CITY COUNCIL MEETING MINUTES  
MONDAY, FEBRUARY 21, 2011

The City Council of the City of Bellaire, Texas, met in Regular Session on Monday, February 21, 2011, 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, February 21, 2011.

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.

Carol Phillips, 540 South Second Street, Bellaire, Texas, addressed City Council regarding a fee structure proposal for the Bellaire Parks & Recreation facilities and programs.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas, addressed City Council regarding the City’s Special Election to Fill a Vacancy and the generous donation of almost five acres of land to the City of Bellaire by The Jerry and Maury Rubenstein Foundation.
Mayor Siegel read a written comment into the record from Sandeep Seth, 4341 Cynthia Street, Bellaire, Texas, regarding the noxious odor at the City of Bellaire’s Wastewater Treatment Plant.

E. REPORTS:

1. CITY MANAGER’S REPORT regarding residential safety (police activity report and fire activity), public infrastructure/utilities (Rebuild Bellaire Program update and Library Renovation Project update), cultural and recreational (History Walk Dedication Ceremony – March 5, 2011, at noon), communications/technology (use of Notify Me/Facebook), indicators (crime statistics through the end of 2010 and building permits), and upcoming City Council meetings/events – Presented by City Manager Bernard M. Satterwhite, Jr.

City Manager Satterwhite presented the City Manager’s Report to City Council dated February 21, 2011.

Residential Safety

With respect to the police activity report for the month of January, it was noted that there were 31 Part 1 criminal offenses as compared to 42 in the prior year. There were 56 traffic accidents as compared to 35 in the previous year, and the average response time was still around 3 ½ minutes. There was one robbery in January at the Subway Restaurant, which was still under investigation. Four assaults occurred during the month of January, two of which involved offenses of family violence and two assaults occurred against police officers. There were five residential burglaries and no auto thefts during January.

Public Infrastructure/Utilities

City Manager Satterwhite advised that the Rebuild Bellaire Program, Phase 3 Project, was going very well. Traffic was still one-way eastbound in the 4500 block of Oleander Street. Approximately 1,205 feet of storm sewer had been installed (99% completed) and street pavement reconstruction was approximately 75% completed. Curb and driveway installations were noted to be 25% completed.

Traffic for the 4700-4800 block of Holt Street, also a part of the Rebuild Bellaire Program, Phase 3 Project, was one-way eastbound. Approximately 1,700 feet of storm sewer had been installed (70% completed). Approximately 420 feet or 30% of the street pavement reconstruction had been completed. Driveway installations were noted to be 15% completed.
With respect to the Bellaire City Library Renovation Project, it was noted that the front entrance to the Library would no longer be accessible beginning Tuesday, February 22, 2011, due to construction. The main entrance to the Library would be temporarily relocated to the east side of the building between the Library and the Fire Station.

**Cultural and Recreational**

City Manager Satterwhite reminded everyone of the History Walk Dedication scheduled for March 5, 2011, at noon near the trolley and hosted by the Bellaire Historical Society, Bellaire Cultural Arts Commission, and Bellaire Men’s Club.

**Communications/Technology**

It was noted that the City continued to expand its presence on Facebook and through the "Notify Me" option on the City website. By subscribing to "Notify Me," residents would receive emails from time to time informing them of important events going on in the City, as well as general information. Interested residents could also opt to receive, for example, notices of City Council and Board meetings and bid postings.

**Indicators**

With respect to indicators, City Manager Satterwhite reviewed the crime indicators for the year ended 2010. The City was down over the prior year on all types of crime with the exception of residential burglary. The crime index (number of Part 1 crimes in any given year) over the last three years was presented, and City Manager Satterwhite noted that there had been a steady decline during that period.

As to building permits, City Manager Satterwhite indicated that there was some good news and some bad news. There was a downward trend of building permits issued fiscal year date for the past five years. With respect to fiscal year 2011, the City was trending back up due to commercial development. For the first four months of the fiscal year, however, the City was trending downward on residential development. Construction values, on the other hand, seemed to be trending up this year.

