



CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

MAY 19, 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 - Amanda B. Nathan, Mayor Pro Tem.

Amanda B. Nathan, Mayor Pro Tem, called the City Council of the City of Bellaire, Texas, to order at 7:01 p.m. on Monday, May 19, 2014. She announced that a quorum of City Council was present as follows:

Attendee Name	Title	Status	Arrived
Philip L. Nauert	Mayor	Absent	
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	

B. Inspirational Reading and/or Invocation - James P. Avioli, Sr., Councilman - Position No. 2.

James P. Avioli, Sr., Councilman - Position No. 2, provided the inspirational reading for the evening.

C. Pledges to The Flag - James P. Avioli, Sr., Councilman - Position No. 2.

1. U.S. Pledge of Allegiance

2. Pledge to the Texas Flag

James P. Avioli, Sr., Councilman - Position No. 2, led the audience and members of the City Council in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

D. Approval or Correction of Minutes:

1. Mayor and Council - Special Session and Regular Session - May 5, 2014 6:00 PM

Motion:

To approve the minutes of the Special Session, Regular Session, and Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, held on Monday, May 5, 2014.

City Clerk Tracy L. Dutton indicated that she had been contacted earlier in the day by Councilman Andrew S. Friedberg regarding one of the vote results recorded in the May 5th minutes. The vote result was related to the approval of the minutes of the Regular Session of the City Council held on April 21, 2014. The vote result incorrectly read "Approved as Corrected [Unanimous]." The vote result should have read "Approved [Unanimous]." City Clerk Dutton advised that the change/correction had been made and a copy provided to City Council. She asked that City Council approve the minutes with the change/correction that had been made.

Mayor Pro Tem Amanda B. Nathan indicated that this would be considered a scrivener's error and asked for a vote on the minutes, as corrected for the change in vote result.

RESULT:	APPROVED AS CORRECTED [UNANIMOUS]
MOVER:	Andrew S. Friedberg, Councilman
SECONDER:	James P. Avioli Sr., Councilman
AYES:	Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg
ABSENT:	Nauert

E. Personal/Audience Comments.

Robert Riquelmy:

Mr. Riquelmy addressed City Council regarding alleged infractions which he attributed to the Rubenstein Family regarding the future site of Evelyn's Park located on Bellaire Boulevard. Mr. Riquelmy referred to permanent signage that had been erected on the property, the general condition of the property (the most unkempt property on Bellaire Boulevard, in his opinion), and the removal of a citizen from meetings of the Evelyn's Park Conservancy Board by police officers.

Lynn McBee:

Ms. McBee addressed City Council and reminded them and members of the audience to vote in the Primary Runoff Election. She indicated that early voting would be conducted through Friday, May 23, 2014, and that the closest early voting location to Bellaire was Bayland Park located at 6400 Bissonnet Street, Houston, Texas 77074.

She noted further that Election Day would be Tuesday, May 27, 2014, with the polls opening at 7:00 a.m. and closing at 7:00 p.m. that day. All five Bellaire Democrat precincts could vote in the Civic Center at City Hall, along with approximately two-three Bellaire Republican precincts. Ms. McBee advised that there were eleven races on the Republican ballot and two on the Democrat ballot. Citizens were urged by Ms. McBee to demonstrate their citizenship by voting.

In closing, Ms. McBee referred to the conceptual ideas for municipal facilities that PGAL (Pierce Goodwin Alexander & Linville - PGAL) had presented earlier in the evening. She indicated that she found the ideas to be interesting. She urged City Council to consider stone as a construction material rather than brick and to consider innovation rather than beauty. She also urged City Council to consider reorienting the City Hall facility so that the public entry (front doors) would face South Rice Avenue.

Bellaire Belles:

Members of the Bellaire Belles High School Dance Team* addressed City Council and advised that they would be raising money for their team to perform and attend a workshop at Walt Disney World in March. Fundraising activities would include neighborhood sweeps by dance members to sell raffle tickets. A fee of \$10.00 would cover the purchase of a book of tickets offering five chances to win prizes.

