



CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

MAY 4, 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 7:06 p.m. on Monday, May 4, 2015. He announced that a quorum of the members of City Council were present as set forth in the table below.

| Member Name | Title | Status | Arrived |
|----------------------|---------------|---------|---------|
| Dr. Philip L. Nauert | Mayor | Present | |
| Mr. B. Nathan | Mayor Pro Tem | Absent | |
| 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 | 7:20 PM |
| 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 audience and the members of City Council in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

D. Recognition of Proclamations:

1. Issuance of a proclamation by Dr. Philip L. Nauert, Mayor, proclaiming the month of May 2015 as "Older Americans Month" in the City of Bellaire, Texas, in recognition of the contributions that older adults and the people who serve and support them make to the community.

Dr. Philip L. Nauert, Mayor, read the proclamation he had issued proclaiming the month of May 2015 as "Older Americans Month" in the City of Bellaire, Texas, in recognition of the contributions that older adults and the people who serve and support them make to the community.

The following board members and employees accepted the proclamation on behalf of the Bellaire older adults: Chair of the LIFE Advisory Board **Iola Pickul**, Vice Chair of the LIFE Advisory Board **Jerisue Garner**, Board Member of the LIFE

Advisory Board **Barbara Davis**, Assistant Director of Parks, Recreation and Facilities **Cheryl Bright**, and Recreation Supervisor **Victoria Arevalo**.
(Requested by Karl Miller, Parks, Recreation and Facilities)

2. Issuance of a proclamation by Dr. Philip L. Nauert, Mayor, proclaiming the week of May 10-16, 2015, as "National Police Week" in the City of Bellaire, Texas in recognition and appreciation of all law enforcement officers for the vital services they perform, their exemplary service to their communities, and in honor of those that have made the ultimate sacrifice.

Dr. Philip L. Nauert, Mayor, read the proclamation he had issued proclaiming the week of May 10-16, 2015, as "National Police Week" in the City of Bellaire, Texas, in recognition and appreciation of all law enforcement officers for the vital services they perform, their exemplary service to their communities, and in honor of those that have made the ultimate sacrifice.

Chief of Police Byron A. Holloway accepted the proclamation on behalf of the Bellaire Police Department.
(Requested by Byron Holloway, Police Department)

3. Issuance of a proclamation by Dr. Philip L. Nauert, Mayor, proclaiming the week of May 17-23, 2015, as "Emergency Medical Services Week" in the City of Bellaire, Texas, in recognition of the value and accomplishments of emergency medical services providers.

Dr. Philip L. Nauert, Mayor, read the proclamation he had issued proclaiming the week of May 17-23, 2015, as "Emergency Medical Services Week" in the City of Bellaire, Texas, in recognition of the value and accomplishments of emergency medical services providers.

Fire Chief Darryl Anderson accepted the proclamation on behalf of the Emergency Medical Services Division of the Bellaire Fire Department.
(Requested by Darryl Anderson, Fire Department)

4. Issuance of a proclamation by Dr. Philip L. Nauert, Mayor, proclaiming the week of May 17-23, 2015, as "National Public Works Week," and encouraging our residents to join in paying tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they have made to our health, safety, welfare, and quality of life.

Dr. Philip L. Nauert, Mayor, read the proclamation he had issued proclaiming the week of May 17-23, 2015, as "National Public Works Week," and encouraged the residents of Bellaire to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to the health, safety, welfare, and quality of life of the community.

The following Bellaire Public Works Department employees accepted the proclamation on behalf of the Public Works Department: Director of Public Works **Brant Gary**, Solid Waste Superintendent **Darold Bailey**, Solid Waste Equipment Operator **George Stredic**, Water and Wastewater Laborer **Greg Bailey**, Water and Wastewater Equipment Operator **Patrick Scott**, Streets and Drainage Superintendent **David Kauffman**, and Streets and Drainage Equipment Operator **Sean Fields**.

(Requested by Brant Gary, Public Works)

E. Approval or Correction of Minutes:**Minutes dated April 6, 2015:**

Consideration of and possible action on the adoption of the minutes of the Regular Session and Executive Session of the City Council of the City of Bellaire, Texas, held on Monday, April 6, 2015.

Mayor and Council - Regular Session and Executive Session - Apr 6, 2015
7:00 PM

Motion:

To approve the minutes of the Regular Session and Executive Session of the City Council of the City of Bellaire, Texas, held on Monday, April 6, 2015.

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

F. Personal/Audience Comments.**Cindy Siegel, President of the Patrons for Bellaire Parks:**

President Siegel addressed City Council on behalf of the Patrons for Bellaire Parks ("Patrons"). She noted that the Patrons recently held a fundraising event, Wine & Tapas, on the Great Lawn in Bellaire Town Square. The event was an overwhelming success and President Siegel thanked City Council for their support. Reference was made to the City Manager who went above and beyond the call of duty to help the Patrons with the event. President Siegel indicated that she wished to express a special thanks to all of the City Staff who helped with the event, specifically the Parks, Recreation and Facilities Department.

The mission of Patrons was to raise money for Bellaire parks and recreational programs. President Siegel mentioned several of the City's parks that had benefited from the Patrons' fundraising activities--Bellaire Town Square (Great Lawn and Bellaire Family Aquatic Center), Evelyn's Park, The Nature Discovery Center at Russ Pitman Park, and Officer Lucy Dog Park (in Lafayette Park). She indicated that the net proceeds from the Wine & Tapas Event held on April 25, 2015, would be donated for improvements to Evergreen Park.

Keith Bowers:

Mr. Bowers addressed City Council regarding finances for the City of Bellaire. He felt that the City's financial picture was murky at the present time, with many moving pieces and constant change.

With regard to Evelyn's Park, Mr. Bowers indicated that the project was sold to the City as a project that would not require any taxpayer funds. He stated that the City had been hijacked or ransomed, in his opinion, for \$5 million to show that the City "had skin in the game." Then, the Evelyn's Park Conservancy Board wanted the right to take the park back. He inquired as to whether the City was finally able to remove the

reversionary stipulation.

Reference was made to the report from the City and the Evelyn's Park Conservancy Board regarding value engineering. Mr. Bowers stated that he felt that everything had been stripped out of the park plans but the bare essentials. About the only thing above Third World standards in the "revised" plan were manual flush toilets, in his opinion. Examples cited by Mr. Bowers of items that were value engineered included a replacement of terrazzo floors with concrete floors,, change in ceiling materials, ten-foot walkways replaced with four-foot walkways, two-thirds of the surface drains were removed, and the utility entrance was reoriented. Mr. Bowers felt that everything decent had been stripped from the park plans and advised that he was totally opposed to any more City funds going toward Evelyn's Park.

As to municipal facilities, Mr. Bowers expressed dissatisfaction with the replacement of the City Hall and Civic Center. He indicated that the municipal facilities project was in total disarray and chaos in his opinion. He urged City Council to stop and get the City's priorities straight.

Mr. Bowers continued with comments related to the City's Wastewater Treatment Plant. He indicated that the City was facing \$40-50 million to rebuild the plant in the very near future. With respect to water production, Mr. Bowers advised that the City had spent approximately \$5 million to rebuild wells. He stated that he felt that Bellaire should be able to negotiate a better deal with the City of Houston.

As for the Rebuild Bellaire Program, Mr. Bowers stated that the program was a joke, in his opinion. He expressed concern that the City still had two-inch water mains, streets with no drainage, and potholes everywhere. Higher priority needs (as opposed to the replacement of City Hall) were staring at the City. He urged City Council to provide a five-year plan and tell the residents where the money was going to come from to address all of the City's priorities.

{The speaker's allotted time ended at this point in the meeting}

Barbara Jerige:

Ms. Jerige addressed City Council and advised that she wished to speak about Evelyn's Park. She stated that she and her husband met with Paul Hofmann, Patricia King-Ritter, Karl Miller, and Cheryl Bright over a week ago to discuss their concerns related to Wednesday night food trucks and the Saturday Pop-Ups in the Park fundraising events held at Evelyn's Park.

Ms. Jerige indicated that when she and her husband purchased their home they were told by many realtors that Evelyn's Park would be a sanctuary and that the existing historic home would be used as a café for events only.

Concerns voiced by the Jeriges to City Staff included parking in the street and people trespassing in their yard, as well as damage to their garage door from a paintball. Ms. Jerige advised that Camellia Street residents were unable to get up and down their street during these events without backing up all of the way to the stop sign.

Ms. Jerige indicated that she and her husband did not want to be bad neighbors, but also wanted the City to be good neighbors to the Camellia Street residents. She indicated further that she had asked if a security wall and noise control between the homes on Camellia Street and Evelyn's Park could be added in the design plan (on the property line at a height greater than the fence heights). The Jeriges were told that it

would not be fair to spend money on a wall that backed up to the homes on Camellia Street. She indicated that the events held at Evelyn's Park thus far had greatly affected her quality of life.

{The speaker's allotted time ended at this point in the meeting}

Andrew Jerige:

Mr. Jerige addressed City Council and expressed his concern with respect to the safety of the people walking up and down the street, as well as the safety and security of the residents on the north side of Camellia Street. He, too, proposed some type of wall running east to west on the property line. In closing, he echoed all of the comments made by his wife, Barbara Jerige.

Lynn McBee:

Ms. McBee addressed City Council on the topic of transparency and the responsibility of government. In her experience, Bellaire had traditionally had many people coming up to City Hall when their homes were believed to be in jeopardy.

Ms. McBee stated that she wished to point out to all of the citizens of Bellaire and to the sitting City Council that the City's Charter prevailed in addition to the laws of the State of Texas. Article X of the City Charter dealt with the initiative, referendum, and recall powers of the electors. Ms. McBee quoted Section 1, Power of Initiative, of Article X as follows:

The electors shall have power to propose any ordinance except an ordinance appropriating money or authorizing the levy of taxes, and to adopt or reject the same at the polls, such power being known as the initiative. Any initiative ordinance may be submitted to the Council by a petition signed by qualified electors of the City equal in number to at least twenty-five percent (25%) of the number of votes cast at the last regular municipal election; provided, however, that the petition shall contain the signatures of at least two hundred (200) qualified electors of the City. Bond elections may be initiated by petition to the City Council as above provided.

Ms. McBee stated that she had compiled the last canvass of the City's General Election held on November 9, 2013, and determined that 3,290 ballots were cast. Twenty-five (25%) of 3,290 was 823 voters. Only 823 signatures were needed to propose an initiative ordinance. She indicated that it was important for citizens to know that they did have the power that government relied upon. When things got out of hand, the people could exert their power to alter things (as was done in 1976 when one-half of the City Council was recalled from office for its attitude toward density and zoning).

Ms. McBee stated that the people of the community of Bellaire ruled. She indicated that she was not present to threaten, but to remind everyone as to how government worked in the country. She indicated that she spoke to this power because of its tremendous importance to the residents.

In closing, Ms. McBee suggested imposing a requirement on City management to arrange asking the people about issues, whatever those issues might be.

Written Comment:

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

Dear Mayor and City Council,

Recent mention of yet another bond issue to repair our infrastructure should raise red flags for City Council. According to the recent financial report for 2014, recent City Councils have increased our bonded debt by 72%, from \$44.4 million in 2005 to over \$77 million in 2014. Adding another \$12 million bond issue will effectively double our debt in just 10 years.

A large part of the recent increase in debt is dedicated to new municipal facilities and the Evelyn's Park Conservancy - a private 501 (c)(3) organization. Why did this organization gain priority over failing City infrastructure and the deferred maintenance of our existing parks?

I'd like to share my thoughts about all this. First, the municipal facilities. We need a new police station and new municipal courts. We do not need a new City Hall and Civic Center at this time. I cannot find one crack in the brick facade of the City Hall structure. Addressing the deferred maintenance plus some interior renovation would preserve the existing structure for many years to come.

