CITY COUNCIL MEETING MINUTES
MONDAY, JULY 2, 2012

The City Council of the City of Bellaire, Texas, met in Regular Session on Monday, July 2, 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 – Mayor Philip L. Nauert.

Mayor Philip L. Nauert called the City Council of the City of Bellaire, Texas, to order at 7:06 p.m. on Monday, July 2, 2012.

B. ANNOUNCEMENT OF A QUORUM – Mayor Philip L. Nauert.

Mayor Philip L. Nauert announced that a quorum of the members of City Council were present, consisting of himself, Mayor Pro Tem Amanda B. Nathan and Councilmen Roman F. Reed, Corbett Daniel Parker, Pat B. McLaughian and Andrew S. Friedberg. Also present were City Manager Bernard M. Satterwhite, Jr., City Attorney Alan P. Petrov and City Clerk Tracy L. Dutton.

Councilman James P. Avioli, Sr., was absent.

C. INSPIRATIONAL READING AND/OR INVOCATION – Mayor Pro Tem Amanda B. Nathan.

Mayor Pro Tem Amanda B. Nathan provided the inspirational reading for the evening.

D. PLEDGES TO THE FLAGS – Mayor Pro Tem Amanda B. Nathan.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

Mayor Pro Tem Amanda B. Nathan led the audience and members of City Council in the Pledges to the Flags.

E. RECOGNITION OF PROCLAMATIONS:

ISSUANCE of a proclamation by Mayor Philip L. Nauert proclaiming Avery, Laura and Michael Canahuati as Outstanding and Inspirational Citizens in recognition of Avery’s short but impactful, significant life – Items submitted by City Clerk Tracy L. Dutton on behalf of
Councilman Corbett Daniel Parker; Presentation of Proclamation by Mayor Philip L. Nauert.

Mayor Philip L. Nauert advised that the proclamation in recognition of Avery, Laura and Michael Canahuati had been moved off of the agenda this evening. He indicated that he would present the proclamation to the family in private at a later date.

F. APPROVAL OR CORRECTION OF MINUTES:

Mayor Philip L. Nauert asked that consideration be given to all six sets of the City Council minutes on the agenda this evening.

1. CONSIDERATION of and possible action on the approval of the minutes of the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, held on Monday, June 18, 2012, regarding a request for an amendment to an existing planned development (PD-22) – Item submitted by City Clerk Tracy L. Dutton.

2. CONSIDERATION of and possible action on the approval of the minutes of the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, held on Monday, June 18, 2012, regarding proposed amendments to Chapter 23.5 of the City Code – Item submitted by City Clerk Tracy L. Dutton.

3. CONSIDERATION of and possible action on the approval of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, June 18, 2012 – Item submitted by City Clerk Tracy L. Dutton.

4. CONSIDERATION of and possible action on the approval of the minutes of the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, held on Monday, June 18, 2012, regarding real property – Item submitted by City Clerk Tracy L. Dutton.

5. CONSIDERATION of and possible action on the approval of the minutes of the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, held on Monday, June 18, 2012, to consult with the City Attorney regarding a Congestion/Mitigation Agreement with METRO – Item submitted by City Clerk Tracy L. Dutton.

6. CONSIDERATION of and possible action on the approval of the minutes of the Special Session of the City Council of the City of Bellaire, Texas, held on Wednesday, June 20, 2012, regarding
the Evelyn’s Park Conservancy Board – *Item submitted by City Clerk Tracy L. Dutton*.

City Clerk Tracy L. Dutton noted that Councilman Andrew S. Friedberg had contacted her earlier in the day regarding several scriveners’ errors. The errors had been corrected and were stated as follows for the record:

Bellaire City Council Regular Session minutes dated June 18, 2012: the dollar amount in lines 429 and 448 should have been stated as “$45,000” rather than “$45,0000.”

Bellaire City Council Special Session minutes dated June 20, 2012: the day of the week should have been stated as “Wednesday” rather than “Monday.”

Following the notation of the scriveners’ errors, Councilman Andrew S. Friedberg made a motion regarding all sets of the minutes, as amended.

**CITY COUNCIL MAIN MOTION/ACTION:**

Councilman Andrew S. Friedberg moved to approve six sets of minutes of the Bellaire City Council, as amended, as follows:

- **Special Session (Public Hearing) held Monday, June 18, 2012,** regarding a request for an amendment to an existing planned development (PD-22);

- **Special Session (Public Hearing) held Monday, June 18, 2012,** regarding proposed amendments to Chapter 23.5 of the City Code;

- **Regular Session held Monday, June 18, 2012;**

- **Special Session (Executive Session) held Monday, June 18, 2012,** regarding real property;

- **Special Session (Executive Session) held Monday, June 18, 2012,** to consult with the City Attorney regarding a Congestion/Mitigation Agreement with METRO; and

- **Special Session held on Wednesday, June 20, 2012,** regarding the Evelyn’s Park Conservancy Board.

Councilman Corbett Daniel Parker seconded the motion.
The main 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, Corbett Daniel Parker, Pat B. McLaughlan and Andrew S. Friedberg

OPPOSED: None

ABSENT: Councilman James P. Avioli, Sr.

G. PERSONAL/AUDIENCE COMMENTS.

Michael Fife, 20 Town Oaks Place, Bellaire, Texas, addressed City Council regarding Evelyn’s Park (“park”). Ms. Fife advised that she was delighted and excited about the possibility of the park and was eternally grateful for the generosity of the Rubenstein family.

Ms. Fife indicated that the residents of Town Oaks Place had attended every single meeting of the Evelyn’s Park Conservancy (“Conservancy”) in which the park project had been discussed.

Resident concerns cited by Ms. Fife included traffic flow, parking, and the scope of the park. For example, the current plan for the park had no entrance on Bellaire Boulevard and one of the only two places for parking was on Mulberry Lane.

Ms. Fife advised that residents were informed that weddings, parties, events, movie nights, and quinceaneras with attendance of over 200 people could occur in the park. This was a concern particularly when there were fewer than 30 parking spaces currently allotted and no allowance for valet parking. The number of parking spaces also seemed inadequate to service patrons that might utilize a possible restaurant on the site.

Ms. Fife closed and indicated that the concerns of the Town Oaks Place residents had not been adequately addressed, in their opinion. City Council was urged by Ms. Fife to be aware of the plans for the park and the residents’ concerns. She noted that the residents would continue to communicate with the Conservancy regarding their concerns.

{Ms. Fife’s allotted speaker time ended at this point in the meeting}

Leslie Clark, 4411 Camellia Lane, Bellaire, Texas, addressed City Council regarding Evelyn’s Park. She indicated that her home backed up to the north side of the Evelyn’s Park site. Neighborhood concerns expressed by Ms. Clark related to safety, security, traffic congestion, commercialization of the site
and a proposed restaurant that would sell alcohol within 300 feet of a private school, which she, among others, felt that the impact would exceed the availability of the neighborhood to absorb.

Ms. Clark indicated that she and her husband had attended all four meetings held in conjunction with the Evelyn’s Park ("park") planning process, noting that the first meeting was held on February 23, 2012, at the Bellaire City Hall, with standing room only attendance. At that particular meeting, the agenda was full and there was no opportunity for comment from the audience to any of the members of the Evelyn’s Park Conservancy Board ("Board").

The second meeting was a very small meeting. Notice was received regarding the meeting; however, the notice was given on the last Saturday of Spring Break approximately 26 hours before the meeting was to be held. Ms. Clark indicated that there seemed to be a lack of transparency in the process. During that meeting, four neighbors met with members of the Board and representatives from SWA Group (firm providing landscape architecture, planning, and urban design services) for a general discussion related to what should be included in the park.

Ms. Clark advised that she understood, from a review of Bellaire’s park plan, that parks consisting of five acres or less were generally intended to serve a neighborhood within an area of ¼ of a mile to ½ of a mile from the park.

The third meeting was held on April 12, 2012, with no notice given to residents by the Board. The only people who attended were those who were given notice by Ms. Clark.

On May 17, 2012, the original concept plan was revealed, which included many of the issues and structures that the abutting neighborhood had complained about. The plan included a large party event facility, a community house, a food court building, and a space for food service trucks to come in to serve food.

In closing, Ms. Clark advised that the neighbors felt the plan was too aggressive with respect to traffic congestion, security, and availability of parking.

{Ms. Clark’s allotted speaker time ended at this point in the meeting}

Richard Franke, 1104 Howard Lane, Bellaire, Texas, addressed City Council regarding comments made during a City Council Regular Session held on June 18, 2012. Mr. Franke indicated that there seemed to be an argument among members of City Council with respect to reassessing the structural integrity of a building that was probably not built to proper specifications.

Mr. Franke indicated that Councilman McLaughlan raised a point that there were many streets in Bellaire with old lines, open drainage ditches and broken
or missing curbs. He advised that the issue was capital and that capital needed to be allocated to support the needs of the people who were paying the bills.

Mr. Franke referred to Howard Lane, noting that it had corroded water lines, ponding, broken curbs, and a poor street surface. He stated that the City needed a global risk assessment and urged City Council not to spend a dime building a new structure until the entire City could be assessed.

{Mr. Franke’s allotted speaker time ended at this point in the meeting}

Kevin Claypool, 4618 Park Street, Bellaire, Texas, addressed City Council in support of the possibility of adding members for a Library Advisory Board ("Board"). He indicated that he was in support of anything that would provide positive support for the Bellaire City Library. If adding a Board might get a better direct line to City Council, then he wished to add such a Board.

Mr. Claypool advised that Bellaire had the best librarians in the Greater Houston Metropolitan Area; however, he had never thought that the Bellaire City Library was up to the standards that the librarians made it. The Bellaire City Library was so good because of its librarians.

In closing, Mr. Claypool stated that anything residents could do to bring the library, itself, up to par would be fantastic.

John Monday, 7807 South Rice Avenue, Bellaire, Texas, addressed City Council in support of both recommendations on the agenda this evening put forward by the Bellaire Sunset Review Committee (SRC) to add two new boards.

Mr. Monday indicated that he had an opportunity to review the SRC’s efforts several times during the review process, and the process seemed to be a thorough, thoughtful examination of the pros and cons and benefits and challenges of implementation. In his opinion, the City stood to benefit from City Council’s positive support of the SRC’s recommendations.

In closing, Mr. Monday advised that both boards, with the guidance of City Council, could produce positive results for the City.

