The City Council of the City of Bellaire, Texas, met in Regular Session on Monday, November 1, 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 7:02 p.m. on Monday, November 1, 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 Corbett Daniel Parker.

Councilman Parker provided the inspirational reading for the evening.

C. PLEDGES TO THE FLAGS – Councilman Corbett Daniel Parker.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

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

D. PERSONAL/AUDIENCE COMMENTS.

Mayor Siegel advised that the City Council had received a written comment to be read into the record. A summary of the comment has been provided below.

Richard Franke, 1104 Howard Lane, Bellaire, Texas:

Mr. Franke advised that he had submitted a request for public information to the City Clerk on September 13, 2010, and as of November 1, 2010, he had not received any response from any official of the City of Bellaire. He requested a copy of the project plan that detailed streets and/or blocks of
streets designated for reconstruction under the Rebuild Bellaire Program and/or self-funded by the City of Bellaire through 2015, as well as the timetable and streets to be addressed with $600,000, which had been reserved for citizen complaints regarding street-related issues. He indicated that the City should have responded to his request (internally numbered 10-047) within ten days.

Mr. Franke indicated that he had talked with the City Clerk a few times by telephone and was advised that no information had been provided to her. He also visited with the Director of Public Works who suggested he contact the City Manager or City Clerk.

He asked City Council to advise him when the information would be available

**Mayor Siegel** requested to move agenda items F.1., F.2., and F.3., to this point in the meeting. After noting no objections from members of City Council, the proclamations to be issued by Mayor Siegel were read into the record.

**F. PROCLAMATIONS:**

1. **PROCLAMATION issued by Mayor Cindy Siegel proclaiming the week of November 8-14, 2010, as AORN Perioperative Nurse Week in the City of Bellaire, Texas, and encouraging the citizens of Bellaire to recognize the dedication, skills, knowledge, and expertise of the perioperative registered nurses who care for patients before, during, and after surgery – Item submitted by City Clerk Tracy L. Dutton on behalf of the Association of periOperative Registered Nurses (AORN).**

   **Mayor Siegel** read the proclamation that she issued proclaiming the week of November 8-14, 2010, as AORN Perioperative Nurse Week in the City of Bellaire, Texas, in its entirety.

   The proclamation was accepted by JoAnn Oliver on behalf of the AORN. Ms. Oliver provided a brief overview of the services that perioperative registered nurses provide for patients and their families.

2. **PROCLAMATION issued by Mayor Cindy Siegel proclaiming the week of November 8-14, 2010, as Toastmasters Week in the City of Bellaire, Texas, and encouraging the citizens of Bellaire to recognize the many accomplishments and opportunities of communication and public speaking that the outstanding Toastmasters International organization makes possible for**
people everywhere – Item submitted by City Clerk Tracy L. Dutton on behalf of Toastmasters International District 56.

Mayor Siegel read the proclamation that she issued proclaiming the week of November 8-14, 2010, as Toastmasters Week in the City of Bellaire, Texas, in its entirety. It was noted that District 56’s District Governor, Jan Poscovsky, was unable to attend the City Council Regular Session this evening. The proclamation was subsequently mailed to her.

3. PROCLAMATION issued by Mayor Cindy Siegel proclaiming the month of November 2010 as Pancreatic Cancer Awareness Month in the City of Bellaire, Texas, and encouraging the citizens of Bellaire to increase their awareness about pancreatic cancer and research into early detection, causes, and effective treatments – Item submitted by City Clerk Tracy L. Dutton on behalf of the Pancreatic Cancer Action Network.

Mayor Siegel read the proclamation that she issued proclaiming the month of November 2010 as Pancreatic Cancer Awareness Month in the City of Bellaire, Texas, in its entirety.

The proclamation was accepted by Ruth Helgerud and Wendy Bantle on behalf of the Houston Affiliate of the Pancreatic Cancer Action Network. Ms. Helgerud and Ms. Bantle shared personal experiences each had with their families and the disease and noted the importance of ensuring that federal funding was available for further research regarding the disease.

