The City Council of the City of Bellaire, Texas, met in Regular Session on Monday, September 19, 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 7:05 p.m. on Monday, September 19, 2011.

Also present were Councilmen Roman F. Reed, 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 was absent.

B. INSPIRATIONAL READING AND/OR INVOCATION – Mayor Cindy Siegel.

Councilman Corbett Daniel Parker provided the inspirational reading for the evening in Mayor Cindy Siegel’s absence.

C. PLEDGES TO THE FLAGS – Mayor Cindy Siegel.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

Councilman Corbett Daniel Parker led the audience and members of City Council in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag in Mayor Cindy Siegel’s absence.

D. PERSONAL/AUDIENCE COMMENTS.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas, addressed City Council in reference to two agenda items—revisions to the City’s garage sale ordinance and a specific use permit request for Community National Bank.
Ms. McBee understood that the specific use permit request would be withdrawn from the agenda this evening at the request of the applicant to be inserted at a later time if it became appropriate to do so.

With respect to the item related to revisions to the garage sale ordinance, Ms. McBee noted that the item had been postponed until all seven members of City Council could be present. She urged City Council to change their rules and consider those revisions this evening with the six members of City Council that were present.

**Harry Goldberg, 4002 Woodfin Street, Houston, Texas**, addressed City Council and indicated that he was present, along with several of his peers, as a representative of Cub Scout Pack 806. Mr. Goldberg indicated that he wished to spread awareness of cub scouts, noting that they learned lessons, such as, government responsibility, sportsmanship, survival skills, and teamwork. He advised that a “pack” was an entire group and a “den” consisted of a certain age range.

Mr. Goldberg closed by urging kids to try scouts and adults to volunteer to show their support and share their wisdom.

**Sandeep Seth, 4341 Cynthia Street, Bellaire, Texas**, addressed City Council regarding odors emanating from the Bellaire Wastewater Treatment Plant. Mr. Seth advised that the rate by which teardowns in the Southdale area of Bellaire were being converted was low because of the odor problems. He urged City Council to take measures to address the odors in order to make living in Southdale more tolerable.

**Mayor Pro Tem Phil Nauert** suggested City Council consider agenda item H, the acceptance of a restricted donation from the Patrons for Bellaire Parks for improvements to Bellaire Town Square, at this point in the meeting. After noting no objections from members of City Council, agenda item H. was considered at this point in the meeting.

**H. ADOPTION OF RESOLUTION:**

**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 $125,000.00 from the Patrons for Bellaire Parks to be utilized specifically to assist in the design and construction of the Bellaire Town Square Donor Entry Plaza in the City of Bellaire, Texas – **Item submitted by City Manager Bernard M. Satterwhite, Jr., on behalf of the Patrons for Bellaire Parks.**

**PRESENTATION OF DONATION:**

**Karen Erwin, 5212 Grand Lake Street, Bellaire, Texas**, addressed City Council in her capacity as President of the **Patrons for Bellaire Parks.**
President Erwin presented a donation in the form of a check payable to the City of Bellaire from the Patrons for Bellaire Parks in the amount of $125,000.00 to assist in the design and construction of the Bellaire Town Square Donor Entry Plaza. She indicated that the Patrons for Bellaire Parks were looking forward to this new addition to Bellaire Town Square and thanked City Council for their efforts.

COUNCIL MOTION/ACTION (FINAL):

Councilman Roman F. Reed moved to adopt a resolution of the City Council of the City of Bellaire, Texas, accepting a restricted donation in the amount of $125,000.00 from the Patrons for Bellaire Parks to be utilized in the design and construction of the Bellaire Town Square Donor Entry Plaza in the City of Bellaire, Texas. Councilman James P. Avioli, Sr., seconded the motion. The motion carried unanimously on a 6-0 vote as follows:

FOR: Mayor Pro Tem Phil Nauert, Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, and Andrew Friedberg, and Councilwoman Mandy Nathan

OPPOSED: None

ABSENT: Mayor Cindy Siegel

Mayor Pro Tem Phil Nauert accepted the donation from the Patrons for Bellaire Parks on behalf of the City of Bellaire, Texas.

{Resolution was subsequently numbered: 11-09}

Mayor Pro Tem Phil Nauert advised that City Council would return to agenda item E, Reports.

E. REPORTS:

1. CITY MANAGER’S REPORT regarding residential safety (police activity report), public infrastructure/utilities (projects update), cultural and recreational (winter swimming pool schedules, Bellaire Recycles Day and Friends of the Library Book Sale, and Bellaire online calendar featured events), quarterly indicators (crime and building reports), and upcoming City Council meetings/events – Presented by City Manager Bernard M. Satterwhite, Jr.

City Manager Bernard M. Satterwhite, Jr., presented the City Manager’s Report dated September 19, 2011, to City Council.
Items of interest in City Manager Satterwhite’s report consisted of a police activity report for the month of August, an update of projects underway throughout the City (such as, the Feld Park Water Plant transfer of water production from the old plant to the new plant and the status of the Second Street pavement project), reminders regarding such upcoming events as Bellaire Recycles Day on November 5, the Friends of the Library Book Sale on November 5, the Wine and Tapas Fundraiser sponsored by the Patrons of Bellaire Parks on September 30, and Fire Prevention Week from October 9-15, 2011.

The following upcoming City Council meetings/events were announced by City Manager Satterwhite:

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Type of Meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 26, 2011</td>
<td>6:00 p.m.</td>
<td>Joint Workshop Session with the Planning and Zoning Commission (UV-T Zoning District Revisions)</td>
</tr>
<tr>
<td>October 3, 2011</td>
<td>7:00 p.m.</td>
<td>Regular Session</td>
</tr>
<tr>
<td>October 4, 2011</td>
<td>6:00 p.m. – 10:00 p.m.</td>
<td>National Night Out</td>
</tr>
<tr>
<td>October 10, 2011</td>
<td>7:00 p.m.</td>
<td>Workshop Session (Economic Development)</td>
</tr>
<tr>
<td>October 17, 2011</td>
<td>7:00 p.m.</td>
<td>Regular Session</td>
</tr>
</tbody>
</table>

COUNCIL MOTION/ACTION (FINAL):

Following questions of City Manager Satterwhite regarding the City Manager’s Report dated September 19, 2011, Councilwoman Mandy Nathan moved to accept the City Manager’s Report dated September 19, 2011, as presented by City Manager Bernard M. Satterwhite, Jr., into the record. Councilman Corbett Daniel Parker seconded the motion. The motion carried unanimously on a 6-0 vote as follows:

FOR: Mayor Pro Tem Phil Nauert, Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, and Andrew Friedberg, and Councilwoman Mandy Nathan

OPPOSED: None

ABSENT: Mayor Cindy Siegel

2. FINANCE REPORT for the City of Bellaire, Texas, covering the period ended August 31, 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 Linda Symank presented the Finance Report for the City of Bellaire, Texas, covering the period ended August 31, 2011, to the City Council.

Chief Financial Officer Symank’s report included revenues received to date and expenditures incurred to date as compared to budgeted amounts. She indicated that the City should complete the fiscal year within budget.

COUNCIL MOTION/ACTION (FINAL):

Following questions of Chief Financial Officer Symank regarding the City’s Finance Report, Councilman James P. Avioli, Sr., moved to accept the Finance Report for the City of Bellaire, Texas, covering the period ended August 31, 2011, as presented by Chief Financial Officer Linda Symank into the record. Councilman Corbett Daniel Parker seconded the motion. The motion carried unanimously on a 6-0 vote as follows:

FOR: Mayor Pro Tem Phil Nauert, Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, and Andrew Friedberg, and Councilwoman Mandy Nathan

OPPOSED: None

ABSENT: Mayor Cindy Siegel

3. ODOR CONTROL REPORT related to an investigation and evaluation conducted by Klotz Associates, Inc., to identify, characterize, and determine potential treatment technologies for odors in the general vicinity of the Bellaire Wastewater Treatment Plant and the surrounding neighborhood, as well as possible action and/or direction to City Staff regarding said Odor Control Report – Item submitted by Director of Public Works Joe Keene; Presentation by Ralph Cox, P.E., Klotz Associates, Inc.


Ralph Cox indicated that the scope of his investigation and evaluation included a site visit, the development of a plan for monitoring hydrogen sulfide concentrations, preparation of a technical
memorandum outlining the results of his investigation, and a presentation to City Council.

During the site visit, Mr. Cox conducted a walk-through of the wastewater treatment plant and surrounding areas. He advised that there were no questionable odors in the plant during that site visit. Also during the site visit, he tried to characterize potential sources of odor and noted such possibilities as the influent lift station and the sludge processing areas.

In order to determine the strength of odors and the time of day that odors occurred, three “Odalogs” were installed. These Odalogs were installed at the lift station, near the fence line north of the solids handling area, and at the south end of the plant. The Odalogs were noted to measure hydrogen sulfide through air samples taken on a continuous minute by minute basis for a period of eight weeks.

