CITY OF BELLAIRE
CITY COUNCIL

Minutes of Meeting
Monday, January 18, 2010

I. SPECIAL SESSION (INTERVIEWS) – 5:30 P.M.

A. CALL TO ORDER AND ANNOUNCEMENT OF A QUORUM – Mayor Cindy Siegel.

Mayor Cindy Siegel called the City Council of the City of Bellaire, Texas, to order at 5:31 p.m. on Monday, January 18, 2010. The Bellaire City Council met at that time and on that date in Special Session in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, for the purpose of interviewing, discussing, and evaluating applicants for the following City of Bellaire boards, commissions, and committees: Bellaire Arts Commission, Bellaire L.I.F.E. Advisory Board, and Bellaire Planning and Zoning Commission.

Mayor Siegel announced that a quorum was present consisting of herself and the following members of City Council:

- Councilman James P. Avioli, Sr., Position No. 2;
- Councilman Corbett Daniel Parker, Position No. 3;
- Councilman Phil Nauert, Position No. 4;
- Councilman Andrew Friedberg, Position No. 5; and
- Councilwoman Mandy Nathan, Position No. 6.

Councilman Will Hickman, Position No. 1, arrived shortly after City Council had begun interviewing the first applicant for a City board, commission, and committee. City Clerk Tracy L. Dutton was present, but did not remain in the Council Conference Room as applicants were interviewed.

B. INTERVIEW, discussion, and evaluation of applicants for the following City of Bellaire boards, commissions, and committees:

- Bellaire Arts Commission;
- Bellaire L.I.F.E. Advisory Board; and
- Bellaire Planning and Zoning Commission.

Mayor Cindy Siegel, after opening, calling the Special Session (Interviews) to order, and announcing a quorum, asked the City Council to continue in the Council Conference Room, located directly behind the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401.
Applicants were interviewed for the various boards, commissions, and/or committees as follows:

- Jana Bedi – Bellaire Planning and Zoning Commission;
- Robert Riquelmy – Bellaire Planning and Zoning Commission;
- Paul Courtney Simmons – Bellaire Planning and Zoning Commission;
- Johnnie P. Frazier – Bellaire Arts Commission; and
- Winfred C. Frazier – Bellaire Planning and Zoning Commission.

Applicants Jerisue Garner (Bellaire L.I.F.E. Advisory Board) and Cassie C. Neumann (Bellaire Arts Commission) were unable to attend the Special Session (Interviews) and participate in the interview process.

C. ADJOURNMENT.

At the conclusion of the interview, discussion, and evaluation of applicants for various City of Bellaire boards, commissions, and/or committees, Mayor Cindy Siegel asked the Bellaire City Council to adjourn for the evening from the Bellaire Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401.

MOTION TO ADJOURN:

A motion was made by Councilwoman Mandy Nathan and seconded by Councilman James P. Avioli, Sr. to adjourn the Special Session (Interviews) of the City Council of the City of Bellaire, Texas, at 7:07 p.m. on Monday, January 18, 2010.

VOTE ON MOTION TO ADJOURN:

Motion carried unanimously on a 7-0 vote as follows:

FOR: Siegel, Cindy
      Hickman, Will
      Avioli, James P., Sr.
      Parker, Corbett Daniel
      Nauert, Phil
      Friedberg, Andrew
      Nathan, Mandy

OPPOSED: None

ABSENT: None
II. REGULAR SESSION – 7:00 P.M.

A. CALL TO ORDER AND ANNOUNCEMENT OF A QUORUM – Mayor Cindy Siegel.

Mayor Cindy Siegel called the City Council of the City of Bellaire, Texas, to order at 7:08 p.m. on Monday, January 18, 2010. The Bellaire City Council met at that time and on that date in Regular Session in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401. Mayor Siegel announced that a quorum was present consisting of herself and the following members of City Council:

Councilman Will Hickman, Position No. 1;
Councilman James P. Avioli, Sr., Position No. 2;
Councilman Corbett Daniel Parker, Position No. 3;
Councilman Phil Nauert, Position No. 4;
Councilman Andrew Friedberg, Position No. 5; and
Councilwoman Mandy Nathan, Position No. 6.

Other officials present were City Manager Bernard M. Satterwhite, Jr., City Attorney Alan P. Petrov, and City Clerk Tracy L. Dutton.

B. INSPIRATIONAL READING AND/OR INVOCATION – Councilman Phil Nauert.

Councilman Phil Nauert provided the inspirational reading for the evening.

C. PLEDGES TO THE FLAGS – Councilman Phil Nauert.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

Councilman Phil Nauert led the audience and City Council in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

D. PERSONAL/AUDIENCE COMMENTS.

Sharon Veldman, 4654 Cedar Street, Bellaire, Texas:

Ms. Veldman addressed City Council regarding overflow parking on Cedar Street primarily by employees and/or visitors of Brighton Gardens of Bellaire. Occasionally, overflow parking occurred on Cedar Street as a result of holy days observed by Congregation Brith Shalom.
Ms. Veldman indicated that at one time the overflow parking was minimal; however, as of late, it had become frequent. She understood that the City had issued a specific use amendment and permit to Brighton Gardens of Bellaire and, under that permit, Brighton Gardens of Bellaire was not supposed to let their employees or visitors park on Cedar Street nor leave their back gate open.

Ms. Veldman urged City Council to address possible solutions for the parking issues on Cedar Street. She noted further that Brighton Gardens of Bellaire should provide adequate parking for employees, residents, and/or visitors. She encouraged City Council to ensure that the back gate to Brighton Gardens of Bellaire remained closed.

Marybeth Flaherty, 4636 Cedar Street, Bellaire, Texas:

Ms. Flaherty addressed City Council regarding overflow parking on Cedar Street. She advised that the overflow parking on Cedar Street could be attributed to Brighton Gardens of Bellaire. When Ms. Flaherty moved into her home 20 years ago, there was no Brighton Gardens of Bellaire.

Ms. Flaherty referred to a gate on Brighton Gardens of Bellaire’s property that provided access onto Cedar Street. There was a general agreement per Brighton Gardens of Bellaire that the gate would only be used for deliveries and/or emergencies. For many years, that agreement had been upheld. However, the gate was now being used on a regular basis. Living four properties from the gate location, Ms. Flaherty had cars parked at her home every day.

In closing, Ms. Flaherty stated that Brighton Gardens of Bellaire should be required to do something about their overflow problem. She expressed concern over emergency vehicles being able to get down Cedar Street.

Cathy Sharp, 4650 Cedar Street, Bellaire, Texas:

Ms. Sharp addressed City Council regarding overflow parking on Cedar Street and advised that she owned two properties on Cedar Street (i.e., 4650 and 4646 Cedar Street). The Brighton Gardens of Bellaire gate, referred to previously by other speakers, opened near her properties. This morning, three cars were blocking her driveway. Two of the sprinkler heads on her property had been damaged numerous times (i.e., one had been replaced eight or nine times).
Ms. Sharp indicated that she did not like complaining to Brighton Gardens of Bellaire, but Cedar Street was routinely full with cars parked along the entire length of the street. Those parking on the street were nonresidents.

Ms. Sharp indicated that she had called the City several times regarding the issue and had taken pictures and noted license plates. As mentioned earlier, the cars were from Brighton Gardens of Bellaire. On high holy days, both sides of the street were often blocked for at least four hours.

Angela Tang, 4642 Cedar Street, Bellaire, Texas:

Ms. Tang addressed City Council regarding overflow parking on Cedar Street. She indicated that the street was flooded with cars parking on both sides. Two cars could not pass safely. Often one of the cars had to back down the entire length of the street and onto Avenue B to let another car pass.

Ms. Tang urged City Council to come up with a solution to resolve the overflow parking issue on Cedar Street.

Karen Erwin, 5212 Grand Lake Street, Bellaire, Texas:

Ms. Erwin addressed City Council on behalf of the Patrons for Bellaire Parks, Inc. regarding their request to hold a fundraising event in Bellaire Zindler Park in Bellaire Town Square. She read a letter from the Patrons for Bellaire Parks to Mayor Cindy Siegel and the Bellaire City Council as follows:

PATRONS for Bellaire Parks is excited to partner again with the City for another great community event to raise funds for Bellaire Town Square. This event, "Tents in Town," will be an urban campout where Bellaire children, their parent(s) and caregivers get to spend a fun filled afternoon and night in their own tents in Bellaire Town Square. "Tents in Town" (TNT) will take place on the night of April 24th. PATRONS are coordinating this event to help meet our commitment to the City of Bellaire for the next phase of funding for Bellaire Town Square (Skate Park and Donor Plaza with interactive water feature). This joint effort with PATRONS, the Parks and Recreation Department, and local Cub Scout and Girl Scout troops will be a great community building adventure for Bellaire residents.
In order for this event to take place we are asking Council for permission to extend the curfew in Bellaire Town Square over the night of April 24, 2010. We would greatly appreciate your consideration in suspending the curfew ordinance for this event to allow attendees to camp overnight in Bellaire Town Square.

