



CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

AUGUST 4, 2014

Council Chamber

Regular Session

7:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401

REGULAR SESSION - 7:00 P.M.

A. Call to Order and Announcement of a Quorum - Dr. Philip L. Nauert, Mayor.

Dr. Philip L. Nauert, Mayor, called the City Council of the City of Bellaire, Texas, to order at 7:40 p.m. on Monday, August 4, 2014. He announced that a quorum of all members of City Council were present as set forth below.

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	

B. Inspirational Reading and/or Invocation - Amanda B. Nathan, Mayor Pro Tem.

Amanda B. Nathan, Mayor Pro Tem, provided the inspirational reading for the evening.

C. Pledges to The Flags - Amanda B. Nathan, Mayor Pro Tem.

Amanda B. Nathan, Mayor Pro Tem, led the City Council and audience in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

D. Approval or Correction of Minutes:

City Council Regular Session Minutes - July 21, 2014:

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, July 21, 2014.

Mayor and Council - Regular Session - Jul 21, 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, July 21, 2014.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Andrew S. Friedberg, Councilman
SECONDER:	Pat B. McLaughlan, Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

E. Personal/Audience Comments.

Gregg Thompson:

Mr. Thompson addressed City Council and indicated that he was a property owner in the City's UV-T Zoning District with a tract of land on Lehigh and First Streets (i.e., three acres of the tract were noted to be in Bellaire and eight acres were in Houston). Mr. Thompson advised that he had been involved with the City of Bellaire, the Metropolitan Transit Authority (METRO), and the Uptown Houston District for the last eight years in discussions related to rezoning and some of the ideas and hope for redevelopment within the UV-T Zoning District. He stated that he had enjoyed the process.

Mr. Thompson continued and indicated that he believed that the land in the UV-T Zoning District could provide a positive impact to Bellaire with respect to tax base and development.

Mr. Thompson referred to a resolution on the City Council agenda as it related to a potential transit center in conjunction with Uptown Houston's Bus Rapid Transit project and advised that he endorsed the resolution. In his opinion, the resolution gave the City maximum flexibility and seemed to be a practical way to address where the transit center would eventually be constructed.

In closing, Mr. Thompson added that he was involved with the architects hired about four-five years ago that provided a conceptual plan that the City used to help in rezoning the district. He stated that he helped fund the study along with the City of Bellaire, METRO, and the Midway Companies.

Lynn McBee:

Ms. McBee addressed City Council and commented on the proposed wayfinding report. She noted that the report was very general and that she understood that the report would be referred to the City's Parks and Recreation Advisory Board and Planning and Zoning Commission. With that in mind, she refrained from commenting on anything specific except for the price tag, which was \$200,000 for 46 signs.

With respect to the proposed resolution on the agenda this evening, Ms. McBee advised that the supporting documents were unsigned and stated that she did not respect any document that came without attribution to its author. She understood that a Committee developed it. Section 7 of the resolution designated the City Manager as its representative in matters related to the development of the UV-T Zoning District. Ms. McBee expressed concern that responsibility and oversight often disappeared when things were delegated. She respectfully requested that City Council amend the resolution to include language in Section 7 such as "all such agreements will be subject to the full approval or rejection of the Bellaire City Council as representatives of the citizens of the City of Bellaire in a public meeting."

Bill Thorogood:

Mr. Thorogood addressed City Council regarding the resolution on the agenda this evening related to the UV-T Zoning District. He indicated that in 2006, when METRO's planned two rail lines would connect on Westpark near the north end of Bellaire, redevelopment possibilities for the area's warehouse district improved. Bellaire then joined others for a transit-oriented development or TOD plan which was created by EEK Architects. Today, the EEK plan, which was based on METRO's two rail lines, was dead. The light rail lines were off METRO's table and the foundation for the TOD was gone.

The Midway Companies, recognizing the loss of the TOD, was developing a big box retail facility for Micro Computer Center and a Walmart might be developed in the same area. Mr. Thorogood advised that big box retailers were never a part of the EEK plan.

Recently, the Galleria Area Tax Increment Reinvestment Zone (TIRZ No. 16), an affiliate of the Uptown Houston District, extended its boundaries south of the Southwest Freeway to include the Houston acreage in the EEK plan. Coincidentally, TIRZ No. 16 agreed with the City of Houston to substantially and financially support Memorial Park in TIRZ No. 16 for many years--a good deal for the City of Houston. In TIRZ No. 16's southern expansion, the Uptown Houston District would construct a large bus facility connecting the new Galleria bus shuttle with the METRO suburban and city lines combined with a large multi-story parking garage to serve as a Park 'n Ride facility for the Galleria bus shuttle. These facilities would have a 2-1/2 acre footprint.

In Mr. Thorogood's opinion, Bellaire must recognize that there was no longer a TOD and should step away from the now defunct EEK plan. Bellaire must also recognize that the Uptown Houston District plans for a bus facility and large parking garage was primarily for the benefit of and would serve the Galleria area and not Bellaire.

In closing, Mr. Thorogood sincerely asked that City Council not allow a bus facility and large parking garage in Bellaire unless Bellaire could get the same deal that the City of Houston got. He stated that Bellaire should gracefully thank the Uptown Houston District, Midway Companies, METRO, and Thompson + Hanson for their original contribution in the now defunct EEK plan.

F. Reports:**1. City Manager's Report:**

City Manager's Report regarding the Boards and Commissions General Training Session held in July and upcoming training sessions to be held in August (Parliamentary Training and Statutory Board Training), as well as an overview of upcoming City Council Sessions.

Paul A. Hofmann, City Manager, presented the City Manager's Report dated August 4, 2014, to members of City Council. The report included a brief report of the City's Boards and Commissions General Training Session held on July 14, 2014, and an update on upcoming Boards and Commissions Training Sessions to be held in August, which included Parliamentary Training and Statutory Board Training. Also provided was an overview of items to be considered at upcoming City Council Sessions.

Following questions of City Manager Hofmann regarding his report, a motion was made and action taken to accept the report into the record.

(Requested by Paul A. Hofmann, City Manager)

1. **Motion:** Accept City Manager's Report into the record.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	James P. Avioli Sr., Councilman
SECONDER:	Roman F. Reed, Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

2. Presentation of gateway concepts and directional signage prepared by National Sign Plaza's Inc. (NSP) and the Ad Hoc Wayfinding Committee.

Assistant City Manager (ACM) Diane K. White presented a timeline of the activities of the Ad Hoc Wayfinding Committee ("Committee") since its establishment by the Mayor in April of 2013. She advised that the Committee's charge was to explore and recommend action regarding entry markers and wayfinding signs for the City of Bellaire. Approximately ten months ago, the City hired National Sign Plazas, Inc., to provide design, plan, and consulting services to the Committee for a wayfinding system that would include entryway markers and associated elements.

ACM White next introduced Grant Hayzlett, President of National Sign Plazas, Inc., to present three different designs for a gateway or entry marker and four directional sign designs.

With respect to branding concepts, President Hayzlett indicated that his firm initially designed each of the gateway concepts with a subsequent directional sign feature.

The first major gateway feature was noted to reflect a panoply of residential styles or elements in the community. Different construction elements would be melded into two-foot by two-foot construction boxes. Materials included concrete, brick, wood, copper, etc. The feature was ten feet in height and two feet wide. The minor gateway feature associated with the first major gateway feature could be any one of the elements in the major gateway feature, such as brick or wood or copper.

The second major gateway feature was noted to be a cast aluminum pillar with interior illumination in cardinal red (ten feet in height) with the City's name appearing vertically on the pillar.

The third major gateway feature was titled "Timelines." The feature was comprised of three aluminum cast pillars of varying heights with interior illumination. One pillar could represent the past, a second pillar could represent the current, and the third pillar could represent the future.

With respect to the directional sign features, President Hayzlett noted that the signs had been shown in a number of different color contrasts, fonts, and arrow features. The features were intended to give Bellaire an idea of what was possible. President Hayzlett provided detail as to possible materials for the directional sign feature.

Locations for possible gateway features (points of entry) were reviewed (nine individual locations). A birds-eye view for directional signs was also reviewed by President Hayzlett, as well as the estimated overall project costs.

Motion:

To accept the report from National Sign Plazas, Inc., regarding gateway and directional sign features for the City of Bellaire into the record.

