CITY COUNCIL MEETING MINUTES
MONDAY, SEPTEMBER 10, 2012

The City Council of the City of Bellaire, Texas, met in Regular Session on Monday, September 10, 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 7:02 p.m. on Monday, September 10, 2012.

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

Mayor Philip L. Nauert announced that a quorum was present consisting of himself and the following members of City Council: Mayor Pro Tem Amanda B. Nathan and Councilmen 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.

Councilman Roman F. Reed arrived at 7:03 p.m.

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

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

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

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

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

E. RECOGNITION OF PROCLAMATION(S):

1. ISSUANCE of a proclamation by Mayor Philip L. Nauert declaring September 19, 2012, as “Texting & Driving—It Can Wait Day” in the City of Bellaire, Texas, and encouraging all
citizens to commit to refraining from texting while driving and to join him in commending AT&T for their sponsorship of a campaign to raise public awareness about the risks of texting and driving – Item submitted by City Manager Bernard M. Satterwhite, Jr., on behalf of AT&T; Issuance of Proclamation by Mayor Philip L. Nauert.

Mayor Philip L. Nauert read the proclamation he had issued declaring September 19, 2012, as “Texting & Driving—It Can Wait Day” in the City of Bellaire, Texas, in its entirety. Representative(s) from AT&T were unable to attend the evening’s Regular Session. The proclamation was presented to AT&T by City Staff on Tuesday, September 11, 2012.

2. ISSUANCE of a proclamation by Mayor Philip L. Nauert designating the month of October 2012 as “Fire Prevention Month” in the City of Bellaire, Texas, in appreciation and recognition of the valuable service the Bellaire Fire Department provides to the community of Bellaire, Texas – Item submitted by Fire Marshal Alton Moses on behalf of the Bellaire Fire Department; Issuance of Proclamation by Mayor Philip L. Nauert.

Mayor Philip L. Nauert read the proclamation he had issued designating the month of October 2012 as “Fire Prevention Month” in the City of Bellaire, Texas, in its entirety. Fire Marshal Alton Moses accepted the proclamation on behalf of the Bellaire Fire Department.

F. APPROVAL OR CORRECTION OF MINUTES:

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 Wednesday, August 8, 2012 – Item submitted by City Clerk Tracy L. Dutton.

CITY COUNCIL MAIN MOTION/ACTION:

Councilman James P. Avioli, Sr., moved to approve the minutes of the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, held on Wednesday, August 8, 2012. Mayor Pro Tem Amanda B. Nathan seconded the 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.
FOR (CONT.): Reed, James P. Avioli, Sr., Corbett Daniel Parker, Pat B. McLaughlan and Andrew S. Friedberg

OPPOSED: None

ABSENT: None

2. CONSIDERATION of and possible action on the approval of the minutes of the Special Session (Budget Public Hearing) of the City Council of the City of Bellaire, Texas, held on Monday, August 20, 2012 – Item submitted by City Clerk Tracy L. Dutton.

CITY COUNCIL MAIN MOTION/ACTION:

Councilman Andrew S. Friedberg moved to approve the minutes of the Special Session (Budget Public Hearing) of the City Council of the City of Bellaire, Texas, held on Monday, August 20, 2012. Councilman Corbett Daniel Parker seconded the 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. McLaughlan and Andrew S. Friedberg

OPPOSED: None

ABSENT: None

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, August 20, 2012 – Item submitted by City Clerk Tracy L. Dutton.

CITY COUNCIL MAIN MOTION/ACTION:

Mayor Pro Tem Amanda B. Nathan moved to approve the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, August 20, 2012. Councilman Corbett Daniel Parker seconded the 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. McLaughlan and Andrew S. Friedberg

OPPOSED: None

ABSENT: None

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, August 20, 2012 – Item submitted by City Clerk Tracy L. Dutton

CITY COUNCIL MAIN MOTION/ACTION:

Mayor Pro Tem Amanda B. Nathan 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 20, 2012. Councilman Corbett Daniel Parker seconded the 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. McLaughlan and Andrew S. Friedberg

OPPOSED: None

ABSENT: None

G. PERSONAL/AUDIENCE COMMENTS.

Paul Coselli, 5311 Huisache Street, Bellaire, Texas, addressed City Council regarding a tree that had been pushed onto his home by a contractor on July 31, 2012. Mr. Coselli stated that the tree was 42" in diameter and approximately 70 feet tall and had fallen through his window, garage door and roof. Conflicting stories as to how the event occurred were given to Mr. Coselli by the subcontractor and contractor. However, a neighbor videotaped the incident after questioning the subcontractor about the method in which he was trying to remove the tree.
Mr. Coselli later learned that the subcontractor did not have insurance. The contractor advised that his insurance company was waiting on the subcontractor's insurance company. In summary, nothing had been done to repair Mr. Coselli’s home other than the replacement of a window.