Jorge Albin, 645 Mulberry Lane, Bellaire, Texas, addressed City Council regarding Evelyn’s Park ("park"). He advised that he wished to reiterate all of the concerns expressed by the neighbors regarding traffic, and indicated that his main concern was the fact that the proposed entrances to the park were from two streets with narrow lanes, specifically Mulberry Lane and Newcastle Drive, rather than from Bellaire Boulevard. As a result, Mr. Albin expressed concern that traffic could become intolerable.
Robert Riquelmy, 506 Winslow Lane, Bellaire, Texas, addressed City Council and urged them not to pass that portion of the Sunset Review Committee's recommendation for a Public Safety Advisory Board. That particular section of the report could mislead the public into thinking that there would be some oversight of the Police Department.

Mary Ruth White, 4310 Bellaire Boulevard, Bellaire, Texas, addressed City Council regarding Evelyn's Park ("park"). She indicated that she was very happy to see a park being planned three doors down from her home on Bellaire Boulevard.

Ms. White advised that she was concerned with the safety and parking for the neighborhood and community in general. She noted that overflow parking had been proposed on Reliant Company's easement by the railroad track. This parking would be adjacent to Ms. White's home, and she expressed concern that the ice house across the railroad track might use the overflow parking slated for the park as it tended to have lots of patrons. This meant that cars might remain in the parking lot until midnight or later.

It was further noted by Ms. White that the Bellaire Police Department often patrolled near the easement as break-ins had occurred on Mulberry Drive from the rear of those properties along the easement. Cars parking on the easement would reduce the visibility of the Bellaire Police Department while patrolling that area. Additionally, the railroad track itself would present a visibility issue for those entering and exiting the lot, as well as for those approaching the lot from the other side of the railroad track.

Ms. White stated that the plans for the park were beautiful, but grand in the sense that a larger amount of funding would be needed to maintain its upkeep. It was her understanding that the improvements for the park would be funded by private donations and commercial businesses and foundations; however, it would be the City's responsibility to maintain the park. If the City had to rent the park frequently in order to maintain it, then the City was defeating the idea of it being a Bellaire "city park."

In closing, Ms. White suggested that City Council consider soliciting enough funds to endow the park, once built, so that it would be able to sustain itself.

Mark Anderson, 4312 Bellaire Boulevard, Bellaire, Texas, addressed City Council regarding Evelyn's Park ("park"). He applauded the Rubenstein Foundation for its exceptionally kind offer to make available the use of the land to be known as "Evelyn's Park" to the City of Bellaire for use by its residents.

Mr. Anderson stated that he also appreciated the Foundation, through the Evelyn's Park Conservancy, holding at-large meetings with Bellaire residents to share thoughts and ideas regarding the design of the park, as well as
considering the concerns of the immediate residents in ensuring the final product would be satisfying and of use to the Bellaire residents.

Further, Mr. Anderson indicated that he appreciated the hard work and the dedication of the City of Bellaire, all members of City Council, and management in seeking to support the entire Bellaire community and in making decisions with foresight.

With respect to the park, he indicated that the park should contain those experiences which best suited the needs of the Bellaire residents, in his opinion. By definition, Mr. Anderson advised that a park was a location that was easily accessible, provided for appropriate parking, was safe and allowed residents to interact quietly in a green environment without disturbances from and to the surrounding community and residents.

Interactive areas, such as sports, gardening and waterfalls, should be managed with minimal disruption to others, including, and in particular, the many close-by residents to the park. While the need for a kiosk with non-alcoholic beverages or drinking fountains was certainly understandable, offerings beyond those of a commercial nature, such as high traffic commercial entertainment ventures (primarily for non-residential clientele), was not only beyond the definition of the park, but also beyond the needs of the Bellaire community at large, in Mr. Anderson’s opinion.

From a meeting with one Bellaire City Council Member, Mr. Anderson understood that the City did not have the funds to maintain any further parks. While Mr. Anderson did not question the allocation and use of available funds by the City, a park, commercialized to recover initial development costs or sustain the park’s ongoing operating costs, whether from existing Bellaire residents or non-residents, was not the answer nor did it achieve the definition or objectives of a park in a residential community.

Mr. Anderson suggested that if the City did not have the funding to maintain the park, then an alternative use for the acreage should be considered. For example, the acreage could be developed from a residential perspective by providing for potential estate homes along Bellaire’s most significant and well-known Bellaire Boulevard.

{Mr. Anderson’s allotted speaker time ended at this point in the meeting}

David Montague, 4517 Live Oak Street, Bellaire, Texas, addressed City Council regarding Evelyn’s Park (“park”). He, like other residents who has spoken this evening, very much appreciated the gift from the Rubenstein family and looked forward to a neighborhood park.

Secondly, Mr. Montague acknowledged the interest of Councilman Roman F. Reed who met with residents for a two-hour discussion related to the park.
He also thanked Councilman Corbett Daniel Parker and Mayor Pro Tem Amanda B. Nathan for their response to neighbors' emails.

Mr. Montague next referred to two of City Council’s priorities that he ran across on the City website. He restated one of the priorities as follows: to ensure that the Bellaire public was fully aware that safety and security were the City’s number one priorities, as well as the provision of a forum for the public to provide feedback with respect to safety and security concerns. Many of the speakers this evening indicated that their greatest concerns were the safety and security of the neighborhood.

Another City Council priority stated by Mr. Montague was as follows: to support the development of Evelyn’s Park . . . remaining sensitive to and addressing the commercial institutional impact on adjacent residential areas. Mr. Montague advised that many residents had expressed their desire that the park remain low key with a narrow range.

Mr. Montague understood that the City Council had limited oversight on what the Evelyn’s Park Conservancy ("Conservancy") could propose. In closing, he suggested that City Council give the Conservancy some direction as to what would be considered "inbound" versus "outbound" prior to the Conservancy’s presentation of a final plan.

Winfred Frazier, 4721 Jessamine Street, Bellaire, Texas, addressed City Council regarding three comments that he wished to make. First, he encouraged all citizens to stop at stop signs. The Bellaire Police Department could not watch every stop sign in Bellaire, and someone would get hurt if citizens, themselves, did not observe stop signs.

Secondly, in terms of full disclosure, Mr. Frazier advised that he was a member of the Bellaire Planning and Zoning Commission ("PZC") and had the pleasure of serving on the Sunset Review Committee ("SRC"). From a PZC standpoint, the PZC had a chance to debate and mull over all of the recommendations submitted to City Council by the SRC.

Thirdly, Mr. Frazier encouraged City Council to approve the recommendations from the SRC. Months were spent by the SRC in developing the recommendations that were made, and Mr. Frazier believed that the SRC accomplished the tasks that City Council had asked them to do.

Byran Shively, 4 Town Oaks Place, Bellaire, Texas, addressed City Council regarding Evelyn’s Park ("park"). She began with a reference to the first meeting regarding the park that was held with the planners (SW Group). At that time, one of the plans depicted a flow diagram of the activity levels and where those levels would occur in the park. The active noise areas were along Bellaire Boulevard and moved upward (from the south to the north). From the north to the south, the activity levels were quiet and had screening and protection for the neighbors that lived behind the park on Camellia Lane.
Additionally, residents did not have an opportunity to make comments during the meeting.

The last plan shown to residents (the "developed plan"), showed the movement of one of the historic structures (the "yellow house") at the north end of the park. Ms. Shively indicated that she was concerned with the preservation of the historic home and had asked one of the members of the Evelyn's Park Conservancy ("Conservancy") about it. The member told her that there was not an interest in the community to preserve historically significant structures. Ms. Shively was also told that in order to preserve the two existing historic structures, it was necessary to have an income to support the preservation/maintenance.

Further, some areas that were initially identified on the flow diagram as "quiet" areas had been changed to active noise areas. On the east side of the north end, a large pavilion had been added. In Ms. Shively's opinion, the park was not responsive and respectful to the neighbors and neighborhoods surrounding the park.

In closing, Ms. Shively indicated that the residents were ecstatic about the gift of the acreage from the Rubenstein family. However, the City Council needed to be a little cautious and look very closely into some of the features/structures that were planned for the park.

Randy Pollard, 5123 Linden Street, Bellaire, Texas, addressed City Council regarding the Sunset Review Committee ("SRC") report and recommendations submitted to City Council. He indicated that July 2nd was an historic day as this was when the Continental Congress approved to break away from Great Britain and form its own republic. Since it took two days to approve the paperwork, July 4th was celebrated as Independence Day.

Today, in Bellaire's historic July 2nd, Mr. Pollard urged City Council to pass the SRC report and recommendations with no amendments, additions and/or deletions.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas, addressed City Council and thanked them, noting that she had sat with them through all of the interviews of applicants for boards, commissions, and committees. She noted that this was over and above City Council's regular meetings, and she appreciated it. Along with the appointments for boards, commissions, and committees, were the reappointments for the Evelyn's Park Conservancy Board ("Board"). Ms. McBee advised that she heard a report from one of the members requesting reappointment during a City Council meeting that addressed many of the comments made earlier this evening.

It was her understanding that the City Council would receive, in addition to a final proposed plan for Evelyn's Park ("park"), a report from Traffic Engineers, Inc., related to traffic flow, landscaping and parking. Once City Council
received the final proposed plan and recommendations from the Board, the plan would become the "City Council Plan," which could be altered, modified, accepted, rejected, etc.

The City Council could also treat the park as a zoning change and consider it as deserving of a community-wide public hearing so that all of the residents could comment publicly on the final proposed plan. Ms. McBee urged residents to read the professional reports before jumping the gun. She pointed out that the members of City Council were elected by the citizens and were authorized to make decisions on the part of the citizens, and she hoped City Council would call a legal public hearing on the matter.

With respect to the Sunset Review Committee ("SRC") report and recommendations, Ms. McBee concurred with Randy Pollard. It would be easier on everyone if City Council just accepted the report and recommendations as presented. She stated that the members of the SRC (ten in total) looked at the boards, commissions, and committees for an entire year. A handbook had been developed to, among other things, address the roles of the staff, appointed members, and elected members. Training, support and recognition were included as well.

**Eric Geisler, 4320 Lafayette Street, Bellaire, Texas**, addressed City Council regarding the future of the former Recycling Center at the corner of Edith Street and Newcastle Drive. He indicated that he had concerns as to whether selling the property to a residential builder was in the long-term best interests of the City and, particularly, the Southdale area of town.

Mr. Geisler stated that he had expressed interest in this issue many months ago and, in fact, provided City Council with four alternative ideas on what to do with the property.

Selling the lots for residential homes was within City regulations and, on the surface, seemed to be a fairly economical decision. However, even though it was probably the easiest path to take, Mr. Geisler did not think it was the best path to take.

Secondly, he did not believe the area would necessarily draw high market value homes and would not encourage redevelopment of the homes on the west end of Lafayette Street which backed up to the City's former Recycling Center.