*Members included Colonel Hannah Kay, Lieutenant Colonel Megan Suchart, Head Manager Natalie Jones, and Varsity Team Members Hennessy Hardman and Sydney Williams.

F. Reports:

1. City Manager's Report dated May 19, 2014, to include project updates, upcoming meetings and events, and on-line payment and registration system at the Parks and Recreation Department.

Paul A. Hofmann, City Manager, presented his report dated May 19, 2014, to members of City Council. The report included project updates, upcoming meetings and events, and an overview of a new online payment and registration system at the Parks and Recreation Department.

Following questions of City Manager Hofmann regarding his report, action was taken to accept the City Manager's Report dated May 19, 2014, into the record.

Motion:

To accept the City Manager's Report dated May 19, 2014, as presented by City Manager Paul A. Hofmann, into the record.

(Requested by Paul A. Hofmann, City Manager)

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

2. Finance Report for the City of Bellaire, Texas, covering the period ended April 30, 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.

Linda Symank, Chief Financial Officer, presented the Finance Report for the City of Bellaire, Texas, covering the period ended April 30, 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, to members of City Council.

Following questions of Chief Financial Officer Symank regarding her report, a motion was made and action taken to accept the report into the record.

Motion:

To accept the Finance Report for the City of Bellaire, Texas, covering the period ended April 30, 2014, as presented by Chief Financial Officer Linda Symank, into the record.

(Requested by Linda Symank, Finance Administration)

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

3. Presentation of a Capital Improvement Plan, more commonly known as the Gateway Project, for improvements to Russ Pitman Park located at 7112 Newcastle Street, Bellaire, Texas, and possible action on the adoption of an ordinance authorizing the City Manager of the City of Bellaire, Texas, to execute, for and on behalf of the City of Bellaire, Texas, a Memorandum of Understanding Between the City of Bellaire, Texas ("City"), and The Nature Discovery Center, Inc. ("NDC"), concerning the funding of various improvements within Russ Pitman Park that will benefit both the City and NDC.

Jane Dembski, Director of the Parks and Recreation Department, introduced the agenda item before City Council. She noted that the item consisted of two parts: 1) a capital improvement plan presentation for Russ Pitman Park, and 2) an action item requesting the adoption of an ordinance and a Memorandum of Understanding between the City and The Nature Discovery Center, Inc., concerning the funding of various improvements within Russ Pitman Park. Director Dembski noted that the capital improvement plan presentation would be made by Sarah Flournoy, Executive Director of The Nature Discovery Center, Inc.

Sarah Flournoy, Executive Director of The Nature Discovery Center, Inc., began her presentation of the capital improvement plan for Russ Pitman Park with an overview of recent updates to the Henshaw House in Russ Pitman Park. Updates included a redesign of educational and office spaces, improvement of group flow in the building, improvement of bathroom and office facilities, and repairs to the exterior of the building.

Executive Director Flournoy stated that the recent and planned improvements to be made within Russ Pitman Park would:

- Create a more open and inviting physical presence;
- Enhance The Nature Discovery Center's ability to serve the needs of all visitors; and
- Preserve the Henshaw House (nature center and community gathering space).

With respect to planned improvements within Russ Pitman Park ("Park"), Executive Director Flournoy indicated that the site's public entrances and streetscape would be renovated; modifications would be made to the gardens

and animal enclosures around Henshaw House to enhance the outdoor educational experience of all park visitors; enhancements would be made to the space where the Park and Henshaw House met; discovery gardens would be created to complement the discovery rooms inside the Henshaw House; the outdoor storage space would be improved (new compost areas and landscape and materials storage); and new restroom facilities for visitors would be constructed.

