CITY COUNCIL MEETING MINUTES
MONDAY, MAY 21, 2012

The City Council of the City of Bellaire, Texas, met in Regular Session on Monday, May 21, 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 7:00 p.m. on Monday, May 21, 2012.

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

Councilman Pat B. McLaughlan arrived at 7:01 p.m.

B. INSPIRATIONAL READING AND/OR INVOCATION – Mayor Philip L. Nauert.

Mayor Philip L. Nauert provided the inspirational reading for the evening.

C. PLEDGES TO THE FLAGS – Mayor Philip L. Nauert.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

Mayor Philip L. Nauert led the audience and members of City Council in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

D. RECOGNITION OF PROCLAMATIONS:

1. ISSUANCE of proclamation by Mayor Philip L. Nauert proclaiming the members of Girl Scout Cadette Troop 21035 as outstanding citizens of the City of Bellaire, Texas, in recognition of their efforts and accomplishments on a project to earn the prestigious Girl Scout Silver Award, which resulted in the beautification of the Bellaire Fire Department grounds with a graceful, beautiful flower garden – Item submitted by Fire Chief Darryl Anderson; Proclamation to be issued by Mayor
Philip L. Nauert and presented to the members of Girl Scout Cadette Troop 21035.

Mayor Philip L. Nauert read the proclamation he had issued proclaiming the members of Girl Scout Cadette Troop 21035 as outstanding citizens for their beautification efforts of the Bellaire Fire Department grounds in its entirety. The proclamation was presented to the following members of Girl Scout Troop 21035: Abby Evans, Claire Vessels, Kayla Crawford, Madison Corbut, Mary Dodson, Meagan McAuliffe, Payton Campbell, Robin Peavy, Sydney Moore, and Victoria Shelby.

Girl Scout Cadette Troop 21035 members Rihanna Roth and Sarah Hadsell were absent, but recognized as well. Their proclamations were accepted on their behalf by a parent.

2. ISSUANCE of proclamation by Mayor Philip L. Nauert proclaiming the week of May 27 through June 2, 2012, as “Hurricane Preparedness Week” as designated by the Texas Governor’s Office and urging all citizens of Bellaire to participate in hurricane preparedness, register for “Notify Me” alerts on the City’s website and pay close attention to hurricane watch and warning instructions – Item submitted by City Clerk Tracy L. Dutton on behalf of Fire Chief Darryl Anderson; Proclamation to be issued by Mayor Philip L. Nauert and presented to Fire Chief Darryl Anderson.

Mayor Philip L. Nauert read the proclamation he had issued proclaiming the week of May 27 through June 2, 2012, as “Hurricane Preparedness Week” in its entirety. The proclamation was accepted by Fire Chief Darryl Anderson.

E. PERSONAL/AUDIENCE COMMENTS.

There were no personal/audience comments this evening.

F. REPORTS:

1. CITY MANAGER’S REPORT regarding residential safety (police activity report), public infrastructure/utilities (major projects update), internal operations/productivity (solid waste holiday policy), quarterly indicators (crime report and building permit report), current issues/information (board and commission appointment process), 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 May 21, 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 Roman F. Reed moved to accept the City Manager's Report dated May 21, 2012, as presented by City Manager Bernard M. Satterwhite, Jr., into the record. Councilman James P. Avioli, Sr., 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. McLaughian, and Andrew S. Friedberg

OPPOSED: None

ABSENT: None

2. FINANCE REPORT for the City of Bellaire, Texas, covering the period ended April 30, 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 period ended April 30, 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:

Mayor Pro Tem Amanda B. Nathan moved to accept the Finance Report for the period ended April 30, 2012, as presented by Chief Financial Officer Linda Symank, into the record. Councilman Pat B. McLaughian 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.
FOR (CONT.) Reed, James P. Avioli, Sr., Corbett Daniel Parker, Pat B. McLaughlan, and Andrew S. Friedberg

OPPOSED: None

ABSENT: None

3. STATUS REPORT on municipal court collection efforts and results on behalf of the City of Bellaire, Texas, by the firm of Perdue, Brandon, Fielder, Collins & Mott LLP – Item submitted by Chief Financial Officer Linda Symank; Report submitted and presented by Michael Darlow, Partner, Perdue, Brandon, Fielder, Collins & Mott, LLP.

Michael Darlow, Partner, Perdue, Brandon, Fielder, Collins & Mott, LLP, provided a brief report on his firm’s municipal court collection efforts and results on behalf of the City of Bellaire, Texas ("City"). He indicated that since he last reported to City Council in October, his firm had collected approximately $142,000 in cash for the City.

Since the time the City hired Perdue, Brandon, Fielder, Collins & Mott, LLP ("Perdue"), to date, Perdue had collected over $611,000. Approximately 19% of the cases had been cleared (dismissed or otherwise cleared without cash and/or cleared with cash); almost 5,000 addresses had been corrected; 7,600 letters had been mailed on behalf of the City; and 1,322 persons had been contacted.

