

CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

OCTOBER 19, 2015

Council Chamber	Regular Session	7:00 PM
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7008 S. RICE AVENUE
BELLAIRE, TX 77401



Mayor

Dr. Philip L. Nauert

Mayor Pro Tem

Amanda B. Nathan

Councilman

James P. Avioli Sr.

Councilman

Pat B. McLaughlan

Councilman

Roman F. Reed

Councilman

Gus E. Pappas

Councilman

Andrew S. Friedberg

Mission Statement:

The City of Bellaire is dedicated to outstanding quality service and facilities to ensure an open, progressive, and secure community.

REGULAR SESSION - 7:00 P.M.

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

B. Inspirational Reading and/or Invocation - Roman F. Reed, Councilman.

C. Pledges to The Flags - Roman F. Reed, Councilman.

1. U.S. Pledge of Allegiance

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

2. Pledge to the Texas Flag

Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

D. Approval or Correction of Minutes:

Consideration of and possible approval of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, September 21, 2015.

Mayor and Council - Regular Session - Sep 21, 2015 7:00 PM

E. Personal/Audience Comments.

In order to address the City Council, please complete a "Speaker Form" (located at the entrance to the Council Chamber), and turn in the form to City Clerk Tracy L. Dutton prior to commencement of the meeting. Speakers are limited to five (5) minutes.

The purpose of this item is to allow citizens or other interested parties an opportunity to address City Council on agenda issues and on non-agenda issues that are a matter of the jurisdiction of the City Council (i.e., City policy and legislative issues). Non-agenda issues regarding daily operational or administrative matters should be first dealt with at the administrative level by calling City Hall at (713) 662-8222 during business hours.

[Note: State law will not permit the City Council to fully discuss, debate, or consider items that are not on the agenda. Items that cannot be referred to the City Staff for action *may* be placed on the agenda of a future City Council Session.]

F. Reports:

1. Presentation of plan for proceeding with the Municipal Facilities Project which includes a potential timeline. Presentation to be made by Jeff Gerber, President and CEO of Pierce Goodwin Alexander Linville. Item requested by Dr. Philip L. Nauert, Mayor.
2. Presentation, consideration of and possible action on a recommendation from the Bellaire Cultural Arts Board (BCAB) for a Pilot Utility Box Beautification Program - Submitted by Diane K. White, Assistant City Manager, on behalf of the Bellaire Cultural Arts Board.

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

- a. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, fixing the tax rate and tax levy for the City of Bellaire, Texas, for tax year 2015 (fiscal year beginning October 1, 2015, and ending September 30, 2016), upon all taxable property in said City - Submitted by Linda Symank, Chief Financial Officer.

2. Item for Individual Consideration:

- a. Consideration of and possible action on the implementation of a retention incentive plan for each patrol officer and firefighter/paramedic employed by the City of Bellaire, including but not limited to a plan that would provide such employees a \$2,000 per year bonus payable at the end of each fiscal year, in recognition of the importance of and challenges inherent in keeping such positions filled and of the fact that many such employees travel significant distances to work - Requested by James P. Avioli, Sr., Councilman.
- b. Discussion and possible direction to Staff regarding facility and infrastructure funding and construction to include, but not be limited to, a plan to allow for near term construction of police and court facilities utilizing existing bond authorization and a needs priority reevaluation of Public Works, Library, City Hall, Civic Center and other City facilities buildings for future rehabilitation or reconstruction. Said discussion to also include future funding methods required for: a) bond authorization for currently unfunded buildings; b) use of existing available funding for police and courts; and c) utilization of currently authorized remaining available funding applied to City Hall and the Civic Center, as well as the financial impacts of possible future bond authorization for infrastructure street and drainage reconstruction, in addition to future facilities needs - Requested by Pat B. McLaughlan, Councilman.

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

[Note: It is the intent of this item to provide any member of City Council the opportunity to request to place new items on the agenda of the next Regular Meeting of City Council pursuant to Article 4, Order of Business, Section A, Agenda, of the Rules of Procedure of the City Council of the City of Bellaire, Texas, as of July 13, 2015, and/or to make a report about items of community interest. Community interest items may include expressions of thanks, congratulations, or condolences; information regarding holiday schedules; honorary recognition of City officials, employees, or other citizens or entities; reminders of upcoming events sponsored by the City or another entity that is scheduled to be attended by a City official or City employee; and/or announcements involving an imminent threat to the public health and safety of the citizens of Bellaire that has arisen after the posting of the agenda.]

I. Adjourn.



CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

SEPTEMBER 21, 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 Monday, September 21, 2015. He announced that a quorum of the members of City Council was present as set forth in the table below.

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

B. Inspirational Reading and/or Invocation - Andrew S. Friedberg, Councilman - Position No. 5.

Andrew S. Friedberg, Councilman - Position No. 5, Provided the inspirational reading for the evening.

C. Pledges to The Flags - Andrew S. Friedberg, Councilman - Position No. 5.

Andrew S. Friedberg, Councilman - Position No. 5, Led the City Council and members of the audience in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

D. Approval or Correction of Minutes:

Minutes of the Public Hearing and Regular Session dated August 17, 2015

Consideration of and possible action on the 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 17, 2015.

Mayor and Council - Public Hearing and Regular Session - Aug 17, 2015 6:00 PM

Minutes Acceptance: Minutes of Sep 21, 2015 7:00 PM (Approval or Correction of Minutes:)

Motion:

To approve the minutes of the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, held on Monday, August 17, 2015.

RESULT:	APPROVED [6 TO 0]
MOVER:	Roman F. Reed, Councilman
SECONDER:	Amanda B. Nathan, Mayor Pro Tem
AYES:	Nauert, Nathan, Reed, Pappas, McLaughlan, Friedberg
NAYS:	None
ABSTAIN:	Avioli Sr.*

*Councilman James P. Avioli, Sr., abstained from voting on the August 17, 2015, Special Session (Public Hearing) minutes due to his absence from that meeting.

Motion:

To approve the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, August 17, 2015.

RESULT:	APPROVED [6 TO 0]
MOVER:	Amanda B. Nathan, Mayor Pro Tem
SECONDER:	Gus E. Pappas, Councilman
AYES:	Nauert, Nathan, Reed, Pappas, McLaughlan, Friedberg
NAYS:	None
ABSTAIN:	Avioli Sr.*

*Councilman James P. Avioli, Sr., abstained from voting on the August 17, 2015, Regular Session minutes due to his absence from that meeting.

E. Personal/Audience Comments.**Robert Riquelmy:**

Mr. Riquelmy addressed City Council and advised that he wished to continue on a topic he had raised at the last City Council Regular Session, which was the topic of openness and transparency.

Reference was made to the term "lobbyist." Mr. Riquelmy advised that the term "lobbyist" was derived from the act of approaching a legislator in the "lobby" to plead a case. He indicated that this did not happen in Bellaire because the legislators were hidden in the back room prior to the meeting. If elected Mayor, Mr. Riquelmy stated that the corrals, fences, and gates would be adjusted so that the legislators were forced to be in the lobby before the meetings so that they would be available to the citizens to "lobby," as they should be, in his opinion.

Lynn McBee:

Ms. McBee referenced City Council and announced that the Bellaire Election Candidates Forum ("Forum") would be held in the Civic Center (auditorium) on Thursday, October 15, 2015, at 6:30 p.m. Ms. McBee advised that the entire community was invited to attend and hear all candidates. She noted that the Forum would not be televised "live," but would be replayed after the event occurred.

Secondly, Ms. McBee urged City Council not to create booze in the park (Evelyn's Park). She believed that it would be the forerunner of many other abuses that all of the community was paying the price for, such as overmedication, DUIs (driving under the influence), chaotic driving, and chaotic acts of violence. Once the precedent of "no alcohol in the parks" was violated, the City would pay a price in her opinion. She urged City Council not to tap into a restaurant providing beer and wine for more profits for the Evelyn's Park Conservancy ("Conservancy") to use to pay the bills.

Reference was made to the Conservancy, which was created with the promise that private funds, grants, and foundation funds, would fund the park. Ms. McBee advised that this was not significantly true. The City now had restaurants to make money and alcohol to pay the way.

Barbara Jerige:

Ms. Jerige addressed City Council and indicated that she had a prepared statement to read into the record. The statement has been transcribed in its entirety as follows:

- *We bought in Bellaire because it was advertised as a "City of Homes," where we wouldn't be around businesses, so that we could protect the financial investment we were making in our home.*
- *We chose our particular home because of the beauty and peacefulness of the neighborhood.*
- *The lots where Evelyn's Park is located were zoned as Residential.*
- *Before we bought our home, we were told that Evelyn's Park would be a tranquil, peaceful and beautiful sanctuary with walking paths and water.*
- *There was peace and tranquility in our neighborhood until Evelyn's Park events and construction began.*
- *Evelyn's Park events have been anything BUT peaceful and tranquil.*
- *The latest event for groundbreaking sounded like people were playing Bingo with a megaphone right outside our bedroom window while we were trying to sleep.*
- *Before we bought our home, we were told that the café would be open for Park events only.*
- *After we bought our home, we found out that the café is now going to be a full-time restaurant that will be open for breakfast, lunch, and dinner 7 days a week.*

- *Now the Bellarie City Council is being asked to vote on approving a BAR right behind our home that will be open 7 days a week until 11:00 p.m.*
- *What happened to the promise that Bellaire is the City of Homes?*
- *We are not in Mid-Town, the Heights, the Theater District, the Museum District, or downtown Houston.*
- *We are in Bellaire, the City of Homes.*
- *If this were your home and your neighborhood, would you want a Bar that is open 7 days a week until 11:00 p.m. right behind your home?*
- *Why did the Evelyn's Park Conservancy promise to be a good neighbor and then turn around and request a full-time Bar on a blanket basis for the restaurant and events?*
- *How is this being a good neighbor? This feels more like a bait and switch.*
- *Would the members of the Conservancy have the same opinion if they lived in my home and in my neighborhood that backs extremely disruptive Evelyn's Park events and now potentially a BAR?*
- *What opinion would you as the City Council and the Mayor have if you lived in my home and in my neighborhood that backs extremely disruptive Evelyn's Park events and now potentially a BAR?*
- *I am requesting that as you vote on this, that you do so with your own moral conscience and convictions and not with politics in mind.*
- *I ask that you vote the same way that you would vote if you lived in my home and in my neighborhood that directly backs Evelyn's Park.*
- *If there is a number of Bellaire residents who want a full-time Restaurant and Bar in Bellaire, then that Restaurant and Bar should be built on a lot that is already zoned for business, not on a lot that was zoned residential that is in the middle of a beautiful and otherwise peaceful and tranquil neighborhood.*
- *Again, I respectfully ask, "What happened to Bellaire, the City of Homes?"*
- *We are already extremely concerned about the negative impact that Evelyn's Park Events and the Restaurant may have on both our property value and the quality of life in our home and in our neighborhood.*

- *We are horrified at the Conservancy's request to now add a BAR right behind our home.*
- *We are respectfully asking that you please vote NO to the Conservancy's request.*
- *Please know that we are committed to protecting our neighborhood's beauty and peacefulness, as well as our large financial investment in our home and property.*

Andrew Jerige:

Mr. Jerige addressed City Council and echoed his concerns about Evelyn's Park becoming what was looking like "Evelyn's Bar and Grill." He did not believe that Evelyn would want a park named after her to be a late night bar in the middle of Bellaire. Mr. Jerige advised that he did not want a bar at Evelyn's Park serving alcoholic beverages to the general public until 11:00 p.m.

He continued and advised that he did not wish to see intoxicated people driving up and down the streets of Bellaire and in our neighborhoods. Almost all of the parks Mr. Jerige had visited in Texas did not allow alcoholic beverages in the parks. He expressed concern related to alcohol and accidents, children observing intoxicated persons, and the possibility of litigation related to injuries that could occur as a result of alcohol use.

In closing, he asked City Council for the status of the construction of a wall between Evelyn's Park and the residents living on the south side of Camellia Lane.

Michael Fife:

Ms. Fife addressed City Council and complimented the Rubenstein family for their generosity of giving the property for Evelyn's Park to the City of Bellaire in honor of their mother, a very special person. She stated that she was not completely opposed to having beer and wine at the little bistro in Evelyn's Park.

Ms. Fife indicated that she wished for the restaurant hours to be appropriate for the neighborhood. She agreed with the Jeriges in that this was not Mid-Town, the Galleria, or Downtown. Most of the neighborhood restaurants in Bellaire and West University Place closed at 9:00 p.m., which was an appropriate time for a residential neighborhood restaurant. A special event on a Tuesday or Thursday night, for example, lasting until 11:00 p.m. was too loud and too much.

In closing, Ms. Fife stated that she hoped that the appropriateness of the neighborhood where Evelyn's Park was living would be under consideration.

Brian Laviage:

Mr. Laviage addressed City Council and advised that he sympathized with the residents that were opposed to alcohol in Evelyn's Park. He indicated that he supported the request for alcohol in Evelyn's Park as he believed that the service of wine and beer would drive the success of the park.

Additionally, Mr. Laviage believed that most of the traffic to/from Evelyn's Park would be walking traffic. For that reason, he was not terribly worried about drunk drivers.

Julie Malin:

Ms. Malin addressed City Council regarding wine and beer in Evelyn's Park from three

angles. She indicated that first she was the mother of a tween. The idea of a park where she could meet friends and watch her daughter play was wonderful. As part of a bunch of boards and different leadership in Bellaire, Ms. Malin saw the common sense and the responsibility that Bellaire, as a community, had.

In closing, Ms. Malin stated that she believed a restaurant that offered wine and beer was a recipe for success in Bellaire.

George Perkins:

Mr. Perkins addressed City Council and referenced the construction project that was currently ongoing on Evergreen Street by Total Contracting as a component of Phase Four improvements in Bellaire.

Initially at the beginning of the summer the residents of Evergreen Street received notification that they would have construction beginning at the start of summer and ending in August. Mr. Perkins advised that it was now the 21st of September, and the construction was nowhere near completion.

Within the past two weeks, he advised that there had been the necessary demolition of the northern side of the street in order to complete drainage, as well as replace drainage. However, none of the residents in that block of Evergreen Street had received timely notification of that process. Specifically, on the 8th of September, there was supposed to have been a notification delivered stating that on the 10th of September demolition would begin on the sidewalk and driveways, therefore, residents would not have access to their homes. On the 10th of September at approximately 1:00 p.m., at least two residents indicated that notifications were slipped retrospectively through their door with a date of September 8th.

The end result was that at least two residents had cars trapped on their driveways and could not exit at the time that they would normally leave to pick up children from school. Mr. Perkins advised that he had a brief conversation with some of the people on the site and telephoned the 24-hour notification service. The following day only Mr. Perkins' driveway was given a temporary bridge with a steel metal plate in order to allow access.

This week, Mr. Perkins prospectively received notification that the driveway access that had been formed would not be available, but the notice also stated that a temporary driveway would be in place by the end of the day. This was at a time when most of Texas was forecasting rain. A portion of the work was completed; however, from 5101 to 5108 Evergreen Street, there was no access and there had been no further construction.

Mr. Perkins' added that at least two of the Evergreen Street residents had asked for additional temporary driveways. The response they received was that it was not possible because if one person asked for one, everyone would ask for one.

Mr. Perkins' expressed concern that the City was undergoing a project that was well behind schedule and he hoped that there were negotiated penalties within the contract and, if present, fully executed. Residents were told they would have no access to their driveways for 14 to 21 days. For the last eight days, there had been no progress on the project. Further, the handicapped access had been removed and those with disabilities had to travel over rubble to get to their vehicles.

At present, construction had commenced on Fifth Street, which was the temporary parking for most of the residents on Evergreen Street. Evergreen Street residents had

to walk a minimum of a 1/4-mile to park along four-lane South Rice Avenue of which many people were uncomfortable due to traffic volumes.

Mr. Perkins' stated that this was unacceptable and that the City should hold the contractors and everyone else accountable.

Written Comments:

Dr. Philip L. Nauert, Mayor, read written comments received by the City Council into the record as set forth below.

Angela Stancil:

I'm in support of beer and wine sales at Evelyn's Park.

Brenda Cauthen:

Mr. Mayor and Council Members,

I am in support of the new restaurant to be located in Evelyn's Park serving beer and wine. I look forward to being able to have a glass of wine while relaxing in the beautiful park. Thank you for supporting the proposed ordinance.

Claudia Miller:

Vote YES to lifting the ordinance that prohibits alcohol in Evelyn's Park.

Elyse Kalmans:

Dear Council Members,

As a 15-year resident of Bellaire, I am completely comfortable and supportive of beer and wine served in the restaurant area of Evelyn's Park. Many other area parks, like Discovery Green and Memorial Park, are doing this successfully. I think it will increase attendance and revenues as well. Please vote YES for beer and wine in the restaurant area of Evelyn's Park.

Thank you for your consideration.

Hannah, Philip, Lesley and Allen Robbins:

To Whom It May Concern,

As a long-time Bellaire resident and avid supporter of Bellaire Parks, I believe that I speak for most when I say that we have been looking forward to Evelyn's Park for a long time. As you know, one of the highlights of the park is the cafe which will draw visitors from Bellaire and all surrounding neighborhoods. Part of the success of the cafe (and the park) will be allowing visitors to enjoy beer and wine. We have seen the success of many other local parks who do so, and should learn from what they are doing.

My family and I have attended many of the events that have been held in Evelyn's Park thus far, and have seen neighbors walking over to the park with beer and wine in hand. It has not been a burden to the park or to the visitors by any means; in fact, this is part of the culture and the dining experience that we are looking forward to.

Please consider lifting the ordinance that prohibits alcohol in Evelyn's Park.

Gisela and Igor Cherches:

Ladies and Gentlemen of the Bellaire City Council,

We write to request that you lift the ordinance that would prohibit the sale and consumption of beer and wine at Evelyn's Park. As long-time Bellaire residents, my husband and I are very excited about this new park concept that is in the process of being developed and implemented, and we are in favor of making beer and wine available at the restaurant and event venues on the site. Many similar parks in Houston have done so with no negative repercussions. Lifting this ordinance will enhance the use of those spaces and will certainly make them a desirable destination for Bellaire (and Houston) families.

We think it would be so lovely to be able to walk a few blocks to the park, enjoy a nice dinner with a glass of wine, overlooking the beautiful park scenery. We understand that the revenue from the café and event space will be instrumental in maintaining the park, which will lessen the burden on Bellaire families for this maintenance! We believe making beer and wine available in these spaces can be done responsibly, and we trust the restaurant providers, Zelko Concepts, to do just that. I would encourage you all to give this due consideration and approve this use in those specific areas.

I am sending this to the attention of the Bellaire City Clerk and request that you provide a copy of my comments to the Councilmembers.

Thank you.

Karl Poirot:

Bellaire City Council,

This message is offered as a request to Council for its support in lifting or suspending the ordinance prohibiting the sale and consumption of alcohol in select areas of Evelyn's Park. Doing so would complement the dining experience in the park, as well as, enhance social and/or charitable events held there. This format has been effectively managed at other area parks such as Discovery Green, Hermann Park, and Memorial Park and the same can be done in Evelyn's Park. Please support this effort.

Mary Goodman:

Dear City Council,

I want you to know that I support a permit to allow beer and wine sales at Evelyn's Park. I see no harm in this action and I think it will make the restaurant a more attractive place to dine. I have seen no ill effects of beer and wine sales at other parks, such as Discovery Green, Memorial Park and Hermann Park. Also, I have seen no negative effects from the sale of beer and wine at Tiny Boxwoods, which is very close to West U Elementary.

I went to Zelko's restaurant in the Heights over the weekend to check it out. It was a wonderful restaurant, the kind of restaurant I would like to see at Evelyn's Park. I enjoyed the atmosphere and the food. Though I didn't drink an alcoholic beverage while dining there, it was available and I'm glad I had the option. Please lift the ordinance that prohibits alcohol at Evelyn's Park and let beer and wine be served at the restaurant.

Please put my comments in the record and see that they are seen by city council.

Brigitte Minkowitz:

Dear City Council representative,

Please include my letter in tonight's meeting.

I know that there is a vote tonight to lift the ban on alcohol at Evelyn's Park. As a citizen of Bellaire I encourage you to please consider lifting this ban for the sake of Evelyn's Park being a great part of our town in which to host events and have responsible meals and events under the control of the new restaurant and caterer that will be there.

Serving beer and wine under a controlled environment will make the venue popular and in line with what other cafes and event centers offer in the Houston area.

Bringing alcohol into the park should still be banned, but allowing the restaurant to serve it should be allowed please.

Please vote yes!

Thanks for your consideration.

Penne and Casey Weidig:

We SUPPORT serving alcohol in Evelyn's Park. Please consider our position on this matter when voting.

Marybeth Flaherty:

On your agenda tonight, item G.2.a. asks for your approval of an ordinance allowing the sale and consumption of beer and wine in Evelyn's Park. I am writing this letter and requesting that it be read into the record for this evening's meeting.

As you know, I was on the original board of Evelyn's Park Conservancy and was on the board through the planning and design phase of the Master Plan and Phase 1. From the very beginning of discussions about the park, there has always been a desire to offer the community a place to gather and enjoy not only the outdoors and nature, but also to offer a cafe/event venue where food and beverages could be enjoyed in the beautiful setting of the park.

At previous Council meetings when discussion of the cafe took place, many of you currently on City Council acknowledged that sitting under the trees outside the cafe with a meal and glass of wine would be quite nice. I hope that you will tonight vote to approve the adoption of an ordinance that will allow adult visitors to Evelyn's Park the opportunity and the choice to consume beer and wine on the property in the designated area.

Thank you for your time and for your service to our community.

Phebe Chen:

Yes to allowing alcohol in Evelyn's Park.

Cynthia Siegel:

Dear Mayor Nauert and Bellaire City Councilmen:

I am writing to request your approval of amending Chapter 3, Alcoholic Beverages, in the Bellaire Code of Ordinances to allow for the consumption of wine and beer at the new restaurant being built in Evelyn's Park.

I understand that some residents might be concerned that the sale of alcohol may lead to drinking in other parts of the park outside of the restaurant facility and designated outdoor restaurant space. First, I know how strict restaurants are in general and careful about keeping people from taking drinks outside of their facilities in fear that they would lose their liquor license. There is no reason to believe that this restaurant operator would be any different and risk their license after the significant investment they will make to get the restaurant up and running in the park by not taking steps to ensure that alcoholic beverages aren't taken outside of the designated space. Additionally, besides the strictness of the State and City statutes, Bellaire police can be called if there are any problems--alcohol related or other, when the Conservancy can't be reached.

*To my knowledge there has not been any problems with other restaurants that serve wine and beer in Bellaire where people take the alcoholic beverages outside of the facility. The success of this restaurant and its revenue payments to the Conservancy are critical to providing quality maintenance/improvements (above what the City will provide) and programs within the park. To not allow the sale of wine and beer within the restaurant, adjacent indoor event space and designated restaurant outdoor space during **reasonable** business hours would increase the chances dramatically that the restaurant would have a hard time being successful.*

I believe that the Conservancy and Bellaire City Council can work together to put in place safeguards that would address the neighbors' concerns related to the sale/use of wine and beer at restaurant event space. I encourage you to pass this amendment to the ordinance.

Thank you for your consideration.

Tom Flaherty:

Dear Mayor Nauert and City Councilmen:

On your agenda tonight, item G.2.a. asks for your approval of an ordinance allowing the sale and consumption of beer and wine in Evelyn's Park. I am writing this message and requesting that it be read into the record for this evening's meeting.

I approve of the agenda item relating to sale and consumption of beer and wine in Evelyn's Park and am ok with it being allowed until 11 pm.

F. Reports:

City Manager's Report dated September 21, 2015, regarding the condition and planned assessment of the Public Works Service Center - Submitted and presented by Paul A. Hofmann, City Manager.

Paul A. Hofmann, City Manager, presented the City Manager's Report dated September 21, 2015, to members of City Council. The report consisted of a condition and planned assessment of the Public Works Administration Facility

("Facility") located at Baldwin and Edith Streets.

Reference was made to the Memorial Day flood event, which caused damage to the Facility. During a recent Facility update provided by City Staff, it was noted that the City's plan was to fix the Facility back to its existing condition using insurance proceeds. Also during the update, City Council was told that City Staff would return and ask for a construction contract to be awarded.

After continuing to assess the situation and after obtaining more information, the plan had changed. City Manager Hofmann suggested that the City take a step back and more fully think through all of our options.

At this time, the City had not identified a feasible plan for dealing with the chronic flooding issues at the Facility. The City was still in discussions with the Federal Emergency Management Agency ("FEMA") regarding one particular approach to mitigating the flooding for the Facility and the area around the Facility. The cost of that particular approach was prohibitive.

Also of note were Americans with Disabilities Act ("ADA") issues that needed to be addressed in the repair of the Facility. At this point, the City believed that some expert analysis was needed to address the issues.

City Manager Hofmann advised that funds were budgeted in the next fiscal year's budget to perform some public works administration assessment work. The City might add to the scope a bit to more fully look at the ADA issues. The City would also continue working with FEMA. The City was not sure, at this point, that the best long-term plan was to repair the Facility at its current location.

In closing, City Manager Hofmann stated that he did not think it would take long to come back to City Council with some well thought out options for consideration.

Although the current working conditions were not optimal, but City Staff was making do. It was noted that some of the staff were utilizing the Fire Station and others were still at the Facility.

Dr. Philip L. Nauert, Mayor, opened the floor for questions of City Manager Hofmann regarding his report.

Following questions, Mayor Nauert called for a motion to accept the City Manager's Report into the record.

Motion:

To accept the City Manager's Report dated September 21, 2015, as presented by City Manager Paul A. Hofmann, into the record.

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

G. New Business:**1. Consent Agenda:****Motion:**

To approve and adopt the Consent Agenda dated September 21, 2015, consisting of two items set forth below (1.a. and 1.b.) regarding a curfew suspension for a special event and a Joint Election Agreement with Harris County for the City's November 3, 2015, General Election and Special Election.

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

a. Curfew Suspension for Special Event:

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, temporarily suspending the application of Chapter 27, Streets, Sidewalks and Public Places, Article V, Public Parks, Section 27-95(a), Curfew Imposed, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of allowing the Patrons for Bellaire Parks to hold a special event, Tents in Town, in Bellaire Zindler Park located in Bellaire Town Square, 7008 South Rice Avenue, Bellaire, Texas, on Saturday, October 24, 2015, said suspension to commence at 11:00 p.m. on Saturday, October 24, 2015, and to terminate at 5:00 a.m. on Sunday, October 25, 2015 - Submitted by Cheryl Bright-West, Assistant Director of Parks, Recreation and Facilities.

b. Joint Election Agreement with Harris County:

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 the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, and the Chief Financial Officer and City Attorney to countersign and approve as to form, respectively, for and on behalf of the City of Bellaire, Texas, an Agreement between Harris County and the City of Bellaire Relating to Joint Elections to be held November 3, 2015 - Submitted by Tracy L. Dutton, City Clerk.

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

- a. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 3, Alcoholic Beverages, Article I, In General, of the Code of Ordinances of the City of Bellaire, Texas, by amending Section 3-3 , Use prohibited in public parks and other places, authorizing the Mayor of the City of Bellaire, Texas, to execute, for and on behalf of the City of Bellaire, Texas an ordinance allowing the sale and consumption of beer and wine in Evelyn's Park for the purpose of allowing Evelyn's Park Conservancy to manage the sale, service and consumption of beer and wine - Submitted by Karl Miller, Director of Parks, Recreation and Facilities.

Karl Miller, Director of Parks, Recreation and Facilities, summarized the agenda item before City Council. The agenda item consisted of a request

from the Evelyn's Park Conservancy requesting City Council support for the sale, service, and consumption of beer and wine in the designated area in Evelyn's Park.

It was noted that the Development Agreement between the Evelyn's Park Conservancy ("Conservancy") and the City identified that City Council would need to amend Chapter 3, Article I, by revising Section 3-3, of the Code of Ordinances of the City of Bellaire, Texas. Such amendment would allow the consumption and sale of beer and wine without requiring the Conservancy to come to City Council seeking a special use permit each time an event was held, for example.

Director Miller advised that City Staff had measured from the location of the cafe door to the closest door at the Bellaire Methodist Church across the street. That distance did exceed the required 300 feet identified in Chapter 3, Article I, Section 3-2, of the Code of Ordinances of the City of Bellaire, Texas.

The Conservancy was in the final stages of contract negotiations with a food service company for the cafe and the ability to sell or not to sell beer and wine would impact the terms of the contract. The Conservancy was requesting the ability to sell and consume alcohol until 11:00 p.m. The proposed amendment did not have anything to do with the hours of operation for the cafe, but would impact the terms of their agreement with the potential cafe operator, as well as potential functions in the Event Center.

Director Miller advised further that the food service provider would be responsible for securing a permit from the Texas Alcoholic Beverage Commission, ensuring that the Conservancy and the City were properly insured, and that they complied with all laws and ordinances. He recommended that City Council support the Conservancy's request by amending Chapter 3, Article I, Section 3-3, of the Code of Ordinances of the City of Bellaire, Texas.

Dr. Philip L. Nauert, Mayor, offered an opportunity for members of the Conservancy to make comments. Patricia King-Ritter, President, and Lou Waters, Vice President, added comments regarding Evelyn's Park amenities and programming.

Motion:

To adopt an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 3, Alcoholic Beverages, Article I, In General, of the Code of Ordinances of the City of Bellaire, Texas, by amending Section 3-3, Use prohibited in public parks and other places, to allow for the sale and consumption of beer and wine in Evelyn's Park until 11:00 p.m.

{Moved by Pat B. McLaughlan, Councilman, and seconded by Roman F. Reed, Councilman}

Following discussion by members of City Council regarding the motion on the floor, an amendment to the main motion was offered.

Amendment (No. 1) to the Main Motion: {Withdrawn}

To restate subsection (b) of Section 3-3, Use prohibited in public parks and other public places, to read as follows:

"(b) Evelyn's Park. Within that portion of Evelyn's Park designated by Ordinance No. _____, the sale and service of beer and wine shall be permitted until 9:00 p.m. in the cafe and until 11:00 p.m. in the event center and the consumption of beer and wine shall be permitted until 10:00 p.m. in the cafe and until 11:00 p.m. in the event center provided that the vendor has:"

{Moved by Andrew S. Friedberg, Councilman, and seconded by Dr. Philip L. Nauert, Mayor}

Discussion continued among members of City Council and the Conservancy regarding the amendment on the floor.

Following discussion, Councilman Andrew S. Friedberg, the mover of the amendment, asked for City Council consent to withdraw the amendment. Mayor Philip L. Nauert advised that he had no objection as the seconder of the amendment.

Amendment (No. 1) to the Main Motion was withdrawn.

Councilman Friedberg offered a second amendment.

Amendment (No. 2) to the Main Motion:

To amend Chapter 3, Article I, Section 3-3, Use prohibited in public parks and other public places, by underlining subsection (a) in its entirety, placing a period at the end of subsection (b), and restating subsection (b)(3) to read as follows:

"3. License issued by City of Bellaire pursuant to Chapter 3, Article II, of the Code."

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Andrew S. Friedberg, Councilman
SECONDER:	Dr. Philip L. Nauert, Mayor
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg
NAYS:	None
ABSENT:	None

Discussion continued among members of City Council and the Conservancy regarding the main motion, as amended.

Following discussion, Mayor Nauert called for a vote on the main motion, as amended.

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

- b. Consideration of and possible action on the adoption of an ordinance authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a Contract and Agreement for City Engineer Services with ARKK Engineers, LLC, for the provision of professional city engineer services in an amount of \$90,000.00 for a one-year period commencing on October 16, 2015, and ending on October 15, 2016 - Submitted by Brant Gary, Director of Public Works.

Brant Gary, Director of Public Works, summarized the agenda item before City Council related to professional city engineer services. Director Gary advised that the item requested City Council authorization to enter into a Contract and Agreement for City Engineer Services with ARKK Engineers, LLC, for the provision of professional city engineer services in an amount of \$90,000.00 for a one-year period commencing on October 16, 2015, and ending on October 15, 2016.

Director Gary indicated that the Public Works Department recommended a slight increase in the base services due to basic inflationary costs. With that increase, the base services would total \$75,000 (as opposed to \$70,000 in the previous year). Additionally, an enhancement had been budgeted and added to the contract and agreement for traffic engineering services. Such services entailed performing studies relative to the request for various traffic situations the City might want to examine, such as signage, signals, speed limits, etc. The amount added for traffic engineering services was noted to be \$15,000. The total contract and agreement cost for the referenced services was \$90,000.

Director Gary recommended approval of the contract and agreement.

Motion:

To adopt an ordinance authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a Contract and Agreement for City Engineer Services with ARKK Engineers, LLC, for the provision of professional city engineer services in an amount of \$90,000 for a one-year period commencing on October 16, 2015, and ending on October 15, 2016.

Following discussion, questions, and comments from the City Council, action was taken on the motion and second.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James P. Avioli Sr., Councilman
SECONDER:	Amanda B. Nathan, Mayor Pro Tem
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

- c. Consideration of and possible action on an Ordinance of the City of Bellaire, Texas, authorizing the City Manager to execute for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with Bureau Veritas North America, Inc., for services necessary for the enforcement of the city's building codes to include construction plan review and the provision of onsite inspection services in an estimated annual amount of \$163,000 - Submitted by John McDonald, Director of Development Services.

John McDonald, Director of Development Services, summarized the agenda item before City Council for approval of an agreement with Bureau Veritas North America, Inc., for enforcement, construction plan review, and onsite inspection services in an estimated annual amount of \$163,000. He noted that the amount for these services was included in the FY 2016 Budget.

Director McDonald noted further that the Development Services Department had one inspector on staff, as well as an opening for a Building Official. With the addition of a Building Official, the City would only have two inspectors. As building in the City continued to increase at a good pace and due to the City's current staffing levels, the Development Services Department was requesting approval of an agreement with Bureau Veritas North America, Inc., to provide the necessary services needed.

Motion:

To adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the City Manager to execute, for and on behalf of the City of Bellaire, Texas, an agreement with Bureau Veritas North America, Inc., for services necessary for the enforcement of the city's building codes to include construction plan review and the provision of onsite inspection services in an estimated annual amount of \$163,000.

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

Following discussion, Mayor Nauert called for a vote on the main motion.

RESULT:	ADOPTED [4 TO 3]
MOVER:	Amanda B. Nathan, Mayor Pro Tem
SECONDER:	Andrew S. Friedberg, Councilman
AYES:	Nauert, Nathan, Pappas, Friedberg
NAYS:	Reed, Avioli Sr., McLaughlan

- d. Consideration of and possible action on an ordinance of the City Council of the City of Bellaire, Texas, adopting an update to the 2009 Comprehensive Plan to include the Parks Master Plan as an appendix, as recommended by the Planning and Zoning Commission of the City of Bellaire, Texas - Submitted by John McDonald, Director of Development Services.

John McDonald, Director of Development Services, advised that the City's Comprehensive Plan, as originally drafted in 2009, called for an update or review every five (5) years to make sure the City was on the right track and to ensure that the direction outlined in the Comprehensive Plan was still the direction that the City wanted to go.

Over the last year, the Planning and Zoning Commission, working with City Staff and Gary Mitchell of Kendig Keast Collaborative, and have proposed the draft before City Council, which included some updated material. Comments provided by City Council at the last meeting, specifically with regard to Chapter 4, were incorporated in the update.

Director McDonald recommended adoption of the Comprehensive Plan Update.

Motion:

To adopt an ordinance of the City Council of the City of Bellaire, Texas, adopting an update to the 2009 Comprehensive Plan, to which the Parks Master Plan was appended, as recommended by the Planning and Zoning Commission of the City of Bellaire, Texas.

Following a few questions of Gary Mitchell of Kendig Keast Collaborative, Councilman Andrew S. Friedberg offered an amendment to the main motion.

Amendment (No. 1) to the Main Motion:

To amend the Comprehensive Plan Update by making a global change to replace the phrase "economic development" with "commercial redevelopment" except where the context clearly indicates that was not the intention.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Andrew S. Friedberg, Councilman
SECONDER:	Dr. Philip L. Nauert, Mayor
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg
NAYS:	None
ABSENT:	None

Discussion ensued among members of City Council and Mr. Mitchell regarding the main motion, as amended.

Amendment (No. 2) to the Main Motion:

To amend Chapter 4, Utility Infrastructure, Water, Capacity, to read as follows:

- ◆ **Capacity. The City's current maximum well capacity is approximately 7.0 million gallons per day (MGD). Average water demand is approximately 3.0 MGD. The 50-50 mix of ground and surface water is obtained by purchases of surface water from the City of Houston. The Chevron complex on Fournace is the City's largest water user.**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Andrew S. Friedberg, Councilman
SECONDER:	Dr. Philip L. Nauert, Mayor
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg
NAYS:	None
ABSENT:	None

Following comments from Mayor Pro Tem Amanda B. Nathan regarding possible improvements to the update process for the future, she offered an amendment.

Amendment (No. 2) to the Main Motion:

To amend the Comprehensive Plan Update by changing the references to "Bellaire Transit Center" to "a transit center on Westpark."

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

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

Following a question of City Manager Hofmann by Councilman Roman F. Reed, action was taken on the main motion, as amended.

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

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

There were no items for future agendas; however, Councilman Roman F. Reed encouraged the City Manager and City Staff to come up with a proper welcome gift to new residents.

Community interest items from the Mayor and City Council included encouragement to residents to view the online City calendar for events coming up in the City and expressions of thanks and congratulations to Building Official Lee Cabello on his retirement.

I. Adjourn.

Motion:

To adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:45 p.m. on Monday, September 21, 2015.

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

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 10/19/15 07:00 PM
Department: City Manager's Office
Category: Presentation
Department Head: Michelle Jordan
DOC ID: 1712

**SCHEDULED
ACTION ITEM (ID # 1712)**

Item Title:

Presentation of plan for proceeding with the Municipal Facilities Project which includes a potential timeline. Presentation to be made by Jeff Gerber, President and CEO of Pierce Goodwin Alexander Linville. Item requested by Dr. Philip L. Nauert, Mayor.

Background/Summary:

Jeff Gerber, PGAL, will present an opportunity and a tentative timeline that establishes how the Municipal Facilities Project may advance and be available to answer questions about the process for moving forward.

Previous Council Action Summary:

Council was presented with the recommendations of the Ad Hoc Committee and Jeff Gerber at the August 31 Joint Session. A recommendation for Council to approve Alternative Site Plan A passed at the September 15, 2015 City Council Meeting

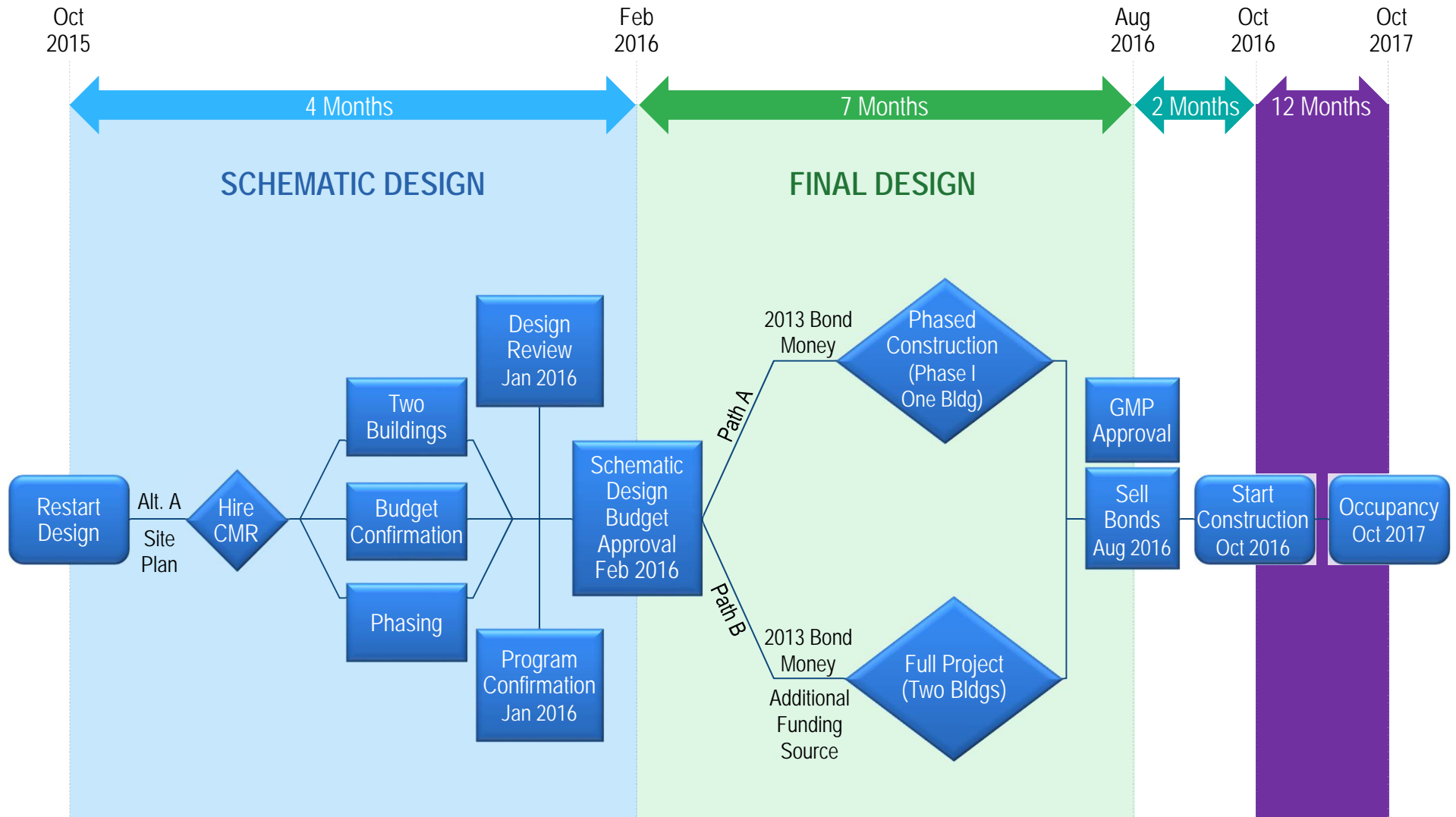
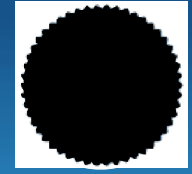
Recommendation:

Mr. Gerber will discuss the process, a possible timeline and answer questions by the City Council. This item was requested to be on the agenda by Mayor Nauert and is intended to explore the shortest possible timeline for the Municipal Facilities Project.

ATTACHMENTS:

- Flow Chart (PPTX)

Bellaire Municipal Buildings



Attachment: Flow Chart (1712 : Discussion of Timeline and Plan for Municipal Facilities Project)

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 10/19/15 07:00 PM
Department: City Manager's Office
Category: Discussion
Department Head: Diane K White
DOC ID: 1656

**SCHEDULED
ACTION ITEM (ID # 1656)**

Item Title:

Presentation, consideration of and possible action on a recommendation from the Bellaire Cultural Arts Board (BCAB) for a Pilot Utility Box Beautification Program - Submitted by Diane K. White, Assistant City Manager, on behalf of the Bellaire Cultural Arts Board.

Background/Summary:

Over the past year, the Bellaire Cultural Arts Board (BCAB) has considered the merits and feasibility of adopting an art program whereby the 5 City-owned utility boxes in Bellaire would act as a canvass and be tastefully decorated by a local artist. Utility painting programs are popping up all over the United States. Our neighboring City of Houston has implemented this program in many different neighborhoods including Meyerland.

Pilot Program for Bellaire

The BCAB requests that the City Council support our own "pilot project" starting with one of the City's five "utility boxes" located at the corner of S. Rice and Bellaire Blvd located within the Paseo Park at 7409 South Rice Ave. Streetlight signal and control box-H (66 ¼"), W (30 ¼"), D (24"). The cost of the program will be no more than \$1,000. The artist will be required to sign prerequisite agreement[s] regarding responsibilities/liabilities before final approval.

Rationale

This project is intended to introduce some artwork into the community through decorating an object that is otherwise quite unattractive, [albeit functional]. The artwork would be required to meet a "nature theme" and our initial thought is that it would complement the environment in which it is located. For example, it could reflect nearby plant-life and tastefully add a splash of color, perhaps reflecting morning glories or azalea bushes. The conceptual design will be agreed upon by the BCAB and the artist prior to painting. Depending upon the response to the initial artwork, the program could be extended to other utility boxes within the community. The BCAB will work closely and has consulted with Public Works Director Brant Gary on this project. The area would not be prepared and ready for painting until later this year.

Publicity and Feedback

It is proposed to promote the project on the City's website and in the local media. Public feedback would be sought through different City events and a quick on-line survey available on the City's website. It is suggested that we host a "ribbon cutting" to increase awareness in the community and open the possibility for the next phase of the project to be fulfilled by local Bellaire artist[s]. In this regard, the BCAB and Assistant City Manager have recently created an on-line Art Registry where local artists can sign up to be involved with events and projects.

Previous Council Action Summary:

N/A

Fiscal Impact:

FY2015 Beautification Capital Improvement Project- \$1,000

Recommendation:

The Bellaire Cultural Arts Board President Terry Leavitt-Chavez request that the Art Board be given direction to proceed with this project.

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 10/19/15 07:00 PM
Department: Finance Administration
Category: Truth-In-Taxation
Department Head: Linda Symank
DOC ID: 1570

SCHEDULED**ACTION ITEM (ID # 1570)****Item Title:**

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, fixing the tax rate and tax levy for the City of Bellaire, Texas, for tax year 2015 (fiscal year beginning October 1, 2015, and ending September 30, 2016), upon all taxable property in said City - Submitted by Linda Symank, Chief Financial Officer.

Background/Summary:

On August 17, 2015, the Bellaire City Council held a public hearing for the proposed budget for the fiscal year beginning October 1, 2015, and ending September 30, 2016. The budget was then placed on the September 15, 2015 agenda and was approved by City Council. The adopted budget included a proposed tax rate of \$0.3805 per \$100 of valuation apportioned \$0.2501 for the General Fund and \$0.1304 for the Debt Service Fund. This proposed rate exceeds the lower of the effective rate or the rollback rate of \$0.3600 and \$0.3805, respectively. Because the proposed rate exceeds the effective rate, the City conducted two public hearings on October 6, 2015 and October 12, 2015. Based on the Certified Appraisal Roll from the Harris County Appraisal District received August 25, 2015, the 2015 total taxable value calculation for Truth-In-Taxation is \$4,520,573,580, and the total tax revenue that would be raised at the proposed tax rate of \$0.3805 per \$100 of valuation is \$17,200,782.

Attached for City Council review and approval is an ordinance setting the tax rate and tax levy for the City of Bellaire, Texas, for tax year 2015 (the fiscal year beginning October 1, 2015 and ending September 30, 2016) upon all taxable property in the City of Bellaire. This year's tax levy to fund maintenance and operations exceeds last year's maintenance and operations tax levy requiring the ordinance to include a statement about "tax increase" as specified in Section 26.05(b) of the Property Tax Code. This year's proposed total tax rate of \$0.3805 exceeds the effective tax rate. **The vote** on the ordinance setting the tax rate of \$0.3805 per \$100 valuation must be a record vote, and **the motion** to adopt the ordinance must be made in the following form stating the percentage by which the proposed tax rate exceeds the effective tax rate:

"I move that the property tax rate be increased by the adoption of a tax rate of \$0.3805, which is effectively a 5.7 percent increase in the tax rate."

Previous Council Action Summary:

Sept 15th Acceptance of 2015 Tax Roll and the calculated Effective Tax Rate and Rollback Tax Rate.
Sept 15th Record vote to adopt tax rate of \$0.3805 and scheduled two public hearings.
Oct 5th Held first public hearing.
Oct 12th Held second public hearing.

Action Item (ID # 1570)

Meeting of October 19, 2015

Fiscal Impact:

[If source funding is needed type here]

Recommendation:

Action as City Council deems appropriate.

ATTACHMENTS:

- Tax Rate and Tax Levy 2015 (DOC)



ORDINANCE NO. 15-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, FIXING THE TAX RATE AND TAX LEVY FOR THE CITY OF BELLAIRE, TEXAS, FOR TAX YEAR 2015 (FISCAL YEAR BEGINNING OCTOBER 1, 2015, AND ENDING SEPTEMBER 30, 2016), UPON ALL TAXABLE PROPERTY IN SAID CITY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS:

1. THAT there is hereby levied and shall be assessed and collected for tax year 2015, an ad valorem tax of **\$0.3805 cents per \$100.00 valuation** on property located within the city limits of the City of Bellaire, Texas, made taxable by law, which said taxes, when collected, shall be apportioned among the funds and departments of the City of Bellaire, and for the purposes hereinafter set forth, as follows, to wit:

\$0.2501	General Fund (For the purpose of paying maintenance and operations expenditures)
\$0.1304	Debt Service Fund (For the purpose of paying the accruing interest and to provide a Sinking Fund for payment of the bonded indebtedness of the City of Bellaire)

2. THAT THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

3. THAT THE TAX RATE WILL EFFECTIVELY BE RAISED BY 7.99 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY (\$3.10).

4. THAT the Chief Financial Officer is hereby directed to notify the Harris County Tax Assessor-Collector to assess, extend, and enter upon the tax rolls of the City of Bellaire, Texas, for the 2015 tax year, the amounts and rates herein levied, to keep a correct account of same, collect the same, and when so collected, to be distributed in accordance with this ordinance.

PASSED, APPROVED, and ADOPTED this 19th day of October, 2015.

(SEAL)

ATTEST:

SIGNED:

Tracy L. Dutton, TRMC
City Clerk

Dr. Philip L. Nauert, Mayor

APPROVED AS TO FORM:

Alan P. Petrov, City Attorney

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 10/19/15 07:00 PM
Department: City Manager's Office
Category: Discussion
Department Head: Paul A. Hofmann
DOC ID: 1693

**SCHEDULED
ACTION ITEM (ID # 1693)**

Item Title:

Consideration of and possible action on the implementation of a retention incentive plan for each patrol officer and firefighter/paramedic employed by the City of Bellaire, including but not limited to a plan that would provide such employees a \$2,000 per year bonus payable at the end of each fiscal year, in recognition of the importance of and challenges inherent in keeping such positions filled and of the fact that many such employees travel significant distances to work - Requested by James P. Avioli, Sr., Councilman.

Background/Summary:

On September 15, 2015, Council voted to adopt the FY 2016 Budget. At that meeting, Councilman Avioli moved that the proposed budget be 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)." Following discussion among City Council regarding Councilman Avioli's proposal, Council voted to postpone consideration of the plan so that it could be evaluated by the City Manager and Police Chief, and to bring the motion back to Council no later than the second meeting in October.

Councilman Avioli's original plan was offered in recognition of the fact that Bellaire has for some years been experiencing a situation in which patrol officers are hired and trained by the City of Bellaire but depart for other employment opportunities after a relatively short period of time, sometimes for employment closer to their homes, which are located in more affordable areas, and/or for increased salary. The amended plan to be considered tonight includes firefighters/paramedics in the retention incentive plan as well, in recognition of the importance of likewise keeping our firefighters/paramedics ranks fully staffed, that two firefighters/paramedics have left Bellaire for other employment opportunities in the last year, and that many firefighters/paramedics likewise travel significant distances to work.

Councilman Avioli's \$2,000 per year plan is based on a hypothetical mileage reimbursement calculation, specifically an assumed 40-mile round trip for 5 working days per week and 50 weeks per year, reimbursed at a rate of \$.20 per mile ($40 \times 5 \times 50 \times .20 = \$2,000$). Assuming the current count of patrol officers (30) and firefighters/paramedics (21), the adoption of this plan would require \$102,000. Councilman Avioli recommends the adoption of this plan as an indication of the City's appreciation for the loyalty of our public safety employees in providing security to the residents of Bellaire.

This agenda item was drafted so as to allow consideration and discussion of alternative retention incentive plans in addition to that offered by Councilman Avioli.

A schedule of eligible police and fire staffing for the mileage incentive consideration is attached

hereto.

Previous Council Action Summary:

See previous section.

Fiscal Impact:

Addition of \$102,000 to the General Fund Budget.

Recommendation:

Councilman Avioli recommends the adoption of this plan as an indication of the City's appreciation for the loyalty of our public safety employees in providing security to the residents of Bellaire.

ATTACHMENTS:

- Eligible Police and Fire Staffing for Mileage Incentive Consideration(PDF)
- Police Retention and Recruiting - Memo - Byron Holloway (PDF)
- Mileage Incentive Proposal - Memo - Yolanda Williams (PDF)
- Affordability of Retention Incentive Plan - Memo - Paul A. Hofmann (PDF)

Police & Fire Staffing for Mileage Incentive Consideration

Fire Chief	1.0	City vehicle
Assistant Chief/Fire Marshal	1.0	City vehicle
Fire Shift Commander	3.0	
Fire Lieutenant	3.0	
Firefighter/Paramedic	14.0	
Firefighter/EMT	1.0	
Total Full-time Fire	23.0	21 eligible for incentive

Police Chief	1.0	City Vehicle
Assistant Police Chief	1.0	City Vehicle
Police Lieutenant	2.0	City Vehicle
Detective	2.0	City Vehicle
Detective Sergeant	1.0	City Vehicle
Motorcycle Officers	2.0	Allowance & gas card
Police Sergeant	3.0	
Police Corporal	3.0	
Police Officer	22.0	
Community Resource Officer	1.0	
Warrant Officer	1.0	
Total Full-time Sworn Police	39.0	30 eligible for incentive



CITY OF BELLAIRE

Police Department

(713) 668-0487 5110 Jessamine Bellaire, Texas 77401-4425
www.bellairepolice.com

Byron Holloway
Chief of Police

Michael Leal
Assistant Chief of Police

Lt. Jeff Cotton
Patrol Division

Lt. Greg Bartlett
Support Services

Lt. Russell Brown
Manager information
Services

To : Yolanda Williams, Director Human Resources
From : Byron Holloway, Chief of Police
Date : October 15, 2015
Re : Police Retention and Recruiting

Bellaire City Councilmember Jim Avioli has proposed a stipend of \$2,000.00 to be paid annually to each Bellaire Police Officer to assist with commute cost. This is an earnest effort to assist with police officer retention and recruiting. I commend Councilmember Avioli for his innovative approach in addressing police retention and recruitment. With that said, I do not know if resources exist to fund this proposal and recommend other options be explored before this stipend is implemented.

Retention considerations include, but are not limited to:

- All employees will be leaving at some time for some reason. We just do not know when or why.
- The police work environment must motivate desirable and productive employees to stay.
- An employee must be provided opportunities for personal and professional development.
- When an employee does leave, we must have the capability to rapidly fill any vacancy with a quality applicant.
- Police Officers possess training, education, and experience which is in high demand by agencies through the Houston/Galveston metropolitan area more so than any other position. Bellaire must identify those items in which we can be directly compete as well as those items in which we cannot and identify alternative options to such.

Recruiting considerations include, but are not limited to:

- Promotion of a desirable work environment.
- Afford opportunities for personal and professional development.
- Applicants must perceive their training, education, and experience is recognized, valued, and will be rewarded by the City of Bellaire. The applicant must recognize the City of Bellaire has matching and competitive employment incentives or if not matching, alternative options to such.

The below listed items have been identified by police staff for evaluation and development.

- Pay
 - Communication Officers are to be placed within the Public Safety Pay Scale.
 - All police employees within the Public Safety Pay Scale are to be moved to the 100 percentile. This can be accomplished in phases, starting at the 75 percentile.
 - Increase longevity pay.
 - Provide Shift differential pay.
 - Provide weekend differential pay.
- Incentives
 - Increase current Bellaire Police Department incentive pay for formal education, certification levels, and identified skills. An example of our non-competitive incentives are as follows;
 - Cypress Fairbanks ISD Police pay \$4,800.00 annually for TCOLE Master Certificate incentive, \$1,800.00 annually for bilingual incentive, and advanced education pay \$4,800.00
 - Bellaire Police pay \$2,002.00 annually for TCOLE Master Certificate incentive, \$754.00 or \$1,092.00 annually for bilingual incentive, and advanced education pay \$3,198.00 (PHD).
 - Establish a relocation incentive up to \$2,000.00.

- Establish an academy reimbursement incentive up to \$2,000.00.
- Establish certificate incentive for Communication Officer licensing.
- Establish "milestone" incentives at the points in which an officer may be most likely to leave. For example, if we are most likely to lose officers at the 3 year point, then at the 3.5 year point officers that stay are entitled to a "milestone" incentive. This would be in the form of a special training opportunity or such.
- Other
 - Creation of four additional police officer positions to be filled within the next four fiscal years. This allows increases in demands for services to be addressed as well as the creation of assignment opportunities.
 - Vacation days and holidays increased to market levels.
 - Design and construct an innovated police building.
 - Provide an annual \$500.00 equipment allowance. Current annual cost would be \$19,500.00.
 - Increase tuition reimbursement.

I recommend that within 120 days these items are evaluated, prioritized, and cost projections completed. Within 180 days, a proposal for a planned implementation of selected items is developed for incorporation in the FY2017 budget. Some items may require a multi fiscal year implementation.

In a cost to hire study conducted by the Bellaire Police Department in 2014 it was shown that it cost between \$19,000-\$24,000.00 to recruit, hire, and train a police officer. There are currently five officers in the Field Training Program and one attending the police academy. This current training cycle will eventually account for approximately \$120,000.00 in tangible and intangible police resources.

These issues are market driven. The City of Bellaire must adopt, implement, as well as sustain a retention and recruiting philosophy for police officers. Such a philosophy can be that the City of Bellaire will maintain the status quo, as officers leave, Bellaire will continue to hire and train new officers. Alternatively, the philosophy can be that the City of Bellaire will be truly competitive and able to retain officers at a greater rate, but any vacancies are able to be rapidly filled.



City of Bellaire

Human Resources

MEMORANDUM

TO: Paul Hofmann, City Manager

FROM: Yolanda Williams, Director of Human Resources

DATE: October 15, 2015

SUBJECT: Mileage Incentive Proposal

Per your request, I have reviewed the "Proposal –Incentive Plan to Reduce Turnover" provided to City Council by Council Member Avioli and subsequently met and had discussions with the Police Chief and Fire Chief. We all certainly appreciate the heightened discussion around this. In consideration of the Assumption, Proposal, Budgetary Impact and Potential Benefit to the Police Force and to the City of Bellaire presented by Council Member Avioli, I respectfully offer additional information for consideration.

Assessment of Assumption:

- Over the past two years, three of 14 officers and one of four firefighters have left for closer commute. Of the three officers, one was employed for eight years, one for two years and one for one year. The one who was employed for two years also cited opportunity for promotion and growth at a larger agency as a reason for separation. Of the four firefighters, one was employed for one and a half years, one for two years, one for four years and one for 10 years. The most common reason to leave was opportunity and income potential.
- The average number of years of service for the officers who have separated in the last two years is 6.4 or 4.5 (without 32 year retiree).
- The average number of years of service for active officers is 4.75.
- Reasons officers leave vary; commute is not a majority factor.
- Five of the 14 separations have occurred since the new pay plan and premium pay were implemented for the following reasons:
 - 1 retiree
 - 1 relocation
 - 1 probationary performance related
 - 1 opportunity for promotion & growth at larger agency
 - 1 opportunity for promotion & growth at larger agency along with work & live in same community

Assessment of Proposal:

- Commuting to and from work is not a (non-taxable) reimbursable expense; therefore, a mileage compensation (incentive) plan would be taxable income. Assuming a 25% single rate tax bracket the incentive would be reduced from \$2,000.00 to \$1,500.00.

- The incentive would not apply to staff that have take-home vehicles (7) or motorcycle officers who receive an allowance and gas card (two)—total of officers. Nor would it apply to two fire officers who have take-home vehicles.

Budgetary Impact:

- The cost of the proposal would be \$60,000 annually based on \$2,000.00 for 30 officers. An additional \$16,800 would be needed to compensate 21 firefighters assuming two round trips per week at \$8.00 per day and 50 work weeks per year (\$800.00/yr. per firefighter). However, to these numbers we would also add Medicare, TMRS, Workers' Comp, Life Insurance, and Disability Insurance costs.

Potential Benefit to Police Force and the City of Bellaire:

- I believe there are other less divisive and broader incentive programs/opportunities that would allow for market competitiveness and officers to know that Bellaire appreciates them for their loyalty in providing security to the citizens of Bellaire. Not to diminish the significance of public safety, there are other positions in the City that present a recruiting and retention challenge such as equipment operators and plant operators to which the proposed incentive plan would not apply, but could be justified.

Management Project 1601—Manage Turnover, Effectively Recruit & Fill Public Safety Positions

Within this ongoing project, our plan is to implement full-cycle recruiting which includes casting a broad approach and evaluating many opportunities such as, but not limited to, assessing and improving existing incentives, exploring more internal learning and growth opportunities, re-evaluating our pay and benefits philosophies including who (what cities), how (what are we comparing?) and at what level (50% or greater?) we compare ourselves. By using a comprehensive approach, we can build more effective strategies to thwart various reasons for undesired turnover resulting in extended vacancies and also compensate in ways that are mutually beneficial—to the employees and the City.

We have work to do; however, we are getting better. As an example of our progress, this time last year, October 2014, we had seven officer vacancies and one firefighter vacancy. Currently we have three officer vacancies and one firefighter vacancy. Together, we can find more practical, impactful and long-term ways of utilizing the resources Council would commit to this plan. As we brand ourselves as a premiere employer a lot goes into that—not the least of which is how we compensate employees. One specific idea is to effect base pay by making a policy decision to compensate public safety positions at the 75th percentile as soon as feasible, follow up with a plan to move all pay ranges to the 75th percentile, and maintain that position in the market. This is a dynamic continuous process to which we need to focus our attention. If the market calls for something different down the line, we need to be aware and prepared to make the adjustments.

I suggest that, within 120 days, we present recommendations for salary and incentive enhancements based on research and market based evidence. We are committed to maintaining our hiring standards, and want to encourage and reward the behaviors we want repeated. Again, we are working towards utilizing a comprehensive method of compensation that will align our compensation strategies with our business and service strategies which will be beneficial for all.



City of Bellaire

City Manager's Office

MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Paul A. Hofmann, City Manager

DATE: October 15, 2015

SUBJECT: Affordability of Incentive Retention Plan

The proposed FY 16 City of Bellaire general fund operating budget included a beginning balance of \$5.2 million. The beginning balance is a function of the projected ending balance for FY 15. The FY 15 projected ending balance is approximately \$888,710 greater than the amount originally budgeted for FY 15. This was reported in the 3rd Quarter Report, is the same projection used for the proposed FY 16 budget, and is explained below:

	FY 15 Budget		FY 15 Projected		Impact on Ending Balance
Beginning Balance	\$	3,969,979	\$	4,623,252	\$ 653,273
GF Revenues	\$	17,383,415	\$	17,579,022	\$ 195,607
GF Expenses	\$	17,066,837	\$	17,027,007	\$ 39,830
Total Impact on FB	\$	316,578	\$	552,015	
Ending Balance	\$	4,286,557	\$	5,175,267	\$ 888,710

The adopted FY 16 general fund operating budget includes a budgeted ending balance of approximately \$4.0 million. The FY 16 ending balance assumes a \$5.2 million FY 16 beginning balance. The FY 16 Ending Balance, which was reduced by \$88,000 to fund the beautification line item, is \$1.0 million in excess of the City's 60 day reserve requirement.

The actual ending balance for FY 15 general fund operating budget is likely to be greater than the projected \$5.2 million. That difference, which we will report once we close FY 15, will show up in our FY 16 projections and will be available for future appropriations. That difference shouldn't be treated as a source for future recurring needs.

The estimated annual impact of the proposed Incentive Retention Plan is \$102,000. Funds exist for this additional FY 16 expenditure. That additional expenditure, however, will require a budget amendment at some point in the future to move current funds from the unappropriated ending balance to the departmental budgets that will incur the expense.

Attached is the fiscal forecast for the general fund as presented to the Council on July 20th. The forecast indicates unless we adjust our projections or assumptions, that we aren't achieving the ending balance requirement by FY 18.

I encourage the City Council to consider the long range implications of adding recurring expenses at this point in the fiscal year. Budgeting is about making choices. At some point decisions need to be made about the shortfalls projected in the fiscal forecast. Perhaps assumptions need to be amended; perhaps service levels need to be decreased.

Compensation decisions are important. 79% of our general fund operations budget is compensation and benefits. I recommend that compensation decisions be made with all of the necessary information about market conditions in front of us. We will have that necessary information before us in time for the Council's consideration of the FY 17 budget.

JULY 2015

FISCAL FORECAST GENERAL FUND

In \$millions	FY15P	FY16	FY17	FY18	FY19	FY20
Beginning Balance	\$4.6	\$5.2	\$4.1	\$3.3	\$2.7	\$2.5
Recurring Revenue	\$17.5	\$18.9	\$20.0	\$21.1	\$22.2	\$23.5
Recurring Expense	\$16.4	\$18.0	\$18.7	\$19.5	\$20.4	\$21.3
Non-recurring Pavement Maintenance		\$0.8	\$0.8	\$0.8	\$0.8	\$0.8
Vehicle/Equip Replacement	\$0.5	\$1.1	\$1.0	\$1.0	\$0.9	\$0.8
CIP Contribution	\$0.2	\$0.2	\$0.2	\$0.4	\$0.4	\$0.4
Commercial Permits	(\$0.1)					
Ending Fund Balance	\$5.2	\$4.1	\$3.3	\$2.7	\$2.5	\$2.7
Over (Under) 60 day fund balance requirement	\$2.4	\$1.1	\$0.2	(\$0.6)	(\$0.9)	(\$0.8)

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 10/19/15 07:00 PM
Department: City Clerk
Category: Discussion
Department Head: Tracy L. Dutton
DOC ID: 1722

**SCHEDULED
ACTION ITEM (ID # 1722)**

Item Title:

Discussion and possible direction to Staff regarding facility and infrastructure funding and construction to include, but not be limited to, a plan to allow for near term construction of police and court facilities utilizing existing bond authorization and a needs priority reevaluation of Public Works, Library, City Hall, Civic Center and other City facilities buildings for future rehabilitation or reconstruction. Said discussion to also include future funding methods required for: a) bond authorization for currently unfunded buildings; b) use of existing available funding for police and courts; and c) utilization of currently authorized remaining available funding applied to City Hall and the Civic Center, as well as the financial impacts of possible future bond authorization for infrastructure street and drainage reconstruction, in addition to future facilities needs - Requested by Pat B. McLaughlan, Councilman.

Background/Summary:

The product of this agenda item is to develop a plan for the priority evaluation and additional funding for city building construction. The discussion must address needs priority of specific buildings using currently available funds, consideration of street and drainage funding requirements and additional city buildings funded through additional bond authorization.

Previous Council Action Summary:

N/A

Fiscal Impact:

N/A

Recommendation:

Councilman Pat B. McLaughlan recommends favorable action to direct Staff to recommend a funding and construction plan to support current building and infrastructure needs.