The City Council of the City of Bellaire, Texas, met in Regular Session on Monday, May 16, 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 Pro Tem Phil Nauert called the City Council of the City of Bellaire, Texas, to order at 7:03 p.m. on Monday, May 16, 2011.

Also present were 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. Mayor Cindy Siegel and Councilman Will Hickman were absent.

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.

Robert Riquelmy, 506 Winslow Lane, Bellaire, Texas, addressed City Council regarding the importance and reliance the public placed on elected officials’ words and oaths. He referred to an incident involving an alleged obstruction of justice and the failure of officials to take appropriate action.

Randy Pollard, 5123 Linden Street, Bellaire, Texas, addressed City Council and publicly thanked City Clerk Tracy Dutton and Administrative
Assistant to the City Manager Patte McGuire for a fine job on the City’s recent election.

**Lynn McBee, 5314 Evergreen Street, Bellaire, Texas,** addressed City Council regarding the abysmal turnout the election produced of 6.3% of the total registered voters of the City. Ms. McBee suggested that a penalty should be imposed on the non-use of voter registration certificates (such as, paying if you do not use it), and challenged the residents to turn out, by 50% or more, on Saturday, June 11, 2011, or during early voting for the Runoff Election.

In closing, Ms. McBee expressed concern over the cost of a pedestrian signal proposed for the intersection of South Rice Avenue and the Bellaire Town Square driveway and thanked County Commissioner Steve Radack, Precinct 3, for his annual $10,000 donation to The Nature Discovery Center.

**E. REPORTS:**

1. **CITY MANAGER’S REPORT** regarding residential safety (police activity report), public infrastructure/utilities (Rebuild Bellaire Program update, projects update, and water/wastewater backup generator update), cultural and recreational (summer activities at the Library and Parks), communications/technology (thanks to the Bellaire/SW Houston Rotary Club for donation of ceiling mounted projector in Civic Center), and upcoming City Council meetings/events – *City Manager Bernard M. Satterwhite, Jr.*

City Manager Satterwhite presented the City Manager’s Report to City Council dated May 16, 2011.

**Residential Safety**

With respect to police activity, 41 part I criminal offenses and 49 traffic accidents were reported during the month of April. The Drug Enforcement Agency Drug Take-Back Program held in Bellaire during the month of April resulted in the gathering of 204 pounds of expired or unneeded prescription drugs. The purpose of the program was to ensure that unneeded drugs were not flushed into the City’s water system.

Criminal investigators filed an aggravated robbery charge against a suspect responsible for the February 2011 robbery of Rice Discount Liquor Store. The suspect was also responsible for several liquor store robberies in Southwest Houston.

A resident called the Police Department in May reporting a suspicious vehicle backed up into a driveway at a private residence. Officers
responded and arrested three suspects who had attempted to gain entry into the residence. Residents were urged to contact the Police Department when suspicious activity was observed.

On April 28, an officer on patrol observed a suspicious vehicle parked between other vehicles in Evergreen Park. During an investigation, the suspects were found to be in possession of burglary instruments and tools. The suspects were arrested for possession of criminal instruments and several outstanding warrants.

City Manager Satterwhite closed the residential safety portion of his report by reading a letter regarding the excellent service and protection provided by the Bellaire Police Department.

Public Infrastructure/Utilities

With respect to the Rebuild Bellaire Program, Phase Three Project, it was reported that the 4700-5000 blocks of Holt Street were close to completion, as were the 7900-8200 blocks of Englewood Street.

The City was working on pumps and would install cutter heads under the Rice Lift Station Project. A seven-day test would follow the installation around May 30-June 6, 2011, and the final inspection for the project was expected to occur on June 13, 2011.

City Manager Satterwhite referred to the emergency backup generators approved some months ago for the Wastewater Treatment Plant and the Central Water Plant, a project for which the City obtained a grant in the amount of $2.1 million from the Texas Department of Rural Affairs (TDRA). The engineering design for the generators was nearly completed and the City would be bidding the project in the near future.

He indicated that one of the generators would be located at the Wastewater Treatment Plant to the south of the building and across from the Public Works Service Center. The other generator would be located inside the fence between the elevated storage tank and ground storage tank in the Central Water Plant (next to City Hall). It was anticipated that the bids would be presented to City Council mid-summer, with the project slated to begin at the end of the summer and continue for the next six months thereafter.

