



# CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

SEPTEMBER 15, 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 7:02 p.m. on Tuesday, September 15, 2015. He announced that a quorum of the members of City Council were present as set forth in the table below.

Name	Title	Status	Arrive
Nauert	Mayor	Present	
B. Nathan	Mayor Pro Tem	Present	
Reed	Councilman	Present	
Avioli Sr.	Councilman	Excused	7:00 PM
Appas	Councilman	Late	8:12 PM
McLaughlan	Councilman	Present	
S. Friedberg	Councilman	Present	
ofmann	City Manager	Present	
etrov	City Attorney	Present	
Dutton	City Clerk	Present	

### B. Inspirational Reading and/or Invocation - Pat B. McLaughlan, Councilman - Position No. 4.

**Pat B. McLaughlan, Councilman - Position No. 4**, Provided the inspirational reading for the evening.

### C. Pledges to The Flags - Pat B. McLaughlan, Councilman - Position No. 4.

**Pat B. McLaughlan, Councilman - Position No. 4**, led 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 Regular Session dated July 20, 2015:

Consideration of and possible action on the approval and adoption of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, July 20, 2015 - Submitted by Tracy L. Dutton, City Clerk.

Mayor and Council - Regular Session - Jul 20, 2015 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, July 20, 2015.**

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

**2. Minutes of the Public Hearing and Regular Session dated August 3, 2015**

Consideration of a request from the City Clerk for City Council to ratify its approval of the minutes of the Public Hearing and Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, August 3, 2015; said approval of which was originally acted upon during the August 17, 2015, City Council Regular Session - Submitted by Tracy L. Dutton, City Clerk.

Mayor and Council - Public Hearing and Regular Session - Aug 3, 2015 6:00 PM

**Motion:**

**To approve a request from the City Clerk for City Council to ratify its approval of the minutes of the Public Hearing and Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, August 3, 2015.**

{The referenced minutes were approved on August 17, 2015, however, the caption on the agenda referred to July 20th minutes rather than August 3rd minutes.}

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</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>ABSENT:</b>	Pappas

**E. Personal/Audience Comments.****Kay Morgan:**

Ms. Morgan addressed City Council and thanked them and the members of the Ad Hoc Municipal Facilities Committee for allowing she and her neighbors to be heard regarding the location of the new police station and jail. As City Council knew, she and her neighbors strongly preferred that the facility (police station and jail) be located on the north side of Jessamine Street so that it would not be adjacent to any residential property. City Council had been kind enough to listen to the neighbors' comments several times.

She continued and advised that at one of the Ad Hoc Municipal Facilities Committee ("Committee") meetings, someone noted, incorrectly in Ms. Morgan's belief, that the Committee had not heard from a large sample of Bellaire residents, only those on Aspen Street. Further, a member of City Council was kind enough to meet with several of the neighbors. He told them if they wanted to make an impression, they needed to show up at a City Council meeting with 200 people. Ms. Morgan stated that she hoped she had

found an alternative that would be more respectful of City Council's time.

Ms. Morgan read a letter that she was presenting to City Council into the record as follows:

*Dear Mayor Nauert and Members of the Bellaire City Council,*

*It is our understanding that the City Council is currently considering a number of possible site plans for the construction of several new municipal buildings and that some of the alternative locations for the police station and jail have been evaluated. We write to let you know that we strongly oppose placing the police station and jail in any location that is directly adjacent to residents.*

Ms. Morgan continued and advised that the letter had been signed by 275 citizens of Bellaire. She noted that the residents set out to get 200 signatures. There were more signatures because a number of people heard about the letter and came directly to she and her neighbors to sign it. Two of the signatures were from children. Children were not asked to sign, but these two insisted and the neighbors chose not to deny them.

Obtaining the signatures was much easier than Ms. Morgan expected. She noted that she only encountered one person that expressed the view that placing a police station and jail next to residents was reasonable. All others viewed it as completely unacceptable for a City to do. Most were already aware of the issue and most understood that building the facility in the current location would require expenses for a temporary move, but felt that placing the facility next to a residence would negatively affect property values.

In closing, Ms. Morgan advised that she personally strongly supported Alternate Site Plan A.

**Cliff Morgan:**

Mr. Morgan addressed City Council and voiced his strong support for Alternate Site Plan A. He knew City Council had been very kind and had listened to neighbors' arguments many times. There were two things that he wished to add.

First, he understood that many members of City Council had expressed some concern regarding the additional costs involved in any plan other than the March 27th Plan, as stated by the City's architect, Jeff Gerber of PGAL. Mr. Morgan asked City Council to carefully review the assumptions on which Mr. Gerber's estimates were based. He personally did not find the assumptions at all plausible. If City Council would reviewed the assumptions, they would know that the March 27th Plan had three buildings as opposed to the Alternate Site Plan A, which had two buildings. Mr. Morgan advised that Mr. Gerber stated that Alternate Site Plan A would require an additional 10,000 square feet. Mr. Morgan believed that reducing the number of buildings from three to two would have to reduce the square footage rather than add to it.

Residents on Aspen Street expressed many concerns regarding privacy, security, noise, etc., and were told that the concerns could be addressed in the design phase. Residents were concerned that security cameras placed around the police station would look into the backyards of people on Aspen Street. Residents were told that the cameras could be placed on the ground. Although that might be true, Mr. Morgan advised that in his experience with the fire station, things the residents were told could be handled in the design phase were not. The residents ended up with a generator placed in the rear of the fire station providing noise and firefighters were able to look into his backyard from

the rear door. For those reasons, Mr. Morgan was not confident that concerns would be addressed in the new project. He had little confidence over the life of the building that things would stay the same (i.e., such as the placement of cameras around the police station).

In closing, Mr. Morgan urged City Council to support Alternate Site Plan A.

**Lydia Caldwell:**

Ms. Caldwell addressed City Council and commended the members of the Ad Hoc Municipal Facilities Committee ("Committee") for an excellent job. The members worked very long and very hard to reach their almost unanimous recommendation for Alternate Site Plan A. The members were entirely unanimous in their recommendation that the police station and jail should remain in its current location.

Ms. Caldwell advised that she had heard rumblings that some members of City Council would like to place the municipal facilities project issue on the upcoming ballot. As a taxpayer of the City of Bellaire, Ms. Caldwell indicated that if numbers were going to appear on the ballot she would personally like to see an unbiased, third-party public audit performed to verify the numbers that Jeff Gerber was presenting to everyone in terms of cost for each plan being considered. Too many of the residents simply did not believe that Alternate Site Plan A would cost \$2 million more than PGAL's plan (the March 27th Plan).

She continued and asked why anyone would accept the number without exercising complete due diligence and third-party verification. Furthermore, even if Alternate Plan A cost more to build than PGAL's plan, Ms. Caldwell suggested that cost should not necessarily be the deciding factor. She advised that there were too many other factors to consider--factors that the Committee had already thoroughly worked through.

Since the Committee had deeply invested themselves in the municipal facilities project, Ms. Caldwell indicated that she would like to see them be involved in the wording of this issue on the ballot if that came to be. As everyone knew, the verbiage could be either neutral and truthful or it could be deceptively slanted depending on the author. Another valid option was to trust the individuals that City Council personally chose to make up the Committee and to accept their recommendation for Alternate Site Plan A.

Ms. Caldwell left City Council with one question: Why should we dismiss the Committee's thoughtful, intelligent assessments and recommendations?

**Jeff Caldwell:**

Mr. Caldwell addressed City Council and advised that he had made his views clear to every member of City Council and appreciated them listening with open ears. He reiterated his strong preference for Alternate Site Plan A. This plan was by far the choice of the residents at the City's Town Hall Meeting. The plan was very carefully considered, along with the other plans in play by the Ad Hoc Municipal Facilities Committee ("Committee"). In closing, Mr. Caldwell advised that the Committee had done exactly as City Council had directed--to evaluate the alternatives in an even-handed manner. The clear winner was Alternate Site Plan A in his opinion.

**John Monday:**

Mr. Monday addressed City Council and indicated that he had appeared before City Council two months ago regarding the state of the City's appearance and visual

condition. At that time, Mr. Monday Introduced a group of citizens looking to focus part of City Council's attention on enhancements related to roadway, landscaping, and image maintenance. The citizens had selected a group name and established their mission statement. The group name was noted to be "Citizens for a Beautiful Bellaire." Mr. Monday indicated that a copy of the group's mission statement was before City Council.

Mr. Monday continued and advised that the value that the group brought to the City included their professional strengths and individual city and community organization experiences. Each member possessed aesthetic sensitivities, demonstrated professional acumen, and were experienced in community leadership roles. The group was motivated and did not charge a dime.

Further, Mr. Monday advised that the group was pleased that the City Manager had been quite proactive in responding to them and the need for enhancements. The reality and inescapable facts for the items discussed, such as enhancement and beautification, always seemed to cost more than any of us imagined. Reference was made to the group's top ten list. Mr. Monday indicated that the group felt that a reasonable amount of money could be expended on a minimum of six intersections and four traffic aisles. Some of the expenses that the group might suggest would be one-time expenses.

With respect to image maintenance, the group felt that it would take 30 days worth of labor and materials to power wash multiple City structures, clean three four-lane underpasses, and refresh an estimated three miles of curb. Before the group spent a dime, they would be working with the City Manager and his Staff to develop a coherent and suitable plan for maintenance and appearance standards.

In closing, Mr. Monday advised that the group was looking for a firm commitment from City Council to address the condition of Bellaire. Beyond enhancing what Bellaire already had, the group intended to work in alignment with the Comprehensive Plan, the Parks Master Plan, and the Update to the Comprehensive Plan to finally answer a central and vital question to the City of Bellaire. That question was what did residents want to portray about their City through its visual appearance? An additional question was the City's identity--what was it? Mr. Monday advised that the group looked forward to reporting back to City Council regarding mutual accomplishments made.

**Robert Riquelmy:**

Mr. Riquelmy addressed City Council, noting that he was a candidate for Mayor. He indicated that he wished to address openness and transparency. One of the first things that he would do as Mayor was to gather together the pertinent members of Staff in the City and find out why City Council could not, and perhaps would not, respond to comments from the podium. He was certain that there were plenty of good reasons, but none that would stand up to thorough scrutiny. He advised that a vote for him would result in some changes.

**Vicki Brentin:**

Ms. Brentin addressed City Council and thanked them for their service to the City. She indicated that the group she represented were regular participants who used the Evergreen Pool and Therapy Pool. The group was fully aware that the City Council did not hire and fire employees; however, given that the City had recently terminated a long-term employee with over ten years of experience, has had a huge impact to those regular users of the Therapy Pool and group classes.

She advised that she had written a letter to the Parks, Recreation and Facilities

Department ("Department") regarding the employee and would be meeting with the Department the following week. The group still wanted City Council to be aware of the impact to the users. Ms. Brentin indicated that the purpose of the letter she had written was to share her very own positive experiences in working with Barbara Thorwegen over the last year. She personally began using the Therapy Pool for rehabilitation in March after a total knee replacement. Without question, Barbara had been exceptional. There was no other employee who had demonstrated the level of concern, responsibility, and accountability in their job as Barbara had in hers. Barbara cared about doing the right thing in Ms. Brentin's opinion.

To the contrary, Ms. Brentin had observed others placed on the schedule being repeatedly late to open the Therapy Pool causing great inconvenience. In addition, she had observed other employees sleeping in the lifeguard chair or paying more attention to socializing and flirting with fellow lifeguards with little regard for the kinds of details that Barbara had paid attention to, such as the cleanliness of the pool and the other facilities that were utilized.

While it was not Barbara's responsibility, she was extremely helpful to Ms. Brentin in the rehabilitation of her knee. Barbara's knowledge base and skill set in that regard were exceptional. Barbara voluntarily showed Ms. Brentin exercises that would build upon what her therapist had provided and made sure she was doing them correctly. Ms. Brentin had observed Barbara doing the very same thing in providing similar support for others. In fact, Ms. Brentin indicated that it was amazing to see the level of concern that Barbara had for so many of the elderly and physically challenged people who used the pool. On many occasions, Barbara went way beyond the call of duty to assist people entering and leaving the pool and making sure that they safely navigated the facilities.

To the people who used the Therapy Pool, Barbara was not an employee, she was a relationship and a friend. There was a group of at least 10-15 people who regularly participated in group classes at the pool morning and afternoon, with the largest group on Saturday mornings. The group was extremely disappointed that Barbara would not be able to offer these classes. Ms. Brentin indicated that she thought it was fair to say that most would not be satisfied with another instructor. The group respectfully requested that Barbara be allowed to continue offering group instruction at a minimum on Saturday mornings. If City Council did not wish to include the class as something offered by the Department, Ms. Brentin urged them to consider allowing those interested to take private group lessons taught by Barbara.

Ms. Brentin advised that she had obtained the signatures of 18-20 people who participated in Barbara's classes in support of her.

**John Gabriel:**

Mr. Gabriel addressed City Council regarding two points. First, Mr. Gabriel urged City Council to support Alternate Site Plan A. On March 30th, a large segment of the Bellaire community showed much interest in municipal facilities. That evening 46 people either spoke or wrote in comments. One person spoke in support of the March 27th Plan. Forty-five people either spoke or wrote in comments supporting one of the alternate plans. In addition, many residents attended Ad Hoc Municipal Facilities Committee ("Committee") meetings. Since then, the Committee almost unanimously supported Alternate Site Plan A. He urged City Council to support Alternate Site Plan A.

Reference was made to the reported difference in cost amounting to an additional \$2 million for Alternate Site Plan A. Mr. Gabriel suggested that City Council dive much deeper into the data. He indicated that he took exception to some of the data and

would welcome further dialog with City Council about that.

Secondly, Mr. Gabriel urged City Council to reappoint the Committee to continue doing the fine work that they had been doing. He advised that he had a great deal of respect for each of the members.

**Lynn McBee:**

Ms. McBee addressed City Council and indicated that of all the possible topics that one could select, there was one no one had spoken to and probably would not. She urged City Council to seriously consider the notion now labeled "podium parking." She discovered that podium parking was at grade parking under a building, but not below ground. Reference was made to two black buildings on Bissonnet, a new dental center on Bissonnet, and an older office building at the corner of Bissonnet and South Rice Avenue that all had podium parking.

Ms. McBee advised that podium parking was wonderfully convenient for customers. She understood that many architects felt that podium parking was not aesthetically pleasing, but urged City Council to consider the taxpayers, customers, and consumers using the facility.

Further, she indicated that one did not design a building without addressing the maximum function of the building. Parking was chewing up valuable land. She asked City Council not to waste valuable land on parking lots, but rather incorporate at grade parking below the city facilities.

**Dr. Julie Boom:**

Dr. Boom addressed City Council and noted that as a physician she wished to follow Ms. Brentin's comments regarding how important Barbara's service had been to those at the Therapy Pool. Dr. Boom had watched Barbara assist in the strengthening of runners who had been injured, as well as people recovering from knee and neck surgery. Barbara had been able to provide invaluable help with exercise and strengthening for those aging. Barbara opened Dr. Boom's eyes to a whole new area of exercise that she had no idea she would be able to do after having neck surgery. Dr. Boom said the group really enjoyed the classes and did not feel that there could be someone else who could simply step into Barbara's shoes.

**Nancy Stow:**

Ms. Stow addressed City Council and advised that Barbara Thorwengen was an institution in Bellaire. Seven years ago, Ms. Stow's back doctor told her that there were two things she could do for her back, one of which was swimming. She chose to swim, and Barbara changed her life.

Ms. Stow continued and advised that Barbara was terminating in two weeks and the group was very sad to lose her. Additionally, the group did not understand why this was happening. The pool already did not look the same. Ms. Stow advised that the group was confused as to why the City would let someone like Barbara go.

