



CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

OCTOBER 9, 2017

Council Chamber

Special Session

6:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401

SPECIAL SESSION - 6:00 P.M.

I. PUBLIC HEARING (SECOND OF TWO ON PROPOSED TAX RATE)

A. Call to Order - Andrew S. Friedberg, Mayor.

Andrew S. Friedberg, Mayor, called the Special Session of the City Council of the City of Bellaire, Texas, to order at 6:00 p.m. on Monday, October 9, 2017.

B. Announcement of a Quorum - Andrew S. Friedberg, Mayor.

Andrew S. Friedberg, Mayor, announced that a quorum of members of the City Council was present as set forth 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	Absent
Michael Fife	Council Member	Present
David R. Montague	Council Member	Present

Other officials present were Paul A. Hofmann, City Manager, and Tracy L. Dutton, City Clerk.

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

Tracy L. Dutton, City Clerk, read the notice of the public hearing regarding a proposal to increase total tax revenues for the 2017 tax year into the record. City Clerk Dutton noted that the first public hearing on the proposed tax rate for the City of Bellaire, Texas, was held on Monday, October 2, 2017. The public hearing this evening represented the second and last public hearing on the matter.

City Clerk Dutton noted further that the notice of the public hearing was published in the Southwest News on September 19, 2017, advertised by the Finance Department on the City's website continuously since September 19, 2017, and advertised by the City Manager's office on the City's cable channel, Channel 16, continuously since September 19, 2017, and posted on the City's official bulletin board on September 20, 2017.

D. Summary of Public Hearing Procedure - Paul A. Hofmann, City Manager.

Paul A. Hofmann, City Manager, summarized the public hearing procedure.

E. Presentation of Proposal:

Presentation regarding a proposal to increase total tax revenues for the 2017 tax year (2018 fiscal year) from properties on the tax roll in the preceding year by 8.81% percent by proposing a tax rate of \$0.4159 per \$100 valuation - Submitted and presented by Terrence Beaman, Chief Financial Officer.

After reading the agenda caption, **Mayor Friedberg** turned the floor over to Terrence Beaman, Bellaire's Chief Financial Officer, for a presentation on the proposed tax rate increase.

Terrence Beaman, Chief Financial Officer, referenced the previous public hearing and advised that the second hearing on the proposed tax revenues for tax year 2017 (budget year 2018) being held this evening was the last public hearing that would be held on the matter. As noted during the first public hearing, the City's calculated rollback tax rate was \$0.4228/\$100 of property valuation. The City was proposing a tax rate of \$0.4159 for tax year 2017, which consisted of two components as follows: 1) operations and maintenance in the amount of \$0.2678, and 2) debt service in the amount of \$0.1481.

F. Public Comment.

Mayor Friedberg stated that City Council would receive public comment on the proposed tax rate. Speakers were advised to add their names to the sign-up sheet, if they had not already done so. The allotted speaker time was noted to be five (5) minutes, with no extension, and with notice after four (4) minutes that one (1) minute was left.

Paul Magaziner:

Mr. Magaziner addressed City Council and noted that he understood that Bellaire's proposed increase in property tax revenues was decided pre-Hurricane Harvey. He quoted Senator Paul Bettencourt, former Harris County Tax Assessor-Collector, who reportedly stated that Harris County did not have a decline in property values in 2017.

Mr. Magaziner advised that any Hurricane Harvey decline would hit the following year. For this reason, Mr. Magaziner advised that Harris County could afford a disaster reappraisal, along with Houston, Bellaire, and other cities. Mr. Magaziner referenced the number of homes damaged in Bellaire as a result of Hurricane Harvey and indicated his belief that almost one-third of the homeowners in Bellaire were suffering to some degree.

He closed and urged City Council not to raise taxes and to ask the Harris County Appraisal District for a mass reappraisal for tax year 2017.

