CITY COUNCIL MEETING MINUTES
MONDAY, JANUARY 16, 2012

The City Council of the City of Bellaire, Texas, met in Regular Session on Monday, January 16, 2012, 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 Philip L. Nauert.

Mayor Philip L. Nauert called the City Council of the City of Bellaire, Texas, to order at 7:02 p.m. on Monday, January 16, 2012.

Also present were Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, Pat B. McLaughlan, and Andrew S. Friedberg, Councilwoman Amanda B. Nathan, City Manager Bernard M. Satterwhite, Jr., City Attorney Alan P. Petrov, and City Clerk Tracy L. Dutton.

B. INSPIRATIONAL READING AND/OR INVOCATION – Councilman Corbett Daniel Parker.

Councilman Corbett Daniel 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 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.

Mayor Nauert asked City Council to consider agenda item F. and G. (Consent Agenda) at this point in the meeting. After noting no objections, agenda item F. was considered, followed by agenda item G.

F. PROCLAMATIONS:

ISSUANCE of proclamations by Mayor Philip L. Nauert in honor and recognition of 32 local Girl Scouts, each of whom received the Gold Award, the highest honor in scouting, in either the 2010 calendar year or the 2011 calendar year* - Introduction by Bellaire’s Girl Scout
Gold Award Advisor Martha Webster; Proclamations issued and presented by Mayor Philip L. Nauert.

Mayor Nauert read the proclamation he had issued in recognition of Girl Scout Gold Award recipients in its entirety. After a brief introduction and description of the Gold Award, Martha Webster, Girl Scout Gold Award Advisor, introduced each of the Gold Award recipients for 2010 and 2011 (in alphabetical order) as follows: Adrianne Ambrosy, Katherine Barnes, Caroline Batten, Nicole Beittenmiller, Madeline Bowser, Elizabeth Caggiano, Katherine Copper, Laure Cundiff, Leslie Cundiff, Rachel Fisher, Sarah Godwin, Caroline Hinze, Julia Hollingsworth, Amy Jiang, Carrie Jiang, Emily Koch, Erica Lin, Samantha Maher, Molly Martin, Riley McGann, Victoria Noble, Nicole Noblett, Andrea Owen, Maya Parris-Jackson, Neha Reddy, Holly Reichert, Reagan Rexford, Kirkland Schuessler, Michelle Sheena, Kathryn Tharpe, Taylor Thompson, and Alice Whitten.

G. CONSENT AGENDA:

1. APPROVAL/CORRECTION OF MINUTES:

   a. 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, November 21, 2011 – Item submitted by City Clerk Tracy L. Dutton.

   b. CONSIDERATION of and possible action on the adoption of the minutes of the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, held on Monday, December 5, 2011 – Item submitted by City Clerk Tracy L. Dutton.

2. CODE SUSPENSION:

CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, temporarily suspending the application of Chapter 27, Streets, Sidewalks and Public Places, Article V, Public Parks, Section 27-95, Curfew Imposed, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of allowing the Optimist Club of Bellaire to hold a barbecue fundraiser in the Feld Park parking lot, located at 6406 Avenue B, Bellaire, Texas, from noon on Friday, February 3, 2012, through Sunday, February 5, 2012, at 5:00 p.m., said suspension to commence at 11:00 p.m. and terminate at 5:00 a.m. on the stated dates – Item submitted by Director of Parks & Recreation Jane L. Dembski on behalf of the Optimist Club of Bellaire.
COUNCIL MOTION/ACTION:

Councilman Andrew S. Friedberg moved to approve the Consent Agenda dated January 16, 2012, consisting of the following items:

- Minutes of the City Council Regular Session held on Monday, November 21, 2011;
- Minutes of the City Council Special Session (Public Hearing) held on December 5, 2011; and
- Adoption of ordinance temporarily suspending Chapter 27, Streets, Sidewalks and Public Places, Article V, Public Parks, Section 27-95, Curfew Imposed, for the purpose of allowing the Optimist Club of Bellaire to hold a barbecue fundraiser in the Feld Park parking lot from noon on Friday, February 3, 2012, through Sunday, February 5, 2012.*

Councilman Roman F. Reed seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

FOR: Mayor Philip L. Nauert, Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, Andrew S. Friedberg, and Pat B. McLaughlan, and Councilwoman Amanda B. Nathan

OPPOSED: None

ABSENT: None

*{Ordinance was subsequently numbered: 12-001}

At this point in the meeting, City Council returned to items D. and E.

D. PERSONAL/AUDIENCE COMMENTS.

There were no personal/audience comments during this Regular Session.

E. REPORTS:

1. CITY MANAGER’S REPORT regarding residential safety (police activity report and report regarding January 9th rainfall event), public infrastructure/utilities (major projects update), quarterly indicators (crime report and building permit report),
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 January 16, 2012, to members of City Council. Following questions from City Council of City Manager Satterwhite regarding his report, the motion and action set forth below was taken.

COUNCIL MOTION/ACTION:

Councilman Roman F. Reed moved to accept the City Manager's Report dated January 16, 2012, as presented by City Manager Bernard M. Satterwhite, Jr., into the record. Councilwoman Amanda B. Nathan seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

FOR: Mayor Philip L. Nauert, Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, Andrew S. Friedberg, and Pat B. McLaughlan, and Councilwoman Amanda B. Nathan

OPPOSED: None

ABSENT: None

2. FINANCE REPORT for the City of Bellaire, Texas, covering the period ended December 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 discussion of statistical data – Presented by Chief Financial Officer Linda Symank.

Chief Financial Officer Linda Symank presented the Finance Report for the period ended December 31, 2011, to members of City Council. Following questions from City Council of Chief Financial Officer Symank regarding her report, the motion and action set forth below was taken.

COUNCIL MOTION/ACTION:

Councilman Andrew S. Friedberg moved to accept the Finance Report for the period ended December 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 7-0 vote as follows:

FOR: Mayor Philip L., Nauert, Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, Andrew S. Friedberg, and Pat B. McLaughlan, and Councilwoman Amanda B. Nathan

OPPOSED: None

ABSENT: None

F. PROCLAMATIONS:

ISSUANCE of proclamations by Mayor Philip L. Nauert in honor and recognition of 32 local Girl Scouts, each of whom received the Gold Award, the highest honor in scouting, in either the 2010 calendar year or the 2011 calendar year - Introduction by Bellaire’s Girl Scout Gold Award Advisor Martha Webster; Proclamations issued and presented by Mayor Philip L. Nauert.

Note: This item was considered earlier in the evening. See pages 1-2 of these minutes for discussion related to this agenda item.

G. CONSENT AGENDA:

1. APPROVAL/CORRECTION OF MINUTES:
   a. 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, November 21, 2011 – Item submitted by City Clerk Tracy L. Dutton.
   b. CONSIDERATION of and possible action on the adoption of the minutes of the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, held on Monday, December 5, 2011 – Item submitted by City Clerk Tracy L. Dutton.

2. CODE SUSPENSION:

CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, temporarily suspending the application of Chapter 27, Streets, Sidewalks and Public Places, Article V, Public Parks, Section 27-95, Curfew Imposed, of the Code of Ordinances of the City of
Bellaire, Texas, for the purpose of allowing the Optimist Club of Bellaire to hold a barbecue fundraiser in the Feld Park parking lot, located at 6406 Avenue B, Bellaire, Texas, from noon on Friday, February 3, 2012, through Sunday, February 5, 2012, at 5:00 p.m., said suspension to commence at 11:00 p.m. and terminate at 5:00 a.m. on the stated dates – Item submitted by Director of Parks & Recreation Jane L. Dembski on behalf of the Optimist Club of Bellaire.

Note: This item was considered earlier in the evening. See pages 2-3 of these minutes for action related to this agenda item.

H. ADOPTION OF ORDINANCES/RESOLUTIONS:

Bellaire Town Square – Donor Entry Plaza

1. CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, accepting a donation in the amount of $27,635.00 from the Patrons for Bellaire Parks to be applied toward the construction of the Bellaire Town Square Donor Entry Plaza in the City of Bellaire, Texas – Item submitted by City Clerk Tracy L. Dutton on behalf of the Patrons for Bellaire Parks.

President Karen Erwin, Patrons for Bellaire Parks, presented a donation to Mayor Philip L. Nauert of a check in the amount of $27,635.00 from the Patrons for Bellaire Parks to be applied toward the construction of the Bellaire Town Square Donor Entry Plaza.

COUNCIL MOTION/ACTION:

Councilman Roman F. Reed moved to adopt a resolution of the City Council of the City of Bellaire, Texas, accepting a donation in the amount of $27,635.00 from the Patrons for Bellaire Parks to be applied toward the construction of the Bellaire Town Square Donor Entry Plaza. Councilman Corbett Daniel Parker seconded the motion. Following discussion, the motion carried on a 6-1 vote as follows:

FOR: Mayor Philip L., Nauert, Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, and Andrew S. Friedberg, and Councilwoman Amanda B. Nathan

OPPOSED: Councilman Pat B. McLaughlan*

ABSENT: None
*Councilman McLaughlan’s opposition of this agenda item was related to his opposition of a portion of the Bellaire Town Square Donor Entry Plaza project that included the demolition of an existing functional, serviceable area.

