CITY COUNCIL MEETING MINUTES
MONDAY, DECEMBER 20, 2010

The City Council of the City of Bellaire, Texas, met in Regular Session on Monday, December 20, 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 7:07 p.m. on Monday, December 20, 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 Andrew Friedberg.

Councilman Friedberg provided the inspirational reading for the evening.

C. PLEDGES TO THE FLAGS – Councilman Andrew Friedberg.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

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

D. PERSONAL/AUDIENCE COMMENTS.

Harry Goldberg, 4002 Woodfin, Houston, Texas 77025:

Mr. Goldberg addressed City Council and advised that he wished to give them an update on his experience as Mayor of Bellaire, Texas. He had recently served as “Mayor for the Day” on December 8, 2010. Mr. Goldberg described his day for the City Council and audience, noting that he had visited offices in City Hall, including Community Development, Bellaire LIFE, and the Finance Department, as well as the Police Department, Library, and Parks & Recreation Department. He noted that the opportunity he had been given to serve as “Mayor for a Day” had been a very good one.
Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee wished everyone a very happy holiday. She referred to two new books published by Arcadia Publishing entitled “Bellaire.” One book referred to Bellaire, Michigan, and the other referred to Bellaire, Ohio. Both preceded Bellaire, Texas, by a few years (i.e., both were formed in the early 1880s). Additionally, both of those cities had horse-drawn trolley cars, libraries, and area historical societies.

E. PROCLAMATION:

PROCLAMATION issued by Mayor Cindy Siegel proclaiming Samuel Collins as an Outstanding Citizen of Bellaire, Texas, in recognition of his ongoing mission to improve literacy through his creation of an organization, R.E.A.D. (Recycle, Engage, And Donate Your Used Books) for Houston, which collects book donations from various sources and distributes them to centers in Bellaire and Houston to promote literacy through reading and mentorship – Item submitted by City Clerk Tracy L. Dutton on behalf of Mayor Cindy Siegel.

Mayor Siegel read the proclamation in its entirety that she had issued proclaiming Samuel Collins as an Outstanding Citizen of Bellaire, Texas, in recognition of his ongoing mission to improve literacy through reading and mentorship. Samuel Collins was present and accepted his proclamation from Mayor Siegel.

F. REPORTS:

1. CITY MANAGER’S REPORT regarding residential safety (police activity report), public infrastructure/utilities (Rebuild Bellaire Program update), employees (annual Employee Holiday Luncheon and Employee of the Year Doug Clawson), current issues/information (first meeting of the Sunset Review Committee set for January 10; grand opening/open house for the new Fire Station set for January 15 from 10:00 a.m. until noon), 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 dated December 20, 2010.

City Manager Satterwhite noted that the City Staff also had a wonderful day with “Mayor” Harry Goldberg who was affectionately known around City Hall as “Bruiser.” He appreciated Harry Goldberg for recognizing City Staff for what they did best.
Residential Safety

With respect to the police activity summary for the month of November, City Manager Satterwhite advised that there were 27 part 1 criminal offenses, which was a fairly low number. There were 45 traffic accidents in November as compared to 57 in the previous year. The average response time to emergency calls was approximately four minutes.

There were two robberies in November—one of which was a student who was assaulted and robbed outside of Bellaire High School. The suspects were identified and arrested. The second robbery involved an attempted theft of a vehicle in the 5400 block of Bissonnet Street. The victim sounded his vehicle alarm and the suspect fled. In addition, there were three assaults in November, two of which involved incidents of family violence, and two auto thefts.

The Community Resource Office (Officer Tim Quimby) participated with Officer Ramirez in the Condit Elementary School Heroes Night on November 3, 2010. A holiday safety program was conducted by the office for Bellaire LIFE participants on November 17, 2010. Also on November 17, 2010, the office conducted a personal safety program for a Girl Scout troop. During the month of November, the office coordinated a program with Bellaire High School on theft prevention that was presented to students.

Public Infrastructure/Utilities

With respect to the Rebuild Bellaire Program, Phase Three, construction progressed well. The 4500 block of Oleander Street was still under construction and traffic was one-way westbound. Approximately 720 feet of 48” storm sewer had been installed, which was approximately 58% complete. Street pavement reconstruction was approximately 25% complete, as was the curb installation and driveway installations.