Each generator was engineered with an enclosure that would blend in with the surrounding neighborhood, while mitigating noise to the greatest extent.
Cultural and Recreational

The Bellaire City Library and Bellaire Parks and Recreation Department were gearing up for their summer activities. The Bellaire City Library Summer Reading Program was scheduled to start on May 31, 2011. The summer camps in the Bellaire Parks and Recreation Department were scheduled to start on June 6, 2011.

Communications/Technology

City Manager Satterwhite noted that the City now had a ceiling-mounted projector in the Civic Center for presentations. He thanked the Bellaire Southwest Houston Rotary Club for their donation of the projector.

Upcoming City Council Meetings/Events

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Type of Meeting</th>
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</thead>
<tbody>
<tr>
<td>May 24, 2011</td>
<td>6:00 p.m.</td>
<td>Special Session (Canvass) and Special Session (Budget and Action on Public Hearing held on May 16, 2011)</td>
</tr>
<tr>
<td>May 30, 2011</td>
<td>All Day</td>
<td>City Offices Closed in Observance of Memorial Day</td>
</tr>
<tr>
<td>June 6, 2011</td>
<td>6:00 p.m.</td>
<td>Special Session (Interviews for City Boards)</td>
</tr>
<tr>
<td>June 6, 2011</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 Parker moved to accept the City Manager’s Report dated May 16, 2011, as presented by City Manager Bernard M. Satterwhite, Jr., into the record. Councilwoman Nathan seconded the motion. The motion carried unanimously on a 5-0 vote as follows:

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

OPPOSED: None

ABSENT: Mayor Siegel and Councilman Hickman

Councilman Friedberg requested that agenda item F. be moved forward and considered at this point in the meeting. After
noting no objections, Mayor Pro Tem Nauert read the caption for agenda item F. as follows:

F. PROCLAMATION – Presentation of a proclamation issued by Mayor Cynthia Siegel proclaiming the month of May 2011 as Motorcycle Safety and Awareness Month in the City of Bellaire, Texas, and urging all of Bellaire to become aware of the inherent danger involved in operating a motorcycle and to give the operator the respect on the road they deserve – Item submitted by City Clerk Tracy L. Dutton on behalf of the Born Again Motorcycle Ministry; Proclamation will be accepted by Member(s) of the Born Again Motorcycle Ministry.

Mayor Pro Tem Nauert read the proclamation issued by Mayor Cynthia Siegel proclaiming the month of May 2011 as Motorcycle Safety and Awareness Month in the City of Bellaire, Texas, in its entirety. He presented the proclamation to members of the Born Again Motorcycle Ministry in attendance.

E. REPORTS:

1. CITY MANAGER’S REPORT regarding residential safety (police activity report), public infrastructure/utilities (Rebuild Bellaire Program update, projects update, and water/wastewater backup generator update), cultural and recreational (summer activities at the Library and Parks), communications/technology (thanks to the Bellaire/SW Houston Rotary Club for donation of ceiling mounted projector in Civic Center), and upcoming City Council meetings/events – City Manager Bernard M. Satterwhite, Jr.

   Note: This item was considered earlier in the meeting. See pages 2-5 of these minutes for the presentation and action related to the City Manager’s Report.

2. FINANCE REPORT for the City of Bellaire, Texas, covering the period ended April 30, 2011, 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, for the period ended April 30, 2011, to City Council.
General Fund

During the seven-month period ended April 30, 2011, it was noted that the City’s General Fund receipted $12.1 million in revenue, which represented 83% of the projected revenues for the year. For the same period last year, the City had collected 79.6% of its revenues.

One of the revenue sources doing extremely well this year was the municipal court fines and fees, which were currently at 80% of their budget. This time last year, the municipal court fines and fees were at 39% of their budget. In looking at that revenue source, the violations for which the City had issued citations were up 34% over last year. The City was also looking at the efforts of the delinquent collection attorneys and noted that those attorneys had collected approximately $38,000 of outstanding warrants each month. The City participated in the Harris County warrant roundup and in the month of March, the delinquent collection attorneys cleared $86,600 in outstanding warrants. Another $56,600 was cleared in the month of April.

Overall, the General Fund was trending at a 3.4% higher collection ratio to the budget over last year.

Expenditures for the General Fund were at $8.1 million for the period, which was 56% of the budget. The City had identified some unanticipated expenditures and some higher than anticipated expenditures, and the City would continue to monitor the budget and as the City neared year-end, a determination would be made as to whether the current budget could absorb the additional costs or if a budget amendment would be needed.

