



# CITY OF BELLAIRE TEXAS

## MAYOR AND COUNCIL

AUGUST 3, 2015

Council Chamber

Public Hearing and Regular Session

6:00 PM

7008 S. RICE AVENUE  
BELLAIRE, TX 77401

### I. SPECIAL SESSION (PUBLIC HEARING) - 6:00 P.M.

#### A. Call to Order and Announcement of a Quorum - Dr. Philip L. Nauert, Mayor.

**Dr. Philip L. Nauert, Mayor**, called the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, to order on Monday, August 3, 2015, at 6:03 p.m. Mayor Nauert announced that a quorum of the members of City Council was present as set forth in the table below:

ame	Title	Status	Arrived
ert	Mayor	Present	
Nathan	Mayor Pro Tem	Present	
eed	Councilman	Present	
oli Sr.	Councilman	Present	
as	Councilman	Present	6:18 PM
ughlan	Councilman	Present	
riedberg	Councilman	Present	

#### B. Reading of the Notice of Public Hearing - Tracy L. Dutton, City Clerk.

**Tracy L. Dutton, City Clerk**, read the "Notice of Public Hearing" into the record.

#### C. Summary of Public Hearing Procedures - Paul A. Hofmann, City Manager.

**Paul A. Hofmann, City Manager**, summarized the public hearing procedures for the evening.

#### D. Presentation:

Presentation of the recommended five-year update of the 2009 Comprehensive Plan, as reviewed by the Bellaire Planning and Zoning Commission, said update to include amendments to the Future Land Use Map, a review of the City's Goals and Guiding Principles, and the addition of a Parks Master Plan, as an appendix - John McDonald, Director of Development Services.

**John McDonald, Director of Development Services**, provided an overview to members of City Council regarding the recommended five-year update of the City's Comprehensive Plan, as reviewed by the Planning and Zoning Commission of the City of Bellaire, Texas (the "Commission").

It was noted that the recommendation from the Commission concluded nine months of discussions with input from the Commission, City Staff, and citizens, as well as a public hearing held before the Commission in May of 2015.

The future land use map was adjusted based on a review of how the City had

grown over the last five years, as well as an update to the priority action agenda which set the main goals and criteria for the future.

It was noted that the average household in the City of Bellaire had grown from 2.58 to 2.78, and that the family dynamic was changing to larger families and mixed generations. Based on a review of the population growth over the last five years, it was estimated that the population would continue to grow. In addition, the allowance of mixed-use, multi-family dwellings were added in the City's commercial districts. Director McDonald advised that more than 50% of the homes in Bellaire had been reconstructed.

With respect to the future land use map, changes were shown in the Uptown Transit Center which was upgraded to show a METRO bus station as a possibility. The CenterPoint Energy site, which was previously shown as a light industrial use, was updated to show a commercial use on the front of the site and residential use on the back of the site.

Director McDonald continued and indicated that the RMO District was separated from the CMU District based on issues that had arisen since the adoption of the Comprehensive Plan. Reference was made to school and church uses, which were generally shown as a residential use rather than their own separate use. The church property located next to the railroad tracks on Bellaire Boulevard was proposed as a residential use on the future land use map; however, the future use of ChristChurch Presbyterian was proposed as corridor mixed-use due to its proximity to downtown.

Reference was made to the priority agenda in Chapter 6. Director McDonald advised that goals that had been accomplished over the last five years were "checked" off. For example, progress had been made with respect to character based zoning and development in the UVT and CMU Districts. New zoning districts had been established (UVT, UVD, and CMU), as well as the inclusion of housing and mixed-use options in the commercial districts. More flexibility was provided through the redesign of the planned development option. The City was currently discussing the potential of the HEB Grocery Company redevelopment as a catalyst for the downtown area, and discussions were still ongoing with METRO regarding the development of the UVT District. With respect to Bellaire Town Square, the Fire Station and renovations to the Bellaire City Library had occurred since the adoption of the Comprehensive Plan. Finally, the former Teas property had been acquired for park development.

In closing his presentation, Director McDonald referred to future capital investments within the City as follows: the Rebuild Bellaire Program, HISD projects (new school facilities), and the Loop 610/US 59 interchange.

