total		<u><u>\$ 2,629,356</u></u>	<u><u>\$ 2,373,846</u></u>	<u><u>\$ 2,479,312</u></u>

**CITY OF BELLAIRE
SUMMARY OF FRANCHISE FEES
FY2014 - FY 2016**

	Total <u>FY 2014</u>	Total <u>FY 2015</u>	YTD <u>FY 2016</u>
Electric	\$ 825,798	\$ 823,552	\$ 823,825
Gas	144,037	123,933	90,735
Telephone	121,736	115,691	114,371
Cable	<u>308,268</u>	<u>328,259</u>	<u>335,611</u>
Total	<u>\$ 1,399,839</u>	<u>\$ 1,391,435</u>	<u>\$ 1,364,542</u>

Attachment: September 30, 2016 Monthly Report (1914 : Monthly Financial Report for the Period Ending September 30, 2016)

CITY OF BELLAIRE
SUMMARY OF PURCHASE ORDERS
FY 2016

	Oct-15		Nov-15		Dec-15		1st Qtr	
	Issued	Amount	Issued	Amount	Issued	Amount	Issued	Amount
Total Purchase Orders	315	\$ 4,163,768	214	\$ 997,313	243	\$ 895,582	772	\$ 6,056,663
PO for \$5,000 - \$50,000	35	\$ 565,114	27	\$ 430,626	13	\$ 191,970	75	\$ 1,187,710
% of Total Purchase Orders	11.11%	13.57%	12.62%	43.18%	5.35%	21.44%	9.72%	19.61%
\$ 5,000 - \$ 25,000	30	\$ 400,456	21	\$ 219,421	10	\$ 101,908	61	\$ 721,785
\$ 25,001 - \$ 50,000	5	\$ 164,658	6	\$ 211,205	3	\$ 90,062	14	\$ 465,925
	Jan-16		Feb-16		Mar-16		2nd Qtr	
	Issued	Amount	Issued	Amount	Issued	Amount	Issued	Amount
Total Purchase Orders	228	\$ 321,509	87	\$ 8,979,419	249	\$ 2,723,606	564	\$ 12,024,534
PO for \$5,000 - \$50,000	11	\$ 147,807	17	\$ 296,918	17	\$ 329,263	45	\$ 773,988
% of Total Purchase Orders	4.82%	45.97%	19.54%	3.31%	6.83%	12.09%	7.98%	6.44%
\$ 5,000 - \$ 25,000	11	\$ 147,807	14	\$ 173,228	14	\$ 200,346	39	\$ 521,381
\$ 25,001 - \$ 50,000	-	\$ -	3	\$ 123,690	3	\$ 128,917	6	\$ 252,607
	Apr-16		May-16		Jun-16		3rd Qtr	
	Issued	Amount	Issued	Amount	Issued	Amount	Issued	Amount
Total Purchase Orders	203	\$ 585,380	265	\$ 840,318	217	\$ 470,615	685	\$ 1,896,313
PO for \$5,000 - \$50,000	19	\$ 260,345	17	\$ 179,478	15	\$ 211,599	51	\$ 651,422
% of Total Purchase Orders	9.36%	44.47%	6.42%	21.36%	6.91%	44.96%	7.45%	34.35%
\$ 5,000 - \$ 25,000	16	\$ 165,797	16	\$ 153,317	14	\$ 179,367	46	\$ 498,481
\$ 25,001 - \$ 50,000	3	\$ 94,548	1	\$ 26,160	1	\$ 32,232	5	\$ 152,940
	Jul-16		Aug-16		Sep-16		4th Qtr	
	Issued	Amount	Issued	Amount	Issued	Amount	Issued	Amount
Total Purchase Orders	155	\$ 177,166	267	\$ 923,273	314	\$ 544,246	736	\$ 1,644,685
PO for \$5,000 - \$50,000	4	\$ 56,611	15	\$ 154,086	20	\$ 269,827	39	\$ 480,524
% of Total Purchase Orders	2.58%	31.95%	5.62%	16.69%	6.37%	49.58%	5.30%	29.22%
\$ 5,000 - \$ 25,000	3	\$ 30,500	14	\$ 108,026	17	\$ 144,288	34	\$ 282,814
\$ 25,001 - \$ 50,000	1	\$ 26,111	1	\$ 46,060	3	\$ 125,540	5	\$ 197,711

* Purchases include bids, sole source, and cooperative purchasing.

Attachment: September 30, 2016 Monthly Report (1914 : Monthly Financial Report for the Period Ending September 30, 2016)

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 10/17/16 06:00 PM
Department: City Clerk
Category: Report
Department Head: Tracy L. Dutton
DOC ID: 2056

**SCHEDULED
INFORMATION ITEM (ID
2056)**

Item Title:

Texas Municipal League Annual Conference Update - Submitted by Trisha S. Pollard, Council Member.

Background/Summary:

Trisha S. Pollard, Council Member, recently represented the City Council at the Texas Municipal League Annual Conference, which was held in Austin, Texas, from October 4-7, 2016.

Council Member Pollard will provide a brief update to members of City Council regarding the conference.

Previous City Council Action:

N/A

Fiscal Impact:

N/A

Recommendation:

N/A

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 10/17/16 06:00 PM
Department: Public Works
Category: Presentation
Department Head: Brant Gary
DOC ID: 2009

**SCHEDULED
INFORMATION ITEM (ID
2009)**

Item Title:

Presentation and discussion regarding the 2016 Citizen Survey Instrument – Submitted by Mary Cohrs, Director of Library.

Background/Summary:

The creation of the 2016 Citizen Survey Instrument is a collaborative effort by members of the subcommittee of the Communication and Special Events Team (Brant Gary, Shawn Cox, Mary Cohrs), department heads and members of the city manager's office. Previous city surveys were reviewed in an effort to assess residents' opinions of the delivery of city services. Questions include Public Safety, general government and department specific services that will enable the City to create a baseline for a survey that can be repeated every 2-3 years to assist in the planning of improvements or enhancements to service. This survey instrument follows the standard approach for community surveys designed to provide much needed feedback regarding the delivery of city services.

One important goal during the survey creation, implementation and result analysis was to collaborate with the University of Houston to take advantage of best practices being taught in an academic environment.

We have been in touch with Dr. James Thurmond with the University of Houston's Masters of Public Administration program to review the final survey instrument after City Council review. We will remain in contact for assistance in providing support for implementation of the survey as well as the analysis of the results.

The expected time frame for completion:

- November 2016 -January 2017 - Administer survey and compile/analyze results.
- March 2017 - Present findings

Previous Council Action Summary:

Received a presentation on March 21, 2016 on the progress and the plan on moving forward with a citizen survey as outlined in FY2016 Budget process

Fiscal Impact:

N/A

Recommendation:

N/A

ATTACHMENTS:

- 2016 City Survey Instrument (PDF)

2016-2017 Bellaire Citizen Survey

The following survey has been prepared by the City of Bellaire to gather feedback from residents about the community and services offered by local government. The survey results may be used by staff, elected officials, and other stakeholders for community planning, resource allocation, program improvement, and policy making. Please complete one questionnaire per household. You must be an adult (age 18 or older) to complete the survey. Please select the response (by selecting the number or checking the box) that most closely represents your opinion for each question. Your responses will be reported in group form only.

GENERAL COMMUNITY QUESTIONS

1	Please rate each of the following aspects of quality of life in Bellaire:	Excellent	Above Average	Average	Below Average	Very Poor	Don't Know
1a	Bellaire as a place to live	1	2	3	4	5	6
1b	Your neighborhood as a place to live	1	2	3	4	5	6
1c	Bellaire as a place to raise children	1	2	3	4	5	6
1d	Bellaire as a place to retire	1	2	3	4	5	6
1e	The overall quality of life in Bellaire	1	2	3	4	5	6
2	Please rate each of the following characteristics as they relate to Bellaire as a whole:	Excellent	Above Average	Average	Below Average	Very Poor	Don't Know
2a	Sense of community	1	2	3	4	5	6
2b	Overall appearance of Bellaire	1	2	3	4	5	6
2c	Cleanliness of Bellaire	1	2	3	4	5	6
2d	Overall quality of new residential development in Bellaire	1	2	3	4	5	6
2e	Overall quality of new commerical development in Bellaire						
2f	Variety of housing options	1	2	3	4	5	6
2g	Overall variety of quality business and service establishments in Bellaire	1	2	3	4	5	6
2h	Shopping opportunities	1	2	3	4	5	6
2i	Opportunities to attend cultural activities	1	2	3	4	5	6
2j	Recreational opportunities	1	2	3	4	5	6
2k	Educational opportunities	1	2	3	4	5	6
2l	Opportunities to participate in social events and activities	1	2	3	4	5	6
2m	Opportunities to participate in religious or spiritual events and activities	1	2	3	4	5	6
2n	Opportunities to volunteer	1	2	3	4	5	6
2o	Opportunities to participate in community matters	1	2	3	4	5	6
2p	Ease of car travel in Bellaire	1	2	3	4	5	6
2q	Ease of bus travel in Bellaire	1	2	3	4	5	6
2r	Ease of bicycle travel in Bellaire	1	2	3	4	5	6
2s	Ease of walking in Bellaire	1	2	3	4	5	6
2t	Availability of sidewalks, paths and walking trails	1	2	3	4	5	6
2u	Traffic flow on major streets	1	2	3	4	5	6
2v	Traffic flow on residential streets	1	2	3	4	5	6
2w	Amount of public parking	1	2	3	4	5	6
2x	Availability of an appropriate variety of housing stock (price, size, etc.)	1	2	3	4	5	6
2y	Air quality	1	2	3	4	5	6
2z	Overall quality of natural environment in Bellaire	1	2	3	4	5	6
2aa	Overall image or reputation of Bellaire	1	2	3	4	5	6

Attachment: 2016 City Survey Instrument (2009 : Citizen Survey Instrument Presentation)

3 In the last year, about how many times per month have you or other household members participated in the following activities in Bellaire?							
		Never	Less than once per month	About once per month	2 to 3 times per month	More than 3 times per month	
3a	Used the Bellaire City Library or their services	1	2	3	4	5	
3b	Used Bellaire Recreation Centers	1	2	3	4	5	
3c	Participated in a recreation program or activity	1	2	3	4	5	
3d	Visited a neighborhood park or City park	1	2	3	4	5	
3e	Utilized METRO services within Bellaire	1	2	3	4	5	
3f	Attended a meeting of local elected officials or other local public meeting	1	2	3	4	5	
3g	Watched a meeting of local elected officials or other City-sponsored public meeting on cable television, the Internet or other media	1	2	3	4	5	
3h	Visited the City of Bellaire web site (www.bellairetx.gov)	1	2	3	4	5	
3i	Recycled used paper, cans or bottles from your home	1	2	3	4	5	
3j	Volunteered your time to a community group or activity (including City boards and commissions) in Bellaire	1	2	3	4	5	
3k	Participated in a club or civic group in Bellaire	1	2	3	4	5	
3l	Provided help to a friend or neighbor	1	2	3	4	5	
3m	About how often, if at all, do you talk to or visit with your immediate neighbors (people who live in the 3-5 households that are closest to you)	1	2	3	4	5	
4	Please rate the quality of each of the following services in Bellaire:	Excellent	Above Average	Average	Below Average	Very Poor	Don't Know
4a	Police services	1	2	3	4	5	6
4b	Fire services	1	2	3	4	5	6
4c	Ambulance or emergency medical services	1	2	3	4	5	6
4d	Crime prevention awareness and education	1	2	3	4	5	6
4e	Fire prevention and education	1	2	3	4	5	6
4f	Traffic enforcement	1	2	3	4	5	6
4g	Street repair	1	2	3	4	5	6
4h	Street cleaning	1	2	3	4	5	6
4i	Sidewalk maintenance	1	2	3	4	5	6
4j	Traffic signal timing	1	2	3	4	5	6
4k	Garbage collection	1	2	3	4	5	6
4l	Recycling	1	2	3	4	5	6
4m	Storm drainage	1	2	3	4	5	6
4n	Drinking water	1	2	3	4	5	6
4o	Sanitary sewer services	1	2	3	4	5	6
4p	City Parks	1	2	3	4	5	6
4q	Recreation programs and/or classes	1	2	3	4	5	6
4r	Recreation Center and/or facilities	1	2	3	4	5	6
4s	Land use, planning and zoning	1	2	3	4	5	6
4t	Code enforcement (weeds, abandoned buildings, etc.)	1	2	3	4	5	6
4u	Animal control	1	2	3	4	5	6
4v	Economic development	1	2	3	4	5	6
4w	Services to seniors (BLIFE)	1	2	3	4	5	6
4x	Services to youth	1	2	3	4	5	6
4y	Public library services	1	2	3	4	5	6
4aa	Public information services	1	2	3	4	5	6
4ab	Emergency preparedness (services that prepare the community for natural disasters or other emergency situations)	1	2	3	4	5	6
4ac	Preservation of natural areas such as open space and greenbelts	1	2	3	4	5	6

5	Please rate the following categories of Bellaire government performance:	Excellent	Above Average	Average	Below Average	Very Poor	Don't Know
5a	The value of services for the taxes paid to Bellaire	1	2	3	4	5	6
5b	The overall direction that Bellaire is taking	1	2	3	4	5	6
5c	The job Bellaire government does at welcoming citizen involvement	1	2	3	4	5	6
6	Please indicate how likely or unlikely you are to do each of the following:	Very Likely	Somewhat Likely	Undecided	Somewhat Unlikely	Very Unlikely	
6a	Recommend living in Bellaire to someone who asks	1	2	3	4	5	
6b	Remain in Bellaire for the next five years	1	2	3	4	5	
7	Overall, how would you rate the quality of the services provided by each of the following?	Excellent	Above Average	Average	Below Average	Very Poor	Don't Know
7a	The City of Bellaire	1	2	3	4	5	6
7b	Harris County Government	1	2	3	4	5	6
7c	The State Government	1	2	3	4	5	6
7d	The Federal Government	1	2	3	4	5	6
7e	Public and private schools (Provided by HISD and others)	1	2	3	4	5	6
7f	Cable television	1	2	3	4	5	6
7g	Electric utility (Provided by CenterPoint)	1	2	3	4	5	6
7h	Natural Gas utility (Provided by CenterPoint)	1	2	3	4	5	6
7i	Street lighting (Provided by CenterPoint)	1	2	3	4	5	6
7j	Bus or transit services (provided by METRO)	1	2	3	4	5	6
8	If the City were to propose a budget and/or fee increase, to what extent you would support or oppose an increase in funding for each of the following?	Strongly Support	Somewhat Support	Undecided	Somewhat Oppose	Strongly Oppose	
8a	City Administration (City Manager, City Clerk, etc)	1	2	3	4	5	
8b	Fire services	1	2	3	4	5	
8c	EMS services	1	2	3	4	5	
8d	Police services	1	2	3	4	5	
8e	Street maintenance	1	2	3	4	5	
8f	Solid Waste & Recycling services	1	2	3	4	5	
8g	Water & Wastewater services	1	2	3	4	5	
8h	Parks/recreation programs	1	2	3	4	5	
8i	Parks/recreation maintenance	1	2	3	4	5	
8j	Development Services/Code Enforcement services	1	2	3	4	5	
8k	City facilities	1	2	3	4	5	
8l	Library services	1	2	3	4	5	
8m	Senior center services (BLIFE)	1	2	3	4	5	
9	Why do you choose to live in Bellaire? (Please select up to three of the following choices)						
9a	Lived here all my life/grew up here	Yes	No				
9b	Size of Community	Yes	No				
9c	Proximity to Houston (shopping, medical, work, etc.)	Yes	No				
9d	Family and friends nearby	Yes	No				
9e	Attractive community appearance	Yes	No				
9f	Public Safety	Yes	No				
9g	Housing/Neighborhood options	Yes	No				
9h	Parks & Open Spaces	Yes	No				
9i	Quality of schools	Yes	No				
9j	Other City of Bellaire services	Yes	No				

LIBRARY

10	Have you had any in-person, phone or email contact with an employee of the Bellaire City Library over the last year?	Yes (Go to Next Question)	No (Skip Next Question)				
	If so, how would you rate your most recent contact for the following:	Excellent	Above Average	Average	Below Average	Very Poor	Don't Know
10a	Knowledge	1	2	3	4	5	6
10b	Responsiveness	1	2	3	4	5	6
10c	Courtesy	1	2	3	4	5	6
10d	Overall impression	1	2	3	4	5	6
11	Please rate the quality of the following services at the Bellaire City Library:	Excellent	Above Average	Average	Below Average	Very Poor	Don't Know
11a	Library hours	1	2	3	4	5	6
11b	Library resources (books, DVDs, audio books, e-books, magazines, etc.)	1	2	3	4	5	6
11c	Library programs	1	2	3	4	5	6
11d	Access to technology	1	2	3	4	5	6
11e	Library facilities & meeting rooms	1	2	3	4	5	6
11f	Employees ability to assist citizens in a prompt, helpful, and professional manner.	1	2	3	4	5	6
12	Have you or a member of your family used the programs or services offered by the Bellaire City Library in the past year?	Yes	No				

DEVELOPMENT SERVICES/CODE ENFORCEMENT

13	Have you had any in-person, phone or email contact with an employee of the Bellaire Development Services/Code Enforcement over the last year?	Yes (Go to Next Question)	No (Skip Next Question)				
	If so, how would you rate your most recent contact for the following:	Excellent	Above Average	Average	Below Average	Very Poor	Don't Know
13a	Knowledge	1	2	3	4	5	6
13b	Responsiveness	1	2	3	4	5	6
13c	Courtesy	1	2	3	4	5	6
13d	Overall impression	1	2	3	4	5	6
14	Please rate the following items regarding your impressions of Code Enforcement in the City of Bellaire	Excellent	Above Average	Average	Below Average	Very Poor	Don't Know
14a	Overall effectiveness of Bellaire Code Enforcement in controlling for building code issues, weed lots, or junk vehicles in Bellaire	1	2	3	4	5	6

ADMINISTRATIVE SERVICES

15	Have you had any in-person, phone or email contact with an employee in the following areas over the last year?		<i>(If at least one "Yes" Go to Next Question)</i>	<i>(If all are "No", Skip Next Question)</i>				
	15a	Utility Billing (Finance)	Yes	No				
	15b	Municipal Courts	Yes	No				
	15c	City Administration (City Manager, City Clerk, etc)	Yes	No				
If so, how would you rate your most recent contact for the following:			Excellent	Above Average	Average	Below Average	Very Poor	Don't Know
15d	Knowledge		1	2	3	4	5	6
15e	Responsiveness		1	2	3	4	5	6
15f	Courtesy		1	2	3	4	5	6
15g	Overall impression		1	2	3	4	5	6
16	Please rate the following items regarding your impressions of the Administrative Services Departments in the City of Bellaire							
	Overall effectiveness of the department in responding to and assisting citizens in resolving problems		Excellent	Above Average	Average	Below Average	Very Poor	Don't Know
	16a	Utility Billing (Finance)	1	2	3	4	5	6
	16b	Municipal Courts	1	2	3	4	5	6
16c	City Administration (City Manager, City Clerk, etc)		1	2	3	4	5	6
Employees assist citizens in a prompt, helpful and professional manner.			Excellent	Above Average	Average	Below Average	Very Poor	Don't Know
16e	Utility Billing (Finance)		1	2	3	4	5	6
16f	Municipal Courts		1	2	3	4	5	6
16g	City Administration (City Manager, City Clerk, etc)		1	2	3	4	5	6
Employees exhibit expertise and professionalism in conducting their job.			Excellent	Above Average	Average	Below Average	Very Poor	Don't Know
16i	Utility Billing (Finance)		1	2	3	4	5	6
16j	Municipal Courts		1	2	3	4	5	6
16k	City Administration (City Manager, City Clerk, etc)		1	2	3	4	5	6

PUBLIC WORKS

17	Have you had any in-person, phone or email contact with an employee of Public Works over the last year?		Yes (Go to Next Question)	No (Skip Next Question)				
	If so, how would you rate your most recent contact for the following:		Excellent	Above Average	Average	Below Average	Very Poor	Don't Know
17a	Knowledge		1	2	3	4	5	6
17b	Responsiveness		1	2	3	4	5	6
17c	Courtesy		1	2	3	4	5	6
17d	Overall impression		1	2	3	4	5	6
18	Please rate the following items regarding your impressions of the Public Works Department in the City of Bellaire		Excellent	Above Average	Average	Below Average	Very Poor	Don't Know
	Overall effectiveness of the department in maintaining the Bellaire public infrastructure		1	2	3	4	5	6
Provides the following maintenance and related services in a professional and reliable manner.								
18b	Streets		1	2	3	4	5	6
18c	Storm Drainage Inlets & Lines		1	2	3	4	5	6
18d	Water & Wastewater Lines		1	2	3	4	5	6
18e	Sidewalks		1	2	3	4	5	6
18f	Solid Waste & Recycling		1	2	3	4	5	6
SOLID WASTE & RECYCLING								
19	How likely or unlikely you would be to support an automated trash and recycling curbside collection program? This would include one wheeled cart for all recyclables and one wheeled cart for trash?		Strongly Support	Somewhat Support	Undecided	Somewhat Oppose	Strongly Oppose	

PARKS, RECREATION, AND FACILITIES

20	Have you had any in-person, phone or email contact with an employee of Parks, Recreation and Facilities over the last year?		Yes (Go to Next Question)	No (Skip Next Question)				
	If so, how would you rate your most recent contact for the following:		Excellent	Above Average	Average	Below Average	Very Poor	Don't Know
20a	Knowledge		1	2	3	4	5	6
20b	Responsiveness		1	2	3	4	5	6
20c	Courtesy		1	2	3	4	5	6
20d	Overall impression		1	2	3	4	5	6
21	Please rate the following items regarding your impressions of the Parks, Recreation, and Facilities Department in the City of Bellaire		Excellent	Above Average	Average	Below Average	Very Poor	Don't Know
	Overall effectiveness of the department in maintaining the Bellaire public facilities, buildings, parks, playing fields, or pools.		1	2	3	4	5	6
21b	Performs maintenance services in a professional and reliable manner.		1	2	3	4	5	6
21c	Employees respond to citizens' complaints, concerns, or questions about maintenance or service issues in a reliable, prompt, helpful and professional manner.		1	2	3	4	5	6
	Maintains the following public improvements to a high standard:		Excellent	Above Average	Average	Below Average	Very Poor	Don't Know
	21d	Buildings	1	2	3	4	5	6
21e	Parks and Playground equipment		1	2	3	4	5	6
21f	Pools		1	2	3	4	5	6
21g	Playing Fields		1	2	3	4	5	6
21h	Overall effectiveness of the department in offering programs and/or services that meet the needs of you or your family.		1	2	3	4	5	6
21i	Provides programs and services that are professional and of a high quality nature.		1	2	3	4	5	6
21j	Employees assist citizens in a prompt, helpful and professional manner.		1	2	3	4	5	6
21k	Employees exhibit expertise and professionalism in conducting their job.		1	2	3	4	5	6
22	Have you or a member of your family used the programs or services offered by the Parks, Recreation, and Facilities Department in the past year?		Yes	No				

BELLAIRE SENIOR SERVICES (BLIFE)						
22	Do you or anyone in your household participate in City of Bellaire Senior Activities (BLIFE)?		Yes (Go to Next Question)	No (Skip Next Question)		
23a	If so, how often do you or someone in your household participate in BLIFE Activities		More than 3 times per month	2 to 3 times per month	Less than once per month	About once per month
24	Please rate your level of interest relative to the following BLIFE activities		Strong interest	Somewhat interested	Average Interest	Very Little Interest
24a	Fitness activities (yoga, dance, exercise)	1	2	3	4	5
24b	Special events (neighborhood block parties, holiday parties, etc.)	1	2	3	4	5
24c	Leisure activities (cards, games, movies)	1	2	3	4	5
24d	Art classes	1	2	3	4	5
24e	Sports	1	2	3	4	5
24f	Social gatherings and meals	1	2	3	4	5
24g	Language classes	1	2	3	4	5
24h	Aquatics	1	2	3	4	5
24i	Special interests (gardening, writing, book club, etc.)	1	2	3	4	5
24j	Presentations and lectures	1	2	3	4	5
24k	Computer classes	1	2	3	4	5
24l	Trips, tours, & excursions	1	2	3	4	5
25	What best describes your support for providing Senior Services through BLIFE?		Strongly Support	Somewhat Support	Undecided	Somewhat Oppose
26	Please rate the following ways to notify you about BLIFE activities		Excellent	Above Average	Average	Below Average
26a	email	1	2	3	4	5
26b	website	1	2	3	4	5
26c	news letters / flyers	1	2	3	4	5
26d	posters	1	2	3	4	5
26e	recreation guides	1	2	3	4	5
26f	word of mouth	1	2	3	4	5
27	Please rate the following times of day for providing BLIFE activities:		Excellent	Above Average	Average	Below Average
27a	Weekday morning	1	2	3	4	5
27b	Weekday afternoon	1	2	3	4	5
27c	Weekday evenings	1	2	3	4	5
27d	Weekend morning	1	2	3	4	5
27e	Weekend afternoons	1	2	3	4	5
27f	Weekend Evenings	1	2	3	4	5

PUBLIC SAFETY

28	Have you or a member of your family required the services of the Bellaire police, fire department, or emergency medical services (EMS) in the last 2 years?		Yes	No			
29	During the past 12 months, were you or anyone in your household the victim of any crime within the City of Bellaire?		Yes (Go to Next Question)	No (Skip Next Question)			
	If yes, was this crime (these crimes) reported to the police?		Yes	No			
30	Please rate the following items regarding your impressions of Public Safety Departments in the City of Bellaire						
	Overall effectiveness in promoting the health and safety of Bellaire citizens and safeguarding their property		Excellent	Above Average	Average	Below Average	Very Poor Don't Know
30a	Police		1	2	3	4	5 6
30b	Fire Department		1	2	3	4	5 6
30c	EMS		1	2	3	4	5 6
	Prompt response to citizen calls for help in a professional and timely manner		Excellent	Above Average	Average	Below Average	Very Poor Don't Know
30d	Police		1	2	3	4	5 6
30e	Fire Department		1	2	3	4	5 6
30f	EMS		1	2	3	4	5 6
	Shows good judgment in responding to citizen calls for assistance		Excellent	Above Average	Average	Below Average	Very Poor Don't Know
30g	Police		1	2	3	4	5 6
30h	Fire Department		1	2	3	4	5 6
30i	EMS		1	2	3	4	5 6
	Has the expertise and training to conduct their job properly		Excellent	Above Average	Average	Below Average	Very Poor Don't Know
30j	Police		1	2	3	4	5 6
30k	Fire Department		1	2	3	4	5 6
30l	EMS		1	2	3	4	5 6
31	Please rate how safe or unsafe you feel from the following in Bellaire:		Very safe	Somewhat safe	Neither safe nor unsafe	Somewhat unsafe	Very unsafe Don't know
31a	Violent crime (e.g., rape, assault, robbery)		1	2	3	4	5 6
31b	Property crimes (e.g., burglary, theft)		1	2	3	4	5 6
31c	Environmental hazards, including toxic waste		1	2	3	4	5 6
31d	In your neighborhood during the day		1	2	3	4	5 6
31e	In your neighborhood after dark		1	2	3	4	5 6
31f	In Bellaire's downtown area during the day		1	2	3	4	5 6
31g	In Bellaire's downtown area after dark		1	2	3	4	5 6
31h	In City parks or on jogging trails/sidewalks during the day		1	2	3	4	5 6
31i	In City parks or on jogging trails/sidewalks at night		1	2	3	4	5 6
32	Have you had any in-person, phone or email contact with an employee of the Bellaire Police Department over the last year?		Yes (Go to Next Question)	No (Skip Next Question)			
	If so, how would you rate your most recent contact for the following:		Excellent	Above Average	Average	Below Average	Very Poor Don't Know
32a	Knowledge		1	2	3	4	5 6
32b	Responsiveness		1	2	3	4	5 6
32c	Courtesy		1	2	3	4	5 6
32d	Overall impression		1	2	3	4	5 6
33	Have you had any in-person, phone or email contact with an employee of the Bellaire Fire Department/EMS over the last year?		Yes (Go to Next Question)	No (Skip Next Question)			
	If so, how would you rate your most recent contact for the following:		Excellent	Above Average	Average	Below Average	Very Poor Don't Know
33a	Knowledge		1	2	3	4	5 6
33b	Responsiveness		1	2	3	4	5 6
33c	Courtesy		1	2	3	4	5 6
33d	Overall impression		1	2	3	4	5 6

DEMOGRAPHICS

34	Age	18 - 29		30-45	46 - 60	61 - 70	71 and over	No response
35	Education	No High school degree		High school or GED	some college	college degree	graduate degree or beyond	No response
36	Sex	Male		Female	No response			
37	Race/Ethnicity (select all that apply)	Asian	American Indian or Alaskan Native	Black or African American	Hispanic or Latino	Native Hawaiian or Pacific Islander	White	Other/ No Response
38	Do any children 17 or under live in your household?	Yes		No	No response			
39	Are you or any other members of your household aged 65 or older?	Yes		No	No response			
40	What is your current employment status?	Working full time for pay		Working part time for pay	Unemployed, looking for paid work	Unemployed, not looking for paid work	Fully retired	No response
41	How much do you anticipate your household's total income before taxes will be for the current year?	Less than \$35,000		\$35,000 to \$74,999	\$75,000 to \$124,999	\$125,000 to \$199,999	\$200,000 or more	No response
42	How many years have you lived in Bellaire?	Less than 2 years		2-5 years	6-10 years	11-20 years	More than 20 years	No response
43	Do you currently own or rent where you currently live?	Own		Rent	No response			
44	Which best describes the building you currently live in?	One Family house detached from any other houses		House attached to one or more houses (e.g., a duplex or townhome)	Building with two or more apartments or condominiums	Other	No response	

FEEDBACK/ADDITIONAL THOUGHTS

45	Please let us know any additional thoughts you may have regarding City-provided services and/or living in Bellaire	(Open Ended Response)
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CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

SEPTEMBER 19, 2016

Council Chamber and Council Conference Room
5:30 PM

Special Session

7008 S. RICE AVENUE
BELLAIRE, TX 77401

SPECIAL SESSION (CLOSED MEETING) - 5:30 P.M.

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

Andrew S. Friedberg, Mayor, called the Special Session of the City Council of the City of Bellaire, Texas, to order at 5:30 p.m. on September 19, 2016. The Special Session was held in the Council Chamber (open portions) and Council Conference Room (closed portions), First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401.

