CITY COUNCIL MEETING MINUTES
MONDAY, AUGUST 20, 2012

The City Council of the City of Bellaire, Texas, met in Regular Session on Monday, August 20, 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 7:04 p.m. on Monday, August 20, 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., Corbett Daniel Parker, 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.

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

Councilman Corbett Daniel Parker provided the inspirational reading for the evening.

D. PLEDGES TO THE FLAGS – Councilman Corbett Daniel Parker.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

Councilman Corbett Daniel Parker led the audience and members of the Bellaire City Council in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

E. APPROVAL OR CORRECTION OF MINUTES:

1. 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, August 6, 2012 – Item submitted by City Clerk Tracy L. Dutton.
2. 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, August 6, 2012 – Item submitted by City Clerk Tracy L. Dutton.

City Clerk Tracy L. Dutton advised that Councilman Andrew S. Friedberg had noted some scrivener’s errors and a few other changes to both sets of minutes. Those changes were made, and blacklined copies of the minutes were provided to the City Council at the dais. She advised that Councilman Friedberg would outline the changes for members of City Council.

Councilman Andrew S. Friedberg outlined the changes as follows:

- Minutes of the Special Session (Executive Session) of the City Council held on Monday, August 6, 2012 – the word “all” was inadvertently dropped from line 160 and should be added back;

- Minutes of the Regular Session of the City Council held on Monday, August 6, 2012:

Scrivener’s errors included a reference to an abstention that the City Clerk recommended removal of at line 107; a suggestion that the word “admitted” should be replaced with the word “included” at line 125; and the phrase “if te” on line 915 should read “of the.”

Alternative language was offered by Councilman Friedberg to better capture his reasoning at line 711, as follows: “Councilman Friedberg opposed a discount in the circumstances presented by this application. Given the stated intention for redevelopment, and the value to the applicant in assembling a bigger lot for that purpose, he felt no marketability discount was warranted and it would be unfair to the taxpayers and other property owners who did not have discounted alleyways to award a below-market deal here. He also noted that the appraiser’s report indicated that a discount may not be appropriate in this case.”

CITY COUNCIL MAIN MOTION/ACTION:

Councilman Andrew S. Friedberg moved to approve the minutes of the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, held on Monday, August 6, 2012, and the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, August 6, 2012, as amended and outlined by the City Clerk and Councilman Friedberg. Councilman James P. Avioli, Sr., seconded the motion.
The motion carried unanimously on a 7-0 vote as follows:

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

OPPOSED: None

ABSENT: None

F. PERSONAL/AUDIENCE COMMENTS.

Lisa Glass Mueller, 520 Hidden Mesa, Leander, Texas, addressed City Council on behalf of her mother, Mary Ellen Glass, who, for more than 60 years, resided at 5119 Jessamine Street next door to the Bellaire City Library. Ms. Mueller indicated that her husband, Matt Mueller, addressed City Council at the last session and conveyed many of their thoughts regarding the sale of her former home.

Ms. Mueller advised that it was her intent to share some heartfelt thoughts and to urge City Council to think more about the situation that the family found themselves in. Her mother in good faith signed a poorly worded (in Ms. Mueller’s opinion) Right of First Refusal (“ROFR”) document with the City for the sale of her home, which Ms. Mueller signed without an attorney’s review beforehand.

After signing the ROFR, Mrs. Glass received an offer of $305,000 for her home. She took the offer to the City, and the City decided to match that offer. Mrs. Glass received a subsequent offer from her neighbors for $320,000, which she also took to the City. The City then turned around and sent a letter to Mrs. Glass indicating that she better stick to the agreement to sell her home to the City for $305,000.

After the last Executive Session of the City Council, it was decided that the City Manager and City Attorney should meet with Mrs. Glass’s next door neighbor, Chris Kaitson, the one offering $320,000 for her home. That meeting was held between Mr. Kaitson and the City Attorney. Following that meeting, Mr. Kaitson withdrew his offer of $320,000. It was Ms. Mueller’s understanding that the City inferred that Mr. Kaitson’s $320,000 offer could constitute tortious interference with the City’s $305,000 purchase of the house. Ms. Mueller further understood that the City could build anything it wanted to in that spot, including a new jail or high-rise building.

While Ms. Mueller could not speak for Mr. Kaitson, she felt as if he was pressured to withdraw his offer. Ms. Mueller advised that the City also asked...
Mr. Kaitson if he would be willing to talk to Mrs. Glass to convince her to go ahead and sign the contract, which did not seem right to Ms. Mueller.

Ms. Mueller learned earlier in the day that a survey was performed of her mother's property without a signed contract. In addition, the City Manager called Mrs. Glass's real estate agent last week urging her to get Mrs. Glass to sign the contract as a decision had been made, and the City was moving forward. The City Manager also indicated that there would be no discussion this evening regarding the sale. Ms. Mueller pointed out that City Council was scheduled to discuss the property this evening in Executive Session. She also learned earlier today that City Council would discuss the possibility of enforcing the $305,000 sale and, then, would consider turning around and selling the home to Mr. Kaitson.