Enterprise Fund

The Enterprise Fund had revenues of $3.5 million, which was 51% of the projected revenues for the year. Last year the City was at 48.6% of projected revenues for the year at this point in time. The City was seeing a higher collection ratio this year than in the past.

The increase in water revenue was due to higher water sales. Pumpage was up 30% with rainfall at 11 inches versus 31 inches for the prior year.

Expenditures for the Enterprise Fund were at $4.2 million. The expenditures were within the approved and adopted budget.

Chief Financial Officer Symank referred City Council to reports that she had provided on the Vehicle, Equipment, and Technology Fund (“VET”), as well as the Capital Improvement Program Pay-As-You-Go Fund (“CIP”) and the Debt Service Fund. The VET and CIP Funds were
project-budgeted. In other words, projects were carried over from the previous year and new projects had been approved for the current year. It was the nature of these funds that the projects would carry over until completed.

Chief Financial Officer Symank advised that a great deal of activity had occurred in the CIP Fund, such as, the Bellaire City Library renovations, Feld Park Water Plant improvements, and the Rice Lift Station improvements.

Following questions of Chief Financial Officer Linda Symank by members of City Council regarding the Finance Report, Councilwoman Nathan moved to accept the Finance Report for the City of Bellaire, Texas, covering the period ended April 30, 2011, as presented by Chief Financial Officer Linda Symank into the record. Councilman Parker seconded the motion. The motion carried unanimously on a 5-0 vote as follows:

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

OPPOSED: None

ABSENT: Mayor Siegel and Councilman Hickman

3. BELLAIRE RECYCLES DAY 2010 FOLLOW-UP REPORT on the second annual Bellaire Recycles Day that was held on Saturday, November 13, 2010 – Item submitted by Director of Public Works Joe Keene; Presented by Chair Brenda Cauthen, Bellaire Recycling Committee.

Chair Brenda Cauthen, Bellaire Recycling Committee, presented the Bellaire Recycles Day 2010 Follow-Up Report to City Council.

Chair Cauthen indicated that the 2010 Bellaire Recycles Day expanded in many areas over the first one held in 2009. The primary emphasis of the day surrounded education on recycling (or reduce, reuse, and recycle), as well as thinking "green." One of the primary objectives, and one that many citizens found helpful, was education regarding other avenues for the disposal of items citizens no longer wanted and/or were not accepted through Bellaire’s Curbside Recycling Program. For example, Faith Lutheran Church collected unwanted coats and blankets to be distributed to the homeless; the Lions Club collected used eyeglasses to be sent to other countries in need; and Techs & Trainers collected computer equipment that could be rehabilitated and used by others.
Highlights of the day included educational information from nine organizations showcasing green goods and services, as well as an additional nine organizations offering other services or food items. Shred-it, an onsite document destruction service company, provided a free shredding service to Bellaire residents.

In total, 24 groups and organizations participated in the 2010 Bellaire Recycles Day as compared to 14 in the 2009 Bellaire Recycles Day, for a 70% increase in outside participation. Bellaire and DeBakey High School students volunteered to help the Bellaire Recycling Committee in conducting this event.

Other highlights included the first ever “Eco-Art Contest” sponsored by the Bellaire Cultural Arts Commission and sponsorship by The Nature Discovery Center of a bouncy house for children attending the event.

The total cost of the event was $2,335.00, which was within the budget the Bellaire Recycling Committee was given, with the majority or 90% of the cost being covered by donations and sponsorships.

Following questions of Bellaire Recycling Committee Chair Brenda Cauthen by members of City Council regarding the Bellaire Recycles Day 2010 Follow-Up Report, Councilman Friedberg moved to accept the Bellaire Recycles Day 2010 Follow-Up Report, as presented by Bellaire Recycling Committee Chair Brenda Cauthen, into the record. Councilman Parker seconded the motion. The motion carried unanimously on a 5-0 vote as follows:

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

OPPOSED: None

ABSENT: Mayor Siegel and Councilman Hickman

F. PROCLAMATION – Presentation of a proclamation issued by Mayor Cynthia Siegel proclaiming the month of May 2011 as Motorcycle Safety and Awareness Month in the City of Bellaire, Texas, and urging all of Bellaire to become aware of the inherent danger involved in operating a motorcycle and to give the operator the respect on the road they deserve – Item submitted by City Clerk Tracy L. Dutton on behalf of the Born Again Motorcycle Ministry; Proclamation will be accepted by Member(s) of the Born Again Motorcycle Ministry.

