

CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

NOVEMBER 21, 2016

Council Chamber	Regular Session	6:30 PM
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7008 S. RICE AVENUE
BELLAIRE, TX 77401



Mayor

Andrew S. Friedberg

Mayor Pro Tem

Roman F. Reed

Council Member

Gus E. Pappas

Council Member

Michael Fife

Council Member

Trisha S. Pollard

Council Member

Pat B. McLaughlan

Council Member

David R. Montague

Mission Statement:

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

REGULAR SESSION - 6:30 P.M.

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

B. Inspirational Reading and/or Invocation - Michael Fife, Council Member.

C. Pledges of Allegiance - Michael Fife, Council Member.

1. U.S. Pledge of Allegiance:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

2. Pledge to the Texas Flag:

Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

D. Official Canvass of Special Election:

1. Tabulation of Votes:

Tabulation of the total number of votes received in each precinct (128, 182, 214, 215, and 268) and the sum of the precinct totals cast in the City of Bellaire, Texas, Special Election held on the 8th day of November, 2016, authorizing the issuance of bonds for the purpose of providing funds for: 1) streets, drainage and sidewalk improvements; 2) the construction of new municipal buildings (City Hall/Civic Center and Police/Courts Building); and 3) water and wastewater improvements - Tabulation to be read by Tracy L. Dutton, City Clerk, and Paul A. Hofmann, City Manager; tabulation prepared by the Elections Division of Harris County Clerk Stan Stanart's Office - Submitted by Tracy L. Dutton, City Clerk.

2. Adoption of Ordinance Canvassing Returns and Declaring Results:

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, canvassing the returns and declaring the results of a Special Election held on the 8th day of November, 2016, for the issuance of general obligation tax bonds for the purpose of providing funds for: 1) streets, drainage and sidewalk improvements; 2) the construction of new municipal buildings (City Hall/Civic Center and Police/Courts Building); and 3) water and wastewater improvements - Submitted by Tracy L. Dutton, City Clerk.

E. 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.]

F. Reports and Presentations:

1. City Manager's Report regarding communication, field and personnel updates, calendar reminders, and notes of appreciation - Submitted by Paul A. Hofmann, City Manager.
2. Presentation of the FY 2016 Fourth Quarter Report for the City of Bellaire, Texas - Submitted by Diane K. White, Assistant City Manager.
3. Presentation of the Bonds for Better Bellaire 2016 Program Implementation Schedule - Submitted by Paul A. Hofmann, City Manager.

G. New Business:

1. Consent Agenda:

a. Adoption of Minutes:

Consideration of and possible action on the adoption of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, October 17, 2016 - Submitted by Tracy L. Dutton, City Clerk.

Mayor and Council - Regular Session - Oct 17, 2016 6:00 PM

b. Adoption of Ordinances:

- i. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing a change in the date of the first Regular Session of the City Council of the City of Bellaire, Texas, in July of 2017 from Monday, July 3, 2017, to Monday, July 10, 2017 - Submitted by Tracy L. Dutton, City Clerk.
- ii. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute, and Public Works Director to acknowledge, an Interlocal Agreement with Harris County, Texas, for the administration and implementation by Harris County, Texas, of a regional watershed protection education program on storm water quality impacts in the amount of \$8,933.15 for a term of one year commencing upon the execution of said agreement by Harris County, Texas - Submitted by Brant Gary, Director of Public Works.

- iii. Consideration of and possible action on a request from the Bellaire Police Department for City Council's approval to purchase six (6) vehicles as funded in the FY2017 budget and on the adoption of an ordinance of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute any and all necessary documentation associated with the purchase of two (2) assigned unmarked vehicles from Caldwell Country Chevrolet in the amount of \$69,764.00 and two (2) fleet patrol vehicles and two (2) assigned patrol vehicles from Sam Pack's Five Star Ford in the amount of \$136,200.00 - Submitted by Byron Holloway, Chief of Police.

2. Natural Gas Franchise Agreement:

First of Three Readings (Article XI, Franchises and Public Utilities, Sec. 2 - Franchises; Power of Council, Charter of the City of Bellaire, Texas, as amended November 7, 2006):

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, granting to CenterPoint Energy Texas Gas Operations, the right, privilege and franchise to construct, install, extend, remove, replace, abandon, operate and maintain its facilities within the public rights-of-way of the City of Bellaire, Texas, for the transportation, delivery, sale and distribution of natural gas; containing other provisions relating to the foregoing subject; providing for severability and providing an effective date 60 days after its final passage - Submitted by Terrence Beaman, Chief Financial Officer.

H. 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.

I. Adjourn.

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 11/21/16 06:30 PM
Department: City Manager's Office
Category: Report
Department Head: Tracy L. Dutton
DOC ID: 2064

**SCHEDULED
INFORMATION ITEM (ID
2064)**

Item Title:

Tabulation of the total number of votes received in each precinct (128, 182, 214, 215, and 268) and the sum of the precinct totals cast in the City of Bellaire, Texas, Special Election held on the 8th day of November, 2016, authorizing the issuance of bonds for the purpose of providing funds for: 1) streets, drainage and sidewalk improvements; 2) the construction of new municipal buildings (City Hall/Civic Center and Police/Courts Building); and 3) water and wastewater improvements - Tabulation to be read by Tracy L. Dutton, City Clerk, and Paul A. Hofmann, City Manager; tabulation prepared by the Elections Division of Harris County Clerk Stan Stanart's Office - Submitted by Tracy L. Dutton, City Clerk.

Background/Summary:

The City of Bellaire, Texas ("City"), held a Special Election on Tuesday, November 8, 2016, to seek authorization from our resident electors as to whether the City should issue general obligation tax bonds for the purpose of providing funds for: 1) streets, drainage and sidewalk improvements; 2) the construction of new municipal buildings (City Hall/Civic Center and Police/Courts Building); and 3) water and wastewater improvements. As you know, preliminary unofficial tabulation reports indicate that all three of the bond propositions were approved.

During this past week, the Election Division of the Harris County Clerk's Office has been working on official tabulation results, which may differ from the unofficial tabulation results by including, for example, overseas ballots (if applicable) and provisional ballots, if approved by the Harris County Voter-Registrar.

The Harris County Commissioners Court will conduct their canvass of the November 8, 2016, General and Special Election at 2:00 p.m. on Friday, November 18, 2016. The Harris County Clerk's Office has advised that all other entities that conducted elections jointly with them can pick up their official canvass reports after 2:00 p.m. on Friday, November 18, 2016. Complete copies of the official canvass reports will be made available at the dais.

The City will conduct our canvass of the Special Election at 6:30 p.m. on Monday, November 21, 2016. According to the Texas Election Code, Chapter 67, Canvassing Elections, Section 67.004, Procedure for the local canvass, the canvass is the official tabulation of all of the ballots cast and votes received in each precinct for early voting and on Election Day, and the sum of the precinct totals for the three bond propositions. The City Clerk and City Manager will read the official tabulation results aloud that evening.

Previous Council Action Summary:

The last official canvass of the City was on November 16, 2015, for the November 3rd General and Special Elections held for the purpose of electing a Mayor, Councilman - Position No. 2, Councilman - Position No. 4, Councilman - Position No. 6, and Councilman - Position No. 5.

Fiscal Impact:

N/A

Recommendation:

No action required.

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 11/21/16 06:30 PM
Department: City Clerk
Category: Ordinance
Department Head: Tracy L. Dutton
DOC ID: 2087

**SCHEDULED
ORDINANCE (ID # 2087)**

Item Title:

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, canvassing the returns and declaring the results of a Special Election held on the 8th day of November, 2016, for the issuance of general obligation tax bonds for the purpose of providing funds for: 1) streets, drainage and sidewalk improvements; 2) the construction of new municipal buildings (City Hall/Civic Center and Police/Courts Building); and 3) water and wastewater improvements - Submitted by Tracy L. Dutton, City Clerk.

Background/Summary:

Following the public reading of the tabulation of the total number of votes received in each precinct (128, 182, 214, 215, and 268), the sum of the precinct totals tabulated, and the total number of voters who cast a ballot for or against a measure in the City of Bellaire, Texas, Special Election held on November 8, 2016, for the issuance of general obligation tax bonds for the purpose of providing funds for 1) streets, drainage and sidewalk improvements, 2) the construction of new municipal buildings (City Hall/Civic Center and Police/Courts Building), and 3) water and wastewater improvements, City Council will be asked to take action on the adoption of an ordinance declaring those results.

An ordinance has been prepared for this purpose and is attached hereto. The ordinance cannot be completed until the City receives its official canvass reports from the Elections Division of the Harris County Clerk's Office after 2:00 p.m. on Friday, November 18, 2016. A completed ordinance will be provided at the dais.

Previous Council Action Summary:

N/A

Fiscal Impact:

N/A

Recommendation:

The City Clerk recommends adoption of the ordinance, once completed, canvassing the returns and declaring the results of the Special Election held on November 8, 2016.

ATTACHMENTS:

- Canvass Election (Special Election) - November 8, 2016 (RTF)



ORDINANCE NO. 16-_____

AN ORDINANCE CANVASSING RETURNS AND DECLARING THE RESULTS OF A SPECIAL ELECTION HELD NOVEMBER 8, 2016, FOR AND WITHIN THE CITY OF BELLAIRE, TEXAS, FOR THE ISSUANCE OF GENERAL OBLIGATION TAX BONDS FOR THE PURPOSE OF PROVIDING FUNDS FOR 1) STREETS, DRAINAGE AND SIDEWALK IMPROVEMENTS; 2) THE CONSTRUCTION OF NEW MUNICIPAL BUILDINGS (CITY HALL/CIVIC CENTER AND POLICE/COURTS BUILDING); AND 3) WATER AND WASTEWATER IMPROVEMENTS.

WHEREAS, on November 8, 2016, a Special Election was held for and within the City of Bellaire, Texas, pursuant to Ordinance No. 16-046, duly adopted and unanimously approved on the 15th day of August, 2016, for the purpose of submitting certain propositions to the resident electors of the City of Bellaire, Texas, for the issuance of general obligation tax bonds for the purpose of providing funds for 1) streets, drainage and sidewalk improvements; 2) the construction of new municipal facilities (City Hall/Civic Center and Police/Courts Building); and 3) water and wastewater improvements; and

WHEREAS, it is hereby found and determined that notice of the Special Election was duly given in the form, manner, and time required by law, and was in all respects legally held and conducted in accordance with applicable laws of the State of Texas and the proceedings calling and governing the holding of such Special Election; and

WHEREAS, the propositions submitted to the resident electors of the City of Bellaire, Texas, for the issuance of general obligation tax bonds for the purpose of providing funds for 1) streets, drainage and sidewalk improvements; 2) the construction of new municipal facilities (City Hall/Civic Center and Police/Courts Building); and 3) water and wastewater improvements were set forth on the ballot in substantially the following form:

PROPOSITION ONE

_____ FOR THE ISSUANCE OF \$ 24,000,000 IN
BONDS FOR STREETS, DRAINAGE AND
SIDEWALK IMPROVEMENTS

_____ AGAINST

PROPOSITION TWO

_____ FOR THE ISSUANCE OF \$ 5,600,000 IN
BONDS FOR CONSTRUCTION OF
MUNICIPAL BUILDINGS; TO WIT, CITY
HALL/CIVIC CENTER AND
POLICE/COURTS BUILDING

_____ AGAINST

PROPOSITION THREE

_____ FOR THE ISSUANCE OF \$ 24,380,000 IN
BONDS FOR WATER AND WASTEWATER
IMPROVEMENTS

_____ AGAINST

WHEREAS, the presiding judge has tallied the votes of the Special Election and has provided the results of the Special Election to the City Council of the City of Bellaire, Texas; **NOW, THEREFORE**,

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

1. THAT the recitals contained herein are true and correct.

2. THAT the presiding judge has delivered the returns for each precinct as prescribed by *Section 66.053(c), Texas Election Code*.

3. THAT _____* votes were cast during early voting (ballots voted by mail and voted early by personal appearance) in the Special Election as follows:

Measure	Precinct 0128	Precinct 0182	Precinct 0214	Precinct 0215	Precinct 0268	Totals
Proposition One:						

For						
Against						
Measure	Precinct 0128	Precinct 0182	Precinct 0213	Precinct 0215	Precinct 0268	Totals
Proposition Two:						
For						
Against						
Proposition Three:						
For						
Against						

*The difference in the total number of ballots cast (_____) versus the number of votes cast during early voting resulted in under votes as follows: ____ in the Proposition One measure, ____ in the Proposition Two measure, and ____ in the Proposition Three measure.

4. **THAT** _____* votes were cast during Election Day in the Special Election as follows:

Measure	Precinct 0128	Precinct 0182	Precinct 0214	Precinct 0215	Precinct 0268	Totals
Proposition One:						
For						
Against						
Proposition Two:						
For						
Against						
Proposition Three:						
For						
Against						

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*The difference in the total number of ballots cast (____) versus the number of votes cast during Election Day resulted in under votes as follows: ____ in the Proposition One measure, ____ in the Proposition Two measure, and ____ in the Proposition Three measure.

5. THAT a total number of ____ ballots were cast during early voting and on Election Day in the Special Election as follows:

Proposition One:

For
Against
Under Votes

Proposition Two:

For
Against
Under Votes

Proposition Three:

For
Against
Under Votes

6. THAT the City Council of the City of Bellaire, Texas, has examined the return sheet as certified by the presiding judge and finds no irregularities in the return sheet. A copy of the return sheet is attached hereto as Exhibit "A."

7. THAT the Special Election was held in conformity with the provisions of the *Texas Election Code*.

8. THAT this Ordinance shall be preserved in the permanent records of the City of Bellaire, Texas.

PASSED, APPROVED, and ADOPTED this 21st day of November, 2016.

(SEAL)

ATTEST:

SIGNED:

Tracy L. Dutton, TRMC
City Clerk
APPROVED AS TO FORM:

Andrew S. Friedberg
Mayor

Alan P. Petrov
City Attorney

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 11/21/16 06:30 PM
Department: City Manager's Office
Category: Presentation
Department Head: Paul A. Hofmann
DOC ID: 1928

**SCHEDULED
ACTION ITEM (ID # 1928)**

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: 11/21/16 06:30 PM
Department: City Manager's Office
Category: Presentation
Department Head: Diane K White
DOC ID: 1832

**SCHEDULED
ACTION ITEM (ID # 1832)**

Item Title:

Presentation of the FY 2016 Fourth Quarter Report for the City of Bellaire, Texas - Submitted by Diane K. White, Assistant City Manager.

Background/Summary:

The fourth quarter report reflects the twelve months ending September 30, 2016. The report compares the year end actuals to budget as well as taking into account what was projected in July with the presentation of the Proposed FY 2017 budget, which was later adopted with said projections on September 19, 2016.

The next report for FY 2016 will be the Comprehensive Financial Report for the year end to be presented in the Spring.

The general fund ended FY 2016 with a fund balance of \$4,901,070. This is \$1,021,804 greater than budgeted. The FY 2016 budgeted beginning balance is understated by \$428,709 due to FY 2015 savings. FY 2016 actual revenues are greater than budget by \$56,750, and FY 2016 expenditures are less than budgeted by \$536,265.

By comparison, the FY 2017 budgeted beginning balance will be understated by \$222,464 due to FY 2016 savings. This is a one-time source not yet appropriated. The recommended use is to off-set the projected deficit of the 60-day fund balance requirement in the general fund.

The Enterprise Fund ended FY 2016 with a fund balance of \$1,576,203. This is \$465,794 greater than budgeted. The FY 2016 budgeted beginning balance is understated by \$585,788 due to FY 2015 savings. FY 2016 actual revenues are less than budget by \$491,139 and FY 2016 expenses are less than budget by \$371,145.

By comparison, the FY 2017 budgeted beginning balance will be understated by \$131,876 due to FY 2016 savings. This is a one-time source not yet appropriated. The recommended use is to supplement the ending balance that was temporarily reduced to 30 days with the implementation of new water rates.

There were 33 Council agenda items related to capital projects and 7 related to management projects. A summary of the status of the capital projects will be given during this presentation.

