

# CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

JANUARY 9, 2017

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Council Chamber and Council Conference Room  
5:30 PM

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Regular Session

7008 S. RICE AVENUE  
BELLAIRE, TX 77401



## Mayor

Andrew S. Friedberg

## Mayor Pro Tem

Roman F. Reed

## Council Member

Gus E. Pappas

## Council Member

Michael Fife

## Council Member

Trisha S. Pollard

## Council Member

Pat B. McLaughlan

## Council Member

David R. Montague

### **Mission Statement:**

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

**REGULAR SESSION - 5:30 P.M.****A. Call to Order - Andrew S. Friedberg, Mayor.****B. Announcement of a Quorum - Andrew S. Friedberg, Mayor.****C. Board and Commission Interview (Council Conference Room):**

Interview, discussion, and evaluation of an applicant interested in filling a vacancy on the Cultural Arts Board of the City of Bellaire, Texas - Submitted by Tracy L. Dutton, City Clerk.

**D. Inspirational Reading and/or Invocation - David R. Montague, Council Member.****E. Pledges of Allegiance - David R. Montague, 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.

**F. Recognition of Proclamation - Andrew S. Friedberg, Mayor.**

Issuance of a proclamation by Mayor Andrew S. Friedberg proclaiming January 9, 2017, as "Jared, Justin and Lexi Clark Day" in the City of Bellaire, Texas, in recognition of their notable achievements and in support of their cause to help find a cure for Giant Axonal Neuropathy (GAN).

**I. PUBLIC HEARING (PROPOSED AMENDMENTS TO THE R-MF ZONING DISTRICT)**

[NOTE: THE OFFICIAL NOTICE OF THE PUBLIC HEARING SPECIFIES A START TIME NO EARLIER THAN 6:00 P.M.]

**A. Reading of the Notice of Public Hearing - Tracy L. Dutton, City Clerk.****B. Summary of Public Hearing Procedure - Paul A. Hofmann, City Manager.****C. Presentation:**

Public Hearing on proposed amendments to the Code of Ordinances, Chapter 24, Planning and Zoning, Sec. 24-535, R-MF Residential-Multifamily District, and related sections, including Sec. 24-513 Landscaping, Screening and Buffering; and Sec. 24-513a, Design Standards in Commercial and Mixed-Use Districts; to ensure that future redevelopments are compatible with existing commercial regulations, and to establish improved buffering of existing adjacent single-family residential districts - Submitted by John McDonald, Director of Development Services.



**D. Public Comment.**

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

**E. Questions from the Mayor and City Council.****F. Close of Public Hearing.**

Oral public comment on the subject matter of the public hearing will not be received following the close of the public hearing. The public may submit written comments to the City Council prior to its final deliberation. All written comments must be received in the City Clerk's office by noon on the Thursday preceding the meeting of final deliberation for inclusion in the public record of the proceedings. It is anticipated that final deliberation will occur on Monday, January 23, 2017; therefore, written comments should be submitted by noon on Thursday, January 19, 2017.

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

**G. Adjourn.****II. REGULAR MEETING****A. Call to Order - Andrew S. Friedberg, Mayor.****B. Announcement of a Quorum - Andrew S. Friedberg, Mayor.****C. 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.]

**D. Reports:**

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

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

## **E. New Business:**

### **1. Consent Agenda:**

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

#### **a. Approval 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, December 5, 2016 - Submitted by Tracy L. Dutton, City Clerk.

Mayor and Council - Regular Session - Dec 5, 2016 6:30 PM

#### **b. Purchase of Shade Shelters:**

Consideration of and possible action on a recommendation from the Parks, Recreation and Facilities Department to purchase Shade Shelters for Loftin and Lafayette Parks from Shade Structure, Inc., in an amount not exceed \$54,314.68, through the utilization of the Local Government Purchasing Cooperative program (Buy Board) and 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 attest, respectively, for and on behalf of the City of Bellaire, Texas, a proposal/agreement, for said project in an amount not to exceed \$54,314.68 - Submitted by Karl Miller, Director of Parks, Recreation and Facilities.

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

- a. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas (City), a Facility Use Agreement between the City and Bellaire United Methodist Church for the purpose of providing space for the operation of the Bellaire L.I.F.E. program - Submitted by Karl Miller, Director of Parks, Recreation and Facilities
- b. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 27, Streets, Sidewalks and Public Places, Article V, by amending Section 27-95, Curfew Imposed, for the purpose of authorizing a curfew to be imposed at Evelyn's Park between the hours of 11:00 p.m. to 5:00 a.m. - Submitted by Karl Miller, Director of Parks, Recreation and Facilities.

### **3. Appointments:**

#### **a. Mayoral Appointments of City Council Liaisons to Bellaire Boards and Commissions:**

- i. Andrew S. Friedberg, Mayor, will make formal appointments of members of City Council to serve as Liaisons for a term of approximately one year to the following Boards and Commissions: Board of Adjustment, Building and Standards Commission, Cultural Arts Board, Environmental and Sustainability Board, L.I.F.E. Advisory Board, Parks and Recreation Advisory Board, and Planning and Zoning Commission - Submitted by Tracy L. Dutton, City Clerk.
- ii. Discussion concerning duties and responsibilities of Council liaisons - Requested by Andrew S. Friedberg, Mayor.

**b. Mayoral Appointments to Audit Finance Board:**

Andrew S. Friedberg, Mayor, will make formal appointments of three (3) members of the City Council of the City of Bellaire, Texas, to serve on the Audit Finance Board of the City of Bellaire, Texas, for a term of one year commencing on February 1, 2017, and ending on January 31, 2018 - Submitted by Tracy L. Dutton, City Clerk.

**F. 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.*

**G. Adjourn.**

**Mayor and Council**

7008 S. Rice Avenue  
Bellaire, TX 77401



Meeting: 01/09/17 05:30 PM  
Department: City Clerk  
Category: Appointment  
Department Head: Tracy L. Dutton  
DOC ID: 2139

**SCHEDULED  
INFORMATION ITEM (ID  
# 2139)**

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**Item Title:**

Interview, discussion, and evaluation of an applicant interested in filling a vacancy on the Cultural Arts Board of the City of Bellaire, Texas - Submitted by Tracy L. Dutton, City Clerk.

**Background/Summary:**

The Cultural Arts Board of the City of Bellaire, Texas ("Cultural Arts Board"), has been operating with five (5) members since the fall of 2016 when two of its members resigned prior to the expiration of their terms on June 30, 2017, and June 30, 2018.

During the month of December 2016, the City Clerk's office advertised for the two vacancies on the CAB and for the Citizen Member on the Audit Finance Board of the City of Bellaire, Texas ("Audit Finance Board"). Four (4) applications were received for the Cultural Arts Board and three (3) applications were received for the Audit Finance Board.

See the interview schedule set forth below:

<b>Date of Interview</b>	<b>Time of Interview</b>	<b>Applicant</b>	<b>Area(s) of Interest</b>
January 9, 2017	5:30 p.m.	Susan Downs	Cultural Arts Board
January 23, 2017	5:45 p.m.	Jeanne Parker	Cultural Arts Board
January 23, 2017	6:00 p.m.	Patricia D. Lunn, CPA	Audit Finance Board
January 23, 2017	6:15 p.m.	Shampa C. Mukerji	Cultural Arts Board
January 23, 2017	6:30 p.m.	Jason Taibel, CPA	Audit Finance Board
January 23, 2017	6:45 p.m.	Sneha Bhavsar	Cultural Arts Board
January 23, 2017	7:00 p.m.	Griff Godwin, CPA	Audit Finance Board

Applications for all applicants have been provided as an attachment to this agenda item.

**Previous Council Action Summary:**

N/A

**Fiscal Impact:**

N/A

**City Attorney Review:**

N/A

**Recommendation:**

To conduct the interview as scheduled.

**ATTACHMENTS:**

- Boards and Commissions Applications for January 2017 - CAB and AFB (PDF)

# *City of Bellaire, Texas*



## **Boards and Commissions**

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### **Applications**

**(Ordered Alphabetically)**

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# City of Bellaire, Texas



## Boards and Commissions

### Table of Contents

<b><u>Tab No.*</u></b>	<b><u>Applicant</u></b>	<b><u>Areas of Interest</u></b>
1	Bhavsar, Sneha	Cultural Arts Board
2	Downs, Susan	Cultural Arts Board
3	Godwin, Griff	Audit Finance Board
4	Lunn, Patricia	Audit Finance Board
5	Mukerji, Shampa C.	Cultural Arts Board
6	Parker, Jeanne	Cultural Arts Board
7	Taibel, Jason	Audit Finance Board

\*Separator Sheets have been used in lieu of tabs.



# *City of Bellaire, Texas*



## **Boards and Commissions**

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**Tab No. 1**

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**Sneha Bhavsar**



**Tracy Dutton**

**From:** noreply@civicplus.com  
**Sent:** Sunday, December 04, 2016 2:33 PM  
**To:** Tracy Dutton  
**Subject:** Online Form Submittal: Application to Serve on a City Board or Commission

If you are having problems viewing this HTML email, click to view a [Text version](#).

**Application to Serve on a City Board or Commission**

Application to Serve on a City Board or a Commission with the City of Bellaire, Texas  
 7008 South Rice Avenue, Bellaire, Texas 77401  
 713-662-8222.

Thank you for your interest in serving on a City of Bellaire Board or Commission. In order to be considered for an appointment, please complete and submit this application in person at City Hall, or fill out the online application at [www.bellairetx.gov](http://www.bellairetx.gov). You will be contacted about an interview with Mayor and Council by City Staff.

Please review the Boards Handbook on the City's website to learn more about each Board and Commission.

**THIS INFORMATION WILL BECOME PUBLIC RECORD.**

Click on the link to review the City's Board Handbook. [Click Here for Board Handbook](#)

Click on the link for an summary of all Bellaire Boards, Commissions, and Committees. [Summary](#)

**Personal Information**

Select from the following choices

- |   |  |
|---|--|
| <input type="checkbox"/> Audit Finance Board                  | <input type="checkbox"/> L.I.F.E. Advisory Board           |
| <input type="checkbox"/> Board of Adjustment                  | <input type="checkbox"/> Parks & Recreation Advisory Board |
| <input type="checkbox"/> Building and Standards Commission    | <input type="checkbox"/> Planning & Zoning Commission      |
| <input checked="" type="checkbox"/> Cultural Arts Board       | <input type="checkbox"/> Evelyn's Park Conservancy Board   |
| <input type="checkbox"/> Environmental & Sustainability Board |  |

Name\*

Sneha Bhavsar

Home Address\*

[REDACTED]

Contact Number\*

[REDACTED]

Business Phone Number\*

[REDACTED]

Occupation\*

Artist/Community Activist/Family Manager/Good Human

Email Address\*

[REDACTED]

Years in Bellaire. (Must be a resident for at least 6 months before appointment date in June).\*

4 years

Are you a registered voter in a Bellaire Precinct?\*

[Yes \/]

Are you 18 or older?\*

Yes



First Time Appointment?\*

[Yes V]

Reappointment, if so name of Board.\*

No

Have you ever attended a meeting of the Board to which you seek appointment?

Yes, Cultural Arts Board

If so, indicate which one(s). If applying

for Audit Finance Board you must be a resident with financial and/or audit experience. Attach Resume with Application.\*

Please write a brief summary of your qualifications for service on this Board, Commission, or Committee.\*

I believe public art is an essential component of building pride and attachment to one's community. I think the City of Bellaire needs more of it. I strongly feel that the aesthetics of a community (public art and public green space) can create a sense of well being and shared experience that will translate into a strong, thriving community. As an artist myself, I am always energized and inspired by public art. I am committed to introducing art into my community. In 2014 I made a proposal to the Cultural Arts Board to implement the Utility Box Art Project, where artists and city councils across the nation were using blank utility boxes to showcase the vibrancy of their communities. I thought this would be a great project to implement in Bellaire. After my presentation, I am very pleased that the CAB decided to pursue the proposal and make it a reality. I am a strong proponent of public accessibility to art. In 2015 I organized an art auction with three local Houston artists in order to raise funds for a free arts programs in HISD schools. Working with City ArtWorks, we were able to identify and fund free after school art programs for 8 schools whose art programs had been cut from the school curriculum. I feel my passion, commitment, organizational skills and experience in the arts would be a great asset to the Cultural Arts Board. In addition I feel that participating in the Bellaire Citizens Academy this session has taught me how the City performs its operations and how best I can contribute to my community.

Briefly describe previous community activities associated with the City of Bellaire, as well as any outside civic, charitable, and other community work.\*

I am currently a member of the Bellaire Citizens Academy. I have enjoyed learning about the different functions of Bellaire City government and have been inspired to contribute to my community through this Board position. In 2014, I made a presentation to the Bellaire Cultural Arts Board that led to the implementation of the utility box paintings in Bellaire. In 2014-15, I organized and showcased art in a Charity Art Auction for City Art Works. The event raised funds to implement after school arts programs for Houston schools that had no access to art education.

Do you anticipate any conflicts of interest arising in connection with your service on the selected Board?\*

( ) Yes

(X) No

If you answered yes and a conflict of interest did arise, how would you propose to resolve it?

Do you understand the time commitment on this Board, Commission, or Committee for meetings as well as

(X) Yes

( ) No



preparation prior to meetings? (As a reference, previous Board and Commission members have stated their time commitment ranged, on an average, from 2 to 6 hours per month.)\*

Please complete the following only if you are applying for reappointment to a particular Board, Commission, or Committee. Do you have any thoughts regarding the responsibilities of and/or recent actions by your Board, Commission, or Committee?

Do you have any ideas on how the effectiveness of your Board, Commission, or Committee can be improved?

I would like to see more proposals for public art projects brought to City Council. I would like to work on getting more interactive art into public spaces, where residents and our local community can participate in the art installation or project.

*The City of Bellaire appreciates your commitment and willingness to serve. Thank you for taking the time to complete this application*

**Name\*    Date\***  
**Sneha    12/4/2016**  
**Bhavsar**

Indicate your Board selection(s) by marking "1" or "2" or "3" in rank order of your preference (1= most preferred) here. There is no need to mark more than "1" if you're not interested in another Board.\*

1 Cultural Arts Board

\*By submitting this application online or by email and executing it by entering my name where indicated, I intend to electronically certify it as if signed in writing\*

\* indicates required fields.

View any uploaded files by signing in and then proceeding to the link below:  
<http://tx-bellaire5.civicplus.com/Admin/FormHistory.aspx?SID=7731>

The following form was submitted via your website: Application to Serve on a City Board or Commission

Select from the following choices: Cultural Arts Board

Name: Sneha Bhavsar

Home Address: [REDACTED]

Contact Number: [REDACTED]

Business Phone Number: [REDACTED]

Occupation: Artist/Community Activist/Family Manager/Good Human

Email Address: [REDACTED]

Years in Bellaire. (Must be a resident for at least 6 months before appointment date in June).: 4 years

Are you a registered voter in a Bellaire Precinct?: Yes



Are you 18 or older?: Yes

First Time Appointment?: Yes

Reappointment, if so name of Board.: No

Have you ever attended a meeting of the Board to which you seek appointment? If so, indicate which one(s). If applying for Audit Finance Board you must be a resident with financial and/or audit experience. Attach Resume with Application.: Yes, Cultural Arts Board

Please write a brief summary of your qualifications for service on this Board, Commission, or Committee.: I believe public art is an essential component of building pride and attachment to one's community. I think the City of Bellaire needs more of it. I strongly feel that the aesthetics of a community (public art and public green space) can create a sense of well being and shared experience that will translate into a strong, thriving community.

As an artist myself, I am always energized and inspired by public art. I am committed to introducing art into my community. In 2014 I made a proposal to the Cultural Arts Board to implement the Utility Box Art Project, where artists and city councils across the nation were using blank utility boxes to showcase the vibrancy of their communities. I thought this would be a great project to implement in Bellaire. After my presentation, I am very pleased that the CAB decided to pursue the proposal and make it a reality.

I am a strong proponent of public accessibility to art. In 2015 I organized an art auction with three local Houston artists in order to raise funds for a free arts programs in HISD schools. Working with City ArtWorks, we were able to identify and fund free after school art programs for 8 schools whose art programs had been cut from the school curriculum.

I feel my passion, commitment, organizational skills and experience in the arts would be a great asset to the Cultural Arts Board. In addition I feel that participating in the Bellaire Citizens Academy this session has taught me how the City performs its operations and how best I can contribute to my community.

Briefly describe previous community activities associated with the City of Bellaire, as well as any outside civic, charitable, and other community work.: I am currently a member of the Bellaire Citizens Academy. I have enjoyed learning about the different functions of Bellaire City government and have been inspired to contribute to my community through this Board position.

In 2014, I made a presentation to the Bellaire Cultural Arts Board that led to the implementation of the utility box paintings in Bellaire.

In 2014-15, I organized and showcased art in a Charity Art Auction for City Art Works. The event raised funds to implement after school arts programs for Houston schools that had no access to art education.

Do you anticipate any conflicts of interest arising in connection with your service on the selected Board?: No

If you answered yes and a conflict of interest did arise, how would you propose to resolve it?:

Do you understand the time commitment on this Board, Commission, or Committee for meetings as well as



preparation prior to meetings? (As a reference, previous Board and Commission members have stated their time commitment ranged, on an average, from 2 to 6 hours per month.): Yes

Please complete the following only if you are applying for reappointment to a particular Board, Commission, or Committee. Do you have any thoughts regarding the responsibilities of and/or recent actions by your Board, Commission, or Committee?:

Do you have any ideas on how the effectiveness of your Board, Commission, or Committee can be improved?: I would like to see more proposals for public art projects brought to City Council.

I would like to work on getting more interactive art into public spaces, where residents and our local community can participate in the art installation or project.

Name: Sneha Bhavsar

Date: 12/4/2016

Indicate your Board selection(s) by marking "1" or "2" or "3" in rank order of your preference (1= most preferred) here. There is no need to mark more than "1" if you're not interested in another Board.: 1 Cultural Arts Board

\*By submitting this application online or by email and executing it by entering my name where indicated, I intend to electronically certify it as if signed in writing\*:

**Additional Information:**

Form submitted on: 12/4/2016 2:33:01 PM

Submitted from IP Address: [REDACTED]

Referrer Page: No Referrer - Direct Link

Form Address: <http://tx-bellaire5.civicplus.com/Forms.aspx?FID=103>



# *City of Bellaire, Texas*



## **Boards and Commissions**

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### **Tab No. 2**

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**Susan Downs**



## Tracy Dutton

**From:** noreply@civicplus.com  
**Sent:** Friday, December 23, 2016 1:17 PM  
**To:** Tracy Dutton  
**Subject:** Online Form Submittal: Application to Serve on a City Board or Commission

If you are having problems viewing this HTML email, click to view a [Text version](#).

## Application to Serve on a City Board or Commission

Application to Serve on a City Board or a Commission with the City of Bellaire, Texas  
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 713-662-8222.

Thank you for your interest in serving on a City of Bellaire Board or Commission. In order to be considered for an appointment, please complete and submit this application in person at City Hall, or fill out the online application at [www.bellairetx.gov](http://www.bellairetx.gov). You will be contacted about an interview with Mayor and Council by City Staff.

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Click on the link for an summary of all Bellaire Boards, Commissions, and Committees. [Summary](#)

### Personal Information

Select from the following choices

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|---|--|
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| <input type="checkbox"/> Board of Adjustment                  | <input type="checkbox"/> Parks & Recreation Advisory Board |
| <input type="checkbox"/> Building and Standards Commission    | <input type="checkbox"/> Planning & Zoning Commission      |
| <input checked="" type="checkbox"/> Cultural Arts Board       | <input type="checkbox"/> Evelyn's Park Conservancy Board   |
| <input type="checkbox"/> Environmental & Sustainability Board |  |

Name\* Susan Downs  
 Home Address\* [REDACTED]  
 Contact Number\* [REDACTED]  
 Business Phone Number\* [REDACTED]  
 Occupation\* author, business owner  
 Email Address\* [REDACTED]  
 Years in Bellaire. (Must be a resident for at least 6 months before appointment date in June).\* 33 years  
 Are you a registered voter in a Bellaire Precinct? [Yes \ /]  
 Are you 18 or older?\* yes  
 First Time Appointment?\* [Yes \ /]



Reappointment, if so name of Board.\* NA

Have you ever attended a meeting of the Board to which you seek appointment? If so, indicate which one(s). If applying for Audit Finance Board you must be a resident with financial and/or audit experience. no

Attach Resume with Application.\*  
Please write a brief summary of your qualifications for service on this Board, Commission, or Committee.\*

I am interested in beautifying Bellaire. I travel extensively and I am interested in cultures and "Sister Cities" for Bellaire.

Briefly describe previous community activities associated with the City of Bellaire, as well as any outside civic, charitable, and other community work.\*

I ran for City Council three times and campaigned extensively for this office. I am a member of the Bellaire Historical Society and Friends of Bellaire Library. I am also a member of Bellaire Business Alliance.

Do you anticipate any conflicts of interest arising in connection with your service on the selected Board?\*

( ) Yes (X) No

If you answered yes and a conflict of interest did arise, how would you propose to resolve it?

NA

Do you understand the time commitment on this Board, Commission, or Committee for meetings as well as preparation prior to meetings? (As a reference, previous Board and Commission members have stated their time commitment ranged, on an average, from 2 to 6 hours per month.)\*

(X) Yes ( ) No

Please complete the following only if you are applying for reappointment to a particular Board, Commission, or Committee. Do you have any thoughts regarding the responsibilities of and/or recent actions by your Board, Commission, or Committee?

Do you have any ideas on how the effectiveness of your Board, Commission, or Committee can be improved?

*The City of Bellaire appreciates your commitment and willingness to serve.*

Name\* Date\*  
Susan 12.23.16

*Thank you for taking the time to complete this application*

Downs

Indicate your Board selection(s) by marking "1" or "2" or "3" in rank order of your preference (1= most preferred) here. There is no need to mark more than "1" if you're not interested in another Board.\*

1 Cultural Arts Board

\*By submitting this application online or by email and executing it by entering my name where indicated, I intend to electronically certify it as if signed in writing\*

\* indicates required fields.

View any uploaded files by signing in and then proceeding to the link below:  
<http://tx-bellaire5.civicplus.com/Admin/FormHistory.aspx?SID=7967>



The following form was submitted via your website: Application to Serve on a City Board or Commission

Select from the following choices: Cultural Arts Board

Name: Susan Downs

Home Address: [REDACTED]

Contact Number: [REDACTED]

Business Phone Number: [REDACTED]

Occupation: author, business owner

Email Address: [REDACTED]

Years in Bellaire. (Must be a resident for at least 6 months before appointment date in June): 33 years

Are you a registered voter in a Bellaire Precinct?: Yes

Are you 18 or older?: yes

First Time Appointment?: Yes

Reappointment, if so name of Board.: NA

Have you ever attended a meeting of the Board to which you seek appointment? If so, indicate which one(s). If applying for Audit Finance Board you must be a resident with financial and/or audit experience. Attach Resume with Application.: no

Please write a brief summary of your qualifications for service on this Board, Commission, or Committee.: I am interested in beautifying Bellaire.

I travel extensively and I am interested in cultures and "Sister Cities" for Bellaire.

Briefly describe previous community activities associated with the City of Bellaire, as well as any outside civic, charitable, and other community work.: I ran for City Council three times and campaigned extensively for this office. I am a member of the Bellaire Historical Society and Friends of Bellaire Library. I am also a member of Bellaire Business Alliance.

Do you anticipate any conflicts of interest arising in connection with your service on the selected Board?: No

If you answered yes and a conflict of interest did arise, how would you propose to resolve it?: NA

Do you understand the time commitment on this Board, Commission, or Committee for meetings as well as preparation prior to meetings? (As a reference, previous Board and Commission members have stated their time commitment ranged, on an average, from 2 to 6 hours per month.): Yes

Please complete the following only if you are applying for reappointment to a particular Board, Commission, or Committee. Do you have any thoughts regarding the responsibilities of and/or recent actions by your Board,

Commission, or Committee?:

Do you have any ideas on how the effectiveness of your Board, Commission, or Committee can be improved?:

Name: Susan Downs

Date: 12.23.16

Indicate your Board selection(s) by marking "1" or "2" or "3" in rank order of your preference (1= most preferred)here. There is no need to mark more than "1" if you're not interested in another Board.: 1 Cultural Arts Board

\*By submitting this application online or by email and executing it by entering my name where indicated, I intend to electronically certify it as if signed in writing\*:

Additional Information:

Form submitted on: 12/23/2016 1:16:44 PM

Submitted from IP Address: [REDACTED]

Referrer Page: <http://www.bellairetx.gov/877/Board-and-Commission-Online-Application->

Form Address: <http://tx-bellaire5.civicplus.com/Forms.aspx?FID=103>



# *City of Bellaire, Texas*



## **Boards and Commissions**

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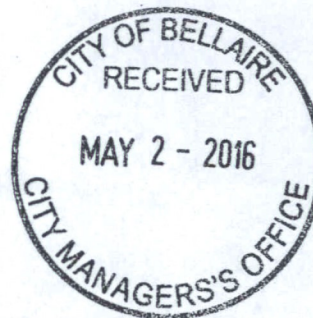
**Tab No. 3**

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**Griff Godwin**

# City of Bellaire

## Application for Board, Commission, and Committee Appointment



**Instructions:** Please type or print using black ink.

**Board/Commission/Committee** (indicate selection(s) by marking each with "1" or "2" or "3" in rank order of your preference (1 = most preferred).

☐

Board of  
Adjustment

☐

Environmental and  
Sustainability Board

☐

Evelyn's Park  
Conservancy Board

☐

Building & Standards  
Commission

☐

L.I.F.E.  
Advisory Board

☒

Audit Finance  
Board

☐

Planning & Zoning  
Commission

☐

Cultural Arts  
Board

☐

Ad Hoc Committee  
(if applicable)

☐

Parks and Recreation  
Advisory Board

Name:

Griff Godwin

Address:

[REDACTED] Bellaire, TX 77401

Mailing Address (if different):

Contact Number:

[REDACTED]

Occupation:

CPA

Number of Years in Bellaire:

27

\*

\*Must be a resident for at least six (6) months before appointment date. If applying for Audit Finance Board, you must be a resident with financial and/or audit experience. Please attach resume with application.

Are you a registered voter in a Bellaire precinct?

Yes

Yes or No

Are you 18 years of age or older?

Yes

Yes or No

First Time Appointment?

Yes

Yes or No

If No, indicate the name(s) of board(s), commission(s), committee(s) and time period of previous service:



Have you ever attended a meeting of the board(s), commission(s), or committee(s) to which you seek appointment?

Yes

Yes or No

Audit Finance Board

Name(s) of board(s), commission(s), or committee(s)

Please write a brief summary of your qualifications for service on the board, commission, and/or committee to which you seek appointment.

I have a B.S. in Accounting and have been a CPA since 1987. I have extensive accounting and financial management experience in both the for-profit and non-profit sectors. I am presently CFO of the Greater Houston Builders Association.

Briefly describe previous community activities associated with the City of Bellaire, as well as any outside civic, charitable, and other community work.

Houston Chapter of TX Society of CPAs - Healthcare Committee 2006-16

Bellaire H.S. Choir Treasurer - 2012-13

Girl Scout volunteer

Houston Symphonic Band - member 1989 - present

Do you anticipate any conflicts of interest arising on connection with your service on the selected board(s), commission(s) or committee(s)?

No

Yes or No or Possibly

If you answered yes or possibly and a conflict of interest did arise, how would you propose to resolve it?

\_\_\_\_\_  
\_\_\_\_\_

Do you understand the time commitment required on this board, commission, and/or committee for meetings as well as preparation prior to meetings? (As a reference, previous board, commission, and committee members have stated that their time commitment ranged, on average, from two to six hours per month.)



Yes



No

Please complete the following only if you are applying for reappointment to a particular board, commission, or committee.

Do you have any thoughts regarding the responsibilities of and/or recent actions by your board, commission, or committee?

\_\_\_\_\_  
\_\_\_\_\_

Do you have any ideas on how the effectiveness of your board, commission, or committee can be improved?

\_\_\_\_\_  
\_\_\_\_\_



The City of Bellaire appreciates your commitment and willingness to serve. Thank you for taking the time to complete this application.

Griff Godwin  
Signature

Date: 4/30/16

Griff Godwin  
Printed Name

# *City of Bellaire, Texas*



## **Boards and Commissions**

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**Tab No. 4**

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**Patricia Lunn**



# Patricia Lunn

Bellaire, TX 77401

## Objective

To serve the City of Bellaire in the resident position of the Audit Finance Committee

## Experience

CPA License 1986- present      License ID 043441  
 Continuing Education Current through 9/30/2017  
 Member of the AICPA      Member # 01199589

## Work Experience

1990      American Embassy Algiers – Accounting for Post Exchange  
 1988-1990      Texas Commerce Bank - Trust Accounting Department  
 1988      American Medical Incorporate – Houston Accounting Office  
 1985-1988      Arthur Young – Audit - Public Accounting Firm

## Board Memberships

2014-Present      Patrons for Bellaire Parks – Advisory Board – Chair of Paver Committee  
 2013-2016      Magic Circle Republican Women Executive Board  
                          Co-Treasurer/Directory Chair/Newsletter Chair  
 2012-2013      Patrons for Bellaire Parks – Co-Treasurer / Co Chair of 2013 Wine & Tapas Event  
 2009      Awty International School – Served on Board Best Practices Task Force  
 2005-2009      St. Catherine's Montessori School – Treasurer  
 2005-2006      Patrons for Bellaire Parks - Treasurer  
 1999-2002      Alzheimer's Association – Finance Committee  
 1996-1998      Alzheimer's Association – Vice Chairman/Administration – Treasurer  
 1995-2004      St. Catherine's Montessori School Parent Service Association

## Education

1984      University of New Orleans - Bachelors of Science in Accounting  
                          Phi Kappa Phi Honor Society  
                          Beta Gamma Sigma Business Honor Society  
                          Beta Alpha Psi Accounting Honor Society

## Related Experience

Resident of Bellaire since December 2001  
 Worked on several Bellaire Mayoral and Council Member Campaigns  
 Supporter of the Nature Discovery Center and Evelyn's Park Conservancy



## Patricia Lunn

[REDACTED]  
Bellaire, TX 77401  
[REDACTED]  
[REDACTED]

### References:

Cindy Siegel

[REDACTED]  
Bellaire, TX 77401  
[REDACTED]

Lynne Skinner

[REDACTED]  
Bellaire, TX 77401  
[REDACTED]

Jamie Allen

[REDACTED]  
Bellaire, TX 77401  
[REDACTED]

# *City of Bellaire, Texas*



## **Boards and Commissions**

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**Tab No. 5**

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**Shampa C. Mukerji**



**Tracy Dutton**

**From:** noreply@civicplus.com  
**Sent:** Friday, December 09, 2016 4:05 PM  
**To:** Tracy Dutton  
**Subject:** Online Form Submittal: Application to Serve on a City Board or Commission

If you are having problems viewing this HTML email, click to view a [Text version](#).

**Application to Serve on a City Board or Commission**

Application to Serve on a City Board or a Commission with the City of  
 Bellaire, Texas  
 7008 South Rice Avenue, Bellaire, Texas 77401  
 713-662-8222.

Thank you for your interest in serving on a City of Bellaire Board or Commission. In order to be considered for an appointment, please complete and submit this application in person at City Hall, or fill out the online application at [www.bellairetx.gov](http://www.bellairetx.gov). You will be contacted about an interview with Mayor and Council by City Staff.

Please review the Boards Handbook on the City's website to learn more about each Board and Commission.

**THIS INFORMATION WILL BECOME PUBLIC RECORD.**

Click on the link to review the City's Board Handbook.

[Click Here for Board Handbook](#)

Click on the link for an summary of all Bellaire Boards, Commissions, and Committees.

[Summary](#)

**Personal Information**

Select from the following choices

- |   |  |
|---|--|
| <input type="checkbox"/> Audit Finance Board                  | <input type="checkbox"/> L.I.F.E. Advisory Board           |
| <input type="checkbox"/> Board of Adjustment                  | <input type="checkbox"/> Parks & Recreation Advisory Board |
| <input type="checkbox"/> Building and Standards Commission    | <input type="checkbox"/> Planning & Zoning Commission      |
| <input checked="" type="checkbox"/> Cultural Arts Board       | <input type="checkbox"/> Evelyn's Park Conservancy Board   |
| <input type="checkbox"/> Environmental & Sustainability Board |  |

Name\*  
 Home Address\*  
 Contact Number\*  
 Business Phone Number\*  
 Occupation\*  
 Email Address\*  
 Years in Bellaire. (Must be a resident for at least 6 months before appointment date in June).  
 Are you a registered voter in a Bellaire

Shampa C. Mukerji

Attorney

3.5

[Yes \/]



**Precinct?\***

Are you 18 or older? **Yes**

First Time Appointment? **[Yes V]**

**Reappointment, if so name of Board.\*** **No**

**Have you ever attended a meeting of the Board to which you seek appointment? If so, indicate which one(s). If applying for Audit Finance Board you must be a resident with financial and/or audit experience. Attach Resume with Application.\*** **Not yet**

**Please write a brief summary of your qualifications for service on this Board, Commission, or Committee.\***

I recently completed the Bellaire Citizens Academy, which introduced me to the governance of the City of Bellaire. I attended the City Council meeting at which the beautification plan for Bellaire was presented and discussed. I would like to further participate in civics by joining the Cultural Arts Board and contribute to the city in a more meaningful way. As an attorney and a mother, I have not had the opportunity to participate greatly in cultural arts programs recently, but this is an area I am passionate about and feel it is especially important as part of the education of our children and experience of our community. I spent most of my childhood in Saudi Arabia due to my father's job and had the opportunity to travel throughout the United States, Europe, Asia, and the Middle East. That international exposure was a fundamental factor in my appreciation for other cultures, including different music, art, and literature. I also have had experience throughout my school years participating in performing arts, chorus, and orchestra and I spent time playing piano, flute, and dulcimer as a child. I believe that arts and music shape perspective and teach culture and I would love the opportunity to be a part of bringing more of it to the Bellaire community. Prior to being an attorney, I worked in the advertising and marketing industry, which would allow me to bring those skills to the projects of the Cultural Arts Board as well. Thank you for your consideration.

**Briefly describe previous community activities associated with the City of Bellaire, as well as any outside civic, charitable, and other community work.\***

I have experience participating on boards of other organizations, including the Bellaire Young Mother group. I have also volunteered at Condit Elementary School and my children's preschools for small projects.

**Do you anticipate any conflicts of interest arising in connection with your service on the selected Board?\***

**( ) Yes (X) No**

**If you answered yes and a conflict of interest did arise, how would you propose to resolve it?**

**NA**

**Do you understand the time commitment on this Board, Commission, or Committee for meetings as well as preparation prior to meetings? (As a reference, previous Board and Commission members have stated their time commitment ranged, on an average, from 2 to 6 hours per month.)\***

**(X) Yes ( ) No**

**Please complete the following only if you are applying for reappointment to a particular Board, Commission, or Committee. Do you have any thoughts regarding the**



**responsibilities of and/or recent actions by your Board, Commission, or Committee?**

NA

Do you have any ideas on how the effectiveness of your Board, Commission, or Committee can be improved? NA

*The City of Bellaire appreciates your commitment and willingness to serve. Thank you for taking the time to complete this application*

Name\* Date\*  
Shampa Dec.  
C. 9,  
Mukerji 2016

**Indicate your Board selection(s) by marking "1" or "2" or "3" in rank order of your preference (1= most preferred) here. There is no need to mark more than "1" if you're not interested in another Board.\***

1

\*By submitting this application online or by email and executing it by entering my name where indicated, I intend to electronically certify it as if signed in writing\*

\* indicates required fields.

View any uploaded files by signing in and then proceeding to the link below:  
<http://tx-bellaire5.civicplus.com/Admin/FormHistory.aspx?SID=7779>

The following form was submitted via your website: Application to Serve on a City Board or Commission

Select from the following choices: Cultural Arts Board

Name: Shampa C. Mukerji

Home Address: [REDACTED]

Contact Number: [REDACTED]

Business Phone Number: [REDACTED]

Occupation: Attorney

Email Address: [REDACTED]

Years in Bellaire. (Must be a resident for at least 6 months before appointment date in June): 3.5

Are you a registered voter in a Bellaire Precinct?: Yes

Are you 18 or older?: Yes

First Time Appointment?: Yes

Reappointment, if so name of Board.: No

Have you ever attended a meeting of the Board to which you seek appointment? If so, indicate which one(s). If applying for Audit Finance Board you must be a resident with financial and/or audit experience. Attach Resume



with Application.: Not yet

Please write a brief summary of your qualifications for service on this Board, Commission, or Committee.: I recently completed the Bellaire Citizens Academy, which introduced me to the governance of the City of Bellaire. I attended the City Council meeting at which the beautification plan for Bellaire was presented and discussed. I would like to further participate in civics by joining the Cultural Arts Board and contribute to the city in a more meaningful way. As an attorney and a mother, I have not had the opportunity to participate greatly in cultural arts programs recently, but this is an area I am passionate about and feel it is especially important as part of the education of our children and experience of our community. I spent most of my childhood in Saudi Arabia due to my father's job and had the opportunity to travel throughout the United States, Europe, Asia, and the Middle East. That international exposure was a fundamental factor in my appreciation for other cultures, including different music, art, and literature. I also have had experience throughout my school years participating in performing arts, chorus, and orchestra and I spent time playing piano, flute, and dulcimer as a child. I believe that arts and music shape perspective and teach culture and I would love the opportunity to be a part of bringing more of it to the Bellaire community. Prior to being an attorney, I worked in the advertising and marketing industry, which would allow me to bring those skills to the projects of the Cultural Arts Board as well. Thank you for your consideration.

Briefly describe previous community activities associated with the City of Bellaire, as well as any outside civic, charitable, and other community work.: I have experience participating on boards of other organizations, including the Bellaire Young Mother group. I have also volunteered at Condit Elementary School and my children's preschools for small projects.