After contacting the City regarding the incident, he learned that there was no protocol. The City provided notice to neighboring residents regarding the construction of a field house at Bellaire High School; however, there was no notice to any adjacent homeowner regarding construction projects and no procedures or protocols for the removal of a tree.

Despite the fact that Mr. Coselli’s home was in shambles and had been since July, the builder (contractor) was still able to get permits from the City for construction and tree removal. Although nothing could be done by the City for Mr. Coselli, it did not help other residents of Bellaire, as they could face the same situation.

Concern was expressed by Mr. Coselli as to a tree on the other side of his home (which was closer to his home) that might be removed in the future for new construction.

Mr. Coselli advised further that he went to the City to obtain some records and the City’s system was down. He still had not been given a copy of the insurance policy that the City said it had for the subcontractor. The papers Mr. Coselli had been given indicated that someone with the City verified the insurance. The insurance company claimed that the policy was canceled prior to the date of the incident.

Mr. Coselli talked with City Manager Satterwhite, who had been very professional and helpful in trying to reach City Attorney Petrov, to see what the City could find out. At this point, Mr. Coselli’s home was still destroyed while the insurance companies continued to point fingers at each other.

Mr. Coselli urged City Council to establish some protocols and procedures to ensure that this situation would not happen to someone else.

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

**Johnnie Frazier, 4721 Jessamine Street, Bellaire, Texas**, addressed City Council and applauded their efforts in implementing and staying the course with the Rebuild Bellaire Program phases. She stated that the Romans had shown us that a City would stand forever on a firm and well-built infrastructure. By paying attention to the drainage improvements, sidewalks, and other infrastructure maintenance, Ms. Frazier could safely say that the City underground was in much better shape and a safer place.

Ms. Frazier indicated that the "City of Homes” needed a facelift with respect to its aboveground infrastructure. The residents had done their part by
enhancing their homes with beautiful landscapes and hardscapes. The City needed to step up and seriously consider enhancing the safety and beauty of Bellaire with street lighting. The current, sporadic pole lighting was ugly, inadequate and inefficient in Ms. Frazier’s opinion.

Ms. Frazier asked if the “City of Homes” had to rely on the Bellaire Eagle Scouts, private citizens and volunteers to embellish and beautify Bellaire’s public spaces. She urged City Council to seriously evaluate what they could do as City leaders to enhance safety, while beautifying Bellaire. She concluded by noting that the citizens were doing their part.

**Lynn McBee, 5314 Evergreen Street, Bellaire, Texas,** addressed City Council and referred to public health. She indicated that public health currently in the news had a great deal to do with fleas—whether carried by birds or by rats.

Ms. McBee suggested that the City provide “doggy bags” so that owners could pick up after their dogs that utilized both City rights-of-way and private property for their animals to relieve themselves—also a public health concern. She referred to the evening’s agenda, which included an item to temporarily suspend the prohibition on dogs and cats in parks and playgrounds on behalf of the Sixth Annual Howl-O-Ween Dog Parade so that Bellaire Town Square could be used for the event. Ms. McBee stated that the justification for moving the event from the Officer Lucy Dog Park to Bellaire Town Square was that the usual parade route to Lafayette Park from Evergreen Park was too long. As additional justification for moving the event was the fact that crossing numerous side streets in Southdale did not provide safe passage. Ms. McBee advised that if City Council waived the prohibition in Bellaire Town Square for that reason, City Council would surely not admit that the City had unsafe streets without attempting to do something about them.

The prohibition of dogs in the park sounded innocuous; however, the park was not the place for children and animals to cohabit in Ms. McBee’s opinion. She urged City Council to turn down the request for a waiver and send the event back to the Officer Lucy Dog Park.

In closing, Ms. McBee posed a question to City Council related to their agreement with the Evelyn’s Park Conservancy. That agreement allowed for a final plan for Evelyn’s Park to be produced by the Evelyn’s Park Conservancy Board. Ms. McBee assumed that it would come back to City Council for acceptance. She asked when the final plan might be adopted and returned to City Council for its presumed acceptance.

