



CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

NOVEMBER 3, 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 7:06 p.m. on Monday, November 3, 2014. He announced that a quorum was present consisting of all members of City Council.

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. Avioli 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 - Dr. Philip L. Nauert, Mayor.

Dr. Philip L. Nauert, Mayor, provided the inspirational reading for the evening.

C. Pledges to The Flags - Dr. Philip L. Nauert, Mayor.

Dr. Philip L. Nauert, Mayor, led the members of City Council and the audience in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

D. Recognition of Proclamations:

Proclamations

1. Issuance of a proclamation by Dr. Philip L. Nauert, Mayor, proclaiming Tuesday, November 4, 2014, as "Condit Elementary School Day" in the City of Bellaire, Texas, in recognition and celebration of their 100th Anniversary.

Dr. Philip L. Nauert, Mayor, read a proclamation he had issued proclaiming Tuesday, November 4, 2014, as "Condit Elementary School Day" in the City of Bellaire, Texas, in recognition and celebration of their 100th Anniversary.

Mayor Nauert presented the proclamation to Condit Elementary School Principal Dan Greenberg and Condit PTO (Parent Teacher Organization) President Ali Septimus.

(Requested by Tracy L. Dutton, City Clerk)

2. Issuance of a proclamation by Dr. Philip L. Nauert, Mayor, proclaiming November 5, 2014, as "Bellaire Historical Society Day" in the City of Bellaire, Texas, in recognition and celebration of their 40th Anniversary and in appreciation of the historical preservation services that the Bellaire Historical Society has provided to the citizens of Bellaire.

Dr. Philip L. Nauert, Mayor, read the proclamation he issued proclaiming Wednesday, November 5, 2014, as "Bellaire Historical Society Day" in the City of Bellaire, Texas, in recognition and celebration of their 40th Anniversary and in appreciation of the historical preservation services that the Bellaire Historical Society has provided to the citizens of Bellaire.

Mayor Nauert presented the proclamation to the following directors, officers, and supporters of the Bellaire Historical Society: Randy McKinney, Director; Jeannie Diehl, Director; Winfred Frazier, Director and 1st Vice President; Lynn McBee, Director and Secretary; Gail Reaben; and Barbara Walling.

(Requested by Tracy L. Dutton, City Clerk)

3. Issuance of a proclamation by Dr. Philip L. Nauert, Mayor, proclaiming the week of November 9-15, 2014, as "Perioperative Nurse Week" in the City of Bellaire, Texas, in recognition and appreciation of the contributions that perioperative registered nurses make to patient safety.

Dr. Philip L. Nauert, Mayor, read the proclamation he issued proclaiming the week of November 9-15, 2014, as "Perioperative Nurse Week" in the City of Bellaire, Texas, in recognition and appreciation of the contributions that perioperative registered nurses make to patient safety.

Mayor Nauert presented the proclamation to Joanne Oliver and President-elect Chad Flora of the Association of periOperative Registered Nurses of Greater Houston (AORN).

(Requested by Tracy L. Dutton, City Clerk)

E. Approval or Correction of Minutes:

Minutes of the Regular Session held on October 20, 2014.

Consideration of and possible action on the approval of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, October 20, 2014.

Mayor and Council - Regular Session - Oct 20, 2014 7:00 PM

Motion:

To approve the minutes of the Regular Session of the City Council of the City of Bellaire, Texas.

Following a question by Councilman James P. Avioli, Sr., of the City Attorney regarding the possible inclusion in the minutes of City Council comments related to an agenda item, action was taken on the motion as stated.

RESULT:	APPROVED [6 TO 0]
MOVER:	Gus E. Pappas, Councilman
SECONDER:	Roman F. Reed, Councilman
AYES:	Nauert, Nathan, Reed, Pappas, McLaughlan, Friedberg
ABSTAIN:	Avioli Sr.

F. Personal/Audience Comments:

Lynn McBee:

Ms. McBee addressed City Council regarding the newly Council-appointed Ad Hoc Municipal Facilities Committee charged to recommend its views related to the forthcoming municipal buildings funded by bond money and to be constructed approximately one year from now.

Ms. McBee stated that she attended the inaugural meeting of the Ad Hoc Municipal Facilities Committee ("Committee") and that she was appalled, in part, that the meeting agenda bore no resemblance to what she was expecting--an organizational meeting, election of officers, and adoption of Rules of Procedure--which were normally done at the first meeting of all boards and commissions. She raised the question and was told that the members would not be sworn because the City Clerk was not present. Council Liaison Gus Pappas presided at the meeting and discussions were led by the architect of record, Jeff Gerber.

