



# CITY OF BELLAIRE TEXAS

## MAYOR AND COUNCIL

JULY 21, 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 7:32 p.m. on Monday, July 21, 2014. He announced that a quorum of all members of City Council were present as follows:

Full Name	Title	Status	Arrived
Dr. Philip L. Nauert	Mayor	Present	
Mr. B. Nathan	Mayor Pro Tem	Present	
Mr. J. Reed	Councilman	Present	
Mr. J. Aviola Sr.	Councilman	Present	
Mr. J. Appas	Councilman	Present	
Mr. J. Laughlan	Councilman	Present	
Mr. S. Friedberg	Councilman	Present	
Mr. J. Hofmann	City Manager	Present	
Mr. J. Petrov	City Attorney	Present	
Mr. J. 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.

Andrew S. Friedberg, Councilman - Position No. 5, 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:

##### 1. Special Session (Executive Session) - Monday, June 30, 2014:

Consideration of and possible action on the adoption of the minutes of the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, held on Monday, June 30, 2014.

Mayor and Council - Special Session - Jun 30, 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, June 30, 2014.\*

\*Dr. Philip L. Nauert, Mayor, and Gus E. Pappas, Councilman - Position No. 3, abstained from voting due to their absence from the City Council Special Session (Executive Session) held on Monday, June 30, 2014.

<b>RESULT:</b>	<b>APPROVED [5 TO 0]</b>
<b>MOVER:</b>	Andrew S. Friedberg, Councilman
<b>SECONDER:</b>	Amanda B. Nathan, Mayor Pro Tem
<b>AYES:</b>	Nathan, Reed, Avioli Sr., McLaughlan, Friedberg
<b>ABSTAIN:</b>	Nauert, Pappas

## **2. Regular Session - Monday, July 7, 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 7, 2014.

Mayor and Council - Regular Session - Jul 7, 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 7, 2014.\*

\*Gus E. Pappas, Councilman - Position No. 3, abstained from voting due to his absence from the Regular Session held on Monday, July 7, 2014.

<b>RESULT:</b>	<b>APPROVED [6 TO 0]</b>
<b>AYES:</b>	Nauert, Nathan, Reed, Avioli Sr., McLaughlan, Friedberg
<b>ABSTAIN:</b>	Pappas

## **E. Personal/Audience Comments.**

### **Michael Rutledge:**

Mr. Rutledge addressed City Council and advised that in the last years that he and his partner had lived in Bellaire, they had experienced one attempted home break-in, one successful home break-in, and, as early as Thursday, vandalism to one of their vehicles.

Mr. Rutledge indicated that he was certain that the City was taking measures to address crime, but was not certain that residents were equally informed as to what was being done and what could be done. He urged City Council to let residents partner with them in order to make Bellaire safer. He advised that he did not know what the answers were, but had to believe that there were answers.

Mr. Rutledge advised further that the residents valued the police officers very much, but felt that there might not be enough officers in Bellaire. In terms of being a homeowner in Bellaire and paying taxes, Mr. Rutledge indicated that he would gladly pay more money for more officers or high salaries if it meant that he could feel safer in his home.

### **Alan York:**

Mr. York addressed City Council and referenced a statement made in a previous City Council session by Councilman Pat McLaughlan with respect to Bellaire's reputation for

strict building codes. Mr. York advised that when he and his partner purchased their home eight years ago, Bellaire was known to be a safe community.

Over the last eight years, Mr. York had used Bellaire's emergency services, both ambulance and police, and he advised that he could speak with the highest regard for the services that had been provided. It was his understanding that there might be as many as four patrol positions that were not currently filled.

Mr. York referred to a budget presentation that would be made later in the evening and indicated that he felt it was an opportune time to prioritize issues in such a way that the concerns of the community were addressed. He noted that within the last few weeks Bellaire had gone beyond the idea of brazen daylight break-ins into unoccupied homes into at least two situations where people who were out walking in the neighborhood had guns drawn on them.

In closing, Mr. York advised that he and his partner were not just present to ask City Council to do something, they were willing to serve, to volunteer, or to do whatever needed to be done to partner with City Council, the Police Department, or whomever in order to change the perception of Bellaire--not only for safety, but for property values.

