



CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

APRIL 7, 2014

Council Chamber and Council Conference Room
6:00 PM

Special Sessions and Regular Session

7008 S. RICE AVENUE
BELLAIRE, TX 77401

I. SPECIAL SESSION (EXECUTIVE SESSION) - 6:00 P.M.

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

Dr. Philip L. Nauert, Mayor, called the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, to order at 6:00 p.m. and announced that a quorum was present.

Attendee Name	Title	Status	Arrived
Philip L. Nauert	Mayor	Present	
Amanda B. Nathan	Mayor Pro Tem	Present	
Roman F. Reed	Councilman	Present	6:02 PM
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	
Tracy L. Dutton	City Clerk	Present	

B. Convene into Executive Session: Texas Government Code, Chapter 551, Open Meetings, Section 551.071, Consultation with Attorney; Closed Meeting

MOTION:

To convene in Closed Session in the Council Conference Room under the *Texas Government Code, Chapter 551, Open Meetings, Section 551.071, Consultation with Attorney; Closed Meeting*, for the purpose of discussing legal options related to a Texas Department of Transportation roadway improvement project at the U.S. Highway 59 and Interstate Highway 610 (West Loop) interchange located within the Cities of Houston and Bellaire in Harris County, Texas.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Pat B. McLaughlan, Councilman
SECONDER:	Gus E. Pappas, Councilman
AYES:	Nauert, Nathan, Avioli Sr., Pappas, McLaughlan, Friedberg
NAYS:	None
ABSENT:	Roman F. Reed, Councilman

The Bellaire City Council convened in Closed Session in the Council Conference Room located directly behind the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, at 6:01 p.m. on Monday, April 7, 2014.

Roman F. Reed, Councilman, arrived at 6:02 p.m. and went directly into Closed Session in the Council Conference Room.

C. Reconvene:

The City Council of the City of Bellaire, Texas, reconvened in Open Session in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, at 6:56 p.m. on Monday, April 7, 2014.

MOTION:

To authorize the expenditure of an additional \$50,000 in the City's contract with Blackburn & Carter for their representation in connection with the TXDOT matter and request that if additional funds are necessary, Blackburn & Carter will come back for an additional status report and explanation for the necessity of the additional funds.

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

D. Adjournment

MOTION:

To adjourn the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, at 6:58 p.m. on Monday, April 7, 2014.

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

II. 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 Regular Session of the City Council of the City of Bellaire, Texas, to order at 7:06 p.m. on Monday, April 7, 2014. The Bellaire City Council met at that time and on that date in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401.

Mayor Nauert announced that a quorum was present as follows:

Attendee Name	Title	Status
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 - Andrew S. Friedberg, Councilman - Position No. 5

Andrew S. Friedberg, Councilman - Position No. 5, provided the inspirational reading for the evening.

C. Pledges to the Flags - Andrew S. Friedberg, Councilman - Position No. 5

1. U.S. Pledge of Allegiance

2. Pledge to the Texas Flag

Andrew S. Friedberg, Councilman - Position No. 5, led the audience and members of the City Council in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

D. Special Recognitions

1. Presentation of \$50,000.00 Donation from Chevron USA, Inc., to the Bellaire Fire Department

Presentation of a donation in the amount of \$50,000.00 from Chevron USA, Inc., to the Bellaire Fire Department for the purchase of equipment needed to further the Bellaire Fire Department's capability within the community - Presentation by Chevron USA, Inc., representatives Ron Gallo, Bellaire Area Facilities Manager for Chevron Business and Real Estate Services, and Joni Baird, Houston Public Affairs Manager for Chevron USA, Inc.

Ms. Joni Baird, Houston Public Affairs Manager for Chevron U.S.A., Inc., thanked members of City Council for their service to the community. She indicated that Chevron U.S.A., Inc., wished to be a good neighbor and, as such, offered to assist the Bellaire Fire Department with any needs they might have. Among those needs were extraction and rescue tools at a cost of \$20,000. Other items to be purchased with the donated funds included a portable emergency response chair, cameras and equipment, fitness equipment, cyanide test kits, and ipads.

The donation of a check in the amount of \$50,000.00 was presented to Dr. Philip L. Nauert, Mayor, and Darryl Anderson, Fire Chief, by Ron Gallo, Bellaire Area Facilities Manager for Chevron Business and Real Estate Services.

(Requested by Darryl Anderson, Fire Department)

2. Proclamation

Issuance of a proclamation by Dr. Philip L. Nauert, Mayor, proclaiming the week of April 13-19, 2014, as "National Library Week" in the City of Bellaire, Texas, and encouraging all residents to visit the library this week to take advantage of the wonderful library resources available.

