



CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

MARCH 21, 2016

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 - Andrew S. Friedberg, Mayor.

Andrew S. Friedberg, Mayor, called the Regular Session of the City Council of the City of Bellaire, Texas, to order at 7:00 p.m. on Monday, March 21, 2016. The Regular Session was held in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401.

Mayor Friedberg announced that a quorum of all members of the City Council was present as set forth in the table below.

Name	Title	Status
Andrew S. Friedberg	Mayor	Present
Roman F. Reed	Mayor Pro Tem	Present
Trisha S. Pollard	Council Member	Present
Gus E. Pappas	Council Member	Present
Pat B. McLaughlan	Council Member	Present
Michael Fife	Council Member	Present
David R. Montague	Council Member	Present

Other officials present were Paul A. Hofmann, City Manager; Alan P. Petrov, City Attorney; and Tracy L. Dutton, City Clerk.

B. Inspirational Reading and/or Invocation - Andrew S. Friedberg, Mayor.

Mayor Friedberg provided the inspirational reading for the evening.

C. Pledges of Allegiance - Andrew S. Friedberg, Mayor.

Mayor Friedberg led the members of the City Council and the audience in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

D. Recognition of Proclamations.

Issuance of a proclamation by Andrew S. Friedberg, Mayor, recognizing and congratulating The Shul of Bellaire on its 5th Anniversary.

Mayor Friedberg read a proclamation he had issued recognizing and congratulating The Shul of Bellaire on its 5th Anniversary.

The proclamation was accepted by Rabbi Yossi and Rebbetzin Esty Zaklikofsky on behalf of The Shul of Bellaire.

E. Approval or Correction of Minutes:

Consideration of and possible action on the approval of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, March 7, 2016 - Submitted by Tracy L. Dutton, City Clerk.

Mayor and Council - Regular Session - Mar 7, 2016 7:00 PM

Two corrections (scrivener's errors) to the Regular Session minutes of the City Council of the City of Bellaire, Texas, held on Monday, March 7, 2016, were accepted and approved by the members of the City Council.

The first correction, offered by **Mayor Friedberg**, was related to the motion to adopt the March 7, 2016, Consent Agenda (page 11 of the agenda packet), which should read as follows: "To adopt the Consent Agenda dated ~~February 29~~, March 7, 2016."

The second correction, offered by **David R. Montague, Council Member**, related to a missing phrase, "for cars," in the first sentence of the second paragraph on page 15 of the agenda packet, which should read as follows: "The recommended safe passage ordinance would establish a standard safe passing distance of three (3) feet for cars or six (6) feet for commercial vehicles that only applied when road conditions allowed."

After noting no further additions, deletions, or corrections to the Regular Session minutes of the City Council of the City of Bellaire, Texas, **Mayor Friedberg announced that by general consent the minutes were approved as corrected.**

F. Personal/Audience Comments.**Xuelin Huang:**

Dr. Huang addressed City Council regarding his opinion that a traffic light or crossing for pedestrians was greatly needed in front of Bellaire High School to allow parents and students to safely cross South Rice Avenue.

Alan Bachrach:

Mr. Bachrach commended City Council, as well as the engineers and contractors, for their work to improve the streets in Bellaire. He expressed his support for the construction of a network of sidewalks generally, but stated he was not directly opposed to the request of the residents of the 4900 block of Bellview that a sidewalk not be constructed on their block.

Lynn McBee:

Ms. McBee expressed her support of Dr. Huang's suggestion for safety measures in front of Bellaire High School and commended Director of Library Mary Cohrs on a citywide survey proposed to be conducted in partnership with a local university.

Sam Sutin:

Mr. Sutin addressed City Council regarding his opposition to the proposed construction of a sidewalk on the 4900 block of Bellview Drive due to the loss of portions of the residents' front yards, the possible increase in the slope of residents' driveways, and the

aesthetics of the sidewalk design.

