



CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

DECEMBER 1, 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 7:04 p.m. on Monday, December 1, 2014. He announced that a quorum was present consisting of all members of City Council as set forth below.

Full Name	Title	Status	Arrived
Dr. Philip L. Nauert	Mayor	Present	
Dr. B. Nathan	Mayor Pro Tem	Present	
Dr. Roman F. Reed	Councilman	Present	
Dr. Avioli Sr.	Councilman	Present	
Dr. Appas	Councilman	Present	
Dr. Laughlan	Councilman	Present	
Dr. S. Friedberg	Councilman	Present	
Dr. Hofmann	City Manager	Present	
Dr. Petrov	City Attorney	Present	
Dr. Dutton	City Clerk	Present	

B. Inspirational Reading and/or Invocation - Roman F. Reed, Councilman.

Roman F. Reed, Councilman, provided the inspirational reading for the evening.

C. Pledges to The Flags - Roman F. Reed, Councilman.

Roman F. Reed, Councilman, led the audience and members of City Council in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

D. Approval or Correction of Minutes:

Minutes of Regular and Workshop Sessions held on November 17, 2014:

Consideration of and possible action on the approval of the minutes of the Regular Session and Workshop Session of the City Council of the City of Bellaire, Texas, held on November 17, 2014.

Mayor and Council - Regular Session and Workshop Session - Nov 17, 2014
6:00 PM

Motion:

To approve the minutes of the Regular and Workshop Sessions of the City Council of the City of Bellaire, Texas, held on Monday, November 17, 2014.

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

E. Personal/Audience Comments.

Robert Riquelmy:

Mr. Riquelmy addressed City Council and made the following statement: *The fact that a person has been acquitted of a felony does not mean that such person is fit to be a police officer.*

Lynn McBee:

Ms. McBee addressed City Council regarding three matters. First, she noted that no word had been received as to whether the City officially had six members serving on the Ad Hoc Municipal Facilities Committee ("Committee") or if there would be seven members. One of the seven members had indicated to Ms. McBee that she planned to resign from the Committee.

Secondly, Ms. McBee referenced United States President Barack Obama's plan to seek authorization for federal funding to acquire 50,000 body cameras to be distributed to law enforcement in various communities. Ms. McBee urged City Council not to wait for federal handouts and stressed the need for the City to provide body cameras that would record events to every police officer.

Finally, Ms. McBee urged City Council to withhold monies that the citizens voted to spend on Evelyn's Park until the minutes of the Evelyn's Park Conservancy Board, a 501c3 nonprofit organization, were posted on the City of Bellaire's website. She indicated that such an action would go a long way to ease the tensions over private meetings and public money.

Richard Franke:

Mr. Franke addressed City Council and urged them to disclose the types of projects that needed to be addressed in the City of Bellaire, as well as the projects to be addressed in Phase 5 of the Rebuild Bellaire Program.

With respect to Howard Lane, Mr. Franke referenced a recent planned development permit application submitted to the City by a builder for the construction of 12 townhomes at the corner of Bissonnet Street and Newcastle Drive (between Newcastle Drive and Howard Lane). Neighbors residing on Howard Lane had protested the application due to anticipated parking issues. In Mr. Franke's opinion, the development provided limited parking for its residents, which would result in overflow parking on Howard Lane.

Mr. Franke indicated further that Howard Lane residents had no idea that the 2009 version of the City's Comprehensive Plan completely overrode the previous zoning for the area, and stated that many of the residents would never have bought a home on Howard Lane if they had known what was going on.

In closing, Mr. Franke referenced a violation of the home occupation ordinance that was occurring on Howard Lane. He indicated that he would be in touch with the City Manager to discuss the violation.

F. Report(s):

City Manager's Report dated December 1, 2014, regarding a recap the municipal facilities project estimate and budget.

City Manager Paul A. Hofmann provided a brief recap on funding and budgeting discussions City Council had in the past related to the Municipal Facilities Project. The recap included the construction cost estimates, as well as estimates related to soft costs, relocation costs, and furniture, fixtures and equipment (FF&E) (i.e., totaling approximately \$13.08 million). The recap also included a discussion of funding for the project.

Following the recap, there were no questions from members of City Council.

Motion:

To accept the City Manager's Report dated December 1, 2014, as presented by City Manager Paul A. Hofmann, into the record.

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

(Requested by Paul A. Hofmann, City Manager)

G. Presentation(s):

Presentation and update regarding the newly formed Bellaire Police and Fire Foundation by Ryan Herbst, Foundation President.

City Manager Paul A. Hofmann introduced the agenda item before City Council. He referenced a presentation made by Ryan Herbst to City Council in January or February of this year, during which Mr. Herbst spoke of his intention to create a 501c3 nonprofit charitable organization to provide funding support for the Bellaire Police and Fire Departments. City Manager Hofmann indicated that he had an opportunity to visit with Mr. Herbst and others regarding the organization and very much appreciated what the organization was trying to do.