Mayor Friedberg announced that a quorum of the members of the 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	Present
Trisha S. Pollard	Council Member	Present
Gus E. Pappas	Council Member	Absent
Pat B. McLaughlan	Council Member	Present*
Michael Fife	Council Member	Absent
David R. Montague	Council Member	Present

*Pat B. McLaughlan, Council Member, arrived shortly after the City Council retired into closed meeting and participated in the remainder of the meeting.

Other officials present were Tracy L. Dutton, City Clerk**; Lisa A. Wesely, Presiding Judge of the Municipal Court; Jerel S. Twyman, Associate Judge of the Municipal Court; Robert C. Richter, Jr., Assistant City Attorney serving as Prosecutor of the Municipal Court; and Christopher T. Gore, Deputy Assistant City Attorney serving as Deputy Prosecutor of the Municipal Court.

**City Clerk Dutton did not participate in the closed portions of the Special Session.

Mayor Friedberg announced that the Special Session was called for the purpose of conducting a closed meeting prior to the evening's Regular Session and advised that the City Council would retire into the closed portion of the meeting pursuant to the *Texas Open Meetings Act, Section 551.074, Personnel Matters*, to deliberate the evaluation of the Deputy Assistant City Attorney serving as Deputy Prosecutor in the City's Municipal Court. He advised further that City Council would not take action in the closed portion of the meeting and that any action that might be taken would be after City Council reconvened in the open portion of the meeting.

Minutes Acceptance: Minutes of Sep 19, 2016 5:30 PM (Adoption of Minutes:)

B. Retire into Closed Meeting:

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

The City Council retired into closed meeting at 5:31 p.m. on Monday, September 19, 2016.

C. Reconvene in Open Meeting:

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

The City Council reconvened in open meeting at 6:17 p.m. on Monday, September 19, 2016.

Mayor Friedberg advised that the City Council had met in closed meeting to deliberate the evaluation of the Deputy Assistant City Attorney serving as Deputy Prosecutor in the City's Municipal Court and opened the floor for a motion to adopt the ordinance presented to City Council to reappoint Mr. Gore to serve as Deputy Prosecutor.

Motion:

To adopt the ordinance as presented reappointing Mr. Gore to serve as Deputy Prosecutor.

RESULT	ADOPTED [5 TO 0]
MOVER:	Trisha S. Pollard, Council Member
SECONDER:	David R. Montague, Council Member
AYES:	Friedberg, Reed, Pollard, McLaughlan, Montague
NAYS:	None
ABSENT:	Pappas, Fife

D. Adjourn.

Mayor Friedberg announced that the Special Session was adjourned at 6:18 p.m. on Monday, September 19, 2016.



CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

SEPTEMBER 19, 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 6:19 p.m. on Monday, September 19, 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	Present
Trisha S. Pollard	Council Member	Present
Gus E. Pappas	Council Member	Absent
Pat B. McLaughlan	Council Member	Present
Michael Fife	Council Member	Present*
David R. Montague	Council Member	Present

*Michael Fife, Council Member, arrived shortly before the Public Hearing had begun and participated in the remainder of the Regular Session.

Other officials present were Paul A. Hofmann, City Manager; Alan P. Petrov, City Attorney; and Tracy L. Dutton, City Clerk.

B. Inspirational Reading and/or Invocation - Trisha S. Pollard, Council Member.

Trisha S. Pollard, Council Member, provided the inspirational reading for the evening.

C. Pledges of Allegiance - Trisha S. Pollard, Council Member.

Council Member Pollard led the members of the City Council and the audience in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

D. Recognition of Proclamations - Andrew S. Friedberg, Mayor.

International Friendship Week:

Minutes Acceptance: Minutes of Sep 19, 2016 6:00 PM (Adoption of Minutes:)

Issuance of a proclamation by Andrew S. Friedberg, Mayor, proclaiming the week of September 18-24, 2016, as International Friendship Week in the City of Bellaire, Texas, in recognition of the 45th anniversary of the International Friendship Program of the University of Houston, Office of International Student and Scholar Services - Requested by Trisha S. Pollard, Council Member.

Mayor Friedberg read the proclamation he issued proclaiming the week of September 18-24, 2016, as International Friendship Week in the City of Bellaire, Texas. At the conclusion of the reading, Mayor Friedberg presented the proclamation to **Council Member Pollard, Dale Hamilton, International Friendship Program Coordinator for the University of Houston, and German students Christian Winter, Tobias Bezani, and Mareika Krech.**

{Earlier in the meeting during her inspirational reading, Council Member Pollard introduced the aforementioned students her family was sponsoring. She advised that Christian Winter was from Leipzig, Germany, and was studying for his Master of Business Administration (MBA). Tobias Bezani was from Cologne, Germany, and was working on the Master of Laws (LLM) program; and Mareika Krech, also from Leipzig, Germany, was working on American Studies.}

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" regarding an application and request submitted by Southern Holding Group Investments, LLC, for a specific use permit to allow for the operation of a day care center at 5204 Spruce Street in the UV-D Zoning District into the record.

She advised that the notice was published in a newspaper of general circulation 15 days prior to the public hearing and mailed to real property owners of record and assumed renters located within 500 feet of the site of the requested specific use permit 15 days prior to the public hearing.

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

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

C. Presentation of Proposal:

Public Hearing on an application and request submitted by Southern Holding Group Investments, LLC, for a specific use permit to allow for the operation of a day care center on the property addressed as 5204 Spruce Street, Bellaire, Harris County, Texas, in the UV-D Zoning District - Submitted by John McDonald, Director of Development Services, on behalf of Southern Holding Group Investments, LLC.

Stacy Williams, a partner in the corporation known as Southern Holding Group Investments, LLC, addressed City Council and advised that she and her partners were requesting a specific use permit to operate Treehouse Learning Center, a child care facility, located at 5204 Spruce Street, Bellaire, Texas 77401. Ms. Williams advised that the facility had been operating as a child care facility for

more than 20 years, but closed its doors earlier this year. She indicated that she wished to bring a child care facility back to the City of Bellaire to provide safe and affordable child care.

Ms. Williams advised further that she was currently the Operations Director for Faith Lutheran Church and had served as the director for six years. Her partners were her daughters, Ayana and Kevondra. Ayana, currently the Director at Memorial Lutheran Education School, would be the Director of the Treehouse Learning Center, with over nine years' experience in early childhood education. Kevondra Williams was currently a kindergarten teacher in the Fort Bend Independent School District and would provide the necessary curriculum for the facility's three and four year olds to ensure that they were ready for the public school system.

The hours of the facility were noted to be from 6:30 a.m. until 6:00 p.m., Monday through Friday. Child care would be offered for approximately 60 children ranging from 6 weeks of age to 12 for after-school care.

Ms. Williams advised that there would be no structural changes to the facility. All changes would be cosmetic (such as painting and updating outside awnings).

With respect to parking, Ms. Williams indicated that the facility had an off-street parking lot with a gate that would be open from 7:00 a.m. until 9:00 a.m. and again from 4:00 p.m. to 6:00 p.m. for drop off and pick up.

D. Public Comment.

Mayor Friedberg recognized speaker Lynn McBee, who had completed a sign-up sheet prior to the commencement of the public hearing, and reminded her of the time limit for public comments.

Lynn McBee:

Ms. McBee addressed City Council and advised that she had attended the public hearing before the Planning and Zoning Commission by the applicant and wanted to encourage and welcome the applicant to the community, noting that there was a need for a first rate child care facility in Bellaire in her opinion.

E. Questions from the Mayor and Council.

Mayor Friedberg opened the floor for questions from members of City Council regarding the application. Hearing none, Mayor Friedberg proceeded to close the public hearing.

F. Close of Public Hearing.

Mayor Friedberg advised that because the subject of the public hearing was scheduled for final deliberation later in the evening, further public comment on the matter would not be received. He announced that the public hearing was closed at 6:34 p.m. on Monday, September 19, 2016.

G. Adjourn.

Mayor Friedberg announced that the public hearing was adjourned at 6:34 p.m. on Monday, September 19, 2016.

II. REGULAR MEETING

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

Mayor Friedberg called the Regular Meeting of the City Council of the City of Bellaire, Texas, to order at 6:34 p.m. on Monday, September 19, 2016. The Regular Meeting was held in the Council Chamber.

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	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

*Gus E. Pappas, Council Member, arrived during the City Manager's Report and participated in the remainder of the Regular Meeting.

Other officials present were Paul A. Hofmann, City Manager; Alan P. Petrov, City Attorney; and Tracy L. Dutton, City Clerk.

B. Personal/Audience Comments.

Prior to recognizing speakers for personal/audience comments, **Mayor Friedberg** advised that there were three items on the evening's agenda on which the City Council previously held public hearings. While due process required that no further public comment be received on matters that were adjudicative in nature (such as the day care specific use permit and HEB planned development amendment), purely legislative matters (such as the adoption of the budget) were not subject to the same due process constraints.

Since the Rules of Procedure of the City Council did not observe the distinction between adjudicative matters and legislative matters, Mayor Friedberg asked if there was any objection among City Council to suspend the rule so as to allow further public comment on the FY 2017 budget.

Hearing no objection, Mayor Friedberg advised that the rule was suspended by general consent to allow public comment on the FY 2017 budget, notwithstanding that the public hearing was previously concluded.

Lynn McBee:

Ms. McBee addressed City Council and commended Chief Financial Officer Terrence Beaman for a job well done on the August monthly financial report, noting that she found it informative and interesting.

Additionally, Ms. McBee commended City Engineer James Andrews and Director of Public Works Brant Gary for putting together the drainage study document, noting that she

found it extremely informative, as well.

In closing, Ms. McBee asked City Council to clarify four numbers included in the street and sidewalk pavement management project in the agenda packet later in the evening.

C. Report(s):

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 19, 2016, to members of the City Council.

The City Manager's Report included an overview of communication updates made to residents since his last report. Communications included reminders of a Pre-National Night Out event with a movie, an update to the Mayor's Blog, and notification of a recent crime profile.

Personnel updates included one new hire for the Public Works Department, Public Works Laborer Andre Lewis, Jr.

Field updates included recognition of a recent leadership class sponsored by the Texas Recreation and Park Society (TRAPS) and hosted at the City's facilities. The class was attended by Kevin Browne, Bellaire's Recreation Supervisor, and a presentation was given during the class by Karl Miller, Director of Parks, Recreation and Facilities.

With respect to Evelyn's Park, City Manager Hofmann provided pictures of progress made at the site to date, including views of the cafe and event center. He indicated that Phase One of Evelyn's Park was on track to be completed in March of 2017.

With respect to the City's Rebuild Bellaire Program, City Manager Hofmann provided a graphic detailing a big picture view of everything that was happening during Phases 5A and 5B of that program.

An overview of upcoming City Council meetings and future agenda items was provided by City Manager Hofmann.

In closing, words of appreciation were given to Sun & Ski Sports for providing a recent bicycle repair class for patrol officers.

Mayor Friedberg opened the floor for questions from City Council.

Following questions, Mayor Friedberg announced that the City Manager's Report was concluded and moved to the next order of business.

2. Monthly Financial Report for the Period Ending August 31, 2016 - Submitted by Terrence Beaman, Chief Financial Officer.

Terrence Beaman, Chief Financial Officer (CFO), presented the Monthly Financial Report for the City for the period ended August 31, 2016, to members of City Council.

CFO Beaman advised that the City of Bellaire was eleven months through the

current fiscal year and that the Finance Department was working diligently with City departments to ensure that expenditures were recorded in the correct fiscal year.

General Fund

Collections attributable to the City's three largest sources of revenue were noted as follows: property taxes at 99%, sales tax at 94%, and franchise fees at 93%. Additional sales tax revenues and franchise fees revenues were expected prior to year end.

Collections of ancillary revenues, such as permit fees and pool fees, totaled over \$22,000. CFO Beaman indicated that development permits were down as compared to prior years in number and value. Pool revenues and alarm permits, and public safety were up as compared to prior years.

Expenditures for the General Fund would end the year below budget.

Overall, CFO Beaman reported that the General Fund was doing well and that the City should end the year with a surplus.

Enterprise Fund

CFO Beaman also reported that revenues and expenditures were coming in under the anticipated budget amounts in the Enterprise Fund.

Debt Service Fund

Two interest payments and one principal payment had been made from the Debt Service Fund during the fiscal year. By year-end, CFO Beaman advised that this fund would perform very well.

Vehicle Replacement and CIP Funds

CFO Beaman advised that the City had purchased every piece of equipment and vehicle planned for the year from the Vehicle Replacement Fund, and that projects not accounted for this year in the CIP Fund would carry over to the next year's budget.

Mayor Friedberg opened the floor for questions of the CFO Beaman. Following questions, Mayor Friedberg announced that the Monthly Financial Report was concluded.

Roman F. Reed, Mayor Pro Tem, asked if other agenda items could be considered prior to the presentation of the drainage study which, with questions from members of City Council, was anticipated to take at least 30 minutes. **Mayor Friedberg** suggested moving forward to agenda items D(2)(a) and D(2)(b), which were identified as the issuance of a specific use permit and the amendment of a planned development permit. Hearing no objection, Mayor Friedberg stated that the orders of the day were suspended by general consent.

3. Presentation of the City of Bellaire Drainage Study Report, as prepared by ARKK Engineers - Submitted by Brant Gary, Director of Public Works.

Note: Prior to the presentation of the citywide drainage study, members of City Council considered and acted on agenda items D(2)(a) and D(2)(b), as set forth

below.

Paul A. Hofmann, City Manager, introduced the agenda item before City Council. He stated that the City contracted with ARKK Engineers, LLC, several months ago to create a comprehensive citywide drainage study. City Manager Hofmann stated further that the study would lead to the development of criteria or redevelopment of existing criteria that would inform the City in determining street and drainage projects into the future. Additionally, the criteria would inform the specific design of a project.

James Andrews, City Engineer, presented the *City of Bellaire, Texas, Drainage Study September 2016* to members of City Council. He indicated that the scope of the study was limited to the following areas: 1) developing stormwater models; 2) reviewing actual stormwater data; 3) recommending capital improvement projects to improve drainage based on different rainfall amounts and durations; 4) providing a matrix of potential flooding events with respect to the intensity; and 5) using the numbers to leverage the City with potential partners that could help the City with regional projects.

City Engineer Andrews advised that the purpose of the drainage study was to investigate possible alternatives to reduce the occurrence of structures flooding within the area. The study discussed the types of floods that were prevalent in the Bellaire area and practical improvements the City of Bellaire might implement on its own, as well as suggestions for regional projects with entities that Bellaire might partner with for mutual flood control benefits.

Additionally, City Engineer Andrews advised that it was anticipated that the study recommendations would be discussed further and worked into possible drainage improvements on future capital improvement projects for street and drainage work.

The drainage study also addressed plans for removing certain areas of the City from the floodplain by Letter of Map Revision (LOMR). The goal of the LOMR was to remove as many homes from the Flood Insurance Rate Map designated floodplain as possible and significantly lower flood insurance costs for those residents. City Engineer Andrews indicated that there were over 4,700 flood insurance policies in Bellaire costing residents about \$5.6 million every year.

City Engineer Andrews stated that ARKK Engineers, LLC, had teamed with SIRRUS Engineers, Inc., to develop a stormwater overland flow model to understand patterns in and around Bellaire and to help determine areas of the City most in need of drainage improvements. The model showed areas more likely to pond to elevations that could flood structures before flowing overland during various rainfall intensities.

Other areas addressed by the study and identified during the presentation included factors contributing to flooding in Bellaire, an overview of recent flood events, types of floods, and possible alternatives and improvements to assist in alleviating flooding issues.

At the conclusion of City Engineer Andrews' presentation, **Mayor Friedberg** opened the floor for questions from City Council related to the study. Following questions, Mayor Friedberg announced that the drainage study presentation was concluded and continued to the next order of business (Consent Agenda (II. D(1))).

D. New Business:**1. Consent Agenda:****a. Approval of Minutes:**

Consideration of and possible action on the approval of the minutes of the City Council of the City of Bellaire, Texas, for the following sessions: Special Session held on August 2, 2016; Regular Session held on August 15, 2016; and Special Session held on August 16, 2016 - Submitted by Tracy L. Dutton, City Clerk.

- i. Mayor and Council - Special Session (Workshop) - Aug 2, 2016 6:00 PM
- ii. Mayor and Council - Regular Session - Aug 15, 2016 6:00 PM
- iii. Mayor and Council - Special Session (Workshop) - Aug 16, 2016 6:00 PM

b. Bid Award:

Consideration of and possible action on a recommendation from the Public Works Department to award Bid No. 16-006, FY 2016 Street and Sidewalk Pavement Management Project, to Main Lane Industries, in an amount not to exceed \$1,175,150.00 and 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 Main Lane Industries, for said project in an amount not to exceed \$1,175,150.00 - Submitted by Brant Gary, Director of Public Works.

Hearing no request from members of City Council to remove any item from the Consent Agenda, **Mayor Friedberg** entertained a motion to adopt the Consent Agenda.

Motion:

To adopt the Consent Agenda dated September 19, 2016.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gus E. Pappas, Council Member
SECONDER:	Michael Fife, Council Member
AYES:	Friedberg, Reed, Pollard, Pappas, McLaughlan, Fife, Montague

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, granting Specific Use Permit S-86, to Southern Holding Group Investments, LLC, to allow for the operation of a day care center on the property addressed as 5204 Spruce Street, Bellaire, Harris County, Texas, in the UV-D Zoning District - Submitted by John McDonald, Director of Development Services.

Mayor Friedberg advised that the specific use permit under consideration by City Council had been the subject of a public hearing held earlier in the

evening. To begin deliberation, Mayor Friedberg entertained a motion to adopt the ordinance as presented granting Specific Use Permit S-86.

Motion:

To adopt the ordinance as presented granting Specific Use Permit S-86.

Hearing no discussion on the motion, Mayor Friedberg called for action.

RESULT:	ADOPTED [6 TO 0]
MOVER:	Pat B. McLaughlan, Council Member
SECONDER:	Trisha S. Pollard, Council Member
AYES:	Friedberg, Reed, Pollard, McLaughlan, Fife, Montague
ABSTAIN:	Pappas

- b. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending planned development permit PD-25 previously granted to HEB Grocery Company, LP, for the construction of a retail development consisting of a grocery store with attached parking facility to be known as "HEB Bellaire" 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 - Submitted by John McDonald, Director of Development Services.

To begin deliberation, **Mayor Friedberg** entertained a motion to adopt the ordinance as presented amending Planned Development Permit PD-25.

{Moved by Roman F. Reed, Mayor Pro Tem, and Trisha S. Pollard, Council Member}

Mayor Friedberg opened the floor for questions of the applicant (HEB Grocery Company, LP) and City Staff, as well as for discussion among members of City Council. Following questions and discussion, Mayor Friedberg called for action on the motion.

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

Note: Following action on agenda item D(2)(b), City Council returned to agenda item C(3) and considered the remainder of the agenda in the order in which it was written.

- c. Consideration of and possible action on the adoption of the FY 2017 budget of the City of Bellaire, Texas, for the fiscal year beginning October 1, 2016, and ending September 30, 2017, and appropriating the several sums set up therein to the objects and purposes therein named by 1) adopting the FY 2017 budget by record vote; and 2) ratifying the tax revenue increase reflected in the FY 2017 budget - Submitted by Diane K. White, Assistant City Manager.

Mayor Friedberg introduced the agenda item before City Council and advised that according to the Texas Local Government Code, two votes were required to adopt the budget. The first vote related to the adoption of the budget by record vote. If the budget was adopted, a second vote was required to ratify the tax revenue increase reflected in the budget so adopted.

To begin deliberation, Mayor Friedberg entertained a motion to adopt the ordinance as presented adopting the fiscal year 2017 budget and ratifying the tax increase reflected in the budget.

Motion:

To adopt the ordinance as presented adopting the fiscal year 2017 budget and ratifying the tax increase reflected in the budget.

{Moved by Gus E. Pappas, Council Member, and seconded by David R. Montague, Council Member}

Discussion ensued among members of City Council regarding the fiscal year 2017 budget. Following discussion, **a record vote of City Council was taken on the adoption of the fiscal year 2017 budget as presented.** The vote was called and recorded by Tracy L. Dutton, City Clerk, as follows:

Member of City Council	Vote
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 B. McLaughlan	For
Council Member Michael Fife	For
Council Member David R. Montague	For

Following adoption of the fiscal year 2017 budget, **Mayor Friedberg called for action related to ratifying the tax increase reflected in the budget.**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gus E. Pappas, Council Member
SECONDER:	David R. Montague, Council Member
AYES:	Friedberg, Reed, Pollard, Pappas, McLaughlan, Fife, Montague

E. Community Interest Items from the Mayor and Council.

Community interest items from the Mayor and Council included an expression of thanks and congratulations to the Bellaire Police Department on their recent successful community meeting.

F. Adjourn.

Mayor Friedberg announced that the Regular Meeting of the City Council of the City of Bellaire, Texas, was adjourned at 9:03 p.m. on Monday, September 19, 2016.

Minutes Acceptance: Minutes of Sep 19, 2016 6:00 PM (Adoption of Minutes:)

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 10/17/16 06:00 PM
Department: Development Services
Category: Contract
Department Head: John McDonald
DOC ID: 2016

**SCHEDULED
ACTION ITEM (ID # 2016)**

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 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 for Professional Services with Texas BBG Consulting, Inc., for services necessary for the enforcement of the City's building codes to include construction plan review and the provision of onsite inspection services in an estimated annual amount of \$125,000 - Submitted by John McDonald, Director of Development Services.

Background/Summary:

As Development Services has increasingly relied on the services of contract inspectors to support the provision of building inspection and plan review services, we have continued to work to identify those that meet are high expectations of service at reasonable rates. Throughout 2016, the department has moved away from working with Bureau Veritas and has found an able partner in Texas BBG Construction, Inc. Texas BBG Construction, Inc. Is located in the Houston area, and Kevin Taylor, Vice President, has worked diligently to create a positive and effective working relationship with both staff and builders.

This ordinance would authorize entering into an agreement with Texas BBG Construction for the provision of plan review and building inspections services on an as needed basis. Texas BBG Construction is uniquely positioned, with the staffing and knowledge resources to assist the City in enforcement of all adopted building codes and regulations. The City will only pay for services actually received.

The recently adopted budget for FY 2017 includes \$160,000 for construction inspection services. Contract inspections services have consistently been included in departmental budgets and this amount is supplemented by the savings received through the reduction in a FTE position. Development Services also utilizes other inspection services as needed.

Under Sec.252.022 of the Texas Local Government Code, "contracts for personal, professional, or planning services" are exempt from the requirements of competitive bidding.

Fiscal Impact:

This item is budgeted as an expense within the general fund. Revenues generated by inspections and plan reviews performed by this consultant will exceed expenses.

Recommendation:

The Director of Development Services recommends approval of the ordinance authorizing the Mayor to execute the agreement with Texas BBG Construction, Inc.

ATTACHMENTS:

- ORD - Texas BBG Construction - Inspections 2016 (DOCX)
- Texas BBG Contract (PDF)



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, AN AGREEMENT FOR PROFESSIONAL SERVICES WITH TEXAS BBG CONSULTING, INC., IN A FORM AS ATTACHED HERETO AND MARKED EXHIBIT "A," FOR SERVICES NECESSARY FOR THE ENFORCEMENT OF THE CITY'S BUILDING CODES TO INCLUDE CONSTRUCTION PLAN REVIEW AND THE PROVISION OF ONSITE INSPECTION SERVICES.

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

1. The Mayor and the City Clerk of the City of Bellaire, Texas, are hereby authorized to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, an Agreement for Professional Services with Texas BBG Consulting, Inc., in a form as attached hereto and marked Exhibit "A," for services necessary for the enforcement of the City's Building Codes to include construction plan review and onsite provision of inspection services.

PASSED, APPROVED and ADOPTED this, the 17th 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

Attachment: ORD - Texas BBG Construction - Inspections 2016 (2016 : Consideration-Contract Agreements)

EXHIBIT "A"

Agreement for Professional Services

Attachment: ORD - Texas BBG Construction - Inspections 2016 (2016 : Consideration-Contract Agreements)

AGREEMENT FOR PROFESSIONAL SERVICES

STATE OF TEXAS

HARRIS COUNTY

THIS AGREEMENT, entered into and executed by and between the **City of Bellaire**, a body corporate and politic under the laws of the State of Texas, hereinafter called “**City**”, and

BBG Consulting, Inc..

Kevin Taylor, President

1515 Pastureview Dr

Pearland TX 77581

P: 972-746-6671 F: 760-955-1975

ktaylor@BBGcode.com

Hereinafter called “**Consultant**”.

WHEREAS, the **City** desires to contract with the **Consultant** for professional Inspection and services as discussed below;

WHEREAS, the **Consultant** represents that it is fully capable of making and qualified to provide assistance to the **City** and the **Consultant** desires to perform the same;

NOW, THEREFORE, the **City** and the **Consultant**, in consideration of the mutual covenants and agreements herein contained, do mutually agree as follow:

SECTION I SCOPE OF AGREEMENT

The **Consultant** agrees to perform certain inspection services as defined in “Exhibit A” attached hereto and made a part hereof, hereinafter sometimes called “Scope of Work”, and for having rendered such services, the **City** agrees to pay the **Consultant** compensation as stated in the sections to follow. “Exhibit “B” describing pricing is also included and sets forth the specific fees applicable to the scope of work.

Attachment: Texas BBG Contract (2016 : Consideration-Contract Agreements)

SECTION II CHARACTER AND EXTENT OF SERVICES

The **Consultant** shall render all the professional services as defined in “Exhibit A” attached hereto.

The **City** shall be under no obligation to pay for services rendered without prior authorization. The **City** shall be the absolute and unqualified owner of all studies, exhibits, maps, reports, analyses, determinations and recommendations prepared or acquired pursuant to this Agreement with the same force and effect as if the **City** had prepared or acquired the same.

SECTION III TIME FOR PERFORMANCE

The time for performance is the period beginning on or before **October 1, 2016** through **September 30, 2017** and may be extended by mutual consent of both parties. Upon written request of the **Consultant**, the **City** may grant time extensions to the extent of any delays caused by the **City** or other agencies with which the work must be coordinated and over which the **Consultant** has no control.

This Agreement is terminable at will by the **City** providing a forty five (45) day written notice to **Consultant** or by **Consultant** providing the **City** ninety (90) day written notice. **Consultant** will be due the portion of the fees earned up to the time of termination.

SECTION IV COMPLIANCE AND STANDARDS

Consultant agrees to perform the work hereunder in accordance with generally accepted standards applicable thereto and shall use that degree of care and skill commensurate with the management consulting profession to comply with all applicable state, federal, and local laws, ordinances, rules, and regulations relating to the work to be performed hereunder and **Consultant's** performance. **Consultant** agrees that the **City** shall have the right to use all exhibits, maps, reports, analyses and other documents prepared or compiled by **Consultant** pursuant to this Agreement, and **Consultant** shall and does hereby agree to indemnify and hold harmless the **City**, its officers, agents, and employees from any and all damages, loss or liability of any kind, whatsoever, by reason of death or injury to property or third persons caused by the negligent act or omission of **Consultant**, its officers, agents, employees, invitees or other persons for whom it is legally liable, with regard to the performance of this Contract.

SECTION V THE CONSULTANT'S COMPENSATION

For, and in consideration of, the services rendered by the **Consultant** pursuant to this Agreement, the **City** shall pay to the **Consultant** the amount detailed in "Exhibit B"; said amount being hereinafter called the “total basic fee”. Compensation shall be only for services rendered as requested by the **City** in official communication from the **City**.

SECTION VI TIME OF PAYMENT

Payment by the **City** to the **Consultant** shall be made as follows:

Within 30 days of the end of each calendar month during the performance of the individual assignments, **Consultant** shall submit to the **City**, an invoice in a form acceptable to the **City**. This invoice shall set forth the charges for the services provided which were completed during such billing period, and the compensation which is due for same. The invoice must contain the street address, description of services, and date performed. The **City** shall review the same and approve it with such modifications, as it may deem appropriate. The **City** shall pay each invoice as approved within thirty (30) days after receipt of a true and correct invoice by the **Consultant** to the **City**. The approval or payment of any such invoice shall not be considered to be evidence of performance by the **Consultant** to the point indicated by such invoice or of the receipt of or acceptance by the **City** of the work covered by such invoice.

SECTION VII ADDRESS AND NOTICES AND COMMUNICATIONS

The parties contemplate that they will engage in informal communications with respect to the subject matter of this Agreement. However, any formal notices or other communications ("Notice") required to be given by one party to the other by this Agreement shall be given in writing addressed to the party to be notified at the address set forth below for such party. This shall be done either (i) by delivering the same in person, (ii) by depositing the same in the United States Mail, certified or registered, return receipt requested, postage prepaid, addressed to the party to be notified, (iii) by depositing the same with Federal Express or another nationally recognized courier service guaranteed "next day delivery," addressed to the party to be notified, or (iv) by sending the same by facsimile with confirming copy sent by mail, (v) by email, with receipt, from the Building Official, or her/his designee. Notice deposited in the United States mail in the manner hereinabove described shall be deemed effective from and after the date of such deposit. Notice given in any other manner shall be effective only if and when received by the party to be notified. For the purposes of notice, the addresses of the parties, until changed by providing written notice in accordance hereunder, shall be as follows:

All notices and communications under this Agreement shall be mailed to the **Consultant** at the following address:

BBG Consulting, Inc..
ATTN: Kevin Taylor
1515 Pastureview
Pearland, TX 77581
ktaylor@BBGcode.com

SECTION VIII SUCCESSORS AND ASSIGNS

The **City** and the **Consultant** 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. Neither the **City** nor the **Consultant** shall assign, sublet or transfer its or his interest in this Agreement without the written consent of the other. 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.

SECTION IX MEDIA

Contact with the news media shall be the sole responsibility of the **City**. **Consultant** shall under no circumstances release any material or information developed in the performance of its services hereunder without the express written permission of the **City**.

SECTION X MODIFICATIONS

This instrument, including Exhibits A and B, contains the entire Agreement between the parties relating to the rights herein granted and the obligation herein assumed. 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 hereto.

SECTION XI AUTHORITY OF CITY

All work to be performed by the **Consultant** hereunder shall be performed to the satisfaction of the Building Official of the **City of Bellaire**. The Building Official (or designated authority) shall decide any and all questions, which may arise as to the quality, or acceptability of the work performed by the **Consultant** and the decisions of the Building Official in such cases shall be final and binding on both parties. However, nothing contained herein shall be construed to authorize the Building Official to alter, vary or amend this Agreement.