In closing, Mr. Geisler encouraged City Council not to accept the bid before them this evening; to solicit input and other ideas from neighbors; and make a decision that was in the long-term best interest of the City.
H. REPORT:

CITY MANAGER’S REPORT regarding residential safety (police activity report and report on Police Department public forum), public infrastructure/utilities (major projects update), cultural and recreational (4th of July Parade and Festival) and upcoming City Council meetings/events - Item submitted and presented by City Manager Bernard M. Satterwhite, Jr.

City Manager Bernard M. Satterwhite, Jr., presented the City Manager’s Report dated July 2, 2012, to members of City Council.

Following questions of City Manager Bernard M. Satterwhite, Jr., by members of City Council regarding the City Manager’s Report, a motion was made to accept the report into the record.

CITY COUNCIL MAIN MOTION AND ACTION:

Councilman Corbett Daniel Parker moved to accept the City Manager’s Report dated July 2, 2012, as presented by City Manager Bernard M. Satterwhite, Jr., into the record. Mayor Pro Tem Amanda B. Nathan seconded the motion.

The main 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, Corbett Daniel Parker, Pat B. McLaughlan, and Andrew S. Friedberg

OPPOSED: None

ABSENT: Councilman James P. Avioli, Sr.

I. NEW BUSINESS:

1. CONSENT AGENDA:

APPROVAL of a request from the Bellaire Fire Department to apply for the FY 12 Assistance for Firefighters Grant, administered by the Federal Emergency Management Agency (FEMA), in the amount of approximately $266,000 as an alternative funding source for an interoperable communication system (i.e., dispatch console to be utilized for the dispatching of the Fire Department) and costs necessary to provide connectivity for the Bellaire Fire Department to the City of Houston, as well as permission to seek a separate grant for medical physical screening based on National Fire Protection
Agency (NFPA) 1500, Standards on Fire Department Occupational Safety and Health Program, requirements – Item submitted by Fire Chief Darryl Anderson.

CITY COUNCIL MAIN MOTION AND ACTION:

Councilman Andrew S. Friedberg moved to approve the Consent Agenda dated July 2, 2012, consisting of the following item:

- Request from the Bellaire Fire Department to apply for the FY 12 Assistance for Firefighters Grant, administered by the Federal Emergency Management Agency (FEMA), in the amount of approximately $266,000 as an alternative funding source for an interoperable communication system (i.e., dispatch console to be utilized for the dispatching of the Fire Department) and costs necessary to provide connectivity for the Bellaire Fire Department to the City of Houston, as well as permission to seek a separate grant for medical physical screening based on National Fire Protection Agency (NFPA) 1500, Standards on Fire Department Occupational Safety and Health Program, requirements.

Councilman Corbett Daniel Parker seconded the motion.

The main 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, Corbett Daniel Parker, Pat B. McLaughlan, and Andrew S. Friedberg

OPPOSED: None

ABSENT: Councilman James P. Avioli, Sr.

2. ADOPTION OF ORDINANCES:

a. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending the budget for the City of Bellaire, Texas, for the fiscal year beginning October 1, 2011, and ending September 30, 2012, by amending the Facilities Department budget – Item submitted by Assistant City Manager Diane K. White.

City Manager Bernard M. Satterwhite, Jr., indicated that the City had anticipated that foundation work would need to be
performed at City Hall in order to get doors to open and close, etc. The repairs were more extensive than had been anticipated when the budget was prepared and presented to City Council. Additionally, several City buildings had experienced plumbing issues.

The request for the budget amendment before City Council would shore up the Facilities Department budget for the remainder of the fiscal year.

**CITY COUNCIL MAIN MOTION AND ACTION:**

Councilman Corbett Daniel Parker moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, amending the budget for the City of Bellaire, Texas, for the fiscal year beginning October 1, 2011, and ending September 30, 2012, by amending the Facilities Department budget. Mayor Pro Tem Amanda B. Nathan seconded the motion.

The main 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, Corbett Daniel Parker, Pat B. McLaughlan, and Andrew S. Friedberg

**OPPOSED:** None

**ABSENT:** Councilman James P. Avioli, Sr.

{Ordinance was subsequently numbered: 12-019, and consisted of a transfer of $30,696.81 from the General Fund Contingency Reserve Account to the Facilities Department Building Maintenance Line Item Budget to fund unanticipated expenditures related to foundation repair to the City Hall Facility.}

b. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Ordinance No. 02-061, duly approved and adopted by the City Council of the City of Bellaire, Texas, on September 16, 2002, for the purpose of granting a residential planned development to be known as "The Park at Bellaire" located in the 100 block of White Drive, Bellaire, Texas, in the Loop 610 Zoning
District, said amendment to include the creation of two additional residential lots on a 0.175 acre site currently addressed as 124 White Drive, Bellaire, Texas – Item submitted by City Clerk Tracy L. Dutton on behalf of the Bellaire City Council and the Bellaire Planning and Zoning Commission.

CITY COUNCIL MAIN MOTION:

Councilman Corbett Daniel Parker moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, amending Ordinance No. 02-061, duly approved and adopted by the City Council of the City of Bellaire, Texas, on September 16, 2002, for the purpose of granting a residential planned development to be known as “The Park at Bellaire” located in the 100 block of White Drive, Bellaire, Texas, in the Loop 610 Zoning District, said amendment to include the creation of two additional residential lots on a 0.175 acre site currently addressed as 124 White Drive, Bellaire, Texas. Councilman Pat B. McLaughlin seconded the motion.

Following discussion among members of City Council, the City Attorney, and City Staff related to three conditions recommended by the Planning and Zoning Commission of the City of Bellaire, Texas, as to the front building line, garage requirements and sidewalk requirements, Mayor Philip L. Nauert called for a vote on the main motion.

CITY COUNCIL ACTION ON THE MAIN MOTION:

The main 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, Corbett Daniel Parker, Pat B. McLaughlin, and Andrew S. Friedberg

OPPOSED: None

ABSENT: Councilman James P. Avioli, Sr.

{Ordinance was subsequently numbered: 12-020}
Texas, repealing, in its entirety, Article I, In General, and Article II, Platting Procedures, Chapter 23.5, Land Subdivision Regulations, of the Code of Ordinances of the City of Bellaire, Texas ("Code"), and adopting a new Article I, to be entitled "In General," and a new Article II, to be entitled "Platting Procedures," in Chapter 23.5, Land Subdivision Regulations, of the Code, for the purpose of including amended definitions, clarifying amending, preliminary, and final platting processes and delegating authority for reviewing certain amending plats to City Staff - Item submitted by City Clerk Tracy L. Dutton on behalf of the Bellaire City Council and the Bellaire Planning and Zoning Commission.

CITY COUNCIL MAIN MOTION:

Councilman Corbett Daniel Parker moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, repealing, in its entirety, Article I, In General, and Article II, Platting Procedures, Chapter 23.5, Land Subdivision Regulations, of the Code of Ordinances of the City of Bellaire, Texas ("Code"), and adopting a new Article I, to be entitled "In General," and a new Article II, to be entitled "Platting Procedures," in Chapter 23.5, Land Subdivision Regulations, of the Code, for the purpose of including amended definitions, clarifying amending, preliminary, and final platting processes and delegating authority for reviewing certain amending plats to City Staff. Mayor Pro Tem Amanda B. Nathan seconded the motion.

Following a statement of support by Councilman Corbett Daniel Parker for the recommended revisions as proposed by the Planning and Zoning Commission of the City of Bellaire, Texas, a motion to amend was made by Councilman Andrew S. Friedberg.

CITY COUNCIL MOTION TO AMEND:

Councilman Andrew S. Friedberg moved to amend the proposed ordinance related to Chapter 23.5 of the Code, by removing Section 23.5-8, Delegation of authority, in its entirety.

The motion to amend failed due to the lack of a second.
CITY COUNCIL MOTION TO AMEND AND ACTION:

Councilman Andrew S. Friedberg moved to amend the proposed ordinance related to Chapter 23.5 of the Code, by restating the first sentence of Section 23.5-8, Delegation of authority, subsection (a), to read as follows:

"(a) In General. Subject to notwithstanding subsections (b) and (c) of this section, . . . ."

Councilman Corbett Daniel Parker seconded the motion to amend.

The motion to amend 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, Corbett Daniel Parker, Pat B. McLaughlan, and Andrew S. Friedberg

OPPOSED: None

ABSENT: Councilman James P. Avioli, Sr.

CITY COUNCIL MOTION TO AMEND AND ACTION:

Councilman Andrew S. Friedberg moved to amend the proposed ordinance related to Chapter 23.5 of the Code, by restating the end of the sentence in Section 23.5-8, Delegation of authority, subsection (a), to read as follows:

". . . the types of plats, replats and amending plats mentioned in for which such delegation is authorized by V.T.C.A., Local Government Code, §212.0065."

Councilman Roman F. Reed seconded the motion to amend.

The motion to amend 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, Corbett Daniel
FOR (CONT.): Parker, Pat B. McLaughlan, and Andrew S. Friedberg

OPPOSED: None

ABSENT: Councilman James P. Avioli, Sr.

{For the record, the full text of subsection (a), In General, of Sec. 23.5-8, Delegation of authority, as amended, will read as follows:

(a) In General. Subject to subsections (b) and (c) of this section, the Administrative Official is specifically delegated the authority to approve the types of plats, replats and amending plats for which such delegation is authorized by V.T.C.A., Local Government Code, §212.0065.}

{Ordinance was subsequently numbered: 12-021}

Councilman Pat B. McLaughlan indicated that he would like to see City Council address agenda item 3.a. at this point. After noting no objections from members of City Council, Mayor Philip L. Nauert advised that City Council would consider agenda item 3.a.

3. ITEMS FOR INDIVIDUAL CONSIDERATION:

a. CONSIDERATION of and possible action on the Sunset Review Committee Report and Recommendation submitted to and accepted by City Council on November 21, 2011, said recommendations of which included 1) retaining existing boards; 2) creation of two new boards; 3) revisions to the charges of the existing boards; 4) adoption of a Boards Handbook; and 5) direction to City Attorney and City Staff to develop and present any ordinances necessary to amend the related chapters and sections within the Code of Ordinances of the City of Bellaire, Texas, to reflect the actions of the Bellaire City Council regarding said Report and Recommendations – Item submitted by Assistant City Manager Diane K. White on behalf of Mayor Philip L. Nauert.

Mayor Philip L. Nauert advised that each member of City Council wished to thank the individual members of the Sunset Review Committee (SRC) for the many hours and effort spent reviewing and thoroughly considering the City’s boards and
charges. Mayor Nauert also thanked Councilman Andrew S. Friedberg for shepherding the SRC.

Mayor Nauert noted that the recommendations had been neatly summarized into five discrete items and suggested that members of City Council consider each recommendation individually.