Following action on the motion by members of City Council, Mayor Nauert issued Certificates of Recognition to the members of the Ad Hoc Wayfinding Committee for their hard work on the project. Members present to personally receive their Certificates of Recognition were Terry Leavitt-Chavez, Councilman Roman F. Reed, and ACM Diane K. White. Members not present were Corbett Daniel Parker, Doug Christians, and Brenda Cauthen.

(Requested by Diane K White, Organizational Services)

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

G. New Business:**Adoption of Ordinance(s)/Resolution(s):**

1. Consideration of and possible action on a recommendation from the City's Financial Advisors, U.S. Capital Advisors, regarding the award of a bid for the sale of \$10,500,000 in City of Bellaire, Texas, General Obligation Bonds, Series 2014, and on the adoption of an ordinance of the City of Bellaire, Texas, authorizing the issuance of "\$10,500,000 City of Bellaire, Texas, General Obligation Bonds, Series 2014"; specifying the terms and features of said bonds; pledging the levy of a continuing annual ad valorem tax upon all taxable property within the City for the payment of the principal and interest on such bonds; enacting provisions incident and related to the issuance, delivery, payment of, and security for such bonds; approving and authorizing the distribution of an Official Statement; awarding the sale of such bonds; and authorizing and approving a Paying Agent/Registrar Agreement.

Financial Consultant Jim Gilley of U.S. Capital Advisors advised City Council that five bids for the City's \$10.5 million General Obligation Bonds, Series 2014, were received electronically earlier in the day. The best bid received was from First Southwest Company at 3.39% (true interest cost). Mr. Gilley recommended acceptance of the bid, and advised that the City had received a AAA rating from Standard & Poor's. He urged City Council to continue to maintain adequate margins that the rating agencies expected.

Before concluding, Mr. Gilley indicated that the actual bond issuance would be for \$10,425,000 because the bidder had proposed a bid that would pay a premium to the City. In other words, the City would get the remaining par of \$75,000 in the form of a bidder's premium at closing, which was built into the interest rate and so would be repaid over the life of the bonds.

Motion:

To approve a recommendation from the City's Financial Advisors, U.S. Capital

Advisors, to award a bid to First Southwest Company for the sale of \$10,425,000 in City of Bellaire, Texas, General Obligation Bonds, Series 2014, at a true interest cost of 3.39% and to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the issuance of "\$10,425,000 City of Bellaire, Texas, General Obligation Bonds, Series 2014"; specifying the terms and features of said bonds; pledging the levy of a continuing annual ad valorem tax upon all taxable property within the City for the payment of the principal and interest on such bonds; enacting provisions incident and related to the issuance, delivery, payment of, and security for such bonds; approving and authorizing the distribution of an Official Statement; awarding the sale of such bonds; and authorizing and approving a Paying Agent/Registrar Agreement.

{Ordinance was subsequently numbered: 14-037}

(Requested by Linda Symank, Finance Administration)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Amanda B. Nathan, Mayor Pro Tem
SECONDER:	Gus E. Pappas, Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

2. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, temporarily suspending application of Chapter 27, Streets, Sidewalks and Public Places, Section 27-95, Curfew Imposed, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of allowing the Bellaire High School Softball Boosters to host their 11th annual BBQ Fundraiser in the parking lot of Mulberry Park, 700 Mulberry Lane, Bellaire, Texas, from Wednesday, August 27, 2014, through Saturday, August 30, 2014, said suspension to commence at 11:00 p.m. and terminate at 5:00 a.m. on the evenings and/or early mornings of Wednesday, August 27, 2014, Thursday, August 28, 2014, Friday, August 29, 2014, and Saturday, August 30, 2014.

Motion:

To adopt an ordinance of the City Council of the City of Bellaire, Texas, temporarily suspending the application of Chapter 27, Streets, Sidewalks and Public Places, Section 27-95, Curfew Imposed, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of allowing the Bellaire High School Softball Boosters to host their 11th Annual BBQ Fundraiser in the parking lot of Mulberry Park, 700 Mulberry Lane, Bellaire, Texas, from Wednesday, August 27, 2014, through Saturday, August 30, 2014, said suspension to commence at 11:00 p.m. and terminate at 5:00 a.m. on the evenings and/or early mornings of Wednesday, August 27, 2014, Thursday, August 28, 2014, Friday, August 29, 2014, and Saturday, August 30, 2014.

