CITY COUNCIL MEETING MINUTES
MONDAY, AUGUST 6, 2012

The City Council of the City of Bellaire, Texas, met in Special Session (Executive Session) on Monday, August 6, 2012, in the Council Chamber and Council Conference Room, both of which were located on the 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 6:00 p.m. on Monday, August 6, 2012.

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

Mayor Philip L. Nauert announced that a quorum of the members of the Bellaire City Council were present consisting of himself, Mayor Pro Tem Amanda B. Nathan and Councilmen Roman F. Reed, James P. Avioli, Sr., Pat B. McLaughlan 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 Corbett Daniel Parker arrived at 6:10 p.m.

*City Clerk Tracy L. Dutton did not participate in the closed portions of the Special Session (Executive Session).

C. CONVENE in Executive Session (Closed Session to be held in the Council Conference Room) under the Texas Government Code, Chapter 551, Open Meetings, Section 551.071, Consultation with Attorney; Closed Meeting, and Section 551.072, Deliberation Regarding Real Property; Closed Meeting, to discuss the possibility of a purchase of real property located at 5119 Jessamine Street, Bellaire, Texas, for future use by the City of Bellaire, Texas, and to receive legal advice concerning same.

CITY COUNCIL MAIN MOTION/ACTION:

Councilman Roman F. Reed moved to convene in Executive Session under the Texas Government Code, Chapter 551, Open Meetings, Section 551.071, Consultation with Attorney; Closed Meeting, and Section 551.072, Deliberation Regarding Real Property; Closed Meeting, to discuss the possibility of a purchase of real property located at 5119 Jessamine Street, Bellaire, Texas, for future use by the
City of Bellaire, Texas, and to receive legal advice concerning same. Mayor Pro Tem Amanda B. Nathan seconded the motion.

The motion carried unanimously on a 6-0 vote as follows:

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

OPPOSED:  None

ABSENT:  Councilman Corbett Daniel Parker*

*As noted above, Councilman Corbett Daniel Parker arrived at 6:10 p.m. and went directly into the Council Conference Room to participate in the Executive Session.

The City Council, City Attorney, and City Manager convened in Executive (Closed) Session in the Council Conference Room, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401 at 6:01 p.m. on Monday, August 6, 2012.

RECESS:

At 7:20 p.m. on Monday, August 6, 2012, the City Council reconvened in Open Session in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401. Mayor Philip L. Nauert advised that the City Council had been convened in a Special (Executive) Session to discuss certain matters with the City’s attorney regarding the disposition of real estate located at 5119 Jessamine Street, Bellaire, Texas.

Mayor Nauert further advised that due to the hour of the evening and the pressing concerns of the City Council’s Regular Session, the City Council had agreed to reconvene in Open Session and recess the Special (Executive Session) until after the Regular Session this evening.

CITY COUNCIL MAIN MOTION/ACTION:

Councilman Andrew S. Friedberg moved to recess the Special (Executive) Session of the City Council of the City of Bellaire, Texas, at 7:20 p.m. on Monday, August 6, 2012. Mayor Pro Tem Amanda B. Nathan seconded the motion.

The motion carried unanimously on a 7-0 vote as follows:

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

OPPOSED: None

ABSENT: None

RECONVENE:

CITY COUNCIL MAIN MOTION/ACTION:

Following the adjournment of the Regular Session of the Bellaire City Council at 10:00 p.m. on Monday, August 6, 2012, Councilman Andrew S. Friedberg moved to reconvene in Special (Executive Session) under the Texas Government Code, Chapter 551, Open Meetings, Section 551.071, Consultation with Attorney; Closed Meeting, and Section 551.072, Deliberation Regarding Real Property; Closed Meeting, to continue discussing the possibility of a purchase of real property located at 5119 Jessamine Street, Bellaire, Texas, for future use by the City of Bellaire, Texas, and to continue receiving legal advice concerning same. Councilman Corbett Daniel Parker seconded the motion.

