



CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

OCTOBER 16, 2017

Council Chamber

Regular Session

6:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401

REGULAR SESSION - 6:00 P.M.

A. Call to Order - 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 6:00 p.m. on Monday, October 16, 2017. The Regular Session was held in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401.

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

Mayor Friedberg announced that a quorum of the 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	Absent
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.

*Council Member Pappas arrived shortly after the Town Hall Meeting had begun.

C. Inspirational Reading and/or Invocation - David R. Montague, Council Member.

David R. Montague, Council Member, provided the inspirational reading for the evening.

D. Pledges to the Flags - David R. Montague, Council Member.

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

I. TOWN HALL MEETING (CHARTER ELECTION)

A. Introduction - Andrew S. Friedberg, Mayor.

Mayor Friedberg advised that the subject of the evening's Town Hall Meeting was the

upcoming Charter Election. He advised that this Town Hall Meeting fell into the category of being more about presenting information to the public as opposed to receiving comments from the public, in that the Charter Election and ballot propositions had already been finalized. However, Mayor Friedberg advised that comments and questions from the public would be welcome, and noted that questions could be referred to staff for answers this evening.

B. Summary of Procedure - Paul A. Hofmann, City Manager.

Paul A. Hofmann, City Manager, summarized the procedure for the Town Hall Meeting.

C. Presentation:

Presentation of Charter amendments recommended by the Bellaire Charter Review Commission and the Bellaire City Council to be submitted to the electors of the City of Bellaire, Texas, in a Special Election to be held on November 7, 2017 - Submitted by Alan P. Petrov, City Attorney.

Alan P. Petrov, City Attorney, indicated that the City's Charter review process had been going on for almost one year. In November of 2016, the City Council established the Charter Review Commission ("Commission"), which held its first meeting in December of 2016. The Commission reviewed each of the articles and sections in the Charter. The Commission had the assistance of a facilitator with a great deal of experience with charter reviews, Charlie Zech, an attorney from San Antonio.

A report was presented by the Commission to City Council on June 19, 2017. City Council heard the report and held a subsequent meeting in July of 2017 to discuss the recommendations in depth. City Council provided some specific direction to set forth the propositions for the upcoming election. On August 21, 2017, the City Council approved an ordinance calling the election on the various charter amendments.

City Attorney Petrov advised that the proposed charter amendments fell within a couple of classes of amendments, such as amendments to correct conflicts with state law, amendments to clarify ambiguous provisions, and amendments that would correct inconsistencies or eliminate unnecessary inefficiencies with the way the City government was operating.

D. Public Comment.

Mayor Friedberg opened the floor for public comment on the subject matter of the Town Hall Meeting.

James P. Avioli, Sr.:

Mr. Avioli addressed City Council and indicated that he had served as a member of the Charter Review Commission. He spoke to one of the proposed amendments to the Charter, specifically Proposition C. Mr. Avioli stated that Proposition C referred to the Commission's proposal for a sizable increase in the stipend for the Mayor and City Council in the amount of \$400 for the Mayor and \$200 for the Council Members.

Mr. Avioli indicated that the stipend increase was proposed before Hurricane Harvey, before the approved and expanded 2018 budget, before the increase in water rates, and

before the proposed increase in property taxes. Based on his understanding that the Mayor and members of City Council were already reimbursed for City-related expenses and currently received a stipend for that purpose, a stipend increase, in his opinion, was unnecessary.

Under the present conditions, Mr. Avioli strongly encouraged the City Council to disregard the proposal and remove it from the ballot on November 7, 2017. This was not the time for a Council stipend increase in view of all the other increases that residents presently saw were going to happen, in Mr. Avioli's opinion.

Lynn McBee:

Ms. McBee addressed City Council and advised that she had the privilege of attending most of the meetings of the Charter Review Commission ("Commission"), which was comprised of five members with a very limited charge by the City Council, in her opinion. The composition of the Commission included two attorney-facilitators, one attorney as the Chair, one attorney as the City Council Liaison, and the rest. Because of the narrowness of the charge and the preponderance of attorneys participating in the process, Ms. McBee found that the process was not one of the voice of the people, in her opinion.

In past Charter revisions, Ms. McBee indicated there were values represented in the debates and discussions. This Commission addressed none of the citizen-interested topics, but rather what was allowed by state law. There was little publicity regarding the meetings, in her opinion, which she saw as a criticism of the process to some degree. The Charter should represent the values of the community, in her opinion.

Additionally, Ms. McBee stated that she had not seen an explanation for the 18 propositions until this evening, as she had not seen them on the City's website. For future consideration, Ms. McBee urged City Council to make it a bigger deal by emphasizing the importance of the public speaking to what they wanted.

On the compensation question, Ms. McBee asked how someone could vote blindly on the proposition, advising that there was no timeline presented. Because there were no proposed numbers, if the Mayor were to receive \$400 per month and the Council Members were to receive \$200 per month, the total required in the budget to finance that every year was \$19,200. She stated that it was an inappropriate amendment to propose to the voters without fleshing it out in the explanation or proposition itself, in her opinion.

E. Questions from the Mayor and City Council.

At the conclusion of the public comment period, **Mayor Friedberg** opened the floor for questions from the City Council. Following questions, Mayor Friedberg thanked the members of the Charter Review Commission for their work (Chair Neil Verma and Member James P. Avioli, Sr., were present in the audience), as well as City Attorney Petrov for all of his work.

Mayor Friedberg announced that the Town Hall Meeting was concluded.

F. Adjourn.

Mayor Friedberg announced that the Town Hall Meeting was adjourned at 6:36 p.m. on Monday, October 16, 2017.

II. REGULAR MEETING**A. Call to Order - Andrew S. Friedberg, Mayor.**

Mayor Friedberg called the Regular Meeting of the City Council of the City of Bellaire, Texas, to order at 6:36 p.m. on Monday, October 16, 2017.

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

Mayor Friedberg announced that a quorum of the 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	Absent
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.

C. Personal/Audience Comments.

Mayor Friedberg introduced the Personal/Audience Comments agenda item and advised that members of the public wishing to speak needed to turn in a speaker form. The time limit for speakers was noted to be five (5) minutes, with notice after four (4) minutes that one (1) minute was left.

Amy Zadok:

Ms. Zadok advised that she wished to address the beautification project of sidewalks on the 4800 block of Valerie Street and read a petition that she had distributed on her block requesting that the implementation of sidewalks on the 4800 block of Valerie Street be abandoned.

Ms. Zadok stated the street suffered tremendously from Harvey's flood, with more than one-half of the homes flooded in some way. Much of the water build up occurred at the cul-de-sac. The residents of the 4800 block of Valerie Street felt the money allowed for a sidewalk would be ill-used as the residents desperately needed a drain for the end of the street. In her opinion, the sidewalks would make the neighborhood less beautiful and green and the roots from the trees would eventually make the sidewalks crack and even rise from the ground causing a huge hazard for pedestrians and pets, in her opinion.

Ms. Zadok advised that the residents wished to focus their tax money and efforts on real dangers on Valerie Street, one of which was the standing water that had been an issue for years. She urged City Council to find a way to expel the water from Valerie Street permanently.

Ivy Frank:

Ms. Frank added that the residents had spoken with the City's Project Manager, Cristin, who indicated that there would be conversation before the decision was made. A short time later surveyors showed up and the residents received a letter stating that the decision had been made and that residents could attend the informational meeting and ask questions. It did not sound as if there would be a forum to change the City's mind.

Mitchell Pilot:

Mr. Pilot addressed City Council regarding flooding on Linden Street. Mr. Pilot indicated that his home flooded as well as the four homes to the east of his. He stated that he had three inches of water in his home and some of the other homes to the east had a little more water in them. Although the level of flooding was not as high as many others experienced, three inches was enough to destroy all the walls and the bottoms of cabinets.

Mr. Pilot noted that Linden Street was recently repaved resulting in a higher street and less room for water to collect in the street. Drainage on the street was not what it was before, in his opinion, resulting in ponding as the water could not make it to the storm drains.

Mr. Pilot urged the City to take a good long look at its priorities. For example, flood control should be prioritized before beautification and sidewalks, in his opinion.

In closing, Mr. Pilot urged City Council to think about the priorities and work to ensure that such a disaster did not happen again.

Scott Scheinthal:

Mr. Scheinthal addressed City Council regarding the proposed increase in property taxes. He advised that the Southdale area of Bellaire did not feel they received the same treatment as larger homes in other areas of the City, in his opinion.

Mr. Scheinthal indicated that there were 19 streets in Southdale with approximately 45 homes per block. By Mr. Scheinthal's observation, of the 45 homes per block, approximately 41 homes were damaged due to Harvey. When driving by those homes, the area looked like a third world country with all of the debris sitting in front of the homes.

For the City to come along and increase taxes, especially for those in the Southdale area, was shameful in his opinion. Mr. Scheinthal stated his belief that businesses in the community could well afford to pay whatever shortfall the City had. The residents in Southdale would not know how much money they needed to put into their homes until December, January, or February. There were not enough insurance adjusters to go around and FEMA had up to one year to settle claims.

In closing, Mr. Scheinthal asked the City Council to kindly reconsider what was being done with respect to the tax rate and restated his opinion that an increase was shameful and harmful to the residents.

Lynn McBee:

Ms. McBee addressed City Council regarding flooding as well. She indicated that she had similar experiences as others in Bellaire with one-two inches of water in her home. She had been visited by FEMA and had received a 24-page report, which was basically to take the whole thing down and start over again. She also noted that the total payment

for damages she had received was far less than what was stated in the FEMA report.

As representatives, Ms. McBee urged the City Council to move forward with what they deemed to be their stakeholder protection. She advised that some drastic things needed to be done by the City Council, such as a meeting with the Harris County Appraisal District to determine options as to devaluing homes, in her opinion.

D. Reports and Presentations:

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 the City Manager's Report dated October 16, 2017, to members of the City Council. The report consisted of reminders of upcoming meetings and City events, future agenda items to be considered by the City Council, and an update on the Hurricane Harvey recovery.

At the end of the City Manager's Report, **Mayor Friedberg** opened the floor for questions from the City Council. Following questions, Mayor Friedberg announced that the City Manager's Report was concluded and moved to the next item on the agenda.

E. New Business:

1. Consent Agenda:

a. Adoption of Minutes:

Consideration of and possible action on the adoption of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, September 11, 2017 - Submitted by Tracy L. Dutton, City Clerk.

Mayor and Council - Regular Session - Sep 11, 2017 6:00 PM

b. Code Suspension:

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, temporarily suspending application of Chapter 27, Streets, Sidewalks and Public Places, Section 27-95, Curfew Imposed, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of allowing the Bellaire High School Softball Boosters to host their rescheduled 15th annual BBQ Fundraiser in the parking lot of Feld Park, 6406 Avenue B, Bellaire, Texas, from Thursday, November 9, 2017, through Saturday, November 11, 2017, said suspension to commence at 11:00 p.m. and terminate at 5:00 a.m. on the evenings and/or early mornings of Thursday, November 9, 2017, Friday, November 10, 2017, and Saturday, November 11, 2017 - Submitted by Cheryl Bright, Assistant Director of Parks, Recreation and Facilities, on behalf of the Bellaire High School Softball Boosters.

Following the reading of the captions of items on the Consent Agenda, **Mayor Friedberg** asked if any member of the City Council wished to remove an item or items from the Consent Agenda. Hearing none, Mayor Friedberg entertained a motion to adopt the Consent Agenda.

Motion:

To adopt the Consent Agenda dated October 16, 2017.

{Moved by Michael Fife, Council Member, and seconded by Gus E. Pappas, Council Member}

*Council Member Pollard briefly stepped away from the Council dais and did not participate in the vote on the Consent Agenda.

RESULT:	ADOPTED [5 TO 0]
MOVER:	Gus E. Pappas, Michael Fife
AYES:	Friedberg, Reed, Pappas, Fife, Montague
ABSENT:	McLaughlan
AWAY:	Pollard

2. Adoption of Ordinance:

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 2017 (fiscal year beginning October 1, 2017, and ending September 30, 2018), upon all taxable property in the City - Submitted by Terrence Beaman, Chief Financial Officer.

Terrence Beaman, Chief Financial Officer (CFO), advised that the last step in the tax rate process was the adoption of the 2017 property tax rate for the City of Bellaire. Prior to this evening, City Council was presented with the effective and rollback tax rates. Two public hearings were held thereafter on October 2, 2017, and on October 9, 2017.

Based on information provided by the Harris County Appraisal District, CFO Beaman advised that the effective tax rate was calculated at \$0.3864, and the rollback tax rate was calculated at \$0.4228. Based on the assessed valuations and the adoption of the City's 2018 budget, a tax rate of \$0.4159 was proposed. The components of the proposed tax rate were noted as follows:

Operations and maintenance = \$0.2678; and
Debt Service Fund = \$0.1481.