Thank you so very much for your support and consideration in this matter for the interest of the Bellaire Community.

Respectfully submitted,

Cassie C. Neumann
VP of Development, PATRONS

In closing, Ms. Erwin advised that some activities would be held in Loftin Park on April 24th, but all participants would be gone from Loftin Park before nightfall. The PATRONS did not anticipate disturbing any of the residents living near Loftin Park.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee addressed City Council and referred to a brochure that she felt was extremely well prepared entitled “If we could end hatred, imagine what more we could do.” She noted that the Anti-Defamation League had prepared the brochure and indicated that the Bellaire community would benefit from reading it.

With respect to the City’s newly adopted Comprehensive Plan, Ms. McBee indicated that the Bellaire Planning and Zoning Commission was trying to figure out what regulations might be needed in the City’s zoning code. She suggested that City Council place an item on their agenda to formally authorize City Staff to print a legal notice calling for proposals from planners to develop the necessary regulations needed in order for the City’s Code to be in compliance with its Comprehensive Plan. She indicated that property rights were legal in nature and that City Council should not wait for the Bellaire Planning and Zoning Commission to tell City Council what their priorities were.

Ms. McBee continued and strongly urged that Kendig Keast Collaborative be strongly considered to write the regulations for the City, as that firm had done a fine job with the Comprehensive Plan.
Alicia Obando, 4638 Cedar Street, Bellaire, Texas:

Ms. Obando addressed City Council regarding overflow parking on Cedar Street. She indicated her concerns with residents trying to leave their homes and being unable to do so with all of the cars parked on both sides of Cedar Street. She also expressed safety concerns for cars trying to travel up and down the street.

E. REPORTS:

1. CITY MANAGER’S REPORT regarding residential safety (police activity report), public infrastructure/utilities (street and drainage projects update and facilities update), communications/technology (fiber network installation), quarterly indicators (crime and building permits), and upcoming City Council meetings/events – Presented by City Manager Bernard M. Satterwhite, Jr.

City Manager Bernard M. Satterwhite, Jr., presented the City Manager's Report to City Council.

Public Infrastructure/Utilities

Newcastle Drive Reconstruction Project

City Manager Satterwhite provided updates for several ongoing public infrastructure/utilities projects. With respect to the Newcastle Drive reconstruction, it was noted that the only item left to complete the project was the installation of permanent radar speed signs along the street.

Rebuild Bellaire Program, Phase Two

With respect to the Rebuild Bellaire Program, Phase Two, it was noted that Second Street reconstruction was ongoing and reconstruction in the 100 block of Whipple Street had just begun. During the reconstruction of the 100 block of Whipple Street, one-half of that street would be open at all times. As to the 4500 block of Sunburst Street, all that remained on the project was yard repairs, sprinkler repairs, and installation of the gate at the end of the street (i.e., to be repainted prior to installation).
Rebuild Bellaire Program, Phase Three

City Council recently approved an engineering design project for the Rebuild Bellaire Program, Phase Three. Survey work was currently underway, with construction design expected to begin soon. It was estimated that the design phase would be completed within the next several months.

Signal Light Project – CMAQ (Congestion Mitigation and Air Quality Control)

Signals installed under the CMAQ Signal Light Project were operational at Bissonnet Street and Newcastle Drive. The Bellaire Boulevard and Avenue B signal went online today and would be flashing until Tuesday, January 19, 2010, at which time it would be fully operational. That particular signal included a new, dedicated left turn.

Sidewalk Project

With respect to the sidewalk project, construction was underway on Bellaire Boulevard by the Triangle and on Fifth Street. A proposal for a pedestrian crosswalk on South Rice Avenue where Laurel Street used to cross had been prepared and would be presented to City Council for approval on February 15, 2010.

Feld Park Water Well

After undergoing rehabilitation, the Feld Park Water Well should be pumping water again by Friday of this week.

Baldwin Avenue Project

City Manager Satterwhite indicated that plans for construction of an extreme storm event project on Baldwin Avenue would be presented to City Council for approval on February 15, 2010.

Facilities Update

In spite of the bad weather, City Manager Satterwhite advised that the new Fire Station construction was going well. The fill was in place and utility work was underway. One-half of Jessamine Street was closed due to the construction. On Monday, Jessamine Street would be closed northbound. The closure would allow for installation of storm sewer and utilities to the new Fire Station.
Demolition for the Evergreen Park Bathhouse project was completed and the rehabilitation work was underway. Fixture had been ordered, but had not yet come in. It was anticipated that the project would be completed in February.

**Communications/Technology**

Fiber for a data network for City facilities had been installed. Equipment for the network would be installed in various buildings next, with completion of the project scheduled in two weeks.

**Quarterly Indicators**

City Manager Satterwhite advised that quarterly indicators were not ready this evening. The employee responsible for data compilation in the Bellaire Police Department had been out for the last week or so. He indicated that he would hold off on the building permit indicators as well.

**Upcoming City Council Meetings/Events**

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Type of Meeting</th>
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<tbody>
<tr>
<td>02/01/2010</td>
<td>7:00 p.m.</td>
<td>Regular Session (Town Meeting – State of the City Address)</td>
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<tr>
<td>02/05-06/2010</td>
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<td>Joint Workshop Session with City Council and Boards</td>
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<tr>
<td>02/12-13/2010</td>
<td></td>
<td>Joint Workshop Session with City Council and Boards (Alternate Date)</td>
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<tr>
<td>02/15/2010</td>
<td>7:00 p.m.</td>
<td>Regular Session</td>
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**QUESTIONS FROM CITY COUNCIL:**

**Councilwoman Mandy Nathan** inquired as to the length of time that the flip side of Jessamine Street would be closed due to construction for the new Fire Station.

**City Manager Satterwhite** indicated that the flip side portion of Jessamine Street would be closed for construction for one or two weeks.

**Councilman James P. Avioli, Sr.,** inquired as to an estimated completion date for the traffic signal project.

**City Manager Satterwhite** advised that the traffic signal project should be completed by May. The delay resulted from parts issues and difficulties installing the necessary fiber.
Councilman Andrew Friedberg inquired as to when construction for the Baldwin Avenue extreme event storm sewer project would begin.

City Manager Satterwhite indicated that construction for that project would probably begin in early 2011.

Councilman Friedberg referred to the fiber data network project for City facilities. He inquired as to whether this network would provide access other than for cable subscribers.

City Manager Satterwhite indicated that with the fiber data network there would be more opportunity for other access.

Councilman Corbett Daniel Parker referred to the Evergreen Pool Bathhouse Project and inquired as to how residents utilizing the therapy pool accessed the site while construction was underway.

City Manager Satterwhite advised that residents could enter the Evergreen Park Therapy Pool from Verone Street.

MOTION TO ACCEPT REPORT INTO THE RECORD:

A motion was made by Councilman Will Hickman and seconded by Councilman Phil Nauert to accept the City Manager’s Report as presented by City Manager Bernard M. Satterwhite, Jr. into the record.

DISCUSSION ON MOTION TO ACCEPT REPORT INTO THE RECORD:

There was no discussion on the above-referenced motion.

VOTE ON MOTION TO ACCEPT REPORT INTO THE RECORD:

Motion carried unanimously on a 7-0 vote as follows:

FOR:  Siegel, Cindy  
       Hickman, Will  
       Avioli, James P., Sr.  
       Parker, Corbett Daniel  
       Nauert, Phil  
       Friedberg, Andrew  
       Nathan, Mandy
2. FINANCE REPORT for the City of Bellaire, Texas, covering the period ended December 31, 2009, and including discussion of revenues and expenditures in the General Fund, Enterprise Fund, Debt Service Fund, Vehicle, Equipment, and Technology Fund, and Capital Improvement Program Fund, as well as a discussion of statistical data – Presented by Chief Financial Officer Donna Todd.

Chief Financial Officer Donna Todd presented the Finance Report for the City of Bellaire, Texas, covering the period ended December 31, 2009, to City Council.

{See Appendix A to these minutes for the complete Finance Report presented by Chief Financial Officer Donna Todd.}

QUESTIONS FROM CITY COUNCIL:

Councilman Phil Nauert referred to the interrelationship between the Enterprise Fund (i.e., water production) and fund balances. For example, page three of the Finance Report indicated that water production had increased by $31,830 over the previous year, yet the fund balance was lower.

Chief Financial Officer Todd advised that the fund balance was an ongoing balance over time on a month-to-month basis. There were also expenditures for Hurricane Ike year-to-year. For the 12 months ended December 2009, the beginning fund balance for the Enterprise Fund was $4 million. There were revenues of $7.8 million and expenditures of $5.3 million, as well as an interfund transfer of $950,000 and some audit adjustments of $93,000. Most of the adjustments were related to Hurricane Ike.