Approximately 1,000 feet of storm sewer had been installed in the 4700-4800 blocks of Holt Street and traffic was one-way eastbound. This project was approximately 40% complete with respect to storm sewer and 20% complete with respect to street reconstruction.

It was noted that the contractor would not be working on Christmas Eve or New Year’s Eve on the Rebuild Bellaire Program, Phase Three.

With respect to the Rice Lift Station Project, the materials had been delivered. Work to be completed included completion of the form-up and pouring of concrete for two electrical pads, pulling electric wires, coating the inside of the new wet well, and cutting and plugging some
existing sanitary sewer pipes. Following the electric work, residents’ existing sprinkler systems would be repaired and sod and one section of sidewalk would be replaced along South Rice Avenue. Upon completion of that work, the existing lift station would be demolished.

It was noted that the South Rice Avenue roadway would be partially closed from time to time.

**Employees**

City Manager Satterwhite referred to the annual Employee Holiday Luncheon, which was held last Wednesday. Several members of City Council attended and helped serve food to the employees, which was greatly appreciated. During that luncheon, employees that had passed milestones in their employment were recognized—from five years up to and including 35 years. Johnny Rodriguez of the City’s Facilities Management Department was recognized for 35 years of service. One employee was also recognized as "Employee of the Year." This employee was selected by his or her peers. He was proud to announce that the employee of the year was Bellaire Police Officer Doug Clawson. Officer Clawson was also named the Bellaire Police Officer of the Year by the Bellaire Police Department. The Bellaire Firefighter of the Year was Nathan Minich, a Marine Reserve currently training in California for deployment to Afghanistan. Once he completed that deployment, he would return to the City of Bellaire Fire Department. The Volunteer Firefighter of the Year was Miguel Rijojas, a chef by trade, who was considering a move to the Bellaire Fire Department as a firefighter in a full-time capacity.

**Current Issues/Information**

City Manager Satterwhite advised that the first meeting of the Sunset Review Committee was set for Monday, January 10, 2011, and the City was planning a dedication/open house for the new Fire Station on January 15, 2011, beginning from 10:00 a.m. until noon. Tours would be given and refreshments provided.

Everyone was reminded that the City had two board vacancies—one on the Recycling Committee and one on the Building and Standards Commission—due to resignations. Applications would be accepted for the next several weeks and City Council would interview candidates for those vacancies on January 17, 2011.
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>January 3</td>
<td>6:00 p.m.</td>
<td>Special Session (Public Hearing) on an Easement Abandonment</td>
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<tr>
<td>January 3</td>
<td>7:00 p.m.</td>
<td>Regular Session</td>
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<tr>
<td>January 17</td>
<td>6:00 p.m.</td>
<td>Special Session (Interviews) for Board Vacancies</td>
</tr>
<tr>
<td>January 17</td>
<td>7:00 p.m.</td>
<td>Regular 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 December 20, 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

2. **FINANCE REPORT for the City of Bellaire, Texas, covering the period ended November 30, 2010, 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 Linda Symank.**

Chief Financial Officer Symank presented the Finance Report for the City of Bellaire, Texas, covering the period ended November 30, 2010, to City Council.

Chief Financial Officer Symank advised that the Finance Report presented this evening covered two months of the fiscal year. For that period, the City of Bellaire booked $2.2 million in revenues and $3.1 million in expenditures. She advised that it was not unusual at the beginning of the year for expenditures to exceed revenues, with contracts and other annual payments required to be made at the beginning of the fiscal year (October).

Starting with the General Fund, the primary revenue source was property taxes. For this period, the City collected $312,300. This was in line with what was normally collected during the months of October.
and November. The largest percentages of property taxes were normally collected during the months of December and January before becoming delinquent on February 1st. The City historically collected 98-99% of the amount of property taxes levied each year.

Franchise taxes funded the General Fund. It was noted that the City had four franchise agreements, the largest of which was the electric franchise. The City received that payment on a monthly basis of equal amounts. Thus far, the City had received two payments. The other three franchise agreements for gas, telephone, and cable were received on a quarterly basis. The City received a total of $251,187.

The amount of sales tax received was $331,062. It was $17,000 less than received during the previous year. The City realized with the downturn in the economy that the City’s sales tax receipts were impacted. As a result, the City budgeted a decrease in sales tax revenues of 5.6%. If that budget were allocated monthly based on how the City historically received its sales tax revenues, then for the period ending November 30th, the City was slightly ahead of the allocated budget.

The City’s Planning and Parks Departments collected permits and fees for the services that they provided. A total of $203,427 was collected by those Departments. The Planning Department issued 14 permits for commercial, remodel, and new construction with a value of $6.5 million, and 60 residential permits were issued with a value of $5.4 million.

Public safety, which included the ambulance fees, collected $60,628. The collection of the City’s fines, which included the Municipal Court fines as well as the Library fines, totaled $134,889. During the previous year, the City entered into a contract with the law firm of Perdue Brandon Fielder Collins & Mott for the collection of the City’s delinquent fines. The City continued to see collection activities from their efforts.

The other categories in the General Fund, which included investment earnings, licenses, and miscellaneous revenue, totaled $12,222.

The General Fund had total revenues of $1.3 million and total expenditures of $2.2 million. In reviewing the expenditures, it was noted that the expenditures were in line and consistent with the adopted budget.

With respect to the Debt Service Fund, Chief Financial Officer Symank advised that this fund was funded by a portion of the City’s property tax collections. The City increased its property tax allocation to the Debt Service Fund by 2.4 cents. The property tax collected for the
Debt Service Fund was $158,642, and the total operating revenue for the fund was noted to be $159,323. This fund also received an interfund transfer from the Enterprise Fund to support the general obligation debt that was used for the construction of utility infrastructure. Expenditures of $5,800 were booked in the Debt Service Fund and represented an arbitrage calculation required on one of the City’s bond issuances in October, as well as bond agent fees.

The Enterprise Fund charged fees to the citizens for water, wastewater, and solid waste services the City provided. The water revenue was $312,776. This revenue source was very much influenced by the weather. For the two-month period in 2010 (October and November), there had been 16” of rain and the City pumped 148 million gallons of water. For the same period in 2011, the City had 3” of rain and pumped 190 gallons of water.

The wastewater revenue was $174,489. This was less than the previous year. The wet year last year caused the winter average to go down, which was reflected this year as a decrease in revenue.

Solid waste revenues were $240,685. The other categories in the Enterprise Fund were $18,921, for total revenue of $746,871.

The expenditures totaled $755,664. The expenditures were in compliance with the adopted budget.

The Vehicle, Equipment, and Technology Fund did not budget new revenue for fiscal year 2011. It would be funding projects with fund balance, which was projected to be $427,136. Projects that were not completed the previous year would carry over into this year. Additional projects were budgeted for the fiscal year and the fund balance would be used toward those projects. The nature of this fund carried over from one year to the next until a project was complete.

The Capital Improvement Program Fund included both bond funding projects, as well as system revenue projects. By the nature of this fund, it, too, carried over from one year to the next until a project was complete. This fund also included a transfer from the Enterprise Fund that would support its projects for this year. It received $17,600 from the Friends of the Bellaire Library. Those funds would support the CIP Library Renovation Project.

Following questions from members of City Council regarding the Finance Report, Councilman Hickman moved to accept the Finance Report for the City of Bellaire, Texas, for the period ended November 30, 2010, as presented by Chief Financial Officer Symank into the record. 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

3. ENGINEERING REPORT regarding an engineering design update on the City of Bellaire’s Baldwin Avenue Paving and Drainage Improvements Project – Item submitted by Director of Public Works Joe Keene; Presentation by HDR Engineering, Inc.


Engineer Andrews advised that he was present to update City Council on the Baldwin Avenue Paving and Drainage Project. It was noted that the project included the rehabilitation of the sanitary sewer line along Baldwin Avenue, the reconstruction of the drainage system, and the reconstruction of the roadway from Beechnut Street to Ione Street. The project included a new sidewalk for the west side of the roadway.

The right-of-way for Baldwin Avenue was noted to be a very narrow 50 feet with homes sitting ten feet beyond that right-of-way line. There were also over 120 trees located in the City’s right-of-way, as well as many public and private utilities that needed to be protected as the roadway was built.

In looking closely at the issues, HDR was recommending to the City that a narrower street width be constructed than had been done in the past. In the past, 28’ wide roadways were constructed that allowed parking on both sides of the street with vehicular movement between the parked cars. On Baldwin Avenue, parking was available on all of the intersecting streets in the 4300 and 4400 blocks. HDR was proposing a 25’ width roadway with a four foot sidewalk on the west side of the street.

The construction process would start with the rehabilitation of the sanitary sewer line and move to the reconstruction of the storm sewer system followed by the reconstruction of the roadway and the sidewalk. The storm sewer would be constructed between the street centerline and the east curb line on the south side of the project and between the centerline of the street and west curb line on the north
side of the project to avoid disruption with the existing sanitary sewer system.

Maintaining access across Baldwin Avenue to the 4300 blocks during the construction process would be a challenge, especially during the construction of the storm sewer system. The storm sewer varied in width from 24” in diameter to 84” in diameter and would be as deep as 17’ in some locations.

Construction of a temporary roadway on the east side of the dead-end streets near the railroad tracks was considered. There was simply not enough room to do so. Consideration was also given to temporarily widening the intersections to allow traffic to move through the construction zone. This would be possible at a few of the intersections. At a minimum, the contractor would be required to move construction equipment and provide a portable bridge structure for access by residents when needed.

For each of the 4300 blocks, HDR would request information from the residents regarding any special needs, such as doctor visits, critical deliveries, etc. During solid waste or recycling pickup, the contractor would have the option of picking up the waste material himself or providing a temporary bridge for the Public Works vehicles.

The residents of the 4300 blocks would be requested to limit their traffic movements as much as possible across Baldwin Avenue during the construction hours. Obviously, the more the contractor had to start and stop his operation, the longer the overall construction period would take.

Before completing the design of the project, a neighborhood meeting would be conducted and the residents informed of the construction. Input would be taken from the residents regarding their specific properties. All residents of Southdale would be invited to the meeting. The residents would be provided with a packet of information, including contacts for both HDR and the City.

Driveways along Baldwin Avenue would be reconstructed within the right-of-way to match the new grade of the street and the new driveway slopes would be different than they currently were. The elevation of the roadway would be lowered to improve the efficiency of the storm water drainage out of the area. There would be times when a driveway would have to be built onto private property for a smooth transition and, if this occurred, a right of entry form would be requested from the homeowner.

With respect to trees, the majority of lots adjacent to Baldwin Avenue did not have trees that would be adversely affected during the
construction. However, there were a few homes that had landscaping right out to the roadway. Some of that would have to be removed for the construction of the new road. The vast majority of the trees that would have to be removed were relatively young and HDR intended to require the contractor to replace those trees where possible. One large tree would have to be removed to put in the new improvements.

There would be relocations of some water lines and sanitary sewer lines as the storm sewer system was constructed. Disruption to the neighborhood would be minimized where possible. Notification of disruptions would also be given. It was anticipated that there would be some streetlight outages during construction for periods of time. Some of the lights were fed by overhead lines, which would be avoided. However, some of the light systems were fed by shallow cables buried right next to the road.

The detention system, as previously discussed, required seven acre feet of storage volume and was currently planned for just south of the City's Wastewater Treatment Plant. To detain the necessary volume of water, the City was required to protect the downstream properties. The proposed detention pond would be ten feet deep with vertical sheet piling around the circumference of the pond. The estimated cost for the pond was approximately $1.4 million.

There was, however, another option that Bellaire had pursued for years, but had not become available until recently. That was the purchase of storage in the already constructed Meyer Tract detention facility. Both the City of Houston and the Harris County Flood Control District owned storage in the pond and, until recently, were not ready to discuss sharing the capacity with any other entities. The City of Houston, however, had indicated that all of their available storage was not needed for the planned improvements they had in the area. They indicated that they might be willing to sell certain acre feet of storage for the Baldwin Avenue project. Bellaire might now have an option to purchase at least seven acre feet of storage capacity in the Meyer Tract detention facility for much less than the cost to build its own detention pond. Furthermore, the size and cost of the underground storage system could be reduced. It had been upsized in order to store additional water in the underground system. If that water could be stored in the Meyer Tract, then the cost of the storm sewer could be reduced as well at a savings of approximately $370,000. Additionally, the City would not have to encumber its property behind the Wastewater Treatment Plant for detention.

In order to move forward on that capacity, a firm commitment would have to be made by the City of Bellaire to the City of Houston. HDR would then have to provide the City of Houston and the Harris County
Flood Control District with the necessary data and calculations to support the need.