**Lynn McBee:**

Ms. McBee addressed City Council and referenced the Texas Transportation Code, Section 552.006, as such section related to sidewalks. She quoted as follows: "A pedestrian may not walk along and on a roadway if an adjacent sidewalk is provided and is accessible to the pedestrian . . . ." She advised that she looked up the meaning of "adjacent" in several law dictionaries. The definition of "adjacent" was noted to be "lying near or close to, but not necessarily touching." The definition of "adjoining" was noted to be "sharing a common boundary."

Over the last few years, City Council had frequently had to choose whether a sidewalk should be included on two sides of the street when the City was replacing a street. Ms. McBee indicated that she had asked several people, such as engineers, how they would interpret "adjacent sidewalk" on a street in Bellaire that had a sidewalk on only one side of the street. In other words, would a pedestrian be required to use the existing sidewalk on a street with one sidewalk?

Ms. McBee noted that Ferris Street had one sidewalk on the west side of the street. She advised that she frequently used Ferris Street to come to City Hall. Just as frequently she found that there were various categories of people from young to old, to couples to strollers being pushed by parents navigating the middle of the street. Ms. McBee indicated that on at least four occasions she had been glared at and, most recently, had a resident bang loudly on her car as she passed by.

In closing, Ms. McBee urged City Council to address the issue, communicate with the residents, and enforce the use of the sidewalks.

**Barry Goldblatt:**

Mr. Goldblatt addressed City Council and advised that within the next 12 months, the City would have to make a decision and be involved in the largest construction project in the history of the City of Bellaire with the renovation or rebuilding of the Bellaire High School ("BHS"). He advised that he had attended a meeting in which the Houston Independent School District (HISD) presented four potential plans for the renovation or rebuild of BHS, one of which clearly violated the City's Code, in Mr. Goldblatt's opinion--

a plan that included a 45-foot parking structure that would require a variance from the City Council.

It was noted that BHS had grown each year since 1983. The value of homes increased by virtue of having a vibrant and well respected high school nearby. BHS had grown each year since 1983 and was currently 1,000 students over capacity according to Mr. Goldblatt. Additionally, Mr. Goldblatt stated that over 25% of the student body lived outside the Bellaire zone and expressed concern that the renovation of BHS would attract even more students. Although Mr. Goldblatt Understood that City Council had no control over HISD's student population, he urged City Council to consider the disruption and repercussions to the City, its residents, and property values that the proposed build-out of BHS would cause. Reference was also made to the proposed 45-foot parking structure that would look down on every home on the adjacent streets.

In closing, Mr. Goldblatt advised that he did not believe the City Council had the support and cooperation of the community with respect to the proposed build-out of BHS.

## **F. Reports:**

### **1. City Manager's Report:**

City Manager's Report regarding the Board and Commission training schedule for July 24, 2014, and crime statistics.

Paul A. Hofmann, City Manager, presented his City Manager's Report dated July 21, 2014, to members of City Council. The report included an update for the City's Board and Commission training schedule, as well as an overview of year-to-date crime statistics as compared to previous years.

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

(Requested by Paul A. Hofmann, City Manager)

**Motion:** To accept the City Manager's Report, as presented by City Manager Paul A. Hofmann, into the record.

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

### **2. FY 2015 Budget Presentation:**

In accordance with previous communication with City Council on the budget development process and the schedule previously established for the development of the budget, the FY2015 proposed budget will be presented for City Council's consideration and eventual adoption.

City Manager Paul A. Hofmann began his presentation of the City of Bellaire proposed FY2015 budget by reviewing the definitions of base budget (maintain existing service levels), enhancement (changes to base to improve service levels or add services), target (each department within 2.09% of previous non-personnel budget), and philosophy (short-term decisions having

long-term implications and stewardship).

In preparing the proposed FY2015 budget, the following **fiscal forecast assumptions** were made:

- 13% increase in tax assessed value in the Debt Service Fund and General Fund for the fiscal year;
- Tax rate of \$0.3999 per \$100 valuation;
- Avoidance of structural deterioration;
- Enterprise Fund revenues projected on an eight-year average; and
- Provision of resources for City Council priorities.