Mayor Friedberg advised that state law required the ordinance be adopted by record vote and prescribed the precise language of the motion. Therefore, to adopt the ordinance as presented in accordance with the specific requirements of state law, he entertained a motion as follows:

"I move that the property tax rate be increased by the adoption of a tax rate of \$0.4159, which is effectively a 7.63% increase in the tax rate."

Motion:

I move that the property tax rate be increased by the adoption of a tax rate of \$0.4159, which is effectively a 7.63% increase in the tax rate.

{Moved by Gus E. Pappas, Council Member, and seconded by David R.

Montague, Council Member}

Mayor Friedberg opened the floor for questions, discussion and deliberation. Following deliberation, Mayor Friedberg called for a record vote on the motion to adopt a tax rate.

Tracy L. Dutton, City Clerk, called for a record vote of each individual member of the City Council as follows:

Member of City Council	Record Vote
Roman F. Reed, Mayor Pro Tem	Yes
Trisha S. Pollard, Council Member	Yes
Gus E. Pappas, Council Member	Yes
Andrew S. Friedberg, Mayor	Yes
Michael Fife, Council Member	Yes
David R. Montague, Council Member	Yes

The adoption of a tax rate of \$0.4159, which is effectively a 7.63% increase in the tax rate was approved by a record vote of 6-0. Council Member Pat B. McLaughlan was absent.

F. Community Interest Items from the Mayor and City Council.

Community interest items from the Mayor and City Council included reminders to attend the upcoming Candidate Forum at Faith Lutheran Church, Nature Discovery Center's Pumpkin Patch, Fire Truck Pull, and rescheduled Block Party with Dennis Quaid. Also announced was the first meeting of the Flood Hazard Mitigation Task Force on October 30, 2017, at 6:00 p.m.

G. Adjourn.

Mayor Friedberg announced that Regular Session of the City Council of the City of Bellaire, Texas, was adjourned at 8:07 p.m. on Monday, October 16, 2017.

ORDINANCE NO. 17-053

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, CALLING A SPECIAL ELECTION WITHIN THE CITY OF BELLAIRE, TEXAS, FOR THE PURPOSE OF AMENDING THE CHARTER OF THE CITY OF BELLAIRE, TEXAS; ESTABLISHING THE DATE OF THE SPECIAL ELECTION ON THE UNIFORM ELECTION DATE DESIGNATED BY THE STATE OF TEXAS AS THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OR NOVEMBER 7, 2017; ESTABLISHING ELECTION PRECINCTS, POLLING PLACES, AND APPOINTING ELECTION OFFICIALS; AND SETTING FORTH CERTAIN GUIDELINES.

WHEREAS, by Ordinance No. 16-067, the City Council of the City of Bellaire, Texas appointed a Charter Review Commission and charged it with conducting an independent review of the City of Bellaire, Texas' Home Rule Charter; and

WHEREAS, on June 19, 2017 the Charter Review Commission presented its Final Report to the City Council of the City of Bellaire, Texas; and

WHEREAS, on July 17, 2017, the City Council of the City of Bellaire, Texas reviewed proposed Charter amendments and directed the City Attorney to prepare an Ordinance Calling a Charter amendment election; and

WHEREAS, pursuant to *Section 9.004* of the *Texas Local Government Code*, the City Council of the City of Bellaire, Texas, is authorized to order an election for the purpose of amending the Home Rule Charter of the City of Bellaire, Texas; and

WHEREAS, the City Council of the City of Bellaire, Texas, is required under *Article XII, General Provisions, Section 10, Amending the Charter* of the City's Home Rule Charter, to conduct its charter amendment election within 60 to 120 days after the passage of this ordinance and will hold such election on the uniform election date designated by the State of Texas as the first Tuesday after the first Monday in November; **NOW, THEREFORE**,

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

1. **THAT** the recitals contained herein are true and correct.

2. **THAT** a special election for charter amendments to the Home Rule Charter of the City of Bellaire, Texas, will be held on Tuesday, November 7, 2017, in conjunction with elections to be administered by Harris County, Texas ("County") for the City of Bellaire, Texas, the City of Houston, Texas, and other local entities.

3. **THAT** the following measures shall be submitted to the qualified voters of the City of Bellaire, Texas, for approval or disapproval of proposed charter amendments to the Home Rule Charter of the City of Bellaire (language to be removed is shown by strike-out, language to be added is shown by underline):

MEASURE A: Relating to conforming the Charter to the general laws of the State of Texas

Article I Incorporation; Form of Government, Corporate and General Powers

Sec. 5. - Liability of the City.

The City of Bellaire shall not be liable for personal injury or property loss or damage from any cause, including the negligence of City officials or City employees, in the performance of governmental functions, ~~including the operation of the water system, the collection and disposition of garbage, the sewer system, the fire department, or any other governmental office, department or agency created by or operating under this Charter~~ except as set forth in the Texas Civil Practices and Remedies Code, Title 5, Governmental Liability, Chapter 101 tort claims.

Sec. 6. - Eminent Domain.

- (a) General Provisions. The City shall have the right, power and authority to exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this Charter, or by the Constitution or laws of the State of Texas, except as provided in subsection (b) and (c). ~~In all cases where the City seeks to exercise the power of eminent domain, it may be controlled, as nearly as practicable, by the laws governing the condemnation of property by railroad corporations in this State, the City taking the position of the railroad corporation in any such case.~~ The City may also exercise the power of eminent domain in any other manner authorized or permitted by the Constitution and laws of this State, or in the manner and form that may be provided by ordinance of the governing body of the City, except as provided in subsection (b) and (c). The power of eminent domain hereby conferred shall include the right of the City to take the fee in the lands so condemned; and such power and authority shall include the right to condemn public property for such purposes.
- (b) Limitations to Eminent Domain. The City's power of eminent domain shall be limited to the taking of private property exclusively for the ownership and the use by the City, Eminent Domain shall be prohibited in those cases.

- (1) in which the taking is motivated by economic development which involve the intent to resell any interest in the property acquired; and
 - (2) which involve a joint venture or a collaborative arrangement with a private entity.
- (c) Exceptions to Limitations. The limitations in subsection (b) of this section are not intended to apply to
- (1) a non-adverse (or a willing and friendly) condemnation or a condemnation when the majority of partial interest owners consider the condemnation to be non-adverse; and
 - (2) a condemnation necessary to cure the cloud on title to real estate or any other condition where a condemnation is deemed necessary in lieu of the transfer of title from a willing seller.

Sec. 7. - Street Powers and Improvements.

The City of Bellaire shall have exclusive dominion, control and jurisdiction in, upon, and over and under the public streets, avenues, alleys and highways of the City, and may provide for the improvement thereof by paving, re-paving, raising, draining, or otherwise and shall also include, but not be limited to, the right to supervise, regulate and otherwise control, locate, relocate, remove, or prohibit the location of, all utility pipes, lines, wires, or other property. In addition, the City shall have the power to lay out, establish, open, alter, widen, lower, extend, grade, abandon, discontinue, abolish, close, care for, pave, supervise, maintain and improve streets, alleys, sidewalks, parks, squares, public places and bridges; and regulate and/or restrict the use thereof; and require the removal from the streets, sidewalks, alleys and other public property or places of all obstructions, trespasses and/or encroachments of every nature or character.

~~Sec. 8. - Street Improvements.~~

~~The City of Bellaire shall have exclusive dominion, control and jurisdiction in, upon, and over and under the public streets, avenues, alleys and highways of the City, and may provide for the improvement thereof by paving, re-paving, raising, draining, or otherwise. The provisions of Chapter 106, 40th Legislature, First Called Session, Acts of 1927, together with existing amendments and all such amendments as hereinafter may be made, are expressly adopted and made a part of this Charter. Such exclusive dominion, control and jurisdiction in, upon, over and under the public streets, avenues, alleys and highways of the City shall also include, but not be limited to, the right to supervise, regulate and otherwise control, locate, relocate, remove, or prohibit the location of, all utility pipes, lines, wires, or other property.~~

Sec. 9. - Extending and Contracting City Limits by Action of the City Council.

The City Council shall have power by ordinance to fix the boundary limits of the City of Bellaire, and to provide for the extension of said boundary limits and the annexation of additional territory lying adjacent to said City, with or without the consent of the territory and/or inhabitants annexed. Upon the passage of such an ordinance by the City Council

one time, it shall be published in the official newspaper of the City of Bellaire one time. After at least thirty (30) days have elapsed from the date of such publication, said ordinance in original or amended form as said city council in its judgment may determine, shall be acted upon again, and if passed the territory so annexed shall thereupon become a part of the City of Bellaire, and any inhabitants thereof shall be entitled to all rights and privileges of other citizens of said City, and shall be bound by the acts, ordinances, resolutions and regulations of said City.

Any amendment to an ordinance annexing additional territory shall be advertised at least ten (10) days before final passage of the annexing ordinance, but any amendment eliminating from any such annexing ordinance property proposed to be annexed in the original ordinance or any amendment thereto need not be advertised.

Any area of the City may be disannexed pursuant to any procedure allowed under state law and whenever, in the opinion of the City Council, there exists within the corporate limits of the City a territory not suitable or necessary for City purposes, the City Council may discontinue said territory as part of the City by ordinance after conducting a public hearing on the matter.

Sec. 11. - Garbage Disposal.

The City Council shall have the right by ordinance to adopt and prescribe rules and regulations for the handling and disposition of all recycling, garbage, trash and rubbish within the City of Bellaire, and shall further have the right to fix charges and compensation to be charged by the City for the removal of recycling, garbage, trash and rubbish, and to provide rules and regulations for the collection of such charges and compensation.

Article II Sec. 14. - Municipal Court.

There is hereby established a Municipal Court of the City of Bellaire. The City Council shall appoint a Municipal Court Judge to serve a term of office of two (2) years. A Municipal Court Judge who is not reappointed by the 91st day following the expiration of a term of office shall, absent action by the City Council, continue to serve for another term of office beginning on the date the previous term of office expired. ~~term as it shall prescribe and~~ The City Council shall appoint such other associate judge or judges as it shall determine to be necessary and appropriate, for such terms as it shall provide. Such judge(s) may be removed for incompetency, misconduct or malfeasance. The compensation for the judge(s) of the Municipal Court shall be fixed by the City Council. The City Council shall have the power to make temporary or relief appointments of Municipal Court Judges, in the event of emergencies, for shorter periods of time than provided for the term(s) of the Municipal Court Judge and associate judge(s).

All costs and fines imposed by the Municipal Court, or by any court in cases appealed from judgments of the Municipal Court, shall be paid into the city treasury for the use and benefit of the City.

~~The City Council shall, by ordinance, appoint a Clerk of the Municipal Court and as many Deputy Clerks as shall be necessary. The Clerk of said Court or any Deputy City Clerk shall have power to administer oaths and affidavits, make certificates, affix the seal of said Court thereto and generally do and perform any and all acts usual and necessary by clerks of courts in issuing process of said courts and conducting the~~

~~business thereof. In the event of the absence or unavailability of the Clerk or Deputy Clerk to serve, any Judge of the Municipal Court may appoint a temporary replacement who shall have the same powers and duties as herein provided for the Clerk or any Deputy Clerk.~~

Article X Initiative Referendum and Recall

Sec. 8. - Submission to Electors.

If the Council shall fail to pass an ordinance proposed by initiative petition, or shall pass it in a form different from that set forth in the petition therefor and not agreeable to the petitioners, or if the Council fails to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the electors of the City at a regular or special election to be held on the earliest possible uniform election date of the State of Texas, after the City Clerk certifies the submission to the City Council. ~~The Council may, in its discretion, and if no regular election is to be held within such period shall, provide for a special election.~~

Sec. 19. - District Judge May Order Election.

Should the City Council fail or refuse to order any of the elections as provided for in this Article, when all the requirements for such elections have been complied with by the petitioning electors in conformity with this Article, then any individual with legal standing may bring suit in any court of competent jurisdiction for the purpose of enforcing the requirements of this Article of this Charter, ~~then it shall be the duty of any one of the District Judges of Harris County, Texas, upon proper application being made therefor to order such elections and to enforce the carrying into effect of the provisions of this Article of this Charter.~~

Article XI Sec. 4. - Right of Regulation.

