



# CITY OF BELLAIRE TEXAS

## MAYOR AND COUNCIL

SEPTEMBER 8, 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 7:00 p.m. on Monday, September 8, 2014. He announced that a quorum of all member of City Council were present as reflected in the roll below.

Full Name	Title	Status	Arrived
Philip L. Nauert	Mayor	Present	
James P. Nathan	Mayor Pro Tem	Present	
James P. Reed	Councilman	Present	
James P. Aviola Sr.	Councilman	Present	
James P. Appas	Councilman	Present	
James P. Laughlan	Councilman	Present	
James P. Friedberg	Councilman	Present	
James P. Hofmann	City Manager	Present	
James P. Dutton	City Clerk	Present	
James P. Petrov	City Attorney	Absent	
James P. Kendrick	Acting City Attorney	Present	

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

Dr. Philip L. Nauert, Mayor, introduced Ms. Martye Kendrick, Acting City Attorney, to members of City Council and the audience. Following the introduction, James P. Aviola, Sr., Councilman - Position No. 2, provided the inspirational reading for the evening.

#### C. Pledges to The Flags - James P. Aviola, Sr. - Councilman - Position No. 2.

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

#### D. Approval or Correction of Minutes:

##### 1. Minutes of the Public Hearing of the Bellaire City Council - August 18, 2014:

Mayor and Council - Public Hearing - Aug 18, 2014 6:00 PM

##### Motion:

To approve the minutes of the Special Session (Budget Public Hearing) of the City Council of the City of Bellaire, Texas, held on Monday, August 18, 2014.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Andrew S. Friedberg, Councilman
<b>SECONDER:</b>	James P. Avioli Sr., Councilman
<b>AYES:</b>	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

## **2. Minutes of the Regular Session of the Bellaire City Council - August 18, 2014:**

Mayor and Council - Regular Session - Aug 18, 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, August 18, 2014.

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

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

### **Patricia Ritter:**

Ms. Ritter addressed City Council and advised that the President of the Evelyn's Park Conservancy Board, Keith Rubenstein, was unable to attend this evening. She took a moment to thank the Rubenstein Family for their gift of Evelyn's Park to the City of Bellaire, and reminded City Council that everyone was working toward the same goal--to build a community gathering place where families could congregate and enjoy nature.

With respect to parking, Ms. Ritter indicated that 38 parking spaces were planned for Evelyn's Park. She stated that she spent most of her lunch hour earlier in the day counting spaces in various locations in Bellaire. At 12:30 p.m., Ms. Ritter began counting at Bellaire Town Square, which consisted of four restaurants and five other businesses. She counted 278 parking spaces for the nine businesses or approximately 30 spaces per business. She indicated that 130 parking spaces were not being used. In summary, approximately 16 parking spaces were utilized per business during peak times.

Parking spaces at The Nature Discovery Center totaled 30. At 1:00 p.m., seven of the parking spaces were in use.

Ms. Ritter's last stop was Jax Grill. She noted that there were 60 spaces between five businesses in the small shopping strip and Jax Grill or 10 parking spaces per business.

Finally, Ms. Ritter stated that she had spoken with Bellaire United Methodist Church regarding an unscheduled event and was advised that the agreement addressed unscheduled events. If the parking situation did not work out, it could be reviewed again in one year. Ms. Ritter urged City Council to appreciate the gift and the reason for the gift, which was to build a park.

**David Montague:**

Mr. Montague addressed City Council and advised that he was in support of the park. He indicated that the parking agreement with the Bellaire United Methodist Church was not intended to provide parking for normal daily usage or to provide parking for the restaurant in Evelyn's Park. He referred to the 24 seats in the restaurant, 10 outside the restaurant and 30 in the event pavilion, plus staff and park patrons or a need for roughly 70 parking spaces, in his opinion.

Mr. Montague agreed that the parking agreement with the Bellaire United Methodist Church for event parking was a good step; however, he hoped that the agreement could be broadened to include normal everyday overflow. He referenced his concern that normal everyday overflow might park on neighborhood streets.

Reference was made to the tight time-frame City Council was given to study the plans for the restaurant. Mr. Montague suggested that pre-readings be forwarded to City Council approximately one week ahead of agendas on which issues would be considered. It was clear that everyone wanted a restaurant and Mr. Montague could support one; however, there were too many unknown things. Mr. Montague indicated that he was afraid that if City Council approved the design, the City would be involved in an open-ended situation.

Mr. Montague stated that it was his understanding that the existing yellow house was not up to code and would have to be torn down and replaced. That was not the case now. In addition, there was only one unisex bathroom. Lighting and handicapped access were unknowns as well.

