CITY COUNCIL MEETING MINUTES
MONDAY, MAY 2, 2011

The City Council of the City of Bellaire, Texas, met in Regular Session on Monday, May 2, 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, May 2, 2011.

Also present were Mayor Pro Tem Phil Nauert, Councilmen 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. Councilman Will Hickman was absent.

B. INSPIRATIONAL READING AND/OR INVOCATION – Councilman James P. Avioli, Sr.

Councilman Avioli provided the inspirational reading for the evening.

C. PLEDGES TO THE FLAGS – Councilman James P. Avioli, Sr.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

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

D. PERSONAL/AUDIENCE COMMENTS.

There were no personal/audience comments this evening.

E. REPORTS:

CITY MANAGER’S REPORT regarding residential safety (cancellation of Public Safety Day and police activity report), public infrastructure/utilities (Rebuild Bellaire Program update and projects
update), and upcoming City Council meetings/events – Presented by City Manager Bernard M. Satterwhite, Jr.

City Manager Satterwhite presented the City Manager’s Report to City Council dated May 2, 2011.

Residential Safety

City Manager Satterwhite referred to an announcement made previously by City Staff that a Public Safety Day event would be held on May 21, 2011. The event would have to be canceled as things did not work out for that particular date (i.e., several conflicting events in and around City Hall and Bellaire Town Square that day that would involve several hundred people and many cars). The event could possibly be rescheduled sometime in the fall of 2011.

With respect to police activity, it was noted that a Drug Take-Back Day had been held over the weekend in cooperation with the Drug Enforcement Agency (DEA). According to the DEA, Bellaire was one of the best venues that they had.

City Manager Satterwhite referred next to a rash of burglaries of vehicles that had occurred in Evergreen Park. The Bellaire Police Department arrested three individuals in connection with those burglaries; however, residents were urged to take appropriate precautions by keeping their valuables out of sight.

A robbery that occurred at the Rice Discount Liquor store was currently under investigation. The robbery occurred during rush hour (approximately 6:00 p.m.) and residents were cautioned to be vigilant at all times.

Public Infrastructure/Utilities

The Rebuild Bellaire Program, Phase Three Project, was going well. The 4500 block of Oleander Street was now completed. The storm sewer was installed in the 4700-5000 blocks of Holt Street and construction had begun on the south side of the street. Traffic flow had changed on Holt Street as result of the construction. Persons could no longer enter Holt Street from South Rice Avenue. It was now necessary to enter Holt Street from the Interstate Highway 610 Service Road.

The storm sewer was 90% completed on the 7900-8200 blocks of Englewood Street.

The only street on which work had not yet begun under the Rebuild Bellaire Program, Phase Three Project, was the 7500-7900 blocks of Second Street.

Bids were recently opened for the Pedestrian Hybrid Crosswalk on South Rice Avenue at the Bellaire Town Square driveway. Five bids were received and
were currently under evaluation. Those bids would be brought forward to City Council for consideration on the 16th of May, 2011. City Manager Satterwhite understood that the bids were favorable and below what had been anticipated as to cost.

The Bellaire City Library Renovation Project was going very well. A coating had been installed on the outside brick to prevent water intrusion. Staff had moved everything back into the two-story wing of the Library, which was not fully open for business. City Manager Satterwhite referred to the great job that the Library Staff had done during this renovation process.

City Manager Satterwhite advised that early voting had started at City Hall and would continue through May 10, 2011. Election Day was noted to be on May 14, 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>May 16, 2011</td>
<td>6:00 p.m.</td>
<td>Special Session (Public Hearing)</td>
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<tr>
<td>May 16, 2011</td>
<td>7:00 p.m.</td>
<td>Regular Session</td>
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<tr>
<td>May 24, 2011</td>
<td>6:00 p.m.</td>
<td>Special Session (Budget and Action on Public Hearing held on May 16, 2011)</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 Friedberg moved to accept the City Manager’s Report dated May 2, 2011, as presented by City Manager Bernard M. Satterwhite, Jr., into the record. Mayor Pro Tem Nauert seconded the motion. The motion carried unanimously on a 6-0 vote as follows:

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

**OPPOSED:** None

**ABSENT:** Councilman Hickman

F. **PROCLAMATION** – Presentation of a proclamation issued by Mayor Cynthia Siegel proclaiming the month of May 2011 as Older Americans Month in the City of Bellaire, Texas, and urging every citizen to take time this month to honor our older adults and the professionals, family members, and volunteers who care for them – Item submitted by City Clerk Tracy L. Dutton on behalf of Senior Services Specialist Valerie Langdon and the Bellaire L.I.F.E. Advisory Board.