Previous Council Action Summary:

N/A

Fiscal Impact:

N/A

Recommendation:

Provide feedback and accept the report

Previous Council Action Summary:

N/A

Fiscal Impact:

N/A

Recommendation:

Provide feedback and accept the report

ATTACHMENTS:

- FY2016 4th Quarter Report (PDF)



City of Bellaire

FY 2016 Fourth Quarter Report

July 2016 – September 2016

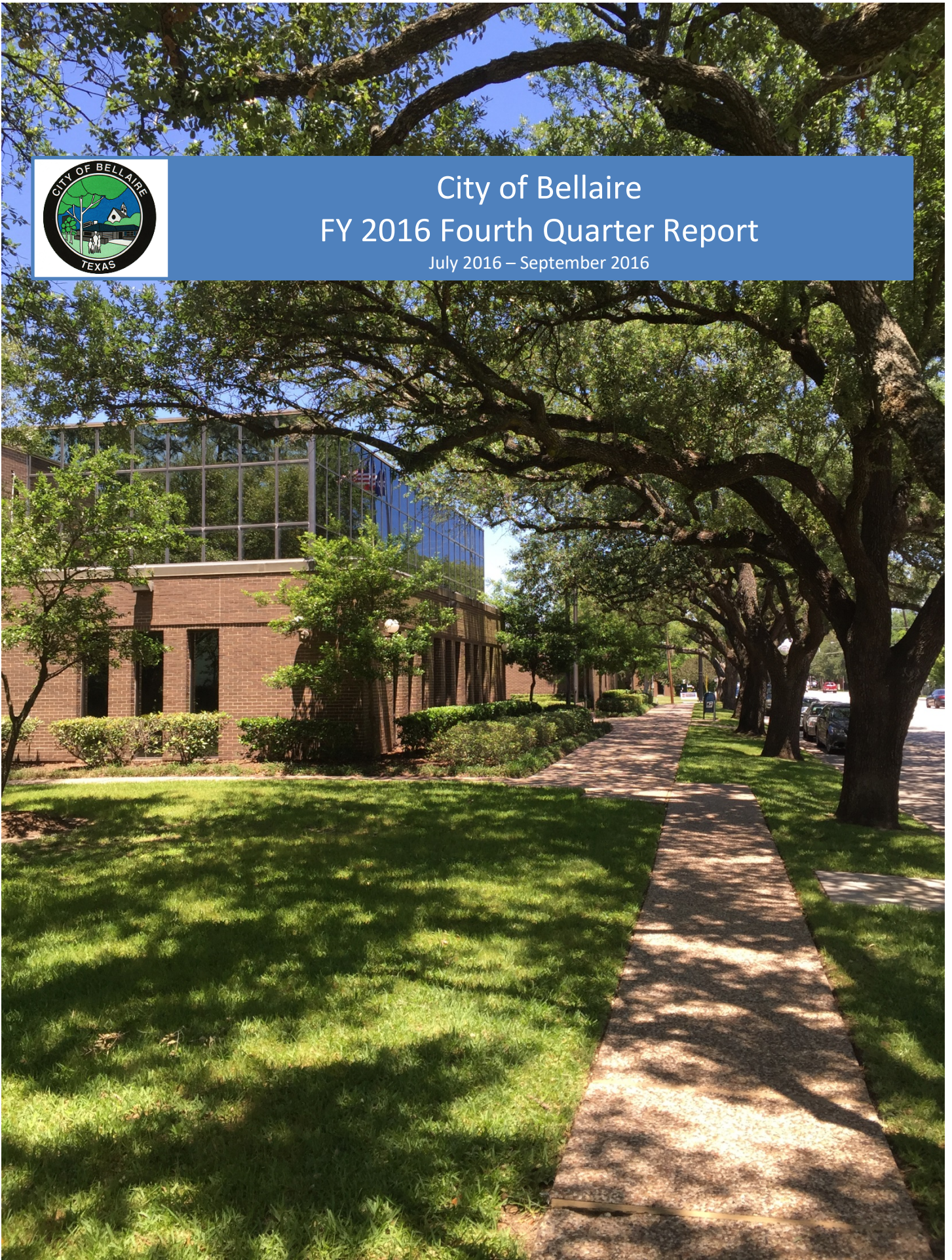


Table of Contents

Personnel Analysis	Page 3
Departmental Vacancies	Page 3
General Fund	Page 4
Revenues and Expenditures Charts	Page 5
Revenue and Expenditure Report by Department	Page 6
Enterprise Fund	Page 7
Revenues and Expenses Charts	Page 8
Revenue and Expense Report by Department	Page 9
Management and Capital Improvement Projects	Page 10
Management Projects	Page 10
Capital Improvement Projects	Page 12
Trends	Page 15
Development Statistics	Page 15
Crime Statistics	Page 15

Personnel Analysis

During the fourth quarter, ending September 30, 2016, we had ten (10) new hires and six (6) separations. The year ended with four (4) vacancies in police: two (2) patrol positions, one (1) communications officer and one (1) police clerk. By comparison, FY 2015 ended with seven (7) police department vacancies. We are currently performing background checks for police candidates.

4rd Qtr New Hires	4th Qtr Separations
2 Police Officers	1 Director of Information Technology
4 Laborers	3 Laborers
1 Utilities Foreman	1 Police Officer (line of duty death)
1 Special Projects Manager - PW	1 Building Inspector
2 Equipment Operators	

Departmental Vacancies					
Department	Adopted Budgeted Positions	12/31/2015	3/31/2016	6/30/2016	9/30/2016
General Fund					
City Manager's Office	10	0	0	0	1
Finance	9	1	1	0	0
Development Services	8	1	1	0	1
Fire	24	1	0	0	0
Police	59.5	5	5	5	4
Parks, Rec., & Facilities	24.5	1	0	0	0
Library	7.5	1	0	1	1
Public Works	9	3	2	3	2
Enterprise Fund					
Water	8	2	2	2	1
Wastewater	11	3	3	3	3
Solid Waste & Recycling	13	4	3	2	1
Total	183.5	22	17	16	14

Attachment: FY2016 4th Quarter Report (1832 : FY 2016 4th Quarter Report)

General Fund

The General Fund ended FY 2016 with a fund balance of \$4,901,070. This is \$1,021,804 greater than budgeted, as reflected in the chart below. The FY 2016 budgeted beginning balance is understated by \$428,709 due to FY 2015 savings. FY 2016 actual revenues are greater than budget by \$56,750, and FY 2016 expenditures are less than budgeted by \$536,265 or a net increase of \$593,015.

General Fund FY 2016 Year to Date Revenue and Expenditure Report				
	Adopted Budget	Projections As of July	Year to Date As of 4 th Qtr (unaudited)	Variance from Budget to Actuals
Beginning Balance	\$ 5,175,257	\$ 5,604,047	\$ 5,604,047	428,790
Revenue	19,047,107	19,258,834	19,103,857	56,750
Expenditure	20,343,098	20,184,274	19,806,833	(536,265)
Ending Balance	\$ 3,879,266	\$ 4,678,607	\$ 4,901,070	1,021,804

By comparison, the FY 2017 budgeted beginning balance will be understated by approximately \$222,464 due to FY 2016 savings. This is a one-time source not yet appropriated. The recommended use is to off-set the projected deficit of the 60-day fund balance requirement in the general fund.

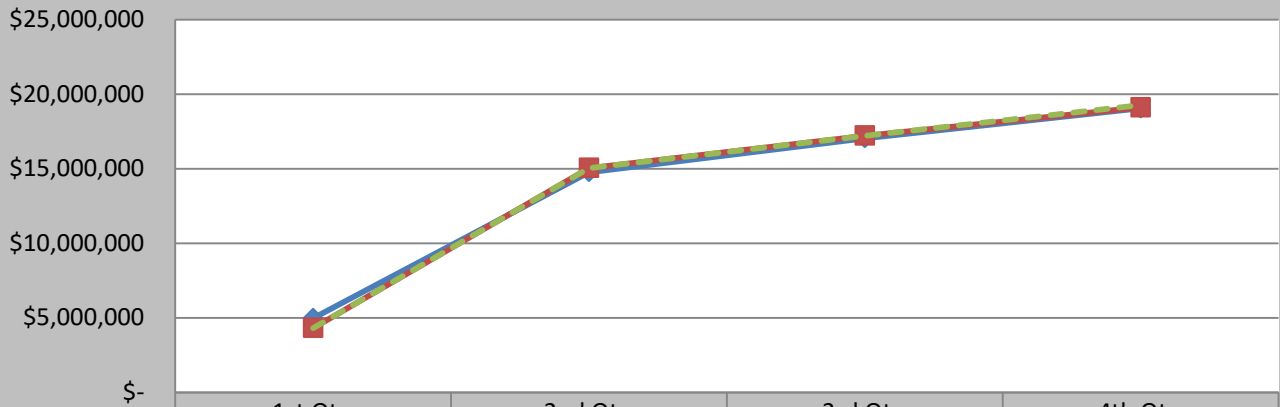
The majority of this net increase to the fund balance is the result of spending less than was budgeted or approximately 97% of the General Fund budget. However, it was anticipated with the year-end projections that were made in July that the expenditures would come in less than budgeted. These projections estimated a savings of \$377,441 instead of the \$536,265 that we experienced or \$158,824 more was saved than was projected. Revenues came in under budget as a result of the number of residential permit fees being down by 26%. Property tax collection came in slightly under projection by 1% which was reported previously due to less delinquent payments and refunds.

Areas of significance that came in under budget are as follows:

- Election services were less than anticipated
- Professional services less than anticipated due to timing of projects (citizen survey and Bellaire Citizens Academy)
- General liability insurance was less than anticipated
- Various non-critical technology items were put on hold
- Cost of inspections were reduced almost by half by utilizing a different vendor with same quality and performance
- Various vacancies impacted salary and benefits and allocated funds for the incentive pay program in public safety and public works

General Fund Revenues Chart

General Fund Revenues Year to Date



	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.
Budget	\$4,964,686	\$14,759,984	\$17,034,448	\$19,047,107
Actuals	\$4,309,072	\$15,046,367	\$17,207,507	\$19,103,857
July Projection	\$4,309,072	\$15,046,367	\$17,207,507	\$19,258,834

General Fund Expenditures Chart

General Fund Expenditures Year to Date



	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.
Budget	\$5,320,633	\$9,484,348	\$14,452,022	\$20,343,098
Actuals	\$5,161,751	\$9,557,260	\$14,437,788	\$19,806,833
July Projection	\$5,161,751	\$9,557,260	\$14,437,788	\$20,184,274

**General Fund
FY 2016 Revenue and Expenditure Report by Department**

	FY 2016 Adopted Budget	FY 2016 Year to Date (unaudited)	% of Adopted Budget (Collected/Spent)	Projections As of July	Variance from Budget to Actuals
Revenue					
Current Property Taxes	11,359,339	11,274,387	99.25%	11,331,892	(84,952)
Franchise Taxes	1,397,000	1,364,542	97.68%	1,396,607	(32,458)
Sales Tax	2,454,118	2,479,314	101.03%	2,486,989	25,196
Permits	747,750	730,343	97.67%	811,110	(17,407)
Fees	331,900	343,165	103.39%	361,500	11,265
License	2,900	6,853	236.29%	4,940	3,953
Intergovernmental	2,800	2,325	83.05%	2,236	(475)
Rental	27,200	38,587	141.86%	37,000	11,387
Aquatics	330,000	404,716	122.64%	341,000	74,716
Program Fees	172,500	167,480	97.09%	159,900	(5,020)
Athletics	358,000	371,882	103.88%	367,000	13,882
Other Fees	16,500	13,237	80.23%	16,800	(3,263)
Public Safety	382,300	446,631	116.83%	423,800	64,331
Other Revenue	4,500	4,348	96.61%	4,500	(152)
Fines	766,500	737,506	96.22%	764,500	(28,994)
Investment Earnings	32,500	64,062	197.11%	52,000	31,562
Misc.	37,300	30,479	81.71%	73,060	(6,821)
Business Enterprise Transfer	624,000	624,000	100.00%	624,000	0
Total	\$ 19,047,107	\$ 19,103,857	100.30%	\$ 19,258,834	\$ 56,750
Expenditures					
Administration	2,391,824	2,283,575	95.47%	2,352,014	(108,249)
Legal Service	100,000	96,175	96.18%	100,000	(3,825)
Finance	1,153,645	1,115,119	96.66%	1,118,849	(38,526)
Development Services	895,092	763,877	85.34%	870,381	(131,215)
Fire	2,727,055	2,665,184	97.73%	2,734,574	(61,871)
Police	5,398,444	5,332,883	98.79%	5,351,986	(65,561)
Parks, Rec., & Facilities	3,489,860	3,410,443	97.72%	3,449,100	(79,417)
Library	676,833	621,734	91.86%	635,172	(55,099)
Public Works	1,126,345	1,050,289	93.25%	1,104,645	(76,056)
Non-Departmental*	2,384,000	2,467,553	103.50%	2,467,553	83,553
Total	\$ 20,343,098	\$ 19,806,833	97.36%	\$ 20,184,274	\$ (536,265)
Revenue/Expenditures	(\$ 1,295,991)	(\$ 702,977)		(\$ 925,440)	\$ 593,014

*Non-departmental expenditures consist of transfers for the pavement maintenance - \$800,000, capital improvement fund - \$440,000, vehicle replacement fund - \$1,066,000 and \$161,533 in a sales tax refund that was made from overpayment by the state.

Attachment: FY2016 4th Quarter Report (1832 : FY 2016 4th Quarter Report)

Enterprise Fund

The Enterprise Fund ended FY 2016 with a fund balance of \$1,576,203. This is \$465,794 greater than budgeted, as reflected in the chart below. The FY 2016 budgeted beginning balance is understated by \$585,788 due to FY 2015 savings. FY 2016 actual revenues are less than budget by \$491,139 and FY 2016 expenses are less than budget by \$371,145.

Enterprise Fund FY 2016 Year to Date Revenue and Expense Report

	Adopted Budget	Projections As of July	Year to Date As of 4 th Qtr (unaudited)	Variance from Budget to Actuals
Beginning Balance	\$ 2,089,955	2,675,743	\$ 2,675,743	585,788
Revenue	7,746,600	7,377,808	7,255,461	(491,139)
Expense	8,726,146	8,609,224	8,355,001	(371,145)
Ending Balance	\$ 1,110,409	\$ 1,444,327	\$ 1,576,203	465,794

By comparison, the FY 2017 budgeted beginning balance will be understated by \$131,876 due to FY 2016 savings. This is a one-time source not yet appropriated. The recommended use is to supplement the ending balance that was temporarily reduced to 30 days with the implementation of new water rates.

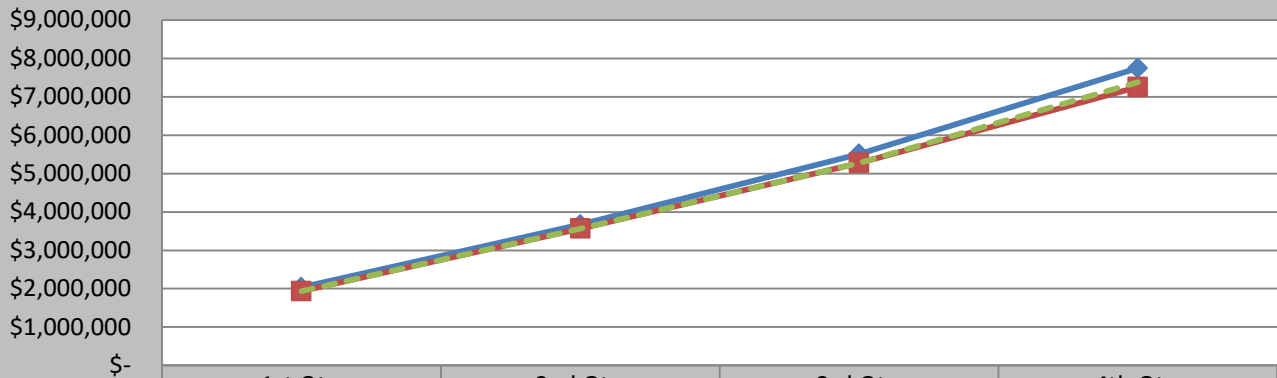
The majority of this net increase in working capital is the result of receiving less revenue than historically received or 93% of budget. In addition, expenses in the enterprise fund came in \$491,139 less than budget with 95% of the budget being expended.