E. CITY MANAGER’S REPORT regarding residential safety (police activity report and fire department activity report), public infrastructure/utilities (Fire Station move-in and Library renovation update), cultural and recreational (Bellaire Recycles Day and Friends of the Bellaire Library Book Sale – November 13, and Holiday in the Park – December 2), communications/technology (new phone system operational), employees (CFO hiring update), 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

Since the City’s first meeting in November occurred on the first, he had not received a police activity report yet for the month of October. He expected to report on police activity at the next meeting.
With respect to the Bellaire Fire Department, it was noted that Fire Prevention Week occurred during the month of October. During that week, the Bellaire Fire Department was very busy. They teamed with the City of West University Place Fire Department to present a Clown Program to local schools utilizing the theme from the National Fire Protection Agency as part of a skit. It had been found that a multi-sensory delivery helped students retain the information presented during the skit. The Clown Program was presented to local elementary schools, as well as numerous day care and pre-schools. In total, the program was presented to 2,070 students and over 2,000 brochures and 25 posters were distributed to students.

Additionally, the volunteer and paid staff of the Bellaire Fire Department assisted in National Night Out efforts on October 5th. Volunteers participated in and manned a booth at the Bellaire Art Festival on October 9th.

**Public Infrastructure/Utilities**

The Fire Station move-in was back on track and expected to be completed by the end of the week. He advised that a nice tour would be arranged after the firefighters had an opportunity to move in and get set up.

The Fire Station chiller sound problem was tweaked by some sound engineers, and the sound met the City’s residential noise criteria and specifications in the contract. The City had not received any complaints since the sound engineers had been out. The City was looking at other ways to make the chiller even quieter, if possible.

The bids for the Bellaire City Library Renovation Project would be advertised on Tuesday, November 2, 2010. It was anticipated that a recommendation could be presented to City Council within approximately three weeks from Tuesday.

**Cultural and Recreational**

City Manager Satterwhite reminded City Council about Bellaire Recycles Day, which was scheduled on November 13, 2010, from 9:00 a.m. until 1:00 p.m. On the same date, the Friends of the Bellaire Library would hold a book sale from 9:00 a.m. until 4:00 p.m. The events supported each other during 2009 and the City hoped the same thing would happen this year. Also on the same date, the Bellaire Firefighters and Police Officers would have their annual football game at Episcopal High School during the morning hours.

City Council was also reminded of the City’s annual Holiday in the Park celebration scheduled on Thursday, December 2nd.
**Communications/Technology**

With respect to the City’s new phone system, it was noted that the system was not quite operational. The telephones had been distributed and installation was going well. The switch over was expected to occur on Wednesday, November 3rd.

**Employees**

City Manager Satterwhite indicated that he was very pleased to announce that the Chief Financial Officer hiring process had concluded. The City made an offer late this afternoon and the applicant had accepted the City’s offer. He did not wish to go into details pending the applicant having the opportunity to provide proper notice to her current employer. The applicant was very highly qualified.

**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>November 15</td>
<td>7:00 p.m.</td>
<td>Regular Session</td>
</tr>
<tr>
<td>December 6</td>
<td>6:00 p.m.</td>
<td>Special Session (Executive Session)</td>
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<tr>
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<td>6:00 p.m.</td>
<td>Special Session (Executive Session)</td>
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Following questions from members of City Council regarding the City Manager’s Report, Councilman Avioli moved to accept the City Manager’s Report dated November 1, 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. PROCLAMATIONS:**

1. PROCLAMATION issued by Mayor Cindy Siegel proclaiming the week of November 8-14, 2010, as AORN Perioperative Nurse Week in the City of Bellaire, Texas, and encouraging the citizens of Bellaire to recognize the dedication, skills, knowledge, and expertise of the perioperative registered nurses who care for patients before, during, and after surgery – Item submitted by City Clerk Tracy L. Dutton on behalf of the Association of periOperative Registered Nurses (AORN).
2. **PROCLAMATION** issued by Mayor Cindy Siegel proclaiming the week of November 8-14, 2010, as Toastmasters Week in the City of Bellaire, Texas, and encouraging the citizens of Bellaire to recognize the many accomplishments and opportunities of communication and public speaking that the outstanding Toastmasters International organization makes possible for people everywhere – *Item submitted by City Clerk Tracy L. Dutton on behalf of Toastmasters International District 56.*

   **Note:** This item was addressed earlier in the meeting. See page 2 of these minutes for discussion related to this item.

3. **PROCLAMATION** issued by Mayor Cindy Siegel proclaiming the month of November 2010 as Pancreatic Cancer Awareness Month in the City of Bellaire, Texas, and encouraging the citizens of Bellaire to increase their awareness about pancreatic cancer and research into early detection, causes, and effective treatments – *Item submitted by City Clerk Tracy L. Dutton on behalf of the Pancreatic Cancer Action Network.*

   **Note:** This item was addressed earlier in the meeting. See page 3 of these minutes for discussion related to this item.

G. **CONSENT AGENDA:**

   **APPROVAL/CORRECTION OF MINUTES:**

   1. **APPROVAL** of the minutes of the Special Session of the City Council of the City of Bellaire, Texas, held on Monday, August 17, 2010 – *Item submitted by City Clerk Tracy L. Dutton.*

   2. **APPROVAL** of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, September 13, 2010 – *Item submitted by City Clerk Tracy L. Dutton.*

   Councilwoman Nathan requested separate consideration of agenda item 1 on the Consent Agenda. Since there were only two items, both items were considered individually as set forth below.
Separate Consideration of the City Council Minutes dated Monday, August 17, 2010:

Councilman Friedberg moved to approve the minutes of the Special Session of the City Council of the City of Bellaire, Texas, held on Monday, August 17, 2010. Councilwoman Nathan seconded the motion.

Councilwoman Nathan requested an amendment to page 19, lines 872-878, to read as follows (additional language has been underscored): *Her preference would be an iteration of Option A, which was indicated at that time to be the option recommended by staff, in that the Therapy Pool would be open year-round and the Bellaire Family Aquatic Center shut down for seven months.* Councilman Parker seconded the amendment. The amendment carried 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

Councilwoman Nathan requested an amendment to delete the last sentence of Councilman Friedberg’s comments on page 18, between lines 854 and 857, to read as follows (language to be removed has been struck through): *Councilman Friedberg advised that if Councilman Hickman would adopt what Mayor Pro Tem Nauert suggested (i.e., access to a pool by residents at any one point in time), then he was prepared to vote for it. If not, he would accept Mayor Pro Tem Nauert’s suggestion as a friendly amendment.* Councilman Friedberg seconded the amendment. No one was opposed and the amendment passed on a consensus vote.

The original motion, as amended, 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
Separate Consideration of the City Council Minutes dated Monday, September 13, 2010:

Mayor Pro Tem Nauert moved to approve the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, September 13, 2010. Councilman Friedberg 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

H. ADOPTION OF ORDINANCE:

CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, establishing a Sunset Review Committee (“Committee”) as an ad hoc committee of the City of Bellaire, Texas, for the purpose of reviewing the charge, size, and need of each of the City’s boards, commissions, and committees (hereinafter referred to as “Boards”), as well as reviewing and updating the City’s Board Handbook, as needed, and appointing nine (9) members to serve on the Committee for a term not to exceed one (1) year commencing on or as soon after November 1, 2010, as practicable, as well as the appointment of Councilman Andrew Friedberg as Chair of the Committee – Item submitted by City Clerk Tracy L. Dutton at the direction of City Council.

Councilman Hickman moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, establishing a Sunset Review Committee (“Committee”) as an ad hoc committee of the City of Bellaire, Texas, for the purpose of reviewing the charge, size, and need of each of the City’s boards, commissions, and committees (hereinafter referred to as “Boards”), as well as reviewing and updating the City’s Board Handbook, as needed; appointing the following nine (9) members to serve on the Committee for a term not to exceed one (1) year commencing on or as soon after November 1, 2010, as practicable: Kathy Biddle (Bellaire Cultural Arts Commission), Iola Pickul (Bellaire L.I.F.E. Advisory Board), Randy Pollard (Board of Adjustment), Kristin Schuster (Building & Standards Commission), Jeff Addicks (Parks & Recreation Advisory Board), Winfred Frazier (Planning and Zoning Commission), William (Bill) Stone (Recycling Committee), Pat McLaughlan (citizen appointee), and Lynn McBee (citizen appointee); and
appointing Councilman Andrew Friedberg as Chair of the Committee. Councilman Parker seconded the motion.

Councilman Friedberg moved to amend the ordinance language under paragraph 2 by reversing section a and section b, adding a section c related to term limits, renumbering the existing section c as section d, and adding a new section e, said sections of paragraph 2 to read as follows:

a. Review of existing boards to determine whether said boards should continue or be eliminated, and/or whether any new board(s) should be created;

b. Review of the charge as established by City Council (subject to state law governing statutory boards, as applicable) as it pertains to each board, as well as a review of the boards’ functions and responsibilities to ensure the needs and desires of the citizens of the City of Bellaire, Texas, are met;

c. Review the terms of office and term limits pertaining to each board;

d. Review and propose updates to the City’s Board Handbook, as needed; and

e. Review any other issues the Committee deems beneficial for its consideration and report to City Council.