**Tom Flaherty:**

Mr. Flaherty addressed City Council and advised that he was present to comment on design and the City of Bellaire, and to urge the City, the City Council, and the citizens to be more aware of design as it related to City projects. He indicated that his concerns were more about the design look rather than the functionality, which was important too. The concerns about design were inspired by the signage package that was presented to City Council in August. He did not think the designs were very good nor did he think the right designer was used. His concerns were amplified by the fact that he knew the City was about to start on the City Hall/Civic Center/Police Station work, Evelyn's Park, and Bellaire High School.

Based on the past in Bellaire and in looking at other small cities, Mr. Flaherty saw a general municipal standard that was not very good. Even though in many matters the City rightfully compared what the City did with other cities of the same size, Mr. Flaherty indicated that he would rather Bellaire be a standard setter in terms of municipal design and even measured with good design in any arena. Mr. Flaherty advised that the City should aspire to be in a place where other cities told their designers, "We want ours to be great, like Bellaire!" He advised that good design did not need to be trendy, loud, or crazy. It was often the little things that mattered. Rice University was a good example of campus design, in Mr. Flaherty's opinion. The buildings on the campus were well designed individually, yet there was an underlying common thread.

To improve, the City needed to pay attention to design and to hire great design professionals, in Mr. Flaherty's opinion. Another was to create room for help from citizens who were familiar with the process of good creative design. As for the signage, Mr. Flaherty thanked those who worked hard on the current graphic proposal, but he

believed a really good graphic designer should be used. Additionally, the image/wayfinding work should be incorporated and coordinated with the other projects going on in the City. Good design might cost a little more, but it did not have to. He urged City Council to remember that the City was making investments that would stand for 20-40 years. This was more than enough time to amortize any premium for good design, and too long to live with bad design.

On the City Campus work, Mr. Flaherty urged the City to have a high expectation on the design the City got. He also believed that the City should consider coordinating park elements in the esplanade across from Evelyn's Park. The time for doing this was now as park construction would start soon. He urged City Council to remember that many, many people would experience Evelyn's Park by driving through it.

Mr. Flaherty continued and provided an example of what he considered a design miss from the City's past. In the early 90s, just as he moved into Bellaire, Bissonnet Street inside the Loop was rebuilt to the current four lanes with a center turn lane. The road was built well and was still in great shape 20 years later. However, everyone was asleep at the switch when esplanades were not built into that section of Bissonnet Street from the Loop to Avenue B. He indicated that there was now a beautiful concrete turn lane there with almost no place to turn into. He questioned how the City missed not beautifying that gateway into the City. In talking to people connected with the City, after the fact, it seemed that no one thought about it. Mr. Flaherty was sure it was also one less thing for the City to maintain. He urged City Council not to make mistakes like that in the future.

Mr. Flaherty added one last note on the signage. He indicated that he was not really sure what came out of the proposal in August, except that there was a request for designers of the other projects to consider that proposal. He was not certain that the graphic/identity/wayfinding and implementation was in any approved spending package. He feared that it could be an afterthought. He urged City Council not to forget to do it right--and to understand what doing it right meant.

In closing, Mr. Flaherty urged other citizens who felt as he did to speak out on this subject. He knew others had expressed similar concerns, and he urged City Council to keep this in the forefront.

**Millie Hast:**

Ms. Hast addressed City Council and indicated that she represented the newest member of the Evelyn's Park Conservancy Board. She referred to three agenda items for City Council consideration relevant to the Evelyn's Park Conservancy: (1) a presentation on the status of the design in which City Council would see that important progress was being made; (2) review and possible action on the restaurant and parking design; and (3) approval of the parking agreement with the Bellaire United Methodist Church.

With respect to the last two items referenced, Ms. Hast urged City Council's approval. She indicated that the restaurant design was carefully chosen to meet the needs of Bellaire residents using the park. Visitors would be able to have a cup of coffee, a snack, or a full meal in a clean, modern, fast casual restaurant with inside dining and a pretty patio. Visitors on foot or on bicycles could stop by for a breather from the Newcastle Trail, and those visitors would not need to park cars. Other visitors would arrive by vehicle and would need parking.

Ms. Hast indicated that she remembered from her service on City Council that parking was always an issue. It was very important to plan for adequate parking. She indicated

that City Council would see evidence this evening that everyday parking for the restaurant was well within the requirements of the City's zoning ordinance, and the agreement with Bellaire United Methodist Church would meet parking needs for special events.

In the discussion of the restaurant capacity and parking provisions, Ms. Hast urged City Council to keep in mind that the assumption of two visitors per car was just an average. Some visitors might arrive in separate cars, some would walk or bike in, and some might arrive in the same car. But, not every table or every seat in the restaurant would be completely filled at all times. Most restaurants had vacant seats at some tables even during peak periods.

In closing, Ms. Hast urged City Council to approve the agenda items so that the Evelyn's Park Conservancy could move forward and make the park a reality.

