The City Council of the City of Bellaire, Texas, met in Regular Session on Monday, November 15, 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 7:01 p.m. on Monday, November 15, 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 – Mayor Cindy Siegel.

Mayor Siegel provided the inspirational reading for the evening.

C. PLEDGES TO THE FLAGS – Mayor Cindy Siegel.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

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

D. PERSONAL/AUDIENCE COMMENTS.

William Stone, 7810 Marinette Drive, Houston, Texas 77074:

Mr. Stone advised that he was one of the Bellaire emergency wrecker permit holders and had owned and operated his tag since 1990. He thanked the City of Bellaire for allowing a handicapped owner of a tag to service the City of Bellaire for its citizens and mainly for the Bellaire Police Department in clearing any emergency road hazards and accidents.
Nick Harris, 2216 Sims, Houston, Texas:

Mr. Harris advised that he leased his Bellaire tag from William Stone and had held the tag for almost one year. He enjoyed working in the City of Bellaire and with the Bellaire Police Department. He felt there was no need for the City to make a change of any permit holders as all of the holders were in compliance.

Cotner Cody Culpepper, 9102 Bintliff, Houston, Texas 77074:

Mr. Culpepper thanked the City Council for allowing him to speak and advised that he was present to address the consideration of one wrecker company operating the entire City of Bellaire. Mr. Culpepper had been a business owner for 22 years in the City of Bellaire, and he held four of the 75 permit tags issued annually.

Mr. Culpepper was against a proposal that would put 75 different drivers and their families out of a job. He did not feel that using one wrecker service could offer the City any advantage greater than the system currently in place.

Mr. Culpepper indicated that he was made aware of this agenda item on Friday, and he hoped that City Council would allow enough time for consideration of the item before a vote was taken as it would affect many people—not only the wrecker drivers and their families, but many of the businesses that the wrecker drivers patronized daily (i.e., eateries, fueling stations, etc.).

Ms. Suzanne Poole, 2851 Quietbend Drive, Missouri City, Texas 77489:

Ms. Poole advised that she had grown up in Bellaire and that her father had started one of the first businesses in Bellaire. She indicated that she had held her wrecker permits for 20 years.

She advised further that the contract provider to be chosen by City Council might not use a nearby storage lot to store towed vehicles. The storage lot might be owned by the contractor providing the service, so he or she would want to use their own storage lot, which could be located as far away as Interstate Highway 59 and Beltway 8. This would impose a big problem on the citizens when they went to pick up their vehicles. The contract provider might also own his or her own paint and body shop, which would also hurt local Bellaire businesses.

Although Ms. Poole was unaware of any complaints that had been received regarding her permit tags, she advised that the wrecker drivers wanted to work with City Council. Additionally, the Texas Department of Licensing and Regulations had enacted many laws that would help the City with overpricing and any drivers who might be disruptive in the industry.
In closing, Ms. Poole advised that she was unaware of any one company that owned 75 tow trucks that they could place in Bellaire. She did not understand what the complaints might be that would cause City Council to consider entering into an agreement with one wrecker company, but she really wanted to know so that the local drivers with Bellaire tags could address those complaints.

Alex Gonik, 5715 Cheltenham Lane, Houston, Texas 77096:

Mr. Gonik advised that he currently operated seven wrecker permit tags as a lessee, and had operated as many as 14 in previous years. Mr. Gonik advised that he now owned a storage lot, which was his connection to the issue before City Council. He stored the majority of the vehicles that came from police tows in Bellaire. He impounded and held the vehicles for the police officers that needed to inspect them or perform investigations related to the vehicles.

Mr. Gonik owned the closest lot to Bellaire and also had a relationship with the local wrecker companies. He mentioned several options to City Council for increasing revenues, such as a City fee for storage of a vehicle. He indicated that he had many ideas and would appreciate an opportunity to present them before City Council considered entering into an agreement with one contract provider.

Margo Costello, 141 Pamellia Drive, Bellaire, Texas:

Ms. Costello advised that she was present to speak in favor of the adoption of an ordinance prohibiting the feeding of feral cats in certain areas. She stated that she and her husband were not the only residents in favor of the ordinance and referred to a petition signed by almost every business owner from Ferris Street to Bissonnet Street and from South Rice Avenue to Spruce Street indicating their support for the ordinance.