All grants, renewals, extensions, or amendments of public utility franchises, whether it be so provided in the ordinance or not, shall be subject to the right of the City:

- (1) To repeal the same by ordinance at any time for failure to begin construction or operation within the time prescribed or otherwise to comply with the terms of the franchise, such power to be exercised only after due notice and hearing;
- (2) To require an adequate extension of plant and service, and the maintenance of the plant and fixtures at the highest reasonable standard of efficiency;
- (3) To establish reasonable standards of service and quality of products and prevent unjust discrimination in services or rates;
- (4) a) To prescribe the form of accounts kept by each such utility; provided, that if the utility shall keep its accounts in accordance with the applicable uniform accounting standards, ~~systems of accounts for said utility prescribed by the National Association of Railroad and Public Utility Commissioners, the Federal Power Commission, the Federal Communications Commission, the Railroad Commission of Texas, their successor or successors, this shall be deemed sufficient compliance with this paragraph;~~
 - b) At any time to examine and audit the accounts and other records of any such utility and to require annual and other reports, including reports on local

- operations by each such public utility;
- (5) To impose such reasonable regulations and restrictions as may be deemed desirable or conducive to the safety, welfare, and accommodation of the public; and
 - (6) To at any time require such compensation and rental as may be permitted by the laws of the State of Texas.

Article XII

Sec. 2. - Personal Interest.

~~No member of the Council or any officer or employee of the City shall have a financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract or in the sale to the City or to a contractor supplying the City, of any land or rights of interests in any land, material, supplies, or service. The City Council shall never authorize the expenditure of public funds for the development of any subdivision. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the City found guilty thereof shall thereby forfeit his office or position. Any violation of this section with the knowledge express or implied, of the person or corporation contracting with the City shall render the contract voidable by the City Manager or the Council.~~

For purposes of this Section term "City Official" means any individual subject to the requirements of Texas Local Government Code, Chapter 171.

It is hereby prohibited for City Council Members or a City Official to violate the rules and regulations regarding conflicts of interests as set out in the Texas Local Government Code, Chapter 171.

Sec. 10. - Amending the Charter.

Amendments to this Charter may be framed and submitted to the electors of the City by a Charter commission in the manner provided by law for framing and submitting a new Charter. Amendments may also be proposed and submitted by ordinance, passed by a majority vote of the full membership of the Council, or by a petition signed by not less than twenty-five percentum (25%) of the number of those who voted at the last regular municipal election; provided, however that in the latter case the petition must bear the signatures of at least ten percentum (10%) of the qualified voters of the City. When a Charter amendment petition shall have been filed with the Council in conformity with the provisions of this Charter as to petitions for initiated ordinances, the Council shall forthwith provide by ordinance for submitting such proposed amendment to a vote of the electors. Any ordinance for submitting a Charter amendment to the electors shall provide that such amendment be submitted at the next regular municipal election ~~if one shall occur not less than sixty (60) nor more than one hundred twenty (120) days after the passage of the ordinance; otherwise, it shall provide for the submission of the amendment at a special election to be called and held within the time aforesaid.~~ Not less than thirty (30) days prior to such election, the City clerk shall mail a copy of the proposed amendment or amendments to each qualified voter in said City as appears from the latest rolls of the tax collector. If a proposed amendment be approved by a majority of the electors voting thereon, it shall become a part of the Charter at the time fixed therein. Each amendment

shall be confined to one subject; and when more than one amendment shall be submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment separately.

MEASURE B: Relating to Qualifications of Council Members.

Article II

Sec. 2. - Qualifications.

To be eligible to be a candidate for, or elected to, office as Mayor or City Councilman of the City of Bellaire, or to continue to hold any such office, a person must:

- (1) Be a United States citizen;
- (2) Be twenty-one (21) years of age or older on the first day of the term to be filled at the election;
- (3) Have not been determined mentally incompetent by a final judgment of a court;
- (4) Have not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities;
- (5) Have resided continuously in the State of Texas and within the corporate limits of the City of Bellaire for twelve (12) months immediately preceding the filing deadline of the regular election; and
- (6) Be a qualified, registered voter of the State of Texas, County of Harris.

In addition, all candidates or persons elected to office as Mayor or City Councilman of the City of Bellaire shall meet all other requirements for office holders as may, from time to time, be specified by the Constitution and general laws of the State of Texas. If, at any time, any person holding the office of Mayor or City Councilman of the City of Bellaire no longer possesses all of the qualifications specified in this Section or is convicted of a felony or an offense involving moral turpitude while in office, such office shall, after a public hearing and determination by City Council pursuant to Section 16 be declared immediately and automatically become vacant.

Sec. 16 - Council to be Judge of Qualifications of its Members; Hearings; Process.

~~The Council shall be the judge of the election and qualifications of its members, and shall have the power to remove any member for malfeasance or nonfeasance in office, after public hearing, by a two-thirds (2/3) vote of the whole Council; for such purpose it shall have power to subpoena witnesses and require the production of records.~~

A General. The Council shall be the judge of the election and qualifications of its members, and shall have the power to investigate and to remove any member for malfeasance or nonfeasance in office, after public hearing, by a two-thirds (2/3)

vote of the whole Council; for such purpose it shall have power to administer oaths, subpoena witnesses, compel the production of records books, papers, and other evidence material to the inquiry. The City Council shall provide, by ordinance, penalties for contempt in failing or refusing to obey any such subpoena or to produce any such books, papers or other evidence. The City Council shall have the power to punish any such contempt in the manner provided by such ordinance.

B. Hearings Process for Forfeitures of Office and Prohibitions.

1. All hearings held under this subsection shall be conducted in open session, except that the City Council may conduct a closed session to get advice from its attorney pursuant to the Texas Open Meetings Act;
2. The office holder subject to any investigation and/or hearing under this section shall be entitled to written notice of the specific allegations made against them;
3. A special meeting shall be called to hold the hearing; the office holder who is the subject of the hearing shall not sit at the dais and shall not participate in deliberation or vote; and City Council shall adopt by ordinance rules of procedures to be followed which rules shall not be amended or repealed for a particular public hearing after written notice has been provided to the office holder; except and unless, agreed to by the office holder;
4. The City Council shall state the nature of the hearing and the allegations to be considered, shall be provided the results of any investigation and a presentation of the evidence against the office holder including, but not limited to testimony from individuals; the individual who is subject to the hearing shall be provided an opportunity to respond to the allegations and present any relevant evidence including, but not limited to, testimony from individuals; and City Council may ask questions of any individual; and
5. No public comment shall be allowed unless agreed to by a majority vote of the members of City Council present and rules for public comment, if allowed, shall be set by City Council.

MEASURE C: Relating to Council Stipend.

Article II Sec. 3. – ~~Compensation~~ Stipend of Members of the City Council.

The Mayor shall receive ~~as compensation~~ a stipend for his services ~~the sum of Seventy-five~~ Four-Hundred Dollars (~~\$75.00~~ \$400.00) per month.

Each Councilman shall receive ~~as compensation the sum~~ a stipend of Ten Dollars (~~\$10.00~~) for each meeting of the City Council attended by him, provided that no Councilman shall receive a greater compensation than ~~Fifty~~ Two-Hundred Dollars (~~\$50.00~~ \$200.00) per month.

The stipend may be changed by the Council; however, no increase shall take effect unless ratified by a majority of the voters in the next regular City election. The City shall pay or reimburse reasonable expenses incurred by the Mayor or Council Members in the performance of specific duties, limited to the amount appropriated for such expenses in the current budget.

MEASURE D: Relating to the fine for failing to obey a subpoena

Article II Sec. 20. - Investigation by Council.

The Council shall have the power to inquire into the conduct of any office, department, agency, or officer of the City and to make investigations as to municipal affairs, and for the purpose may subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence. Failure to obey such subpoena or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute a misdemeanor and shall be punishable by fine not to exceed ~~Two Hundred (\$200.00)~~ Three Hundred (\$300.00) Dollars for each offense.

MEASURE E: Relating to clarifying currently ambiguous language in the Charter.

Article II. The Council

Sec. 5. - Mayor Pro Tempore.

The City Council shall elect a Mayor Pro Tempore, who shall act as, and have all the powers of the Mayor during the absence or disability of the Mayor, and if a vacancy should occur in the office of Mayor, shall ~~become act as, and have all the powers of the~~ Mayor until the next regular election, at which election a Mayor shall be elected to fill the full or unexpired term, as the case may be. The Mayor Pro Tempore's office shall not be considered vacant during any such time he or she is acting as the Mayor.

Sec. 11. - Council Not to Interfere in Appointments or Removals.

~~Neither the Council nor any of its members shall direct the appointment of any person to office, and such power is confided solely to the City Manager. The City Council shall have no power to remove any person appointed by the City Manager and shall have only the power to appoint and/or remove the City Manager. The Council shall deal with the administrative service solely through the City Manager, and neither the Council nor any member thereof shall give orders to any subordinate of the City Manager, either publicly or privately.~~

Neither the City Council nor the Mayor or any Council Member shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the City Manager or any of his subordinates are empowered to appoint, unless otherwise provided in this Charter. Further, except for the purpose of inquiries and investigations, unless otherwise provided in this Charter, the City Council, Council Members and the Mayor shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the City Council nor Council Members nor the Mayor shall give orders to any such officer or employee, either publicly or privately.

Sec. 13. - City Clerk.

~~The Council shall appoint some person to serve as a City Clerk of the Council.~~ The City Clerk shall report to the City Council. He shall give notices of its meetings, shall keep the official copy of this Charter ~~and the journal of the Council's proceedings,~~ shall authenticate by his signature and record in full in a book kept for the purpose all

ordinances and resolutions, and shall perform such other duties as the City Manager shall assign to him.

Sec. 15. - Meetings of Council.

The City Council shall meet regularly at such times as may be prescribed by its rules, but not less frequently than twice each month. All meetings of the Council shall be subject to the Texas Open Meetings Act ~~open to the public~~; special meetings shall be called by the City Clerk upon request of the Mayor, City Manager, or a majority of the members of the Council.

Four (4) members of the Council, of whom the Mayor shall be counted as one, shall constitute a quorum for the transaction of business. The affirmative vote of four (4) members shall be required for the transaction of business. A smaller number may adjourn from time to time.

Article X Sec. 8. - Submission to Electors.

If the Council shall fail to pass an ordinance proposed by initiative petition, or shall pass it in a form different from that set forth in the petition therefor and not agreeable to the committee of the petitioners, or if the Council fails to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the electors of the City at a ~~regular or~~ special election to be held on the earliest possible uniform election date of the State of Texas, after the City Clerk certifies the submission to the City Council. The Council may, in its discretion, and if no regular election is to be held within such period shall, provide for a special election.

MEASURE F: Relating to Vacancies on Council.

Article II Sec. 6. - Vacancies in Council.

Vacancies in office of Mayor Council, the effective date of which shall be determined in accordance with the provisions of the Texas Election Code, shall be filled by a candidate possessing all of the qualifications outlined in Section 2 of this Article, at an election called for that purpose pursuant to the provisions of the Texas Constitution and the Texas Election Code.

In the event of a vacancy in the office of City Council Member, the effective date of which shall be determined in accordance with the provisions of the Texas Election Code, if there are 365 days or more remaining on the term of the vacated office, the City Council shall call a special election to fill such vacancy. If there are fewer than 365 days remaining in the term of the vacant office, the City Council may, by majority vote of the remaining Members of City Council, at its discretion, leave the office vacant, appoint a new Council Member to fill such vacancy or call a special election to fill such vacancy.

MEASURE G: Relating to the City Manager's authority to sign documents.

Article III Sec. 2. - The City Manager; Powers and Duties.

The City Manager shall be the chief executive officer and the head of the administrative branch of the City government. He shall be responsible to the Council for the proper administration of all affairs of the City and to that end he shall have the power

and shall be required to:

- (a) Appoint and remove all officers and employees of the City appointed by him, except as otherwise provided by this Charter, and except as he may authorize the head of a department to appoint and remove subordinates in such department;
- (b) Prepare the budget annually and submit it to the Council and be responsible for its administration after adoption;
- (c) Prepare and submit to the Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year;
- (d) Keep the Council advised of the financial condition and future need of the City and make such recommendations as may seem to him desirable; and
- (e) Sign all documents, contracts and conveyances made or entered into by the City, and all bonds, pursuant to any relevant policy adopted by City Council, except where the City Council has authorized the Mayor to sign said document as provided for in Article II Section 4 of this Charter.
- (ef) Perform such other duties as may be prescribed by this Charter or required of him by the Council, not inconsistent with this Charter.

MEASURE H: Relating to the authority to borrow money.

Sec. 1. - Power to Incur Indebtedness by Issuing Bonds, Warrants and Notes.

The City of Bellaire shall have the right and power to borrow money on the credit of the City for any lawful public purpose, including without limitation permanent public improvements, as may be determined by the City Council, and to issue bonds, warrants, notes, or other evidence of indebtedness of the City therefor in accordance with state law.