Chief Financial Officer Todd continued and advised that all funds had cash flow impacts throughout the 12-month cycle. For the Parks and Recreation Department, revenues were higher in summer months. The same situation existed for water production as water usage was higher in the summer months. The General Fund was going through its high revenue cycle currently due to property tax collections.
Councilman Corbett Daniel Parker referred to page 2 of the Finance Report and noted that fines were down $51,000 over the previous year. He inquired as to whether that was indicative of the timing of the year.

Chief Financial Officer Todd stated that the big driver of fines was police activity. Citations were down year over year, as well as the number of violations. There had also been a 67% increase in payment plans for fines through Municipal Court. Library fines did not represent a large impact to the decrease in fines overall. Additionally, building permits were down around $31,000.

Councilman Parker inquired as to whether the decrease in building permits could be attributed to a shortfall in staff.

Chief Financial Officer Todd advised that the decrease in building permits was attributable to a decrease in new construction.

Councilman Will Hickman referred to page 9 of the Finance Report, lines 4801 and 4811, Fire – LEOSE and Police – LEOSE. He inquired as to the meaning of the term LEOSE.

Chief Financial Officer Todd indicated that LEOSE was an acronym. She did not have the definition with her this evening.

MOTION TO ACCEPT REPORT INTO THE RECORD:

A motion was made by Councilman James P. Avioli, Sr. and seconded by Councilman Andrew Friedberg to accept the Finance Report for the City of Bellaire, Texas, covering the period ended December 31, 2009, as presented by Chief Financial Officer Donna Todd into the record.

DISCUSSION ON MOTION TO ACCEPT REPORT INTO THE RECORD:

There was no discussion on the above-referenced motion.

VOTE ON MOTION TO ACCEPT REPORT INTO THE RECORD:

Motion carried unanimously on a 7-0 vote as follows:

FOR:    Siegel, Cindy  
          Hickman, Will  
          Avioli, James P., Sr.
FOR (CONT.): Parker, Corbett Daniel
Nauert, Phil
Friedberg, Andrew
Nathan, Mandy

OPPOSED: None

ABSENT: None

F. APPROVAL/CORRECTION OF MINUTES:

1. APPROVAL of the minutes of the Special Session (Official Canvass), Special Session (Public Hearing), and Regular Session of the City Council of the City of Bellaire, Texas, held Monday, December 21, 2009 – Item submitted by City Clerk Tracy L. Dutton.

MOTION TO APPROVE MINUTES:

A motion was made by Councilman Will Hickman and seconded by Councilwoman Mandy Nathan to approve the minutes of the Special Session (Official Canvass), Special Session (Public Hearing), and Regular Session of the City Council of the City of Bellaire, Texas, held Monday, December 21, 2009.

DISCUSSION ON MOTION TO APPROVE MINUTES:

Mayor Cindy Siegel advised members of City Council that they were allowed to vote to approve the minutes of a meeting even if they had not attended the meeting. In other words, members of City Council could rely on fellow members of City Council regarding the accuracy of the minutes.

VOTE ON MOTION TO APPROVE MINUTES:

Motion carried on a 6-0-1 vote as follows:

FOR: Siegel, Cindy
Hickman, Will
Avioli, James P., Sr.
Nauert, Phil
Friedberg, Andrew
Nathan, Mandy

OPPOSED: None

ABSENT: None
ABSTAIN: Parker, Corbett Daniel*

*Councilman Corbett Daniel Parker abstained from voting on the Bellaire City Council minutes dated December 21, 2009, due to the fact that he was not a member of City Council on that date.

2. APPROVAL of the minutes of the Regular Session (Council Installation) of the City Council of the City of Bellaire, Texas, held Monday, January 4, 2010 – Item submitted by City Clerk Tracy L. Dutton.

MOTION TO APPROVE MINUTES:

A joint motion was made by Councilman Phil Nauert and Councilman Corbett Daniel Parker and seconded by Councilman Andrew Friedberg to approve the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held Monday, January 4, 2010.

DISCUSSION ON MOTION TO APPROVE MINUTES:

There was no discussion on the above-referenced motion.

VOTE ON MOTION TO APPROVE MINUTES:

Motion carried unanimously on a 7-0 vote as follows:

FOR: Siegel, Cindy
     Hickman, Will
     Avioli, James P., Sr.
     Parker, Corbett Daniel
     Nauert, Phil
     Friedberg, Andrew
     Nathan, Mandy

OPPOSED: None

ABSENT: None

G. ADOPTION OF ORDINANCES:

Election of Mayor Pro Tempore

1. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, electing a Mayor Pro Tempore for the City of
Bellaire, Texas, for a term commencing January 4, 2010, and expiring January 9, 2012, in accordance with Article II, The Council, Section 5, Mayor Pro Tempore, of the Charter of the City of Bellaire, Texas, as amended November 7, 2006, and repealing any prior ordinances conflicting therewith – Item submitted by City Clerk Tracy L. Dutton on behalf of the Bellaire City Council.

Mayor Cindy Siegel opened the floor for nominations of members of City Council to serve as Mayor Pro Tempore for the City of Bellaire, Texas, for a term commencing January 4, 2010, and expiring January 9, 2012.

Councilman Corbett Daniel Parker nominated Councilman Phil Nauert to serve as Mayor Pro Tempore.

Councilman Andrew Friedberg nominated Councilman Will Hickman to serve as Mayor Pro Tempore.

Councilman Will Hickman thanked Councilman Friedberg for the nomination, but advised that he had to decline due to work and family conflicts.

Mayor Cindy Siegel, after noting no further nominations, called for a vote on the nomination of Councilman Phil Nauert as Mayor Pro Tempore for the City of Bellaire, Texas, for a term commencing January 4, 2010, and expiring January 9, 2012.

VOTE ON NOMINATION OF COUNCILMAN PHIL NAUERT AS MAYOR PRO TEMPORE FOR THE CITY OF BELLAIRE, TEXAS:

FOR: Siegel, Cindy
Hickman, Will
Avioli, James P., Sr.
Parker, Corbett Daniel
Nauert, Phil
Friedberg, Andrew
Nathan, Mandy

OPPOSED: None

ABSENT: None
MOTION TO ADOPT ORDINANCE ELECTING A MAYOR PRO TEMPORE:

A motion was made by Councilman Corbett Daniel Parker and seconded by Councilwoman Mandy Nathan to adopt an ordinance of the City Council of the City of Bellaire, Texas, electing Councilman Phil Nauert, Position No. 4, as Mayor Pro Tempore for the City of Bellaire, Texas, for a term commencing January 4, 2010, and expiring January 9, 2012, in accordance with Article II, The Council, Section 5, Mayor Pro Tempore, of the Charter of the City of Bellaire, Texas, as amended November 7, 2006, and repealing any prior ordinances conflicting therewith.

DISCUSSION ON MOTION TO ADOPT ORDINANCE ELECTING A MAYOR PRO TEMPORE:

There was no discussion on the above-referenced motion.

VOTE ON MOTION TO ADOPT ORDINANCE ELECTING A MAYOR PRO TEMPORE:

Motion carried unanimously on a 7-0 vote as follows:

FOR:    Siegel, Cindy
        Hickman, Will
        Avioli, James P., Sr.
        Parker, Corbett Daniel
        Nauert, Phil
        Friedberg, Andrew
        Nathan, Mandy

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 10-001}

Appointments

A suggestion was made to consider appointments to the Bellaire Planning and Zoning Commission ("Commission") first as four (4) applicants had applied for a position on the Commission, but some had indicated a desire to serve on other boards, commissions, or committees if not selected to serve on the Bellaire Planning and Zoning Commission.
**Bellaire Planning and Zoning Commission**

4. **CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing one (1) member to the Planning and Zoning Commission of the City of Bellaire, Texas, for the purpose of filling an unexpired term commencing on January 18, 2010, and expiring on June 30, 2011 – Item submitted by City Clerk Tracy L. Dutton on behalf of the Bellaire City Council.**

Each member of the Bellaire City Council presented his or her choice for one (1) member to fill the unexpired term of Andrew Friedberg, who resigned due to his election as a member of City Council, on the Planning and Zoning Commission of the City of Bellaire, Texas, as follows:

<table>
<thead>
<tr>
<th>Council Member</th>
<th>Applicant</th>
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<tbody>
<tr>
<td>Cindy Siegel</td>
<td>Winfred C. Frazier</td>
</tr>
<tr>
<td>Will Hickman</td>
<td>Winfred C. Frazier</td>
</tr>
<tr>
<td>James P. Avioli, Sr.</td>
<td>Winfred C. Frazier</td>
</tr>
<tr>
<td>Corbett Daniel Parker</td>
<td>Winfred C. Frazier</td>
</tr>
<tr>
<td>Phil Nauert</td>
<td>Winfred C. Frazier</td>
</tr>
<tr>
<td>Andrew Friedberg</td>
<td>Winfred C. Frazier</td>
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<tr>
<td>Mandy Nathan</td>
<td>Winfred C. Frazier</td>
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The votes were tallied as follows:

Winfred C. Frazier  7

**MOTION TO ADOPT ORDINANCE APPOINTING ONE (1) MEMBER TO THE BELLAIRE PLANNING AND ZONING COMMISSION:**

A joint motion was made by Councilman Corbett Daniel Parker and Councilman Andrew Friedberg and seconded by Councilman James P. Avioli, Sr. to adopt an ordinance of the City Council of the City of Bellaire, Texas, appointing Winfred C. Frazier to the Planning and Zoning Commission of the City of Bellaire, Texas, for the purpose of
DISCUSSION ON MOTION TO ADOPT ORDINANCE APPOINTING ONE (1) MEMBER OF THE BELLAIRE PLANNING AND ZONING COMMISSION:

There was no discussion on the above-referenced motion.

VOTE ON MOTION TO ADOPT ORDINANCE APPOINTING ONE (1) MEMBER TO THE BELLAIRE PLANNING AND ZONING COMMISSION:

Motion carried unanimously on a 7-0 vote as follows:

FOR: Siegel, Cindy
     Hickman, Will
     Avioli, James P., Sr.
     Parker, Corbett Daniel
     Nauert, Phil
     Friedberg, Andrew
     Nathan, Mandy

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 10-004}

Bellaire Arts Commission

2. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing two (2) members to the Bellaire Arts Commission of the City of Bellaire, Texas, for the purpose of filling unexpired terms commencing on January 18, 2010, and expiring on June 30, 2010 – Item submitted by City Clerk Tracy L. Dutton on behalf of the Bellaire City Council.

Each member of the Bellaire City Council presented his or her choices for two (2) members to serve on the Bellaire Arts Commission for the purpose of filling the unexpired terms of David Schlosberg and Victoria Aguilar-Suarez, who resigned prior to the expiration of their respective terms, on the Bellaire Arts Commission of the City of Bellaire, Texas, as follows:
The votes were tallied as follows:

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<thead>
<tr>
<th>Applicant</th>
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<tbody>
<tr>
<td>Johnnie P. Frazier</td>
<td>7</td>
</tr>
<tr>
<td>Cassie C. Neumann</td>
<td>5</td>
</tr>
<tr>
<td>Jana Bedi</td>
<td>2</td>
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**MOTION TO ADOPT ORDINANCE APPOINTING TWO (2) MEMBERS TO THE BELLAIRE ARTS COMMISSION:**

A motion was made by Councilman Corbett Daniel Parker and seconded jointly by Councilwoman Mandy Nathan and Councilman James P. Avioli, Sr. to adopt an ordinance of the City Council of the City of Bellaire, Texas, appointing Johnnie P. Frazier and Cassie C. Neumann as members to the Bellaire Arts Commission of the City of Bellaire, Texas, for the purpose of filling unexpired terms commencing on January 18, 2010, and expiring on June 30, 2010.

**DISCUSSION ON MOTION TO ADOPT ORDINANCE APPOINTING TWO (2) MEMBERS TO THE BELLAIRE ARTS COMMISSION:**

There was no discussion on the above-referenced motion.
VOTE ON MOTION TO ADOPT ORDINANCE APPOINTING TWO (2) MEMBERS TO THE BELLAIRE ARTS COMMISSION:

Motion carried unanimously on a 7-0 vote as follows:

FOR: Siegel, Cindy  
       Hickman, Will  
       Avioli, James P., Sr.  
       Parker, Corbett Daniel  
       Nauert, Phil  
       Friedberg, Andrew  
       Nathan, Mandy

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 10-002}

Bellaire L.I.F.E. Advisory Board

3. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing one (1) member to the Bellaire L.I.F.E. Advisory Board of the City of Bellaire, Texas, for the purpose of filling an unexpired term commencing on January 18, 2010, and expiring on June 30, 2010 – Item submitted by City Clerk Tracy L. Dutton on behalf of the Bellaire City Council.

Each member of the Bellaire City Council presented his or her choice for one (1) member to serve on the Bellaire L.I.F.E. Advisory Board for the purpose of filling the unexpired term of Frances Freeman, who resigned prior to the expiration of her term, due to a change in residence outside the city limits of the City of Bellaire, Texas, on the Bellaire L.I.F.E. Advisory Board of the City of Bellaire, Texas, as follows:

<table>
<thead>
<tr>
<th>Council Member</th>
<th>Applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cindy Siegel</td>
<td>Jerisue Garner</td>
</tr>
<tr>
<td>Will Hickman</td>
<td>Jerisue Garner</td>
</tr>
<tr>
<td>James P. Avioli, Sr.</td>
<td>Jerisue Garner</td>
</tr>
<tr>
<td>Corbett Daniel Parker</td>
<td>Jerisue Garner</td>
</tr>
</tbody>
</table>
MOTION TO ADOPT ORDINANCE APPOINTING ONE (1) MEMBER TO THE BELLAIRE L.I.F.E. ADVISORY BOARD:

A joint motion was made by Councilman Will Hickman and Councilman Corbett Daniel Parker and seconded by Councilman Andrew Friedberg to adopt an ordinance of the City Council of the City of Bellaire, Texas, appointing Jerisue Garner as a member to the Bellaire L.I.F.E. Advisory Board of the City of Bellaire, Texas, for the purpose of filling an unexpired term commencing on January 18, 2010, and expiring on June 30, 2010.

DISCUSSION ON MOTION TO ADOPT ORDINANCE APPOINTING ONE (1) MEMBER TO THE BELLAIRE L.I.F.E. ADVISORY BOARD:

There was no discussion on the above-referenced motion.

VOTE ON MOTION TO ADOPT ORDINANCE APPOINTING ONE (1) MEMBER TO THE BELLAIRE L.I.F.E. ADVISORY BOARD:

Motion carried unanimously on a 7-0 vote as follows:

FOR: Siegel, Cindy
     Hickman, Will
     Avioli, James P., Sr.
     Parker, Corbett Daniel
     Nauert, Phil
     Friedberg, Andrew
     Nathan, Mandy

OPPOSED: None

ABSENT: None
Bellaire Planning and Zoning Commission

4. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing one (1) member to the Planning and Zoning Commission of the City of Bellaire, Texas, for the purpose of filling an unexpired term commencing on January 18, 2010, and expiring on June 30, 2011 – Item submitted by City Clerk Tracy L. Dutton on behalf of the Bellaire City Council.

Note: This agenda item was considered earlier in the meeting. See pages 17-18 of these minutes for discussion and/or action related to this agenda item.

Budget Amendment

5. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending the budget for the City of Bellaire, Texas, for the fiscal year beginning October 1, 2008, and ending September 30, 2009, by transferring $424,516.00 from the General Fund, Organizational Services, General Account FY 2009 Budget, to the General Fund, Fire Department, Emergency Management, Disaster Related Expenditures Account, and by transferring $1,097,502.00 from the Enterprise Fund, Unrestricted Net Assets, to the Enterprise Fund, Disaster Related Expenditures Account, for expenditures associated with Hurricane Ike – Item submitted by Chief Financial Officer Donna Todd.

SUMMARY:

Chief Financial Officer Donna Todd summarized the agenda item before City Council. The amendments under consideration related to disaster-related expenditures as a result of Hurricane Ike. Since “emergency management” was considered part of the Fire Department General Fund budget, a portion of the budget amendment would be reflected in that department. A second amendment would be reflected in the Enterprise Fund, Disaster Related Expenditures Account.

With respect to the General Fund, the transfer of $425,516.00 from the General Fund, Organizational Services, General Account FY 2009 Budget, to the General Fund, Fire Department, Emergency Management, Disaster related
Expenditures Account, consisted of repairs to the Recreation Center roof ($415,000), as well as repairs necessary in several of the City’s parks, replacement and/or repair of traffic signage, and barricades used to aid in traffic control.

With respect to the Enterprise Fund, the transfer of $1,097,502.00 from the Enterprise Fund, Unrestricted Net Assets, to the Enterprise Fund, Disaster Related Expenditures Account, consisted of approximately $838,000 for debris pickup and monitoring, as well as $245,000 for repairs to Public Works Department facilities and $14,000 for consulting and emergency protective measures.

Chief Financial Officer Todd advised that once she had completed the process with the Federal Emergency Management Agency (FEMA), she would do a complete wrap-up report on Hurricane Ike.

Councilman Andrew Friedberg noted that as a result of Hurricane Ike, the Fire Department was over budget. He inquired as to whether other amendments would be necessary for other City departments.

Chief Financial Officer Todd indicated that the amendments set forth in the ordinance before City Council was the only ones necessary for fiscal year 2009.

Councilman James P. Avioli, Sr., inquired as to the net effect on the bottom line as a result of the amendments. In other words, was the net effect zero?

Chief Financial Officer Todd advised that the net effect was basically zero. The City had already expended funds for Hurricane Ike and had received some revenue to offset those expenditures from the City’s insurance carrier, Texas Municipal League Intergovernmental Risk Pool (TML-IRP), and from FEMA.

Councilman Avioli inquired as to whether Hurricane Ike had an adverse effect on the City’s budget.

City Manager Bernard M. Satterwhite, Jr., advised that from a budgetary standpoint, Hurricane Ike did not have an adverse effect on the City’s budget.
MOTION TO ADOPT ORDINANCE AMENDING THE FISCAL YEAR 2009 BUDGET:

A motion was made by Councilman James P. Avioli, Sr., and seconded by Councilwoman Mandy Nathan to adopt an ordinance of the City Council of the City of Bellaire, Texas, amending the budget for the City of Bellaire, Texas, for the fiscal year beginning October 1, 2008, and ending September 30, 2009, by transferring $424,516.00 from the General Fund, Organizational Services, General Account FY 2009 Budget, to the General Fund, Fire Department, Emergency Management, Disaster Related Expenditures Account, and by transferring $1,097,502.00 from the Enterprise Fund, Unrestricted Net Assets, to the Enterprise Fund, Disaster Related Expenditures Account, for expenditures associated with Hurricane Ike.

DISCUSSION ON MOTION TO ADOPT ORDINANCE AMENDING THE FISCAL YEAR 2009 BUDGET:

There was no discussion on the above-referenced motion.

VOTE ON MOTION TO ADOPT ORDINANCE AMENDING THE FISCAL YEAR 2009 BUDGET:

Motion carried unanimously on a 7-0 vote as follows:

FOR: Siegel, Cindy
     Hickman, Will
     Avioli, James P., Sr.
     Parker, Corbett Daniel
     Nauert, Phil
     Friedberg, Andrew
     Nathan, Mandy

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 10-005}

Code Amendment

6. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 30, Traffic and Vehicles, Article II, Traffic Control Regulations, Division 5, Parking, Section 30-98, Parking prohibited—8:00 a.m. to
4:00 p.m., Monday through Friday, of the Code of Ordinances of the City of Bellaire, Texas (“Code”), by adding Cedar Street south from the I-610 East Service Road (Loop 610) to Avenue B to the Table Inset of Section 30-98 for the purpose of making it unlawful for any person to park any vehicle at any time between the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday, on the south side of that portion of Cedar Street unless granted authority to do so by the City Manager of the City of Bellaire, Texas – Item submitted by City Clerk Tracy L. Dutton on behalf of Councilman Will Hickman.

MOTION TO ADOPT ORDINANCE AMENDING CODE FOR PARKING PROHIBITION:

A motion was made by Councilman Will Hickman and seconded by Councilman Corbett Daniel Parker to adopt an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 30, Traffic and Vehicles, Article II, Traffic Control Regulations, Division 5, Parking, Section 30-98, Parking prohibited—8:00 a.m. to 4:00 p.m., Monday through Friday, of the Code of Ordinances of the City of Bellaire, Texas (“Code”), by adding Cedar Street south from the I-610 East Service Road (Loop 610) to Avenue B to the Table Inset of Section 30-98 for the purpose of making it unlawful for any person to park any vehicle at any time between the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday, on the south side of that portion of Cedar Street unless granted authority to do so by the City Manager of the City of Bellaire, Texas.

SUMMARY:

Councilman Will Hickman summarized the agenda item before City Council this evening. He advised that the issue came up initially in October or November during the time that the Faith Lutheran Day School submitted an application for a specific use amendment and permit from the City of Bellaire to construct and operate a new day school on Cedar Street. As a result of that application, Councilman Hickman was contacted by some of the residents on Cedar Street regarding the overflow parking issue. Councilman Hickman brought the issue up to City Council, along with a petition from many of the residents on Cedar Street, to restrict parking on one side of the street.

At that time, members of City Council expressed concern that property owners on one side of the street (i.e., Brighton
Gardens of Bellaire, Congregation Brith Shalom, and Faith Lutheran Church and Day School) had not been contacted regarding a possible parking restriction. Additionally, some members of Council did not feel that a parking restriction made sense in the context of the day school. Councilman Hickman was asked to check with the other property owners and present a proposal for consideration by City Council separate and apart from the Faith Lutheran Day School application for a specific use amendment and permit.

Councilman Hickman advised that he had subsequently spoken with Rachel Unverzagt, Executive Director of Brighton Gardens of Bellaire, and she was in favor of a parking prohibition on the south side of Cedar Street, Monday through Friday, 8:00 a.m. to 4:00 p.m. He also contacted Rabbi Ranon Teller of Congregation Brith Shalom, Pastor Galen Knutsen of Faith Lutheran Church, and Director Debbie Helweg of Faith Lutheran Day School. All were in agreement with the parking prohibition, however, Rabbi Teller expressed concern regarding the need for possible overflow parking on high holy days.

Councilman Hickman noted that he had received two emails today from Matt Stanley at 4658 Cedar Street and Mary Green at 4626 Cedar Street indicating that the ordinance was not strong enough. Both desired a parking prohibition seven days per week and 24 hours per day. He agreed that it was important to reach a compromise between the residents and adjacent institutions. He also understood the concerns of residents not wishing to limit on-street parking for themselves.

One option would be to consider permit parking. Another option would be to refer back to the Specific Use Amendment and Permit granted to Brighton Gardens of Bellaire and look into enforcing the closure of their commercial gate. Another option might be shared parking agreements between Brighton Gardens of Bellaire, Congregation Brith Shalom, and Faith Lutheran Church and Day School. It was Councilman Hickman’s understanding that Faith Lutheran Church and Day School had offered shared parking to Brighton Gardens of Bellaire; however, employees still parked on Cedar Street. In fact, there were at least 10-15 employees or visitors to Brighton Gardens of Bellaire parking on Cedar Street daily.

There was agreement among neighbors and institutions that there was a parking problem on Cedar Street leading to safety and mobility concerns. There was not unanimous agreement as to the solution.
DISCUSSION ON MOTION TO ADOPT ORDINANCE AMENDING CODE FOR PARKING PROHIBITION:

Mayor Cindy Siegel inquired as to the residents’ thoughts on restricted parking versus permit parking.

Councilman Hickman advised that there did not appear to be as much support for permit parking. It represented a hassle when having visitors over. He noted that while his current home was under construction, he had lived in the 5000 block of Holt Street, two doors down from Bellaire High School. Permit parking was a hassle to administer.

Mayor Siegel expressed concern that employees of Brighton Gardens of Bellaire might still park on the one unrestricted side of Cedar Street causing residents to have no place to park.

Councilman Hickman agreed with Mayor Siegel’s concern. The prohibition might merely shift parking from the south side to the north side of the street. Currently residents had problems backing out of their driveways because cars parked on both sides of the street. If an emergency vehicle needed to travel down Cedar Street and another car was trying to come the other way, neither car could pass. A parking prohibition on the south side of Cedar Street was not the perfect solution, but it would address mobility concerns.

Councilman James P. Avioli, Sr. stated that he was sympathetic to the problem the residents on Cedar Street were experiencing with overflow parking. He was struggling with the solution to the problem. He could understand the issues that might result from restricting parking completely. If the ordinance were alleviated on high holy days, he was not sure how the City would know who was parking on the street. He felt that permit parking might be a better solution.

Councilwoman Mandy Nathan inquired as to the number of parking spaces at Brighton Gardens of Bellaire and the number of parking spaces that were needed under their Specific Use Amendment and Permit.

Director of Community Development John McDonald indicated that a parking survey had been done and that Brighton Gardens of Bellaire was operating under the amount of required parking spaces. In order for the facility to meet their parking demands, the facility would have exceeded their lot coverage. Lot coverage protection was given a higher priority at the time the Specific Use Amendment and Permit was issued.
If the facility were able to get a variance for lot coverage, the facility would be willing to expand the number of parking spaces they currently had.

**Councilwoman Nathan** inquired as to whether the City had held conversations with Brighton Gardens of Bellaire regarding the overflow parking issue.

**Director McDonald** advised that he believed Brighton Gardens of Bellaire was aware that the overflow parking was their problem. They had discussed keeping their back gate closed. There was only so much room where they could add parking. Brighton Gardens of Bellaire was actually made up of two facilities—assisted living and nursing home. Some of their residents did drive; however, doctors, nurses, staff, and visitors used most of the facility’s parking spaces.