**F. Reports:**

1. Presentation of the City Manager's Report dated September 15, 2015, regarding upcoming events in the City of Bellaire - Presented by Paul A. Hofmann, City Manager.

**Paul A. Hofmann, City Manager**, provided the City Manager's Report dated September 15, 2015, to members of City Council. The report included an overview of special events scheduled for the next few months in Bellaire. It was noted that some of the events were organized or hosted by the City of Bellaire; however, there were others on the list that represented partnerships the City had with others in the community. An example of an upcoming event was provided as follows: "National Night Out" scheduled to occur on October 6, 2015.

There were no questions for the City Manager from members of City Council.

**Motion:**

**To accept the City Manager's Report dated September 15, 2015, as presented by Paul A. Hofmann, City Manager, into the record.**

<b>RESULT:</b>	<b>UNANIMOUS [6 TO 0]</b>
<b>MOVER:</b>	Amanda B. Nathan, Mayor Pro Tem
<b>SECONDER:</b>	James P. Avioli, Sr., Councilman
<b>AYES:</b>	Nauert, Nathan, Reed, Avioli Sr., McLaughlan, Friedberg
<b>NAYS:</b>	None
<b>ABSENT:</b>	Pappas

2. Presentation, consideration of, and possible action on the submittal of the "Certified 2015 Tax Roll and the 2015 Property Tax Rates in the City of Bellaire, Texas" - Presented and submitted by Linda Symank, Chief Financial Officer.

**Linda Symank, Chief Financial Officer** ("CFO"), provided a brief presentation to members of City Council regarding the "Certified 2015 Tax Roll and the 2015 Property Tax Rates in the City of Bellaire, Texas." She indicated that the City received its certified tax roll from Harris County on August 25, 2015.

For tax year 2015, CFO Symank provided the following information:

Appraised Value of Property	\$5,327,093,885
Total Taxable Value of Property	\$4,061,031,301
Total Uncertified Value of Property	\$459,542,279

The value the City used in the truth-in-taxation calculations included both the certified taxable value and the estimated value of the uncertified property. For that purpose, the City used a value of \$4,520,573,580. The value represented a 12.4% increase from last year's numbers. Also included in the total was the value of the new property added to the tax roll this year. That value was noted to be \$102,790,650.

CFO Symank advised that the City had completed the calculation of the City's effective and rollback tax rates. The effective tax rate was noted to be \$0.3600. The effective rate was the rate that would give the City the same revenue this year as last year. It was calculated using only the property that was on the rolls both last year and this year.

The City's rollback tax rate was noted to be \$0.3805. The rollback rate was the highest rate the City could adopt without being subject to a rollback election. It



allowed the operation and maintenance effective rate to increase 8% plus the required debt service rate for the year.

CFO Symank advised that City Staff was proposing a tax rate of \$0.3805. The receipt of the certified roll and acceptance of the roll this evening was a requirement of the Texas Property Tax Code.

Following questions of CFO Symank from members of City Council, a motion was made, seconded, and voted on the receipt and acceptance of the certified roll.

**Motion:**

**To accept the "Certified 2015 Tax Roll and the 2015 Property Tax Rates in the City of Bellaire, Texas," into the record.**

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

**G. New Business:**

**1. Adoption of Ordinance(s)/Resolution(s):**

- a. Consideration of and possible action regarding the taking of a record vote to increase the tax revenue for the City of Bellaire, Texas for the 2015 Tax Year by proposing a tax rate of \$0.3805 per \$100 valuation and authorizing the City Clerk and Chief Financial Officer to publish a "Notice of 2015 Tax Year Proposed Property Tax Rate for the City of Bellaire." The recommended dates for two public hearings on the referenced proposal are Monday, October 5, 2015, and Monday, October 12, 2015, both of which will be held at 6:00 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401 - Submitted by Linda Symank, Chief Financial Officer.

**Linda Symank, Chief Financial Officer** ("CFO"), provided a brief overview of the agenda item before City Council to take a record vote to increase the tax revenue for the City of Bellaire, Texas, for the 2015 tax year and scheduling two public hearings on the proposal to increase the tax revenue.

CFO Symank advised that "truth-in-taxation" was the regulation that defined very specific steps, as well as wording, that the City must use in the process to adopt its tax rate. Because the City's proposed rate of \$0.3805 was above the City's effective rate, the City had to take some additional steps. The first step was the record vote this evening. When an entity proposed a rate that was above the lower of the effective rate or rollback rate, then the entity must take a record vote to place on a future agenda an item to adopt a tax rate that would increase revenue over the previous year.

The specific wording for the referenced motion was noted as follows: *I move that the property tax rate be increased by the adoption of a rate of \$0.3805, which is effectively a 5.69% increase in the tax rate.*

CFO Symank indicated that the referenced 5.69% was an increase from the

effective tax rate to the rollback tax rate and not an increase in the City's revenue. The proposed tax rate of \$0.3805 would actually increase the City's revenue by \$1,256,789 or a 7.88% increase. The increase in the revenue came from the 8% increase on the operations and maintenance effective rate, thereby providing an additional \$817,000 of revenue to the General Fund. The revenue from new property added to the tax roll this year would generate an additional \$391,000, which covered both the General Fund and the Debt Service Fund. In order to have the funds available for the City's debt service, the City needed an additional \$48,000.

At the time the City received its certified roll, the City was able to look at the estimated revenue for the General Fund and realized that the revenue would increase \$112,728. When the City projected revenue for the General Fund, the projection was an 8% increase over the prior year plus the historical estimate of what the new property value would be for tax year 2015. Of the \$112,728, \$30,000 was coming from a higher than historically used value for new property. The remainder of the increase was attributable to the change in appraised value.

If the motion passed this evening to place the recommended tax rate on a future agenda, the City must set and announce two public hearings on the tax rate. City Staff was proposing that the first public hearing be held before the Regular Session on October 5, 2015, at 6:00 p.m. in the Council Chamber. The second public hearing would be a called Special Session on October 12, 2015, at 6:00 p.m. in the Council Chamber.

Also to be announced this evening was the date and time that the tax rate would appear on a City Council agenda for consideration. City Staff recommended adopting the tax rate on October 19, 2015, on the City Council Regular Session agenda. The "Notice of 2015 Tax Year Proposed Property Tax Rate for the City of Bellaire" included information about the two public hearings and must be published before the first public hearing. The City was proposing that the notice be published in the Southwest News on September 22, 2015.

If the City followed the schedule outlined by CFO Symank, the City would be in compliance with truth-in-taxation requirements for the adoption of the City's tax rate. Also of note was an increase in the average value of a residential home, which increased slightly more than 14%. The average value was \$619,566 (up from \$542,318 in the prior year) for a tax increase of \$229.

**Motion:**

**I move that the property tax rate be increased by the adoption of a rate of \$0.3805, which is effectively a 5.69% increase in the tax rate.**

Following questions of CFO Symank regarding the presentation, a record vote was taken by City Council on the motion on the floor.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Philip L. Nauert, Mayor
<b>SECONDER:</b>	Roman F. Reed, Councilman
<b>AYES:</b>	Nauert, Nathan, Reed, Avioli Sr., McLaughlan, Friedberg
<b>ABSENT:</b>	Pappas

- b. Council consideration and approval of a resolution amending the FY2015 Budget. Submitted by Diane K. White, Assistant City Manager.

**Diane White, Assistant City Manager** ("ACM"), advised that the budget amendment resolution before City Council this evening reflected what the City had reported in the third quarter and what was in the City Council's budget book under FY 2015 projections. She advised that those projections were used to develop the beginning balance for FY 2016.

She continued and advised that the budget amendment was required by the City Charter to be adopted in the last three months of a budget year. The amendment basically transferred appropriations between departments.

ACM White recommended that City Council adopt the budget amendment resolution as presented.

**Motion:**

**To adopt a resolution of the City Council of the City of Bellaire, Texas, amending the budget for the City of Bellaire, Texas, for the fiscal year beginning October 1, 2014, and ending September 30, 2015; and authorizing the City Manager or his designee to take all actions necessary to facilitate the changes identified in the resolution.**

Following questions of ACM White, action was taken on the motion on the floor.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</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>ABSENT:</b>	Pappas

- c. Consideration of and possible action regarding the FY2016 budget of the City of Bellaire, Texas for the fiscal year beginning October 1, 2015, and ending September 30, 2016, and appropriating the several sums set up therein to the objects and purposes therein named by 1) Adopting the FY2016 budget by record vote and 2) Ratify the tax increase reflected in the FY2016 budget. Item Submitted by: Diane K. White, Assistant City Manager

**Diane White, Assistant City Manager** ("ACM"), noted that City Council was required to adopt the budget with a record vote and to vote to ratify the property tax increase reflected in the budget. The document must also include a budget cover indicating that the City was increasing tax revenue from 2015 to 2016.

ACM White reviewed changes that had occurred to the budget since it was

first presented on July 20, 2015. She noted that the City Manager made a recommendation to add \$112,728 to the property tax revenue and to appropriate that same amount of money to Capital Improvement Projects for the purposes of a capital project for beautification. In addition, language was added for the draft Capital Improvement Projects that was requested by Councilman Friedberg.

In closing, ACM White advised that she recommended adoption of the budget as presented by taking a record vote and ratifying the tax rate.

{Note: Gus E. Pappas, Councilman, arrived at 8:12 p.m. and participated in the agenda item on the floor.}

**Motion:**

**To adopt an ordinance of the City Council of the City of Bellaire, Texas, adopting the budget for the City of Bellaire, Texas, for the fiscal year beginning October 1, 2015, and ending September 30, 2016 (FY 2016), and appropriating the several sums set up therein to the objects and purposes therein named.**

{Moved by Andrew S. Friedberg, Councilman, and seconded by Amanda B. Nathan, Mayor Pro Tem}

**Dr. Philip L. Nauert, Mayor**, opened the floor for questions of ACM White by members of City Council regarding the FY 2016 budget. Following questions and discussion, an amendment to the main motion was offered by James P. Avioli, Sr., Councilman.

**Amendment (No. 1) to the Main Motion:**

**To amend the proposed FY 2016 budget by adding a line item to be entitled "City Beautification" to be funded in the amount of \$300,000, said line item to be listed under the Parks, Recreation and Facilities Department budget.**

{Amendment No. 1 offered by James P. Avioli, Sr., Councilman, and seconded by Pat B. McLaughlan, Councilman}

**James P. Avioli, Sr., Councilman**, explained how the \$300,000 could be derived. He suggested including the additional revenue of \$112,078 previously referenced plus \$50,000 in savings from the Holly Trail Project plus \$50,000 from the Evelyn's Park maintenance budget (assuming that the project would not require six months of maintenance in fiscal year 2016), with the remaining \$98,000 coming from the FY 2015 budget carryover.

**Paul A. Hofmann, City Manager**, provided an explanation to members of City Council indicating that there would not be \$50,000 left from the Holly Trail Project. He estimated that \$10,000 might be left from that project. City Manager Hofmann stated that he agreed with Councilman Avioli in that the City might not have to pay six months of maintenance for Evelyn's Park; however, he could not recommend that the City count on that. City Manager Hofmann stated that the City did not have \$98,000 to appropriate without taking from some other budgeted items or negatively impacting the City's ending balance.

Discussion ensued among members of City Council regarding the amendment on the floor.

**Amendment (No. 1) to Amendment (No. 1) to the Main Motion:**

**To add an actual reference to "City Wide Beautification" on the chart entitled "City of Bellaire FY 2016 Proposed Capital Projects" on page 84 of the budget document (as opposed to the Parks, Recreation and Facilities Department budget).**

{Amendment offered by Andrew S. Friedberg, Councilman, and seconded by Amanda B. Nathan, Mayor Pro Tem}

Following discussion among members of City Council regarding the amendment on the floor, **a motion was made by Amanda B. Nathan, Mayor Pro Tem, to close the discussion.**

**Dr. Philip L. Nauert, Mayor,** called for a vote on amendment (no. 1) to amendment (no. 1) to the main motion.

<b>RESULT:</b>	<b>APPROVED [4 TO 3]</b>
<b>MOVER:</b>	Andrew S. Friedberg, Councilman
<b>SECONDER:</b>	Amanda B. Nathan, Mayor Pro Tem
<b>AYES:</b>	Nauert, Nathan, Reed, Friedberg
<b>NAYS:</b>	Avioli Sr., Pappas, McLaughlan
<b>ABSENT:</b>	None

Following action, a second amendment was offered to Amendment (No. 1) to the Main Motion.

**Amendment (No. 2) to Amendment (No. 1), as amended, to the Main Motion:**

**To substitute the amount of \$300,000 with the amount of \$112,728.**

Discussion ensued among members of City Council and the City Manager regarding the amendment on the floor. Following discussion, action was taken on the amendment.

<b>RESULT:FAILED [3 TO 4]</b>	
<b>MOVER:</b>	Andrew S. Friedberg, Councilman
<b>SECONDER:</b>	Dr. Philip L. Nauert, Mayor
<b>AYES:</b>	Nauert, Nathan, Friedberg
<b>NAYS:</b>	Reed, Avioli Sr., Pappas, McLaughlan
<b>ABSENT:</b>	None

Dr. Philip L. Nauert, Mayor, called for a vote on the Amendment (No. 1), as amended, to the Main Motion (\$300,000 for beautification).

<b>RESULT:APPRO</b>	
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<b>VED [4 TO 2]</b>	
<b>MOVER:</b>	James P. Avioli, Sr., Councilman
<b>SECONDER:</b>	Pat B. McLaughlan, Councilman
<b>AYES:</b>	Reed, Avioli Sr., Pappas, McLaughlan
<b>NAYS:</b>	Nauert, Nathan
<b>ABSTAIN:</b>	Friedberg
<b>ABSENT:</b>	None

Councilman Friedberg abstained from voting on the amendment because he remains firmly in support of the Beautification initiative, but could not support the amount of the line item being added to the budget without the additional amendments that would be necessary to free up funds elsewhere in the budget in order to pay for it.

**Amendment (No. 2) to the Main Motion, as amended:**

**To add a parenthetical phrase “(an increase in tax revenue)” in the preamble of the ordinance and in the fourth ordination paragraph to read as follows:**

**Preamble:**

**“ . . . 2) VOTE TO RATIFY THE TAX INCREASE (AN INCREASE IN TAX REVENUE) REFLECTED IN THE BUDGET.”**

**Fourth Ordination Paragraph:**

**“4. That the budget of the City of Bellaire, Texas, appended hereto as “Appendix A,” for the fidscal year beginning October 1, 2015, and ending September 30, 2016, be, and the same is hereby, in all respects, finally approved and adopted by record vote and a vote made to ratify the tax increase (an increase in tax revenue) in the attached document is hereby filed with the City Clerk of the City of Bellaire, Texas.”**

Following discussion regarding the amendment on the floor, action was taken on the amendment.

<b>RESULT:UNANI MOUS [7 TO 0]</b>	
<b>MOVER:</b>	Andrew S. Friedberg, Councilman
<b>SECONDER:</b>	Gus E. Pappas, Councilman
<b>AYES:</b>	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg
<b>NAYS:</b>	None
<b>ABSENT:</b>	None

Discussion ensued among members of City Council regarding the Main Motion, as amended.

**Amendment (No. 3) to the Main Motion, as amended:**

**To implement a retention incentive plan whereby each patrol officer for the City of Bellaire, Texas, would receive an additional \$2,000 per year as a mileage reimbursement (maximum mileage of 20 miles one way).**

{Moved by James P. Avioli, Sr., Councilman, and seconded by Pat B. McLaughlan, Councilman}

Following discussion among City Council regarding the recommended plan, a motion was offered to postpone consideration of the plan to a future date.

**Motion to Postpone Amendment (No. 3) to the Main Motion:**

**To postpone consideration of Amendment (No. 3) to the Main Motion until no later than the second meeting in October.**

<b>RESULT:UNANIMOUS [7 TO 0]</b>	
<b>MOVER:</b>	Andrew S. Friedberg, Councilman
<b>SECONDER:</b>	Pat B. McLaughlan, Councilman
<b>AYES:</b>	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg
<b>NAYS:</b>	None
<b>ABSENT:</b>	None

**Dr. Philip L. Nauert, Mayor, called for a record vote on the adoption of the FY 2016 budget, as amended:**

Councilman Roman F. Reed - Yes  
 Councilman James P. Avioli, Sr. - Yes  
 Councilman Gus E. Pappas - Yes  
 Mayor Philip L. Nauert - Yes  
 Councilman Pat B. McLaughlan - Yes  
 Councilman Andrew S. Friedberg - Yes  
 Mayor Pro Tem Amanda B. Nathan - Yes

**Motion:**

**To ratify the tax increase reflected in the FY 2016 budget.**

<b>RESULT:UNANIMOUS [7 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., Pappas, McLaughlan, Friedberg
<b>NAYS:</b>	None
<b>ABSENT:</b>	None

- d. Consideration of and possible action on a recommendation from the Parks, Recreation, and Facilities Department to award a contract to Classic Irrigation and Landscape Inc., for improvements to the Holly Street Esplanade in the amount of \$149,919.00 and 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 City Clerk to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with Classic Irrigation and Landscape, Inc., for Holly Street Landscape Improvements in the amount of \$149,919.00 - Submitted by Michelle Jordan, Project Manager.

**Paul A. Hofmann, City Manager**, asked City Council to remove the Holly Street Esplanade Project item from the agenda. Based upon his understanding of the approval of the budget and direction given therein, the City could not afford the project within the funds that were allocated for it.

**Dr. Philip L. Nauert, Mayor**, indicated that he did not wish to remove the item from the agenda without the support of City Council. He understood that the budget was tight, and the City's commitment to beautification was a true commitment.

**City Manager Hofmann** advised that if \$50,000 were to come from the project to fund the beautification line item, then the City did not have the funds as the project was designed and advertised. One option was to reduce the scope of the project. He advised that he would appreciate some time to think that through and come back to City Council.

**Mayor Nauert** advised that City Manager Hofmann's approach was reasonable and responsible. He beseeched City Council to allow the item to be removed from the budget. Mayor Nauert stated that he would like to give the City Manager an opportunity to find out how the project could be redefined within the budget. Mayor Nauert asked for a vote to remove the Holly Street Esplanade Project item from the agenda temporarily so that the City Manager could reconsider it and still deliver the project within the funds that were available.

In favor of temporary removal from the agenda:

Dr. Philip L. Nauert, Mayor  
James P. Avioli, Sr., Councilman  
Andrew S. Friedberg, Councilman  
Amanda B. Nathan, Councilman

Against temporary removal from the agenda:

Roman F. Reed, Councilman  
Gus E. Pappas, Councilman  
Pat B. McLaughlan, Councilman

The item was temporarily removed from the agenda on a vote of 4-3.



<b>RESULT:</b>	<b>WITHDRAWN</b>
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- e. Consideration of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, nominating a candidate for a position on the Board of Directors of the Harris County Appraisal District for a term of office commencing on January 1, 2016, and extending through December 31, 2017 - Submitted by Tracy L. Dutton, City Clerk.

**Motion:**

**To adopt a resolution of the City Council of the City of Bellaire, Texas, nominating James P. Avioli, Sr., for a position on the Board of Directors of the Harris County Appraisal District for a term of office commencing on January 1, 2016, and extending through December 31, 2017.**

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

**2. Items for Individual Consideration:**

- a. Consideration of and possible action on a recommendation to approve the Ad Hoc Municipal Facilities Committee's recommendation for the City of Bellaire's Municipal Facilities Project - Site Plan Alternative A - Requested by Dr. Philip L. Nauert, Mayor.

**Motion:**

**To approve a recommendation from the Ad Hoc Municipal Facilities Committee of the City of Bellaire, Texas, to consider Alternate Site Plan A for the City's new municipal facilities project.**

{Moved by Dr. Philip L. Nauert, Mayor, and seconded by James P. Avioli, Sr., Councilman}

Discussion ensued among members of City Council regarding the motion on the floor.

**Motion to Delay:**

**To delay any action or recommendation on Alternate Site Plan A and narrow the focus and attention of City Council to Alternate Site Plan A and Alternate Site Plan D. As part of the focus, a community meeting would be scheduled with the citizens of Bellaire.**

{Motion by Gus E. Pappas, Councilman, and second by Andrew S. Friedberg, Councilman}

Discussion ensued among members of City Council regarding the motion on the floor.

**Amendment (No. 1) to Motion to Delay:**

**To amend the motion to include the March 27<sup>th</sup> Plan in the focus for the community meeting.**

{Moved by Roman F. Reed, Councilman. **Failed due to the lack of a second.**}

**Amendment (No. 1) to Motion to Delay:**

**To amend the motion to include Option D as proposed by John Gabriel in the focus for the community meeting.**

{Moved by Amanda B. Nathan, Mayor Pro Tem. **Failed due to the lack of a second.**}

Following further discussion regarding the motion to delay action on the agenda item, action was taken on the motion to delay.

<b>RESULT:</b>	<b>FAILED [3 TO 4]</b>
<b>MOVER:</b>	Gus E. Pappas, Councilman
<b>SECONDER:</b>	Andrew S. Friedberg, Councilman
<b>AYES:</b>	Pappas, McLaughlan, Friedberg
<b>NAYS:</b>	Nauert, Nathan, Reed, Avioli Sr.

Discussion ensued among members of City Council regarding the main motion on the floor.

**Motion to Delay:**

**To delay any action or recommendation on Alternate Site Plan A for the City's municipal facilities until such time as a public meeting could be scheduled and held with the community on Alternate Site Plan A.**

<b>RESULT:</b>	<b>FAILED [3 TO 4]</b>
<b>MOVER:</b>	Gus E. Pappas, Councilman
<b>SECONDER:</b>	Pat B. McLaughlan, Councilman
<b>AYES:</b>	Avioli Sr., Pappas, McLaughlan
<b>NAYS:</b>	Nauert, Nathan, Reed, Friedberg

Dr. Philip L. Nauert, Mayor, called for a vote on the main motion on the floor (approval of Alternate Site Plan A).

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Philip L. Nauert, Mayor
<b>SECONDER:</b>	James P. Avioli Sr., Councilman
<b>AYES:</b>	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

- b. Consideration of and possible action on a recommendation to direct City Staff to contact the Houston Independent School District (HISD) to request and schedule a tour of the Bellaire High School campus located at 5100 Maple Street, Bellaire, Texas, by members of the Bellaire City Council; said tour to be scheduled during school hours and to include an overview of proposed renovations and modifications to be made to said campus as well as a description of the benefits to be achieved as a result of the renovations/modifications (i.e., traffic, parking, and school population, etc.) - Requested by Roman F. Reed, Councilman - Position No. 1.

**Motion:**

**To direct City Staff to contact the Houston Independent School District (HISD) to request and schedule a tour of the Bellaire High School campus located at 5100 Maple Street, Bellaire, Texas, by members of the Bellaire City Council; said tour to be scheduled during school hours and to include an overview of proposed renovations and modifications to be made to said campus as well as a description of the benefits to be achieved as a result of the renovations/modifications.**

Members of City Council opposed to the motion cited that a tour seemed premature since HISD did not have any plans before the City.

<b>RESULT:</b>	<b>FAILED [3 TO 4]</b>
<b>MOVER:</b>	Roman F. Reed, Councilman
<b>SECONDER:</b>	James P. Avioli Sr., Councilman
<b>AYES:</b>	Reed, Avioli Sr., McLaughlan
<b>NAYS:</b>	Nauert, Nathan, Pappas, Friedberg

- c. Discussion and possible direction to City Staff regarding a recommendation to lower the current speed limit for the entire extent of South Rice Avenue from 35 miles per hour to 30 miles per hour - Requested by Roman F. Reed, Councilman - Position No. 1.

**Motion:**

**To direct the City Staff to take the necessary steps to lower the current speed limit for the entire extent of South Rice Avenue from 35 miles per hour to 30 miles be hour.**

Following discussion, action was taken on the motion on the floor.

Members of City Council opposed to the motion cited a previous traffic study performed for South Rice Avenue approximately one year ago that indicated an average speed limit greater than 35 miles per hour.

{Note: James P. Avioli, Sr., Councilman, left the City Council meeting for good cause at 10:44 p.m. just prior to the vote taken on this item.}

<b>RESULT:</b>	<b>FAILED [1 TO 5]</b>
<b>MOVER:</b>	Roman F. Reed, Councilman
<b>SECONDER:</b>	James P. Avioli Sr., Councilman
<b>AYES:</b>	Reed
<b>NAYS:</b>	Nauert, Nathan, Pappas, McLaughlan, Friedberg
<b>ABSENT:</b>	Avioli Sr.

- d. Discussion and possible action on a recommendation to reach out to the community and neighborhoods by holding the two November and first December 2015 meetings of the City Council of the City of Bellaire, Texas, in the following City parks: Paseo Park (November 2nd), Jaquet Park (November 16th), and Lafayette Park (December 7th) - Requested by Roman F. Reed, Councilman - Position No. 1.

**Motion:**

**To reach out to the community and neighborhoods by holding the two November and first December 2015 meetings of the City Council of the City of Bellaire, Texas, in the following City parks: Paseo Park on November 2nd, Ware Family Park (formerly Jaquet Park) on November 16th, and Lafayette Park on December 7th.**

{Moved by Roman F. Reed, Councilman. **Failed due to the lack of a second.**}

<b>RESULT:</b>	<b>FAILED NO VOTE</b>
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**H. Items for Future Agendas; Community Interest Items from the Mayor and City Council.**

There were no future agenda items mentioned.

Community interest items from the Mayor and City Council included expressions of thanks to residents for their input and to staff for their work on the budget and an expression of appreciation to the Bellaire Ad Hoc Municipal Facilities Committee for their hard work on the City's proposed municipal facilities.

**I. Adjourn.**

**Motion:**

**To adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 10:59 p.m. on Tuesday, September 15, 2015.**

<b>RESULT:</b>	<b>UNANIMOUS [6 TO 0]</b>
<b>MOVER:</b>	Gus E. Pappas, Councilman
<b>SECONDER:</b>	Amanda B. Nathan, Mayor Pro Tem
<b>AYES:</b>	Nauert, Nathan, Reed, Pappas, McLaughlan, Friedberg
<b>NAYS:</b>	None

<b>ABSENT:</b>	Avioli Sr.
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