**FIRST RECOMMENDATION: RETAIN ALL EXISTING BOARDS.**

**CITY COUNCIL MAIN MOTION:**

Councilman Andrew S. Friedberg moved to accept the recommendation from the SRC to retain all existing City boards. Councilman Roman F. Reed seconded the motion.

**CITY COUNCIL MOTION TO AMEND:**

Councilman Corbett Daniel Parker moved to amend the main motion for the purpose of discussing the possible elimination or redefinition of the purpose of the Bellaire Cultural Arts Commission of the City of Bellaire, Texas ("BCAC"). Mayor Pro Tem Amanda B. Nathan seconded the motion to amend.

**Discussion** ensued among members of City Council regarding the possible elimination or redefinition of the purpose of the BCAC. It was noted that since the BCAC was (i) not supported with City funds, and (ii) subject to requirements of various regulations regarding governmental bodies, the BCAC has been unable to operate adequately under its current charge. It was further noted that the BCAC might be better served through the formation of a non-profit organization, similar to the “Patrons for Bellaire Parks.”

Upon further discussion, it was noted that the BCAC could focus their efforts on cultural activities that could be provided at no cost to the City, such as musical functions and art shows.

**CITY COUNCIL VOTE ON THE MOTION TO AMEND:**

The **motion to amend** carried on a majority vote of 4-2 as follows:

**FOR:** Mayor Philip L. Nauert, Mayor Pro Tem Amanda B. Nathan and Councilmen
FOR (CONT.): Corbett Daniel Parker and Andrew S. Friedberg

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

ABSENT: Councilman James P. Avioli, Sr.

*It was noted that City Council would continue its discussion regarding the possible elimination or redefinition of the purpose of the BCAC at a future City Council meeting.

**Councilmen Reed and McLaughlan were opposed to the possible elimination of the BCAC and did not wish to discuss the matter further.

CITY COUNCIL VOTE ON THE MAIN MOTION, AS AMENDED:

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

OPPOSED: None

ABSENT: Councilman James P. Avioli, Sr.

SECOND RECOMMENDATION: CREATE TWO NEW BOARDS—LIBRARY ADVISORY BOARD AND PUBLIC SAFETY ADVISORY BOARD.

Mayor Philip L. Nauert suggested considering each of the new boards individually.

LIBRARY ADVISORY BOARD

CITY COUNCIL MAIN MOTION:

Councilman Pat B. McLaughlan moved to accept the recommendation from the SRC to create a Library Advisory Board. Councilman Andrew S. Friedberg seconded the motion.
CITY COUNCIL MOTION TO AMEND AND ACTION:

Councilman Andrew S. Friedberg moved to amend the main motion in order to amend the recommended charge of the Library Advisory Board by amending its purpose to read as follows:

"The board shall serve in an advisory capacity to the library department and to the City Council regarding policy matters pertaining to the library, and is responsible to the City Council. The board shall follow the current version of the Public Library Advisory Board Handbook published by the Texas State Library and Archives Commission (available at https://www.tsl.state.tx.us/id/pubs/plant/index.html), as the same may be amended from time to time, but only to the extent not in conflict with the City Charter, City ordinances or policy or any other applicable law."

Mayor Philip L. Nauert seconded the motion to amend.

The motion to amend 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, Corbett Daniel Parker, Pat B. McLaughlan and Andrew S. Friedberg

OPPOSED: None

ABSENT: Councilman James P. Avioli, Sr.

CITY COUNCIL ACTION ON THE MAIN MOTION, AS AMENDED:

The main motion, as amended, failed on a 3-3 vote as follows:

FOR: Councilmen Roman F. Reed, Pat B. McLaughlan, and Andrew S. Friedberg

OPPOSED: Mayor Philip L. Nauert, Mayor Pro Tem Amanda B. Nathan and Councilman Corbett Daniel Parker

ABSENT: Councilman James P. Avioli, Sr.
PUBLIC SAFETY ADVISORY BOARD

CITY COUNCIL MAIN MOTION:

Councilman Pat B. McLaughlan moved to accept the recommendation from the SRC to create a Public Safety Advisory Board. Councilman Andrew S. Friedberg seconded the motion.

Discussion ensued among members of City Council regarding the creation of a Public Safety Advisory Board wherein Councilman Friedberg noted, for the record, that this particular board had a "sunset provision" associated with it. The "sunset provision" stated that the board shall automatically be abolished and conduct no further business on the date that is two years after the date of establishment of the board by City Council, unless the Council takes further action in the future to continue the board.

CITY COUNCIL ACTION ON MAIN MOTION:

The main motion failed on a 3-3 vote as follows:

FOR: Councilmen Roman F. Reed, Pat B. McLaughlan and Andrew S. Friedberg

OPPOSED: Mayor Philip L. Nauert, Mayor Pro Tem Amanda B. Nathan and Councilman Corbett Daniel Parker

ABSENT: Councilman James P. Avioli, Sr.

THIRD RECOMMENDATION: REVISE EXISTING BOARD CHARGES.

CITY COUNCIL MAIN MOTION:

Councilman Andrew S. Friedberg moved to accept the entirety of the SRC's recommendation concerning revising existing board charges. Councilman Roman F. Reed seconded the motion.

CITY COUNCIL MOTION TO AMEND AND ACTION:

Councilman Andrew S. Friedberg moved to amend the proposed charge for the Planning and Zoning Commission of the City of Bellaire, Texas, by deleting the proposed "removal for cause" language and replacing it
with the statutory language utilized for "removal for cause" for the Building and Standards Commission of the City of Bellaire, Texas, said language to read as follows:

"Removal for cause. No member of the commission may be removed by the City Council except for cause; provided, however, that before such removal, such member shall be provided written charges and given an opportunity to appear in his defense at a public hearing. The City Council may remove a commission member for cause on a written charge. Before a decision regarding removal is made, the City Council must hold a public hearing on the matter if requested by the commission member subject to the removal action."

Councilman Corbett Daniel Parker seconded the motion to amend.

The motion to amend 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, Corbett Daniel Parker, Pat B. McLaughlan and Andrew S. Friedberg

OPPOSED: None

ABSENT: Councilman James P. Avioli, Sr.

CITY COUNCIL MOTION TO AMEND AND ACTION:

Councilman Andrew S. Friedberg moved to amend the proposed charge of the Environmental and Recycling Board by removing the asterisk after the term "sustainability" in subsection B (Purpose) and striking the related footnote defining the term "sustainability," to read as follows:

"Purpose. The board shall serve in an advisory capacity to the Public Works department and to the City Council regarding policy matters pertaining to environmental sustainability*, and is responsible to the City Council."

* Sustainability is defined as meeting the community's present needs and capable of being continued with minimum long-term effect on the environment.
Mayor Pro Tem Amanda B. Nathan seconded the motion to amend.

The motion to amend 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, Corbett Daniel Parker, Pat B. McLaughlan and Andrew S. Friedberg

OPPOSED: None

ABSENT: Councilman James P. Avioli, Sr.

CITY COUNCIL MOTION TO AMEND AND ACTION:

Councilman Andrew S. Friedberg moved to amend the proposed charge for the L.I.F.E. Advisory Board, subsection B (Purpose) to read as follows:

"Purpose. The purpose of the board is to advise the City Council on the needs, concerns, and quality of life of all seniors. It provides input to the parks and recreation department from the community regarding services and programs that have been or could be implemented by the City for the benefit and assistance of mature adults (aged 50 and older)."

Councilman Friedberg's motion to amend further included the elimination of all language set forth under subsection D (Duties and powers) with the exception of one statement, said subsection to read as follows:

"Duties and powers. The board shall:

1. Advise the City Council on the special needs and concerns of seniors;

2. Engage in consultation and study with local groups on the needs of the aged and evaluate available resources;

3. Collect and study factual information relative to aspects of aging;"
4. Serve as liaison between commissions, organizations and governmental agencies which work with the aged and have an interest in aging adults;

5. Render advice in the area of community planning regarding the expansion of existing facilities and development of new facility services for the aged, as required;

6. Be sensitive to problems of seniors as they arise and recommend plans for actions and encourage the socialization, health, education and life enrichment activities of seniors;

7. Inform local, county, state and federal organizations (public and private) of the needs and resources of older people;

8. Research developments in other communities dealing with local, county, state and federal programs for the aged;

9. Request assistance from City staff as needed.

In connection with the foregoing functions, the board may:

1. Coordinate activities of community groups and organizations dealing with special concerns of seniors;

2. Collect, coordinate and disseminate information concerning seniors; and

3. Develop and maintain a talent bank of seniors to assist the City in performing its functions.

The board must seek City Council approval prior to the expenditure of city funds set aside for the purposes related to the mature adult activities.

*Seniors is defined as persons aged 50 or older."

Mayor Philip L. Nauert seconded the motion to amend.

**CITY COUNCIL MOTION TO AMEND FURTHER:**

Mayor Pro Tem Amanda B. Nathan moved to remove the sentence remaining under subsection D (Duties and powers), thereby eliminating that subsection, as follows:
"Duties and powers. The board must seek City Council approval prior to the expenditure of city funds set aside for the purposes related to the mature adult activities."

Mayor Philip L. Nauert seconded the motion to amend. Councilman Andrew S. Friedberg indicated his acceptance of Mayor Pro Tem Amanda B. Nathan's amendment as a friendly amendment, as did Mayor Philip L. Nauert, as seconder.

CITY COUNCIL VOTE ON MOTION TO AMEND:

The motion to amend 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, Corbett Daniel Parker, Pat B. McLaughlan and Andrew S. Friedberg

OPPOSED: None

ABSENT: Councilman James P. Avioli, Sr.

{For the record, the creation, purpose, and membership and appointment sections, to be codified as Sec. 2-108, L.I.F.E., advisory board, will read as follows:

A. Creation. There is hereby created the L.I.F.E. (Living, Information, Fun and Enrichment) Advisory Board, which was established, in its original form, by Resolution No. 85-21 on December 2, 1985.

B. Purpose. The purpose of the board is to provide input to the parks and recreation department from the community regarding services and programs that have been or could be implemented by the City for the benefit and assistance of mature adults (aged 50 and older).

C. Membership and appointment. The board shall be composed of seven (7) members to be appointed by the City Council."}
CITY COUNCIL MOTION TO AMEND AND ACTION:

Mayor Pro Tem Amanda B. Nathan moved to add a parenthetical with the phrase "six members" after the phrase "seventy-five percent of the members" under the discussion of a quorum in the proposed charge for the Board of Adjustment, said language of which would read as follows:

"Quorum. No meeting of the board shall be called to order nor may any business be transacted by the board without a quorum, consisting of at least seventy-five percent of the members of the board, being present. The concurring vote of at least seventy-five percent of the members (six members) shall be necessary for the board to take action, save and except to consider and pass rules of procedure or a motion of adjournment which shall require the concurring vote of a simple majority of the members of the board then present and voting."