Mayor Siegel read the proclamation she issued proclaiming the month of May 2011 as Older Americans Month in the City of Bellaire, Texas, in its
entirety. At the conclusion of the reading, Mayor Siegel presented the proclamation to those members of the Bellaire L.I.F.E. Program who were present.

G. CONSENT AGENDA:

APPROVAL/CORRECTION OF MINUTES:

1. CONSIDERATION of and possible action on the adoption of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, March 21, 2011 – Item submitted by City Clerk Tracy L. Dutton.

2. CONSIDERATION of and possible action on the adoption of the minutes of the Special Session of the City Council of the City of Bellaire, Texas, held on Monday, April 4, 2011 – Item submitted by City Clerk Tracy L. Dutton.

Councilman Parker requested separate consideration of Consent Agenda item G. 2. Both Consent Agenda items were, therefore, considered separately.

Separate Consideration of Consent Agenda Item G. 1.:

Mayor Pro Tem Nauert moved to approve the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, March 21, 2011. Councilwoman Nathan seconded the motion. The motion carried unanimously on a 6-0 vote as follows:

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

OPPOSED: None

ABSENT: Councilman Hickman

Separate Consideration of Consent Agenda Item G.2.:

Councilman Friedberg moved to approve the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, April 4, 2011. Councilwoman Nathan seconded the motion. The motion carried on a 5-0-1 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Avioli and Friedberg and Councilwoman Nathan
OPPOSED: None

ABSENT: Councilman Hickman

ABSTAIN: Councilman Parker*

*Councilman Parker abstained from voting on the approval of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, April 4, 2011, due to his absence from that meeting.

H. ADOPTION OF ORDINANCES:

Code Amendment

1. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 9, Buildings, Article II, Building Codes, Division 1, Generally, of the Code of Ordinances of the City of Bellaire, Texas, by repealing the existing Section 9-21, Construction requirements for private parking areas in residential zoned districts and commercial zoned districts, and adopting a new Section 9-21, Construction requirements for private parking areas and driveways in all zoned districts, for the purpose of requiring concrete or asphalt materials for the paving of private parking areas – Item submitted by Director of Community Development John McDonald.

Councilman Parker moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 9, Buildings, Article II, Building Codes, Division 1, Generally, of the Code of Ordinances of the City of Bellaire, Texas, by repealing the existing Section 9-21, Construction requirements for private parking areas in residential zoned districts and commercial zoned districts, and adopting a new Section 9-21, Construction requirements for private parking areas and driveways in all zoned districts, for the purpose of requiring concrete or asphalt materials for the paving of private parking areas. Councilman Avioli seconded the motion.

Following questions of Director of Community Development McDonald, Councilman Friedberg proposed several amendments to the proposed text of the new Section 9-21, Construction requirements for private parking areas and driveways in all zoned districts, as follows:

In paragraph one, the phrase “be deemed to” should be struck and a comma inserted after the phrase “upon private property.” The phrase
“and shall control the construction of such areas in all zoned districts” at the end of the paragraph should be struck, and the phrase “in all zoned districts,” should be moved to the second line immediately following the newly-added comma and before the phrase “for the ingress and egress.” Paragraph one would then read as follows:

This section shall be deemed to control and regulate the construction and/or reconstruction of all areas upon private property, in all zoned districts, for the ingress and egress of motor vehicles and the parking of the same and shall control the construction of such areas in all zoned districts.

In subsection (a), titled Single-family residential, the phrase “all uses classified as” should be added after the word “For.” At the end of subsection (a), the phrase “as herein provided,” should be struck and replaced by the phrase “as follows.” Subsection (a) would then read as follows:

For all uses classified as single-family residential, parking areas may be paved with either concrete or masonry paving units, subject only to such additional standards or conditions as shall be reasonably imposed by the building official as herein provided as follows:

In subsection (b), the double negative should be removed by deleting the “non” of the word “non-single.” Subsection (b) would then read as follows:

(b) Non-single family residential. For all uses not classified as non-single family residential, parking areas may be paved with . . . .

Councilman Avioli seconded the amendments.