**H. REPORT(S):**

1. **CITY MANAGER’S REPORT** regarding residential safety (police activity report), public infrastructure/utilities (major projects update), communications/technology (Incide update), internal
operations/productivity (schedule for resumption of utility billing), current issues/information (purchase of Jessamine Street property complete and staff walkthrough on 9/5/2012), 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 September 10, 2012, to members of City Council. Following questions of City Manager Satterwhite regarding his report, a motion to accept the report into the record was made and seconded.

**CITY COUNCIL MAIN MOTION/ACTION:**

Councilman Andrew S. Friedberg moved to accept the City Manager’s Report dated September 10, 2012, as presented by City Manager Bernard M. Satterwhite, Jr., into the record. Councilman Corbett Daniel Parker seconded the 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. McLaughlan and Andrew S. Friedberg

**OPPOSED:** None

**ABSENT:** None

Mayor Philip L. Nauert referred to a certain timeliness and tactical consideration that was needed this evening with respect to several budgetary items on City Council’s agenda. He requested that changes be made to the agenda order as follows: consideration of H2a, followed by 12a, 12b and H2b. After noting no objections from members of City Council, agenda item H2a was considered at this point in the meeting.

2. PROPERTY TAXES:

a. **PRESENTATION, CONSIDERATION, and possible action on the submittal of the Certified 2012 Tax Roll and the 2012 Property Tax Rates in the City of Bellaire, Texas - Item presented and submitted by Chief Financial Officer Linda Symank.**
Chief Financial Officer Linda Symank advised that each year the City was required to adhere to truth-in-taxation provisions in the Texas Constitution with respect to the process to be followed in adopting a property tax rate. The first step in the process was the calculation of the City’s effective and rollback tax rates. Depending on the results of the calculation, additional requirements might need to be followed.

She noted that the City received its certified tax roll on August 24, 2012. The City had 60 days from that date to adopt a tax rate. In other words, the City must adopt a tax rate prior to October 22, 2012.

The effective and rollback tax rates were calculated and the calculation was published in the Southwest News on September 4, 2012. Chief Financial Officer Symank advised that the information provided by the Harris County Appraisal District regarding the City’s certified roll was submitted in the City Council agenda packet for review and acceptance this evening.

The City’s proposed tax rate of $0.3999 per $100 valuation was the tax rate used to develop the City’s budget for the 2012-2013 fiscal year. This rate was above the City’s effective tax rate of $0.3918, but below the rollback rate of $0.4066.

The effective tax rate was defined as that rate that would give an entity approximately the same revenue this year as last year. The rate was based only on properties that were on both rolls (last year and this year). The rollback tax rate was defined as the effective rate plus 8%. This was the highest rate that an entity could adopt without being subject to a rollback election.

Since the City’s proposed tax rate was above the effective tax rate, additional requirements applied to the adoption of the City’s proposed property tax rate. Those requirements included a record vote by City Council to consider the proposed tax rate, said rate of which would result in an increase in tax revenue for the City. If the vote passed this evening, City Council must set and identify the time, date and place for two public hearings. A notice of the public hearings, as well as the result of the vote, was required to be published seven days before the first public hearing. The City had scheduled the publication of the notice in the newspaper on Tuesday, September 11, 2012. If the City did not meet the newspaper’s deadline this evening, the public hearings would need to be pushed back one week and the notice would have to be corrected and run the next Tuesday.
After holding the two public hearings, the City was required to publish a second notice of the property tax revenue increase. Once that notice ran, the City could adopt its tax rate. Chief Financial Officer Symank advised that the City’s current schedule included holding two public hearings, one on September 17, 2012, and one on September 24, 2012. The second notice referenced by Chief Financial Officer Symank would be published on September 25, 2012, followed by the adoption of a tax rate on October 1, 2012.

Following questions of Chief Financial Officer Symank regarding her submittal of the Certified 2012 Tax Roll and presentation of the 2012 Property Tax Rates in the City of Bellaire, Texas, action was taken by City Council to accept the Certified 2012 Tax Roll and the 2012 Property Tax Rates in the City of Bellaire, Texas.