Ryan Herbst, President, Bellaire Police and Fire Foundation ("Foundation"), addressed City Council and provided an update as to the Foundation's activities to date. Mr. Herbst indicated that the Foundation received its 501c3 application approval from the Internal Revenue Service (IRS) in August of 2014. The Foundation was currently launching an annual membership campaign. Bellaire residents and businesses would soon receive information on the Foundation and have an opportunity to purchase an annual membership. Once membership was launched, the Foundation would evaluate potential events that would benefit the Foundation.

Mr. Herbst advised that the Foundation's mission was to enhance public safety in the City of Bellaire by promoting excellence in the Police and Fire Departments.

The Foundation was a Texas nonprofit 501c3 charitable organization created to enhance public safety in the City of Bellaire.

Mr. Herbst indicated further that the Foundation was formed by local Bellaire residents and business leaders. The Foundation would act as an independent resource to the Police and Fire Departments, funding equipment, technology, and training to promote officer and firefighter safety, excellence, and operational efficiency. The role of the Foundation was not to replace funding or in any way reduce the responsibility of the City of Bellaire to commit funding to the public safety of its citizens. Rather, the Foundation sought to promote excellence by going above and beyond what was possible in the confines of a city budget.

The Foundation's Board of Directors consisted of Mr. Herbst (President), Kopi Vogiatzis, Randall Dobbs, Deborah Kirkland, Bill Nelson, Rabbi Roy Walter, and Suzanne Kupiec. The Foundation would raise funds through annual membership and events. The funds would become available to the Police and Fire Departments to submit grants against.

In closing, Mr. Herbst indicated that the Foundation was neither trying to fix something that was perceived to be broken nor wishing to assume any of the City's responsibilities as such related to public safety. The Foundation was proud of Bellaire's Police and Fire Departments, and was interested in next level or game-changing technology, equipment, and training that was either out of reach for a City of Bellaire's size or beyond the scope of the City budget.

Following questions of Mr. Herbst regarding the Foundation by members of City Council, a motion was made and action taken to accept Mr. Herbst's update into the record.

Motion:

To accept the update regarding the Bellaire Police and Fire Foundation as presented by Foundation President Ryan Herbst, into the record.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Andrew S. Friedberg, Councilman
SECONDER:	Gus E. Pappas, Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

(Requested by Byron Holloway, Police Department)

H. New Business:

1. Adoption of Ordinance(s)/Resolution(s):

- a. Consideration of and possible action on a recommendation from the Public Works Department to award Engineering Services to ARKK Engineers, LLC, for the FY2015 Street and Sidewalk Pavement Management Project in the amount of \$221,355 and authorization for the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, on behalf of the City of Bellaire, Texas, a Contract and Agreement for Engineering Services with ARKK Engineers, LLC, for said services in an amount not exceed \$221,355.

Motion:

To approve a recommendation from the Public Works Department to award Engineering Services to ARKK Engineers, LLC, for the FY2015 Street and Sidewalk Pavement Management Project in the amount of \$221,355 and to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Contract and Agreement for Engineering Services with ARKK Engineers, LLC, for said services in an amount not to exceed \$221,355.

Following questions of James Andrews, ARKK Engineers, LLC, by members of City Council regarding the engineering services to be provided for the FY2015 Street and Sidewalk Pavement Management Project, action was taken on the motion on the table.

{Ordinance was subsequently numbered: 14-065}
(Requested by Brant Gary, Public Works)

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

- b. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 2, Administration, Article I, In General, Section 2-5, City Departments, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of changing certain City Department names to correctly reflect the names included in the departmental reorganization plan presented to the City Council as part of the City's FY2015 Budget.

Motion:

To adopt an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 2, Administration, Article I, In General, Section 2-5, City Departments, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of changing certain City Department names to correctly reflect the names included in the department reorganization plan presented to the City Council as part of the City's FY2015 Budget.

{Ordinance was subsequently numbered: 14-066}
(Requested by Paul A. Hofmann, City Manager)

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

- c. Consideration of and possible action on the adoption of an ordinance amending the budget for the City of Bellaire, Texas, for the fiscal year beginning October 1, 2013, and ending September 30, 2014.

Motion:

To adopt an ordinance of the City Council of the City of Bellaire, Texas, amending the budget for the City of Bellaire, Texas, for the fiscal year beginning October 1, 2013, and ending September 30, 2014.

{Ordinance was subsequently numbered: 14-067}
(Requested by Diane K White, Organizational Services)

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

- d. Consideration of and possible action on the adoption of a budget amendment amending the budget for the City of Bellaire, Texas, for the fiscal year beginning October 1, 2014, and ending September 30, 2015, due to the implementation of the City's Compensation Study.