{Ordinance was subsequently numbered: 14-038}

(Requested by Jane Dembski, Parks and Recreation)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Roman F. Reed, Councilman
SECONDER:	James P. Avioli Sr., Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

3. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, reappointing a clerk and two (2) deputy clerks of the Municipal Court of Record in the City of Bellaire for a term commencing on August 4, 2014; and providing that any appointments and/or reappointments of clerks and deputy clerks of the Municipal Court of Record in the City of Bellaire in conflict with these reappointments are hereby terminated.

Motion:

To adopt an ordinance of the City Council of the City of Bellaire, Texas, reappointing a clerk and two (2) deputy clerks of the Municipal Court of Record in the City of Bellaire for a term commencing on August 4, 2014; and providing that any appointments and/or reappointments of clerks and deputy clerks of the Municipal Court of Record in the City of Bellaire in conflict with these reappointments are hereby terminated.

{Ordinance was subsequently numbered: 14-039}

(Requested by Linda Symank, Finance Administration)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andrew S. Friedberg, Councilman
SECONDER:	Roman F. Reed, Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

4. Review, consideration, and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, establishing a city position on the development of the Urban Village (Transit-Oriented Development) Zoning District.

City Manager Paul A. Hofmann provided some introductory comments regarding what the City hoped to accomplish with the recommended resolution. He indicated that he believed the resolution was an important first step in what would probably be a long process of creating a development plan for the UV-T Zoning District.

The City of Bellaire had recently been asked to participate in the planning of the transit center and parking garage project that the Uptown Houston District and METRO were jointly planning. Specific questions had been asked in that regard, and City Manager Hofmann suggested that the City ought to take advantage of the opportunity that invitation to participate presented.

City Manager Hofmann continued and advised that the City did not know a great deal about the development of the property in the UV-T Zoning District, and that the City owned very little of the property in that district. The City

did know that the area was underdeveloped and unattractively developed. If left to its own, the outcomes might not change in the district. There was evidence to suggest that there were some practical reasons that the property was in its current state, such as drainage concerns and transportation access.

City Manager Hofmann advised that the resolution was intended to appropriately send the right message given where the City was at this point. The intent of the resolution was to send the message that the City was willing to participate in some ongoing discussions, but not willing to give up everything. The resolution, very clearly, would imply that any future decisions were that of the City Council.

City Manager Hofmann indicated that he felt the City and City Council had an important role to play with respect to the public infrastructure. The existing public infrastructure and the lack thereof was a significant issue, and he felt the City should be in the forefront of planning for that. The resolution did not commit the City to anything, but rather sent the message that the City was willing to have the transit center and its associated parking garage located in the City; the City was willing to consider how City property, including City right-of-way fit into the mix; and the City was willing to consider that any new values or revenues to the City that resulted from development could be considered for use in paying for the public infrastructure.

In closing, City Manager Hofmann advised that City Council been asked a direct question by the representative of the Uptown Houston District--to provide input as to which of the four options the City preferred. City Manager Hofmann also advised that the City was not ready to answer that question until a full development and infrastructure plan could be reviewed.

Motion:

To adopt a resolution of the City Council of the City of Bellaire, Texas, regarding the development of the Urban Village (Transit-Oriented Development) Zoning District.

Discussion ensued among members of City Council regarding the resolution and motion made to adopt the resolution.

Amendment (No. 1) to Main Motion:

To strike the word "favorably" from Section 6 of the resolution, such that Section 6 would read as follows: "Section 6: That the City of Bellaire, Texas, would ~~favorably~~ consider participating in the development"

A friendly amendment to Amendment (No. 1) to the main motion was made by Councilman Andrew S. Friedberg to strike Section 6 in its entirety. The friendly amendment was accepted by the mover, Mayor Philip L. Nauert, and the seconder, Councilman Roman F. Reed.

Amendment (No. 1) to Main Motion (restated for friendly amendment):

To strike Section 6 in its entirety.