Councilman Corbett Daniel Parker seconded the motion to amend.

The motion to amend 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, Corbett Daniel Parker, Pat B. McLaughlan and Andrew S. Friedberg

OPPOSED: None

ABSENT: Councilman James P. Avioli, Sr.

CITY COUNCIL MOTION TO AMEND AND ACTION:

Mayor Pro Tem Amanda B. Nathan moved to amend the discussion of meetings of the Audit Finance Board for the purpose of requiring meetings to be held on an annual basis, as needed, rather than on a quarterly basis, said language to read as follows:

"Meetings. The board shall meet at least quarterly, as needed, but at least annually, in order to monitor the City's financial status throughout the year. Notwithstanding any other
provisions of this Code, Section 2-98 shall not apply to the audit finance board.”

Councilman Andrew S. Friedberg seconded the motion.

The motion to amend carried on a 4-2 vote as follow:

FOR: Mayor Philip L. Nauert, Mayor Pro Tem Amanda B. Nathan and Councilmen Corbett Daniel Parker and Andrew S. Friedberg

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

ABSENT: Councilman James P. Avioli, Sr.

*Councilmen Roman F. Reed and Pat B. McLaughlan were opposed to requiring a minimum of one annual meeting of the Audit Finance Board. Both Councilmen were in support of minimally requiring quarterly meetings of the Audit Finance Board.

CITY COUNCIL MOTION TO AMEND AND ACTION:

Mayor Pro Tem Amanda Nathan moved to amend the fifth item listed under duties and powers in the proposed charge for the Audit Finance Board by removing the word “quarterly,” said item to read as follows:

“5. Reporting to City Council at City of Bellaire Council meetings regarding the meetings of said quarterly board meetings and at any other time deemed appropriate by said board.”

Councilman Andrew S. Friedberg seconded the motion to amend.

The motion to amend carried on a 4-2 vote as follow:

FOR: Mayor Philip L. Nauert, Mayor Pro Tem Amanda B. Nathan and Councilmen Corbett Daniel Parker and Andrew S. Friedberg

OPPOSED: Councilmen Roman F. Reed and Pat B. McLaughlan*
ABSENT: Councilman James P. Avioli, Sr.
*Councilmen Roman F. Reed and Pat B. McLaughlan were opposed to requiring a minimum of one annual meeting of the Audit Finance Board. Both Councilmen were in support of minimally requiring quarterly meetings of the Audit Finance Board.

CITY COUNCIL MOTION TO AMEND AND ACTION:

Mayor Pro Tem Amanda B. Nathan moved to change the proposed name of the Environmental and Recycling Board to “Environmental and Sustainability Board” in order to more appropriately reflect the purpose of the board. Mayor Philip L. Nauert seconded the motion to amend.

The motion to amend carried on a 5-1 vote as follows:

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

OPPOSED: Councilman Pat B. McLaughlan

ABSENT: Councilman James P. Avioli, Sr.

CITY COUNCIL MOTION TO AMEND AND ACTION:

Mayor Pro Tem Amanda B. Nathan moved to eliminate the fourth item listed under “duties and powers” in the proposed charge for the Environmental and Sustainability Board as follows:

“4. Seek City Council approval for the expenditure of any funds set aside for programs regarding sustainability, energy and natural resource conservation, recycling, and environmental protection within the City.”

Councilman Corbett Daniel Parker seconded the motion to amend.

The motion to amend 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, Corbett Daniel
FOR (CONT.): Parker, Pat B. McLaughlan and Andrew S. Friedberg

OPPOSED: None

ABSENT: Councilman James P. Avioli, Sr.

CITY COUNCIL MOTION TO AMEND AND ACTION:

Mayor Pro Tem Amanda B. Nathan moved to amend the number of members on the Environmental and Sustainability Board to allow for a possible increase in the number of members from “seven” to “seven to nine” as follows:

“C. Membership and appointment. The board shall be composed of seven (7) between seven (7) and nine (9) members at the discretion of City Council to be appointed by City Council.”

Councilman Corbett Daniel Parker seconded the motion to amend.

The motion to amend failed on a 3-3 vote as follows:

FOR: Mayor Pro Tem Amanda B. Nathan and Councilmen Roman F. Reed and Corbett Daniel Parker

OPPOSED: Mayor Philip L. Nauert and Councilmen Pat B. McLaughlan and Andrew S. Friedberg.

ABSENT: Councilman James P. Avioli, Sr.

CITY COUNCIL MOTION TO AMEND:

Councilman Corbett Daniel Parker moved to amend the fifth item under “duties and powers” in the proposed charge for the Board of Adjustment to include references to the “Mayor” and “City Manager,” said duty/power to read as follows:

“5. To review and report on any matter referred to it by the Mayor, City Council or City Manager; and”

Mayor Pro Tem Amanda B. Nathan seconded the motion to amend.
Following discussion regarding the reason for removing "Mayor" and "City Manager," wherein Councilman Andrew S. Friedberg recollected that the removal of those positions was based on the notion that the governing body as a whole should provide direction to boards rather than one single member of the governing body and/or an appointed official, Councilman Corbett Daniel Parker requested to withdraw his motion to amend. Mayor Pro Tem Amanda B. Nathan, likewise, withdrew her second to the motion to amend.

CITY COUNCIL MOTION TO AMEND:

Councilman Corbett Daniel Parker moved to amend the first sentence under "membership and appointment" in the proposed charge for the Audit Finance Board to read as follows:

"C. Membership and appointment. The board shall be composed of two (2) three- (3) members of City Council, a citizen appointee with financial and/or audit experience; as well as the Mayor, City Manager and the Chief Financial Officer of the City of Bellaire, Texas, ex officio, as non-voting members."

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

CITY COUNCIL ACTION ON MAIN MOTION, AS AMENDED:

The main motion, as amended, carried on a 5-1 vote as follows:

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

OPPOSED: Councilman Pat B. McLaughlan

ABSENT: Councilman James P. Avioli, Sr.

FOURTH RECOMMENDATION: REVISE DIVISION 1, GENERALLY, OF CHAPTER 2, ARTICLE VII, OF THE CODE OF ORDINANCES OF THE CITY OF BELLAIRE, TEXAS.
CITY COUNCIL MAIN MOTION:

Councilman Andrew S. Friedberg moved to accept the recommendation from the SRC to revise Division 1, Generally, of Chapter 2, Article VII, of the Code of Ordinances of the City of Bellaire, Texas ("Division 1"), for the purpose of achieving greater uniformity across all Board charges by removing generally applicable provisions from each section in Chapter 2 and relocating them to said Division 1. Councilman Corbett Daniel Parker seconded the main motion.

CITY COUNCIL MOTION TO AMEND AND ACTION:

Councilman Andrew S. Friedberg moved to amend Section 2-93, Eligibility for membership on boards, subsection (a), in Chapter 2 of the City Code to include a possible waiver related to citizenship status to read as follows:

“(a) The city council may appoint a person or persons to a board who does not meet current State of Texas voter registration regulations to become a qualified elector due to age or citizenship status; and/or”

Councilman Corbett Daniel Parker seconded the motion to amend.

The motion to amend failed on a 2-4 vote as follows:

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

OPPOSED: Mayor Philip L. Nauert, Mayor Pro Tem Amanda B. Nathan and Councilmen Roman F. Reed and Corbett Daniel Parker

ABSENT: Councilman James P. Avioli, Sr.

CITY COUNCIL MOTION TO AMEND AND ACTION:

Mayor Pro Tem Amanda B. Nathan moved to amend Section 2-96, Attendance and training requirements, subsection (a), in Chapter 2 of the City Code for the purpose of removing the phrase “, in a given calendar year,” said subsection (a) to read as follows:
"(a) Notwithstanding any other provision of this Code, a board member may be subject to removal by the City Council if, in a given calendar year, he or she is absent from three consecutive regular meetings . . . ."

Councilman Corbett Daniel Parker seconded the motion to amend.

The motion to amend 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, Corbett Daniel Parker, Pat B. McLaughlan and Andrew S. Friedberg

OPPOSED: None

ABSENT: Councilman James P. Avioli, Sr.

CITY COUNCIL MOTION TO AMEND FURTHER AND ACTION:

Mayor Pro Tem Amanda B. Nathan moved to further amend Section 2-96, Attendance and training requirements, subsection (a), in Chapter 2 of the City Code for the purpose of removing the following sentence: "However, the condition of three consecutive absences from regular meetings may be waived by a majority vote of the members of the board. Otherwise, ". Councilman Corbett Daniel Parker seconded the motion to amend.

The motion to amend further 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, Corbett Daniel Parker, Pat B. McLaughlan and Andrew S. Friedberg

OPPOSED: None

ABSENT: Councilman James P. Avioli, Sr.
{For the record, subsection (a) of Section 2-96, Attendance and training requirements, of Chapter 2 of the City Code will read as follows: "(a) Notwithstanding any other provision of the Code, a board member may be subject to removal by the City Council if he or she is absent from three consecutive regular meetings. A member of a board shall be deemed absent from a meeting when he or she is not present at the meeting at least 75 percent of its duration. A report of such consecutive absences by a member of the board shall be reported to the City Council by the board."}

**CITY COUNCIL MOTION TO AMEND AND ACTION:**

Councilman Andrew S. Friedberg moved to amend an as yet unnumbered section to be added to Division 1, Generally, of Chapter 2, of the City Code, entitled "Compensation," by adding the word "prior" to the end of the first sentence, said section to read as follows:

"Members of the boards shall serve without compensation; however, each member shall be entitled to reimbursement of actual and necessary expenses incurred by the member in the discharge of his or her official duties, subject to prior approval by the City Council."

Mayor Philip L. Nauert seconded the motion to amend.

The motion to amend 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, Corbett Daniel Parker, Pat B. McLaughlin and Andrew S. Friedberg

**OPPOSED:** None

**ABSENT:** Councilman James P. Avioli, Sr.

**ACTION ON MAIN MOTION, AS AMENDED:**

The main motion, as amended, 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, Corbett Daniel
FOR (CONT.): Parker, Pat B. McLaughlan and Andrew S. Friedberg

OPPOSED: None

ABSENT: Councilman James P. Avioli, Sr.

FIFTH RECOMMENDATION: ADOPT NEW BOARDS HANDBOOK.

CITY COUNCIL MAIN MOTION:

Councilman Corbett Daniel Parker moved to accept the new Boards Handbook as proposed by the SRC. Mayor Pro Tem Amanda B. Nathan seconded the main motion.

CITY COUNCIL MOTION TO AMEND AND ACTION:

Councilman Corbett Daniel Parker moved to strike, in its entirety, item 7, Political Activities, under Article II, Responsibilities, Conduct and Liability of Board Members, Section A, Responsibilities. Mayor Philip L. Nauert seconded the motion to amend.