CITY COUNCIL MAIN MOTION/ACTION:

Councilman Roman F. Reed moved to accept the Certified 2012 Tax Roll and the 2012 Property Tax Rates in the City of Bellaire, Texas, as presented by Chief Financial Officer Linda Symank into the record. Mayor Pro Tem Amanda B. Nathan seconded the 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. McLaughlan and Andrew S. Friedberg

OPPOSED: None

ABSENT: None

{The motion and action taken on the acceptance of the Certified 2012 Tax Roll and the 2012 Property Tax Rates in the City of Bellaire, Texas, was subsequently numbered: Motion Document 2012-012}
I. NEW BUSINESS:

2. ADOPTION OF BUDGET FOR FISCAL YEAR 2013:

a. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, adopting the budget for the City of Bellaire, Texas, for the fiscal year beginning October 1, 2012, and ending September 30, 2013, and appropriating the several sums set up therein to the objects and purposes therein named – Item submitted by City Manager Bernard M. Satterwhite, Jr.

CITY COUNCIL MAIN MOTION:

Councilman Andrew S. Friedberg moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, adopting the budget for the City of Bellaire, Texas, as submitted by the City Manager for the City of Bellaire, Texas, for the fiscal year beginning October 1, 2012, and ending September 30, 2013, and appropriating the several sums set up therein to the objects and purposes therein named. Councilman Corbett Daniel Parker seconded the main motion.

CITY COUNCIL AMENDMENT (NO. 1) TO THE MAIN MOTION:

Councilman Pat B. McLaughlan moved to amend the fiscal year 2013 budget submitted for adoption to include $335,000 in new funding for beautification efforts above and beyond the routine basic landscaping funding already included in the budget. Councilman James P. Avioli, Sr., seconded the amendment to the main motion.

Following discussion among members of City Council regarding the area of the budget to be modified to include the new funding, the source of the new funding and possible uses for the new funding, Councilman Avioli offered a friendly amendment.

CITY COUNCIL FRIENDLY AMENDMENT TO AMENDMENT (NO. 1) TO THE MAIN MOTION:

Councilman James P. Avioli, Sr., moved to amend the amendment (no. 1) to the main motion for the purpose of changing the amount of new funding for beautification efforts from $335,000 to $145,000. Councilman Pat B.
McLaughlan accepted the friendly amendment to the amendment (No. 1) to the main motion.

Discussion continued regarding the source of the new funding. Following discussion, Mayor Philip L. Nauert called for a vote on the amendment (no. 1) to the main motion, as amended.

CITY COUNCIL ACTION ON AMENDMENT (NO. 1) TO THE MAIN MOTION, AS AMENDED:

The amendment (no. 1) to the main motion, as amended, carried on a 4-3 vote as follows:

FOR: Mayor Pro Tem Amanda B. Nathan* and Councilmen Roman F. Reed, James P. Avioli, Sr., and Pat B. McLaughlan

OPPOSED: Mayor Philip L. Nauert and Councilmen Corbett Daniel Parker and Andrew S. Friedberg

ABSENT: None

Following a brief recess from 8:36 p.m. until 8:44 p.m., City Council continued discussing the motion to adopt the budget submitted by the City Manager for fiscal year 2013, as amended.

*Mayor Pro Tem Amanda B. Nathan apologized, noting that she had not listened closely to the motion and thought City Council was voting on the amendment to reduce the amount for beautification from $335,000 to $145,000, which she would have been in favor of. She indicated that she was opposed to the entirety of the motion as proposed by Councilmen McLaughlan and Avioli. As indicated earlier in her comments during discussion of the amendment, she wished to correct her vote.

City Attorney Alan P. Petrov indicated that he could see no reason why Mayor Pro Tem Nathan could not correct her vote as City Council had not moved on to a new agenda item.

*CITY COUNCIL CORRECTED ACTION ON AMENDMENT (NO. 1) TO THE MAIN MOTION, AS AMENDED:

The amendment (no. 1) to the main motion, as amended, failed on a 3-4 vote as follows:
FOR:  Councilmen Roman F. Reed, James P. Avioli, Sr., and Pat B. McLaughlan

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

ABSENT:  None

Mayor Philip L. Nauert inquired as to whether there were any further proposals to amend the budget for fiscal year 2013 as submitted.

CITY COUNCIL AMENDMENT (NO. 2) TO THE MAIN MOTION:

Councilman Corbett Daniel Parker referred to page 14 of the budget for fiscal year 2013 as submitted and moved to add a line item under “Professional Services” entitled “Elected Officials Food” in the amount of $1,200.00 to be utilized to provide food for City Council meetings scheduled to start before 7:00 p.m. Mayor Pro Tem Amanda B. Nathan seconded the amendment.

CITY COUNCIL FRIENDLY AMENDMENT TO THE AMENDMENT (NO. 2) TO THE MAIN MOTION:

Councilman Pat B. McLaughlan made a friendly amendment to the amendment (no. 2) to the main motion to change the title of the line item from “Elected Officials Food” to “Elected Officials and Participating Staff Food.”

Councilman Parker advised that the friendly amendment was not acceptable to him.

CITY COUNCIL FRIENDLY AMENDMENT TO THE AMENDMENT (NO. 2) TO THE MAIN MOTION:

Councilman Andrew S. Friedberg made a friendly amendment to the amendment (no. 2) to the main motion to change the title of the line item from “Elected Officials Food” to “Council Meals.”

Councilman Friedberg indicated that the line item as it had previously existed had not distinguished among elected officials and Council Staff.
Councilman Parker advised that he would accept the friendly amendment for purposes of discussion.

Councilman Parker asked City Manager Satterwhite if $1,200.00 would allow for sandwiches to be provided to City Council and for Council Staff. He expressed concern that providing food for additional people might require a greater dollar amount.

City Manager Satterwhite indicated that others had been fed with the $1,200.00 budgeted in previous years.

Councilman Parker, after receiving an answer to his question from City Manager Satterwhite, indicated that he was in support of the friendly amendment.

Upon an inquiry as to the source of funding for “Council Meals,” Councilman Parker advised that he would recommend that the General Fund balance, currently projected to be $352,036.00, be utilized for the new line item.

CITY COUNCIL FRIENDLY AMENDMENT TO THE AMENDMENT (NO. 2) TO THE MAIN MOTION:

Councilman Roman F. Reed moved to amend the amendment (no. 2) to the main motion further by including meals for members of all of the City’s boards.

Councilman Corbett Daniel Parker advised that he would not accept the friendly amendment.

Councilman James P. Avioli, Sr., called the question. After noting that all members of City Council were ready to vote, Mayor Philip L. Nauert called for a vote on the amendment (no. 2) to the main motion, as amended.

CITY COUNCIL ACTION ON AMENDMENT (NO. 2) TO THE MAIN MOTION, AS AMENDED:

The amendment (no. 2) to the main motion, as amended, carried on a 4-3 vote as follows:

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

ABSENT: None

CITY COUNCIL AMENDMENT (NO. 3) TO THE MAIN MOTION:

Councilman Corbett Daniel Parker referred to page 14 of the budget for fiscal year 2013 as submitted and moved to add a line item under the newly approved line item “Council Meals” entitled “Elected Officials Shirts and Badges” in the amount of $1,000.00.

The motion to amend (no. 3) the main motion failed due to the lack of a second.

CITY COUNCIL AMENDMENT (NO. 4) TO THE MAIN MOTION:

Councilman Corbett Daniel Parker referred to page 14 of the budget for fiscal year 2013 as submitted and moved to add a line item under the newly approved line item “Council Meals” entitled “Elected Officials Activities” in the amount of $4,550.00 (or $650.00 per member of City Council) for discretionary spending on items such as town hall meetings, newsletter services, training and seminars.

Councilman Parker indicated that he arrived at the amount of $4,550.00 based on compensation that members of City Council had received in prior budgets and recommended that the General Fund balance be utilized as the source for this funding. Reimbursement for such activities from the line item would follow similar rules as those followed by employees for training and seminars.

Mayor Pro Tem Amanda B. Nathan seconded the amendment (no. 4) to the main motion as moved by Councilman Parker.

Following discussion regarding the amendment and the need for written parameters or guidelines (a policy) related to the types of activities qualifying for reimbursement, Mayor Philip L. Nauert called for a vote on the amendment.
CITY COUNCIL ACTION ON AMENDMENT (NO. 4) TO THE MAIN MOTION:

The amendment (no. 4) to the main motion carried on a 4-3 vote as follows:

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 James P. Avioli, Sr., and Pat B. McLaughlan

ABSENT: None

After noting that there were no further amendments, Mayor Philip L. Nauert called for a vote to adopt the budget for fiscal year 2013, as submitted by the City Manager and amended by City Council.

CITY COUNCIL ACTION ON MAIN MOTION, AS AMENDED:

The main motion, as amended, carried on a 4-3 vote as follows:

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 James P. Avioli, Sr., and Pat B. McLaughlan

ABSENT: None

{Ordinance was subsequently numbered: 12-041}

b. CONSIDERATION of and possible action to ratify the property tax increase reflected in the fiscal year 2013 budget, as such budget will require raising more revenue from property taxes than in the previous year (Texas Local Government Code, Chapter 102, Municipal Budget, Section 102.007, Subsection (c)) – Item submitted by City Manager Bernard M. Satterwhite, Jr.
CITY COUNCIL MAIN MOTION/ACTION:

Councilman Corbett Daniel Parker moved to ratify the property tax increase reflected in the fiscal year 2013 budget, as such budget will require raising more revenue from property taxes than in the previous year. Mayor Pro Tem Amanda B. Nathan seconded the 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. McLauglan and Andrew S. Friedberg

OPPOSED: None

ABSENT: None

{The motion and action taken to ratify the property tax increase reflected in the fiscal year 2013 budget was subsequently numbered: Motion Document 2012-013}

H. REPORT(S):

2. PROPERTY TAXES:

a. PRESENTATION, CONSIDERATION, and possible action on the submittal of the Certified 2012 Tax Roll and the 2012 Property Tax Rates in the City of Bellaire, Texas – Item presented and submitted by Chief Financial Officer Linda Symank.

Note: This item was considered earlier in the meeting. See pages 7-9 of these minutes for discussion and action related to this item.

b. CONSIDERATION of and possible action regarding the taking of a record vote to increase the tax revenue for the City of Bellaire, Texas, for the 2012 tax year by proposing a tax rate of $0.3999 per $100 valuation and authorizing the Chief Financial Officer to publish a Notice of Public Hearings on Tax Increase. The recommended dates for said public hearings are September 17, 2012, and September 24, 2012, both public hearings of which will be held at 6:30 p.m. in the Council Chamber, First
Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401 – Item submitted by Chief Financial Officer Linda Symank.

CITY COUNCIL MAIN MOTION/ACTION:

Councilman Corbett Daniel Parker proposed the adoption of a tax rate of $0.3999 per $100 valuation which will increase the tax revenue this year as compared to taxes imposed the previous year be placed on the October 1, 2012, agenda for City Council’s consideration. If passed this evening, the schedule and announced date, time and place of the two public hearings will be as follows: Monday, September 17, 2012, at 6:30 p.m. and on Monday, September 24, 2012, at 6:30 p.m. at the City of Bellaire City Hall, Council Chamber, 7008 South Rice Avenue, Bellaire, Texas 77401. Mayor Pro Tem Amanda B. Nathan seconded the motion.

Mayor Philip L. Nauert called for a record vote on the motion proposing a tax rate of $0.3999 per $100 valuation:

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

It was noted that all members of City Council were present and had participated in the record vote.

{The motion and action to increase the tax revenue for the City of Bellaire, Texas, for the 2012 tax year by proposing a tax rate of $0.39999 per $100 valuation was subsequently numbered: Motion Document 2012-014}

I. NEW BUSINESS:

1. CONSENT AGENDA.

Councilman James P. Avioli, Sr., requested separate consideration of Consent Agenda Items 1b and 1c.
SURPLUS PROPERTY DISPOSITION REQUEST:

a. APPROVAL of a request from the Bellaire Communications Technology Services, Community Development, Finance, Fire, Parks and Recreation, Human Resources and Police Departments to dispose of surplus property in accordance with schedules and recommendations provided by said departments – Item submitted by Facilities Director Karl Miller on behalf of Bellaire city departments.

FINAL CLOSEOUT OF PROJECTS:

b. APPROVAL of a request from the Bellaire Public Works Department to make the final payment (Final Change Order No. 1) on the “FY2011 Paving Rehabilitation Project” to AAA Asphalt Paving, Inc., in the amount of $22,282.78, reflecting a decrease in said project of $75,932.23; and adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute the Final Change Order (No. 1) and the Application for Final Payment (No. 5) submitted by AAA Asphalt Paving, Inc., in the amount of $22,282.78 – Item submitted by Director of Public Works Joe Keene.

c. APPROVAL of a request from the Bellaire Public Works Department to make the final payment (Final Change Order No. 1) on the “South Rice Lift Station Replacement” project to Metro City Construction in the amount of $34,993.12, reflecting a decrease in said project of $61,866.52; and adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute the Final Change Order (No. 1) and the Monthly Pay Estimate No. 7 (Final Retainage) submitted by Metro City Construction in the amount of $34,993.12 – Item submitted by Director of Public Works Joe Keene.

CITY COUNCIL MAIN MOTION/ACTION:

Councilman Corbett Daniel Parker moved to approve the Consent Agenda dated September 10, 2012, consisting of the following item:
• APPROVAL of a request from the Bellaire Communications Technology Services, Community Development, Finance, Fire, Parks and Recreation, Human Resources and Police Departments to dispose of surplus property in accordance with schedules and recommendations provided by said departments.

Mayor Pro Tem Amanda B. Nathan seconded the 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. McLaughlan and Andrew S. Friedberg

OPPOSED: None

ABSENT: None

{The motion and action related to a request from city departments to dispose of surplus property in accordance with schedules and recommendations provided by said departments was subsequently numbered: Motion Document 2012-015}

SEPARATE CONSIDERATION OF CONSENT AGENDA ITEMS 1b AND 1c:

FINAL CLOSEOUT OF PROJECTS:

b. APPROVAL of a request from the Bellaire Public Works Department to make the final payment (Final Change Order No. 1) on the “FY2011 Paving Rehabilitation Project” to AAA Asphalt Paving, Inc., in the amount of $22,282.78, reflecting a decrease in said project of $75,932.23; and adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute the Final
Change Order (No. 1) and the Application for Final Payment (No. 5) submitted by AAA Asphalt Paving, Inc., in the amount of $22,282.78 – Item submitted by Director of Public Works Joe Keene.

CITY COUNCIL MAIN MOTION:

Mayor Pro Tem Amanda B. Nathan moved to approve a request from the Bellaire Public Works Department to make the final payment (Final Change Order No. 1) on the "FY2011 Paving Rehabilitation Project" to AAA Asphalt Paving, Inc., in the amount of $22,282.78, reflecting a decrease in said project of $75,932.23, and to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute the Final Change Order (No. 1) and the Application for Final Payment (No. 5) submitted by AAA Asphalt Paving, Inc., in the amount of $22,282.78. Councilman Andrew S. Friedberg seconded the motion.

Following questions of Director of Public Works Joe Keene regarding the project, action was taken on the main motion.

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. McLaughlan and Andrew S. Friedberg

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 12-039}

c. APPROVAL of a request from the Bellaire Public Works Department to make the final payment (Final Change Order No. 1) on the "South Rice Lift
Station Replacement” project to Metro City Construction in the amount of $34,993.12, reflecting a decrease in said project of $61,866.52; and adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute the Final Change Order (No. 1) and the Monthly Pay Estimate No. 7 (Final Retainage) submitted by Metro City Construction in the amount of $34,993.12 — Item submitted by Director of Public Works Joe Keene.

CITY COUNCIL MAIN MOTION:

Councilman James P. Avioli, Sr., moved to approve a request from the Bellaire Public Works Department to make the final payment (Final Change Order No. 1) on the “South Rice Lift Station Replacement” project to Metro City Construction in the amount of $34,993.12, reflecting a decrease in said project of $61,866.52 and to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute the Final Change Order (No. 1) and the Monthly Pay Estimate No. 7 (Final Retainage) submitted by Metro City Construction in the amount of $34,993.12. Councilman Andrew S. Friedberg seconded the motion.

Following questions of Director of Public Works Joe Keene regarding the project, action was taken on the main motion.

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. McLaughlan and Andrew S. Friedberg

OPPOSED: None
2. ADOPTION OF BUDGET FOR FISCAL YEAR 2013:

a. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, adopting the budget for the City of Bellaire, Texas, for the fiscal year beginning October 1, 2012, and ending September 30, 2013, and appropriating the several sums set up therein to the objects and purposes therein named – Item submitted by City Manager Bernard M. Satterwhite, Jr.

Note: This item was considered earlier in the meeting. See pages 10-15 of these minutes for actions related to this item.

b. CONSIDERATION of and possible action to ratify the property tax increase reflected in the fiscal year 2013 budget, as such budget will require raising more revenue from property taxes than in the previous year (Texas Local Government Code, Chapter 102, Municipal Budget, Section 102.007, Subsection (c)) – Item submitted by City Manager Bernard M. Satterwhite, Jr.

Note: This item was considered earlier in the meeting. See pages 15-16 of these minutes for action related to this item.