**E. Recognition of Citizens and/or Other Interested Parties - Dr. Philip L. Nauert, Mayor.**

**David Montague:**

Mr. Montague addressed City Council as a Clerk of Session of ChristChurch Presbyterian Church located at 5001 Bellaire Boulevard, Bellaire, Texas, and read the following statement:

*We, the Session (governing body of ChristChurch Presbyterian), support the recommended changes in the five-year update to the 2009 Comprehensive Plan,*

*including the change to the future land use map as referenced reclassifying our church property at the corner of Bellaire Boulevard and South Rice Avenue to CMU. We appreciate the Planning and Zoning Commission's and the City Council's hard work and forward thinking to best prepare all of us for Bellaire's future.*

**Charles Platt:**

Mr. Platt addressed City Council regarding the Comprehensive Plan. He indicated that he felt that the Comprehensive Plan (the "Plan") should be a document that reflected the current issues and concerns with the City of Bellaire.

Mr. Platt continued and stated that it seemed to him that the current draft was a partial revision of the 2009 Comprehensive Plan. In some areas, there were significant changes (i.e., the land use section). Other areas were hardly touched except for some minor details. For example, the section on police and response calls included data for the period 2004 to 2008, which raised the question as to what had been happening since 2008.

With respect to storm drainage control, Mr. Platt advised that only minor additions had been made to the Plan since the 2008 stormwater management plan. It had only been a few months since the Memorial Day deluge that struck Bellaire. Although there had not been much time to think about incorporating the City's plan for storm drainage control since that event, it seemed that the topic still needed to be addressed, even in an interim way, before approved by City Council in September of 2014.

Another area of concern to Mr. Platt was sidewalks and bikeways, which were a major issue for safety and value for the City in his opinion. Children needed to be able to walk and ride their bikes to school. Reference was made to Third Street and the fact that no bikeway route had been established for that street. The only statement he could find in the Comprehensive Plan regarding sidewalks was a statement that the Planning and Zoning Commission supported continuous sidewalks, which he certainly supported. Mr. Platt advised that he believed that this should be the City Council's view and not the Planning and Zoning Commission's view.

In closing, Mr. Platt advised that he believed the Parks Master Plan was an excellent plan that City Council should endorse. It was his opinion that Bellaire was not friendly for bicyclists or pedestrians (particularly those streets without sidewalks). The pathways section in the Parks Master Plan was very good in his opinion.

**Richard Franke:**

Mr. Franke addressed City Council and stated that he had not fully studied the Comprehensive Plan. He advised that he believed that the City of Bellaire and the elected officials charged with making policy needed to develop policy that better directed City Staff on how to implement various issues. For example, a great deal of time was spent on the CMU District with a focus toward promoting aesthetics and tax revenue. When the development across the street from the Valero Station located at Bissonnet Street and Newcastle Street was submitted, it consisted of a five-story concrete parking garage. Mr. Franke stated that City Staff should have been required to evaluate each project before a permit was issued as to the aesthetic impact on the community. He expressed concern that there were no guidelines.

A second issue related to the CMU District was drainage. After the storm that occurred in May, one of the remodeled store located on Bissonnet Street was sweeping three inches of water off of their floor. The Comprehensive Plan talked about drainage and

flood control but did not really address the areas of the City that were in need in Mr. Franke's opinion.

Reference was made by Mr. Franke to minutes of the Planning and Zoning Commission wherein Commissioner and Chair Winfred Frazier initiated a conversation regarding putting a program in place to expand and improve street lighting throughout the City of Bellaire. Mr. Franke strongly supported such a program; however, for some reason, the program was not mentioned in the Comprehensive Plan. Street lighting and sidewalks were public safety issues in Mr. Franke's opinion.

With respect to sidewalks, reference was made to Mulberry Lane, which had no sidewalks. The City's capital improvement plan for water was very vague in the Comprehensive Plan, in Mr. Franke's opinion. He advised that many members of the Planning and Zoning Commission were unaware that the City needed \$300 million of capital improvements as reported by City Engineer James Andrews. There was no reference to the \$300 million in the Comprehensive Plan, which he felt was a major omission as well.

Parking, traffic issues, public safety, and impact on the neighborhood as a result of the reclassification of the CenterPoint Energy site was of concern to Mr. Franke.

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

#### **Lynn McBee:**

Ms. McBee addressed City Council regarding the Comprehensive Plan Update and advised that she believed that the overview on the Comprehensive Plan was entirely too long. She felt that the Comprehensive Plan should be large in scope, but concise in the plan regarding what one proposed to do. In addition, the report was devoted in large part to historical data from census counts to library operations.

Reference was made to charts, tables, photos, and maps contained in the Comprehensive Plan. Ms. McBee stressed that the text should be more concise and less analytical. She also suggested less color. For example, white type on a dark brown background strained the eye in her opinion. She added that too much color took away from the content.

With respect to pagination, Ms. McBee advised that the pages within sections of the Comprehensive Plan did not reveal the total number of pages. The appended Parks Master Plan was paginated sequentially and was understandable in her opinion. She also suggested that the Comprehensive Plan be geared to the reader and content.

Ms. McBee continued and stated that her primary concern was the census focus. For 2-1/2 pages in the introduction, various takes on the census for Bellaire and other communities was given. From 1930 to 1960, Bellaire's population boomed from 390 to 19,872. Over the next 50 years (1960-2010), Bellaire's population declined from 19,872 to 15,642. From 2000-2010, Bellaire grew from 15,642 to 16,855. In 2010, Bellaire's population stabilized at 16,855. Several sources projected and estimated that future growth might increase modestly to 17,849.

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

#### **F. Questions from the Mayor and City Council - Dr. Philip L. Nauert, Mayor.**

During the questions portion of the meeting, Councilman Andrew S. Friedberg and Mayor

Pro Tem Amanda B. Nathan asked for clarification and suggested changes for several areas within the Comprehensive Plan.

Further questions from Councilmen James P. Avioli, Sr., Pat B. McLaughlan, and Roman F. Reed were also clarified during this portion of the meeting.

**G. Close of Public Hearing - Dr. Philip L. Nauert, Mayor.**

**Dr. Philip L. Nauert, Mayor**, advised that final deliberation by the City Council on the Comprehensive Plan Update was scheduled for September 14, 2015. He announced that following the close of the public hearing, oral comments would not be received. Written comments, however, could be submitted to the City Council in care of the City Clerk. In order for the written comments to be considered for the record, the comments must be received by noon on Thursday, September 10, 2015.

Mayor Nauert closed the public hearing before the City Council regarding the recommended Comprehensive Plan Update at 6:55 p.m. on Monday, August 3, 2015.

**H. Adjourn.**

**Motion:**

**To adjourn the Special Session (Public Hearing) before the City Council of the City of Bellaire, Texas, at 6:56 p.m. on Monday, August 3, 2015.**

<b>RESULT:</b>	<b>UNANIMOUS [7 TO 0]</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
<b>NAYS:</b>	None

**II. 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 7:05 p.m. on Monday, August 3, 2015. He announced that a quorum consisting of all members of City Council was present as set forth in the table below.

<b>Name</b>	<b>Title</b>	<b>Status</b>
Dr. Philip L. Nauert	Mayor	Present
Amanda B. Nathan	Mayor Pro Tem	Present
Roman F. Reed	Councilman	Present
James P. Avioli, Sr.	Councilman	Present
Gus E. Pappas	Councilman	Present
Pat B. McLaughlan	Councilman	Present
Andrew S. Friedberg	Councilman	Present
Paul A. Hofmann	City Manager	Present
Alan P. Petrov	City Attorney	Present

Tracy L. Dutton	City Clerk	Present
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**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:**

Minutes dated July 13, 2015:

Consideration of and possible action on the approval of the minutes of the Special Session (Public Hearing) and the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, July 13, 2015.

Mayor and Council - Public Hearing and Regular Session - Jul 13, 2015 6:00 PM

**Motion:**

**To approve the Special Session (Public Hearing) and Regular Session minutes of the City Council of the City of Bellaire, Texas, held on Monday, July 13, 2015.**

**\*Gus E. Pappas, Councilman - Position No. 3**, abstained from voting on the minutes of the City Council of the City of Bellaire, Texas, held on Monday, July 13, 2015, due to his absence from that meeting.

<b>RESULT:</b>	<b>APPROVED [6 TO 0]</b>
<b>MOVER:</b>	Roman F. Reed, Councilman
<b>SECONDER:</b>	Amanda B. Nathan, Mayor Pro Tem
<b>AYES:</b>	Nauert, Nathan, Reed, Avioli Sr., McLaughlan, Friedberg
<b>ABSTAIN:</b>	Pappas

**E. Personal/Audience Comments.**

**Lynn McBee:**

Ms. McBee addressed City Council and made a public apology, especially to the City Manager, for an error she made regarding the proposed budget. She indicated that she had scoffed at the number of employees listed in the proposed budget and later learned that she was missing a page, so her numbers were obviously not the ones submitted. She apologized to City Council as well for the misrepresentation. It was suggested by Ms. McBee that a challenge be laid down for a 10-15 year summary of the adopted budgets showing what staffing levels had been.

Secondly, Ms. McBee stated that the Parks Master Plan and Comprehensive Plan were now joined, but were heard at separate times by the Planning and Zoning Commission (the "Commission"). She advised that she had submitted a list of suggestions at that

time with respect to the Parks Master Plan (the "Plan"). Following a few exchanges between Director Karl Miller, Parks, Recreation and Facilities and Ms. McBee, Director Miller felt the changes were not substantive and incorporated them into the Plan. She indicated that it was her understanding that what went before the Commission must stay intact until it cleared City Council, and that any changes to be made would be those authorized by City Council.

Thirdly, Ms. McBee advised the Mayor and City Council that they could deviate from the agenda and answer factual questions from the public during Personal/Audience Comments. She referenced an Attorney General's opinion that she believed had been rendered regarding that topic.

#### **F. Reports:**

Presentation of a Report from the Bellaire Public Works Department regarding Solid Waste Route Changes - Presented by Brant Gary, Director of Public Works.

**Brant Gary, Director of Public Works**, presented a follow-up to a presentation made to City Council in December of 2014 regarding proposed changes to the City's solid waste and recycling service. He noted that the anticipated kick-off date for the proposed changes was October 5, 2015.

Director Gary indicated further that the City had been divided into five zones (A-E). The majority of the service changes related to limbs and brush and one zone had slight changes in solid waste. The idea behind the changes was related to the uneven staffing effect currently resulting from the City's one-day recycling service. The new approach would allow for a more consistent approach across the entire workweek and allow the City to address holidays a bit differently.

With respect to holidays, Director Gary advised that he had heard numerous complaints from residents that "lost" their recycling pick up two weeks in a row during holidays (i.e., Christmas and New Year's Day). While keeping that in mind, the City wanted to reduce the surge on Wednesdays and alleviate the holiday burden.

Director Gary indicated that the Public Works Department had sent information to residents and was currently in the process of working on a few other communication efforts (recycling newsletter and refrigerator magnets). Each resident would receive a magnet for their specific zone (such as "A" or "E"). The magnet would also provide the holiday schedule so that residents would know in advance which days would be affected and what the rescheduled day would be. Other efforts would include a utility billing insert, information in the City newsletter, "notify me" electronic communications through the City's website (two weeks and one week prior to kick-off), social media, and the City's municipal television channel (Channel 16).

In closing, Director Gary advised that the Public Works Department would be flexible and work with residents during this process.

Following questions of Director Gary from the Mayor and City Council, a motion was made and action taken to accept the Solid Waste Route Changes Report.

#### **Motion:**

**To accept the Solid Waste Route Changes Report, as presented by Brant Gary, Director of Public Works, into the record.**

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

#### **G. New Business:**

1. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, granting Specific Use Permit S-84 to West University Baptist Church/Crosspoint Church to allow for the construction of a youth worship building to be located at 4609 Bellaire Boulevard, Bellaire, Harris County, Texas, in the R-3 Zoning District. {Requirement of Chapter 24, Planing and Zoning, Article V, Zoning Regulations, Division 2, Zoning District Regulations, Section 24-532 B. (2) b), R-3 Residential District}

#### **Motion:**

**To adopt an ordinance of the City Council of the City of Bellaire, Texas, granting Specific Use Permit S-84 to West University Baptist Church/Crosspoint Church to allow for the construction of a youth worship building to be located at 4609 Bellaire Boulevard, Bellaire, Harris County, Texas, in the R-3 Zoning District.**

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

**To add a third condition to the specific use permit to read as follows: "A buffer of trees and shrubs shall be installed sufficient to create a light and sound barrier to the extent possible as said plantings mature, along the south property line."**

<b>RESULT:</b>	<b>UNANIMOUS [7 TO 0]</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
<b>NAYS:</b>	None

Following discussion among members of City Council, action was taken on the main motion on the floor, as amended.



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

2. Consideration of and possible action on a recommendation from the Bellaire Public Works Department to award Bid No. 15-004, Solid Waste & Construction Debris Removal (Tipping Fees), to Blue Ridge Landfill Texas, LP, in an amount not to exceed \$9.74 per cubic yard for compacted solid waste and construction debris and \$6.49 per cubic yard for non-compacted solid waste and construction debris and on the adoption of an ordinance 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 Blue Ridge Landfill Texas, LP, for services necessary for the acceptance, treatment, processing, handling, storage and disposal of solid waste from the City of Bellaire, Texas, in an amount not to exceed \$9.74 per cubic yard for compacted solid waste and construction debris and \$6.49 per cubic yard for non-compacted solid waste and construction debris.

**Motion:**

**To approve a recommendation from the Bellaire Public Works Department to award Bid No. 15-004, Solid Waste & Construction Debris Removal (Tipping Fees), to Blue Ridge Landfill Texas, LP, in an amount not to exceed \$9.74 per cubic yard for compacted solid waste and construction debris and \$6.49 per cubic yard for non-compacted solid waste and construction debris and to adopt an ordinance 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 Blue Ridge Landfill Texas, LP, for services necessary for the acceptance, treatment, processing, handling, storage and disposal of solid waste from the City of Bellaire, Texas, in an amount not to exceed \$9.74 per cubic yard for compacted solid waste and construction debris and \$6.49 per cubic yard for non-compacted solid waste and construction debris.**

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

3. Consideration of and possible action on the recommendation by the Parks, Recreation and Facilities Department to accept the Letter of Agreement between the City of Bellaire and Evelyn's Park Conservancy clarifying financial responsibilities related to construction of Evelyn's Park, and adoption of an ordinance authorizing Paul A. Hofmann, City Manager, to execute the Letter of Agreement.

**Motion:**

**To approve a recommendation by the Parks, Recreation and Facilities**

**Department to accept the Letter of Agreement between the City of Bellaire and the Evelyn's Park Conservancy clarifying financial responsibilities related to construction of Evelyn's Park and to adopt an ordinance authorizing Paul A. Hofmann, City Manager, to execute the Letter of Agreement.**

Discussion ensued among members of City Council, the City Attorney, and City Staff regarding the Letter Agreement. Following discussion, action was taken on the motion on the floor.

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

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

Items for future agendas included a request from Gus E. Pappas, Councilman - Position No. 3, for a joint workshop session of the City Council and the Ad Hoc Municipal Facilities Committee.

Community interest items from the Mayor and City Council included thanks to everyone involved in the City's Fourth of July Parade and Festival and to the City Staff for the recent Boards and Commissions Training Session; expressions of congratulations to Walmart on the grand opening of their new store on South Rice Avenue and to the excellent candidates that had submitted their names for City Council openings; congratulations and reminder that Bellaire's Tyler Duffey would make his debut with the Minnesota Twins baseball team on Wednesday evening; and a reminder to citizens to attend the dive-in movie at the Bellaire Family Aquatic Center on Thursday, August 13, 2015.

#### **I. Adjourn.**

##### **Motion:**

**To adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 8:03 p.m. on Monday, August 3, 2015.**

<b>RESULT:</b>	<b>UNANIMOUS [7 TO 0]</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
<b>NAYS:</b>	None