**Councilwoman Nathan** referred to a retention pond in the back corner of the facility’s site and asked if it could be extended.

**Director McDonald** stated that he would ask them to extend it, but would need to see how that correlated.

**Councilman Andrew Friedberg** noted that when the application for a Specific Use Amendment and Permit arose, there was a balancing act between preserving lot coverage versus parking spaces. He inquired as to whether the facility was willing to ask for a variance for lot coverage.

**Director McDonald** stated that the City had wanted to preserve lot coverage. Brighton Gardens of Bellaire was willing to expand their parking lot; however, a variance would be required.

**Councilman Friedberg** advised that he felt the City should approach the issue from a special exception or variance standpoint rather than from the standpoint of prohibiting parking.

**Councilman Corbett Daniel Parker** noted that the two previous owners of the facility had not created a parking frustration for the residents on Cedar Street. He inquired as to why the situation was occurring now.

**Director McDonald** advised that Brighton Gardens of Bellaire had not expanded the number of beds they had, so he was not sure why the parking problem had occurred.
Councilman Hickman advised that there appeared to be a greater shift from assisted living to a nursing home environment.

Councilman Nathan inquired as to whether the City could ask Brighton Gardens of Bellaire to be a good neighbor.

Director McDonald advised that the City Council could pull the Specific Use Amendment and Permit and place it under review.

City Attorney Alan P. Petrov advised that Brighton Gardens of Bellaire currently met the requirements of the Specific Use Amendment and Permit.

Councilwoman Nathan inquired as to whether the dual use as an assisted living facility and nursing home constituted a change in the use of the permit.

City Attorney Petrov agreed that a change in use might have occurred.

Mayor Pro Tem Phil Nauert inquired as to whether Brighton Gardens of Bellaire had shared parking arrangements with Congregation Brith Shalom and/or Faith Lutheran Church and Day School.

Director McDonald indicated that he had suggested that as an option to Brighton Gardens of Bellaire.

Councilman Hickman advised that Brighton Gardens of Bellaire did have a shared parking arrangement with Faith Lutheran Church and Day School. Congregation Brith Shalom would not enter into a shared parking arrangement with them.

Mayor Pro Tem Nauert stated that a potential solution would be to ask Brighton Gardens of Bellaire to be a good neighbor. Perhaps they could initiate a campaign to keep their employees from parking on Cedar Street.

Councilman Corbett Daniel Parker noted that he had knowledge of a company known as “Good Health Providers Inc.” operating solely as a commercial entity from a residence zoned as R3 on Cedar Street. He asked that this operation be looked into and stated that this company was contributing to the overflow parking issue as well.

Councilwoman Nathan advised that City Council needed to find a way to provide relief for the residents on Cedar Street.
She indicated that she would like for the City to try to address this issue with Brighton Gardens of Bellaire, as the issue seemed to be related to them. Options included keeping their gate closed, expanding parking, and/or discussing shared parking arrangements. She expressed a concern that prohibiting parking on one side of the street would end up hurting the residents. She was in favor of permit parking and suggested a street or block meeting so that residents could gain a consensus as to what they desired to be done.

**Councilman James P. Avioli, Sr.** advised that he seconded Councilwoman Nathan’s point.

**Councilman Hickman** advised that of the 24 residents abutting Cedar Street, 18 had signed the petition to prohibit parking. He noted that Brighton Gardens of Bellaire had admitted that their employees parked on Cedar Street. The City could not force Brighton Gardens of Bellaire to do anything. The City could ask them to do something, but they did not have to. Cars were parking on both sides of Cedar Street on a daily basis. Although a parking prohibition might not be the best solution, City Council could always come back and “undo” it. He urged City Council to try out the parking prohibition for a six-month trial, just as traffic control measures were tried under the City’s Neighborhood Traffic Improvement Program (NTIP).

**Councilman Friedberg** indicated that he was hesitant to enact regulations if we did not have to. Brighton Gardens of Bellaire was in compliance with their Specific Use Amendment and Permit, but the number of spaces required thereunder was insufficient. He would like to see the facility try to get a variance to add more parking onsite and then City Council could revisit the issue in the future if the variance application was unsuccessful.

**Councilman Parker** agreed with Councilman Hickman in that there were clearly huge parking concerns that had arisen over the last year. The majority of the residents did not agree with the ordinance as written. He would like to see if the City could get Brighton Gardens of Bellaire to be a good neighbor. He next inquired as to how it was decided to allow the City Manager to grant an exception to the prohibition within the proposed ordinance.

**Councilman Hickman** advised that in speaking with Rabbi Teller and Pastor Knutsen, both had no problem with the parking prohibition except on high holy days and special
holidays. Brighton Gardens of Bellaire occasionally had a family day for their nursing home facility. The parking prohibition was aimed at solving the daily problem. The residents were used to overflow parking for high holy days and holidays. The daily issue was a new phenomenon. The ability to grant an exception to the prohibition was given to the City Manager so that the prohibition could be “lifted” on high holy days and special holidays.

Councilman Parker asked if there were guidelines for the City Manager to follow in making a decision to suspend the parking prohibition upon request.

Councilman Hickman advised that placing a police officer on either end of the street worked well, however, the City Manager could address the issue from an operational standpoint better than Councilman Hickman could.

Councilman Parker expressed concern that there were no specific criteria for the City Manager to follow. If a new City Manager came in down the line, that person would have to be re-educated as to the guidelines which should be followed to approve or deny requests and how timely the approval and/or denial should occur.

City Manager Bernard M. Satterwhite, Jr., indicated that schools and churches throughout Bellaire had special events on occasion. Post Oak School and Episcopal High School, for example, hired police officers and/or provided traffic control. This situation existed all over town. There would be no problem in determining what a high holy day or special event day was.

Councilman Parker noted that the City’s fines were down due to a lack of police on the streets. He was not sure that the police had the time to spend writing citations for parking prohibitions.

City Manager Satterwhite advised that the City was not currently lacking police on the streets, but were at one time. The City continued to try to hire at full capacity in the police department. The police did not specifically travel down streets looking for parking violators. If, in the normal course of their patrol activities a violator were spotted, that violator would be issued a citation.

Mayor Pro Tem Nauert stated that it was clear that there was a parking problem on Cedar Street and he thanked Councilman
Hickman for getting involved with the community and neighborhood. He could support trying the prohibition measure on a trial basis (i.e., six months). He was not sure how expensive the signage would be and was trying to anticipate all of the consequences of doing so. During one of his earlier terms on Council, the City ended up buying back a neighborhood full of signs.

City Manager Satterwhite indicated that he had just received an estimate for the signs the City was purchasing to prohibit texting while driving. Those signs were $46.00 per sign. He believed that Cedar Street might need five signs within the 4600 block.

Mayor Pro Tem Nauert advised that $250.00 was not a princely sum.

Mayor Siegel stated that she would support the ordinance. There was an established problem. She agreed with Ms. Flaherty (resident of Cedar Street) that Brighton Gardens of Bellaire caused the problem. However, the City did not have control over the Board of Adjustment (i.e., for the granting of a variance) or Brighton Gardens. She also did not know if a neighborhood meeting would solve the problem or provide a consensus. She did believe that permit parking might be a better answer, but understood how difficult that could be. She suggested trying the ordinance for a period of 90 days. The City could work with Brighton Gardens of Bellaire and through the Board of Adjustment in that time period.

Mayor Pro Tem Nauert suggested that a 90-day trial period was too short. The pace of government was oftentimes “glacial.” He suggested enactment of the ordinance for a one-year period and that City Council revisit the ordinance after that period of time.

AMENDMENT (NO. 1) TO MOTION TO ADOPT ORDINANCE AMENDING CODE FOR PARKING PROHIBITION:

An amendment (no. 1) was made by Mayor Pro Tem Phil Nauert and seconded by Councilman Will Hickman to adopt an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 30, Traffic and Vehicles, Article II, Traffic Control Regulations, Division 5, Parking, Section 30-98, Parking prohibited—8:00 a.m. to 4:00 p.m., Monday through Friday, of the Code of Ordinances of the City of Bellaire, Texas (“Code”), by adding Cedar Street south from the I-610 East Service Road
(Loop 610) to Avenue B to the TableInset of Section 30-98 for the purpose of making it unlawful for any person to park any vehicle at any time between the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday, on the south side of that portion of Cedar Street unless granted authority to do so by the City Manager of the City of Bellaire, Texas, and to enact said amendment for a period of one year, at which time the ordinance would be revisited by the City Council.

DISCUSSION ON AMENDMENT (NO. 1) TO MOTION TO ADOPT ORDINANCE AMENDING CODE FOR PARKING PROHIBITION:

Discussion ensued among members of City Council related to the amendment. Concerns were expressed by Councilman Avioli, Councilwoman Nathan, and Councilman Friedberg that the City might be shifting the problem and making matters worse for the residents of Cedar Street by prohibiting parking on one side of the street.