Howard Stein:

Mr. Stein addressed City Council regarding his opposition to the construction of a sidewalk on the 4900 block of Bellview Drive due to the lack of traffic on the street (i.e., an unnecessary expense in his opinion).

Jessica Beinart:

Ms. Beinart addressed City Council regarding her opposition to the construction of a sidewalk on the 4900 block of Bellview Drive due to the loss of portions of the residents' front yards and the aesthetics of the sidewalk design. Ms. Beinart referenced a unanimous petition signed by the 18 residents of Bellview Drive and noted that a budget savings would occur if the proposed sidewalk was not constructed.

Beth Kellner:

Ms. Kellner addressed City Council regarding her opposition to the construction of a sidewalk on the 4900 block of Bellview Drive due to the loss of portions of the residents' front yards, the lack of traffic, and the possible damage to existing trees.

Jim Lavine:

Mr. Lavine addressed City Council regarding his opposition to the construction of a sidewalk on the 4900 block of Bellview Drive due to the aesthetics of the sidewalk design, lack of traffic, and the impediment it would cause to safety in his opinion.

Written Comments:

Mayor Friedberg summarized three written comments that were received into the record as follows:

Jana Laird Phillips and **Stacy Graubart** expressed their opposition to the construction of a sidewalk on the 4900 block of Bellview Drive.

Keith Bowers expressed his strong opposition to official Bellaire recognition of a religious organization. Mr. Bowers was clear that he was not in any way intending to denigrate the great work of the organization; but, it was his opinion that the City was proscribed by the Constitution from honoring it.

Following the conclusion of written comments, **Mayor Friedberg** advised that copies of all written comments were distributed to members of the City Council for their consideration and are included in the record of the meeting.

G. Reports:

1. City Manager's Report regarding communication, field and personnel updates, calendar reminders, and notes of appreciation - Submitted by Paul A. Hofmann, City Manager.

Paul A. Hofmann, City Manager, presented his City Manager's Report dated March 21, 2016, to members of the City Council. The report included communication updates (press releases recently issued), a personnel update (new hiring of a Communications Officer for the Bellaire Police Department), a description of training and other events attended by City personnel (such as law

enforcement and emergency management conferences and the Bellaire Little League Opening Day Ceremony), an overview of recent improvements to City streets (curb cleaning), reminders of upcoming activities and special events (Trolley Run and Family Safety Day), a review of upcoming City Council meetings and agenda items, and notes of appreciation.

Mayor Friedberg opened the floor for questions from the City Council. Following questions, Mayor Friedberg continued to agenda item G(2).

2. Monthly Financial Report for the Period Ending February 29, 2016 - Submitted by Diane K. White, Assistant City Manager.

Diane K. White, Assistant City Manager, presented the monthly financial report of the City of Bellaire, Texas, for the period ended February 29, 2016, to members of the City Council. The report included an overview of the City's financial position for the five months ended February 29, 2016. Revenues and expenditures were noted to be on target.

Mayor Friedberg opened the floor for questions from the City Council. Following questions, Mayor Friedberg continued to agenda item G(3).

3. Presentation on Management Project 1602 specifically regarding the status of the proposed citizen survey - Submitted by Mary Cohrs, Director of Library.

City Manager Hofmann introduced Management Project 1602 to members of the City Council, noting that the idea for the project was first introduced to the City Council last June during a pre-budget planning retreat.

Mary Cohrs, Director of Library, provided an overview of Management Project 1602 and introduced the members of her team as follows: Brant Gary, Director of Public Works; Darryl Anderson, Fire Chief; and Michelle Jordan, Project Manager.

Brant Gary, Director of Public Works, provided an overview of proposed areas of analysis, representative sampling techniques, methodology, method of delivery, and evaluation of the survey process. Reference was made to a possible partnership with the University of Houston Public Administration Program.

In closing, an expected timeline was presented, with the anticipated final results to be presented to the City Council in early 2017.