SECTION XII MISCELLANEOUS

1. No Waiver. The waiver by either party of a breach or violation of any provision of this Agreement shall not operate as or be construed to be a waiver of any subsequent breach of any provision of this Agreement.
2. Compliance. The parties enter into this Agreement with the intent of conducting their relationship in full compliance with the applicable state, local, and federal laws. Any complaint from either the **City** or general public concerning an inspection completed by **Consultant** shall be responded to within one business day by the **Consultant**.
3. Governing Law. This Agreement shall be interpreted, construed, and governed according to the laws of the State of Texas.
4. Headings. Paragraph headings contained in this Agreement are for convenience only and should in no manner be construed as part of this Agreement.
5. Legal Construction. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been included in the Agreement.
6. Prior Agreements Superseded. This Agreement constitutes the sole agreement of the parties and supersedes any prior understandings or written or oral agreements between the parties respecting that subject matter.
7. Attorney Fees and Costs. The prevailing party in any dispute or legal proceedings enforcing this Agreement shall be entitled to recover its attorney's fees, witness fees, litigation expenses and costs, as same are reasonable and necessary, to be paid by the non-prevailing party.
8. Venue. All amounts due under this Agreement, including, but not limited to, payments under this Agreement or damages for breach of this Agreement, shall be paid and due in Fort Bend County, Texas, which is the county in which the principal administrative office of **City** is located. It is specifically agreed among the parties to this Agreement, that this Agreement is fully performable in Fort Bend County, Texas.
9. Insurance. Consultant agrees to name the **City of Bellaire** and its interests as a certificate holder on consultant's insurance policy.
10. No Joint Venture/Independent Contract: The parties agree that this agreement is not intended to create nor does create a joint venture between the parties and consultant at all times is retained as an independent contractor and not an employee of the **City**.

This document and included instrument is the entire contract and recites the full consideration between the parties, there being no other written or parole agreement.

IN WITNESS WHEREOF, said **City of Bellaire** has lawfully caused these presents to be executed by the Mayor of said **City**, and the corporate seal of said Municipality to be hereunto affixed and this instrument to be attested by the City Secretary; and the said **Consultant**, acting by its thereunto duly authorized representative, does now sign, execute and deliver this instrument.

DONE at City of Bellaire, Texas on the _____ day of _____, 2016.

By: _____
Mayor

Date

ATTEST:

By: _____
City Secretary

Date

CONSULTANT

President, BBG Consulting, Inc.

Date

Attachment: Texas BBG Contract (2016 : Consideration-Contract Agreements)

Exhibit “A”

A. Scope of Services

Inspection and plan review of commercial and residential construction to verify compliance with the **City of Bellaire** locally adopted codes and amendments and the: 2012 versions of the International Residential Code, International Building Code, International Mechanical Code, International Plumbing Code, International Fuel Gas Code, 20015 International Energy Conservation Code and the 2011 Edition of the National Electrical Code (or later versions as adopted by the **City of Bellaire**), as published by the National Fire Protection Association.

B. Consultant’s Responsibilities

1. Inspectors performing under this Agreement will hold a “Combination Inspector” certification from the International Code Council.
2. Inspections and Plan Review telephoned or transmitted to **Consultant** from **City** before 8:00 am will be performed the same business day, excluding holidays of New Year’s Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day and the Friday immediately following Thanksgiving Day, Christmas Eve and Christmas Day in which case the inspection will be performed the next business day after the holiday.
3. **BBG** inspectors have the same jurisdiction and responsibilities, regarding a development project assigned to the **Consultant**, as an inspector employed by the City.
4. All inspectors performing under this Agreement will hold certifications as required by state law.

C. Inspections and Plan Review

The **City** shall provide **Consultant** with a list of Inspections and Plan Review required to be completed. **Consultant’s** designated inspector shall make a diligent effort to complete every inspection assigned to him/her each day.

Re-Inspections and Plan Review – The procedures for requesting and performing them will be the same as regular Inspections and Plan Review.

Any complaint from either the **City** or general public concerning an inspection completed by **Consultant** shall be responded to within one business day by the **Consultant**.

D. Building Code Interpretation

The **City** from time to time may request building code interpretation or explanation from the **Consultant** based on their expertise in this field. The final interpretive authority rests with the **City**.

I. Exhibit “B”

FEES

A. BBG will provide 1080 inspections per year (90/month) and 60 plan reviews per year (5/month) for residential or commercial plans with a valuation of \$1,000,000.00 or less for an annual fee of \$60,000.00 to be billed in 12 separate installments of \$5000.00. Should the city request plan review services for projects valued in excess of \$1,000,000.00 the fee as detailed in Table 2 shall be applicable. BBG will provide The City with monthly updates providing the total number of inspections and plan reviews performed within Bellaire’s fiscal year. In the case that The City exceeds the annual totals BBG will notify The City and additional plan review and inspection services will be performed for the applicable rate as detailed in Tables 2 and 3 respectively.

Table 1. Annual fee for services

Annual Rate of 60,000.00 (\$5000.00/month)	
Service	Totals
Inspection	1080/year (90 per month)
Plan review ¹	60/year (5 per month)

1. Commercial projects with a valuation of less than 1,000,000.00. No restriction on residential projects.

Table 2. Plan review services

Plan review	
Permit type	Fee ¹
Residential	15% of permit fee ²
Commercial up to \$1,000,000.00	15% of permit fee ²
Commercial \$1,000,001.00 and more	15% permit fee ^{2,3}

1. Fees for tenant finish out and shell buildings will be 85% of the above fees.
2. Price includes up to 1 Resubmittal additional resubmittals will be charged a fee of \$100.00
3. Fees in excess of \$9,000.00 are subject to negotiation based upon the complexity of the work to be performed.

Table 3. Inspection Services

Number of Stops ¹	Price Per Stop ¹
1	\$65.00
2-3	\$55.00
4-6	\$45.00
7-9	\$42.00
10-12	\$39.00
13-15	\$37.00
16 or more	\$35.00

Service Details

- A. Inspections.** Inspections shall be performed within 24hrs of notification by The City. All reasonable effort shall be made by BBG to perform inspections when, at the request of The City, there is a need for immediate or same-day services. Such inspections shall be performed at no additional cost to The City. BBG will provide next day inspection services for all inspection request received before 6 pm. BBG will provide inspection services for all projects on a stop basis (multiple inspections performed at one stop).
- B. Plan Review.** Plans shall be picked up by BBG within 48 hours from the time of notification from The City, BBG shall return the plans to The City with typed comments within seven business from the original date of notification.

FEE ESCALATION

1. The above fees will take effect upon the first day of the contract. The contract shall be reviewed annually for renewal on the 1st of October. A price escalator will become effective on October 1st of the second, third, fourth and fifth years of contract renewal. The escalator will be determined by the local CPI for the twelve (12) months prior, or five (5%) percent, whichever is lower.
2. Upon request, the **City** may reduce the number of hours that **Consultant** will be dedicated to the **City**, any reduction in hours shall result in an adjusted fee as agreed upon by the **City** and **Consultant**. The **City** agrees to provide **Consultant** with written notice fourteen (14) days prior to a reduction of hours that **Consultant** is committed to the **City** per week.

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 10/17/16 06:00 PM
Department: Finance Administration
Category: Truth-In-Taxation
Department Head: Terrence Beaman
DOC ID: 2008

SCHEDULED**ACTION ITEM (ID # 2008)****Item Title:**

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, fixing the tax rate and tax levy for the City of Bellaire, Texas, for tax year 2016 (fiscal year beginning October 1, 2016, and ending September 30, 2017), upon all taxable property in the City - Submitted by Terrence Beaman, Chief Financial Officer.

Background/Summary:

On August 15, 2016, the Bellaire City Council held a public hearing for the proposed budget for the fiscal year beginning October 1, 2016, and ending September 30, 2017. The budget was then placed on the September 19, 2016 agenda and was approved by City Council. The adopted budget included a proposed tax rate of \$0.3874 per \$100 of valuation apportioned \$0.2551 for the General Fund and \$0.1323 for the Debt Service Fund. This proposed rate exceeds the lower of the effective rate or the rollback rate of \$0.3665 and \$0.3924, respectively. Because the proposed rate exceeds the effective rate, the City conducted two public hearings on September 29, 2016 and October 10, 2016. Based on the Certified Appraisal Roll from the Harris County Appraisal District received August 22, 2016, the 2016 total taxable value calculation for Truth-In-Taxation is \$4,802,110,312, and the total tax revenue that would be raised at the proposed tax rate of \$0.3874 per \$100 of valuation is \$18,569,889.

Attached for City Council review and approval is an ordinance setting the tax rate and tax levy for the City of Bellaire, Texas, for tax year 2016 (the fiscal year beginning October 1, 2016 and ending September 30, 2017) upon all taxable property in the City of Bellaire. This year's tax levy to fund maintenance and operations exceeds last year's maintenance and operations tax levy requiring the ordinance to include a statement about "tax increase" as specified in Section 26.05(b) of the Property Tax Code. This year's proposed total tax rate of \$0.3874 exceeds the effective tax rate. **The vote** on the ordinance setting the tax rate of \$0.3874 per \$100 valuation must be a record vote, and **the motion** to adopt the ordinance must be made in the following form stating the percentage by which the proposed tax rate exceeds the effective tax rate:

"I move that the property tax rate be increased by the adoption of a tax rate of \$0.3874, which is effectively a 5.7 percent increase in the tax rate."

Previous Council Action Summary:

Sept 12th Acceptance of 2016 Tax Roll and the calculated Effective Tax Rate and Rollback Tax Rate.

Sept 12th Record vote to adopt tax rate of \$0.3872 and scheduled two public hearings.

Sept 29th Held first public hearing.

Oct 10th Held second public hearing.

Fiscal Impact:

Property Tax revenues were included in the FY 2017 budget adopted on September 19, 2016.

Recommendation:

CFO, Terrence Beaman is recommending Council approve the attached ordinance fixing the property tax rate for Tax Year 2016.

ATTACHMENTS:

- Ordinance - 2016 Tax Year (DOC)



ORDINANCE NO. 16-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, FIXING THE TAX RATE AND TAX LEVY FOR THE CITY OF BELLAIRE, TEXAS, FOR TAX YEAR 2016 (FISCAL YEAR BEGINNING OCTOBER 1, 2016, AND ENDING SEPTEMBER 30, 2017), UPON ALL TAXABLE PROPERTY IN SAID CITY.

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

1. **THAT** there is hereby levied and shall be assessed and collected for tax year 2016, an ad valorem tax of **\$0.3874 cents per \$100.00 valuation** on property located within the city limits of the City of Bellaire, Texas, made taxable by law, which said taxes, when collected, shall be apportioned among the funds and departments of the City of Bellaire, and for the purposes hereinafter set forth, as follows, to wit:

\$0.2551	General Fund (For the purpose of paying maintenance and operations expenditures)
\$0.1323	Debt Service Fund (For the purpose of paying the accruing interest and to provide a Sinking Fund for payment of the bonded indebtedness of the City of Bellaire)

2. **THAT THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.**

3. THAT THE TOTAL TAX RATE WILL EFFECTIVELY BE RAISED BY 5.70 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY (\$5.00).

4. THAT the Chief Financial Officer is hereby directed to notify the Harris County Tax Assessor-Collector to assess, extend, and enter upon the tax rolls of the City of Bellaire, Texas, for the 2016 tax year, the amounts and rates herein levied, to keep a correct account of same, collect the same, and when so collected, to be distributed in accordance with this ordinance.

PASSED, APPROVED, and ADOPTED this 17th day of October, 2016.

(SEAL)

ATTEST:

SIGNED:

Tracy L. Dutton, TRMC
City Clerk

Andrew Friedberg, Mayor

APPROVED AS TO FORM:

Alan P. Petrov, City Attorney

Attachment: Ordinance - 2016 Tax Year (2008 : Ordinance Setting Tax Rate and Tax Levy for Tax Year 2016)

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 10/17/16 06:00 PM
Department: Parks, Recreation and
Facilities
Category: Contract
Department Head: Cheryl Bright-
West
DOC ID: 2043 C

**SCHEDULED
ACTION ITEM (ID # 2043)**

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 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 Terrain Studio to provide design and construction services for a Beautification Pilot Project in an amount not to exceed \$170,000 - Submitted by Cheryl Bright, Assistant Director, Parks, Recreation and Facilities.

Background/Summary:

On the evening of September 12th, members of City Council had an opportunity to hear comments from Brad Cowan, ASLA and Associate of Terrain Studio (landscape, architecture, urban design, and planning firm), regarding the Beautification Master Plan process and a potential pilot beautification project.

At the request of Bellaire City Council, Terrain Studio has prepared a proposal to provide the design and construction services, for a pilot beautification project for the City of Bellaire, Texas, in an amount not to exceed \$170,000. Included in the proposal, permitting and contract administration is listed as the responsibility of the City.

An ordinance has been prepared for City Council consideration that would authorize the Mayor and City Clerk to execute and attest, respectively, a Standard Form of Agreement with Terrain Studio for the referenced services in an amount not to exceed \$170,000.

Previous Council Action Summary:

On the evening of June 6th, members of City Council, at the request from Citizens For A Beautiful Bellaire, had an opportunity to hear a presentation from Scott Slaney, FASLA and Principal of Terrain Studio (landscape, architecture, urban design, and planning firm), regarding a proposal to provide the structure and process to be followed for Bellaire's beautification efforts and to create a Master Beautification Plan for the City of Bellaire, Texas.

On June 6th, an ordinance was approved by City Council authorizing the Mayor and City Clerk to execute and attest, respectively, a Standard Form of Agreement with Terrain Studio for the referenced services in an amount not to exceed \$70,000, plus expenses.

Fiscal Impact:

Funds included in the Beautification Capital Improvement Plan.

Recommendation:

The Assistant Director of Parks, Recreation and Facilities, Cheryl Bright, recommends action be taken as City Council deems appropriate upon approval of contract. Additionally, if the

contract is approved, it is recommended that Terrain Studio return to City Council with the completed design of the pilot project for further review and approval before the construction phase of the project begins.

ATTACHMENTS:

- Beautification Pilot Project Ordinance (DOCX)
- Pilot Beautification Project Standard Form of Agreement (DOC)
- Pro Visioning Bellaire Pilot Project (PDF)



ORDINANCE NO. 16-_____

AN ORDINANCE 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* BY AND BETWEEN TERRAIN STUDIO AND THE CITY OF BELLAIRE, TEXAS, FOR SERVICES NECESSARY TO DESIGN AND CONSTRUCT A PILOT BEAUTIFICATION PROJECT LOCATED AT THE INTERSECTION OF EVERGREEN STREET AND NEWCASTLE DRIVE FOR BELLAIRE'S BEAUTIFICATION EFFORTS IN AN AMOUNT NOT TO EXCEED \$170,000.00.

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* by and between Terrain Studio and the City of Bellaire, Texas, in a form as attached hereto and marked "Exhibit A," for services necessary to design and construct a beautification pilot project at the intersection of Evergreen Street and Newcastle Drive for Bellaire's beautification efforts, in an amount not to exceed \$170,000.00.