Based on the recent revelation about the escalating costs for Evelyn's Park, it is unlikely that all the new facilities, no matter what design is chosen, can be built, and built well, for the current proposed amount of \$10 to \$12 million, especially since I understand that the exterior walkways, lighting, landscaping and other extraneous costs are not included. However you decide to proceed, I strongly urge you to do so in stages by first completing the new police station and municipal courts before demolishing City Hall and the Civic Center. That would be the financially prudent thing to do.

As for Evelyn's Park, which residents were assured would be developed without taxpayer funds, I say enough is enough. This is already becoming a black hole, but City Council made the commitment via the bond issue although voter turnout, as I recall, totaled a few thousand residents, and I've heard resident after resident say they were not in favor of this handout. Please do not devote one more cent of taxpayer funds to this project. The group running this needs to revise their plans for spending our money to the \$5 million dollar amount. Renovate the old house, open a cafe, build some fences and turn the rest into green space and walking paths, with plenty of parking. Then raise future funds as promised, from outside sources.

I, along with many, many other residents, am tired of crumbling streets and sewer lines, streets without gutters or curbs, (why on earth was the 5100 block of Chestnut completely repaved, while the 5200 block was not?), other streets with no sidewalks or walking paths, ratty looking esplanades. It's embarrassing to view the entrance to Bellaire at the Beechnut and Rice Avenue entry and see the difference between the Meyerland portion and the Bellaire portion. Other City entrances also leave much to be desired.

And portions of our downtown area look awful, next to no landscaping, deteriorating parking areas, and gaps in sidewalks. Definitely not pedestrian friendly. A majority of Council recently voted to spend \$200,000 for Holly Street landscaping. Can't the City

underwrite the cost of additional landscaping, maybe some crepe myrtles at least, in areas along our main thoroughfares?

Please, it's time to address what most residents really want to see in Bellaire, and it's not a new park with a water feature, or even a new City Hall. What residents want is an attractive City that provides excellent City services, a downtown that's accessible via well-paved streets, sidewalks, and parking areas, reliable water and sewer systems, well maintained City parks, and City personnel and a City Council that sets priorities with all the residents in mind, not just a vocal few.

Thank you,

Jane McNeel

G. Reports:

City Manager's Report dated May 4, 2015, regarding the April 27th department director planning session and a significant employee recognition.

Paul A. Hofmann, City Manager, presented the City Manager's Report dated May 4, 2015, to members of City Council regarding the April 27th department director planning session and a significant employee recognition.

City Manager Hofmann indicated that he and the department directors spent a day away from the office to prepare for budget season and, more specifically, for City Council's June 8th Planning Session. Most of the day was spent going over presentations of four departmental service plans. Those service plans would be shared with City Council in some amount of detail during the next two City Council Regular Sessions. The four service plans were for the departments of Police, Fire, Information Technology, and Public Works.

It was noted that a Bellaire homeowner with a home valued at \$1 million paid \$3,200 per year in taxes (after taking a homestead exemption into account) to the City of Bellaire. If that homeowner were over 65 years of age, he or she would pay \$2,600 per year in taxes to the City of Bellaire.

For those taxes, the homeowner in Bellaire received superb police and fire protection (well equipped and well trained), really good park services, annual street and drainage construction improvements, a well-resourced library, and other good City services.

City Staff hoped the service plans would provide information in a good context for future City Council decision making.

City Manager Hofmann advised that Human Resources Director Yolanda Williams received a statewide award last week. The award was provided by the Texas Municipal Human Resources Association, and the name of the award was "Human Resource Management Professional of the Year." It was noted that some very meritorious nominees competed with Yolanda for the award. Human resources professionals helped ensure that decisions were made professionally, with accountability and consistency in the decision making. City Manager Hofmann advised that the City was very proud of Yolanda and happy that she was with us.

Dr. Philip L. Nauert, Mayor, opened the floor for questions of the City Manager regarding his report. Following questions, a motion was made, seconded, and

action taken to accept the report into the record.

Motion:

To accept the City Manager's Report dated May 4, 2015, as presented by City Manager Paul A. Hofmann, into the record.

(Requested by Paul A. Hofmann, City Manager)

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

H. New Business:

Adoption of Ordinances:

1. Consideration of and possible action on the adoption of an ordinance appointing Patricia Sanchez as Deputy Court Clerk of the Municipal Court of the City of Bellaire, Texas, for a term commencing on May 4, 2015.

Following questions of Chief Financial Officer Linda Symank regarding the requested appointment, a motion was made and action taken to appoint Patricia Sanchez as Deputy Court Clerk of the Municipal Court of the City of Bellaire, Texas.

Motion:

To adopt an ordinance appointing Patricia Sanchez as Deputy Court Clerk of the Municipal Court of the City of Bellaire, Texas, for a term commencing on May 4, 2015.

(Requested by Tracy L. Dutton, City Clerk)

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Pat B. McLaughlan, Councilman |
| SECONDER: | Roman F. Reed, Councilman |
| AYES: | Nauert, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg |
| ABSENT: | Nathan |

2. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Ordinance No. 14-058, which provided for the appointment of seven (7) members to serve in an advisory capacity on the Ad Hoc Municipal Facilities Committee (the "Committee"), set the charge of the Committee, and approved a work plan for the design of new municipal facilities, for the purpose of filling two vacancies on the Committee.

Dr. Philip L. Nauert, Mayor, summarized the agenda item before City Council related to the possible appointment of up to two individuals to fill vacancies existing on the Ad Hoc Municipal Facilities Committee. He noted that two of the original appointees had withdrawn leaving two vacancies.

Motion:**To consider approving up to two positions on the Ad Hoc Municipal Facilities Committee.**

{Motion by Councilman Gus E. Pappas and second by Councilman James P. Avioli, Sr.}

Discussion ensued among members of City Council regarding the motion on the floor; more specifically, how City Council wanted to go about selecting the members to fill the two positions.

Amendment (No. 1) to the Main Motion:

That the individuals selected to propose replacements for the two positions on the Ad Hoc Municipal Facilities Committee would be Mayor Philip L. Nauert and Councilman Pat B. McLaughlan, followed by interviews of the individuals before the entire City Council and final approval to be made by the the entire City Council.

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| RESULT: | APPROVED [5 TO 1] |
| MOVER: | Dr. Philip L. Nauert, Mayor |
| SECONDER: | Pat B. McLaughlan, Councilman |
| AYES: | Nauert, Reed, Avioli Sr., McLaughlan, Friedberg |
| NAY: | Pappas |
| ABSENT: | Nathan |

It was noted that Mayor Nauert and Councilman McLaughlan would present their nominees to the City Manager. Interviews would be set up as soon thereafter as possible. Final action was taken on the main motion, as amended.

(Requested by Tracy L. Dutton, City Clerk)

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| RESULT: | ADOPTED AS AMENDED [5 TO 1] |
| AYES: | Nauert, Reed, Avioli Sr., McLaughlan, Friedberg |
| NAYS: | Pappas |
| ABSENT: | Nathan |

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

Community interest items from the Mayor and City Council included expressions of congratulations to the Patrons for Bellaire Parks on their successful Wine & Tapas Event; expressions of congratulations to Bellaire's Human Resources Director Yolanda Williams on her recent statewide award and recognition; and expressions of appreciation for the City employees and to Councilman James P. Avioli, Sr., for attending and participating in the evening's City Council meeting despite his feeling very poorly.

J. Adjourn.**Motion:**

**To adjourn the Regular Session of the City Council of the City of Bellaire, Texas,
at 8:42 p.m. on Monday, May 4, 2015.**

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| RESULT: | UNANIMOUS |
| MOVER: | Roman F. Reed, Councilman |
| SECONDER: | Pat B. McLaughlan, Councilman |
| AYES: | Nauert, Reed, Pappas, McLaughlan, Friedberg |
| ABSENT: | Nathan and Avioli Sr. |