Following questions from members of City Council regarding the Engineering Report on the City of Bellaire’s Baldwin Avenue Paving and Drainage Improvements Project, Councilman Friedberg moved to accept the Engineering Report as presented by James Andrews, P.E., HDR Engineering, Inc., 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

G. CONSENT AGENDA:

1. APPROVAL/CORRECTION OF MINUTES:
   a. APPROVAL of the minutes of the Special Session (Interviews) of the City Council of the City of Bellaire, Texas, held on Monday, October 18, 2010 – Item submitted by City Clerk Tracy L. Dutton.
   b. APPROVAL of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, October 18, 2010 – Item submitted by City Clerk Tracy L. Dutton.
   c. APPROVAL of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, November 1, 2010 – Item submitted by City Clerk Tracy L. Dutton.
   d. APPROVAL of the minutes of the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, held on Monday, November 1, 2010 – Item submitted by City Clerk Tracy L. Dutton.

2. ADOPTION OF RESOLUTIONS:
   a. CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, amending the City’s Authorized Representatives
for the City’s public funds investment pool, the Texas Local Government Investment Pool (“TexPool/TexPool Prime”), for the purpose of amending the list of representatives authorized to transmit funds for investment in or to request withdrawal of funds from TexPool/TexPool Prime and to authorize said representatives to take all other actions necessary for the investment management of City funds in TexPool/TexPool Prime, including issuing letters of instruction to that effect – Item submitted by City Manager Bernard M. Satterwhite, Jr.

b. CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, amending the City’s Authorized Representatives for the City’s public funds investment pool, the TexSTAR Local Government Investment Pool (“TexSTAR”), for the purpose of amending the list of representatives authorized to transmit funds for investment in or to request withdrawal of funds from TexSTAR and to authorize said representatives to take all other actions necessary for the investment management of City funds in TexSTAR, including issuing letters of instruction to that effect – Item submitted by City Manager Bernard M. Satterwhite, Jr.

c. CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, amending the City’s Authorized Representatives for the City’s public funds investment pool, the TexasTERM Local Government Investment Pool (“TexasTERM”), for the purpose of amending the list of representatives authorized to transmit funds for investment in or to request withdrawal of funds from TexasTERM and to authorize said representatives to take all other actions necessary for the investment management of City funds in TexasTERM, including issuing letters of instruction to that effect – Item submitted by City Manager Bernard M. Satterwhite, Jr.

Councilman Parker requested separate consideration of agenda items 1. a. and 1. b. as he was absent from the meetings and wished to abstain from voting on them.

Councilman Hickman moved to approve the following minutes of the City Council of the City of Bellaire, Texas:
Minutes of the Special Session (Interviews) held on Monday, October 18, 2010; and

Minutes of the Regular Session held on Monday, October 18, 2010.

Councilman Friedberg seconded the motion. The motion carried on a 5-0-1 vote as follows:

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

OPPOSED: None

ABSENT: Mayor Siegel*

ABSTAIN: Councilman Parker**

*Mayor Siegel stepped away from the Council table temporarily and did not participate in the vote on the minutes of the Special Session (Interviews) and Regular Session held on Monday, October 18, 2010.

**Councilman Parker abstained from voting on the minutes of the Special Session (Interviews) and Regular Session held on Monday, October 18, 2010, due to his absence from both sessions.

Councilman Hickman moved to approve the following minutes of the City Council of the City of Bellaire, Texas:

- Minutes of the Regular Session held on Monday, November 1, 2010; and

- Minutes of the Special Session (Executive Session) held on Monday, November 1, 2010.

Councilwoman Nathan and Councilman Parker jointly seconded the motion. The motion carried unanimously on a 6-0 vote as follows:

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

OPPOSED: None
ABSENT: Mayor Siegel*

*Mayor Siegel stepped away from the Council table temporarily and did not participate in the vote on the minutes of the Regular Session and Special Session (Executive Session) held on Monday, November 1, 2010.

Councilman Hickman moved to approve the adoption of resolutions of the City Council of the City of Bellaire, Texas, amending the Authorized Representatives for the City’s public funds investment pools, the Texas Local Government Investment Pool (TexPool/TexPool Prime), the TexSTAR Local Government Investment Pool, and the TexasTERM Local Government Investment Pool, for the purpose of amending the list of authorized representatives authorized to transmit funds for investment in or to request withdrawal of funds from said investment pools and to take all other actions necessary for the investment management of City funds in said investment pools, including issuing letters of instruction to that effect. Councilman Avioli seconded the motion. The motion carried unanimously on a 6-0 vote as follows:

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

OPPOSED: None

ABSENT: Councilman Parker*

*Councilman Parker stepped away from the Council table temporarily and did not participate in the vote on the resolutions amending authorized representatives authorized for investment management of the City’s three public funds investment pools.

{The TexPool/TexPool Prime resolution was subsequently numbered: 10-22; the TexSTAR resolution was subsequently numbered: 10-23; and the TexasTERM resolution was subsequently numbered: 10-24}
H. ADOPTION OF ORDINANCES:

Appointment

1. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing Evetta Herbert as Deputy Court Clerk of the Municipal Court of the City of Bellaire, Texas, for a two-year term commencing on the 21st day of December, 2010, and expiring on the 20th day of December, 2012; and providing that any appointments of Deputy Court Clerks of the Municipal Court of the City of Bellaire, Texas, in conflict with this appointment are hereby terminated – Item submitted by City Clerk Tracy L. Dutton on behalf of City Manager Bernard M. Satterwhite, Jr.

Councilwoman Nathan moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, appointing Evetta Herbert as Deputy Court Clerk of the Municipal Court of the City of Bellaire, Texas, for a two-year term commencing on the 21st day of December, 2010, and expiring on the 20th day of December, 2012; and providing that any appointments of Deputy Court Clerks of the Municipal Court of the City of Bellaire, Texas, in conflict with this appointment are hereby terminated. 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

Memorandum of Understanding

2. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute, for and on behalf of the City of Bellaire, Texas, a Memorandum of Understanding with The Jerry and Maury Rubenstein Foundation related to a proposed conveyance of property located at 4400 Bellaire Boulevard, Bellaire, Texas, to the City of Bellaire, Texas, said property of which shall be used for public park and public recreational purposes – Item submitted by City Clerk Tracy L. Dutton on behalf of The Jerry and Maury Rubenstein Foundation.
[Note: This agenda item was postponed on December 6, 2010, to allow members of City Council an opportunity to meet in a closed session to continue negotiations with the attorney for The Jerry and Maury Rubenstein Foundation, said closed session of which was scheduled earlier in the evening at 6:00 p.m.]

Councilman Parker moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute, for and on behalf of the City of Bellaire, Texas, a Memorandum of Understanding with The Jerry and Maury Rubenstein Foundation related to a proposed conveyance of property located at 4400 Bellaire Boulevard, Bellaire, Texas, to the City of Bellaire, Texas, said property of which shall be used for public park and public recreational purposes. Mayor Pro Tem Nauert seconded the motion.

Councilwoman Nathan made an amendment to page 3, Section 2C(iv), to read as follows: If any of the conditions set forth in Section C have not been complied with and satisfied, the Reconveyance Deed may at the Donor’s option . . . . Councilman Parker seconded the amendment.

Councilwoman Nathan indicated that she was proposing the amendment because the existing document provided for a series of three milestones. Effectively, there was a timetable that provided for the establishment of the Conservancy, the design of the park, funding arrangements, and completion of the park. The document provided that if any of the conditions were not satisfied the Reconveyance Deed will be recorded by the Donor. Her amendment would change the condition from “will” (mandatory action) to “may” (optional action at the Donor’s discretion).

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

Councilman Hickman proposed several amendments, the first of which was on page 1, Section 2A(v), to include a change to the phrase “date of the Deed” on the fifth line to the phrase “date of the Establishment (set forth in Section 2C(i))”; the second of which was on page 2, Section 2C(i), to include the insertion of
a new (i) to read as follows:  *If, within one (1) year from the delivery of the Deed, the Parties have established the Conservancy, and the Conservancy has been recognized as a 501(c)3 by the IRS (the date of Establishment); and; the third of which would include a change to the subsections by renaming (i) to (ii), (ii) to (iii), (iii) to (iv), and (iv) to (v); and the fourth of which would include a change of the phrase “date of the Deed” to “date of the Establishment” in the old subsections (i), (ii), and (iii).* Councilman Parker seconded the amendments proposed by Councilman Hickman.

Councilman Hickman indicated that he had proposed the amendments because there was some concern that the timelines might not be met. For example, it had been stated, although he had no personal knowledge of the statement, that the Internal Revenue Service could take up to six months or more to recognize the Conservancy as a 501(c)3 organization. If that were the case, this would eat up one-half of the first timeline. City Council discussed triggering the one-year timeline to start after the Conservancy had been in place and recognized as a 501(c)3 organization.

A vote was taken on the amendments, 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

*Ordinance was subsequently numbered: 10-083*
Budget Amendment

3. 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, 2009, and ending September 30, 2010, by increasing revenue in the General Fund for the purpose of receiving an appropriation in the amount of $50,000 from Harris County, Texas, to be used for the operation and maintenance of The Nature Discovery Center at Russ Pitman Park; increasing the appropriation for Organizational Services Nature Discovery Center line item budget by $50,000 for the operations and maintenance of The Nature Discovery Center; transferring $2,751.60 from the General Fund Undesignated Fund Balance to the Organizational Services City Clerk election line item budget for the purpose of the City’s Runoff Election, thereby increasing the Organizational Services City Clerk election line item by that same amount; and transferring $53,873.19 from the General Fund Undesignated Fund Balance to the Community Development Planning & Inspection line item budget for the purpose of plan review and inspection outsourcing, thereby increasing the appropriation for the Community Development Planning and Inspection line item budget by that same amount – Item submitted by Assistant City Manager Diane K. White.

Summary:

Assistant City Manager White summarized the budget amendments requested by City Staff. She noted that three items were requested to reconcile the 2010 budget. The first item was related to The Nature Discovery Center. It was noted that Harris County Precinct 3 usually gave the City money each year for operations and maintenance of The Nature Discovery Center. During the budget preparation for fiscal year 2010, the City had received an indication that those funds would not be received. However, in November, funds were given to the City by Harris County Precinct 3 for the operations and maintenance of The Nature Discovery Center.

The second item was related to the City’s Runoff Election, which was not expected at the time the budget was prepared. The City Clerk’s budget included an election line item and that line item, itself, was over budget by approximately $20,000 which made the entire Organizational Services budget over by $2,751.60.

The third item was related to the outsourcing of plan reviews and inspections by the Community Development Department. The outsourcing was necessary due to the fact the department was down
one and one-half persons. In addition, more homes were constructed during the year than projected. As an aside, Assistant City Manager White advised that the Community Development Department raised many of its fees to help account for the costs associated with outsourcing.

The entire 2010 budget revenues over expenditures were within budget. The amendments requested were merely to reconcile within City departments. The Charter did require City Staff to come to City Council in order to move funds from department to department or from the bottom line to a department.

Councilman Parker moved 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, 2009, and ending September 30, 2010, by increasing revenue in the General Fund for the purpose of receiving an appropriation in the amount of $50,000 from Harris County, Texas, to be used for the operation and maintenance of The Nature Discovery Center at Russ Pitman Park; increasing the appropriation for Organizational Services Nature Discovery Center line item budget by $50,000 for the operations and maintenance of The Nature Discovery Center; transferring $2,751.60 from the General Fund Undesignated Fund Balance to the Organizational Services City Clerk election line item budget for the purpose of the City's Runoff Election, thereby increasing the Organizational Services City Clerk election line item by that same amount; and transferring $53,873.19 from the General Fund Undesignated Fund Balance to the Community Development Planning & Inspection line item budget for the purpose of plan review and inspection outsourcing, thereby increasing the appropriation for the Community Development Planning and Inspection line item budget by that same amount. Mayor Pro Tem Nauert 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

{Ordinance was subsequently numbered: 10-084}
I. COMMUNITY INTEREST ITEMS FROM THE MAYOR AND CITY COUNCIL.

Community interest items from the Mayor and City Council included thanks to the citizens of Bellaire, employees, volunteers, schools, and churches for their service to the City of Bellaire; expression of gratitude and thanks to the Rubenstein family for acquiring the Teas property and donating it for a park for the citizens of Bellaire; congratulations to the Employee of the Year and Police Officer of the Year, Doug Clawson, as well as the Firefighter of the Year, Nathan Minich, and City Manager Satterwhite for his ten years of service; and expressions of Happy Holidays, Merry Christmas, and a prosperous New Year.

J. ADJOURNMENT.

Councilman Avioli moved to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:08 p.m. on Monday, December 20, 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