Councilman Hickman and Mayor Siegel noted that the City had instituted no parking on one side of the street in many other areas of the City. Mayor Siegel noted that the City could not make Brighton Gardens of Bellaire or the Board of Adjustment do anything. The Board of Adjustment would be guided by the standards that the City had set out. The Board of Adjustment could end up agreeing that the current lot coverage should remain.

Councilman Parker advised that Councilman Hickman had done a phenomenal job in bringing the issue and an ordinance forward to City Council. He expressed concern that there might be an appearance of impropriety if Councilman Hickman voted on this issue since he lived on the street and such an amendment might affect the value of his property.

City Attorney Petrov referred to a portion of the Texas Local Government Code that provided that if a person owned an interest in real property, they were required to abstain from voting if the action would have a substantial effect on the value of that person’s property. The question was whether this action would affect the value of the property. He could not answer that question. Sometimes the situation was very clear and other times the situation was not clear-cut.
Mayor Siegel indicated that she believed the decision was up to Councilman Hickman and that he needed to make that determination.

Councilman Parker advised that he had reviewed the City’s Code of Ethics and that in cases that were close, doubt should be resolved in favor of disqualification. He did not wish for Councilman Hickman to be in a position to have to answer to such questions.

Councilman Hickman stated that he had thought about the issue. Since he had been a member of City Council, members had voted on repaving their streets and installing sidewalks on their streets. None of those members had recused themselves from voting on such projects or had to answer to an Ethics Board. He indicated that he would participate in the vote on this issue this evening.

MOTION TO POSTPONE:

A motion was made by Councilwoman Mandy Nathan and seconded by Councilman Corbett Parker to postpone action on the amendment (no. 1) and motion subject to the residents of Cedar Street returning to City Council with a proposal to relieve on-street parking issues on the street for City Council’s consideration within the next few months.

VOTE ON MOTION TO POSTPONE:

Motion carried on a 6-1 vote as follows:

FOR:       Siegel, Cindy
          Avioli, James P., Sr.
          Parker, Corbett Daniel
          Nauert, Phil
          Friedberg, Andrew
          Nathan, Mandy

OPPOSED:   Hickman, Will

ABSENT:    None

Code Suspension

7. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, temporarily suspending the application of
Chapter 27, Section 27-95(a), Curfew Imposed, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of allowing the Patrons for Bellaire Parks, Inc. to hold a special event called Tents in Town in Bellaire Zindler Park in Bellaire Town Square, 7008 South Rice Avenue, Bellaire, Texas, on Saturday, April 24, 2010, said suspension to commence at 11:00 p.m. and to terminate at 5:00 a.m. on Sunday, April 25, 2010 – Item submitted by Director of Parks & Recreation Jane L. Dembski on behalf of the Patrons for Bellaire Parks, Inc.

MOTION TO ADOPT ORDINANCE SUSPENDING PORTION OF CODE:

A motion was made by Councilman James P. Avioli, Sr., and seconded by Councilman Corbett Daniel Parker to adopt an ordinance of the City Council of the City of Bellaire, Texas, temporarily suspending the application of Chapter 27, Section 27-95(a), Curfew Imposed, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of allowing the Patrons for Bellaire Parks, Inc. to hold a special event called Tents in Town in Bellaire Zindler Park in Bellaire Town Square, 7008 South Rice Avenue, Bellaire, Texas, on Saturday, April 24, 2010, said suspension to commence at 11:00 p.m. and to terminate at 5:00 a.m. on Sunday, April 25, 2010.

DISCUSSION ON MOTION TO ADOPT ORDINANCE SUSPENDING PORTION OF CODE:

Councilman Will Hickman asked if anyone could show up for the event and camp in the park that evening. In other words, would participants need a ticket for the event?

Karen Erwin, Patrons for Bellaire Parks, advised that there would be a registration process beforehand and payment would be required at the time of registration. There would be a cutoff date and time for registration.

Councilman Hickman inquired as to whether the “camping” would be gated off.

Ms. Erwin advised that it would.

Councilman Andrew Friedberg noted that the Patrons for Bellaire Parks were hoping for 300 participants this year. He inquired as to how many participants camped out the previous year.
Ms. Erwin advised that she believed there were just fewer than 100 families participating last year. The Patrons for Bellaire Parks were hoping for more participants this year.

**VOTE ON MOTION TO ADOPT ORDINANCE SUSPENDING PORTION OF CODE:**

Motion carried unanimously on a 7-0 vote as follows:

**FOR:**
- Siegel, Cindy
- Hickman, Will
- Avioli, James P., Sr.
- Parker, Corbett Daniel
- Nauert, Phil
- Friedberg, Andrew
- Nathan, Mandy

**OPPOSED:**
None

**ABSENT:**
None

{Ordinance was subsequently numbered: 10-006}

**H. ADOPTION OF RESOLUTIONS:**

**Donations**

1. **CONSIDERATION** of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, accepting a donation in the amount of $2,500.00 from the Bellaire Young Mothers to purchase books for infants and preschoolers to age 5 to be placed in the Bellaire City Library’s circulating collection – **Item submitted by Director of Library Mary Cohrs on behalf of the Bellaire Young Mothers.**

**MOTION TO ADOPT RESOLUTION ACCEPTING DONATION:**

A motion was made by Mayor Pro Tem Phil Nauert and seconded by Councilman Will Hickman to adopt a resolution of the City Council of the City of Bellaire, Texas, accepting a donation in the amount of $2,500.00 from the Bellaire Young Mothers to purchase books for infants and preschoolers to age 5 to be placed in the Bellaire City Library’s circulating collection.
VOTE ON MOTION TO ADOPT RESOLUTION ACCEPTING DONATION:

Motion carried unanimously on a 7-0 vote as follows:

FOR: Siegel, Cindy
Hickman, Will
Avioli, James P., Sr.
Parker, Corbett Daniel
Nauert, Phil
Friedberg, Andrew
Nathan, Mandy

OPPOSED: None

ABSENT: None

{Resolution was subsequently numbered: 10-01}

2. Right Tree; Right Place Urban Tree Management Demonstration Project:

a. CONSIDERATION of and possible action on a request from the Bellaire Parks & Recreation Department for approval to partner with CenterPoint Energy in the establishment of a Right Tree; Right Place urban tree management demonstration project in Loftin Park in Bellaire Town Square for the purpose of raising public awareness and providing for public education regarding the planting of trees in the proximity of power lines and on the adoption of a resolution of the City Council of the City of Bellaire, Texas, authorizing the City Manager of the City of Bellaire, Texas, to execute a Memorandum of Understanding to CenterPoint Energy (CNP) evidencing the City of Bellaire’s intent to partner with CNP for the purpose of implementing a CNP developed Right Tree; Right Place urban tree management initiative within the City of Bellaire, Texas – Item submitted by Director of Parks & Recreation Jane L. Dembski.

MOTION TO APPROVE REQUEST AND ADOPT RESOLUTION TO PARTNER WITH CNP:

A motion was made by Councilman Will Hickman and seconded by Councilman Corbett Daniel Parker to
approve a request from the Bellaire Parks & Recreation Department for approval to partner with CenterPoint Energy in the establishment of a Right Tree; Right Place urban tree management demonstration project in Loftin Park in Bellaire Town Square for the purpose of raising public awareness and providing for public education regarding the planting of trees in the proximity of power lines and to adopt a resolution of the City Council of the City of Bellaire, Texas, authorizing the City Manager of the City of Bellaire, Texas, to execute a Memorandum of Understanding to CenterPoint Energy (CNP) evidencing the City of Bellaire’s intent to partner with CNP for the purpose of implementing a CNP developed Right Tree; Right Place urban tree management initiative within the City of Bellaire, Texas.

SUMMARY OF PROGRAM AND QUESTIONS FROM CITY COUNCIL:

Kellie Mery, Program Manager, Corporate Community Relations, CenterPoint Energy provided City Council with an explanation as to CenterPoint Energy’s Right Tree Right Place urban tree management demonstration project. She advised that the majority of power outages that occurred during Hurricane Ike were the result of debris on distribution lines. As a result, CenterPoint Energy desired to partner with cities and councils on a program to help their communities determine the best types of trees to plant near power lines.

This particular project would take place in Loftin Park. There were currently six trees that could present problems near power lines in Loftin Park. Those six trees would be removed and 12 trees and other vegetation would be planted in Loftin Park. The event was scheduled on Friday, March 26th.

Ms. Mery noted that CenterPoint Energy had implemented this program in Missouri City. Thirty-one different species were planted in one of their parks and the city won an award for the work they had done in conjunction with CenterPoint Energy.