**Lynn McBee:**

Ms. McBee addressed City Council and indicated that over the last four-five years she had requested that there be public access on the web to all public city records since 1919. She indicated that she had run out of patience and asked the City Council to put an item on the next agenda to authorize the Information Technology (IT) Department and City Clerk to release as soon as possible the public access that she had requested. Ms. McBee indicated that in a conversation with the IT Director, Larry Parks, releasing such information would be a fairly simple job of an hour or so with no cost. This would provide transparency and disclosure particular for those who tried to research the history of the City and keep citizenry and the community informed of the facts, not the fiction.

With respect to Evelyn's Park, she stated that she had no disagreement or particular interest in Evelyn's Park or most of the City's parks. She had not found a park, other than The Nature Discovery Center, that provided a meditative environment. She did not believe that parks should only serve large crowds of people and children. City Council's action would involve an agreement with the Bellaire United Methodist Church in exchange for eight opportunities each year for their special events. She indicated that only the Methodists would be able to do this because they had a parking lot to spare. No concern was shown in the agreement for the kind of access that the Constitution ensured--she referred to the Catholics, Lutherans, Church of Christ Members, the Jews, the Islamists, and the Quakers as a beginning to have access to a public park for their special events.

She found that an agreement to trade parking for the Bellaire United Methodist Church's use only for religious events was not a good idea. Her suggestion was to insert such language into the agreement with a qualifier of "nonreligious" and "nondenominational" events. She did not want people to assume that Evelyn's Park turned out to be a Methodist enclave because of eight events a year devoted to that particular denomination.

Dr. Philip L. Nauert, Mayor, read one written comment into the record as follows:

**Jamie Allen:**

*Your Honor and Council Members,*

*I encourage your support for the restaurant design and parking for Evelyn's Park that will come before you tonight.*

*As you are aware, much has been considered to generate the present well thought out plan derived from the input of many citizens, dedicated leaders, philanthropists, and fellow residents.*

*And it is a unique plan and not a rebuild of a pre-existing structure no longer able to meet the community's needs.*

*It is a brand new concept which not only demonstrates the uniqueness of our city, of our people, and of our community values, but additionally makes Bellaire stand out as one of, and soon perhaps the most, attractive desirable community within the 610 Loop much less in the greater Houston area.*

*Please bring all of the hard work of converging and combining ideas from the many contributors to fruition tonight by approving the proposed design.*

## **F. Reports:**

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

City Manager's Report regarding a proposed discount department store that will serve as an anchor for a commercial development consisting of 3.5 acres located on the east side of South Rice Avenue, south of Westpark Drive, across from the UV-T zoning district, said development to be known as the "Shoppes at Uptown Crossing."

Paul A. Hofmann, City Manager, presented his City Manager's Report dated September 8, 2014, to members of City Council. His report included an update on commercial development activity west of Anderson Street and west of the City's Urban Village Transit-Oriented Development Zoning District (UV-T), and north of town.

It was noted that the development activity was occurring in the corporate limits of the City of Houston. City Manager Hofmann indicated that it was his understanding that a building permit had been issued by the City of Houston to allow construction to start. The City of Bellaire had requested copies of construction documents from the City of Houston under the "Texas Public Information Act," including ingress and egress to and from the development, expected construction activity, flood plans, and a traffic impact analysis.

In closing, City Manager Hofmann advised that the property was being marketed as a Walmart site, with a hotel located between the Walmart building and Micro Center, as well as other development. Additionally, it was Bellaire's understanding that the City of Houston would require improvements to South Rice Avenue to accommodate that development.

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:** Motion to accept 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>	Amanda B. Nathan, Mayor Pro Tem
<b>SECONDER:</b>	Gus E. Pappas, Councilman
<b>AYES:</b>	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

## **2. Evelyn's Park:**

### **a. Update regarding the status of Evelyn's Park.**

Receive presentation on the status of the design of the Evelyn's Park Project located at 4400 Bellaire Blvd., Bellaire, Texas 77401.

City Manager Paul A. Hofmann provided introductory comments and an update to members of City Council regarding the items on the evening's agenda related to Evelyn's Park. Reference was made to the Operating and Development Agreement that the City of Bellaire, entered into with the Evelyn's Park Conservancy. Among the stipulations in the agreement was the approval by City Council of the restaurant design and parking and an environmental assessment of the park property.

With respect to the proposed restaurant and associated parking, City Manager Hofmann provided a recommended timeline for the project. He noted that an item would be placed on City Council's November 17th agenda to select a construction manager for the project. The construction manager would prepare a "not to exceed price" contract that would be presented to members of City Council on January 26, 2015.

In early February, a citizen group/community meeting would be planned and held on the park site or near the park site, weather permitting. In late February or early March, a groundbreaking ceremony would be held to kickoff the construction of the restaurant and parking.

With respect to the environmental assessment of the park property, City Manager Hofmann indicated that it was proceeding and going well, but not yet complete. Abatement plans were still needed for the renovation of the "yellow house" and the demolition of an existing red brick building. City Manager Hofmann indicated that the \$5,000,000 budget would pay for the environmental assessment and abatement. Thus far, less than \$10,000 had been expended on the environmental assessment.