The motion carried unanimously on a 7-0 vote as follows:

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

OPPOSED: None

ABSENT: None

The City Council, City Attorney, and City Manager reconvened in Executive (Closed) Session in the Council Conference Room, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401 at 10:00 p.m. on August 6, 2012.

D. RECONVENE (Open Session to be held in the Council Chamber) and take action, if any, on item(s) discussed in Executive Session.

The City Council reconvened in Special Session (Open Session) in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, at 10:28 p.m. on Monday, August 6, 2012. Mayor Philip L. Nauert advised that the Bellaire City Council had been meeting in Special (Executive or Closed) Session to discuss legal matters with the City Attorney
relating to a previous item regarding some real property at 5119 Jessamine Street, Bellaire, Texas.

**CITY COUNCIL MAIN MOTION:**

Councilman Andrew S. Friedberg moved to direct the City Attorney, together with the City Manager as appropriate, to evaluate the offer referenced by Mr. E. Chris Kaitson in his public comment before the City Council in its Regular Session this evening, to confer and negotiate as appropriate with Mr. Kaitson concerning his said offer, and then return to the City Council with a recommendation for action on the offer, if any, all as soon as practicable. Mayor Pro Tem Amanda B. Nathan seconded the motion.

For purposes of the record, Councilman Friedberg noted that during public comment this evening, Mr. Kaitson, on a few occasions, referenced an offer that he wanted to put before the City and stated that he hoped City Council was seriously considering his offer. Councilman Friedberg felt that it was in the public interest if City Council, through the City Staff and City Attorney, meet with Mr. Kaitson to evaluate that offer and determine what to do going forward, if anything.

Councilman Corbett Daniel Parker stated that regardless of what Mr. Kaitson thought, the City did have a legally binding right to purchase the referenced property at $305,000 by August 31, 2012. Councilman Parker indicated that he felt the City Council needed to spend time better defining City Council’s position as to what they were willing to accept.

For himself, Councilman Parker would be willing to allow Mr. Kaitson to buy the property at $305,000 or $320,000; however, Mr. Kaitson would have to sell the property back to the City after a minimum of 3-5 years, with a one-year advance notice, provided Mr. Kaitson sold the property back to the City at $305,000.

Councilman Parker noted, for the record, that he had voted against and was opposed to the purchase of the referenced property by the City.

**MOTION TO AMEND/ACTION:**

Councilman Corbett Daniel Parker moved to amend the main motion to direct the City Attorney to specifically discuss the following with Mr. Kaitson: 1) the seller’s price; 2) the number of years Mr. Kaitson would be required to hold the property before he was willing to potentially sell the property back to the City; 3) the length of the option period and advance notice for the City to buy the property back, such as one year; and 4) the price at which Mr. Kaitson would sell the property back to the City.* Councilman Roman F. Reed seconded the motion.
*Councilman Corbett Daniel Parker indicated that he could not support the motion unless Mr. Kaitson agreed to sell the property back to the City for $305,000.

The **motion to amend the main motion failed on a 2-5 vote** as follows:

**FOR:** Councilmen Roman F. Reed, and Corbett Daniel Parker

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

**ABSENT:** None

**CITY COUNCIL ACTION ON MAIN MOTION:**

The **main motion carried unanimously on a 7-0 vote** as follows:

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

**OPPOSED:** None

**ABSENT:** None

**E. ADJOURNMENT.**

**CITY COUNCIL MAIN MOTION/ACTION:**

Councilman Andrew S. Friedberg moved to adjourn the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, at 10:32 p.m. on Monday, August 6, 2012. Councilman Roman F. Reed seconded the motion.

The **motion carried unanimously on a 7-0 vote** as follows:

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

**OPPOSED:** None
City of Bellaire
City Council

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ABSENT: None

Respectfully submitted:

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

Approved:

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