Do you anticipate any conflicts of interest arising in connection with your service on the selected Board?: No

If you answered yes and a conflict of interest did arise, how would you propose to resolve it?: NA

Do you understand the time commitment on this Board, Commission, or Committee for meetings as well as preparation prior to meetings? (As a reference, previous Board and Commission members have stated their time commitment ranged, on an average, from 2 to 6 hours per month.): Yes

Please complete the following only if you are applying for reappointment to a particular Board, Commission, or Committee. Do you have any thoughts regarding the responsibilities of and/or recent actions by your Board, Commission, or Committee?: NA

Do you have any ideas on how the effectiveness of your Board, Commission, or Committee can be improved?: NA

Name: Shampa C. Mukerji

Date: Dec. 9, 2016

Indicate your Board selection(s) by marking "1" or "2" or "3" in rank order of your preference (1= most preferred)here. There is no need to mark more than "1" if you're not interested in another Board.: 1

\*By submitting this application online or by email and executing it by entering my name where indicated, I intend to electronically certify it as if signed in writing\*:



## Additional Information:

Form submitted on: 12/9/2016 4:05:03 PM

Submitted from IP Address [REDACTED]

Referrer Page: No Referrer - Direct Link

Form Address: <http://tx-bellaire5.civicplus.com/Forms.aspx?FID=103>

# *City of Bellaire, Texas*



## **Boards and Commissions**

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### **Tab No. 6**

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**Jeanne Parker**



**Tracy Dutton**

**From:** noreply@civicplus.com  
**Sent:** Wednesday, December 07, 2016 9:21 PM  
**To:** Tracy Dutton  
**Subject:** Online Form Submittal: Application to Serve on a City Board or Commission

If you are having problems viewing this HTML email, click to view a [Text version](#).

## Application to Serve on a City Board or Commission

Application to Serve on a City Board or a Commission with the City of Bellaire, Texas  
 7008 South Rice Avenue, Bellaire, Texas 77401  
 713-662-8222.

Thank you for your interest in serving on a City of Bellaire Board or Commission. In order to be considered for an appointment, please complete and submit this application in person at City Hall, or fill out the online application at [www.bellairetx.gov](http://www.bellairetx.gov). You will be contacted about an interview with Mayor and Council by City Staff.

Please review the Boards Handbook on the City's website to learn more about each Board and Commission.

### THIS INFORMATION WILL BECOME PUBLIC RECORD.

Click on the link to review the City's Board Handbook. [Click Here for Board Handbook](#)

Click on the link for an summary of all Bellaire Boards, Commissions, and Committees. [Summary](#)

### **Personal Information**

Select from the following choices

- |   |  |
|---|--|
| <input type="checkbox"/> Audit Finance Board                  | <input type="checkbox"/> L.I.F.E. Advisory Board           |
| <input type="checkbox"/> Board of Adjustment                  | <input type="checkbox"/> Parks & Recreation Advisory Board |
| <input type="checkbox"/> Building and Standards Commission    | <input type="checkbox"/> Planning & Zoning Commission      |
| <input checked="" type="checkbox"/> Cultural Arts Board       | <input type="checkbox"/> Evelyn's Park Conservancy Board   |
| <input type="checkbox"/> Environmental & Sustainability Board |  |

Name\* Jeanne Parker  
 Home Address\* [REDACTED]  
 Contact Number\* [REDACTED]  
 Business Phone Number\* [REDACTED]  
 Occupation\* Business Owner

Email Address\* [REDACTED]  
 Years in Bellaire. (Must be a resident for at least 6 months before appointment date in June).\* 20 Plus

Are you a registered voter in a Bellaire Precinct?\* [Yes \ /]

Are you 18 or older?\* yes  
 First Time Appointment?\* [Yes V]



Reappointment, if so name of Board.\* N/A  
 Have you ever attended a meeting of the Board to which you seek appointment? If so, indicate which one(s). If applying for Audit Finance Board you must be a resident with financial and/or audit experience. N/A

Attach Resume with Application.\*

Please write a brief summary of your qualifications for service on this Board, Commission, or Committee.\*

I have a love and background in the arts. I was the advertising director for an art publication for 5 plus years. From this experience, I was hired as the director of a new gallery opening in the Museum District. My position involved reviewing and the selection of artists for special exhibits and openings, oversaw the hanging of the gallery and worked with local art consultants to promote the artists. When I left this position, I was hired on a contract basis by my previous employer with the art publication to oversee the advertising sells, design of an art guide to art of the American West. Upon the completion of this project, I, along with a partner, opened an advertising and graphic design firm in the Galleria area. After two years in business, I became the sole owner. This is my current position and full time employment. I am interested in contributing to our Bellaire community in an artistic and creative way. I

Briefly describe previous community activities associated with the City of Bellaire, as well as any outside civic, charitable, and other community work.\*

I was involved in the Orange Show to promote and sell tickets to the Art Car Ball for many years. Additionally, Casa de Esperanza benefited from our donated services for fund raising through their yearly event hosted by Churrasco's. We currently support the Texas Quilt Museum in La Grange, Texas as both a benefit, as well as our client.

Do you anticipate any conflicts of interest arising in connection with your service on the selected Board?\*

( ) Yes (X) No

If you answered yes and a conflict of interest did arise, how would you propose to resolve it?

Do you understand the time commitment on this Board, Commission, or Committee for meetings as well as preparation prior to meetings? (As a reference, previous Board and Commission members have stated their time commitment ranged, on an average, from 2 to 6 hours per month.)\*

(X) Yes ( ) No

Please complete the following only if you are applying for reappointment to a particular Board, Commission, or Committee. Do you have any thoughts regarding the responsibilities of and/or recent actions by your Board, Commission, or Committee?

Do you have any ideas on how the effectiveness of your Board, Commission, or Committee can be improved?

*The City of Bellaire appreciates your commitment and willingness to serve. Thank you for taking the time to complete this application*

Name\* Date\*  
 Jeanne 12/7/16  
 Parker



**Indicate your Board selection(s) by marking "1" or "2" or "3" in rank order of your preference (1= most preferred) here. There is no need to mark more than "1" if you're not interested in another Board.\***

**Cultural Arts Board**

\*By submitting this application online or by email and executing it by entering my name where indicated, I intend to electronically certify it as if signed in writing\*

\* indicates required fields.

View any uploaded files by signing in and then proceeding to the link below:  
<http://tx-bellaire5.civicplus.com/Admin/FormHistory.aspx?SID=7768>

The following form was submitted via your website: Application to Serve on a City Board or Commission

Select from the following choices: Cultural Arts Board

Name: Jeanne Parker

Home Address: [REDACTED]

Contact Number: [REDACTED]

Business Phone Number: [REDACTED]

Occupation: Business Owner

Email Address: [REDACTED]

Years in Bellaire. (Must be a resident for at least 6 months before appointment date in June).: 20 Plus

Are you a registered voter in a Bellaire Precinct?: Yes

Are you 18 or older?: yes

First Time Appointment?: Yes

Reappointment, if so name of Board.: N/A

Have you ever attended a meeting of the Board to which you seek appointment? If so, indicate which one(s). If applying for Audit Finance Board you must be a resident with financial and/or audit experience. Attach Resume with Application.: N/A

Please write a brief summary of your qualifications for service on this Board, Commission, or Committee.: I have a love and background in the arts.

I was the advertising director for an art publication for 5 plus years  
 From this experience, I was hired as the director of a new gallery opening in the Museum District. My position involved reviewing and the selection of artists for special exhibits and openings, oversaw the hanging of the



gallery and worked with local art consultants to promote the artists. When I left this position, I was hired on a contract basis by my previous employer with the art publication to oversee the advertising sells, design of an art guide to art of the American West. Upon the completion of this project, I, along with a partner, opened an advertising and graphic design firm in the galleria area. After two years in business, I became the sole owner. This is my current position and full time employment.

I am interested in contributing to our Bellaire community in an artistic and creative way.

I

Briefly describe previous community activities associated with the City of Bellaire, as well as any outside civic, charitable, and other community work.: I was involved in the Orange Show to promote and sell tickets to the Art Car Ball for many years. Additionally, Casa de Esperanza benefited from our donated services for fund raising through their yearly event hosted by Churrasco's. We currently support the Texas Quilt Museum in La Grange, Texas as both a benefit, as well as our client.

Do you anticipate any conflicts of interest arising in connection with your service on the selected Board?: No

If you answered yes and a conflict of interest did arise, how would you propose to resolve it?:

Do you understand the time commitment on this Board, Commission, or Committee for meetings as well as preparation prior to meetings? (As a reference, previous Board and Commission members have stated their time commitment ranged, on an average, from 2 to 6 hours per month.): Yes

Please complete the following only if you are applying for reappointment to a particular Board, Commission, or Committee. Do you have any thoughts regarding the responsibilities of and/or recent actions by your Board, Commission, or Committee?:

Do you have any ideas on how the effectiveness of your Board, Commission, or Committee can be improved?:

Name: Jeanne Parker

Date: 12/7/16

Indicate your Board selection(s) by marking "1" or "2" or "3" in rank order of your preference (1= most preferred)here. There is no need to mark more than "1" if you're not interested in another Board.: Cultural Arts Board

\*By submitting this application online or by email and executing it by entering my name where indicated, I intend to electronically certify it as if signed in writing\*:

Additional Information:

Form submitted on: 12/7/2016 9:21:23 PM

Submitted from IP Address [REDACTED]

Referrer Page: No Referrer - Direct Link

Form Address: <http://tx-bellaire5.civicplus.com/Forms.aspx?FID=103>



# *City of Bellaire, Texas*



## **Boards and Commissions**

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**Tab No. 7**

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**Jason Taibel**



**Tracy Dutton**

**From:** noreply@civicplus.com  
**Sent:** Wednesday, December 07, 2016 10:15 AM  
**To:** Tracy Dutton  
**Subject:** Online Form Submittal: Application to Serve on a City Board or Commission

If you are having problems viewing this HTML email, click to view a [Text version](#).

## Application to Serve on a City Board or Commission

Application to Serve on a City Board or a Commission with the City of Bellaire, Texas  
 7008 South Rice Avenue, Bellaire, Texas 77401  
 713-662-8222.

Thank you for your interest in serving on a City of Bellaire Board or Commission. In order to be considered for an appointment, please complete and submit this application in person at City Hall, or fill out the online application at [www.bellairetx.gov](http://www.bellairetx.gov). You will be contacted about an interview with Mayor and Council by City Staff.

Please review the Boards Handbook on the City's website to learn more about each Board and Commission.

THIS INFORMATION WILL BECOME PUBLIC RECORD.

Click on the link to review the City's Board Handbook. [Click Here for Board Handbook Summary](#)  
 Click on the link for an summary of all Bellaire Boards, Commissions, and Committees.

### Personal Information

Select from the following choices

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Audit Finance Board       | <input type="checkbox"/> L.I.F.E. Advisory Board           |
| <input type="checkbox"/> Board of Adjustment                  | <input type="checkbox"/> Parks & Recreation Advisory Board |
| <input type="checkbox"/> Building and Standards Commission    | <input type="checkbox"/> Planning & Zoning Commission      |
| <input type="checkbox"/> Cultural Arts Board                  | <input type="checkbox"/> Evelyn's Park Conservancy Board   |
| <input type="checkbox"/> Environmental & Sustainability Board |  |

Name\*  
 Home Address\*  
 Contact Number\*  
 Business Phone Number\*  
 Occupation\*  
 Email Address\*  
 Years in Bellaire. (Must be a resident for at least 6 months before appointment date in June).  
 Are you a registered voter in a Bellaire Precinct?\*

Jason Taibel

[REDACTED]

CPA

[REDACTED]

4

[Yes \/]



Are you 18 or older?*	Yes
First Time Appointment?*	[Yes V]
<b>Reappointment, if so name of Board.*</b>	N/A
<b>Have you ever attended a meeting of the Board to which you seek appointment? If so, indicate which one(s). If applying for Audit Finance Board you must be a resident with financial and/or audit experience. Attach Resume with Application.*</b>	No
Please write a brief summary of your qualifications for service on this Board, Commission, or Committee.*	
I am an audit partner at BDO USA, LLP, which is the 5th largest accounting firm in the world. I oversee and signoff on audits on a routine basis and meet with audit committees to discuss finance and accounting matters on a regular basis. I have approximately 14 years of experience in the auditing profession auditing both private and public companies in a variety of industries.	
Briefly describe previous community activities associated with the City of Bellaire, as well as any outside civic, charitable, and other community work.*	No prior community activities associated with the City of Bellaire; however, I have experience with other organizations.
Do you anticipate any conflicts of interest arising in connection with your service on the selected Board?*	( ) Yes (X) No
If you answered yes and a conflict of interest did arise, how would you propose to resolve it?	
Do you understand the time commitment on this Board, Commission, or Committee for meetings as well as preparation prior to meetings? (As a reference, previous Board and Commission members have stated their time commitment ranged, on an average, from 2 to 6 hours per month.)*	(X) Yes ( ) No
Please complete the following only if you are applying for reappointment to a particular Board, Commission, or Committee. Do you have any thoughts regarding the responsibilities of and/or recent actions by your Board, Commission, or Committee?	
Do you have any ideas on how the effectiveness of your Board, Commission, or Committee can be improved?	Routine communications with the city's current audit firm, staying on top of new accounting pronouncements relative to the city and involvement in the finance function to monitor forecasts, budgets, etc.
<i>The City of Bellaire appreciates your commitment and willingness to serve. Thank you for taking the time to complete this application</i>	<b>Name* Date*</b> <b>Jason 12/7/16</b> <b>Taibel</b>
<b><u>Indicate your Board selection(s) by marking 1 "1" or "2" or "3" in rank order of your preference (1= most preferred) here. There is no need to mark more than "1" if you're not interested in another Board.*</u></b>	
*By submitting this application online or by email and executing it by entering my name where indicated, I intend to electronically certify it as if signed in writing*	



\* indicates required fields.

View any uploaded files by signing in and then proceeding to the link below:  
<http://tx-bellaire5.civicplus.com/Admin/FormHistory.aspx?SID=7754>

The following form was submitted via your website: Application to Serve on a City Board or Commission

Select from the following choices: Audit Finance Board

Name: Jason Taibel

Home Address: [REDACTED]

Contact Number: [REDACTED]

Business Phone Number: [REDACTED]

Occupation: CPA

Email Address: [REDACTED]

Years in Bellaire. (Must be a resident for at least 6 months before appointment date in June).: 4

Are you a registered voter in a Bellaire Precinct?: Yes

Are you 18 or older?: Yes

First Time Appointment?: Yes

Reappointment, if so name of Board.: N/A

Have you ever attended a meeting of the Board to which you seek appointment? If so, indicate which one(s). If applying for Audit Finance Board you must be a resident with financial and/or audit experience. Attach Resume with Application.: No

Please write a brief summary of your qualifications for service on this Board, Commission, or Committee.: I am an audit partner at BDO USA, LLP, which is the 5th largest accounting firm in the world. I oversee and signoff on audits on a routine basis and meet with audit committees to discuss finance and accounting matters on a regular basis. I have approximately 14 years of experience in the auditing profession auditing both private and public companies in a variety of industries.

Briefly describe previous community activities associated with the City of Bellaire, as well as any outside civic, charitable, and other community work.: No prior community activities associated with the City of Bellaire; however, I have experience with other organizations.

Do you anticipate any conflicts of interest arising in connection with your service on the selected Board?: No

If you answered yes and a conflict of interest did arise, how would you propose to resolve it?:

Do you understand the time commitment on this Board, Commission, or Committee for meetings as well as



preparation prior to meetings? (As a reference, previous Board and Commission members have stated their time commitment ranged, on an average, from 2 to 6 hours per month.): Yes

Please complete the following only if you are applying for reappointment to a particular Board, Commission, or Committee. Do you have any thoughts regarding the responsibilities of and/or recent actions by your Board, Commission, or Committee?:

Do you have any ideas on how the effectiveness of your Board, Commission, or Committee can be improved?:  
Routine communications with the city's current audit firm, staying on top of new accounting pronouncements relative to the city and involvement in the finance function to monitor forecasts, budgets, etc.

Name: Jason Taibel

Date: 12/7/16

Indicate your Board selection(s) by marking "1" or "2" or "3" in rank order of your preference (1= most preferred)here. There is no need to mark more than "1" if you're not interested in another Board.: 1

\*By submitting this application online or by email and executing it by entering my name where indicated, I intend to electronically certify it as if signed in writing\*:

**Additional Information:**

Form submitted on: 12/7/2016 10:14:41 AM

Submitted from IP Address [REDACTED]

Referrer Page: <https://outlook.live.com/>

Form Address: <http://tx-bellaire5.civicplus.com/Forms.aspx?FID=103>

**Mayor and Council**

7008 S. Rice Avenue  
Bellaire, TX 77401



Meeting: 01/09/17 05:30 PM  
Department: City Manager's Office  
Category: Proclamation  
Department Head: Paul A. Hofmann  
DOC ID: 2112

**SCHEDULED  
INFORMATION ITEM (ID  
# 2112)**

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**Item Title:**

Issuance of a proclamation by Mayor Andrew S. Friedberg proclaiming January 9, 2017, as "Jared, Justin and Lexi Clark Day" in the City of Bellaire, Texas, in recognition of their notable achievements and in support of their cause to help find a cure for Giant Axonal Neuropathy (GAN).

**Background/Summary:**

Mayor Andrew S. Friedberg will present a proclamation he has issued proclaiming Monday, January 9, 2017, as "Jared, Justin and Lexi Clark Day" in the City of Bellaire, Texas. The proclamation recognizes their notable achievements in support of their cause to help find a cure for Giant Axonal Neuropathy (GAN).

The Clark Family will be present to accept the proclamation.

**Previous Council Action Summary:**

N/A

**Fiscal Impact:**

N/A

**Recommendation:**

N/A

**ATTACHMENTS:**

- 2017\_0109 - Jared Justin and Lexi Clark Day - TRIumph Over GAN(PDF)





## Proclamation

**Whereas**, the Clark Family of Bellaire, Texas, founded Justin's TRIumph Over GAN, a non-profit fundraising organization dedicated to helping find a cure for Giant Axonal Neuropathy (GAN), a rare, fatal genetic disorder with only 72 patients currently diagnosed worldwide, of whom two are Justin and Lexi Clark; and

**Whereas**, Justin's TRIumph sponsors multi-sport Reason2Race teams, and since 2013 has raised more than \$337,000, and together with its partners more than \$1 million, for the fight against GAN; and

**Whereas**, Jared Clark supports his siblings as a race competitor, and recently finished third in the 16-19 age group at the Draft-Legal Sprint World Championship Qualifier, earning him a spot on Team USA for the 2017 ITU Duathlon World Championships in Penticton, Canada; and

**Whereas**, Jared's Eagle Scout project was a Justin's TRIumph Splash and Dash, which raised more than \$10,000 while also promoting an active lifestyle for more than 130 kids; and

**Whereas**, through these and other commendable efforts, working as a team to find a cure for GAN, Jared, Justin and Lexi Clark are an inspiration and source of pride to the City of Bellaire and all its residents;

**Now, Therefore**, I, **Andrew S. Friedberg, Mayor of the City of Bellaire, Texas**, in recognition of their notable achievements and in support of their most worthy cause, do hereby proclaim January 9, 2017, as

### *Jared, Justin and Lexi Clark Day*

in the City of Bellaire, Texas, and express our community's best wishes for their continued success.

**In Witness Whereof**, I have hereunto set my hand and caused the seal of the City of Bellaire, Texas, to be affixed this 9th day of January, 2017.

\_\_\_\_\_  
Andrew S. Friedberg  
Mayor  
City of Bellaire, Texas



**Mayor and Council**

7008 S. Rice Avenue  
Bellaire, TX 77401



Meeting: 01/09/17 05:30 PM  
Department: Development Services  
Category: Public Hearing  
Department Head: John McDonald  
DOC ID: 2058

**SCHEDULED  
ACTION ITEM (ID # 2058)**

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**Item Title:**

Public Hearing on proposed amendments to the Code of Ordinances, Chapter 24, Planning and Zoning, Sec. 24-535, R-MF Residential-Multifamily District, and related sections, including Sec. 24-513 Landscaping, Screening and Buffering; and Sec. 24-513a, Design Standards in Commercial and Mixed-Use Districts; to ensure that future redevelopments are compatible with existing commercial regulations, and to establish improved buffering of existing adjacent single-family residential districts - Submitted by John McDonald, Director of Development Services.

**Background/Summary:**

A public hearing is scheduled before the City Council on proposed amendments to the following section of the Code of Ordinances in an effort to ensure that future redevelopment of the sole existing multi-family district is compatible with existing commercial regulations in the Corridor Mixed-Use (CMU) zoning district and improves buffering of existing adjacent single-family residences.

- Sec. 24-535. R-MF Residential Multi-Family District
- Sec. 24-513. Landscaping, Screening and Buffering
- Sec. 24-513a. Design Standards in Commercial and Mixed-Use Districts

Changes to Sec. 24-535, R-MF Residential Multi-Family, include:

- Increase in height allowance: Current zoning allows three stories, the proposed amendment allows a height of 53 feet which could permit up to four stories of total development;
- Allowance of drive under parking: Maximum building height would be 53 feet including drive under parking;
- Addition of height-setback plane: Currently included in the CMU and Urban Village - Downtown (UVD) districts as an added protection to neighboring single-family housing;
- Planned Development option: in an effort to allow the Commission and Council the flexibility to consider additional development options, the allowance of a Planned Development was included;
- Site Plan Review: multi-family developments will now be required to go through a site plan review as set forth in Sec. 24-524.

Sections 24-513 and 24-513a have been updated to include reference to multi-family development so as to required higher standards in screening and design. Generally, anywhere a requirement was addressed to the CMU, it is now proposed to apply to R-MF as well.

This public hearing has been properly noticed by the City Clerk as required by State Law and City Ordinance.

**Fiscal Impact:**



N/A

**Legal Review:**

Item has been reviewed by the City Attorney.

**Recommendation:**

No action required at this time. This item is tentatively scheduled for action at the January 23, 2017 City Council meeting.

**ATTACHMENTS:**

- P&Z R-MF Public Hearing Materials (PDF)
- RMF Multifamily redline January 2017 Council PH (DOCX)



## CITY OF BELLAIRE

### Planning and Zoning Commission

October 21, 2016

To: Mayor and City Council  
 From: Win Frazier, Chairman, Planning & Zoning Commission  
 CC: John McDonald, Director of Community Development  
 Subject: Report and Recommendation on proposed amendments to the City of Bellaire Code of Ordinances, Chapter 24, Planning and Zoning, Section 27-535, Residential-Multifamily District (R-MF).

On June 14, 2016, the Planning & Zoning Commission held a public hearing on the proposed amendments to the City of Bellaire Code of Ordinances, Chapter 24, Planning and Zoning, Section 24-535, Residential-Multifamily District, and related sections, including Sec. 24-513, Landscaping, Screening and Buffering; and Sec. 24-513a, Design Standards in Commercial and Mixed-Use (CMU) Districts. The amendment was requested by the Director of Development Services to ensure that future redevelopment is compatible with the existing commercial regulations, and to establish improved buffering of existing adjacent single-family residential districts.

Notifications regarding the public hearing were mailed out to all addresses within 500 feet of the property. Any and all persons desiring to be heard in connection with the proposed code amendments were invited to speak before the Commission. Three (3) members of the public spoke during the public hearing. The following concerns were voiced:

- The allowance of apartments within the City
- The height and setback proposals
- The impact on parking/traffic in the area
- The impact on flooding in the area
- The units/acre limitation

#### RECOMMENDATION

At the Commission's October 18, 2016 meeting, the Director brought forward a revised redline of the proposed changes to the R-MF Zoning District, to include the addition of a planned development option and the return of the minimum site area of 1,200 square feet. After due consideration and discussion, the Commission found that the proposed amendments were necessary to encourage any future redevelopment of the site to be compatible with development within the CMU, and to bring the district more in-line with the future land use and character that is called out within the City's Comprehensive Plan with regard to alternative housing. The Commission also noted the fact that the allowable density is not being increased, and therefore the redevelopment of this site should not negatively impact the parking/traffic or flooding within the area. Based on these findings, the Commission voted 6-0 to recommend approval of the code amendments to City Council.



**VOTE OF THE COMMISSION****Members present and voting FOR this recommendation to City Council:**

-Win Frazier, Jonathan Saikin, Lynne Skinner, Marc Steinberg, Dirk Stiggins, Bill Thorogood

**Members present and voting AGAINST this recommendation to City Council:**

-None

**Members Absent:**

-Mike Axelrad

A handwritten signature in black ink, appearing to read "Win Frazier". The signature is fluid and cursive, with the first name "Win" and last name "Frazier" clearly distinguishable.

## Planning and Zoning Commission

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



Meeting: 06/14/16 06:00 PM  
Department: Development Services  
Category: Public Hearing  
Department Head: John McDonald  
DOC ID: 1955

### SCHEDULED PUBLIC HEARING (ID # 1955)

#### Item Title:

Public Hearing on proposed amendments to the Code of Ordinances, Chapter 24, Planning and Zoning, Sec. 24-535, R-MF Residential-Multifamily District, and related sections, including Sec. 24-513 Landscaping, Screening and Buffering; and Sec. 24-513a, Design Standards in Commercial and Mixed-Use Districts; to ensure that future redevelopments are compatible with existing commercial regulations, and to establish improved buffering of existing adjacent single-family residential districts.

#### Background/Summary:

This public hearing is on proposed amendments to the Code of Ordinances, Chapter 24, Planning and Zoning, Sec. 24-535, R-MF Residential-Multifamily District, Sec. 24-513. Landscaping, Screening and Buffering, and Sec. 24-513a Design Standards in Commercial and Mixed-Use Districts in an effort to encourage any future redevelopment of the site to be compatible with development within the Corridor Mixed-use District (CMU) as well as to increase buffering to existing adjacent single-family properties.

Amendments are shown in redline. Within Sec. 24-513 and Sec. 24-513a, R-MF is proposed to have generally the same requirements as those placed upon development within the CMU.

Changes to Sec. 24-535, R-MF Residential Multi-Family, include:

- Increased height;
- Reduced front and side setbacks;
- Maximum density;
- Addition of height-setback plan requirement; and
- Site plan review.

#### Recommendation:

No action is scheduled at this meeting. Consideration of this item is tentatively scheduled for the August 9th meeting.

#### ATTACHMENTS:

- RMF Multifamily 2016 June PZ (PDF)



- i. **Persons at the meeting who have indicated their desire to be heard on matters of general interest to the Commission by submitting the form provided shall have three (3) minutes to present their comments. The Commission is not permitted to fully discuss, debate, or consider items that are not on the agenda. Questions presented to the Commission may be referred to staff.**

**Lynn McBee**-Ms. McBee mentioned that she would like some clarification on whether or not podium parking is allowed, and suggested that the Commission put on their agenda proposed language to include podium parking as an encouraged design. She complemented the Commission and staff on the handling of the proposed changes to the R-MF Zoning District.

## V. PUBLIC HEARINGS

Public Hearing on proposed amendments to the Code of Ordinances, Chapter 24, Planning and Zoning, Sec. 24-535, R-MF Residential-Multifamily District, and related sections, including Sec. 24-513 Landscaping, Screening and Buffering; and Sec. 24-513a, Design Standards in Commercial and Mixed-Use Districts; to ensure that future redevelopments are compatible with existing commercial regulations, and to establish improved buffering of existing adjacent single-family residential districts.

### A. Presentation of the Public Hearing Process

Chairman Frazier reviewed the public hearing process.

### B. Presentation by the Applicant

**Mr. McDonald, Director of Development Services**-Mr. McDonald explained that this is a staff initiated proposal in a effort to encourage any future redevelopment to be compatible with the developments within and along the Corridor Mixed Use District (CMU), as well as to increase buffering and protection to existing adjacent single family properties. He then gave a short PowerPoint presentation that compared the proposed changes to the current requirements of the R-MF Zoning District. Mr. McDonald pointed out that staff is recommending the inclusion of the R-MF Zoning District in *Section 24-513 Landscaping, Screening, and Buffering*, in order to give better definition to the requirements for multi-family development, and how it relates to neighboring properties, as well as parking lots, etc. He then explained that *Section 24-513a, Design Standards in Commercial and Mixed-Use Districts*, controls the design standards of the developments, and that staff is recommending the addition of the R-MF into the same category as it applies to the CMU. Mr. McDonald stated that the idea is to get away from the suburban design, which has external entry to the apartment units, and move towards a design with an internal entry. Mr. McDonald then pointed out that he is recommending a minimum of a 1 acre site requirement, an increase in the minimum lot width from 60 to 150, and a decrease in required depth from 120 to 100. He added that he is proposing a decrease in the setback from 25 feet to 10 feet in order to move the structures closer to the street and give more of a overlook of the street. Mr. McDonald stated that this also helps to balance the changes to the rear setbacks. He informed the Commission that the side setback is currently 6 feet, generally, with 25 feet on a corner lot, and that he is proposing no side setback, with 10 feet on a corner lot. Mr. McDonald explained that the height-setback plane will be required, which would set a minimum of 15 feet back from the rear or side property line that is adjacent to a single-family, residentially zoned area. This limits the first story to 27 feet, and then slopes the building away at a 2 to 1 angle. He added that this pushes the building towards the front of the property and therefore opens up the sky to the residential area behind it.

Additionally, within the height-setback rules, no parking or other accessory structures are allowed to be located within the rear yard area toward the abutting residential property. He mentioned that trees are also required in an effort to create a better separation between the two uses. Mr. McDonald stated that the current height requirement of 40 feet (3 stories) would be increased to 53 feet (4 stories), which is the same as a mixed-use development within the CMU. He added that currently there are no site plan review requirements within multi-family developments, and this proposal would attach the requirements of *Section 24-524 Site Plan Review* to the R-MF Zoning District. Mr. McDonald explained that this is an opportunity for the administrative official or staff to determine that all proposals meet the minimum requirements and regulations set forth for this district, prior to building plans being submitted. He stated that this process is the same requirement that is set forth within UV-T, UV-D, and the CMU.

### C. Staff Findings

There were no staff findings due to the fact staff was the applicant for this public hearing.

### D. Public Comments

- i. **Persons at the meeting who have indicated their desire to address the Commission by submitting the form provided shall have three (3) minutes each to present comments concerning the Application. If a speaker wishes to yield their time to another speaker, a total of six (6) minutes will be allotted for their comments. The speaker's form must indicate to whom the time is being yielded. If additional time is not yielded, the time may be extended to five (5) minutes at the discretion of the Chair.**

**Karen Reichke**-Ms. Reichke provided the members of the Commission with an article regarding the abundance of apartment complexes within Houston. She also voiced her concerns with apartments being present within the City of Bellaire, as well as the setback and height requirements that were being proposed. Ms. Reichke mentioned that it could negatively impact parking, traffic, and the flooding situation within the City.

**Dana Busa**-Mr. Busa informed the Commission that his wife's family owns the Pont Alba Apartment complex and that he has been involved with the project since the beginning. He complemented the plan, and stated that this property is the gateway to the City coming from the downtown area, making the proposed changes very important in order to allow for re-development of the property to create an more aesthetically pleasing site. Mr. Busa stated that his only issue with the proposed changes is with regard to the limit placed on the number of units per acre, which ends up decreasing the number of units allowed from what is currently there today. He did not feel that this was the intention of staff or the Commission. Mr. Busa added that if there was a choice between a maximum number of units and a minimum square footage per unit he would prefer the latter, but mentioned that neither is necessary as the height, setback, and lot coverage limitations already take care of this. He then mentioned Mr. McDonald's comment regarding the fact that no parking would be allowed in the area abutting the residential property, and stated that this would be an issue. Mr. Busa explained that parking in that area would be necessary in order to keep the parking off of the street. He informed the Commission that he has a degree in Environmental Design and Architecture and has been in construction development for more than 30 years, with a fairly extensive background working with the public to ensure that developments are done properly.



**Lynn McBee**-Ms. McBee stated that the fact that these changes are being proposed by the City of Bellaire should have been advertised, and that it is somewhat confusing about whether these changes were initiated by the City or by the property owner. She then asked for clarification on whether or not a Planned Development (PD) is allowed under the proposed changes. Ms. McBee mentioned that she has no problem with the proposed height, but that the setbacks do concern her. She also felt that the Commission should be voting on this matter prior to the turnover of members. Ms. McBee also stated that the current market is for smaller apartment units, and felt that this decision should just be left up to the property owner.

#### **E. Response of Applicant**

Mr. McDonald pointed out that the market for apartments in Houston cannot be compared to Bellaire. He mentioned that there is currently one apartment complex within the City, and three zoning districts that allow for multi-family developments. Mr. McDonald stated that Bellaire is the "City of Homes" and that homes are more than just houses. He added that as discussed within the Comprehensive Plan, Bellaire is making an effort to provide its citizens with lifecycle housing by creating an atmosphere for different types and styles of homes and living arrangements for different people. Mr. McDonald explained that flooding should not be an issue because it is the same lot coverage requirement that is currently in place. He also added that Mr. Busa would have the right today to rebuild a three story apartment complex with more units, and closer to the existing single family residential. Mr. McDonald also stated that Mr. Busa makes a good point with regard to unit density, and that this is a discussion that should be had. He assured the Commission that the parking requirement is included within the parking section of the chapter, and that the development cannot go forward unless the parking requirement is shown to be met on site. Mr. McDonald informed Mr. Busa that the height-setback plane would only apply on your property to the rear, not to the side so parking on the side would not be an issue. He added that he does not feel as though the option of a PD is necessary, but the Commission is able to add that if it wishes to do so. Mr. McDonald clarified that he did not have a discussion with Mr. Busa until after the second meeting that this was discussed. Lastly, he explained that the decrease in the setback is to allow for some recapture of his site that is lost with the requirement of the height-setback plane.

#### **F. Questions from the Commission**

Commissioner Butler asked how many notices were mailed out informing the public of the hearing.

Staff informed him that 90 notices were sent out.

Commissioner Butler asked if would be possible to get graphics showing the new height and setback on Bissonnet and the old height and setback on Bissonnet in order to get a better visual of what the proposed changes would look like.

Mr. McDonald stated that he could provide that.

Commissioner Butler asked if requesting a re-zoning to the CMU Zoning District and then applying for a PD would accomplish the same thing that the proposed changes to the R-MF would.

Mr. McDonald stated that they could do that, but the idea was to establish an increase in the allowable build by right regulations.

Vice Chairman Stiggins asked Mr. McDonald to put into perspective the difference between the time and money required to apply for a re-zoning and a PD vs. building by right. He added that the whole objective was to make the regulations more straight forward for the developer.

Mr. McDonald agreed that applying for re-zoning and a PD is much more risky. He added that developers are hesitant to invest money into a project that may or not be approved, and could take anywhere from 4-6 months in order to go before the Commission and City Council.

Commissioners Skinner was concerned about residents having to park on the street on a regular basis.

Mr. McDonald explained that there is a parking requirement table within the code, and that multi-family is specifically called out on that table. He assured the Commission that this number would have to be met for approval of the site plan. Mr. McDonald also mentioned that you cannot look at a development that was built 30 years ago and compare it to what the re-development will be, as the regulations back then did not require enough parking.

Chairman Frazier felt that even with enough parking the parking on the streets will never change. He then asked about whether or not the Commission would approve the site plan.

Mr. McDonald explained that only under a PD would the site plan come before the Commission. If a developer is building by right then the site plan is approved by staff.

Chairman Frazier asked Mr. McDonald if the Commission could make some additional changes with regard to the required buffering, if they felt it necessary to do so.

Mr. McDonald mentioned that the language already calls for two levels of buffering, with the requirement of the height-setback plane and also the inclusion of the R-MF in the *Landscaping, Screening, and Buffering* section of the code. However, the Commission can make changes/additions if it feels that the requirements in place are not sufficient.

Commissioner Butler asked Mr. McDonald to review the by right options that the developer would have if the property was re-zoned to CMU.

Mr. McDonald stated that he would have that information for the Commission during the consideration of this item. He added that it will not be on the Commission's July agenda as he will be out of town for that meeting.

#### **G. Invitation for Written Comments, if applicable**

Written comments regarding the proposed amendments to the R-MF Zoning District will be accepted until August 1st, at 5:00 PM.

#### **H. Closure of the Public Hearing**

**Motion:** a motion was made by Commissioner Skinner and seconded by Vice Chairman Stiggins to close the public hearing.

**Vote:** the motion carried on a unanimous vote of 6-0.



**Sec. 24-513. Landscaping, Screening and Buffering.**

A. *Purpose.* The standards set out in this Section are intended to:

- (1) Protect and improve the appearance and character of the community, including its developed and open space areas, in accordance with the Comprehensive Plan;
- (2) Increase the compatibility of adjacent land uses;
- (3) Mitigate the effects of noise, dust, debris, artificial light intrusions and other externalities created by the use of land, and the “heat island” effect of paved surfaces in urban settings; and
- (4) Conserve water and promote the long-term viability of development landscaping by promoting the planting and maintenance of native and drought-resistant vegetation types.

B. *Applicability.* Standards described herein are minimum standards applicable to all new planned developments, mixed-use developments, multifamily and, non-residential structures and related parking that have, as a condition of approval, requirements for landscaping, screening or buffering and to all non-residential uses and related parking permitted.

- (1) The requirements of this Section shall also apply when:
  - a) There is an enlargement exceeding one thousand (1,000) square feet in area of the exterior dimensions of an existing non-residential, multifamily residential, mixed-use building, or of any existing building within a planned development, or more than one thousand (1,000) square feet cumulative among multiple buildings in all such cases; or
  - b) There is either a new parking lot for a non-residential or multifamily residential or mixed-use building, or for a planned development, or expansion of an existing parking lot in such cases to provide one or more additional parking spaces.
- (2) The requirements of this Section shall apply to the entirety of the development site if it is completely developed by the new construction of a building or buildings and associated off-street parking. If the entirety of the building site is only partially developed by new construction or enlargement (with the enlargement exceeding at least 1,000 square feet in area of the previous exterior dimensions of a building, or cumulative among multiple buildings, per subsection (1)b), above), the requirements of this Section shall be applied only in proportion to the area of the new or enlarged building and/or off-street parking area.
- (3) The requirements of this Section shall not apply when:
  - a) Reconstruction work on an existing building that was partially damaged or destroyed involves less than fifty (50) percent of the pre-existing area of the exterior dimensions of the building. This exemption shall apply only when the reconstruction will not result in an increase in the number of parking spaces.
- (4) Nothing in this Section shall be construed to require compliance with the requirements of this Section for finish or remodeling work to the interior or exterior of an existing building if such work does not result in an increase in the number of parking spaces or in an enlargement of the exterior dimensions of the building.