It was noted that the majority of the people that owed money to the City of Bellaire did not live in the 77401 zip code. There were approximately 31 persons residing in the 77401 zip code that owed monies to the City. The largest amount owed by a person in that category was $1,254.00. The smallest amount was $247.00.

The person that owed the most money to the City of Bellaire in outstanding traffic fines and warrants owed $4,090.00.

In February, when the state warrant roundup program was going on, over 3,500 letters were mailed on behalf of the City. The response to that mailing was good in terms of cash and resolution by a non-cash method.

Following questions of Michael Darlow related to his report, action was taken by City Council to accept the report into the record.
CITY COUNCIL MOTION/ACTION:

Councilman Pat B. McLaughlan moved to accept the status report on municipal court collection efforts, as presented by Michael Darlow, 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

G. NEW BUSINESS:

1. CONSENT AGENDA:

APPROVAL/CORRECTION OF MINUTES:

CONSIDERATION of and possible action on the adoption of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, May 7, 2012 – Item submitted by City Clerk Tracy L. Dutton.

CITY COUNCIL MOTION/ACTION:

Councilman Andrew S. Friedberg moved to approve the Consent Agenda dated May 21, 2012, consisting of minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, May 7, 2012. Councilmen Roman F. Reed and Corbett Daniel Parker jointly 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. ADOPTION OF RESOLUTIONS:

a. CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, setting forth guidelines and parameters for City Staff for the budget for the City of Bellaire, Texas, for the fiscal year commencing October 1, 2012, and ending September 30, 2012 – Item submitted by City Manager Bernard M. Satterwhite, Jr.

City Manager Bernard M. Satterwhite, Jr., advised that the resolution before City Council this year was similar to the resolution City Council considered the previous year, with a few changes (3).

The first change was the insertion of an overall tax rate. City Staff proposed to prepare a budget for fiscal year 2013 at a total rate not to exceed the fiscal year 2012 total tax rate.

Secondly, the resolution for the previous year indicated that the City would not have any expenditure growth in the General Fund. This year, City Staff was proposing to limit General Fund expenditure growth to a factor not to exceed the Municipal Price Index (MPI). It was noted that the City’s costs had increased and that City Staff anticipated that the City would have the revenues this year to allow for an expenditure growth. The MPI on an annualized basis was currently 3% to 3-1/2%.

Lastly, City Manager Satterwhite advised that the provision of a business transfer from the Enterprise Fund to the General Fund of not less than $500,000 for business-related services incurred by the General Fund on behalf of the Enterprise Fund had been included as well. Although this transfer occurred during the previous fiscal year, it had not been included in the fiscal year 2012 resolution.

CITY COUNCIL MOTION:

Councilman Corbett Daniel Parker moved to adopt a resolution of the City Council of the City of Bellaire, Texas, setting forth guidelines and parameters for City Staff for the budget for the fiscal year commencing October 1, 2012, and ending September 30, 2013, as presented by City Manager Bernard M. Satterwhite, Jr. Councilman Roman F. Reed seconded the motion.
Following discussion and questions of City Manager Satterwhite related to the resolution, a vote was taken on the motion by Councilman Parker and second by Councilman Reed.

**COUNCIL ACTION:**

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

{Resolution was subsequently numbered: 12-06}

b. CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, amending Resolution No. 04-03, passed and approved by the City Council of the City of Bellaire, Texas, for the purpose of adopting a Master Concept Plan for Bellaire and Loftin Parks (hereinafter referred to as “Bellaire Town Square”), said amendment of which would add a new amenity (six-hole disc golf course) in Bellaire Town Square, and authorizing the expenditure of the remainder of the Small Communities Grant ($10,000.00) received from the Texas Parks & Wildlife Commission on the new amenity – Item submitted and presented by Director of Parks and Recreation Jane L. Dembski on behalf of the Parks and Recreation Advisory Board of the City of Bellaire, Texas.

**CITY COUNCIL MOTION:**

Councilman Corbett Daniel Parker moved to not accept the recommendation City Council received from the Parks and Recreation Advisory Board of the City of Bellaire, Texas, to add a new amenity (a six-hole golf course) in Bellaire Town Square. Councilman Andrew S. Friedberg seconded the motion for purposes of discussion.

Several members of City Council requested an opportunity to speak with the Director of Parks and Recreation and/or a Parks
and Recreation Advisory Board representative before considering the motion on the floor.

Director of Parks and Recreation Jane L. Dembski advised that since the previous City Council meeting, she had spoken again with the Texas Parks and Wildlife Commission ("Commission") and offered a different amenity to replace the disc golf amenity. What she offered was the "Great Lawn," which was accepted by the Commission. Although the Great Lawn had not been completed, it was usable for sporting events (soccer and lacrosse) and camp activities.

Upon submission of paperwork related to the use of the Great Lawn and expenditures incurred to date, the Commission would sign off and send the City a check for $10,000.00 as a reimbursement for the expenditures already incurred.

Director Dembski noted that the Parks and Recreation Advisory Board ("Board") met after the last City Council meeting and, based on concerns expressed by City Council (which they shared), voted to postpone their recommendation so that they could discuss the amenity, while taking safety concerns into account. The Board, while revising their Master Plan, would look to see if the disc golf would be suitable for one of the City's other parks.

Following discussion and questions from members of City Council, the question was called.

**CALL THE QUESTION:**

Mayor Pro Tem Amanda B. Nathan moved to call the question.

**SUBSTITUTE MOTION:**

Councilman Andrew S. Friedberg made a substitute motion to table the agenda item rather than take any action as had been proposed. The substitute motion failed due to the lack of a second.

**VOTE ON MOTION TO CALL THE QUESTION:**

The motion to call the question 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

VOTE ON ORIGINAL MOTION:

The original 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. ITEM FOR INDIVIDUAL CONSIDERATION:

CONSIDERATION of and possible action on a recommendation from the Parks and Recreation Advisory Board of the City of Bellaire, Texas, to approve an Eagle Scout Project for Boy Scout David Falloure of Boy Scout Troop 222 consisting of the provision and installation of an historical founder’s marker in Bellaire Town Square near the gazebo, said marker of which would commemorate William Wright Baldwin, founder of the City of Bellaire, Texas – Item submitted by Director of Parks and Recreation Jane L. Dembski; presentation by Boy Scout David Falloure.

Boy Scout David Falloure presented his request for approval from the City Council to provide and install an historical founder’s marker commemorating William Wright Baldwin, founder of the City of Bellaire, for his Eagle Scout Project.

The marker that Mr. Falloure planned to install would inform or educate the residents of Bellaire about the founder of Bellaire—William Wright Baldwin. For example, William Wright Baldwin was a Civil War veteran, vice president of a railroad company, and a family man.
Mayor Philip L. Nauert asked if Mr. Falloure could provide specific language for the marker.

Boy Scout Falloure read the language as follows:

"William Wright Baldwin
1845 - 1936

William Wright Baldwin founded Bellaire with the same entrepreneurial spirit and philanthropy found throughout our city today. He was professionally successful, having served as vice president of the Chicago Burlington & Quincy Railroad. By 1909 he was president of the South End Land Company, which was the holding company for farmland in Bellaire.

Baldwin, too, served his country—he enlisted in the Union Army in 1862, and was stationed in Tennessee during the Civil War. As a civil servant, he was land commissioner in both Iowa and Nebraska.

William Wright Baldwin practiced philanthropy by supporting many municipal causes wherever he called home. And most importantly, and like so many of us, Baldwin was a family man—he was a husband and father of four children.

Such was our founder, whose spirit characterizes the Bellaire community today."

Mayor Philip L. Nauert referred to a letter that was included in the City Council packet from Chair Jeff Addicks of the Parks and Recreation Advisory Board recommending that City Council accept Mr. Falloure’s project for Bellaire Town Square.

CITY COUNCIL MOTION:

Councilman Roman F. Reed moved to approve Boy Scout David Falloure’s Eagle Scout Project for the provision and installation of an historical founder’s marker commemorating William Wright Baldwin, founder of the City of Bellaire, Texas. Councilman Pat B. McLaughlan seconded the motion.

Following questions of Mr. Falloure regarding his project, a vote was taken on the motion to approve the project.
CITY COUNCIL ACTION:

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

{This action by City Council has been recorded as Motion No. 2012-007 and retained by the City Clerk}

H. ITEMS FOR FUTURE AGENDAS; COMMUNITY INTEREST ITEMS FROM THE MAYOR AND CITY COUNCIL.

Items for future agendas were suggested by Councilman Corbett Daniel Parker as follows: consideration to publishing a list of the highest municipal court fine debtors or at least the Bellaire debtors; consideration of using the Omni Driver’s License Program to aid in the collection of municipal court fines; and warrant officer spot checks.

Community interest items from the Mayor and City Council included an invitation to attend Councilman Parker’s Bellaire Business Breakfast to be held at Tradition Bank at 7:30 a.m. on Tuesday, June 5, 2012; expression of thanks to the Parks and Recreation Advisory Board and Director of Parks and Recreation Jane L. Dembski for their work on the Bellaire Town Square grant from the Texas Parks and Wildlife Commission; thanks and congratulations to the Friends of the Bellaire Library on their recent fundraiser—the Southern Living Home Showcase; thanks and congratulations to the Patrons for Bellaire Parks on their recent fundraiser, the Bellaire Builders Home Tour, and on their dedication ceremony for the Bellaire Town Square Donor Wall and Entry Plaza; special thanks to Karen Erwin, President of the Patrons for Bellaire Parks, for her excellent work on the referenced dedication ceremony; thanks to all Veterans for serving and protecting our citizens and country; congratulations to Girl Scout Troop 21035 on their Silver Award Project (flower garden on the Bellaire Fire Department grounds); and congratulations to Boy Scout David Falloure, Troop 222, on his Eagle Scout Project (founder’s marker for Bellaire Town Square).
I. 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 8:52 p.m. on Monday, May 21, 2012. Councilman James P. Avioli, Sr., 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,

[Signature]
Tracy L. Dutton, TRMC
City Clerk
City of Bellaire, Texas

Approved:

[Signature]
Philip L. Nauert, Mayor
City of Bellaire, Texas