Areas of significance that came in under budget are as follows:

- Various vacancies which impacted both salary and benefits
- Surface water purchases were less than budgeted
- Reduced vehicle maintenance due to new vehicle purchases
- General liability less than budgeted
- Building maintenance less than budgeted
- Reduced cost in trash hauls for solid waste

Enterprise Fund Revenues Chart

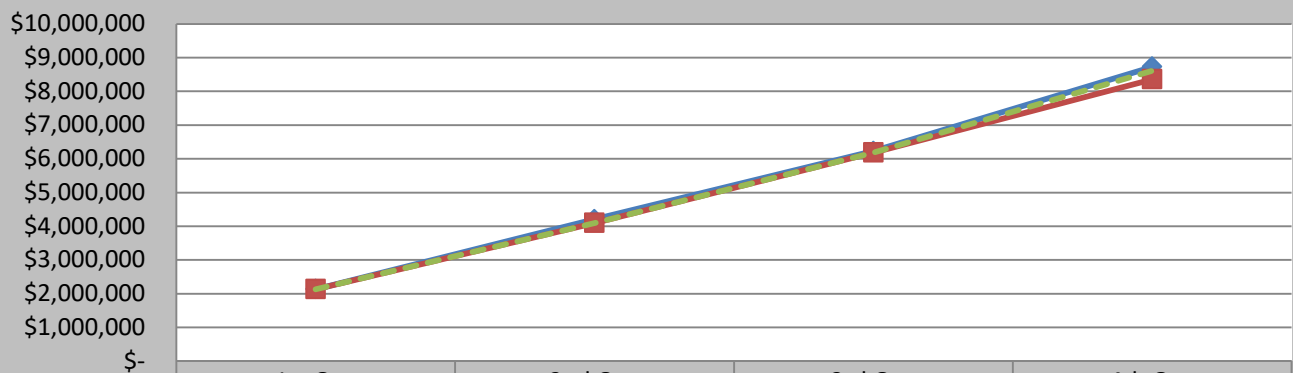
Enterprise Fund Revenues Year to Date



—◆— Budget	\$2,034,922	\$3,667,736	\$5,507,760	\$7,746,600
—■— Actuals	\$1,935,652	\$3,564,470	\$5,272,016	\$7,255,461
- - - July Projection	\$1,935,652	\$3,564,470	\$5,272,016	\$7,377,808

Enterprise Fund Expenses Chart

Enterprise Fund Expenses Year to Date



—◆— Budget	\$2,130,864	\$4,207,605	\$6,228,725	\$8,726,146
—■— Actuals	\$2,133,574	\$4,098,564	\$6,183,500	\$8,355,001
- - - July Projection	\$2,130,864	\$4,098,564	\$6,183,500	\$8,609,224

Enterprise Fund
FY 2016 Revenue and Expense Report by Department

	FY 2016 Adopted Budget	FY 2016 Year to Date (unaudited)	% of Adopted Budget (Collected/Spent)	Projections As of July	Variance from Budget to Actuals
Revenue					
Water Sales	3,683,900	3,309,688	89.84%	3,463,408	(374,212)
Wastewater Sales	2,270,000	2,175,717	95.85%	2,171,100	(94,283)
Solid Waste – Garbage & Brush Pickup	1,675,500	1,678,378	100.17%	1,635,400	2,878
Miscellaneous	117,200	91,677	78.22%	107,900	(25,523)
Total	\$ 7,746,600	\$ 7,255,461	93.66%	\$ 7,377,808	(\$ 491,139)
Expenses					
Water Production	499,985	487,037	97.41%	515,674	(12,948)
Water Distribution	584,449	532,116	91.05%	583,685	(52,333)
Surface Water	1,833,300	1,800,560	98.21%	1,833,270	(32,740)
Wastewater Collection	579,321	427,403	73.78%	455,629	(151,918)
Wastewater Treatment	877,399	877,170	99.97%	913,483	(229)
Solid Waste – Garbage & Brush Pickup	1,399,122	1,322,412	94.52%	1,395,388	(76,710)
Utility Billing	256,470	251,229	97.96%	255,095	(5,241)
Transfers Out/Other	2,696,100	2,657,074	98.55%	2,657,000	(39,026)
Total	\$ 8,726,146	\$ 8,355,001	95.75%	\$ 8,609,224	(\$ 371,145)
Revenue/Expenses	(\$ 979,546)	(\$ 1,099,540)		(\$ 1,231,416)	(\$ 119,994)

Attachment: FY2016 4th Quarter Report (1832 : FY 2016 4th Quarter Report)

Management and Capital Improvement Projects

During the budget process Council was presented with Management Projects developed to provide service enhancements and review and develop policies which will allow the City to become more efficient. Council was also presented with the FY 2016 Capital Projects which have been designed to meet today's infrastructure needs as well as those of the future. Outlined below are the milestones completed in the fourth quarter.

Management Projects

MP 1601 – Manage Turnover, Effectively Recruit & Fill Public Safety Positions: The plan presented to City Council on February 15, 2016 was implemented with the adoption of the FY 2017 Budget on September 19, 2016.

The premier employer team has met several times to focus on finding creative ways to engage employees through special assignments, training and promotion as available. The team continues to explore and implement ways to attract and retain premier employees such as through branding, onboarding, training and development, employee engagement events and activities, etc. The team also started working on the implementation of an electronic performance management module and will soon be rolling out the career website which was approved as an enhancement with the FY 2017 Budget.

MP 1602 – Enhance Public Safety Communication & Outreach: The City held its annual Fourth of July Parade and Festival on July 4, 2016 with good participation by public safety departments. The Police Summer Community Meeting was held on September 15, 2016. Final details were made to the Bellaire Citizens Academy and the City officially began receiving applications on August 17, 2016. There was a lot of interest and the class limit was reached after only a week of being posted online. The first session of the Citizens Academy held on October 13, 2016 included information on budgeted priorities. Another edition of the Boulevard newsletter was released on September 30, 2016 for the fourth quarter of the year, covering months October through December 2016. A Bond Election flyer covering the three propositions was issued and was presented at the Bond Election Open house on October 13, 2016. The Bond Election flyer is also available via the City's website. A subcommittee was formed for the Citizen's Survey and the instrument was presented to City Council on October 17, 2016. Revisions are to be made to the instrument and a message to the selected participants will be drafted and sent out in January 2017.

MP 1603 – Develop Keep Bellaire Beautiful Presence / Organizational Plan: The Beautification Team has worked with the Cultural Arts Board to enhance and install seasonal banners on all street poles along the Bellaire Blvd. corridor. These banners include additional rose banners and additional seasons greeting banners. The team has supported the Cultural Arts Board in their plan to expand the utility art box program at the north corner of South Rice and Bellaire Blvd. location and is working with the CAB on the Evergreen Park utility box project. The team has continued to support and promote the resident-led Community Clean Up Program. The next cleanup is scheduled for November 19, 2016. Holiday decorations have been chosen and purchased for the 2016 holiday season. The team has been working closely with Terrain Studio to facilitate the Beautification/Urban Design Master Plan process with all stake holders involved. The final draft of the Urban Design Beautification Master Plan is scheduled to be presented to City Council on December 5, 2016.

MP 1604 – Improve Project Management & Reporting: Development of the proposed FY 2018 - 2022 CIP is underway, as well as implementation of the FY 2017 capital improvement projects. New project implementation will include clearly defined ownership and scoping plans. Roles and responsibilities for all existing and new projects have been refined. Contractual relationships between the City of Bellaire and consultants has been reviewed and updated. The CIP website continues to be updated quarterly, and new FY 2017 projects will be added to the website as they begin.

MP 1605 – Ensure Smooth Transition from Construction through Management/Programming and Maintenance of Evelyn’s Park: Construction is progressing at Evelyn’s Park and the substantial completion date is spring of 2017. Collaboration continues between the City Project Manager, the Construction Manager, and Evelyn’s Park Conservancy (EPC) to manage construction progress. Additional collaboration continues between EPC and the Parks, Recreation, and Facilities Department regarding park opening and management after substantial completion. The Evelyn’s Park Conservancy Board is actively pursuing fund raising strategies and events planning, as reported to Council at the most recent quarterly report. The City Manager attends the bi-weekly meetings of the Board. Representatives of Evelyn’s Park Building Committee meet each week with either the Project Manager or the Construction Manager to receive updates.

MP 1606 – Implement Block Inspections: The initial block inspection criteria and trial run have been completed. The department is currently addressing a majority of the issues found through a combination of internal forces and utilization of a contractor. All street-level assets have been identified and are available in GIS format. Further revision of the block inspection criteria as well as the work order processes identified will be completed with the implementation of a work order system.

MP 1607 – Improve Appearance and Management of Public Grounds & Rights-of-Ways: The seasonal banner program has been expanded to include banners on all light poles along the Bellaire Blvd. corridor from just inside the 610 loop to Bissonnet. The season’s greetings banners will be installed before the Thanksgiving holiday along with the holiday decorations in Paseo Park and Bellaire Town Square. The Bellaire Cultural Arts Board has worked in collaboration with staff and the Nature Discovery Center to select the Evergreen Park site and design for the next utility box art project. Improvements to Mulberry Park have been completed, including the renovation of the ball field funded by Bellaire Little League. The City has installed new play features, shade structures and replaced the wood fiber fall surface at Mulberry Park to complete the planned park renovations. Suggested improvements and shade structures for Loftin and other parks have been presented to the Parks and Recreation Advisory Board for their review and approval. The tree health program (tree trimming) has been implemented in Paseo Park. Staff has been involved with the Beautification/Urban Design Master Plan process working with Terrain Studio, the community, boards and commissions and City Council to facilitate communication and complete the project.

MP 1608 – Implement Market Adjustment to Maintain Competitiveness: The plan presented to City Council on February 15, 2016 was implemented with the adoption of the FY 2017 Budget on September 19, 2016.

The premier employer team has met several times to focus on finding creative ways to engage employees through special assignments, training and promotion as available. The team continues to explore and implement ways to attract and retain premier employees such as through branding, onboarding, training and development, employee engagement events and activities, etc. The team also started working on the implementation of an electronic performance management module and will soon be rolling out the career website which was approved as an enhancement with the FY 2017 Budget.

MP 1609 – Implement Solid Waste Routing Efficiency Improvements / Eliminate the General Fund Subsidy: This effort was intended to provide Bellaire residents with a more convenient and accessible option for disposing of common household chemicals, paint, and other items not suitable for normal solid waste disposal. The Household Hazardous Waste voucher program, which allows Bellaire residents to use a nearby City of Houston facility for disposing of household hazardous waste, has been successfully implemented.

MP 1610 – Amend Park & Development Services Fees to More Equitably Distribute Cost Burden / React to Market Conditions: Development Services and Parks & Recreation have implemented the approved fee increases.

MP 1611 – Implement Fully Funded Vehicle / Equipment Replacement Fund Catchup: With the adoption of the FY 2016 Budget, the implementation has been completed for FY 2016. Council approved the purchase of several police vehicles on January 4, 2016. Public Works, Development Services and Parks, Recreation and Facilities vehicle purchases were

approved by City Council on March 7, 2016. All vehicles that were budgeted have been replaced and paid for. The program continued in FY 2017 with the adoption of the FY 2017 Budget on September 19, 2016.

MP 1612 – Conduct Water and Wastewater Rate Analysis / Prepare for FY 2017 Implementation: The team determined that the Public Utility Commission (PUC) would provide a rate study at no cost to the City. The team met with the consultant from the PUC regarding scope and requirements and provided the requested documents to the consultant in January 2016. The consultant hired by the PUC presented an initial overview to the team on March 1, 2016. A town hall meeting was held on July 11, 2016. A recommendation was given to City Council on two rate scenarios on August 16, 2016 and the final rates were approved on September 12, 2016 with implementation with the October billing. The FY 2017 budget reflects the rate change as well. Information to educate the public on the rate change was included in the water bill, municipal channel, a webpage was launched, newsflash was posted, was the topic of two Mayor's blogs on 7/31/2016 and 9/15/2016 and email notifications were sent out via the City's list serve.

MP 1613 – Network and Data Management: Off premise phone system has been implemented. Digital streaming is now up and running in the Council Chamber. The City purchased the Geographic Information Software needed to implement asset management and continued to explore software options for asset management. The team began preparations for replacement of copier machines throughout the City as well as began the process for the surplus of IT hardware through the City surplus process. Developing a more efficient approach to IT management as we look at the best organizational structure to meet the City's needs.

Capital Improvement Projects

Rebuild Bellaire Phase 5A: Total Contracting Limited (TCL) was awarded the construction contract. All roadways are complete and open to traffic. Punch list items are to be addressed by the end of this year. The final release of retainage and project close out is scheduled for January. This project includes the following: 500 block of College, 5100 - 5400 blocks of Pocahontas, 5100 block of Evergreen, 500 – 700 block of Fifth, 4700 - 4900 blocks of Bellview, 4900 block of Wellford, 4500 block of Merrie Lane, 4600 block of Beech, 500 block of Wilmington, and 500 block of Winslow.

Rebuild Bellaire Phase 5B: Reytec Construction Resources was awarded the construction contract. The project is scheduled for completion in July 2017. The 4400 block of Nancy, 4400 block of Glenmont, and the 1200 block of Howard Lane are open to traffic. The eastern portion of the 1100 block of Howard Lane storm sewer and pavement is complete while the eastern portion of the 1000 block of Howard Lane has storm sewer construction underway. The 5300 block of Valerie is 75% complete with one last segment of roadway on the northwest quadrant to be excavated and constructed before Thanksgiving. Alder from Evergreen to Maple is scheduled to begin after Thanksgiving followed by beginning the 6900-7000 block of Ferris in January 2017.

FY 2015 Pavement Management (Construction): AAA Asphalt Paving, Inc. has completed this project for segments of Wedgewood, Wildwood, Innsbruck, Lucerne, St. Moritz, St. Paul, Geneva, Basswood, Pine; and Boulevard Green. A change order was recently awarded to repair 20 drainage locations as identified in the Field Drainage Assessment along with several maintenance items in need of repair or replacement in the Block Inspection Program. Work for the change order is to begin within the next month and should be completed by March 2017.

FY 2016 Pavement Management Program: The Pavement Management Program includes asphalt overlays, concrete repairs, sidewalk repairs, street striping, sealant projects, engineering and project management. Main Lane Industries was awarded a contract for street and sidewalk maintenance. A Neighborhood Meeting was held on Monday, November 14, 2016 at 6:00 pm at the City Center. This project will begin late November 2016 and completion is July 2017. Street repair includes the following: 4600 block of Birch, 5100 block of Braeburn, 500 block of Cascade, 6300 - 7000 blocks of First, 900 block of Lennette Court, 100-400 blocks of Mulberry and 5100 block of Valerie. The sidewalk repair locations include the following: 4600 block of Holly, 4400 block of Lone, 5100-5200 blocks of Palmetto and 5200 block of Woodlawn Place. The FY 2016 Street Striping Project was awarded to One Way Striping and Signs to stripe Bissonnet and Fournace. This portion of the program will begin soon and is a 90-day contract. Additional miscellaneous work under the program will continue until closeout.

Storm Water Drainage Plan: The plan has been completed and presented to Council. A follow-up on the status of the recommendations was presented to Council on November 7, 2016.

Wastewater Treatment Plant Fine Screen Building Replacement: Replacement of fine screen equipment and construction work on the building are all complete. All work was completed in FY 2016.

Citywide SCADA Systems Upgrade Project Phase 1: The Supervisory Control and Data Acquisition (SCADA) system for the Bellaire Water Plant and Feld Water Plant is now operational and working. Phase 1 has been completed.

Citywide SCADA Systems Upgrade Project Phase 2: Phase 1 improvements of this project have been completed, which included software development and programming. The hardware needs to be installed at the water plants first, followed by the lift stations and the wastewater treatment plant. This should be completed by the first quarter of FY 2017.

Wendell & Bellaire Lift Station Rehabilitation Program Phase 1: The Bellaire Lift Station was flooded and inoperable for several weeks due to the May 2015 flood event, and the FY 2015 funding has been reallocated to the flood damage repairs for items not covered by insurance. The total estimated cost for repairs sent to TML for Bellaire Lift Station flood repairs is approximately \$198,636, which would be funded with insurance proceeds of \$188,538 and \$10,098 from the FY 2015 CIP Project allocation of \$50,000. Additional work on the Bellaire Lift Station has been performed that was not a part of the TML insurance claim in an amount of \$4,930. The total remaining from the FY 2015 CIP allocation at this time is \$34,972. Additional improvements not addressed as a part of insurance work will continue to be evaluated and implemented.

Wendell & Bellaire Lift Station Rehabilitation Program Phase 2: The rehabilitation of identified items for the Wendell Street Lift Station has been completed in FY 2016. Additional rehabilitation work relative to these two lift stations will be planned for in 2-3 years.

Rehabilitation of the Renwick Ground Storage Tank: The design has been completed. Project is ready for bidding of the construction phase in the first quarter of FY 2017.

Wastewater System Upgrades: This project is currently ongoing with ARKK and Public Works personnel. The project consists of several smaller components that may be bid together or separately. The project was completed in September 2016.

Evergreen Park Master Plan: A public meeting was held on January 20, 2016 to receive and consider public comments and was very well attended. The master plan was also presented to Council on April 18, 2016. The projected costs for the park construction have been identified in a future year in the Five Capital Improvement Plan.

Evelyn's Park Phase 1: The project is moving forward. The external shell of the building is near completion, drainage installed, parking lots and walkways have been poured, landscaping and irrigation is currently being installed. EPC is currently making decisions on the direction they would like to go with kitchen equipment and security systems. Construction should be completed in February 2017. Park rules and operation procedures are being worked on by EPC and the City. Landscape maintenance submittal packet is in the process of being completed and scheduled to be brought forth to City Council for consideration on January 23, 2017.

Park Improvement Projects: The Holly Street project is complete. Closeout of the construction contract was approved by Council on March 21, 2016.

Nature Discovery Center Improvements: The contractor began on June 29, 2016 and work is continuing on the various site improvements. The pavilion has been relocated, and the foundation for the restroom is underway. The scheduled completion is in January 2017.

Playground and Shade Structures: City Council approved funding for the Mulberry Playground and Shade Project in April 2016. Play units and shade structures were ordered and installation was completed in July 2016.