A vote was taken on the amendments, which carried unanimously on a 6-0 vote, as follows:

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

OPPOSED: None

ABSENT: Councilman Hickman

After noting no further amendments, a vote was taken on the adoption of the ordinance, as amended, which carried
unanimously on a 6-0 vote, as follows:

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

OPPOSED: None

ABSENT: Councilman Hickman

{Ordinance was subsequently numbered: 11-036}

Ordinance Calling Runoff Election

2. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, calling a runoff election, if the need should arise, within the City of Bellaire, Texas, to be held on Saturday, June 11, 2011, for the purpose of filling a vacancy by electing a Councilman – Position No. 1; establishing election precincts, a combined or consolidated polling place, and appointing election officials; and setting forth certain guidelines – Item submitted by City Clerk Tracy L. Dutton and City Attorney Alan P. Petrov.

Mayor Pro Tem Nauert moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, calling a runoff election, if the need should arise, within the City of Bellaire, Texas, to be held on Saturday, June 11, 2011, for the purpose of filling a vacancy by electing a Councilman – Position No. 1; establishing election precincts, a combined or consolidated polling place, and appointing election officials; and setting forth certain guidelines. Councilman Friedberg seconded the motion. The motion carried unanimously on a 6-0 vote as follows:

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

OPPOSED: None

ABSENT: Councilman Hickman

{Ordinance was subsequently numbered: 11-037}
I. ITEM FOR INDIVIDUAL CONSIDERATION:

DISCUSSION of and possible action regarding directing the Bellaire Parks and Recreation Advisory Board and City Staff to review the Bellaire Town Square Entry Plaza, Water Feature, and Donor Wall plan and to investigate and report on the estimated costs to construct and maintain said plan on an annual basis as originally approved and if phased, as well as a report on the construction and annual maintenance costs of less costly alternative features for the Entry Plaza – Item submitted by Director of Parks and Recreation Jane L. Dembski on behalf of the Parks and Recreation Advisory Board.

Summary:

Charlotte Aguilar, Chair of the Parks and Recreation Advisory Board, advised that the Patrons for Bellaire Parks approached the Parks and Recreation Advisory Board (“Board”) and expressed their concern as to difficulties they were having in getting donations or collections for the further development of Bellaire Town Square. It was suggested that the monies that the City had in its coffers for parkland acquisition be used to fund the Bellaire Town Square Entry Plaza and related features.

Chair Aguilar indicated that the Board felt that the issue could be approached first by a review of the plans for the entry and the development of construction costs, as well as annual maintenance costs for recommended features.

Mayor Siegel noted that the Patrons for Bellaire Parks had raised over $100,000 for Bellaire Town Square.

Chair Aguilar advised that Mayor Siegel was correct and noted that the water feature (i.e., a splash pad), in particular, would cost over $250,000 to install and would require ongoing maintenance. The total cost of the entry as initially designed was noted to be $350,000.

Mayor Siegel advised that the Board, in order to proceed, would like some direction from the City Council as to whether or not they should obtain costs and consider possible alternative features for the entry. Having served on the Patrons for Bellaire Parks previously, she understood that donors were inquiring as to the next phase planned for Bellaire Town Square. Many donors did not wish to donate large sums until they knew which phase would be next and what the timeline might be for that phase.

Chair Aguilar noted that the Patrons for Bellaire Parks desired to approach some of their previous donors, but found it difficult to do as the donors had not yet been recognized for their initial contribution.
Mayor Pro Tem Nauert moved to direct the Bellaire Parks and Recreation Advisory Board to review and investigate possible alternatives for the entry to Bellaire Town Square, including the gathering of costs for construction and maintenance for the project, both as a whole and if phased. Councilman Parker seconded the motion.

Following questions of Chair Aguilar by members of City Council, as well as discussion and comments by and among members of City Council, a vote was taken on the motion by Mayor Pro Tem Nauert and second by Councilman Parker, which carried unanimously on a 6-0 vote, as follows:

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

OPPOSED: None

ABSENT: Councilman Hickman

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

Citizens were reminded of upcoming meetings consisting of a Public Hearing before City Council on May 16, 2011, at 6:00 p.m., followed by a Regular Session at 7:00 p.m., as well as a Special Session on May 24, 2011, at 7:00 p.m. to take action on the item on which a Public Hearing will be held on May 16, as well as a kickoff for the City’s annual budget process.

Residents were encouraged to vote in the City’s Special Election to fill a vacancy in the office of Councilman – Position No. 1.

Residents were also encouraged to support the City’s businesses in spite of a scare related to recent robberies.

K. ADJOURNMENT.

Councilman Parker moved to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 7:54 p.m. on Monday, May 2, 2011. Councilwoman Nathan seconded the motion. The motion carried unanimously on a 6-0 vote as follows:

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

OPPOSED: None
ABSENT: Councilman Hickman

Respectfully submitted,

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

Approved:

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Cynthia Siegel, Mayor
City of Bellaire, Texas