CITY COUNCIL MEETING MINUTES
MONDAY, OCTOBER 4, 2010

The City Council of the City of Bellaire, Texas, met in Regular Session on Monday, October 4, 2010, in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, for the following purpose(s):

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

Mayor Siegel called the City Council of the City of Bellaire, Texas, to order at 7:27 p.m. on Monday, October 4, 2010.

Also present were Mayor Pro Tem Phil Nauert, Councilmen Will Hickman, James P. Avioli, Sr., Corbett Daniel Parker, and Andrew Friedberg, Councilwoman Mandy Nathan, City Manager Bernard M. Satterwhite, Jr., City Attorney Alan P. Petrov, and City Clerk Tracy L. Dutton.

B. INSPIRATIONAL READING AND/OR INVOCATION – Councilman Will Hickman.

Councilman Hickman provided the inspirational reading for the evening.

C. PLEDGES TO THE FLAGS – Councilman Will Hickman.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

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

D. PERSONAL/AUDIENCE COMMENTS.

Harrison Vickers, 10407 Willow Grove Drive, Houston, Texas 77035:

Mr. Vickers stated that he was present this evening, along with others, to provide his view to City Council on the feral cat issue, and that the people feeding the cats were having the cats treated for other conditions out of their own pocket, which was a service to the City.

In closing, he referred to a study wherein it was determined that if cats were not fed they would scavenge, spread to wider areas, and become more of a nuisance. Additionally, he advised that unsterilized cats multiplied even
faster. He encouraged City Council to study any literature they could before taking an action that would prohibit the feeding of cats.

**D’Lane Viator, 10407 Willow Grove Drive, Houston, Texas 77035:**

**Ms. Viator** addressed City Council and stated that she had never had any problems with anyone over the three years that she had been feeding the cats in the 5200 block of Spruce Street until recently. She noted that 20 million+ people fed feral cats all over the world.

Ms. Viator advised that she had permission to feed the feral cats on the property located next to Fred Costello’s business building on Spruce Street. She indicated that there were approximately 30-35 cats in that particular colony.

Ms. Viator noted further that she had appointments this week to get 5-10 more of the cats from the Spruce Street colony fixed. The CAPs (Citizens for Animal Protection) had a feral cat program and they were going to help her trap and take care of the cats with the appointments she referred to. They would also help her to trap, neuter, and release the remaining cats within the next several weeks. The feral cat colony could be controlled after all of the animals were fixed.

In closing, Ms. Viator asked City Council to read all of the studies before taking an action that was regressive and inhumane. She urged City Council to consider adopting a Trap, Neuter, Return Program (TNR Program).

**Jo Parker, 5402 Grape Street, Houston, Texas:**

Ms. Parker addressed City Council regarding the feral cat issue and advised that there were four people that fed the colony on Spruce Street.

Ms. Parker expressed a concern that if she and the other feeders were not allowed to feed the cats, then the cats would die and that would be cruel and unconscionable.

**Margo Costello, 141 Pamellia Street, Bellaire Texas, as well as the owner of a business property at 5213 Spruce Street, Bellaire, Texas:**

**Ms. Costello** addressed City Council regarding the feral cat issue and noted that she was on the other side of the issue, but was not a cat hater.

The feral cats in the neighborhood were out of control, and the cat feeders had not been trapping, neutering, and releasing—they had just been feeding.

Ms. Costello referred to a Bellaire city ordinance that she believed the cat feeders to be in violation of. The ordinance referred to general cleanliness and care of animals.
In closing, Ms. Costello advised that the properties in the area had been damaged by the feral cat colony. Feces had to be cleaned and the surface disinfected at the daycare center every morning before children could go out to play. Additionally, all of the plants in front of Ms. Costello’s building were dead due to cat feces.

She urged City Council to pass an ordinance that prohibited the feeding of cats on City property and on private property unless permission had been given by the property owner to do so. If City Council wanted to lighten up the prohibition on City property, then those feeding cats should at least have the permission of the adjoining property owners.

Mayor Siegel read a written comment into the record, which was received from Mary Melendrez, 5301 Pocahontas Street, Bellaire, Texas. Ms. Melendrez submitted her comment in time to be read into the record for the public hearing on the tax rate increase, however, the comment was inadvertently missed. Ms. Melendrez indicated that she and her husband supported the tax rate increase, but only if that increase were temporary. In other words, once the economy turned around or after rolling periods of 12 months, the increase should be removed.