Bellaire Town Square Municipal Facilities Design & Library Conceptual: Final design phases are underway on both buildings. There has been continued staff input on interior operations. Final plans are expected to be complete in December 2016. The next step in the process will be determining level of material finishes and working through the furniture, fixtures, and equipment lists. The transition management plan is under development, which will detail how departments will function during the construction period. This plan will be presented to Council in December 2016.

Public Works Facility Assessment: PGAL has completed the assessment which was accepted by City Council in November 2015. Based on the assessment, Council voted to demolish the Public Works Administration Building and to secure a modular building for Public Works operations. The building has since been demolished and the modular building is in place. The project is now complete.

Regional Mobility Study: The Mobility Study has been completed and was presented to Council on December 7, 2015.

ROW Analysis, Integration, & Planning Project: The Consultant team is currently collecting and assimilating data on rights of way in the identified area. The project report should be completed in December 2016.

UV-T Infrastructure: The UV-T infrastructure project is on indefinite hold until funding is identified/acquired.

Trends

Development Statistics				
	FY 2015 4 th Quarter		FY 2016 4 th Quarter	
	QTY.	Value	QTY.	Value
New Home Construction	27	\$ 13,242,726	14	\$ 9,448,770
Home Remodeling	94	\$ 1,859,922	111	\$ 2,825,527
New Commercial Construction	1	\$ 6,200,000	1	\$ 2,600,000
Commercial Remodeling	21	\$ 4,012,668	21	\$ 2,573,405
Demolition	29		19	

Crime Statistics						
	July		August		September	
	FY 2015	FY 2016	FY 2015	FY 2016	FY 2015	FY 2016
Homicide	0	0	0	0	0	0
Sexual Assault	0	0	0	0	0	0
Robbery	3	0	0	3	3	1
Assault	3	0	2	0	4	5
Burglary Residence	5	9	5	5	7	3
Burglary Building	4	0	0	3	1	0
Theft	9	15	12	15	14	17
Motor Vehicle Theft	2	1	0	0	2	0

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 11/21/16 06:30 PM
Department: City Manager's Office
Category: Presentation
Department Head: Diane K White
DOC ID: 2082

**SCHEDULED
ACTION ITEM (ID # 2082)**

Item Title:

Presentation of the Bonds for Better Bellaire 2016 Program Implementation Schedule - Submitted by Paul A. Hofmann, City Manager.

Background/Summary:

Implementation of the Bonds for Better Bellaire 2016 Bond Program will involve many steps, and will span over several years. In general, bonds need to be sold, project specifics need to be determined, and design needs to be completed (or started) before construction begins. The attached matrix shows how Council decision milestones align with overall implementation. The timeline is guided by the expenditure plan described in the Capital Improvement Program (CIP), and the proposition language presented to the voters.

Prop 1: Streets, Drainage and Sidewalks - The timeline for this project is divided into two parts: Streets and Drainage Projects and Sidewalks Projects.

Streets and Drainage: As stated in the Bonds for Better Bellaire 2016 flyer, "The program will continue the City's practice to design and construct streets and drainage concurrently in one project with sidewalks to be installed on at least one side of the street."

Work is currently underway to update the pavement condition assessment and inventory. That assessment, with the information provided by the new flood study, will inform the criteria for selecting specific project locations. The criteria, and the proposed locations for street / drainage and new sidewalk projects will be presented to Council in February 2017. We should then be able to award a design contract in March 2017, sell the bonds for construction in August 2017, and award a construction contract in October 2017 for Phase 1 of the 2016 program. Another design contract will be recommended one year after the first design contract, in March of 2018, and the second construction contract will be recommended one year after the first construction contract, in October 2018. This pattern continues with the third year of design and construction contracts occurring one year after the previous one.

Sidewalks: The "new" sidewalks presented to council in February will follow Interim Sidewalk Plan guidelines. These sidewalks may be designed and constructed separately from the street and drainage (with a sidewalk on at least one side) projects described above. The Community Pathways Master Plan will be completed and presented to Council in August 2017. Upon Council acceptance of the results of the master plan, the final two years of design contracts will be awarded in March 2018 and March 2019, respectively. The second construction contract will be awarded in October 2018, and the final in October 2019.

Prop 2: Municipal Facilities Project

The Municipal Facilities Project is currently under design, and Council will be presented with the final designs and a comprehensive transition management plan in December 2016. The January 2017 bond sale will fund the Guaranteed Maximum Price

construction contract, which is to be recommended to Council in February 2017. Construction is expected to begin in March 2017 and be completed in 19 months.

Prop 3: Water and Wastewater Improvements Program

The initial bond sale in January 2017 will fund the design phase for water and wastewater projects and the implementation phase of the Siemens contract. Water and Wastewater design contracts will be recommended to Council at the same time as the Streets, Drainage, and Sidewalks design contracts in March 2017. Similar to the Streets and Drainage, and Sidewalks projects, bond sales in August 2017 will fund the first year of construction, sales in 2018 will fund the second year, and sales in 2019 will fund the third and final year of construction. Notice to Proceed for the Performance Contract with Siemens will be issued in January 2017.

REQUEST FOR QUALIFICATIONS PROCESS FOR DESIGN & CONSTRUCTION MANAGEMENT SERVICES

- Begin Advertising - Week of Dec. 5th
- Submittals due - Friday the 13th of Jan
- Evaluation Period Begins - Week of Jan 16th
- Evaluation Period Ends - Week of Feb 13th
- Selection & Negotiation Begins - Week of Feb 20th
- Selection & Negotiation Ends - Week of March 6th
- Contracts for Design-Phase Services Awarded - Council Meeting on March 20th
- Contracts for Construction-Phase Services Awarded - October 2017

ATTACHMENTS:

- Decision Milestones (PDF)

Bonds for Better Bellaire 2016 Decision Milestones

		1. Streets, Drainage and Sidewalks \$24.00 Million		2. New Municipal Building \$5.60 Million	3. Water and Wastewater Improvements Program \$24.38 Million	
		Streets & Drainage	Sidewalks	Facilities	Water & Wastewater	Performance Contract
		\$20.00 Million	\$4.00 Million (Standalone Projects and 2nd Side for Streets & Drainage Projects)	\$5.60 Million	\$11.00 Million (Water) \$0.58 Million (Wastewater)	\$12.80 Million
Month/Year	Action					
Nov-16	Election and Canvass					
Dec-16	Approve POS			Approve Designs Review of Transition Plan		
Jan-17	Bond Sale 1	\$2.00M (Design)		\$1.56M (2005 Bonds) + \$11.00M (2013 Bonds) + \$5.60M	\$0.50M (Design for Water and Wastewater)	\$12.8M (Performance Contract) Issue Notice to Proceed
		Complete Condition Assessment				
Feb-17		Present Criteria for Streets, Drainage and Sidewalks Present 3 Year Plan		Council Approves Guaranteed Maximum Price Begin Transition/Construction		
Mar-17		Award Design Contract for 1 Year of Project			Award Design Contract for 1 Year of Project	
Jul-17	Approve POS					
Aug-17	Bond Sale 2	\$6.00M (Construction and Construction Management Services)	\$1.00M (Construction and Construction Management Services) Present Community Pathways Master Plan		\$3.00M Water (Construction and Construction Inspection Services) \$0.15M (Construction and Construction Inspection Services)	
Oct-17		Award Construction Contract for 1 Year of Project			Award Construction Contract for 1 Year of Project	
Mar-18		Award Design Contract for 1 Year of Project			Award Design Contract for 1 Year of Project	
Jul-18	Approve POS					
Aug-18	Bond Sale 3	\$6.00M (Construction and Construction Management Services)	\$1.00M (Construction and Construction Management Services)		\$3.00M Water (Construction and Construction Inspection Services) \$0.15M (Construction and Construction Inspection Services)	
Oct-18		Award Construction Contract for 1 Year of Project			Award Construction Contract for 1 Year of Project	
Mar-19		Award Design Contract for 1 Year of Project			Award Design Contract for 1 Year of Project	
Jul-19	Approve POS					
Aug-19	Bond Sale 4	\$7.00M (Construction and Construction Management Services)	\$1.00M (Construction and Construction Management Services)		\$4.50M Water (Construction and Construction Inspection Services) \$0.28M (Construction and Construction Inspection Services)	
Oct-19		Award Construction Contract for 1 Year of Project			Award Construction Contract for 1 Year of Project	



CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

OCTOBER 17, 2016

Council Chamber

Regular Session

6:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401

REGULAR SESSION - 6:00 P.M.

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

Andrew S. Friedberg, Mayor, called the Regular Session of the City Council of the City of Bellaire, Texas, to order at 6:00 p.m. on Monday, October 17, 2016. The Regular Session was held in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401-4411.

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	Present
Pat B. McLaughlan	Council Member	Present
Michael Fife	Council Member	Present
David R. Montague	Council Member	Present

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

B. Inspirational Reading and/or Invocation - Andrew S. Friedberg, Mayor.

Mayor Friedberg provided the inspirational reading for the evening.

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

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

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.

Mayor Friedberg indicated that he was pleased to honor the 65th anniversary of the Friends of the Bellaire Library, particularly as the City celebrated the 65th anniversary of the Bellaire Library. Following the reading of the proclamation,

Minutes Acceptance: Minutes of Oct 17, 2016 6:00 PM (Adoption of Minutes:)

Mayor Friedberg presented it to **Mary Cohrs, Director of Library, and the following representatives of the Friends of the Bellaire Library: Sally Reed, Randy McKinney, and Ken Leonard.**

Past President Sally Reed thanked the Board of the Friends of the Bellaire Library, especially Ken Leonard who had been the mainstay of the Board for 20+ years. An announcement was made about a fundraiser to be held later in the week and underwritten by Stone Acorn.

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 proposed amendments to Chapter 24, Planning and Zoning, Section 24-544, Technical Research Park District ("TRP District"), of the Code of Ordinances of the City of Bellaire, Texas.

City Clerk Dutton advised that the notice was published in the Southwest News on September 27, 2016, and posted on the City's official bulletin board and website on September 28, 2016. Notices were mailed to real property owners of record or assumed renters of 289 properties located within 500 feet of the TRP District and to five properties located within the TRP District.

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 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.

Based on emails and visits with residents over the weekend, **Mayor Friedberg** advised that it was evident that many residents were concerned about a school going on the Chevron site, which was located in the TRP District. In order to clarify the purpose of the public hearing, Mayor Friedberg stated that the matter being presented was not at all driven by any particular proposal for a school or otherwise, and that no application had been brought forward by a school district or any other applicant (property owner, developer, or otherwise).

In recognition of the Chevron property being on the market and in anticipation of a redevelopment at some point in the future, the City was looking at its existing zoning regulations for that site. Mayor Friedberg indicated that the current zoning regulations included a list of enumerated items that were permitted uses by right, meaning that if someone came forward and wanted to do one of those items that person would be allowed to do so. By contrast, the zoning code also recognizes specific uses, where an applicant would have to request permission from the City to approve their plans for other uses.

Mayor Friedberg advised further that the subject of the public hearing this

evening was a proposal to move the category of possible uses out of the "permitted by right" category and into the second category, "specific uses," which would require an application, public hearings before the Planning and Zoning Commission and the City Council (a very deliberative public process with multiple opportunities for public input), and only after that had been accomplished could a specific use be granted by City Council.

John McDonald, Director of Development Services, advised that it was his understanding that the Chevron property would not be listed for sale until the first of the year and that he had not received any applications from the school district or private developers. As stated, the proposed ordinance took out the commercial by right "permitted uses" and placed them under "specific uses" and added a site plan review (i.e., an enhanced requirement that set up what a new property owner would need to provide to the City when their proposal for the property was made).

Director McDonald indicated that the Planning and Zoning Commission was already thinking about next steps, which were twofold, as follows: 1) preparation of an update to the Comprehensive Plan; and 2) development of specific zoning changes that would have a long-term effect on the property. In the meantime, the proposal being presented tonight was a stop-gap measure that would limit further redevelopment until those next steps could be accomplished.

D. Public Comment.

Mayor Friedberg recognized speakers who had completed a sign-up sheet prior to the commencement of the public hearing and restated the time limit for speakers.

Catherine Lewis:

Ms. Lewis addressed City Council regarding an article in one of the local newspapers that indicated that the Houston Independent School District ("HISD") was considering purchasing the Chevron property in order to relocate Bellaire High School there. Ms. Lewis expressed concerns regarding the proximity of the property to the Gulfton area (crime issues) and traffic congestion.

Secondly, Ms. Lewis presented a petition from residents residing near the Chevron property asking the Bellaire Planning and Zoning Commission and the City Council to change the zoning for the TRP District to eliminate schools as a use in that district.

Mary Livingstone:

Ms. Livingstone addressed City Council and asked them to strike schools from specific and permitted uses in the TRP District. Concerns expressed by Ms. Livingstone included a limitless student population for HISD and the possible expansion of the school's boundaries, which she believed would lower the quality of education at Bellaire High School and decrease residential property values. Also cited were current traffic issues associated with nearby Cunningham Elementary School.

Thuy Le:

Mr. Le addressed City Council and requested them to stop Bellaire High School from moving to the TRP District. He referenced traffic congestion from the Walmart Shopping Center, noting that a school would add to the congestion.

Jim Balogh:

Mr. Balogh addressed City Council and noted that there were certain times during the day he could not get out of his driveway due to traffic congestion around Cunningham Elementary School.

Mr. Balogh also referenced an environmental concern in the vicinity of the Chevron property and that it might affect Bellaire homes along South Rice Avenue.

Carol MacDonald:

Ms. MacDonald addressed City Council and noted that the end of the block that she and her husband lived on flooded often due, in part, to the overflow of water from the West Loop Service Road. She advised that she and her husband had lost four vehicles and had repaired the floors in their home a number of times as a result of the flooding and expressed concern that more concrete on the Chevron property could increase the risk of flooding.

Other concerns were based on having previously lived across the street from a school, such as vandalism, noise, and bright lights.

Shelly Webb:

Ms. Webb addressed City Council and expressed disappointment in the notice that the residents received, noting that many of her neighbors did not understand that the notice related to the Chevron property and found it to be confusing.

Ms. Webb asked City Council to eliminate schools from the TRP District. She suggested an alternate parcel of land owned by Harris County on Chimney Rock Road for Bellaire High School.

Secondly, reference was made to a METRO bus stop at the corner of Anderson Street and Fournace Place. Ms. Webb advised that students from outlying areas would likely be dropped off at that stop, which had no sidewalks.

In closing, Ms. Webb recommended adding a residential use to the district for condominium living for seniors, for example.

Bryan Wogenstahl:

Mr. Wogenstahl addressed City Council and reiterated some of the concerns expressed earlier with respect to the high volume of traffic already existing in the area. He noted that the bonds approved by HISD were authorized to rebuild Bellaire High School in its current footprint.

Mr. Wogenstahl urged City Council not to approve apartments for the Chevron site and to direct the Planning and Zoning Commission to strike schools from the district and to zone it for housing.

Paula McRae:

Ms. McRae addressed City Council regarding the TRP District. She expressed concern with traffic issues, noting that the stoplight at Loop 610 currently only allowed one to two cars to go through at one time. Other concerns included possible crime and vandalism.

Jennifer Hawes:

Ms. Hawes addressed City Council regarding the TRP District. She advised that the Chevron property provided a tremendous opportunity for much-needed revenue for a city that seemed to consistently lack the funds necessary to achieve its infrastructure goals. She asked City Council to strike schools from permitted and specific uses and to block residential, multi-family apartments from the site.

Ms. Hawes stated that it was her hope that the property would be developed as a business park or residential site and that the same amount of green space or a greater amount would result from any redevelopment.

Concerns cited by Ms. Hawes included increased traffic congestion, storm water management issues, and loss of property tax revenue for the City from the site.

Lynn McBee:

Ms. McBee addressed City Council regarding the TRP District. She indicated that she did not have a particular position on the matter but felt that the stop gap measure that the City was proposing was excellent. It was her understanding that the City did not have the authority to stop schools totally; however, the City had been able to minimize the impact of Horn Elementary School, Condit Elementary School, and Pin Oak Middle School through the specific use permit process.

Ms. McBee closed by noting that the Planning and Zoning Commission would meet the following night in a closed session with the City Attorney to determine what the legal options might be concerning control of a school on that site.

Bob Crawford:

Mr. Crawford addressed City Council regarding the TRP District. He indicated that he was against putting a school at the Chevron location primarily because of the traffic problems that currently existed as a result of Cunningham Elementary School. Additionally, there had been no changes to South Rice Avenue since the Walmart, hotel, and other business development had been constructed at the corner of South Rice Avenue just inside the Houston city limits, which also contributed to traffic congestion in the area.

Antonio Fernandez:

Mr. Fernandez addressed City Council regarding the TRP District. He expressed concern that HISD's plans to purchase the Chevron property had created a divisive situation between the north and south sides of Bellaire.

Mr. Fernandez suggested that Chevron consider subdividing their property that currently had office buildings on it from the remainder of the property, which could be donated to the City for a park.