**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>March 7</td>
<td>7:00 p.m.</td>
<td>Regular Session</td>
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<tr>
<td>March 21</td>
<td>7:00 p.m.</td>
<td>Regular Session</td>
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Following questions of City Manager Bernard M. Satterwhite, Jr., by members of City Council regarding the City Manager's Report, Councilman Hickman moved to accept the City Manager's Report dated February 21, 2011, as presented by City Manager Bernard M. Satterwhite, Jr., into the record. Councilman Avioli seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

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

OPPOSED: None

ABSENT: None


General Fund

With respect to the General Fund, it was noted that the City booked $7.9 million in revenue for the first four months of the fiscal year (54% of the projected budget for the General Fund). Approximately 70% of the City’s property taxes had been collected, which was on track with collections from the previous year. Some of the taxes collected would be booked in February due to the timing and volume of payments made at the end of the month and the time involved in processing those payments.

Since sales taxes for the previous year had declined, the amount budgeted for this fiscal year represented a decrease of 5.4% from the amount budgeted for the prior year. As of January, the City’s sales tax had come in slightly under that collected in the previous year (1/2 of 1%). The City’s February numbers were up 10.4%; therefore, the City’s collections were the same this year as those collected in the previous year.

Expenditures for the General Fund totaled $4.6 million.
Enterprise Fund

The Enterprise Fund, which billed for the City’s water, wastewater, and solid waste services, had revenues of $1.9 million, and expenditures of $1.8 million.

Both the General Fund and Enterprise Fund were operating funds, and both funds were operating within an approved budget. At this time, there were no expenditures that led City Staff to believe that the City could not operate within the adopted budget.

Debt Service Fund

The Debt Service Fund had revenues of $4 million. The revenue was comprised of property taxes and a transfer from the Enterprise Fund to cover its portion of the debt. There had been minimum expenditures at this time. Semi-annual debt service payments would be made in February and August.

Vehicle, Equipment, and Technology Fund (VET)

Funds for the Vehicle, Equipment, and Technology Fund (VET) consisted of carryover funds from the previous year. It had total expenditures of $237,000. Major purchases during the year consisted of the replacement of two police vehicles, replacement of the City’s telephone system, and the purchase and installation of a generator.

Capital Improvement Program Fund (CIP)

Funds for the Capital Improvement Program Fund consisted of carryover funds, as well as a transfer from the Enterprise Fund in support of the projects for infrastructure improvements. Minimum expenditures of $49,000 had been made in the CIP Fund, which represented some engineering design work. The City was in the process of completing the renovation of the Bellaire City Library, which was funded from the CIP Fund (pay-as-you-go).

Following questions of Chief Financial Officer Linda Symank by members of City Council regarding the Finance Report for the period ended January 31, 2011, Councilman Friedberg moved to approve the Finance Report for the period ended January 31, 2011, as presented by Chief Financial Officer Linda Symank, into the record. Councilwoman Nathan 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.
F. PROCLAMATION:

ISSUANCE of a proclamation by Mayor Cynthia Siegel proclaiming and declaring the week of March 2, 2011, as Texas Independence Week in the City of Bellaire, Texas, and encouraging all citizens to remember those brave 59 men who declared our independence and to read and learn more about the wonderful history of our great State of Texas – Item submitted by City Clerk Tracy L. Dutton on behalf of Mayor Cindy Siegel; Proclamation to be presented to Representative(s) of The Sons of The Republic of Texas.

Mayor Siegel read the proclamation she issued declaring the week of March 2, 2011, as Texas Independence Week in Bellaire, Texas. The proclamation was presented to Bellaire resident and one of The Sons of The Republic of Texas, Randy Pollard.

G. CONSENT AGENDA:

1. APPROVAL/CORRECTION OF MINUTES:

a. CONSIDERATION of and possible action on the adoption of the minutes of the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, held on Monday, January 3, 2011 – Item submitted by City Clerk Tracy L. Dutton.

b. CONSIDERATION of and possible action on the adoption of the minutes of the Special Session (Interviews) of the City Council of the City of Bellaire, Texas, held on Monday, January 17, 2011 – Item submitted by City Clerk Tracy L. Dutton.

c. CONSIDERATION of and possible action on the adoption of the minutes of the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, held on Monday, January 31, 2011 – Item submitted by City Clerk Tracy L. Dutton.

2. ACCEPTANCE OF DONATIONS:

a. CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, accepting a donation in the amount of $11,582.00 from the Friends of the Bellaire Library for the purpose of
purchasing the following for the Bellaire City Library: reference material, Bookpage Magazine, program support for children’s and teen summer programming, Overdrive support, furniture and equipment for conference room, and children’s furniture – Item submitted by Library Director Mary Cohrs on behalf of the Friends of the Bellaire Library.

b. CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, accepting a donation in the amount of $4,000.00 from the Optimist Club of Bellaire for the purchase of the following for the Bellaire Parks & Recreation Department: sports netting between Jessamine Field and Bellaire Zindler Park in the City of Bellaire, Texas – Item submitted by Director of Parks & Recreation Jane L. Dembski on behalf of the Optimist Club of Bellaire.

c. CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, accepting a restricted donation in the amount of $2,275.00 from the Bellaire Historical Society to be utilized by the City of Bellaire, Texas, for the purchase and installation of a bench and plaque in Paseo Park – Item submitted by Jane L. Dembski on behalf of the Bellaire Historical Society.

Mayor Siegel requested separate consideration of Consent Agenda items F. 2. a., b., and c. in order to allow donors, the Optimist Club of Bellaire and the Bellaire Historical Society, to formally present their donations, in the form of a check, directly to City Council.

Councilwoman Nathan moved to approve the Consent Agenda dated February 21, 2011, consisting of the following: 1) adoption of the minutes of the City Council dated January 3, 2011 (Special Session – Public Hearing), 2) adoption of the minutes of the City Council dated January 17, 2011 (Special Session – Interviews), and 3) adoption of the minutes of the City Council dated January 31, 2011 (Special Session – Executive Session). 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

Separate Consideration of Agenda Item F. 2. a:

CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, accepting a donation in the amount of $11,582.00 from the Friends of the Bellaire Library for the purpose of purchasing the following for the Bellaire City Library: reference material, Bookpage Magazine, program support for children’s and teen summer programming, Overdrive support, furniture and equipment for conference room, and children’s furniture – Item submitted by Library Director Mary Cohrs on behalf of the Friends of the Bellaire Library.

Mayor Pro Tem Nauert moved to adopt a resolution of the City Council of the City of Bellaire, Texas, accepting a donation in the amount of $11,582.00 from the Friends of the Bellaire Library for the purchase of reference material, Bookpage Magazine, program support for children’s and teen summer programming, Overdrive support, furniture and equipment for conference room, and children’s furniture for the Bellaire City Library. Councilman Hickman seconded the motion.

Mayor Siegel thanked the Friends of the Bellaire Library for their generous donation.

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

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

OPPOSED: None

ABSENT: None

{Resolution was subsequently numbered: 11-01}

Separate Consideration of Agenda Item F. 2. b:

CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, accepting a donation in the amount of $4,000.00 from the Optimist Club of Bellaire for the purchase of the following for the Bellaire Parks & Recreation Department: sports netting between Jessamine Field and Bellaire Zindler Park in the City
of Bellaire, Texas – Item submitted by Director of Parks & Recreation Jane L. Dembski on behalf of the Optimist Club of Bellaire.

Councilman Parker moved to adopt a resolution of the City Council of the City of Bellaire, Texas, accepting a donation in the amount of $4,000.00 from the Optimist Club of Bellaire for the purchase by the Bellaire Parks & Recreation Department of sports netting between Jessamine Field and Bellaire Zindler Park in the City of Bellaire, Texas. Councilman Hickman seconded the motion.

Mayor Siegel thanked the Optimist Club of Bellaire for their generous donation. A large number of the members of the Optimist Club of Bellaire were in attendance and formally presented a check in the amount of $4,000.00 to Mayor Siegel.

{Resolution was subsequently numbered: 11-02}

Separate Consideration of Agenda Item F. 2. c.:

CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, accepting a restricted donation in the amount of $2,275.00 from the Bellaire Historical Society to be utilized by the City of Bellaire, Texas, for the purchase and installation of a bench and plaque in Paseo Park – Item submitted by Jane L. Dembski on behalf of the Bellaire Historical Society.

Councilman Hickman moved to adopt a resolution of the City Council of the City of Bellaire, Texas, accepting a restricted donation in the amount of $2,275.00 from the Bellaire Historical Society to be utilized by the City of Bellaire, Texas, for the purchase and installation of a bench and plaque in Paseo Park.

Kay Hieronymus, President of the Bellaire Historical Society, presented a check in the amount of $2,275.00 to Mayor Siegel and advised that the donation would be utilized to purchase a bench and plaque that would be installed in Paseo Park. The plaque would honor four past members of the Bellaire Historical Society—F. W. Young, Helen Yuill, Henry Ware, and Kitty McAfee.

Mayor Siegel accepted the check on behalf of the City of Bellaire, Texas, and thanked the Bellaire Historical Society for their donation.

{Resolution was subsequently numbered: 11-03}
H. ADOPTION OF ORDINANCES:

Agreements

1. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, for the purpose of awarding a contract to Klotz Associates for engineering services for the City of Bellaire Wastewater Treatment Plant Odor Evaluation Project in the amount of $16,900.00 and approval for the City Manager and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a Contract and Agreement for Engineering Services with Klotz Associates for said engineering services in an amount not to exceed $16,900.00 – Item submitted by City Manager Bernard M. Satterwhite, Jr., on behalf of Councilman Will Hickman.

Councilman Hickman advised that he had requested that this item be placed on City Council’s agenda as a result of a request he had received several years ago from a resident who lived close to the Bellaire Wastewater Treatment Plant and was concerned with odors presumably from the City’s plant. He noted that the issue was complicated by the fact that the City of Houston also had a Wastewater Treatment Plant in very close proximity to the City’s plant. His purpose for the agenda item was to request that some testing be done to determine which units, if any, in Bellaire’s plant was causing the odor issues for the nearby residents.

Councilman Avioli moved to award a contract to Klotz Associates for engineering services for the City of Bellaire Wastewater Treatment Plant Odor Evaluation Project in the amount of $16,900.00 and adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the City Manager and City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a Contract and Agreement for Engineering Services with Klotz Associates for said services in an amount not to exceed $16,900.00. Councilmen Hickman and Friedberg seconded the motion.

Following questions from City Council of Ralph Cox, P.E., Klotz Associates, a vote was taken on the motion which carried unanimously on a 7-0 vote as follows:

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

OPPOSED: None
ABSENT: None

{Ordinance was subsequently numbered: 11-009}

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, an Agreement Concerning Evelyn’s Park, Bellaire, Texas, by and among City of Bellaire, Texas, and The Jerry and Maury Rubenstein Foundation – Item submitted by City Manager Bernard M. Satterwhite, Jr., on behalf of the Bellaire City Council.

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, an Agreement Concerning Evelyn’s Park, Bellaire, Texas, by and among City of Bellaire, Texas, and The Jerry and Maury Rubenstein Foundation. Councilman Friedberg seconded the motion. The motion carried on a 6-1 vote as follows:

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

OPPOSED: Councilman Avioli*

ABSENT: None

*Councilman Avioli’s opposition was related to his concerns, from a business perspective, of the financial exposure to the City in the event that the property reverted back to The Jerry and Maury Rubenstein Foundation, as well as possible exposure from an environmental perspective for contaminants that may have been used on the property as a result of the landscaping nursery that previously existed on the site.

{Ordinance was subsequently numbered: 11-010}

3. 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 accept and execute, for and on behalf of the City of Bellaire, Texas, a Deed from The Jerry and Maury Rubenstein Foundation, as Grantor, conveying a property consisting of 4.9511 acres in the J. Blessing Survey, Abstract 162, in the City of Bellaire, Harris County, Texas, including all of Lots 1 through 14, Block 1, and Lots 1 through 9, Block 2, of Teas Estates, a subdivision in
Harris County, Texas, and more commonly known as 4400 Bellaire Boulevard, Bellaire, Texas, said property of which shall be used solely for public park and public recreational purposes, as well as the execution of a Deed from the City of Bellaire, Texas, as Grantor, reconveying said property to The Jerry and Maury Rubenstein Foundation, said Deed of which shall not be recorded at the time of its delivery, but shall be held subject to terms set forth in an agreement between the City of Bellaire, Texas, and The Jerry and Maury Rubenstein Foundation – Item submitted by City Manager Bernard M. Satterwhite, Jr., on behalf of the Bellaire City Council.

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 accept and execute, for and on behalf of the City of Bellaire, Texas, a Deed from The Jerry and Maury Rubenstein Foundation, as Grantor, conveying a property consisting of 4.9511 acres in the J. Blessing Survey, Abstract 162, in the City of Bellaire, Harris County, Texas, including all of Lots 1 through 14, Block 1, and Lots 1 through 9, Block 2, of Teas Estates, a subdivision in Harris County, Texas, and more commonly known as 4400 Bellaire Boulevard, Bellaire, Texas, said property of which shall be used solely for public park and public recreational purposes, as well as the execution of a Deed from the City of Bellaire, Texas, as Grantor, reconveying said property to The Jerry and Maury Rubenstein Foundation, said Deed of which shall not be recorded at the time of its delivery, but shall be held subject to terms set forth in an agreement between the City of Bellaire, Texas, and The Jerry and Maury Rubenstein Foundation. Councilwoman Nathan seconded the motion. The motion carried on a 6-1 vote as follows:

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

OPPOSED: Councilman Avioli*

ABSENT: None

*Councilman Avioli’s opposition was related to his concerns, from a business perspective, of the financial exposure to the City in the event that the property reverted back to The Jerry and Maury Rubenstein Foundation, as well as possible exposure from an environmental perspective for contaminants that may have been used on the property as a result of the landscaping nursery that previously existed on the site.
Amendment

4. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Ordinance No. 10-078, duly adopted and approved by the City Council of the City of Bellaire, Texas, on November 1, 2010, to establish a Sunset Review Committee, as well as the appointment of Councilman Andrew Friedberg as Chair of the Committee, for the purpose of removing Kathy Biddle as the member representing the Bellaire Cultural Arts Commission and appointing Terry Leavitt-Chavez as the member representing the Bellaire Cultural Arts Commission – Item submitted by City Clerk Tracy L. Dutton on behalf of the Bellaire Cultural Arts Commission and the Bellaire City Council.

Councilman Parker moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, amending Ordinance No. 10-078, duly adopted and approved by the City Council of the City of Bellaire, Texas, on November 1, 2010, to establish a Sunset Review Committee, as well as the appointment of Councilman Andrew Friedberg as Chair of the Committee, for the purpose of removing Kathy Biddle as the member representing the Bellaire Cultural Arts Commission and appointing Terry Leavitt-Chavez as the member representing the Bellaire Cultural Arts Commission. 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, Councilwoman Nathan

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 11-011}
second Saturday in May or May 14, 2011; establishing election precincts, polling places, and appointing election officials; and setting forth certain guidelines – Item submitted by City Clerk Tracy L. Dutton on behalf of the Bellaire City Council.

Councilman Parker moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, calling a Special Election within the City of Bellaire, Texas, for the purpose of filling a vacancy by electing a Councilman – Position No. 1; providing for a Runoff Election, if necessary; establishing the date of the Special Election on the uniform election date designated by the State of Texas as the second Saturday in May or May 14, 2011; establishing election precincts, polling places, and appointing election officials; and setting forth certain guidelines. Councilman Avioli seconded the motion. The motion carried on a 6-0-1 vote as follows:

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

OPPOSED: None

ABSENT: None

ABSTAIN: Councilman Hickman*

{Ordinance was subsequently numbered: 11-013}

*Councilman Hickman abstained from voting on this agenda item as the item related to his position on City Council.

I. ITEMS FOR INDIVIDUAL CONSIDERATION:

1. CONSIDERATION of and possible action to direct City Staff to move forward with the implementation of a plan to relocate the functions contained in the westernmost 300 feet of City-owned property abutting the 4400 block of Edith Street adjacent to Newcastle Drive, commonly known as the Public Works Pipe Yard, a portion of which contained the recently closed Recycling Center, to facilitate reuse of the property as either City parkland or to sell for residential development – Item submitted by City Manager Bernard M. Satterwhite, Jr., on behalf of Councilman Will Hickman and Councilwoman Mandy Nathan.
SUMMARY:

Councilwoman Nathan noted that the City had recently closed the Recycling Center and that she and Councilman Hickman had been independently talking to the City Manager about possible uses for the property. The property consisted of six lots facing Edith Street on the western portion of the 4400 block. In short, the cost to relocate the Public Works Pipe Yard (“Pipe Yard”) would be $60,000. Part of the decision this evening was whether or not City Council wanted to direct City Staff at some point to plan to undertake the movement of the Pipe Yard. The second step would be a decision as to what City Council would want to do with the property, such as utilizing it for parkland, selling it for residential development, etc. She hoped that City Council would make a recommendation to move the Pipe Yard and also provide a directive for the City to look into whether there was any interest in selling those properties.

Councilman Hickman noted that, with the closure of the Recycling Center and possible relocation of the Pipe Yard, the City would also have the street right-of-way that could be closed thereby yielding a 300’ X 150’ lot that could be green space or possible development. The first action could be to relocate the Pipe Yard, and the second would be to abandon the street right-of-way and determine the use of the property.

City Manager Satterwhite agreed that the first step was to consider the movement of the Pipe Yard. The Director of Public Works, Joe Keene, determined that the Pipe Yard could be moved to an area behind the Public Works Service Center near the Animal Pound. The only cost that City Staff explored was the cost to move the Pipe Yard. In other words, City Staff did not have a vision for the “finish.”

Councilman Hickman moved to direct City Staff to move the public works pipe yard, which is located on a portion of the former Recycling Center property, and to abandon the west half of the 4400 block of Edith Street. Councilman Parker seconded the motion.

Following discussion by members of City Council as to possible uses for the Recycling Center property, Councilman Hickman moved to postpone action to direct City Staff to move the public works pipe yard until a decision is made by Council as to possible uses of the Recycling Center property and to direct City Staff to look at options for the Recycling Center property, including through seeking the input of the Parks & Recreation Advisory Board and the evaluation of residential use and development options. Mayor Pro Tem Nauert seconded the motion. The motion to postpone carried on a 5-2 vote as follows:
FOR: Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg

OPPOSED: Mayor Siegel and Councilwoman Nathan

ABSENT: None

2. CONSIDERATION of and possible action on the approval of a proposal from the Bellaire Parks & Recreation Department and the Bellaire Parks & Recreation Advisory Board of a new fee structure for Parks & Recreation programs and facilities – Item submitted by Director of Parks & Recreation Jane L. Dembski.

SUMMARY:

Director Dembski summarized the agenda item before City Council regarding a proposal from the Bellaire Parks & Recreation Department and the Bellaire Parks & Recreation Advisory Board of a new fee structure for Parks & Recreation programs and facilities. She noted that the proposal consisted of a simplified fee structure with two annual memberships (recreation only and aquatics), a modified daily admissions fee structure, increased aquatics activity fees, and the implementation of park fees for group use.

Following questions from members of City Council, Mayor Pro Tem Nauert moved to accept and implement the fee structure and programming concept as presented by Director of Parks & Recreation Jane L. Dembski. Councilman Parker seconded the motion.

Following further discussion related to the fee proposal, Councilman Hickman moved to amend the fee structure to provide a senior discount for residents of 35%. Councilman Avioli seconded the amendment. The amendment to the motion carried on a 6-1 vote as follows:

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

OPPOSED: Councilman Parker

ABSENT: None

A vote was taken on the original motion to implement the fee structure and programming concept presented by Director of Parks & Recreation Jane L. Dembski, with an amendment to the
fee structure to provide a senior discount for residents of 35%, which carried on a 6-1 vote as follows:

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

OPPOSED: Councilman Parker

ABSENT: None

3. DISCUSSION of and possible action regarding the selection of four (4) members to serve on the Board of Directors for the Evelyn’s Park Conservancy.

SUMMARY:

Mayor Siegel noted that a portion of the Agreement Concerning Evelyn’s Park, Bellaire, Texas, by and among City of Bellaire, Texas, and The Jerry and Maury Rubenstein Foundation related to the establishment of a conservancy to develop a park at 4400 Bellaire Boulevard, Bellaire, Texas. The City of Bellaire was responsible for selecting four (4) members to serve on the Board of Directors for the conservancy, to be called the “Evelyn’s Park Conservancy.” Since the qualifications, tenure, and selection process for the City’s four (4) board members were left to the discretion of the City Council, Mayor Siegel proposed the following for consideration:

- **Public notification** of Board member openings through the City’s website and through public service announcements in the local press beginning February 22, 2011, through February 28, 2011;

- **Requirements:** Current Bellaire resident, to include a minimum of one Board Member currently serving on the Bellaire Parks & Recreation Advisory Board;

- **Selection Process:**
  - Acceptance of applications (utilizing the City’s current Board, Commission, and Committee Application), conduct interviews, and selection of members from among all of the applicants; or
  - Acceptance of nominations from members of City Council and appointment of members by a vote of City Council;
• Tenure:
  o Appointment of two (2) members for a term commencing on the date of incorporation of the Conservancy and expiring on June 30, 2012;
  o Appointment of two (2) members for a term commencing on the date of incorporation of the Conservancy and expiring on June 30, 2013;
  o Term of appointment after the initial appointment will be for two years; and
  o Term limits will be two consecutive terms; however, any term served for less than two years will not count toward the term limit;

• Reporting to the City:
  o The City’s Board Members will give a report on the Conservancy and on Evelyn’s Park to the City at a minimum of one time each year, one time of which will be during the State of the City address (first Monday in February); and
  o During the initial four years that Evelyn’s Park is in development, the City’s Board Members will report on the progress to City Council semi-annually.

Following Mayor Siegel’s summary of the agenda item, Councilman Hickman moved to approve the Mayor’s proposal for the public notification, requirements, selection of members, tenure, and reporting to the City as written, with acceptance of applications for board members. Councilman Avioli seconded the motion.

Councilman Parker moved to amend the motion to select members based on nominations from City Council rather than by application. Mayor Pro Tem Nauert seconded the amendment.

Councilman Friedberg amended the amendment to the motion to add the phrase “acceptance of applications and appointment by members from among those applicants” to the selection process. Councilman Hickman seconded the amendment to the amendment.
Councilman Avioli offered a friendly amendment that the nominees or applicants be interviewed by all members of City Council. Councilman Hickman seconded the friendly amendment.
Following further discussion, Councilman Hickman called the question. Councilman Friedberg seconded the motion to call the question.

A vote was taken on the motion to call the question, which carried on 6-1 vote as follows:

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

OPPOSED: Councilman Parker

ABSENT: None

A vote was taken on the amendment to the amendment (including the friendly amendment), which carried on a 5-2 vote as follows:

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

OPPOSED: Mayor Pro Tem Nauert and Councilman Parker

ABSENT: None

Councilman Hickman moved to call the question. Councilman Friedberg seconded the motion. The motion failed on a 4-3* vote as follows:

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

OPPOSED: Mayor Siegel, Councilman Parker, and Councilwoman Nathan

ABSENT: None

*Under the Rules of Procedure for the City Council, 2010-2012, a motion to close debate on a particular matter, required a two-thirds (2/3) majority vote.

Mayor Siegel moved to call the question. 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, Councilwoman Nathan

OPPOSED: None

ABSENT: None

A vote was taken on the motion to amend the selection process, as further amended, to approve the Mayor’s proposal for the selection process for members to accept applications for the nomination of members, to conduct interviews, and to appoint members from among the applications and nominations by a vote of City Council, which carried unanimously on a 7-0 vote as follows:

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

OPPOSED: None

ABSENT: None

Councilman Hickman moved to amend the requirements to include that the Board Member be a current Bellaire resident and registered voter. Councilman Parker seconded the amendment. The amendment carried on a vote of 6-1 as follows:

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

OPPOSED: Mayor Siegel

ABSENT: None

Councilman Hickman moved to amend the requirements to delete the phrase “minimum of” to include one and only one Board Member currently serving on the Bellaire Parks & Recreation Advisory Board. Councilman Parker seconded the amendment. The amendment failed on a 3-4 vote as follows:

FOR: Mayor Pro Tem Nauert, Councilmen Hickman and Avioli

OPPOSED: Mayor Siegel, Councilmen Parker and Friedberg, Councilwoman Nathan
ABSENT: None

A vote was taken on the motion to approve the requirements, selection process, tenure, and reporting to the City as presented by Mayor Siegel for the City’s four (4) board members to be appointed to the Board of Directors of the Evelyn’s Park Conservancy, as amended by action of City Council. 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, Councilwoman Nathan

OPPOSED: None

ABSENT: None

Mayoral Appointments

4. APPOINTMENT of three (3) members of the Bellaire City Council to the Bellaire Audit/Finance Committee for a one-year term effective February 1, 2011, and expiring on January 31, 2011 – Item submitted by City Clerk Tracy L. Dutton on behalf of Mayor Cindy Siegel.

Mayor Siegel made the following appointments of three (3) members of the Bellaire City Council to the Bellaire Audit/Finance Committee for a one-year term effective February 1, 2011, and expiring on January 31, 2011:

Mayor Pro Tem Phil Nauert – Chair;
Councilwoman Mandy Nathan; and
Councilman Corbett Daniel Parker.

It was noted that City Manager Bernard M. Satterwhite, Jr., and Chief Financial Officer Linda Symank also served as members of the Bellaire Audit/Finance Committee.

5. APPOINTMENT of one (1) member of the Bellaire City Council to serve as a Council Liaison to the following Bellaire Boards, Commissions, and Committees: Bellaire Cultural Arts Commission, Bellaire L.I.F.E. Advisory Board, Board of Adjustment, Building and Standards Commission, Parks & Recreation Advisory Board, Planning and Zoning Commission, and Recycling Committee – Item submitted by City Clerk Tracy L. Dutton, on behalf of Mayor Cindy Siegel.
Mayor Siegel made the following appointments of members of the Bellaire City Council as Council Liaisons to the Bellaire Boards, Commissions, and Committees:

Bellaire Cultural Arts Commission
Councilman Corbett Daniel Parker

Bellaire L.I.F.E. Advisory Board
Mayor Cindy Siegel

Bellaire Board of Adjustment
Councilman Corbett Daniel Parker

Bellaire Building and Standards Commission
Councilman Andrew Friedberg

Bellaire Parks & Recreation Advisory Board
Councilman James P. Avioli, Sr.

Bellaire Planning and Zoning Commission
Mayor Pro Tem Phil Nauert

Bellaire Recycling Committee
Councilwoman Mandy Nathan

Mayor Siegel advised that all of the appointments remained the same as the previous year, with the exception of Mayor Pro Tem Nauert who had a conflict on the third Thursday of each month and was unable to attend the Bellaire Board of Adjustment meetings. Councilman Hickman was previously appointed as Council Liaison for the Planning and Zoning Commission. Since Councilman Hickman would be absent from his City Council seat as of March 2011, Mayor Siegel appointed Mayor Pro Tem Nauert as the Council Liaison to the Planning and Zoning Commission. Councilman Parker had agreed to act as Council Liaison for both the Bellaire Cultural Arts Commission and the Bellaire Board of Adjustment until a candidate was elected to fill Councilman Hickman’s seat in May of 2011.
J. COMMUNITY INTEREST ITEMS FROM THE MAYOR AND CITY COUNCIL.

Community interest items from the Mayor and City Council included an expression of thanks to City Staff and the Parks & Recreation Advisory Board for their hard work on the fee structure proposal and to the Bellaire Optimist Club, Friends of the Bellaire Library, and Bellaire Historical Society for their generous donations to the City for the benefit of the residents of Bellaire.

K. ADJOURNMENT.

Councilman Hickman moved to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 11:07 p.m. on Monday, February 21, 2011. 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, 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