Dr. Philip L. Nauert, Mayor, issued a proclamation proclaiming the week of April 13-19, 2014, as "National Library Week" in the City of Bellaire, Texas, and encouraged all residents to visit the library during "National Library Week" to take advantage of the wonderful library resources available.

Mary Cohrs, Director of Library, accepted the proclamation from Mayor Nauert on behalf of the Bellaire City Library.

(Requested by Mary Cohrs, Library)

E. Approval or Correction of Minutes

Mayor and Council - Regular Session and Special Session - Mar 24, 2014 7:00 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, March 24, 2014.

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

MOTION:

To approve the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, March 24, 2014, as corrected below.

Tracy L. Dutton, City Clerk, indicated that Andrew S. Friedberg, Councilman, pointed out a few corrections that needed to be made to page 2 of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, dated March 24, 2014, as follows:

*~~Section~~ Section 24-547, Urban Village-Downtown District (UV-D), Subsection C, Development Standards, (2) Size and area, d) Planned Development, 4) Minimum required yards, (b) Side and rear yards . . . **

*Of the two instances of the word "Section," one was removed and enumerated item 4) was added as follows: 4) Minimum required yards.

Also on page 2 of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, dated March 24, 2014, changes were made to the vote result on amendment no. 2 as follows:

The vote result was changed to read "ADOPTED [UNANIMOUS]," and Councilman James P. Avioli, Sr.'s vote was changed to an "AYE."

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

F. Personal/Audience Comments

Lynn McBee:

Ms. McBee addressed members of City Council regarding several small matters. First, she indicated that the Community Development Department was prone to release what information it might have concerning a subsequent meeting or public hearing the bare minimum before the meeting or public hearing would be held. Ms. McBee felt that a release of meeting materials on the Friday afternoon before a Tuesday meeting or public hearing was insufficient. Ms. McBee urged City Council to correct that issue, as well as to ensure training would be provided for the boards and commissions.

In addition, Ms. McBee expressed concern that the role of City Departments/Staff Liaisons needed to be clarified. Ms. McBee indicated that the City Departments were there to serve at the pleasure of the board or commission they served and not the other way around. She stressed that City Council had an obligation to ensure that City Departments served their respective boards and commissions.

Ms. McBee continued and advised that once the agenda packet for City Council became available on a Thursday or Friday, she usually tuned into them. The previous Friday was no exception. She referred to an agenda statement in the packet for the City Manager's Report, noting that a report had not been included. This evening, the City Clerk responded to Ms. McBee's public information request with a one-page report. Ms. McBee advised that she deeply respected the City Manager's efforts, but urged him to abide by the same deadlines as all other departments.

G. Report(s)

City Manager's Report

City Manager's Report

Paul A. Hofmann, City Manager, presented the City Managers' Report dated April 7, 2014, to members of City Council. Following questions of City Manager Hofmann regarding his report, action was taken to accept the report into the record.

MOTION:

To accept the City Manager's Report dated April 7, 2014, as presented by City Manager Paul A. Hofmann, into the record.

(Requested by Tracy L. Dutton, City Clerk)

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

H. New Business

1. Adoption of Ordinances/Resolutions

- a. 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 3, Alcoholic Beverages, Section 3-3, Use prohibited in public parks and other public places, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of allowing The Nature Discovery Center to hold an Open House for supporters in the Henshaw House located in Russ Pitman Park, 7112 Newcastle Street, Bellaire, Texas 77401, on Wednesday, May 7, 2014, said suspension to commence at 12:00 p.m. and to terminate at 9:30 p.m.

MOTION:

To adopt an ordinance of the City Council of the City of Bellaire, Texas, temporarily suspending the application of *Chapter 3, Alcoholic Beverages, Section 3-3, Use prohibited in public parks and other public places, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of allowing The Nature Discovery Center to hold an Open House for supporters in the Henshaw House located in Russ Pitman Park, 7112 Newcastle Street, Bellaire, Texas 77401, on Wednesday, May 7, 2014, said suspension to commence at 12:00 p.m. and to terminate at 9:30 p.m.*

{Ordinance was subsequently numbered 14-018}

(Requested by Jane Dembski, Parks and Recreation)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Roman F. Reed, Councilman
SECONDER:	Pat B. McLaughlan, 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, authorizing the Mayor of the City of Bellaire, Texas, to execute an "Authorization to Make Final Payment" form to a contract for the restoration of the Evergreen Pool Bathhouse Project and to make the final payment on said contract to Horizon Group International, LLC, in an amount not to exceed \$89,432.54.