Note: The above-referenced proclamation was presented to members of the Born Again Motorcycle Ministry by Mayor Pro Tem Phil Nauert on behalf of
Mayor Cynthia Siegel earlier in the meeting. See page 5 of these minutes for a presentation of the above-referenced proclamation.

G. PRESENTATIONS:

1. PRESENTATION of the Bellaire Municipal Cash Flow Model Applied Finance Project as prepared by Master of Business Administration (MBA) students of the C. T. Bauer College of Business, Department of Finance, University of Houston, Spring 2011, under the guidance of Dr. Praveen Kumar, Chair of the Department of Finance – Item submitted by Chief Financial Officer Linda Symank on behalf of Mayor Cindy Siegel and Dr. Praveen Kumar; Presentation by Anthony Tinnin, MBA Student.

City Manager Satterwhite advised that Dr. Praveen Kumar came to the City through the Mayor and talked to Chief Financial Officer Symank and City Manager Satterwhite regarding an idea that he wanted to try out on a graduate MBA class at the C. T. Bauer College of Business at the University of Houston. He wanted to tackle the possibility of putting together a cash flow model that a city could use. It was noted that later in the evening, the class would show City Council their very complex spreadsheet system to determine cash flow.

Dr. Praveen Kumar, Chair of the Department of Finance, C. T. Bauer College of Business at the University of Houston, mentioned that he was also a Bellaire resident and knew Mayor Siegel socially. He noted that he was aware of the fact that Bellaire’s property taxes had declined, as had construction of new homes, along with a lagging sales tax base. The point of the project was to give a framework to the City so that the City could examine the effects of various options, such as, increasing property taxes, raising water rates, redemption of bonds, employee health costs, etc., and reliably predict those effects over the long term.

Dr. Kumar advised that he selected 17 students to work on the project, 16 of which were graduate students. He indicated that the students had worked very hard on the project, and introduced one of the MBA students, Anthony Tinnin, to demonstrate the model for members of City Council and the audience.

At the conclusion of the demonstration and after an opportunity by members of City Council to ask questions of MBA Student Anthony Tinnin, as well as other students regarding the Municipal Cash Flow Model Applied Finance Project they prepared for the City of Bellaire, Texas, Mayor Pro Tem Nauert presented a "Certificate of
Recognition” to Dr. Praveen Kumar in recognition of the excellent job he and his students had done on Bellaire’s behalf.

2. **PRESENTATION regarding the status of the Kendig Keast Collaborative consulting services project related to the drafting of specific text and provisions for the Urban Village-TOD (transit-oriented development) (UV-T) zoning district and such other portions of Chapter 24, Planning and Zoning, of the Code of Ordinances of the City of Bellaire, Texas, as may be required, as well as a review of the next steps in the project process – Item submitted by Director of Community Development John McDonald; Presentation by Gary Mitchell, Vice President, Kendig Keast Collaborative.

Gary Mitchell, Vice President, Kendig Keast Collaborative, provided a status report regarding the consulting services work done with respect to drafting the specific text and provisions for the Urban Village-TOD Zoning District (“UV-T District”). He advised that the Bellaire Planning and Zoning Commission (“Commission”) had been working hard and hoped to have a Joint Workshop Session with City Council in the near future prior to bringing any recommendations forward for a public hearing.

It was noted that the vision plan for the UV-T District in 2008 looked at the combination of the Houston side (rail station side and intensive development) and the Bellaire side (village/residential development). Taking streets, utility properties, and the Foundation Surgical Hospital out of the equation left approximately 18 acres of developable land in the UV-T District.

Following the development of the 2008 vision plan, an environmental impact statement was finished for the University Line (rail line running east-west along Westpark). The rail station was shown on the Bellaire side of the Bellaire versus Houston part of the block between Loop 610 over to South Rice Avenue.

Mr. Mitchell continued by providing a visual overview of the UV-T District, as well as a discussion of the types of development that could occur within the UV-T District.

He advised that the Commission started with a purpose statement for the UV-T District, then looked at ways of regulating development in the UV-T District, and then looked at transit-oriented development happening elsewhere in Texas, such as the Metroplex (Dallas-Fort Worth Area), West Avenue-Upper Kirby (Houston), West Gray (Houston), and Sugar Land Town Square.
Land use discussions centered on what would be permitted and types of development that would not be permitted, such as gasoline stations and auto repair shops, which were not the best uses in an area with limited land. Intensive, vertical development that would generate foot traffic and support ground floor retail activity was noted to be desirable for the area.