Mayor Friedberg opened the floor for questions from the City Council. Following questions, Mayor Friedberg continued to agenda item H(1).

H. New Business:

1. Consent Agenda:

Items set out in the consent agenda are considered routine and are recommended for approval by the passage of a single motion, without discussion or debate, that the consent agenda be adopted. Upon request of any member of City Council, items shall be removed from the consent agenda and considered separately.

- a. Acceptance of the Library's Long-Range Plan of Services 2016-2021 - Submitted by Mary Cohrs, Director of Library.

- b. Consideration of and possible action on a recommendation from the Public Works Department to make the final payment on the 2015 Water Line Replacement Project (the "Project") to A Absolute Plumbing, Inc., in the amount of \$64,716.00 and on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute, for and on behalf of the City of Bellaire, Texas, an "Application for Payment - Final (No. 6)" with A Absolute Plumbing, Inc., in the amount of \$64,716.00 and authorization for the City of Bellaire, Texas, to make the final payment to A Absolute Plumbing, Inc., on said Project in the amount of \$64,716.00. This final payment results in a final contract amount of \$441,600.00 compared to the original contract amount of \$461,660.80 - Submitted by Brant Gary, Director of Public Works.
- c. Consideration of and possible action on a recommendation from the Parks, Recreation, and Facilities Department to make the final payment on the Holly Street Esplanade Project (the "Project") to Classic Irrigation and Landscape, Inc., in the amount of \$14,991.90 and on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute, for and on behalf of the City of Bellaire, Texas, an "Application for Payment - Final (No. 3)" with Classic Irrigation and Landscape, Inc., in the amount of \$14,991.90 and authorization for the City of Bellaire, Texas, to make the final payment to Classic Irrigation and Landscape, Inc., on said Project in the amount of \$14,991.90. This final payment results in a final contract amount of \$149,919.00, which is the original contract amount - Submitted by Michelle Jordan, Project Manager.
- d. Consideration of and possible action on a recommendation from the Public Works Department to make the final payment on the FY 2014-2015 Street & Sidewalk Pavement Management Project (the "Project") to AAA Asphalt Paving, Inc., in the amount of \$277,055.75 and on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute, for and on behalf of the City of Bellaire, Texas, an "Application for Payment - Final (No. 12)" with AAA Asphalt Paving, Inc., in the amount of \$277,055.75 and authorization for the City of Bellaire, Texas, to make the final payment to AAA Asphalt Paving, Inc., on said Project in the amount of \$277,055.75. This final payment results in a final contract amount of \$1,947,282.08 compared to the original contract amount of \$2,177,190.00 - Submitted by Brant Gary, Director of Public Works.

Motion:

To adopt the Consent Agenda dated March 21, 2016.

RESULT:	ADOPTED [7 TO 0]
MOVER:	Roman F. Reed, Mayor Pro Tem
SECONDER:	Gus E. Pappas, Council Member
AYES:	Friedberg, Reed, Pollard, Pappas, McLaughlan, Fife, Montague
NAYS:	None

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

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing Jerel S. Twyman as Associate Judge of the Municipal Court of the City of Bellaire, Texas, for a two-year term commencing on the 1st day of April, 2016, and ending on the 31st day of March, 2018 - Submitted by Tracy L. Dutton, City Clerk.

Motion:

To adopt an ordinance of the City Council of the City of Bellaire, Texas, appointing Jerel S. Twyman as Associate Judge of the Municipal Court of the City of Bellaire, Texas, for a two-year term commencing on the 1st day of April, 2016, and expiring on the 31st day of March, 2018.

Following the motion offered by Pat B. McLaughlan, Council Member, and seconded by Roman F. Reed, Mayor Pro Tem, **Mayor Friedberg** opened the floor for questions from the City Council.

In response to a question, **Lisa A. Wesely, Presiding Judge of the Bellaire Municipal Court**, expressed her wholehearted support of Judge Jerel S. Twyman.