Wynnie Loi:

Ms. Loi addressed City Council regarding the TRP District. She indicated that a decision point for her as to whether to keep her home or to move would be what the City ultimately approved for the Chevron site. If the site was used for a school, she would have to leave as traffic congestion was already an issue.

Jeanne Miller:

Ms. Miller addressed City Council regarding the TRP District. She indicated that she was in full agreement with everyone who had previously spoken. She urged City Council to remove schools and multi-dwelling living spaces as uses in the TRP District. Concerns included flooding, traffic, the lack of sidewalks, and loss of property tax revenue to the City.

Written Comments:

Mayor Friedberg advised that the City Council had received five written comments related to the subject matter of the public hearing. Four were in opposition to the proposal of any school going on that site. Those comments were from **Nick Zhou, Steve and Cheryl Hamilton, Debra Sokol and Allene King, and Ralph MacDonald.** One comment, received from **Seth Tyler and Susan Grainger Tyler,** expressed support for the proposed requirement for site plan reviews and special use permits as processes that allowed for thoughtful consideration of alternate future uses. They indicated that they were confident that planning would take into account parking and traffic and so supported the possibility of a school as a potential future use.

E. Questions from the Mayor and Council.

Mayor Friedberg opened the floor for questions from the Mayor and City Council regarding the proposed amendments. Following questions, Mayor Friedberg closed the public hearing.

F. Close of Public Hearing.

Mayor Friedberg announced that because the subject of the public hearing was scheduled for final deliberation this evening, all public comment was concluded. He closed the public hearing at 7:50 p.m. on Monday, October 17, 2016.

G. Adjourn.

Mayor Friedberg announced that the Public Hearing was adjourned at 7:50 p.m. on Monday, October 17, 2016, and that City Council would stand adjourned until 8:00 p.m. this evening, at which time the Regular Meeting would begin.

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 8:01 p.m. on Monday, October 17, 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

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

B. Personal/Audience Comments.

Mayor Friedberg advised that the public hearing concluded earlier in the evening had been closed and oral comment would not be accepted on that subject matter. He noted that the same time limit applied for personal/audience comments as for the public hearing, which was five (5) minutes, with no extension, and with notice after four (4) minutes that there was one (1) minute left.

Lynn McBee:

Ms. McBee addressed City Council regarding the agenda item dealing with City Council's first discussion of the draft 2016 Citizen Survey Instrument. She indicated that the survey lacked focus on topics that she wished to see, such as overall performance of the elected governing body, public attitudes about fiscal policies (i.e., level of debt), public facilities, utilities, taxes and fees, zoning, flooding, and traffic.

In addition, Ms. McBee advised that the survey lacked an in-depth assessment of the City Manager and no rating or comments about the City Attorney, City Engineer, Financial Advisor, or City Clerk.

Thirdly, she advised that the methodology of the survey, size of the sample, how the respondents would be selected, breakdown or composition of sample (as to gender, married, single, students, employed or retired) quadrant of residency in the City, and how the survey was to be administered (telephone, mail, in person), were missing.

In closing, Ms. McBee expressed concern that the writer of the survey was not present to discuss it with City Council this evening.

Written Comment:

Mayor Friedberg advised that the City Council had received one written comment in connection with the subject of the public hearing held one week ago on October 10th. The Mayor indicated that the written comment was received in advance of the deadline under City Council's rules for public hearings.

The written comment was from **Max Evans**, who asked City Council to consider the negative effect of continued tax increases upon senior citizens in Bellaire living on fixed incomes.

Mayor Friedberg advised that complete copies of all of the written comments received were distributed to City Council for its consideration and included in the official record of the meeting. He indicated that personal/audience comments were concluded and continued with the next agenda item.

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.

Paul A. Hofmann, City Manager, presented the City Manager's Report dated October 17, 2016, to members of City Council.

Following the presentation, **Mayor Friedberg** opened the floor for questions from City Council. Hearing none, Mayor Friedberg announced that the City Manager's report was concluded and continued to the next report on the agenda.

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

Terrence Beaman, Chief Financial Officer, presented the Monthly Financial Report for the Period Ending September 30, 2016, for the City of Bellaire, Texas, to members of City Council.

Following the presentation, **Mayor Friedberg** opened the floor for questions from City Council. Following questions, Mayor Friedberg announced that the Monthly Financial Report for the Period Ending September 30, 2016, was concluded and continued to the next report on the agenda.

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

Trisha S. Pollard, Council Member, provided an update to members of City Council regarding seminars she participated in and officials she met during her attendance at the Texas Municipal League Annual Conference held earlier in the month.

Following the update, **Mayor Friedberg** continued to the next report on the agenda.

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

Mary Cohrs, Director of Library, presented the 2016 Citizen Survey Instrument ("Survey") to members of City Council. She noted that plans for implementing the Survey included a mid-November roll out, with results to be presented to the City Council in March of 2017.

At the conclusion of the presentation, **Mayor Friedberg** opened the floor for questions and discussion. Questions were responded to by **Director Cohrs, Brant Gary, Director of Public Works, and Paul A. Hofmann, City Manager**.

Following questions and discussion, **Mayor Friedberg** continued to the Consent Agenda.

D. New Business:**1. Consent Agenda:****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.

Mayor Friedberg advised members of City Council that an updated page had been placed at the dais for agenda packet page 59, which reflected the addition of some language to clarify a motion made in the minutes of September 19, 2016, and a substitute page for agenda packet page 64 reflecting a recent name change in the counterpart entity consisting of the removal of the word "Texas" from the entity's name.

With the two clarifications highlighted, Mayor Friedberg asked if any member of City Council wished to remove any of the three items from the Consent Agenda. Hearing none, Mayor Friedberg entertained a motion to adopt the Consent Agenda.

Motion:

To adopt the Consent Agenda dated October 17, 2016.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Roman F. Reed, Mayor Pro Tem
SECONDER:	Pat B. McLaughlan, 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, 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.

Mayor Friedberg advised that the agenda item before City Council was the subject of two tax rate public hearings held on September 29, 2016, and on October 10, 2016. He advised further that state law required that the ordinance setting a tax rate and tax levy be adopted by a record vote and prescribed the precise language of the motion needed to adopt the ordinance.

In accordance with state law, Mayor Friedberg entertained the following motion:

Motion:

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% increase in the tax rate.

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

Mayor Friedberg opened the floor for questions and discussion regarding the ordinance. Hearing none, he called for a record vote on the motion.

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

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

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

- 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.

Cheryl Bright, Assistant Director of Parks, Recreation and Facilities, introduced Scott Slaney and Brad Cowan from Terrain Studio to provide a presentation to members of City Council regarding a pilot beautification project to be located at the intersection of Evergreen Street and Newcastle Drive.

Scott Slaney, Terrain Studio, provided an overview of a small pilot beautification project, to be known as a "Bellaire intersection," at the corner of Newcastle Drive and Evergreen Street consisting of a low wall (mosaic art piece, for example), seating, crosswalks, street signs, lights, and bio-retention gardens that would help collect and detain storm water runoff.

Motion:

Minutes Acceptance: Minutes of Oct 17, 2016 6:00 PM (Adoption of Minutes:)

To adopt the ordinance, as presented, authorizing an agreement with Terrain Studio to provide design and construction services for a beautification pilot project in an amount not to exceed \$170,000.

{Moved by Michael Fife, Council Member, and seconded by David R. Montague, Council Member}

Mayor Friedberg opened the floor for questions of Terrain Studio and discussion among members of City Council and Terrain Studio. Following discussion, Mayor Friedberg offered a motion to postpone action on the adoption of the ordinance.

Motion to Postpone:

To postpone consideration of the ordinance indefinitely, at least until after Terrain Studio presents its Master Plan recommendations in December.

{Moved by Andrew S. Friedberg, Mayor, and seconded by Pat B. McLaughlan, Council Member}

Discussion ensued among members of the City Council regarding the motion to postpone consideration. Following discussion, Mayor Friedberg called for a vote on the motion.

RESULT:	POSTPONED [5-2]
MOVER:	Andrew S. Friedberg, Mayor
SECONDER:	Pat B. McLaughlan, Council Member
AYES:	Friedberg, Pollard, Pappas, McLaughlan, Montague
NAYS:	Reed, Fife
ABSENT:	None

- 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.

Mayor Friedberg advised that the agenda item before City Council was the subject of a public hearing held earlier in the evening and called for a motion to adopt the ordinance amending Section 24-544, as presented.

Motion:

To adopt the ordinance amending Section 24-544, as presented.

{Moved by Pat B. McLaughlan, Council Member, and seconded by Trisha S. Pollard, Council Member}

Mayor Friedberg opened the floor for questions and discussion among members of City Council and the City Attorney. In particular, responding to the suggestion that several speakers had made in the public hearing that schools be struck entirely from the TRPD, the City Attorney advised City Council concerning legal limitations on the City's ability to do so. At the conclusion of discussion, Mayor Friedberg called for action on the motion.

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

- 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.

Brant Gary, Director of Development Services, summarized the agenda item before City Council. Director Gary indicated that the change requested to the FY 2015 Pavement Management Project contract would allow the City to address some items identified from the first round of block assessments and from a field drainage assessment.

Mayor Friedberg opened the floor for questions of Director Gary from members of City Council. Following questions, Mayor Friedberg entertained a motion to adopt the ordinance as presented authorizing the change order.

Motion:

To adopt the ordinance as presented authorizing the change order.

{Moved by David R. Montague, Council Member, and seconded by Trisha S. Pollard, Council Member}

Mayor Friedberg opened the floor for discussion among members of City Council and City Staff. Following discussion, action was taken on the motion.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	David R. Montague, Council Member
SECONDER:	Trisha S. Pollard, 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 City Council included expressions of thanks to residents and City Staff for the recent bond open house; expressions of appreciation to Director Gary for his timely response to traffic-related issues related to Evelyn's Park construction; expressions of appreciation, admiration, and gratitude to Michael Lunceford for his service on the HISD Board; and reminders to attend the

Friends of the Bellaire Library event on Thursday, October 20, 2016, and the Bellaire Homebuilders Tour next Saturday and Sunday.

F. Adjourn.

Mayor Friedberg announced that the Regular Meeting of the City Council of the City of Bellaire, Texas, was adjourned at 10:26 p.m. on Monday, October 17, 2016.

Minutes Acceptance: Minutes of Oct 17, 2016 6:00 PM (Adoption of Minutes:)

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 11/21/16 06:30 PM
Department: City Clerk
Category: Policy
Department Head: Tracy L. Dutton
DOC ID: 2085

**SCHEDULED
ORDINANCE (ID # 2085)**

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 in the date of the first Regular Session of the City Council of the City of Bellaire, Texas, in July of 2017 from Monday, July 3, 2017, to Monday, July 10, 2017 - Submitted by Tracy L. Dutton, City Clerk.

Background/Summary:

In working on the City Council meeting calendar for 2017, the City Clerk noted that the first meeting in the month of July is July 3, 2017. Although July 3rd is a work day for the City Staff, the next day, Tuesday, July 4, 2017, is a holiday and the date of the City's annual Fourth of July Parade and Festival. Due to July 3rd's proximity to the July 4th holiday, City Staff is suggesting City Council consider the adoption of an ordinance authorizing a change in the date of the first Regular Session of the City Council of the City of Bellaire, Texas, in July from Monday, July 3, 2017, to Monday, July 10, 2017.

Previous Council Action Summary:

N/A

Fiscal Impact:

N/A

Recommendation:

The City Clerk recommends adoption of an ordinance authorizing a change in the first Regular Session of July from Monday, July 3, 2017, to Monday, July 10, 2017.

ATTACHMENTS:

- Change in Meeting Date due to Fourth of July Holiday (DOC)



ORDINANCE NO. 16-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, AUTHORIZING A CHANGE IN THE DATE OF THE FIRST REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, IN JULY OF 2017 FROM MONDAY, JULY 3, 2017, TO MONDAY, JULY 10, 2017.

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

1. THAT the first Regular Session of the City Council of the City of Bellaire, Texas, in July 2017 shall be changed from Monday, July 3, 2017, to Monday, July 10, 2017.

2. THAT this Ordinance shall be effective immediately upon its passage and adoption.

PASSED and **APPROVED** this 21st day of November, 2016.

(SEAL)

ATTEST:

Tracy L. Dutton, TRMC
City Clerk

SIGNED:

Andrew S. Friedberg
Mayor

APPROVED AS TO FORM:

Alan P. Petrov
City Attorney

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 11/21/16 06:30 PM
Department: Public Works
Category: Agreement
Department Head: Brant Gary
DOC ID: 2084

SCHEDULED**ACTION ITEM (ID # 2084)**

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 of the City of Bellaire, Texas, to execute, and Public Works Director to acknowledge, an Interlocal Agreement with Harris County, Texas, for the administration and implementation by Harris County, Texas, of a regional watershed protection education program on storm water quality impacts in the amount of \$8,933.15 for a term of one year commencing upon the execution of said agreement by Harris County, Texas - Submitted by Brant Gary, Director of Public Works.

Background/Summary:

In accordance with the terms of the City's National Pollutant Discharge Elimination System (NPDES), Phase II permit for discharging stormwater and similar runoff, the City is required to provide public information and education regarding the impact of placing contaminants into the storm water removal systems. To provide for that education in a most cost-effective manner to the citizens of Bellaire, the Public Works Department of the City of Bellaire had requested that Harris County supply the required information through the existing educational program of the Harris County Public Infrastructure Department, Watershed Protection Group. In response, the Harris County Commissioners Court has authorized an Interlocal Agreement between the City of Bellaire, Texas, and Harris County, Texas, to administer and implement a regional watershed protection education program on storm water quality impacts on behalf of the City of Bellaire, Texas. Bellaire's cost for these services, payable to Harris County, Texas, on or before the 60th day after execution of said agreement, is \$8,933.15.

Previous Council Action Summary:

An Interlocal Agreement with Harris County for administration and implementation of a regional watershed protection education program was first approved by Council on May 19, 2008 (Ordinance No. 08-026). An Agreement has been approved by Council each year since, most recently on November 2, 2015 (Ordinance No. 15-067).

Fiscal Impact:

This item will be funded by the General Fund - Streets & Drainage Operating Budget in the amount of \$8,933.15.

Recommendation:

The Director of Public Works recommends approval.

ATTACHMENTS:

- Ordinance (DOC)
- Agreement (PDF)



ORDINANCE NO. 16-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, AUTHORIZING THE MAYOR OF THE CITY OF BELLAIRE, TEXAS, TO EXECUTE, AND THE PUBLIC WORKS DIRECTOR OF THE CITY OF BELLAIRE, TEXAS, TO ACKNOWLEDGE, FOR AND ON BEHALF OF THE CITY OF BELLAIRE, TEXAS, AN INTERLOCAL AGREEMENT WITH HARRIS COUNTY, TEXAS, IN A FORM AS ATTACHED HERETO AND MARKED EXHIBIT "A," FOR THE ADMINISTRATION AND IMPLEMENTATION BY HARRIS COUNTY, TEXAS, OF A REGIONAL WATERSHED PROTECTION EDUCATION PROGRAM ON STORM WATER QUALITY IMPACTS IN THE AMOUNT OF \$8,933.15 FOR A TERM OF ONE YEAR COMMENCING UPON THE EXECUTION OF SAID CONTRACT BY HARRIS COUNTY, TEXAS.

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

THAT the Mayor of the City of Bellaire, Texas, is hereby authorized to execute, and the Public Works Director is hereby authorized to acknowledge, for and on behalf of the City of Bellaire, Texas, an *Interlocal Agreement* with Harris County, Texas, in a form as attached hereto and marked Exhibit "A," for the administration and implementation by Harris County, Texas, of a regional watershed protection education program on storm water quality impacts in the amount of \$8,933.15 for a term of one year commencing upon the execution of said Contract by Harris County, Texas.

PASSED and **APPROVED** this 21th day of November, 2016.

(SEAL)

ATTEST:

Tracy L. Dutton, TRMC
City Clerk

SIGNED:

Dr. Philip L. Nauert
Mayor

APPROVED AS TO FORM:

Alan P. Petrov
City Attorney

HARRIS COUNTY

ENGINEERING DEPARTMENT
General Services

10555 Northwest Frwy., Suite 120
Houston, Texas 77092
(713) 274-3900

October 5, 2016

Mayor Andrew S. Friedberg
City of Bellaire
4337 Edith Street
Bellaire, Texas 77401



SUBJECT: Transmittal of Agreement between Harris County and the City of Bellaire for administration and implementation of a regional watershed protection education program

Dear Mayor Friedberg:

Enclosed please find three court approved original Interlocal Agreements between Harris County Public Infrastructure Department and the City of Bellaire to provide the city with administration and implementation of a regional watershed protection education program.

The agreement and contract is in the amount of \$8,933.15. The term will run for an entire year effective September 1, 2016 through August 31, 2017. This is the standard contract term for all regional partners.

Please sign all three agreements and return two originals to our office. In accordance with the agreement, please forward a check made payable to Harris County in the amount of \$8,933.15.