Ms. Mueller inquired as to why City Council was discussing the transaction in Executive Session this evening if it were a “done deal,” as well as why the meetings regarding the transaction were private. Ms. Mueller noted that at this point, considering all of the stress and hassle and the fact that the $320,000 offer was removed from the table, the family preferred that the City allow Mr. Kaitson to purchase the property from Mrs. Glass since he actually had plans to do something with it in the near future—such as, remodeling the home and renting it, which would mean more tax money for the City, and rescind the City's offer to purchase altogether.

Right now, the family was not ecstatic to do business with the City. At the end of the day, the family would do what it was legally held to do, because at this point they had been backed into a corner. Ms. Mueller asked that the City step up and do the right thing for her elderly mother. All the family had asked for all along was to let the system and market work. The City had manipulated the system, in Ms. Mueller's opinion.

In closing, Ms. Mueller implored City Council to let their conscience be their guide. She urged them not to hide behind the ROFR document, and stated that the family looked forward to learning of the outcome after this evening's Executive Session.

**David Johnson, 5101 Huisache Street, Bellaire, Texas** advised that he wished to address the City Council on the City's new trash policy. He had heard that City Council had not received many complaints regarding the new policy; however, he had spoken to many people over the last four days, and every person he talked to was against what had happened with the trash policy. He noted that if a homeowner missed one of the two trash pickups in a week, then the homeowner would likely have more bags than allowed for the second trash pickup. Under the new policy, if more than four were left out, any remaining bags were left by the City and had to be stored by the homeowner until the next scheduled pick up.
In taking with his neighbors, Mr. Johnson learned that the neighbors had gotten together and took their extra garbage over to anyone else's home that did not have four bags. So, about one-half of the citizens of Bellaire were dragging their extra bags around to people's homes trying to get their bags picked up. Mr. Johnson indicated that his Bellaire friends were some of the smartest, most successful people he knew, and this was what was going on.

Mr. Johnson continued and advised that he kept hearing that the reason a limit had been placed on the number of bags that could be left at the curb was because the City was trying to increase recycling and decrease garbage. He advised that he had been recycling for years and could not recycle any more—the rest was simply his garbage.

Mr. Johnson stated that he wished to hear a discussion on how the City Council felt that this policy would reduce the City's garbage. Even if you combined two bags into one, you still had the same weight and volume. From his perspective, he and his wife both worked and did not have time to go out and count bags. He simply wanted to put his garbage out and wanted it to be picked up because he was paying for it to be picked up.

IN closing, Mr. Johnson indicated that he would like to understand, based on the Solid Waste budget being the same and the service being cut by 60%, where the money was going. He inquired as to why he was paying the same thing he was paying last year and the year before, but only getting 60% of the service. He asked that the issue be relooked at, as he did not believe that City Council considered all of the issues when the policy was first discussed. He felt it was time that the issue be brought forward again as more people now understood the impact of what the City was doing, as well as the impact to them personally.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas, addressed City Council regarding an agenda item involving a presentation of a mobility plan commissioned and adopted by the Uptown Houston District for enhanced transit opportunities to and from Uptown Houston, as well as the City of Bellaire. The item also requested City Council action on a resolution supporting the mobility plan. Ms. McBee indicated that she received the agenda packet just as City Council did, and there was no document in the packet that described what the mobility plan was or a diagram or an explanation as to why the Uptown Houston District was coming to the Bellaire City Council.

Ms. McBee implored City Council not to take on other people's problems and issues as a favor. She indicated that it was not City Council's business. They were elected to represent the community of Bellaire and not another jurisdiction. She indicated that if City Council did want to provide support, then a public hearing should be held to see what the citizens thought of the idea before City Council offered their support.
Ms. McBee stated that the plan might be a fine plan, but she did not want to see any action by the City Council of a plan “sight unseen.”

Written Comment

Mayor Philip L. Nauert read a written comment received by the City Clerk on behalf of the City Council into the record, as follows:

Eric D. and Stacey J. Geisler, 4320 Lafayette Street, Bellaire, Texas:

Dear Mayor and Members of the City Council,

Thank you for allowing me to submit this public input, in lieu of my presence at the meeting tonight. Unfortunately, I have a prior commitment.

As you know, I have previously spoken out in opposition to the city selling the property formerly known as the recycling center on Edith Street. Although I initially opposed selling the property for single-family development, my focus has always been to find the best use of that property for the neighborhood and the city, long-term. Even though I spoke against taking the bid on the property at the time, I never assumed the council would conclude that the highest and best use of the property was to leave it as is. I would much rather you had tabled the item and allowed for all parties and members to collaborate on the best alternative, given all the available info and sufficient research. However, in light of the council decision regarding this issue I made some additional inquiries with my neighbors on both sides and ends of Lafayette Street. All of us agree that the property needs to be developed and NOT left as a pipe or storage yard.