Ronald Burns:

Mr. Burns addressed City Council and stated his opinion that the City of Bellaire liked to use doom and gloom when trying to pass bond issues or raise taxes. He believed that such monies had been mismanaged.

Other opinions were expressed by Mr. Burns regarding the handling of bond proceeds for Evelyn's Park, access to property given to a developer, contract management, and the failure to give an additional homestead tax exemption to seniors.

Mr. Burns continued and advised of his belief that the property tax increase would be used for new infrastructure that did not need to be replaced, in his opinion, as he felt the increase would be used for contracts that did not benefit the residents of Bellaire.

City Council's legacy, in Mr. Burns' opinion, would be massive debt and high taxes for residents.

Andrew Jerige:

Mr. Jerige addressed City Council and complimented the clean-up efforts made by the City with respect to debris removal. He continued and urged City Council not to vote for any tax increases as now was not the time, in his opinion. Damage from Hurricane Harvey resulted in high deductibles for many of the residents.

A comparison was made between the City of Houston and the City of Bellaire. Mr. Jerige stated his belief that the amount of taxes paid per person in Bellaire was 2-1/2 times higher than the amount paid per person in the City of Houston.

A suggestion was made by Mr. Jerige for the City to stop its beautification efforts, studies of Bellaire branding, new buildings, non-critical infrastructure, and new utility meters and use those monies to offset any tax issues the City might have. Monies should be spent, in his opinion, on flood control, backflow preventions, to deepen bayous, add curbs and gutters, and perform street repairs.

Richard Franke:

Mr. Franke addressed City Council and noted that Bellaire had been pushing the issue of infrastructure to future years during the 19 years that he had resided in Bellaire. He did not agree that a comparison could be made between the cities of Bellaire and Houston. The infrastructure needs and costs for both cities needed to be compared, in his opinion.

Reference was made to critically needed infrastructure and the high cost of replacing it. Mr. Franke stated that the City needed to back up and look at its infrastructure.

Michael Staphenhorst:

Mr. Staphenhorst addressed City Council regarding the flood situation. He noted that since he could not repair his existing 67-year old home, he was left with three options which were 1) to sell the property, 2) to tear the home down, or 3) to rebuild a new home. He felt that the objective seemed to be the replacement of older homes with newer homes which was of concern to him.

Mr. Staphenhorst also did not understand the priority of the Bellaire City Council, or the Bellaire government, or the Bellaire administration, in general. It seemed that the base city functions centered on beauty, parks, re-branding, art, and digital water meters, which were mainly aesthetic or image issues as opposed to functional issues, in his opinion.

He closed and encouraged City Council to budget for emergencies and disasters as opposed to spending a great deal of money on aesthetic issues.

Barbara Jerige:

Ms. Jerige stated that the reason Bellaire's taxes were so much more than the City of

Houston's, in her opinion, was because the Bellaire land values were three times higher. She asked why Bellaire could not manage the city on the two to three times more it was getting in taxes. She indicated that no one was suggesting that the salaries of the police and fire departments be cut.

Things Bellaire did not need were a brand, park beautification, and sidewalks on both sides of every street, in her opinion. Reference was also made to Evelyn's Park and the costs associated with sustaining it. She urged City Council to work on the City's infrastructure, noting that she suspected that Newcastle Drive and her yard flooded due to the higher elevation of Evelyn's Park.

Diane Cominsky:

Ms. Cominsky addressed City Council and expressed concern that the website indicated that meetings of City Council were called at 7:00 p.m. She did not know why the meeting started at 6:00 p.m. Ms. Cominsky stated that City Council should all be interested in what the constituents wanted. She suggested waiting until 7:00 p.m. to see if more people would show up as it would only be fair. She did not understand how in good conscience the City Council could call themselves a leader and vote to increase taxes.

G. Questions from the Mayor and City Council.

Mayor Friedberg opened the floor for questions. He reminded members of the City Council that they were limited to asking questions and should avoid stating opinions on the subject matter of the public hearing.