If you have any questions, please contact Dimetra Hamilton at 713-274-3745.

Sincerely,

A handwritten signature in blue ink that reads "Alisa Max".

Alisa Max, P.E.
Manager, General Services

Attachments – 3 original agreements
cc: Brant Gary, Director of Public Works

MEMO

To: Veronica Thomas,
Engineering Department

From: James Hastings, Assistant Director
Commissioners Court Records

Subject: **Agreement with the City of Bellaire**

Date: September 27, 2016

Attached you will find three originals of the above referenced agreement as approved in Commissioners Court September 27, 2016.

Would you please obtain the original signatures of the other party and return one original to our office for the official files of Commissioners Court Records. I have taken the liberty of marking an original for return.

I appreciate your assistance in this process. Thank You.

If you have any questions or need any assistance, please do not hesitate to phone me directly at 713-274-1300.

INTERLOCAL AGREEMENT(Storm Water Quality Public Education Funding)

1. PARTIES

- 1.1 Parties. The Parties to this Interlocal Agreement ("Agreement") are **Harris County**, a body corporate and politic under the laws of the State of Texas ("County"), on behalf of its Harris County Engineering Department ("HCED") and **City of Bellaire**, a municipal corporation, organized and existing by virtue of the Laws of the State of Texas ("City"). This Agreement is entered into pursuant to Chapter 791 of the Texas Government Code, the Interlocal Cooperation Act, in order to increase the efficiency and effectiveness of local government.

2. PURPOSE

- 2.1 Description. The United States Environmental Protection Agency ("EPA") has promulgated regulations requiring operators of discharges from certain municipal separate storm sewer systems (MS4s) to obtain National Pollutant Discharge Elimination System ("NPDES") permits for storm water discharges to waters of the United States. Pursuant to Part III (A)(1) of General Permit No. TXR040000 of the Texas Pollutant Discharge Elimination System, subject MS4s are required to implement a public education and outreach program on storm water impacts. The County and the City are responsible under the regulations and permits applicable to each for public education programs. Therefore, the City and the County desire that the County administer, in accordance with this Agreement, a regional public education services program related to storm water quality and other related issues that impact the water quality of our local watersheds in regard to, but not limited to, dissemination of information regarding (a) prevention of litter; (b) proper management of pesticides, herbicides, and fertilizers; (c) public reporting of illicit discharges; (d) proper management of used oil and household hazardous wastes; and (e) proper construction methods.

3. SCOPE OF WORK/SERVICES AND DELIVERABLES

- 3.1 Specific Project, Program, work, products, services, licenses and/or deliverables. HCED shall provide the work, products, services, licenses and/or deliverables required to be provided by HCED and as set out in this Agreement and in any **Attachment A and all other referenced attachments** attached and incorporated in this Agreement (all together referred to as the "Program"). The provisions in this Agreement labeled 'Scope of Services' or 'Scope of Work' shall take precedence over anything conflicting in any attached proposal.

4. ADDITIONAL AND SPECIAL REQUIREMENTS

- 4.1 Non-Federal Employees Whistleblower Protection Act. HCED shall comply with and be subject to the whistleblower rights and remedies in the pilot program on Contractor employee whistleblower protections established at 41 U.S.C. 4712 by section 828 of the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112-239) and FAR 3.908. HCED shall inform its employees in writing, in the predominant language of the workforce, of employee whistleblower rights, remedies, and protections under 41 U.S.C. 4712, as described in section 3.908 of the Federal Acquisition Regulation. During the applicable time period, HCED (as well as any of HCED's agents, employees, volunteers, and subcontractors performing work under this Agreement) shall not retaliate against employees (including discharge, demotion, or other discrimination as a reprisal) who discloses information that the employee reasonably believes is evidence of (a) gross mismanagement of a Federal contract or grant, gross waste of, or abuse of authority related to, the use of a Federal contract or grant; (b) a violation of a rule or regulation related to a federal agency contract or grant; or (c) a substantial and specific danger to public health or safety danger or a violation of law, rule, or regulation related to a Federal contract or grant. HCED shall inform the

other Party immediately of any information it receives from any source alleging a violation of this section. Each Party shall comply (and enforce compliance by Each Party's agents, employees, volunteers, subcontractors, and subrecipients as applicable, providing work, products, services, licenses and/or deliverables under this Agreement) with this provision. HCED and the person executing this Agreement on behalf of HCED certify and represent that HCED will comply with the requirements of this provision. HCED shall require the language of this provision be included in all covered sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all covered sub-recipients certify and disclose accordingly. The person whose signature appears on this Agreement is authorized to sign this certification/representation on the behalf of HCED. This certification/representation applies to this Agreement and is a material representation of fact upon which City relied when entering into this transaction. This certification/representation shall be binding on HCED (as well as successors, transferees, and assignees, if any) as long as they receive or retain federal or state funds. HCED agrees that any government agency or entity may seek judicial enforcement of this certification/representation under this Agreement.

5. AMOUNT OF COMPENSATION AND BASIS FOR PAYMENT

- 5.1 Payments/Compensation. For and in consideration of the work, products, services, licenses and/or deliverables provided under this Agreement and during the term of this Agreement, subject to the limitations in this Agreement, City shall pay County **\$8,933.15** on or before the 60th day after execution of this Agreement to cover the actual cost to County. The County may use funds provided by the City under this Agreement to pay costs of the Program. At the end of this Agreement, the County shall deliver to the City an accounting of all funds expended under this Agreement. If the funds provided by the City are in excess of the costs of the Program, the County shall refund the amount of the excess to the City.

6. TERM OF THE AGREEMENT

- 6.1 Time Period. The time period for performance of this Agreement ("Term") shall begin on October 1, 2016 and end on September 30, 2017.

7. TERMINATION PROVISIONS

- 7.1 Termination. Either Party may terminate this Agreement at any time prior to the expiration of the Term hereof by giving ten (10) days' written notice to the other Party. Upon termination, County shall deliver an accounting of all funds expended under this Agreement. County will refund to City any funds provided by the City that are in excess of the costs of the Program incurred prior to termination of this Agreement.

8. IMMUNITY

- 8.1 No Waiver of Governmental Immunity. Neither Party waives any immunity or defense on behalf of itself, its employees or agents as a result of the execution of this Agreement.

9. MISCELLANEOUS

- 9.1 Notices to City. Any notice or billing invoice required or permitted to be given ("Notice") by County or HCED to City may be given by hand delivery, facsimile, email, or certified United States Mail, postage prepaid, return receipt requested, addressed to:

Andrew S. Friedberg
Mayor
4337 Edith Street
Bellaire, Texas 77401-5612

Phone: 713-662-8275
Fax: 713-662-8179
Email: afriedberg@bellairctx.gov

- 9.2 Notices to County. Any Notice required or permitted to be given by City to County may be given by hand delivery, facsimile, email, or certified United States Mail, postage or fee prepaid, return receipt requested, addressed to:

John R. Blount, P.E.
Harris County Engineer
Harris County Engineering Department
1001 Preston, 7th Fl.
Houston, TX 77002
Fax: 713-755-4459

WITH A COPY OF THE NOTICE TO:
The Harris County Auditor
1001 Preston Street, Ste. 800
Houston, TX 77002
auditor@co.harris.tx.us


- 9.3 Receipt of Notice. Such Notice shall be considered given and complete upon successful electronic transmission or upon deposit in the United States Mail.
- 9.4 Change of Address. Either Party may change its address for Notice by giving the other Party 10 days' prior written notice specifying the new address.
- 9.5 Choice of Law. This Agreement shall be construed according to the laws of the State of Texas without giving effect to its conflict of laws provisions. Venue lies only in Harris County as per Texas Civil Practice and Remedies Code Sec. 15.015, and any alternative dispute resolution, suit, action, claim, or proceeding with respect to or arising out of this Agreement must be brought solely in the courts or locations that are situated in the State of Texas, County of Harris. Both Parties irrevocably waive any claim that any proceeding brought in Harris County has been brought in an inconvenient forum.
- 9.6 Electronic or Facsimile Signatures and Duplicate Originals. Pursuant to the requirements of the Uniform Electronic Transactions Act in Chapter 322 of the Texas Business and Commerce Code and the Federal Electronic Signatures in Global and National Commerce Act (beginning at 15 U.S.C. Section 7001), the Parties have agreed that the transactions under this Agreement may be conducted by electronic means. Pursuant to these statutes, **this Agreement may not be denied legal effect or enforceability solely because it is in electronic form or because it contains an electronic signature.** This Agreement may be executed in duplicate counterparts and with electronic or facsimile signatures with the same effect as if the signatures were on the same document. Each multiple original of this document shall be deemed an original, but all multiple copies together shall constitute one and the same instrument.
- 9.7 Signatory Authorized to Execute Agreement. The person executing this Agreement on behalf of each Party represents that he or she is duly authorized by the policy of the Party's governing body to execute this Agreement on behalf of the Party.

IN TESTIMONY OF WHICH, this Agreement, in duplicate counterparts, each having equal force and effect of an original has been executed on behalf of the Parties hereto as follows:

a. It has, on the **SEP 27 2016** day of _____, 2016, been executed on behalf of Harris County by the County Judge of Harris County, Texas, pursuant to an order of the Commissioners Court of Harris County authorizing such execution.

b. It has, on the _____ day of _____, 2016, been executed on behalf of the City of Bellaire by its Mayor and attested to by the Director of Public Works.

HARRIS COUNTY


By: 
Ed Emmett
County Judge

City of Bellaire

By: _____
Andrew S. Friedberg
Mayor

APPROVED AS TO FORM:

VINCE RYAN
Harris County Attorney

By: 
Kristin Barry
Assistant County Attorney
CAO File Number: 16GEN1450

ACKNOWLEDGED BY:

By: _____
Brant Gary
Director of Public Works

Attachment A

The County will administer the Program, which may include tasks such as:

- Development and production of color and black-and-white newspaper advertisements in the Houston Chronicle and local newspapers, including ethnic-based news publications.
- Development and production of full color newspaper inserts focusing on key regional issues related to watershed protection and storm water quality.
- Password-protected, web-based access to electronic versions of program related brochures, flyers, direct mail postcards, booklets, newspaper advertisements, newspaper inserts,
- Phase II "hot button" on the front page of the regional website with links to all participating Phase II City homepage(s) or page of their choice.
- Frequent RWPP program announcements via e-mail.
- Stakeholder group meetings (as needed for special announcements).

Harris County will provide the City with a written summary of all regional public education campaign activities provided under this agreement. If the City chooses to use this information to demonstrate permit compliance in their annual report to the Texas Commission on Environmental Quality or for any other purpose, it will be the City's responsibility to determine appropriateness of that usage.

**ORDER OF COMMISSIONERS
COURT**

The Commissioners Court of Harris County, Texas, met in regular session at its regular term at the Harris County Administration Building in the City of Houston, Texas, on SEP 27 2016, with all members present except NONE.

A quorum was present. Among other business, the following was transacted:

**ORDER AUTHORIZING
THE INTERLOCAL
AGREEMENT WITH HARRIS
COUNTY AND
CITY OF BELLAIRE
FOR STORM WATER QUALITY PUBLIC EDUCATION
FUNDING**

Commissioner Cagle introduced an order and moved that Commissioners Court adopt the order. Commissioner Locke seconded the motion for adoption of the order. The motion, carrying with it the adoption of the order, prevailed by the following vote:

	Yes	No	Abstain
Judge Ed Emmett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Gene L. Locke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Jack Morman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Steve Radack	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. R. Jack Cagle	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The meeting chair announced that the motion had duly and lawfully carried, and this order was duly and lawfully adopted. The order adopted follows:

IT IS ORDERED that the County Judge is authorized to execute the attached Interlocal Agreement with Harris County and **City of Bellaire for Storm Water Quality Public Education Funding**. The attached Agreement may be executed with an electronic or facsimile signature. The Harris County Engineering Department and all other Harris County officials and employees are authorized to do any and all things necessary or convenient to accomplish the purpose of this Order.

Presented to Commissioner's Court

SEP 27 2016

APPROVE C/L
Recorded Vol _____ Page _____

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 11/21/16 06:30 PM
Department: Police Department
Category: Purchase
Department Head: Byron Holloway
DOC ID: 2078

**SCHEDULED
INFORMATION ITEM (ID
2078)**

Item Title:

Consideration of and possible action on a request from the Bellaire Police Department for City Council's approval to purchase six (6) vehicles as funded in the FY2017 budget and on the adoption of an ordinance of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute any and all necessary documentation associated with the purchase of two (2) assigned unmarked vehicles from Caldwell Country Chevrolet in the amount of \$69,764.00 and two (2) fleet patrol vehicles and two (2) assigned patrol vehicles from Sam Pack's Five Star Ford in the amount of \$136,200.00 - Submitted by Byron Holloway, Chief of Police.

Background/Summary:

Approval to purchase patrol fleet vehicles consisting of two (2) marked 2017 Ford Police Interceptor Sedans with an expected life cycle of three (3) years. Two (2) marked assigned patrol fleet 2017 Ford Police Interceptor utility (SUV) units - expected life cycle is seven (7) years. Approval to include unmarked police fleet vehicles consisting of two (2) 2017 Chevrolet Tahoes. One (1) to be assigned to the Criminal Investigations Division and one (1) to be assigned to an Administrative Officer - expected life cycle seven (7) years.

Vehicles are being purchased through the HGAC Cooperative Purchasing Program.

All vehicles were listed in the Vehicle and Equipment Replacement Program presented to Mayor and Council on August 18, 2015. All vehicles listed are funded in the approved FY2017 Budget.

Previous Council Action:

Approved in the FY2017 Budget

Fiscal Impact:

\$205,964.00

Recommendation:

Chief Holloway recommends this purchase.

ATTACHMENTS:

- Authorization for Purchase of Vehicles and for Mayor to Execute Necessary Documentation (DOC)
- HGACBuy Contract Pricing Worksheet - FY2017 Police Vehicle Purchase (PDF)



ORDINANCE NO. 16-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, APPROVING A REQUEST FROM THE BELLAIRE POLICE DEPARTMENT TO PURCHASE SIX (6) VEHICLES AS FUNDED IN THE FY 2017 BUDGET AND AUTHORIZING THE MAYOR OF THE CITY OF BELLAIRE, TEXAS, TO EXECUTE, FOR AND ON BEHALF OF THE CITY OF BELLAIRE, TEXAS, ANY AND ALL NECESSARY DOCUMENTATION ASSOCIATED WITH THE PURCHASE OF TWO (2) ASSIGNED UNMARKED VEHICLES FROM CALDWELL COUNTRY CHEVROLET IN THE AMOUNT OF \$69,764.00 AND TWO (2) FLEET PATROL VEHICLES AND TWO (2) ASSIGNED PATROL VEHICLES FROM SAM PACK'S FIVE STAR FORD IN THE AMOUNT OF \$136,200.00.

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

1. **THAT** the City Council of the City of Bellaire, Texas, hereby approves a request from the Bellaire Police Department to purchase six (6) vehicles as funded in the FY 2017 budget.
2. **THAT** the Mayor of the City of Bellaire, Texas, is hereby authorized to execute, for and on behalf of the City of Bellaire, Texas, any and all necessary documentation associated with the purchase of two (2) assigned unmarked vehicles from Caldwell Country Chevrolet in the amount of \$69,764.00.
3. **THAT** the Mayor of the City of Bellaire, Texas, is hereby authorized to execute, for and on behalf of the City of Bellaire, Texas, any and all necessary documentation associated with the purchase of two (2) fleet patrol vehicles and two (2) assigned patrol vehicles from Sam Pack's Five Star Ford in the amount of \$136,200.00.

PASSED and **APPROVED** this 21st day of November, 2016.

(SEAL)

ATTEST:

Tracy L. Dutton, TRMC
City Clerk

SIGNED:

Andrew S. Friedberg
Mayor

APPROVED AS TO FORM:

Alan P. Petrov
City Attorney


CONTRACT PRICING WORKSHEET
 For MOTOR VEHICLES Only

Contract No.:	VE11-15	Date Prepared:	17-Oct
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This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents **MUST** be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.