~~Sec. 2. - Bond Ordinance; Vote Required.~~

~~The issuance of tax bonds must be approved by a majority of the qualified voters voting at an election called for that purpose.~~

~~The City shall authorize the issuance of bonds by a "bond ordinance" passed by the affirmative votes of the majority of all members of its Council. Revenue bonds may be issued by the Council in accordance with state law.~~

~~The bond ordinance and the manner of conducting the election shall in all respects conform to this Charter and the general laws of the State.~~

~~Sec. 3. - Issuance of Bonds.~~

~~When an issue of bonds has been authorized, the City shall have the power to issue serial bonds or otherwise as in its opinion may seem best as provided in the ordinance authorizing their issuance, not to exceed thirty (30) years. However, all character of securities issued for street improvements shall be for a period of not exceeding twenty (20) years. All bonds shall specify on their face for what purpose they are issued, and they shall be invalid if sold for less than their par value, plus accrued~~

~~interest. When any such bonds are issued by the City a fund shall be provided to pay the bonds at maturity. The regulations of this section shall likewise govern warrants, notes and other evidences of indebtedness.~~

~~Sec. 4. -- Public Sale.~~

~~All bonds issued under this Charter shall be sold at public sale upon sealed proposals after at least ten (10) days' notice published at least once in a publication carrying municipal bond notices and devoted primarily to financial news, and at least ten (10) days notice published at least once in the official newspaper of the City.~~

~~If no satisfactory bid is received under the above procedure, the Council may have the power to negotiate a sale at a better price within a ten-day period following the opening of bids; otherwise, the sale of bonds must be readvertised.~~

~~Sec. 5. -- Register of Bonds.~~

~~The City Council shall cause to be kept for and on behalf of the City a complete register and set of books showing all bonds, warrants and other evidences of indebtedness issued by the City, the date and amount thereof, the rate of interest, maturity, all bonds, warrants or other evidences of indebtedness surrendered, all transactions of the City Council having reference to the refunding of any of the indebtedness of the City, and all other information that may be desired or required. Records with reference to bonds and warrants and other evidences of indebtedness shall be kept separately. When bonds, or warrants, or other evidences of indebtedness, or their coupons, are paid, their payment or cancellation shall be noted in said register.~~

MEASURE I: Relating to the administration of the City's finances.

Article VII Finance Administration

Sec. 4. - Director of Finance; Powers and Duties.

Under the direction of the CityManager, the Director of Finance shall have charge of the administration of the financial affairs of the City and to that end, he shall have authority and shall be required to:

- (1) Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to ensure that budget appropriations are not exceeded;
- (2) Maintain a general accounting system for the city government and each of its offices, departments and agencies; keep books for and exercise financial budgetary control over each office, department and agency; keep separate accounts for the items of appropriation contained in the city budget, each of which accounts shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance; require reports of receipts and disbursements from each receiving and spending agency of the city government to be made daily or at such intervals as he may deem expedient;
- (3) Submit to the City Council through the City Manager a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial

condition of the City;

- (4) Prepare, as of the end of each fiscal year, a complete financial statement and report;
- (5) Collect all taxes, special assessments, license fees and other revenues of the City or for whose collection the City is responsible and receive all money receivable by the City from the state or federal government, or from any court, or from any office, department or agency of this City;
- ~~(6) Have custody of all public funds belonging to or under the control of the City, or any office, department or agency of the city government, and deposit all funds coming into his hands in such depository or depositories as may be designated by the City Council, subject to the requirements of law in force from time to time as to the furnishing of bond or the deposit of securities and the payment of interest on deposits. All such interest shall be the property of the City and shall be accounted for and credited to the proper account;~~
- ~~(7) Have custody of all investments and invested funds of the city government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the City and the receipt and delivery of city bonds and notes for transfer, registration or exchange;~~
- ~~(8) Supervise and be responsible for the purchase, storage and distribution of all supplies, materials, equipment and other articles used by any office, department or agency of the city government; and~~
- ~~(9) Approve all proposed expenditures; unless he shall certify that there is an unencumbered balance of appropriation and available funds, no expenditure shall be made.~~

~~Sec. 8. - Fees Shall be Paid to City Government.~~

~~All fees for City services received by any officer or employee shall belong to the City Government, and shall be paid to the Department of Finance at such times as required by the Director of Finance.~~

Sec. 12. - Accounting of Property.

The Director of Finance shall maintain, or cause to be maintained, reliable accounts of the City's investment in permanent property by departments, and shall fix responsibility for the custody and property use of all City owned equipment, structures, and land.

He shall be responsible for the accounting control of all permanent property of the City.

~~As used herein, the term "equipment" means all items of movable property purchased by, or assigned to, a department or division which cost or have a value of Five Dollars (\$5.00) each, or more, and can normally be expected to have a useful life of one year or more.~~

The head of each department shall be held accountable for the safekeeping of all movable equipment in his department.

~~Sec. 16. - City May Carry Own Paper.~~

~~The City shall have the power to purchase or otherwise acquire improvement certificates and/or mechanic's lien contracts of the owners of property abutting or adjacent to public improvements authorized by the City Council and thereafter constructed in the City. Moneys from the City's general fund may be used for such purchases and/or the proceeds of bonds may be used where such proceeds could lawfully be expended directly for such improvements, or in aid thereof.~~

~~Sec. 17. - Borrowing in Anticipation of Property Taxes.~~

~~In any budget year, in anticipation of the collection of the property tax for such year, whether levied or to be levied in such year, the Council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the City, each of which shall be designated "tax anticipation note of the year 19____" (stating the budget year). Such notes shall mature and be payable not later than the end of the fiscal year in which the original notes shall have been issued.~~

~~Sec. 18. - Borrowing in Anticipation of Other Revenues.~~

~~In any budget year, in anticipation of the collection or receipt of other revenues of that budget year, the Council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the City, each of which shall be designated "special revenue note for the year 19__" (stating the budget year). Such notes may be renewed from time to time, but all such notes, together with the renewals, shall mature and be payable not later than the end of the fiscal year in which the original notes shall have been issued.~~

~~Sec. 19. - Sales of Notes, Report of Sale.~~

~~All notes issued pursuant to this article may be sold at not less than par and accrued interest at private sale by the Director of Finance without previous advertisement, but such sale shall be authorized by the Council.~~

MEASURE J: Relating to unnecessary provisions.

Article II

Sec. 17. - Rules of Procedure; ~~Journal.~~

~~The Council shall determine its own rules and order of business. It shall keep a journal of its proceedings and the journal shall be open to public inspection.~~

Sec. 21. - Independent Audit.

Prior to the end of each fiscal year, the Council shall designate a certified public accountant who, as of the end of that fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the city government, and shall submit a sworn report to the Council. Notice shall be given provided by publication in on the official newspaper website of the City of Bellaire that the annual audit is on file at the City Hall for inspection. Such accountant shall have no personal interest, direct or

indirect, in the fiscal affairs of the city government. They shall not maintain accounts or record of the City business, but, within specifications approved by the Council, shall post-audit the books and documents kept by the Department of Finance and any separate or subordinate accounts kept by any other office, department or agency of the city government. Such accountants may make monthly checks, or a general audit at more frequent intervals as the Council may direct.

MEASURE K: Relating to Initiative.

Article X Sec. 1. - Power of Initiative.

The electors shall have power to propose any ordinance except an ordinance appropriating money or authorizing the levy of taxes, and to adopt or reject the same at the polls, such power being known as the initiative. Any initiative ordinance may be submitted to the Council by a petition signed by qualified electors of the City equal in number to at least six percent (6%) of the number of voters registered to vote at the last general City election ~~twenty-five percent (25%) of the number of votes cast at the last regular municipal election~~; provided, however, that the petition shall contain the signatures of at least two hundred (200) qualified electors of the City. Bond elections may be initiated by petition to the City Council as above provided.

MEASURE L: Relating to recall petitions.

Article X Sec. 14. - Recall Petitions.

The recall petition to be effective must be returned and filed with the City Clerk within thirty (30) days after the filing of the affidavit required in Section 13 and it must be signed by qualified electors of the City equal in number to at least fourteen percent (14%) of the number of voters registered to vote at the last general City election ~~fifty-one percent (51%) of the total number of votes cast at the last general municipal election~~, and shall conform to the provisions of Section 3 herein. No petition paper shall be accepted as part of a petition unless it bears the signature of the City Clerk as required in Section 13 herein.

MEASURE M: Relating to referendum.

Article X Sec. 2. - Power of Referendum.

The electors shall have power to approve or reject at the polls any ordinance passed by the Council, or submitted by the Council to a vote of the electors, such power being known as the referendum. Ordinances submitted to the Council by initiative petition and passed by the Council without change shall be subject to the referendum in the same manner as other ordinances. Within twenty (20) days after the enactment by the Council of any ordinance which is subject to a referendum, a petition signed by qualified electors of the City equal in number to at least ~~twenty-five percent (25%) of the number of votes cast at the last preceding regular municipal election~~ six percent (6%) of the number of voters registered to vote at the last general City election may be filed with the City Clerk requesting that any such ordinance be either repealed or submitted to a vote of the electors; provided, however, that such petition shall contain the signatures of at least two hundred (200) qualified electors of the City.

MEASURE N: Relating to referendum.

Article X Sec. 2. - Power of Referendum.

The electors shall have power to approve or reject at the polls any ordinance passed by the Council, or submitted by the Council to a vote of the electors, such power being known as the referendum. Ordinances submitted to the Council by initiative petition and passed by the Council without change shall be subject to the referendum in the same manner as other ordinances. Within ~~twenty (20)~~ thirty (30) days after the enactment by the Council of any ordinance which is subject to a referendum, a petition signed by qualified electors of the City equal in number to at least twenty-five percent (25%) of the number of votes cast at the last preceding regular municipal election may be filed with the City Clerk requesting that any such ordinance be either repealed or submitted to a vote of the electors; provided, however, that such petition shall contain the signatures of at least two hundred (200) qualified electors of the City.

MEASURE O: Relating to franchises.

Article XI Sec. 2. - Franchises; Power of Council.

The City Council shall have power by ordinance to grant, amend, renew and extend all franchises of all public utilities of every character operating within the City of Bellaire and for such purposes is granted full power. All ordinances granting, amending, renewing, or extending franchises for public utilities shall be read at ~~three~~ two (2) separate regular meetings of the City Council with such readings being at least ten (10) days apart, and shall not be finally passed until thirty (30) days after the first reading; and no such ordinance shall take effect until sixty (60) days after its final passage; and pending such time, the full text of such ordinance shall be published once each week for ~~four (4)~~ two (2) consecutive weeks in the official newspaper of the City of Bellaire, and the expense of such publication shall be borne by the proponent of the franchise. No public utility franchise shall be transferable except with the approval of the Council expressed by ordinance.

MEASURE P: Relating to transitory provisions

Article XI Sec. 8. - Franchise Records.

~~Within six (6) months after this Charter takes effect~~ Every public utility and every owner of a public utility franchise shall file with the City, as may be prescribed by ordinance, certified copies of all franchises owned or claimed, or under which such utility is operated in the City of Bellaire. The City shall compile and maintain a public record of public utility franchises.

MEASURE Q: Relating to Non-Substantive Revisions.A. Proposed Charter Language.~~Sec. 13. - Rearrangement and Renumbering of Charter and Elimination.~~

~~The City Council shall have the power by ordinance to renumber and rearrange all articles, sections and paragraphs of this Charter, or any amendments thereto. The~~

~~City Council shall have the further power by ordinance to eliminate gender-specific references within the various provisions of this Charter and to substitute gender-neutral terms, as it shall deem appropriate. Upon the passage of any such ordinances, a copy thereof, certified by the City Clerk, shall be forwarded to the Secretary of State of the State of Texas for filing.~~

Sec. 13. Non-Substantive Revisions

The Council shall have the power, by ordinance, to make the following non-substantive revisions to the Charter, so long as such revisions do not affect the intent of the Charter: 1) renumbering and rearranging all articles, sections, and paragraphs of this Charter or any amendments; 2) to make any grammatical or typographical corrections to this Charter; and 3) to make the Charter gender neutral. Upon the passage of any such ordinance, a copy certified by the City Clerk shall be forwarded to the Clerk of the State for filing.

MEASURE R: Relating to a global change to make the City Charter gender neutral.

Change "Councilman" or "Council Man" to "Council Member" as well as replace the pronouns "he" or "his" with the position title referenced by the pronoun. Example:

Article II Sec. 9. – Appointment of City Manager.