Reference was made by Ms. McBee to the City's rules governing boards and commissions, which were codified and part of the City's Code of Ordinance ("Code"). The term of the appointment of the Committee was two-three weeks shy of a full year. She assumed that because the term was less than one year, the rules were ignored because the Code stated that ". . . this division shall not apply to citizens' ad hoc groups created for specific advisory purposes where such group is limited to a period of less than one year."

Ms. McBee continued and advised that the Committee was a critical committee and served as a necessary intermediary between the architect, management, and the City Council. No public hearings were listed as a requirement in the contract with the architect. There were no public hearings listed in the work plan, and no video recording of the Committee sessions as those sessions were held in the "back room."

She urged City Council to promote and release, through public releases and summaries, information to the public so that people would be informed as to when the meetings would occur. She indicated that she wanted the City Council to be aware that their intent as to the Committee needed to be clarified.

G. Reports:

Presentation of City Manager's Report dated November 3, 2014, regarding contract inspection services in Development Services.

Paul A. Hofmann, City Manager, presented the City Manager's Report dated November 3, 2014, to members of City Council. The report included a brief update of the City's current and proposed practice with respect to contract inspection services.

It had been the City's practice to enter into contracts with a firm that employed

qualified building inspectors to take some of the inspection burden off of in-house staff. While the City had no issue with the quality or timeliness of the firm's work, the City was recently informed of a significant rate change and a change in work model that made a difference to the City in moving forward.

Director of Development Services John McDonald had taken steps to end the City's relationship with the firm, and was looking into hiring other contractual, temporary building inspection staff to help fill any remaining gaps.

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.

Motion:

To accept the City Manager's Report dated November 3, 2014, as presented by City Manager Paul A. Hofmann, into the record.

RESULT:

UNANIMOUS [7-0]

MOVER:

Roman F. Reed, Councilman

SECONDER:

Andrew S. Friedberg, Councilman

AYES:

Nauert, Nathan, Reed, Avioli Sr., Pappas,
McLaughlan, Friedberg

(Requested by Paul A. Hofmann, City Manager)

H. New Business:

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

1. Consideration of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, finding and determining that the "2015-2020 Bellaire Cultural Arts Board Master Plan" for the City of Bellaire, Texas, prepared and presented by the Bellaire Cultural Arts Board, be adopted as the official "Cultural Arts Board Master Plan" for the period 2015-2020 for the City of Bellaire, Texas.

Diane White, Assistant City Manager ("ACM"), addressed City Council and indicated that she wished to recommend the adoption of the Bellaire Cultural Arts Board 2015-2020 Master Plan. ACM White introduced Terry Leavitt-Chavez, Chair, and Stephanie Goldfield, Vice Chair, who were present to represent the Bellaire Cultural Arts Board.

Chair Terry Levitt-Chavez, Bellaire Cultural Arts Board ("Board"), summarized the process, mission, goals, and one-time special projects set forth in the Master Plan. She advised that a Subcommittee consisting of herself and former members Christopher Butler (who served as Chair and authored the Master Plan) and Gretchen Sparks put the Master Plan together and presented it to the Board for their consideration. Chair Leavitt-Chavez recognized the remaining members of the Board for their creative ideas and input into the Master Plan as follows: Vice Chair Stephanie Goldfield, Secretary Jill Patir, Jennifer Hawes, Jacquelyn Quick, Lisa Risoli, and Andrew Williamson. The Master Plan was unanimously approved by the Board.

Following questions from members of City Council regarding the Master Plan, a motion was made and seconded and action taken to adopt the Master Plan for the City of Bellaire, Texas.

Motion:

To adopt a resolution of the City Council of the City of Bellaire, Texas, finding and determining that the "2015-2020 Bellaire Cultural Arts Board Master Plan" for the City of Bellaire, Texas, prepared and presented by the Bellaire Cultural Arts Board, be adopted as the official "Cultural Arts Board Master Plan" for the period 2015-2020 for the City of Bellaire, Texas.

(Requested by Diane K White, Organizational Services)

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

2. Consideration of and possible action on a recommendation from the Bellaire Public Works Department to award Bid No. 15-001, FY2014-2015 Street & Sidewalk Pavement Management Project, to AAA Asphalt Paving, Inc., in an amount not to exceed \$2,177,190.00 and authorization for the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with AAA Asphalt Paving, Inc., for said project in an amount not to exceed \$2,177,190.00.