E. CITY MANAGER’S REPORT regarding residential safety (police activity report), public infrastructure/utilities (Recycling Center closure, Fire Station update, and Bellaire Recycles Day to be held November 13), cultural and recreational (Friends of the Bellaire Library Book Sale to be held November 13), employees (Employee of the Quarter – Officer Doug Clawson), internal operations/productivity (change in hours for Permit Office and Utility Billing); quarterly indicators (crime and building permits), and upcoming City Council meetings/events – Presented by City Manager Bernard M. Satterwhite, Jr.

City Manager Satterwhite presented the City Manager’s Report to City Council.

Residential Safety

City Manager Satterwhite advised that the Bellaire Police Department recently teamed with the Drug Enforcement Agenda (DEA) in the nationwide prescription drug take back program. The program allowed for the collection and destruction of dangerous, expired, unused or unwanted prescription drugs on Saturday, September 25, from 10:00 a.m. until 2:00 p.m. The Bellaire collection site (Community National Bank), one of over 2,700 sites across the nation, collected 320 pounds of prescription drugs—the second highest amount in the Houston Metropolitan Area.
Public Infrastructure/Utilities

City Manager Satterwhite noted that the Bellaire Recycling Center closed at the end of last week.

Landscaping had been added to the Fire Station, and the interior was scheduled to be completed at the end of the week. Once the telephone system was installed, the City would be able to finalize the operation of the various information technology related systems in the Fire Station. The estimated move-in date was noted to be November 1, 2010.

The Rebuild Bellaire Program, Phase Three, would be starting shortly with a pre-construction meeting having been held the previous week. The 4500 block of Oleander Street would be the first street to receive work under Phase Three.

The design of the Baldwin Avenue Project was 50% complete, with a scheduled design completion date in February of 2011.

Cultural and Recreational

Bellaire Recycles Day and the Friends of the Bellaire Library Semi-Annual Used Book Sale were both scheduled to be held on Saturday, November 13, 2010. Citizens were encouraged to attend both events.

Employees

Officer Doug Clawson of the Bellaire Police Department was congratulated for his award of “Employee of the Quarter” for the second quarter of the year.

Internal Operations/Productivity

City Manager Satterwhite noted that the customer service hours in the Utility Billing and Permit Offices had been changed to 8:30 a.m. until 4:00 p.m. Staff had been reduced in both of those areas and the extra one and one-half hours (i.e., from 8:00 a.m. until 8:30 a.m. and from 4:00 p.m. until 5:00 p.m.) would be used to prepare for the day and to close and get ready for the next day. The night depository and the depository inside City Hall would be available for utility billing customers to drop off their payments.

Upcoming City Council Meetings/Events

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<tr>
<th>Date</th>
<th>Time</th>
<th>Type of Meeting</th>
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<tr>
<td>10/11/2010</td>
<td>6:00 p.m.</td>
<td>Special Session (Public Hearing) on Specific Use Permit Requests from Shipley Do-Nuts and HISD (Bellaire High School Science Wing)</td>
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Following questions from members of City Council regarding the City Manager’s Report, Mayor Pro Tem Nauert moved to accept the City Manager’s Report dated October 4, 2010, as presented by City Manager Satterwhite into the record. Councilman Parker seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg, and Councilwoman Nathan

OPPOSED: None

ABSENT: None

F. CONSENT AGENDA:

1. APPROVAL/CORRECTION OF MINUTES:

   a. APPROVAL of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, July 19, 2010 – Item submitted by City Clerk Tracy L. Dutton.

   b. APPROVAL of the minutes of the Special Session (Interviews) of the City Council of the City of Bellaire, Texas, held on Monday, August 2, 2010 – Item submitted by City Clerk Tracy L. Dutton.

   c. APPROVAL of the minutes of the Special Session (Goals) of the City Council of the City of Bellaire, Texas, held on Monday, August 9, 2010 – Item submitted by City Clerk Tracy L. Dutton.

   d. APPROVAL of the minutes of the Special Session (Budget Public Hearing) of the City Council of the City of Bellaire, Texas, held on Monday, August 16, 2010 – Item submitted by City Clerk Tracy L. Dutton.