The Council shall appoint an officer of the City who shall have the title of City Manager, and who shall have the powers and perform the duties provided in this Charter. No ~~Councilman~~ Council Member shall receive such appointment during the term for which ~~he~~ the Council Member shall have been elected, nor within one (1) year after the expiration of ~~his~~ the Council Member's term

4. THAT the official ballot for the Special Election shall be prepared in accordance with the *Texas Local Government Code* and the Home Rule Charter of the City of Bellaire, Texas, so as to permit the electors to vote "FOR" or "AGAINST" the aforesaid Measures, which shall be presented to the electors in the form of the following PROPOSITIONS separately which shall be set forth in substantially the following form:

PROPOSITION A

Amendments to the City Charter for consistency with the general laws of the State of Texas.

FOR _____

AGAINST _____

PROPOSITION B

Amendments to the City Charter requiring a public process to be followed by City Council for a determination as to whether an existing Council Member is still qualified to hold office.

FOR _____

AGAINST _____

PROPOSITION C

An amendment to the City Charter replacing the existing Council compensation structure with a flat monthly stipend and allowing the Council to change the stipend provided that any increase would have to be ratified by a majority of the voters.

FOR_____

AGAINST_____

PROPOSITION D

An Amendment to the City Charter relating to investigations by Council to increase the maximum fine for failing to obey a subpoena from Council.

FOR_____

AGAINST_____

PROPOSITION E

Amendments to the City Charter to clarify language which, as currently expressed, is ambiguous.

FOR_____

AGAINST_____

PROPOSITION F

An Amendment to the City Charter authorizing vacancies in City Council to be filled as authorized by the Texas Constitution.

FOR_____

AGAINST_____

PROPOSITION G

An Amendment to the City Charter authorizing the City Manager to sign all contracts approved by City Council as is consistent with the current form of government.

FOR_____

AGAINST_____

PROPOSITION H

Amendments to the City Charter which require the City to borrow money in compliance with State law.

FOR_____

AGAINST_____

PROPOSITION I

Amendments to the City Charter to create efficiencies and remove provisions redundant with the authority provided for in State law as to financial administration.

FOR_____

AGAINST_____

PROPOSITION J

Amendments to the City Charter deleting sections of the Charter as unnecessary and to create greater efficiencies.

FOR _____

AGAINST _____

PROPOSITION K

Amendments to the City Charter requiring the number of signatories necessary for an initiative election to be a percentage of the registered voters in the City for consistency.

FOR _____

AGAINST _____

PROPOSITION L

Amendments to the City Charter requiring the number of signatories necessary for a recall election to be a percentage of the registered voters in the City for consistency.

FOR _____

AGAINST _____

PROPOSITION M

Amendments to the City Charter requiring the number of signatories necessary for a referendum election to be a percentage of the registered voters in the City for consistency.

FOR _____

AGAINST _____

PROPOSITION N

Amendment to the City Charter providing the citizens more time to gather signatures on referendum petitions.

FOR _____

AGAINST _____

PROPOSITION O

Amendment to the City Charter reducing the timelines for adopting franchise ordinances.

FOR _____

AGAINST _____

PROPOSITION P

Amendment to the City Charter deleting transitory provisions.

FOR _____

AGAINST _____

PROPOSITION Q

Amendment to the City Charter authorizing non-substantive revisions such as renumbering, gender neutrality and correcting grammatical or typographical errors.

FOR_____

AGAINST_____

PROPOSITION R

Amendment to the City Charter making all sections of the City Charter gender neutral.

FOR_____

AGAINST_____

5. **THAT** the City consists of five (5) voting precincts and polling places (i.e., 128, 182, 214, 215, and 268), the polling places of which are those designated by the County.

6. **THAT** each of the referenced five (5) voting precincts is a regular County election precinct and, therefore, the City hereby appoints the County election officials as its special officials for the purpose of this Special Election.

7. **THAT** the Presiding Judge, Manager, and Tabulation Supervisor shall be those special officials appointed by the County for the purposes of this Special Election.

8. **THAT Early Voting by Mail** for the Special Election may be conducted by making application for an early voting ballot with Stan Stanart, Harris County Clerk, P.O. Box 1148, Houston, Texas 77251-1148. Voters qualified to vote early by mail may begin applying for a ballot by mail on January 1, 2017.

9. **THAT Early Voting by Personal Appearance** may be conducted by the Harris County Clerk's Office, Elections Division, 1001 Preston, 1st Floor, Houston, Texas 77002, or any of the other early voting polling locations designated by the County. **Early Voting by Personal Appearance** will begin on Monday, October 23, 2017, and conclude on Friday, November 3, 2017.

10. **THAT** ballots shall be cast utilizing direct recording equipment during early voting and during election day.

11. **THAT** a special meeting of the City Council of the City of Bellaire, Texas, to canvass returns of the Special Election shall be held on Monday, November 20, 2017, at 6:00 p.m.

12. THAT the form of notice prescribed by the Secretary of State of the State of Texas shall serve as proper notice of the Special Election. Said notice, including a Spanish, Vietnamese, and Mandarin Chinese translation thereof, shall be given by publishing and posting it in accordance with the *Texas Election Code*.

13. THAT if any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this ordinance, or the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances, shall not be affected thereby.

14. THAT all ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of conflict only.

15. THAT the City Council of the City of Bellaire, Texas, officially finds, determines, and declares that a sufficient written notice of the date, hour, place, and subject of the meeting at which this Ordinance was discussed, considered, or acted upon was given in the manner required by the *Texas Open Meetings Act*, as amended, and has been open to the public as required by law at all times during such discussion, consideration, and action. The City Council of the City of Bellaire, Texas, ratifies, approves, and confirms such notice and the contents and posting thereof.

16. THAT this Ordinance shall be effective immediately upon passage and be in force immediately from and after its passage and signature. This Ordinance shall be preserved in the permanent records of the City of Bellaire, Texas.

PASSED, APPROVED, and ADOPTED this 21st day of August, 2017.

SIGNED:

Andrew S. Friedberg
Mayor

ATTEST:

Tracy L. Dutton, TRMC
City Clerk

(SEAL)

APPROVED AS TO FORM:

Alan P. Petrov
City Attorney



CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

SEPTEMBER 11, 2017

Council Chamber

Regular Session

6:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401

REGULAR SESSION - 6:00 P.M.

A. Call to Order - 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 6:04 p.m. on Monday, September 11, 2017. The Regular Session was held in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401-4411.

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

Mayor Friedberg announced that a quorum of the 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.

*Mayor Pro Tem Reed arrived shortly after the meeting was called to order.

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

Mayor Friedberg provided the inspirational reading for the evening.

D. Pledges to the Flags - Andrew S. Friedberg, Mayor.

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

I. PUBLIC HEARING (HISD SPECIFIC USE PERMIT APPLICATION FOR BELLAIRE HIGH SCHOOL AND GORDON ELEMENTARY SCHOOL)

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

Tracy L. Dutton, City Clerk, read the "Notice of Public Hearing" into the record. She

Minutes Acceptance: Minutes of Sep 11, 2017 6:00 PM (Adoption of Minutes:)

advised that 230 notices were mailed to property owners of record and tenants residing within 500 feet of the Bellaire High School site (5100 Maple Street) and 128 notices were mailed to property owners of record and tenants residing within 500 feet of the Gordon Elementary School site (6300 Avenue B). The notices were mailed on August 23 and 24, 2017, and published in the legal notices section of the *Southwest News* on August 22, 2017.

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

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

C. Presentation of Proposal:

Public Hearing on an application filed by Steven Gee, Project Manager, Houston Independent School District, for a Specific Use Permit, as required by Chapter 24, Planning and Zoning, Section 24-531 C. (2) a), for the re-construction and operation of Bellaire High School, at 5100 Maple Street, within the R-1 Residential Zoning District; and for a second Specific Use Permit, as required by Section 24-532 B. (2) a), for the re-purposing of Gordon Elementary School/Mandarin Chinese Language Immersion Magnet School as Bellaire High School's baseball practice facility, at 6300 Avenue B, within the R-3 Residential Zoning District - Submitted by ChaVonne Sampson, Interim Director of Development Services; Presented by Steven Gee, Project Manager, HISD.

Steven Gee, Project Manager, Houston Independent School District (HISD), introduced Samuel Savage of PBK Architects to make a presentation to the City Council regarding HISD's request for specific use permits to reconstruct Bellaire High School and repurpose Gordon Elementary School.

Samuel Savage, PBK Architects, advised that this evening represented the culmination of HISD's process for a specific use permit to reconstruct Bellaire High School and to repurpose the Gordon Elementary School site. He indicated that his firm had been involved in the design of Bellaire High School for four years, and that HISD had been through a public hearing before the Bellaire Planning and Zoning Commission, as well as some variance hearings before the Board of Adjustment.

Mr. Savage provided a synopsis of the project, beginning with the reconstruction of Bellaire High School on its current site. He noted that HISD and PBK looked at the concerns expressed during the Bellaire Planning and Zoning Commission hearings, which were primarily traffic congestion and parking garage access and egress for the Bellaire High School site; and tree preservation, supervision, and security for the Gordon Elementary School site.

It was noted that the challenges in developing an acceptable plan for Bellaire High School included eliminating all off-site parking, minimizing traffic impacts on Maple and Holly Streets, and optimizing traffic on South Rice Avenue.

Mr. Savage advised that the parking demand study performed by Traffic Engineers, Inc., showed a demand for 735 parking spaces onsite. Currently, HISD had 468 onsite spaces (which included the street-side pull-in spaces). Parking would be accommodated with the construction of a multi-story parking garage with a two-lane entrance sequestered from Maple Street and an exit onto South Rice Avenue. Mr. Savage indicated that HISD and PBK did not believe that two lanes were needed into the parking garage. Lane channelization (consisting of a median device) would be used to minimize the traffic impact to Holly Street.

Parent drop-off and pick-up was located off of South Rice Avenue.

Mr. Savage also noted that bus traffic would drop-off and pick-up from a queue lane located on HISD's property off of Maple Street. In other words, no bus traffic would be stopped on a public street. Mr. Savage advised that the Bellaire High School campus was served by 22 buses.

Reference was made to a proposed traffic light to be installed at South Rice Avenue and Holly Street that would provide a left or right turn for buses depending on the direction buses were coming from. A site circulation plan was also shown to members of City Council.

Mr. Savage concluded and introduced Dustin Qualls of Traffic Engineers, Inc., to describe a traffic impact model he had devised for the proposed Bellaire High School parking garage.

Dustin Qualls of Traffic Engineers, Inc., presented his traffic impact model and indicated that the model approximated the peak entrance into the parking garage when the queue was at its worst case. The model also accounted for proposed signal timings for the South Rice Avenue and Maple Street intersection.

D. Public Comment.

Mayor Friedberg recognized speakers who had completed a sign-up sheet prior to commencement of the public hearing. He also opened the floor to those who had not completed the sign-up sheet and provided an opportunity for those persons to address City Council.

Heather Gray:

Ms. Gray addressed City Council in support of the plan for Bellaire High School. She understood that HISD had worked hard to address as many of the concerns as possible for the students, parents, and residents. She stated that she was very impacted by the rebuild as she lived directly behind the school; however, from her perspective, the proposed plan was the plan that addressed the needs of as many constituents as possible.

Keith Bowers:

Mr. Bowers addressed City Council regarding the plan for Bellaire High School. He noted that the rebuild of the school was designed for 3,100 students, with only 20% driving automobiles to school and referred to the parking demand study. In his opinion, it would take one and one-half hours for students parking in the garage to get in or out. He indicated that he would not approve the plan as presented.

With respect to bus queuing, 1,000 feet would be needed for the 22 buses, in Mr. Bowers' opinion. He did not believe Bellaire High School had 1,000 feet to allow that queuing.

Rachel Crochet:

Ms. Crochet addressed City Council regarding the plan for Bellaire High School. She indicated that she had served on the Project Advisory Team (PAT) Committee from the beginning of the process. She expressed concern that everyone was expected to enter and exit the school from Holly Street. She understood that there would be a traffic

signal and an esplanade; however, the esplanade could not be just in front of Holly Street--it needed to extend from Maple Street past Holt Street. She asked that City Council remember that Holly Street was the last get-off and the last get-on of the freeway.

In summary, Ms. Crochet stated that everyone needed to share the burden of the traffic impacts and indicated that she was in support of a new school.

Lynn McBee:

Ms. McBee addressed City Council and advised that she had never seen an applicant that was as responsive to the public as HISD had been. She thanked HISD for doing a remarkable job.

Ms. McBee noted that the enrollment at Bellaire High School had been pared down from 3,400 to 3,100 on the basis that this was the bare number that HISD needed to deliver the programming that was wanted. She did not know what would be cut with respect to programming to pare the enrollment further; however, she suggested cutting some programs in order to cap the enrollment at 2,800.

Ms. McBee asked if the student body would be required to park in the garage. She stated that Maple Street had a right to be relieved a bit in her opinion, as did other streets. However, all streets could not be relieved of everything.