RESULT:	ADOPTED [6-0]
MOVER:	Philip L. Nauert, Mayor
SECONDER:	Roman F. Reed, Councilman
AYES:	Nauert, Nathan, Reed, Pappas, McLaughlan,
	Friedberg
NAYS:	None
ABSTAIN:	Avioli Sr.*

Following discussion of the amended motion, an amendment several amendments were offered and action was taken on each of the amendments as set forth below.

Amendment (No. 2) to Main Motion:

To remove Sections 4 and 5 in its entirety.

RESULT:	ADOPTED [6-0]
MOVER:	Andrew S. Friedberg, Councilman
SECONDER:	Amanda B. Nathan, Mayor Pro Tem
AYES:	Nauert, Nathan, Reed, Pappas, McLaughlan,
	Friedberg
ABSTAIN:	Avioli Sr.*

Amendment (No. 3) to Main Motion:

To strike the phrase "in partnership" and replace it with the following phrase "with the involvement of," such that Section 3 would read as follows: "Section 3: That the City of Bellaire, Texas, takes the position that there should be a development plan for the UV-T Zoning District (the "District") created ~~in partnership~~ with the involvement of all property owners as such plan relates to infrastructure for the District."

RESULT:	ADOPTED [5-1]
MOVER:	Roman F. Reed, Councilman
SECONDER:	Amanda B. Nathan, Mayor Pro Tem
AYES:	Nauert, Nathan, Reed, McLaughlan, Friedberg
NAYS:	Pappas
ABSTAIN:	Avioli Sr.*

Amendment (No. 4) to Main Motion:

To strike the phrase "to make decisions" from the section, such that it would read as follows: "Section 2. That the City of Bellaire, Texas, as infrastructure provider and regulator of the zoning and platting process, does not desire to expand its role to ~~make decisions~~ related to private property and/or to create any public risks or costs.

RESULT:	ADOPTED [6-1]
MOVER:	Andrew S. Friedberg, Councilman
SECONDER:	Gus E. Pappas, Councilman/Philip L. Nauert, Mayor
AYES:	Nauert, Nathan, Reed, Pappas, McLaughlan,
	Friedberg
ABSTAIN:	Avioli Sr.*

After noting that there was no further discussion, Mayor Nauert called for a vote on the main motion, as amended.

*Councilman James P. Avioli, Sr., indicated that he did not feel that the City of Bellaire, Texas, needed to put anything in writing until answers were received from the other parties involved, such as how much it would cost and what Bellaire would get out of it.

*Pat McLaughlan - opposition was related to the fact that he believed City Council needed to drive the issue rather than City Staff. The guidance and counsel of staff were needed; however, he felt City Council needed to be involved on a council meeting-by-council meeting basis.

(Requested by Paul A. Hofmann, City Manager)

RESULT:	ADOPTED AS AMENDED [5 TO 2]
MOVER:	Roman F. Reed, Councilman
SECONDER:	Philip L. Nauert, Gus E. Pappas
AYES:	Nauert, Nathan, Reed, Pappas, Friedberg
NAYS:	Avioli Sr., McLaughlan

H. Items for Future Agendas; Community Interest Items from the Mayor and City Council.

Councilman Pat B. McLaughlan requested two items for the next City Council agenda as follows:

First agenda item: That the City Council will conduct a formal public hearing to gather comment on the Bellaire High School reconstruction plans. In addition, as part of that item, the agenda should state that the public hearing would be prior to the September 4th HISD meeting.

Second agenda item: For the discussion and possible action regarding a Council resolution to HISD relating to the proposed reconstruction of Bellaire High School.

Community interest items from the Mayor and City Council included expressions of thanks regarding staff's efforts on the Boards and Commissions training and the efforts of the Ad Hoc Wayfinding Committee; reminders regarding an upcoming Dive-In Movie sponsored by the Patrons for Bellaire Parks at the Bellaire Family Aquatics Center and the Community Meeting to be held at the Civic Center on August 13th hosted by the Bellaire Police, Fire, and Public Works Departments.

I. Adjourn.

Dr. Philip L. Nauert, Mayor, called for a motion to adjourn the Regular Session of the Bellaire City Council at 10:13 p.m. on Monday, August 4, 2014.

Following a motion made and seconded, the Bellaire City Council was adjourned.

Motion: Adjourn.

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