City Manager Hofmann highlighted programs, development, and other items the City hoped to accomplish with the proposed budget for each of **City Council's priorities** as set forth below.

**Residential/Commercial Safety Focus Area:**

- Neighborhood Watch Program;
- Community Outreach Programs;
- Neighbor Traffic Safety (outfitting one of the existing police officers as a motorcycle officer); and
- Citywide Mobility Study and Traffic Analysis.

**Public Infrastructure and Facilities Focus Area:**

- Parks and Facilities Reorganization;
- Parks Master Plan Update;
- Facility Security (Library/Public Works/Parks);
- Bellaire Town Square Municipal Facility Development; and
- Capital Improvement Plan and Comprehensive Plan Connection.

**Budget and Finance Focus Area:**

- City Manager's Office Reorganization;
- Quarterly Reporting;
- Citywide Fee Analysis (no changes will be suggested for 2015); and
- Fiscal Forecast Updating.

**Residential and Recreational Focus Area:**

- Landscape Maintenance Service Expansion;
- Parks and Public Works Ground Maintenance;
- Tree Health Program; and
- Aquatic Play Equipment Maintenance.

**Economic Development Focus Area:**

- Economic Development Coordination Efforts;
- Comprehensive Plan Update; and
- Maintenance of Continued Relationships with Others (i.e., METRO, Uptown Houston District, TXDOT, Property Owners, etc.).

**General Fund:**

With respect to the **General Fund**, City Manager Hofmann advised that the Beginning Balance for fiscal year 2015 was projected to be \$4.0 million. Revenues (assuming the referenced 13% appraised value increase) were projected to be \$17.5 million with projected expenditures of \$16.8 million would result in an ending balance of \$4.6 million, which exceeded the City's 60-day ending balance by \$2.0 million.

#### **Base Budget Highlights:**

With respect to the base budget, City Manager Hofmann indicated that he had placed some expenditures in the base budget that were previously recorded by the City in the Capital Improvement Program Fund and/or the Vehicle, Equipment and Technology Fund. He believed that such expenditures should have been included in the base budget (for example, maintenance expenditures). The following highlights to the base budget were referenced:

<b>Description</b>	<b>Amount</b>
Salary Savings	(\$35,000)
Health Benefit Increase (15%)	\$120,200
Electricity (Full Year at Lower Rate)	\$30,200
Programs (Five Trolleywood Movies)	\$5,000
Council Training (TML Seminars)	\$2,000
Professional Education and Training for City Staff (Increase)	\$13,000

Items previously recorded in the Capital Improvement Program Fund and/or Vehicle, Equipment and Technology Fund that were moved to the Base Budget (i.e., recurring items) were noted as follows:

#### **Recurring Items:**

Information Technology (IT) Replacement Program	\$117,000
General Communications Equipment (data circuits, improvement of band width, etc.)	\$90,000
Bellaire Family Aquatic Center (painting and play equipment maintenance)	\$46,000
Community Programs (newsletter and public safety outreach)	\$650
Citywide Supervisory Training	\$1,600
Work Order System (Public Works and Facilities Departments)	\$3,000
Parks Former Vet Items (fall surfaces at parks, crushed granite replacement, and tree health)	\$44,600
HVAC Maintenance (all City facilities)	\$25,000
Public Safety Former VET Items (bunker	

gear and body armor for Police and Fire)	\$36,315
<b>Total</b>	<b>\$364,165*</b>

\*Now included in base budget.

**Nonrecurring/Contingency Items:**

City Manager Hofmann referenced the following nonrecurring/contingency items that had been included in the proposed fiscal year 2015 budget:

Compensation Study Contingency (projected first-year implementation)	\$75,000
Library and Parks Security (cameras)	\$13,000
Electrical Improvements (citywide)	\$24,000
Evergreen Pool Concrete Repairs	\$25,000
Public Safety Community Programs	\$1,950
Painting of Recreation Center	\$35,000
Software	\$7,800
Police Protection and Enforcement (tactical equipment)	\$29,197
Chemical Feeders (Aquatics)	\$10,500

**Capital Outlay - General Fund:**

With respect to capital outlay in the General Fund, City Manager Hofmann advised that three patrol vehicles and one investigative unit vehicle would be replaced in the proposed budget at a total cost of \$168,150 for the Police Department, and one command vehicle would be replaced in the proposed budget at a cost of \$48,630 for the Fire Department.