In closing, Ms. McBee advised that whether or not a parking garage was granted, traffic impacts to the surrounding neighborhood would be a mess.

Adam Harrer:

Mr. Harrer addressed City Council in support of the proposed plan. With 3,100 students, there would be traffic impacts to the surrounding neighborhood. He stated that he believed that the students needed a new school and indicated that he hoped that Bellaire had as many opportunities for his children when they enrolled in high school.

Joan Ouananian:

Ms. Ouananian addressed City Council in support of the proposed plan for Bellaire High School. The problem was traffic flow, in her opinion. She agreed with Ms. Crochet in that all streets should share the burden.

Ms. Ouananian noted further that everyone did not arrive or leave at the same time. She referenced the model and indicated that she had not seen the bus lane depicted in the model. Additionally, she stated that all of the Bellaire High School sports teams used the Holly Street esplanade and that measures needed to be taken to ensure that the oak trees along the esplanade were preserved.

In closing, Ms. Ouananian expressed concern that the referenced median would end up being a large, yellow "bump," and that the proposed traffic light would not be attractive.

Debbie Johnson:

Ms. Johnson addressed City Council, noting that she was relatively new to the area and was an educator. As such, she believed that she could look at the situation objectively. She indicated that her primary concern was with the students and their safety. In her

opinion, the students would have a very limited traffic pattern to get into the parking structure if entering from South Rice Avenue. If it did take enormous amounts of time for students to get into the parking garage, the students would end up parking on the streets again, in her opinion.

Ms. Johnson stated that she believed Ferris Street and Maple Street, to some extent, could also be used to get into the parking garage. She felt that utilizing entrances and exits from Ferris Street, from Maple Street, and from South Rice Avenue would spread the traffic out so that no particular street was encumbered and suggested that the parking garage traffic impacts really needed to be reexamined.

In closing, Ms. Johnson referred to the 3,100 student enrollment for Bellaire High School and indicated that she was not sure how many of the students actually lived in Bellaire. She urged HISD to really look at the students that were legitimately allowed to use Bellaire High School as opposed to those using someone else's address in Bellaire.

Tony Gray:

Mr. Gray addressed City Council and thanked them, as well as Trustee Mike Lunceford, Principal Michael McDonough, Project Manager Steven Gee, PBK, and the PAT, whose tireless efforts yielded a plan that was the best he had seen. He advised that it was no small task to take the concerns and needs of current and future students, teachers and staff, as well as parents and area residents, while working under a tight, possibly inadequate budget, and come up with a solution that improved on what currently existed on the site. Once the construction was completed, residents on the north, south, east or west would neighbor a property much improved, in his opinion.

Mr. Gray encouraged City Council to look at the studies done with respect to traffic impacts and the parking garage. He believed that the parking garage would be good for the students and the hundreds of homes around the school. He also agreed that some students would not use the parking garage and would continue to park on streets.

As for the neighbors on the east side of the school, he was having a hard time understanding how the proposed plan caused more traffic for the 4700-5000 blocks of Holly Street. He did not believe a student would go over a raised median to go down Holly Street. Mr. Gray felt that the plan did a great job of taking into consideration all of those surrounding the campus and making certain that it did not create a fundamental negative change compared to the way the homes had coexisted with the high school over the last 60 years.

In closing, Mr. Gray indicated that he did not agree with the suggestion that consideration be given to rerouting bus traffic to Ferris Street. To ask HISD to modify their plan and route over 20 buses to the neighborhood west of the campus, would create a fundamental negative change in his opinion.

DeEtte Spence:

Ms. Spence addressed City Council and indicated that she thought the permit requested to repurpose Gordon Elementary School would be addressed this evening. She advised that she believed that drainage was the most important consideration and noted that the area was generally low. She indicated that she was interested in knowing whether anyone had really studied what putting a baseball field on the Gordon Elementary School site would do to drainage in the area.

Ms. Spence also indicated that she had heard that the field would serve as a practice

field for Bellaire High School's junior varsity team and that HISD had the right to let anyone use the field. She indicated that there were no assurances as to who would be using the field, the frequency of use, and where users would park. Ms. Spence also expressed concern regarding the current tree canopy.

In closing, reference was made to the batting cages. Ms. Spence expressed concern that depending on the length and times of usage, the noise from aluminum bats striking balls could be problematic. She also understood that there would be no lights and loud speakers on the baseball field. She asked what assurances she had that lights and loud speakers would continue to be disallowed six months to a year from now.

Elise Neal:

Ms. Neal addressed City Council and echoed Ms. Spence's concerns. She noted that Elm Street had remained flooded after the rains from Hurricane Harvey stopped long after other streets had drained. She advised that any increased water coming onto Elm Street or Avenue B could devastate streets that were perpendicular to Avenue B, in her opinion.

Belinda Schmidt:

Ms. Schmidt addressed City Council and stated that the amount of time dedicated to the baseball field in the presentation or lack thereof was indicative of the attention that the residents would not get to solve some of the problems associated with the repurposing of Gordon Elementary School. She noted that she was concerned with potential drainage and traffic issues. Additionally, she did not believe that a traffic impact analysis had been performed for Avenue B and asked why it had not been done.

Of further concern to Ms. Schmidt was the potential loss of some of the tree canopy.

Karen Fernbach:

Ms. Fernbach addressed City Council and indicated that she was appreciative of the information received regarding the Bellaire High School site, but was shocked that no information was provided on Avenue B and the Gordon Elementary School site. Any impact from drainage had to be addressed in her opinion.

Elizabeth Sanchez:

Ms. Sanchez addressed City Council and expressed concern over the plans for repurposing Gordon Elementary School. She advised that she had not seen very much. She realized that parking was needed for a baseball field, but residents were already experiencing traffic congestion at Bissonnet Street and Avenue B from the Post Oak School and Pin Oak Middle School. Also of concern to her were potential drainage issues. She suggested being creative or innovative by lowering the baseball field to serve HISD and the community.

Michael Sanchez:

Mr. Sanchez addressed City Council and emphasized the importance of having a drainage plan. He indicated that he had not heard any analysis as to the flood impacts that could arise in the neighborhoods as a result of the baseball field to be constructed at the Gordon Elementary School site. He urged City Council to seriously consider the impact and demand that an analysis be performed before any decision was made to move forward with the construction of the field.

Barry Goldblatt:

Mr. Goldblatt addressed City Council regarding the Bellaire High School site. One of his issues related to the recommendation from the Bellaire Planning and Zoning Commission. He understood that the only way the Bellaire Planning and Zoning Commission agreed to recommend the plan was if the Bellaire High School enrollment was below 3,100 students. For the last eight years, Mr. Goldblatt stated that he understood that the enrollment was above 3,100 students during that period and was currently 3,700. He asked what recourse City Council had if the permit were approved and HISD did not abide by the 3,100 student limit.

Mr. Goldblatt also expressed concern that the proposed parking garage had only one entrance and one exit.

Scott Plantowsky:

Mr. Plantowsky addressed City Council regarding the plans for Bellaire High School and advised that he was surprised by what HISD wanted to do with Bellaire High School. He indicated that he had attended Bellaire High School and believed the student enrollment at that time ranged from 2,200 to 2,400 students. He agreed that a new school needed to be built, but not necessarily in its current location.

Mr. Plantowsky implored City Council to not let any of the details go unchecked, as the details were critical in his opinion. He indicated that his main concern was related to traffic. He encouraged members of City Council to watch the public hearing on this issue that was held before the Bellaire Planning and Zoning Commission.

In closing, Mr. Plantowsky expressed concern regarding the bus drop-off and pick-up and the ability for all of the buses to get through the intersection of Maple Street and South Rice Avenue.

Debbie Campbell:

Ms. Campbell addressed City Council regarding the proposed plan for Bellaire High School. Ms. Campbell advised that she was a member of the PAT and an employee at Bellaire High School, and that many hours had been spent to come up with the plan presented this evening.

Ms. Campbell stated that so many new options with respect to traffic flow and drainage were being brought to the area that did not exist now. It was only going to get better in her opinion. She encouraged City Council to trust the people that had developed and worked on the plan.

In closing, Ms. Campbell advised that the student population at Bellaire High School was not 3,700. The student population was just under 3,400, with plans to reduce enrollment down to 3,100. She urged City Council not to be reactionary and to fact check before making their decision, and encouraged them to grant the specific use permit being requested by HISD.

Chris Young:

Mr. Young addressed City Council regarding the Bellaire High School plan. He indicated that he supported the school, but advised that when he purchased his home, he thought he would have green space behind it. With the new plan, he would have bus traffic

going through twice a day. He expressed concern with respect to noise and air pollution, as well as flooding from the addition of a new multi-story parking garage structure and an Astro-Turf football field.

Mr. Young stated that he was all for rebuilding Bellaire, but would be more supportive if the new school was being built on the Chevron property. He urged HISD to go back and rethink the plan with respect to traffic impacts.

Mayor Friedberg advised that David Upton wished to address City Council this evening and had also submitted a written comment. He asked members of City Council if there was any objection to suspending the rules to allow Mr. Upton to provide oral comments. After noting none, Mayor Friedberg advised that the rules were suspended by general consent and invited Mr. Upton to provide his oral comments.

David Upton:

Mr. Upton addressed City Council regarding the Bellaire High School plan and expressed concerns related to traffic and the traffic pattern. He advised that he was supportive of Bellaire High School. The parent pick-up lane showed that parents coming into the surface lot to pick up their children and then leave the campus would be doing so at the same time that 80% of the students were leaving. He did not believe that parents would want to wait in a long queue and would disperse throughout the neighborhoods.

Mr. Upton asked City Council to amend the specific use permit to time phase the entrance and exit of the students by their class as he believed that time phasing would allow for the school population to leave the campus in an orderly manner. He also suggested using Ferris Street for the bus route.

At the conclusion of Mr. Upton's comments, **Mayor Friedberg** opened the floor for any others present and wishing to provide comments on the subject matter of the public hearing. Noting none, he turned to written comments and summarized them for the record.

Written Comments:

One comment was received from **David Upton**, who had just addressed City Council. The second comment was from **Sandy DeHart**. Ms. DeHart noted that 18 of 19 homes were flooded by Hurricane Harvey in the 5100 block of Maple Street. She was concerned about construction activities going on for those homes and the high school at the same time. She suggested that the buses come down Beechnut Street and turn right on Ferris Street and back onto South Rice Avenue. As a wider street, Ferris could accommodate the buses more easily in her opinion.

Mayor Friedberg advised that members of the City Council had received the full written comments in connection with the public hearing and that they would be included in the official record of the proceedings.

E. Questions from the Mayor and City Council.

Mayor Friedberg opened the floor for questions of the applicant and City staff related to the subject matter of the public hearing.

David R. Montague, Council Member, referred to comments from some speakers asking for a presentation of HISD's plans for the repurposing of the Gordon Elementary School site, especially with respect to the traffic pattern and flooding concerns, as well

as trees.

Gordon Elementary School Presentation:

Samuel Savage of PBK apologized, noting that he had inadvertently overlooked the final slide in his earlier presentation. He noted that some of the oak trees would be removed to construct the proposed baseball field on the Gordon Elementary School site. All trees along the perimeter, as well as other trees, would be retained. Mr. Savage indicated that HISD planned to save as many trees as possible on the site.

Additionally, there were no lights or amplification systems on the field. Mr. Savage stated that the assurance residents had with respect to the lights and sound was the fact that the City of Bellaire would permit the site based on the information presented and HISD would not be able to put up lights.

With respect to flooding, Mr. Savage advised that HISD was decreasing the amount of impervious area by removing existing structures from the site. The baseball field would be graded and crowned for drainage; however, no additional storm water runoff would be added as a result of the project.

Reference was made to a parking area, sidewalks and a small building that housed concessions and locker rooms. Mr. Savage indicated that early in the process, the field was categorized as a practice facility and that his firm had learned later that some sub-varsity games would be played at the field, but no varsity games. As there were no lights, the games would not be played during nighttime hours.

In terms of security and supervision, Mr. Savage indicated that the students playing on the field would be supervised by staff of Bellaire High School or HISD. There would be fencing around the area as well.

With respect to a traffic impact analysis, Mr. Savage advised that the traffic impact analysis for the Gordon Elementary School site had been performed by the traffic engineer and was included in their packet submission to City Council. In terms of traffic around the area, the school would be gone, so the volume of traffic consisting of parents and students would no longer be there.

Mr. Savage advised of his understanding that HISD and the City were working together to consider constructing a softball field at Feld Park. Since that decision had not been made, the softball field was shown on the Gordon Elementary School site.

Mr. Savage advised that ingress and egress to the facility would be provided off of Bissonnet Street.