2. **CONSIDERATION of and possible action on a recommendation from the Bellaire Parks and Recreation Department and Project Consultant Clark Condon Associates to award Bid No. 12-004, Bellaire Town Square Donor Entry Plaza, to the lowest responsive bidder, Paving Design Plus, in an amount not to exceed $136,134.30, for landscaping improvements in Bellaire Town Square including, but not limited to, demolition and grading, concrete walk and paver plaza, cast stone donor wall and graphics, planting, and irrigation 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, for and on behalf of the City of Bellaire, Texas, a *Standard Form of Agreement* with Paving Design Plus in an amount not to exceed $136,134.30 for said landscaping improvements – *Item submitted by Director of Parks & Recreation Jane L. Dembski.*

**COUNCIL MOTION:**

Councilman James P. Avioli, Sr., moved to accept a recommendation from the Bellaire Parks and Recreation Department and Project Consultant Clark Condon Associates to award Bid No. 12-004, Bellaire Town Square Donor Entry Plaza, to the lowest responsive bidder, Paving Design Plus, in an amount not to exceed $136,134.30, for landscaping improvements in Bellaire Town Square including, but not limited to, demolition and grading, concrete walk and paver plaza, cast stone donor wall and graphics, planting, and irrigation 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, for and on behalf of the City of Bellaire, Texas, a *Standard Form of Agreement* with Paving Design Plus in an amount not to exceed $136,134.30 for said landscaping improvements. Councilman Roman F. Reed seconded the motion.

**COUNCIL MOTION TO LAY ITEM ON THE TABLE:**

Councilman Andrew S. Friedberg moved to lay the agenda item on the table until a review of the contract document had been completed by the Bellaire City Attorney. Councilman Corbett Daniel Parker seconded the motion.
Following a question from the Mayor regarding the method in which the item would return to City Council, Councilman Friedberg restated his motion in the form of an amendment as follows:

**COUNCIL AMENDMENT (NO. 1):**

Councilman Andrew S. Friedberg moved to contingently accept a recommendation from the Bellaire Parks and Recreation Department and Project Consultant Clark Condon Associates to award Bid No. 12-004, Bellaire Town Square Donor Entry Plaza, to the lowest responsive bidder, Paving Design Plus, in an amount not to exceed $136,134.30, for landscaping improvements in Bellaire Town Square including, but not limited to, demolition and grading, concrete walk and paver plaza, cast stone donor wall and graphics, planting, and irrigation and to contingently authorize 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, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with Paving Design Plus in an amount not to exceed $136,134.30 for said landscaping improvements subject to a review and approval of the contract documents by the City Attorney. Councilman Corbett Daniel Parker seconded the amendment.

Following discussion of the amendment, a vote was taken on the amendment, which carried on a 6-1 vote as follows:

**FOR:** Mayor Philip L., Nauert, Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, and Andrew S. Friedberg, and Councilwoman Amanda B. Nathan

**OPPOSED:** Councilman Pat B. McLaughlan*

**ABSENT:** None

*Councilman McLaughlan’s opposition of this agenda item was related to his opposition of a portion of the Bellaire Town Square Donor Entry Plaza project that included the demolition of an existing functional, serviceable area.

{Ordinance was subsequently numbered: 12-002}

**Mayor Pro Tempore**

3. **CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas,**
electing a Mayor Pro Tempore for the City of Bellaire, Texas, for a term commencing January 16, 2012, and expiring January 6, 2014, in accordance with Article II, The Council, Section 5, Mayor Pro Tempore, of the City of Bellaire, Texas, as amended November 7, 2006, and repealing any prior ordinances conflicting therewith – City Clerk Tracy L. Dutton on behalf of Mayor Philip L. Nauert.

NOMINATIONS FROM THE FLOOR:

Councilman Roman F. Reed nominated Councilwoman Amanda B. Nathan for Mayor Pro Tempore for the City of Bellaire, Texas, for a term commencing January 16, 2012, and expiring January 6, 2014.

COUNCIL MOTION/ACTION:

Councilman Pat B. McLaughlan called for the election by acclamation of Councilwoman Amanda B. Nathan as the City of Bellaire’s Mayor Pro Tempore for a term commencing January 16, 2012, and expiring January 6, 2014. Councilman Andrew S. Friedberg seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

FOR: Mayor Philip L., Nauert, Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, Pat B. McLaughlan and Andrew S. Friedberg, and Councilwoman Amanda B. Nathan

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 12-003}

I. ITEMS FOR INDIVIDUAL CONSIDERATION:

Rules of Procedure

1. CONSIDERATION of and possible action on the adoption of Rules of Procedure for the City Council of the City of Bellaire, Texas, for the period January 2012 – January 2014 – Item submitted by City Manager Bernard M. Satterwhite, Jr., on behalf of the City Council.
COUNCIL MOTION:

Councilman Pat B. McLaughlan moved to adopt Rules of Procedure for the City Council of the City of Bellaire, Texas, for the period January 2012 – January 2014. Councilman Roman F. Reed seconded the motion.*

*The motion called for the existing Rules of Procedure for the City Council of the City of Bellaire, Texas, 2010-2012, to be adopted for the period 2012-2014.

COUNCIL MOTION TO DEFER CONSIDERATION OF AGENDA ITEM:

Councilman Pat B. McLaughlan moved to defer consideration of amendments to the existing Rules of Procedure for the City Council of the City of Bellaire, Texas, for the period January 2012 – January 2014 until such time as City Council had an opportunity to review amendments/modifications provided and proposed by Councilman Corbett Daniel Parker earlier this evening.

The motion to defer failed due to the lack of a second.

COUNCIL AMENDMENT (NO. 1):

Councilman Corbett Daniel Parker moved to amend Article 3, General Rules of Procedure and Policies, Section V, Suspension and Amendment of Rules, as follows:

Any provisions of these Rules not governed by federal or state law or the City Charter may be temporarily suspended by a vote of five (5) four (4) members of the City Council and may be amended by a vote of five (5) four (4) members of the City Council, if such amendment is introduced at the previous a regular meeting of City Council and shall have received preliminary a majority approval of City Council at such meeting.

Councilman Pat B. McLaughlan seconded the motion.

Following discussion, Councilman Corbett Daniel Parker and Councilman Pat B. McLaughlan withdrew their motion and second to amend Article 3, General Rules of Procedure and Policies, Section V, Suspension and Amendment of Rules, as stated above.
COUNCIL AMENDMENT (NO. 2):

Councilman Corbett Daniel Parker moved to amend Article 3, General Rules of Procedure and Policies, Section D, Conduct of Meetings, as follows:

Meetings of the City Council shall be conducted according to the Rules adopted by the City Council, as well as the terms and provisions of Robert’s Rules when not inconsistent. Meetings will generally be videotaped digitally recorded and replayed for televised viewing on the City public access television channel and available on the City website.

Councilman Pat B. McLaughlan seconded the amendment. A vote was taken on the amendment, which carried unanimously on a 7-0 vote as follows:

FOR: Mayor Philip L., Nauert, Mayor Pro Tem Amanda B. Nathan, Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, Pat B. McLaughlan and Andrew S. Friedberg

OPPOSED: None

ABSENT: None

COUNCIL AMENDMENT (NO. 3):

Councilman Corbett Daniel Parker moved to amend Article 3, General Rules of Procedure and Policies, Section D, Conduct of Meetings, as follows:

Meetings of the City Council shall be conducted according to the Rules adopted by the City Council, as well as the terms and provisions of Robert’s Rules when not inconsistent. All public meetings will generally be digitally recorded and replayed for televised viewing on the City public access television channel and available on the City website.*

*Councilman Corbett Daniel Parker wished to ensure, specifically, that workshops be televised and available on the City website.

The motion to amend failed due to the lack of a second.
COUNCIL AMENDMENT (NO. 4):

Councilman Corbett Daniel Parker moved to amend Article 3, General Rules of Procedure and Policies, Section M, Absence of Mayor, as follows:

The Mayor Pro Tempore shall act in the absence of the Mayor at a scheduled or an emergency meeting.

Councilman Roman F. Reed seconded the amendment. The amendment failed on a 3-4 vote as follows:

FOR: Councilmen Roman F. Reed, Corbett Daniel Parker and Pat B. McLaughlan

OPPOSED: Mayor Philip L. Nauert, Mayor Pro Tem Amanda B. Nathan, and Councilmen James P. Avioli, Sr., and Andrew S. Friedberg

ABSENT: None

COUNCIL AMENDMENT (NO. 5):

Councilman Corbett Daniel Parker moved to amend Article 3, General Rules of Procedure and Policies, Section R, City Clerk or Acting City Clerk, as follows:

The City Clerk or Acting City Clerk shall attend all meetings of record, unless excused, and keep all official minutes, digital files and tapes of City Council proceedings.

Councilman Andrew S. Friedberg moved that City Council approve amendment no. 5 by acclamation. Mayor Pro Tem Amanda B. Nathan seconded the motion. The amendment carried unanimously on a 7-0 vote as follows:

FOR: Mayor Philip L., Nauert, Mayor Pro Tem Amanda B. Nathan, Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, Pat B. McLaughlan and Andrew S. Friedberg

OPPOSED: None

ABSENT: None
COUNCIL AMENDMENT (NO. 6):

Councilman Corbett Daniel Parker moved to amend the first sentence of Article 4, Order of Business, Section A, Agenda, as follows:

The Mayor and City Manager or an appropriate designee, shall prepare an agenda and cause the same to be posted 72 hours prior to a meeting.

The amendment failed due to the lack of a second.

COUNCIL AMENDMENT (NO. 7):

Councilman Corbett Daniel Parker moved to amend Article 4, Order of Business, Section D, City Manager to Issue Weekly Communiqué, as follows:

The City Manager shall issue a weekly communiqué of current affairs, problems, and other matters that should properly be brought before City Council. Such communiqué shall be made available to City Council on or before the end of each week.

The amendment failed due to the lack of a second.

COUNCIL AMENDMENT (NO. 8):

Councilman Corbett Daniel Parker moved to amend Article 4, Order of Business, Section D, City Manager to Issue Weekly Communiqué, as follows:

Section D. City Manager to Issue Weekly Communiqué; Special Communiqués.

The City Manager shall issue a weekly communiqué of current affairs, problems, and other matters that should properly be brought before City Council. The City Manager shall issue special communiqués of matters that City Council members are likely to receive significant public input on (i.e., flooding, hurricanes, electricity interruptions, etc.). Such communiqué shall be made available to City Council on or before the end of each week.
Mayor Pro Tem Amanda B. Nathan seconded the amendment. The amendment failed on a 1-6 vote as follows:

**FOR:** Councilman Corbett Daniel Parker

**OPPOSED:** Mayor Philip L. Nauert, Mayor Pro Tem Amanda B. Nathan, and Councilmen Roman F. Reed, James P. Avioli, Sr., Pat B. McLaughlan and Andrew S. Friedberg

**ABSENT:** None

**COUNCIL AMENDMENT (NO. 9):**

Councilman Corbett Daniel Parker moved to amend *Article 4, Order of Business, Section E, Postponement of Consideration of Agenda Items*, as follows:

In the event a motion is made requesting additional information or for delay to obtain additional information and is passed by a vote of four (4) members of the City Council, City Council may postpone action on such agenda item to the next regular meeting of the City Council or such later meeting as shall be necessary to receive needed information.

In the event any motion other than a procedural motion, resolution or ordinance (including a motion to amend a proposed motion, resolution, or ordinance) is presented for the first time to the City Council, a member of City Council may "tag" such matter for a period of one week when such action will not render the subject matter moot. If a member of City Council is marked absent for an entire council session when a matter is considered for the first time, then that member of City Council shall have the privilege of "tagging" the new matter for a period of one week at a subsequent council meeting, provided such new matter has not previously been finally approved by the City Council. A matter that is postponed to a later time on the same calendar day is still subject to tag. Debate of an item or consideration or adoption of motions relating to an item shall not preclude its being subject to a tag at the meeting when it is first presented, or by an absent member of City Council at a subsequent meeting, as provided above.
A member of City Council may exercise a “tag” at any time before voting on the matter has been completed. However, if a roll call vote has been requested, then the “tag” must be exercised before the first member of City Council polled has cast a vote. Whenever an item is tagged, all members of City Council desiring such tag shall be listed by the City Clerk, and no tag shall be released prior to the expiration of the one-week period unless all the members of City Council so listed have given their release; an item on which all tag(s) have been released shall be reconsidered following consideration of other agenda legislation items.

A motion to approve or disapprove an appointment by the Mayor is not subject to a “tag” if written notice of such appointment, including a resume of the proposed appointee, has been delivered to the offices of all members of City Council at least 14 calendar days prior to the meeting at which an appointment is submitted to City Council for approval. No resume shall be required in the event of a reappointment.

In this rule, references to a “one-week period” or a “period of one week” shall be construed to mean the duration of time between one regular weekly meeting of City Council and the next, regardless of whether that period may be more or less than seven days.

In the event an untagged motion is made requesting additional information or for delay to obtain additional information and is passed by a vote of four (4) members of the City Council, City Council may postpone action on such agenda item to the next regular meeting of the City Council or such later meeting as shall be necessary to receive needed information.

Councilman Andrew S. Friedberg seconded the amendment for discussion purposes only. The amendment failed on a 1-6 vote as follows:

FOR: Councilman Corbett Daniel Parker

OPPOSED: Mayor Philip L. Nauert, Mayor Pro Tem Amanda B. Nathan, and Councilmen Roman F. Reed, James P. Avioli, Sr.,
ABSENT: None

COUNCIL AMENDMENT (NO. 10):

Councilman Corbett Daniel Parker moved to amend Article 4, Order of Business, Section F, Minutes of Previous Meeting, by allowing the City Clerk additional time to prepare the minutes of meetings. The amendment failed due to the lack of a second.

COUNCIL AMENDMENT (NO. 11):

Councilman Corbett Daniel Parker moved to amend the third (last) sentence of Article 5, Agenda Procedure, Section A, Mayor Shall Read, as follows:

In addition, in the event individuals shall come before City Council, the Mayor shall introduce the person making the presentation, they shall state their name and address for the record.

Councilman Roman F. Reed seconded the amendment.

Councilman Andrew S. Friedberg offered a friendly amendment to keep the third sentence of Article 5, Agenda Procedure, Section A, Mayor Shall Read, as it currently existed, with the addition of the phrase “or invite that person to introduce him or herself” after the word “presentation” as follows:

In addition, in the event individuals shall come before City Council, the Mayor shall introduce the person making the presentation or invite that person to introduce him or herself.

Councilmen Corbett Daniel Parker and Roman F. Reed accepted the friendly amendment. Mayor Philip L. Nauert called for a vote on the amendment, which carried unanimously on a 7-0 vote as follows:

FOR: Mayor Philip L. Nauert, Mayor Pro Tem Amanda B. Nathan, and Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, Pat B. McLaughlan and Andrew S. Friedberg
COUNCIL AMENDMENT (NO. 12):

Councilman Corbett Daniel Parker moved to amend the third (and last) sentence of Article 5, Agenda Procedure, Section B, Council Discussion, as follows:

Following a motion duly made and seconded, debate and discussion shall begin with the council member making the motion speaking to the motion first.

The amendment failed due to the lack of a second.

COUNCIL AMENDMENT (NO. 13):

Councilman Corbett Daniel Parker moved to amend Article 5, Agenda Procedure, Section C, Mayor or Clerk to State Question, as follows:

Before any vote is taken on any question or ordinance before the City Council, the Mayor or City Clerk shall restate the motion to ensure the members of City Council understand what they are voting on.

Mayor Philip L. Nauert seconded the amendment. The amendment failed on a 0-7 vote as follows:

FOR: None

OPPOSED: Mayor Philip L. Nauert, Mayor Pro Tem Amanda B. Nathan, and Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, Pat B. McLaughlan and Andrew S. Friedberg

ABSENT: None

COUNCIL AMENDMENT (NO. 14):

Councilman Corbett Daniel Parker moved to amend Article 6, Agenda Order, by adding a new Section E to be entitled “Recognition of Proclamations,” and re-lettering the remaining sections as F, G, H, I, J, and K. Councilman Andrew S.
Friedberg seconded the amendment. The amendment carried on a vote of 4-3 as follows:

**FOR:** Mayor Philip L. Nauert, Councilmen Corbett Daniel Parker, Pat B. McLaughlan and Andrew S. Friedberg

**OPPOSED:** Mayor Pro Tem Amanda B. Nathan and Councilmen Roman F. Reed and James P. Avioli, Sr.

**ABSENT:** None

**COUNCIL AMENDMENT (NO. 15):**

Councilman Corbett Daniel Parker moved to amend the second (last) sentence of Article 6, Agenda Order, Section F (formerly lettered Section E), Approval or Correction of Minutes, as follows:

Any member of City Council that was absent from a particular meeting may still vote on the minutes of the meeting by relying on his fellow members of City Council and/or by reviewing the recorded digital video discs (DVDs) digital video recordings as to the accuracy of those minutes.

Councilman Andrew S. Friedberg seconded the amendment. The amendment carried unanimously on a 7-0 vote as follows:

**FOR:** Mayor Philip L. Nauert, Mayor Pro Tem Amanda B. Nathan, and Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, Pat B. McLaughlan and Andrew S. Friedberg

**OPPOSED:** None

**ABSENT:** None

**COUNCIL AMENDMENT (NO. 16):**

Councilman Corbett Daniel Parker moved to amend Article 6, Agenda Order, Section G (formerly lettered Section F), Personal/Audience Comments, as follows:

Individuals wishing to address City Council will have a time limit of up to five (5) minutes, with no
extension, and with notice to said individual(s) after four (4) minutes that there is one (1) minute left. All individuals desiring to address City Council must submit a request to speak on a sign-up sheet to the City Clerk prior to the posted time of the meeting. Any request received after this time may be considered for the following City Council meeting at that meeting by the consent of the Mayor.

The amendment failed due to the lack of a second.

COUNCIL AMENDMENT (NO. 17):

Councilman Corbett Daniel Parker moved to amend Article 6, Agenda Order, Section H (formerly lettered Section G), Reports, as follows:

The City Manager, City Attorney, Chief Financial Officer, Director of Public Works, Consultants, and such others shall submit reports, as needed, to the City Council. City Council shall move to accept the reports as part of the record, if affirmed by a majority of Council.

The amendment failed due to the lack of a second.

COUNCIL AMENDMENT (NO. 18):

Councilman Corbett Daniel Parker moved to amend Article 6, Agenda Order, Section J (formerly lettered Section I), Community Interest Items from the Mayor and City Council, by changing the title of the Section and adding a phrase therein, as follows:

Section J. Items for Future Agendas; Community Interest Items from the Mayor and City Council.

It is the intent of this item to provide any member of City Council the opportunity to request to place new items on the agenda of the next Regular Meeting of City Council pursuant to Article 4, Order of Business, Section A, Agenda, and/or make a report about items of community interest during a City Council meeting, said community items of interest of which may include expressions of thanks, congratulations, or condolences; information regarding holiday schedules; honorary recognition of City officials, employees, or other citizens or entities; reminders of upcoming events sponsored by the City or another entity that is scheduled
to be attended by a City official or City employee; and announcements involving an imminent threat to the public health and safety of the citizens of Bellaire that has arisen after the posting of the agenda.

Councilman Pat B. McLaughlan seconded the amendment. The amendment carried on a 6-1 vote as follows:

FOR: Mayor Pro Tem Amanda B. Nathan, and Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, Pat B. McLaughlan and Andrew S. Friedberg

OPPOSED: Mayor Philip L. Nauert

ABSENT: None

COUNCIL AMENDMENT (NO. 19):

Councilman Corbett Daniel Parker moved to amend Article 7, Workshop Policies and Procedures, Section E, Prohibitions Against Ordinances or Motions, as follows:

No ordinances or motions shall be considered at a workshop session. An informal motion may be made requesting an item be put on a subsequent agenda, request additional information, or to schedule additional workshop sessions. Informal motion may be passed by a vote of four (4) members of City Council.

The amendment failed due to the lack of a second.

COUNCIL AMENDMENT (NO. 20):

Councilman Corbett Daniel Parker moved to amend Article 7, Workshop Policies and Procedures, Section F, Audience Comments or Questions, as follows:

Audience comments or questions will not be considered at a workshop session, unless City Council states otherwise in the documents made available to the public concerning the workshop session.

The amendment failed due to the lack of a second.
COUNCIL AMENDMENT (NO. 21):

Councilman Corbett Daniel Parker moved to amend the second (last) sentence of Article 8, Rules Governing Comments from Audience, Section C, Mayor Shall Recognize Interested Citizens, as follows:

The Mayor shall recognize each individual that has submitted a request to speak pursuant to Article 6, Agenda Order, Section G, Personal/Audience Comments, in turn, hearing from all who desire to comment.

The amendment failed due to the lack of a second.

COUNCIL AMENDMENT (NO. 22):

Councilman Corbett Daniel Parker moved to amend the second sentence of Article 10, Selected Rules of Parliamentary Procedure, Section C, Point of Order, as follows:

A point of order is a statement to the Mayor that a particular motion before the City Council or other matter is out of order, or to make an inquiry of the Mayor City Attorney as to parliamentary procedure, or for information.

The amendment failed due to the lack of a second.

COUNCIL AMENDMENT (NO. 23):

Councilman Corbett Daniel Parker moved to amend the third (last) sentence of the first paragraph of Article 10, Selected Rules of Parliamentary Procedure, Section C, Point of Order, as follows:

As soon as a point of order has been disposed of, the person member of City Council interrupted may continue to speak.

The amendment failed due to the lack of a second.

Mayor Philip L. Nauert called for a motion to accept the Rules of Procedure for the City Council, as amended this evening, for the period 2012-2014. Councilman Roman F. Reed moved to accept the Rules of Procedure for the City Council, as amended this evening, for the period 2012-2014. Councilman Corbett Daniel Parker seconded the motion.
COUNCIL AMENDMENT (NO. 24):

Councilman Andrew S. Friedberg moved to amend Article 3, General Rules of Procedure and Policies, Section U, Minutes of Meetings, as follows:

An account Minutes of all proceedings of the City Council shall be recorded and shall be open to public inspection (Article II, The Council, Section 17, Rules of Procedure; Journal, of the City Charter). Such minutes shall concisely state all matters presented to City Council for a vote and the record of the vote thereon.

Councilman Corbett Daniel Parker seconded the amendment.

COUNCIL AMENDMENT TO THE AMENDMENT (NO. 25):

Mayor Pro Tem Amanda B. Nathan moved to add a clause to Councilman Andrew S. Friedberg’s amendment whereby Article 3, General Rules of Procedure and Policies, Section U, Minutes of Meetings, would read as follows:

An account Minutes of all proceedings of the City Council shall be recorded and shall be open to public inspection (Article II, The Council, Section 17, Rules of Procedure; Journal, of the City Charter). Such minutes shall concisely state all matters presented to City Council for a vote and the record of the vote thereon, unless otherwise requested by City Council in connection with a specific agenda item.

Mayor Philip L. Nauert seconded the amendment to the amendment (no. 25).

Following discussion, Mayor Pro Tem Amanda B. Nathan withdrew her motion, with the concurrence of Mayor Philip L. Nauert.

COUNCIL AMENDMENT TO THE AMENDMENT (NO. 24):

Councilman Andrew S. Friedberg restated the amendment to the amendment in order to include Mayor Pro Tem Nathan’s suggestion as follows (amendment to Article 3, General Rules of Procedure and Policies, Section U, Minutes of Meetings):

An account Minutes of all proceedings of the City Council shall be recorded and shall be open to public inspection (Article II, The Council, Section 17, Rules of Procedure; Journal, of the City Charter). Unless

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Councilman Corbett Daniel Parker seconded the amendment to the amendment (no. 24). The amendment to the amendment carried unanimously on a 7-0 vote as follows:

**FOR:** Mayor Philip L. Nauert, Mayor Pro Tem Amanda B. Nathan, and Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, Pat B. McLaughlan and Andrew S. Friedberg