Another area of review was the intensity level, such as, minimum site area, building height (ten stories in many areas along the West Loop, with the Chase building at sixteen stories), and maximum building setback.

Mr. Mitchell advised that at the last meeting of the Commission, the focus was on parking considerations, which was a critical area of concern. Dealing with cars without using up all of the area in the UV-T District would be a challenge. If it made sense to invest in a parking structure, the economics would drive such a decision. During the transition time, however, the areas for allowable surface parking could be minimized.

Following questions of Vice President Gary Mitchell of Kendig Keast Collaborative regarding his presentation on the status and next steps in the project process for text and provisions related to the UV-T Zoning District, Councilman Friedberg moved to accept the presentation of Kendig Keast Collaborative’s consulting services project related to the drafting of specific text and provisions for the UV-T Zoning District as presented by Vice President Gary Mitchell of Kendig Keast Collaborative into the record. Councilman Parker seconded the motion. The motion carried unanimously on a 5-0 vote as follows:

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

OPPOSED: None

ABSENT: Mayor Siegel and Councilman Hickman

H. CONSENT AGENDA:

1. APPROVAL/CORRECTION OF MINUTES:

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, April 19, 2011 – Item submitted by City Clerk Tracy L. Dutton.
2. INTERLOCAL AGREEMENTS:

a. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, and the Chief Financial Officer and City Attorney of the City of Bellaire, Texas, to countersign and approve as to form, respectively, an Interlocal Agreement with Harris County, Texas, for purposes of receiving an appropriation in the amount of $10,000.00 from Harris County, Texas, to be used for the operation and maintenance of The Nature Discovery Center at Russ Pitman Park, 7112 Newcastle Drive, Bellaire, Texas – Item submitted by City Clerk Tracy L. Dutton on behalf of Director of Parks & Recreation Jane L. Dembski and the Harris County Commissioner’s Office, Precinct 3.

b. 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 Horn Elementary School Athletic Fields License Agreement with the Houston Independent School District for the purpose of utilizing a portion of the Horn Elementary School site located at 4535 Pine Street, Bellaire, Texas, for joint use by the Houston Independent School District for school purposes and by the City of Bellaire, Texas, for organized youth programs, including little league baseball – Item submitted by City Clerk Tracy L. Dutton on behalf of Director of Parks & Recreation Jane L. Dembski.

Councilman Parker requested separate consideration of Consent Agenda item H. 2., Horn Elementary School Athletic Fields License Agreement. Councilman Friedberg requested separate consideration of the City Council minutes dated Monday, April 19, 2011.

Since there were only three items on the Consent Agenda, all items were considered separately.
Separate consideration of Consent Agenda Item H. 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, April 19, 2011.

Councilman Parker moved to approve the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, April 19, 2011. Councilwoman Nathan seconded the motion.

Councilman Friedberg moved to amend the minutes of the Regular Session held on Monday, April 19, 2011, with the addition of the word “hereby” after the phrase “agree to” on line 430 of page 10, as well as to add the phrase “to the extent that” before the phrase “such damage” on line 437 of page 10.

A vote was taken on the approval of the minutes, as amended, which carried unanimously on a 5-0 vote as follows:

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

OPPOSED: None

ABSENT: Mayor Siegel and Councilman Hickman

Separate consideration of Consent Agenda Item H. 2. a.:  

CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, and the Chief Financial Officer and City Attorney of the City of Bellaire, Texas, to countersign and approve as to form, respectively, an Interlocal Agreement with Harris County, Texas, for purposes of receiving an appropriation in the amount of $10,000.00 from Harris County, Texas, to be used for the operation and maintenance of The Nature Discovery Center at Russ Pitman Park, 7112 Newcastle Drive, Bellaire, Texas – Item submitted by City Clerk
Tracy L. Dutton on behalf of Director of Parks & Recreation Jane L. Dembski and the Harris County Commissioner’s Office, Precinct 3.

Councilman Friedberg moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, and the Chief Financial Officer and City Attorney of the City of Bellaire, Texas, to countersign and approve as to form, respectively, an Interlocal Agreement with Harris County, Texas, for purposes of receiving an appropriation in the amount of $10,000.00 from Harris County, Texas, to be used for the operation and maintenance of The Nature Discovery Center at Russ Pitman Park, 7112 Newcastle Drive, Bellaire, Texas. Councilman Parker seconded the motion. The motion carried unanimously on a 5-0 vote as follows:

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

OPPOSED: None

ABSENT: Mayor Siegel and Councilman Hickman

{Ordinance was subsequently numbered: 11-038}

Separate consideration of Consent Agenda Item H. 2. b.:

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 Horn Elementary School Athletic Fields License Agreement with the Houston Independent School District for the purpose of utilizing a portion of the Horn Elementary School site located at 4535 Pine Street, Bellaire, Texas, for joint use by the Houston Independent School District for school purposes and by the City of Bellaire, Texas, for organized youth programs, including little league
baseball – Item submitted by City Clerk Tracy L. Dutton on behalf of Director of Parks & Recreation Jane L. Dembski.

Councilwoman Nathan 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 Horn Elementary School Athletic Fields License Agreement with the Houston Independent School District for the purpose of utilizing a portion of the Horn Elementary School site located at 4535 Pine Street, Bellaire, Texas, for joint use by the Houston Independent School District for school purposes and by the City of Bellaire, Texas, for organized youth programs, including little league baseball. Councilman Parker seconded the motion.

Councilwoman Nathan advised that she understood that the Horn Elementary School Athletic Fields License Agreement (“Agreement”) with the Houston Independent School District (“HISD”) was a standardized agreement and that the term of ten (10) years, which was less than the terms of previous agreements, could not be changed. She indicated that she was not proposing to try to renegotiate any of the other terms with HISD, but suggested that some statements be included in an enclosure letter from the City to HISD, along with the signed Agreement, to ensure that the City and HISD were "on the same page.”

For example, the initial construction of the fields would likely occur during school hours. Councilman Nathan wished to ensure that HISD would not object to the initial construction occurring during school hours and, if they did object, then the City needed to know that.

It was also noted that page 4 of the Agreement contained a clause indicating that HISD was not precluded from installing facilities on the premises during the term of the Agreement. Although this was reasonable, Councilwoman Nathan suggested adding a statement to the enclosure letter that the City assumed that anything HISD installed would not interfere with the use of the improvements that HISD already approved and had been installed by the City and/or the Bellaire Little League.
Councilwoman Nathan moved to amend the motion to include an enclosure letter with the Agreement to HISD stating that 1) initial construction related to the athletic fields at Horn Elementary School may occur during school hours; and 2) installation of facilities by HISD on the premises would not be installed in a manner that would interfere with the use of the improvements that HISD approved pursuant to the Agreement. Councilman Parker seconded the amendment to the motion.

Following discussion among members of City Council regarding the proposed amendment to the motion, a vote was taken on the motion, which carried unanimously (5-0) as follows:

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

OPPOSED: None

ABSENT: Mayor Siegel and Councilman Hickman

The motion, as amended, carried unanimously on a 5-0 vote as follows:

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

OPPOSED: None

ABSENT: Mayor Siegel and Councilman Hickman

{Ordinance was subsequently numbered: 11-039}

I. ADOPTION OF ORDINANCES:

Bid Award

1. CONSIDERATION of and possible action on a recommendation from Traffic Engineers, Inc., and the Bellaire Public Works
Department to award Bid No. 11-005, Pedestrian Hybrid Signal, to Southwest Signal Supply, Inc., in an amount not to exceed $145,800.00 for all applicable labor, services, materials, equipment, delivery, and/or installation necessary for a Pedestrian Hybrid Signal at the intersection of South Rice Avenue at the Bellaire Town Square driveway within the corporate limits of the City of Bellaire, Texas, and on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a Standard Form of Agreement with Southwest Signal Supply, Inc., for the referenced project in an amount not to exceed $145,800.00 – Item submitted by Director of Public Works Joe Keene.

Councilman Parker moved to approve the award of Bid No. 11-005, Pedestrian Hybrid Signal, to Southwest Signal Supply, Inc., in an amount not to exceed $145,800.00 for all applicable labor, services, materials, equipment, delivery, and/or installation necessary for a Pedestrian Hybrid Signal at the intersection of South Rice Avenue at the Bellaire Town Square driveway within the corporate limits of the City of Bellaire, Texas, and to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a Standard Form of Agreement with Southwest Signal Supply, Inc., for the referenced project in an amount not to exceed $145,800.00. Councilman Avioli seconded the motion.

City Manager Satterwhite summarized the agenda item before City Council. He indicated that the traffic control device, a wide street pedestrian crossing to be located mid-block, had been approved on federal and state levels. A visual presentation of the traffic control device was shown to City Council. It was noted that the budget for this project was $175,000.00. The bid for the project, which was less than the amount budgeted, included some beautification items, such as, fencing and an allowance for burying the overhead utility lines, if allowed by CenterPoint Energy, as well as a motion sensing device.

Discussion ensued among members of City Council regarding the motion to approve and authorize the Pedestrian Hybrid Crossing Project, as well as possible alternatives for a less costly pedestrian crossing. Dan Lynch of Traffic Engineers, Inc., discussed the project that was bid and alternatives that were reviewed and/or considered, as well as answered questions raised by members of City Council.
Councilman Avioli moved to call the question. Mayor Pro Tem Nauert seconded the motion. The motion failed on a 2-3 vote as follows:

**FOR:** Mayor Pro Tem Nauert and Councilman Avioli

**OPPOSED:** Councilmen Parker and Friedberg and Councilwoman Nathan

**ABSENT:** Mayor Siegel and Councilman Hickman

Following questions related to previous presentations of the referenced alternatives, Councilman Friedberg moved that the item before City Council be laid on the table so that all prior presentations could be included in the City Council agenda packet for the evening in which a vote was expected to be taken. Councilman Parker seconded the motion.

Following additional discussion, a vote was taken on the motion to lay the item on the table. The motion failed on a 1-4 vote as follows:

**FOR:** Councilman Friedberg

**OPPOSED:** Mayor Pro Tem Nauert, Councilmen Avioli and Parker and Councilwoman Nathan

**ABSENT:** Mayor Siegel and Councilman Hickman

Following discussion on the original motion, a vote was taken, which carried unanimously (5-0) as follows:

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

**OPPOSED:** None

**ABSENT:** Mayor Siegel and Councilman Hickman

{Ordinance was subsequently numbered: 11-040}

**Amendment to Ordinance**

2. **CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Ordinance No. 11-013, heretofore previously approved and adopted by the City Council of the City of Bellaire,**
Texas, on February 21, 2011, for the purpose of calling a Special Election within the City of Bellaire, Texas, to fill a vacancy by electing a Councilman – Position No. 1, said amendment of which would change Section 20 of Ordinance No. 11-013 to indicate that the canvass of the returns of the Special Election shall be held on Tuesday, May 24, 2011, at 6:00 p.m. – Item submitted by City Clerk Tracy L. Dutton.

Councilman Friedberg moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, amending Ordinance No. 11-013, heretofore previously approved and adopted by the City Council of the City of Bellaire, Texas, on February 21, 2011, for the purpose of calling a Special Election within the City of Bellaire, Texas, to fill a vacancy by electing a Councilman – Position No. 1, said amendment of which would change Section 20 of Ordinance No. 11-013 to indicate that the canvass of the returns of the Special Election shall be held on Tuesday, May 24, 2011, at 6:00 p.m.

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

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

OPPOSED: None

ABSENT: Mayor Siegel and Councilman Hickman

{Ordinance was subsequently numbered: 11-041}

J. ITEMS FOR INDIVIDUAL CONSIDERATION:

Bellaire Recycles Day 2011

1. CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department and the Bellaire Recycling Committee to host a third annual “Bellaire Recycles Day” event in the fall of November 2011 in the City of Bellaire, Texas, and to present a report to City Council after the event – Item submitted by Director of Public Works Joe Keene on behalf of the Bellaire Recycling Committee.

Chair Brenda Cauthen, Bellaire Recycling Committee, indicated that she was present on behalf of the Bellaire Recycling Committee (“BRC”) to ask for City Council’s approval for the BRC to plan a “Bellaire Recycles Day” event for November 2011.
The BRC voted to host a third Bellaire Recycles Day, if approved by City Council. The BRC hoped to coordinate the event with the Friends of the Bellaire Library Book Sale, which had not been set yet. Chair Cauthen advised that, in any event, the BRC wished to hold Bellaire Recycles Day sometime near or around November 15 (the actual date for National Recycles Day). The event would occur from 9:00 a.m. until 1:00 p.m. The event location was “to be determined” because the generator project to take place in the Central Water Plant by the water tower could interfere with BRC using the parking lot location at City Hall.

The objectives for the event were similar to prior years, such as, educating residents on reducing waste and increasing recycling, as well as providing residents with information on how to dispose of other household items not included in Bellaire’s Curbside Recycling Program.

The BRC understood that there were no City funds to help them with the event this year. The BRC was seeking the City’s approval now, contingent upon obtaining sponsors to cover the cost for the event, so that sponsors could be secured in advance.