Following questions, **Mayor Friedberg** called for a vote on the motion on the floor.

RESULT:	ADOPTED [7 TO 0]
MOVER:	Pat B. McLaughlan, Council Member
SECONDER:	Roman F. Reed, Mayor Pro Tem
AYES:	Friedberg, Reed, Pollard, Pappas, McLaughlan, Fife, Montague
NAYS:	None

3. Item(s) for Individual Consideration:

Consideration and possible action on a request from residents in the 4900 block of Bellview to not construct sidewalks along their block as planned - Submitted by Brant Gary, Director of Public Works, on behalf of the 4900 block of Bellview.

Brant Gary, Director of Public Works, provided an overview of the agenda item before the City Council, noting that the item was the result of a request from the residents along the 4900 block of Bellview Drive to not have sidewalks installed as part of the City's Rebuild Bellaire Program, Phase 5A.

Director Gary advised that all of the Rebuild Bellaire projects had operated under the premise that sidewalks would be installed on at least one side of every street. The engineers considered utilities, trees, and other things in the right-of-way to determine which side of the street to construct sidewalks on. The placement of a sidewalk on the 4900 block of Bellview Drive was consistent with direction given by the City Council to engineers in 2008.

Since that time, previous City Councils authorized the removal of sidewalks on Bellaire Court in 2013 and on Baldwin Avenue in 2011. Removal of the sidewalk on the 4900 block of Bellview Drive would result in a possible

savings of \$27,000.

Mayor Friedberg recognized the lead proponent of the request for the removal of the sidewalks on the 4900 block of Bellview Drive, Myles Rose. Mr. Rose was offered an opportunity to address City Council.

Myles Rose, lead proponent of the request, spoke in support of the removal of the sidewalks on the 4900 block of Bellview Drive for the reasons stated earlier by his neighbors.

Mayor Friedberg opened the floor for questions from the City Council. Following questions and discussion, a motion was offered by Michael Fife, Council Member, and seconded by Pat B. McLaughlan, Council Member.

Motion to Postpone:

To postpone action on the Bellview Drive request for the removal of sidewalks from the 4900 block until such time that additional information can be obtained from the City's engineers, as well as consideration of the 4900 block of Welford Drive.

Amendment to the Motion:

Council Member McLaughlan moved to amend the motion to include additional information from the City's arborist regarding possible risks to old trees.

Mayor Friedberg asked if there was any objection to adding the language proposed by Council Member McLaughlan to the motion. After noting no objection, Mayor Friedberg announced that **by general consent the amendment was adopted**, and he restated the motion, as amended:

To postpone action on the Bellview Drive request for the removal of sidewalks from the 4900 block until such time that additional information can be obtained from the City's engineers and arborist, as well as consideration of the 4900 block of Welford Drive.

Following the restatement of the motion, as amended, **Mayor Friedberg** opened the floor for further questions and discussion. Following questions and discussion, a vote was taken on the motion to postpone, as amended.

RESULT:	ADOPTED [5 TO 2]
MOVER:	Michael Fife, Council Member
SECONDER:	Pat B. McLaughlan, Council Member
AYES:	Friedberg, Pappas, McLaughlan, Fife, Montague
NAYS:	Reed, Pollard

I. Community Interest Items from the Mayor and City Council:

Community interest items from the Mayor and City Council included congratulations to the State of Texas and City of Houston on a successful 2016 rodeo season; expressions of thanks to Municipal Court Presiding Judge Lisa A. Wesely and City Staff; expressions

of appreciation for the Bellaire Police Department, detectives, and first responders; recognition of the Ad Hoc Municipal Facilities Committee and Gus E. Pappas, Council Member and Liaison, for their efforts; and announcement of a Town Hall Meeting on the Municipal Facilities on May 16th.

J. Adjourn.

Mayor Friedberg announced that the Regular Session of the City Council of the City of Bellaire, Texas, was adjourned at 9:20 p.m. on Monday, March 21, 2016.