2. DONATION:

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 $17,600.00 from the Friends of the Bellaire Library for funding a new circulation desk as part of the City of Bellaire’s Renovation Project of the Library – Item submitted by Library Director Mary Cohrs.
Councilman *Friedberg* moved to approve the Consent Agenda dated October 4, 2010, consisting of the following items:

- Minutes of the Regular Session of the City Council held on Monday, July 19, 2010;
- Minutes of the Special Session (Interviews) of the City Council held on August 2, 2010;
- Minutes of the Special Session (Goals) of the City Council held on August 9, 2010;
- Minutes of the Special Session (Budget Public Hearing) of the City Council held on August 16, 2010; and
- Adoption of a resolution accepting a donation in the amount of $17,600.00 from the Friends of the Bellaire Library for funding a new circulation desk as part of the City of Bellaire’s Renovation Project of the Library.

Councilman *Avioli* seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

**FOR:** Mayor *Siegel*, Mayor Pro Tem *Nauert*, Councilmen *Hickman*, *Avioli*, *Parker*, and *Friedberg*, and Councilwoman *Nathan*

**OPPOSED:** None

**ABSENT:** None

{Resolution was subsequently numbered: 10-19}

**G. ITEMS FOR INDIVIDUAL CONSIDERATION:**

**Feral Cat Issues**

1. **DISCUSSION** of and possible direction to City Staff regarding concerns related to the issue of feral cats in the City of Bellaire — *Item submitted by City Manager Bernard M. Satterwhite, Jr., on behalf of Councilman Corbett Daniel Parker.*

**SUMMARY:**

*Councilman Parker* advised that some residents and property owners in the 5200 block of Spruce Street were concerned about the effects of a cat colony located in the area.
He felt it was important to point out first and foremost that a health issue had not occurred as a result of the cat colony. However, a veterinarian he had spoken with indicated that the biggest risk in relation to feral cats was what science called “visceral level migraines.” This occurred when cat feces came into contact through ingestion or a piercing of the skin. Although the incident rate was low, the migraines were virtually impossible to treat. He noted that he was advised that rabies was not really an issue with cats, and that ringworms could be an issue, but were easily treatable. In conclusion, it was clear that there could be health issues in relation to the nursery/day care center located near the feeding site of the colony, but there had not been a specific health issue to date. It was noted further that there was an emotional health issue for those property owners suffering from the effects of the feral cat colony.

He noted that the cat feeders felt that the Bellaire Police Department had been utilized to harass them. On the other hand, property owners, through no fault of their own, had to spend money to repair their damaged property, as well as a toll on their emotional health. They, too, felt that the Bellaire Police Department did not have the proper rules on the books to enforce their private property rights and to keep the children at the day care center safe.

In the meantime, Councilman Parker and City Manager Satterwhite had tried to become “feral cat experts.” Both had read a 78-page paper and looked at what other cities had done in relation to feral cat colonies.

Councilman Parker felt that there were two decisions that City Council needed to make. First, there were the options for dealing with the feeding of the cats. Options ranged from doing nothing at all to passing ordinances forbidding the feeding on public property and on private property without the prior consent of the property owners to adoption of a license and tag system to passing an ordinance designating an “owner” as someone who routinely fed the cats, thus becoming financially responsible for those cats and what the cats did.

Secondly, regardless of whether the feeding of the cats was or was not a problem, City Council needed to consider how the cat colony could be decreased. Clearly, there appeared to be an issue with the size of the colony. Most cities had adopted a TNR Program (trap, neuter, and return). The veterinarian that he talked with advised that feral cats were self limiting in that they did not let new cats in easily.

Councilman Parker advised that he hoped to find a solution that obviously mitigated the health, safety, and property damage concerns. His biggest concern was the escalation of confrontations between the cat feeders and the property owners in the area.
City Manager Satterwhite advised that regardless of what the City decided, this would be a difficult issue to deal with. Feral cats were a widespread problem nationwide. No one really knew how many feral cats existed, but he had seen estimates of 20-50 million and beyond. Every city, whether rural or urban, was affected.

Assistant City Manager Diane White presented a brief presentation to City Council that represented the types of issues that Councilman Parker and City Manager Satterwhite had looked into with respect to feral cats.

Following questions posed by members of City Council to Assistant City Manager White, City Manager Satterwhite, and Councilman Parker, Councilman Friedberg moved to direct City Staff to go forward with a policy from City Council to investigate what opportunities/organizations were available for the City to partner with on a TNR Program (trap, neuter, return). The motion failed due to the lack of a second.