City Manager Hofmann noted that quite a bit of time had been spent on the City's review of design development comments. The staff team that had reviewed the comments were Karl Miller, Parks, Recreation and Facilities Director; John McDonald, Community Development Director; Byron Holloway, Chief of Police; and Brant Gary, Public Works Director. City Manager Hofmann indicated that Marybeth Flaherty and John Gabriel (member of the Building Committee for Evelyn's Park Conservancy) had coordinated meetings between the Design Team (Graham Beach of Lake|Flato and Scott McCready of SWA), Building Committee, and the staff team to go over the review comments. All parties had been extremely responsive and continued to incorporate those review comments into the design.

City Manager Paul A. Hofmann advised that the design of the restaurant had not really changed from schematics presented to City Council previously.

With respect to parking, City Manager Hofmann advised that he wished to describe the City's approach to analyzing the parking and determining parking adequacy. The City of Bellaire did not have parking requirement standards for parks, but did have parking requirement standards for restaurants. The parking standard requirement for restaurants was driven by square footage. In determining the requirement for the proposed restaurant, the City looked at both the inside and the outdoor seating space designated for the restaurant, added the parking requirement for office space (3) and added a borrowed a standard from the City of Houston with regard to parks (number of spaces per acre). The City's determination was compared to the plan for spaces at the park, and the City was well within the required area.

Another way of looking at parking was the number of tables and number of cars that might be driven to the restaurant. When applying that standard for parking, the plan was adequate.

The next item on City Council's agenda (following approval of the restaurant design and parking) was an agreement with the Bellaire United Methodist Church ("BUMC"). City Manager Hofmann stated that discussions had been held as to whether the agreement could or should provide for parking requirements on an ongoing day-to-day basis. When the City developed the Joint Use Agreement with BUMC, it was the City's stated intent that the City would not plan to use the church parking across the street from the park for day-to-day activities. The goal, intent, and objective was to plan a park that had adequate parking for the park onsite.

Dr. Philip L. Nauert, Mayor, opened the floor for questions of City Manager Hofmann regarding his presentation. Following questions of City Manager Hofmann, a motion was made and action taken to accept his presentation into the record.

**Motion:**

To accept the presentation made by City Manager Paul A. Hofmann, regarding Evelyn's Park into the record.

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

(Requested by Karl Miller, Facilities Management)

**b. Approval of Restaurant Design.**



Consideration of and possible action on a recommendation from the Department of Parks, Recreation and Facilities to approve the proposed restaurant design and parking to be established in Evelyn's Park located at 4400 Bellaire Blvd., Bellaire, Texas, 77401.

Karl Miller, Director of Parks, Recreation and Facilities, referenced the Development and Operating Agreement between the City of Bellaire and the Evelyn's Park Conservancy, noting that it identified an opportunity for City Council to review and approve the restaurant design and parking allocation for Evelyn's Park. Director Miller introduced the design team of Graham Beach of Lake|Flato and Scott McCready of SWA, as well as Chris Tripoli with Ala Carte Food Service (consulting group).

Director Miller advised that it was City Staff's recommendation that City Council approve the proposed restaurant design and the proposed parking for Evelyn's Park. Director Miller indicated that he personally believed that the restaurant design was appropriate for the park and that the parking would adequately meet the needs of park patrons and those visiting the restaurant.

Graham Beach of Lake|Flato reviewed the plan for the cafe with members of City Council. The Evelyn's Park Conservancy and design team were proposing to repurpose the existing on-site yellow house as a small, counter-service cafe. It was noted that the footprint of the building would be expanded to the east and to the north to round out the remainder of the event complex. The interior portion of the cafe with the seating was approximately 430 square feet. The exterior porch to the south consisted of 350 square feet.

Mr. Beach continued and advised that there was a fixed, bar-height table on the exterior porch that would accommodate 8-10 people. Approximately 20-24 people could be seated comfortably in the interior of the cafe. The shade pavilion to be constructed next door for the event space could comfortably seat approximately 30 people.

One restroom was associated with the interior portion of the cafe and some external visitors; however, the larger or main park restroom was located in fairly close proximity to the cafe, according to Mr. Beach.

Scott McCready of SWA provided some rationale for City Council as to how the parking counts had been calculated. Thirty-eight (38) parking spaces would be provided for the park and restaurant, broken into two sections. On the west side off of Newcastle Drive, there were 29 parking spaces in a two-way looped parking lot. On the east side off of Mulberry Lane, there were 9 angled parking spaces. The majority of the parking was associated with areas of the park that might be more densely used, such as the cafe and event space. Much of the restaurant and park patrons were expected to be on bicycle or on foot.

Mr. McCready continued and stated that according to Bellaire's parking requirements for restaurants, 17 spaces would be needed. Three additional spaces were provided for the office space, and four additional spaces were provided per the City of Houston's parking requirements for parks. Some additional room was available to provide another 14 spaces distributed on both sides of the park. Additionally, 24 or more spaces would be provided for bicycle parking.

At the conclusion of the introduction and presentation related to the agenda item, Dr. Philip L. Nauert, Mayor, opened the floor to members of City Council for questions of the restaurant and parking design team.

Following questions of the design team by members of City Council, a motion was made and seconded regarding the restaurant design and associated parking.

**Motion:**

To receive the Evelyn's Park restaurant presentation and accept and approve the proposed restaurant design and associated parking, provided that park design elements to be constructed in phase I preserve maximum flexibility for additional on-site parking in the future as the City may deem necessary.

**Amendment No. 1 to Main Motion:**

To add a sentence to the main motion as follows: Additionally, this approval is subject to the requirement that should on-site parking be insufficient for everyday restaurant and park usage, the restaurant operator and/or the Conservancy shall seek to enter into an Agreement with Bellaire United Methodist Church to lease an amount of parking places that the Conservancy and the City deem to be sufficient.

<b>RESULT:</b>	<b>APPROVED [6-1]</b>
<b>MOVER:</b>	Amanda B. Nathan, Mayor Pro Tem
<b>SECONDER:</b>	Andrew S. Friedberg, Councilman
<b>AYES:</b>	Nauert, Nathan, Reed, Pappas, McLaughlan, Friedberg
<b>NAYS:</b>	Avioli Sr.

**Note:** Councilman James P. Avioli, Sr., indicated that he was opposed to taking any action with respect to the construction of Evelyn's Park until he could see a clean environmental assessment or a cost of abatement.

**Amendment No. 2 to Main Motion:**

To approve the proposed restaurant design subject to the addition of a restroom at the café.

Following discussion regarding Amendment No. 2 to the Main Motion, action was taken on the amendment.

<b>RESULT:</b>	<b>FAILED [1-6]</b>
<b>MOVER:</b>	Gus E. Pappas, Councilman
<b>SECONDER:</b>	Dr. Philip L. Nauert, Mayor
<b>AYES:</b>	Pappas
<b>NAYS:</b>	Nauert, Nathan, Reed, Avioli Sr., McLaughlan, Friedberg

**Restatement of Main Motion, as Amended:**

To receive the Evelyn's Park restaurant presentation and accept and approve the proposed restaurant design and associated parking, provided that park design elements to be constructed in phase I preserve maximum flexibility for additional on-site parking in the future as the City may deem necessary. Additionally, this approval is subject to the requirement that should on-site parking be insufficient for everyday restaurant and park usage, the restaurant operator and/or the Conservancy shall seek to enter into an Agreement with Bellaire United Methodist Church to lease an amount of parking places that the Conservancy and the City deem to be sufficient.

Dr. Philip L. Nauert, Mayor, after noting no further discussion on the matter, called for a vote on the main motion, as amended.

**Note:** Councilman James P. Avioli, Sr., indicated that he was opposed to taking any action with respect to the construction of Evelyn's Park until he could see a clean environmental assessment or a cost of abatement. (Requested by Karl Miller, Facilities Management)

<b>RESULT:</b>	<b>APPROVED [5 TO 2]</b>
<b>MOVER:</b>	Andrew S. Friedberg, Councilman
<b>SECONDER:</b>	Roman F. Reed, Councilman
<b>AYES:</b>	Nauert, Nathan, Reed, McLaughlan, Friedberg
<b>NAYS:</b>	Avioli Sr., Pappas

## **G. New Business:**

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

- a. 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, for and on behalf of the City of Bellaire, Texas, a parking agreement for Evelyn's Park, Bellaire, Texas, by and between the City of Bellaire, Texas, and the Bellaire United Methodist Church, located at 4417 Bellaire Boulevard, Bellaire, Texas 77401.

Karl Miller, Director of Parks, Recreation and Facilities, introduced the agenda item to members of City Council. He indicated that both parties to the agreement (the City and Bellaire United Methodist Church) would benefit from the agreement. Both parties agreed to allow the other to utilize their parking lot for events overflow upon a 30-day notification. Additionally, the Bellaire United Methodist Church ("BUMC") could schedule the use of the event space in Evelyn's Park up to eight times per calendar year at no charge depending on availability. Both parties agreed to provide the other with liability insurance indemnifying the other party. Both parties also agreed to provide a liaison to each other. The liaison representing the City would be the President of the Evelyn's Park Conservancy and the liaison representing BUMC would be their Business Manager. Non-scheduled or unplanned events were addressed in the agreement.

Director Miller concluded by recommending that City Council approve the parking agreement between the City and the BUMC for Evelyn's Park.

**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, for and on behalf of the City of Bellaire, Texas, a parking agreement for Evelyn's Park, Bellaire, Texas, by and between the City of Bellaire, Texas, and the Bellaire United Methodist Church, located at 4417 Bellaire Boulevard, Bellaire, Texas 77401.

Discussion ensued among members of City Council regarding the main motion on the floor. Following questions of Christina Stone, Attorney for the BUMC, an amendment was offered to decrease the number of times that the Evelyn's Park event space would be used by the BUMC.

Mayor Pro Tem Amanda B. Nathan asked City Manager Hofmann to seek to negotiate a letter of intent with BUMC regarding its potential willingness to enter into a lease agreement for everyday overflow parking for consideration acceptable to them. City Manager Hofmann indicated that he would work on a letter of intent.

**Amendment No. 1 to Main Motion:**

To amend Section IV, Additional Consideration, of the Agreement for the purpose of decreasing the number of events that the Bellaire United Methodist Church would be allowed to use the Evelyn's Park event space and/or park facilities for special events from "up to eight times in a 12-month period without charge" to "up to four times in a 12-month period without charge."

<b>RESULT:</b>	<b>APPROVED [6-1]</b>
<b>MOVER:</b>	Roman F. Reed, Councilman
<b>SECONDER:</b>	James P. Avioli, Sr., Councilman
<b>AYES:</b>	Nauert, Nathan, Reed, Avioli Sr., Pappas, Friedberg
<b>NAYS:</b>	McLaughlan

**Amendment No. 2 to Main Motion:**

To amend the term of the parking agreement to one-year beginning from commencement of park operations.

Discussion ensued among members of City Council regarding the amendment to the main motion limiting the term of the agreement.

**Substitute Motion:**

To amend the term of the parking agreement to start immediately and remain in effect until one year after the commencement of park operations. It shall be automatically renewable for one-year terms thereafter. Either party shall have the right to terminate this agreement by giving notice to the other party at least 90 days prior to termination following the first year.

**Vote on Substitute Motion:**

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

**Vote on Amendment No. 2 to the Main Motion, as amended by the Substitute Motion:**

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

**Vote on Main Motion, as twice amended:**

(Requested by Karl Miller, Facilities Management)

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

- b. Presentation, consideration, and possible action on the submittal of the "Certified 2014 Tax Roll and the 2014 Property Tax Rates in the City of Bellaire, Texas."

Chief Financial Officer Linda Symank advised that each year the City began the process to adopt its property tax rate with the presentation of the certified tax roll and the calculation of the effective tax rate and rollback tax rate. The City's 2014 certified tax roll (total taxable value plus the value of the uncertified property at its estimated value) was slightly over \$4 billion. Included in that number was \$72.6 million in new property.

With respect to the calculation of the effective tax rate and rollback tax rate, Chief Financial Officer Symank indicated that the City's calculated effective tax rate for 2014 was \$0.3658. She defined the effective tax rate as the rate that would give the City the same revenue this year as last year on existing properties--revenue on new property added was not taken into consideration when calculating the effective tax rate.

The City's calculated rollback rate was \$0.3936. The rollback rate was the highest rate that the City could adopt without being subject to a rollback election. In the calculation of this rate, both a debt service rate and an operations and maintenance rate were calculated separately. The debt rate was whatever rate was required to service the City's debt for the year. The debt rate was calculated with a certified collection rate of 99.57%, and the calculated debt service rate for this year was \$0.1404.

The operations and maintenance rate was the effective rate plus eight percent (8%). Chief Financial Officer Symank stated that the legislature allowed a City to have as much revenue on their existing property as the previous year and up to eight percent (8%) more without being subject to a rollback election. The City's operations and maintenance rollback rate was \$0.2532, for a total rate of \$0.3936 (\$0.1404 + \$0.2532).

Chief Financial Officer Symank continued and advised that the rate that the City was proposing for the 2014 tax year was to reduce its current tax rate of \$0.3999 down to the rollback rate of \$0.3936. Whenever a City proposed a rate that was above the effective rate, some additional steps were necessary before adopting the tax rate. The City Council would be required to take a record vote to place on a future agenda a proposal to adopt a tax rate that would raise more revenue this year than in the previous year. If that vote passed, City Council must schedule and announce the date, time, and place of two public hearings on the tax rate.

In addition to the referenced public hearings, Chief Financial Officer Symank indicated that there were also some required publications. The 2014 tax rate calculations and the notice of the public hearings on the rate would be published in the newspaper on Tuesday, September 9, 2014. After the two public hearings were held, a third notice would be published, which was the notice of revenue increase. After the third notice, City Council could hold a meeting to adopt the tax rate.

**Motion:**

To accept the report of the "Certified Tax Roll and the 2014 Property Tax Rates in the City of Bellaire, Texas" as submitted by Chief Financial Officer Linda Symank.

(Requested by Linda Symank, Finance Administration)

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

- c. Consideration and possible action regarding the taking of a record vote to increase the tax revenue for the City of Bellaire, Texas, for the 2014 tax year by proposing a tax rate of \$0.3936 per \$100 valuation and authorizing the Chief Financial Officer and the City Clerk to publish a "Notice of Public Hearings on Tax Increase." The recommended dates for said public hearings are Monday, September 22, 2014, and Monday, October 6, 2014, both public hearings of which will be held at 6:00 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401.