With respect to the Public Works Department, a replacement pothole patching machine and replacement air compressor were included in capital outlay in the proposed budget at a total cost of \$224,000.

A replacement gym curtain was included in capital outlay in the proposed budget at a total cost of \$23,000 for the Parks and Facilities Departments.

**Capital Outlay - Enterprise Fund:**

Capital outlay items included in the Enterprise Fund proposed budget for Public Works included a street sweeper at a total cost of \$205,000\*; a mini-excavator with attachments at a total cost of \$37,000; a skid-steer loader with attachments at a total cost of \$53,000; and miscellaneous items at a total cost of \$35,000.

\*City Manager Hofmann advised that he and Director of Public Works Brant

Gary were not certain that purchasing a new street sweeper was a wise outlay of funds at this time and would return to City Council with some options before pursuing the purchase of a new one.

**Budget Enhancements:**

Proposed General Fund budget enhancements, consisting of both nonrecurring and recurring items, were reviewed by City Manager Hofmann as follows:

Comprehensive Plan Update: Nonrecurring Cost of \$42,000

Neighborhood Watch/  
Outreach Programs: Nonrecurring Cost of \$2,000;  
Recurring Cost of \$3,836

Motorcycle Police Officer  
(equipment) Nonrecurring Cost of \$15,400;  
Recurring Cost of \$5,900

Janitorial Services  
(addition of Sunday services  
for parks facilities and lobbies  
of Library and Police Building) Recurring Cost of \$28,544

Landscape Maintenance  
(crushed granite replacement) Recurring Cost of \$26,129

**Total Nonrecurring Cost of Enhancements: \$59,400**

**Total Recurring Cost of Enhancements: \$64,409**

The **total proposed budget enhancements** for the fiscal year 2015 General Fund were noted to be \$123,809.

**Enterprise Fund:**

With respect to the Enterprise Fund, City Manager Hofmann advised that there were no plans to increase utility rates during fiscal year 2015. He referenced a citywide fee analysis study discussed earlier in his presentation and noted that the study would include an analysis of utility rates. Current revenues were not sufficient to continue to fund capital improvements in the Enterprise Fund; so a possible utility rate increase might be forthcoming in fiscal year 2016.

**Reorganization Plan:**

City Manager Hofmann presented his reorganization plan for several City departments.

***Parks, Recreation, and Facilities Departments:***

With respect to the Facilities Department and the Parks and Recreation Department, City Manager Hofmann indicated that he wished to reorganize those departments into one department to be called: Parks, Recreation, and Facilities Department. Reference was made to current Parks and Recreation



Director Jane Dembski's announced retirement at the end of the fiscal year. City Manager Hofmann advised that he wished to offer current Facilities Director Karl Miller the Director position over the new combined Parks, Recreation, and Facilities Department. Cheryl Bright-West, current Recreation Superintendent, would be reclassified as Assistant Director of Parks, Recreation, and Facilities, and would be responsible for programming for aquatics, athletics, recreation, and LIFE (seniors program).

Transfers of positions from the City Manager's Office and the Community Development Department would be made to assist the new department with administrative and clerical duties and the management of projects.

***City Manager's Office:***

With respect to the City Manager's Office, City Manager Hofmann indicated that wished to assign the oversight and supervision of the Finance and Municipal Court, Human Resources, Information Technology, and the Library departments to the Assistant City Manager (Diane White).

In addition, the vacant Economic Development Coordinator position would be reclassified to the position "Assistant to the City Manager" and would serve as a coordinator for the City's economic development efforts, project monitoring and reporting, customer relations, boards and commissions relations, budget coordination, and agenda coordination.

***Development Services:***

The Community Development Department would be renamed as follows: Development Services. As mentioned previously, two vacant positions within the department would be transferred to the Parks, Recreation, and Facilities Department and the City Manager's Office. The budget for the department would be increased to allow for contracted inspection services.

