



# CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

FEBRUARY 17, 2014

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**Council Chamber**

**Regular Session**

**7:00 PM**

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

## REGULAR SESSION - 7:00 P.M.

### A. Call to Order - Dr. Philip L. Nauert, Mayor

Dr. Philip L. Nauert, Mayor, called the Regular Session of the City Council of the City of Bellaire, Texas, to order at 7:00 p.m. on Monday, February 17, 2014.

### B. Announcement of a Quorum - Dr. Philip L. Nauert

Attendee Name	Title	Status	Arrived
Philip L. Nauert	Mayor	Present	
Amanda B. Nathan	Mayor Pro Tem	Present	
Roman F. Reed	Councilman	Present	
James P. Avioli Sr.	Councilman	Present	
Gus E. Pappas	Councilman	Present	
Pat B. McLaughlan	Councilman	Present	
Andrew S. Friedberg	Councilman	Present	
Paul A. Hofmann	City Manager	Present	
Alan P. Petrov	City Attorney	Present	
Tracy L. Dutton	City Clerk	Present	

### C. Inspirational Reading and/or Invocation - Gus E. Pappas, Councilman - Position No. 3

Gus E. Pappas, Councilman - Position No. 3, provided the inspirational reading for the evening.

### D. Pledges to The Flags - Gus E. Pappas, Councilman - Position No. 3

#### 1. U.S. Pledge of Allegiance

#### 2. Pledge to the Texas Flag

Gus E. Pappas, Councilman - Position No. 3, led the members of City Council and the audience in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

### E. Approval or Correction of Minutes

1. City Council Special Session (Interviews) Minutes dated Monday, January 27, 2014

#### **Motion:**

To approve the minutes of the Special Session (Interviews) of the City Council of the City of Bellaire, Texas, held on Monday, January 27, 2014.  
(Requested by Tracy L. Dutton, City Clerk)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Roman F. Reed, Councilman
<b>SECONDER:</b>	James P. Avioli Sr., Councilman
<b>AYES:</b>	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

2. Mayor and Council - Regular Session - Jan 27, 2014 7:00 PM

**Motion:**

To approve the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, January 27, 2014.

**Correction (Scrivener's Error):**

Councilman Andrew S. Friedberg requested a correction to the motion he made related to the election of Mayor Pro Tempore Amanda B. Nathan. He asked that the word "nomination" be changed to "election," so that the motion recorded in the January 27, 2014, minutes would read as follows:

*Councilman Andrew S. Friedberg called for the ~~nomination~~ election by acclamation of Amanda B. Nathan as the City's Mayor Pro Tempore.*

There were no objections by members of City Council regarding the correction.

<b>RESULT:</b>	<b>APPROVED AS CORRECTED [UNANIMOUS]</b>
<b>MOVER:</b>	Amanda B. Nathan, Mayor Pro Tem
<b>SECONDER:</b>	Gus E. Pappas, Councilman
<b>AYES:</b>	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

3. Mayor and Council - Town Meeting - Feb 3, 2014 7:00 PM

**Motion:**

To approve the minutes of the Regular Session (Town Meeting) of the City Council of the City of Bellaire, Texas, held on Monday, February 3, 2014.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Andrew S. Friedberg, Councilman
<b>SECONDER:</b>	James P. Avioli Sr., Councilman
<b>AYES:</b>	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

4. 1085 : Mayor and Council Special Session (Executive Session) - Feb 10, 2014 - 6:00 PM

**Motion:**

To approve the minutes of the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, held on Monday, February 10, 2014.  
(Requested by Tracy L. Dutton, City Clerk)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Roman F. Reed, Councilman
<b>SECONDER:</b>	Amanda B. Nathan, Mayor Pro Tem
<b>AYES:</b>	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

## F. Personal/Audience Comments

There were no requests to address City Council this evening.