**Motion:**

To place on a future agenda a proposal to adopt a tax rate of \$0.3936 per \$100 value which effectively increased the City's revenue by 7.60%.

Record Vote:

Councilman Roman F. Reed	Yes
Councilman James P. Avioli, Sr.	Yes
Councilman Gus E. Pappas	Yes
Mayor Philip L. Nauert	Yes
Councilman Pat B. McLaughlan	Yes
Councilman Andrew S. Friedberg	Yes

Mayor Pro Tem Amanda B. Nathan Yes

City Manager Paul A. Hofmann announced the recommended dates, times, and places for the two public hearings as follows:

September 22, 2014, 6:00 p.m., in the Council Chamber, First Floor of City Hall; and

October 6, 2014, 6:00 p.m., in the Council Chamber, First Floor of City Hall.

**Secondary Motion:**

To hold two public hearings on a proposal to increase tax revenue for the City of Bellaire, Texas, for the 2014 tax year on September 22, 2014, and October 6, 2014, both at 6:00 p.m. in the Council Chamber, First Floor of City Hall.

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

**Vote on Main Motion (repeated here in tabular form for the purpose of referencing the mover and seconder):**

(Requested by Linda Symank, Finance Administration)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Philip L. Nauert, Mayor
<b>SECONDER:</b>	James P. Avioli Sr., Councilman
<b>AYES:</b>	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

- d. Consideration of and possible action regarding the taking of a record vote by members of the City Council of the City of Bellaire, Texas, to approve an ordinance adopting a budget for the City of Bellaire, Texas, for the fiscal year beginning October 1, 2014, and ending September 30, 2015, and appropriating the several sums set up therein to the objects and purposes therein named.

Assistant City Manager Diane K. White referred to Chief Financial Officer Linda Symank's presentation regarding truth-in-taxation and noted that the City had a new proposed tax rate in the budget that reflected the rollback rate. The only thing differences in the budget were to reflect that change. The initial proposed tax rate of \$0.3999 was reduced to the new proposed tax rate of \$0.3936. This change resulted in a reduction in property tax revenue of \$188,360.00.

In closing, Assistant City Manager White recommended adoption of the proposed budget for fiscal year 2015.

**Motion:**

To approve an ordinance adopting the budget of the City of Bellaire, Texas,

for the fiscal year beginning October 1, 2014, and ending September 30, 2015, reflecting a reduction in property tax revenue of \$188,360.00, and appropriating the several sums set up therein to the objects and purposes therein named.

**Amendment No. 1 to Main Motion:**

To delete the funding in the fiscal year 2015 budget for the proposed purchase of a Sport Utility Vehicle in the amount of \$48,000 for the Bellaire Fire Department.

Amendment No. 1 to the main motion, moved by Councilman Pat B. McLaughlan, failed due to the lack of a second.

**Amendment No. 2 to Main Motion:**

To remove the Sport Utility Vehicle for the Bellaire Fire Department from the budget and transfer those funds, \$48,000, to the Bellaire Police Department.

Discussion ensued among members of City Council regarding the amendment to the main motion. Following discussion, a third amendment was offered.

**Amendment No. 3 to Main Motion:**

To remove the Sport Utility Vehicle for the Bellaire Fire Department from the budget and transfer those funds, \$48,000, to the Bellaire Police Department as an operating discretionary item for the City Manager and Police Chief to utilize as needed (i.e., for salary increases and/or retention packages).

Discussion ensued among members of City Council regarding the amendment (no. 3) to the amendment (no. 2) to the main motion. Following discussion, action was taken on the amendment on the table.

**Action on Amendment No. 3 to Main Motion:**

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

After noting no further discussion, action was taken on Amendment No. 2.

**Action on Amendment No. 2 to Main Motion:**

<b>RESULT:</b>	<b>FAILED [2-5]</b>
<b>MOVER:</b>	Roman F. Reed, Councilman
<b>SECONDER:</b>	Pat B. McLaughlan, Councilman
<b>AYES:</b>	Reed and McLaughlan
<b>NAYS:</b>	Nauert, Nathan, Avioli Sr., Pappas, Friedberg



Discussion ensued among members of City Council regarding the proposed budget document.

**Amendment No. 4 to Main Motion:**

To restyle the \$250,000 line item currently titled "Holly Street Trail Rehabilitation Project" in the Fiscal Year 2015 Capital Improvement Program as "Park Improvement Projects."

Discussion ensued among members of City Council regarding the amendment to the main motion. Following discussion, action was taken on the amendment to the main motion.