AWARD OF ENGINEERING SERVICES CONTRACT:

3. CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department to award a contract for engineering services to HDR Engineering, Inc., for the provision of engineering services, as well as surveying, geotechnical, urban forester and special subsurface utility location services, for the “Rebuild Bellaire Phase Four” paving and drainage improvements project in an amount not to exceed $429,435.00; and 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 Contract and Agreement for
Engineering Services with HDR Engineering, Inc., for said project in an amount not to exceed $429,435.00 – Item submitted by Director of Public Works Joe Keene.

CITY COUNCIL MAIN MOTION:

Mayor Pro Tem Amanda B. Nathan moved to approve a recommendation from the Bellaire Public Works Department to award a contract for engineering services to HDR Engineering, Inc., for the provision of engineering services, as well as surveying, geotechnical, urban forester and special subsurface utility location services, for the “Rebuild Bellaire Phase Four” paving and drainage improvements project in an amount not to exceed $429,435.00 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 Contract and Agreement for Engineering Services with HDR Engineering, Inc., for said project in an amount not to exceed $429,435.00. Councilmen Pat B. McLaughlan and James P. Avioli, Sr., jointly seconded the motion.

Following questions of HDR Engineering, Inc., regarding the services to be provided and the scope of the project, action was taken on the main motion.

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. McLaughlan and Andrew S. Friedberg

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 12-042}
TEMPORARY CODE SUSPENSION:

4. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, temporarily suspending the application of Chapter 6, Animals and Fowl, Article II, Keeping Dogs and Cats, Section 6-43, Dogs and cats prohibited on parks and playgrounds, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of allowing the Bellaire Parks and Recreation Department to hold their Sixth Annual “Howl-O-Ween” Dog Parade and Contest, a fundraiser for the Officer Lucy Dog Park, in Bellaire, Zindler and Loftin Parks, located in Bellaire Town Square, 7008 South Rice Avenue, Bellaire, Texas, said suspension to commence at 8:00 a.m. on Saturday, October 13, 2012, and to terminate at 1:00 p.m. on Saturday, October 13, 2012 – Item submitted by Director of Parks and Recreation Jane L. Dembski.

CITY COUNCIL MAIN MOTION/ACTION:

Mayor Pro Tem Amanda B. Nathan moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, temporarily suspending the application of Chapter 6, Animals and Fowl, Article II, Keeping Dogs and Cats, Section 6-43, Dogs and cats prohibited on parks and playgrounds, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of allowing the Bellaire Parks and Recreation Department to hold their Sixth Annual “Howl-O-Ween” Dog Parade and Contest, a fundraiser for the Officer Lucy Dog Park, in Bellaire Zindler and Loftin Parks, located in Bellaire Town Square, 7008 South Rice Avenue, Bellaire, Texas, said suspension to commence at 8:00 a.m. on Saturday, October 13, 2012, and to terminate at 1:00 p.m. on Saturday, October 13, 2012. Councilman James P. Avioli, Sr., seconded the 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. McLaughlan and Andrew S. Friedberg

OPPOSED: None
ABSENT: None

{Ordinance was subsequently numbered: 12-043} 

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

Items for future agendas included a request for a possible resolution or discussion with CenterPoint Energy regarding the removal of unused utility poles (McLaughlan), as well as a request to reconsider a portion of the solid waste ordinance as that ordinance related to the number of garbage bags collected by the City (Reed).

Community interest items from the Mayor and City Council included expressions of thanks to City Staff regarding the budget document and the Boards Handbook, and thanks to veterans for their service to the country; reminders were given for upcoming events, such as the Bellaire Business Alliance meeting to be held at 7:30 a.m. on September 11, 2012, at The Meridian, the Nature Discovery Center Twilight Gala fundraising event and the Patrons for Bellaire Parks Wine and Tapas fundraising event (October 6, 2012); and condolences were given to the family of Bill Borden, a former long-time Bellaire resident who had contributed many hours of volunteer service to the City.

Councilman Friedberg noted that he would not be present for the public hearing and Regular Session on September 17, 2012, due to his religious observance of the Rosh Hashana holiday.

K. ADJOURNMENT.

CITY COUNCIL MOTION TO ADJOURN/ACTION:

Councilman Roman F. Reed moved to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:46 p.m. on Monday, September 10, 2012. Councilman Corbett Daniel Parker seconded the motion.

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

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

OPPOSED: None
City of Bellaire  
City Council  

Minutes of Meeting  
September 10, 2012

ABSENT: None

Respectfully submitted,

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

Approved:

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