



CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

SEPTEMBER 22, 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 Regular Session of the City Council of the City of Bellaire, Texas, to order at 7:10 p.m. on Monday, September 22, 2014. Mayor Nauert advised that a quorum was present, with all members of City Council in attendance, as set forth in the table below.

e Name	Title	Status	Arrive
Nauert	Mayor	Present	
B. Nathan	Mayor Pro Tem	Present	
. Reed	Councilman	Present	
Avioli Sr.	Councilman	Present	
appas	Councilman	Present	
Laughlan	Councilman	Present	
S. Friedberg	Councilman	Present	
lofmann	City Manager	Present	
etrov	City Attorney	Present	
Dutton	City Clerk	Present	

B. Inspirational Reading and/or Invocation - Gus E. Pappas, Councilman - Position No. 3.

Gus E. Pappas, Councilman - Position No. 3, provided the inspirational reading for the evening.

C. Pledges to The Flags - Gus E. Pappas, Councilman - Position No. 3.

Gus E. Pappas, Councilman - Position No. 3, led the 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 - September 8, 2014:

Consideration of and possible action on the adoption of the minutes of the Public Hearing of the City Council of the City of Bellaire, Texas, dated Monday, September 8, 2014.

Mayor and Council - Public Hearing - Sep 8, 2014 6:00 PM

Motion:

To approve the minutes of the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, held on Monday, September 8, 2014.

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

2. Minutes of the Regular Session of the Bellaire City Council - September 8, 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, dated Monday, September 8, 2014.

Mayor and Council - Regular Session - Sep 8, 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, September 8, 2014.

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

E. Personal/Audience Comments.

Lynn McBee:

Ms. McBee addressed City Council regarding comments she made during City Council's last meeting regarding long promised, historical city archives. Her comments stimulated someone to produce the archives and she wished to thank whoever was involved in that--perhaps the City Manager.

Ms. McBee indicated further that the LaserFiche software the City used to archive documents was very complex. She stated her commitment to try to contact the vendor who produced LaserFiche to see if there was a more user-friendly instruction manual than the online version.

Secondly, with respect to the award of a contract for the architectural design of new City facilities, Ms. McBee could not find a detailed tally of the responses to the Requests for Qualifications (RFQs) that the City advertised. Ms. McBee advised that City Council should have been given a list of the firms that submitted RFQs, the expertise of the firms, and the ranking that the City Staff Committee awarded to each to merit the recommendation that City Council would deliberate on this evening.

In addition, the recommended architectural firm, PGAL, had been with the City before (i.e., Fire Station and concept planning of the new City facilities). The amount already paid to PGAL for concept planning services was also not included with the agenda item. In closing, Ms. McBee expressed concern that City Council had been asked to make a

decision on an item without having all of the applicable information that would be needed.

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

Jane McNeel:

Dear Mayor and City Council,

I'm beginning to have an inkling of what it feels like to be a third world country - which is evidently what my area of Bellaire north of Bissonnet has become in the eyes of City personnel.

I understand a proposal was made by the City Manager regarding the esplanade along 4700 - 5000 Holly Street, which already has a walking path, to be improved to the tune of hundreds of thousands of dollars. Meanwhile my street (5100-5200 blocks of Locust) still lacks any sort of contiguous sidewalk.

I would be more than happy to have a simple crushed granite path - anything to avoid walking in the street. Other streets in our area have no curbs or gutters, which should appall anyone living in Bellaire. No wonder our neighboring inner-loop communities have seen a much greater increase in real estate values.

Is this how our City operates now? Become best friends with someone on staff? This sounds to me like an inside deal, made at the request of those few residents who stand to benefit from this sort of improvement, while those of us in "lesser neighborhoods" live with crumbling streets and no safe way to walk to the store. Why did these residents receive special treatment? Why don't they form a civic club, maybe turn out with some shovels, and pay their own way if they want additional "landscaping"? Better yet, who do I need to take to dinner (or whatever) in order to see some improvements in our area?

F. Reports:

1. City Manager's Report:

City Manager's Report dated September 22, 2014, regarding plans for upcoming meetings of the City Council.

Paul A. Hofmann, City Manager, presented the City Manager's Report dated September 22, 2014, to members of City Council. The report included an overview of plans for upcoming meetings of the City Council, including a Community Meeting regarding the reconstruction of Bellaire High School to be held on Monday, September 29, 2014, at 6:30 p.m. in the Bellaire Civic Center.

Following questions of City Manager Hofmann regarding his report, a motion was made and action taken to accept the City Manager's Report dated September 22, 2014, as submitted by City Manager Paul A. Hofmann, into the record.

(Requested by Paul A. Hofmann, City Manager)

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

2. National Night Out Presentation:

Chief of Police Byron Holloway will provide a presentation to members of City Council regarding "National Night Out" to be held in Bellaire, Texas, during the evening of Tuesday, October 7, 2014.

Chief of Police Byron Holloway addressed City Council and advised that the "National Night Out" ("NNO") Program was one of the Police Department's largest annual events. NNO started in the 1980s as an anti-crime measure. The emphasis, at that time, was on getting people to come out, meet their neighbors, and discuss issues that impacted the safety of their neighborhoods. Chief Holloway noted that the Neighborhood Watch Program was developed at approximately the same time as the NNO Program.

The Bellaire Police Department had participated in NNO for several years. This year, NNO, would be held on Tuesday, October 7, 2014. The NNO event in 2013 was the most successful event for the Bellaire Police Department, with 42 groups that accounted for over 1,000 citizens. Thus far this year, 27 groups had registered with Chief Holloway, with one group having as many as 70 neighbors participating.

The focus this year would be on the re-establishment of the Neighborhood Watch Program. Chief Holloway estimated that there would be 30-35 groups participating on October 7th. He extended an invitation to members of City Council to attend an officer briefing and pair up with an officer to visit some of the neighborhood meetings.

(Requested by Byron Holloway, Police Department)

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, appointing Christopher T. Gore as Deputy Assistant City Attorney for the City of Bellaire, Texas, for a two-year term commencing on October 1, 2014, and ending on September 30, 2016, for the purpose of serving as a Deputy Prosecutor in the Municipal Court of the City of Bellaire, Texas.

Chief Prosecutor Robert C. Richter, Jr., indicated that the item before City Council this evening was a reappointment of Mr. Gore. He stated that Christopher Gore served in the capacity of Deputy Prosecutor in at least one docket per month when Chief Prosecutor Richter was required to be in another court. Mr. Gore also served, along with Stanley Topek, when Chief Prosecutor Richter was on vacation or otherwise unable to serve. It was noted that Mr. Gore had served one term for the City and was an excellent trial attorney.

Motion:

To adopt an ordinance of the City Council of the City of Bellaire, Texas, appointing Christopher T. Gore as Deputy Assistant City Attorney for the City of Bellaire, Texas, for a two-year term commencing on October 1, 2014, and ending on September 30, 2016, for the purpose of serving as a Deputy Prosecutor in the Municipal Court of the City of Bellaire, Texas.

(Requested by Tracy L. Dutton, City Clerk)

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

- b. Consideration of and possible action on a recommendation from the Department of Parks, Recreation and Facilities to award a contract for janitorial services to TIBH Industries through the utilization of Chapter 122, Texas Council on Purchasing From People with Disabilities, in an amount not to exceed \$181,280.28 and on the adoption of 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 Standard Form of Agreement with TIBH Industries for said services in an amount not to exceed \$181,280.28.

Motion:

To approve a recommendation from the Department of Parks, Recreation and Facilities to award a contract for janitorial services to TIBH Industries in an amount not to exceed \$181,280.28 and 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 Standard Form of Agreement with TIBH Industries for said services in an amount not to exceed \$181,280.28.

{Moved by Gus E. Pappas, Councilman - Position No. 3, and seconded by Amanda B. Nathan, Mayor Pro Tem}

Director of Parks, Recreation and Facilities Karl Miller provided an overview of the agenda item before City Council regarding janitorial services. The janitorial services agreement would cover a one-year period of time, with five one-year renewal options stating that any price increase would not exceed the Consumer Price Index for the Houston area.

Currently, TIBH Industries provided janitorial services, as well as some litter pick-up and mowing services, for the City. It was noted that TIBH Industries was a non-profit organization with a contract through the State of Texas under Chapter 122, Texas Council on Purchasing from People With Disabilities, of the Human Resources Code.

Wilford Scott, Senior Regional Manager at TIBH Industries, advised that his company was a non-profit organization hired by the State of Texas and charged with finding employment opportunities for people with disabilities. Seventy-five percent of all of the work must be done by someone with a

disability. He thanked the City of Bellaire for providing opportunities for persons with disabilities.

Following questions from members of City Council, action was taken on the main motion.

(Requested by Karl Miller, Facilities Management)

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

- c. Consideration of and possible action on a recommendation from the Director of Parks, Recreation and Facilities to enter into a contractual agreement with Pierce Goodwin Alexander and Linville to provide Architectural and Engineering Design Services for the Municipal Facilities Project, design services to create a pedestrian friendly South Rice Avenue corridor, concept designs for a signature corner at South Rice Avenue and Jessamine, and conceptual designs for the Bellaire Library in an amount not to exceed \$827,000.00 for basic design services, itemized additional services not to exceed \$12,000.00 and reimbursable expenses not to exceed \$30,000.00, for a total amount not to exceed \$869,000.00.

Motion:

To approve a recommendation from the Director of Parks, Recreation and Facilities to enter into a contractual agreement with Pierce Goodwin Alexander and Linville (PGAL) to provide architectural and engineering design services for the Municipal Facilities Project, design services to create a pedestrian-friendly South Rice Avenue corridor, concept designs for a signature corner at South Rice Avenue and Jessamine Street, and conceptual design services for the Bellaire Library in an amount not to exceed \$827,000.00 for basic design services, itemized additional services not to exceed \$12,000.00, and reimbursable expenses not to exceed \$30,000.00, for a total amount not to exceed \$869,000.00.

{Moved by Amanda B. Nathan, Mayor Pro Tem, and seconded by Gus E. Pappas, Councilman - Position No. 3}

Director of Parks, Recreation and Facilities Karl Miller introduced the agenda item before City Council regarding architectural and design services for the Municipal Facilities Project. He advised that it was his recommendation that the City enter into a contractual agreement with PGAL for architectural and design services for the new municipal facilities.

Director Miller provided an overview of the steps that were followed to reach the recommendation to select PGAL for the referenced services. He noted that eight firms submitted an interest in providing architectural and engineering services for the City.

Following questions of Director Miller by City Council, Pat B. McLaughlan advised that he would abstain from voting on the agenda item because he was opposed to spending citizen tax dollars on a new City Hall. He did,

however, support the reconstruction of the Police and Municipal Court Building as the functionality of those facilities were in question, in his opinion. Additionally, Councilman McLaughlan advised that he had procedural concerns regarding the architectural services award; more specifically, the lack of City Council or citizen participation in the development of the Request for Qualifications document or the evaluation and selection process.
(Requested by Karl Miller, Facilities Management)

RESULT:	ADOPTED [6 TO 0]
MOVER:	Amanda B. Nathan, Mayor Pro Tem
SECONDER:	Gus E. Pappas, Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, Friedberg
ABSTAIN:	McLaughlan

- d. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Ordinance No. 02-061, duly approved and adopted by the City Council of the City of Bellaire, Texas, on September 16, 2002, for the purpose of granting a residential planned development to be known as "The Park at Bellaire" located in the 100 block of White Drive, Bellaire, Texas, in the Loop 610 Zoning District, to include the creation of two additional residential lots on a 0.19 acre site currently addressed as 129 White Drive, Bellaire, Texas.

