



CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

OCTOBER 5, 2015

Council Chamber

Public Hearing and Regular Session

6:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401

I. SPECIAL SESSION (FIRST PUBLIC HEARING ON INCREASE IN TAX REVENUES) - 6:00 P.M.

A. Call to Order and Announcement of a Quorum - Amanda B. Nathan, Mayor Pro Tem.

Amanda B. Nathan, Mayor Pro Tem, called the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, to order at 6:00 p.m. on Monday, October 5, 2015. She announced that a quorum of the members of City Council was present as set forth in the table below.

Full Name	Title	Status	Arrived
John Nauert	Mayor	Absent	
Amanda B. Nathan	Mayor Pro Tem	Present	
John Reed	Councilman	Present	
John Aviola Sr.	Councilman	Present	
John Appas	Councilman	Present	
John McLaughlan	Councilman	Present	
John S. Friedberg	Councilman	Present	
John Hofmann	City Manager	Present	
John Petrov	City Attorney	Present	
John Dutton	City Clerk	Present	

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

Tracy L. Dutton, City Clerk, read the "Notice of Public Hearing" regarding a proposal to increase taxes (increase in tax revenue) 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 regarding a proposal to increase total tax revenues for the 2015 tax year from properties on the tax roll in the preceding year by 5.69% percent by proposing a tax rate of \$0.3805 per \$100 valuation - Submitted and presented by Linda Symank, Chief Financial Officer.

Linda Symank, Chief Financial Officer, advised that the City's proposed tax rate for fiscal year 2016 was \$0.3805 per \$100 valuation. That rate would give the City an additional \$1,256,000 in revenue or a 7.88% increase over last year's revenues.

The proposed rate of \$0.3805 per \$100 valuation was a decrease of \$0.0131 from the City's current tax rate of \$0.3936. The increase was due to the higher appraised values that the City received from the Harris County Appraisal District.

Because the City was proposing a rate that was above its effective rate*, two public hearings were required prior to the adoption of the tax rate. Tonight was the first public hearing which allowed the citizens to voice their opinion concerning the proposed rate. The second public hearing would be held on October 12, 2015, with the adoption of the tax rate to occur on October 19, 2015.

*The effective rate was defined as the rate that would give the City the same amount of revenue as the previous year.

E. Recognition of Citizens and/or Other Interested Parties - Amanda B. Nathan, Mayor Pro Tem.

Jill Bullard-Almaguer:

Ms. Bullard-Almaguer addressed City Council and indicated that it was wonderful to be a candidate for Bellaire Councilman - Position No. 2 and to have those additional revenues coming in. She urged that the revenues be spent wisely.

She indicated that she had been attending the City Council meetings and felt that there was many wonderful things that could be done for the citizens of Bellaire with the increased revenues. Ms. Bullard-Almaguer also felt that the City needed to be cognizant of those that were paying more actual money in taxes.

In closing, Ms. Bullard-Almaguer advised that she was in support of beautification efforts, parks, safety (i.e., safe places for citizens to ride their bicycles and run), and the improvement of streets.

Lynn McBee:

Ms. McBee addressed City Council and advised when the proposal was first presented (in June or July), she reviewed the budget and attending the public hearing on the proposed budget. She indicated that she had submitted a multi-page series of comments protesting many of the City Manager's proposed expenditures. She attended two City Council workshops thereafter expecting to hear a vigorous Q & A and debate, which she did not hear. The first workshop was devoted by the City Manager to two departmental reports and not one question by the City Council concerning the budget. The second one was dominated by discussion as to where beautification funds should be within the budget and little else.

Ms. McBee continued and advised that there had been no reduction in the tax rate willingly. There was a slight reduction in the rate this year, but not enough to justify \$1.25 million additional revenues that the City would earn. The slight increase was enough to avoid a threat of a referendum for rollback rate.

She advised that City Council did not remove anything from the proposed budget, which she held them accountable for. Reference was made to extra purchases and personnel that had been included. Ms. McBee, therefore, protested the budget for the lack of involvement of the City Council and ambitious expectations of the City Manager.

Ms. McBee advised further that being on a fixed income made it tougher and tougher to get by. She stated that City Council had not demonstrated that they cared about those on fixed incomes. She expressed her disappointment and advised that it was not her intent to insult

anyone personally.

Written Comments:

Mayor Pro Tem Amanda B. Nathan read two written comments into the record. Those comments have been set forth below:

Keith and Julianne Wohlford:

We are against any increase in our tax rate this year. Our assessed value has increased again this year according to the Harris County Appraisal District (10%). This indicates that there is a good chance of a sizable increase in the City's certified tax rate. When is enough enough?

Tom and Sandra Williams:

My wife and I are currently living in my boyhood home that my parents built in 1954 at 5215 Valerie Street. We are both retired school teachers living on a fixed income. Our current taxes are approximately \$11,000 per year and already put a severe strain on our budget. We have watched our neighborhood change into one of the huge new homes whose taxes must be out of sight.

Those taxes must be providing the City of Bellaire with a lot of new income that should nullify any need to increase property taxes to generate new funds. Is the goal of the City to tear down all of our older homes and replace them with all these huge ones in order to generate new tax revenue? We urge you not to consider the 5.69% property tax increase. We respectfully request your considering freezing property taxes at age 65.

Thanks for your time.

F. Questions from the Mayor Pro Tem and City Council - Amanda B. Nathan, Mayor Pro Tem.

Mayor Pro Tem Amanda B. Nathan opened the floor for questions from City Council. Following questions raised by several members of City Council, the floor was closed.

G. Close of Public Hearing - Amanda B. Nathan, Mayor Pro Tem.

Mayor Pro Tem Amanda B. Nathan closed the public hearing before City Council at 6:26 p.m. on Monday, October 5, 2015. She indicated that oral comments regarding the proposed increase in tax revenues for tax year 2015 would continue to be received at the second public hearing on this matter scheduled to be held on Monday, October 12, 2015. Oral comments would not be received after the close of the second public hearing. Written comments could be submitted to the City Council of the City of Bellaire, Texas, prior to final deliberation on the matter. It was anticipated that final deliberation would occur on Monday, October 19, 2015. Written comments should be submitted to the City Council in care of the City Clerk by noon on Thursday, October 15, 2015, in order to be considered for the public record.

H. Adjourn.

Motion:

To adjourn the Special Session (First Public Hearing on Increase in Tax Revenues) before the City Council of the City of Bellaire, Texas, at 6:26 p.m. on Monday, October 5, 2015.

RESULT:	APPROVED [6 TO 0]
MOVER:	Roman F. Reed, Councilman
SECONDER:	Gus E. Pappas, Councilman
AYES:	Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg
NAYS:	None
ABSENT:	Nauert

II. REGULAR SESSION - 7:00 P.M.

A. Call to Order and Announcement of a Quorum - Amanda B. Nathan, Mayor Pro Tem.

Amanda B. Nathan, Mayor Pro Tem, called the Regular Session of the City Council of the City of Bellaire, Texas, to order at 7:02 p.m. on Monday, October 5, 2015. She announced that a quorum of the members of City Council was present as set forth in the table below:

Name	Title	Status
Dr. Philip L. Nauert	Mayor	Absent
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

B. Inspirational Reading and/or Invocation - Amanda B. Nathan, Mayor Pro Tem.

Amanda B. Nathan, Mayor Pro Tem, provided the inspirational reading for the evening.

C. Pledges to the Flags - Amanda B. Nathan, Mayor Pro Tem.

Amanda B. Nathan, Mayor Pro Tem, led the members of City Council and the audience in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

D. Recognition of Proclamation(s):

Issuance of a proclamation by Dr. Philip L. Nauert, Mayor, proclaiming the month of October as "Fire Prevention Month" in the City of Bellaire, Texas, and urging the citizens of Bellaire to install smoke alarms in every bedroom, outside of each sleeping area, and on every level of the home - Submitted by Darryl Anderson, Fire Chief.

Amanda B. Nathan, Mayor Pro Tem, read a proclamation issued by Dr. Philip L. Nauert, Mayor, proclaiming the month of October as "Fire Prevention Month" in the City of Bellaire, Texas. Fire Chief Darryl Anderson accepted the proclamation

on behalf of the Bellaire Fire Department.

E. Approval or Correction of Minutes:

1. Minutes of the Special Sessions held on Monday, August 31, 2015:

Consideration of and possible action on the approval of the minutes of two Special Sessions of the City Council of the City of Bellaire, Texas, held on Monday, August 31, 2015.

Mayor and Council - Special Sessions and Joint Workshop Session - Aug 31, 2015 5:30 PM

Motion:

To approve the minutes of the Special Sessions of the City Council of the City of Bellaire, Texas, held on Monday, August 31, 2015.

Note: Councilman Andrew S. Friedberg abstained from voting on the minutes of the Special Sessions of the Bellaire City Council held on Monday, August 31, 2015, due to his absence from that meeting.

RESULT:	APPROVED [5 TO 0]
MOVER:	Roman F. Reed, Councilman
SECONDER:	Pat B. McLaughlan, Councilman
AYES:	Nathan, Reed, Avioli Sr., Pappas, McLaughlan
ABSTAIN:	Friedberg
ABSENT:	Nauert

2. Minutes of the Special Sessions held on September 8, 2015:

Consideration of and possible action on the approval of the minutes of two Special Sessions of the City Council of the City of Bellaire, Texas, held on Monday, September 8, 2015.

Mayor and Council - Executive Session and Special Session - Sep 8, 2015 6:00 PM

Motion:

To approve the minutes of the Special Sessions of the City Council of the City of Bellaire, Texas, held on Monday, September 8, 2015.

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

3. Minutes of the Regular Session held on September 15, 2015:

Consideration of and possible action on the approval of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Tuesday, September 15, 2015.

Mayor and Council - Regular Session - Sep 15, 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 Tuesday, September 15, 2015.

Amendment (No. 1) to the Minutes:

To place an explanation of Councilman Friedberg's abstention after the vote on the top of page 33 of the agenda packet, to read as follows:

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.

RESULT:	UNANIMOUS [6 TO 0]
MOVER:	Andrew S. Friedberg, Councilman
SECONDER:	Amanda B. Nathan, Mayor Pro Tem
AYES:	Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg
NAYS:	None
ABSENT:	Nauert

RESULT:	APPROVED AS AMENDED [UNANIMOUS]
MOVER:	Gus E. Pappas, Councilman
SECONDER:	Andrew S. Friedberg, Councilman
AYES:	Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg
ABSENT:	Nauert

F. Personal/Audience Comments.**Jay Steinfeld:**

Mr. Steinfeld addressed City Council on two point related to the Holly Street agenda item. First, when thinking of Southside Place, one thought of Fire Truck Park--a monument that almost everyone in Southside Place loved. Mr. Steinfeld indicated that if the trees started dying and paint started chipping on the fire truck, people would think something was wrong, and it would tarnish the whole city. Bellaire had a landmark as well called Holly Street. Holly Street was something that the entire City made a connection with, in his opinion. If the trees on Holly Street were allowed to die, then the whole City would be tarnished as a result of that, in his opinion.

Secondly, the agenda item was not a "Holly Street" agenda item; it was a "Bellaire" agenda item. When Mr. Steinfeld heard that City Council was, once again, having to talk about the Holly Street situation, he went outside for a total of two hours over two days and began asking people using the esplanade where they lived. Out of 50 people, only two did lived on Holly Street. The people that used the esplanade included Bellaire High School and people throughout the City. He urged City Council not to allow the whole City to be tarnished by allowing Holly Street and the trees to diminish in value.

Susan Downs:

Ms. Downs addressed City Council and advised that "Mental Illness Awareness Week" would be recognized this year from October 4-10, 2015, and that "World Mental Health Day" would be recognized on Saturday, October 10, 2015. Ms. Downs advised further that millions of Americans lived with mental health conditions and advocates, such as Ms. Downs, raised awareness in communities across the country about the issues.

She urged City Council and members of the audience to join with her in recognizing the 25th Anniversary of Mental Illness Awareness Week. Ms. Downs noted that each year the advocates fought stigma, provided support, educated the public, and advocated for equal care. Each year, the movement grew stronger.

Ms. Downs referred to an organization named NAMI (National Alliance on Mental Illness) and noted that it was the nation's largest grassroots mental health organization dedicated to building better lives for the millions of Americans affected by mental illness. NAMI embraced people living with mental illness and their families who were often isolated. NAMI offered understanding and support unique to those affected by the conditions. NAMI meant more than hope as they educated families and individuals and advocated in every corner of the country to ensure better lives for everyone.

Ms. Downs concluded and indicated that she would speak on "Mental Illness Awareness Week" at the Rotary Club the following morning (Tuesday, October 6). She would be speaking about how she and her family were directly affected by mental illness and NAMI. She concluded with the following statement: "How we walk with the broken speaks louder than how we sit with the great."

Robert Riquelmy:

Mr. Riquelmy addressed City Council and advised that in previous discussions of openness and transparency, citizen access was discussed. He advised that he wished to take on a more difficult aspect--information and involvement. If Mr. Riquelmy were elected Mayor, residents could expect him to push for a monthly report from the City Attorney as the public needed to know what was being done or delayed in their name.

With respect to the need to know, Mr. Riquelmy spoke particularly of Mr. Johnson, a former employee of Bellaire, who lost his arm in a garbage truck event. Mr. Riquelmy's thesis was that well-informed residents would question the extreme efforts made to deny Mr. Johnson compensation for his injury. The City's efforts of delay and denial went so far as an appeal to the U.S. Supreme Court. If Mr. Riquelmy were Mayor, he stated that the City would stand up and meet its responsibilities and do more than the bare minimum for City workers. He would also have ensured that Mr. Johnson would have been retrained for continued employment with the City.

In the interest of complete disclosure, Mr. Riquelmy advised that he did not know what happened to Mr. Johnson or whether or if he was working. He felt residents had a right to know of such outcomes.

Lynn McBee:

Ms. McBee addressed City Council and announced that the Bellaire Election Candidates Forum ("Forum") would be held again this year in celebration of the nine candidates who had filed for election to replace outgoing members of City Council.

She indicated that there was no filter for the Forum. Residents would hear directly from the candidates. Ms. McBee indicated that she took pride, along with Margo Kendrick and

John and Jo Monday as part of the Forum team, to help arrange, prepare, and make it work. The guest moderator would be Corbett Parker, a former member of the Bellaire City Council.

Reference was made to the City's 180 employees. Ms. McBee advised that she would welcome the employees at the Forum and was very sure that the candidates themselves would be delighted to meet and greet those who worked for the City, as well as those who voted in the City. Ms. McBee stated that the Forum would be a lively, nonpartisan event.

The Forum was scheduled to be held on Thursday, October 15, 2015, at 6:30 p.m. in the Bellaire Civic Center. Ms. McBee hoped that there would be a crowd of residents present to meet their candidates. Refreshments would be provided courtesy of HEB Bellaire. She also noted that the Forum would be replayed on the City's cable channel and website from October 16, 2015, through November 3, 2015.

Rachel Crochet:

Ms. Crochet addressed City Council and stated that she could not believe that she was having to come back to City Council again about the Holly Street Trail Improvement Project. Many residents addressed City Council on January 25th to plead their case about the improvements that needed to be done on Holly Street. City Council approved \$200,000 to be expended on the Project. Ms. Crochet advised that the residents were excited that something would finally be done on the Project. Now, the residents were back because the Holly Street Trail Improvement Project was taken off the agenda at the September 15th Council Meeting by the City Manager because Councilman Avioli insisted that \$300,000 be put into a line item in the budget for beautification. When the City Manager was asked if the City had the money for beautification, he stated that the City did not and that he would not recommend that it be added. She indicated that the City Manager was spoken to very disrespectfully that night.

After much discussion back and forth among City Council, the \$300,000 line item for beautification passed even though the City Manager suggested that it not be done. The City Manager removed the Holly Street Trail Improvement Project off of the agenda so that he could figure out where the money would come from--he was being responsible.

Ms. Crochet advised that she fully supported beautification. However, she felt that the newly formed Beautification Committee should have had to present a plan to City Council. She had pled for improvements to Holly Street for 25 years through the Parks and Recreation Department. The Holly Street residents were told on two separate occasions over the years by the then Director that their request would be taken to the Parks and Recreation Advisory Board and that they should not go to City Council. The only thing that was done was tree trimming.

City Manager Paul Hofmann met with residents in January of 2015 regarding the Project and he made sure the esplanade looked good. The residents appreciated the action Paul had taken. It was now October and the residents still did not have anything done.

She urged City Council to approve the Holly Street Trail Project and start with the irrigation system as a means of helping the dying trees.

Dub Crochet:

Mr. Crochet addressed City Council and advised that his wife, Rachel Crochet, had said everything that needed to be said. The City Council passed an item for \$300,000 that

should not have been passed in the new budget. Mr. Crochet noted that City Manager Hofmann helped to get the architectural plan for Holly Street updated and surveys had been done. That money would be thrown out the window if something could not be done with Holly Street.

Reference was made to several other parks in the City that needed funding (such as Lafayette Park) but were passed over for the beautification line item. He stated that City Council needed to think hard about how they did their business.

Kate Joyce:

Ms. Joyce addressed City Council and indicated that she and her family had moved into Bellaire from Cypress two years ago. She was really excited about coming to Bellaire and Holly Street was an opportunity to bond with neighbors and get involved. In the two years that she had lived in Bellaire, she had seen a great deal of drama about Holly Street that she was really surprised by. The drama, which had been very disappointing, created poor first impressions for Ms. Joyce and her family. The drama came from pitting streets against each other. Time was also spent trying to decide if the esplanade on Holly Street was a park or a trail. Then, statements were made that the residents on Holly Street were being greedy.

The reason the Joyces bought their home on Holly Street was because it was different. It had an esplanade and a lot of activity. The esplanade was shared by many, including Bellaire High School.

Ms. Joyce advised that residents wrote letters to the newspaper suggesting that the residents of Holly Street were wining and dining the City Manager and City Council and she found that to be extremely offensive. She also heard that the Holly Street residents were referred to as "whiners." She thought she had the right to speak before City Council.

Ms. Joyce indicated that she was present this evening because she had hope that the Holly Street Trail Improvement Project would be passed this evening. As Mr. Crochet stated, a great deal of money had already been put into discussions and the preparation of an updated plan with Clark Condon Associates. In closing, Ms. Joyce advised that she merely wished to express her concerns to City Council.

Michael Lang:

Mr. Lang addressed City Council and noted that during budget discussions, he understood that money had been designated in the budget for the Holly Street Plan. Somehow, the money went away.

He advised that he was once again disappointed by the progress the City had made in replacing the trees clear cut over one and one-half years ago. Discussions, meetings, and funding had resulted in no progress that he was aware of.

Mr. Lang indicated that he was encouraged by his last appearance before City Council; however, he was waiting to see results. He read an email he had sent to the City Manager, which was forwarded to Michelle Jordan, Project Manager for the City of Bellaire. Ms. Jordan responded and indicated that if all went well, construction would begin in October. In other words, nothing was being done on Holly Street, in Mr. Lang's opinion. Mr. Lang replied that the City's approach (i.e., not watering trees on esplanades) had led to the demise of Holly Street over the 22 years he had lived on the street. That attitude had resulted in the current condition of the Holly Street esplanade.

Residents thought that City Council was on board the last time residents appeared before City Council. The residents needed action and, once again were asking for City Council's support.

Jill Bullard-Almaguer:

Ms. Bullard-Almaguer addressed City Council and noted that it was a privilege for her to be running for Bellaire City Council, Position No. 2, because there were great opportunities in the City to spend money wisely. She stated that she was privileged to have her street, Mimosa Street, repaired before the Memorial Day floods. She knew that Bellaire had some good contractors and arborists and she encouraged the same type of care given to Mimosa Street be given to Holly Street and other parks and recreation areas that the City was trying to improve.

Ms. Bullard-Almaguer applauded the Holly Street residents for taking care of certain areas that were shared by the public. Holly Street was such a draw for all of the residents of Bellaire, as well as a healthy environment. She concluded and advised that since the City would enjoy a tax revenue windfall due to an increase in property values, those funds should be wisely used for the citizens.

G. Report(s):

Presentation of a report from Byron Holloway, Chief of Police, regarding the implementation of a Body Camera Program - Presented and submitted by Byron Holloway, Chief of Police.

Byron Holloway, Chief of Police, indicated that he wished to provide a short report on the status of the Bellaire Police Department's body camera program. The Bellaire Police Department had used body cameras for approximately ten years, primarily by the motorcycle officers. Funds were included in the FY 2016 budget to do field trials and evaluations of body cameras with an eye toward full implementation in the FY 2017 budget.

The Bellaire Police Department might be able to move forward with the body camera program a littler earlier (possibly next Spring). The trial money in the FY 2016 budget of \$5,000 would not need to be spent because the City's vendor provided the Bellaire Police Department with six (6) body cameras mid-summer to test and evaluate.

Chief Holloway was also contacted by a local elementary school that wanted to donate \$10,000 (in late January) to officer safety, which would be primarily earmarked for body cameras. The Bellaire Police Department felt that utilizing the trial money of \$5,000 and the donation of \$10,000 would allow for enough body cameras and accessories for eighteen officers.

There were issues, however, that still needed to be overcome. An initial concern with body cameras was the cost. The cost had decreased from \$800 per unit to \$500 per unit, a more reasonable amount. Battery life was a concern; however, improvements had been made with quick charge technology and a change in battery technology.

Reference was made to activation and default activation. Chief Holloway indicated that the issue had not been addressed yet. As an example, Chief Holloway noted that the cameras on the dashboards of the City's vehicles could be set to activate once the emergency lights were turned on or when the car reached a certain speed. Body cameras had no default activation currently. The

audio and video quality had improved greatly with most of the cameras filming in high definition format, and the durability of models had also improved.

Management concerns included privacy concerns. Dashboard cameras filmed on a public street where there was little to no expectation of privacy. Body cameras would film each location that the officer went to, such as homes or businesses. The film would be archived and would be subject to possible release under an open records request. Information, such as license plate numbers, information related to investigative techniques, crime scene information, children, victims of stalking, victims of family violence, certain automobile accident information, and other sensitive information, had to be redacted.

Chief Holloway referred to new equipment that could assist with redactions, but the equipment was costly. Chief Holloway stated that he might want to look into that type of equipment in FY 2017. Storage issues would need to be addressed as well. The Bellaire Police Department would go from storing video from 8-9 patrol cars to storing videos from as many as 30 police officers. The storage needs would require additional server space.

In June, Texas Governor Greg Abbott signed Senate Bill 158 which addressed Texas body camera programs and provided a possible funding mechanism for grants. Chief Holloway had not been able to find any information on that. The new law also required training and the establishment of a policy within the department for the use of body cameras.

At the conclusion of Chief Holloway's report, he answered questions from members of the City Council. Following questions, a motion was made to accept the report into the record.

Motion:

To accept the report on the Bellaire Police Department Body Camera Program, as presented by Chief of Police Byron Holloway, into the record.

RESULT:	UNANIMOUS [6 TO 0]
MOVER:	Roman F. Reed, Councilman
SECONDER:	Pat B. McLaughlan, Councilman
AYES:	Nathan, Reed, Avioli, Sr., Pappas, McLaughlan, Friedberg
NAYS:	None
ABSENT:	Nauert

H. New Business:

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

1. Consideration of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, amending the FY 2016 budget for the Holly Street Esplanade Construction Project in the amount of \$50,000 - Submitted by Diane K. White, Assistant City Manager.

Diane K. White, Assistant City Manager, advised that the item before City Council on the agenda this evening was to amend the FY 2016 budget, Capital

Improvement Project Fund, to restore funding for the Holly Street Esplanade Project. The amendment would provide \$50,000 from the Capital Improvement Program ending balance for the project. This amendment would not impact the FY 2016 capital improvement projects, but might impact some of the future capital improvement projects the City had planned to pay for with cash.

Motion:

To adopt a resolution of the City Council of the City of Bellaire, Texas, amending the FY 2016 budget for the Holly Street Esplanade Construction Project in the amount of \$50,000.

Discussion ensued among members of City Council and Assistant City Manager White regarding the proposed amendment to the FY 2016 budget. Following discussion, Councilman Andrew S. Friedberg offered an amendment to the motion.

Amendment (No. 1) to the motion:

In addition to adopting the Resolution, as presented, Councilman Friedberg further moved that City Council ratify, effective as September 15, 2015, the four budget actions on which said Resolution is premised, as recited in the Agenda Statement under the heading "Previous Council Action Summary," to wit: the funding of \$300,000 for Beautification projects, by 1) committing \$112,728 of new property tax revenues from the General Fund; 2) reducing funds for Evelyn's Park maintenance in the General Fund by \$50,000; 3) reducing the funds for the Holly Street Project in the CIP by \$50,000, and 4) reducing the FY 2015 General Fund ending fund balance by \$87,272.

The amendment failed due to the lack of a second.

Note: His amendment having failed for lack of a second, Councilman Friedberg abstained from voting on the Resolution, stating that he supported the result but could not vote for the Resolution as presented tonight because he was not satisfied that the budget actions on with the Resolution was premised had in fact been taken, nor ratified this evening.

Amendment (No. 2) to the motion (subsequently withdrawn and restated below):

Councilman James P. Avioli, Sr., moved that the \$300,000 for beautification be sourced as follows: General Fund new property tax revenues in the amount of \$112,728; General Fund Evelyn's Park maintenance in the amount of \$50,000; eliminate the Holly Street Project in the amount of \$50,000; and amend the General Fund ending fund balance amount to \$137,722.

Following discussion and clarification from the City Attorney, Councilman Avioli withdrew/changed his amendment to read as set forth below.

Amendment (No. 2) to the motion:

To amend the Resolution to indicate that \$50,000 for the Holly Street Esplanade Project would be taken from the General Fund ending fund balance (as opposed to the CIP ending fund balance).

{Amendment moved by Councilman James P. Avioli, Sr., and seconded by Councilman Gus E. Pappas}

Following a request by the City Manager to not continue to erode away the ending fund balance in the General Fund and to take the needed \$50,000 from the CIP ending fund balance, discussion ensued among members of City Council. Following discussion, action was taken on the amendment.

RESULT:	FAILED [2 TO 4]
MOVER:	James P. Avioli, Sr., Councilman
SECONDER:	Gus E. Pappas, Councilman
AYES:	Avioli Sr., McLaughlan
NAYS:	Nathan, Reed, Pappas, Friedberg
ABSENT:	Nauert

After determining that there were no further questions or discussion, Mayor Pro Tem Nathan called for a vote on the motion to adopt a resolution of the City Council of the City of Bellaire, Texas, amending the FY 2016 budget for the Holly Street Esplanade Construction Project in the amount of \$50,000 as proposed by City Staff.

RESULT:	ADOPTED [5 TO 0]
MOVER:	Gus E. Pappas, Councilman
SECONDER:	James P. Avioli Sr., Councilman
AYES:	Nathan, Reed, Avioli Sr., Pappas, McLaughlan
ABSTAIN:	Friedberg
ABSENT:	Nauert

2. 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.

Michelle Jordan, Project Manager, provided a brief overview of what the Holly Street Esplanade Project hoped to accomplish on the ground. The existing decomposed granite trail that ran north and south on both sides of the esplanade would be renovated; trees would be removed that were invasive or at the end of their life cycle; one more tree than actually removed would be added to the esplanade; and approximately 4,500 plants would be installed along the median.

Project Manager Jordan advised that the Project was publicly bid and that the City received two bids as identified in the Staff Report (Agenda Statement).

She recommended that the City move forward with Classic Irrigation and Landscape, Inc., in the amount of \$149,919.00. It was noted that the Project was bid with three alternates and, unfortunately, with the \$200,000 budget available, the City could not accommodate any of the alternates at this point.

Project Manager Jordan advised that some of the \$200,000 budget had already been expended with Clark Condon for the design services which would take the City all the way through construction phase services (\$35,000). This expenditure also took care of the numerous community meetings that Clark Condon was in attendance for, as well as presentations previously made before the Parks and Recreation Advisory Board and the City Council. Other expenditures included surveying and advertisement of the bid. Once the project was completed, a project balance of \$9,374.40 would ideally be left.

Motion:

To approve 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 to adopt 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.

{Moved by Councilman James P. Avioli, Sr., and seconded by Councilman Roman F. Reed}

Amendment (No. 1) to the motion:

To revise the ordinance as presented by adding that the City Clerk is authorized to attest the Standard Form of Agreement.

RESULT:	UNANIMOUS [6 TO 0]
MOVER:	Andrew S. Friedberg, Councilman
SECONDER:	Amanda B. Nathan, Mayor Pro Tem
AYES:	Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg
NAYS:	None
ABSENT:	Nauert

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	James P. Avioli Sr., Councilman
SECONDER:	Roman F. Reed, Councilman
AYES:	Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg
ABSENT:	Nauert

3. Consideration of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, designating a Representative and an Official Alternate to the General Assembly of the Houston-Galveston Area Council for the year 2016 - Submitted by Tracy L. Dutton, City Clerk.

First Motion:

To adopt a resolution of the City Council of the City of Bellaire, Texas, designating Pat B. McLaughlan as the City's Representative to the General Assembly of the Houston-Galveston Area Council for the year 2016.

RESULT:	ADOPTED [6 TO 0]
MOVER:	James P. Avioli, Sr., Councilman
SECONDER:	Gus E. Pappas, Councilman
AYES:	Nathan, Reed, Avioli, Sr., Pappas, McLaughlan, Friedberg
NAYS:	None
ABSENT:	Nauert

Second Motion:

To adopt a resolution of the City Council of the City of Bellaire, Texas, designating Gus E. Pappas as the City's Official Alternate to the General Assembly of the Houston-Galveston Area Council for the year 2016.

RESULT:	ADOPTED [6 TO 0]
MOVER:	Roman F. Reed, Councilman
SECONDER:	Andrew S. Friedberg, Councilman
AYES:	Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg
NAYS:	None
ABSENT:	Nauert

4. Consideration of and possible action on a recommendation from the Parks, Recreation, and Facilities Department to award a contract to TIBH Industries, Inc., for mowing, litter and landscape services along IH610 Feeder Roads, City of Bellaire right-of-ways and other areas identified in the amount of \$120,146.70 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 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 TIBH Industries, Inc., for mowing, litter and landscape services in the amount of \$120,146.70 - Submitted by Karl Miller, Director of Parks, Recreation and Facilities.

Karl Miller, Director of Parks, Recreation, and Facilities, provided a brief overview of the agenda item before City Council. The Parks, Recreation, and Facilities Department was recommending that the City award a contract to TIBH Industries, Inc., for mowing, litter, and landscape services related to the City's rights-of-way.

Director Miller advised that the current agreement with TIBH expired on September 30, 2015. The proposed contract represented a one-year agreement with four additional one-year renewals with a maximum increase of 3.5%. TIBH was under contract with the State of Texas to provide

employment opportunities for people with disabilities in accordance with Chapter 122 of the Human Resource Code. The group currently providing rights-of-way services through TIBH for the past five months had done an outstanding job in providing the services. The group was responsive to the City's needs and followed-up to ensure the job was being done correctly.

The contract called for litter and debris to be picked up and removed along the service roads of IH 610 once per week or 52 times per year. The contract also provided mowing and related services along IH 610 and other areas as identified in the agenda packet. Mowing would be performed twice per month from October through April and three times per month from May through September. Services also included spraying of weeds under the IH 610 underpasses. All litter and debris would be picked up prior to any mowing. Through an additional \$36,000 in funding that City Council allocated in the FY 2016 budget for rights-of-way, other areas in the City not currently addressed could be added to the contract.

In closing, Director Miller recommended that City Council award the rights-of-way contract to TIBH in the amount of \$120,146.70 and authorize the City Manager to execute the contractual agreement.

Motion:

To approve a recommendation from the Parks, Recreation, and Facilities Department to award a contract to TIBH Industries, Inc., for mowing, litter and landscape services along the IH 610 feeder roads, City of Bellaire rights-of-way and other areas identified in the amount of \$120,146.70 and to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the City Manager and City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with TIB Industries, Inc., for mowing, litter and landscape services in the amount of \$120,146.70.

Following questions of Director Miller and discussion among members of City Council and Director Miller, action was taken on the motion on the floor.

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

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

Future agenda items included a request by Councilman Roman F. Reed to increase the funding for the Holly Street Esplanade Project to allow for alternates 1, 2, and 3, and a request by Councilman James P. Avioli, Sr., to consider the mileage incentive plan he had proposed for police patrol officers.

Community interest items from the Mayor Pro Tem and City Council included reminders to citizens to participate in National Night Out and to attend the Candidate Forum on October 15; other reminders included upcoming events during the month of October as

follows:

October 9, 2015, 8:00 p.m., Concert in the Park;
October 10, 2015, 9:00 a.m., Friends of the Bellaire Library's Used Book Sale;
October 17, 2015, 9:30 a.m., Fire Truck Pull benefiting the Special Olympics;
October 17, 2015, 11:00 a.m., Pumpkin Patch opens at the Nature Discovery Center;
October 17-18, 2015, Fall New Home Showcase benefiting the Evelyn's Park Conservancy;
October 17, 2015, Condit Fun Festival;
October 22, 2015 - Wine, Dine, Design Event benefiting Evelyn's Park Conservancy; and
October 24, 2015 - Tents in Town.

J. Adjourn.

Motion:

To adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:10 p.m. on Monday, October 5, 2015.

RESULT	UNANIMOUS [6 TO 0]
MOVER:	Roman F. Reed, Councilman
SECONDER:	Gus E. Pappas, Councilman
AYES:	Nathan, Reed, Avioli, Sr., Pappas, McLaughlan, Friedberg
NAYS:	None
ABSENT:	Nauert