Following questions, **Mayor Friedberg** closed the public hearing.

H. Close Public Hearing and Adjourn.

Mayor Friedberg announced that City Council would continue to receive public comment on the proposed tax rate up until its final deliberation. Final deliberation was anticipated to occur one week from this evening or on October 16, 2017. Mayor Friedberg also announced that the public hearing was closed and adjourned at 7:06 p.m. on Monday, October 9, 2017.

II. SPECIAL MEETING

A. Call to Order - Andrew S. Friedberg, Mayor.

Mayor Friedberg called the Special Meeting of the City Council of the City of Bellaire, Texas, to order at 7:06 p.m. on Monday, October 9, 2017.

B. Announcement of a Quorum - Andrew S. Friedberg, Mayor.

Mayor Friedberg announced that a quorum of members of the City Council was present as set forth 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	Absent
Michael Fife	Council Member	Present
David R. Montague	Council Member	Present

Other officials present were Paul A. Hofmann, City Manager, and Tracy L. Dutton, City Clerk.

C. New Business:

Adoption of Ordinances:

Mayor Friedberg read the captions of the two agenda items under consideration this evening. The purpose of the agenda items was to provide for the contingency that new contracts might be needed for continuous emergency debris removal and monitoring services after the expiration of the exigent circumstances period following Hurricane Harvey as determined by the Federal Emergency Management Agency (FEMA).

City Manager Hofmann advised that City Council had been provided at the dais this evening with a two-page memorandum prepared by Director of Public Works Michael Leech giving the history and reasons the City went through the processes that it gone through in this situation. The City advertised for both the debris removal and debris monitoring contracts. The proposals were opened this morning at 10:00 a.m. The City received two proposals for debris removal and have made a recommendation to award a contract this evening to DRC Emergency Services, LLC, the City's current contractor.

On the second item, debris monitoring management services, City Manager Hofmann advised that the City received one proposal from a firm that was not the existing firm. The City was recommending that City Council find the one proposal received non-responsive and to take no action on that item this evening. If City Council agreed with that approach, the City would continue to work with its existing debris monitoring management services contractor. The City believed any risk associated with those services would be minimal.

If the exigent period was extended on October 10, 2017, City Manager Hofmann advised that the City would stay with its current contracts and contractors. If the period was not extended, it was suggested that the City enter into a revised contract with DRC Emergency Services, LLC.

Director of Public Works Michael Leech added that, as a measure of caution specifically from the debris hauling side of the process, the City felt it would be prudent to enter into the recommended contract. He noted that the City was getting mixed messages from FEMA and the State about the exigent date and what it would mean to Bellaire. Executing the contract with DRC Emergency Services, LLC, would give the City an extra measure of assurance that the City would be reimbursed going forward.

Mayor Friedberg opened the floor for questions of City Manager Hofmann and Director of Public Works Michael Leech. Following questions, the City Council considered each of the agenda items in turn.

1. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest to, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with the proposer offering the most advantageous proposal for the purchase of emergency debris removal services associated with the timely removal and lawful disposal of all disaster-generated debris pursuant to RFP No. 17-015, as may be necessary to ensure continuity of such services after the expiration of the exigent circumstances period following Hurricane Harvey as determined by FEMA - Submitted by Michael Leech, Director of Public Works.

Mayor Friedberg entertained a motion to adopt the ordinance as presented authorizing the execution and attestation of a Standard Form of Agreement with DRC Emergency Services, LLC, for the purchase of emergency debris removal services associated with the timely removal and lawful disposal of all disaster-generated debris.

Motion:

To adopt the ordinance as presented authorizing the execution and attestation of a Standard Form of Agreement with DRC Emergency Services, LLC, for the purchase of emergency debris removal services associated with the timely removal and lawful disposal of all disaster-generated debris.

