CITY COUNCIL MEETING MINUTES  
MONDAY, APRIL 16, 2012

The City Council of the City of Bellaire, Texas, met in Regular Session on Monday, April 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 7:04 p.m. on Monday, April 16, 2012.

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

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

Councilman James P. Avioli, Sr., provided the inspirational reading for the evening.

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

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

Councilman James P. Avioli, Sr., led the audience and members of City Council in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

D. PERSONAL/AUDIENCE COMMENTS.

Kevin Claypool, 4618 Park Street, Bellaire, Texas:

Mr. Claypool addressed City Council regarding the agenda item related to Locust Park. He went on record as being very much against any proposed sale of Locust Park. Mr. Claypool outlined several of the arguments for keeping the park, such as the need for green space, the minimal or negligible
cost necessary to maintain the park, and frequent utilization of the park by residents for sports, parties, and games.

**John Monday, 7807 South Rice Avenue, Bellaire, Texas:**

Mr. Monday addressed City Council and advised that he was present to support the City Staff recommendation on agenda item E4, which was to retain Locust Park. Given the information contained in the recommendation, Mr. Monday felt that City Staff had made a good recommendation and offered City Council good advice. The City’s existing small parks contributed to the quality of life on a macro scale and played an important role in Bellaire’s strong sense of community at the micro or neighborhood level.

One part of the recommendation that he took issue with was the statement that the park should be left as is. Mr. Monday disagreed with that statement—Locust Park was a space waiting for someone to pay attention to it. There was only one picnic table in the park and no sign proclaiming that it was a park. He suggested that City Council consider having a workshop session to obtain citizen input on what might be done to improve Locust Park.

**Greg Clark, 4606 Locust Street, Bellaire, Texas:**

Mr. Clark addressed City Council and advised that he was present to speak to the Locust Park agenda item and to support all of his neighbors, each of whom were opposed to any other use or sale of the park land for any purpose. Mr. Clark advised that residents loved the buffer zone or green space that Locust Park provided between residences and the nearby buildings. Additionally, residents enjoyed the use of the park.

**Sandy Smith, 4612 Locust Street, Bellaire, Texas:**

Ms. Smith addressed City Council regarding the agenda item related to the use of the Locust Park property. Ms. Smith indicated that she agreed with statements made by the previous speakers this evening. Locust Park was an important piece of property for the residents on Locust and Park Streets. The park provided important space between the neighborhood and the freeway.

Ms. Smith urged City Council to keep the space as it was and encouraged them not to change their minds regarding the property a year or so down the road.

**Michael Shirley, 4603 Locust Street, Bellaire, Texas:**

Mr. Shirley addressed City Council and congratulated the City leadership that initially imposed the easement requirement around the office building and parking garage adjacent to Locust Park. A proper buffer around large buildings adjacent to single-family homes was an admirable quality. He encouraged City Council leave Locust Park as it currently existed.
Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee addressed City Council regarding two items, the first of which had to do with the Metropolitan Transit Authority of Harris County, Texas (METRO). She noted that Houston area voters created METRO and approved a one-cent sales tax to support its operations in 1978. Fifteen cities ("multi-cities") in Harris County were served by and members of METRO, one of which was Bellaire.

Ms. McBee advised that City Council recently joined with ten of the multi-cities (the "Multi-City Coalition") to retain HillCo Partners to provide lobbying services before Texas regulatory agencies, monitor legislation, and represent the Multi-City Coalition in dealing with general mobility funding.

Bellaire had been receiving $801,000 in mobility funds from METRO for the last several years, which was the largest sum received by the members of the Multi-City Coalition. Additionally, Bellaire was listed on METRO’s website as having received $5.2 million for Newcastle Drive. The City of Hedwig Village received $7.2 million for east/west mobility projects.

Ms. McBee indicated that the action by City Council to enter into an agreement to retain HillCo Partners appeared to be final. There was no opportunity for public discussion, no budget amendment, and no press coverage. The City Council acted to commit $61,000+ over at least two budget years with no posting of a public agenda concerning that expenditure.

In Ms. McBee’s opinion, the process the City followed was unacceptable, possibly illegal, and certainly not ethical nor in the public interest. She stated that the voters had voted to fund METRO by way of a one-cent sales tax, not city governments, and that voters should have control over the disbursement of the one-cent sales tax by vote. She challenged City Council to open the issue up to its constituents and to allow the citizens to direct the City Council.

Secondly, Ms. McBee addressed the request from the City Manager to apply a 2% market adjustment to the current pay ranges of all Bellaire employment positions included in the Bellaire Employee Classification and Compensation Plan ("Compensation Plan"). The request excluded the City Clerk and City Manager, as both were not included in the Compensation Plan. The City Manager was compensated under a contract, but the City Clerk was compensated at the will of City Council without contract. The City Manager also had special benefits . . . .

[Ms. McBee’s allotted time ended at this point in the meeting]

E. REPORTS:

1. CITY MANAGER’S REPORT regarding residential safety (police activity report), public infrastructure/utilities (major projects
update), employees (appointment of Chief of Police), quarterly indicators (crime report and building permit report), current issues/information (update on process to sell pipe yard/recycling center property) and upcoming City Council meetings/events – Submitted and presented by City Manager Bernard M. Satterwhite, Jr.

City Manager Bernard M. Satterwhite, Jr., presented the City Manager’s Report dated April 16, 2012, to members of City Council. Following questions of City Manager Satterwhite related to his report, action was taken by City Council to accept the report into the record.

CITY COUNCIL MOTION/ACTION:

Councilman Corbett Daniel Parker moved to accept the City Manager’s Report dated April 16, 2012, as presented by City Manager Bernard M. Satterwhite, Jr., into the record. Councilman Roman F. Reed 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

2. FINANCE REPORT for the City of Bellaire, Texas, covering the period ended March 31, 2012, 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 – Submitted and presented by Chief Financial Officer Linda Symank.

Chief Financial Officer Linda Symank presented the Finance Report for the City of Bellaire, Texas, for the period ended March 31, 2012, to members of City Council. Following questions of Chief Financial Officer Symank related to her report, action was taken by City Council to accept the report into the record.

CITY COUNCIL MOTION/ACTION:

Councilman James P. Avioli, Sr., moved to accept the Finance Report for the City of Bellaire, Texas, for the period ended
March 31, 2012, as presented by Chief Financial Officer Linda Symank, into the record. 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

3. **FY2012 MID-YEAR BUDGET REVIEW** to include information regarding the status of the current budget year; information regarding possible substantial changes to expected revenues and/or expenditures; possibility/probability of needed adjustments and impacts to fund balances; Capital Improvement Program (CIP) updates; challenges moving forward into FY2013; and FY2013 budget process overview – *Submitted by City Manager Bernard M. Satterwhite, Jr.; Presentation by City Manager Bernard M. Satterwhite, Jr., and Assistant City Manager Diane K. White.*

City Manager Bernard M. Satterwhite, Jr., provided a review of the status of the City of Bellaire’s FY2012 budget as of mid-year. The review included a definition of the purpose of the mid-year review, the cost of providing municipal services, the expected revenues and expenditures by fund, and a proposed budget calendar for FY2013. It was noted that the City was tracking well with respect to expenditures and that revenues exceeded budget projections in several areas.

Following questions of City Manager Satterwhite and Assistant City Manager Diane K. White related to the budget review, City Council action was taken to accept the budget review into the record.

**CITY COUNCIL MOTION/ACTION:**

Councilman Roman F. Reed moved to accept the FY2012 Mid-Year Budget Review, 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 7-0 vote as follows:

**FOR:** Mayor Philip L. Nauert, Mayor Pro Tem Amanda B. Nathan, and Councilmen Roman F.
4. **LOCUST PARK UPDATE** regarding the status of City Staff actions to comply with a City Council directive related to the disposition of the Locust Park property located at 4600 Locust Street, Bellaire, Texas – Item submitted and update provided by Director of Parks & Recreation Jane L. Dembski.

City Manager Bernard M. Satterwhite, Jr., summarized the status of City Staff actions to comply with a City Council directive related to Locust Park, 4600 Locust Street, Bellaire, Texas. It was noted that in November of 2011, City Council received an assessment from the Bellaire Parks and Recreation Advisory Board indicating that Locust Park enjoyed little use and might be better suited for another purpose or sold, with the proceeds going to a dedicated fund for further park development. It was noted that Locust Park measured approximately 66’ X 485’ (32,000 square feet or .73 acres).

City Staff concluded that there were limitations related to the reuse of the property in that the deed conveying the property to the City maintained an easement across the entire property to facilitate maintenance, repair, or replacement of the buildings to the west of the property. Such an easement would limit the use of the property by any subsequent owner with respect to the construction of any structures or a swimming pool, for example. Although the City could find no records dedicating the property as a park, meeting minutes and discussion notes related to the property indicated that the City’s intent was to use the property as a park or green space buffering the residential neighborhood. Since the property had been and continued to be held as a park, an election would be required if the City desired to sell the property and change its current use.