At the conclusion of the sampling and based upon a review of the data, the overall conclusion was that there were trace amounts of hydrogen sulfide over the eight-week period; however, those amounts were considered normal.

Mr. Cox recommended that Bellaire continue its current plant operations, track and log odor complaints, analyze the odor complaints, and consider performing additional odor sampling at the raw sewage pump station.

**COUNCIL MOTION:**

Councilman Corbett Daniel Parker moved to accept the Odor Control Report related to an investigation and evaluation conducted by Klotz Associates, Inc., regarding odors in the general vicinity of the Bellaire Wastewater Treatment Plant and the surrounding neighborhood into the record. Councilwoman Mandy Nathan seconded the motion.

**COUNCIL ACTION (FINAL):**

Following questions of Mr. Cox regarding his Odor Control Report and a request from City Manager Satterwhite to continue monitoring, logging, and analyzing complaints to determine when the highest concentrations of hydrogen sulfide were occurring, as well as an opportunity to meet with Mr. Cox to determine the City’s next step regarding the odors, a vote was taken on the motion and second to accept Mr. Cox’s Odor Control Report into the record.
The **motion carried unanimously on a 6-0 vote** as follows:

**FOR:** Mayor Pro Tem Phil Nauert, Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, and Andrew Friedberg, and Councilwoman Mandy Nathan

**OPPOSED:** None

**ABSENT:** Mayor Cindy Siegel

Councilman Roman F. Reed suggested that the garage sale item be moved to this point in the meeting and indicated that he did not wish to delay action on the item.

**COUNCIL MOTION/ACTION (FINAL):**

Councilman Roman F. Reed moved to consider agenda item G4, revisions to *Chapter 15, Garage Sales and Estate Sales*. Councilwoman Mandy Nathan seconded the motion. The **motion carried unanimously on a 6-0 vote** as follows:

**FOR:** Mayor Pro Tem Phil Nauert, Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, and Andrew Friedberg, and Councilwoman Mandy Nathan

**OPPOSED:** None

**ABSENT:** Mayor Cindy Siegel

**G. ADOPTION OF ORDINANCES:**

**Code Amendment – Garage Sales and Estate Sales**

4. **CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending the *Code of Ordinances of the City of Bellaire, Texas*, by repealing the existing *Chapter 15, Garage Sales*, and adopting a new *Chapter 15, Garage Sales and Estate Sales*, for the purpose of amending regulations related to the holding of garage and estate sales and the use of signs to advertise such sales – *Item submitted by Director of Community Development John McDonald.*

**Note:** This item was considered previously on August 1, 2011, and postponed to allow an opportunity for all seven members of City Council to participate in the discussions and action related to this item.
Based on the Council Motion/Action (Final) preceding this item, a vote was taken and passed unanimously to consider this item at this time.

COUNCIL MOTION:

Councilman Corbett Daniel Parker moved to postpone consideration of the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending the Code of Ordinances of the City of Bellaire, Texas, by repealing the existing Chapter 15, Garage Sales, and adopting a new Chapter 15, Garage Sales and Estate Sales, for the purpose of amending regulations related to the holding of garage and estate sales and the use of signs to advertise such sales. Councilwoman Mandy Nathan seconded the motion.

COUNCIL ACTION:

Following a brief discussion on the motion to postpone, a vote was taken which failed 3-3 as follows:

FOR: Mayor Pro Tem Phil Nauert, Councilman Corbett Daniel Parker, and Councilwoman Mandy Nathan

OPPOSED: Councilmen Roman F. Reed, James P. Avioli, Sr., and Andrew Friedberg

ABSENT: Mayor Cindy Siegel

COUNCIL AMENDMENT (NO. 1):

Councilwoman Mandy Nathan moved to amend Section 15-3, subsection (d), to read in its entirety as follows:

Each residence shall be allowed three (3) garage sale signs per event. Signs must display the permit number provided by the City of Bellaire during the application process.

Councilman Corbett Daniel Parker seconded the amendment.

Councilwoman Mandy Nathan called the question prior to any discussion on the amendment. The motion to call the question carried unanimously on a 6-0 vote as follows:

FOR: Mayor Pro Tem Phil Nauert, Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, and Andrew Friedberg, and Councilwoman Mandy Nathan
COUNCIL AMENDMENT (NO. 2):

Prior to a vote on Council Amendment (No. 1), Councilman James P. Avioli, Sr., moved to amend Section 15-4 by removing the phrase “and provision of garage sale signs,” said section to read in its entirety as follows:

*The City Manager shall establish a reasonable fee to cover the costs associated with the issuance of garage or estate sale permits.*

Councilman Corbett Daniel Parker seconded the amendment.

Councilman Corbett Daniel Parker called the question prior to any discussion on the amendment. The motion to call the question carried unanimously on a 6-0 vote as follows:

FOR: Mayor Pro Tem Phil Nauert, Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, and Andrew Friedberg, and Councilwoman Mandy Nathan

OPPOSED: None

ABSENT: Mayor Cindy Siegel

COUNCIL ACTION:

Mayor Pro Tem Phil Nauert called for a vote on both of the above-referenced amendments to the ordinance. Both amendments carried unanimously on a 6-0 vote as follows:

FOR: Mayor Pro Tem Phil Nauert, Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, and Andrew Friedberg, and Councilwoman Mandy Nathan

OPPOSED: None

ABSENT: Mayor Cindy Siegel
Mayor Pro Tem Nauert called for a vote on the ordinance, as amended, which carried unanimously on a 6-0 vote as follows:

FOR: Mayor Pro Tem Phil Nauert, Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, and Andrew Friedberg, and Councilwoman Mandy Nathan

OPPOSED: None

ABSENT: Mayor Cindy Siegel

{Ordinance was subsequently numbered: 11-072}

F. 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, September 12, 2011 – Item submitted by City Clerk Tracy L. Dutton.

b. 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, September 12, 2011 – Item submitted by City Clerk Tracy L. Dutton.

2. APPROVAL OF BID AWARD:

CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department and Consulting Engineers Klotz Associates, Inc., to award Bid No. 11-004, Generators for the Bellaire Central Water Plant and the Wastewater Treatment Plant, in an amount not to exceed $2,082,469.00 to the lowest responsive bidder, C. F. McDonald Electric, Inc., and authorization for the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with C. F. McDonald Electric, Inc., for the provision of all applicable labor, services, materials, and equipment necessary for the construction of two new 1000 KW generators and related work for the Wastewater Treatment Plant and the Central Water Plant in an amount not to exceed $2,082,469.00 – Item submitted by Director of Public Works Joe Keene.
Councilman Corbett Daniel Parker requested separate consideration of Consent Agenda item F.2.

COUNCIL MOTION/ACTION:

Councilman Corbett Daniel Parker moved to approve the Consent Agenda dated September 19, 2011, consisting of the following items:

- Minutes of the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, held on Monday, September 12, 2011; and
- Minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, September 12, 2011.

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

FOR: Mayor Pro Tem Phil Nauert, Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, and Councilwoman Mandy Nathan

OPPOSED: None

ABSENT: Mayor Cindy Siegel

ABSTAIN: Councilman Andrew Friedberg

Separate Consideration of Consent Agenda Item F.2:

CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department and Consulting Engineers Klotz Associates, Inc., to award Bid No. 11-004, Generators for the Bellaire Central Water Plant and the Wastewater Treatment Plant, in an amount not to exceed $2,082,469.00 to the lowest responsive bidder, C. F. McDonald Electric, Inc., and authorization for the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with C. F. McDonald Electric, Inc., for the provision of all applicable labor, services, materials, and equipment necessary for the construction of two new 1000 KW generators and related work for the Wastewater Treatment Plant and the Central Water Plant in an amount not to exceed $2,082,469.00.
COUNCIL MOTION/ACTION:

Following questions of Consulting Engineer Ralph Cox, P.E., Klotz
Associates, Inc., regarding the difference in bid amounts (i.e., $30,000
difference between the two lowest bids), evaluations of the bidders,
and the timetable for the work (i.e., 300 days from start of project),
Councilman Corbett Daniel Parker moved to accept a
recommendation from the Bellaire Public Works Department and
Consulting Engineers Klotz Associates, Inc., to award Bid
No. 11-004, Generators for the Bellaire Central Water Plant and
the Wastewater Treatment Plant, in an amount not to exceed
$2,082,469.00 to the lowest responsive bidder, C. F. McDonald
Electric, Inc., and to adopt an ordinance authorizing the Mayor
and the City Clerk of the City of Bellaire, Texas, to execute and
attest, respectively, for and on behalf of the City of Bellaire, Texas, a
Standard Form of Agreement with C. F. McDonald Electric, Inc.,
for the provision of all applicable labor, services, materials, and
equipment necessary for the construction of two new 1000 KW
generators and related work for the Wastewater Treatment Plant and the Central Water Plant in an amount not to exceed
$2,082,469.00. Councilman Roman F. Reed seconded the
motion. The motion carried unanimously on a 6-0 vote as
follows:

FOR:     Mayor Pro Tem Phil Nauert, Councilmen
         Roman F. Reed, James P. Avioli, Sr., Corbett
         Daniel Parker, and Andrew Friedberg, and
         Councilwoman Mandy Nathan

OPPOSED: None

ABSENT:  Mayor Cindy Siegel

{Ordinance was subsequently numbered: 11-069}

G. ADOPTION OF ORDINANCES:

General Obligation Refunding Bonds

1. CONSIDERATION of and possible action on the adoption of an
   ordinance of the City Council of the City of Bellaire, Texas,
   authorizing the issuance of “City of Bellaire, Texas, General
   Obligation Refunding Bonds, Series 2011-A”; specifying the
   terms and features of said bonds; establishing certain
   parameters for the sale of said bonds; and enacting provisions
   incident and related to the issuance, delivery, payment of, and
   security for such bonds – Item submitted by Chief Financial
2. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the issuance of “City of Bellaire, Texas, General Obligation Refunding Bonds, Series 2011-B”; specifying the terms and features of said bonds; establishing certain parameters for the sale of said bonds; and enacting provisions incident and related to the issuance, delivery, payment of, and security for such bonds – Item submitted by Chief Financial Officer Linda Symank; Presentation by City Manager Bernard M. Satterwhite, Jr.

SUMMARY:

James Gilley, Partner, Coastal Securities, Inc., advised that the adoption of the two ordinances before City Council would allow for a refunding of a total of approximately $15 million of bonds. For technical reasons under current tax laws, there would be two issuances 15 days apart. In order to move forward with the issuances, a minimum savings of at least 6% on the Series 2011-A bonds and at least 4% on the Series 2011-B bonds had to be met. The Pricing Manager would be City Manager Bernard M. Satterwhite, Jr. In other words, Coastal Securities, Inc., would negotiate the sales on the City’s behalf. Once the referenced parameters were met, Coastal Securities, Inc., would advise the City Manager and he would have the authority (under the referenced ordinances) to act as the City’s Pricing Officer and authorize the sales.

Following questions of Mr. Gilley and City Attorney Alan P. Petrov related to the refunding process, as well as financing fees, motions were made to adopt the referenced ordinances.

COUNCIL MOTION/ACTION (FINAL):

Councilman Corbett Daniel Parker moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the issuance of “City of Bellaire, Texas, General Obligation Refunding Bonds, Series 2011-A”; specifying the terms and features of said bonds; establishing certain parameters for the sale of said bonds; and enacting provisions incident and related to the issuance, delivery, payment of, and security for such bonds. Councilwoman Mandy Nathan seconded the motion. The motion carried unanimously on a 6-0 vote as follows:
FOR: Mayor Pro Tem Phil Nauert, Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, and Andrew Friedberg, and Councilwoman Mandy Nathan

OPPOSED: None

ABSENT: Mayor Cindy Siegel

{Ordinance was subsequently numbered: 11-070}

COUNCIL MOTION/ACTION (FINAL):

Councilman Corbett Daniel Parker moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the issuance of "City of Bellaire, Texas, General Obligation Refunding Bonds, Series 2011-B"; specifying the terms and features of said bonds; establishing certain parameters for the sale of said bonds; and enacting provisions incident and related to the issuance, delivery, payment of, and security for such bonds. Councilwoman Mandy Nathan seconded the motion. The motion carried unanimously on a 6-0 vote as follows:

FOR: Mayor Pro Tem Phil Nauert, Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, and Andrew Friedberg, and Councilwoman Mandy Nathan

OPPOSED: None

ABSENT: Mayor Cindy Siegel

{Ordinance was subsequently numbered: 11-071}

Specific Use Permit

3. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, granting a Specific Use Permit S-78 to Community National Bank to construct and operate a three-lane drive-in banking facility on a 1.56 acre parcel of land located at 4400 Bissonnet Street (between Howard Lane and Mulberry Lane) in Bellaire, Harris County, Texas, in the R-M.1 Residential-Commercial Mixed-Use Zoning District – Item submitted by City Clerk Tracy L. Dutton at the direction of City Council.