PASSED, APPROVED, and ADOPTED this 17th 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

STANDARD FORM OF AGREEMENT

STATE OF TEXAS §
 §
 COUNTY OF HARRIS §

This **AGREEMENT** is made and entered into this 17th day of October, 2016, by and between the **CITY OF BELLAIRE, TEXAS**, of the County of Harris and State of Texas, duly incorporated and existing under and by virtue of the Constitution and laws of the State of Texas, acting by and through the undersigned Mayor, as attested to by the City Clerk of the **CITY OF BELLAIRE, TEXAS**, thereunto duly authorized to do so, hereinafter referred to as "**CITY**," and **TERRAIN STUDIO**, a corporation, 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 **CITY**, the **CONTRACTOR** hereby agrees with the **CITY** to commence and provide the following:

Services necessary to design and construct a pilot beautification pilot program for Bellaire, to be located at the intersection of Evergreen Street and Newcastle Drive, to further Bellaire's beautification efforts in an amount not to exceed \$170,000.00.

in accordance with the conditions and costs stated in the **CONTRACTOR'S PROPOSAL** attached hereto and marked "Attachment 1," all of which are made a part hereof, and collectively evidence and constitute the entire **Contract**.

The **CITY** agrees to pay the **CONTRACTOR** in current funds for the performance of the **Contract** in accordance with the **CONTRACTOR'S PROPOSAL** submitted therefore which forms a part of this **Contract** and to make payment on account thereof as provided therein.

The undersigned person executing this **Contract** and all other documents executed simultaneously herewith, does certify and attest that he or she is executing the same in his or her capacity as herein stated as an officer of said 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, have executed this **AGREEMENT** in the year and date first above written, under the authority granted to them under the provisions of Ordinance No. 16-____, an Ordinance duly enacted by the City Council of the **CITY OF BELLAIRE, TEXAS**, on October 17, 2016.

CITY OF BELLAIRE, TEXAS

Andrew S. Friedberg, Mayor
City of Bellaire, Texas

ATTEST:

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

APPROVED AS TO FORM:

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

IN WITNESS WHEREOF, the **CONTRACTOR**, whose name is hereinafter set out, does certify and attest that he or she has executed this **Agreement** in his or her capacity as herein stated, for and on behalf of said corporation, and that he or she has authority to do so.

TERRAIN STUDIO

Printed Name:
Title:

Witness:

Printed Name:
Title:



06 October 2016

The City of Bellaire Texas
 Attn: Mayor Andrew Friedberg
 7008 S Rice Ave
 Bellaire, Texas 77401

Subject: Bellaire Urban Design and Beautification Pilot Project
 "Bellaire intersection" at Newcastle and Evergreen Streets
 Landscape Architectural Services Proposal
 (Terrain Job Number COB 1602)

Dear Mayor Friedberg:

We are pleased to provide this proposal for landscape architectural services related to the pilot project that will implement an aspect of the larger Urban Design and Beautification Conceptual Master Plan for the City of Bellaire, Texas. Based on City Staff and Community input the consensus seems to be that the pilot project should focus on the creation of a proposed "Bellaire Intersection" located at Newcastle and Evergreen Streets, Bellaire, Texas

This Agreement is by and between Terrain Studio ("TERRAIN"), a California corporation, and the City of Bellaire ("Client") Bellaire, Texas. TERRAIN shall provide the following professional services.

SCOPE OF WORK;

A. Terrain's scope of work shall include the design of these elements within the proposed "Bellaire Intersection":

1. Walkways, curb ramps and corner plazas
2. Curb and gutter modifications
3. Mosaic art walls and related seating
4. Lighting and Signage
5. Crosswalks
6. Bio-retention gardens to the extent the budget allows.
7. Grading and drainage improvements related to corner improvements



B. TERRAIN shall retain and direct the services of sub-consultants whose expertise will be needed to properly document, bid, permit and construct the work. TERRAIN has budgeted \$7,500.00 of the total contract amount for these services. Given the preliminary nature of the project precise proposals from sub-consultants have not been obtained, should project location or scope require sub-consultant services that exceed \$7,500.00 TERRAIN would consider these additional services. Sub-consultant services potentially required include:

1. Boundary, topographic, utility and tree surveying.
2. Civil Engineering services related to utility improvements or adjustments and SWPPP plans.
3. Structural Engineering services related to Art Walls and lighting foundations
4. Electrical Engineering services related to proposed lighting

C. TERRAIN shall coordinate its efforts with those of the CLIENT and sub-consultants throughout all phases of the project.

D. Design of Scope Items shall not include structural provisions for support of such items in the structure of the building; penetrations of the structure of the building for structural, mechanical, electrical or plumbing connections; actual connection to structural, mechanical, electrical and plumbing systems of the building (other than point-of-connection in planters for irrigation); waterproofing of the structure or protective covering of that waterproofing; or waterproofing of penetrations of the structure.

PROCEDURE:

SCHEMATIC DESIGN / DESIGN DEVELOPMENT

TERRAIN shall prepare design drawings defining the scope of the project based on a budgetary estimate of probable construction costs.

Upon Client's authorization to commence design development, Terrain shall prepare design development drawings and a preliminary estimate of probable construction cost for the agreed upon scope of work. Design development drawings will define the form, finish, scale and materials of elements that compose the landscape design. TERRAIN shall assist the Client in identifying permits and approvals that may be required to advance the project and coordinating with related departments, public agencies and / or CenterPoint.

CONSTRUCTION DOCUMENTS

Upon Client's approval of the design development plans and cost estimate, construction documents and technical sections of specifications to construct the work shall be prepared along with a final estimate of probable construction cost. Technical sections of specifications shall be prepared in Construction Specifications Institute (CSI) format. Client shall be responsible for Bidding and Contract Requirements and General Requirements divisions of the specifications.



Construction documents and technical sections of specifications shall be prepared to reasonably conform to applicable codes and regulations of governmental bodies having jurisdiction over the work at the time of preparation.

In developing construction documents and technical sections of specifications, TERRAIN shall use its best efforts to coordinate its services with those of other sub-consultants and to maintain a construction budget in accordance with the estimate of probable construction cost accepted by Client at the end of the schematic design / design development phase. When the final estimate of probable construction cost is one hundred ten percent (110%) of the budget estimate, or less, the final estimate will be acceptable to Client.

BIDDING AND PERMITTING

The CLIENT shall be responsible for leading the permitting process and submitting required documents to the proper authorities. TERRAIN shall provide drawings to facilitate that process and, if needed, make revisions to documents in order to obtain permits and approvals. TERRAIN shall provide a list of recommended bidders, assist in preparation of addenda, bid evaluations, value engineering evaluations, contract award and creation of issue for construction documents.

CONSTRUCTION OBSERVATION

The CLIENT shall administer the construction contract. TERRAIN shall make periodic visits to the site during construction to familiarize itself generally with the progress and quality of construction and to determine if the construction is proceeding in accordance with the design and technical intent of the construction documents. Observations while on-site will be documented in field reports that will be provided to the CLIENT. TERRAIN may recommend rejection of work failing to conform to the contract documents. Terrain shall also:

1. Respond to Requests for Information
2. Evaluate Shop Drawings and Submittals
3. Review and approve materials samples and on-site mock-ups.
4. Select and pre-tag specimen plant materials.
5. Evaluate Change Orders related to the scope of work
6. Conduct a Substantial Completion Inspection and Punch List
7. Conduct a Final acceptance and recommend acceptance of the work to the CLIENT

TERRAIN shall endeavor to secure compliance by the contractor to the plans and specifications. TERRAIN shall not be responsible for construction means, methods, techniques, sequences or procedures, or job-site safety, in connection with the work and shall not be responsible for the contractor's errors or omissions, or failure to carry out the work in accordance with the contract documents.



DEVELOPMENT BUDGETS

Based upon the current level of information on the project, and our understanding of the present concept, we estimate that the approximate budget for construction of items under the above scope of services is established at \$127,500. The fee quoted in this proposal is based upon this understanding. In the event that the budget is reduced or increased by more than 10% cost shall be considered Additional Services.

DESIGN APPROVAL

City Council is the designated final approval authority for all designs and plans proposed, and will give design direction to TERRAIN as needed for this project.

MEETINGS AND SITE VISITS

This proposal includes Professional Service time for up to six (6) meetings for coordination with the CLIENT, agencies or stakeholders during the design process and up to ten (10) site visit/construction observation meetings, scheduled approximately as follows:

Pre-construction Meeting	1
Hardscape Elements	2
Grading	1
Irrigation	1
Planting	2
Substantial Completion Inspection	1
Final Acceptance	1
<u>Maintenance Period Inspection</u>	<u>1</u>
Total	10

Additional meetings shall be billed as Additional Services. Travel expenses shall be billed as Reimbursable Expenses.

DATA PROVIDED BY THE CLIENT AND EXCLUSIONS TO SCOPE OF SERVICES

Client shall provide the following information or services as required for performance of the work. TERRAIN assumes no responsibility for the accuracy of such information or services and shall not be liable for error or omissions therein. Should TERRAIN be required to provide services in obtaining or coordinating compilation of this information, such services shall be charged as Additional Services.

1. Legal descriptions of property
2. Deed restrictions or land-use controls that govern the site.
3. Hydrology information including 100yr flood plain elevation
4. Engineering services beyond those outlined in the scope of services



FEES AND TERMS

Professional services described above shall be provided on an "Hourly Not to Exceed" basis in accordance with the terms and conditions in Appendix A attached hereto and which is incorporated and made part of this Agreement by reference. Fees for Professional Services shall not exceed \$42,500. without further authorization. "Hourly Not to Exceed" Fees for each step of services are estimated to be as follows:

Schematic Design / Design Development	\$14,000.
Construction Documents	\$14,000.
Bidding and Permitting	\$2,500.
Construction Observation	\$12,000.

Reimbursable expenses will be invoiced in addition to fees for professional services as identified in Appendix A, we estimate these will not exceed \$5,000.

We would be pleased to answer questions you may have or to clarify the various points above. If this proposal meets with your approval, please sign below and return one copy for our files.

Best personal regards,

Scott Slaney FASLA, Principal

Minhui Li, ASLA, Principal

Landscape Architect, TX License #643 Landscape architects are licensed by the State of Texas

Accepted: **City of Bellaire, Texas**

By: _____

Title: _____

Date: _____



Appendix A

Appended to and part of Agreement for Professional Services between Terrain Studio (TERRAIN) and the City of Bellaire Texas (CLIENT), dated 06 October 2016.

FEES FOR PROFESSIONAL SERVICES:

Services outlined under the Scope of Services or under Additional Services shall be provided on a time basis computed as follows:

Staff	Rate / Hour
Slaney	245.00
Li	173.00
Associate	115.00
LA I	98.00
LA II	90.00

Other employee time shall be charged at a multiple of two and one-half (2.5) times Direct Personnel Expense. These rates are applicable for six months from the date of the Agreement for Professional Services, but may be increased subsequently without written notice.

REIMBURSABLE COSTS:

The following costs shall be reimbursed at cost and are not included in the Fee for Professional Services:

1. Cost of copies of drawings, specifications, reports and cost estimates; xerography and photographic reproduction of drawings and other documents furnished or prepared in connection with the work of this contract.
2. Cost of commercial carrier (domestic / economy) and public transportation, lodging, car rental and parking, subsistence and out-of-pocket expenses. Private automobile travel at the IRS-allowable rate at the time of traveling.
3. Cost of postage and shipping expenses other than first class mail.
4. Cost of physical models, animations, special renderings, promotional photography, special process printing, special equipment, special printed reports or publications, maps and documents approved in advance by Client.
5. Fees for additional consultants retained with the approval of Client.



ADDITIONAL SERVICES:

Additional Services include but are not limited to:

1. Professional services beyond those outlined in the Scope of Services
2. Revisions and changes in drawings, specifications or other documents when such revisions are inconsistent with approvals or instructions previously given by the Client; required by the enactment or revision of codes, laws or regulations subsequent to the preparation of such documents; or the preparation of alternates or deductive change orders requested by Client.
3. Plan preparation for and construction observation of portions of a project let on a segregated bid basis or to be phased during construction.
4. Services with respect to replacement of any work damaged during construction.
5. Services required as a result of the default or insolvency of contractor.
6. Preparation of record drawings or of measured drawings of existing conditions.
7. Providing prolonged construction observation should the construction time be substantially extended through no fault of Terrain.
8. Providing services if, in Guaranteed Maximum Price (GMP) projects, the construction budget for Terrain scope items is reduced through no fault of Terrain.
9. Providing services if, in "fast-track" projects, revisions to design or construction documents are required because of prior construction commitments or changes required in the construction process outside the control of Terrain.
10. Cost of review as to form of lenders documents, certifications and consents to assignment requested of Terrain during the term of this Agreement.

STATEMENTS:

Fees for Professional Services and Reimbursable Costs shall be billed monthly using the hourly rate schedule. Reimbursable Costs shall be billed monthly with receipts or with fee invoices.

ACCOUNTS:

Accounts are payable net 30 days from date of invoice at our office in San Francisco, California.

INSURANCE:

At all times during the performance of its services under this Agreement, Terrain shall maintain in full force and effect the following insurance, with the coverages and limits specified:

1. Workers' compensation insurance, including occupational disease, in accordance with the statutory requirements set forth by the state in which the work is to be performed, and employer's liability insurance covering all of Terrain's employees engaged in the performance of this Agreement, in the sum of \$1,000,000.00.



2. Commercial general liability insurance, including Landscape Architect protective liability and contractual liability insurance, covering death or bodily injury and property damage of \$1,000,000.00 for any one accident, bodily injury and property damage combined single limit.
3. Commercial automobile liability insurance covering Terrain for claims arising from owned, hired and non-owned vehicles covering death or bodily injury and property damage with limits of \$1,000,000.00 for any one accident, bodily injury and property damage combined single limit.
4. Professional liability (errors and omissions) insurance, on a claims-made basis, with limits of \$2,000,000.00 per claim and \$2,000,000.00 in the aggregate.
5. Certificates of insurance covering any or all of the above insurance required to be maintained by Terrain shall be provided to Client upon written request.
6. Should Client request in writing that modifications be made to the stated policy limits or deductibles, Terrain shall use its best efforts to have its insurers accommodate such modifications. All charges and additional premiums levied by insurers for such modifications shall be paid by Client in advance.
7. Upon written request by Client, Terrain shall use its best efforts to have Client named as an additional insured on the Commercial general liability and Commercial automobile liability policies described above, subject to acceptance by the insurer.

INDEMNIFICATION:

1. Within the limits of its insurance coverage as provided in this Agreement, Terrain shall indemnify and save harmless Client against any and all loss, liability and damages arising out of any claim, suit or legal proceeding to recover damages for wrongful death, bodily injury, illness or disease, or injury to, or destruction of property to the extent caused by the negligent errors or omissions or willful misconduct of Terrain, its subcontractors, agents or employees.
2. Client shall indemnify and save harmless Terrain from and against any and all loss, liability and damage arising out of any claim, suit or legal proceeding to recover damages for wrongful death, bodily injury, illness or disease, or injury to, or destruction of property, to the extent caused by or attributable to:
 - a. The negligent errors or omissions or willful misconduct of Client, its contractors, subcontractors, agents or employees.
 - b. Any hazardous substance, condition, element or material, or any combination of the foregoing, produced by Client; or emitted intentionally or unintentionally from the property on which the project is located or from the facilities to be designed; or specifically required by Client to be used or incorporated by Terrain into the work to be performed by Terrain. Terrain shall not be under any duty or obligation to investigate for the existence of such conditions, and shall not be responsible for any failure to discover such conditions.
 - c. Failure of Client to provide information or services required to be provided by Client under the terms of this Agreement or from any inaccuracy, error or omission in such information or services.
 - d. Any claim asserted by an individual Home Owner or a Homeowners' Association formed for or associated with this project or any portion of this project, except to the extent caused by the negligence of Terrain, its subcontractors, agents or employees. Client's obligation to indemnify Terrain under this clause shall include (without limitation) reimbursement to Terrain for all reasonable costs incurred in the defense of such claims, including attorneys' fees incurred in connection with any appeal of a legal action, and all reasonable settlement costs, unless Terrain is found to be negligent with respect to such claim under the dispute resolution procedures agreed to in this Agreement, upon



which finding Client shall have no duty to reimburse Terrain for any such damages or costs which are attributable to Terrain 's negligence.