Additionally, City Staff and City Council had previously received numerous email communications from residents in the area abutting or near Locust Park indicating the desire that the property remain as a park.

City Staff’s recommendation was to maintain the property as it currently existed based on the stated limitations and negative feedback from the community regarding a possible reuse or sale of the property.
**CITY COUNCIL MOTION:**

Councilman Corbett Daniel Parker moved to accept the Locust Park update, as presented by City Manager Bernard M. Satterwhite, Jr., into the record. Councilman Andrew S. Friedberg seconded the motion.

**CITY COUNCIL MOTION TO CALL THE QUESTION:**

Prior to discussion on the motion, Councilman Roman F. Reed moved to call the question. A vote was taken on the motion to call the question, which carried on a 5-2 vote, as follows:

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

OPPOSED: Councilmen Pat B. McLaughlan and Andrew S. Friedberg

ABSENT: None

**CITY COUNCIL ACTION ON MOTION:**

The motion by Councilman Corbett Daniel Parker and second by Councilman Andrew S. Friedberg to accept the Locust Park update into the record 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

Councilman Andrew S. Friedberg requested a point of personal privilege to explain City Council’s action for those watching the City Council meeting via webcast or at home and for those in the audience. Councilman Friedberg advised that by receiving the update into the record and taking no action, absent any future agenda item on the point, City Staff’s recommendation would stand.

Mayor Philip L. Nauert thanked Councilman Friedberg for his explanation and noted that as of now, Locust Park would continue as a
park. He thanked those residents that had provided oral comments for their activism.

F. NEW BUSINESS:

1. CONSENT AGENDA:

   a. CONSIDERATION of and possible action on the adoption of the minutes of the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, held on Monday, April 2, 2012 – 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, April 2, 2012 – Item submitted by City Clerk Tracy L. Dutton.

CITY COUNCIL MOTION/ACTION:

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

   - Minutes of the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, held on Monday, April 2, 2012; and

   - Minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, April 2, 2012.

Councilman Corbett Daniel Parker 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
2. ITEM FOR INDIVIDUAL CONSIDERATION:

CONSIDERATION of and possible action regarding a request from the City Manager of the City of Bellaire, Texas, to apply a 2% market adjustment to the current pay ranges of all Bellaire employment positions included in the Bellaire Employee Classification and Compensation Plan – *Item submitted by City Manager Bernard M. Satterwhite, Jr.*

City Manager Bernard M. Satterwhite, Jr., summarized his request for City Council approval to apply a 2% market adjustment to the current pay ranges of all Bellaire employment positions included in the Bellaire Employee Classification and Compensation Plan. He noted that the request satisfied a City Council priority, maintained the structure of the current pay plan, applied to the ten (10) remaining payrolls of this fiscal year at a cost of approximately $75,000, and would have a minimal (if any) impact to the City’s bottom line.

CITY COUNCIL MOTION:

Councilman Corbett Daniel Parker moved to approve a 2% market adjustment to be applied to the current pay ranges of all Bellaire employment positions included in the Bellaire Employee Classification and Compensation Plan for the last ten (10) pay periods of this fiscal year (i.e., FY2012). Councilman James P. Avioli, Sr., seconded the motion.

Note: Councilman Andrew S. Friedberg left the City Council dais at 9:00 p.m. due to a family emergency. He did not, therefore, participate in the remainder of the discussion/action(s) related to this agenda item or subsequent agenda items.

Following discussion of the motion, an amendment (no. 1) was offered for consideration.

CITY COUNCIL AMENDMENT TO MOTION (NO. 1):

Councilman Roman F. Reed moved to apply the 2% market adjustment to the City Clerk employment position, as well as all Bellaire employment positions in the Bellaire Employee Classification and Compensation Plan. The amendment to the motion was seconded for discussion purposes by Councilman Corbett Daniel Parker.

Following discussion of the amendment to the motion (no. 1), a *vote was taken*, which failed on a 2-4 vote, as recorded below.
CITY COUNCIL ACTION ON AMENDMENT TO MOTION (NO. 1):

FOR: Councilman Roman F. Reed and Pat B. McLaughlan

OPPOSED: Mayor Philip L. Nauert, Mayor Pro Tem Amanda B. Nathan, and Councilmen James P. Avioli, Sr., and Corbett Daniel Parker

ABSENT: Councilman Andrew S. Friedberg

Following the failed action on amendment no. 1, a second amendment was introduced as recorded below.