With respect to number of **full-time positions**, it was noted that the total number of staff in fiscal year 2014 was 170.5. That number would decrease slightly in fiscal year 2015 to 169.5.

With respect to the fiscal year 2015 Capital Improvement Plan, City Manager Hofmann advised that Assistant City Manager White had reviewed the plan during April, and indicated that the plan would be detailed during Budget Workshop #1.

A number of fiscal year 2015 **management projects** were mentioned by City Manager Hofmann at this point in his presentation. He requested that members of City Council take an opportunity to review the projects and give them some thought. A list of those projects, which he and City Staff felt were worthy of attention and reporting, has been set forth below for the record:

- Implementation of compensation study and improvement of employee evaluation system;
- Implementation of network and data management improvements;
- Update of Comprehensive Plan;
- Implementation of public safety outreach program;
- Conduct revenue analysis, to include:
- Development of vehicle/equipment management and maintenance plan;

- Participation in an infrastructure and development plan for the Urban Village (TOD) Zoning District;
- Improvement of safety and risk management;
- Development of financial management policies; and
- Evaluation of right-of-way maintenance ordinance.

City Manager Hofmann advised that after the fiscal year budget 2015 was adopted, he would provide City Council with a detailed explanation of the projects.

Prior to closing, City Manager Hofmann provided an overview of the items remaining to be addressed on the **fiscal year 2015 budget calendar** and items to be addressed in the City's **strategic planning/budget development calendar**.

City Manager Hofmann advised that on a three-year rotating basis, he would ask departments to prepare a detailed service plan (three-five year focus) to be presented to City Council in April of each year. Several departments volunteered to provide plans in April of 2015, and the remaining departments were assigned to April of 2016 and April of 2017 as follows:

<b>FY2015</b>	<b>FY2016</b>	<b>FY2017</b>
Police	Parks, Recreation, Facilities	Library
Fire	Public Works	Development Services
IT	Human Resources	Finance
City Clerk		

At the conclusion of City Hofmann's presentation, Mayor Nauert called for a motion, second and action to accept the presentation of the proposed fiscal year 2015 budget into the record.

(Requested by Paul A. Hofmann, City Manager)

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

#### **G. Business Items:**

##### **Adoption of Ordinance(s)/Resolution(s):**

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas calling a public hearing before the City Council of the City of Bellaire, Texas, on Monday, August 18, 2014 at 6:00 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, for the purpose of hearing any and all persons desiring to be heard on the budget for the City of Bellaire, Texas, for the period beginning October 1, 2014, and ending September 30, 2015 (FY 2015 Budget).

**Motion:**

To adopt an ordinance of the City Council of the City of Bellaire, Texas, calling a public hearing before the City Council of the City of Bellaire, Texas, on Monday, August 18, 2014, at 6:00 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, for the purpose of hearing any and all persons desiring to be heard on the budget for the City of Bellaire, Texas, for the period beginning October 1, 2014, and ending September 30, 2015 (fiscal year 2015).

{Ordinance was subsequently numbered: 14-036}  
(Requested by Diane K White, Organizational Services)

<b>RESULT:</b>	<b>ADOPTED [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

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

Items for future agendas included a request from Councilman Roman F. Reed for a special session to be held on Monday, July 28, 2014, at 6:00 p.m. to discuss immediate security measures to be implemented and to consider staff recommendations on the expenditure of funds for such measures.

Community interest items from the Mayor and City Council included expressions of thanks to the Building and Standards Commission for their hard work and great presentation during a Joint Workshop Session held earlier in the evening; expressions of thanks to the City Manager, Assistant City Manager, and City Staff for their hard work on the budget presentation; expressions of thanks to the City Manager for stepping outside of the City's usual structure in addressing budgeting, forecasting, and the rearrangement of departments; and a request for Council liaisons to contact their board members and remind them of the Boards and Commissions General Training Session to be held on Thursday, July 24, 2014.

**I. Adjournment.**

**Motion:** To adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:43 p.m. on Monday, July 21, 2014.

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