Karl Miller, Facilities Director, provided a brief summary of actions taken by Contractor Horizon Group International, LLC, to restore the Evergreen Pool Bathhouse Project. Following questions of Facilities Director Miller related to the project, action was taken to authorize the final payment on said 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 an "Authorization to Make Final Payment" form to a contract for the restoration of the Evergreen Pool Bathhouse Project and to make the final payment on said contract to Horizon Group International, LLC, in an amount not to exceed \$89,432.54.

{Ordinance was subsequently numbered: 14-019}

(Requested by Karl Miller, Facilities Management)

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

- c. Consideration of and possible action on a recommendation from the Public Works Department to award a contract for engineering services to ARKK Engineers, LLC, for the FY14 Street and Sidewalk Pavement Management Project and on the adoption of an ordinance authorizing 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 the provision of engineering services for said project in an amount not exceed \$349,250.00.

Director of Public Works Joe Keene provided an overview of a proposal submitted by ARKK Engineers, LLC, for the provision of engineering services necessary for the City's FY14 Street and Sidewalk Pavement Management Project ("Project").

Questions were raised as to the City of Bellaire's policy regarding replacement of gaps in sidewalks on streets included in the Project. Councilman McLaughlan suggested that the record of June 3, 2013, be checked with respect to gaps.

Following questions of Director of Public Works Joe Keene and James Andrews, P.E., ARKK Engineers, LLC, action was taken to approve the recommendation and award a contract for engineering services for said Project to ARKK Engineers, LLC.

MOTION:

To award a contract for engineering services to ARKK Engineers, LLC, for the FY14 Street and Sidewalk Pavement Management Project and to adopt 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, a *Contract and Agreement for Engineering Services with ARKK Engineers, LLC, for the provision of engineering services for said Project in an amount not to exceed \$349,250.00.*

{Ordinance was subsequently numbered: 14-020}

(Requested by Joe Keene, Public Works)

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

2. Items for Individual Consideration

Consideration of and possible action on a request from Councilman Pat B. McLaughlan to schedule a meeting with appropriate officials of the Texas Department of Transportation (TXDOT) and City Council for the purpose of receiving information and discussing TXDOT's plans to reconstruct the IH 610 and US 59 Interchange within and/or near the corporate limits of Bellaire and possible direction to the City Manager to arrange said meeting.

Pat B. McLaughlan, Councilman - Position No. 4, withdrew his agenda item requesting to schedule a meeting with TXDOT regarding the Loop 610/Highway 59 interchange design. It was noted that the City would continue to work with its Attorney, City Engineer, and TXDOT on the reconstruction project.

(Requested by Tracy L. Dutton, City Clerk)

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

There were no items for future agendas; however, there was a reminder of the importance of following City Council's rule regarding future agenda items and community interest items.

Community interest items from the Mayor and City Council included expressions of thanks to Chevron USA, Inc., for their generous donation to the Bellaire Fire Department; expressions of thanks and congratulations to the Patrons for Bellaire Parks and the Parks and Recreation Department for a successful Tents in Town event and to the Friends of the Bellaire City Library and Library Staff for a successful book sale; a reminder was given regarding a public hearing scheduled to be held before the Planning and Zoning Commission related to a specific use permit request for Condit Elementary School on Tuesday, April 8, 2014; an expression of congratulations was given to the Bellaire Police Department for their good work in solving recent residential crimes; and expressions of congratulations and best wishes were given to David Rocha on his retirement from the Bellaire Police Department.

J. Adjournment**MOTION:**

To adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 8:09 p.m. on Monday, April 7, 2014.

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

III. SPECIAL SESSION (EXECUTIVE SESSION)**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 8:09 p.m. on Monday, April 7, 2014. The Bellaire City Council met at that time and on that date in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401. Mayor Nauert announced that a quorum was present as follows:

Attendee Name	Title	Status
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
Tracy L. Dutton	City Clerk	Present

B. Convene in Executive Session:

Dr. Philip L. Nauert, Mayor, announced that the City Council was convened in Closed Session under the *Texas Government Code, Chapter 551, Open Meetings, Section 551.074, Personnel Matters; Closed Meeting*, to deliberate the evaluation of the City Clerk of the City of Bellaire, Texas, at 8:10 p.m. on Monday, April 7, 2014.

Members of City Council convened in Closed Session in the Council Conference Room, located directly behind the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401.

C. Reconvene:

Members of City Council reconvened in Open Session in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, at 9:04 p.m. on Monday, April 7, 2014.

MOTION:

To increase the City Clerk’s base salary by 5%.

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

D. Adjournment

MOTION:

To adjourn the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, at 9:05 p.m. on Monday, April 7, 2014.

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

Tracy L. Dutton, TRMC
 City Clerk
 City of Bellaire, Texas

Dr. Philip L. Nauert, Mayor
 City of Bellaire, Texas

Approved: _____