It is also our opinion that given the choice of selling the property for a profit now, and expecting significant additional tax revenues from the homes that will be built there, or leaving the property as is, the first choice is MUCH more desirable. It is obvious to us all that that some or any improvement to that property on Edith will encourage additional development to the properties on Lafayette that back up to it. Just a quick calculation of the potential financial benefit to the city of developing 6 houses on the current property, as well as replacing the 6 houses behind them on Lafayette will be around $25,000-$30,000/year based on current tax rates. That, coupled with the net benefit of the sale of around $500,000, is a significant amount of revenue. This alternative also significantly improves the quality of the neighborhood! There is no way to measure that but in our opinion it is VERY significant.

Finally, Mr. Keene testified that there is no real advantage to this property over the alternative site the city now has for a storage area. In light of the points above, we respectfully request that the city reconsider the bid by DALT, Inc., and the sale of this property for single-family development.
Thank you very much for your consideration. Please let me know if you have any questions or need additional information from me.

G. REPORTS:

1. CITY MANAGER’S REPORT regarding residential safety (police activity report), public infrastructure/utilities (major projects update), cultural and recreational (summer programs ending), internal operations/productivity (Incode issues and Labor Day holiday); indicators (crime report and building permit report), 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 August 20, 2012, to members of City Council. Following questions of City Manager Satterwhite regarding his report, action was taken by members of the City Council to accept the report into the record.

CITY COUNCIL MAIN MOTION/ACTION:

Councilman Andrew S. Friedberg moved to accept the City Manager’s Report dated August 20, 2012, as presented by City Manager Bernard M. Satterwhite, Jr., into the record. Councilman Roman F. Reed seconded the motion.

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

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

OPPOSED: None

ABSENT: None

2. FINANCE REPORT for the City of Bellaire, Texas, covering the period ended July 31, 2012, and including discussion of revenues and expenditures in the General Fund, Enterprise Fund, Debt Service Fund, Vehicle, Equipment and Technology Fund, and Capital Improvement Program Fund, as well as discussion of statistical data – Item submitted and presented by Chief Financial Officer Linda Symank.

Chief Financial Officer Linda Symank advised that the July financial report was not available due to problems the City had been
experiencing with its financial system. She stated that once the system went down, the Finance Department immediately went to a manual process for expenditure approvals, cash receipting and cash disbursements. City departments continued their operations and balanced daily, and funds were deposited into the City’s bank account.

Chief Financial Officer Symank advised that the City’s revenues for July were trending slightly above the previous year, with the General Fund running approximately $75,000 over the previous year, and the Enterprise Fund running approximately $205,000 over the previous year. She indicated that these numbers were subject to change.

For the month of July, the City disbursed $2.2 million in payments, the last $800,000 of which was disbursed by typing manual checks. A manual process was established for City departments to request approval for purchases, and all payments were made timely. Chief Financial Officer Symank referred to a bond payment that was due August 15th and noted that the payment was made without any problems.

It was noted further that data had been maintained on a day-by-day basis and once the Finance Department could get back into the system, the Finance Department would post that data into the system. After the month of July has been posted, Chief Financial Symank indicated that she would prepare a financial report for the period ended July 31, 2012, for submission to City Council.

Chief Financial Officer Symank advised that her staff was very committed to do whatever it took to get the system back and updated as quickly as possible.

**CITY COUNCIL MOTION/ACTION:**

Mayor Pro Tem Amanda B. Nathan moved to accept the oral financial report for the City of Bellaire, Texas, for the month of July as presented by Chief Financial Officer Linda Symank. Councilman James P. Avioli, Sr., seconded the motion.

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

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

**OPPOSED:** None
ABSENT: None

3. PRESENTATION of a mobility plan commissioned and adopted by the Uptown Houston District ("Uptown Houston") for enhanced transit opportunities to and from Uptown Houston, as well as the City of Bellaire, Texas; and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, expressing support for the Uptown Houston Mobility Plan – Item submitted by City Manager Bernard M. Satterwhite, Jr.; Presentation by John Breeding, Executive Director of the Uptown Houston District.

Mayor Philip L. Nauert advised that the City had been active in trying to encourage and direct positive development within the City. For example, the City rezoned the northwest quadrant of the City from a languishing Research, Development and Distribution Zoning District ("RDD") to what the City thought was a very promising Urban Village-Transit-Oriented District (UV-T). The presentation this evening by John Breeding, Executive Director of the Uptown Houston District, would include a connection of that area to other parts of the region. Bellaire had worked hand-in-glove with this effort to see to it that part of the concept for Bellaire’s northwest quadrant flowed well as an integral and functioning component into a larger functional component.

John Breeding, Executive Director of the Uptown Houston District, addressed City Council and advised that the Uptown Houston District was a taxing authority and also administered the City of Houston’s tax increment reinvestment zone ("TIRZ") for the Galleria area.

In 2003, METRO held a referendum wherein voters were asked to approve a plan that was put forward for a local bus and light rail system. The referendum was approved by the voters. The system included a line coming from the downtown Houston area called the "University Line" and a line that would proceed up Post Oak Boulevard into the Galleria area.

At that time, the City of Bellaire, METRO, the Uptown Houston District, and private property owners in the area got together to discuss what could be done to encourage the right kind of urban development for the area—something that would work for Bellaire, the property owners, and for transit.

Much had changed since 2003. For example, METRO had not made the progress that was hoped with the bus and rail system. The financial reality of METRO meant that the University Line might not be built in the next 2-15 years. From Mr. Breeding’s perspective, the line in the Uptown area might not be built within the next 20 years. The
growth of the economy and the survival of the Uptown area required that they get transit service into the area.

Mr. Breeding noted that METRO had a fantastic regional commuter system, which included the bus ways on the Southwest Freeway, Katy Freeway, Highway 290, etc. The Uptown Houston District was trying to figure out how to tap into the regional commuter system. The people who worked in the Uptown area really lived in the northwest part of Houston, the far west part of Houston, and the southwest part of Houston.

The problem was that there was no way for people to get on and off of the buses that traveled down the Southwest Freeway near the Uptown area. Mr. Breeding advised that near Interstate Highway 10 and Highway 290, was a Northwest Transit Center, which was a good model for what the Uptown Houston District thought would work well.

Basically, it did not look like the rail system would happen in the near term. In order to make transit happen, three components were needed. One component could be to take the Northwest Transit Center that served Interstate Highway 10 and Highway 290 and bring people down the West Loop to Post Oak Boulevard. A second component would be to build something on Post Oak Boulevard. On the southern end, the third component would be to replicate what existed at the Northwest Transit Center by building a “Westpark Transit Center.”

Bellaire could choose to wait 20 years for the University Line rail system to be built, or Bellaire could choose to tie into the existing transit system and try to jump start development and service from the Westpark location.

Mr. Breeding presented a slide showing the three components—1) Northwest Transit Center, 2) Post Oak Boulevard, and 3) Westpark Transit Center. The Uptown Houston District proposed to run buses on the West Loop on what was today the median or shoulders for approximately 1-1/2 miles, just as happened on the Southwest Freeway in Sugar Land today. The Texas Department of Transportation (“TxDOT”) was working with the Uptown Houston District and Federal Transportation Administration to ensure that all agencies were comfortable with the proposal.

The buses on Post Oak Boulevard would run along diamond lanes to be built by the Uptown Houston District. The buses would operate with the same signals as the cars; the buses would have their own diamond lanes and would not interfere with cars on Post Oak Boulevard.
The Westpark Transit Center would be a location whereby all the service coming from the southwest and Westpark could get access to and pick up people coming from other areas of Houston. Not only would a transit center have to be built; it would have to tie into the bus way and find a way to get into the Uptown area.

Mr. Breeding showed a slide and indicated that the area above Anderson Street was in the City of Houston. A T-ramp would be built from the Southwest Freeway that would tie into the transit center. Local buses could also tie into the center and go over to the Uptown area or, perhaps, into the Bellaire Transit Center. He noted that there would be a parking garage on private property associated with the transit center. There was an opportunity for joint development of retail and other activities in the parking facility itself.

The cost of the project was estimated to be $26 million. The Uptown Houston District was seeking no money from the City of Bellaire, but was seeking a federal transportation grant through the Houston-Galveston Area Council ("H-GAC"). The Uptown Houston District would provide the local match for the project.

Mr. Breeding noted that the project had benefits for the Uptown area and Bellaire and could impact land use on the Bellaire side.

Following questions of Mr. Breeding by members of the Bellaire City Council, action was taken on a resolution expressing support for the Uptown Houston Mobility Plan.

**CITY COUNCIL MAIN MOTION:**

Councilman Corbett Daniel Parker moved, for discussion purposes, that the City Council of the City of Bellaire, Texas, adopt a resolution expressing support for the Uptown Houston Mobility Plan. Councilman Pat McLaughlan seconded the motion.

**CITY COUNCIL MOTION TO AMEND MAIN MOTION:**

Councilman Pat McLaughlan moved to amend the resolution to include a statement whereby the Uptown Houston area would work with the City of Houston in order to establish roadways from South Rice Avenue traveling east to Anderson Street. Councilman Corbett Daniel Parker seconded the motion to amend for discussion purposes.
CITY COUNCIL ACTION ON MOTION TO AMEND MAIN MOTION:

The motion to amend the main motion failed on a 1-6 vote as follows:

FOR: Councilman Pat B. McLaughlan

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

ABSENT: None

CITY COUNCIL MOTION TO AMEND MAIN MOTION/ACTION:

Mayor Philip L. Nauert moved to amend the main motion to remove the word “enthusiastically” from enumerated item 1. on the second page of the proposed resolution, such that said item 1. would read as follows:

1. THAT the City Council of the City of Bellaire, Texas, hereby supports the efforts of Uptown Houston in implementing all aspects of the Uptown Houston Mobility Plan as soon as possible.

Councilman Roman F. Reed seconded the motion to amend.

The motion to amend the main motion carried on a 6-0-1 vote as follows:

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

OPPOSED: None

ABSENT: None

ABSTAIN: Councilman Andrew S. Friedberg*

*Councilman Friedberg indicated that he was not necessarily opposed to the use of the word “enthusiastically” to describe City Council’s support of the mobility plan. He advised that he would like more time to study the plan before making such a decision and, after further study, he might be able to agree with the use of the word “enthusiastically” to describe City Council’s support of the plan.
CITY COUNCIL MOTION TO AMEND MAIN MOTION/ACTION:

Mayor Pro Tem Amanda B. Nathan moved to amend the main motion by adding the phrase “information regarding” to the first whereas clause, such that said clause would read as follows:

WHEREAS, the Executive Director of the Uptown Houston District (Uptown Houston) has presented to the City Council of the City of Bellaire, Texas, information regarding an Uptown Houston Mobility Plan, which, if completed, would provide enhanced transit opportunities to and from Uptown Houston, as well as the City of Bellaire, Texas; and

and to amend enumerated item 1. on page 2 of the proposed resolution to read as follows:

1. THAT the City Council of the City of Bellaire, Texas, hereby supports the efforts of Uptown Houston in developing the Uptown Houston Mobility Plan.

Councilman Andrew S. Friedberg seconded the motion to amend.

The motion to amend 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. McLaughlan and Andrew S. Friedberg

OPPOSED: None

ABSENT: None

CITY COUNCIL MOTION TO POSTPONE:

Councilman Andrew S. Friedberg moved to postpone action on the resolution before City Council this evening regarding an Uptown Houston Mobility Plan until the next Regular Session of the City Council (September 10, 2012). Councilman Corbett Daniel Parker seconded the motion to postpone.

Following discussion and questions of Mr. Breeding regarding the effect of a possible postponement of action by the Bellaire City Council on the referenced resolution, a motion was made to call the question.
CITY COUNCIL MOTION TO CALL THE QUESTION/ACTION:

Councilman James P. Avioli, Sr., moved to call the question. Councilman Roman F. Reed seconded the motion.

The **motion to call the question** carried on a **6-1 vote** as follows:

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

**OPPOSED:** Councilman Pat B. McLaughlan

**ABSENT:** None

Mayor Philip L. Nauert called for a vote on the motion to postpone.

CITY COUNCIL ACTION ON MOTION TO POSTPONE:

The **motion to postpone** failed on a **3-4 vote** as follows:

**FOR:** Mayor Pro Tem Amanda B. Nathan and Councilmen Corbett Daniel Parker and Andrew S. Friedberg

**OPPOSED:** Mayor Philip L. Nauert and Councilmen Roman F. Reed, James P. Avioli, Sr., and Pat B. McLaughlan

**ABSENT:** None

CITY COUNCIL MOTION TO AMEND MAIN MOTION:

Councilman Andrew S. Friedberg moved to amend the main motion by restating enumerated item 2. on page 2 of the proposed resolution to read as follows:

2. **THAT the City Council of the City of Bellaire, Texas, hereby urges Uptown Houston to continue to pursue any and all transportation grant requests to outside funding sources to facilitate timely completion of the Uptown Houston Mobility Plan.**

Mayor Pro Tem Amanda B. Nathan seconded the motion.
FRIENDLY AMENDMENTS TO MOTION TO AMEND MAIN MOTION:

Councilman Corbett Daniel Parker moved to further amend enumerated item 2. by substituting the word "an" for "the" and removing the capitalization when referring to the Uptown Houston "mobility plan." Councilman Andrew S. Friedberg indicated that he would accept the friendly amendment if Councilman Parker's amendment could be considered "globally" throughout the resolution. Councilmen Andrew S. Friedberg, Corbett Daniel Parker and Mayor Pro Tem Amanda B. Nathan accepted the friendly amendments.

As a result of the above-mentioned friendly amendments, enumerated item 2. would read as follows:

2. THAT the City Council of the City of Bellaire, Texas, hereby urges Uptown Houston to continue to pursue any and all transportation grant requests to outside funding sources to facilitate timely completion of an Uptown Houston mobility plan.

Note: Global changes substituting the word "an" for "the" and removing the capitalization of "mobility plan" would be made to first, sixth and seventh whereas clauses and to enumerated items 1. and 2.

CITY COUNCIL ACTION ON MOTION TO AMEND MAIN MOTION:

The motion to amend 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. McLaughlan and Andrew S. Friedberg

OPPOSED: None

ABSENT: None

CITY COUNCIL MOTION TO AMEND MAIN MOTION:

Councilman Corbett Daniel Parker moved to amend the third whereas clause to additional clarifying language, said clause to read as follows:
WHEREAS, based in part on the results of that study, the City of Bellaire passed a Comprehensive Plan that called for the City of Bellaire to create an Urban Village (Transit Oriented Development) (UV-T) Zoning District in the aforementioned area of Bellaire, Texas, to take advantage of previously enhanced transit opportunities afforded by the proposed light rail station within the city limits of the City of Bellaire, Texas; and

Councilman Roman F. Reed seconded the motion.

FRIENDLY AMENDMENT TO MOTION TO AMEND MAIN MOTION:

Councilman Andrew S. Friedberg agreed with the addition of the phrase “in part” of the third whereas clause, but did not favor the additional changes proposed. Councilmen Corbett Daniel Parker and Roman F. Reed agreed to limit the changes to the third whereas clause to the addition of the phrase “in part,” such that the clause would read as follows:

WHEREAS, based in part on the results of that study, the City of Bellaire created the Urban Village (Transit Oriented Development) (UV-T) Zoning District in the aforementioned area of Bellaire, Texas, to take advantage of previously enhanced transit opportunities afforded by the proposed light rail station within the city limits of the City of Bellaire, Texas; and

CITY COUNCIL ACTION ON MOTION TO AMEND MAIN MOTION:

The motion to amend 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. McLaughlan and Andrew S. Friedberg

OPPOSED: None

ABSENT: None
CITY COUNCIL ACTION ON MAIN MOTION, AS AMENDED:

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

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

OPPOSED: None

ABSENT: None

{Resolution was subsequently numbered: 12-09}

H. NEW BUSINESS:

1. CONSENT AGENDA:

BID AWARD:

CONSIDERATION of and possible action on a recommendation from the Public Works Department of the City of Bellaire, Texas, to award Bid No. 12-005, Staffing and Temporary Personnel Services, to the lowest responsive bidder, Magnum Staffing Services, Inc., and on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with Magnum Staffing Services, Inc., for the provision of staffing and temporary personnel services for various positions within the Bellaire Public Works and Parks and Recreation Departments – Item submitted by Director of Public Works Joe Keene.

CITY COUNCIL MAIN MOTION:

Councilman Andrew S. Friedberg moved to approve the Consent Agenda dated August 20, 2012, consisting of the following item:

- Approval of a recommendation from the Public Works Department of the City of Bellaire, Texas, to award Bid No. 12-005, Staffing and Temporary Personnel Services, to the lowest responsive bidder, Magnum Staffing Services, Inc., and to adopt an ordinance of the City Council of the
City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with Magnum Staffing Services, Inc., for the provision of staffing and temporary personnel services for various positions within the Bellaire Public Works and Parks and Recreation Departments.

Mayor Pro Tem Amanda B. Nathan seconded the motion.

Councilman Roman F. Reed requested that the item be removed from the Consent Agenda in order to allow questions and discussion.

Following questions from Councilman Reed and other members of City Council, Mayor Philip L. Nauert called for a vote on the Consent Agenda dated August 20, 2012.

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. McLaughlin and Andrew S. Friedberg

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 12-037}

2. ADOPTION OF ORDINANCES:

CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 2, Administration, of the Code of Ordinances of the City of Bellaire, Texas, by repealing Article VII, Boards, Commissions and Committees, in its entirety and adding a new Article VII to be titled “Boards and Commissions,” as approved by the City Council of the City of Bellaire, Texas, on July 2, 2012, based on recommendations of the Sunset Review Committee of the City of Bellaire, Texas, in its Report and Recommendations to City Council dated November 14, 2011; and authorizing and directing the City Manager to make further changes to the Boards Handbook, as approved by the City
Council on July 2, 2012, as necessary to ensure that said Handbook complies with the newly adopted Article VII of the Code of Ordinances of the City of Bellaire, Texas – Item submitted by City Clerk Tracy L. Dutton on behalf of the City Council of the City of Bellaire, Texas.

CITY COUNCIL MAIN MOTION:

Councilman Corbett Daniel Parker moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 2, Administration, of the Code of Ordinances of the City of Bellaire, Texas, by repealing Article VII, Boards, Commissions and Committees, in its entirety and adding a new Article VII to be titled “Boards and Commissions,” as approved by the City Council of the City of Bellaire, Texas, on July 2, 2012, based on recommendations of the Sunset Review Committee of the City of Bellaire, Texas, in its Report and Recommendations to City Council dated November 14, 2011; and authorizing and directing the City Manager to make further changes to the Boards Handbook, as approved by the City Council on July 2, 2012, as necessary to ensure that said Handbook complies with the newly adopted Article VII of the Code of Ordinances of the City of Bellaire, Texas. Councilman Pat B. McLaughlan seconded the motion.

SUMMARY:

Councilman Andrew S. Friedberg, who served as Chair of the Sunset Review Committee, indicated that the ordinance presented in the agenda packet reflected the actions of the Bellaire City Council on July 2, 2012. The only changes were the renumbering of sections, changing capitalization, and certain references for purposes of the City’s codifier, Municipal Code Corporation (MuniCode), as requested by the City Attorney and City Clerk.

The motion on the table from Councilman Parker, as Councilman Friedberg understood it, was to approve the ordinance as presented. Councilman Friedberg advised that he wished to offer four amendments, which he had provided in memorandum form in the agenda packet, for City Council’s consideration.

CITY COUNCIL MOTION TO AMEND MAIN MOTION:

Councilman Andrew S. Friedberg moved to amend the main motion to include amendments to four (4) sections (Sec. 2-94, Sec. 2-97, Sec. 2-112, and Sec. 2-113) as follows (the sections below have been blacklined to reflect the proposed changes):
Sec. 2-94. Terms of office.

For all boards other than the audit finance board, each member, unless sooner removed by the City Council, shall serve a term of two (2) years. Their terms shall be staggered, such that the terms of either three (3) or four (4) members, on an alternating basis, shall end. Three (3) members shall serve two (2)-year terms, with such terms ending on the 30th day of June of each odd-numbered year, and four (4) members shall serve two (2)-year terms, with such terms ending on the 30th day of June of each even-numbered year. Members may be appointed to succeed themselves; however, no member may be appointed to serve more than three consecutive terms, not including partial terms. All members shall serve until their successors are appointed and qualified. Terms of office for the audit finance board are as provided in sec. 2-120.

Sec. 2-97. Attendance and training requirements.

(a) Notwithstanding any other provision of this 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.

(b) Board members are required to attend all applicable trainings: state mandated trainings; board orientations conducted by the city; and for the statutory boards, specialized trainings conducted by the city.

Sec. 2-112. Board of adjustment.

C. Membership and appointment. The board of adjustment shall be composed of seven (7) regular members to be appointed by the city council. Members of the board of adjustment shall possess the following minimum qualifications:

1. Shall be at least twenty-one (21) years of age;

21. Shall be citizens of the United States of America and qualified voters of the State of Texas;

32. Shall have resided for at least one (1) year next preceding their appointment within the corporate limits of the City of Bellaire; and
43. Shall possess such other qualifications as shall be from time to time imposed by law by the city council.

Sec. 2-113. Building and standards commission.

In addition, if not specifically provided for in either of ch. 54 or ch. 214 of the Texas Local Government Code, ch. 54 and ch. 214 and/or to the extent either of said chapters requires specific authorization by the city council, the city council does hereby grant and delegate to the appropriate officer of the city and/or the building and standards commission to have any and all powers, duties and responsibilities as shall be from time to time provided for, permitted or allowed by the legislature of the State of Texas to be so granted and delegated to the city by the legislature of the State of Texas, it being the intent of the city to fully implement Texas Local Government Code ch. 54 and ch. 214 as well as to further provide the building and standards commission and any other commission, officer or legal authority as provided for under the provisions of state law, the maximum powers, privileges, and rights as may be from time to time provided for, created or permitted to be delegated by the legislature of the State of Texas by the city council to such commissions, officers and/or legal authorities without restriction or limitation.

Councilman Corbett Daniel Parker seconded the motion to amend.

Councilman Parker stated that it was his intent when he made the main motion to consider the ordinance as presented, along with the four amendments as proposed by Councilman Friedberg.

Councilman Friedberg called for a point of order to clarify that the main motion made by Councilman Parker and seconded by Councilman McLaughlan included his amendments proposed by memorandum. Councilman Parker advised that Councilman Friedberg was correct.

{The motion to amend was, as a result, removed from the table, leaving the main motion on the table}

Mayor Philip L. Nauert called for a vote on the main motion.
CITY COUNCIL ACTION ON MAIN MOTION:

The main motion carried on a 6-1 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: Councilman James P. Avioli, Sr.

ABSENT: None

{Ordinance was subsequently numbered: 12-038}

3. ITEM FOR INDIVIDUAL CONSIDERATION:

DISCUSSION of and possible action on the acceptance and approval of a Preliminary Master Plan for Evelyn’s Park, 4400 Bellaire Boulevard, Bellaire, Texas, said plan of which was previously submitted and presented by the Evelyn’s Park Conservancy to the City Council of the City of Bellaire, Texas, during a public hearing held on Wednesday, August 8, 2012 – Item submitted by City Manager Bernard M. Satterwhite, Jr., on behalf of the City Council of the City of Bellaire, Texas.