Brant Gary, Director of Public Works, advised that the project before City Council would provide for street repair (surface repair to improve the driveability of the streets), as well as sidewalk repair in the locations identified in the City Council packet. The Public Works Staff was in the process of setting up a community meeting regarding this project for November 18, 2014, at 6:00 p.m. to discuss the scope, impacts, and benefits with those residents that would be affected by the construction.

In closing, Director Gary recommended approval and adoption of the bid award and agreement to AAA Asphalt Paving, Inc.

Motion:

To approve a recommendation from the Bellaire Public Works Department to award Bid No. 15-001, FY2014-2015 Street and Sidewalk Pavement Management Project, to AAA Asphalt Paving, Inc., in an amount not to exceed \$2,177,190 and to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with AAA Asphalt Paving, Inc., for said project in an amount not to exceed \$2,177,190.

Following questions of Director Gary and City Engineer James Andrews related to the project, action was taken on the motion as stated.

(Requested by Brant Gary, Public Works)

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

3. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the City Manager and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with Batterson, LLP, for the performance of thermoplastic striping services utilizing the Interlocal Agreement between the City of Bellaire, Texas, and Harris County, Texas, in an amount not to exceed \$114,561.29.

Brant Gary, Director of Public Works, summarized the agenda item before City Council. He indicated that the Public Works Department was looking to replace the traffic markings and striping along Elm Street from South Rice Avenue to the IH 610 Service Road, Evergreen Street from Newcastle Drive to Renwick Drive, Chimney Rock Road from Dashwood Street to Bissonnet Street, Chimney Rock Road from Evergreen Street to Maple Street, and South Rice Avenue from Elm Street to the Cypress Ditch.

Director Gary advised that the recommended contractor Batterson, LLP, currently had a street striping contract with Harris County, Texas, and Bellaire could participate in that agreement through an existing Interlocal Agreement with Harris County, Texas. He recommended that the contract be approved and managed by the City Engineer, and funded from the Capital Improvement Program Fund.

Motion:

To adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the City Manager and City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with Batterson, LLP, for the performance of thermoplastic striping services utilizing the Interlocal Agreement between the City of Bellaire, Texas, and Harris County, Texas, in an amount not to exceed \$114,561.29.

Following questions of Director Gary and City Engineer James Andrews regarding the project, action was taken on the motion as stated.
(Requested by Brant Gary, Public Works)

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

4. 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, and Public Works Administrative Manager to acknowledge, an Interlocal Agreement with Harris County, Texas, for the administration and implementation by Harris County, Texas, of a regional watershed protection education program on storm water quality impacts in the amount of \$8,933.15 for a term of one year commencing upon the execution of said agreement by Harris County, Texas.

Brant Gary, Director of Public Work, addressed the agenda item before City Council related to a regional watershed protection education program. He advised that the document before City Council was an Interlocal Agreement used to cover the portion of education requirements the City had under its National Pollutant Discharge Elimination System (NPDES) permit. In other words, in order to be able to (and permitted to) discharge into area drainage channels and to own, operate, and maintain a storm sewer system, education was involved. The City was required to participate in education activities and Harris County was willing to administer and implement the program on storm water quality impacts region-wide for a period of one year.

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, and Public Works Administrative Manager to acknowledge an Interlocal Agreement with Harris County, Texas, for the administration and implementation by Harris County, Texas, of a regional watershed protection education program on storm water quality impacts in the amount of \$8,933.15 for a term of one year commencing upon execution of said agreement by Harris County, Texas.

Following questions of Director Gary regarding the Interlocal Agreement, action was taken on the motion as stated.
(Requested by Brant Gary, Public Works)

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

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

There were no future agenda items requested from the Mayor or City Council. With respect to community interest items, expressions of thanks and congratulations were given to the Environmental and Sustainability Board on their successful Recycles Fest

held in cooperation with West University Place and on the Great Pumpkin Hunt sponsored by the Parks, Recreation and Facilities Department held in Loftin Park; recognition of hard work and expressions of thanks were given to the Cultural Arts Board regarding their Master Plan for 2015-2020 and to Condit Elementary School on their recent groundbreaking ceremony; and reminders to vote on Tuesday, November 4, 2014, as well as an invitation to celebrate the 40th Anniversary of the Bellaire Historical Society and to attend the programs sponsored by the Bellaire Historical Society, were offered.

J. Adjourn.

Motion:

To adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 8:52 p.m. on Monday, November 3, 2014.

RESULT:

MOVER:

SECONDER:

AYES:

UNANIMOUS [7-0]

Pat B. McLaughlan, Councilman

Roman F. Reed, Councilman

Nauert, Nathan, Reed, Avioli Sr., Pappas,
McLaughlan, Friedberg