Motion:

To adopt an ordinance of the City Council of the City of Bellaire, Texas, amending Ordinance No. 02-061, duly approved and adopted by the City Council of the City of Bellaire, Texas, on September 16, 2002, for the purpose of granting a residential planned development to be known as "The Park at Bellaire" located in the 100 block of White Drive, Bellaire, Texas, in the Loop 610 Zoning District, to include the creation of two additional residential lots on a 0.19 acre site currently addressed as 129 White Drive, Bellaire, Texas.
(Requested by John McDonald, Community Development)

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

- e. Consideration of and possible action on the adoption of an ordinance approving and authorizing the City Manager of the City of Bellaire, Texas, to enter into an Interlocal Agreement with the City of Houston, Texas ("Houston"), and the Harris County Metropolitan Transit Authority ("METRO"), for cooperative purchasing and other matters related to the procurement of goods and services.

Director of Public Works Brant Gary provided an overview of the agenda item before City Council regarding a request to enter into an Interlocal Purchasing Agreement with the City of Houston, Texas ("Houston"), and the Harris County Metropolitan Transit Authority ("METRO"). Director Gary indicated that the agreement would allow the City of Bellaire to participate in cooperative purchasing with the City of Houston and METRO for goods and

services. The advantages to the City as a result of entering into the agreement were savings through economies of scale and a reduction of administrative time.

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 enter into an Interlocal Agreement with the City of Houston, Texas, and the Harris County Metropolitan Transit Authority for cooperative purchasing and other matters related to the procurement of goods and services.

Following questions of Director Gary regarding the Interlocal Agreement, action was taken on the main motion.

(Requested by Brant Gary, Public Works)

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

2. Item for Individual Consideration:

Discussion, consideration, and possible action on a request from Councilman James P. Avioli, Sr., to develop and adopt a method of appointment of membership, number of members, charge, and implementation of the Ad Hoc Committee established by City Council on September 8, 2014, to serve in an architectural advisory capacity to City Council regarding the development of the new City Hall and other new City facilities.

James P. Avioli, Sr., Councilman - Position No. 2, introduced the agenda item before City Council. He referenced the prior City Council Meeting when an Ad Hoc Committee ("Committee") was established to serve in an advisory capacity to City Council regarding the development of new City facilities. Councilman Avioli indicated that City Council had not defined the charge of the Committee, the number of members, how members would be appointed, and what the members' relationship would be to City Council. For that reason, Councilman Avioli requested that an item be placed on the agenda to resolve some of the unanswered questions.

Motion:

To appoint seven members to the Ad Hoc Committee ("Committee"), with each member of City Council appointing one individual with unanimous support from the remaining members of City Council for each individual, for a term of one year, said Committee of which should begin interfacing with the City's architectural and engineering design firm, Pierce Goodwin Alexander and Linville ("PGAL"), and return to City Council with a report within six months.

{Moved by Dr. Philip L. Nauert, Mayor, and seconded by Roman F. Reed, Councilman - Position No. 1}

Discussion ensued regarding the main motion before City Council. Following discussion, it was noted that the Mayor would appoint a member of City Council to serve as a liaison to the Committee. Members of City Council were asked to forward their submission of an individual to serve on the Committee to the City Manager by October 20, 2014. The City Manager was asked to inform City Council if any individuals were vetoed by a member of City Council. Mayor Nauert indicated that he would select the Council Liaison to the Committee on October 20, 2014.

Jeff Gerber, Chief Executive Officer of PGAL, was asked to assist the City Manager in developing a draft charge for the Committee for City Council consideration.

(Requested by Tracy L. Dutton, City Clerk)

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

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

Community interest items from the Mayor and City Council included suggestions to consider raising awareness regarding trash and the impacts of trash on the community and sending a message to the residents explaining the relationship between an increase in taxes as a result of an increase in property valuations; and a reminder regarding National Night Out on October 7, 2014.

I. Adjourn.

Motion:

To adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:09 p.m. on Monday, September 22, 2014.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Roman F. Reed, Councilman - Position No. 1
SECONDER:	Pat B. McLaughlan, Councilman - Position No. 4
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg