CITY COUNCIL MEETING MINUTES
MONDAY, DECEMBER 3, 2012

The City Council of the City of Bellaire, Texas, met in Regular Session on Monday, December 3, 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 7:01 p.m. on Monday, December 3, 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 Roman F. Reed, James P. Avioli, Sr., Pat B. McLaughlan and Andrew S. Friedberg. Also present were City Manager Bernard M. Satterwhite, Jr., City Attorney Alan P. Petrov, and City Clerk Tracy L. Dutton.

Councilman Corbett Daniel Parker was absent.

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 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,
November 19, 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 (Executive Session) of the City Council of the City of Bellaire, Texas, held on Monday, November 19, 2012. Mayor Pro Tem Amanda B. Nathan seconded the motion.

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

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

OPPOSED: None

ABSENT: Councilman Corbett Daniel Parker

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 19, 2012 – Item submitted by City Clerk Tracy L. Dutton.

CITY COUNCIL MAIN MOTION/ACTION:

Councilman Roman F. Reed moved to approve the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, November 19, 2012. Mayor Pro Tem Amanda B. Nathan seconded the motion.

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

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

OPPOSED: None

ABSENT: Councilman Corbett Daniel Parker

F. PERSONAL/AUDIENCE COMMENTS.

Alan Bernstein, 5002 Maple Street, Bellaire, Texas, addressed City Council and advised that he was a Regional Board Member of the Anti-
Defamation League, which fought discrimination of all types against all people, and an employee of Harris County. He noted that Martin Luther King, Jr., Day was recognized by Harris County as an official county holiday.

Mr. Bernstein advised further that in November of 1983, then President Ronald Reagan signed into law the bill that made Martin Luther King, Jr., Day a federal holiday. Later, local jurisdictions in Harris County enacted Martin Luther King, Jr., Day as a holiday as well, including the Houston Independent School District, the University of Houston, and the cities of Houston, Pasadena, and Baytown.

In addition, Mr. Bernstein urged City Council to enact City Manager Bernard M. Satterwhite, Jr.’s, recommendation naming Martin Luther King, Jr., Day as an official holiday in the City of Bellaire, Texas, in order to help maintain the loyalty of employees and to ensure that Bellaire was an attractive place of employment.

In closing, Mr. Bernstein thanked all members of City Council for the incredible amount of volunteer time they put into being on City Council and away from their families, businesses, and recreation.

G. REPORT(S):

CITY MANAGER’S REPORT regarding residential safety (Police Activity Report), public infrastructure/utilities (Major Projects Report and meeting with City of Houston officials regarding detention and Ruffino Road landfill), cultural and recreational (Holiday in the Park), employees (Employee Holiday Luncheon), current issues/information (City offices closure on December 24 and 25), 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 the presentation of the report, a motion was made to accept the report into the record.

CITY COUNCIL MAIN MOTION:

Councilman Pat B. McLaughlan moved to accept the City Manager’s Report dated December 3, 2012, as presented by City Manager Bernard M. Satterwhite, Jr., into the record. Mayor Pro Tem Amanda B. Nathan seconded the motion.

Following questions of City Manager Satterwhite by members of City Council related to his report, action was taken on the motion to accept the report into the record.
CITY COUNCIL ACTION:

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

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

OPPOSED: None

ABSENT: Councilman Corbett Daniel Parker

Mayor Philip L. Nauert requested City Council’s consideration of agenda item H.3.b. at this point in the meeting. After noting no objection from members of City Council, agenda item H.3.b. was considered next.

H. NEW BUSINESS:

3. ITEMS FOR INDIVIDUAL CONSIDERATION:

b. CONSIDERATION of and possible action on a request from the City Manager of the City of Bellaire, Texas, to declare the Martin Luther King, Jr., birthday observance, held on the third Monday of January in each year, as an official holiday in the City of Bellaire, Texas – Item submitted by City Manager Bernard M. Satterwhite, Jr.

Following a brief summary of the agenda item by City Manager Bernard M. Satterwhite, Jr., a motion was made on the agenda item request.

CITY COUNCIL MAIN MOTION:

Councilman Andrew S. Friedberg moved to approve a request from the City Manager of the City of Bellaire, Texas, to declare the Martin Luther King, Jr., birthday observance, held on the third Monday of January in each year, as an official holiday in the City of Bellaire, Texas. Councilman Roman F. Reed seconded the motion.

CITY COUNCIL AMENDMENT TO MAIN MOTION:

Councilman Roman F. Reed moved to amend the main motion by adding Veterans Day as an official holiday in the City of Bellaire, Texas (November 11 of each year). Councilman Pat B. McLaughlan seconded the motion.
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City Attorney Alan P. Petrov advised that Veterans Day could not be considered at this time as the agenda was specific as to the birthday observance of Martin Luther King, Jr. Councilmen Reed and McLaughlan withdrew their motion and second to add the observance of Veterans Day as an official holiday. Councilman Reed asked that the Veterans Day observance be considered as an official holiday of the City on the next City Council agenda.

**CITY COUNCIL ACTION ON MAIN MOTION:**

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

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

**OPPOSED:** None

**ABSENT:** Councilman Corbett Daniel Parker

The Bellaire City Council returned to agenda item H.1. and considered the remainder of the agenda in the order in which it was written.