Ms. Costello also presented pictures of some new kittens that were living in the Spruce Street feral cat colony. According to cat experts that had spoken to City Council a few meetings ago, the kittens would be having kittens of their own in four months. She indicated that she wanted to show City Council that there were still kittens being born in that colony.

D’Lane Viator, 10407 Willowgrove Drive, Houston, Texas:

Ms. Viator indicated that she wished to reiterate what she had proposed to City Council last week. To date, she had permanently removed 19 cats from the Spruce Street area. Right now, there might be three cats left because she had trouble catching them. The kittens in the pictures that Ms. Costello presented to City Council had been trapped and were subsequently adopted.

While the feral cats were a manmade problem, Ms. Viator apologized for the feral cat colony on Spruce Street. She indicated that the colony grew fast
and she was not able to keep up with it. She cited examples of nearby cities that did not have feeding bans for feral cats--Houston, Bunker Hill Village, West University Place, Piney Point Village, Hunters Creek Village, Magnolia, and Missouri City.

Ms. Viator advised further that the proposed ordinance had serious constitutional questions when behavior that was perfectly legal on one side of the street was criminalized on the other side of the street. By the same token, preparing an ordinance that made former lawful conduct unlawful was, in fact, an ex post facto law that was prohibited by the United States Constitution.

In closing, Ms. Viator proposed that since there was no more feeding on Spruce or Cedar Streets that there was no need to punish everyone in the City of Bellaire, the animals, or the good Samaritans that were practicing good trap, neuter, return (TNR) procedures.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee stated that today was America Recycles Day, and on Saturday, November 13, 2010, Bellaire celebrated recycling with an innovative second celebration. She supported recycling from books and batteries to clothing, newspapers, cans, bottles, plastic, cardboard, magazines, etc.

In September of 2004, the Bellaire Recycling Committee ("Committee"), via Craig Bello, Member, and Gayle Davies, then Chair of the Committee, presented the results of a survey to City Council on the desirability and willingness of the residents of Bellaire to participate in and incur the costs associated with curbside recycling. A curbside recycling program was subsequently implemented in Bellaire and results indicated that the citizen-promoted program was a clear success and had been growing ever since.

However, Ms. McBee indicated that the recycling bins used by the City were unwieldy and, when carrying the bin to the curb, she had been caught off-guard several times, almost tripping. Fortunately, the Committee had been examining the concept of wheels for the bins, which Ms. McBee eagerly awaited. Finally, last Saturday, the wheels were demonstrated by a charming and modest man who was an entrepreneur. This man had invented a device to attach to a recycling bin, patented it, and was interested in promoting its use. This device was already in use in the City of Southside Place.

Ms. McBee demonstrated the device for the City Council and advised that she was sure that many of the residents of Bellaire would be willing to use and purchase the device if the City would make them available by negotiating an agreement with the inventor to arrive at a pass-through cost advantageous to citizens. She urged City Council to exercise its authority by directing the management team to pursue an arrangement to provide such devices at a reasonable cost to citizens desiring them.
Lisa Gilchrist, 4034 Durness Way, Houston, Texas 77025:

Ms. Gilchrist thanked City Council for the opportunity to speak this evening. She noted that she had appeared before City Council last month and had mentioned a packet of information that Alley Cat Allies, the national feral cat advocacy group, had sent everyone on City Council. She indicated that she hoped City Council had an opportunity to read through that information.

Ms. Gilchrist advised that Alley Cat Allies (“Allies”) had sent her a prepared statement and asked that she read it to City Council on their behalf. The Allies advised that they had serious concerns with the feeding ban proposal being considered by the Bellaire City Council. Their experience informed them that the ordinance would be detrimental to both the cats and the community. Feeding bans did not eliminate cats from targeted areas. Other food sources, such as garbage, were an inevitable byproduct of urban and suburban environments and feeding bans actually made cats more visible by forcing them to seek out food.

Cats would not disappear simply because compassionate people could no longer legally feed them. Instead, feeding bans punished the very people who were working to improve conditions for the cats and for the community. The bans also caused significant tension between neighbors as virtually all citations resulted from complaints by fellow citizens.

Trap, neuter, return (“TNR”) stabilized feral cat populations, but feeding bans discouraged the practice. TNR improved the cat’s health through vaccination and neutering and made them better neighbors by reducing mating behaviors. This method was the accepted standard of care for feral cats endorsed by municipalities across the country from Washington, D.C., to Phoenix, Arizona, and including Houston, Texas.

The Allies urged Bellaire to reject the harmful ordinance and proposed that the City Council, instead, develop an incentive-based program to encourage neutering and vaccination of stray and feral cats.

Ms. Gilchrist added, on her behalf, that so many people had offered their help at no cost to the City to address the problem. It seemed as if the City were being short-sighted by trying to take a sledge hammer to a problem that resided in the 5200 block of Spruce Street. The enactment of a feeding ban would cause that colony to fan out and the problem would become widespread rather than concentrated within one City block. She believed that if Ms. Viator were allowed to continue to trap the remaining cats on Spruce Street that the problem would go away. She urged City Council not to support the proposed feeding ban.
Amanda Wright, 2220 Bering Drive #29, Houston, Texas:

Ms. Wright thanked City Council for the opportunity to address an issue that not only plagued Bellaire, but also plagued other municipalities across the United States. She referenced a significant, common thread or goal of the community, animal lovers and rescue organizations, businesses, city and local governments, which was to prevent and reduce the stray animal population.

To achieve that goal successfully, the factors that directly impacted the numbers had to be reviewed. The number one cause for the growing population of the animals, proven time and time again, was the lack of spaying and neutering the animals. She had worked with businesses in Houston on this issue with success and at no time was a feeding ban ever a factor.

The issue was caused by human irresponsibility. To reduce the number of feral cats was a potentially overwhelming task. She understood that Bellaire needed a solution and businesses wanted to focus on activities that generated revenue rather than taking away from it.

The real problem was reproduction. The cats would continue to reproduce regardless of the food source. The City was guaranteed to continue to have the same problem if the City chose the path they were on.

Ms. Wright urged City Council to consider what worked versus taking a wild guess and hoping that it worked. She urged City Council to consider an ordinance that directed residents that allowed their pets to roam to be spayed and neutered.

Harriet Rankin, 922 Progreso Drive, Houston, Texas 77038:

Ms. Rankin advised that she had been monitoring and managing feral cats for 25 years. Ms. Rankin indicated that she had proof that the proposed feeding ban would not work. Virtually every major university in the country had started off with a feeding ban on the campus and changed to a trap, neuter, return (TNR) program—UCLA, Georgia Tech, University of Texas, Texas A & M, Texas Tech, etc. Major cities, such as Houston, Dallas, Austin, San Antonio, Los Angeles, and Chicago, had also tried the feeding ban and later switched to a TNR program.

Ms. Rankin advised that she was in charge of four cat colonies in the Houston area, one of which was at the Houston Intercontinental Airport, and the numbers had steadily decreased since she had started trapping and neutering. She urged City Council to contact local advocacy groups for help with the problem.
Laura Whitley, 1520 Memorial Drive, Houston, Texas:

Ms. Whitley indicated that for 12 years she had been one of the caring people who, out of her own time and money, trapped, neutered, and returned feral cats. By doing this, she was able to monitor and prevent hundreds of kittens that would have otherwise overflowed the cities’ already saturated shelter system.

Ms. Whitley asked if members of City Council could go home and not feed their own pets knowing that their pets counted on them for food.

Joan Weser, 1547 Sheltons Bend Court, Houston, Texas 77077:

Ms. Weser stated that a feeding ban was poor public policy and did not address the problem. It also prevented those that were ready, willing, and able to help address the problem at no cost to the City.

Lydia Caldwell, 5106 Aspen Street, Bellaire, Texas:

Ms. Caldwell indicated that she was not speaking to City Council on the feral cat feeding ban issue on behalf of any organization or any individual, she was speaking only as a resident of Bellaire as of 1991. Ms. Caldwell was not asking or suggesting that the City pay a penny toward a trap, neuter, return (TNR) program or for anything else regarding this issue. It was costly enough that the City was even having this discussion.

Ms. Caldwell proposed that City Council be very clear and sincere about the intentions and agendas behind the proposed feeding ban ordinance. She asked if City Council was concerned that feral cats might be a threat to public health, or to keep non-Bellaire residents out of Bellaire, or to appease a very few individuals, or if feral cats were simply viewed as a nuisance.

If City Council was uncertain about this, then the issue should be placed on a ballot during the City’s next election. Ms. Caldwell personally knew of more than three residents in Bellaire that opposed the ordinance, including Dr. Lori Teller, who was the President of Texas Veterinary Medical Association, who wrote City Council articulately and categorically explaining why every member of City Council should vote against the ordinance.