Motion:

To adopt an ordinance of the City Council of the City of Bellaire, Texas, amending the budget for the City of Bellaire, Texas, for the fiscal year beginning October 1, 2014, and ending September 30, 2015, due to the implementation of the City's Compensation Study.

{Ordinance was subsequently numbered: 14-068}
(Requested by Diane K White, Organizational Services)

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

2. Boards and Commissions:

- a. Consideration of and possible action on the possibility of amending the subsection entitled "Requirements" in Section IV, "Initial and Future Appointments to the Evelyn's Park Conservancy Board by the City Council," of the Evelyn's Park Conservancy Board City Council Action Policy dated February 21, 2011, to eliminate the requirement that one (1) of the four (4) City Board Members "must" be a current member of the Parks and Recreation Advisory Board of the City of Bellaire, Texas.

Motion:

To amend the subsection entitled "Requirements" in Section IV, "Initial and Future Appointments to the Evelyn's Park Conservancy Board by the City Council," of the Evelyn's Park Conservancy Board City Council Action Policy dated February 21, 2011, to eliminate the requirement that one (1) of the four (4) City Board Members "must" be a current member of the Parks and

Recreation Advisory Board of the City of Bellaire, Texas.

Mayor Pro Tem Amanda B. Nathan indicated that she had suggested eliminating the requirement that one of the four City Board Members of the Evelyn's Park Conservancy Board must be a current member of the Parks and Recreation Advisory Board. She noted that she would like to allow a member of an existing City board to be on the Evelyn's Park Conservancy Board, but not require it.

Following discussion among members of City Council regarding the motion, action was taken resulting in unanimous approval of the motion.
(Requested by Tracy L. Dutton, City Clerk)

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

- b. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing one (1) member to the Parks and Recreation Advisory Board of the City of Bellaire, Texas ("Parks Board"), to fill an unexpired term commencing on December 1, 2014, and ending on June 30, 2016, or provide direction to the City Clerk to seek additional applications for the Parks Board and to schedule interviews to occur during the month of January 2015.

Motion (Failed):

To adopt an ordinance of the City Council of the City of Bellaire, Texas, appointing one (1) member to the Parks and Recreation Advisory Board of the City of Bellaire, Texas, to fill an unexpired term commencing on December 1, 2014, and ending on June 30, 2016.

{Moved by James P. Avioli, Sr., Councilman; motion failed due to the lack of a second}

Motion:

To direct the City Clerk to seek additional applications for the Parks and Recreation Advisory Board during the month of December 2014 and schedule interviews during the month of January 2015.

RESULT:	APPROVED [5 TO 2]
MOVER:	Andrew S. Friedberg, Councilman
SECONDER:	Gus E. Pappas, Councilman
AYES:	Nauert, Nathan, Pappas, McLaughlan, Friedberg
NAYS:	Reed and Avioli Sr.

Councilmen James P. Avioli, Sr., and Roman F. Reed expressed their opposition to the motion, noting that the City had some capable candidates who had expressed a desire to work for the City in some capacity.

(Requested by Tracy L. Dutton, City Clerk)

- c. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, designating one (1) member to serve on the Evelyn's Park Conservancy Board ("EPCB") as the City's Representative to fill an unexpired term commencing on December 1, 2014, and expiring on June 30, 2015, or provide direction to the City Clerk to seek additional applications for the EPCB and to schedule interviews to occur during the month of January 2015.

Motion (Failed):

To adopt an ordinance of the City Council of the City of Bellaire, Texas, designating one (1) member to serve on the Evelyn's Park Conservancy Board as the City's Representative.

{Motion was moved by Roman F. Reed, Councilman, and seconded by James P. Avioli, Sr., Councilman}

Discussion ensued among members of City Council regarding the need to designate a member to serve as the City's Representative on the Evelyn's Park Conservancy Board as soon as practicable. Following the discussion, a vote was taken on the motion on the table.

RESULT:	FAILED [2 TO 5]
MOVER:	Roman F. Reed, Councilman
SECONDER:	James P. Avioli Sr., Councilman
AYES	Reed and Avioli Sr.
NAYS:	Nauert, Nathan, Pappas, McLaughlan, Friedberg

Motion:

To direct the City Clerk to seek additional applications for the Evelyn's Park Conservancy Board during the month of December 2014 and schedule interviews during the month of January 2015.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Andrew S. Friedberg, Councilman
SECONDER:	Dr. Philip L. Nauert, Mayor
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

(Requested by Tracy L. Dutton, City Clerk)

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

No items for future agendas were requested by members of City Council.

Community interest items from the Mayor and City Council included expressions of thanks to those who had given service to the United States, the State of Texas, and the City of Bellaire and a reminder to attend the City's Annual Holiday in the Park event on December 4, 2014.

J. Adjourn.**Motion:**

To adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 8:31 p.m. on Monday, December 1, 2014.

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