{Moved by David R. Montague, Council Member, and seconded by Trisha S. Pollard, Council Member}

Mayor Friedberg advised that questions and deliberation were in order. Following questions and deliberation, Mayor Friedberg called for action on the motion.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	David R. Montague, Council Member
SECONDER:	Trisha S. Pollard, Council Member
AYES:	Friedberg, Reed, Pollard, Pappas, Fife, Montague
ABSENT:	McLaughlan

2. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest to, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with the proposer offering the most advantageous proposal for the purchase of monitoring of disaster-generated debris removal, management, and related services associated with disaster preparedness and emergency response and recovery pursuant to RFP No. 17-014, as may be necessary to ensure continuity of such services after the expiration of the exigent circumstances period following Hurricane Harvey as determined by FEMA - Submitted by Michael Leech, Director of Public Works.

Mayor Friedberg noted that City Staff had recommended no action on the second proposed ordinance as the City did not have any responsive proposals. **Mayor Friedberg asked if any Council Member wished to offer a motion. Hearing none, no action was taken on the second proposed ordinance.**

D. Adjourn.

Mayor Friedberg announced that the Special Session of the City Council of the City of Bellaire, Texas, was adjourned at 7:41 p.m. on Monday, October 9, 2017.



ORDINANCE NO. 17-_____

AN ORDINANCE AUTHORIZING THE MAYOR AND THE CITY CLERK OF THE CITY OF BELLAIRE, TEXAS, TO EXECUTE AND ATTEST TO, RESPECTIVELY, FOR AND ON BEHALF OF THE CITY OF BELLAIRE, TEXAS, A STANDARD FORM OF AGREEMENT WITH XXXX, FOR THE PURCHASE OF EMERGENCY DEBRIS REMOVAL SERVICES ASSOCIATED WITH THE TIMELY REMOVAL AND LAWFUL DISPOSAL OF ALL DISASTER-GENERATED DEBRIS.

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

THAT the Mayor and the City Clerk of the City of Bellaire, Texas, are each hereby authorized to execute and attest to, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with XXXX, as attached hereto and marked Exhibit "A", for the purchase of Emergency Debris Removal Services associated with the timely removal and lawful disposal of all disaster-generated debris.

PASSED and **APPROVED** this 9th day of October, 2017.

(SEAL)

ATTEST:

Tracy L. Dutton, TRMC
City Clerk

SIGNED:

Andrew S. Friedberg
Mayor

APPROVED AS TO FORM:

Alan P. Petrov
City Attorney

Attachment: Ordinance for Debris Collection (2375 : Debris Collection Contract)



ORDINANCE NO. 17-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, AUTHORIZING THE MAYOR AND THE CITY CLERK OF THE CITY OF BELLAIRE, TEXAS, TO EXECUTE AND ATTEST TO, RESPECTIVELY, FOR AND ON BEHALF OF THE CITY OF BELLAIRE, TEXAS, A STANDARD FORM OF AGREEMENT WITH XXXX, FOR THE PURCHASE OF MONITORING OF DISASTER-GENERATED DEBRIS REMOVAL, MANAGEMENT, AND RELATED SERVICES ASSOCIATED WITH DISASTER PREPAREDNESS AND EMERGENCY RESPONSE AND RECOVERY.

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

THAT the Mayor and the City Clerk of the City of Bellaire, Texas, are each hereby authorized to execute and attest to, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with XXXX, as attached hereto and marked Exhibit "A", for the purchase of Monitoring of Disaster-Generated Debris Removal, Management, and Related Services associated with disaster preparedness and emergency response and recovery.

PASSED and **APPROVED** this 9th day of October, 2017.

(SEAL)

ATTEST:

Tracy L. Dutton, TRMC
City Clerk

SIGNED:

Andrew S. Friedberg
Mayor

APPROVED AS TO FORM:

Alan P. Petrov
City Attorney

Attachment: Ordinance for Debris Monitoring (2374 : Debris Monitoring Contract)