C. General requirements.

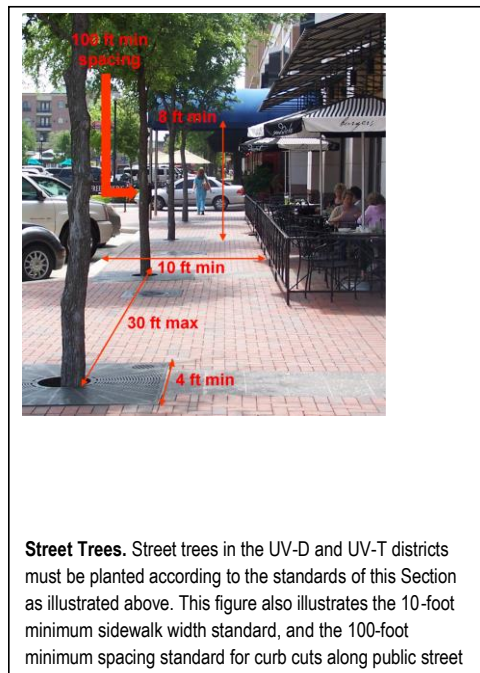
- (1) *Quantity of landscaping.* The minimum amount of landscaping required for a development site shall be based on the applicable factors in Table 24-513.A, Quantity of Landscaping.

Table 24-513.A Quantity of Landscaping	
Type	Required Quantity
Street Trees (for commercial, multifamily residential and mixed-use properties only)	Number of trees as specified in Section 9-355.1, based on the amount of street frontage (generally a minimum of one 45-gallon tree for every 40 feet of frontage).
Parking Lot Trees (for commercial, multifamily residential and mixed-use properties only)	Number of trees as specified in Section 9-355.2. (generally a minimum ratio of one 45-gallon tree per 10 parking spaces).
Site Trees	The minimum number of trees in the required front and back yards as specified in Section 9-354, based on the site width.
Shrubs	Number of shrubs necessary, based on five-gallon container size and maximum spacing between shrubs of four feet on center, to meet the screening requirements for off-street parking areas in Section 24-513.E.

- a) *Street trees in the UV-D and UV-T districts.* Street trees shall be planted at regular intervals along all street frontages in accordance with Section 9-355.1 in Chapter 9, Buildings, of the City Code, except that the minimum tree spacing in the UV-D and UV-T districts shall be 30 feet rather than 40 feet. Applicants may select any tree variety specified for the UV-D and UV-T districts, if any, in Section 9-355.1, and shall not plant specified undesirable trees. Such trees may be planted within the public street right-of-way as provided in Section 9-355.1, subject to the approval of the City's administrative official. As illustrated in **Figure 24-513.A**, the following specific provisions also apply in the UV-D and UV-T districts:
- 1) Minor variations from the regular 30-foot spacing are permitted to avoid conflicts with driveway locations and accommodate other design considerations.
  - 2) Trees shall be planted in at-grade tree wells with tree grates, a minimum of four feet square, within the sidewalk. Such street trees shall be maintained to provide a clear zone free of limbs, from ground level up to eight (8) feet above ground level, for visibility and to avoid potential hazards to pedestrians and vehicles. Each tree well shall have an irrigation system for the delivery of water to the wells.



**FIGURE 24-513.A**  
**Street Tree Planting in UV-D and UV-T Districts**



- (2) *General site landscaping.* Any portions of development sites not used for buildings, sidewalks, parking areas or other impervious surfaces that count toward site coverage shall be planted or covered, and so maintained by the owners. This treatment shall consist of any combination of such material as trees, hedges, shrubs, garden plants, vines, ground covers, grasses, and mulch. The use of planter boxes of any size shall not constitute compliance with this Section.
- Use of sod.* In non-residential and multifamily residential development and planned developments, not more than fifty (50) percent of the area devoted to general site landscaping as defined in this subsection may be planted with sod. Athletic fields shall not be counted in this calculation.
  - Use of mulch.* In non-residential and multifamily residential development and planned developments, not more than ten (10) percent of the area devoted to general site landscaping as defined in this subsection may involve the placement of mulch. Mulch used in landscaping areas may be organic, such as pine bark or shredded hardwoods, or inorganic, such as stone, gravel or commercially available recycled materials intended for such use. Materials that float shall be contained by edging.
  - Use of palm trees.* Palm trees may be used in site landscaping but shall not count toward compliance with the minimum tree requirements in Table 24-513.A.
  - Mitigation of building mass in the UV-D and UV-T districts.* Where a building is more than 60 feet in length, tree plantings other than required street trees shall be clustered to break up the

appearance of building mass so that the building is perceived to be divided into lengths of no greater than 50 feet when viewed from street-level vantage points.

- (3) *Credits against required landscaping.* For development sites in the UV-D district, landscaping, as herein required of a surface parking area adjacent to a street, may be counted toward meeting the general site landscaping requirements. The administrative official may, upon application of the property owner and/or developer, allow the use of the adjacent public street right-of-way for the perimeter landscaping and screening of the surface parking.
  - a) The administrative official shall permit the use of the public street right-of-way for landscaping and screening only when it is determined, in consultation with the Department of Public Works, that such use does not constitute an actual or potential hazard to the health, safety and well-being of the residents, citizens and inhabitants of the City of Bellaire.
- (4) *Planting standards.* All plantings in satisfaction of this Section shall comply with the standards of this subsection.
  - a) *Quality and viability of plantings.* All landscape material shall be in compliance with the standards of the American Nursery and Landscape Association. All plant material shall have a habit of growth that is normal for the species.
  - b) *Locally appropriate species.* At least seventy-five (75) percent of the proposed plantings shall be species native to Southeast Texas to promote reduced water use and increased drought resistance.
  - c) *Undesirable species.* No proposed landscape material shall appear on the Invasive and Noxious Weeds list for the State of Texas promulgated by the United States Department of Agriculture, nor on the Texas Noxious Weed List promulgated by the Texas Department of Agriculture.
    - 1) *Undesirable tree species.* No proposed new or replacement trees shall be among the undesirable tree species identified in Section 9-350.M.
  - d) *Species diversity.* To avoid large monocultures of trees and shrubs, and the risk of large-scale losses in the event of disease or blight, species used to meet the requirements of this Section shall be diversified as follows, with calculations rounded up to the nearest whole number:
    - 1) When ten (10) or more trees are required on a parcel proposed for development, no more than fifty (50) percent of each category of required trees (street trees, parking lot trees, site trees) on a site shall be of any one species.
- (5) *Installation.* All landscaping shall be installed in a sound workmanlike manner according to accepted commercial planting procedures, with the quality of plant materials as described in this Section and with a readily available water supply. All plant material shall be insect and disease-resistant and shall be of sound health and vigorous growth, clean and reasonably free of injuries, weeds, noxious pests and diseases when installed.
  - a) Sod shall be solid, and seeding of turf grasses is not permitted.
  - b) Ground cover shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within three (3) months after planting.
  - c) Shrubs used for screening shall be three (3) feet or taller in height, as measured from the surrounding soil line, immediately upon planting. Such shrubs shall be maintained at this minimum height, and shall at no time exceed forty-two (42) inches in height.
  - d) *Phased development.* The administrative official may allow installation of landscaping with each phase of a multi-phase development, provided that all landscaping required for each phase is installed concurrently with each phase. The City Attorney may require execution of a development agreement with the City to clarify phasing plans and timing, and to provide surety.
  - e) *Tree planting within City right-of-way.* Planting of trees and other vegetation within City rights-of-way shall meet any applicable Department of Public Works standards, to protect underground



and overhead utilities, streets and sidewalks, drainage improvements; street lighting, and sight distances, and the visibility of traffic control devices.

- (6) *Maintenance.* The owner and tenant of the landscaped premises and their agents, if any, shall be jointly and severally responsible for the continuing care and maintenance of all landscaping and preserved vegetation in a good condition so as to present a healthy, neat and orderly appearance, free from refuse and debris. This shall include any portions of abutting public right-of-way that the owner was permitted to landscape as part of complying with this Section.
  - a) All landscape areas shall be watered as needed to ensure continuous healthy growth and development.
  - b) Trees shall be pruned as needed to ensure healthy growth and development, and when planted near streets or sidewalks, to not interfere with vehicular or pedestrian traffic or parked vehicles.
    - 1) Topping, tipping, bark ripping, flush cutting, and stub cutting are prohibited for trees that are installed and maintained within a public street right-of-way or were planted or preserved on private property as part of complying with this Section.
  - c) Maintenance shall include the removal and replacement of dead, dying or diseased plant material.
    - 1) Replacement of required landscaping that is dead or otherwise no longer meets the standards of this Section shall occur within sixty (60) days of notification by the City. Replacement material shall be of similar character and quality as the dead or removed landscaping, and in the case of trees, shall meet and be completed in accordance with applicable provisions of Article XI, Trees, in Chapter 9, Buildings, of the City Code of Ordinances. Failure to replace in a timely manner in accordance with this subsection shall constitute a violation of these regulations.

D. *Screening and buffering.*

- (1) *Between non-residential or multifamily and residential uses.* Where the rear or side of a non-residential or multifamily building is exposed to a residence or to a residential district boundary line, and where such building is closer than fifty (50) feet to the residence or to the boundary line, a screening wall of at least eight (8) feet in height shall be erected separating the rear or side from the adjacent residence or residential district, unless a planned development has been approved specifically authorizing an alternate solution for screening and/or buffering, which is not in conflict with the purposes of this Section and which is justified based upon architectural, aesthetic and landscaping considerations peculiar to the specific development, in which case the requirements of the planned development approval shall prevail.
  - a) *City Council waiver of non-residential screening requirement.* The provisions of this subsection as to screening and buffering between non-residential or multifamily and residential uses may be waived by the City Council upon recommendation by the Planning and Zoning Commission in the following cases:
    - 1) When a property line abuts a dedicated alley, except where the property line is at a boundary of the UV-D district and an abutting residential property is in an R-1, R-3, R-4 or R-5 district; or
    - 2) When a rear or service side abuts an existing wall or other durable landscaping or screening barrier on an abutting property if said existing barrier satisfies the requirements of this subsection.
  - b) *Automatic waiver in UV-D and UV-T districts.* The provisions of this subsection as to screening and buffering between non-residential or multifamily and residential uses are waived in the UV-D and UV-T districts, except that the provisions still apply in the UV-D district when the non-residential property is at a boundary of the district and the abutting residential property is in an R-1, R-3, R-4 or R-5 district.

- 1) *Parking area distance in UV-T district.* Off-street parking areas in the UV-T district shall not be located within 50 feet of a residential zoned neighborhood.
- (2) *Between residential planned developments and other residential property.* Where a residential use requires a planned development amendment to proceed, there shall be at least a six (6) foot screening wall or fence between the property that is the subject of the planned development and any abutting residential property that conforms to regulations for permitted uses within the district in which it is located. A planned development may be approved specifically authorizing an alternate solution for screening and/or buffering, which is not in conflict with the purposes of this Section and which is justified based upon architectural, aesthetic and landscaping considerations peculiar to the specific development, in which case the requirements of the planned development approval shall prevail.
  - a) *Automatic waiver in UV-D and UV-T districts.* The provisions of this subsection as to screening and buffering between residential planned developments and other residential uses are waived in the UV-D and UV-T districts, except that the provisions still apply in the UV-D district when the residential planned development is at a boundary of the district and the abutting residential property is in an R-1, R-3, R-4 or R-5 district.
  - 1) *Parking area distance in UV-T district.* Off-street parking areas in the UV-T district shall not be located within 50 feet of a residential zoned neighborhood.
- (3) *Standards for screening walls and fences.* A screening wall or fence shall be of wood or masonry construction as provided herein. However, only masonry construction is permitted for required screening walls between non-residential and residential uses, in which case the masonry material and construction shall be consistent for the entire length of the wall erected to screen a particular use.
  - a) A screening wall or fence of wooden construction shall be a permanent wooden fence constructed of cedar or redwood and with capped galvanized iron posts set in concrete. The wall or fence must not be less than the height specified for each of the types of screening addressed in subsections D.(1) and D.(2), above. The wall or fence shall not contain openings of more than forty (40) square inches in each one (1) square foot of surface of such wall or fence, and such wall or fence surface shall constitute a visual barrier.
  - b) A screening wall or fence may be constructed, which shall be of masonry construction on a concrete beam or foundation or a metal frame or base, which supports a permanent type wall material, the surface of which does not contain openings of more than forty (40) square inches in each one (1) square foot of surface of such wall or fence, and which fence or wall surface shall constitute a visual barrier.
  - c) In either permanent wooden or masonry constructed walls or fences, no opening shall be permitted for access unless a solid gate, equaling the height of the wall or fence, is provided. Such gate shall remain closed at all times except when in actual use.
- (4) *Screening of trash receptacles.* All trash receptacles upon property adjacent to single-family residential use shall be located at least ten (10) feet from any and all points upon any lot in single-family residential use. Further, all such trash receptacles shall be visually screened by means of a fence or a wall.
  - a) *Limited application in UV-T district.* The screening requirement for trash receptacles applies in the UV-T district only with regard to visual screening from an abutting public street right-of-way and not from adjacent residential property.
  - b) *Additional provisions in UV-D and UV-T districts.*
    - 1) Dumpsters and garbage bins shall be located behind principal buildings relative to public street frontage whenever practical, and such trash receptacles shall also be accessible from alleys or vehicular access easements where available and practical.



- 2) Such solid waste facilities shall be fully enclosed as specified by this subsection, except that an opaque wall shall be provided in all cases in the UV-D and UV-T districts rather than a wood fence alternative.
- (5) *Screening of outside storage.* All outside storage areas, including waste material storage facilities, in planned development, non-residential, and multifamily districts shall be screened from adjacent residential uses and public street rights-of-way. No other outside storage besides trash receptacles is permitted in the UV-D and UV-T districts. Screening may be as follows:
  - a) A screening wall or fence which shall be of wood or masonry construction of sufficient height to screen that which is being stored; or
  - b) A hedge which shall be of sufficient height and density to screen that which is being stored.
- E. *Screening of off-street parking.* Landscaping shall be provided along the edge of any off-street parking area for five (5) vehicles or more that is not visually screened by an intervening building or structure from an abutting public right-of-way or adjacent residential property.
  - (1) The perimeter landscaping shall involve shrubs of five (5)-gallon container size, spaced a maximum of four (4) feet on center, to form a continuous and solid visual screen, within one (1) year of planting, exclusive of driveways, pedestrian walkways and visibility triangles. The shrubs shall be three (3) feet or taller in height, as measured from the surrounding soil line, immediately upon planting. Such shrubs shall be maintained at this minimum height, and shall at no time exceed forty-two (42) inches in height.
  - (2) *Special provisions for UV-D and UV-T districts.* Requirements in this subsection for screening of off-street parking areas apply in the UV-D and UV-T districts only with regard to visual screening from an abutting public street right-of-way and not from adjacent residential property, and are illustrated in **Figure 24-513.B**. In the UV-D district, the screening requirement applies when the adjacent residential property is outside the UV-D district and in an R-1, R-3, R-4 or R-5 district.
    - a) *Openings for circulation.* Openings through the perimeter landscaping, for pedestrian and bicycle circulation to and from public sidewalks or other circulation routes, shall be provided approximately every fifty (50) linear feet, with each opening no more than five (5) feet wide.
    - b) *Utility company screening policies in UV-T.* Screening of parking areas which utility companies allow on their properties within the UV-T district shall be subject to the policies of such companies with regard to allowable screening methods and the location and height of screening.

**FIGURE 24-513.B**  
**Screening of Off-Street Parking in UV-D and UV-T Districts**



**F. Landscaping of off-street parking.**

- (1) Parking lot trees shall be provided for any off-street parking area for ten (10) vehicles or more for a commercial, multifamily residential or mixed-use development, with a minimum of one 45-gallon tree for every ten (10) parking spaces, in accordance with Section 9-355.2.
- a) Parking lot trees shall be planted so that each parking space is within fifty (50) feet of at least one (1) such tree as measured from the center of the tree trunk to some point on the marked parking space. Depending on the size and shape of smaller parking areas, this may mean that the required tree(s) may be planted adjacent to rather than within the interior of the parking area. The required tree(s) also may be planted within an abutting public street right-of-way subject to the approval requirements of this Section.
- b) When trees must be planted within the interior of a parking area to comply with the requirements of this subsection, or are otherwise incorporated within the interior, the following standards shall apply:
  - 1) The planting area for each tree, whether located at an edge of the parking area or designed as an interior island or median between parking modules, shall be no less than six (6) feet across in any horizontal direction.
  - 2) All planting areas shall have permeable surfaces and be planted with locally appropriate species as defined in this Section, which may include shrubs, groundcovers or grasses. If a planting area is used as part of a biological stormwater treatment system, pursuant to an approved drainage plan, groundcovers shall be selected that are appropriate to that function.



- 3) Where required or otherwise incorporated, planting areas and landscaping islands shall be integrated into the overall design of the surface parking area in accordance with this chapter in such a manner that they may assist in defining parking slots, pedestrian paths, driveways, and internal collector lanes, in limiting points of ingress and egress, and in separating parking pavement from street alignments.
- (2) Where applicable, landscaped areas and walkways abutting parking spaces shall be protected by a wheel stop or six (6) inch curb that is at least three (3) feet from any landscaping except grass or ground cover. Curb lines may be interrupted to allow for stormwater flows into biological treatment areas pursuant to an approved drainage plan, provided that the curb openings do not interfere with the curb's protective function.
- (3) All parking lot landscaping shall be located and maintained so as not to interfere with the act of parking or with parking area maintenance and so as not to create a traffic hazard by obscuring driver or pedestrian vision within the parking lot interior or at the intersections of walkways, driveways, collector lanes and streets, or any combination thereof.
- (4) Interior landscaping of parking areas may be included as a condition of planned development approval for the purpose of providing trees and massed plantings.
- (5) *Waiver of interior landscaping in UV-D and UV-T districts.* Off-street surface parking areas in the UV-D and UV-T districts shall be exempt from any required planting of trees within the interior of such parking areas given the limited developable area within these districts. Instead, the requirement in Section 9-355.1 of one (1) tree for every ten (10) parking spaces shall be satisfied by planting such trees within or near the perimeter screening area required by this Section for off-street surface parking areas.
  - a) Any such trees planted within or near a perimeter screening area shall be maintained to provide a clear zone free of limbs, from ground level up to eight feet above ground level, for visibility and to avoid potential hazards to pedestrians and vehicles.

G. *Screening of parking structures and drive-under parking.* The ground level of a parking structure or ground-level parking located under an elevated building shall be screened from public street rights-of-way and/or any abutting residential use or zoning district through the installation of vegetative screening, except at points of ingress and egress. Such screening shall involve shrubs of five-gallon container size, spaced a maximum of four feet on center, to form a continuous and solid visual screen, within one year of planting, exclusive of driveways, pedestrian walkways and visibility triangles. The shrubs shall be three (3) feet or taller in height, as measured from the surrounding soil line, immediately upon planting. Such shrubs shall be maintained at this minimum height, and shall at no time exceed forty-two (42) inches in height. The shrubs shall be three (3) feet or taller in height, as measured from the surrounding soil line, immediately upon planting. Such shrubs shall be maintained at this minimum height, and shall at no time exceed forty-two (42) inches in height. Such screening shall not be required where a parking structure is wrapped with liner buildings that accommodate active uses other than parking, or where buildings are otherwise situated that obstruct views of the garage or of the drive-under parking.

- (1) *Screening of upper levels of parking structures.* Each level of a parking structure above the ground level shall be designed to include screening along any façade that is not visually screened by an intervening building or structure from public view or abutting residential use or zoning district. Such screening shall consist of architectural and/or landscape elements that are at least three (3) feet and six (6) inches in height, as measured from the floor of the level, to provide a continuous and solid visual screen that blocks headlight glare from vehicles parked within the structure.

H. *Special provisions.*


- (1) *Parking lot tree planting waiver in CMU/R-MF districts.* The requirements of this Section and of Section 9-355.2 related to parking lot tree planting shall not apply to off-street parking areas in the CMU and R-MF districts when the parking area is located behind a building on a development site or is otherwise not visible from abutting public street rights-of-way.
- (2) *Relief on constrained sites in the UV-D and UV-T districts.* Upon the recommendation of the City's administrative official, the Planning and Zoning Commission may modify or reduce landscaping requirements, to the minimum extent necessary, to provide relief for constrained and/or redeveloping sites in the UV-D and UV-T districts where full compliance would be impractical and adjacent properties would not be unreasonably impacted.






### Sec. 24-513a. Design Standards in Commercial, Multifamily, and Mixed-Use Districts.




- A. *Purpose.* The purpose of this Section is to establish reasonable design standards and related guidance to address community desire for visually appealing non-residential and mixed-use development that enhances the overall quality and character of the City, while balancing the legitimate development and commercial needs of property owners.
- (1) *Urban Village districts.* For the Urban Village-Downtown (UV-D) and Urban Village-Transit-Oriented Development (UV-T) districts, certain standards within this Section, together with the use regulations and physical development standards for each district, are especially intended to promote and maintain an Urban development character as described in the respective district purpose statements.
  - (2) *Security emphasis.* All design processes within the CMU, R-MF, UV-D and UV-T districts shall also consider Crime Prevention Through Environmental Design (CPTED) principles to enhance the security of residents, workers and visitors.
- B. *Applicability.* The design standards established in this Section apply to any new non-residential, multifamily, or mixed-use development in the Corridor Mixed Use (CMU), Residential - Multifamily (R-MF), Urban Village-Downtown (UV-D), and Urban Village-Transit-Oriented Development (UV-T) districts, and to any non-residential, multifamily, or mixed-use redevelopment in these districts that follows the removal of all pre-existing buildings on the site.
- (1) The requirements of this Section regarding building materials, canopies and awnings, colors, and visual interest and anti-monotony shall also apply to the enlarged portion of an existing non-residential, multifamily residential or mixed-use building when the enlargement exceeds one thousand (1,000) square feet or twenty-five (25) percent in area, whichever is less, of the exterior dimensions of the building.
  - (2) The requirements of this Section shall not apply to the reconstructed portion of an existing building that was partially damaged or destroyed if the reconstruction involves less than fifty (50) percent of the pre-existing area of the exterior dimensions of the building.
  - (3) Nothing in this Section shall be construed to require compliance with the requirements of this Section for finish or remodeling work to the interior of an existing building if such work does not result in an enlargement of the exterior dimensions of the building.
- C. *Standards.* The specific standards are provided in **Table 24-513a.A**, below. The table is arranged in alphabetical order by the type of standard.

Table 24-513a.A Design Standards for CMU, R-MF, UV-D and UV-T Districts		
Applicable District(s)	Standards	Illustrations
CMU R-MF (only for Unified Design) UV-D UV-T	<p><b>Arrangement and Design for Multiple Buildings</b></p> <p><u>Unified Design</u> Developments with multiple structures on a single property shall reflect a coordinated design and include unifying elements such as common building forms, materials, textures, architectural detailing and colors.</p> <p><u>Massing Through Grouping</u> (Not for CMU/R-MF) Individual buildings on a development site or on</p>	



	<p>adjacent sites, if not attached, shall be arranged and designed to appear as a group of attached buildings to the extent practical.</p> <p><u>Clustering for Pedestrian Focus</u> (Not for CMU/R-MF)</p> <p>Individual buildings on a development site or on adjacent sites shall be clustered, whenever possible, to create pedestrian-oriented precincts and walkable connections.</p>	
<p>CMU R-MF UV-D UV-T</p>	<p><b>Building Materials</b></p> <p>The standards below are intended to ensure the use of building materials that convey an appearance of quality and durability. The standards shall apply to all exterior elevations of structures, excluding doors and windows.</p> <p><u>Permitted Principal Materials</u></p> <p>For exterior building elevations these include:</p> <ul style="list-style-type: none"> <li>▪ Brick or similar masonry materials, including <b>cast stone</b>.</li> <li>▪ Limestone and other natural stone.</li> <li>▪ Any concrete product (architectural pre-cast concrete; concrete masonry unit, CMU; etc.) that has an integrated color and is textured or patterned to look like brick, stone, marble, granite or tile.</li> <li>▪ Glass. (Not for UV-D)</li> <li>▪ Other materials where it is demonstrated that they have comparable durability, impact resistance and aesthetic quality as those listed above; and/or they are part of a building that is designed to achieve a green building certification such as Leadership in Energy and Environmental Design (LEED) or Energy Star.</li> <li>▪ Building integrated photovoltaics.</li> </ul> <p><u>Permitted Accent Materials</u></p> <p>The following materials are permitted, but only as accents rather than a predominant exterior material. Accent materials shall comprise no more than 25 percent of any building façade in the CMU and R-MF districts, and no more than 15 percent in the UV-D and UV-T districts, excluding doors and windows.</p> <ul style="list-style-type: none"> <li>▪ Exterior Insulation and Finish Systems (EIFS). [EIFS may be installed only above the floor level of the second story, or no less than 12 feet above the grade for one-story buildings. EIFS shall not be installed in any pedestrian contact areas.]</li> <li>▪ Stucco. [Both EIFS and stucco shall incorporate detailing to look like traditional wall cornices, soffits, window trim and similar features.]</li> <li>▪ Architectural metal, including aluminum composite panel (ACP) treatments.</li> </ul>	


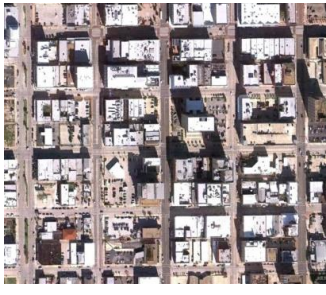




	<ul style="list-style-type: none"> <li>▪ Fiber cement siding. (Not for UV-T).</li> <li>▪ Wood or composite wood. (Not for UV-T)</li> <li>▪ Tile.</li> <li>▪ Glass. (Only for UV-D)</li> <li>▪ Stainless steel.</li> <li>▪ Chrome.</li> </ul> <p><u>Prohibited Materials</u> For exterior building elevations these include:</p> <ul style="list-style-type: none"> <li>▪ Pre-fabricated or corrugated metal wall panels.</li> <li>▪ Smooth-faced concrete block.</li> <li>▪ Vinyl, wood, plywood, cedar shingle, composite or metal siding. (Fiber cement siding not for UV-T).</li> <li>▪ Plastic.</li> <li>▪ Crushed rock or crushed tumbled glass.</li> <li>▪ Mirrored glass in ground floor windows.</li> </ul> <p><u>Privacy Glass</u> Frosted glass or other treatment is permitted for bathrooms and in other doors and windows where privacy is needed.</p> <p><u>Roofing</u> Steel, standing seam metal and/or architectural metal may be used on a sloped roof.</p> <p><u>Service Doors</u> Galvanized steel and painted steel are permitted only for use on doors and roll-up doors that provide access to loading areas and/or face toward alleys or vehicular access easements.</p> <p><u>Awnings and Canopies</u> Awnings and canopies shall be made of durable, easily maintained or replaced materials, which may include canvas, fabric, steel or architectural metal, including aluminum composite panel (ACP) treatments.</p> <p><u>Parking Structures</u> The exterior facades of parking structures shall utilize the permitted building materials and accent materials specified in this subsection for exterior building elevations, except that precast concrete may also be used on the facades of parking structures. Steel, standing seam metal and/or architectural metal may be used on any sloped roof of a parking structure.</p>	 
CMU R-MF UV-D UV-T	<p><b>Canopies and Awnings</b> Use of canopies and awnings on building and parking structure facades adjacent to and above public sidewalks and other public spaces is encouraged to provide shade and weather protection and to add visual interest to structures, provided the placement and design of such canopies and awnings is consistent with the building architecture, and they are maintained in sound condition at all times.</p> <p><u>Projection</u> Canopies and awnings shall project no more</p>	


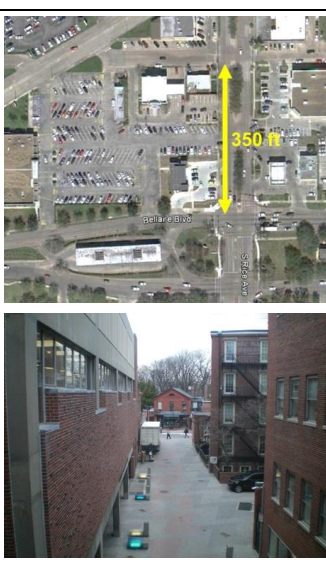

	<p>than six feet from the façade of a building or parking structure.</p> <p><u>Lighting</u> Canopies and awnings shall not be backlit or internally lit.</p>	
UV-D UV-T	<p><b>Clear Building Entries</b> The primary building entry shall be easily identifiable for visitors. The building architecture should reinforce the visual importance of the entry, and the entry design should be pedestrian-scale and transparent.</p>	 <p>Credit: Chipotle</p>
CMU R-MF UV-D UV-T	<p><b>Colors</b> Use of overly iridescent or fluorescent colors on any building façade or roof is prohibited, as determined by the City's administrative official, taking into consideration the existing range and use of color in architecture, signs and other physical improvements within the district and its vicinity.</p>	
UV-D UV-T	<p><b>Curb Cut Limits for Vehicular Access</b> Such limits are intended to minimize vehicle-pedestrian conflict points at mid-block locations along public sidewalks, enhance the pedestrian environment within the district, and preserve the extent of curb space for on-street parking.</p> <ul style="list-style-type: none"> <li>▪ A maximum of one curb cut shall be permitted for every 100 feet of public street frontage.</li> <li>▪ All driveways shall be limited to two lanes, and in no case shall a driveway or associated curb cut exceed 30 feet in width.</li> <li>▪ Upon recommendation of the City's administrative official, the Planning and Zoning Commission may increase the maximum number or decrease the minimum spacing of curb cuts per segment of street frontage, as specified above, where warranted based on site-specific or emergency access considerations.</li> </ul> <p><u>Pedestrian Safety</u> Wherever an access driveway, alley, vehicular access easement or other vehicular circulation path crosses a public sidewalk or other</p>	

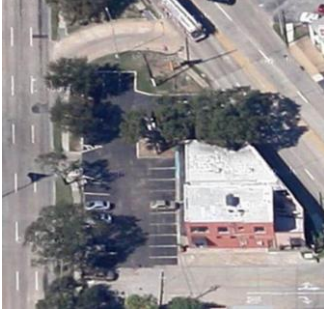




	<p>pedestrian path, a crosswalk treatment shall be installed consisting of a material that contrasts with the adjacent pavement in both texture and color (e.g., brick pavers, patterned concrete, etc.).</p> <ul style="list-style-type: none"> <li>Access points for off-street parking areas and parking structures, where vehicles cross a public sidewalk or other pedestrian path, shall be well lit to ensure visibility of pedestrians and bicyclists.</li> </ul>	
UV-D UV-T	<p><b>Framing of and Relationship to Public Spaces</b></p> <p>Individual buildings or groups of buildings on a development site or adjacent sites shall be arranged and designed, whenever possible, to form pedestrian-friendly outdoor plaza areas, courtyards and open spaces that are focal points for surrounding and nearby development and which encourage street activity, public gathering, outdoor dining, recreation, etc. Landscaping, street furniture, water features, public art, active play areas for children and/or other amenities should be incorporated to enhance the appeal of such spaces for pedestrians and users of the space. Such spaces should be adjacent to and easily accessible from a public street whenever possible.</p> <p><u>Private-Public Design Compatibility</u></p> <p>Where a development fronts on a public plaza, pocket park or other public space, the building architecture and other on-site elements shall be designed for compatibility with the existing or planned adjacent public space.</p> <p><u>Lighting</u></p> <p>Where a development fronts on public street rights-of-way and/or public plazas/spaces, exterior lighting shall be located and directed to provide adequate pedestrian-level illumination of public sidewalks and other immediately adjacent public ways and/or seating areas.</p>	 <p>Credit: Sugar Land Town Square</p>
CMU R-MF	<p><b>Freestanding Canopies</b></p> <p>The design of freestanding or semi-freestanding canopies, such as those used as shelters for pump islands at auto service stations, and for port-cocheres, shall be consistent with the architectural style, predominant and accent materials, color, and lighting of the principal building on the development site.</p>	




		
UV-D UV-T	<p><b>Grid Street Pattern</b> Where applicable, depending on the district size and shape and the nature and extent of proposed development or redevelopment, blocks shall be arranged in an approximate grid-like fashion to ensure connectivity and alternate circulation routes within the district. Variation from the grid pattern should occur only to avoid constraints or accommodate other desirable design elements.</p>	
UV-D UV-T	<p><b>Ground-Level Uses</b> Development projects shall locate off-street parking and/or garage parking within the interior of blocks and away from public street frontages whenever practical so that such ground-level parking does not directly abut a public sidewalk. Instead, the ground level of structures that front on public sidewalks should be occupied by active retail, service, office, residential or other uses permitted in the district. "Wrap-around" design of active uses around parking garages is strongly encouraged.</p> <p><u>Parking Structures</u> Where active uses along the ground-level street frontages of a parking structure are not practical, the parking structure and its vehicle entrances shall be designed to minimize views into the garage interior from adjacent streets through installation of decorative grilles or screens, additional landscaping, or other effective screening method.</p>	 <p>Credit: Sugar Land Town Square</p> 





UV-D UV-T	<p><b>Lighting of Buildings and Sites</b> Lighting of building exteriors and parking areas shall be designed to match the architectural character of the site and its vicinity in terms of fixtures and illumination.</p>	 <p>Credit: Sugar Land Town Square</p>
UV-D UV-T	<p><b>Maximum Block Length</b> Where applicable, depending on the district size and shape and the nature and extent of proposed development or redevelopment, the length of a block, on any side, generally shall not exceed 400 feet. This distance is measured between streets that frame and define a block; however, a public access way or easement shall also be considered to define a block when, in the same manner as a vehicular through street, such access way or easement creates a break between private development sites that provides continuous non-vehicular circulation between streets on either side of the development sites.</p>	
CMU R-MF UV-D UV-T	<p><b>Multi-Family Development</b></p> <p><u>Internalized Design</u> Ingress to and egress from all dwelling units shall be made through the interior of the building rather than from direct outside entrances to each unit.</p> <p><u>Balconies</u> At least 50% of the units shall be provided with a functional or faux balcony. All such balconies shall be located on side or rear building elevations to avoid projection of balconies over the front building line and into public right-of-way, when the front setback is less than five feet</p> <p><u>Mechanical Equipment</u> No window or wall-mounted air conditioning units are permitted.</p>	

UV-T	<p><b>Off-Street Parking Limits*</b></p> <p><u>Off-Street Parking Dispersion</u> Off-street surface parking is permitted in the district, but concentrations of such parking shall be avoided to promote the desired Urban character and prevent disruption of non-vehicular circulation within the area.</p> <p><u>Maximum Parking Area Dimension</u> No edge of an off-street surface parking area shall exceed 150 feet in length, and the entire parking area shall not exceed 21,780 square feet (½ acre).</p> <p>* Drive-under parking is excluded from these provisions.</p>	
UV-D UV-T	<p><b>Orientation of Residential Garages</b></p> <p>All garage doors associated with any residential development in the district shall be oriented away from, and not be visible from, any public street right-of-way inside or outside the zoning district.</p>	 <p>NOT DESIRABLE (garages oriented to street)</p> <p>DESIRABLE (garages not visible from street)</p>
UV-D UV-T	<p><b>Parking Structures</b></p> <p>Such structures shall be designed for architectural consistency with the primary building served or other nearby buildings in terms of facade design, articulation, finish materials and/or shielding of unfinished structural elements and mechanical equipment.</p> <p><u>Special Design Elements</u> Parking structures shall include architectural and/or landscape elements which enhance the garage appearance and help to screen parked vehicles and interior lighting from external view (e.g., decorative screens, trellises with or without associated vegetation, facade and roofline variation).</p>	



CMU R-MF UV-D UV-T	<p><b>Screening of Mechanical/Service Equipment</b></p> <p><u>Rooftop Mechanical Equipment</u> Such equipment shall be completely screened from ground-level public view through design and materials consistent with the overall building design and colors, including potential use of sloped roofs or other architectural elements (e.g., parapet walls) that conceal flat roof areas where mechanical equipment is mounted.</p> <ul style="list-style-type: none"> <li>Where a green roof system is installed and maintained on a rooftop, dense vegetative screening may be used to satisfy the screening requirement for mechanical equipment. (Only for UV-T)</li> </ul> <p><u>Ground-Level or Building-Mounted Service Equipment</u> Such exterior equipment (e.g., mechanical components, electrical drops, utility meter banks, heating/cooling controls) shall be completely screened from ground-level public view through design, materials and/or painting consistent with the overall building design and colors. The required screening may also be accomplished through installation of dense, year-round vegetation as shown on the site landscape plan.</p>	
CMU	<p><b>Service Bays</b> Uses with overhead doors providing access to service bays (e.g., auto service/repair) shall, wherever the site size, shape and orientation allows, place any building wall with overhead doors perpendicular to public street frontage. Where such building orientation is not practical, the overhead doors shall be of similar color to the building façade or roof material.</p>	
UV-D UV-T	<p><b>Sidewalks</b> Sidewalks with a minimum width of 10 feet shall be provided along each side of a site that abuts a public street. Such sidewalks shall be designed and constructed according to City standards. Applicants may use any alternative design treatments for public sidewalks which are specified for the district, if any, in Section 23.5-21(d) in Chapter 23.5, Land Subdivision Regulations, of the City Code.</p> <p><i>Relief on constrained sites in UV-D.</i> Upon the recommendation of the City's administrative official, the Planning and Zoning Commission may reduce the sidewalk width standard to the minimum extent necessary, and in no case to less than 6 feet of sidewalk width, to provide relief for constrained and/or redeveloping sites where full compliance would be impractical.</p> <p><u>Public Access Easement</u></p>	

	<p>Where a sidewalk or portion of the sidewalk required by this Section is situated outside the City street right-of-way, the property owner shall establish a public access easement so that such sidewalk area is continuously available for public use.</p> <p><u>Arcade Treatment</u> Arcades may be constructed along building facades to provide shelter and shade, but shall be located entirely outside the public right-of-way. The arcade design shall also incorporate adequate pedestrian-level lighting under the arcade for visibility and security.</p>	
UV-D UV-T	<p><b>Transparency of Non-Residential Uses at Street Level</b> Building facades associated with non-residential uses that face public street rights-of-way, public plazas/spaces shall have windows at the ground level, for product display or other active building uses, which, together with door openings, comprise at least 60 percent of the ground-level facade.</p> <ul style="list-style-type: none"> <li>Such ground-level windows and doors shall be non-mirrored, allowing views into and out of the interior of the building, to the extent practical given code requirements governing the selection of window glass. Frosted glass or other treatment is permitted for doors and windows where privacy is needed (e.g., bathrooms).</li> </ul>	 <p>Credit: Whole Foods</p>
UV-D UV-T	<p><b>Overhead Utility Lines</b> All local utility wires, not including high-capacity power transmission lines, shall be installed underground.</p>	
CMU R-MF UV-D UV-T	<p><b>Visual Interest and Anti-Monotony</b> The standards below shall apply to all exterior elevations of structures that are not visually screened by an intervening building or structure from public view.</p> <p><u>Building Articulation</u> Building facades to which these standards apply shall be articulated to reduce the apparent mass of the structure and to add visual appeal. This may be accomplished by stepping back a portion of the facade periodically relative to the building line, along with other design variations in the</p>	<p>See <i>Figure 24-513a.A</i>, below, for graphics illustrating building articulation and other techniques for adding architectural interest.</p>



	<p>façade as illustrated in <b>Figure 24-513a.A</b>, below.</p> <p><u><b>Roofline Articulation</b></u>  For flat roofs or facades with a horizontal eave, fascia or parapet, the roofline shall be varied vertically so that no unmodulated segment of roof exceeds 50 feet in horizontal dimension. This standard can also be satisfied by incorporating design elements such as functional or faux dormers, gables, towers, or chimneys.</p> <p><u><b>Avoidance of Blank Walls</b></u>  Any exterior building elevation that faces a public street right-of-way, public plaza/space, public parking area or area of residential use shall have no more than 16 feet of uninterrupted blank wall space in a horizontal or vertical direction. This standard can be satisfied by incorporating window openings, porches or balconies, articulation of the building facade, decorative cornices, material and color variations, or score lines.</p> <p><u><b>Landscape Treatment for Large Walls</b></u>  Where buildings are more than 60 feet in length or 35 feet in height, site trees required by the landscaping standards of this Chapter (and not required street trees) shall be arranged to break up the appearance of building mass so that the building is perceived to be divided into lengths of no greater than 50 feet when viewed from ground-level public vantage points.</p>	
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Sec. 24-535. - R-MF Residential Multi-Family District.

A. Purpose. The R-MF Residential Multi-Family District is a high density residential area including the potential for independent senior living, characterized by the zoning requirements set forth in this Section.

B. Uses:

(1) Permitted uses:

- a) Multi-family dwellings with access from the interior of the building;
- b) Public parks;
- c) Utilities:
  - 1) Local utility distribution lines;
  - 2) Telephone lines and related cross connecting points;
  - 3) Accessory uses, subject to the requirements of Section 24-510; and
  - 4) Home occupations, subject to the requirements of Section 24-517.
- d) Facilities owned and maintained by the City.

e) Planned Development: Applicants may propose planned developments in this district under the amendatory procedures in Section 24-604. This procedure will enable consideration of development proposals involving uses or designs that might not strictly adhere to the standards within this Section but would meet the spirit and intent of the district.

~~(2) Specific Uses:~~

- ~~a) Schools; and~~
- ~~b) Churches.~~

C. Standard regulations:

(1) Residential structures:

a) Size and area:

- 1) Minimum lot area: 43,560 sf (1 acre);
- 2) Minimum lot width: ~~60 feet~~ One hundred and fifty (150) feet;
- 3) Minimum lot depth: ~~120 feet~~ One hundred (100) feet;
- 4) Maximum building height: ~~3 Stories~~ Fifty-three (53) feet, including drive under parking, except that cooling towers, roof gables, chimneys, radio and television antennas and vent stacks may extend for an additional height, the total not to exceed sixty-three (63) feet above the average level of the base of the foundation of the building.;
- 5) Minimum required yards:
  - a. Front yard: ~~Twenty-five (25)~~ Ten (10) feet;

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- b. Side yard: No side yard is specified except that when a side yard abuts a lot which is in residential use, the minimum side yard shall be ten (10) feet, and on a corner lot, both street exposures shall be treated as front yards. Six (6) feet, provided that on a corner lot, both street exposures shall be treated as front yards on all lots platted after the date of enactment of this chapter, except that where one street exposure is designated as a side yard by a building line shown on a plat approved by the Planning and Zoning Commission, containing a side yard of ten (10) feet or more, the building line provisions on the plat shall be observed. On lots which were official corner lots of record prior to the date of enactment of this chapter, the minimum side yard adjacent to the side street shall be ten (10) feet

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- c. Architectural features: the outermost point of architectural features (roof eaves, fireplaces and/or chimneys or bay windows, excluding fireplaces which are attached to the ground) projecting from the side building line shall be a minimum of seven (7) feet from the side property line when a side yard is required.

No other projection from the side building line shall be permitted.

- d. Rear yard: fifteen (15) feet

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1. For the main residential structure, ten (10) feet from the rear property line;
2. For any accessory structure, five (5) feet from the rear property line;
3. In computing rear yard, all measurement shall be made from the rear property line as shown on the plat properly filed for record in the office of the County Clerk of Harris County, Texas.

- 6) Maximum lot coverage: 75 percent of lot area.

- b) Height-Setback plane for side and rear yards: Where a property is at a boundary of the R-MF district and a residential property in a R-1, R-3, R-4, or R-5 district either abuts or is directly across an alley from the subject property in the R-MF district, any portion of the principal building(s) that exceeds twenty-seven (27) feet in height, shall be set back an additional amount, computed as two (2) feet from the rear set back line for each one (1) foot of additional building height above twenty-seven (27) feet. This ratio establishes a height-setback plane as illustrated in Figure 24-536.A.

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- 1) Additionally, in situations as described above, the screening and buffering required between certain uses in Section 24-513.D. shall be supplemented by planting a row of trees along the side or rear property line toward the abutting residential property or alley. This shall involve trees of forty-five (45)-gallon size spaced a maximum of ten (10) feet on center along the property line. The supplemental tree planting shall not count toward any other minimum site landscaping requirements in this Chapter.

2) Planting of trees within any utility easements along the property line shall meet any applicable City standards to protect underground and overhead utilities, and any utility company policies with regard to allowable screening methods and the location and height of screening. Where compliance with the supplemental tree planting requirement is not possible due to utility conflicts, the administrative official shall work with the applicant during the site plan review process to seek an alternate solution which is not in conflict with the purposes of this subsection.

3) On properties subject to the height-setback plane, no accessory structure shall be located within the rear yard area toward the abutting residential property or alley. Any accessory structure on the subject property shall comply with the height-setback requirements as applied to the principal structure(s), in addition to the requirements of Section 24-510.

c) Maximum site area per dwelling unit: 1,200 square feet.

1) The maximum site area per dwelling unit may be reduced through an approved planned development.

d) Site plan review required: All development applications in this district require site plan review and approval to ensure conformance with the substantive standards for this district and other applicable provisions of the City Code.

1) Required approvals

a. Administrative approval. The City's administrative official is authorized to approve site plans for all development applications, except planned developments, provided that the site plan complies with the standards for this district and other applicable provisions of the City Code, or will comply if conditions specified by the official are met. The administrative official, at their sole discretion, may also refer any such site plan to the Planning and Zoning Commission for review and decision.

b. Required referral to Commission.

i. The administrative official is not authorized to disapprove a site plan. The official shall refer a site plan to the Planning and Zoning Commission for review and decision if the official finds reasons for potential disapproval, including when a site plan does not strictly conform to all standards for this district or other applicable provisions of the City Code. If the official does not approve the site plan, they shall place the site plan on the agenda of the Commission so that it may be considered for approval, approval with conditions, or disapproval.

ii. All planned development applications must be referred to the Planning and Zoning Commission for review and consideration.

c. Applicant request for Commission review. The administrative official shall refer a site plan to the Planning and Zoning Commission for review and decision if the applicant disagrees with a condition of approval specified by the official, or otherwise requests Commission involvement in the site plan review.

2) Application requirements. Applicants shall satisfy all application and submittal requirements for the site plan review itemized in Section 24-524.

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a. Waiver authority. The administrative official is authorized to waive elements of the site plan submittal requirements in Section 24-524 if they find that the specified information relates to a site development standard that does not apply to a proposed project. This waiver authority does not apply to planned developments.

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**Mayor and Council**

7008 S. Rice Avenue  
Bellaire, TX 77401



Meeting: 01/09/17 05:30 PM  
Department: City Manager's Office  
Category: Presentation  
Department Head: Paul A. Hofmann  
DOC ID: 2127

**SCHEDULED  
ACTION ITEM (ID # 2127)**

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**Item Title:**

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

**Background/Summary:**

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

**Previous Council Action Summary:**

N/A

**Fiscal Impact:**

N/A

**Recommendation:**

N/A



**Mayor and Council**

7008 S. Rice Avenue  
Bellaire, TX 77401



Meeting: 01/09/17 05:30 PM  
Department: Finance Administration  
Category: Report  
Department Head: Terrence Beaman  
DOC ID: 1916

**SCHEDULED  
ACTION ITEM (ID # 1916)**

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**Item Title:**

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

**Background/Summary:**

In accordance with the Charter of the City of Bellaire, Article VII, Section 4, Paragraph 3, please find attached the monthly financial report for the month of November for FY 2017.

**Previous Council Action Summary:**

N/A

**Fiscal Impact:**

N/A

**Recommendation:**

N/A

**ATTACHMENTS:**

- November 2016 Monthly Report (PDF)

# City of Bellaire

Monthly Financial Report  
for the period ended  
November 30, 2016



Attachment: November 2016 Monthly Report (1916 : Monthly Financial Report for the Period Ending November 30, 2016)

## Table of Contents

### Fund Statements

Memorandum November Month End .....	1
General Fund .....	21
Enterprise Fund .....	22
Debt Service Fund .....	23
Vehicle/Equipment Fund .....	24
Capital Improvement Fund .....	25
Bond Fund .....	26
Metro Fund.....	27

### Schedules

Current Property Tax Collections .....	28
Housing Information.....	29
Trend Analysis – Housing & Vacant Lots for Sale .....	29
Summary of Sales & Mixed Beverage Tax .....	30
Summary of Franchise Fees.....	31
Summary of Purchase Orders.....	32





# City of Bellaire Finance

## MEMORANDUM

To: Paul A. Hofmann, City Manager

From: Terrence Beaman, Chief Financial Officer

Date: January 9, 2016

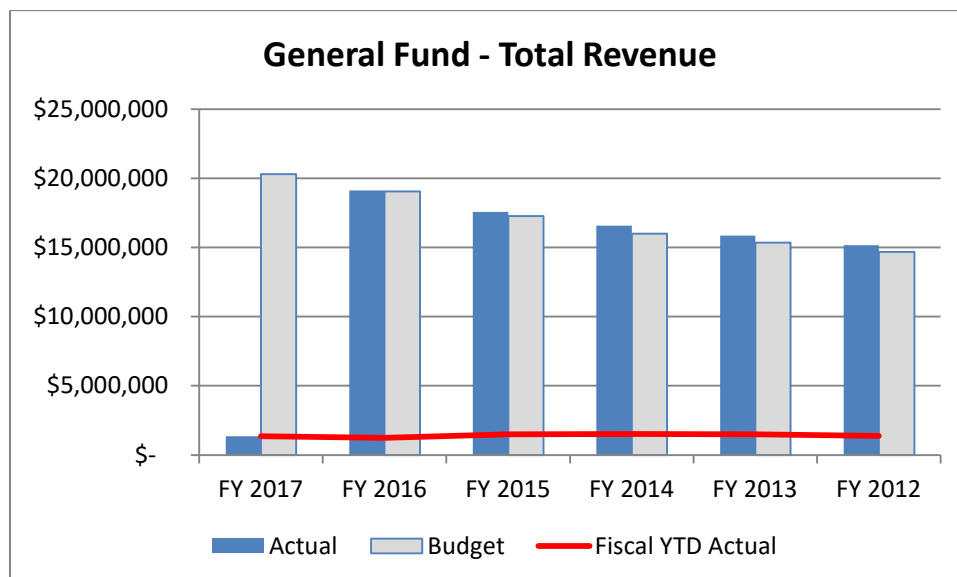
Subject: Financial Analysis for Month Ended November 30, 2016

### GENERAL FUND

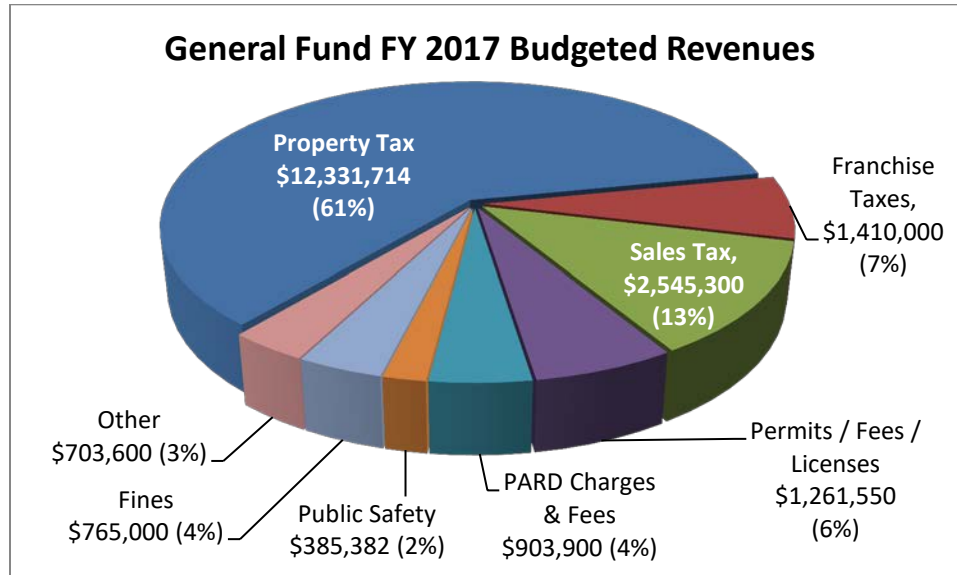
#### General Fund Revenues:

FY 2017 Budget	YTD Allocated Budget	YTD Actual 11/30/2016	Over/(Under) Allocated Budget
\$20,306,446	\$1,629,893	\$1,347,764	(\$282,129)

The allocated budget is a five year average of the percent of revenue collected as of the end of each month in the fiscal year by major categories. For the two months ended November 30, 2016, the General Fund collected 7% of its total budgeted revenues and is under its allocated budget by \$282,129 or 17.3%.

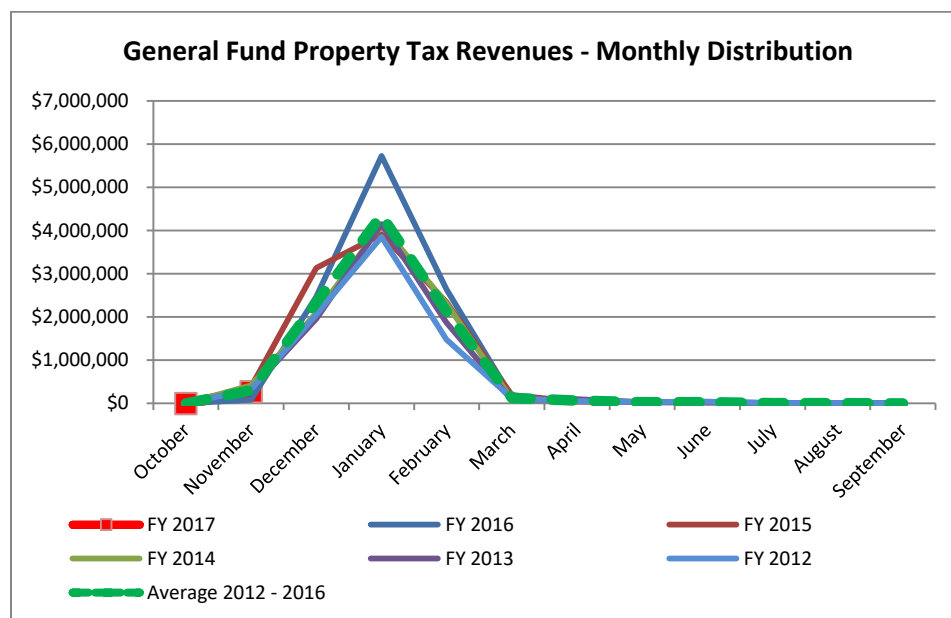


Property tax makes up the largest category of revenues in the General Fund at 61% of all FY 2017 budgeted revenues, followed by sales tax at 13% of budgeted revenues and franchise taxes at 7% of budgeted revenues.



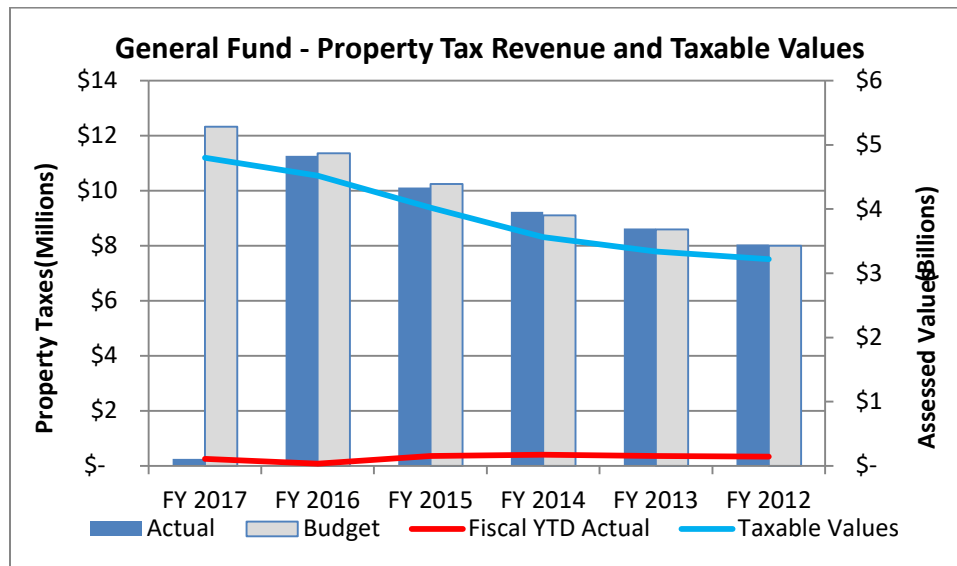
### Property Tax

Approximately 93% of property taxes are collected in the months of December through February. The City collected only 2% of its budgeted property tax revenue through the two months ended November 30, 2016, or \$251,511, which is \$161,982 under the allocated budget due to refunds that occurred during November.



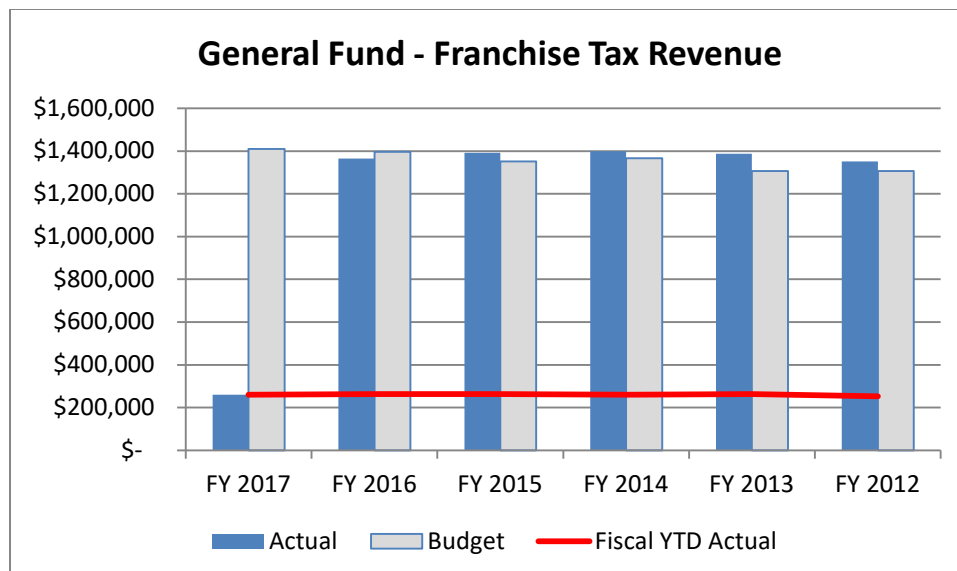
As we get into the future months, property tax collections will accelerate, peaking in January before dropping off dramatically. This payment trend is driven by the January 31 due date for property taxes.

Overall, the General Fund ultimately expects to collect approximately \$12.3 million in property taxes in FY 2017, an increase over FY 2016's \$11.3 million. The expected increase in property taxes is driven by a \$0.005 increase in the operations and maintenance portion of the property tax rate and an increase in taxable values as reflected in the following chart.



### Franchise Taxes

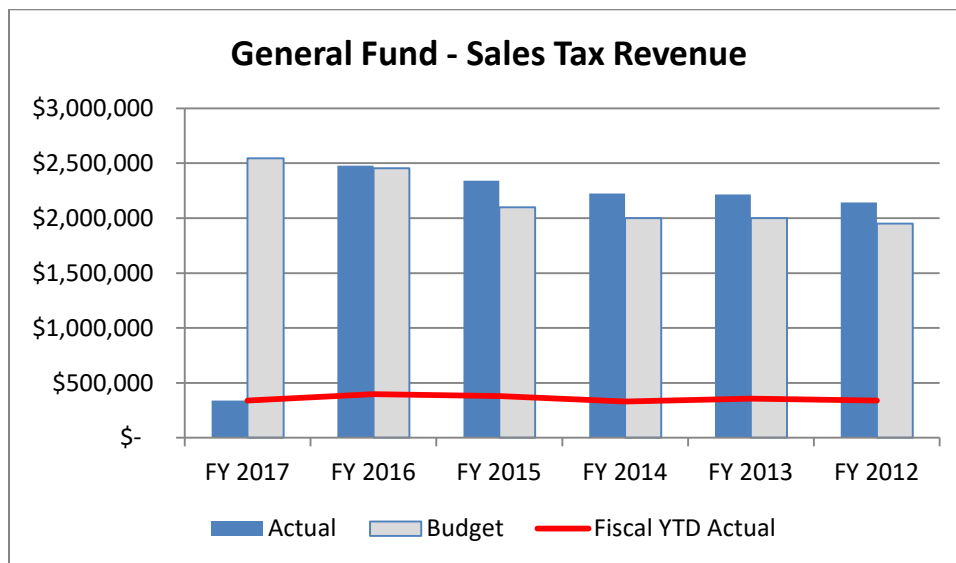
Franchise taxes received in the two months ended November 30, 2016 in the amount of \$259,898 are under the allocated budget by \$6,658, or 2.5%. Electric franchise tax payments are generally received monthly. Gas, telephone, and cable franchise tax payments are generally received quarterly.



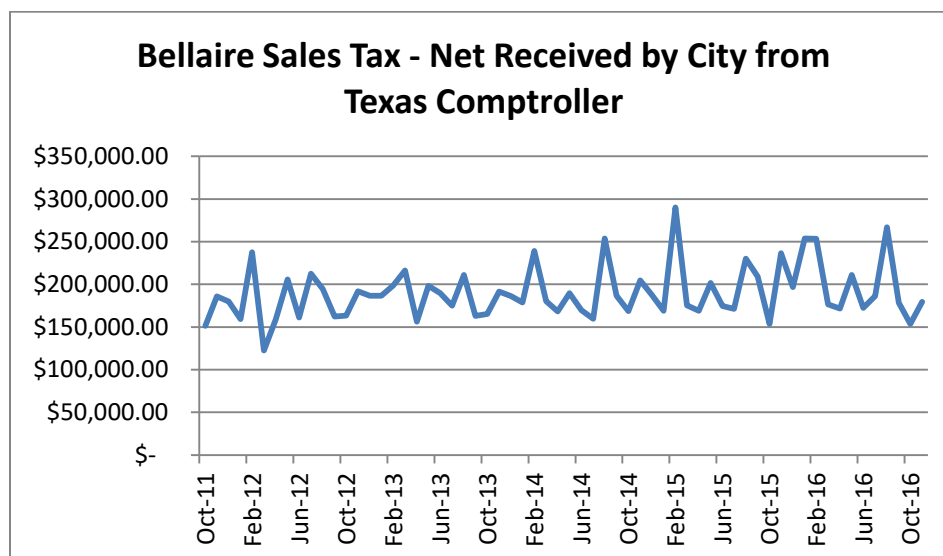


### Sales Tax

Sales tax revenue received in the two months ended November 30, 2016 of \$337,648 is under the allocated budget by \$64,190, or 16%.



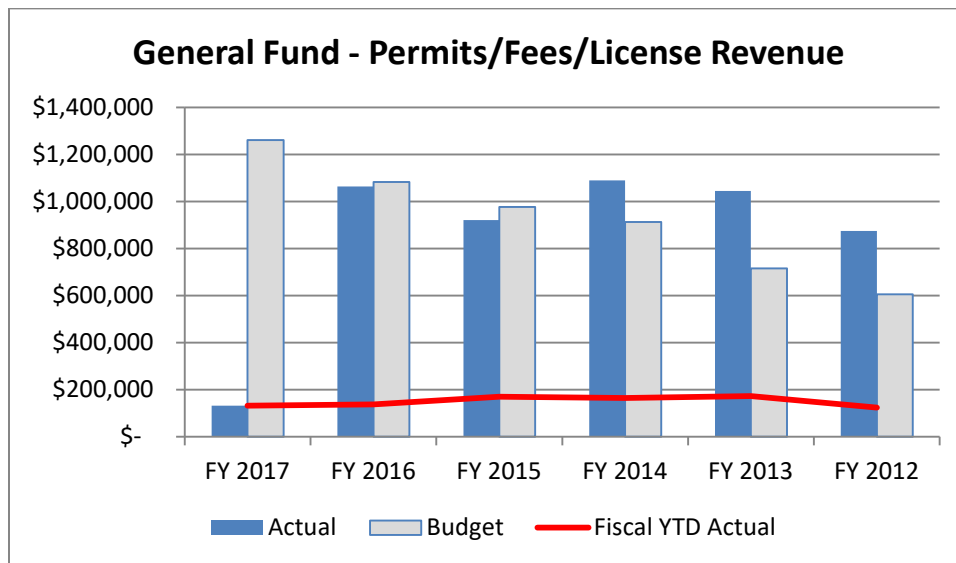
As illustrated in the following chart, sales taxes are volatile from month-to-month, which can cause deviations from the allocated budget. Historically the City receives an average of \$202,097 in November, whereas current November revenue was \$179,528, a difference of \$22,569.



### Permits, Fees, and Licenses

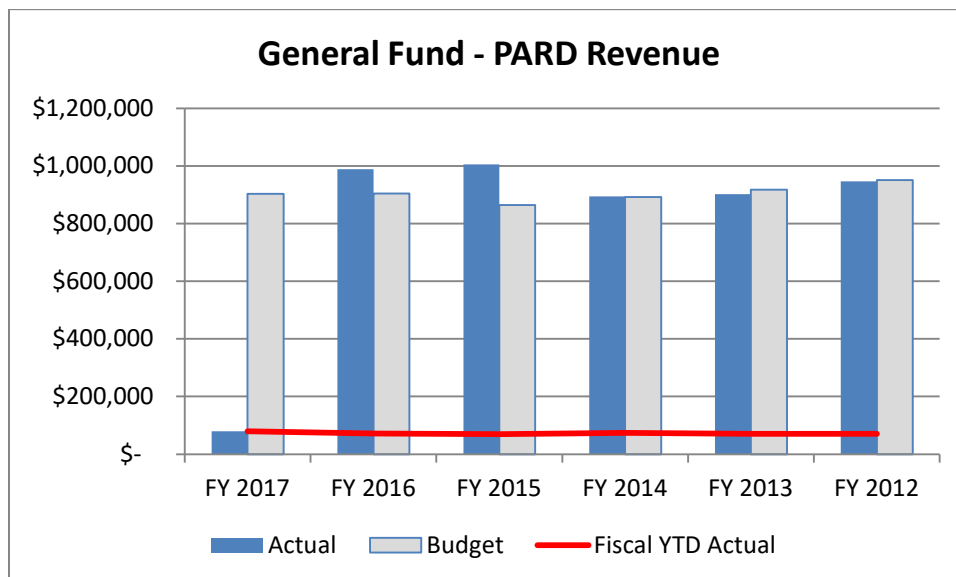
Development permits, fees, and licenses of \$132,339 are under the allocated budget by \$63,051, or 32.3%. Permits are budgeted to be significantly higher in FY 2017 due to the planned construction of a new H.E.B. grocery store. No permit revenue related to the new store

was recorded in October or November, and the timing of that permit revenue will likely not follow the historical trends reflected in the allocated budget so we may experience significant variances in actual permit revenue as compared to the allocated budget this year. As recently reported, the demolition of the existing H.E.B. store and the construction of a new store have been delayed pending a redesign of the cart escalator system.

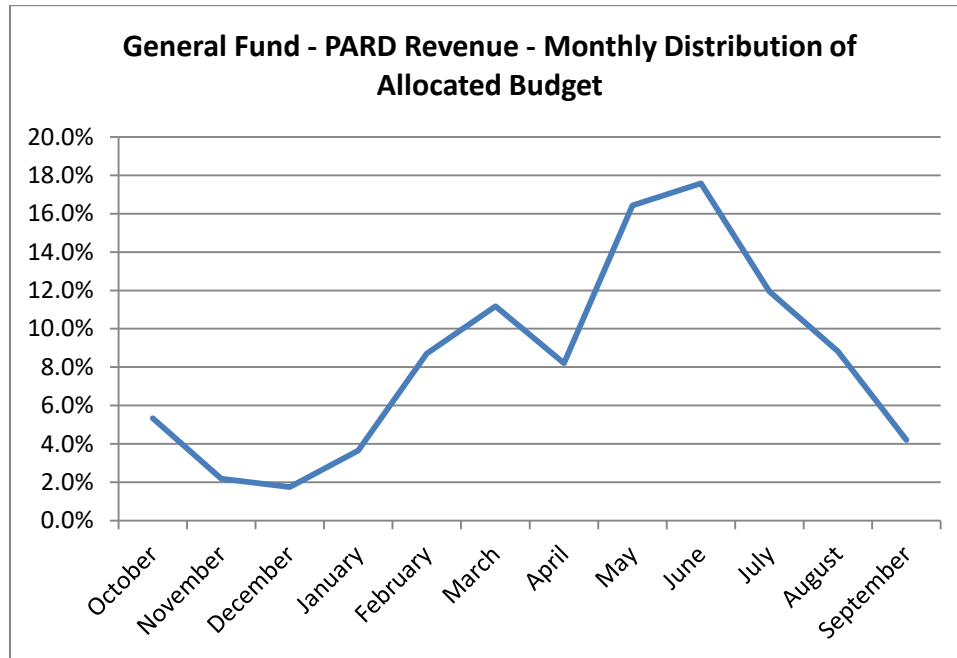


#### PARD Charges & Fees

Parks & Recreation fees of \$79,679 are over the allocated budget by \$11,647, or 17.1%.



As reflected in the following chart, Parks & Recreation fees are weighted heavily toward the summer months when Camp Paseo is operating and the swimming pools are open daily.



The two months ended November 30, 2016 included pool rental revenue of \$11,400. The average of the prior five years for the comparable period is just \$4,022. The entire \$11,400 relates to reservations for the Episcopal High School swim team.

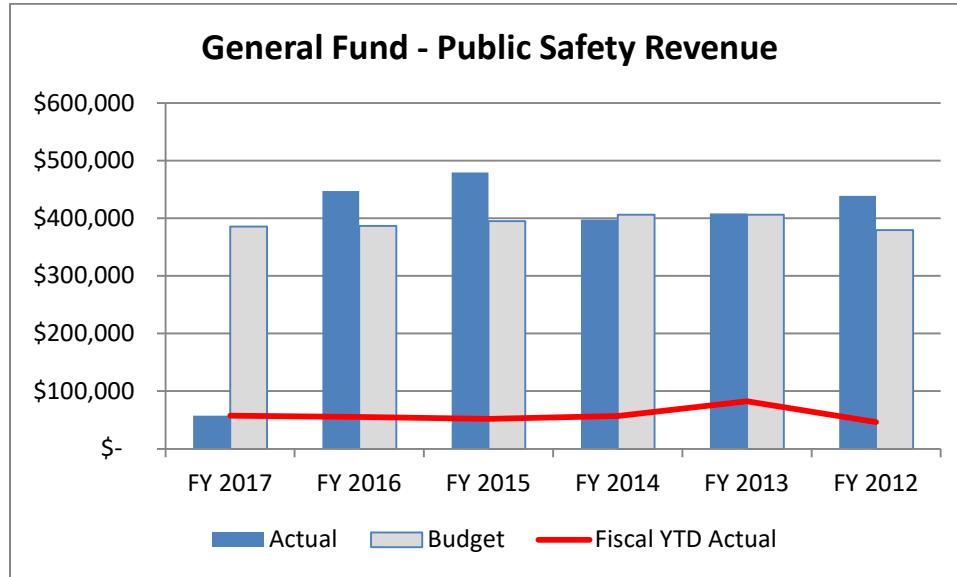
Additionally, the two months ended November 30, 2016 included \$5,171 in swim lesson revenue. The average of the prior five years for the comparable period is just \$983. The swim lesson revenue is primarily due to a restructuring of the personal services contract related to "Swim 300" swim lessons.

However, due to water leak at the BFAC pool, the pool closed in mid-December and is not expected to re-open until mid-January. As a result, we expect declining pool-related revenues in December and January, and we may experience a residual effect of reduced revenues as some programs may stay permanently at alternative venues.



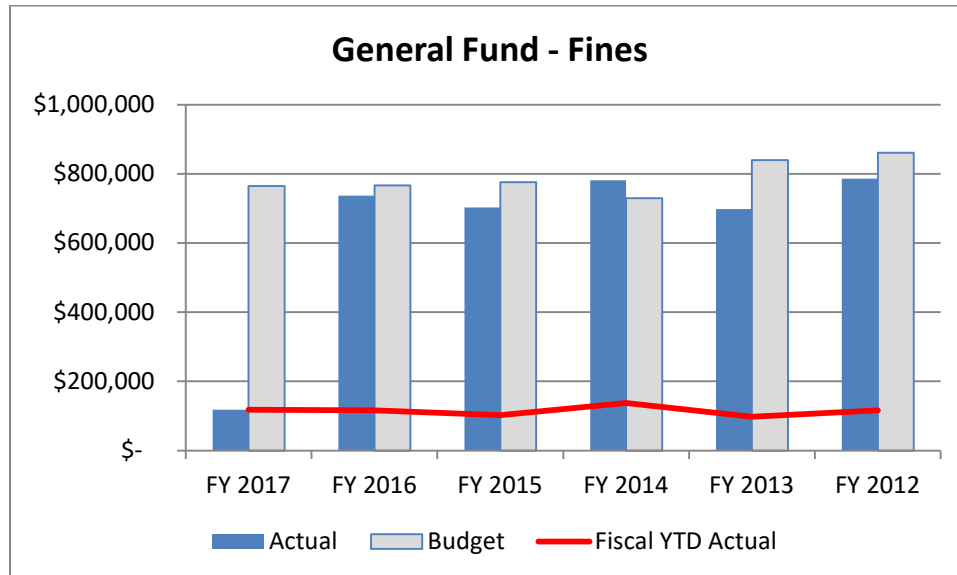
## Public Safety

Public Safety revenues of \$57,574 are over the allocated budget by \$4,999, or 9.5%. Public Safety revenues for the two months ended November 30, 2016 are \$2,343 higher than the same period in the prior year.



## Fines

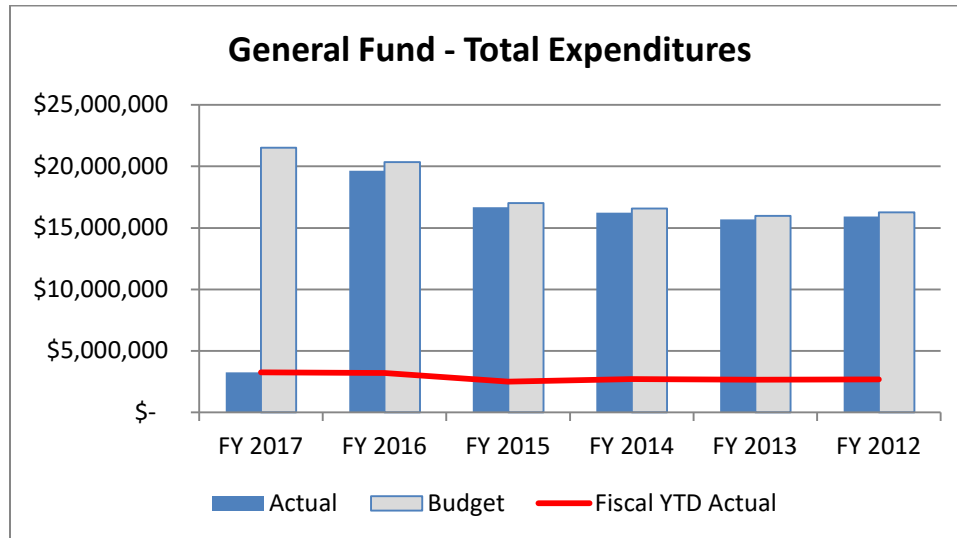
Fine revenues of \$118,407 are over the allocated budget by \$1,037, or 1%.



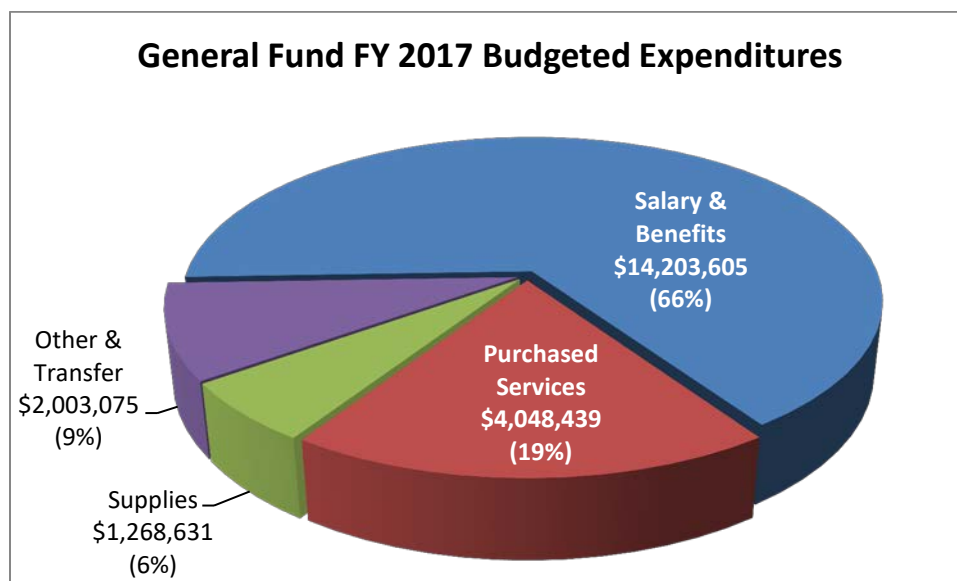
**General Fund Expenditures:**

FY 2017 Budget	YTD Allocated Budget	YTD Actual 11/30/2016	Over/(Under) Allocated Budget
\$21,523,750	\$3,544,673	\$3,269,339	(\$275,334)

For the two months ended November 30, 2016, the General Fund expended 15% of its total budgeted expenditures and is under its allocated budget for the two months ended November 30, 2016 by \$275,334, or 7.8%.

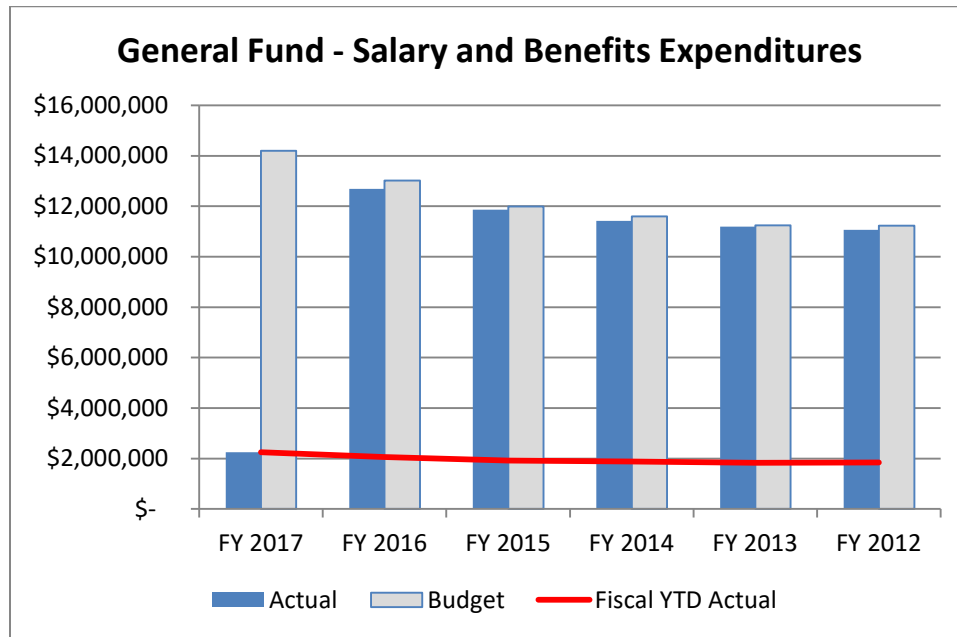


Salaries and benefits make up the largest category of expenditures in the General Fund at 66% of all FY 2017 budgeted expenditures, followed by purchased services at 19% of all General Fund budgeted expenditures.



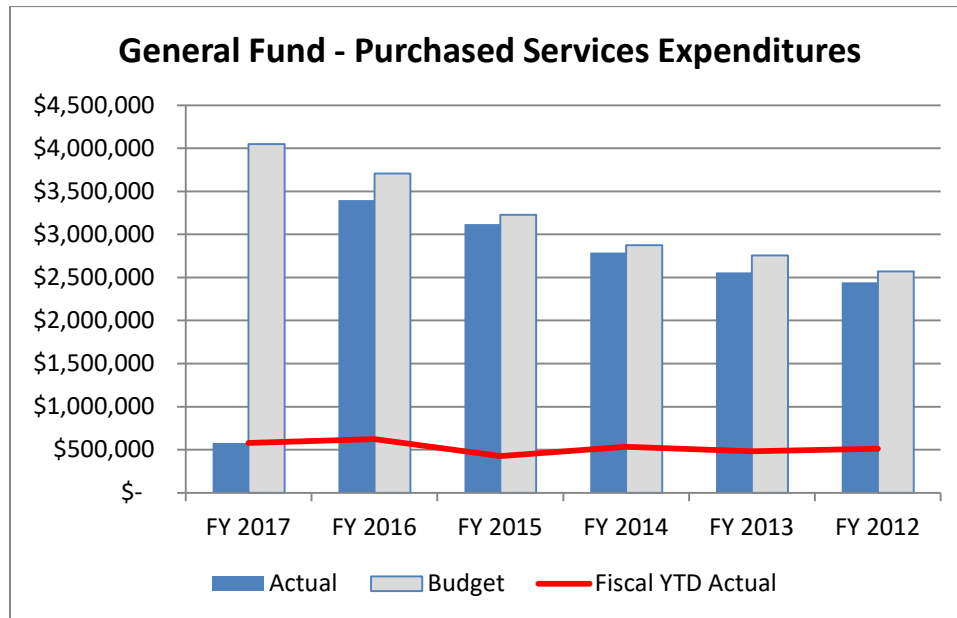
### Salary and Benefits

Salary and benefits expended in the two months ended November 30, 2016 of \$2,249,535 are under the allocated budget by \$75,763, or 3.3%.



### Purchased Services

Purchased services expended in the two months ended November 30, 2016 of \$576,654 are under the allocated budget by \$152,584, or 20.9%.



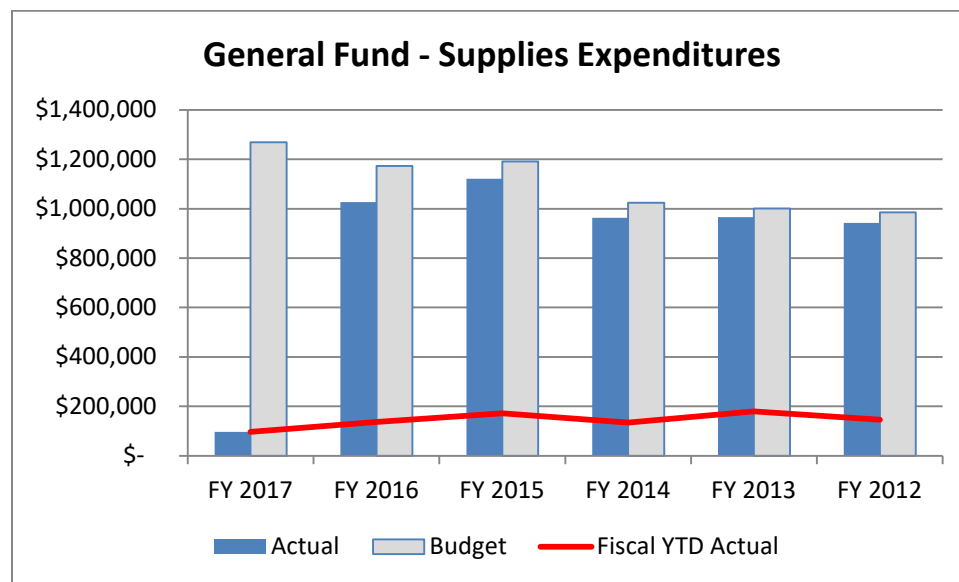


Some of the larger departmental level variances contributing to this category being below the allocated budget include:

- Human Resources - NeoGov employment applicant tracking software license fees of approximately \$9,900 typically paid in November expected to be paid in January.
- Finance - Harris County Appraisal District quarterly assessment of \$33,841 typically paid in November was paid first week of December.
- Development Services – Expenditures to Engineers, Planners, Arborists in the two months ended November 30, 2016 is just \$1,900 compared to an average for the five previous years of \$11,259.
- Fire Department – Maintenance, especially on vehicles and on machinery and equipment, was unusually low at \$2,109 for the two months ended November 30, 2016 as compared to an average of the prior five years of \$6,486 for the comparative period.
- Parks – Pool maintenance was \$909 for the two months ended November 30, 2016 as compared to an average of the prior five years of \$8,044 for the comparative period.

### Supplies

Supplies expended in the two months ended November 30, 2016 of \$96,646 are under the allocated budget by \$97,993, or 50.3%.



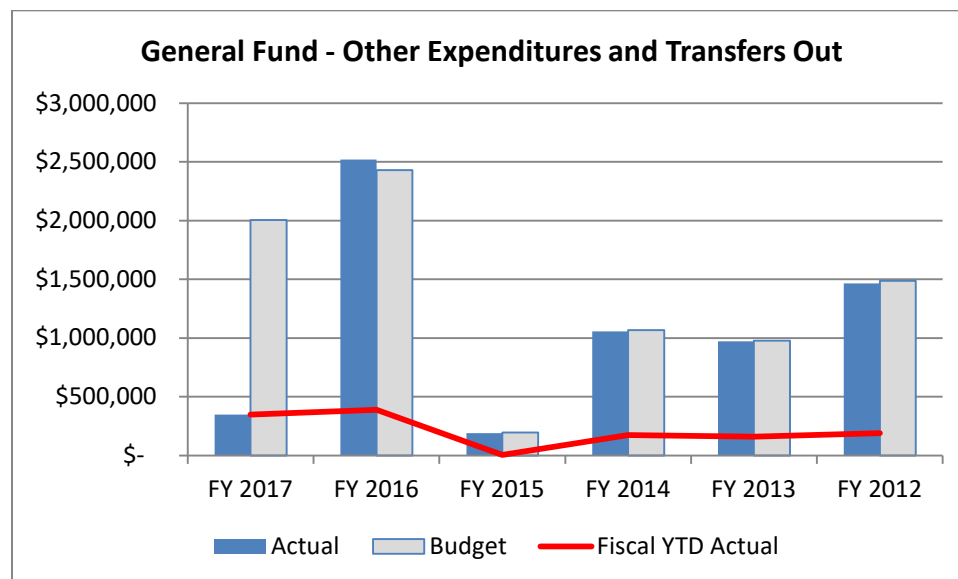
Some of the larger departmental level variances contributing to this category being below the allocated budget include:

- All Departments - The \$29,156 electric bill for General Fund normally paid in November was paid the first week of December.
- All Departments - Fuel was \$16,690 for the two months ended November 30, 2016, a 3% increase over last year although we budgeted a 20% increase in overall fuel costs for the year.

- Information Technology – Hardware and Software supplies were \$0 for the two months ended November 30, 2016 as compared to an average of the prior five years of \$11,450 for the comparative period. The five-year average is driven by \$53,023 in expenditures in October and November 2015 mainly related to phase II server virtualization.
- Fire - Uniforms were \$56 for the two months ended November 30, 2016 as compared to an average of the prior five years of \$2,365 for the comparative period.

#### Other Expenditures and Transfers Out

The “other expenditures and transfers out” category is mainly the monthly transfers from the General Fund to (1) the Capital Improvement Fund and (2) the Vehicle and Equipment Replacement Fund. Other expenditures and transfers out in the two months ended November 30, 2016 of \$346,503 are over the allocated budget by \$51,005, or 17.3%. Total budgeted transfers out of the General Fund are \$2,057,000, or \$171,417/month. The year-to-date expenditures are \$3,669 higher than the transfer amount because of banking fees.

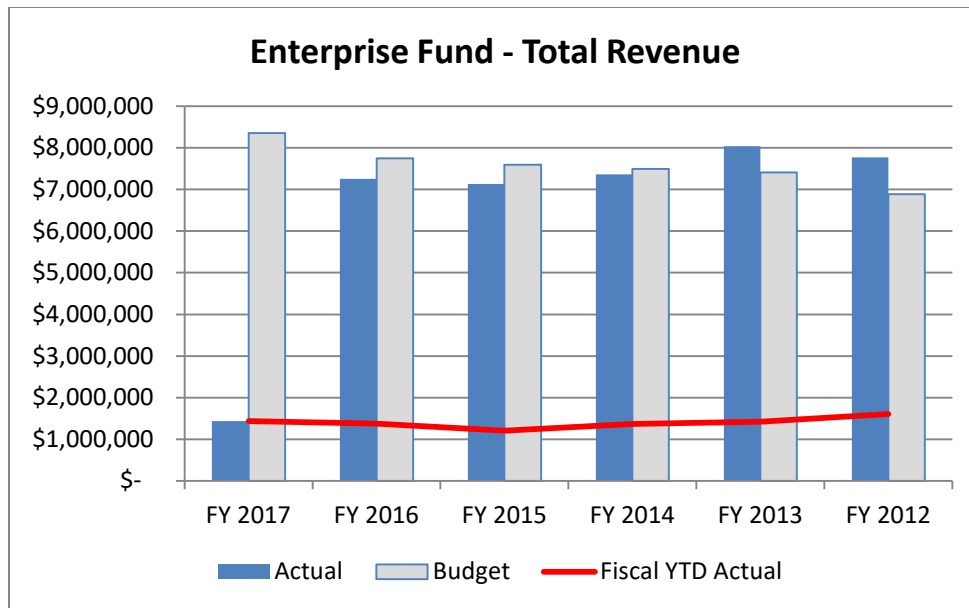


#### **ENTERPRISE FUND**

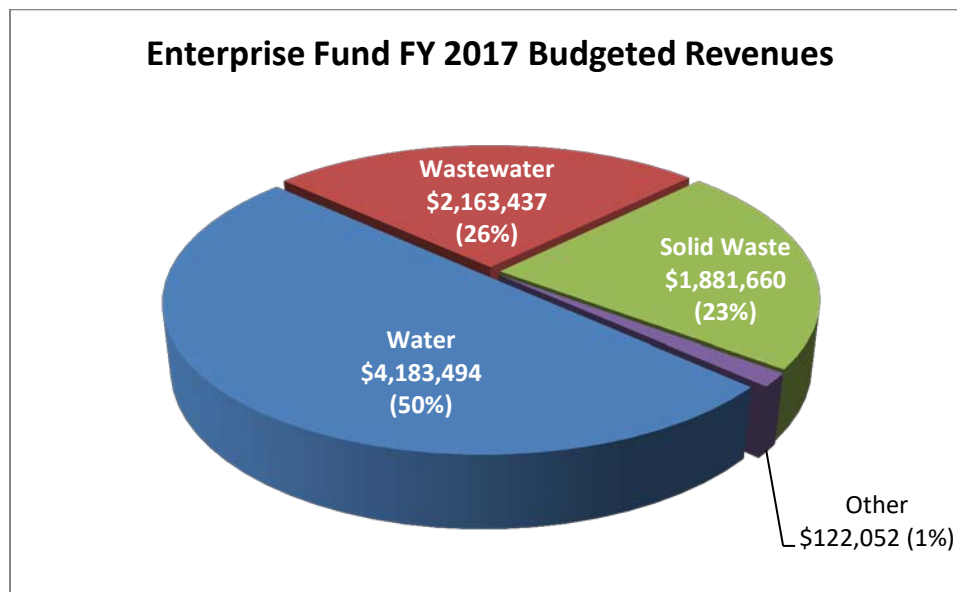
##### **Enterprise Fund Revenues:**

FY 2017 Budget	YTD Allocated Budget	YTD Actual 11/30/2016	Over/(Under) Allocated Budget
\$8,350,643	\$1,570,736	\$1,433,406	(\$137,330)

For the two months ended November 30, 2016, the Enterprise Fund collected 17% of its total budgeted revenues and is under its allocated budget by \$137,330, or 8.7%. The largest variance contributing to the divergence from the allocated budget is water revenue, which is \$108,435 below the allocated budget.



Sales of water makes up the largest category of revenues in the Enterprise Fund at 50% of all FY 2017 budgeted revenues, followed by charges for wastewater at 26% of budgeted revenues, and charges for solid waste at 23% of budgeted revenues.

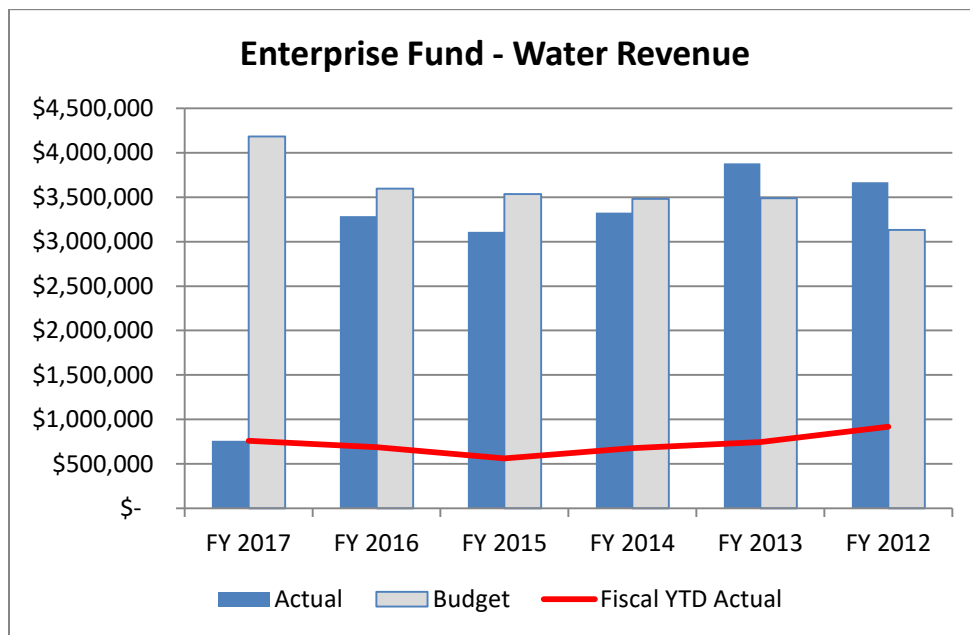


#### Water Revenue

Water revenues of \$759,181 are below the allocated budget by \$108,435, or 12.5%. Changes in water revenues directly correlate to changes in water consumption; however, there is also a rate increase implemented effective October 1st. The allocated budget uses the prior five years' monthly revenues to allocate the current year budget. In each of the prior five years, water rates remained constant; however, in the current year water rates were increased effective October 1st. The revenue actually collected in October relates to September usage and was

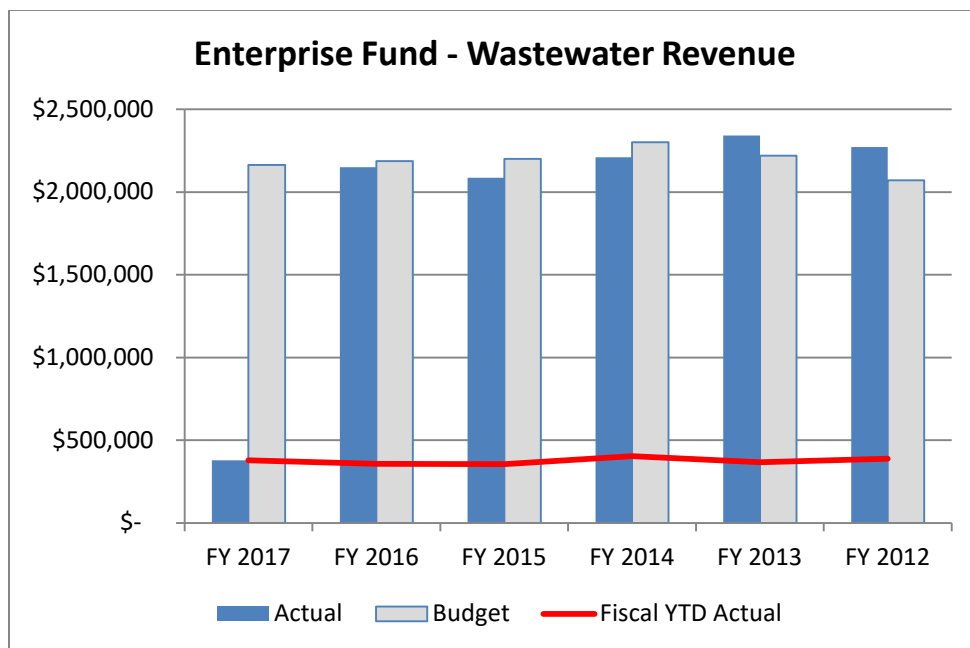


billed under the old rate structure; therefore, only water revenues collected from November 2016 through September 2017 will be at the new water rates.



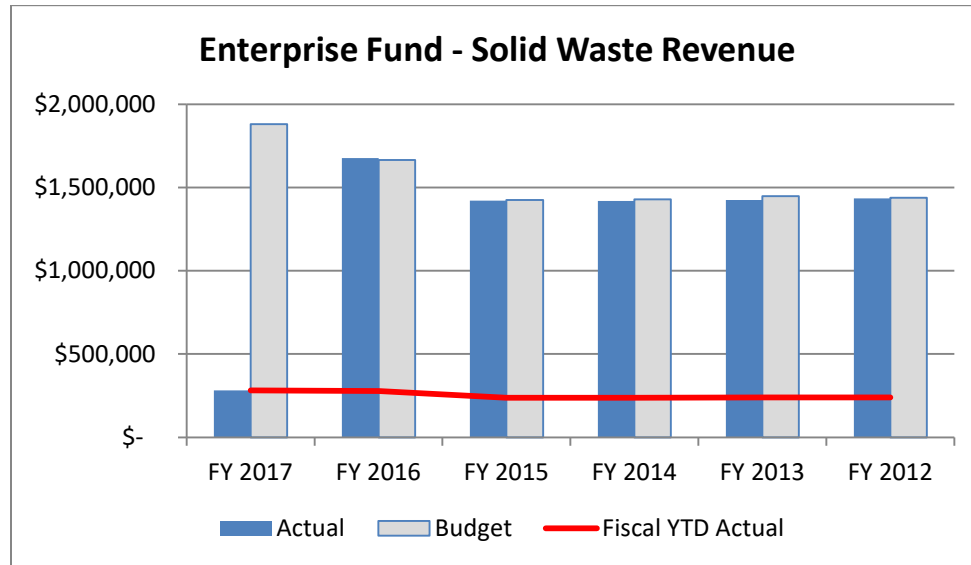
### Wastewater Revenue

Wastewater revenues of \$379,960 are over the allocated budget by \$12,815, or 3.5%.



### Solid Waste

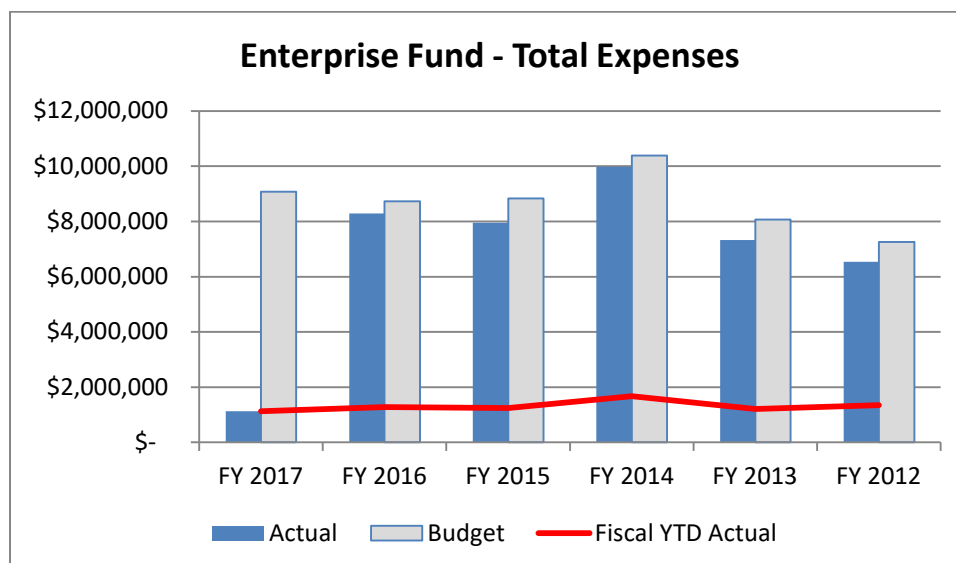
Solid Waste revenues of \$281,318 are below the allocated budget by \$32,331, or 10.3%.



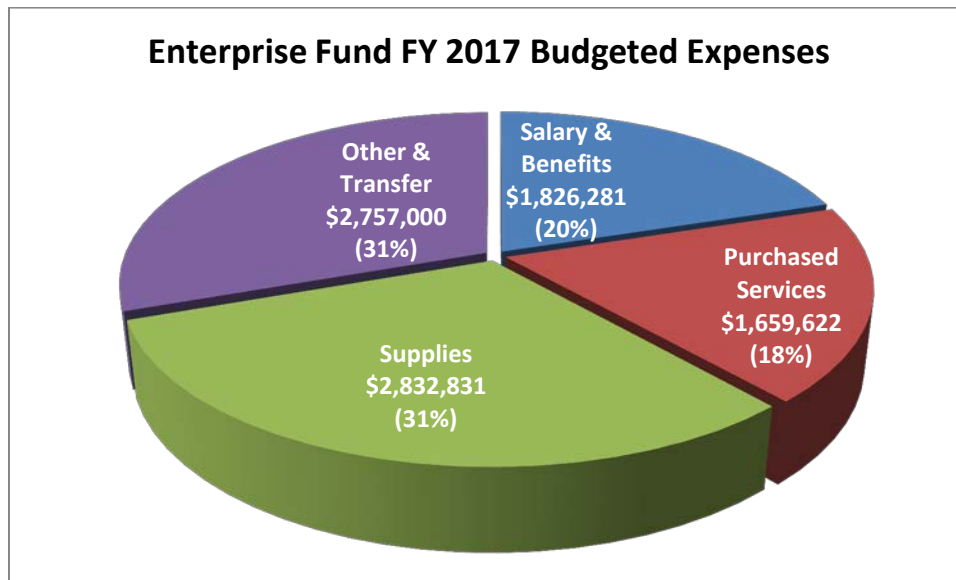
### **Enterprise Fund Expenses:**

FY 2017 Budget	YTD Allocated Budget	YTD Actual 11/30/2016	Over/(Under) Allocated Budget
\$9,075,734	\$1,540,478	\$1,121,746	(\$418,732)

For the two months ended November 30, 2016, the Enterprise Fund incurred 12% of its total budgeted expenses and is under its allocated budget by \$418,732, or 27.2%. The variance from allocated budget is due mainly to (1) employment vacancies as represented in the "Salary and Benefits" section below, and (2) the timing of payments to the City of Houston for water purchases as discussed in the "Supplies" section below.

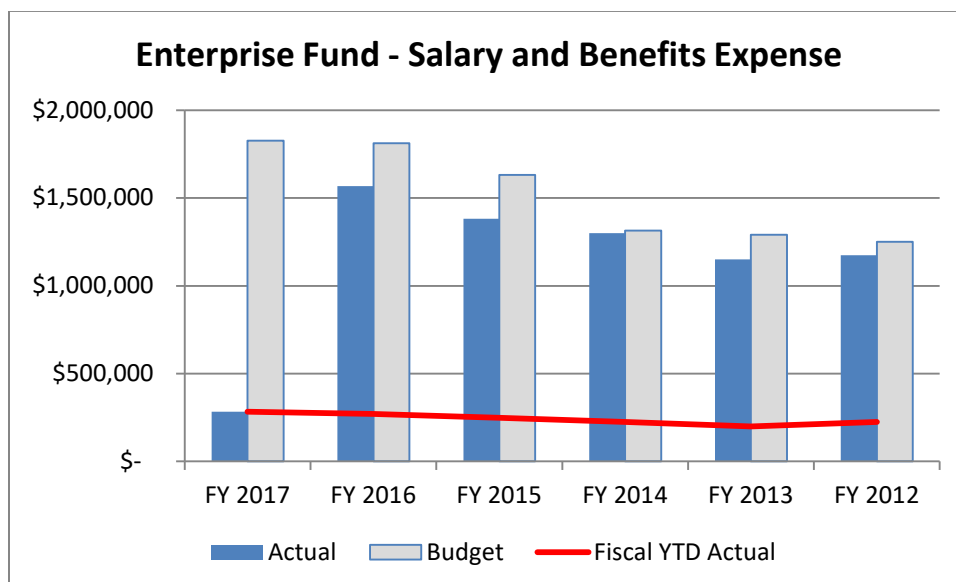


Supplies (which includes water purchased from the City of Houston) makes up the largest category of expenses in the Enterprise Fund at 31.2% of all FY 2017 budgeted expenses, followed by “other and transfers” at 30.4% of all Enterprise Fund budgeted expenditures. “Other and Transfers” includes \$11,000 of budgeted operational expenses and \$2,746,000 of transfers out, including \$624,000 to the General Fund to reimburse overhead expenses, \$950,000 to the Debt Service Fund, \$522,000 to the Vehicle and Equipment Replacement Fund, and \$650,000 to the Capital Improvement Fund.



#### Salary and Benefits

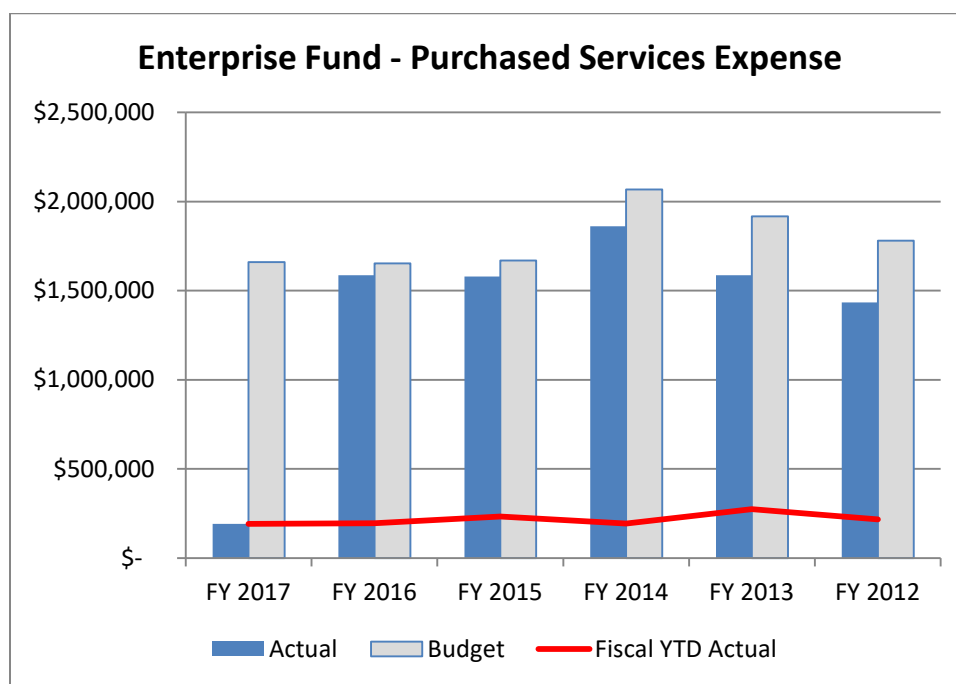
Salary and benefits of \$282,870 are under the allocated budget by \$41,578, or 12.8%, due to vacancies. At November month-end, the Public Works department had three vacancies in Enterprise Fund positions.





### Purchased Services

Purchased services of \$191,585 are under the allocated budget by \$38,188, or 16.6%.



### Supplies

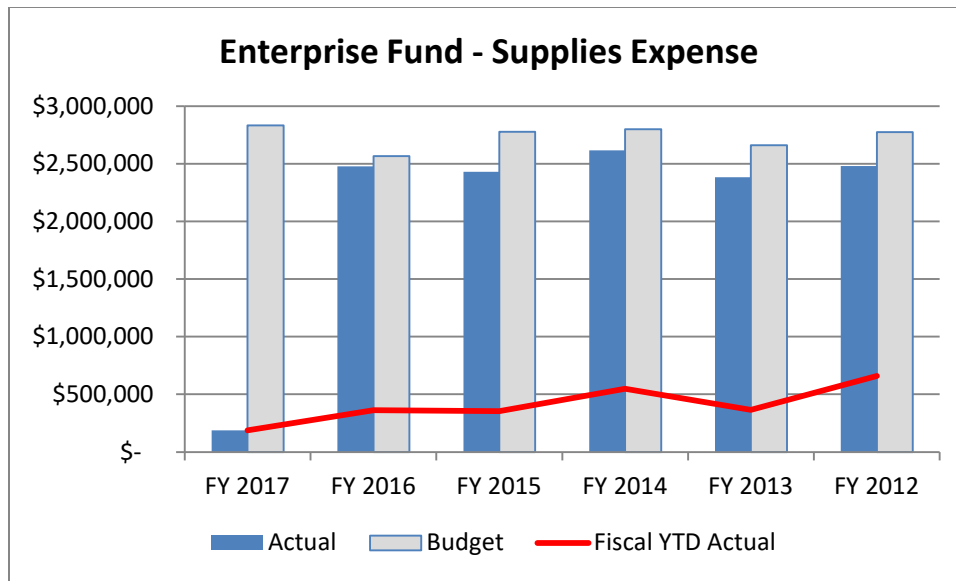
Supplies of \$187,737 are under the allocated budget by \$336,381, or 64%.

The largest factor is the timing of payments for water purchases to the City of Houston. Normally there is a monthly payment to the City of Houston for water between the amount of \$120,000 and \$130,000; however, beginning in October payments that normally occurred at the end of the month shifted to the beginning of the following month, therefore there was no payment made in October.

Similarly, the electric bill normally paid in November was paid the first week of December. The portion of this bill allocated to the Enterprise Fund is \$39,348.

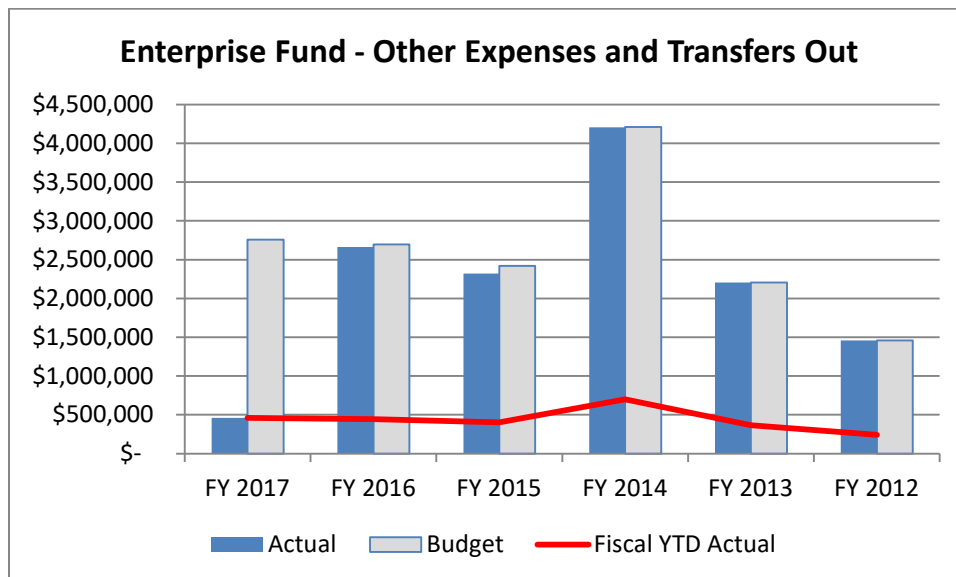
In addition to water purchased from the City of Houston, the supplies category includes ground water credits. Ground water credits are usually purchased once a year, but the purchase date varies from year to year. Once in the five-year history included in the allocated budget there was a ground water credit purchase in the first two months of the fiscal year. The \$170,770 purchase of ground water credits in November 2013 increases the allocated budget for the period; however, there were no ground water credit purchases in the first two months of the FY 2017 fiscal year.

The budget for garbage bags increased by \$15,000, from \$85,000 to \$100,000; however, there were no garbage bag purchases in October and November.



#### Other Expenses and Transfers Out

The “other expenses and transfers out” category is mainly the monthly transfers from the Enterprise Fund to (1) the General Fund, (2) the Debt Service Fund, (3) The Vehicle and Equipment Replacement Fund, and (4) the Capital Improvement Fund. Other expenses and transfers out in the two months ended November 30, 2016 of \$459,554 are under the allocated budget by \$2,585, or 0.6%. Total budgeted transfers out of the Enterprise Fund are \$2,746,000, or \$228,833/month. The year-to-date expenses are \$1,888 higher than the transfer amount because of banking fees, which are budgeted at \$11,000, and are relatively immaterial to the category total.



### Water Pumpage and Rainfall

Water Pumpage (Gallons)	FY 2017	FY 2016	FY 2015	FY 2014	FY 2013
Cumulative thru November	232,097,000	189,447,000	167,513,000	162,082,000	212,960,000
Annual		1,042,752,000	1,006,390,000	1,037,897,000	1,178,375,000

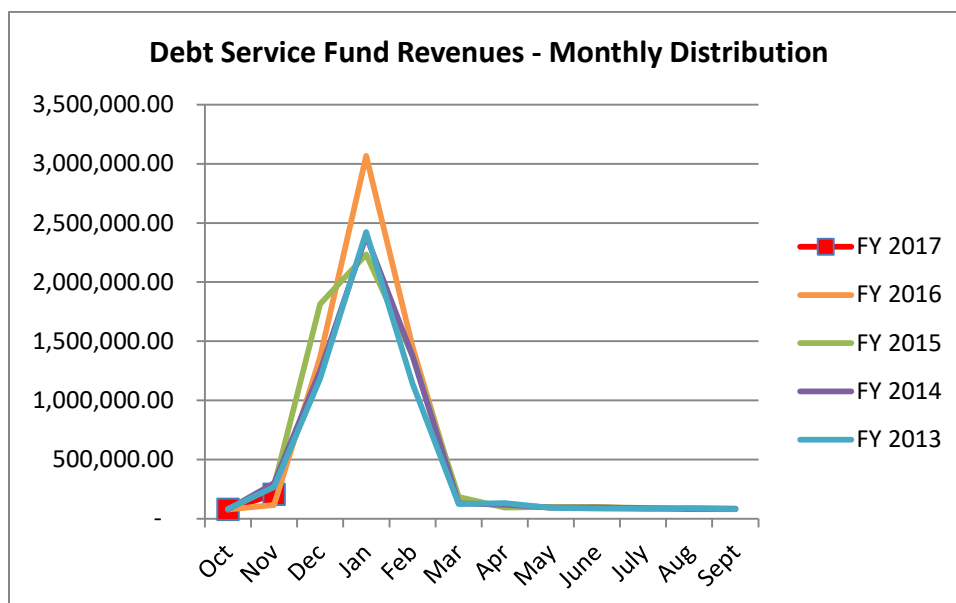
Rainfall (Inches)	FY 2017	FY 2016	FY 2015	FY 2014	FY 2013
Cumulative thru November	2.98	16.24	8.12	13.60	1.80
Annual		70.95	70.83	59.05	30.06

### DEBT SERVICE FUND

#### Debt Service Fund Revenues:

FY 2017 Budget	YTD Actual 11/30/2016	Over/(Under) Budget
\$7,310,967	\$287,856	(\$7,023,111)

Debt Service Fund revenues are comprised primarily of property taxes (87% of budgeted revenues). The other significant source of revenue is the annual \$950,000 transfer in from the Enterprise Fund (13% of budgeted revenues), which is recorded in monthly installments of \$79,167. There is also a small amount of investment earnings budgeted (\$5,000 – less than 1% of budgeted revenues).





### Property Tax

As noted earlier, property taxes are primarily collected in the months of December through February due to the January 31st property tax due date. Historically, relatively small amounts are collected in October and November. The Debt Service Fund collected \$129,295 of property tax in the two months ended November 30.

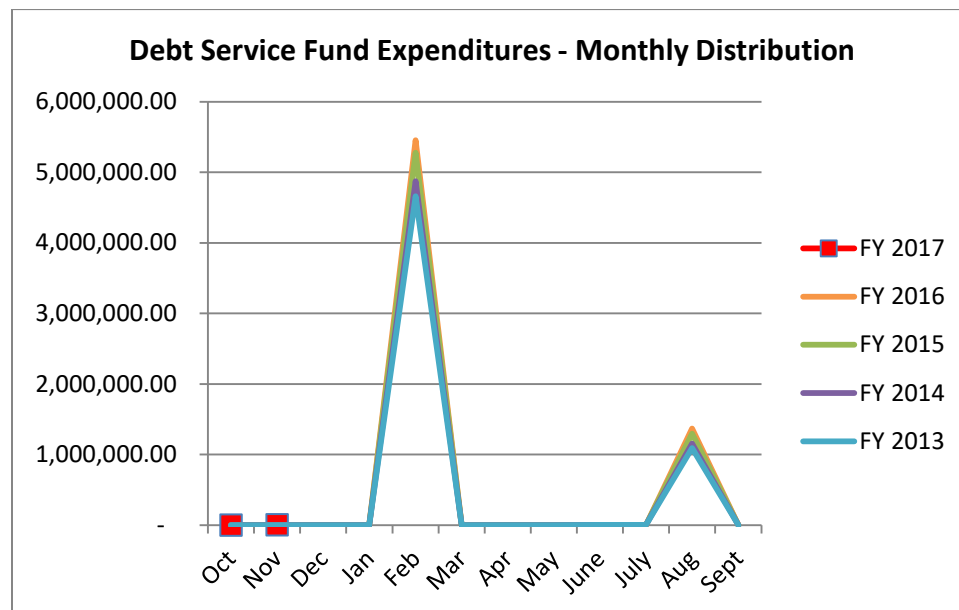
### Transfers From Enterprise Fund

Transfers from the Enterprise Fund in the amount of \$158,333 for the two months ended November 30 are equal to 2/12 of the total FY 2017 budgeted transfer.

### **Debt Service Fund Expenditures:**

FY 2017 Budget	YTD Actual 11/30/2016	Over/(Under) Budget
\$7,310,967	\$5,063	(\$7,305,904)

Expenditures are concentrated in February and August in accordance with the debt payment schedules.



The expenditures of the Debt Service Fund are primarily scheduled principal and interest payments (99.8% of FY 2017 budgeted expenditures). There are also some minor related fees such as fiscal agent fees. In February, there are annual principal payments and semi-annual interest payments due on the City's outstanding bonds, and in August there are semi-annual interest payments due. The FY 2017 principal and interest payment schedule is as follows:

Principal due 02/15/17 on existing debt	\$4,340,000
Interest due 02/15/17 on existing debt	\$1,368,686

Interest due 08/15/17 on existing debt	\$1,304,743
Projected interest due 08/15/17 on new debt	\$286,138
Total principal and interest due in FY 2017	\$7,299,567

According to schedule, there were no principal or interest payments made in the two months ended November 30, 2016.

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

	November			Year to Date			
	FY 2017 Budget	Actual	% of Budget	Allocated Budget	Actual	Over/(Under) Allocation	% to Budget
<b>Revenues</b>							
Property	\$ 12,331,714	\$ 246,273	2%	\$ 413,493	\$ 251,511	\$ (161,982)	2%
Franchise Taxes	1,410,000	136,022	10%	266,556	259,898	(6,658)	18%
Sales Taxes	2,545,300	179,528	7%	401,838	337,648	(64,190)	13%
Permits, Fees, Licenses	1,261,550	62,564	5%	195,390	132,339	(63,051)	10%
PARD Charges and Fees	903,900	35,251	4%	68,032	79,679	11,647	9%
Public Safety	385,382	31,491	8%	52,575	57,574	4,999	15%
Fines	765,000	58,004	8%	117,370	118,407	1,037	15%
All Other	703,600	54,734	8%	114,639	110,709	(3,930)	16%
<b>Total Revenues</b>	<b>20,306,446</b>	<b>803,866</b>	<b>4%</b>	<b>1,629,893</b>	<b>1,347,764</b>	<b>(282,129)</b>	<b>7%</b>
<b>Expenditures</b>							
Salary & Benefits	14,203,605	1,137,040	8%	2,325,298	2,249,535	(75,763)	16%
Purchased Services	4,048,439	271,375	7%	729,238	576,654	(152,584)	14%
Supplies	1,268,631	52,645	4%	194,639	96,646	(97,993)	8%
Other/Transfers	2,003,075	172,694	9%	295,498	346,503	51,005	17%
<b>Total Expenditures</b>	<b>21,523,750</b>	<b>1,633,753</b>	<b>8%</b>	<b>3,544,673</b>	<b>3,269,339</b>	<b>(275,334)</b>	<b>15%</b>
<b>Net Revenues/(Expenditures)</b>	<b>\$ (1,217,304)</b>	<b>\$ (829,887)</b>		<b>\$ (1,914,780)</b>	<b>\$ (1,921,575)</b>	<b>\$ (6,795)</b>	
Unaudited Fund Balance 9/30/16	\$ 4,901,083						
FY 2017 Revenue Budget	20,306,446						
FY 2017 Expenditure Budget	21,523,750						
Projected Ending Fund Balance	<u>\$ 3,683,779</u>						
60 Day Reserve Requirement (Includes only operating budget)	\$ 3,244,458						

Attachment: November 2016 Monthly Report (1916 : Monthly Financial Report for the Period Ending November 30, 2016)



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

	November			Year to Date			
	FY 2017 Budget	Actual	% of Budget	Allocated Budget	Actual	Over/(Under) Allocation	% to Budget
<b>Revenues</b>							
Water	\$ 4,183,494	\$ 420,827	10%	\$ 867,616	\$ 759,181	\$ (108,435)	18%
Wastewater	2,163,437	193,676	9%	367,145	379,960	12,815	18%
Solid Waste	1,881,660	140,733	7%	313,649	281,318	(32,331)	15%
All Other	122,052	6,845	6%	22,326	12,947	(9,379)	11%
<b>Total Revenues</b>	<b>8,350,643</b>	<b>762,080</b>	<b>9%</b>	<b>1,570,736</b>	<b>1,433,406</b>	<b>(137,330)</b>	<b>17%</b>
<b>Expenses</b>							
Salary & Benefits	1,826,281	132,205	7%	324,448	282,870	(41,578)	15%
Purchased Services	1,659,622	116,801	7%	229,773	191,585	(38,188)	12%
Supplies	2,832,831	137,495	5%	524,118	187,737	(336,381)	7%
Other Expenses and Transfers	2,757,000	229,685	8%	462,139	459,554	(2,585)	17%
<b>Total Expenses</b>	<b>9,075,734</b>	<b>616,186</b>	<b>7%</b>	<b>1,540,478</b>	<b>1,121,746</b>	<b>(418,732)</b>	<b>12%</b>
<b>Net Revenues/(Expenses)</b>	<b>\$ (725,091)</b>	<b>\$ 145,895</b>		<b>\$ 30,258</b>	<b>\$ 311,660</b>	<b>\$ 281,402</b>	

Unaudited Working Capital 9/30/16	\$ 1,509,175
FY 2017 Revenue Budget	8,350,643
FY 2017 Expense Budget	9,075,734
Projected Ending Working Capital	<u>\$ 784,084</u>

30 Day Fund Balance \$ 579,478  
(Includes only operating budget)

Working Capital (current assets minus current liabilities)

Attachment: November 2016 Monthly Report (1916 : Monthly Financial Report for the Period Ending November 30, 2016)

**City of Bellaire**  
**Debt Service Fund**  
**Revenues and Expenditures (Unaudited)**  
**YTD as of November 2016**

	YTD		
	FY 2017 Budget	Unaudited Actual	% to Budget
<b>Revenues</b>			
Property Taxes	\$ 6,355,967	\$ 129,295	2%
Investment Earnings	5,000	228	5%
Operating Transfer In	950,000	158,333	17%
Bond Premium	-	-	
<b>Total Revenues</b>	<b>7,310,967</b>	<b>287,856</b>	<b>4%</b>
<b>Expenditures</b>			
Principal Payment	4,340,000	-	0%
Interest Payment	2,959,567	-	0%
Other Debt Expense	11,400	5,063	44%
<b>Total Expenditures</b>	<b>7,310,967</b>	<b>5,063</b>	<b>0%</b>
<b>Net Revenues/(Expenditures)</b>	<b>\$ -</b>	<b>\$ 282,793</b>	
Unaudited Fund Balance 9/30/16	\$ 489,975		
FY 2017 Revenue Budget	7,310,967		
FY 2017 Expenditure Budget	7,310,967		
Projected Ending Fund Balance	<u>\$ 489,975</u>		

Attachment: November 2016 Monthly Report (1916 : Monthly Financial Report for the Period Ending November 30, 2016)

**City of Bellaire**  
**Vehicle and Equipment Replacement Fund**  
**Revenues and Expenditures (Unaudited)**  
**YTD as of November 2016**

	<b>FY 2017 Budget</b>	<b>November Actual</b>	<b>YTD Actual</b>	<b>Encumbrance</b>	<b>Budget Balance</b>
<b>Revenues</b>					
Transfers - General	\$ 1,007,000	\$ 83,917	\$ 167,833	n/a	\$ 839,167
Transfers - Enterprise	522,000	43,500	87,000	n/a	435,000
<b>Total Revenues</b>	<b>1,529,000</b>	<b>127,417</b>	<b>254,833</b>	<b>n/a</b>	<b>1,274,167</b>
<b>Expenditures</b>					
Development Services	25,000	-	-	-	25,000
Fire	75,000	-	-	-	75,000
Police	310,000	-	-	204,764	105,236
Parks & Recreation	55,000	-	-	-	55,000
Public Works	210,000	-	-	-	210,000
Enterprise Public Works	435,000	-	-	-	435,000
<b>Total Expenditures</b>	<b>1,110,000</b>	<b>-</b>	<b>-</b>	<b>204,764</b>	<b>905,236</b>
<b>Net Revenues/(Expenditures)</b>	<b>\$ 419,000</b>	<b>\$ 127,417</b>	<b>\$ 254,833</b>	<b>n/a</b>	<b>\$ 368,931</b>
Unaudited Fund Balance 9/30/16	\$ 952,703				
FY 2017 Revenue Budget	1,529,000				
FY 2017 Expenditure Budget	1,110,000				
Projected Ending Fund Balance	<u>\$ 1,371,703</u>				



**City of Bellaire**  
**Capital Improvements Fund**  
**Revenues and Expenditures (Unaudited)**  
**YTD as of November 2016**

	<b>FY 2017 Adopted Budget</b>	<b>(c) Budget Carry-over</b>	<b>FY 2017 Revised Budget</b>	<b>November Actual</b>	<b>YTD Actual</b>	<b>(c) Encumbrance</b>	<b>Budget Balance</b>
<b>Revenues</b>							
General Fund Transfer	\$ 1,050,000	\$ -	\$ 1,050,000	\$ 87,500	\$ 175,000	n/a	\$ 875,000
RBB Facilities	-	-	-	-	-	n/a	-
RBB Infrastructure	-	-	-	-	-	n/a	-
Enterprise Fund Transfer	650,000	-	650,000	54,167	108,333.33	n/a	541,667
Evelyn's Park	-	-	-	-	74,029	n/a	(74,029)
Designated Park Funds	-	-	-	-	-	n/a	-
Insurance - Flood	-	-	-	-	-	n/a	-
Insurance - Traffic Signal	-	-	-	-	-	n/a	-
Road Humps	-	-	-	-	-	n/a	-
<b>Total Revenues</b>	<b>1,700,000</b>	<b>-</b>	<b>1,700,000</b>	<b>141,667</b>	<b>357,362</b>	<b>n/a</b>	<b>1,342,638</b>
<b>Projects</b>							
FY 2014 City Wide Beautification	-	-	-	21,014	21,014	22,841	(43,855)
FY 2014 Street & Drainage Reconstruction - Phase 5B (a)	-	-	-	23,613	23,613	971,852	(995,465)
FY 2015 Evelyn's Park	-	-	-	-	-	945,262	(945,262)
FY 2015 Municipal Rehab Projects	-	-	-	-	-	-	-
FY 2015 Park Improvements	-	-	-	-	-	-	-
FY 2015 Traffic Signal Maintenance	-	-	-	-	-	-	-
FY 2015 Memorial Day Flood	-	-	-	-	-	3,746	(3,746)
FY 2016 Pilot Esplanade Beautification Project (b)	-	-	-	-	-	-	-
FY 2016 Pavement Mgt Program	800,000	-	800,000	-	-	58,084	741,916
FY 2016 Playground/Shade/Amenities	100,000	-	100,000	-	-	42,505	57,495
FY 2016 PW Facilities Assessment	-	-	-	-	-	348	(348)
FY 2016 ROW	-	-	-	12,438	12,438	37,313	(49,750)
FY 2016 Storm Water Drainage	-	-	-	900	900	-	(900)
FY 2017 BFAC Pool Area Improvements	150,000	-	150,000	-	-	-	150,000
FY 2017 Park Master Signage	50,000	-	50,000	-	-	-	50,000
FY 2017 Community Pathways Master Plan	75,000	-	75,000	-	-	-	75,000
FY 2017 Decorative Standard for Major Streets	75,000	-	75,000	-	-	-	75,000
FY 2017 Flood Plain Hazard Mitigation Plan	50,000	-	50,000	-	-	-	50,000
<b>Total General Projects</b>	<b>1,300,000</b>	<b>-</b>	<b>1,300,000</b>	<b>57,964</b>	<b>57,964</b>	<b>2,081,951</b>	<b>(839,915)</b>
FY 2013 Fine Screen Building	-	-	-	-	-	28,850	(28,850)
FY 2013 WWT Electrical	-	-	-	-	-	2,216	(2,216)
FY 2015 City Wide SCADA System	150,000	-	150,000	-	-	48,950	101,050
FY 2015 Facility Water Barrier	-	-	-	-	-	-	-
FY 2015 Water/Sanitary Sewer Program	-	-	-	-	-	31,324	(31,324)
FY 2016 Rehab Renwick Ground Storage	400,000	-	400,000	-	-	43,265	356,735
FY 2016 Wendell-Bellaire Lift Station	-	-	-	-	-	4,207	(4,207)
FY 2016 WW Collection Line	-	-	-	-	-	13,800	(13,800)
FY 2016 WW System Upgrades	50,000	-	50,000	2,048	2,048	5,494	42,458
FY 2017 Water System Upgrades	50,000	-	50,000	-	-	-	50,000
<b>Total Enterprise Projects</b>	<b>650,000</b>	<b>-</b>	<b>650,000</b>	<b>2,048</b>	<b>2,048</b>	<b>178,106</b>	<b>469,846</b>
<b>Total Expenditures/Encumbrances</b>	<b>1,950,000</b>	<b>-</b>	<b>1,950,000</b>	<b>60,012</b>	<b>60,012</b>	<b>2,260,057</b>	<b>(370,069)</b>
<b>Net Revenues/(Expenditures)</b>	<b>\$ (250,000)</b>	<b>\$ -</b>	<b>\$ (250,000)</b>	<b>\$ 81,655</b>	<b>\$ 297,350</b>	<b>n/a</b>	<b>\$ 1,712,707</b>

(a) Pay as you Go portion of Bonds in Fund 620

(b) Council action 9/12/16

(c) Most of the encumbrances reflected on this schedule relate to projects approved in prior fiscal years and will be funded from the fund balance. Once the carry-over balances of projects are finalized, the FY 2017 budgeted expenditures will be increased by the carry-over project balances. After the budget carry-over balances are added, the FY 2017 budgeted expenditure amounts should be sufficient to satisfy the encumbrances.

Unaudited Fund Balance 9/30/16	\$ 5,600,527
FY 2017 Revenue Budget	1,700,000
FY 2017 Expenditure Budget	1,950,000
Projected Ending Fund Balance	<u>\$ 5,350,527</u>

Attachment: November 2016 Monthly Report (1916 : Monthly Financial Report for the Period Ending November 30, 2016)

**City of Bellaire**  
**Capital Bond Fund**  
**Revenues and Expenditures (Unaudited)**  
**YTD as of November 2016**

	<b>FY 2017 Adopted Budget</b>	<b>(a) Budget Carry-over</b>	<b>FY 2017 Revised Budget</b>	<b>November Actual</b>	<b>YTD Actual</b>	<b>(a) Encumbrance</b>	<b>Budget Balance</b>
<b>Revenues</b>							
Interest	\$ -	\$ -	\$ -	\$ 2,823	\$ 5,868	n/a	\$ (5,868)
Bond Proceeds	31,050,000	-	31,050,000	-	-	n/a	31,050,000
<b>Total Revenues</b>	<b>31,050,000</b>	<b>-</b>	<b>31,050,000</b>	<b>2,823</b>	<b>5,868</b>	<b>n/a</b>	<b>31,044,132</b>
<b>Non-Project Expenditures</b>							
Bond Issuance Costs	-	-	-	9,500	9,500	-	(9,500)
<b>Total Non-Project Expenditures</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>9,500</b>	<b>9,500</b>	<b>-</b>	<b>(9,500)</b>
<b>Projects</b>							
FY 2012 Drainage Phase 5	-	-	-	-	-	714,869	(714,869)
FY 2015 Drainage Phase 5B	-	-	-	571,365	571,365	4,451,442	(5,022,808)
FY 2013 New City Hall/Police/Municipal Court	18,160,000	-	18,160,000	-	-	406,792	17,753,208
FY 2015 Evelyn's Park	-	-	-	-	-	851,268	(851,268)
FY 2015 Nature Discovery Center	-	-	-	54,163	54,163	261,115	(315,278)
FY 2017 Streets and Drainage	7,000,000	-	7,000,000	-	-	-	7,000,000
FY 2017 Sidewalks	2,000,000	-	2,000,000	-	-	-	2,000,000
FY 2017 Water Line Improvements	3,500,000	-	3,500,000	-	-	-	3,500,000
FY 2017 Wastewater Line Improvements	150,000	-	150,000	-	-	-	150,000
FY 2017 Water Meter Install & WWT Plant Improv	12,800,000	-	12,800,000	-	-	-	12,800,000
<b>Total Project Expenditures</b>	<b>43,610,000</b>	<b>-</b>	<b>43,610,000</b>	<b>625,528</b>	<b>625,528</b>	<b>6,685,486</b>	<b>36,298,986</b>
<b>Total Expenditures</b>	<b>43,610,000</b>	<b>-</b>	<b>43,610,000</b>	<b>635,028</b>	<b>635,028</b>	<b>6,685,486</b>	<b>36,289,486</b>
<b>Net Revenues/(Expenditures)</b>	<b>\$ (12,560,000)</b>	<b>\$ -</b>	<b>\$ (12,560,000)</b>	<b>\$ (632,205)</b>	<b>\$ (629,160)</b>	<b>n/a</b>	<b>\$ (5,245,354)</b>

(a) Most of the encumbrances reflected on this schedule relate to projects approved in prior fiscal years and will be funded from the fund balance. Once the carry-over balances of projects are finalized, the FY 2017 budgeted expenditures will be increased by the carry-over project balances. After the budget carry-over balances are added, the FY 2017 budgeted expenditure amounts should be sufficient to satisfy the encumbrances.

Unaudited Fund Balance 9/30/16	\$ 6,996,187
FY 2017 Revenue Budget	31,050,000
FY 2017 Expenditure Budget	43,610,000
Projected Ending Fund Balance	<u>\$ (5,563,813)</u>

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

**City of Bellaire  
Metro Fund  
Revenues and Expenditures (unaudited)  
YTD as of November 2016**

	<b>FY 2017 Adopted Budget</b>	<b>(a) Budget Carry-over</b>	<b>FY 2017 Revised Budget</b>	<b>November Actual</b>	<b>YTD Actual</b>	<b>(a) Encumbrance</b>	<b>Budget Balance</b>
<b>Revenues</b>							
Metro Sales Tax	\$ 1,200,000	\$ -	\$ 1,200,000	\$ 166,490	\$ 166,490	n/a	\$ 1,033,510
Interest	-	-	-	-	-	n/a	-
<b>Total Revenues</b>	<b>1,200,000</b>	<b>-</b>	<b>1,200,000</b>	<b>166,490</b>	<b>166,490</b>	<b>n/a</b>	<b>1,033,510</b>
<b>Projects</b>							
FY 2014 City Wide Trip Hazard	-	-	-	-	-	177,108	(177,108)
FY 2014 Sidewalk Projects	-	-	-	-	-	1,152	(1,152)
FY 2015 Street Pavement Mgt Program	1,200,000	-	1,200,000	1,875	1,875	441,730	756,395
FY 2015 Street Striping Program	-	-	-	-	-	450	(450)
<b>Total Expenditures</b>	<b>1,200,000</b>	<b>-</b>	<b>1,200,000</b>	<b>1,875</b>	<b>1,875</b>	<b>620,440</b>	<b>577,685</b>
<b>Net Revenues/(Expenditures)</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 164,615</b>	<b>\$ 164,615</b>	<b>n/a</b>	<b>\$ 455,825</b>

(a) Most of the encumbrances reflected on this schedule relate to projects approved in prior fiscal years and will be funded from the fund balance. Once the carry-over balances of projects are finalized, the FY 2017 budgeted expenditures will be increased by the carry-over project balances. After the budget carry-over balances are added, the FY 2017 budgeted expenditure amounts should be sufficient to satisfy the encumbrances.

Unaudited Fund Balance 9/30/16	\$ 2,253,395
FY 2017 Revenue Budget	1,200,000
FY 2017 Expenditure Budget	1,200,000
Projected Ending Fund Balance	<u>\$ 2,253,395</u>



**CITY OF BELLAIRE  
CURRENT PROPERTY TAX COLLECTIONS  
FY 2014 - FY 2017**

<u>Month</u>	<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2016</u>	<u>FY 2017</u>
Oct	\$ -	\$ -	\$ -	\$ -
Nov	652,841	585,025	131,234	272,719
Dec	3,255,591	4,865,374	3,881,188	
Jan	6,438,379	6,075,640	8,702,108	
Feb	3,605,747	3,634,938	4,005,865	
Mar	137,922	296,537	206,525	
Apr	102,078	63,640	90,455	
May	45,507	55,636	49,017	
Jun	41,695	53,382	57,865	
Jul	2,853	4,673	14,076	
Aug	-	-	-	-
Sep	-	-	-	-
			YTD Collections	\$ 272,719
			% of Budget	1.47%
			% of Total Levy	1.47%
			FY 2017 Budget - Total Tax Revenue	\$ 18,573,641
			2016 Tax Year Taxable Value - Certified Appraisal Roll*	\$ 4,546,701,928
			2016 Tax Year - Under Protest or not Certified*	255,408,384
			Total	4,802,110,312
			Total Levy at \$0.3874 / \$100 =	\$ 18,603,375

**Ten Largest Taxpayers in City of Bellaire (Tax Year 2016) \***

		<u>Taxable Value</u>
Chevron Chemical Company	Oil & Gas	81,889,532
KBS SOR 6565 6575 West Loop	Land/Improvements	39,173,621
Pin Oak North Parcres LL LLC	Land/Improvements	38,140,622
BRI 1833 6330 LLC	Land/Improvements	37,836,000
Centerpoint Energy Inc.	Electric Utility	31,186,932
SBC Communications	Utility	28,497,360
CHP Houston Tx MOB Owner LLC	Land/Improvements	27,000,000
CHP Houston TX Hospital Land	Hospital	24,441,321
Pin Oak South Parcel LL LLC	Land/Improvements	19,781,055
Pin Oak North Parcres LL LLC	Land/Improvements	13,745,000
		<u>\$ 341,691,443</u>
Tax Levy @ \$0.3874/100		<u>\$ 1,323,713</u>
% of Total Levy		7.12%

\* Source: Municipal Advisory Council of Texas

Attachment: November 2016 Monthly Report (1916 : Monthly Financial Report for the Period Ending November 30, 2016)

**CITY OF BELLAIRE  
HOUSING INFORMATION  
FY 2017**

**November**

**Houses, Townhomes & Vacant Lots for Sale \***

<u>Price Range</u>	
\$ 0 - \$ 250,000	1
\$ 250,001 - \$ 500,000	40
\$ 500,001 - \$ 750,000	24
\$ 750,001 - \$ 1,000,000	19
> \$ 1,000,000	58
<b>Total Units For Sale *</b>	<b>142</b>

**Total HCAD Residential Units/Lots \*\*** 6,199

**For Sale as a % of Total Units** 2.29%

**Highest Listing Price - Home** \$ 2,888,000

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

**Houses for Lease \*** 65

**Highest Lease/Month** \$ 6,950

**Lowest Lease/Month** \$ 1,200

**Foreclosure History as of end of Quarter Reported by RealtyTrac**

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

**New Residential Construction**

<u>Fiscal Year</u>	<u>New Units</u>	<u>Dollar Value</u>	
		<u>Construction</u>	<u>Avg/Unit</u>
2007	169	85,632,703	506,702
2008	132	75,405,507	571,254
2009	49	26,026,889	531,161
2010	***	34,682,458	541,913
2011	56	30,064,905	536,873
2012	***	54,914,376	590,477
2013	***	65,491,037	579,567
2014	125	78,420,596	627,365
2015	98	52,190,001	532,551
2016	73	44,585,564	610,761
2017	11	5,658,635	514,421

Average Appraised Value (Tax Year 2016) \$ 843,265

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

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

\*\*\* Numbers revised based on system correction

Attachment: November 2016 Monthly Report (1916 : Monthly Financial Report for the Period Ending November 30, 2016)

**CITY OF BELLAIRE**  
**SUMMARY OF SALES & MIXED BEVERAGE TAX**  
**FY 2015 - FY 2017**

<u>Payment</u>				
<u>Month</u>	<u>Period</u>	<u>FY 2015</u>	<u>FY 2016</u>	<u>FY 2017</u>
<b><u>Sales Tax</u></b>				
Oct	Aug	\$ 168,534	\$ 153,643	\$ 153,452
Nov	Sep	204,637	236,498	179,528
Dec	Oct	187,620	196,711	
Jan	Nov	168,955	253,578	
Feb	Dec	289,944	253,419	
Mar	Jan	175,468	176,377	
Apr	Feb	168,824	171,712	
May	Mar	201,769	210,865	
Jun	Apr	174,538	172,229	
Jul	May	171,111	186,436	
Aug	Jun	230,014	266,791	
Sep	Jul	209,043	178,264	
<b>Sub-Total</b>		<u>\$ 2,350,457</u>	<u>\$ 2,456,522</u>	<u>\$ 332,980</u>
<b><u>Mixed Beverage</u></b>				
Oct	1st Qtr	5,493	6,012	4,668
Jan	2nd Qtr	6,053	5,238	
Apr	3rd Qtr	5,839	5,570	
Jul	4th Qtr	6,004	5,970	
<b>Sub-Total</b>		<u>23,389</u>	<u>22,790</u>	<u>4,668</u>
<b>Total</b>		<u><u>\$ 2,373,846</u></u>	<u><u>\$ 2,479,312</u></u>	<u><u>\$ 337,648</u></u>



**CITY OF BELLAIRE  
SUMMARY OF FRANCHISE FEES  
FY2015 - FY 2017**

	<b>Total <u>FY 2015</u></b>	<b>Total <u>FY 2016</u></b>	<b>YTD <u>FY 2017</u></b>
<b>Electric</b>	\$ 823,552	\$ 823,825	\$ 137,413
<b>Gas</b>	123,933	90,735	15,849
<b>Telephone</b>	115,691	114,371	26,226
<b>Cable</b>	<u>328,259</u>	<u>335,611</u>	<u>80,410</u>
<b>Total</b>	<b><u>\$ 1,391,435</u></b>	<b><u>\$ 1,364,542</u></b>	<b><u>\$ 259,898</u></b>

Attachment: November 2016 Monthly Report (1916 : Monthly Financial Report for the Period Ending November 30, 2016)

**CITY OF BELLAIRE  
SUMMARY OF PURCHASE ORDERS  
FY 2017**

	Oct-16		Nov-16		Dec-16		1st Qtr	
	<u>Issued</u>	<u>Amount</u>	<u>Issued</u>	<u>Amount</u>	<u>Issued</u>	<u>Amount</u>	<u>Issued</u>	<u>Amount</u>
<u>Total Purchase Orders</u>	320	\$ 3,450,562	265	\$ 900,844	-	\$ -	585	\$ 4,351,407
<u>PO for \$5,000 - \$50,000</u>	37	\$ 556,054	27	\$ 389,891	-	\$ -	64	\$ 945,945
% of Total Purchase Orders	11.56%	16.11%	10.19%	43.28%	0.00%	0.00%	10.94%	21.74%
\$ 5,000 - \$ 25,000	33	\$ 406,163	23	\$ 263,797	-	\$ -	56	\$ 669,961
\$ 25,001 - \$ 50,000	4	\$ 149,891	4	\$ 126,093	-	\$ -	8	\$ 275,984
	Jan-17		Feb-17		Mar-17		2nd Qtr	
	<u>Issued</u>	<u>Amount</u>	<u>Issued</u>	<u>Amount</u>	<u>Issued</u>	<u>Amount</u>	<u>Issued</u>	<u>Amount</u>
<u>Total Purchase Orders</u>	-	\$ -	-	\$ -	-	\$ -	-	\$ -
<u>PO for \$5,000 - \$50,000</u>	-	\$ -	-	\$ -	-	\$ -	-	\$ -
% of Total Purchase Orders	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
\$ 5,000 - \$ 25,000	-	\$ -	-	\$ -	-	\$ -	-	\$ -
\$ 25,001 - \$ 50,000	-	\$ -	-	\$ -	-	\$ -	-	\$ -
	Apr-17		May-17		Jun-17		3rd Qtr	
	<u>Issued</u>	<u>Amount</u>	<u>Issued</u>	<u>Amount</u>	<u>Issued</u>	<u>Amount</u>	<u>Issued</u>	<u>Amount</u>
<u>Total Purchase Orders</u>	-	\$ -	-	\$ -	-	\$ -	-	\$ -
<u>PO for \$5,000 - \$50,000</u>	-	\$ -	-	\$ -	-	\$ -	-	\$ -
% of Total Purchase Orders	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
\$ 5,000 - \$ 25,000	-	\$ -	-	\$ -	-	\$ -	-	\$ -
\$ 25,001 - \$ 50,000	-	\$ -	-	\$ -	-	\$ -	-	\$ -
	Jul-17		Aug-17		Sep-17		4th Qtr	
	<u>Issued</u>	<u>Amount</u>	<u>Issued</u>	<u>Amount</u>	<u>Issued</u>	<u>Amount</u>	<u>Issued</u>	<u>Amount</u>
<u>Total Purchase Orders</u>	-	\$ -	-	\$ -	-	\$ -	-	\$ -
<u>PO for \$5,000 - \$50,000</u>	-	\$ -	-	\$ -	-	\$ -	-	\$ -
% of Total Purchase Orders	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
\$ 5,000 - \$ 25,000	-	\$ -	-	\$ -	-	\$ -	-	\$ -
\$ 25,001 - \$ 50,000	-	\$ -	-	\$ -	-	\$ -	-	\$ -

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

Attachment: November 2016 Monthly Report (1916 : Monthly Financial Report for the Period Ending November 30, 2016)



# CITY OF BELLAIRE TEXAS

## MAYOR AND COUNCIL

DECEMBER 5, 2016

Council Chamber and Council Conference Room  
6:30 PM

Regular Session

7008 S. RICE AVENUE  
BELLAIRE, TX 77401

### REGULAR SESSION - 6:30 P.M.

#### I. REGULAR MEETING

##### A. Call to Order - 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 6:30 p.m. on Monday, December 5, 2016. The Regular Session was held in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401-4411.

##### B. Announcement of a Quorum - Andrew S. Friedberg, Mayor.

**Mayor Friedberg** announced that a quorum of the members of the City Council of the City of Bellaire, Texas, 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	Absent

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

##### C. Inspirational Reading and/or Invocation - Roman F. Reed, Mayor Pro Tem.

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

##### D. Pledges of Allegiance - Roman F. Reed, Mayor Pro Tem.

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

##### E. Special Recognition of the Inaugural Bellaire Citizens Academy:

Presentation of "Certificates of Achievement" to the Members of the 2016 Inaugural Class of the Bellaire Citizens Academy - Presentation by Paul A. Hofmann, City Manager.

**Mayor Friedberg** announced that a special presentation to wrap up the inaugural

Minutes Acceptance: Minutes of Dec 5, 2016 6:30 PM (Approval of Minutes:)



class of the Bellaire Citizens Academy would be made this evening, the purpose of which was to recognize and thank the participants.

**Paul A. Hofmann, City Manager**, stated that it was his hope that years from now Bellaire Citizens Academy Reunions would be routinely held where the members of the inaugural class would be held in special honor as they had "blazed the trail."

City Manager Hofmann advised that the key theme of the academy was to allow the participants to see how decisions were made on a day-to-day basis in each of the City's departments. A special word of thanks was given to Michael Fife, Council Member, who had a particular interest in the academy and attended all of the classes.

Certificates of Achievement were presented to each individual class member by City Manager Hofmann and Diane K. White, Assistant City Manager.

**Mayor Friedberg** thanked the participants and City Staff for putting on the Bellaire Citizens Academy. He noted that the program was consistent with the City's efforts to better engage with the community, and he looked forward to continuing it.

#### **F. Personal/Audience Comments.**

##### **Charlene O'Shea**

Ms. O'Shea addressed City Council regarding the Master Plan for the Holly Street Esplanade. She indicated that residents understood that the Master Plan for the Holly Street Esplanade would be completed in phases, with one phase to be addressed each fiscal year. Ms. O'Shea recently learned that the next phase of the Master Plan for Holly Street would not be addressed until 2020 due to funding.

Ms. O'Shea later learned that some of the initiatives proposed by the grass roots organization known as the "Citizens For A Beautiful Bellaire" received approval by the City Council for beautification efforts in the amount of \$300,000. She expressed concern that the City was supporting a grass roots organization as opposed to appointing an ad hoc committee to really look at what the identity of Bellaire should be.

In closing Ms. O'Shea urged City Council to finish Holly Street and to take care of the City in a professional manner.

##### **Rachel Crochet**

Ms. Crochet expressed concerns with some of the work that had been done on Holly Street to date, including irrigation, lack of tree trimming, lack of benches, dying plants, and granite spilling over onto the streets.

In closing, she advised that the residents wanted Holly Street finished with monies from the beautification line item in the City's budget.

##### **Dub Crochet**

Mr. Crochet thanked the City Manager and City Council for the money that was spent on Holly Street by the City. He expressed disappointment that the project could not be completed in one phase. He urged City Council to put money where it belonged and to finish one project before moving to the next one.

**Christopher Butler**

Mr. Butler addressed City Council in support of the Urban Design and Master Beautification Plan proposed by Terrain Studio, which he saw as a transformational document to give Bellaire the steps it needed to take over the coming decades.

Mr. Butler also indicated his support of the Holly Street project and asked City Council to keep the long-term vision for the beautification of Bellaire in mind.

**John Monday**

Mr. Monday addressed City Council and spoke in favor of the conceptual Urban Design and Beautification Plan proposed by Terrain Studio. He indicated that the conceptual plan consisted of six design principles, as well as multiple thematic and emblematic elements.

Mr. Monday urged City Council to act on the plan, noting that the plan was progressive and that implementation would require the greatest collaborative efforts, which Bellaire was capable of achieving, in his opinion.

Next steps to be taken by the City Council were suggested by Mr. Monday as follows: 1) conduct a workshop to become conversant about the details, specifics, ramifications, and options the plan presented; 2) conduct a town hall meeting to present the plan to the public; 3) create a standing beautification committee that reported to City Council and consisted of members from every stakeholder group; and 4) refer the plan to the Planning and Zoning Commission as soon as possible as their expertise would be invaluable to the effort.

**Neil Verma**

Mr. Verma addressed City Council and expressed his appreciation for what the Citizens For A Beautiful Bellaire ("CBB") had done, specifically with respect to their efforts to engage the public and the City boards and commissions.

He noted that there were concepts in discussion among the Parks and Recreation Advisory Board ("Parks Board") that CBB engaged in as well. For example, making Paseo Park more accessible. In addition, many of the long-term conceptual ideas in the plan meshed with some of the thoughts that the Parks Board had.

**G. Reports and Presentations:**

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

**Paul A. Hofmann, City Manager**, presented the City Manager's Report dated December 5, 2016, 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 City Manager's Report was concluded and continued to the next report on the agenda.

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

**Terrence Beaman, Chief Financial Officer**, presented the Monthly Financial Report for the Period Ended October 31, 2016, 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 Ended October 31, 2016, was concluded and continued to the next report on the agenda.

3. Overview of a recent seminar attended by Council Member Trisha S. Pollard regarding state and federal disability regulations as set forth in the Texas Accessibility Standards (TAS) and the Americans with Disabilities Act (ADA) - Submitted by Trisha S. Pollard, Council Member.

**Trisha S. Pollard, Council Member**, presented an overview of information presented at a seminar she recently attended in Houston, Texas, regarding state and federal disability regulations and practical applications for compliance.

At the conclusion of the presentation, **Mayor Friedberg** opened the floor for questions regarding the presentation. Hearing no questions, Mayor Friedberg announced that the presentation was concluded.

## **H. 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, November 7, 2016.

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

- b. Curfew Suspension Request:

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, temporarily suspending the application of Chapter 27, Streets, Sidewalks and Public Places, Article V, Public Parks, Section 27-95, Curfew Imposed, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of allowing the Optimist Club of Bellaire to hold their Annual Barbecue (BBQ) Fundraiser in the Feld Park parking lot located at 6406 Avenue B, Bellaire, Texas, with said suspension to commence at 11:00 p.m. on Friday, February 3, 2017, and end at 5:00 a.m. on Sunday, February 5, 2017 - Submitted by Cheryl Bright, Assistant Director of Parks, Recreation and Facilities, on behalf of the Optimist Club of Bellaire.

After reading the captions of the items on the evening's Consent Agenda, **Mayor Friedberg** asked if any member of City Council wished to remove either of the items from the Consent Agenda. Hearing none, Mayor Friedberg entertained a motion to adopt the Consent Agenda dated December 5, 2016.

### **Motion:**



**To adopt the Consent Agenda dated December 5, 2016.**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Michael Fife, Council Member
<b>SECONDER:</b>	Pat B. McLaughlan, Council Member
<b>AYES:</b>	Friedberg, Reed, Pollard, Pappas, McLaughlan, Fife
<b>NAYS:</b>	None
<b>ABSENT:</b>	Montague

Before continuing to the next item on the agenda, **Mayor Friedberg** noted that a representative of CenterPoint Energy Texas Gas Operations was present this evening for agenda item I(H)(3). In consideration of the representative's time, Mayor Friedberg asked if there was any objection to suspending the rules to consider agenda item I(H)(3) before agenda item I(H)(2). Hearing none, Mayor Friedberg continued to item I(H)(3), and afterwards returned to item I(H)(2).

**2. Urban Design/Beautification Master Plan:**

Presentation of the completed Urban Design/Beautification Master Plan as prepared by Terrain Studio and discussion and feedback thereon, including possible direction to the City Manager - Submitted by Cheryl Bright, Assistant Director of Parks, Recreation and Facilities.

**Scott Slaney, FASLA and Principal of Terrain Studio**, presented the final version of the Urban Design and Beautification Master Plan for the City of Bellaire to members of City Council. Reference was made to the original vision for Bellaire in 1908, which was to create a garden city. Mr. Slaney advised that the final version provided a dozen initiatives that, over time, would transform the City of Bellaire into a garden city.

Mr. Slaney indicated that a period of 20 years was considered as the planning horizon for the completion of the urban design and beautification project. Step one, for example, could include a consistent aesthetic for traffic signs, traffic signal poles, and street lights, including the burial of overhead power lines. Other suggestions included City gateways, intersections with social spaces and curb appeal, and bio-retention gardens for the storage of stormwater along residential streets.

At the conclusion of the presentation, **Mayor Friedberg** thanked Mr. Slaney for his presentation and opened the floor for questions and discussion among members of City Council.

Feedback and suggestions were made by members of City Council, with **Gus E. Pappas, Council Member**, suggesting that City Council refer it to the Planning and Zoning Commission ("PZC") for comment and recommendations.

Following the suggestion, discussion continued among members of City

Council. **Mayor Friedberg** advised that he would suggest directing the PZC to evaluate the proposed urban design aspects (longer-term initiatives) of the Urban Design and Beautification Master Plan and to come back to City Council with recommendations as to how those aspects might be incorporated into the City's Comprehensive Plan.

Following further discussion among members of City Council, Mayor Friedberg asked City Manager Hofmann if he felt he had clear direction from City Council as to consensus.

**City Manager Hofmann** indicated that he had a clear direction, but felt that a perspective as to the PZC's role needed to be added. To the extent that the Urban Design and Beautification Master Plan identified projects that were not already identified projects today, the PZC had a City-Code provided role regarding such projects. Costs could be shared with the private development community for those aspects or recommendations that were to ultimately become a development standard. City Manager Hofmann also indicated that some of the concepts were already part of funded projects.

Additional comments were offered by members of City Council. Following comments, **Mayor Friedberg** indicated that referring the Urban Design and Beautification Plan to the PZC would create even more opportunities for public comment. He encouraged members of the public and all stakeholders to continue to provide their comments to the PZC.

### 3. Natural Gas Franchise Agreement:

Second 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.

**Mayor Friedberg** read the agenda item caption, noting that this evening's consideration represented the second of three readings, and entertained a motion to adopt the ordinance as presented granting the natural gas franchise.

#### Motion:

**To adopt the ordinance as presented granting the natural gas franchise.**

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

**Mayor Friedberg** opened the floor for discussion and deliberation.

**Cherish Loog, Area Manager for Gas Operations, CenterPoint Energy Texas Gas Operations**, was present and answered questions directed to her by members of City Council.

Following questions from City Council, **Mayor Friedberg** called for action on the motion.

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

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

Community interest items from the Mayor and Council included expressions of thanks for the City's recent Holiday in the Park and Recycling events, for the preparation made by the City's emergency operations staff for possible inclement weather, and for the participants of the Bellaire Citizens Academy and City Staff.

### **J. Adjourn.**

**Mayor Friedberg** announced that the Regular Session of the City Council of the City of Bellaire, Texas, was adjourned at 9:14 p.m. on Monday, December 5, 2016.

## **II. CLOSED MEETING**

### **A. Call to Order - Andrew S. Friedberg, Mayor.**

Mayor Friedberg called the Closed Meeting of the City Council of the City of Bellaire, Texas, to order at 9:14 p.m. on Monday, December 5, 2016.

### **B. Announcement of a Quorum - Andrew S. Friedberg, Mayor.**

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

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

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

### **C. Retire into Closed Meeting in the Council Conference Room:**

Retire into closed meeting pursuant to the *Texas Government Code, Chapter 551, Open Meetings Act, Section 551.074, Personnel Matters*, to deliberate the evaluation of the City Attorney of the City of Bellaire, Texas.



**Mayor Friedberg** announced that the City Council would retire into the closed portion of the meeting pursuant to the Texas Open Meetings Act, Section 551.074, Personnel Matters, to deliberate the evaluation of the City Attorney. He advised that no action would be taken in the closed portion of the meeting and that any action that might be taken would be taken after City Council reconvened in the open portion of the meeting.

City Council retired into the closed portion of the meeting at 9:15 p.m. on Monday, December 5, 2016. The closed portion of the meeting was held in the Council Conference Room.

**D. Reconvene in Open Meeting in the Council Chamber:**

Reconvene in open meeting, and consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing Alan P. Petrov as City Attorney for the City of Bellaire, Texas, for a one-year period commencing on December 1, 2016, and remaining in effect month to month thereafter, and authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a "Legal Service Agreement" with Johnson Petrov LLP for legal services - Submitted by Tracy L. Dutton, City Clerk.

**Mayor Friedberg** announced that City Council had been in a closed meeting to deliberate the evaluation of the City Attorney and reconvened the open portion of the meeting in the Council Chamber at 10:07 p.m. on Monday, December 5, 2016.

Mayor Friedberg advised that City Council was presented with a proposed contract for the coming year, which did not differ in any material respects from the contract that was in effect for the prior year. He entertained a motion to adopt the ordinance as presented reappointing Mr. Petrov to serve as City Attorney and authorizing execution of the Legal Service Agreement.

**Motion:**

**To adopt the ordinance as presented reappointing Alan P. Petrov to serve as City Attorney and authorizing the execution of the Legal Service Agreement.**

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

**Mayor Friedberg** opened the floor for discussion or comments on the motion. Following a brief comment from **Mayor Pro Tem Reed** stating that the City Council had total confidence in Alan Petrov as the City Attorney and his firm, **Mayor Friedberg** called for action on the motion.

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

**Mayor Friedberg** additionally noted that City Council would like to have a mid-year follow up review with the City Attorney in approximately six months.

**E. Adjourn.**

**Mayor Friedberg** announced that the Closed Meeting of the City Council of the City of Bellaire, Texas, was adjourned at 10:09 p.m. on Monday, December 5, 2016.

Minutes Acceptance: Minutes of Dec 5, 2016 6:30 PM (Approval of Minutes:)

**Mayor and Council**

7008 S. Rice Avenue  
Bellaire, TX 77401



Meeting: 01/09/17 05:30 PM  
Department: Parks, Recreation and  
Facilities  
Category: Purchase  
Department Head: Karl Miller  
DOC ID: 2121 A

**SCHEDULED  
INFORMATION ITEM (ID  
# 2121)**

---

**Item Title:**

Consideration of and possible action on a recommendation from the Parks, Recreation and Facilities Department to purchase Shade Shelters for Loftin and Lafayette Parks from Shade Structure, Inc., in an amount not exceed \$54,314.68, through the utilization of the Local Government Purchasing Cooperative program (Buy Board) and 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 attest, respectively, for and on behalf of the City of Bellaire, Texas, a proposal/agreement, for said project in an amount not to exceed \$54,314.68 - Submitted by Karl Miller, Director of Parks, Recreation and Facilities.

**Background/Summary:**

The past two years the City of Bellaire has replaced playground equipment at Lafayette and Mulberry Parks and installed a shade shelter over the playground equipment at Mulberry Park. During the FY17 budget process City Council allocated \$100,000.00 in the Capital Budget for park amenities, such as, playgrounds, shade shelters, park benches, trash and recycle containers, etc. During the October and November Parks and Recreation Advisory Board meetings the board reviewed various options related to the 2015 Parks Master Plan. On November 16, 2016 the Advisory Board voted unanimously to recommend the purchase of shade shelters over the playground units in Loftin Park and to replace shade shelters over the picnic tables in Officer Lucy Dog Park located in Lafayette Park. The total cost of this project is \$54,314.68 which includes installation, warranty, and a payment and performance bond.

The Parks, Recreation and Facilities Department has been working with Shade Shelters, inc. To determine the final design needs. Shade Shelter, Inc. Is a member of the State of Texas, Local Government Purchasing Cooperative program (Buy Board).

**Previous Council Action Summary:**

During the FY17 budget process, the City Council of the City of Bellaire allocated \$100,000.00 in the Capital Budget for various park amenity improvements including but not limited to: playgrounds, shade structures, picnic tables, trash and recycle containers, grills, etc.

**Fiscal Impact:**

\$100,000 included in the FY 2017 Capital Budget for Playgrounds, Shade Structures, and Park Amenities.

**City Attorney Review:**

The City Attorney has reviewed the proposed purchase agreements

**Recommendation:**



It is the recommendation of Karl Miller, Director of Parks, Recreation and Facilities that the City Council of the City of Bellaire authorize the Mayor of the City of Bellaire to enter into a proposal/agreement for an amount not to exceed \$54,314.68 for the purchase of shade structures to be erected in Loftin and Lafayette Parks, through the State of Texas, Local Government Purchasing Cooperative program (Buy Board).

**ATTACHMENTS:**

- Procurement and Installation of Shade Structure for Loftin Park and Lucy Dog Park 123016 Legal Review (DOCX)
- Buyboard Proposal - Lofton and Lafayette (Dog Park) 123016 (PDF)
- Certificate of Insurance 122816 (PDF)
- Cooperative Purchasing - BuyBoard 122816 (PDF)



**ORDINANCE NO. 17-\_\_\_**

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF BELLAIRE, TEXAS, TO EXECUTE FOR AND ON BEHALF OF THE CITY OF BELLAIRE, TEXAS, A PROPOSAL/AGREEMENT BY AND BETWEEN SHADE STRUCTURES, INC., AND THE CITY OF BELLAIRE, TEXAS, FOR THE PROCUREMENT AND INSTALLATION OF SHADE STRUCTURES FOR LOFTIN PARK, 7008 S. RICE AVE., BELLAIRE, TEXAS 77401, AND LAFAYETTE PARK, 4337 LAFAYETTE, BELLAIRE, TEXAS 77401, IN AN AMOUNT NOT TO EXCEED \$54,314.68.**

**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 for and on behalf of the City of Bellaire, Texas, a Proposal/Agreement by and between Shade Structures, Inc., and the City of Bellaire, Texas, in a form as attached hereto and marked "Exhibit A," for the procurement and installation of shade structures for Loftin Park, 7008 S. Rice Ave., Bellaire, Texas 77401, and Lafayette Park, 4337 Lafayette, Bellaire, Texas 77401 in an amount not to exceed \$54,314.68.

**PASSED** and **APPROVED** this 9<sup>th</sup> day of January, 2017.

(SEAL)

**ATTEST:**

**SIGNED:**

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

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

**APPROVED AS TO FORM:**

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



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2.E.1.b.2

## COVER SHEET

### *BUYBOARD PROPOSAL FOR SHADE STRUCTURE BUYBOARD #423-13*

#### CORPORATE OFFICE

##### Dallas

8505-A Chancellor Row  
Dallas, TX 75247  
800-966-5005 Phone  
214-905-9514 Fax

#### REGIONAL OFFICES

##### Arizona

2628-B W. Birchwood Cir.  
Mesa, AZ 85202  
480-446-0066 Phone  
480-446-8679 Fax

##### Austin

1508-A Ferguson Lane  
Austin, TX 78754  
512-836-5500 Phone  
512-836-5600 Fax

##### California

1085 N. Main Street, Suite C  
Orange, CA 92867  
714-427-6981 Phone  
714-538-2440 Fax

927 Enterprise Way  
Suite A  
Napa, CA 94558  
707-257-7296 Phone  
707-257-7297 Fax

##### Las Vegas

6225 S. Valley View Blvd.  
Suite I  
Las Vegas, NV 89118  
702-227-5273 Phone  
702-227-5132 Fax

Date: November 17, 2016

To: Buster

Fax:

Phone:

Pages including this cover page: 9

Project Name: **Lofton and Dog Park Shades**

Quote Number: **JFA111930**

#### COMMENTS:

Buster,

Attached is a quotation for the shade structures as we discussed. Refer to the above quote number with any questions or comments.

When you are ready to place your order, please initial all pages of the proposal and sign the last page.

Do not hesitate to call me for further assistance.

Sincerely,

Jared Angelica  
Regional Sales Manager  
Phone: 713-254-8861

Note: This message is intended only for the use of the individual to whom it is addressed, and contains information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient, or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any unauthorized disclosure, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by phone and return the original message to the above address.

Packet Pg. 128

Attachment: Buyboard Proposal - Lofton and Lafayette (Dog Park) 123016 (2121 : Purchase of Shade Structures- Lofton and Lafayette Parks)



**PROPOSAL**

**Corporate Mailing Address:**  
P.O. Box 560168  
Dallas, TX 75356-0168  
(800) 966-5005



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**Remittance address:**  
Shade Structures, Inc  
P.O. Box 204691  
Dallas, TX 75320-4691

**This is a legal agreement – Please read carefully. Complete and initial all pages**

<b>Purchaser:</b> City of Bellaire	<b>Date:</b> November 17, 2016	<b>Sales Rep:</b> Jared Angelica
<b>Contact:</b> Buster	<b>PO Number:</b>	<b>Phone:</b> 713-254-8861
<b>Phone:</b>	<b>Quote No.:</b> JFA111930	<b>Email:</b> jangelica@usa-shade.com
<b>Billing Information:</b>	<b>Shipping Information:</b>	<b>Jobsite Information (including site name):</b>
Bellaire, TX		Bellaire, TX
<b>Contact:</b>	<b>Contact:</b>	<b>Contact:</b>
<b>Phone:</b>	<b>Phone:</b>	<b>Phone:</b>
<b>Fax:</b>	<b>Fax:</b>	<b>Fax:</b>
<b>Email:</b>	<b>Email:</b>	<b>Email:</b>

## STRUCTURE PRICING

QTY	DESCRIPTION	DETAILS	PRICE
1	<b>Hip Shade Structure</b>	Structure Size 30 X 40 Number of Posts 4 Number of Fabric Tops 1 Fabric Type Shadesure™ Fabric Color TBD Steel Color TBD Post Attachment Method PIH Entry Height 12 Wind load 90MPH Snow load 5Lbs/Sft Notes: Covers main playground	\$9,607.00 Unit \$800.00 S&M \$7,200.00 Installation \$650.00 Design \$18,257.00 Total
1	<b>Hip Shade Structure</b>	Structure Size 30 X 50 Number of Posts TBD Number of Fabric Tops 1 Fabric Type Shadesure™ Fabric Color TBD Steel Color TBD Post Attachment Method Recessed baseplate Entry Height 12 Wind load 90MPH Snow load 5Lbs/Sft Notes: covers area by swings and tot units	\$13,995.00 Unit \$900.00 S&M \$9,200.00 Installation \$650.00 Design \$24,745.00 Total

Attachment: Buyboard Proposal - Lofton and Lafayette (Dog Park) 123016 (2121 : Purchase of Shade Structures- Lofton and Lafayette Parks)

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P.O. Box 560168  
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<b>2</b>	<b>Cantilever Single Post Pyramids</b> 	Structure Size	14 X 14	\$5,500.00
		Number of Posts	1	Un
		Number of Fabric Tops	1	
		Fabric Type	Shadesure™	\$650.00 S&
		Fabric Color	TBD	
		Steel Color	TBD	\$4,400.00 Inst
		Post Attachment Method	PIH	\$500.00 Desi
		Entry Height	8	
		Wind load	90MPH	\$11,050.00 To
		Snow load	5Lbs/Sft	
		Notes:		

**PRICING DETAILS****Accessories / Miscellaneous**

QTY	ITEM	DETAILS	COST
		<b>Total for Access/Misc Items:</b>	<b>\$</b>
Units Total		\$29,364.68	<b>PAYMENT TERMS:</b>
Accessories/Miscellaneous		N/A	
Shipping/Handling		\$2,350.00	(1) Upon execution of the Agreement (Deposit)
<b>SUBTOTAL</b>		<b>\$31,714.68</b>	(2) Upon delivery of Sun Port(s)
Sales Tax 8.25 %		TAX EXEMPT	(3) Upon completion of assembly/installation
Assembly/Installation		20,800.00	<b>Net 30</b>
Engineering		\$1,800.00	<b>NOTES:</b>
<b>TOTAL PRICE</b>		<b>\$54,314.68</b>	

(4) Other (specify):

**\$802.68 payment and performance bond price added to Units total above.**

**GENERAL SCOPE OF WORK****PERMIT REQUIREMENTS****ASSEMBLY REQUIREMENTS**

YES	NO		YES	NO	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Purchaser is responsible for Permit Submittal	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Underground obstacles
<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	Dirt Removal
<b>ENGINEERING REQUIREMENTS</b>			<input type="checkbox"/>	<input checked="" type="checkbox"/>	Soil Tests
Building Code			<input type="checkbox"/>	<input checked="" type="checkbox"/>	Concrete Cutting
Type of drawings			<input checked="" type="checkbox"/>	<input type="checkbox"/>	Concrete Truck Access

Attachment: Buyboard Proposal - Lofton and Lafayette (Dog Park) 123016 (2121 : Purchase of Shade Structures- Lofton and Lafayette Parks)

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# of sealed drawings		<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fencing
Calculations Required		<input type="checkbox"/>	<input checked="" type="checkbox"/>	Special Inspection
Notes:		<input type="checkbox"/>	<input checked="" type="checkbox"/>	Permits (see Permit Requirements)
<b>PRICING INCLUDES</b>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	Prevailing Wages & Certified Payroll
<b>YES</b>	<b>NO</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Union Wages
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Removal of existing structure or poles
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Curb Repair
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Landscaping Repair
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Electrical hook-up or trenching
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Site Plan Approval
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Site Survey
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Bobcat Access
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Liquidated Damages
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other special conditions (noted below):
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Anchor Bolts Included

## GENERAL TERMS AND CONDITIONS AND WARRANTY

- 1) **Proposal:** The above proposal is valid for **30** days from the date first set forth above. After 30 days we reserve the right to increase prices due to the rise in costs of raw material, fuel or other cost increases. When applicable, Shade Structures, Inc. reserves the right to implement a surcharge for significant increases in raw materials, including the following, but not limited to; fuel, steel and concrete. Due to the duration of time between proposals, contracts and final installation, Shade Structures, Inc. reserves the right to implement this surcharge when applicable.
- 2) **Purchase:** By executing this proposal, or submitting a purchase order pursuant to this proposal (which shall incorporate the terms of this agreement specifically by reference) which is accepted by the SA Shade & Fabric Structures (the "Company"), the purchaser identified above ("you" or the "Purchaser") agrees to purchase the Sun Ports brand shade structures ("Structures") and the services to be provided by the Company, as detailed in the "Structure Pricing" and "General Scope of the Work" sections of this agreement, above, or in the relevant purchase order accepted by the Company, for use by Purchaser or for installation by Company or Purchaser on behalf of a third-party who will be the ultimate owner of the Structures (the ultimate owner of a Structure, whether Purchaser or a third-party, being the "Owner").
- 3) **Short Ship Claims:** Purchaser has 15 days from receipt of the Structures to file a short ship report in writing to its sales representative. Company will not honor claims made after this time.
- 4) **Standard Exclusions:** Unless specifically included under "General Scope of the Work" section above, this agreement does not include, and Company will not provide Services, labor or materials for any of the following work: (a) removal and disposal of any materials containing asbestos or any hazardous materials as defined by the EPA; (b) moving Owner's property around the installation site; (c) repair or replacement of any Purchaser or Owner-supplied materials; (d) repair of concealed underground utilities not located on prints, supplied to Company by Owner during the bidding process, or physically staked out by Owner, and which are damaged during construction; or (e) repair of damage to existing surfaces that could occur when construction equipment and vehicles are being used in the normal course of construction.
- 5) **Bonding Guidelines:** If Purchaser will use or provide the Structures and Services for an Owner other than Purchaser (including, without limitation, as a subcontractor of Purchaser), Purchaser will include the following statement in Purchaser's contract with Owner:

"The manufacturer's warranty for the Sun Ports brand shade structures is a separate document between Shade Structures, Inc. and the ultimate owner of the Sun Ports brand shade structures, which will be provided to the ultimate owner at the time of completion of the installation and other services to be provided by Shade Structures, Inc.. Due to surety requirements, any performance and/or payment bond will cover only the first year of Shade Structures, Inc.

**PROPOSAL****Corporate Mailing****Address:**

P.O. Box 560168  
Dallas, TX 75356-0168  
(800) 966-5005



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A Brand of Shade Structures, Inc.

**Remittance address:**

Shade Structures, Inc  
P.O. Box 204691  
Dallas, TX 75320-4691

warranty.”

- 6) **Insurance Requirements:** Company is not required to provide any insurance coverage in excess of Company's standard insurance. A copy of the Company's standard insurance is available for your review prior to acceptance of the Company's quote.
- 7) **Payment:** Terms of payment are defined in the "Pricing Details" section and are specific to this contract. For purposes of this agreement, "Completion" is defined as being the point at which the Structure is suitable for its intended use, the issue of an occupancy consent, or a final building department approval is issued, whichever occurs first. In any event where Completion cannot be effected due to delays or postponements caused by the Purchaser or Owner, final payment (less 10% retainage) is due within 30 days of the date when Completion was scheduled, had the delay not occurred. All payments must be made to USA Shade & Fabric Structure, Department 41349, P.O. Box 650823, Dallas TX 75265. If the Purchaser or Owner fails or delays in making any scheduled milestone payments, the Company may suspend the fulfillment of its obligations hereunder until such payments are made, or Company may be relieved of its obligations hereunder if payment is more than 60 days past due. Company may use all remedies available to it under current laws, including but not limited to filing of liens against the property and using a collection agency or the courts to secure the collection of the outstanding debt.
- 8) **Lien Releases:** Upon request by Owner, Company will issue appropriate partial lien releases as corresponding payments are received from Purchaser, but prior to receiving final payment from Purchaser or Owner. Company will provide a full release of liens upon receipt of final payment. In accordance with state laws, Company reserves the right to place a lien on the property if final payment has not been received 10 days prior to the filing deadline for liens.
- 9) **Site-plan Approval, Permit/s, Permit Fees, Plans, Engineering Drawings and Surveying:** Site-plan approval, permits, permit fees, plans, engineering drawings and surveying are specifically excluded from this agreement and the Services unless specified under the "General Scope of Work". The Company does not in any way warrant or represent that a permit or site plan approval for construction will be obtained. Sealed engineered drawings that are required but not included in the "General Scope of Work" will result in an additional cost to Purchaser.
- 10) **Manufacturing & Delivery:** Manufacturing lead-time from Company's receipt of the "Notice To Proceed" is approximately 6 to 8 weeks for standard Structures, and 8 to 12 weeks for custom Structures. Delivery is approximately 1 week thereafter. Delivery of Structures may be prior to or at start of assembly.
- 11) **Returned Product, Deposits and/or Cancelled Order:** Within the first 45 days after shipment from our facility, all returned product(s) and cancelled orders are subject to a 50% restocking fee. No returns are available following this 45 day period. All deposits are nonrefundable. All expenses incurred (engineering, site surveys, shipping and handling, etc) are the responsibility of the purchaser, up to notice of cancellation.
- 12) **Concealed Conditions:** "Concealed conditions" include, without limitation, water, gas, sprinkler, electrical and sewage lines, post tension cables, and steel rebar. This agreement is based solely on observations Company was able to make either by visual inspection or by drawings and / or plans submitted by Owner at the time this agreement was bid. If additional Concealed Conditions are discovered once work has commenced which were not visible at the time this proposal was bid, Company will stop work and point out these unforeseen Concealed Conditions to Purchaser or Owner so that Purchaser and Company can execute a change order for any additional work. In any event, any damage caused by or to unforeseen Concealed Conditions is the sole responsibility of the Purchaser and Company shall not be held liable for any such damage. Soil conditions are assumed to be soil that does not contain any water, hard rock (such as limestone, caliche, etc.), rocks bigger than 4 inches in diameter or any other condition that will require additional labor, equipment and / or materials not specified by the Purchaser or Owner in the bidding process. Any condition requiring additional labor, equipment and / or materials to complete the drilling or concrete operations will require a change order before Company will complete the process. Price quotes are based on a drill pier footing. Any variation will incur additional charges (i.e. spread footings, concrete mat, sand, water, landfill, etc.). Costs for footing and installation do not include any allowance for extending below frost lines (the additional costs for which vary by geographical region).
- 13) **Changes in the Work:** During the course of this project, Purchaser may order changes in the work (both additions and deletions). The cost of these changes will be determined by the Company, and a change order form must be completed and signed by both the Purchaser and the Company, which will detail the "General Scope of the Change Order". Should any change order be essential to the completion of the project, and the Purchaser refuses to authorize such change order, then Company will be deemed to have performed its part of the project, and the project and Services will be terminated. Upon such termination, Company will submit a final billing to Purchaser for payment, less a labor allowance for work not performed but including additional charges incurred due to the stoppage. No credit will be allowed for materials sold and supplied, which will remain the property of the Purchaser.
- 14) **Warranty; Limitations of Liability:**
  - Company warrants that all Company-supplied labor and Services will be performed in a good and workmanlike manner.
  - The warranty set forth in this Section 14 will be the Purchaser's sole and exclusive warranty.



**PROPOSAL****Corporate Mailing****Address:**

P.O. Box 560168  
Dallas, TX 75356-0168  
(800) 966-5005



**USASHADE**  
& Fabric Structures®



A Brand of Shade Structures, Inc.

**Remittance address:**

Shade Structures, Inc  
P.O. Box 204691  
Dallas, TX 75320-4691

- The warranty set forth in this Section 14 will run from the date of performance of the service by the Company, and any warranty claims brought by Purchaser must be brought within 30 days of the date of performance of the Service giving rise to the claim.
  - Purchaser's sole remedy for a breach of the warranty set forth in this Section 14 will be the re-performance of the Services, or if that is not possible or practical, the refund of the price of the Services that breached the warranty.
  - Purchaser shall notify Company in writing detailing any defects in Service for which a warranty claim is being made.
  - **COMPANY SHALL NOT IN ANY EVENT BE LIABLE FOR INDIRECT, SPECIAL, CONSEQUENTIAL, INCIDENTAL PUNITIVE OR LIQUIDATED DAMAGES IN ANY ACTION ARISING FROM OR RELATED TO THIS AGREEMENT, WHETHER BASED IN CONTRACT, TORT (INCLUDING NEGLIGENCE), INTENDED CONDUCT OR OTHERWISE, INCLUDING WITHOUT LIMITATION, DAMAGES RELATING TO THE LOSS OF PROFITS, INCOME OR GOODWILL, REGARDLESS OF WHETHER COMPANY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.**
  - **IN NO EVENT WILL COMPANY'S LIABILITY FOR MONETARY DAMAGES UNDER THIS AGREEMENT EXCEED THE FEES PAID OR DUE AND PAYABLE FOR THE SERVICES UNDER THIS AGREEMENT (OR THE RELEVANT PURCHASE ORDER).**
  - **EXCEPT FOR THE WARRANTIES EXPRESSLY SET FORTH IN THIS AGREEMENT, COMPANY MAKES, AND PURCHASER RECEIVES, NO WARRANTIES OF ANY KIND, EXPRESS, IMPLIED OR STATUTORY, ARISING OUT OF, RELATED TO, OR UNDER THIS AGREEMENT, AND SPECIFICALLY DENIES THE IMPLIED WARRANTIES OF FITNESS FOR A PARTICULAR PURPOSE AND MERCHANTABILITY. FURTHER, EXCEPT AS EXPRESSLY SET FORTH HEREIN, COMPANY ACKNOWLEDGES THAT THE SERVICES AND STRUCTURES PROVIDED HEREIN ARE PROVIDED "AS IS" WITHOUT WARRANTY OF ANY KIND. COMPANY DOES NOT WARRANT THAT THE SERVICES OR STRUCTURES WILL MEET YOUR REQUIREMENTS OR THOSE OF THE OWNER.**
  - For all Structures installed by the Company, Purchaser must sign and return the "Customer Checklist and Sign-off" form to the Company within 10 business days from the construction completion date, or Company will not be held responsible for any warranties under this Section 14 or any damage to the Structure.
  - The warranties for the Structures are contained in a separate document between Company and the ultimate Owner of the Structures, which will be provided to Owner at the time of completion of the work.
- 15) **Indemnification:** To the fullest extent permitted by law, Purchaser shall indemnify, defend and hold harmless the Company and its consultants, agents and employees or any of them from and against claims, damages, losses and expenses, including but not limited to attorneys' fees, related to the installation of the Structure or performance of the Services, provided that such claim, damage, loss or expense is attributable to bodily injury to, sickness, disease or death of a person or to injury to or destruction of tangible property, but only to the extent caused by the negligent acts or omissions of the Purchaser or its agents, employees, or subcontractors or anyone directly or indirectly employed by them or anyone for whose acts they may be liable, regardless of whether or not such claim, damage, loss or expense is caused in part by a party indemnified hereunder. Such obligation shall not be construed to negate, abridge or reduce other rights or obligations of indemnity that would otherwise exist as to a party or person described in this Section 15.
- 16) **Warranty:**
- USA SHADE provides a limited warranty on all USA SHADE-supplied labor and materials. No other warranty is implied.
  - The warranty set forth shall be the purchaser's sole and exclusive warranty, and is void if structures are not paid for in full.
  - The warranty is void if any changes, modifications, additions or attachments are made to the structures without the prior written consent of USA SHADE.
  - The warranty is void if the structures are not assembled in strict compliance with USA SHADE specifications.
  - The warranty will be void if regular maintenance is not performed. This is particularly critical in regions where dirt/sand may cause abrasion of fabric.
  - The warranties below are effective from the date of sale, or, if assembled by USA SHADE, the date of construction completion.
  - USA SHADE reserves the right to repair or replace any item covered by this warranty.
  - Purchaser shall notify USA SHADE in writing, detailing any defects for which a warranty claim is being made.
  - USA SHADE shall not in any event be liable for indirect, special, consequential, or liquidated damages.
  - USA SHADE specifically denies the implied warranties of fitness for a particular purpose and merchantability.
  - No signs, objects, fans, light fixtures, etc., may be hung from the structures, unless specifically engineered by USA SHADE. These items may interfere with the fabric, voiding the warranty.
  - The warranty shall be void if damage to the steel frame or fabric top is caused by misuse, willful or intentional damage, vandalism, any Act of God (i.e. hurricane, tornado, micro/macroburst), including, but not limited to, ice, snow, or wind in excess of applicable building code parameters.
  - For all units assembled by USA SHADE the "Customer Checklist and Sign-off" form must be signed and returned to USA SHADE within 10 business days from the date of construction completion, or USA SHADE will not be held responsible for any damage to the structures. The warranty will also be considered null and void until this checklist is received by USA SHADE.

**PROPOSAL****Corporate Mailing****Address:**

P.O. Box 560168  
Dallas, TX 75356-0168  
(800) 966-5005



**USA SHADE**  
& Fabric Structures®



A Brand of Shade Structures, Inc.

**Remittance address:**

Shade Structures, Inc  
P.O. Box 204691  
Dallas, TX 75320-4691

**Shadesure™ Fabric:**

- Shadesure™ fabrics carry a 10-year limited manufacturer's warranty from the date of assembly, against failure from significant fading, deterioration, breakdown, mildew, outdoor heat, cold, or discoloration, with the exception of Red and Coolbrella™ fabrics, which carry a 3-year limited warranty. Should the fabric need to be replaced under the warranty, USA SHADE will manufacture and ship a new fabric at no charge for the first 6 years, thereafter pro-rated at 18% per annum over the last 4 years.
- This warranty shall be void if damage to the fabric is caused by contact with chemicals, misuse, vandalism, any Act of God (i.e. hurricane, tornado, micro/macrobust), including, but not limited to, ice, snow, or wind in excess of the applicable building code parameters.
- All fabric tops are warranted for winds/gusts up to 90mph and prior to snow or ice accumulation.
- All fabric curtains, valances and flat vertical panels are not covered under the warranty.
- Fabric is not warranted where it is assembled on a structure that is not engineered and built by USA SHADE.
- USA SHADE structures are designed to eliminate friction between the rafters and fabric. The warranty will be voided if any modification or attachment is made to the rafter(s). The fabric will wear/tear should any object be placed between the rafter and the fabric, voiding the warranty.
- Labor for the removal, assembly, and/or freight will be covered for a period of 1 year, where the structures supplied and assembled by USA SHADE are defective. In all cases where the structures are not assembled by USA SHADE, or its agents, all labor for the removal, assembly, and/or freight will be at the customers' expense, and the warranty will only be applicable to the repair or replacement of the defective materials.
- USA SHADE reserves the right, in cases where certain fabric colors have been discontinued, to offer the customer a choice of available colors to replace the warranted fabric of the discontinued color. USA SHADE does not warrant that any particular color will be available for any period of time, and reserves the right to discontinue any color for any reason, without recourse by the owner of the discontinued fabric color.

**Colourshade® FR Fabric:**

- Colourshade® FR fabrics carry a 5-year limited manufacturer's warranty from the date of assembly, against failure from significant fading, deterioration, breakdown, mildew, outdoor heat, cold, or discoloration, with the exception of FR Red and Coolbrella™ fabrics, which carry a 3-year limited warranty. Should the fabric need to be replaced under the warranty, USA SHADE will manufacture and ship a new fabric at no charge for 5 years.
- This warranty shall be void if damage to the fabric is caused by contact with chemicals, misuse, vandalism, any Act of God (i.e. hurricane, tornado, micro/macrobust), including, but not limited to, ice, snow, or wind in excess of the applicable building code parameters.
- All fabric tops are warranted for winds/gusts up to 90mph and prior to snow or ice accumulation.
- All fabric curtains, valances and flat vertical panels are not covered under the warranty.
- Fabric is not warranted where it is assembled on a structure that is not engineered and built by USA SHADE.
- USA SHADE structures are designed to eliminate friction between the rafters and fabric. The warranty will be voided if any modification or attachment is made to the rafter(s). The fabric will wear/tear should any object be placed between the rafter and the fabric, voiding the warranty.
- Labor for the removal, assembly, and/or freight will be covered for a period of 1 year, where the structures supplied and assembled by USA SHADE are defective. In all cases where the structures are not assembled by USA SHADE or its agents, all labor for the removal, assembly and/or freight will be at the customers' expense, and the warranty will only be applicable to the repair or replacement of the defective materials.
- USA SHADE reserves the right, in cases where certain fabric colors have been discontinued, to offer the customer a choice of available colors to replace the warranted fabric of the discontinued color. USA SHADE does not warrant that any particular color will be available for any period of time and reserves the right to discontinue any color for any reason, without recourse by the owner of the discontinued fabric color.

*NOTE: Shadesure™ and Colourshade® FR fabric warranties cover fabric tops up to 40' in length. Fabric tops over 40' in length are covered by a non-prorated 5-year warranty. Additionally, fabric tops made from other fabric types (i.e. Sunbrella®) will include their respective manufacturer's warranty.*

Shadesure and Coolbrella are trademarks of Shade Structures, Inc..

Colourshade is a registered trademark of Multiknit Pty. Ltd.

Sunbrella is a registered trademark of Glen Raven Custom Fabrics, LLC.

**Steel:**

- The structural integrity of the steel is warranted for 10 years.
- Workmanship and powder coated surfaces are warranted for 1 year.
- This warranty shall be void if damage to the steel frame is caused by misuse, vandalism, any Act of God (i.e. hurricane, tornado, micro/macrobust), including, but not limited to, ice, snow, or wind in excess of applicable building code parameters.

**Thread:**

- USA SHADE warrants its sewing thread for a period of 8 years.
- The thread will be free from defects in material/workmanship and will not be damaged by exposure to sunlight, weather, or water.

**PROPOSAL****Corporate Mailing****Address:**

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Dallas, TX 75356-0168  
(800) 966-5005



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Dallas, TX 75320-4691

- This warranty does not cover damage from fire, cuts, vandalism, misuse, or any Act of God (i.e. hurricane, tornado, micro/macroburst), including, but not limited to, ice, snow, or wind in excess of the applicable building code.
- Labor for the removal, assembly and/or freight of tops with damage caused by thread will only be covered in instances where USA SHADE has assembled the unit. In all cases where units were not assembled by USA SHADE, all labor for the removal, assembly and/or freight will be for the customers account and the warranty will only be applicable to the repair or replacement of defective materials.

17) **Assembly/Installation:**

- Company will notify Purchaser of the scheduled assembly date. Owner agrees to have an owner representative meet the assembly crew at the job site on the scheduled assembly date to verify the exact location where the Structure(s) is to be placed
- Labor for the removal, assembly and/or freight charges will only be covered by Company in instances where the Structures supplied and installed by Company are determined by the Company to be defective. In all cases where Structures are not installed by Company, all labor for the removal, assembly and/or freight of the Structures will be Purchaser' responsibility.
- Installation prices are based on a single mobilization charge. If additional mobilization is needed, there will be additional charges.
- If the requested Services require Company access to Owner's premises Company will be provided access to the Owner's premises free and clear of debris, automobiles or other interference Monday thru Friday during the hours of 8am to 6pm, and Company will have access to water and electrical facilities during installation. Additional charges will apply if utilities are not easily accessible. All automobiles will be moved prior to Company's crew beginning any installation.
- Company will not be responsible for moving or repairing any underground utility lines such as electrical, telephone, gas, water, or sprinkler lines that may be encountered during installation.
- Any additional costs incurred as a result of hard rock conditions requiring extra equipment, utility removal or repair resulting in delay will result in additional charges unless they are detailed on as-built site drawings provided to Company or marked on the ground and communicated to Company in writing prior to fabrication and installation.