## G. Reports

### 1. City Manager Comments

Dr. Philip L. Nauert, Mayor, introduced Bellaire's new City Manager ("CM"), Paul A. Hofmann to members in the audience. He noted that CM Hofmann had a Master's Degree in Public Administration and 28-29 years of public administration experience. Texas cities served by CM Hofmann included Alvin, Sugar Land, Kerrville, and Castroville.

CM Hofmann thanked Mayor Nauert for his introduction and indicated that he was fortunate and honored to be following in former City Manager Bernie Satterwhite's leadership. CM Hofmann also indicated that Bellaire had a group of dedicated professionals on staff and a great staff environment.

CM Hofmann provided a brief outline of meetings and tasks that he planned to address in his first few weeks at Bellaire.

Mayor Nauert offered CM Hofmann a sincere and heartfelt welcome and introduced Barbara Hofmann, CM Hofmann's wife, who was present for the City Council meeting.

(Requested by Tracy L. Dutton, City Clerk)

### 2. 2013 Annual Audit and Comprehensive Annual Financial Report (CAFR)

Robert Belt, Managing Partner and CPA, Belt Harris Pechachek, LLLP, presented the Comprehensive Annual Financial Report (CAFR) of the City of Bellaire, Texas, for the year ended September 30, 2013, and Independent Auditors' Report covering the same period to members of City Council.

Mr. Belt provided a brief overview of the City's revenues and expenditures, as well as the City's total indebtedness.

With respect to the Independent Auditors' Report, Mr. Belt advised that the City had received a clean opinion or unmodified report, which was the highest level of assurance that could be provided. The opinion, as stated in the Independent Auditors' Report read as follows: *In our opinion, the financial statements referred to above [Bellaire's financial statements for the period ended September 30, 2013] present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the remaining fund information of the City as of September 30, 2013, and the*

*respective changes in financial position and, where applicable, cash flows thereof for the year then ended, in accordance with accounting principles generally accepted in the United States of America.*

Dr. Philip L. Nauert, Mayor, opened the floor for questions or comments from City Council. Following questions from City Council related to the Required Auditor Disclosure Letter, action was taken to accept the CAFR of the City of Bellaire, Texas, for the year ended September 30, 2013, and Independent Auditors' Report for the same period.

(Requested by Linda Symank, Finance Administration)

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Pat B. McLaughlan, Councilman
<b>SECONDER:</b>	Amanda B. Nathan, Mayor Pro Tem
<b>AYES:</b>	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

### 3. Monthly Financial Report as of January 31, 2014

Chief Financial Officer Linda Symank presented the Monthly Financial Report covering the period ended January 31, 2014, and including discussion of revenues and expenditures in the General Fund, Enterprise Fund, Debt Service Fund, Vehicle, Equipment and Technology Fund, and Capital Improvement Program Fund, as well as discussion of statistical data.

Following questions from the Mayor and City Council regarding her report, action was taken to accept the Monthly Financial Report for the period ended January 31, 2014, as presented by Chief Financial Officer Linda Symank, into the record.

#### **Motion:**

To accept the Monthly Financial Report for the period ended January 31, 2014, as presented by Chief Financial Officer Linda Symank, into the record.

(Requested by Linda Symank, Finance Administration)

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Avioli Sr., Councilman
<b>SECONDER:</b>	Andrew S. Friedberg, Councilman
<b>AYES:</b>	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

## **H. New Business**

### **1. Consent Agenda**

At the request of Councilmen Andrew S. Friedberg and Pat B. McLaughlan, items related to the adoption of a resolution amending the authorized representatives for the City of Bellaire, Texas, with TexPool and TexPool Prime and on the adoption of a resolution accepting a donation for use by the Bellaire Police Department to fund a pedestrian safety awareness program, were removed from the Consent Agenda and considered separately.