Mayor Friedberg reopened the floor for additional questions from members of City Council. Following questions, Mayor Friedberg closed the public hearing.

F. Close of the Public Hearing.

Mayor Friedberg announced that the public hearing was concluded at 8:46 p.m. on Monday, September 11, 2017. As was noted earlier, oral comment on the subject matter of the public hearing would no longer be received. Written comments could be submitted prior to City Council's deliberation on the matter. Mayor Friedberg stated that written comments must be received in the City Clerk's office by noon on the Thursday preceding the final deliberation for inclusion in the public record of the proceeding. Since final deliberation was anticipated to occur on Monday, September 18, 2017; the

deadline for written comments was noted to be noon on Thursday, September 14, 2017.

G. Adjourn.

Mayor Friedberg announced that the public hearing was adjourned at 8:46 p.m. on Monday, September 11, 2017.

II. REGULAR MEETING

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

Following a brief recess, **Mayor Friedberg** called the Regular Meeting of the City Council of the City of Bellaire, Texas, to order at 9:00 p.m. on Monday, September 11, 2017.

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

Mayor Friedberg announced that a quorum of the 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.

C. Personal/Audience Comments.

Mayor Friedberg noted that the first order of business this evening was personal and audience comments. However, the suggestion had been made, given the anticipated subject matter for public comment, to instead start with the City Manager's Report, which would be focused on Hurricane Harvey. Mayor Friedberg asked if there were any objections to suspending the rules as suggested. Hearing none, Mayor Friedberg advised that the rules were suspended by general consent and asked City Manager Paul A. Hofmann to proceed with his update on Hurricane Harvey, noting that at the conclusion of the City Manager's report, the City Council would return to personal and audience comments.

{See minutes related to the City Manager's Report under agenda item D. (1).}

Returning to personal and audience comments, **Mayor Friedberg** announced that comments would be received other than on the subject of the public hearing that was earlier concluded on two related specific use permit applications for the Bellaire High School and Gordon Elementary School sites. Mayor Friedberg invited comments on subjects other than that of the public hearing, and noted that the time limit for public comments was five minutes, with no extension, and with notice after four minutes that one minute was left.

Charles Platt:

Mr. Platt addressed City Council and thanked City Manager Hofmann for his report. Mr. Platt indicated that in the last three years, there had been a substantial change in the drainage of the City. His street (Beech Street) normally drained to the west. In the last three years (during the Memorial Day, Tax Day, and Harvey floods), the direction of the drainage had changed as the water was not able to get into the conduits on South Rice Avenue. Mr. Platt attributed part of the problem to large amounts of water coming down South Rice Avenue from developments in the city limits of Houston located at the intersection of South Rice Avenue and Interstate Highway 69.

Mr. Platt agreed that improvements to Brays Bayou and additional conduits City Council had approved at Loop 610 would help, but urged City Council to think outside of the box to consider every alternative or option. He suggested considering additional north-south conduits, as the ones under South Rice were inadequate to handle the flow of water, in his opinion. He also suggested increasing the permeability of properties in the City, such as considering a change in the lot coverage percentage or requiring paving stones for driveway material. Final suggestions included developing the Chevron property into a park and retention area, as well as possible litigation against the developments north of Bellaire.

Laura Zito addressed City Council and thanked the City Manager for his presentation. She expressed her appreciation of the City and Shift B of the Bellaire Fire Department for rescuing her and her family and to CrossPoint Church for serving as a safe haven from the storm. She encouraged City Council to consider purchasing more emergency vehicles as she was concerned about the City's ability to respond during the next storm or flood.

Ms. Zito referenced the Community Pathways Study and sidewalks. She indicated that the drainage project for Baldwin Avenue was addressed while Mayor Pro Tem Reed, Mayor Friedberg, and former Council Member Jim Avioli were on City Council. She indicated that the vote not to install sidewalks passed by a slim margin (4-3). She appreciated the support at that time and urged City Council not to go back on the vote from 2013. Ms. Zito indicated that a reduction in permeability along Baldwin Avenue would cause more flooding in her opinion and stated that sidewalks were not needed.

Nick Zito addressed City Council regarding the recent storm. Although he understood that Harvey was an unprecedented storm, he advised that he became concerned before Harvey. Tropical Storm Allison in 2001 caught his eye, although his home did not flood at that time. He urged City Council to look into the results of the drainage project along Baldwin Avenue. It was supposed to improve things; however, Mr. Zito felt that things were worse. He also asked what could be done to avoid the berm that was at the railroad tracks. He encouraged the City to work with the railroad on a program to install underground pipes for drainage.

Mr. Zito continued and referenced his understanding that flood gates were installed in the Medical Center after Tropical Storm Allison. He indicated that this may have had an adverse effect on the drainage in Bellaire, particularly the Southdale area. Mr. Zito noted that residents were scared because of the drainage issues in Bellaire, which had become worse over the last 20 years, in his opinion.

Joe Jin

Mr. Jin addressed City Council regarding the recent storm and expressed his

appreciation for the time and effort the City had put in on behalf of the residents.

He expressed concern that Baldwin Avenue served as a detention pond. During normal times, the street was dry. However, during heavy rainfalls and flood situations, all water in the surrounding area flowed to Baldwin Avenue. Mr. Jin indicated that most of the water was not coming from the Southdale neighborhood, in his opinion.

Mr. Jin suggested that the City needed to rethink what had happened over the past three years and encouraged the City to ask an outsider to take a second look at the drainage work done thus far.

In closing, Mr. Jin encouraged the City to put together a story in layman's terms as to what occurred during flood situations and how the drainage system worked. He indicated that the whole system seemed to be passive, in his opinion.

John-Thomas Foster:

Mr. Foster addressed City Council and noted that Wikipedia listed the slogan for Bellaire as the "City of Homes." He stated that part of being a "City of Homes" was neighbors looking out for neighbors. Based on the City Manager's Report, that was what neighbors in Bellaire had done.

Mr. Foster stated that the answer for the flooding problem in Bellaire was to install large box culverts under the streets, which cost money. The City of Bellaire had known the answer for 17 years, in his opinion. Box culverts were installed along Ferris Street, but were not installed along the side streets, such as Maple and Mimosa, as original plans had contemplated.

The question the City needed to ask was whether drainage improvements benefited the entire community. He urged the City to look at the plans that Claunch & Miller Engineering submitted and revisit those ideas.

Michael Ling:

Mr. Ling addressed City Council regarding the recent storm. He expressed his appreciation of the City's efforts during and after the storm. He advised that his home was one of the homes that had flooded. Mr. Ling urged City Council to do a formal investigation to find out the root causes of the flooding situation. He felt there were some things the City could do to help control the issue in terms of prevention and mitigation.

Mr. Ling also suggested that the City have a forum to allow citizens to provide input. He closed by asking City Council if they had suggestions the residents could take to support City Council in solving the problem.

Lynn McBee:

Ms. McBee addressed City Council regarding the storm. She expressed concern that in this era, many climate change conditions had occurred, such as floods, fires, and earthquakes. She advised that Bellaire could not do anything to stop that, and indicated that the visionaries among us would need to try to comprehend how to cope with it, in her opinion.

Reference was made to Houston Mayor Turner who suggested raising taxes 9% for one year to pay the bill Houston would have to pay to deal with Hurricane Harvey. She

thought it was an extraordinary statement for a politician to make.

She stated that when City Council had to take a record vote on a tax rate increase this evening, she hoped that it would not be for all the reasons previously stated. She believed that City Council should not raise taxes as there were many people affected in Bellaire by the high cost of remediation for the flood. Ms. McBee encouraged City Council to lower the taxes and to put those things that were not essential on the back burner.

Keith Bowers:

Mr. Bowers addressed City Council regarding the recent storm. He recognized the City Manager and his team, as well as the City Council, for the preparation that had been done in dealing with a disaster, such as Harvey. He stated that he had measured 52" of rainfall at his home, and referenced the need for backflow preventers on the box culverts the City had installed.

Mr. Bowers continued and asked how the current error on the FIRM (Flood Insurance Rate Maps) maps, which he believed had not been redrawn yet, affected the City's determination of substantial damage. In other words, were there a number of flooded homes that really were above the one foot flood level?

Also referenced was the City's property known as Ruffino Hills. Mr. Bowers suggested that Ruffino Hills be used as a storage debris area.

With respect to budget impacts and lower revenue projections, Mr. Bowers closed with a suggestion that the City put the replacement of City Hall on hold.

Tan Kiew:

Mr. Kiew addressed City Council and advised that one of his main concerns was public health. He noted that much of the debris was smelly and asked if the City had any plans to sanitize the debris (such as a spray). If the debris continued to remain for another six weeks without any sanitary treatment, the City would have a real problem, in his opinion.

Secondly, many of the residents expressed concern regarding what the City could do to help alleviate flood concerns. He suggested that the City consider providing additional retention and backflow prevention devices. He felt that some improvements might help the City avoid another "Memorial Day" or "Tax Day" flood.

Xibao Ni:

Mr. Ni addressed City Council and noted that he understood that 75% of the City's drainage system was outdated, which was a concern. He also expressed concern regarding the effect of flooding on property values. Mr. Ni urged City Council to do something about the situation. He advised that residents of Bellaire were 100% behind the Mayor, City Council, and the City Manager to do whatever could be done to get the attention of the Harris County Flood Control District and the City of Houston and urge them to do something to help protect Bellaire.

Mr. Ni advised that he understood that the City was doing what it could to address the outdated drainage on a street-by-street basis; however, after Harvey, he felt that the City needed to expedite the process. He also suggested the installation of a levee around Cypress Ditch and the installation of a conduit under the railroad track.

Mayor Friedberg asked if anyone else present wished to address City Council. Hearing none, Mayor Friedberg acknowledged that several speakers had departed prior to personal and audience comments due to the lateness of the hour. He advised that this evening would not be the last opportunity for citizens to provide their comments and suggestions to City Council on this matter and encouraged those residents to participate in the next Regular Session of City Council on September 18, 2017.

D. Reports and Presentations:

1. City Manager's Report regarding Hurricane Harvey Update - Submitted by Paul A. Hofmann, City Manager.

{Note: The City Manager's Report was presented prior to receiving personal and audience comments.}

Paul A. Hofmann, City Manager, indicated that he believed he would be able to address some of the questions that he anticipated City Council would be hearing later on during personal and audience comments.

City Manager Hofmann indicated that he would like to accomplish several objectives, including providing a detailed review of how the City prepared for the storm, activities undertaken during the storm, and post-storm activities (such as, transition to recovery mode, efforts underway to efficiently handle the building permit process, and the debris removal process).

It was noted that City Engineer James Andrews was in the midst of developing a comprehensive analysis that would cover causal topics and would address the subject of what the City should do next. City Manager Hofmann indicated that members of City Council could expect to see a report from the City Engineer on their October 2, 2017, agenda.

City Manager Hofmann thanked the City Council for their leadership and responsiveness during and after the storm. He advised that some members had housed flooded residents in their own homes; many had helped residents remediate by pulling out sheetrock and carpet from their homes; some had organized other flood response efforts; and several visited the Fire Station during the event and thanked City employees and said a prayer over the community and City employees.

A timeline was provided to City Council by City Manager Hofmann detailing storm-related events and activities performed by City Staff from Tuesday, August 22, 2017, through Wednesday, August 30, 2017, including a timeline of rainfall numbers (in inches), as well as recognition of employees who worked in the Emergency Operations Center and the tasks performed by those employees.

Following the conclusion of the City Manager's Report, **Mayor Friedberg** opened the floor for questions from members of City Council. Following questions, Mayor Friedberg returned to personal and audience comments (agenda item II. C.).

2. Monthly Financial Report for the Period Ending July, 2017 - Submitted by Terrence Beaman, Chief Financial Officer.

Prior to the reading the agenda caption, a suggestion was made by **Mayor Pro Tem Roman F. Reed** to postpone the monthly financial report to the next Regular Session.

Minutes Acceptance: Minutes of Sep 11, 2017 6:00 PM (Adoption of Minutes:)

Council Member Pat B. McLaughlan suggested postponing the balance of the agenda until the next Regular Session and adjourning due to the lateness of the hour.

Mayor Friedberg referred to the first suggestion regarding postponing the monthly financial report to the next Regular Session. Hearing no objection, **Mayor Friedberg advised that by general consent the monthly financial report would be postponed to the next Regular Session of City Council to be held on September 18, 2017.**

Mayor Friedberg turned to the second suggestion of postponing the balance of the agenda until the next meeting and adjourning. He asked for guidance from the City Attorney as he did not believe the suggestion was in order with respect to all of the agenda items. He noted that items II. E. 3. a. and II. E. 3. b. needed to be addressed tonight in accordance with the state-mandated truth-in-taxation calendar.