The motion to amend carried on a 5-1 vote as follows:

FOR: Mayor Philip L. Nauert, Mayor Pro Tem Amanda B. Nathan and Councilmen Corbett Daniel Parker, Pat B. McLaughlan and Andrew S. Friedberg

OPPOSED: Councilman Roman F. Reed

ABSENT: Councilman James P. Avioli, Sr.

CITY COUNCIL MOTION TO AMEND:

Councilman Corbett Daniel Parker moved to strike, in its entirety, item 8, No City Employment, under Article II, Responsibilities, Conduct and Liability of Board Members, Section A, Responsibilities.

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

CITY COUNCIL MOTION TO AMEND:

Councilman Corbett Daniel Parker moved to strike item 10, City Council, under Article II, Responsibilities,
Conduct and Liability of Board Members, Section A, Responsibilities. Mayor Philip L. Nauert seconded the motion to amend.

CITY COUNCIL MOTION TO AMEND THE AMENDMENT:

Councilman Andrew S. Friedberg moved to instead retain item 10, but insert the phrase “of the Boards” into the first sentence of item 10, City Council, under Article II, Responsibilities, Conduct and Liability of Board Members, Section A, Responsibilities, said item to read as follows:

“10. City Council. All recommendations of the Boards to City Council should be in written form. Oral recommendations with the City Council should be addressed publicly to the full body to be included in the record.

Mayor Philip L. Nauert seconded the motion to amend. Councilman Corbett Daniel Parker indicated his acceptance of Councilman Andrew S. Friedberg’s amendment as a friendly amendment, as did Mayor Philip L. Nauert, as seconder.

CITY COUNCIL ACTION ON THE MOTION TO AMEND:

The motion to amend 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, Corbett Daniel Parker, Pat B. McLaughlan and Andrew S. Friedberg

OPPOSED: None

ABSENT: Councilman James P. Avioli, Sr.

CITY COUNCIL MOTION TO AMEND:

Councilman Corbett Daniel Parker moved to amend the last sentence in Article III, Other Provisions Applicable to All Boards, Section A, Removal Procedures, by removing the phrase “at will” and replacing it with the phrase “for cause,” said section of which would read as follows:
"A. Removal Procedures. Board members are appointed and reappointed by the City Council. Members of the Statutory Boards, to which certain legal protections apply, may be removed by the City Council only for cause. Members of the Advisory Boards may be removed by the City Council at will for cause.

Councilman Roman F. Reed seconded the motion to amend.

The motion to amend failed on a 2-4 vote as follows:

FOR: Councilman Roman F. Reed and Corbett Daniel Parker

OPPOSED: Mayor Philip L. Nauert, Mayor Pro Tem Amanda B. Nathan and Councilmen Pat B. McLaughlin and Andrew S. Friedberg

ABSENT: Councilman James P. Avioli, Sr.

CITY COUNCIL MOTION TO AMEND AND ACTION:

Mayor Pro Tem Amanda B. Nathan moved to amend item 9, No Multiple Appointments, under Article II, Responsibilities, Conduct and Liability of Board Members, Section A, Responsibilities, by adding language to allow for multiple appointments in certain cases, said item to read as follows:

"9. No Multiple Appointments. Appointees may serve on only one Board at a time except when a sitting board member is appointed to fill an unexpired term on another board, and both the City Council and the board member desire that the member serve out the remainder of his or her term on the first board as well."

Councilman Corbett Daniel Parker seconded the motion to amend.

The motion to amend 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, Corbett Daniel
FOR (CONT.): Parker, Pat B. McLaughlan and Andrew S. Friedberg

OPPOSED: None

ABSENT: Councilman James P. Avioli, Sr.

CITY COUNCIL MOTION TO AMEND AND ACTION:

Councilman Andrew S. Friedberg moved to delete item 9, Multiple Appointments, under Article II, Responsibilities, Conduct and Liability of Board Members, Section A, Responsibilities, in its entirety. Councilman Corbett Daniel Parker seconded the motion.

The motion to amend failed on a 3-3 vote as follows:

FOR: Councilmen Corbett Daniel Parker, Pat B. McLaughlan and Andrew S. Friedberg

OPPOSED: Mayor Philip L. Nauert, Mayor Pro Tem Amanda B. Nathan and Councilman Roman F. Reed

ABSENT: Councilman James P. Avioli, Sr.

CITY COUNCIL MOTION TO AMEND AND ACTION:

Mayor Pro Tem Amanda B. Nathan moved to amend item 12, City Staff, under Article II, Responsibilities, Conduct and Liability of Board Members, Section A, Responsibilities, for the purpose of changing the term "quarterly" to "annual", said section to read as follows:

"12. City Staff. Boards are encouraged to work with City staff and with the appropriate department staff assigned to the Board by the City Manager. City staff provides general assistance, such as preparation and posting of agenda materials and packets in consultation with the Board chair, posting of meeting minutes, preparation of quarterly annual reports of Board member attendance, records retention and the performance of limited and other studies."

Councilman Corbett Daniel Parker seconded the motion to amend.
CITY COUNCIL MOTION TO AMEND THE AMENDMENT:

Councilman Corbett Daniel Parker moved to amend Section B, Absence Policy, under Article III, Other Provisions Applicable to All Boards, for the purpose of changing the term “quarterly” to “annual,” said section to read as follows:

“B. Absence Policy. It is the duty and obligation of Board members to attend all of their Board meetings. Absences will be recorded in the minutes of each meeting. Quarterly Annual reports of absences will be maintained by each Board’s staff liaison . . . .”

Councilman Roman F. Reed seconded the motion to amend. Mayor Pro Tem Amanda B. Nathan indicated her acceptance of Councilman Corbett Daniel Parker’s amendment as a friendly amendment. (Note: Councilman Parker was the seconder on the motion to amend).

CITY COUNCIL ACTION ON MOTION TO AMEND:

The motion to amend 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, Corbett Daniel Parker, Pat B. McLaughlan and Andrew S. Friedberg

OPPOSED: None

ABSENT: Councilman James P. Avioli, Sr.

CITY COUNCIL MOTION TO AMEND AND ACTION:

Mayor Pro Tem Amanda Nathan moved to amend the last sentence in Section B, Absence Policy, under Article III, Other Provisions Applicable to All Boards, said sentence to read as follows:

“Three (3) or more consecutive absences not due to family, health or business emergencies shall, at the discretion of a majority of the Board pertaining to cause, be reported to the City Council for its consideration.”
Councilman Roman F. Reed seconded the motion to amend.

The motion to amend 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, Corbett Daniel Parker, Pat B. McLaughlan and Andrew S. Friedberg

OPPOSED: None

ABSENT: Councilman James P. Avioli, Sr.

CITY COUNCIL MOTION TO AMEND:

Councilman Andrew S. Friedberg moved to amend the Boards Handbook to authorize such other appropriate revisions to ensure that the handbook was fully in conformity with the ordinances as adopted this evening. Councilman Corbett Daniel Parker seconded the motion to amend.

The motion to amend 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, Corbett Daniel Parker, Pat B. McLaughlan and Andrew S. Friedberg

OPPOSED: None

ABSENT: Councilman James P. Avioli, Sr.

CITY COUNCIL ACTION ON THE MAIN MOTION, AS AMENDED:

The main motion, as amended, 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, Corbett Daniel
FOR (CONT.): Parker, Pat B. McLaughlan and Andrew S. Friedberg

OPPOSED: None

ABSENT: Councilman James P. Avioli, Sr.

d. BOARD, COMMISSION, COMMITTEE APPOINTMENTS:

Councilman Corbett Daniel Parker asked for City Council consideration in addressing appointments to the City's boards, commissions and committees in the following order: Planning and Zoning Commission of the City of Bellaire, Texas ("PZC"), Building and Standards Commission of the City of Bellaire, Texas ("BSC"), Board of Adjustment of the City of Bellaire, Texas ("BOA"), Parks and Recreation Advisory Board of the City of Bellaire, Texas ("PRAB"), Bellaire Recycling Committee ("BRC"), Bellaire L.I.F.E. Advisory Board ("BLIFE"), and Bellaire Cultural Arts Commission ("BCAC"). After noting no objections, Mayor Philip L. Nauert requested consideration of appointments to the PZC (item I.2.d.6.) at this point in the meeting.

6. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing four (4) members to the Planning and Zoning Commission of the City of Bellaire, Texas, for a term of two (2) years commencing on July 2, 2012, and expiring on June 30, 2014 – Item submitted by City Clerk Tracy L. Dutton on behalf of the Bellaire City Council.

Process:

Ballots were distributed to members of City Council by the City Clerk. The ballots included the names of all applicants, in alphabetical order, that expressed an interest in serving on the Planning and Zoning Commission of the City of Bellaire, Texas ("PZC"). Members of City Council were asked to select applicants of his or her choice or to write-in an applicant of his or her choice to fill four expired terms on the PZC.
Tabulation:

Following a tabulation of votes by the City Clerk, City Clerk Tracy L. Dutton read the votes cast for the record as follows:

<table>
<thead>
<tr>
<th>Member of Council</th>
<th>Applicants</th>
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<tbody>
<tr>
<td>Philip L. Nauert</td>
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<td>Paul C. Simmons</td>
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<td>Dirk Stiggins</td>
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<td>Laolu Yemitan</td>
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<td>Amanda B. Nathan</td>
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<td>Marc Steinberg</td>
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<td>Dirk Stiggins</td>
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</tbody>
</table>

Councilman James P. Avioli, Sr., was absent.

Final Results:

<table>
<thead>
<tr>
<th>Applicants</th>
<th>Number of Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gayle Davies</td>
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<tr>
<td>Paul C. Simmons</td>
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<td>Lynne Skinner</td>
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<tr>
<td>Marc Steinberg</td>
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</table>
Final Results (cont.):

<table>
<thead>
<tr>
<th>Applicants</th>
<th>Number of Votes</th>
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</thead>
<tbody>
<tr>
<td>Dirk Stiggins</td>
<td>6</td>
</tr>
<tr>
<td>Laolu Yemitan</td>
<td>2</td>
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</tbody>
</table>

CITY COUNCIL MAIN MOTION AND ACTION:

Councilman Andrew S. Friedberg moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, appointing Paul C. Simmons, Lynne Skinner, Marc Steinberg and Dirk Stiggins to the Planning and Zoning Commission of the City of Bellaire, Texas, for a term of two (2) years commencing on July 2, 2012, and expiring on June 30, 2014. Councilman Corbett Daniel Parker seconded the motion.

The main 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, Corbett Daniel Parker, Pat B. McLaughian, and Andrew S. Friedberg

OPPOSED: None

ABSENT: Councilman James P. Avioli, Sr.