CONFIDENTIALITY:

Terrain will use its best efforts and will take reasonable precautions to protect and maintain the confidentiality of any information supplied by Client during the course of this Agreement and which is identified in writing by Client as being confidential information, except to the extent that disclosure of such information to third parties is necessary in the performance of Terrain's services. This clause shall not apply to any information which is in the public domain, or which was acquired by Terrain prior to the execution of this Agreement, or obtained from third parties under no obligation to Client.

RIGHT TO SUSPEND SERVICES:

Terrain shall have the right to suspend services on this project if (a) client fails to make payments when due or otherwise is in breach of this agreement; or (b) the parties have not executed a written contract for Terrain's services and unpaid invoices have been rendered with an aggregate balance exceeding \$5,000.

AUTHORIZATION TO PROCEED:

If Terrain is authorized to commence and/or continue providing its services on the project, either verbally or in writing, prior to the full execution of a written contract, such authorization shall be deemed an acceptance of this proposal, and all such services shall be provided and compensated for in accordance with the terms and conditions contained herein as though this proposal were fully executed by the Client.

OWNERSHIP OF DOCUMENTS

Original drawings and other documents, as instruments of professional service, are the property of Terrain. None of them is to be used on other projects except by written agreement of Terrain. One reproducible set of final documents will be furnished to Client upon request.

DOCUMENTS FURNISHED IN ELECTRONIC MEDIA

Instruments of professional service provided in electronic media form, once released by Terrain, may be subject to inaccuracies, anomalies and errors due to electronic translation, formatting or interpretation. Terrain is not responsible for errors and omissions because of these conditions, nor for those resulting from conversion, modification, misinterpretation, misuse or reuse by others after electronic media is released by Terrain.

CREDITS/ACKNOWLEDGMENTS:

Terrain shall be given proper credit and acknowledgments for all services rendered including, but not limited to, planning, design and implementation. Proper credit shall be defined as being named by Client (or their agent/client) in project identification boards, published articles, promotional brochures, and similar communications.



FORCE MAJEURE:

Terrain shall not be responsible for any delay in the performance or progress of the work, or liable for any costs or damages sustained by Client resulting from such delay, caused by any act or neglect of the Client or Client's representatives, or by any third person acting as the agent, servant or employee of Client, or by changes ordered in the work, or as a result of compliance with any order or request of any federal, state or municipal government authority or any person purporting to act therefore, or by acts of declared or undeclared war or by public disorder, riot or civil commotion, or by any other cause beyond the control and without the fault or negligence of Terrain. In the event of any such delay, Terrain shall proceed with due diligence to alleviate such delay and continue the performance of all obligations under this Agreement. The time during which Terrain is delayed in the performance of the work, shall be added to the time for completion of its services to the extent such time is specified in this Agreement. All additional costs or damages resulting from any delay in the performance or progress of the work caused by any act or neglect of Client, its agents or representatives, shall be borne entirely by the Client.

LAW:

This Agreement shall be interpreted and enforced according to the laws of the State of Texas.

VALIDITY:

Should any provision herein be found or deemed to be invalid, this Agreement shall be construed as not containing such provision, and all other provisions which are otherwise lawful shall remain in full force and effect, and to this end the provisions of the Agreement are declared to be severable.

SUCCESSORS AND ASSIGNS:

It is mutually understood and agreed that this Agreement shall be binding upon Client and its successors and assigns and upon Terrain, its successors and assigns. Neither party shall assign nor transfer its interest in this Agreement or any part thereof without the written consent of the other party.

TERMINATION:

It is understood that these services may be terminated upon 10 days written notice for good reason by either party. In this event, Terrain shall be compensated for all work performed prior to date of termination at the rates set forth above.

REVOCATION:

This proposal shall be considered revoked if acceptance is not received within 90 days of the date hereof.

ENTIRE AGREEMENT:

This Agreement supersedes any and all other agreements, either oral or in writing, between the parties with respect to the subject matter herein. Each party to this Agreement acknowledges that no representations, by any party which are not embodied herein and that no other agreement, statement or promise not contained in this Agreement shall be valid and binding. Any modification of this Agreement will be effective only if it is in writing signed by the parties.



APPENDIX B - SCOPE OF WORK

Prototype Bellaire Intersection - Pilot Project

(Terrain Job Number COB1602)



Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 10/17/16 06:00 PM
Department: Development Services
Category: Amendment
Department Head: John McDonald
DOC ID: 2020

**SCHEDULED
ACTION ITEM (ID # 2020)**

Item Title:

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 24, Planning and Zoning, Section 24-544, Technical Research Park District (TRPD), of the Code of Ordinances, for the purpose of reducing the number of permitted uses by right, to create a new subsection for specific uses, and to include a requirement for site plan reviews on all specific use permit applications - Submitted by John McDonald, Director of Development Services, on behalf of the Planning and Zoning Commission of the City of Bellaire, Texas.

Background/Summary:

The public hearing for this item is scheduled for earlier in the evening.

The ordinance with the new language for Sec. 24-544, Technical Research Park District (TRPD) is attached.

The Planning and Zoning Commission is beginning the work necessary to amend the Comprehensive Plan and Future Land Use Map to ensure future development of this site is consistent with the long-term goals of the plan and the City.

Recommendation:

The Director of Development Services supports the recommendation of the Planning and Zoning Commission to amend the Code of Ordinances as proposed

ATTACHMENTS:

- ORD - Chapter 24 - Sec. 24-544, TRP 2016 October (DOCX)



ORDINANCE NO. 16-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF BELLAIRE, TEXAS ("CITY CODE"), CHAPTER 24, PLANNING AND ZONING, ARTICLE V, ZONING REGULATIONS, BY REPEALING AND REPLACING SECTION 24-544, TECHNICAL RESEARCH PARK DISTRICT (TRPD), FOR THE PURPOSE OF REDUCING THE NUMBER OF PERMITTED USES BY RIGHT, TO CREATE A NEW SUBSECTION FOR SPECIFIC USES, AND TO INCLUDE A REQUIREMENT FOR SITE PLAN REVIEWS ON ALL SPECIFIC USE PERMIT APPLICATIONS.

WHEREAS, the City Council of the City of Bellaire, Texas ("City Council"), after duly giving notice as required by law, held a public hearing on the 17th day of October, 2016, at 6:00 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, for the purpose of hearing any and all persons desiring to be heard on or in connection with any matter or question involving the repeal and replacement of Section 24-544, Technical Research Park District (TRPD), of Chapter 24, Planning and Zoning, of the City Code;

WHEREAS, the Planning and Zoning Commission of the City of Bellaire, Texas ("Planning and Zoning Commission"), did, by memorandum dated September 15, 2016, from Dirk Stiggins, Vice-Chairman of the Planning and Zoning Commission, recommend the repeal and replacement of Section 24-544, Technical Research Park District (TRPD), within Chapter 24, Planning and Zoning, of the City Code; and

WHEREAS, the City Council has duly received the memorandum of recommendation of the Planning and Zoning Commission and hereby accepts such recommendation; **NOW, THEREFORE**,

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

Section 1. THAT Chapter 24, Planning and Zoning, of the Code of Ordinances of the City of Bellaire, Texas ("City Code") is hereby amended as follows: Section 24-544, Technical Research Park District (TRPD), is repealed and replaced in its

entirety; said revised City Code shall read as set out in Appendix "A" attached hereto. All other portions of Chapter 24, Planning and Zoning, of the City Code not specifically amended, deleted, added and/or revised hereby shall remain in full force and effect.

Section 2. THAT all ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of conflict only.

Section 3. THAT if any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section, or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

Section 4. THAT the City Council officially finds, determines, and declares that a sufficient written notice of the date, hour, place, and subject of each meeting at which this Ordinance was discussed, considered, or acted upon was given in the manner required by the *Texas Open Meetings Act*, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration, and action. The City Council ratifies, approves, and confirms such notices and the contents and posting thereof.

Section 5. THAT this Ordinance shall be effective immediately upon its adoption by the City Council.

PASSED, APPROVED, and ADOPTED this 17th day of October, 2016.

(SEAL)

ATTEST:

SIGNED:

Tracy L. Dutton, TRMC
City Clerk

Andrew S. Friedberg
Mayor

APPROVED AS TO FORM:

Ord. No. 16-__

Alan P. Petrov
City Attorney

Attachment: ORD - Chapter 24 - Sec. 24-544, TRP 2016 October (2020 : Consideration-TRP Zoning District)



**APPENDIX A
TO
ORDINANCE NO. 16-____
(ATTACHED)**

Appendix A

Sec. 24-544. – Technical Research Park District (TRPD)

- A. Purpose. The Technical Research Park District is an area of high quality office use, including technical laboratory, computer center, engineering/operations and research facility uses, which is in close proximity to Interstate highway Loop 610 and is characterized by the zoning requirements set forth in this Section.
- B. Permitted Uses.
 - 1) Public Parks.
 - 2) Utilities:
 - a) Local utility distribution lines;
 - b) Telephone lines and related cross connecting points.
 - 3) Accessory Uses, subject to the requirements of Section 24-510.
 - 4) Facilities owned and maintained by the City.
- C. Specific Uses:
 - 1) Churches.
 - 2) Schools.
 - 3) Office buildings.
 - 4) Parking structures and parking lots (private).
 - 5) Central plant including electrical generating facility (private).
 - 6) Automobile service station.
 - 7) Radio, television and microwave antenna or tower.
 - 8) Technical research laboratories.
 - 9) Computer operations.
- D. Standard Regulations.
 - 1) Size and area.
 - a) Lot area: The minimum lot area shall be two (2) acres.
 - b) Maximum building height: No building, except those buildings and their appurtenances existing as of November 1, 1983, shall have a height in excess of six (6) stories (excluding cooling towers, roof gables, chimneys, radio and television antennas, vent stacks and similar extensions which may extend for an additional height, the total not to exceed eighty-four (84) feet. A greater height may be permitted in the granting of a specific use amendment for radio, television and microwave antenna or tower.
 - c) Maximum floor area to site area: 100 percent of site area.
 - d) Building lines (except those buildings and their appurtenances existing as of November 1, 1983):

1. No building shall be constructed less than fifty (50) feet from the right-of-way line of the abutting Interstate Highway Loop 610 Service Road;
 2. All other building lines shall be computed on the basis of a ratio of .84 foot of building height per one (1) foot of distance between said building lines and the nearest point on a lot zoned residential or in residential use that is outside of the district and existing on the date said district is established by ordinance.
- e) Maximum site coverage: 75 percent of site area.
- f) Site plan review required: All specific use applications in this district require site plan review and approval to ensure conformance with the standards for this district and other applicable provisions of the City Code. Applicants shall satisfy all application and submittal requirements for the site plan review itemized in Section 24-524.
- 2) [Deleted.]
- 3) Screening. Shall comply with Section 24-513.
- 4) Outdoor lighting. All outdoor lighting shall be located, screened or shielded so that adjacent residential lots or structures are not directly illuminated.

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 10/17/16 06:00 PM
Department: Public Works
Category: Change Order
Department Head: Brant Gary
DOC ID: 2050

**SCHEDULED
ORDINANCE (ID # 2050)**

Item Title:

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing a change order to the FY 2015 Pavement Management Project Contract with AAA Asphalt in an amount not to exceed \$220,000.00 - Submitted by Brant Gary, Director of Public Works.

Background/Summary:

The City of Bellaire has made a strong commitment to improving and maintaining the City's roadways and sidewalks. The continuous funding of the Pavement Management Program is evidence of this commitment.

The Original FY 2015 Contract was awarded to AAA Asphalt for \$1,090,115 and included the removal and replacement of sections of distressed street and sidewalk pavement, curbs, and gutters. The work under this original scope has been completed and there is approximately \$115,000 in contract capacity remaining on this contract. This capacity exists because the actual amount of point repairs estimated and bid is less than what was actually required.

The Public Works Department and the City Engineer have identified numerous areas still in need of maintenance. The City conducted a city-wide Block Inspection Program last year and identified many items in need of repair or replacement. Additionally, the City Engineer, through a Storm Drainage Maintenance Needs Assessment, has identified additional areas in need of repair or replacement.

The Public Works Department proposes increasing the total contract amount by \$220,000.00. The \$220,000 in additional contract authority, plus the \$115,000.00 in the original scope provides for additional work to be completed in the amount of \$335,000.

Previous Council Action Summary:

November 13, 2014 - Council approved Ordinance # 14-061, awarding the FY 2014 Pavement Management Project to AAA Asphalt for a total of \$2,177,160.

March 21, 2016 - Council approved Ordinance # 16-017, authorizing final payment to for work related to the FY 2014 Pavement Management Project.

November 2, 2015 - Council approved Ordinance # 15-068, awarding the FY 2015 Pavement Management Project to AAA Asphalt for a total \$1,090,115.

Fiscal Impact:

Funding for this change order will come from the CIP allocation for the FY 2014 Pavement Management Project.

- FY 2014 Pavement Management Project Remaining Funding = \$220,000
- FY 2015 Pavement Management Project Remaining Funding = \$115,000

Total Funding Available = \$335,000

Recommendation:

The Public Works Department is requesting approval of a Change Order to the FY 2015 Pavement Management contract with AAA Asphalt in the amount of \$220,000.