Councilman Hickman moved to direct City Staff to adopt Options 2 and 3 on a handout provided by Councilman Parker, which was to develop an ordinance for consideration by City Council for the prohibition of leaving food on public property and for the prohibition of leaving food on private property without prior written consent of the owner. Councilman Parker seconded the motion.

Discussion ensued among members of City Council related to the motion made by Councilman Hickman.

Mayor Pro Tem Nauert offered a friendly amendment to the motion that rather than directing City Staff to develop an ordinance, to direct them to investigate the feasibility of developing an ordinance. If feasible, then City Staff should develop an ordinance for City Council consideration. Councilman Hickman accepted the friendly amendment. Councilman Parker did not accept the amendment.

Discussion continued among members of City Council related to the motion.

Councilman Friedberg made an amendment that in addition to directing City Staff to investigate the feasibility of and develop an ordinance to ban feeding, City Staff should investigate organizations that the City could partner with on a TNR Program at the organizations’ expense rather than the City’s expense. Mayor Siegel seconded the amendment.
Councilman Parker offered a friendly amendment to direct City Staff to develop the ordinance before beginning an investigation of organizations to partner with on the TNR Program. Councilman Friedberg and Mayor Siegel accepted the friendly amendment.

Discussion ensued among members of City Council regarding the amendment to the motion.

A vote was taken on the amendment, which failed on a 3-4 vote as follows:

FOR: Mayor Siegel, Councilman Friedberg, and Councilwoman Nathan

OPPOSED: Mayor Pro Tem Nauert and Councilmen Hickman, Avioli, and Parker

ABSENT: None

Councilman Friedberg moved to call the question. Councilman Parker seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg and Councilwoman Nathan

OPPOSED: None

ABSENT: None

A vote was taken on the original motion, which carried unanimously on a 7-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg and Councilwoman Nathan

OPPOSED: None

ABSENT: None

City Council Minutes

2. DISCUSSION of and possible action regarding the new format of the City Council minutes consisting of an action-type style with discussion, as needed, and on such items in which a
unanimous vote did not occur, as well as direction to the City Clerk of the City of Bellaire, Texas, regarding City Council's desire for future minutes that should be maintained for the official record of the City Council of the City of Bellaire, Texas – Item submitted by City Clerk Tracy L. Dutton at the direction of City Council.

Director of Communication Technology Services Larry Parks updated City Council regarding a video streaming project for the City. He advised that depending on the vendor the City ultimately chose for the project, the turnaround time could range from 30 days to 90 days. The project would allow the City to integrate all of the microphones, camera, and stream the meeting live on the City's website. The range of cost for the system was roughly $13,000 to $14,000, which was a one-time set-up expense. There would also be an annual hosting fee of approximately $3,000.

Following questions posed by members of City Council to Director Parks regarding the project, feedback was provided to the City Clerk regarding the type of minutes desired as follows:

Mayor Pro Tem Nauert advised that he felt the minutes had been adequately detailed and he was inclined to continue with the new format.

Councilman Hickman stated he was happy with the level of detail.

Councilman Friedberg advised that he personally preferred more detail. However, the meeting was available in a DVD format regardless of whether or not the City ultimately opted to video stream its meetings. He appreciated the attendant costs in terms of the City Clerk’s time. In summary, he was satisfied with the new format for the minutes.

Councilwoman Nathan agreed with the comments made.

Mayor Siegel summarized that City Council was not changing its direction to the City Clerk regarding the new format (action-style minutes). She reminded members of City Council that they always had the prerogative to request that the City Clerk record a member’s comments in the record verbatim.

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

Community interest items from the Mayor and City Council included the reading of a letter from a resident expressing thanks for the help she received by the Bellaire Police Department following an accident; reminder of two
upcoming public hearings on October 11, 2010 – one on a specific use permit for Shipley Do-Nuts and the other on a specific use permit for Bellaire High School; reminder of interviews for the Bellaire Cultural Arts Commission and citizen representatives to the Sunset Review Committee on October 18, 2010, as well as a Regular Session that same evening; and compliments to the Patrons for Bellaire Parks on a recent fundraising event—Wine and Tapas.

I. ADJOURNMENT.

Councilman Hickman moved to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:17 p.m. on Monday, October 4, 2010. Councilman Avioli seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg, and Councilwoman Nathan

OPPOSED: None

ABSENT: None

Respectfully submitted,

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

Approved:

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Cynthia Siegel, Mayor
City of Bellaire, Texas