City Manager Bernard M. Satterwhite, Jr., advised that he had received a call earlier in the day from the applicant requesting that this
agenda item be withdrawn at this time. He advised that it was possible that the applicant might return and request consideration by City Council at a later date.

City Council, after conferring with City Attorney Alan P. Petrov, agreed to withdraw the agenda item from consideration.

**Code Amendment – Garage Sales and Estate Sales**

4. **CONSIDERATION** of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending the *Code of Ordinances of the City of Bellaire, Texas*, by repealing the existing *Chapter 15, Garage Sales*, and adopting a new *Chapter 15, Garage Sales and Estate Sales*, for the purpose of amending regulations related to the holding of garage and estate sales and the use of signs to advertise such sales – *Item submitted by Director of Community Development John McDonald.*

**Note:** This item was considered earlier in the meeting. See pages 7-10 of these minutes for discussion and action related to the item.

**H. ADOPTION OF RESOLUTION:**

**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 $125,000.00 from the Patrons for Bellaire Parks to be utilized specifically to assist in the design and construction of the Bellaire Town Square Donor Entry Plaza in the City of Bellaire, Texas – *Item submitted by City Manager Bernard M. Satterwhite, Jr., on behalf of the Patrons for Bellaire Parks.*

**Note:** This item was considered earlier in the meeting. See pages 2-3 of these minutes for discussion and action related to the item.

**I. ITEM FOR INDIVIDUAL CONSIDERATION:**

**CONSIDERATION** of and possible approval of a request from the Bellaire Fire Department to apply for the FY 12 Assistance for Firefighters Grant in the amount of approximately $88,792.00 as an alternative funding source for the purchase of dual banded spectrum radios and related equipment, programming, and activation necessary for the Bellaire Fire Department to meet the banding requirements imposed by the Federal Communications Commission, as well as approval for the City of Bellaire, Texas, to provide the necessary 10% matching grant funds (i.e., approximately $8,800.00), if said grant is ultimately received by the City of Bellaire, Texas – *Item submitted by Fire Chief Darryl Anderson.*
Fire Chief Darryl Anderson advised City Council that the project for the dual banding requirements for the Bellaire Police and Fire Departments had been red tagged in the fiscal year 2012 budget. Fire Chief Anderson was requesting City Council’s approval to seek alternative funding for the portion of the project related to the Bellaire Fire Department, which was estimated at approximately $88,792.00. The City would have to provide a 10% match if the City received the grant.

COUNCIL MOTION/ACTION (FINAL):

Councilman Corbett Daniel Parker moved to approve the request from the Bellaire Fire Department to apply for the FY 12 Assistance for Firefighters Grant in the amount of approximately $88,792.00 as an alternative funding source for the purchase of dual banded spectrum radios and related equipment, programming, and activation necessary for the Bellaire Fire Department to meet the banding requirements imposed by the Federal Communications Commission, as well as approval for the City of Bellaire, Texas, to provide the necessary 10% matching grant funds (i.e., approximately $8,800.00), if said grant is ultimately received by the City of Bellaire, Texas. Councilman Roman F. Reed seconded the motion. The motion carried unanimously on a 6-0 vote as follows:

FOR: Mayor Pro Tem Phil Nauert, Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, and Andrew Friedberg, and Councilwoman Mandy Nathan

OPPOSED: None

ABSENT: Mayor Cindy Siegel

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

Items of community interest from the Mayor Pro Tem and City Council included reminders regarding the upcoming Bellaire Recycles Day and Friends of the Library Book Sale (both to be held on November 5) and the Patrons for Bellaire Parks’ Wine and Tapas Event (to be held September 30). An expression of thanks was given to the Patrons for Bellaire Parks for their latest contribution to Bellaire Town Square. Commendations were given to Harry Goldberg, a visiting cub scout, and to Mayor Pro Tem Phil Nauert for filling in for the Mayor this evening.

K. ADJOURNMENT.

COUNCIL MOTION/ACTION (FINAL):

Councilman Corbett Daniel Parker moved to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:20 p.m. on
Monday, September 19, 2011. Councilmen Roman F. Reed and James P. Avioli, Sr., jointly seconded the motion. The motion carried unanimously on a 6-0 vote as follows:

FOR: Mayor Pro Tem Phil Nauert, Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, and Andrew Friedberg, and Councilwoman Mandy Nathan

OPPOSED: None

ABSENT: Mayor Cindy Siegel

Respectfully submitted,

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

Approved:

Phil Nauert, Mayor Pro Tem
City of Bellaire, Texas