Councilman Hickman seconded the amendment. The amendment 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 motion, as amended, 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

{Ordinance was subsequently numbered: 10-078}

I. ITEMS FOR INDIVIDUAL CONSIDERATION:

1. CONSIDERATION of and possible action on direction to City Staff to notify tenants residing within 200 feet of the site of a specific use permit, planned development permit, or in any other matter requiring a public hearing before the City Council and/or the Planning and Zoning Commission – Item submitted by City Clerk Tracy L. Dutton on behalf of Councilman Will Hickman.

Summary:

Councilman Hickman noted that City Council heard a comment from a resident at a public hearing that the number of residents affected by a particular specific use permit did not own the properties on which they resided. Since property owners were the only ones informed of the public hearing, tenants/renters were often unaware of what was occurring around them. The City’s cost to mail notifications of hearings was $0.75 (postage and envelope) per resident.

The City Clerk had calculated the cost to inform tenants/renters of the public hearing on the Shipley Do-Nuts specific use permit, which would have been $6.00. The cost for the Bellaire High School specific use permit public hearing would have been $9.75.

The basic idea of Councilman Hickman’s request for direction to City Staff was to ensure that tenants/renters, as well as property owners, were informed about events occurring in their immediate vicinity.

Councilman Hickman moved to direct City Staff to send notices to the property, as well as to the owner’s address of record, notifying tenants residing within 200 feet of the site of a specific use permit, planned development permit, or in any other matter requiring a public hearing before the City Council and/or the Planning and Zoning Commission. Councilman Parker seconded the motion.

Councilman Friedberg made a friendly amendment to insert the qualifier “the City shall use its best efforts . . . .” Councilman Hickman and Councilman Parker accepted the friendly amendment.
The motion, as amended, 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

2. **APPOINTMENT** by Mayor Cindy Siegel of a subcommittee consisting of three (3) persons to evaluate and return to City Council with a recommendation regarding a request to rename “Lafayette Park,” located at 4337 Lafayette Street, Bellaire, Texas, as the “Debbie Marshall Park” in honor of Debbie Marshall – Item submitted by City Clerk Tracy L. Dutton at the request of Mayor Pro Tem Phil Nauert.

**Summary:**

Mayor Pro Tem Nauert noted that the City had taken a tough effort of closing the Debbie Marshall Recycling Center. He hated to see the legacy and efforts of Debbie Marshall end with the closing of that center. Coincidentally, right down the street at the corner of Lafayette Street and Baldwin Avenue was a small pocket park, Lafayette Park, named so because of its location on Lafayette Street. Mayor Pro Tem Nauert suggested keeping the name of a volunteer that worked very hard and very tirelessly for the City by naming Lafayette Park in honor of Debbie Marshall.

Mayor Siegel advised that the item did not require City Council action. She was following a policy that was already in place regarding the naming of public property. The Mayor would appoint three people to a subcommittee to review the suggestion and return to City Council with a recommendation City Council could then consider.

Discussion ensued among members of City Council regarding the possibility that the site on which the Debbie Marshall Recycling Center stood could become a park that could be named in honor of Debbie Marshall. It was noted that there was no urgency or any opportunities lost by waiting a short while.

Mayor Siegel made the following appointments to the subcommittee, noting that the subcommittee would review the possibility of renaming a piece of public property in honor of Debbie Marshall: Mayor Pro Tem Phil Nauert and Director of Parks & Recreation Jane L. Dembski. She indicated that she
would also appoint one member from the Parks & Recreation Advisory Board.

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

Community interest items from the Mayor and City Council included a reminder to vote on Tuesday; a reminder of Bellaire Recycles Day and the Friends of the Bellaire Parks Book Sale on November 13th; and recognition of Assistant Police Chief Byron Holloway, who was praised by a resident for his service to Bellaire.

K. ADJOURNMENT.

Councilman Parker moved to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 8:04 p.m. on Monday, November 1, 2010. Councilman Hickman 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,

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

Approved:

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Cynthia Siegel, Mayor
City of Bellaire, Texas