{Ordinance was subsequently numbered: 12-022}

4. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing four (4) members to the Building and Standards Commission of the City of Bellaire, Texas, for a term of two (2) years commencing on July 2, 2012, and expiring on June 30, 2014 – Item submitted by City Clerk Tracy L. Dutton on behalf of the Bellaire City Council.
Process:

Ballots were distributed to members of City Council by the City Clerk. The ballots included the names of all applicants, in alphabetical order, that expressed an interest in serving on the Building and Standards Commission of the City of Bellaire, Texas ("BSC"). Members of City Council were asked to select applicants of his or her choice or to write-in an applicant of his or her choice to fill four expired terms on the BSC.

Tabulation:

Following a tabulation of votes by the City Clerk, City Clerk Tracy L. Dutton read the votes cast for the record as follows:

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</table>
Councilman James P. Avioli, Sr., was absent.

Final Results:

<table>
<thead>
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<td>Laolu Yemitan</td>
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CITY COUNCIL MAIN MOTION AND ACTION:

Councilman Andrew S. Friedberg moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, appointing Roy Jones, Paul Katz, Kristin Schuster, and Laolu Yemitan to the Building and Standards Commission of the City of Bellaire, Texas, for a term of two (2) years commencing on July 2, 2012, and expiring on June 30, 2014. Councilman Corbett Daniel Parker seconded the motion.

The main 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, Corbett Daniel Parker, Pat B. McLaughian, and Andrew S. Friedberg

OPPOSED: None

ABSENT: Councilman James P. Avioli, Sr.

{Ordinance was subsequently numbered: 12-023}
Tracy L. Dutton on behalf of the Bellaire City Council.

Process:

Ballots were distributed to members of City Council by the City Clerk. The ballots included the names of all applicants, in alphabetical order, that expressed an interest in serving on the Board of Adjustment of the City of Bellaire, Texas ("BOA"). Members of City Council were asked to select applicants of his or her choice or to write-in an applicant of his or her choice to fill four expired terms on the BOA.

Tabulation:

Following a tabulation of votes by the City Clerk, City Clerk Tracy L. Dutton read the votes cast for the record as follows:

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<td>Patricia McGinty</td>
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<td>Jacquelyn Quick</td>
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</tbody>
</table>
City of Bellaire
City Council

Member of Council
Andrew S. Friedberg

Applicants
Nick Bacile
Carmen Bechter
J. Yen (Tom) Ligh
Patricia McGinty

Councilman James P. Avioli, Sr., was absent.

Final Results:

<table>
<thead>
<tr>
<th>Applicants</th>
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<tbody>
<tr>
<td>Nick Bacile</td>
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<tr>
<td>Jacquelyn Quick</td>
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</table>

CITY COUNCIL MAIN MOTION AND ACTION:

Councilman Andrew S. Friedberg moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, appointing Nick Bacile, Carmen Bechter, J. Yen (Tom) Ligh, and Patricia McGinty to the Board of Adjustment of the City of Bellaire, Texas, for a term of two (2) years commencing on July 2, 2012, and expiring on June 30, 2014. Councilman Roman F. Reed seconded the motion.

The main 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, Corbett Daniel Parker, Pat B. McLaughlan, and Andrew S. Friedberg

OPPOSED: None

ABSENT: Councilman James P. Avioli, Sr.

{Ordinance was subsequently numbered: 12-024}

5. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the
City of Bellaire, Texas, appointing three (3) members to the Parks and Recreation Advisory Board of the City of Bellaire, Texas, for a term of two (2) years commencing on July 2, 2012, and expiring on June 30, 2014 – Item submitted by City Clerk Tracy L. Dutton on behalf of the Bellaire City Council.

Process:

Ballots were distributed to members of City Council by the City Clerk. The ballots included the names of all applicants, in alphabetical order, that expressed an interest in serving on the Parks and Recreation Advisory Board of the City of Bellaire, Texas ("PRAB"). Members of City Council were asked to select applicants of his or her choice or to write-in an applicant of his or her choice to fill three expired terms on the PRAB.

Tabulation:

Following a tabulation of votes by the City Clerk, City Clerk Tracy L. Dutton read the votes cast for the record as follows:

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<td>Kelly Wirfel</td>
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<td>Pat B. McLaughlan</td>
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<td>Helmuth Goepfert</td>
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<td>Kim Padgett</td>
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</tbody>
</table>
Member of Council
Andrew S. Friedberg

Applicants
Jeff Addicks
Alissa Leightman
Kim Padgett

Councilman James P. Avioli, Sr., was absent.

Final Results:

<table>
<thead>
<tr>
<th>Applicants</th>
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</thead>
<tbody>
<tr>
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<td>Kim Padgett</td>
<td>5</td>
</tr>
<tr>
<td>Kelly Wirfel</td>
<td>1</td>
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</tbody>
</table>

CITY COUNCIL MAIN MOTION AND ACTION:

Councilman Andrew S. Friedberg moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, appointing Jeff Addicks, Alissa Leightman, and Kim Padgett to the Parks and Recreation Advisory Board of the City of Bellaire, Texas, for a term of two (2) years commencing on July 2, 2012, and expiring on June 30, 2014. Mayor Philip L. Nauert seconded the motion.

The main 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, Corbett Daniel Parker, Pat B. McLaughlan, and Andrew S. Friedberg

OPPOSED: None

ABSENT: Councilman James P. Avioli, Sr.

{Ordinance was subsequently numbered: 12-025}

7. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing three (3)
members to the Recycling Committee of the City of Bellaire, Texas, for a term of two (2) years commencing on July 2, 2012, and expiring on June 30, 2014 – Item submitted by City Clerk Tracy L. Dutton on behalf of the Bellaire City Council.

Process:

Ballots were distributed to members of City Council by the City Clerk. The ballots included the names of all applicants, in alphabetical order, that expressed an interest in serving on the Recycling Committee of the City of Bellaire, Texas ("BRC"). Members of City Council were asked to select applicants of his or her choice or to write-in an applicant of his or her choice to fill three expired terms on the BRC.

Tabulation:

Following a tabulation of votes by the City Clerk, City Clerk Tracy L. Dutton read the votes cast for the record as follows:

<table>
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<tr>
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<tbody>
<tr>
<td>Philip L. Nauert</td>
<td>Dorene Delaloye-Schroeder</td>
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<td>Seth A. Miller</td>
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<td>Kelly Wirfel</td>
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<td>Gayle Davies</td>
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<td>Roman F. Reed</td>
<td>Lisa Boesen</td>
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<td>Seth A. Miller</td>
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</tbody>
</table>
Member of Council  Applicants

Andrew S. Friedberg  Gayle Davies
Dorene Delaloye-Schroeder
Seth A. Miller

Councilman James P. Avioli, Sr., was absent.

Final Results:

<table>
<thead>
<tr>
<th>Applicants</th>
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<tbody>
<tr>
<td>Lisa Boesen</td>
<td>1</td>
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<td>Gayle Davies</td>
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<td>Dorene Delaloye-Schroeder</td>
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<td>Kelly Wirfel</td>
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CITY COUNCIL MAIN MOTION AND ACTION:

Councilman Andrew S. Friedberg moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, appointing Gayle Davies, Dorene Delaloye-Schroeder and Seth A. Miller to the Recycling Committee of the City of Bellaire, Texas, for a term of two (2) years commencing on July 2, 2012, and expiring on June 30, 2014. Councilman Corbett Daniel Parker seconded the motion.

The main 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, Corbett Daniel Parker, Pat B. McLaughlan, and Andrew S. Friedberg

OPPOSED: None

ABSENT: Councilman James P. Avioli, Sr.

{Ordinance was subsequently numbered: 12-026}

2. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the
City of Bellaire, Texas, appointing three (3) members to the Bellaire L.I.F.E. Advisory Board of the City of Bellaire, Texas, for a term of two (2) years commencing on July 2, 2012, and expiring on June 30, 2014 — Item submitted by City Clerk Tracy L. Dutton on behalf of the Bellaire City Council.

CITY COUNCIL MAIN MOTION AND ACTION:

Councilman Corbett Daniel Parker moved to appoint, by acclamation, Jerisue Garner, Pauline Nolen and Patricia Westwood as members of the Bellaire L.I.F.E. Advisory Board of the City of Bellaire, Texas, for a term of two (2) years commencing on July 2, 2012, and expiring on June 30, 2014, and to adopt an ordinance of the City Council of the City of Bellaire, Texas, appointing Jerisue Garner, Pauline Nolen and Patricia Westwood as members to the Bellaire L.I.F.E. Advisory Board of the City of Bellaire, Texas, for said two-year term. Councilman Andrew S. Friedberg seconded the motion.

The main 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, Corbett Daniel Parker, Pat B. McLaughlan, and Andrew S. Friedberg

OPPOSED: None

ABSENT: Councilman James P. Avioli, Sr.

{Ordinance was subsequently numbered: 12-027}

1. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing four (4) members to the Bellaire Cultural Arts Commission of the City of Bellaire, Texas, for a term of two (2) years commencing on July 2, 2012, and expiring on June 30, 2014 — Item submitted by City Clerk
Tracy L. Dutton on behalf of the Bellaire City Council.

Process:

Ballots were distributed to members of City Council by the City Clerk. The ballots included the names of all applicants, in alphabetical order, that expressed an interest in serving on the Bellaire Cultural Arts Commission of the City of Bellaire, Texas ("BCAC"). Members of City Council were asked to select applicants of his or her choice or to write-in an applicant of his or her choice to fill four expired terms on the BCAC.

Tabulation:

Following a tabulation of votes by the City Clerk, City Clerk Tracy L. Dutton read the votes cast for the record as follows:

<table>
<thead>
<tr>
<th>Member of Council</th>
<th>Applicants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Philip L. Nauert</td>
<td>Arun Gaalla</td>
</tr>
<tr>
<td></td>
<td>Terry Leavitt-Chavez</td>
</tr>
<tr>
<td></td>
<td>Melanie Modica</td>
</tr>
<tr>
<td></td>
<td>Gretchen Sparks</td>
</tr>
<tr>
<td>Amanda B. Nathan</td>
<td>Arun Gaalla</td>
</tr>
<tr>
<td></td>
<td>Terry Leavitt-Chavez</td>
</tr>
<tr>
<td></td>
<td>Jacquelyn Quick</td>
</tr>
<tr>
<td></td>
<td>Gretchen Sparks</td>
</tr>
<tr>
<td>Roman F. Reed</td>
<td>Terry Leavitt-Chavez</td>
</tr>
<tr>
<td></td>
<td>Melanie Modica</td>
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<tr>
<td></td>
<td>Jacquelyn Quick</td>
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<tr>
<td></td>
<td>Gretchen Sparks</td>
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<tr>
<td>Corbett Daniel Parker</td>
<td>Arun Gaalla</td>
</tr>
<tr>
<td></td>
<td>Melanie Modica</td>
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<tr>
<td></td>
<td>Jacquelyn Quick</td>
</tr>
<tr>
<td></td>
<td>Gretchen Sparks</td>
</tr>
<tr>
<td>Pat B. McLaughlan</td>
<td>Arun Gaalla</td>
</tr>
<tr>
<td></td>
<td>Terry Leavitt-Chavez</td>
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<tr>
<td></td>
<td>Melanie Modica</td>
</tr>
<tr>
<td></td>
<td>Jacquelyn Quick</td>
</tr>
</tbody>
</table>
Member of Council
Andrew S. Friedberg

Applicants
Arun Gaalla
Terry Leavitt-Chavez
Jacquelyn Quick
Gretchen Sparks

Councilman James P. Avioli, Sr., was absent.