Discussion ensued among members of City Council, City Staff, and CenterPoint Energy regarding the
program. Councilman Andrew Friedberg referred to the plaques identifying the species of trees and inquired as to the size of the plaques. Ms. Mery presented a poster depicting the size of the plaques. City Manager Bernard M. Satterwhite, Jr. indicated that the signage could be removed once the signage was no longer effective. Councilman James P. Avioli, Sr. inquired as to maintenance or spraying required for the trees. City Manager Satterwhite advised that the Parks & Recreation Department currently maintained the trees in the parks. These trees would not provide any additional burden on the Parks & Recreation Department. He noted further that the idea was to get people to think about what they were planting near power lines and in City right-of-ways.

**VOTE ON MOTION TO APPROVE REQUEST AND ADOPT RESOLUTION TO PARTNER WITH CNP:**

Motion carried unanimously on a 7-0 vote as follows:

**FOR:** Siegel, Cindy
Hickman, Will
Avioli, James P., Sr.
Parker, Corbett Daniel
Nauert, Phil
Friedberg, Andrew
Nathan, Mandy

**OPPOSED:** None

**ABSENT:** None

{Resolution was subsequently numbered: 10-02}

b. CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, accepting a donation in the amount of $2,000.00 from the Bellaire/Southwest Houston Rotary Club to be utilized by the Bellaire Parks & Recreation Department to purchase trees for the Right Tree; Right Place urban tree management demonstration project sponsored by CenterPoint Energy and the City of Bellaire, Texas — Item submitted by Director of Parks & Recreation Jane L. Dembski.
MOTION TO ADOPT RESOLUTION ACCEPTING DONATION:

A motion was made by Councilman Corbett Daniel Parker and seconded by Mayor Pro Tem Phil Nauert to adopt a resolution of the City Council of the City of Bellaire, Texas, accepting a donation in the amount of $2,000.00 from the Bellaire/Southwest Houston Rotary Club to be utilized by the Bellaire Parks & Recreation Department to purchase trees for the Right Tree; Right Place urban tree management demonstration project sponsored by CenterPoint Energy and the City of Bellaire, Texas.

DISCUSSION ON MOTION TO ADOPT RESOLUTION ACCEPTING DONATION:

City Manager Bernard M. Satterwhite, Jr. advised that the City had not priced the trees yet, but had obtained some estimates. The City would utilize the $2,000 donation to purchase as much as it could.

Councilman Corbett Daniel Parker inquired as to whether the City could reach out to other Rotary Clubs to make up the difference, if needed.

City Manager Satterwhite advised that the City could. The City had merely reached out in the shortest direction.

VOTE ON MOTION TO ADOPT RESOLUTION ACCEPTING DONATION:

Motion carried unanimously on a 7-0 vote as follows:

FOR: Siegel, Cindy
       Hickman, Will
       Avioli, James P., Sr.
       Parker, Corbett Daniel
       Nauert, Phil
       Friedberg, Andrew
       Nathan, Mandy

OPPOSED: None

ABSENT: None

{Resolution was subsequently numbered: 10-03}
I. ITEMS FOR INDIVIDUAL CONSIDERATION:

**Mayoral Appointments**

**Harris-Galveston Subsidence District**

1. **APPOINTMENT** of Alan P. Petrov as a board member of the Harris-Galveston Subsidence District representing the cities of Bellaire, Jacinto City, Southside Place, and West University Place, for a two-year term of office commencing on February 1, 2010, and expiring on January 31, 2012 – Item submitted by City Clerk Tracy L. Dutton on behalf of Mayor Cindy Siegel and the Harris-Galveston Subsidence District.

   Mayor Cindy Siegel advised City Council, for the record, that she was appointing Alan P. Petrov as a board member of the Harris-Galveston Subsidence District representing the cities of Bellaire, Jacinto City, Southside Place, and West University Place, for a two-year term of office commencing on February 1, 2010, and expiring on January 31, 2010.

   Councilman Will Hickman inquired as to whether City Attorney Petrov would like the appointment.

   City Attorney Petrov indicated that he would like the appointment.

**Bellaire Audit/Finance Committee**

2. **APPOINTMENT** of three (3) members of the Bellaire City Council to the Bellaire Audit/Finance Committee for a one-year term effective on January 4, 2010, and expiring on December 31, 2010 – Item submitted by City Clerk Tracy L. Dutton on behalf of Mayor Cindy Siegel.

   Mayor Cindy Siegel advised, for the record, that she was appointing the following three (3) members of the Bellaire City Council to the Bellaire Audit/Finance Committee for a one-year term effective on January 4, 2010, and expiring on December 31, 2010:

   - Cindy Siegel;
   - James P. Avioli, Sr.; and
   - Corbett Daniel Parker.

   Other members automatically appointed and serving on the Bellaire Audit/Finance Committee include City Manager
Bellaire City Council Liaisons

3. APPOINTMENT of one (1) member of the Bellaire City Council to serve as a Council Liaison to each of the following Bellaire Boards, Commissions, and Committees for a one-year term effective as of January 4, 2010, and expiring on December 31, 2010: Bellaire Arts Commission, Bellaire L.I.F.E. Advisory Board, Bellaire Board of Adjustment, Bellaire Building and Standards Commission, Bellaire Parks & Recreation Advisory Board, Bellaire Planning and Zoning Commission, and Bellaire Recycling Committee – Item submitted by City Clerk Tracy L. Dutton on behalf of Mayor Cindy Siegel.

Mayor Cindy Siegel advised, for the record, she was appointing the following members of the Bellaire City Council to serve as Council Liaisons to Bellaire Boards, Commissions, and Committees:

- Corbett Daniel Parker – Bellaire Arts Commission;
- Phil Nauert – Bellaire Board of Adjustment;
- Cindy Siegel – Bellaire L.I.F.E. Advisory Board;
- Andrew Friedberg – Bellaire Building and Standards Commission;
- James P. Avioli, Sr. – Bellaire Parks and Recreation Advisory Board;
- Will Hickman – Bellaire Planning and Zoning Commission; and
- Mandy Nathan – Bellaire Recycling Committee.

J. COMMUNITY INTEREST ITEMS FROM THE MAYOR AND CITY COUNCIL.

Councilman Corbett Daniel Parker recognized six members of the Rotary Club family for their bravery during the earthquake that had struck Haiti 45 minutes after they had landed there. He also thanked the Rubenstein Foundation, noting that he was very excited about the possibilities for the Teas property on Bellaire Boulevard. He recognized former Mayor Pro Tem Peggy Faulk for the fantastic job she
did while running a marathon. She completed the marathon in five hours and was in the top 100 in her group. He referred to the Bellaire High School Baseball Hall of Fame that would take place on Friday, and commended the new Board appointees and thanked them for their willingness to give of their time to the community.

**Councilman James P. Avioli, Sr.** congratulated the Frazier family for their willingness to serve the community as a member of the City’s boards.

**Councilman Will Hickman** had no items of interest.

**Councilwoman Mandy Nathan** encouraged the residents of Bellaire to attend the State of the City Address (Town Meeting) on February 1st. She also thanked the Bellaire Young Mothers, Bellaire/Southwest Houston Rotary Club, and CenterPoint Energy for their donations and participation in programs for the community.

**Councilman Andrew Friedberg** had no items of community interest.

**Mayor Pro Tem Phil Nauert** commended the City Council body for a great meeting. He noted that he was initially concerned that there were so many lawyers on the City Council; however, the dynamic was very good. He advised that he was honored to serve as Mayor Pro Tempore.

**Mayor Cindy Siegel** congratulated the newest City Board members and thanked all of the applicants for submitted an application. She congratulated Councilman Andrew Friedberg on the birth of his new baby and Councilman Phil Nauert for his election as Mayor Pro Tempore.

Mayor Siegel advised that the City Council goal-setting workshop was tentatively being planned for February 19th, followed by a joint goal-setting workshop with City Council and City Boards on Saturday, February 20th.

Mayor Siegel recognized resident Lynn McBee’s comments regarding the Anti-Defamation League’s brochure and read a "Resolution of Respect" from that brochure.

In closing, Mayor Siegel reminded everyone to attend the State of the City Address on Monday, February 1, 2010.
K. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Councilman Andrew Friedberg and seconded by Councilman Corbett Daniel Parker to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:43 p.m. on Monday, January 18, 2010.

VOTE ON MOTION TO ADJOURN:

Motion carried unanimously on a 7-0 vote as follows:

FOR: Siegel, Cindy
     Hickman, Will
     Avioli, James P., Sr.
     Parker, Corbett Daniel
     Nauert, Phil
     Friedberg, Andrew
     Nathan, Mandy

OPPOSED: None

ABSENT: None

Respectfully submitted,

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Tracy L. Dutton, TRMC
City Clerk
City of Bellaire, Texas

Approved:

_______________________________
Cynthia Siegel, Mayor
City of Bellaire, Texas