ATTACHMENTS:

- Change Order Presentation (PDF)
- Ordinance - FY 2015 Pavement Management Change Order with AAA (DOC)
- Change Order No. 2 (PDF)

FY 2015 Pavement Management Change Order



PRESENTED BY BRANT GARY
OCTOBER 17, 2016



FY 2015 Pavement Management Project



- **Project History**

- Project was intended to remove and replacement of sections of distressed street and sidewalk pavement, curbs, and gutters.
- Contract was awarded to AAA Asphalt on November 2, 2015

FY 2015 Pavement Management Project



- **Areas Completed by Project to Date**

- **Street Repairs by block:**

- ✦ 5300-5400 Pine, 4800-4900 and 5300 Braeburn, 5300 Holly, 5200 Mimosa, 5200 Chestnut, 4300 Lafayette, and 2nd Street (Bellaire to Bissonnet)

- **Sidewalk Repairs by block:**

- ✦ 100 Boulevard Green, 4700 Glenmont, 100 Pin Oaks Estates Dr, 100 Pin Oak Estates Ct, 5200 Pine, 4500 Pine, 900 Block Wildwood, 4500 Wedgewood, 5600 Innsbruck, 5600 St. Moritz, 5600 St. Paul, 4500 Geneva

FY 2015 Pavement Management Project



- Existing Line Items for Change Order/Additional Work
\$115,000:
 - Asphalt Street Repairs
 - Concrete Street Point Repairs
 - Sidewalk Repairs
 - Curb Repairs
- Line Items Added to Scope Via Change Order
\$220,000:
 - Construction of items identified by the City that includes but is not limited to:
 - Curb replacement
 - Pavement point repairs
 - Storm sewer point repairs
 - Inlet replacement
 - Storm sewer cleaning
 - Street signage repairs

FY 2015 Pavement Management Project



- **Locations for Change Order/Additional Work From**
 - Initial Block Inspections
 - A Field Drainage Assessment Conducted to Evaluate 20 Locations Identified for Maintenance Evaluation
 - ✦ Primarily From Repeat Resident Contacts

Funding Sources for Proposed Change Order & Additional Work



- **FY14 Pavement Management Construction Project**
 - Contract = \$2,117,160
 - YTD = \$1,947,282
 - Ending Balance= \$259,046 (Closed Out by Council on 3/21/16)

- **FY15 Pavement Management Construction Project**
 - Contract = \$1,090,115
 - YTD = \$975,000
 - Remaining Contract Capacity= \$115,115

Contract Funding



Additional Contract Funding*
\$220,000

Remaining Contract Amount
\$115,000

Work Completed to Date
\$975,000

\$1,310,115

\$1,090,115

* Subject to Council Approval

Change Order Funding & Expenditures



Project Name	Remaining Funding
FY 2014 Pavement Mgmt. Project Contract	\$259,000
FY 2015 Pavement Mgmt. Project Contract	\$115,000
TOTAL REMAINING FUNDING	\$374,000

Project Name	Planned Expenditures
FY 2015 Pavement Mgmt. Project Contract Continuation	\$115,000
FY 2015 Pavement Mgmt. Project Change Order	\$220,00
FY 15 Pavement Mgmt. Project Change Order Engineering Work (As Needed)	\$30,000
TOTAL POTENTIAL EXPENDITURES	\$365,000

Identified Items

(To Be Addressed By Change Order/Additional Work)



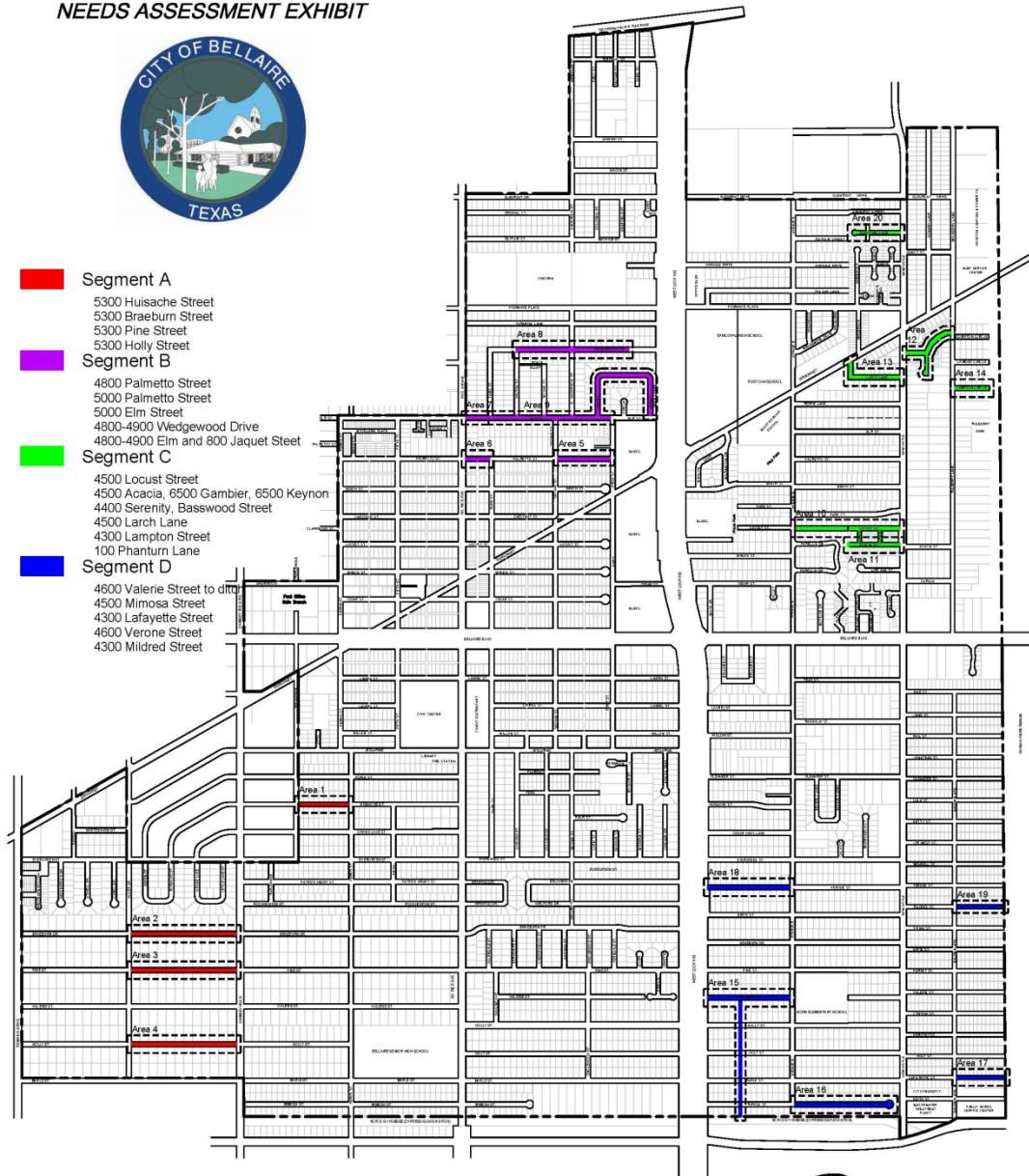
Observed Issue	Qty.
Field Drainage Assessment Items	20
Sidewalk Repair (20 l.f. ea.)	132
Street Point Repair	11
Cracked/Damaged Inlet	88
Damaged/Missing Curb (5 l.f. ea.)	2,394
Total Observed Issues:	2,645

- Identified funding sources of \$335,000 would cover about half of these items.
- A priority will be placed on drainage-related items
- Locations will be prioritized and reviewed for possible conflicts with other pending and active projects.

STORM DRAINAGE MAINTENANCE
NEEDS ASSESSMENT EXHIBIT



- Segment A**
5300 Huisache Street
5300 Braeburn Street
5300 Pine Street
5300 Holly Street
- Segment B**
4800 Palmetto Street
5000 Palmetto Street
5000 Elm Street
4800-4900 Wedgewood Drive
4800-4900 Elm and 800 Jaquet Steet
- Segment C**
4500 Locust Street
4500 Acacia, 6500 Gambier, 6500 Keynon
4400 Serenity, Basswood Street
4500 Larch Lane
4300 Lampton Street
100 Phantom Lane
- Segment D**
4600 Valerie Street to ditor
4500 Mimosa Street
4300 Lafayette Street
4600 Verone Street
4300 Mildred Street





7322 Southwest Freeway, Suite 1040 • Houston, Texas 77074
(713) 400-2755 • www.arkkengineers.com • TX PE Firm No. 13872

SEPTEMBER 2016





FY 2015 Streets and Sidewalk Project

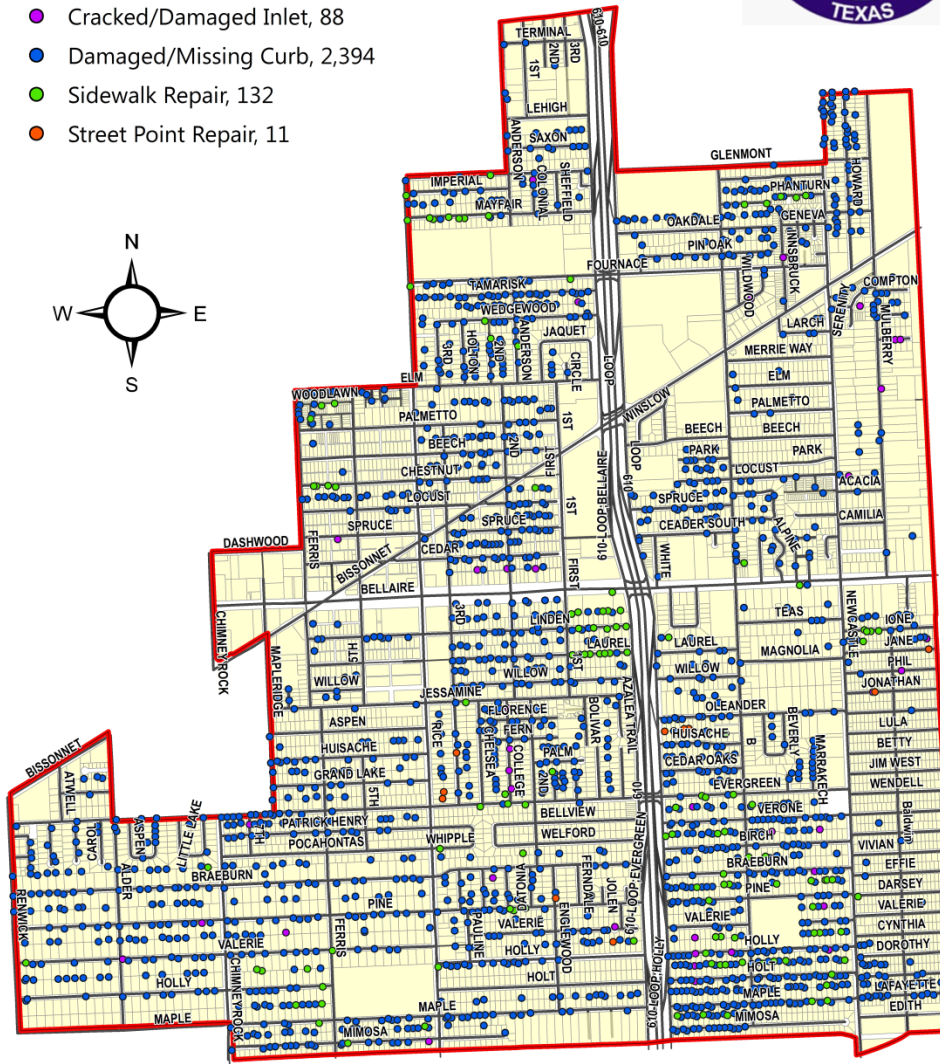
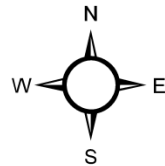
 City Limits

 Parcels

 Streets

Block Inspection Program, Quantity

-  Cracked/Damaged Inlet, 88
-  Damaged/Missing Curb, 2,394
-  Sidewalk Repair, 132
-  Street Point Repair, 11



Identified Items

(Not Addressed By Change Order/Additional Work)



Observed Issue	Qty.	Observed Issue	Qty.
Manhole Cover Wording/Label	146	Drainage Inlet-Cleaning	46
Curb & Gutter-Cleaning	9	Drainage Inlet-Lid Surface	17
Curb & Gutter-Bird Bath	1,210	Drainage Inlet-Pollution Decal	444
Driveway-Bird Bath	376	Wastewater Cleanout-Caps	48
Traffic Sign Pole Issues	206	Water Meter Issues	373
Traffic Signage Issues	164	Tree or Vegetation-Clearance	776
Fire Hydrant-Color	6	TOTAL OBSERVED ISSUES	3,821

- These are in addition to items identified for the FY15 PMP Change Order.
- There were 6,215 items identified from the initial Block Inspections and the Field Drainage Assessment.
- To be addressed via internal PW crews & other contracted maintenance.
- There is currently no timetable for completion.



ORDINANCE NO. 16-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, APPROVING A CHANGE ORDER TO A CONTRACT AND AGREEMENT FOR CONSTRUCTION SERVICES BY AND BETWEEN AAA ASPHALT, AND THE CITY OF BELLAIRE, TEXAS, FOR CONSTRUCTION SERVICES ASSOCIATED WITH THE FY 2015 PAVEMENT MANAGEMENT PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF BELLAIRE, TEXAS, TO EXECUTE, FOR AND ON BEHALF OF THE CITY OF BELLAIRE, TEXAS, A CHANGE ORDER PROPOSAL WITH AAA ASPHALT FOR ADDITIONAL CONSTRUCTION SERVICES.

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

WHEREAS, the City Council of the City of Bellaire, Texas, heretofore previously entered into a Contract and Agreement for Construction Services (the "Contract") with AAA Asphalt. {"AAA"}, on November 2, 2014, for construction services associated with the FY 2015 Pavement Management Project (the "Project") in an amount not to exceed \$1,090,115.00 (Ordinance No. 15-068); and

WHEREAS, the scope of the Project has been increased by the City since that time requiring additional construction services; and

WHEREAS, the City has proposed that the Contract should be increased in the amount of \$220,000.00 for said additional construction services and a change order proposal for such purpose, in a form as attached hereto and marked Exhibit "A";

WHEREAS, the City Council of the City of Bellaire, Texas, has determined that it is in the best interest of the City of Bellaire, Texas, to enter into said contract amendment proposal with AAA; **NOW, THEREFORE**,

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

1. The recitals set forth hereinabove are true and correct.
2. The City Council of the City of Bellaire, Texas, hereby approves the change order proposal, in a form as attached hereto and marked Exhibit "A," for an increase in the amount of \$220,000.00 to the Contract for construction services associated with the Project.
3. The Mayor of the City of Bellaire, Texas, is hereby authorized to execute, for and on behalf of the City of Bellaire, Texas, said change order proposal with AAA.
4. Upon execution of said contract amendment proposal, the total amount paid to AAA for construction services associated with the Project will equal \$1,310,115.00.

PASSED and **APPROVED** this 10st 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 OF BELLAIRE

CHANGE ORDER

CHANGE ORDER NO. 2

PROJECT: FY2015 Street & Sidewalk Pavement Management Project
 PURCHASE ORDER NO. _____ PROJECT NO.: 14-039
 TO: AAA Asphalt Paving, Inc.
 Contractor and 10526 Tanner Road
 Address for Written Notice Houston, Texas 77041

ATTACHEMENTS: A

1.01 DESCRIPTION OF CHANGES
SCOPE

Construction of items identified by the City that includes but is not limited to curb replacement, pavement point repairs, storm sewer point repairs, inlet replacement, storm sewer cleaning, & street signage repairs.

CONTRACT CHANGE
AMOUNT TIME

\$ 220,000.00 180

JUSTIFICATION

The City recently completed a block inspection report in conjunction with a storm sewer assessment report. As part of this report, a list of items were identified that will be addressed as part of this change order.

TOTALS **\$ 220,000.00** **180**

PROJECT SUMMARY**1.02 CONTRACT PRICE SUMMARY****DOLLAR AMOUNT PERCENT**

A.	Original Contract Price	\$ 1,090,115.00	100.00%
B.	Previous Change Orders	\$0.00	0.00%
C.	This Change Order	\$ 220,000.00	20.18%
D.	Final Contract Price	\$1,310,115.00	20.18%

1.03 CONTRACT TIME SUMMARY**DURATION****COMPLETION DATE**

A.	Original Contract Time	240 DAYS	September 6, 2016
B.	Previous Change Orders	60 DAYS	November 5, 2016
C.	This Change Order	180 DAYS	May 4, 2017
D.	Contract Time	480 DAYS	May 4, 2017

1.04 ACCEPTANCE BY CONTRACTOR

Contractor agrees to perform change(s) included in this Change Order for the price and time indicated. The prices for changes include all costs associated with this Change Order.

 Contractor Signature and Title

 Date

Attachment: Change Order No. 2 (2050 : FY 2015 Pavement Management Project Recap and Change Order)

1.05 ACCEPTANCE BY THE CITY OF BELLAIRE

City Engineer

Date

City of Bellaire

Date

END OF DOCUMENT

Attachment: Change Order No. 2 (2050 : FY 2015 Pavement Management Project Recap and Change Order)