



CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

JANUARY 5, 2015

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 7:30 p.m. on Monday, January 5, 2015. He advised that a quorum of all members of City Council were present as set forth in the table below.

Member Name	Title	Status	Arrived
Nauert	Mayor	Present	
B. Nathan	Mayor Pro Tem	Present	
J. Reed	Councilman	Present	
Avioli Sr.	Councilman	Present	
Pappas	Councilman	Present	
McLaughlan	Councilman	Present	
S. Friedberg	Councilman	Present	
Hofmann	City Manager	Present	
Metzger	City Attorney	Present	
Dutton	City Clerk	Present	

B. Inspirational Reading and/or Invocation - Gus E. Pappas, Councilman.

Gus E. Pappas, Councilman, provided the inspirational reading for the evening.

C. Pledges to the Flags - Gus E. Pappas, Councilman.

Gus E. Pappas, Councilman, led the audience and members of City Council in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

D. Approval or Correction of Minutes:

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, dated December 15, 2014.

Mayor and Council - Regular Session - Dec 15, 2014 7:00 PM

Motion:

To approve the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, dated December 15, 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

E. Personal/Audience Comments.

There were no personal/audience comments.

F. Reports:

1. City Manager's Report:

Presentation by City Manager Paul A. Hofmann of the City Manager's Report dated January 5, 2015, regarding updates related to the City Council Facilities Tour Plan and the Municipal Facilities Timeline, as well as an overview of the interview schedule for openings on the Evelyn's Park Conservancy Board and the Parks and Recreation Advisory Board.

Paul A. Hofmann, City Manager, presented the City Manager's Report dated January 5, 2015, to members of City Council. The report included updates related to the City Council Facilities Tour Plan and the Municipal Facilities Timeline, as well as an overview of the interview schedule for openings on the Evelyn's Park Conservancy Board and the Parks and Recreation Advisory Board.

City Council Facilities Tour Plan:

City Manager Hofmann advised that City Council would tour four City Halls on Tuesday, January 6, 2015, from 8:15 a.m. until approximately 3:30 p.m. The tour had been posted on the City's official bulletin board and website and was an open meeting. The four City Halls were noted to be in the cities of West University Place, Southside Place, Hedwig Village, and Sugar Land.

Municipal Facilities Timeline:

City Manager Hofmann indicated that the Bellaire Ad Hoc Municipal Facilities Committee ("Committee") was scheduled to meet twice in January (the 7th and the 20th). At the end of the second January meeting, the Committee will have discussed exterior design concepts.

The design concepts would be included on the City's website, blog, and City newsletter. Opportunities for public input regarding the municipal facilities included a Town Hall Meeting on February 2nd and Special Sessions on April 6th and May 4th. It was anticipated that City Council would approve a conceptual exterior design in May of 2015.

January 12, 2015:

On Monday, January 12, 2015, the City Council would meet in a Special Session for the purpose of interviewing candidates for an unexpired term on the Evelyn's Park Conservancy Board and an unexpired term on the Parks and

Recreation Advisory Board. The interviews were scheduled to begin at 6:00 p.m.

State of the City Address:

City Manager Hofmann stated that plans for February 2, 2015, included an Open House from 4:30 p.m. to 5:30 p.m. in the City Hall Lobby and Civic Center; a Town Hall Meeting beginning at 5:30 p.m. to receive public input on the municipal facilities; and the State of the City Address beginning at 7:00 p.m. Included with the Mayor's address would be the presentation of annual reports for calendar year 2014 by the Chairs of the City Boards and Commissions.

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

Motion:

To accept the City Manager's Report dated January 5, 2015, as presented by City Manager Paul A. Hofmann, into the record.
(Requested by Paul A. Hofmann, City Manager)

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

2. City Engineer's Report:

Presentation by City Engineer James Andrews of an update on the Uptown Crossing site related to drainage impacts and monitoring by the Texas Commission on Environmental Quality, and direction as appropriate.

James Andrews, P.E., City Engineer, presented his City Engineer's Report dated January 5, 2015, regarding drainage impacts and monitoring by the Texas Commission on Environmental Quality related to the 26-acre development known as "The Shoppes at Uptown Crossing" ("Uptown Crossing") located at the intersection of South Rice Avenue and Westpark Drive.

City Engineer Andrews advised that he wished to update City Council on two issues associated with the Uptown Crossing development: 1) potential stormwater impacts that the development might have on the South Rice Drainage System and 2) potential environmental impacts currently being monitored by the Texas Commission on Environmental Quality ("TCEQ").

