CITY COUNCIL MEETING MINUTES
MONDAY, NOVEMBER 19, 2012

The City Council of the City of Bellaire, Texas, met in Regular Session on
Monday, November 19, 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 7:16 p.m. on Monday, November 19, 2012.

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

Mayor Philip L. Nauert announced that a quorum was present
consisting of himself and all members of City Council as follows:
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., Assistant City Attorney Elliot Barner, and City Clerk
Tracy L. Dutton.

C. INSPIRATIONAL READING AND/OR INVOCATION – Councilman
James P. Avioli, Sr.

Councilman James P. Avioli, Sr., provided the inspirational reading for the
evening.

D. PLEDGES TO THE FLAGS – Councilman James P. Avioli, Sr.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

Councilman James P. Avioli, Sr., led the audience and members of
City Council in the U.S. Pledge of Allegiance and the Pledge to the
Texas Flag.

E. RECOGNITION OF PROCLAMATIONS:

ISSUANCE of a proclamation by Mayor Philip L. Nauert proclaiming
the week of November 5-11, 2012, as AORN Perioperative Nurse
Week in the City of Bellaire, Texas, in recognition of the dedication of
the nation’s perioperative nurses who care for patients before, during, and after surgery – Item submitted by City Clerk Tracy L. Dutton on behalf of the Association of Perioperative Nurses; Proclamation issued by Mayor Philip L. Nauert.

Mayor Philip L. Nauert read, in its entirety, a proclamation he had issued proclaiming the week of November 5-11, 2012, as AORN Perioperative Nurse Week in the City of Bellaire, Texas, in recognition of the dedication of the nation’s perioperative nurses. He presented the proclamation to Joanne Oliver, who was present on behalf of the Association of Perioperative Nurses.

F. 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, November 5, 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, November 5, 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

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, November 5, 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 Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, November 5, 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.

Judy Thrasher, 4912 Laurel Street, Bellaire, Texas, addressed City Council regarding the City’s policy regarding garage sale signs. Ms. Thrasher expressed specific concerns regarding the requirement to obtain signatures from those property owners whose yards or easements were used for to advertise garage sales; the requirement to place a garage sale sign in the yard where the sale was being held; and the posting of garage sale locations on the City’s website. Ms. Thrasher indicated that signs on easement property should not require a signature from the abutting property owner and that placing a sign in the yard where the sale was being held was unnecessary. In her opinion, the policy was not uniform as signs, such as home tour signs and lost pets, did not require the signature of property owners abutting the location where such signs were placed. Ms. Thrasher stated further that placing the locations of garage sales on the City’s website was unnecessary as people did not normally look on a city’s website for garage sales.

Ms. Thrasher expressed a concern that the City had not made its garage sale sign policy more transparent and indicated that she would happy to write an editorial comment to the Bellaire Examiner or the Southwest News if the policy was not made more transparent. She felt more transparency was needed with respect to the City’s code enforcement officer regulating ordinances on weekend days (i.e., possible overtime pay and the use, maintenance and gas expenditures of a City vehicle). She urged City Council to do away with the garage sale policy.

As to Christmas lighting, Ms. Thrasher recommended that the City place lights on either all of the trees along Bellaire Boulevard or on none of them, noting
that only one string of lights was used on one tree in one block the previous year.

In closing, Ms. Thrasher urged City Council to appropriate taxpayer dollars to landscaping and the beautification of the entrances to Bellaire. She also urged the City to stop micromanaging the citizens of Bellaire and focus more on the important and bigger issues that the City faced.

H. REPORT(S):

1. CITY MANAGER’S REPORT regarding residential safety (Police Activity Report), public infrastructure/utilities (Major Projects Report), cultural and recreational (Holiday in the Park and holiday lighting plan), employees (Employee Holiday Luncheon), current issues/information (Thanksgiving holiday and city offices closure), and upcoming City Council meetings/events – Item submitted by City Manager Bernard M. Satterwhite, Jr.

City Manager Bernard M. Satterwhite, Jr., presented the City Manager’s Report dated November 19, 2012, to members of City Council. Following questions of City Manager Satterwhite regarding his report, a motion was made and action taken 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 November 19, 2012, as presented by City Manager Bernard M. Satterwhite, Jr., into the record. Councilman Roman F. Reed 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

2. FINANCE REPORT for the City of Bellaire, Texas, covering the period ended October 31, 2012, and including discussion of revenues and expenditures in the General Fund, Enterprise Fund, 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 presented the Finance Report for the City of Bellaire, Texas, covering the period ended **October 31, 2012,** to members of City Council. Following questions of Chief Financial Officer Symank regarding her report, a motion was made and action taken to accept the report into the record.