Of the \$1.1 million project, more commonly known as the "Gateway Project," funding provided by the City in the amount of \$500,000 would be used on long-term improvements that would have the greatest positive impact for the Bellaire community, as follows:

- Pathways, trails, and the entrance would be improved and enhanced for greater accessibility. Included in the improvements were the replacement of cracked, unsafe surfaces and the development of an inviting front lawn and entrance area, including appropriate drainage and irrigation. The estimated cost to resurface the outdoor discovery space, pathways, trails, and parking lots, as well as improvements to the front lawn, was noted to be \$250,000;
- A restroom/handwashing station would be constructed on a scale suitable for the Park for the purpose of providing greater comfort, accessibility, and hygiene for visitors and children. The estimated cost to construct the restroom/handwashing station was noted to be \$140,000;
- A work and storage shed would be constructed to provide: an organized, functional space for volunteers and staff members, added security for Park equipment and tools, and climate control for the storage of program items. The estimated cost to construct the work and storage shed was noted to be \$75,000; and
- A contingency estimate of \$35,000 to cover any unanticipated expenditures associated with the planned improvements.

Following questions of Executive Director Flournoy regarding her capital improvement plan presentation for Russ Pitman Park, a motion was made and action taken to accept the presentation into the record.

Motion:

To accept the presentation of a Capital Improvement Plan, more commonly known as the Gateway Project, for improvements to Russ Pitman Park located at 7112 Newcastle Street, Bellaire, Texas, as presented by the Executive Director of The Nature Discovery Center, Inc., Sarah Flournoy, into the record.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Roman F. Reed, Councilman - Position No. 1
SECONDER:	Pat B. McLaughlan, Councilman - Position No. 4
AYES:	Nathan, Reed, Avioli, Sr., Pappas, McLaughlan, and Friedberg
NAYS:	None
ABSENT:	Dr. Philip L. Nauert, Mayor

Mayor Pro Tem Nathan directed members of City Council to the second part of the agenda item and called for a motion related to the proposed ordinance and Memorandum of Understanding.

Motion:

To adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the City Manager of the City of Bellaire, Texas, to execute, for and on behalf of the City of Bellaire, Texas, a *Memorandum of Understanding Between the City of Bellaire, Texas ("City"), and The Nature Discovery Center, Inc., ("NDC")* concerning the funding of various improvements within Russ Pitman Park that would benefit both the City and NDC.

After acknowledging a request for the City Clerk to insert the phrase "attached hereto and marked Exhibit A" to the caption and body of the ordinance, Mayor Pro Tem Nathan called for action on the motion before City Council.

{Ordinance was subsequently numbered: 14-022}

(Requested by Jane Dembski, Parks and Recreation)

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

4. Presentation and recommendation of an updated water conservation and drought contingency plan for the City of Bellaire, Texas, and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, amending Resolution No. 12-08, which provided for the adoption of a water conservation and drought contingency plan ("Plan") for the City of Bellaire, Texas, by repealing said Plan and adopting a new Plan, "Water Conservation Plan, Drought Contingency Plan for Retail Water Supplier, and Utility Profile" ("New Plan"); finding that the New Plan was prepared in accordance with all applicable laws, regulations, standards and guidelines promulgated by appropriate authority, and further, that such New Plan is adequate to provide an effective means for water conservation and drought contingency within the city limits of the City of Bellaire, Texas; adopting the same as the official water conservation and drought contingency plan for the City of Bellaire, Texas; requiring adherence to all requirements, conditions and procedures specified thereby; and providing that all water conservation and drought contingency plans in conflict with this New Plan are hereby repealed.

Diane K. White, Assistant City Manager ("ACM") and Interim Director of Public Works ("Interim Director"), summarized the state law requirement that a retail public utility providing potable water service to 3,300 or more connections submit a water conservation and drought contingency plan to the Texas Commission on Environmental Quality (TCEQ) every five years.

The City's previous plan, entitled "Water Conservation Plan, Drought Contingency Plan for Retail Public Water Supplier, Water Conservation Implementation Report and Utility Profile" was revised to include information related to the drought of 2011 and adopted by City Council on June 18, 2012 (Resolution No. 12-08).

The new plan, entitled "Water Conservation Plan, Drought Contingency Plan for Retail Public Water Supplier, Water Conservation Implementation Report and Utility Profile," was submitted to the TCEQ for approval in April of 2014. ACM/Interim Director White requested favorable City Council action on the adoption of a resolution repealing the previous plan and adopting the new plan.