Uptown Crossing consisted of a Micro Center (currently open for business), a Walmart (currently under construction), and plans for several commercial developments (i.e., a hotel, some restaurants, and business retail). The development was located entirely within the City of Houston, Texas, north of Bellaire at the corner of South Rice Avenue and Westpark Drive.

In addition to the development on the Uptown Crossing site, improvements to South Rice Avenue had been discussed. Two of the major improvements were noted to be a center turn lane adjacent to Uptown Crossing and lengthening of the left turn bay (traveling north on South Rice and turning left on Westpark Drive).

The storm drainage system for the Micro Center and Walmart sites were being questioned for the adequacy of preventing any adverse impact to the South Rice Drainage System ("Drainage System"). City Engineer Andrews advised that the Drainage System included the drainage of 600 acres, 400 acres of which were in Bellaire and 200 acres of which were in the City of Houston. The Drainage System began with a 24" storm sewer south of Westpark Drive, traversed through South Rice Avenue with a 36" line, then to a 42" line, and entered Bellaire at Elm Street with a 5' X 5' box culvert and exited Bellaire with two double 8' X 8' boxes, with an outfall directly into Cypress Ditch (owned by the City of Houston).

The major drainage issue the City had with the Stormwater Management Plan was that the Micro Center site was not providing any detention, and the Walmart site was not providing enough detention. The detention plan was the responsibility of the engineer of record for the site, which was the developer's engineer. The City of Houston provided criteria for the engineer to use in designing the drainage system that prevented the existing storm sewer capacity from being exceeded.

Generally, the engineer was required to accomplish two goals: 1) detain stormwater runoff from any increase that the new development created with additional impervious cover; and 2) to design the storm sewer system for a two-year frequency storm and then impose a 100-year frequency storm on that system.

The engineer for the development designed the drainage system for Micro Center based on the existing site having more impervious cover than the proposed site. The entire Micro Center site, before it was developed, drained to South Rice Avenue. For the Walmart site, the engineer determined that the new development would only slightly increase the impervious cover (less than one acre) and that the existing site drained entire to South Rice Avenue.

The information that the City obtained from the City of Houston did not contain enough data to adequately review the design engineer's assumptions and design calculations.

The City Council directed an engineering analysis to be performed on the site, which City Engineer Andrews was prepared to report this evening. Since the City did not have access to any topographic data, the engineering analysis was started with the research of historical aerial images of the site as it related to development and, more specifically, to impervious cover. City Engineer Andrews advised that existing impervious cover versus proposed impervious cover was one important component in determining detention requirements. Basically, a new development was required to detain the stormwater generated from the portions of the new site where there was an increased impervious cover as compared to the original site.

Aerial photographs of the Uptown Crossing site were shown to City Council dated 1943, 1953, 1989, 2002, and 2008, depicting development on the site

over that time period.

From the images, assumption were made that the stormwater from the development facing Anderson Street drained to Anderson Street and not South Rice Avenue as the design engineer indicated. Detailed information was also obtained from the Harris County Flood Control District (laser technology of the ground topography). The data was then used to show that approximately one acre of the Micro Center site, before it was developed, and 7.4 acres of the existing Walmart site, before it was developed, were not draining to South Rice Avenue. Part of the acreage was flowing to Westpark Drive through an entirely different drainage system, and a major portion was flowing to the east back to Anderson Street.

The engineer of record designed the drainage system for both Micro Center and Walmart to drain entirely to South Rice. It was City Engineer Andrews' opinion, that the rerouting of the water to South Rice Avenue would impact the Drainage System. The water was not accounted for in the design of the development. The current City of Houston Comprehensive Drainage Plan did not show any proposed storm drainage improvements to the South Rice Drainage System.

City Engineer Andrews indicated that the City had meeting with the City of Houston Assistant Director of Public Works, City Engineer, and Design Engineer of record, to work on the issue. The City's goal was to prevent adverse impacts to Bellaire.

At this point in the meeting and prior to discussion of the second issue, environmental impacts to Bellaire, Mayor Nauert opened the floor for questions of City Engineer Andrews by members of City Council. Following questions, City Engineer Andrews continued with the second portion of this report.

City Engineer Andrews indicated that the second issue of concern for the City were potential environmental impacts associated with the Walmart site. The site was currently being monitored by the TCEQ. The issue at hand was contaminated groundwater that was caused by an industrial manufacturing facility operating on the site from 1947 until it was decommissioned in 1988. According to the TCEQ, the manufacturing facility made different types of valves, and they contaminated the soil and groundwater in their operation process. The contamination consisted of various chlorinated hydrocarbon compounds.