Final Results:

<table>
<thead>
<tr>
<th>Applicants</th>
<th>Number of Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arun Gaalla</td>
<td>5</td>
</tr>
<tr>
<td>Terry Leavitt-Chavez</td>
<td>5</td>
</tr>
<tr>
<td>Melanie Modica</td>
<td>4</td>
</tr>
<tr>
<td>Jacquelyn Quick</td>
<td>5</td>
</tr>
<tr>
<td>Gretchen Sparks</td>
<td>5</td>
</tr>
</tbody>
</table>

CITY COUNCIL MAIN MOTION AND ACTION:

Councilman Andrew S. Friedberg moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, appointing Arun Gaalla, Terry Leavitt-Chavez, Jacquelyn Quick and Gretchen Sparks to the Bellaire Cultural Arts Commission of the City of Bellaire, Texas, for a term of two (2) years commencing on July 2, 2012, and expiring on June 30, 2014. Councilman Corbett Daniel Parker seconded the motion.

The main 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, Corbett Daniel Parker, Pat B. McLaughlin, and Andrew S. Friedberg

OPPOSED: None

ABSENT: Councilman James P. Avioli, Sr.

{Ordinance was subsequently numbered: 12-028}
e. DESIGNATION OF MEMBERS TO SERVE ON THE BOARD OF DIRECTORS OF THE EVELYN’S PARK CONSERVANCY:

CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, for the purpose of designating two (2) members to serve on the Board of Directors of the Evelyn’s Park Conservancy as the City’s representatives for a term of two (2) years commencing on July 2, 2012, and expiring on June 30, 2014 – Item submitted by City Clerk Tracy L. Dutton on behalf of the Bellaire City Council.

CITY COUNCIL MAIN MOTION AND ACTION:

Councilman Corbett Daniel Parker moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, for the purpose of designating Cindy Siegel and Lou Waters to serve on the Board of Directors of the Evelyn’s Park Conservancy as the City’s representatives for a term of two (2) years commencing on July 2, 2012, and expiring on June 30, 2014. Mayor Pro Tem Amanda B. Nathan seconded the motion.

The main 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, Corbett Daniel Parker, Pat B. McLaughlan, and Andrew S. Friedberg

OPPOSED: None

ABSENT: Councilman James P. Avioli, Sr.

{Ordinance was subsequently numbered: 12-029}

3. ITEMS FOR INDIVIDUAL CONSIDERATION:

a. CONSIDERATION of and possible action on the Sunset Review Committee Report and Recommendations submitted to and accepted by City Council on November 21, 2011, said recommendations of which included 1) retaining existing boards; 2) creation of two new boards; 3) revisions to the charges of the existing boards; 4) adoption of a Boards Handbook; and 5) direction to City Attorney and City Staff to develop and present any
ordinances necessary to amend the related chapters and sections within the Code of Ordinances of the City of Bellaire, Texas, to reflect the actions of the Bellaire City Council regarding said Report and Recommendations – Item submitted by Assistant City Manager Diane K. White on behalf of Mayor Philip L. Nauert.

Note: This agenda item was considered earlier in the meeting. See pages 18-41 of these minutes for discussion and action related to this agenda item.

b. CONSIDERATION of and possible action on a recommendation from City Staff to award Bid No. 2012-01, Sale of City Property, to bidder DALT Inc. in the amount of $600,000.00 and authorization for the City Manager of the City of Bellaire, Texas, to negotiate a contract with DALT Inc. for the sale of a property owned by the City of Bellaire, Texas, which encompasses all of Lots 12 through 17, Block 38, and the adjacent south 2.5 feet of an abandoned alley, in Southdale Addition, Bellaire, Harris County, Texas, and generally located at the northeast corner of Newcastle Drive and Edith Street (former Recycling Center) – Item submitted by Director of Community Development John McDonald.

Director of Community Development John McDonald advised that the City Council had previously directed City Staff to seek bids for the possible sale of the property on Edith Street that had served as the home of the Recycling Center and currently housed public works equipment. A notice was posted in the newspaper on two separate dates requesting bids for the property. The bids were opened on June 13, 2012, following rules set out in the Texas Government Code.

Director McDonald advised further that the City had worked with local real estate agent Rachel Crochet to help identify potential matches for the property. One bid was received in the amount of $600,000 for the entire site, said bid of which was before City Council for consideration this evening.

CITY COUNCIL MAIN MOTION:

Councilman Corbett Daniel Parker moved to accept City Staff's recommendation to award Bid No. 2012-01, Sale of City Property, to bidder DALT Inc. in the amount of $600,000.00 and to authorize the City Manager of the City of Bellaire, Texas, to negotiate a contract with DALT Inc. for the sale of a property owned by the City of Bellaire,
Texas, which encompasses all of Lots 12 through 17, Block 38, and the adjacent south 2.5 feet of an abandoned alley, in Southdale Addition, Bellaire, Harris County, Texas, and generally located at the northeast corner of Newcastle Drive and Edith Street (former Recycling Center). Councilman Roman F. Reed seconded the motion.

Following discussion regarding the bid received, questions of the bidder regarding his proposed use of the property (i.e., construction of six residential homes valued between $550,000 and $600,000), and other possible options for use by the City of the property, a motion was made to lay the agenda item on the table.

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

Councilman Corbett Daniel Parker moved to lay the agenda item on the table. Councilman Andrew S. Friedberg seconded the motion to lay the agenda item on the table.

The motion to lay the agenda item on the table carried on a 4-2 vote as follows:

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

**OPPOSED:** Mayor Pro Tem Amanda B. Nathan and Councilman Roman F. Reed

**ABSENT:** Councilman James P. Avioli, Sr.

c. CONSIDERATION of and possible action regarding direction to City Staff and the City Attorney to research, develop and present an ordinance to the Bellaire City Council that would require a private property owner or a person who controls property used for parking 1) to designate one or more parking spaces or a parking area for the exclusive use of vehicles transporting persons with disabilities; or 2) to conform to the standards and specifications referred to in Chapter 681, Privileged Property, Section 681.009, Designation of Parking Spaces by Political Subdivisions or Private Property Owner, Subsection (b), of the Texas Transportation Code, when designating a parking space or area for persons with disabilities — Item submitted by City
Manager Bernard M. Satterwhite, Jr., on behalf of Councilman Roman F. Reed.

CITY COUNCIL MAIN MOTION:

Councilman Roman F. Reed moved to direct City Staff and the City Attorney to research, develop and present an ordinance to the Bellaire City Council that would require a private property owner or a person who controls property used for parking 1) to designate one or more parking spaces or a parking area for the exclusive use of vehicles transporting persons with disabilities; or 2) to conform to the standards and specifications referred to in Chapter 681, Privileged Property, Section 681.009, Designation of Parking Spaces by Political Subdivisions or Private Property Owner, Subsection (b), of the Texas Transportation Code, when designating a parking space or area for persons with disabilities. Councilman Corbett Daniel Parker seconded the main motion.

CITY COUNCIL MOTION TO AMEND:

Councilman Andrew S. Friedberg moved to amend the main motion to direct City Staff and the City Attorney to research, develop and present an ordinance to the Bellaire City Council that would require a private property owner or a person who controls property used for parking to conform to the standards and specifications referred to in Chapter 681, Privileged Property, Section 681.009, Designation of Parking Spaces by Political Subdivisions or Private Property Owner, Subsection (b), of the Texas Transportation Code, when designating a parking space or area for persons with disabilities. Mayor Philip L. Nauert seconded the motion to amend.

The motion to amend 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, Corbett Daniel
Parker, Pat B. McLaughlan, and
Andrew S. Friedberg

OPPOSED: None
City of Bellaire
City Council

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ABSENT: Councilman James P. Avioli, Sr.

CITY COUNCIL ACTION ON THE MAIN MOTION, AS AMENDED:

The main motion, as amended, 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, Corbett Daniel Parker, Pat B. McLaughlan, and Andrew S. Friedberg

OPPOSED: None

ABSENT: Councilman James P. Avioli, Sr.

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

Items for future agendas included a request for City Staff to bring the Recycling Center property item back on the agenda within 60 days (Nathan), a request to City Staff to work to bring back to the agenda the ordinances necessary to effect the recommendations of the Sunset Review Committee (SRC) as discussed this evening, as well as to implement the new training requirements set out in the Boards Handbook (Friedberg), and a possible request for consideration to be given by City Council and City Staff with respect to stronger code enforcement as such enforcement related to rental properties (Reed).

Expressions of thanks were given to the SRC for their hard work and efforts, to Chief of Police Byron Holloway for his hard work and efforts on a recent public forum, and to Councilman Roman F. Reed for bringing forward a request for an ordinance related to the enforcement of parking requirements for disabled persons.

Expressions of congratulations were given to applicants appointed to City boards, commissions, and committees, to Commander Michael Eisemann on his recent retirement from the City of Bellaire (i.e., Bellaire Fire Department), and to Phil Dickinson on his recent promotion to Commander for the Bellaire Fire Department.

Reminders were given for the City’s upcoming Fourth of July Parade and Festival and for the Bellaire Business Alliance meeting on Wednesday, July 11, 2012, at 7:30 a.m. at Charlie’s BBQ.
K. ADJOURNMENT.

MOTION TO ADJOURN AND ACTION:

Councilman Roman F. Reed moved toadjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 12:08 a.m. on Tuesday, July 3, 2012. Councilman Corbett Daniel Parker seconded the motion.

The motion toadjourn 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, Corbett Daniel Parker, Pat B. McLaughlan, and Andrew S. Friedberg

OPPOSED: None

ABSENT: Councilman James P. Avioli, Sr.

Respectfully submitted,

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

Approved:

Philip L. Nauert, Mayor
City of Bellaire, Texas