CITY COUNCIL AMENDMENT TO MOTION (NO. 2):

Councilman Pat B. McLaughlan moved for the City to grant to all employees (including the City Manager and City Clerk) a one-time lump sum payment of $500.00 within fiscal year 2012 in lieu of the proposed 2% market adjustment. The amendment to the motion was seconded for discussion purposes by Councilman Corbett Daniel Parker.

Following discussion of the amendment to the motion (no. 2), a vote was taken, which failed on a 2-4 vote, as recorded below.

CITY COUNCIL ACTION ON AMENDMENT TO MOTION (NO. 2):

FOR: Councilman Roman F. Reed and Pat B. McLaughlan

OPPOSED: Mayor Philip L. Nauert, Mayor Pro Tem Amanda B. Nathan, and Councilmen James P. Avioli, Sr., and Corbett Daniel Parker

ABSENT: Councilman Andrew S. Friedberg

Following the failed action on amendment no. 2, a third amendment was introduced as recorded below.

CITY COUNCIL AMENDMENT TO MOTION (NO. 3):

Councilman Pat B. McLaughlan moved to apply the 2% market adjustment to the City’s Presiding Municipal Court Judge Associate Municipal Court Judge, and Municipal Court Prosecutor, as well as all Bellaire employment positions in the Bellaire Employee Classification and Compensation. Councilman Roman F. Reed seconded the motion.
CITY COUNCIL MOTION TO CALL THE QUESTION:

Following discussion on the amendment to the motion (no. 3), Councilman James P. Avioli, Sr., moved to call the question. A vote was taken on the motion to call the question, which failed on a 4-2 vote, as follows:

FOR: Mayor Philip L. Nauert, Mayor Pro Tem Amanda B. Nathan, and Councilmen James P. Avioli, Sr., and Corbett Daniel Parker

OPPOSED: Councilmen Roman F. Reed and Pat B. McLaughlan

ABSENT: Councilman Andrew S. Friedberg

Mayor Philip L. Nauert, after noting no further discussion, called for a vote on the amendment to the motion (no. 3), which failed 2-4, as recorded below.

FOR: Councilman Roman F. Reed and Pat B. McLaughlan

OPPOSED: Mayor Philip L. Nauert, Mayor Pro Tem Amanda B. Nathan, and Councilmen James P. Avioli, Sr., and Corbett Daniel Parker

ABSENT: Councilman Andrew S. Friedberg

Mayor Philip L. Nauert, after noting no further discussion or amendments, called for a vote on the original motion, which carried unanimously (6-0), as recorded below.

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

OPPOSED: None

ABSENT: Councilman Andrew S. Friedberg

{The action taken by City Council with respect to this agenda item has been recorded in a document titled “Motion No. 2012-006,” which is maintained by the City Clerk}
G. ITEMS FOR FUTURE AGENDAS; COMMUNITY INTEREST ITEMS FROM THE MAYOR AND CITY COUNCIL.

Councilman Pat B. McLaughlan requested a future agenda item for the next meeting, or as soon thereafter as possible, to include a recommendation from City Staff and discussion by City Council regarding possible future improvements to Locust Park.

Community interest items from the Mayor and City Council included recognition of National Volunteers Week (April 15-21, 2012); recognition of a local Bellaire resident and active volunteer, Peggy Ascherl of the Charity Guild of Catholic Women, who had been scheduled to receive one of the 2012 Mayor's Volunteer Houston Awards; recognition of the recent successful Bellaire Mens Club Gala held at The Houston Club; congratulations to newly appointed Chief of Police Byron Holloway; congratulations to new employee Ashley Kornegay, Administrative Secretary of the Community Development Department; thanks to Mayor Philip L. Nauert for his recognition, on behalf of the City of Bellaire, of Bellaire High School Baseball Coach Rocky Manuel; and announcement of the upcoming deadline (April 27, 2012) for positions on City boards, commissions, and committees, as well as for the Evelyn’s Park Conservancy Board.

H. ADJOURNMENT.

CITY COUNCIL MOTION/ACTION:

Councilman Roman F. Reed moved to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:41 p.m. on Monday, April 16, 2012. Councilman Corbett Daniel Parker seconded the motion. The motion carried unanimously on a 6-0 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, and Pat B. McLaughlan

OPPOSED: None

ABSENT: Councilman Andrew S. Friedberg

Respectfully submitted,

Tracy L. Button, TRMC, City Clerk
City of Bellaire, Texas
Approved:

Philip L. Lauert, Mayor
City of Bellaire, Texas