<b>RESULT:</b>	<b>APPROVED [4-2]</b>
<b>MOVER:</b>	Amanda B. Nathan, Mayor Pro Tem
<b>SECONDER:</b>	Andrew S. Friedberg, Councilman
<b>AYES:</b>	Nathan, Avioli Sr., McLaughlan, Friedberg
<b>NAYS:</b>	Nauert and Reed
<b>ABSTAIN:</b>	Pappas

**Vote on Main Motion, as Amended:**

Note: Councilman Pat B. McLaughlan abstained from voting on the budget, as amended, as he believed there were items in the equipment areas that the City did not need to spend money on.

(Requested by Diane K White, Organizational Services)

<b>RESULT:</b>	<b>ADOPTED AS AMENDED [6 TO 0]</b>
<b>MOVER:</b>	James P. Avioli Sr., Councilman
<b>SECONDER:</b>	Roman F. Reed, Councilman
<b>AYES:</b>	Nauert, Nathan, Reed, Avioli Sr., Pappas, Friedberg
<b>ABSTAIN:</b>	McLaughlan

- e. Consideration of and possible action on a request from the Bellaire Office of Emergency Management for the adoption of a resolution of the City Council of the City of Bellaire, Texas, reaffirming Bellaire's participation in a county-wide program of emergency management with Harris County, Texas, for a period commencing September 8, 2014, and ending on January 10, 2016, said Joint Resolution of which will be submitted every two years thereafter in compliance with the election of new mayors.

**Motion:**

To adopt a resolution, titled "Joint Resolution," of the City Council of the City of Bellaire, Texas, reaffirming Bellaire's participation in a county-wide program of emergency management with Harris County, Texas, for a period commencing September 8, 2014, and ending on January 10, 2016, said Joint Resolution of which will be submitted every two years thereafter in compliance with the election of new mayors.

(Requested by Darryl Anderson, Fire Department)

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

- f. Consideration of and possible action on the adoption of an ordinance authorizing the Mayor of the City of Bellaire, Texas, to execute, for and on behalf of the City of Bellaire, Texas ("City"), an "Interlocal Mutual Aid Agreement" with Harris County, Texas ("County"), for the purpose of providing mutual aid consistent with the mutual aid and emergency assistance plans developed by the City's and County's emergency management agencies and/or departments and approved by the governing bodies of the City and County.

**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, for and on behalf of the City of Bellaire, Texas ("City"), an "Interlocal Mutual Aid Agreement" with Harris County, Texas ("County"), for the purpose of providing mutual aid consistent with the mutual aid and emergency management agencies and/or departments and approved by the governing bodies of the City and County.

(Requested by Darryl Anderson, Fire Department)

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

**2. Item for Individual Consideration:**

Discussion and possible action on a request from Councilman Pat B. McLaughlan to establish an Ad Hoc Committee to serve in an architectural advisory capacity to Council regarding the development of the new City Hall and other new City facilities; the method of appointment and size of the Ad Hoc Committee should be included in City Council's discussion and possible consideration of the request.

**Motion:**

To approve a request by Councilman Pat B. McLaughlan to establish an Ad Hoc Committee to serve in an architectural advisory capacity to Council regarding the development of the new City Hall and other new City facilities.

Discussion ensued among members of City Council regarding the main motion.

**Motion to Call the Question:**

<b>RESULT:</b>	<b>APPROVED [5-2]</b>
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<b>MOVER:</b>	Andrew S. Friedberg, Councilman
<b>SECONDER:</b>	Dr. Philip L. Nauert, Mayor
<b>AYES:</b>	Nauert, Nathan, Reed, Avioli Sr., Friedberg
<b>NAYS:</b>	Pappas and McLaughlan

**Action was taken on the Main Motion as follows:**

(Requested by Tracy L. Dutton, City Clerk)

<b>RESULT:</b>	<b>APPROVED [4 TO 3]</b>
<b>MOVER:</b>	Pat B. McLaughlan, Councilman
<b>SECONDER:</b>	Roman F. Reed, Councilman
<b>AYES:</b>	Reed, Avioli Sr., Pappas, McLaughlan
<b>NAYS:</b>	Nauert, Nathan, 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 to consider a bus tour for members of City Council to visit each of the City's parks. Councilman James P. Avioli, Sr., to place an item on the agenda that City Council further discuss the particulars of implementation and membership of the Ad Hoc Committee (i.e., whether or not to interview candidates or self-appoint members). Councilman Gus E. Pappas stated that he believed it was important to develop a charge for the Ad Hoc Committee.

Community interest items from the Mayor and City Council included expressions of thanks to the City Staff and City Manager for the budget and the men and women in uniform for their service to the country; reminder of the September 29th Community Meeting regarding Bellaire High School; and a comment regarding a report by the Houston-Galveston Area Council on area population growth, which indicated that the greatest growth was in the area between the Galleria and Mid-Town Houston.

**I. Adjourn.**

**Motion:** Adjourn the Regular Session of the Bellaire City Council at 11:12 p.m. on Monday, September 8, 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