Upon receiving confirmation, Mayor Friedberg reformed the motion to postpone the balance of the agenda, other than the mandated truth-in-taxation items, to the next Regular Session to be held on September 18, 2017.

Motion to Postpone:

To postpone the balance of the agenda, other than state-mandated items II. E. 3. a. and II. E. 3. b., to the next Regular Session to be held September 18, 2017.

{Moved by Pat B. McLaughlan, Council Member, and seconded by Roman F. Reed, Mayor Pro Tem}

Mayor Friedberg opened the floor for discussion on the motion. Hearing none, he called for action on the motion.

RESULT:	ADOPTED [6 TO 1]
MOVER:	Pat B. McLaughlan, Council Member
SECONDER:	Roman F. Reed, Mayor Pro Tem
AYES:	Reed, Pollard, Pappas, McLaughlan, Fife, Montague
NAYS:	Friedberg
ABSENT:	None

- Quarterly Report from the Evelyn's Park Conservancy Board - Presented by Denton Ragland, Executive Director, Evelyn's Park Conservancy.

Note: This agenda item was postponed by City Council action to September 18, 2017.

E. New Business:

1. Adoption of Minutes:

Consideration of and possible action on the adoption of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, June 19, 2017 - Submitted by Tracy L. Dutton, City Clerk.

Minutes Acceptance: Minutes of Sep 11, 2017 6:00 PM (Adoption of Minutes:)

Mayor and Council - Regular Session - Jun 19, 2017 5:00 PM

Note: This agenda item was postponed by City Council action to September 18, 2017.

2. Adoption of Ordinance:

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, suspending the prohibition of alcoholic beverages other than beer and wine as established by Ordinance No. 15-059 in order to allow the Evelyn's Park Conservancy to provide alcoholic beverages in Evelyn's Park for a private event on Saturday, October 14, 2017 - Submitted by Karl Miller, Director of Parks, Recreation and Facilities, at the request of the Evelyn's Park Conservancy.

Note: This agenda item was postponed by City Council action to September 18, 2017.

3. Items for Individual Consideration:

- a. Presentation, consideration, and acceptance of the submittal of the "Certified 2017 Tax Roll and the 2017 Property Tax Rates in the City of Bellaire, Texas" - Presented and submitted by Terrence Beaman, Chief Financial Officer.

Terrence Beaman, Chief Financial Officer (CFO), presented the 2017 tax roll and truth-in-taxation calculations to members of the City Council. He noted that the City had received its certified tax roll from the Harris County Appraisal District on August 25, 2017.

CFO Beaman provided an overview of information from the certified tax roll and the truth-in-taxation calculations. Tax rates for tax year 2017 were provided as follows:

Effective Tax Rate	\$0.3864/\$100 valuation
Rollback Tax Rate:	\$0.4228/\$100 valuation

Recommended Rate for budgetary needs as of July 2017:	\$0.4142/\$100 valuation
-------------------------------------------------------------	--------------------------

The recommended rate would be distributed as follows:

Debt Service Rate:	\$0.1476/\$100 valuation
Operations/Maintenance Rate:	\$0.2666/\$100 valuation

As a result of the certified tax roll information, City Staff was now presenting a proposed rate of: \$0.4159/\$100 valuation, distributed as follows: \$0.1481/\$100 valuation for debt service and \$0.2678 for operations and maintenance.

CFO Beaman recommended the acceptance of the certified tax roll and truth-in-taxation calculations for tax year 2017.

Mayor Friedberg noted that City Council would not be taking a position with respect to the information presented this evening. The action would simply be to acknowledge receipt of the tax roll from the Harris County Appraisal District and the 2017 property tax rates. **Mayor Friedberg asked if there**

Minutes Acceptance: Minutes of Sep 11, 2017 6:00 PM (Adoption of Minutes:)

were any objection to formally acknowledging receipt of the tax roll and 2017 property tax rates. Hearing none, Mayor Friedberg announced that the submittal of the certified 2017 tax roll and the 2017 property tax rates was accepted by general consent.

- b. Consideration of and possible action regarding the taking of a record vote to increase the tax revenue for the City of Bellaire, Texas for the 2017 Tax Year by proposing a tax rate of \$0.4159 per \$100 valuation and authorizing the City Clerk and Chief Financial Officer to publish a "Notice of 2017 Tax Year Proposed Property Tax Rate for the City of Bellaire." The dates for two public hearings on the referenced proposal are Monday, October 2, 2017, and Monday, October 9, 2017, both of which will be held at 6:00 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401 - Submitted by Terrence Beaman, Chief Financial Officer.

Terrence Beaman, Chief Financial Officer (CFO), provided a comparison of the preliminary tax information the City had received in May as compared to the certified tax roll information received on August 25, 2017. CFO Beaman indicated that the difference was a reduction of \$48 million.

In order to balance the budget, CFO Beaman advised that a tax rate of \$0.4159 per \$100 valuation was needed and stated that this rate was below the calculated rollback rate.

CFO Beaman indicated that City Council needed to take a record vote on the proposed tax rate of \$0.4159 per \$100 valuation. Two public hearings were required in order to adopt a tax rate greater than the effective tax rate. The dates selected for those public hearings were Monday, October 2, 2017, and Monday, October 9, 2017.

Mayor Friedberg opened the floor for questions regarding CFO Beaman's presentation. Following questions, Mayor Friedberg entertained a motion to begin deliberation.

Motion:

To increase the tax revenue for the 2017 tax year by proposing a tax rate of \$0.4159 per \$100 valuation and authorizing the City Clerk and Chief Financial Officer to publish a notice of "2017 Tax Year Proposed Property Tax Rate for City of Bellaire" with two public hearings on the proposal to be held on October 2, 2017, and October 9, 2017.

{Moved by David R. Montague, Council Member, and seconded by Roman F. Reed, Mayor Pro Tem}

Mayor Pro Tem Reed offered an amendment to the motion to replace the tax rate of \$0.4159 with the rollback tax rate of \$0.4228.

The amendment failed due to the lack of a second.

Mayor Friedberg noted that the floor was still open for deliberation and questions remained in order. Following questions and deliberation, Mayor Friedberg asked the City Clerk to take a record vote on the motion.

City Clerk Dutton took a record vote by calling for each Council Member's vote individually as follows:

Roman F. Reed, Mayor Pro Tem	Yes
Trisha S. Pollard, Council Member	Yes
Gus E. Pappas, Council Member	Yes
Andrew S. Friedberg, Mayor	Yes
Pat B. McLaughlan, Council Member	No
Michael Fife, Council Member	Yes
David R. Montague, Council Member	Yes

Mayor Friedberg announced that the motion was adopted by a vote of 6-1 and that the item was concluded. He noted that previous City Council action resulted in the postponement of the balance of the agenda to the next Regular Session, and proceeded to adjourn.

F. Community Interest Items from the Mayor and City Council.

Note: This agenda item was postponed by City Council action to September 18, 2017.

G. Adjourn.

Mayor Friedberg announced that the Regular Session of the City Council of the City of Bellaire, Texas, was adjourned at 11:43 p.m. on Monday, September 11, 2017.



BELLAIRE HIGH SCHOOL SOFTBALL BOOSTERS

September 27, 2017

The Honorable Andrew S. Friedberg, Mayor of Bellaire and Members of the Bellaire City Council
Care of the City of Bellaire
7008 Rice Ave.
Bellaire, TX 77401

Dear Mayor Friedberg and Members of the Bellaire City Council,

Bellaire High School Softball Boosters are hoping to host the 15th Annual BBQ Fundraiser for the dates November 9, 2017 - November 11, 2017 in the parking lot of Feld Park. For years, our organization has averaged the sale of 400-500 briskets to many supporters of Bellaire High School softball, with the support of the City of Bellaire. Many of our boosters, both past and present, have been involved in supporting the City of Bellaire programs and also other organizations working with the community of Bellaire. We hope to continue to work closely with the City of Bellaire as we work as volunteers supporting this high school program.

In order for this event to take place, we are respectfully asking the Mayor and members of the Bellaire City Council for permission to extend the curfew in Feld Park over the nights of November 9, 2017 - November 11, 2017. With respect, we request a temporary suspension of the curfew ordinance for this event for the aforementioned days to allow our volunteers to stay overnight as they monitor the cooking process. City Council approved this request at its August 7 meeting for the dates of August 31 to September 2, 2017, but of course we had to cancel those dates due to Hurricane Harvey.

Thank you for your support and consideration.

Respectfully submitted,

Stephen A. Cooney
Vice President

Bellaire High School Softball Boosters
Work – 713-986-7214
Home – 832-647-3713

Attachment: BellaireCityCouncilLtr9 27 17 (2377 : BHS Softball Boosters Curfew Suspension Revision Request)



ORDINANCE NO. 17-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, TEMPORARILY SUSPENDING THE APPLICATION OF *CHAPTER 27, STREETS, SIDEWALKS AND PUBLIC PLACES, SECTION 27-95, CURFEW IMPOSED*, OF THE CODE OF ORDINANCES OF THE CITY OF BELLAIRE, TEXAS, FOR THE PURPOSE OF ALLOWING THE BELLAIRE HIGH SCHOOL SOFTBALL BOOSTERS TO HOST THEIR 15th ANNUAL BBQ FUNDRAISER IN THE PARKING LOT OF FELD PARK, 6406 AVENUE B, BELLAIRE, TEXAS, FROM THURSDAY, NOVEMBER 9, 2017, THROUGH SATURDAY, NOVEMBER 11, 2017, SAID SUSPENSION TO COMMENCE AT 11:00 P.M. AND TERMINATE AT 5:00 A.M. ON THE EVENINGS AND/OR EARLY MORNINGS OF THURSDAY, NOVEMBER 9, 2017, FRIDAY, NOVEMBER 10, 2017, AND SATURDAY, NOVEMBER 11, 2017.

WHEREAS, the Bellaire High School Softball Boosters desire to host their 15th Annual BBQ Fundraiser in the parking lot of Feld Park, 6404 Avenue B, Bellaire, Texas, from Thursday, November 9, 2017, through Saturday, November 11, 2017; and

WHEREAS, in order for the Bellaire High School Softball Boosters to host their Annual BBQ Fundraiser, the Bellaire High School Softball Boosters have requested, by letter dated September 27, 2017, permission from the Bellaire City Council to suspend the curfew in Feld Park, said suspension to commence at 11:00 p.m. and terminate at 5:00 a.m. on the evenings and/or early mornings of Thursday, November 9, 2017, Friday, November 10, 2017, and Saturday, November 11, 2017; **NOW, THEREFORE,**

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

- 1. THAT** the recitals set forth above are true and correct.
- 2. THAT** *Chapter 27, Streets, Sidewalks and Public Places, Section 27-95, Curfew Imposed*, of the *Code of Ordinances of the City of Bellaire, Texas*, is hereby temporarily suspended commencing at 11:00 p.m. and terminating at 5:00 a.m. on the evenings and/or early mornings of Thursday, November 9, 2017, Friday, November 10, 2017, and Saturday, November 11, 2017.

3. THAT said temporary suspension shall only apply to the request from the Bellaire High School Softball Boosters for their 15th Annual BBQ Fundraiser commencing at 11:00 p.m. and terminating at 5:00 a.m. on the evenings and/or early mornings of Thursday, November 9, 2017, Friday, November 10, 2017, and Saturday, November 11, 2017, in Feld Park, 6406 Avenue B, Bellaire, Texas, and said suspension shall not apply to any other person or activity.

4. THAT said suspension of *Chapter 27, Streets, Sidewalks and Public Places, Section 27-95, Curfew Imposed*, of the *Code of Ordinances of the City of Bellaire, Texas*, shall terminate at 5:00 a.m. on Saturday, November 11, 2017, at which time said section of the *Code of Ordinances of the City of Bellaire, Texas*, shall be fully reinstated as if never suspended.

5. THAT this Ordinance shall be effective immediately upon its passage and adoption.

PASSED, APPROVED, and ADOPTED this 16th 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



ORDINANCE NO. 17-0__

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 2017 (FISCAL YEAR BEGINNING OCTOBER 1, 2017, AND ENDING SEPTEMBER 30, 2018), 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 2016, an ad valorem tax of **\$0.4159 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:

\$0.2678	General Fund (For the purpose of paying maintenance and operations expenditures)
\$0.1481	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 TOTAL TAX RATE WILL EFFECTIVELY BE RAISED BY 7.63 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY (\$12.71).

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 2017 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 16th day of October, 2017.

(SEAL)

ATTEST:

SIGNED:

Tracy L. Dutton, TRMC
City Clerk

Andrew Friedberg, Mayor

APPROVED AS TO FORM:

Alan P. Petrov, City Attorney