Buying Agency:	BELLAIRE, CITY OF	Contractor:	Sam Pack's Five Star Ford
Contact Person:	LT. JEFF COTTON	Prepared By:	RUBEN SANTANA
Phone:	713-662-8110	Phone:	888.835.3389
Fax:		Fax:	972.245.5278
Email:	cotton@bellairepolice.com	Email:	bidtx@spford.com

Product Code:	E10	Description:	FORD POLICE INTERCEPTOR 4 DOOR SEDAN, AWD, 3.7L V6 FFV Ti-VCT, 6 SPEED AUTOMAT
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A. Product Item Base Unit Price Per Contractor's H-GAC Contract: 20993

B. Published Options - Itemize below - Attach additional sheet(s) if necessary - Include Option Code in description if applicable.
 (Note: Published Options are options which were submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
76R REVERSE SENSING SYSTEM	295	67D PWR WND DISABLE	25
99T ECOBOOST	3050	942 DAYTIME RUNNING LIGHTS NEEDED FOR 43L	50
21F SPOT LAMP DR	360	68C HMI W/SYNC 4.2 SCREEN - NEEDED FOR 53M	NC
43G KEYED ALIKE G	50	63P DOOR LOCK PLUNGER/INOP REAR DOOR HANDLE	155
51G GRILL LAMP WIRE	50	62B TRUNK RELEASE	30
51J REAR WIRE KIT	130	77B MIRROR WITH CAMERA	NC
53M SYNC SYSTEM	295	97T TRUNK FAN	100
55D AUTO HEADLAMPS	120		
65C LVL III BALISTIC PANEL	3095		
12T SPEED LTD CALIB	NC		
13D SILENT MODE	20		
20P NOISE SUPPRESSION BOND	95		
		Subtotal From Additional Sheet(s):	
		Subtotal B:	7920

C. Unpublished Options - Itemize below / attach additional sheet(s) if necessary.
 (Note: Unpublished options are items which were not submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
ESP WARRANTY	2595		
5 YEAR/100,000 MILE \$0 DEDUCTABLE			
		Subtotal C:	2595

Check: Total cost of Unpublished Options (C) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B). For this transaction the percentage is: 9%

D. Total Cost Before Any Applicable Trade-In / Other Allowances / Discounts (A+B+C)

Quantity Ordered:	2	X Subtotal of A + B + C:	31508	=	Subtotal D:	63016
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E. H-GAC Order Processing Charge (Amount Per Current Policy) Subtotal E: 600

F. Trade-Ins / Special Discounts / Other Allowances / Freight / Installation / Miscellaneous Charges

Description	Cost	Description	Cost
DELIVERY 250 miles @ \$2.70 per mile	675		
		Subtotal F:	675

G. Total Purchase Price (D+E+F): 64291

Delivery Date:

Attachment: HGACBuy Contract Pricing Worksheet - FY2017 Police Vehicle Purchase (2078 : Purchase of Police Vehicles)


CONTRACT PRICING WORKSHEET
 For MOTOR VEHICLES Only

 Contract
 No.:

VE11-15

 Date
 Prepared:

17-Oct

This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents MUST be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.

Buying Agency:	BELLAIRE, CITY OF	Contractor:	Sam Pack's Five Star Ford
Contact Person:	LT. JEFF COTTON	Prepared By:	RUBEN SANTANA
Phone:	713-662-8110	Phone:	888.835.3389
Fax:		Fax:	972.245.5278
Email:	cotton@bellairepolice.com	Email:	bidtx@spford.com

Product Code:	E16	Description:	2016 FORD POLICE INTERCEPTOR UTILITY, AWD, 3.7L V6 - EXPLORER 500A
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A. Product Item Base Unit Price Per Contractor's H-GAC Contract: 22687

B. Published Options - Itemize below - Attach additional sheet(s) if necessary - Include Option Code in description if applicable.
 (Note: Published Options are options which were submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
99T ECOBOOST 3.5L V6	3295	43L SILENT MODE- 942 REQUIRED	20
53M SYNC	295	942 DAYTIME RUNNING LIGHTS	45
17A AUX CLIMATE CONTROL	610	60R NOISE SUPPRESSION	100
17T CARGO DOME LAMP	50	59G KEY CODE G	50
68G REAR DOOR LOCK INOP	35	WARRANT	
51R SPOT LAMP LED DRIVER SIDE	395		
60A GRILL WIRING	50		
76R REVERSE SENSING SYSTEM	275		
90E LEFT/RIGHT BALLASTIC DOOR PANELS	3170		
92G E MARKED SOLAR	120		
86L AUTO HEADLAMP	115		
87R REAR CAMERA ON REARVIEW MIRROR	NC		
		Subtotal From Additional Sheet(s):	
		Subtotal B:	8625

C. Unpublished Options - Itemize below / attach additional sheet(s) if necessary.
 (Note: Unpublished options are items which were not submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
ESP WARRANTY	2595		
5 YEAR/100,000 MILE \$0 DEDUCTABLE			
		Subtotal C:	2595

Check: Total cost of Unpublished Options (C) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B). For this transaction the percentage is: 8%

D. Total Cost Before Any Applicable Trade-In / Other Allowances / Discounts (A+B+C)

Quantity Ordered:	1	X Subtotal of A + B + C:	33907	=	Subtotal D:	33907
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E. H-GAC Order Processing Charge (Amount Per Current Policy) Subtotal E: 600

F. Trade-Ins / Special Discounts / Other Allowances / Freight / Installation / Miscellaneous Charges

Description	Cost	Description	Cost
DELIVERY 250 miles @ \$2.70 per mile	675		
		Subtotal F:	675

Delivery Date: **G. Total Purchase Price (D+E+F):** 35182

Attachment: HGACBuy Contract Pricing Worksheet - FY2017 Police Vehicle Purchase (2078 : Purchase of Police Vehicles)

HGACBuy		CONTRACT PRICING WORKSHEET For MOTOR VEHICLES Only		Contract No.:	VE11-15	Date Prepared:	17-Oct
<p>This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents <u>MUST</u> be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.</p>							
Buying Agency:	BELLAIRE, CITY OF			Contractor:	Sam Pack's Five Star Ford		
Contact Person:	LT. JEFF COTTON			Prepared By:	RUBEN SANTANA		
Phone:	713-662-8110			Phone:	888.835.3389		
Fax:				Fax:	972.245.5278		
Email:	cotton@bellairepolice.com			Email:	bidtx@spford.com		
Product Code:	E16	Description:	2016 FORD POLICE INTERCEPTOR UTILITY, AWD, 3.7L V6 - EXPLORER 500A				
A. Product Item Base Unit Price Per Contractor's H-GAC Contract:							22687
B. Published Options - Itemize below - Attach additional sheet(s) if necessary - Include Option Code in description if applicable. (Note: Published Options are options which were submitted and priced in Contractor's bid.)							
Description		Cost	Description		Cost		
99T ECOBOOST 3.5L V6		3295	90E LEFT/RIGHT BALLIASTIC DOOR PANELS		3170		
53M SYNC		295	92G E MARKED SOLAR		120		
16C CARPET FLOOR COVERING		125	21W POCKET WARNING LIGHT		640		
17A AUX CLIMATE CONTROL		610	43L SILENT MODE- 942 REQUIRED		20		
17T CARGO DOME LAMP		50	942 DAYTIME RUNNING LIGHTS		45		
18W REAR WINDOW DELETE		25	60R NOISE SUPPRESION		100		
55B BLIND SPOT MONITORING SYSTEM		545	68L REAR DOOR INOP		35		
51R SPOT LAMP LED DRIVER SIDE		395	86L AUTO HEADLAMP		115		
595 KEYLESS ENTRY W/ 2 FOBS		260	87R REAR CAMERA ON REARVIEW MIRROR		NC		
60A GRILL WIRING		50	CRO				
76R REVERSE SENSING SYSTEM		275					
					Subtotal B:		10170
C. Unpublished Options - Itemize below / attach additional sheet(s) if necessary. (Note: Unpublished options are items which were not submitted and priced in Contractor's bid.)							
Description		Cost	Description		Cost		
ESP WARRANTY		2595					
5 YEAR/100,000 MILE \$0 DEDUCTABLE							
					Subtotal C:		2595
Check: Total cost of Unpublished Options (C) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B).					For this transaction the percentage is:		8%
D. Total Cost Before Any Applicable Trade-In / Other Allowances / Discounts (A+B+C)							
Quantity Ordered:	1	X Subtotal of A + B + C:		35452	=	Subtotal D:	35452
E. H-GAC Order Processing Charge (Amount Per Current Policy)						Subtotal E:	600
F. Trade-Ins / Special Discounts / Other Allowances / Freight / Installation / Miscellaneous Charges							
Description		Cost	Description		Cost		
DELIVERY 250 miles @ \$2.70 per mile		675					
					Subtotal F:		675
Delivery Date:					G. Total Purchase Price (D+E+F):		36727



CONTRACT PRICING WORKSHEET

For MOTOR VEHICLES Only

**Contract
No.:**

VE11-15

Date
Prepared:

9/14/2016

This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents MUST be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.

Buying Agency:	CITY OF BELLAIRE	Contractor:	CALDWELL COUNTRY CHEVROLET
Contact Person:	JUANITA SANDOVAL	Prepared By:	AVERYT KNAPP
Phone:	713-662-8122	Phone:	979-567-6116
Fax:	713-662-8143	Fax:	979-567-0853
Email:	JSANDOVAL@BELLAIREPOLICE.COM	Email:	AKNAPP@CALDWELLCOUNTRY.COM

Product Code:	A17	Description:	2016-2017 CHEVROLET TAHOE PPV CC15706
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A. Product Item Base Unit Price Per Contractor's H-GAC Contract:	3196
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B. Published Options - Itemize below - Attach additional sheet(s) if necessary - Include Option Code in description if applicable.
(Note: Published Options are options which were submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
CARPET FLOOR W/MATS B30	190		
BUCKETS A95	250		
HGAC PUBLISHED OPTION DISCOUNT	-22		
		Subtotal From Additional Sheet(s):	
		Subtotal B:	41

C. Unpublished Options - Itemize below / attach additional sheet(s) if necessary.
(Note: Unpublished options are items which were not submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
ALUMINUM WHEELS	1200	FLOOR PLAN INTEREST -OUT OF STOCK	71
		Subtotal From Additional Sheet(s):	
		Subtotal C:	191

Check: Total cost of Unpublished Options (C) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B).

For this transaction the percentage is:

69

D. Total Cost Before Any Applicable Trade-In / Other Allowances / Discounts (A+B+C)

Quantity Ordered:	2	X Subtotal of A + B + C:	34297	=	Subtotal D:	6859
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E. H-GAC Order Processing Charge (Amount Per Current Policy)	

E. H-GAC Order Processing Charge (Amount Per Current Policy)		Subtotal E:	\$600
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F. Trade-Ins / Special Discounts / Other Allowances / Freight / Installation / Miscellaneous Charges					
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Description	Cost	Description	Cost
2016-GR228773, 2016-GR398723		DELIVERY (\$285 X 2)	57
		EXTERIOR COLOR BLACK (1) WHITE (1)	INCL
		Subtotal F:	57

Delivery Date:	STOCK UNITS	G. Total Purchase Price (D+E+F):	69764
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Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 11/21/16 06:30 PM
Department: Finance Administration
Category: Ordinance
Department Head: Terrence Beaman
DOC ID: 2074

**SCHEDULED
ORDINANCE (ID # 2074)**

Item Title:

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, granting to CenterPoint Energy Texas Gas Operations, the right, privilege and franchise to construct, install, extend, remove, replace, abandon, operate and maintain its facilities within the public rights-of-way of the City of Bellaire, Texas, for the transportation, delivery, sale and distribution of natural gas; containing other provisions relating to the foregoing subject; providing for severability and providing an effective date 60 days after its final passage - Submitted by Terrence Beaman, Chief Financial Officer.

Background/Summary:

The City of Bellaire's gas tax franchise agreement with CenterPoint is set to expire January 31, 2017. Over the next three Council meetings, there will be an item to renew the CenterPoint Gas Tax Franchise agreement. The City Charter states that "all ordinances granting, amending, renewing, or extending franchises for public utilities shall be read at three separate regular meetings of the City Council."

The franchise agreement is essentially a lease agreement for the use of the City's right-of-way. The franchise fee is compensation to the City for that use. The existing agreement provides 3% of gross receipts as a franchise fee. Based on the 3% fee, the City collected approximately \$114,000 in calendar year 2015. Calendar year 2016 is coming in lower than calendar year 2015 based on declining usage as a result of a milder winter.

CenterPoint is proposing a 5% fee for the new agreement, which is the maximum fee allowed by state law, and seems to be the rate being applied in new agreements in our area. The 5% proposed fee, based on usage for calendar year 2015 will generate approximately \$190,000 in annual revenues to the City for calendar year 2016 or approximately a 66% increase in revenues from calendar year 2015.

This increase will be borne by Bellaire residents as the franchise fee paid is a pass-through for the utility whereas the resident pays CenterPoint and then CenterPoint remits the fees to the City.

Previous Council Action Summary:

N/A

Fiscal Impact:

None as this is the 1st reading.

Recommendation:

CFO Terrence Beaman recommends adoption of the 1st reading of this ordinance.

ATTACHMENTS:

- Draft 2016 Gas Agreement with Center Point 11-15-16 without instructions (DOCX)

**CITY OF BELLAIRE
ORDINANCE NO. 2016-_____**

AN ORDINANCE GRANTING TO CENTERPOINT ENERGY RESOURCES CORP., DBA CENTERPOINT ENERGY TEXAS GAS OPERATIONS, THE RIGHT, PRIVILEGE AND FRANCHISE TO CONSTRUCT, INSTALL, EXTEND, REMOVE, REPLACE, ABANDON, OPERATE AND MAINTAIN ITS FACILITIES WITHIN THE PUBLIC RIGHTS-OF-WAY OF THE CITY OF BELLAIRE, TEXAS FOR THE TRANSPORTATION, DELIVERY, SALE AND DISTRIBUTION OF NATURAL GAS; CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLAIRE

Section 1. GRANT OF AUTHORITY. Subject to the terms, conditions and provisions of this ordinance, the right, privilege and franchise is hereby granted to CenterPoint Energy Resources Corp., DBA CenterPoint Energy Texas Gas Operations, hereinafter called “Company”, to construct, install, extend, remove, replace, abandon, operate and maintain its facilities within the Public Rights-of-Way of the City of Bellaire, Texas for the transportation, delivery, sale and distribution of natural gas within the corporate limits of the City of Bellaire, as the same are now and as the same may from time to time be extended.

Section 2. DEFINITIONS.

- A. “City” shall mean the City of Bellaire, Texas.
- B. “Company” shall mean CenterPoint Energy Resources Corp., DBA CenterPoint Energy Texas Gas Operations, a Delaware Corporation, and shall not mean any of its affiliates and subsidiaries who shall have no right, privilege or franchise granted hereunder.
- C. “Facilities” shall mean pipes, pipelines, natural gas mains, laterals, feeders, regulators, meters, fixtures, connections and attachments and other instrumentalities and appurtenances, used in or incident to providing transportation, distribution, supply and sales of natural gas for heating, lighting, power and any other purposes for which natural gas may now or hereafter be used.
- D. “Public Rights-of-Way” shall mean the areas in, under, upon, over, across, and along any and all of the present and future Streets or streams now or hereafter owned or controlled by City.
- E. “Street” shall mean the surface and the space above and below any public street, road, highway, alley, bridge, sidewalk, or other public place or way.

Section 3. TERM OF FRANCHISE. This Franchise shall become effective on the Effective Date described in Section 21 and shall be in full force and effect for a term of twenty-five (25) years.

Section 4. CONSTRUCTION AND MAINTENANCE OF NATURAL GAS DISTRIBUTION SYSTEM. All Facilities installed by Company shall be of sound material and good quality, and shall be laid so that they will not interfere with the artificial drainage of the City or its underground fixtures, or with navigation in or the natural drainage of any stream. All Facilities shall be installed in accordance with applicable Federal and State regulations and in the absence of such regulations in accordance with accepted industry practice. Within the Public Rights-of-Way, the location and route of the Facilities by the Company shall be subject to the reasonable and proper regulation, direction and control of the City or the City official to whom such duties have been delegated. Such regulation shall include, but not be limited to, the right to require in writing to the extent provided in Section 13 the relocation of Company's Facilities at Company's cost within the Public Rights-of-Way of the City whenever such relocation shall be reasonably necessary to accommodate the widening, change of grade, or relocation by City of Streets or Public Rights-of-Way, or construction or relocation by City of City utility lines or drainage facilities. Company shall keep current and up-to-date maps showing the physical location of Company's facilities and make available for inspection by the City at no cost during normal working hours.

Section 5. STREETS TO BE RESTORED TO GOOD CONDITION. Company and contractors performing work for Company shall be required to obtain permits for all work in the City's Public Rights-of-Way in accordance with the City's normal requirements for such work, but shall not be required to pay any fee in addition to the franchise fee in order to perform work on Company's Facilities, or park within the Streets and other Public Rights-of-Way. In the event of a bona fide emergency requiring immediate and necessary work, wherein the health, safety, and well-being of the citizens of the City are at stake, the Company or contractors performing work for the Company shall then proceed immediately to conduct such placement, layout, grade, construction or reconstruction of any Company facility, improvement, equipment or other thing, along, across, on, over, through, above or under any Public Right-of Way or public place within the City without first having to obtain a permit. However, the Company or contractors performing such work for the Company shall give notice to the City Manager of completion of such work. Following completion of work in the Public Rights-of-Way, Company shall repair the affected Public Rights-of-Way as soon as possible, but in all cases Company shall comply with all City ordinances governing time periods and standards relating to excavating in the Public Rights-of-Way. No street, alley, highway or public place shall be encumbered for a longer period than shall be necessary to execute the work and Company shall be responsible for traffic control including obtain approval of a traffic control plan from the City prior to commencing any work that affects traffic.