Councilman Avioli moved to approve the request by the Bellaire Recycling Committee to host a third annual Bellaire Recycles Day during the fall of 2011, contingent upon the BRC’s ability to obtain sponsors to cover the cost for the event. Councilman Parker seconded the motion.

Following discussion regarding the motion, a vote was taken on the motion, which carried unanimously (5-0) as follows:

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

OPPOSED: None

ABSENT: Mayor Siegel and Councilman Hickman

Bellaire Recycling Committee Goals and Priorities

2. PRESENTATION, followed by possible discussion and receipt, of a report from the Bellaire Recycling Committee related to their goals and priorities – Item submitted by City Manager Bernard M. Satterwhite, Jr., on behalf of the Bellaire Recycling Committee; Presentation by Chair Brenda Cauthen, Bellaire Recycling Committee.
Chair Brenda Cauthen, Bellaire Recycling Committee, advised that the Bellaire Recycling Committee (“BRC”) had prepared a report of their goals and priorities to make City Council aware of what the BRC was devoting their attention to in the coming year, as well as to ask for the City’s support with respect to those goals and priorities.

While the amount of recycling collected had increased, so had the amount of solid waste. The BRC was concerned that the trend was moving in the wrong direction, and felt that the amount of solid waste generated in Bellaire needed to be drastically reduced in the coming years. In order to do more, the BRC needed the City Council’s support and active participation in educating the residents and transforming the City into a community that recycled more than it threw away.

The BRC felt that the City needed to develop and implement a comprehensive plan to address how to accomplish more recycling and less solid waste in all areas of the City, including businesses, residents, City facilities, public parks, etc., and that it should be done no later than January 31, 2013.

The primary constraint currently faced by the Bellaire Public Works Department was limited resources, especially in the type and number of trucks in its fleet.

Most of the BRC’s short-term priorities revolved around education, because the BRC believed it was imperative to keep the message about the benefits of recycling and reducing solid waste in the forefront of everyone’s mind. The BRC also believed that Bellaire’s business community should be asked to participate in transforming the City.

The comments with respect to changes in the City’s ordinance were similar to proposed changes the BRC had discussed with the Public Works Department.

Chair Cauthen closed by asking City Council to accept the BRC’s report and consider a Joint Workshop Session to further discuss ideas.

Councilwoman Nathan moved to accept the report from the Bellaire Recycling Committee related to their goals and priorities and consider, after receiving a presentation from the Bellaire Public Works Department on ordinance changes, having a Town Meeting or Joint Workshop Session in which the City Council and the Bellaire Recycling Committee could receive public input and have discussions. Councilman Avioli seconded the motion.
Councilman Friedberg brought forth a point of order indicating that the agenda item addressed the receipt of a report and inquired as to whether City Council was permitted to go beyond that, such as directing a workshop session.

City Attorney Alan P. Petrov ruled that City Council action was limited to receipt of the report.

Councilwoman Nathan withdrew her original motion in light of the ruling and made a motion to accept the report from the Bellaire Recycling Committee related to their goals and priorities. Councilman Avioli seconded the motion.

Discussion ensued wherein it was noted that a Town Meeting or Joint Workshop Session would be beneficial from the standpoint of public input and general, informal discussion related to the BRC’s goals and priorities.

Following discussion, a vote was taken on the motion, which carried unanimously (5-0) as follows:

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

OPPOSED: None

ABSENT: Mayor Siegel and Councilman Hickman

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

Items of community interest from the City Council included thanks to the Bellaire Southwest Houston Rotarians for their generous donation of a projector for the Civic Center and to Dr. Kumar and his MBA Class for all of their hard work on a fantastic project that would benefit the City for years to come; encouragement for residents to vote in the City’s Runoff Election to fill the vacancy in Councilman – Position No. 1 on City Council; thanks were given to City Clerk Tracy Dutton and Administrative Assistant to the City Manager Patte McGuire and all of the City’s election volunteers for their hard work during the Special Election; and all candidates were thanked for running a good campaign.

L. ADJOURNMENT.

Councilman Avioli moved to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:52 p.m. on Monday, May 16,
2011. Councilman Parker seconded the motion. The motion carried unanimously on a 5-0 vote as follows:

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

OPPOSED: None

ABSENT: Mayor Siegel and Councilman Hickman

Respectfully submitted,

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

Approved:

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Phil Nauert, Mayor Pro Tem
City of Bellaire, Texas