TCEQ had been monitoring the site since 1994, and site was registered with TCEQ. The valve manufacturing company, Anderson Greenwood and Company, submitted a voluntary cleanup application for the facility in 1988. The site operated a groundwater recovery and treatment system until 2004, and then implemented a series of remediation efforts from 2005 until 2010. According to a recent report submitted to TCEQ, the plume of contaminated material had been detected 25-70 feet in depth and had migrated from the site area to the southeast. The plume of contamination had been identified in monitoring wells near Lehigh, Saxon, Glenmont, and Sheffield Streets in the City of Bellaire.

While the concentration levels were relatively low, TCEQ and water quality regulations required continued monitoring and remediation efforts as the

contaminants were potentially ingestible. City Engineer Andrews indicated that there were no groundwater wells in the area.

TCEQ advised City Engineer Andrews that they would try to get something going this month with respect to remediation efforts.

Mayor Nauert opened the floor for questions of City Engineer Andrews by members of City Council. Following questions, a motion was made and seconded to accept the report into the record.

Motion:

To accept the City Engineer's Report regarding possible drainage and environmental impacts to the City of Bellaire as a result of the development of Uptown Crossing in the City of Houston. Texas.
(Requested by Brant Gary, Public Works)

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

G. New Business:

Items for Individual Consideration:

1. Mayoral Appointments to the Audit Finance Board: Dr. Philip L. Nauert, Mayor, will make formal appointments of three (3) members of the City Council of the City of Bellaire, Texas, to serve on the Audit Finance Board of the City of Bellaire, Texas, for a one-year term commencing on February 1, 2015, and ending on January 31, 2016.

Dr. Philip L. Nauert, Mayor, made the following appointments to the Audit Finance Board of the City of Bellaire, Texas, for a one-year period commencing on February 1, 2015, and ending on January 31, 2016:

Mayor Philip L. Nauert;
Councilman Gus E. Pappas; and
Councilman Andrew S. Friedberg.
(Requested by Tracy L. Dutton, City Clerk)

2. Mayoral Appointments of City Council Liaisons to Bellaire Boards and Commissions: Dr. Philip L. Nauert, Mayor, will make formal appointments of members of City Council to serve as Liaisons for a one-year period commencing on January 1, 2015, and ending on December 31, 2016, to the following Boards and Commissions: Board of Adjustment, Building and Standards Commission, Cultural Arts Board, Environmental and Sustainability Board, L.I.F.E. Advisory Board, Parks and Recreation Advisory Board, and Planning and Zoning Commission.

Dr. Philip L. Nauert, Mayor, made the following appointments of members of City Council to serve as Liaisons to Bellaire Boards and Commissions for a one-year period commencing on January 1, 2015, and ending on December 31, 2015:

Board of Adjustment: Councilman Andrew S. Friedberg;

Building and Standards Commission: Councilman Pat B. McLaughlan;

Cultural Arts Board: Councilman Gus E. Pappas;

Environmental and Sustainability Board: Councilman James P. Avioli, Sr.;

LIFE Advisory Board: Mayor Philip L. Nauert;

Parks and Recreation Advisory Board: Mayor Pro Tem Amanda B. Nathan; and

Planning and Zoning Commission: Councilman Roman F. Reed.

After announcing his selections of Council Liaisons to the City's Boards and Commissions, Mayor Nauert asked for a motion, second, and vote on the appointments.

Motion:

To approve the selection by Mayor Philip L. Nauert of Council Liaisons to serve on the City's Boards and Commissions for a one-year period commencing on January 1, 2015, and ending on December 31, 2015.

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

(Requested by Tracy L. Dutton, City Clerk)

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

Items for future agendas included a request from Councilman Pat B. McLaughlan for an Executive Session of City Council to consult with the appropriate attorney regarding drainage and environmental impacts associated with The Shoppes at Uptown Crossing development located at the intersection of South Rice Avenue and Westpark Drive.

Community interest items from the Mayor and City Council included wishes for a Happy New Year and expressions of thanks to the hardworking Public Works group for their collection of curbside recycling on New Year's Eve.

I. Adjourn.

Motion:

To adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:05 p.m. on Monday, January 5, 2015.

RESULT:	UNANIMOUS
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MOVER:	Roman F. Reed, Councilman
SECONDEES:	Pat B. McLaughlan and James P. Avioli, Sr., Councilmen
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg