



CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

OCTOBER 19, 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 City Council of the City of Bellaire, Texas, to order at 7:00 p.m. on Monday, October 19, 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 | Arrived |
|--------------|---------------|---------|---------|
| Nauert | Mayor | Present | |
| B. Nathan | Mayor Pro Tem | Present | |
| F. Reed | Councilman | Present | |
| Avioli Sr. | Councilman | Present | |
| Appas | Councilman | Present | |
| Laughlan | Councilman | Present | |
| S. Friedberg | Councilman | Present | |
| Hofmann | City Manager | Present | |
| Petrov | City Attorney | Present | |
| Dutton | City Clerk | Present | |

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

Roman F. Reed, Councilman, provided the inspirational reading for the evening.

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

Roman F. Reed, Councilman, led members of the City Council and the audience in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

D. Approval or Correction of Minutes:

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

Motion:

To approve the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, September 21, 2015.

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Andrew S. Friedberg, Councilman |
| SECONDER: | Amanda B. Nathan, Mayor Pro Tem |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg |

E. Personal/Audience Comments.

Sneha Bhavsar:

Ms. Bhavsar addressed City Council and indicated that she was present to express her support for the utility box art proposal before City Council this evening. She advised that utility boxes were everywhere; however, she had not noticed them until one was transformed into a piece of art.

Ms. Bhavsar stated that she believed that painting utility boxes was a brilliant way to transform an otherwise blank and unnoticed space into a fantastic work of art. She believed the time was right to invest in and promote public art. Ms. Bhavsar advised that the utility box art program was alive in the City of Houston and cited an example of one on West Bellfort and Willowbend.

Further, Ms. Bhavsar advised that citizens were eager to accept public art into their communities because multiple cities in California, New York, Pennsylvania, Massachusetts, Nevada, and Utah had already introduced utility box programs. Similar projects had been implemented worldwide from Canada to New Zealand.

Ms. Bhavsar urged City Council to consider the benefits of approving the Cultural Arts Board's public art proposal. Among the benefits, in Ms. Bhavsar's opinion, was an enhanced aesthetic environment. She indicated that painted utility boxes would definitely liven up the streetscape and add vibrancy to an otherwise bland space. She felt the proposal before City Council would work into the City's beautification efforts and would provide a strong personal identity for the City.

In closing, Ms. Bhavsar urged City Council to approve the project and thanked the Cultural Arts Board for taking the project on and tailoring it to meet the needs of the City of Bellaire.

Jennifer Cross:

Ms. Cross echoed the sentiments expressed by Sneha. In tandem with the beautification initiatives going in Bellaire, Ms. Cross felt that the art box program would uniquely set Bellaire apart from nearby communities. As a mother of young children, the program gave her the opportunity to talk to her children about art, creativity, and expression.

Ms. Cross closed and asked City Council to support the program.

David Montague:

Mr. Montague addressed City Council and indicated that he wished to make three brief comments. First, he publicly thanked Lynn McBee for the Candidate Forum held during the previous week. He indicated that he appreciated the help provided by Ms. McBee, Margo Kendrick, and Corbett Parker.

Secondly, Mr. Montague advised that he supported the Cultural Arts Board's recommendation for the public art program to be recommended later this evening.

Thirdly, Mr. Montague was pleased to see the letter from the Chief of Police and the Director of Human Resources on the proposed program to consider further the salaries and incentives in a holistic fashion for the Police and Fire Departments. He indicated that he spent several years in Human Resources during his career and understood that it took a little time to sort through issues that one wished could be solved immediately. Mr. Montague advised that Human Resources Director Yolanda Williams had laid out a good program and he looked forward to seeing it at some future date.

Robert Riquelmy:

Mr. Riquelmy addressed City Council and stated that over the last several meetings, he had held a one-sided dialog about openness and transparency in Bellaire City Government. Continuing in that vein, Mr. Riquelmy indicated that there were City Council meetings which were open and others which were closed. In his opinion, the residents' perception was that open meetings were the normal condition and that any variation from an open meeting required some action by a city official.

If the people of Bellaire were to elect Mr. Riquelmy as Mayor, the people would know who asked that the public be excluded and any particular meeting be closed.

Susan Downs:

Ms. Downs addressed City Council and indicated that she wished to thank City Manager Paul A. Hofmann and the employees of the City of Bellaire who hosted her and her fellow campaigners for public office on three facility tours. Mr. Hofmann made arrangements to rent a van and a driver who transported the campaigners across the City a few weeks ago.

Facilities included in the tours were the Public Works facility, Fire Department, Police Department, Library, and Parks and Recreation. The tours were very informative and all of the questions asked by campaigners were answered fully and honestly. Her favorite experience was putting on gloves and touching the "cake" made from solid waste.

Ms. Downs indicated that she had lived in Bellaire for 33 years and never knew where the City's lift stations were located or what they were. In closing, Ms. Downs stated that she believed the campaigners would all be better candidates for public office because of the three tours. Ms. Downs was impressed with the dedication and hard work of each employee and manager that stayed with them.

Ms. Downs thanked the City for allowing the campaigners to see firsthand how the City worked and the people who made things happen in the City. She also thanked Lynn McBee and her coworkers for putting together the Election Forum last Thursday evening. Ms. Downs stated that she felt it was important for the citizens to meet and ask questions of those that wanted to serve them on City Council and as Mayor. She appreciated the questions asked and the responses given by her fellow City Council candidates. She was proud of each candidate and appreciated their willingness to serve.

In closing, Ms. Downs indicated that she was running for Councilman--Position No. 5 and would appreciate the citizens' vote.

Lynn McBee:

Ms. McBee addressed City Council and thanked the preceding speakers for their compliments on the Candidates' Forum which was one of the best that had been seen. She indicated that the questions were great and the answers were very honest and open. Ms. McBee stated further that it was too bad that many did not come at the request of the City Manager.

In terms of ethics, Ms. McBee stated that she wished to ensure that everyone thought very hard about the appearance of impropriety, which was in the City's ethical guidelines in the Code of Ordinances versus the conflict of interest issues that so often were brought up. She stated there was a difference and it was important not just for the staff and employees to avoid the appearance of impropriety. Employees' families also had an obligation to stay out of trouble with the appearance of impropriety.

As to the evening's agenda, Ms. McBee stated that City Council would, once again, be talking about municipal facilities. The timetable was very interesting and mentioned a bond election potential in 2016. She hoped that no decision would be made by the outgoing City Council because they had three years to deal with this, and it remained unresolved. She urged City Council to let go and leave it to the new City Council.

Ms. McBee referenced decisions that needed to be made with respect to the facilities regarding expenditures, space allocation, parking allocation, and design that had not been discussed by the current City Council or the Ad Hoc Municipal Facilities Committee. As City Council knew, the facilities were a community concern. It could be a real problem if City Council did not partner with the people who paid the bills, in Ms. McBee's opinion.

Finally, there was an item on the evening's agenda consisting of a very lengthy presentation of the pros and cons of Councilman James P. Avioli, Sr.'s, proposal of an incentive for police recruitment. Ms. McBee advised that she offered one as well during her budget comments. The incentive was a great idea; however, if City Council chose to offer an incentive (whether it be transportation or house purchase), the City did not need the additional cost of another human relations staff person to be hired. It was a duplication of costs, in her opinion. She concluded by stating that the money saved could be put in the pocket of the police or in the pocket of the bureaucrat.

Written Comments:

Dr. Philip L. Nauert, Mayor, read the written comments set forth below into the record.

Julia Tamm:

I wish to let the City of Bellaire know that I support the utility box painting program and that it will bring some colorful, much needed artwork into city areas.

It will be fun to see these around Bellaire.

Regards.

Wendy Bantle:

I am writing in support of the pilot utility box beautification program. Please support this initiative.

Thank you.

Stephanie Goldfield:

Toward the end of my term on the Cultural Arts Board, I was very much in favor of the Utility Box Beautification Project and, in fact, was so excited that I put myself in charge of writing the goals and presenting a working draft to the Board. To see this project come to fruition for the City of Bellaire is still of great interest!

The Utility Box Beautification Project is an opportunity to introduce and expand public art in a most unique and creative way AND without the need for City financial resources. These boxes will be painted by our citizens and we will no longer see the ugly metal structures as they are now. What enjoyment and awe these will bring for all citizens passing by.

How rare it is to provide art and make an improvement in beautification without asking Council for money! Please vote YES for the Utility Box Beautification Project! Thank you!!!

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.

Jeff Gerber, AIA, LEED AP, Chief Executive Officer of PGAL, addressed City Council and advised that he had been asked to give the City a timeline as to how quickly the municipal facilities project could proceed with some parameters and a pathway.

CEO Gerber advised that the pathway he had included in City Council's packet was not the only pathway, but rather an example of what a path could look like.

With respect to "givens," he understood that the earliest time the bonds approved by the voters in 2013 could be sold was in August of 2016. That given drove a place in time as to the earliest date that the City would enter into a contract (Guaranteed Maximum Price) to construct the municipal facilities.

He noted that the City had settled on a site plan. Four months were needed to complete the schematic design phase (building design) and seven months were needed to complete the final design phase.

CEO Gerber suggested further that an early step would be to hire a Construction Manager at Risk (CMR) early in the process so that the CMR could help with the pricing of the project and make sure the City could proceed and get good advice as to what the project could afford and not afford in terms of phasing and materials.

CEO Gerber suggested that the schematic design phase include the entire project (Alt A Site Plan consisting of a City Hall/Civic Center and Police/Municipal Court Facility). During this phase, the CMR would help confirm the budget and phasing for the project. If PGAL were to start relatively soon, design reviews and City Council workshops related thereto could occur in early January of 2016, with the formal schematic design and budget approved in February of 2016.

With respect to the final design process, two paths were shown by CEO Gerber. One path, Path A, would work within the 2013 bond referendum on a phased construction approach with one building being completed. A second path, Path B, would work within the 2013 bond referendum to construct both buildings and seek an additional funding source, if needed.

Following a decision as to the path to take, the City Council would approve a Guaranteed Maximum Price and sell the 2013 voter-approved bonds in August of 2016. Construction could start thereafter in October of 2016, with occupancy by October of 2017.

Dr. Philip L. Nauert, Mayor, opened the floor for questions from City Council. Following questions of CEO Gerber by members of City Council, Mayor Nauert stated that he had asked for the timeline that CEO Gerber presented. Mayor Nauert stated further that what he wanted to impress the City Council and others with was that the timeline, particularly with regard and as established by the Texas Election Code, required that the City make a decision in February of 2016 in order to authorize a new bond referendum and election for the first Saturday in May (assuming additional funds were needed).

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.

Terry Leavitt-Chavez, Chair, Cultural Arts Board of the City of Bellaire, Texas, addressed City Council and advised that over the past year, the Bellaire Cultural Arts Board ("BCAB") had considered the merits and feasibility of adopting an art program whereby the five city-owned utility boxes in Bellaire would act as a canvas to be tastefully decorated by local artists.

Chair Leavitt-Chavez advised that utility painting programs were popping up all over the United States. Bellaire's neighboring City of Houston had implemented this program in many different neighborhoods, including Meyerland. The BCAB was requesting that the City Council support Bellaire's own pilot project starting with one of the City's five utility boxes located at the corner of South Rice Avenue and Bellaire Boulevard within Paseo Park and addressed as 7409 South Rice Avenue (utilities housed within the referenced box included street lights, signals, and a control box).

The cost of the program would be no more than \$1,000, and the artist would be required to sign prerequisite agreements regarding responsibilities and liabilities before final approval. The project was intended to introduce some artwork in the community through decorating an object that was otherwise quite unattractive. The artwork would be required to meet a nature theme and compliment the environment in which the box was located. For example, it could reflect nearby plant life and tastefully add a splash of color, perhaps reflecting morning glories or azaleas.

The conceptual design would be agreed upon by the BCAB and artist prior to painting. Depending on the response to the initial artwork, the program could be extended to other utility boxes within the community. The BCAB would work closely with and had consulted Public Works Director Brant Gary on this project. The area could be prepared and ready for painting late this year.

Chair Leavitt-Chavez further advised that the project would be promoted on the

City's website and in local media. Public feedback would be sought through different City events and a quick online survey available on the City's website. A suggestion had been made that the BCAB 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 artists. In this regard, the BCAB and the Assistant City Manager were currently creating an online artist registry where local artists could sign up to be involved with the events and project.

Chair Leavitt-Chavez concluded with a statement that the fiscal impact for the year 2016 beautification capital improvement project would be \$1,000.

Motion:

To approve the report provided by Chair Terry Leavitt-Chavez, BCAB, and to authorize the expenditure of \$1,000 from available funds to hire an artist to paint the utility box located in Paseo Park at the corner of South Rice Avenue and Bellaire Boulevard.

Following questions of BCAB Chair Terry Leavitt-Chavez regarding the pilot utility box program, **Dr. Philip L. Nauert, Mayor**, called for a vote on the motion on the floor.

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| RESULT: | APPROVED [UNANIMOUS] |
| MOVER: | Gus E. Pappas, Councilman |
| SECONDER: | Amanda B. Nathan, James P. Avioli Sr., Pat B. McLaughlan, Andrew S. Friedberg |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg |

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.

Motion:

To adopt an ordinance of the City Council of the City of Bellaire, Texas, adopting a tax rate of \$0.3805, which is effectively a 5.7 percent increase in the tax rate.

Following questions of the City Attorney and Chief Financial Officer, **Dr. Philip L. Nauert, Mayor**, called for a vote on the motion on the floor.

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

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.

Motion (Note: This motion was later replaced by a substitute motion):

That City Council approve the mileage incentive plan for Police and Fire Departments in recognition of the loyalty, dedication, security and safety that the Departments provided the City of Bellaire.

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

James P. Avioli, Sr., Councilman, provided a summary of the retention incentive plan ("Plan") under consideration by City Council. During City Council's consideration of the FY 2016 Budget on September 15, 2015, there had been a great deal of discussion about retention of police officers and, in some cases, firefighters. Since that time it was suggested that any plan the City might develop as an incentive for the police officers should include the firefighters and paramedics. Councilman Avioli advised that there were currently 30 police officers and 21 firefighters and paramedics that would qualify for the Plan. Those who would not qualify were those who had City vehicles and gas cards.

Further, Councilman Avioli advised that the firefighters and paramedics made two round trips per week to/from Bellaire as opposed to the five round trips per week that the police officers made. This changed the arithmetic somewhat, so the cost of the program would now be \$76,800 and not the \$102,000 set forth in the agenda statement. Memorandums were also attached to the agenda statement from the Chief of Police, Director of Human Resources, and City Manager.

Councilman Avioli indicated that the Chief of Police identified existing incentives and certainly urged that the incentives be reviewed for addition and possible market update. The Director of Human Resources summarized the reasons that police officers and firefighters chose to leave Bellaire, other than salary. The Director of Human Resources also suggested that the City review salary and enhancement incentives based on market research over a period of 120 days. The City Manager advised City Council to consider the long-range implication of adding recurring expenses at this point in the fiscal year. Each of the opinions were made in good faith and certainly had merit.

However, Councilman Avioli strongly encouraged City Council to support the Plan because of its innovativeness and immediate show of support to the Police and Fire Departments for the security and safety they provided to the citizens of Bellaire.

If nothing else, the Plan made City Council aware that they should review other incentives offered to the two disciplines that provided the City's safety and security.

In closing, Councilman Avioli summarized the arithmetic associated with the Plan to members of City Council. Police officers would receive a year-end incentive of \$2,000 per year and due to the lesser amount of time traveled, the firefighters would receive an incentive of \$800 per year. Councilman Avioli commented that each time an officer or firefighter put on their uniform, they were putting their lives on the line for the residents of Bellaire.

Discussion:

Discussion ensued among members of City Council and the City Manager regarding the Plan and its long-term impacts on the current and future budgets. Following discussion, an amendment was offered by Andrew S. Friedberg, Councilman, as a substitute motion.

Substitute Motion (new main motion):

To direct Staff within 120 days to present recommendations for salary and incentive enhancements as part of a comprehensive approach toward improving employee recruiting and retention and within 180 days to present a proposal for implementation thereof in the fiscal year 2017 budget.

Discussion ensued among members of the City Council and Byron Holloway, Chief of Police. Following discussion, **Mayor Nauert** called for a vote on the substitute motion:

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

Discussion ensued among members of the City Council regarding the substitute (now main) motion on the floor. At the conclusion of the discussion, an amendment was offered by Roman F. Reed, Councilman.

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

To ensure that the post-study compensation recommendation be made retroactively to December 31, 2015.

Mayor Nauert called for a vote on the amendment on the floor.

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| RESULT: | FAILED [3 TO 4] |
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| MOVER: | Roman F. Reed, Councilman |
| SECONDER: | Amanda B. Nathan, Mayor Pro Tem |
| AYES: | Reed, Avioli Sr., McLaughlan |
| NAYS: | Nauert, Nathan, Pappas, Friedberg |

Discussion ensued among members of City Council regarding the main motion. Following discussion, **Mayor Nauert** called for a vote on the main motion.

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

- 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.

Motion:

To ask Staff to look into the material presented in the agenda item.

{The following material was included in the agenda item: a plan to allow for near-term construction of police and court facilities utilizing existing bond authorization; needs priority re-evaluation of Public Works, Library, City Hall, Civic Center, and other City buildings for future rehabilitation or reconstruction; bond authorization for currently unfunded buildings; utilization of current authorized remaining available funding applied to City Hall and the Civic Center; and financial impacts of possible future bond authorization for infrastructure street and drainage reconstruction.}

Discussion ensued among members of City Council regarding the motion on the floor. Following discussion, **Dr. Philip L. Nauert, Mayor**, called for a vote on the motion on the floor.

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| RESULT: | FAILED [3 TO 4] |
| MOVER: | Pat B. McLaughlan, Councilman |
| SECONDER: | James P. Avioli Sr., Councilman |
| AYES: | Avioli Sr., McLaughlan, Friedberg |
| NAYS: | Nauert, Nathan, Reed, Pappas |

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

There were no items for future agendas.

Community interest items from the Mayor and City Council included good wishes for the City's candidates during early voting and on Election Day; expressions of thanks to Lynn McBee, Margo Kendrick, Corbett Parker, and John and Jo Monday for the Candidate Forum; expressions of appreciation for all City employees; and encouragement to citizens to attend upcoming events, including the Fire Truck Pull, Condit Fall Festival, Evelyn's Park Fundraiser, Recycles Fest, and Diwali Day.

I. Adjourn.

Motion:

To adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:50 p.m. on Monday, October 19, 2015.

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| RESULT: | APPROVED [7 TO 0] |
| MOVER: | Gus E. Pappas, Councilman |
| SECONDER: | Amanda B. Nathan, Mayor Pro Tem |
| AYES: | Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg |
| NAYS: | None |