If City Council viewed feral cats as a nuisance and believed that the ordinance effectively addressed the issue, she reminded City Council that spay/neuter was the only way to keep feral cat populations in check. If City Council made it impossible for individuals to practice TNR with the proposed ordinance, the City Council was essentially supporting unchecked feral cat reproduction. A feeding ban of any sort impeded the practice of TNR.
Jewell Maida, 31 West Terrace Drive, Houston, Texas 77007:

Ms. Maida indicated that she did not personally own a cat, but had many friends that she admired and respected because they were using their own money and time to go out and try to help the voiceless, small kittens and cats that were starving to death because humans did not spay or neuter their animals.

It seemed ridiculous to Ms. Maida that City Council was spending tax dollars and time just to try to perpetuate the suffering of these animals that had done nothing to the people of the community.

Susan Golden, 4329 Betty Street, Bellaire, Texas:

Ms. Golden advised that she owned no pets, was not feeding any feral cats, and was not a member of an animal protection or advocacy group. She was a concerned Bellaire citizen. She was strongly opposed to the ban that had been proposed for the feeding of feral cats. She believed that the proposal was inhumane, ineffective, inefficient, and injurious to the image of Bellaire, and that Bellaire’s police officers had better things to do than to try to enforce this law.

Additionally, people who had studied feral cats had reported to City Council that a feeding ban was not an effective way to control the problem. Ms. Golden further expressed her concern over the negative publicity Bellaire had received over the past year. All of those who lived in Bellaire or had been associated with Bellaire realized that it was a great community.

Ms. Golden urged City Council to oppose the ban or to revisit the issue after giving the groups that had spoken this evening an opportunity to resolve the problem.

Dr. Cynthia Rigoni, 15407 Jupiter, Houston, Texas:

Dr. Rigoni stated that she owned All Cats Veterinary Clinic located at 9119B Stella Link Road, Houston, Texas 77025. She noted that she was also the Past President of the Houston Humane Society and was still on the Board of Directors as the Secretary.

She indicated that she was passionate about animals, especially cats, and urged City Council not to pass the ordinance proposed to them this evening. A law that she personally had been advocating for years was to make it illegal to breed anything that was not produced by a purebred, reputable breeder. This would allow us to put our priorities in the reproduction of healthy, long-life pets.
Dr. Rigoni mentioned three topics that she felt the City should be aware of, as follows:

1) **Bubonic Plague.** It was noted that the Plague has been in Harris County and was diagnosed within the last ten years. The City Council of Venice, Italy, was so tired of the problem they had with feral cats that they performed a very successful extermination program and got the Plague back. They now have a managed number of feral cats.

   The Harris County Public Health and Environmental Services held a meeting on November 6th in Tomball, Texas, wherein author and authority Kenneth Waldrup advised that there were 117 cases of Nonhuman Plague diagnosed in Texas in 2009. The Plague was carried by fleas on mice, rats, and squirrels—the natural prey of even well-fed cats;

2) **Baylisascaris (an invisible, deadly parasite).** It was noted that this was the roundworm of raccoons. While Dr. Rigoni agreed entirely that the colony of feral cats that people were complaining about might not have been responsibly managed, the sea of fur should have succeeded in running off the “masked bandits,” thereby keeping the children of the day care safe from the parasite. Children and adults alike were susceptible to this infection, which had a 20% mortality rate; and

3) **Rochlimae Hensilae, Baronella Hensilae, or Cat Scratch Fever.** This disease caused infertility in cats. Humans could get the disease from a cat scratch if vacationing above 1,000 feet. Although this disease would not necessarily be a problem in our area, it was a commonly diagnosed disease.

Dr. Rigoni closed by noting that some outdoor cats were needed, but should be humanely managed by spaying, neutering and releasing. These cats deserved to be fed and properly maintained for performing a service for our community.

**Richard Franke, 1104 Howard Lane, Bellaire, Texas:**

**Mr. Franke** indicated that he had written a supporting letter to Ms. Costello’s complaint about feral cats. He indicated that when he moved into Bellaire in 1998, he walked right into a herd of 30-40 filthy, feral cats. The root cause of the problem was senior citizens in the neighborhood feeding the cats. There was still a small colony of 20 cats in his neighborhood.

Mr. Franke supported the efforts of those wishing to trap and neuter or spay the feral cats, but did not want wild animals of any kind roaming through the neighborhood.
He believed the issue was much more challenging healthwise than presented this evening and noted that he supported the ordinance.

With respect to the tow trucks, he indicated that he was not aware of the issue, but noted that one did not see tow trucks speeding through Bellaire like they did in Houston; therefore, someone was doing a good job.

Susan Stevenson, 109 Hawke Bay Lane, Friendswood, Texas 77546:

Ms. Stevenson indicated that she was the coordinator of the Feral Cat Assistance Program, which was a program sponsored by Citizens for Animal Protection. Obviously, her group opposed the ordinance before City Council.

She agreed that what Mr. Franke was faced with when he moved into his home was deplorable, but the way to solve that problem was not the proposed ordinance. The only thing that would work to get the population under control and avoid the problem of diseases was a trap, neuter, return (TNR) program.

The proposed ordinance, if passed, would put Bellaire at odds with other communities, particularly Houston, where it was legal to feed feral cats on one side of the street and illegal on the other side of the street.

She urged Mr. Franke to call the Feral Cat Assistance Program, as they would be glad to help him with the issue in his neighborhood.

Mayor Siegel advised that several written comments had been submitted for the record. The written comments have been summarized below.

Deborah Dunn, 2710 Woodridge Manor, Houston, Texas 77087:

Ms. Dunn urged City Council to use rescue organizations to curb the feline population without harm to the feral cats. It was noted that the rescue organizations would help to ensure that the cats were spayed/neutered without cost to the City of Bellaire.

Michael Puig, 730 Magdalene, Houston, Texas 77024:

Mr. Puig advised that the best way to control the feral cat population was to trap, sterilize, and release.

Suzette Puig, 730 Magdalene, Houston, Texas 77024:

Ms. Puig urged City Council not to consider a feeding ban, but rather to consider a trap, neuter, return (TNR) program, humane education, and sterilization.
Shelly Richardson, P.O. Box 395, Bellaire, Texas 77402:

Ms. Richardson asked if City Council would also be against dogs, birds, squirrels, coons, and any and all wild animals, if they were against cats.

Crystal Maria Tramontin, 1300 Augusta, Houston, Texas:

Ms. Tramontin indicated that she did not support the feeding ban ordinance, indicating that one isolated event led to the ordinance. She indicated further that there were better solutions, such as a trap, neuter, return (TNR) program.

Tammy Crenwelge, 3226 N. MacGregor Way, Houston, Texas 77004:

Ms. Crenwelge advised that she felt City funds would be better spent developing a trap, neuter, return program and in educating the public about spaying and neutering their pets.

Sherry Myers, Houston, Texas (resides along bayou at Gessner and Westheimer):

Ms. Myers indicated that she had personally experienced what happened when feral cats were left to fend for themselves—they overpopulated, became sickly, and starved to death. She started feeding feral cats and used the trap, spay/neuter, release process and noticed that the population started diminishing.

She urged City Council not to punish the cats as humans had been the ones that had acted irresponsibly. She urged, instead, for City Council to consider public education and a trap, neuter, return (TNR) program. Doing nothing would only compound the problem.

Judy Murphy, 4808 Bellview Street, Bellaire, Texas:

Ms. Murphy asked City Council to reconsider passing the ban to prohibit feeding feral cats. She was not convinced that City Council had thought about the negative impact it would have on the poor homeless cats, as well as the community.

The cats did not choose having to live in the wild, forage for food, being chased by dogs and uncaring people, or being run over by cars. They lived their life day to day in hopes that some kind person would see that they were fed and might find a safe place to sleep.

The trap, neuter, return (TNR) program did work and it was only the very narrow-minded people that believed it was too expensive and/or took too long.
She urged City Council not to pass the ordinance, but to rethink it and come up with a better solution.

**Lisa Arkus, 4807 Pin Oak Park #12102, Houston, Texas 77081:**

*Ms. Arkus* advised that human beings had a responsibility to speak up and protest when an injustice was being committed, especially against living creatures with no voice or ability to speak for themselves.

She noted further that the feral cats in Bellaire had not emerged overnight—they were the result of irresponsible humans. The Humane Society of The United States defined feral cats as the offspring of lost or abandoned pet cats or other feral cats who were not spayed or neutered.

The proposed Bellaire city ordinance banning the feeding of feral cats was not only inhumane, but a waste of time because it would not solve the issue at hand. The feral cat colonies could be attended to humanely through a trap, neuter, return (TNR) program. Numerous rescue organizations had volunteered to provide services for such colonies.

**Ken Odom, P.O. Box 570092, Houston, Texas 77257:**

*Mr. Odom* advised that he did not support feeding bans. He supported a trap, neuter, return (TNR) program.

**E. REPORTS:**

**CITY MANAGER’S REPORT** regarding residential safety, public infrastructure/utilities, cultural and recreational, internal operations/productivity, communications/technology, employees, and upcoming City Council meetings/events – *Presented by City Manager Bernard M. Satterwhite, Jr.*

*City Manager Satterwhite* indicated that he did not submit a written report due to a personal situation that had occurred during the previous week. He noted that he did have a few announcements.

First, the Bellaire Police Department got their football crown back this past Saturday when they beat the Bellaire Fire Department 32-31.

Bellaire Recycles Day and the Friends of the Bellaire City Library Book Sale both went very well.

Linda Symank, the City’s new Chief Financial Officer, started work today for the City of Bellaire. She was unable to be present this evening, but City Manager Satterwhite advised that he would introduce her to everyone at the next City Council meeting.
A final reminder was given regarding trash pickup. City Manager Satterwhite noted that there would be no trash pickup on November 25th or November 26th.

Mayor Pro Tem Nauert and Councilman Parker moved to accept the City Manager’s Report dated November 1, 2010, as presented by City Manager Satterwhite into the record. 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

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, September 20, 2010 – Item submitted by City Clerk Tracy L. Dutton.
   b. APPROVAL of the minutes of the Special Session (Public Hearing on Tax Rate Increase) of the City Council of the City of Bellaire, Texas, held on Tuesday, September 28, 2010 – Item submitted by City Clerk Tracy L. Dutton.
   c. APPROVAL of the minutes of the Special Session (Public Hearing on Tax Rate Increase) of the City Council of the City of Bellaire, Texas, held on Monday, October 4, 2010 - Item submitted by City Clerk Tracy L. Dutton.

2. SURPLUS PROPERTY DISPOSITION REQUEST:
   CONSIDERATION of and possible action on a request from the Bellaire Finance Department, Bellaire Fire Department, Bellaire City Library, Bellaire Parks and Recreation Department, and Bellaire Public Works Department for City Council approval to dispose of surplus property in accordance with schedules and recommendations provided by said departments – Item submitted by Facilities Management Director Karl Miller.

Councilman Avioli requested separate consideration of Consent Agenda item F. 2.
Councilman Friedberg moved to approve the Consent Agenda dated November 15, 2010, consisting of the following items:

- Minutes of the City Council Regular Session held on Monday, September 20, 2010;
- Minutes of the City Council Special Session (Public Hearing on Tax Rate Increase) held on Monday, September 28, 2010; and
- Minutes of the City Council Special Session (Public Hearing on Tax Rate Increase) held on October 4, 2010.

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

**Separate Consideration of Consent Agenda Item F.2.:**

Councilman Friedberg moved to approve a request from the Bellaire Finance Department, Bellaire Fire Department, Bellaire City Library, Bellaire Parks and Recreation Department, and Bellaire Public Works Department to dispose of surplus property in accordance with schedules and recommendations provided by said departments. Councilwoman Nathan seconded the motion.

Councilman Avioli made an amendment to change the disposition of two metal ladders that were identified as “beyond repair” on the Bellaire Fire Department schedule of surplus property from “auction” to “discard.” Councilmen Friedberg and 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
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

G. ADOPTION OF ORDINANCE:

Cat Feeding Restrictions

CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 6, Animals and Fowl, Article II, Keeping Dogs and Cats, Section 6-45, Feeding of Cats Prohibited in Certain Areas, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of controlling the feeding of cats on public and private property – Item submitted by City Attorney Alan P. Petrov at the direction of City Council.

Councilman Hickman moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 6, Animals and Fowl, Article II, Keeping Dogs and Cats, Section 6-45, Feeding of Cats Prohibited in Certain Areas, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of controlling the feeding of cats on public and private property. Mayor Pro Tem Nauert seconded the motion.

Discussion ensued among members of City Council regarding the proposed ordinance amending the City’s Code for the purpose of controlling the feeding of cats on public and private property.

Councilwoman Nathan moved to table/postpone action on the proposed ordinance for a period of six (6) months, after which time the ordinance would be revisited and consideration could be given as to whether the ordinance would be enacted on a citywide basis or on an opt-in basis. Councilman Friedberg seconded the motion.

It was noted that a period of six (6) months might give the Feral Cat Assistance Program and any other advocacy groups an opportunity to eliminate the feral cat colony on Spruce Street and to rescue and spay/neuter other colonies in Bellaire.
The motion to table/postpone action on the proposed ordinance 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 Hickman moved to close debate on the proposed ordinance. Councilman Parker seconded the motion. The motion carried on a majority vote of 6-1 as follows:

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

**OPPOSED:** Councilwoman Nathan

**ABSENT:** None

The original motion to adopt an ordinance of the City Council amending Chapter 6, Animals and Fowl, Article II, Keeping Dogs and Cats, Section 6-45, Feeding of Cats Prohibited in Certain Areas, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of controlling the feeding of cats on public and private property carried on a majority vote of 5-2 as follows:

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

**OPPOSED:** Councilman Friedberg and Councilwoman Nathan

**ABSENT:** None

{Ordinance was subsequently numbered: 10-079}
submitted by City Manager Bernard M. Satterwhite, Jr., on behalf of Mayor Cindy Siegel.

Summary:

City Manager Satterwhite pointed out that the agenda item before City Council was not to establish a single towing franchise, but rather to go out for Requests for Proposals (RFPs) to see if it were feasible and beneficial financially for the City to do so. He indicated that someone had presented an idea to him wherein a single franchise might be financially advantageous to the City as opposed to what the City currently had in place with respect to revenues from towing. City Staff did not really know what the benefits would be until a RFP had been developed, distributed, and analyzed.

Mayor Siegel advised that she was aware of the proposal and had been talked to about it as well. Since City Council directed City Staff on policies or a change in policies, she felt that before City Staff did a great deal of work on a RFP, she felt it was important for City Council to make a decision whether or not City Staff should spend any time on the issue.

Mayor Siegel advised that the reason she had placed this item on the agenda was due to the fact that the City was already in an economic downturn. When someone came forward with a possible, viable additional revenue source, it was worth investigating. She noted, too, that there were also times when the City did not necessarily enter into an agreement that might mean more to the City because of other factors.

Mayor Pro Tem Nauert moved to direct City Staff to develop and distribute Requests for Proposals (RFPs) to area towing companies for the establishment of an exclusive towing service franchise within the city limits of the City of Bellaire, Texas. Mayor Siegel seconded the motion.

Discussion ensued among members of City Council regarding the current towing franchises or permits and whether or not there had been any complaints regarding the companies that held towing permits. It was noted that complaints were rare and that the towing companies had a good relationship with the Bellaire Police Department with respect to police tows.

Councilman Hickman made an amendment to direct City Staff to gather more information about actions City Council could take by talking with towing providers as to what an exclusive contract would look like and what other ideas might be considered. City Staff would then return to City Council with a list of options that could be considered before moving forward. Councilman Friedberg seconded the amendment.
Councilman Parker made a friendly amendment to direct City Staff to issue a Request for Information (RFI) to area towing providers so that the City could obtain the information on a more formal basis. Councilmen Hickman and Friedberg accepted the friendly amendment.

Discussion ensued among members of City Council regarding the current towing practices and the amendment before City Council.

A vote was taken on the amendment, 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

A vote was taken on the original 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

I. COMMUNITY INTEREST ITEMS FROM THE MAYOR AND CITY COUNCIL:

Items of community interest from the Mayor and City Council included a reminder of an Executive Session to be held before City Council on November 29, 2010, at 7:00 p.m. related to a donation of parkland; appreciation and recognition of the work that the Bellaire Recycling Committee and Friends of the Bellaire Library did on Bellaire Recycles Day and the book sale, respectively; recognition of the fun times had at the 4th Annual Police and Fire Football Game (fundraising event); invitation to participate in the Harris County Area Agency on Aging Advisory Council annual Thanksgiving meal (23rd year) to be provided to 5,000 seniors at a cost of $5.25 per meal.

J. ADJOURNMENT.

Councilman Parker moved to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:43 p.m. on Monday,
November 15, 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

Respectfully submitted,

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

Approved:

____________________________
Cynthia Siegel, Mayor
City of Bellaire, Texas