**OPPOSED:** None

**ABSENT:** None

Mayor Philip L. Nauert called for a vote on the motion previously made by Councilman Roman F. Reed to accept the *Rules of Procedure* for the City Council, as amended this evening, for the period 2012-2014, and seconded by Councilman Corbett Daniel Parker. The motion carried unanimously on a 7-0 vote as follows:

**FOR:** Mayor Philip L. Nauert, Mayor Pro Tem Amanda B. Nathan, and Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, Pat B. McLaughlan and Andrew S. Friedberg

**OPPOSED:** None

**ABSENT:** None

**Mayoral Appointments**

**Harris-Galveston Subsidence District**

2. **APPOINTMENT** of Alan P. Petrov as a board member of the Harris-Galveston Subsidence District representing the cities of Bellaire, Jacinto City, Southside Place, and West University Place, for a two-year term commencing on February 1, 2012, and expiring on January 31, 2014 – *Item submitted by City Clerk Tracy L. Dutton on behalf of Mayor Philip L. Nauert and the Harris-Galveston Subsidence District.*
Mayor Philip L. Nauert announced that he wished to appoint Alan P. Petrov as a board member of the Harris-Galveston Subsidence District representing the cities of Bellaire, Jacinto City, Southside Place, and West University Place, for a two-year term commencing on February 1, 2012, and expiring on January 31, 2014. Alan P. Petrov accepted the appointment and expressed his appreciation to Mayor Nauert.

Note: City Council action was not required for this agenda item.

**Bellaire Audit/Finance Committee**

3. APPOINTMENT of three (3) members of the Bellaire City Council to the Bellaire Audit/Finance Committee for a one-year term effective on February 1, 2012, and expiring on January 31, 2013 – Item submitted by City Clerk Tracy L. Dutton on behalf of Mayor Philip L. Nauert.

Mayor Philip L. Nauert appointed the three (3) members of City Council currently serving on the Audit/Finance Committee for an additional one-year term effective on February 1, 2012, and expiring on January 31, 2013, as follows: Mayor Philip L. Nauert, Councilman Corbett Daniel Parker, and Mayor Pro Tem Amanda B. Nathan. Nonvoting ex-officio members were noted to be City Manager Bernard M. Satterwhite, Jr., and Chief Financial Officer Linda Symank. Councilman Corbett Daniel Parker and Mayor Pro Tem Amanda B. Nathan accepted their appointments.

Note: City Council action was not required for this agenda item.

**Bellaire City Council Liaisons**

4. APPOINTMENT of one (1) member of the Bellaire City Council to serve as Council Liaison to the following Bellaire Boards, Commissions, and Committees for a one-year term effective as of January 16, 2012, and expiring on December 31, 2012: Bellaire Cultural Arts Commission, Bellaire L.I.F.E. Advisory Board, Board of Adjustment, Building and Standards Commission, Parks and Recreation Advisory Board, Planning and Zoning Commission, and Recycling Committee – Item submitted by City Clerk Tracy L. Dutton on behalf of Mayor Philip L. Nauert.

Mayor Philip L. Nauert appointed the following members of the Bellaire City Council to serve as Council Liaisons to the Bellaire Boards, Commissions, and Committees:

- Bellaire Cultural Arts Commission – Councilman Roman F. Reed;
Bellaire L.I.F.E. Advisory Board – Mayor Philip L. Nauert;

Board of Adjustment – Mayor Pro Tem Amanda B. Nathan;

Building and Standards Commission – Councilman Andrew S. Friedberg;

Parks and Recreation Advisory Board – James P. Avioli, Sr.;

Planning and Zoning Commission – Corbett Daniel Parker; and

Recycling Committee – Councilman Pat B. McLaughlan.

All members of City Council accepted their appointments.

Note: City Council action was not required for this agenda item.

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

Items of community interest from the Mayor and City Council included congratulations to Amanda B. Nathan on her election as Mayor Pro Tempore, a welcome to newly elected Councilman Pat B. McLaughlan, thanks to City Staff for their work around the City following the recent flooding and to Councilman Corbett Daniel Parker for his review of the Rules of Procedure; and an update from the City’s Houston-Galveston Area Council (H-GAC) Representative, Councilman Corbett Daniel Parker, regarding actions to be taken with respect to H-GAC.

K. ADJOURNMENT.

COUNCIL MOTION/ACTION:

Councilman Andrew S. Friedberg moved to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:30 p.m. on Monday, January 16, 2012. Councilman Pat B. McLaughlan seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

FOR: Mayor Philip L. Nauert, Mayor Pro Tem Amanda B. Nathan, and Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, Pat B. McLaughlan and Andrew S. Friedberg

OPPOSED: None
ABSENT: None

Respectfully submitted,

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

Approved:

______________________________
Philip L. Nauert, Mayor
City of Bellaire, Texas