18) **Installation/Assembly on-site:** Where installation/assembly is part of the Services, Purchaser must provide the Company with a detailed drawing prepared by or for the Owner showing exactly where the Structure(s) are to be assembled as well as detailing any obstacles or other impediments that may cause the assembly process to be more difficult. Any fixture(s), e.g., playground, pools etc., that the Structure(s) is/are to be assembled over must also be detailed, along with their peak heights (if applicable).

19) **Site/Use Review by Purchaser:** Company relies on the Purchaser to determine that the Structure(s) ordered are appropriate and safe for the Owner's installation site and/or intended use. Company is not responsible for damages or injuries resulting from collisions by moving objects or persons with the structure post. Company can recommend or supply at additional cost, padding for posts from a third party manufacturer.

20) **Preparatory Work:** Where installation/assembly is part of the Services and in the event that the foundation or job site is not suitable or ready for assembly to begin on the scheduled day, a delay of order notification must be sent to Company at least 4 working days before in order to allow Company to reschedule the project. In the event that Company is not notified and incurs an expense in attempting to execute the assembly, a re-mobilization charge may be charged to Purchaser before Company will reschedule the assembly.

21) **Delegation: Subcontractors:** The Services and the manufacturing and assembly of the Structures may be performed by subcontractors under appropriate agreements with the Company.

22) **Force Majeure: Impracticability:** The Company shall not be charged with any loss or damage for failure or delay in delivering or assembling of the shade Structures when such failure or delay is due to any cause beyond the control of the Company, due to compliance with governmental regulations or orders, or due to any acts of God, strikes, lockouts, slowdowns, wars or shortages in transportation, materials or labor.

23) **Dispute Resolution:** Any controversy or claim arising out of or related to this agreement must be settled by binding arbitration administered in Dallas, Texas by a single arbitrator selected by the parties or by the American Arbitration Association, and conducted in accordance with the construction industry arbitration rules. Judgment upon the award may be entered in any court having jurisdiction thereof.

24) **Entire Agreement; No Reliance:** This agreement represents and contains the entire agreement between the parties. Prior discussion or verbal representations by the parties that are not contained in this agreement are not part of this agreement. Purchaser hereby acknowledges that it has not received or relied upon any statements or representations by Company or its agents which are not expressly stipulated herein, including. Without limitation any statements as to the Structures, warranties or Services provided hereunder.

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 Dallas, TX 75320-4691

- 25) **No Third-Party Beneficiaries:** This agreement creates no third party rights or obligations between Company and any other person, including any Owner who is not also a purchaser. It is understood and agreed that the parties do not intend that any third party should be a beneficiary of this Agreement.
- 26) **Governing Law:** The agreement will be construed and enforced in accordance with the laws of the State of Texas.
- 27) **Assignment:** Purchaser may not assign this agreement, by operation of law or otherwise, without the prior written consent of Company. The agreement shall be binding upon and insure to the benefit of the Company and the Purchaser, and their successors and permitted assigns.
- 28) **Materially Increased Costs:** Company reserves the right to implement a surcharge for material increases in raw materials, including but not limited to fuel, steel and concrete. Due to the duration of proposals and contracts, Company reserves the right to implement this surcharge when it determines that raw material cost increases warrant it.

Executed to be effective as of the date executed by the Company:

**PURCHASER:**

**City of Bellaire**

Signature: \_\_\_\_\_  
 By: (Print) \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Date: \_\_\_\_\_

**COMPANY:**

**SHADE STRUCTURES, INC.**

Signature: \_\_\_\_\_  
 By: (Print) **Jared Angelica**  
 Title: **Regional Sales Manager**  
 Date: \_\_\_\_\_

**NOTE: All purchase orders and contracts should be drafted in the name of Shade Structures, Inc.**

**NOTES:**

1. Please remit PAYMENTS only to :  
 Shade Structures, Inc.  
 P.O. Box 204691  
 Dallas, TX 75320-4691
2. Corporate Mailing Address is :



**PROPOSAL****Corporate Mailing****Address:**

P.O. Box 560168  
 Dallas, TX 75356-0168  
 (800) 966-5005



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Shade Structures, Inc  
 P.O. Box 204691  
 Dallas, TX 75320-4691

Shade Structures, Inc.  
 dba USA Shade & Fabric Structures  
 8505-A Chancellor Row  
 Dallas, TX 75247

Attachment: Buyboard Proposal - Lofton and Lafayette (Dog Park) 123016 (2121 : Purchase of Shade Structures- Lofton and Lafayette Parks)



# CERTIFICATE OF LIABILITY INSURANCE

 DATE(MM/DD/YYYY)  
12/14/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Aon Risk Services Central, Inc. St. Louis MO Office 8182 Maryland Avenue St. Louis MO 63105 USA		<b>CONTACT NAME:</b> PHONE (A/C. No. Ext): (866) 283-7122 FAX (A/C. No.): (800) 363-0105 E-MAIL ADDRESS:															
<b>INSURED</b> Shade Structures, Inc. d/b/a USA SHADE & FABRIC STRUCTURES 8505 Chancellor Row Dallas TX 75247 USA		<table border="1"> <thead> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A: Everest National Insurance Co</td> <td>10120</td> </tr> <tr> <td>INSURER B: Pennsylvania Manufacturers' Assoc Ins Co</td> <td>12262</td> </tr> <tr> <td>INSURER C:</td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </tbody> </table>		INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: Everest National Insurance Co	10120	INSURER B: Pennsylvania Manufacturers' Assoc Ins Co	12262	INSURER C:		INSURER D:		INSURER E:		INSURER F:	
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INSURER D:																	
INSURER E:																	
INSURER F:																	

## COVERAGES

CERTIFICATE NUMBER: 570064748467

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

Limits shown are as requested

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> XCU not excl GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input checked="" type="checkbox"/> LOC <input type="checkbox"/> OTHER			CF8GL00037161	09/01/2016	10/01/2017	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$300,000 MED EXP (Any one person) Excluded PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000 SIR/Deductible \$25,000
B	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			151600-0652321	09/01/2016	10/01/2017	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident) Collision Deductible \$1,000
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION						EACH OCCURRENCE AGGREGATE
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR, PARTNER, EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	2016750652321	09/01/2016	09/01/2017	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE-EA EMPLOYEE \$1,000,000 E.L. DISEASE-POLICY LIMIT \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The per Location Aggregate is subject to a policy cap of \$10,000,000. RE: Loftin Park and Dog Park. The General Liability (Ongoing & Completed Operations) & Automobile Liability Policies include a Blanket Additional Insured endorsement that provides this feature only when there is a written contract with the Named Insured that requires such status. The General Liability, Automobile Liability and Workers' Compensation policies include a Blanket waiver of subrogation endorsement that provides this feature only when there is a written contract with the Named Insured that requires such status.

## CERTIFICATE HOLDER

## CANCELLATION

City of Bellaire 7008 S. Rice Ave. Bellaire TX 77401 USA	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
--	---

LOC #:



### ADDITIONAL REMARKS SCHEDULE

Page \_ of \_

AGENCY Aon Risk Services Central, Inc.		NAMED INSURED: Shade Structures, Inc.
POLICY NUMBER See Certificate Number: 570064748467		EFFECTIVE DATE:
CARRIER See Certificate Number: 570064748467	NAIC CODE	

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,  
FORM NUMBER: ACORD 25 FORM TITLE: Certificate of Liability Insurance

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER	
INSURER	
INSURER	
INSURER	

## ADDITIONAL POLICIES

If a policy below does not include limit information, refer to the corresponding policy on the ACORD certificate form for policy limits.

[illegible]



Phone: 800-695-2919  
 Fax: 800-111-5478  
 Email: info@buyboard.co

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## Vendor Contract Information

[Back](#)

### Search:

shade structures inc.

- ☐ All  
☒ Vendor Discounts Only  
☐ Catalog Pricing Only

### Refine Your Search:

#### Vendors

None Selected

#### Price Range

Show all prices

#### Category

None Selected

#### Contract

None selected

Vendor Name: Shade Structures, Inc.

Address: 8505 Chancellor Row

Dallas, TX 75247

Phone Number: (214) 905-9500

Email: rbell@usa-shade.com

Website: <http://www.usa-shade.com>

Federal ID: 463899811

Contact: Rhea Bell

Accepts RFQs: Yes

Minority Owned: No

Women Owned: No

Service-Disabled Veteran Owned: No

EDGAR: Yes

Contract Name: Parks and Recreation Equipment and Field Lighting Products and Installation

Contract Description: Playground, skate park, aquatic/waterpark equipment, safety surface products, park furnishing/fountains, shade canopies, lake/river/waterway docks, outdoor bleachers, scoreboards/marquees/signs, portable restrooms/shelters, service/repair & installation

Contract#: 512-16

Effective Date: 10/01/2016

Expiration Date: 09/30/2019

Payment Terms: Net 30 days

Delivery Days: 45

Shipping Terms: Pre-paid and added to invoice

Freight Terms: FOB Destination

Ship Via: Common Carrier

Region Served: All Texas Regions

States Served: All States

Additional Info: EDGAR Compliance documents (2 CFR Part 200 & Appendix II) are included in the Vendor response document, and can be found in the Vendor Proposal File link near the bottom of page.

Quote Reference Number: 512-16

Additional Dealers: Shade Structures, Inc. locations in: Mesa AZ, Orange CA, Las Vegas NV

### Contract Documents

EDGAR Notice: [Click to view EDGAR Notice](#)

Proposal Documents: [Click to view BuyBoard Proposal Documents](#)

Regulatory Notice: [Click to view Bonding Regulatory Notice](#)

Construction Services Advisory: [Click to view the Construction Related Goods and Services Advisory](#)

Proposal Files: [Click to view Vendor Proposal Files Documents](#)

Contact us 800-695-2919



**Mayor and Council**

7008 S. Rice Avenue  
Bellaire, TX 77401



Meeting: 01/09/17 05:30 PM  
Department: Parks, Recreation and  
Facilities  
Category: Agreement  
Department Head: Karl Miller  
DOC ID: 2120

**SCHEDULED  
INFORMATION ITEM (ID  
# 2120)**

**Item Title:**

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas (City), a Facility Use Agreement between the City and Bellaire United Methodist Church for the purpose of providing space for the operation of the Bellaire L.I.F.E. program - Submitted by Karl Miller, Director of Parks, Recreation and Facilities

**Background/Summary:**

Over the past several months, Karl Miller, Director and Cheryl Bright, Assistant Director of the Parks, Recreation and Facilities Department have been contacting and visiting various locations throughout Bellaire for the purpose of identifying a suitable location to move the Bellaire L.I.F.E. (BLIFE) program while the Police/ Courts building is under construction. It is the recommendation of Mr. Miller and Ms. Bright that the City Council authorize the Mayor of the City of Bellaire to enter into the proposed Facility Use Agreement with the Bellaire United Methodist Church for approximately fourteen months at a cost of \$1,350.00 per month. This monthly rental fee covers the cost of utilities but the City will be responsible for telephone service, office supplies and all other costs associated with the BLIFE program. Tracy Dutton, City Clerk, has been in contact with TML Risk Pool which has confirmed the City's current level of insurance adequately covers the Church's requirements and the value of City property with no additional insurance requirements.

Bellaire United Methodist Church would provide outstanding accommodations for individuals that participate in the BLIFE program. The BLIFE program would have two daily program spaces available, an office for staff and have access to a large room for events, luncheons, movies and guest speakers. There are 236 parking spaces available most of which are unused during the normal hours of operation of the BLIFE program from 9:00 a.m. to 4:00 p.m. Even on days the BLIFE program is on a trip or special functions are being held there are seldom have more than 30 vehicles. Based on the Departments assessment of parking needs and the number of parking spaces available at the Church the BLIFE program should have no negative impact on the church's operation nor overflow parking associated with Evelyn's Park.

Bellaire United Methodist Church has been extremely accommodating and welcoming of the opportunity to partner with the City of Bellaire in meeting the needs of the BLIFE participants.

**Previous Council Action Summary:**

During the December 19, 2016 City Council meeting, a time line related to the construction of the Municipal Facilities Project was presented to City Council identifying the BLIFE program moving to an alternative location for approximately fourteen months effective April 10, 2017. This temporary relocation is necessary to meet the needs of the Police Department and Municipal Courts while the new Police/ Courts building is under construction.

**Fiscal Impact:**

Monthly rental fee of \$1,350.00 for an estimated 14 months for a total cost of \$18,900.00. Funding for this monthly fee would be paid for out of the Capital Improvement Program funds allocated to the Municipal Facilities Project.

**City Attorney Review:**

The City Attorney has reviewed the proposed agreement

**Recommendation:**

It is the recommendation of Karl Miller, Director of Parks, Recreation and Facilities that the City Council of the City of Bellaire authorize the Mayor of the City of Bellaire to enter into the proposed Facility Use Agreement with Bellaire United Methodist Church at a cost of \$1,350.0 per month.

**ATTACHMENTS:**

- Bellaire LIFE AGREEMENT final version CC 010417 (PDF)
- BLIFE Methodist Church Ordinance 010417 (DOCX)

BUILDING/FACILITY USE AGREEMENT

Bellaire United Methodist Church  
4417 Bellaire Blvd.  
Bellaire, TX 77401

This is a legal contract. Read before signing.

GENERAL CONDITIONS AND AMOUNT OF FEE

It is agreed between Bellaire United Methodist Church, hereinafter referred to as PROPERTY OWNER, and City of Bellaire, Bellaire LIFE program, hereinafter referred to as USER, that the PROPERTY OWNER shall allow the USER access and the use of the FACILITY as conditioned and described below, subject to all the policies and procedures of PROPERTY OWNER, in consideration of \$ 1350.00/month

This total fee includes the following: Fees \$ NA, custodial or other staff costs \$ NA and other miscellaneous costs attached hereto as Exhibit “A,” in the total amount of \$ NA.

ORGANIZATION REQUESTING USE: Bellaire L.I.F.E.  
FACILITY TO BE USED: Rooms 136/137, 139, 138(as needed)  
DATE(S) OF USE: Monday- Friday; April 1, 2017 – April 1, 2018

**NOTE:** After April 1, 2018, this agreement may be extended on a month-to-month basis with agreement of both parties.

TIME NEEDED: FROM NA AM/PM to NA AM/PM  
IS AN ADMISSION CHARGED?      Yes      No      Amount \$ \_\_\_\_\_

PURPOSE OF USE (Type of activity) Community programming for older adults

SPECIAL EQUIPMENT NEEDS None  
SPECIAL PERSONNEL NEEDED None

**Note:** PROPERTY OWNER is not responsible to provide any special equipment or personnel unless the same has been specifically agreed to by the PROPERTY OWNER and the USER, and the specific related terms for the special equipment or personnel have been set forth on the attached Exhibit “A.”

The undersigned has been given authority to act for and be responsible for the USER making this application. USER will see that the FACILITY is not misused or abused, that there is proper adult supervision at all times, that the FACILITY is used in conformity with all policies and regulations of the PROPERTY OWNER, and that all other terms of this BUILDING/FACILITY USE AGREEMENT are adhered to and followed.

The undersigned understands and agrees that this BUILDING/FACILITY USE AGREEMENT does not establish an employer-employee relationship between USER and PROPERTY OWNER, that the event is neither a conducted event nor a sponsored event of PROPERTY OWNER. In addition, it is understood that PROPERTY OWNER will not exercise any physical or other control over the operation of the event other than those already spelled out in this BUILDING/FACILITY USE AGREEMENT. In addition, USER understands that PROPERTY OWNER is not providing any supervision by this agreement.

USER agrees that if in its use of the FACILITY, any minors shall be present, at all times when there is a minor present at the FACILITY, USER shall have an adult representative of USER at the FACILITY until the last minor has left the FACILITY.

NO OTHER PROMISES OR WARRANTIES

USER understands that no promises are made otherwise than what is contained in this agreement, that no warranties have been made that the FACILITY will be adequate for USER’S planned use, and that USER accepts the FACILITY in an AS IS condition.

Attachment: Bellaire LIFE AGREEMENT final version CC 010417 (2120 : Bellaire L.I.F.E.- Facility Use Agreement with Bellaire United Methodist Church)

INSURANCE (Check where applicable)

LIABILITY INSURANCE

USER, at its sole cost and expense, shall maintain, during the DATE(S) OF USE of this agreement, public liability insurance insuring against ALL liability of USER, PROPERTY OWNER, and their authorized representatives arising out of and in connection with USER’S use of the FACILITY, with a single liability limit of (check one):

\_\_\_\_\_ \$500,000.00      \_\_\_\_\_ \$1,000,00.00      \_\_\_\_\_ \$ \_\_\_\_\_

PROPERTY DAMAGE INSURANCE

USER, also at its sole cost and expense, shall maintain, during the DATE(S) OF USE of this agreement, property damage limits covering the FACILITY to be used of not less than (check one):

\_\_\_\_\_ \$500,000.00      \_\_\_\_\_ \$1,000,00.00      \_\_\_\_\_ \$ \_\_\_\_\_

It is the intention of both USER and PROPERTY OWNER that both the public liability and property damage insurance shall insure performance by USER of the express indemnity provision contained below. However, the limits of such insurance shall not limit the liability of USER hereunder.

PROPERTY OWNER shall be named as an additional named insured on the insurance policy purchased by USER, which is the subject of this agreement.

USER agrees to provide PROPERTY OWNER with a copy of the certificate of insurance evidencing that it has complied with the insurance requirement of this agreement.

EXPRESS INDEMNITY

USER AGREES TO SAVE, INDEMNIFY, DEFEND, AND KEEP HARMLESS PROPERTY OWNER AGAINST ANY AND ALL LIABILITY, CLAIMS, JUDGMENT, OR DEMANDS, INCLUDING DEMANDS ARISING FROM INJURIES OR DEATH OF PERSONS (USER’S EMPLOYEES INCLUDED) AND DAMAGE TO PROPERTY, ARISING DIRECTLY OR INDIRECTLY OUT OF OBLIGATIONS HEREIN UNDERTAKEN OR OUT OF THE OPERATIONS CONDUCTED BY USER, SAVE AND EXCEPT CLAIMS OR LITIGATION ARISING THROUGH THE SOLE WILLFUL GROSS NEGLIGENCE OF PROPERTY OWNER. IT IS THE INTENTION OF THE PARTIES THAT THE INDEMNITY PROVIDED FOR BY THIS AGREEMENT PROVIDES FOR THE INDEMNITY TO THE FULLEST EXTENT PROVIDED FOR BY LAW.

USER’S use of the premises. It is the intention of the parties that the indemnity provided by this agreement provides for indemnity to the PROPERTY OWNER.

Signed \_\_\_\_\_  
Bellaire United Methodist Church

Date: \_\_\_\_\_

Signed \_\_\_\_\_  
City of Bellaire, Bellaire LIFE program

Date: \_\_\_\_\_

Attachment: Bellaire LIFE AGREEMENT final version CC 010417 (2120 : Bellaire L.I.F.E.- Facility Use Agreement with Bellaire United Methodist Church)





**ORDINANCE NO. 17-\_\_\_\_\_**

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF BELLAIRE, TEXAS, TO EXECUTE, FOR AND ON BEHALF OF THE CITY OF BELLAIRE, TEXAS, A BUILDING/FACILITY USE AGREEMENT BY AND BETWEEN BELLAIRE UNITED METHODIST CHURCH, AND THE CITY OF BELLAIRE, TEXAS, FOR THE USE OF BUILDING SPACE WITHIN BELLAIRE UNITED METHODIST CHURCH, LOCATED AT 4417 BELLIARE BLVD., BELLAIRE, TEXAS 77401, IN AN AMOUNT NOT TO EXCEED \$1,350.00 PER MONTH.**

**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, for and on behalf of the City of Bellaire, Texas, a Building/Facility Use Agreement by and between Bellaire United Methodist Church, and the City of Bellaire, Texas, in a form as attached hereto and marked "Exhibit A," for the use of building space within Bellaire United Methodist Church, located at 4417 Bellaire Blvd., Bellaire, Texas 77401, in an amount not to exceed \$1,350.00 per month.

**PASSED and APPROVED** this 9<sup>th</sup> day of January, 2017.

(SEAL)

**ATTEST:**

**SIGNED:**

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

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

**APPROVED AS TO FORM:**

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

**Mayor and Council**

7008 S. Rice Avenue  
Bellaire, TX 77401



Meeting: 01/09/17 05:30 PM  
Department: Parks, Recreation and  
Facilities  
Category: Ordinance  
Department Head: Karl Miller  
DOC ID: 2113

**SCHEDULED  
INFORMATION ITEM (ID  
# 2113)**

**Item Title:**

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 27, Streets, Sidewalks and Public Places, Article V, by amending Section 27-95, Curfew Imposed, for the purpose of authorizing a curfew to be imposed at Evelyn's Park between the hours of 11:00 p.m. to 5:00 a.m. - Submitted by Karl Miller, Director of Parks, Recreation and Facilities.

**Background/Summary:**

The City Council of the City of Bellaire, Texas approved the sale, service and consumption of beer and wine no later than 11:00 p.m. in Evelyn's Park in a specific identified area of the park that includes the building, donor plaza, the community hall plaza and in front of the cafe. It is the request of Karl Miller, Director of Parks, Recreation and Facilities that City Council adopts an ordinance amending Chapter 27, Streets, Sidewalks and Public Places imposing the curfew at Evelyn's Park between the hours of 11:00 p.m. to 5:00 a.m., excluding individuals providing services at Evelyn's Park as authorized by the City of Bellaire.

Section 27-95, Curfew Imposed, the curfew at Horn Field, Evergreen, Bellaire- Zindler, Mulberry and Feld Parks is 11:00 p.m., all of which are high usage parks with special park amenities.

**Previous Council Action Summary:**

During the September 21, 2015 City Council meeting, through Ordinance No. 15-059, City Council approved amending Chapter 3, Article I, by revising Section 3-3 of the Municipal Code of Ordinance for the purpose of allowing the sale, service and consumption of beer and wine in a designated area that includes the building, donor plaza, the community hall plaza and in front of the cafe in Evelyn's Park until 11:00 p.m. which is the same cut off time that has been utilized in the past in Bellaire-Zindler Park on other occasions.

**Fiscal Impact:**

N/A

**City Attorney Review:**

The proposed Ordinance amending Chapter 27 has been reviewed and approved by the City Attorney.

**Recommendation:**

It is the recommendation of Karl Miller, Director of Parks, Recreation and Facilities that the City Council of the City of Bellaire, Texas, adopt and Ordinance amending Chapter 27, Streets, Sidewalks and Public Places, Article V, by amending section 27-95 authorizing the curfew is imposed in Evelyn's Park between the hours of 11:00 p.m. to 5:00 a.m., excluding

individuals providing services at Evelyn's Park as authorized by the City of Bellaire.

**ATTACHMENTS:**

- Evelyn's Park Curfew Ordinance- 12-29-16 Legal review (DOC)

## ORDINANCE NO. 17-\_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, AMENDING *CHAPTER 27, STREETS, SIDEWALKS AND PUBLIC PLACES, ARTICLE V, PUBLIC PARKS, OF THE CODE OF ORDINANCES OF THE CITY OF BELLAIRE, TEXAS ("CODE")*, BY AMENDING *SECTION 27-95, CURFEW IMPOSED*, FOR THE PURPOSE OF ESTABLISHING A CURFEW FROM 11:00 P.M. TO 5:00 A.M. IN EVELYN'S PARK.

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

**Section 1.** *Chapter 27, Streets, Sidewalks and Public Places, Article V, Public Parks, of the Code of Ordinances of the City of Bellaire, Texas*, is hereby amended by revising *Section 27-95, Curfew Imposed*, for the purpose of establishing a curfew from 11:00 p.m. to 5:00 a.m. in Evelyn's Park but, excluding from the curfew individuals performing services in the park as authorized by the City of Bellaire, Texas. The amended *Section 27-95* shall read as set out in Appendix A, attached hereto. All other portions of *Chapter 27* of the City's Code not specifically amended hereby shall remain in full force and effect.

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

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

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

**Section 5.** This Ordinance shall be effective immediately upon its passage and adoption.

Attachment: Evelyn's Park Curfew Ordinance- 12-29-16 Legal review (2113 : Evelyn's Park Curfew)



**PASSED, APPROVED and ADOPTED** this, the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Andrew S. Friedberg, Mayor  
City of Bellaire, Texas

ATTEST:

\_\_\_\_\_  
Tracy Dutton, TRMC, City Clerk  
City of Bellaire, Texas

APPROVED AS TO FORM:

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

Attachment: Evelyn's Park Curfew Ordinance- 12-29-16 Legal review (2113 : Evelyn's Park Curfew)

## Appendix A

(Language to be added shown by underline, language to be deleted shown by strike-out)

Section 27-95 – Curfew imposed.

- (a) A curfew is hereby imposed within Horn Field and Evergreen, Bellaire, Mulberry, ~~and Feld Parks~~ and Evelyn's Parks in the City of Bellaire, Texas, between the hours of 11:00 p.m. and 5:00 a.m.
- (b) A curfew is hereby imposed within Driscoll, Jacquet, Joe Gaither, Lafayette, Locust, Loftin, and Russ Pitman Parks within the City of Bellaire, Texas, between the hours of 9:30 p.m. and 5:00 a.m.
- (c) No curfew is imposed upon Paseo Park in the City of Bellaire, Texas, due to the sidewalk system providing a safe pedestrian route through that area.
- (d) During the hours of curfew, no person shall be permitted to occupy or travel through such public park within the City of Bellaire, Texas. Any assembly or other activities of any type shall be prohibited.
- (e) Any person found in violation of the curfew, excluding those performing services in Evelyn's Park as authorized by the City of Bellaire, Texas, as herein imposed shall be in violation of the Bellaire City Code of Ordinances and shall be subject to immediate arrest by any peace officer of the City of Bellaire, Texas, and a fine as prescribed in this Code for violations of the terms and provisions thereof.

Attachment: Evelyn's Park Curfew Ordinance- 12-29-16 Legal review (2113 : Evelyn's Park Curfew)

**Mayor and Council**

7008 S. Rice Avenue  
Bellaire, TX 77401



Meeting: 01/09/17 05:30 PM  
Department: City Clerk  
Category: Appointment  
Department Head: Tracy L. Dutton  
DOC ID: 2125

**SCHEDULED  
INFORMATION ITEM (ID  
# 2125)**

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**Item Title:**

Andrew S. Friedberg, Mayor, will make formal appointments of members of City Council to serve as Liaisons for a term of approximately one year to the following Boards and Commissions: Board of Adjustment, Building and Standards Commission, Cultural Arts Board, Environmental and Sustainability Board, L.I.F.E. Advisory Board, Parks and Recreation Advisory Board, and Planning and Zoning Commission - Submitted by Tracy L. Dutton, City Clerk.

**Background/Summary:**

*Chapter 2, Administration, Article VII, Boards and Commissions, Division 1, Generally, Section 2-105, City Council Liaisons to Boards, of the Code of Ordinances of the City of Bellaire, Texas, provides for the Mayor to " . . . annually appoint a member of City Council to serve as the City Council Liaison to each board. Said appointment shall remain effective until reassignment or reappointment by the Mayor."*

Andrew S. Friedberg, Mayor, will make his annual City Council Liaison appointments this evening for the City's boards and commissions.

**Previous Council Action Summary:**

For informational purposes, the City Council Liaisons for the last four (4) years are set forth below by board or commission.

**Board of Adjustment:**

<b>City Council Liaison</b>	<b>Appointment Period</b>
Gus E. Pappas	January 2016 - December 2016
Andrew S. Friedberg	January 2015 - November 2015*
Andrew S. Friedberg	January 2014 - December 2014
Andrew S. Friedberg	January 2013 - December 2013

\*Andrew S. Friedberg's Council Member term ended in November of 2015 due to his election as Mayor.

**Building and Standards Commission:**

<b>City Council Liaison</b>	<b>Appointment Period</b>
David R. Montague	January 2016 - December 2016
Pat B. McLaughlan	January 2015 - December 2015
Pat B. McLaughlan	January 2014 - December 2014
Pat B. McLaughlan	January 2013 - December 2013

**Cultural Arts Board:**

<b>City Council Liaison</b>	<b>Appointment Period</b>
Michael Fife	January 2016 - December 2016
Gus E. Pappas	January 2015 - December 2015
Gus E. Pappas	January 2014 - December 2014
Roman F. Reed	January 2013 - December 2013

**Environmental and Sustainability Board:**

<b>City Council Liaison</b>	<b>Appointment Period</b>
Roman F. Reed	January 2016 - December 2016
James P. Avioli, Sr.	January 2015 - December 2015
James P. Avioli, Sr.	January 2014 - December 2014
James P. Avioli, Sr.	January 2013 - December 2013

**L.I.F.E. Advisory Board:**

<b>City Council Liaison</b>	<b>Appointment Period</b>
Andrew S. Friedberg	January 2016 - December 2016
Dr. Philip L. Nauert	January 2015 - December 2015
Dr. Philip L. Nauert	January 2014 - December 2014
Dr. Philip L. Nauert	January 2013 - December 2013

**Parks and Recreation Advisory Board:**

<b>City Council Liaison</b>	<b>Appointment Period</b>
Pat B. McLaughlan	January 2016 - December 2016
Amanda B. Nathan	January 2015 - December 2015
Amanda B. Nathan	January 2014 - December 2014
Amanda B. Nathan	January 2013 - December 2013

**Planning and Zoning Commission:**

<b>City Council Liaison</b>	<b>Appointment Period</b>
Trisha S. Pollard	January 2016 - December 2016
Roman F. Reed	January 2015 - December 2015
Roman F. Reed	January 2014 - December 2014
Corbett Daniel Parker	January 2013 - December 2013

**Fiscal Impact:**

No

**City Attorney Review:**



N/A

**Recommendation:**

N/A

**Mayor and Council**

7008 S. Rice Avenue  
Bellaire, TX 77401



Meeting: 01/09/17 05:30 PM  
Department: City Manager  
Category: Discussion  
Department Head: Paul A. Hofmann  
DOC ID: 2140

**SCHEDULED  
INFORMATION ITEM (ID  
# 2140)**

**Item Title:**

Discussion concerning duties and responsibilities of Council liaisons - Requested by Andrew S. Friedberg, Mayor.

**Background/Summary:**

The Code of Ordinances calls for each Council Member to serve as the City Council liaison to one of the City's volunteer citizen boards and commissions. *Chapter 2, Administration, Article VII, Boards and Commissions, Division 1, Generally, Section 2-105, City Council Liaisons to Boards.* The City's *Boards Handbook* sets forth the duties and responsibilities of Council liaisons. *Boards Handbook 2012, III. Other Provisions Applicable to All Boards, C. Council Liaisons.*

Mayor Friedberg requested this agenda item for City Council to discuss its collective experience and performance as Council liaisons and, in light of that, whether Council should revisit the expectations of itself that are expressed in the *Code* and *Boards Handbook* provisions mentioned above. This discussion is prompted, in part, by occasional requests to Mayor Friedberg from Board chairpersons and members, for his assistance when they have felt inadequate support from their assigned Council liaisons.

Included in the supporting materials for this agenda item is a tabulation of Council liaison attendance at Board meetings over the past year. While such attendance is by no means the sole measure of Council Members' performance as liaisons, it is suggestive of individual attitudes concerning the liaison function and is a useful data point to be considered in the collective discussion.

**Previous Council Action Summary:**

Ord. No. 12-038, adopted August 20, 2012, amended the Code of Ordinances and provided for revisions to the Boards Handbook based on the recommendations of the Sunset Review Committee.

Council liaison appointments were last made on January 4, 2016. This year's appointments are scheduled for this evening.

**Fiscal Impact:**

N/A

**City Attorney Review:**

N/A

**Recommendation:**

Discussion as City Council deems appropriate.

**ATTACHMENTS:**

- Sec. 2\_105.\_\_\_\_City\_council\_liaisons\_to\_boards.(PDF)
- Excerpt from Board Handbook - Art III Section C (PDF)
- Council Liaison Attendance 2016 (PDF)

Excerpt from *Chapter 2, Administration, Article VII, Boards and Commissions, Division 1, Generally*, of the *Code of Ordinances of the City of Bellaire, Texas*.

Sec. 2-105. - City council liaisons to boards.

The mayor shall annually appoint a member of city council to serve as the city council liaison to each board. Said appointment shall remain effective until reassignment or reappointment by the mayor.

[\(Ord. No. 12-038, § 1\(App. A\), 8-20-2012\)](#)



### III.

#### OTHER PROVISIONS APPLICABLE TO ALL BOARDS

**A. Removal Procedures.** Board members are appointed and reappointed by the City Council. Members of the Statutory Boards, to which certain legal protections apply, may be removed by the City Council only for cause. Members of the Advisory Boards may be removed by the City Council at will.

**B. Absence Policy.** It is the duty and obligation of Board members to attend all of their Board meetings. Absences will be recorded in the minutes of each meeting. Annual reports of absences will be maintained by each Board's staff liaison. Because the functions of the Boards require active participation of all the members, excessive absences may be considered an inability of an individual member to fulfill the duties with which he or she has been charged. Three (3) or more consecutive absences shall be reported to the City Council for its consideration.

**C. Council Liaisons.** City Council members are assigned by the Mayor to serve as liaisons to the Boards for a period of one year beginning January 1 and ending December 31. The purpose of the Council liaison is to serve as a communication link with the City Council. It is important that the lines of communication be kept open between the Boards and the Council. Council liaisons will be available during Board meetings to answer questions regarding current Council policies and goals, and to ensure that reports, recommendations and requests to City Council are scheduled for Council agendas. Assignments may be rotated among the various Boards in order to provide City Council members insight as to the various Boards

The duties and responsibilities of the Council liaisons are to:

- (a) Strive to attend all assigned Board meetings;
- (b) Participate in special activities, workshops and events of the assigned Board;
- (c) Monitor the involvement of the assigned Board members and inform them of relevant educational seminars;
- (d) Advise Board members on City Council goals and objectives as they develop throughout the year; and
- (e) Provide status reports from the assigned Board to the City Council as a whole.
- (f) Listen to Board proceedings but not dominate, lead or direct Board action.



## Council Liaison Attendance 2016

<b>Council Liaison</b>	<b>Number of Board Meetings</b>	<b>Attendance</b>	
A.	11	11	<b>100%</b>
B.	12	11	<b>92%</b>
C.	9	8	<b>89%</b>
D.	9	7	<b>78%</b>
E.	13	2	<b>15%</b>
F.	12	0	<b>0%</b>
G.	4	0	<b>0%</b>

Attachment: Council Liaison Attendance 2016 (2140 : Council Liaison Discussion)

**Mayor and Council**

7008 S. Rice Avenue  
Bellaire, TX 77401



Meeting: 01/09/17 05:30 PM  
Department: City Clerk  
Category: Appointment  
Department Head: Tracy L. Dutton  
DOC ID: 2126

**SCHEDULED  
INFORMATION ITEM (ID  
# 2126)**

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**Item Title:**

Andrew S. Friedberg, Mayor, will make formal appointments of three (3) members of the City Council of the City of Bellaire, Texas, to serve on the Audit Finance Board of the City of Bellaire, Texas, for a term of one year commencing on February 1, 2017, and ending on January 31, 2018 - Submitted by Tracy L. Dutton, City Clerk.

**Background/Summary:**

The Audit Finance Board of the City of Bellaire, Texas ("Board"), was originally established by unanimous action of the City Council of the City of Bellaire, Texas, in November of 1998 and was known as the "Audit Finance Committee." Subsequently thereafter, the City Council formally established the Audit Finance Committee by ordinance (Ordinance No. 02-051 dated September 9, 2002). The Board's name was officially changed to "Audit Finance Board" and a citizen appointee added to the composition of the Board upon a recommendation from the City's Sunset Review Committee on August 20, 2012 (Ordinance No. 12-038).

The purpose of the Board is to advise the City Council concerning audits of the City and any auditing matters that may be referred to it by the Chief Financial Officer of the City and/or the City Council. Chapter 2, Administration, Article VII, Boards and Commissions, Division 3, Boards and Commissions Governed by City Charter, Ordinance or Resolution, Section 2-120, Audit Finance Board, Subsection (c), Membership and appointment, of the Code of Ordinances of the City of Bellaire, Texas ("City Code"), outlines the composition of the Audit Finance Board as follows: "The board shall be composed of three members of the city council, a citizen appointee with financial and/or audit experience, as well as the city manager and the chief financial officer of the city, ex officio, as non-voting members. The councilmembers of the city serving on the audit finance board shall be appointed by the mayor; the mayor may appoint him or herself as one of the councilmember appointees. The citizen member of the audit finance board shall be appointed by the city council."

The term of office for the members of the Board is one year, commencing in February 1 of each year and continuing through January 31 of the following year. Councilmembers may not be appointed to serve more than three consecutive one-year terms on the board; the citizen member and the mayor, should he or she serve on the Board, shall not be subject to such term limit (Chapter 2, Administration, Article VII, Boards and Commissions, Division 3, Boards and Commissions Governed by City Charter, Ordinance or Resolution, Section 2-120, Audit Finance Board, Subsection (d), Terms of office, of the City Code).

**Previous Council Action Summary:**

Set forth below for informational purposes are lists of members that have served on the Board over the last three (3) years.

**February 1, 2016 - January 31, 2017**

Andrew S. Friedberg, Mayor

David R. Montague, Council Member  
Gus E. Pappas, Council Member  
Patricia D. Lunn, Citizen Member  
Paul A. Hofmann, City Manager  
Diane K. White, Assistant City Manager (acting as Chief Financial Officer through April 2016)  
Terrence Beaman, Chief Financial Officer (April 2016 - January 31, 2017)

**February 1, 2015 - January 31, 2016**

Dr. Philip L. Nauert, Mayor (February 1, 2015 - January 4, 2016)  
Andrew S. Friedberg, Council Member (February 1, 2015 - January 3, 2016) and Mayor  
(January 4, 2016 - January 31, 2016)  
Gus E. Pappas, Council Member  
Patricia D. Lunn, Citizen Member  
Paul A. Hofmann, City Manager  
Linda Symank, Chief Financial Officer

**February 1, 2014 - January 31, 2015**

Dr. Philip L. Nauert, Mayor  
Andrew S. Friedberg, Council Member  
Gus E. Pappas, Council Member  
Patricia D. Lunn, Citizen Member  
Paul A. Hofmann, City Manager  
Linda Symank, Chief Financial Officer

**Fiscal Impact:**

N/A

**City Attorney Review:**

N/A

**Recommendation:**

N/A