**CITY COUNCIL MAIN MOTION/ACTION:**

Mayor Pro Tem Amanda B. Nathan moved to accept the Finance Report for the City of Bellaire, Texas, for the period ended **October 31, 2012,** as presented by Chief Financial Officer Linda Symank, **into the record.** Councilman Roman F. Reed 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

I. **NEW BUSINESS:**

1. **BUDGET AMENDMENT:**

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

Following a brief overview by Assistant City Manager Diane K. White of the line items requiring amendment or adjustment in order to reconcile the budget for the fiscal year 2012, a motion was made to adopt the referenced ordinance for the end of year closeout.
CITY COUNCIL MAIN MOTION/ACTION:

Councilman Roman F. Reed moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, amending the budget for the City of Bellaire, Texas, for the fiscal year beginning October 1, 2011, and ending September 30, 2012, for the purpose of reconciling the budget for the fiscal year 2012 end of year closeout. Councilman Corbett Daniel Parker seconded the motion.

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

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

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 12-053}

2. ITEM FOR INDIVIDUAL CONSIDERATION:

DISCUSSION of and possible action regarding the disposition of the house located on city-owned property at 5119 Jessamine Street, in the City of Bellaire, Texas – Item submitted by City Manager Bernard M. Satterwhite, Jr.

An overview of various options for the disposition of the house located on city-owned property at 5119 Jessamine Street, in the City of Bellaire, Texas, was provided to City Council in an agenda packet. Options included demolition, storage for city property or records, city office space, or improving and leasing for residential usage. Following discussion among members of City Council and City Staff regarding the disposition, a motion was made for City Council consideration.

CITY COUNCIL MAIN MOTION:

Councilman James P. Avioli, Sr., moved to demolish the house located on city-owned property at 5119 Jessamine Street, in the City of Bellaire, Texas, at an estimated cost of $13,000.00. Councilman Corbett Daniel Parker seconded the motion.

Following discussion related to the motion, a friendly amendment was offered by Councilman Andrew S. Friedberg.
CITY COUNCIL FRIENDLY AMENDMENT TO MAIN MOTION:

Councilman Andrew S. Friedberg offered a friendly amendment to the main motion for the City to voluntarily self-impose asbestos testing and abatement.

Councilman James P. Avioli, Sr., indicated that he would not support the friendly amendment as he felt that the referenced house would not have enough asbestos in it to cause serious problems due to its small size.

Following questions by Councilman Andrew S. Friedberg of Facilities Director Karl Miller regarding state requirements for asbestos abatement for residential and commercial properties, Councilman Friedberg indicated that he was satisfied that the referenced house would not require abatement and withdrew his friendly amendment.

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, James P. Avioli, Sr., Corbett Daniel Parker and Andrew S. Friedberg

OPPOSED: Councilman Pat B. McLaughlan*

ABSENT: None

*Councilman Pat B. McLaughlan’s opposition to the main motion was based on his belief that leasing the home for residential usage would provide a significant economic opportunity in the form of rental income for the city.

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

Items for future agendas included a listing provided by Councilman Pat B. McLaughlan of the following items:

- Sidewalk reconstruction – define and establish a strict policy regarding the possible completion of existing gaps in the reconstructed sidewalk;

- Street reconstruction – establish a city policy requiring the reconstruction of any street area where “under the street” utility construction resulted in a cut into the concrete surface of the street;
• Cell phones – establish a policy allowing the use of only “hands free” cell phones while driving;

• City rights-of-way – establish a policy requiring adjoining property owners to maintain landscaping in the street right-of-way and establish a safety visibility triangle at intersections to be maintained by adjoining property owners;

• Tree protection fencing – establish a policy limiting the amount of time that tree protection fencing could be in place for future residential construction sites;

• Unused utility or data wires and devices – establish a policy requiring communication and electrical power providers to remove unused wires and devices from public view;

• Streets and infrastructure – accelerate street and infrastructure reconstruction program in the current and coming year; and

• Solid waste – establish a policy requiring that solid waste bags not be put out for collection more than 24 hours prior to pick up.

Community interest items from the Mayor and City Council included expressions of congratulations to the Nature Discovery Center for a successful gala, to Sarah Davis for her re-election to the Texas House of Representatives, and to the Indian community on their recent annual Festival of Lights celebration; expressions of thanks were given to City Manager Satterwhite for his service to the City, to the men and women in uniform for their service to the country, and to those who helped jump-start the Bellaire Business Alliance; a reminder was given regarding the deadline for the Evelyn’s Park matching grant and all members of City Council were encouraged to participate in the grant challenge; a reminder was given regarding the next Bellaire Business Alliance Meeting to be held on Thursday, December 13, 2012, at Carmelita’s Restaurant in Bellaire; a call for prayers was asked for the nation’s leaders to do what was best for the country without regard to party; and blessings and best wishes were given for a Happy Thanksgiving.

K. ADJOURNMENT.

CITY COUNCIL MAIN MOTION/ACTION:

Councilman Andrew S. Friedberg moved to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:01 p.m. on Monday, November 19, 2012. Councilman Roman F. Reed 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

Respectfully submitted,

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

Approved:

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