Section 6. QUALITY OF SERVICE. The service furnished hereunder to the City and its inhabitants shall be in accordance with the quality of service rules of the Railroad Commission of Texas, state and federal regulations. Company shall furnish the grade of service to its customers as provided by its rate schedules and shall maintain its system in reasonable operating condition during the continuance of this Franchise. An exception to this requirement is automatically in effect, but only for so long as is necessary, when caused by a shortage in materials, supplies and equipment beyond the control of the Company as a result of fires, strikes, riots, storms, floods and other casualties, governmental regulations, limitations and restrictions as to the use and availability of materials, supplies and equipment and as to the use of the

services, and unforeseeable and unusual demands for service. In any of such events the Company shall do all things reasonably within its power to restore normal service as quickly as practicable.

Section 7. PAYMENT TO THE CITY. In consideration of the rights and privileges herein granted, the administration of the Franchise by the City, the temporary interference with the use of Public Rights-of-Way and cost and obligations undertaken by the city in relation thereto and in lieu of any license, charge, fee, street or alley rental or other character of charge for use and occupancy of the Streets, alleys, and public places of the City, and in lieu of any inspection fee, the Company agrees to pay to the City franchise fees in the amount and manner described herein.

Company agrees to pay to the City quarterly during the continuance of this Franchise a sum of money equal to five percent (5%) of the Company's gross receipts for the preceding calendar quarter received by the Company from the sale of gas within the corporate limits of the City plus seven cents (7¢) per Mcf for natural gas transported by Company for its Transport Customers during such quarter. "Transport Customer" means any person or entity for whom Company transports gas through the distribution system of Company within the corporate limits of City for consumption within the corporate limits of City. The franchise fees hereunder shall be calculated for the calendar quarters ending March 31, June 30, September 30, and December 31 and shall be payable on or before the fifteenth day of May, August, November, and February following the quarter for which payment is made, beginning with the first such date following the Effective Date of this Franchise and each August 15th, November 15th, February 15th, and May 15th thereafter; provided, however, the first such payment shall be prorated as necessary to reflect only those gross receipts received and transportation volumes delivered by Company after the Effective Date of this Franchise. In no event shall the Company be required to remit to the City franchise fee amounts that for any reason whatsoever are not fully recoverable from its customers. Upon receipt of the above amount of money, the Finance Department shall deliver to the Company a receipt for such amount upon the Company's request. If any payment due date required herein falls on a weekend or bank holiday, payment shall be made on or before the close of business of the first working day after the payment due date.

Section 8. ANNEXATIONS BY CITY. This Franchise shall extend to and include any and all territory that is annexed by the City during the term of this Franchise. Within sixty (60) days from the receipt of notice from the City of any such annexation, the Company shall assure that any and all customers within such annexed territory are included and shown on its accounting system as being within the corporate limits of the City of Bellaire. After such sixty (60) day period the payment provisions specified in Section 7 of this Franchise shall apply to gross receipts and transport fees received by the Company from customers located within such annexed territory. Company shall true-up its map of City boundaries to the City's map on an annual basis.

Section 9. NON-EXCLUSIVE FRANCHISE. Nothing contained in this Franchise shall ever be construed as conferring upon the Company any exclusive rights or privileges of any nature whatsoever.

Section 10. COMPLIANCE AND REMEDIES. (a) In the event the Company by act or omission violates any material term, condition or provision of this Franchise, the City shall notify the Company in writing of such violation. Should the Company fail or refuse to correct

any such violation within thirty (30) days from the date of City's notice, the City shall, upon written notification to the Company, have the right to terminate this agreement. Any such termination and cancellation shall be by ordinance adopted by City Council; provided, however, before any such ordinance is adopted, the Company must be given at least sixty (60) days' advance written notice. Such notice shall set forth the causes and reasons for the proposed termination and cancellation, shall advise the Company that it will be provided an opportunity to be heard by City Council regarding such proposed action before any such action is taken and shall set forth the time, date and place of the hearing.

(b) Other than its failure, refusal or inability to pay its debts and obligations, including, specifically, the payments to the City required by this Franchise, the Company shall not be declared in default or be subject to any sanction under any provision of this Franchise in those cases in which performance of such provision is prevented by reasons beyond its control.

(c) The rights and remedies of City and Company set forth herein shall be in addition to, and not in limitation of, any other rights and remedies provided at law or in equity and City's exercise of any particular remedy shall not constitute a waiver of its rights to exercise any other remedy.

Section 11. RESERVE OF POWERS. Except as otherwise provided in this Franchise, the City by the granting of this Franchise does not surrender or to any extent lose, waive, impair or lessen the lawful powers, claims and rights, now or hereafter vested in the City under the Constitution and statutes of the State of Texas and under the Charter and Ordinances of the City of Bellaire or other applicable law, to regulate public utilities within the City and to regulate the use of the Streets by the Company; and the Company by its acceptance of this Franchise agrees that, except as otherwise provided in this Franchise, all lawful powers and rights, whether regulatory or otherwise, as are or as may be from time to time vested in or reserved to the City, shall be in full force and effect and subject to the exercise thereof by the City at any time and from time to time.

SECTION 12. INDEMNITY. THE COMPANY, ITS SUCCESSORS AND ASSIGNS, SHALL PROTECT AND HOLD THE CITY AND ITS OFFICERS, AGENTS, AND EMPLOYEES (COLLECTIVELY REFERRED TO IN THIS SECTION AS "THE CITY") HARMLESS AGAINST ANY AND ALL CLAIMS OR DEMANDS FOR DAMAGES TO ANY PERSON OR PROPERTY BY REASON OF THE CONSTRUCTION AND MAINTENANCE OF THE COMPANY'S NATURAL GAS DISTRIBUTION SYSTEM, OR IN ANY WAY GROWING OUT OF THE RIGHTS GRANTED BY THIS FRANCHISE, EITHER DIRECTLY OR INDIRECTLY, OR BY REASON OF ANY ACT, NEGLIGENCE OR NONFEASANCE OF THE COMPANY OR THE CONTRACTORS, AGENTS OR EMPLOYEES OF THE COMPANY OR ITS SUCCESSORS AND ASSIGNS, AND SHALL REFUND TO THE CITY ALL SUMS WHICH THE CITY MAY BE ADJUDGED TO PAY ON ANY SUCH CLAIM, OR WHICH MAY ARISE OR GROW OUT OF THE EXERCISE OF THE RIGHTS AND PRIVILEGES HEREBY GRANTED OR BY THE ABUSE THEREOF, AND THE COMPANY OR ITS SUCCESSORS AND ASSIGNS SHALL INDEMNIFY AND HOLD THE CITY HARMLESS FROM AND ON ACCOUNT OF ALL DAMAGES, COSTS, EXPENSES, ACTIONS, AND CAUSES OF ACTION THAT MAY ACCRUE TO OR BE BROUGHT BY, A PERSON, PERSONS, COMPANY OR COMPANIES AT ANY TIME

**HEREAFTER BY REASON OF THE EXERCISE OF THE RIGHTS AND PRIVILEGES
HEREBY GRANTED, OR OF THE ABUSE THEREOF.**

Section 13. RELOCATION OF FACILITIES. The Company shall, upon written request of the City, relocate its Facilities within Public Rights-of-Way at Company's own expense, exclusive of Facilities installed for service directly to City, whenever such shall be reasonably necessary on account of the widening, change of grade, or relocation by City of Streets or Public Rights-of-Way, or construction or relocation by City of City utility lines or drainage facilities. City shall bear the costs of all relocations of Facilities installed for service directly to City and of any relocation of other Facilities requested by City for reasons other than the widening, change of grade, or relocation by City of Streets or Public Rights-of-Way, or construction or relocation by the City of City utility lines or drainage facilities.

Section 14. GOVERNMENTAL FUNCTION. All of the regulations and activities required by this Franchise are hereby declared to be governmental and for the health, safety and welfare of the general public.

Section 15. RECORDS AND REPORTS. (a) Books of Account. The Company shall keep complete and accurate books of accounts and records of its business and operations under and in connection with this Franchise. All such books of accounts and records shall be kept at the company's principal office in Houston, Texas.

(b) Access by City. The City may conduct an audit or other inquiry or may pursue a cause of action in relation to the payment of the franchise fee only if such audit, inquiry, or pursuit of a cause of action concerns a payment made less than three (3) years before the commencement of such audit, inquiry, or pursuit of a cause of action. Each party shall bear its own costs of any such audit or inquiry. Upon receipt of a written request from the City, all books and records related to Company's operations under this Franchise shall be made available for inspection and copying no later than thirty (30) days from receipt of such request.

(c) Interest on Underpayments and Overpayments. (1) Amounts due to City for late payments shall include interest, compounded daily equal to the return on equity plus three percent (3%) granted to the Company in its most recent proceeding fixing rates applicable to customers within the corporate limits of the City. (2) If the City identifies, as a result of a franchise fee compliance review, amounts owed by the Company from prior periods or prior underpayments, then the Company shall pay simple interest on such amounts equal to the return on equity granted to the Company in its most recent proceeding fixing rates applicable to customers within the corporate limits of the City. Said interest shall be payable on such sums from the date the initial payment was due until it is paid and shall not be billed to customers. (3) Amounts due Company for past overpayments shall include simple interest equal to the return on equity granted to the Company in its most recent proceeding fixing rates applicable to customers within the corporate limits of the City; provided, however, if there is a change in the approved return on equity during the time period subject to the City's audit or inquiry, then for each time period during which there was an overpayment, the approved return on equity in effect during such time period shall be used in calculating interest under this subparagraph (c). Interest payable on such sums shall be credited to customers.

Section 16. EASEMENT. In consideration for the compensation set forth in Section 7, City agrees that if City sells, conveys, or surrenders possession of any portion of the Public Right-of-Way that is being used by Company pursuant to this Franchise, City, to the maximum extent of its right to do so, shall first grant Company an easement for such use and the sale, conveyance, or surrender of possession of the Public Right-of-Way shall be subject to the right and continued use of Company.

Section 17. ORIGINAL JURISDICTION OVER RATES AND SERVICES. Pursuant to Section 103.003 of the Gas Utility Regulatory Act, the City hereby elects to surrender to the Railroad Commission of Texas the City's exclusive original jurisdiction over the rates, operations and services of the Company effective as of the Effective Date of this Franchise and for the term of this Franchise. Notwithstanding the above surrender of the City's exclusive original jurisdiction over the rates, operations and services of the Company, such surrender shall not affect in any manner the City's rights and privileges pursuant to the provisions of the Gas Utility Regulatory Act as currently enacted, or as amended, or in any successor legislation, or as otherwise provided at law for the City to both participate in any ratemaking proceeding at the Railroad Commission of Texas which affects the City's gas rates, and to recover from the Company any reasonable expenses incurred by the City in its participation in such a ratemaking proceeding as provided for in law.

Section 18. ACCEPTANCE. The Company shall, within thirty (30) days following the final passage and approval of this Franchise, file with the City Clerk of the City of Bellaire a written statement signed in its name and behalf in the following form:

"To the Honorable Mayor: and City Council of the City of Bellaire:

CenterPoint Energy Resources Corp., DBA CenterPoint Energy Texas Gas Operations, its successors and assigns, hereby accepts the attached Franchise Ordinance and agrees to be bound by all of its terms and provisions."

CENTERPOINT ENERGY RESOURCES CORP.,
DBA CENTERPOINT ENERGY TEXAS GAS
OPERATIONS

By:

Randal M. Pryor, Division Vice President,
Regional Operations

Dated this _____ day of _____ 2016.

Section 19. SEVERABILITY. If any provision, section, subsection, sentence, clause or phrase of this Franchise is for any reason held to be unconstitutional, void, or invalid or for any reason unenforceable, the validity of the remaining portions of this Franchise shall not be affected thereby, it being the intent the City of Bellaire in adopting this Franchise that no portion hereof or provision hereof shall become inoperative or fail by reason of any unconstitutionality

or invalidity of any other portion, provision or regulation and, to this end, all provisions of this ordinance are declared to be severable.

Section 20. NOTICES. Every notice, order, petition, documents or other direction or communication to be served upon the City or the Company shall be deemed sufficiently given if sent by registered or certified mail, return receipt requested. Every such communication to the Company shall be sent to:

CenterPoint Energy Resources Corp.
Vice President Regulatory Relations
PO Box 4567
Houston, TX 77210-4567

With a copy to:
General Counsel, Gas Division
PO Box 2628
Houston, TX 77252-2628

Every such communication to the City or the City Council shall be sent to the:

Mayor, City of Bellaire

Bellaire, Texas _____

With a Copy to:

City Clerk

Bellaire, Texas _____

Section 21. PUBLICATION, PASSAGE AND EFFECTIVE DATE. This Franchise, having been published, at the expense of the Company, once each week for four (4) consecutive weeks in the official newspaper of the City of Bellaire following its final passage, shall take effect and be in force from and after the first day of the month following sixty (60) days after its final passage. (“Effective Date”). The Company shall pay the cost of those publications.

Section 22. REPEAL OF PREVIOUS ORDINANCES. This Franchise replaces the Franchise agreement with the Company, dated July 6, 1998 granted by City of Bellaire, Texas Ordinance No. 98-031 which ordinance is hereby repealed as of the Effective Date of this Franchise. Any claims of City or Company thereunder are hereby waived.

Section 23. COMPLIANCE WITH CHARTER AND ORDINANCES. This Franchise, the rights granted hereby and the operations and activities performed by Company pursuant hereto shall be subject to applicable provisions of the Charter of the City of Bellaire, Texas. Except to the extent otherwise expressly provided herein, the Franchise and rights

granted hereby and the operations and activities performed by Company pursuant hereto, shall be subject to all valid ordinances and regulations of the City insofar as such ordinances and regulation (a) do not shorten the term hereof or terminate, abrogate, or materially and adversely affect the Franchise and right granted to Company hereby, (b) do not conflict with or are not inconsistent with the terms and provisions contained in this ordinance, (c) or prevent or interfere with Company's Federal and State regulatory obligations. All such conflicting or inconsistent ordinances are hereby repealed to the extent of such conflict or inconsistency.

Read in full and passed and adopted on first reading at a regular meeting of the City Council of Bellaire, Texas, on the _____ day of _____, 2016 and approved by the Mayor.

Read in full and passed and adopted on second reading at a regular meeting of the City Council of Bellaire, Texas, on the _____ day of _____, 2016 and approved by the Mayor.

Read in full and passed and adopted on third reading at a regular meeting of the City Council of Bellaire, Texas, on the _____ day of _____, 2016 and approved by the Mayor.

APPROVED:

MAYOR OF THE CITY OF
BELLAIRE, TEXAS

ATTEST:

CITY CLERK OF BELLAIRE, TEXAS

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

I, the duly appointed, qualified and acting City Clerk of Bellaire, Texas, do hereby certify that the above and foregoing ordinance was read on first reading at a regular meeting of the City Council of said Bellaire, Texas, held on the ____ day of _____, 2016; that written notice of the date, place and subject of said meeting was posted on a bulletin board located at a place convenient to the public in the City Hall for at least 72 hours preceding the day of said meeting; that the Mayor _____, and _____ Council members:

- | | |
|----------|----------|
| 1. _____ | 4. _____ |
| 2. _____ | 5. _____ |
| 3. _____ | 6. _____ |

were present at said meeting and acted as the Council throughout; that the same has been signed and approved by the Mayor and is duly attested by the City Clerk; that the above and foregoing ordinance was read on second reading at a regular meeting of the City Council of said Bellaire, Texas held on the ____ day of _____ 2016; that written notice of the date, place and subject of said meeting was posted on a bulletin board located at a place convenient to the public in the City Hall for at least 72 hours preceding the day of said meeting; that the Mayor _____, and _____ Council members:

- | | |
|----------|----------|
| 1. _____ | 4. _____ |
| 2. _____ | 5. _____ |
| 3. _____ | 6. _____ |

were present at said meeting and acted as the Council throughout; that the same has been signed and approved by the Mayor and is duly attested by the City Clerk; that the above and foregoing ordinance was read on third reading at a regular meeting of the City Council of said Bellaire, Texas held on the ____day of _____2016; that written notice of the date, place and subject of said meeting was posted on a bulletin board located at a place convenient to the public in the City Hall for at least 72 hours preceding the day of said meeting; that the Mayor _____, and _____Council members:

- | | |
|----------|----------|
| 1. _____ | 4. _____ |
| 2. _____ | 5. _____ |
| 3. _____ | 6. _____ |

were present at said meeting and acted as the Council throughout; that the same has been signed and approved by the Mayor and is duly attested by the City Clerk; and that the same has been duly filed with the City Clerk and recorded by the City Clerk in full in the books for the purpose of recording the ordinances of the City of Bellaire, Texas.

EXECUTED under my hand and the official seal of the City of Bellaire, Texas at said
City, this _____ day of _____, 2016.

City Clerk
City of Bellaire, Texas

[SEAL]