The remainder of the Consent Agenda was considered and adopted unanimously.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Avioli Sr., Councilman
<b>SECONDER:</b>	Pat B. McLaughlan, Councilman
<b>AYES:</b>	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

- a. Consideration of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, amending the authorized representatives for the City of Bellaire, Texas, for purposes of transmitting funds for investment in the TexSTAR Local Government Investment Pool (TexSTAR), withdrawing funds from TexSTAR, issuing letters of instruction, and taking all other actions deemed necessary or appropriate for the investment of local funds.

(Requested by Linda Symank, Finance Administration)

- b. Consideration of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, amending the authorized representatives for the City of Bellaire, Texas, for purposes of transmitting funds for investment in the TexasTERM Local Government Investment Pool (TexasTERM), withdrawing funds from TexasTERM, issuing letters of instruction, and taking all other actions deemed necessary or appropriate for the investment of local funds.

(Requested by Linda Symank, Finance Administration)

- c. Consideration of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, accepting donation in the amount of \$9,029.00 from the Friends of the Bellaire Library to be utilized by the Bellaire City Library for the purchase of reference material, Bookpage Magazine, program support for children's teen and adult summer programming, promotional material, Born to Read kits, sports nonfiction books, and die cuts.

(Requested by Mary Cohrs, Library)

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

- a. Consideration of and possible action on a request for restricted, permit parking along the 4500 block of Merrie Lane between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, and on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 30, Traffic, Article II, Traffic-Control Regulations, Division 5, Parking, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of adding a new Section 30-117, to be entitled "Restricted parking--7:00 a.m. to 5:00 p.m., Monday through Friday," for the purpose of establishing a permit parking process allowing for restricted parking on residential streets, more specifically in the 4500 block of Merrie Lane, Bellaire, Texas.

Note: This agenda item stemmed from a petition signed by more than 80% of the residents on the 4500 block of Merrie Lane requesting restricted permit parking.

### **Motion:**

To adopt an ordinance of the City Council of the City of Bellaire, Texas,

amending Chapter 30, Traffic, Article II, Traffic-Control Regulations, Division 5, Parking, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of adding a new Section 30-117, to be entitled "Restricted parking-7:00 a.m. to 5:00 p.m., Monday through Friday," for the purpose of establishing a permit parking process allowing for restricted parking on residential streets, more specifically in the 4500 block of Merrie Lane, Bellaire, Texas.

Dr. Philip L. Nauert, Mayor, called upon the primary petitioners, Dirk Stiggins and Nick Hodges, to provide a brief overview of the petition and request.

Dirk Stiggins indicated that more than 80% of the homeowners residing on the 4500 block of Merrie Lane had signed a petition requesting the City of Bellaire to implement restricted permit parking from 7:00 a.m. until 5:00 p.m., Monday through Friday, on the 4500 block of Merrie Lane. Messrs. Stiggins and Hodges provided a PowerPoint presentation depicting the congestion that occurred on their street on a daily basis caused by vehicles visiting a nearby school or auto repair facility. The referenced vehicles remained parked on Merrie Lane for the entire workday from Monday through Friday.

The petitioners requested City Council to consider the adoption of an ordinance similar to one previously passed by City Council for Wedgewood Drive and Wildwood Lane related to restricted permit parking. (Requested by Tracy L. Dutton, City Clerk)

<b>RESULT:</b>	<b>ADOPTED [6 TO 1]</b>
<b>MOVER:</b>	Andrew S. Friedberg, Councilman
<b>SECONDER:</b>	Roman F. Reed, Councilman
<b>AYES:</b>	Nauert, Nathan, Reed, Avioli Sr., McLaughlan, Friedberg
<b>NAYS:</b>	Pappas

- b. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute, for and on behalf of the City of Bellaire, Texas, an engagement letter with Blackburn & Carter PC for the provision of professional services necessary to address the City of Bellaire's concerns regarding environmental matters associated with the Texas Department of Transportation's proposed US 59 South/IH 610 West Interchange Reconstruction Project.

**Motion:**

To adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute, for and on behalf of the City of Bellaire, Texas, an engagement letter with Blackburn & Carter PC for the provision of professional services necessary to address the City of Bellaire's concerns regarding environmental matters associated with the Texas Department of Transportation's proposed US 59 South/IH 610 West Interchange Reconstruction Project.

Following City Council discussion of the Blackburn & Carter PC engagement letter, a motion was made and seconded to amend one word in the last sentence of the last paragraph of the first page as set forth below:

**Amendment to the Motion:**

Councilman Pat B. McLaughlan moved to amend the last line of the last paragraph of the first page of the Blackburn & Carter PC engagement letter as follows:

*We propose completing Phase 1 in about six weeks or less with work on subsequent phases to move forward with City Council ~~concurrence~~ approval.*

Councilman Gus E. Pappas seconded the amendment to the motion.

Said amendment to the motion carried unanimously on a 7-0 vote.  
(Requested by Tracy L. Dutton, City Clerk)

<b>RESULT:</b>	<b>ADOPTED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Pat B. McLaughlan, Councilman
<b>SECONDER:</b>	Amanda B. Nathan, Mayor Pro Tem
<b>AYES:</b>	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

- c. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 22, Offenses--Miscellaneous, of the Code of Ordinances of the City of Bellaire, Texas, by adding a new Article V, entitled "Credit Access Businesses," relating to consumer protection and regulation of credit access businesses within the City; containing findings and other provisions relating thereto; and providing a penalty clause.

**Motion:**

To adopt an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 22, Offenses-Miscellaneous, of the Code of Ordinances of the City of Bellaire, Texas, by adding a new Article V, entitled "Credit Access Businesses," relating to consumer protection and regulation of credit access businesses within the City; containing findings and other provisions relating thereto; and providing a penalty clause.

Following questions of City Attorney Alan P. Petrov related to the ordinance, action was taken to adopt the ordinance as written.  
(Requested by Tracy L. Dutton, City Clerk)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Amanda B. Nathan, Mayor Pro Tem
<b>SECONDER:</b>	Pat B. McLaughlan, Councilman
<b>AYES:</b>	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

- d. Consideration of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, amending the authorized representatives for the City of Bellaire, Texas, for purposes of transmitting funds for investment in the Texas Local Government Investment Pool (TexPool/TexPool Prime), withdrawing funds from TexPool, issuing letters of instruction, and taking all other actions deemed necessary or appropriate for the investment of local funds.

**Motion:**

To adopt a resolution of the City Council of the City of Bellaire, Texas, amending the authorized representatives for the City of Bellaire, Texas, for purposes of transmitting funds for investment in the Texas Local Government Investment Pool (TexPool/TexPool Prime), withdrawing funds from TexPool, issuing letters of instruction, and taking all other actions deemed necessary or appropriate for the investment of local funds.

**Amendment to Motion:**

Councilman Andrew S. Friedberg moved to amend the resolution by adding a new Section C, to read as follows: *THAT the Participant may by Amending Resolution signed by the Participant add or remove an Authorized Representative provided the additional Authorized Representative is an officer, employee, or agent of the Participant.\** The amendment was seconded by Mayor Pro Tem Amanda B. Nathan.

\*It was noted that the language Councilman Friedberg moved to add to the resolution existed in the City's other resolutions amending authorized representatives with local government investment pools--TexSTAR and TexasTERM.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Andrew S. Friedberg
<b>SECONDER:</b>	Amanda B. Nathan, Mayor Pro Tem
<b>AYES:</b>	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

(Requested by Linda Symank, Finance Administration)

<b>RESULT:</b>	<b>ADOPTED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Andrew S. Friedberg, Councilman
<b>SECONDER:</b>	Amanda B. Nathan, Mayor Pro Tem
<b>AYES:</b>	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

- e. **Motion:** 1080 Acceptance of Donation to BPD from Superbag Operating, Ltd.  
Consideration of and possible action on the adoption of a resolution of the

City Council of the City of Bellaire, Texas, accepting a donation in the amount of \$1,800.00 from Superbag Operating, Ltd. of Houston to be utilized by the Bellaire Police Department to fund a pedestrian safety awareness program.

**Motion:**

To adopt a resolution of the City Council of the City of Bellaire, Texas, accepting a donation in the amount of \$1,800.00 from Superbag Operating, Ltd. of Houston to be utilized by the Bellaire Police Department to fund a pedestrian safety awareness program.

Following questions of Chief of Police Byron Holloway regarding the pedestrian safety awareness program for which the Superbag Operating, Ltd. of Houston donation would be used, action was taken to adopt the resolution accepting said donation.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Pat B. McLaughlan, Councilman
<b>SECONDER:</b>	Andrew S. Friedberg, Councilman
<b>AYES:</b>	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

**3. Item for Individual Consideration**

- a. Consideration of and possible approval by City Council of a request from the Environmental and Sustainability Board of the City of Bellaire, Texas, to pursue a joint/combined annual recycles day or recycles fest with the City of West University Place, Texas, the first of which would be held on Saturday, November 1, 2014.

Chair William (Bill) Stone of the Environmental and Sustainability Board of the City of Bellaire, Texas ("ESB"), introduced the agenda item before City Council. He indicated that he had contacted the Chair of the West University Place Board regarding a possible combined event and noted that the Board was in favor of joining with Bellaire. He was uncertain as to whether or not the Chair had approached the West University Place City Council for authorization.

It was noted by Chair Stone that a combined event would allow both cities to combine resources and sponsors, as well as to reduce some of the burden on the staff of each City. It was the hope of the ESB to alternate the location of the event between Bellaire and West University Place.

**Motion:**

To approve a request from the Environmental and Sustainability Board of the City of Bellaire, Texas, to pursue a joint/combined annual recycles day or recycles fest with the City of West University Place, Texas, the first of which would be held on Saturday, November 1, 2014.

Following questions of Chair Stone regarding a combined recycles event, a motion was made and action taken on the request.  
(Requested by Tracy L. Dutton, City Clerk)

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Avioli Sr., Councilman
<b>SECONDER:</b>	Andrew S. Friedberg, Councilman
<b>AYES:</b>	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

### **I. Items for Future Agendas; Community Interest Items from the Mayor and City Council**

Items for future agendas were requested by Councilmen Gus E. Pappas, James P. Avioli, Sr. and Pat B. McLaughlan. Councilman Pappas requested an agenda item to approve an account or fund for the Cultural Arts Board and an item to revisit self-funding by the City of Bellaire of renovations to The Nature Discovery Center. Councilman Avioli requested a new agreement or appropriate legal instrument protecting the City should the Evelyn's Park property revert back to the donors (noting that the third-year milestone was almost up and the park was not yet operational). Councilman McLaughlan requested the deferral of a meeting with METRO and the Uptown Houston District related to the proposed Bellaire Transit Center at the northern boundary of Bellaire until a better design proposal could be introduced--it was suggested that a meeting occur at the end of March or early April. Councilman McLaughlan also requested a meeting between City Council and the Texas Department of Transportation for the purpose of establishing a better understanding of their plans, as well as an open discussion.

Community interest items from the Mayor and City Council included expressions of welcome to Paul A. and Barbara Hofmann; reminder to attend the City Council upcoming Public Hearing on regarding zoning amendments to the downtown area and Bissonnet Corridor; and expression of thanks to Harris County Judge Ed Emmett and Harris County Commissioner Steve Radack for a \$30,000.00 check to be utilized to fund maintenance and operations of The Nature Discovery Center.

### **J. Adjourn**

#### **Motion to Adjourn:**

A motion was made by Councilman Roman F. Reed and seconded by Councilman Pat B. McLaughlan to adjourn the Regular Session of the Bellaire City Council at 8:54 p.m. on Monday, February 17, 2014. The motion carried unanimously on a 7-0 vote.