Following questions of ACM/Interim Director White and David Kasper of ARKK Engineers, Inc., regarding the new plan, a motion was made to amend the plan as follows:

Motion:

To amend a portion of the plan, the Drought Contingency Plan for Retail Public Water Supplier, by restating the requirements for initiation of Stage 2 Triggers (MILD Water Shortage Conditions) to read as follows:

"Stage 2 Triggers-MILD Water Shortage Conditions

Requirements for initiation

Customers shall be ~~required~~ requested to voluntarily comply with the requirements and restrictions on certain non-essential water uses provided in Section IX of this Plan when: . . ."

Following unanimous approval of the amendment by members of City Council, a vote was taken **to adopt a resolution of the City Council of the City of Bellaire, Texas, amending Resolution No. 12-08, which provided for the adoption of a water conservation and drought contingency plan ("Plan") for the City of Bellaire, Texas, by repealing said Plan and adopting a new Plan, "Water Conservation Plan, Drought Contingency Plan for Retail Water Supplier, and Utility Profile" ("New Plan"); finding that the New Plan was prepared in accordance with all applicable laws, regulations, standards and guidelines promulgated by appropriate authority, and further, that such New Plan is adequate to provide an effective means for water conservation and drought contingency within the city limits of the City of Bellaire, Texas; adopting the same as the official water conservation and drought contingency plan for the City of Bellaire, Texas; requiring adherence to all requirements, conditions and procedures specified thereby; and providing that all water conservation and drought contingency plans in conflict with this New Plan are hereby repealed.**

{Resolution was subsequently numbered: 14-08}

(Requested by Diane K White, Public Works)

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

G. New Business:

Consent Agenda:

1. Consideration of and possible action on the adoption of an ordinance ratifying action previously taken by the City Council of the City of Bellaire, Texas, on May 5, 2014, to reclassify the City Clerk from a nonexempt employment status to an exempt employment status, and amending Ordinance Nos. 09-073, 12-056, and 14-017, for an increase in the City Clerk's annual compensation as a result of the change in classification.

Andrew S. Friedberg, Councilman - Position No. 5, requested individual consideration of the Consent Agenda item.

Motion:

To adopt an ordinance of the City Council of the City of Bellaire, Texas, ratifying action previously taken on May 5, 2014, to reclassify the City Clerk from a nonexempt employment status to an exempt employment status, and amending Ordinance Nos. 09-073, 12-056, and 14-017, for an increase in the City Clerk's annual compensation as a result of said change in classification.

Councilman Friedberg referred to the prior action taken by City Council, which was to offer to reclassify the City Clerk's employment status and to increase the City Clerk's annual compensation as a result of the change in classification. He asked for confirmation that the City Clerk was willing to accept the offer.

City Clerk Tracy L. Dutton advised that she was.

Mayor Pro Tem Nathan called for a vote on the motion before City Council.

{Ordinance was subsequently numbered: 14-023}

(Requested by Tracy L. Dutton, City Clerk)

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

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

With respect to **possible items for future agendas, Gus E. Pappas, Councilman - Position No. 3**, suggested that City Council give some serious thought to the appointment of a steering committee of professionals in the community to work on the new municipal facilities. **Pat B. McLaughlan, Councilman - Position No. 4**, concurred with Councilman Pappas.

Pat B. McLaughlan, Councilman - Position No. 4, requested the City Manager to have staff look at the fencing at Ware Family Park (south end near the intersection of Elm Street and the Loop 610 West Service Road). He advised that a resident had expressed concern that a portion of the fencing had been removed (possibly due to construction work on Jaquet Street).

Community interest items from the Mayor Pro Tem and City Council included expressions of congratulations to the Parks and Recreation Department on a successful Trolley Tunes program (it was noted that there would be two more performances under the program) and special thanks to Tradition Bank and the Southwest News for sponsoring the program; expressions of congratulations and favorable interest in the future renovation/improvement plan for The Nature Discovery Center; expression of compliments to Bellaire Police Officer Omar Barrientos for his handling of a recent incident; and expression of thanks to the men and women in uniform serving their country and to the veterans who have served their country.

I. Adjourn.

1. Motion: Adjourn

To adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 8:25 p.m. on Monday, May 19, 2014.

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