CITY COUNCIL MAIN MOTION:

Mayor Pro Tem Amanda B. Nathan moved to accept the report of the Evelyn’s Park Conservancy (“EPC”) pertaining to its proposed Master Plan for Evelyn’s Park, subject to the following comments:

(1) **Restaurant:** The inclusion and size of any specific restaurant design proposed by the EPC will require approval by City Council and will be addressed by City Council if and when such a specific design is proposed;

(2) **Restaurant Parking:** The amount of on-site parking required for any specific restaurant design proposed by the EPC will require a determination of adequacy by the City, and will be addressed if and when such a specific design is proposed;

(3) **Events:** The City Council may by ordinance place limitations on the use of Evelyn’s Park property for events;
(4) **Event Parking:** The City Council may by ordinance place limitations on non-residential parking on the streets surrounding Evelyn’s Park;

(5) **Intersection Improvements:** The City will make any determinations regarding intersection improvements on Bellaire Boulevard, including regarding any elimination of dedicated turn lanes; and

(6) **Community House and Pavilion:** City Council requests that it be provided additional opportunity for input and comment regarding these structures if the ultimately-developed specific designs for them are significantly larger than as reflected on the current proposed Master Plan.

Councilman Corbett Daniel Parker seconded the main motion.

**CITY COUNCIL MOTION TO AMEND MAIN MOTION:**

Councilman Andrew S. Friedberg moved to amend the main motion by adding a seventh comment related to parking generally as follows:

(7) **Parking Generally:** The City Council encourages the EPC to continue to explore opportunities within the Preliminary Master Plan as presented to facilitate additional on-site parking when required, through flexibility in the design of park components.

Mayor Philip L. Nauert seconded the motion to amend.

Following discussion regarding the motion to amend the main motion, action was taken on the motion to amend.

**CITY COUNCIL ACTION ON MOTION TO AMEND MAIN MOTION:**

The motion to amend 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. McLaughlan and Andrew S. Friedberg

**OPPOSED:** None

**ABSENT:** None
CITY COUNCIL ACTION ON MAIN MOTION, AS AMENDED:

The main motion, as amended, 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

{City Council action was subsequently recorded as Motion Document No. 2012-011}

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

Items for future agendas included a request from Councilman James P. Avioli, Sr., for a member of City Council who voted in the majority to bring forward for reconsideration the solid waste ordinance as it pertained to the number of garbage bags that could be placed on the curb for pick up. Councilman Roman F. Reed indicated that he had voted in the majority as he was in agreement with 90% of the ordinance and felt that it was prudent that he vote in favor. He stated that he would like to see an item placed on a future agenda to reconsider the solid waste ordinance as it pertained to the number of bags, with consideration to an increase in the number that could be left on the curb for pick up from four to six or eight.

Following a point of order raised by Councilman Corbett Daniel Parker, City Attorney Alan P. Petrov advised that in order to reconsider the solid waste ordinance, a member of City Council would need to make a motion to suspend the City Council’s Rules of Procedure, and a minimum of five members of City Council would be required to vote in favor of the suspension. Discussion ensued among members of City Council and the City Attorney as to when a “suspension” might be required versus “tweaking” or “amending” an ordinance or policy.

Mayor Philip L. Nauert advised that he would get with the City Manager and City Attorney and determine the best way in which to place an item on the agenda in order to reconsider or amend the solid waste ordinance. Councilman Andrew S. Friedberg advised that he believed a change to the solid waste ordinance would be “amending” rather than “reconsidering” and stated that he, too, would like to address the number of garbage bags that residents could place at the curb for pick up.
Councilman Pat B. McLaughlan noted that all members of City Council were not present when a vote was taken regarding the City’s boards and commissions and inquired as to whether the addition of a Library Board could be reconsidered based on a motion to suspend the rules. City Attorney Petrov advised that the rules could be suspended for the purpose of considering a Library Board. Councilman McLaughlan also indicated that he understood that the Houston Independent School District (HISD) would be asking for bond approval in the fall for two new schools in Bellaire—Bellaire High School and Condit Elementary School. He asked that someone from HISD, such as the City’s school board representative, be scheduled on a future agenda to provide an update and discuss the impact of the new construction to the community.

Community interest items from the Mayor and City Council included an expression of thanks to the Evelyn’s Park Conservancy Board for all of their hard work and to the members of the public who consistently attended all meetings and provided their input and comments; thanks were expressed to the Parks and Recreation Department for a great dive-in movie; thanks were expressed to the City’s Finance, Community Development, Municipal Court, and all other City departments for continuing to deliver great service despite recent computer hardware issues; and thanks were expressed to the Sunset Review Committee (“SRC”) for their report and recommendations, with recognition to Lynn McBee, Secretary of the SRC, Assistant City Manager Diane K. White, Staff Liaison to the SRC, and City Attorney Alan P. Petrov and City Clerk Tracy L. Dutton for their work on the ordinance amending the Code for the recommendations of the SRC.

J. ADJOURNMENT.

CITY COUNCIL MOTION TO ADJOURN/ACTION:

Councilman Corbett Daniel Parker moved to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:35 p.m. on Monday, August 20, 2012. Mayor Pro Tem Amanda B. Nathan seconded the motion.

The main motion to adjourn 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
City of Bellaire
City Council

Minutes of Meeting
August 20, 2012

ABSENT: None

Respectfully submitted,

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

Approved:

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