H. **NEW BUSINESS:**

1. **APPOINTMENT:**

CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing Evetta Herbert as Deputy Court Clerk of the Municipal Court of the City of Bellaire, Texas, for a two-year term commencing on the 21st day of December, 2012, and expiring on the 20th day of December, 2014; and providing that any appointments or deputy court clerks of the Municipal Court of the City of Bellaire, Texas, in conflict with this appointment are hereby terminated – Item submitted by City Clerk Tracy L. Dutton on behalf of the Bellaire City Council.

Municipal Court Presiding Judge Lisa Wesely and Director of Finance Linda Symank provided glowing reports of Evetta Herbert’s performance as a Deputy Court Clerk of the Bellaire Municipal Court and recommended that City Council appoint Ms. Herbert for another two-year term.
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, appointing Evetta Herbert as Deputy Court Clerk of the Municipal Court of the City of Bellaire, Texas, for a two-year term commencing on the 21st day of December, 2012, and expiring on the 20th day of December, 2014; and providing that any appointments of Deputy Court Clerks of the Municipal Court of the City of Bellaire, Texas, in conflict with this appointment are hereby terminated. Councilman Roman F. Reed seconded the motion.

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

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

OPPOSED: None

ABSENT: Councilman Corbett Daniel Parker

{Ordinance was subsequently numbered: 12-054}

2. CONTRACT AMENDMENT:

CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Subsection A, Base Salary, of Section 4, Compensation, of Exhibit A, City Manager Employment Agreement, to Ordinance No. 08-080, for the purpose of increasing the City Manager’s annual base salary by 3% to $151,925.00, as previously approved by unanimous vote of the Bellaire City Council on November 19, 2012 – Item submitted by City Clerk Tracy L. Dutton on behalf of the Bellaire City Council.

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 Subsection A, Base Salary, of Section 4, Compensation, of Exhibit A, City Manager Employment Agreement, to Ordinance No. 08-080, for the purpose of increasing the City Manager’s annual base salary by 3% to $151,925.00, as previously approved by unanimous vote of the Bellaire City Council on November 19, 2012. Councilman Pat B. McLaughlan seconded the motion.
The motion carried unanimously on a 6-0 vote as follows:

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

OPPOSED: None

ABSENT: Councilman Corbett Daniel Parker

{Ordinance was subsequently numbered: 12-055}

3. ITEMS FOR INDIVIDUAL CONSIDERATION:

a. CONSIDERATION of and possible action on the approval of Design Development Plans prepared by Clark Condon Associates, Inc., Landscape Architects, which depict actual materials, sizes, and locations of all landscape elements to be included in the Multi-Purpose Great Lawn area of Bellaire Town Square – Item submitted by Director of Parks and Recreation Jane L. Dembski.

Sheila Condon, Clark Condon Associates, Inc., Landscape Architects, presented Design Development Plans prepared by her firm for the multi-purpose great lawn and pavilion to be constructed in Bellaire Town Square.

Ms. Condon presented four different options for the layout or placement of the multi-purpose great lawn and two architectural styles for the pavilion.

Before describing the four layouts, Ms. Condon advised that the pavilion was generally located to the west on all four layouts, with the pathway designs and some of the details differentiating each layout.

Option 1: The general open lawn area was noted to be 180 feet in the long distance by 113 feet in the north-south direction. An oval concrete pathway, eight feet in width, would provide spacing for booths during events and other programming needs. In addition, the pavilion would be raised 12 inches above the existing grade in all four layouts.

Option 2: It was noted that option 2 was very similar to option 1. The concrete pathway was slightly smaller, forming an ellipse, with the length being the same as option 1 and the width being slightly smaller than option 1. In addition, the
great lawn and pavilion were not on center with the existing gazebo and donor wall. Those features were on center in option 1.

Option 3: The concrete pathway in option 3 was still in the form of an ellipse, however, the sidewalk was moved around such that it was not quite as pure a form as in options 1 and 2. The lawn area was slightly smaller and the gazebo and pavilion were on center.

Option 4: Option 4 represented a little bit of a departure, with the main walk being larger and pulled down south of the existing tree line. Option 4 was also noted to be on center with the gazebo.

With respect to styling for the pavilion, one option included a brick and metal context in keeping with the existing Recreation Center with a wave-shaped roof. The general height was 19 feet tall at the peak. The back wall was approximately 8-1/2 feet tall. The overall area was approximately 40 feet by 60 feet.

A second or alternate option included a trolley-style metal pavilion. The roof of the pavilion was 25 feet at its peak. The general footprint had the same area as option 1 (40 feet by 60 feet).

In closing, Ms. Condon advised that the Parks and Recreation Advisory Board reviewed all of the options and both styles and chose Option 1 for the layout and the wave-shaped pavilion for the style to recommend to City Council.

Following questions of Ms. Condon by members of City Council, a motion was made and action taken with respect to the layout of the great lawn and the style of the pavilion.

**CITY COUNCIL MAIN MOTION/ACTION:**

Councilman James P. Avioli, Sr., moved to support the recommendation of the Parks and Recreation Advisory Board of the City of Bellaire, Texas, which was to select option 1 for the layout of the great lawn and the wave-shaped pavilion with respect to styling. Councilman Andrew S. Friedberg seconded the motion.
The motion carried unanimously on a 6-0 vote as follows:

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

OPPOSED: None

ABSENT: Councilman Corbett Daniel Parker

b. CONSIDERATION of and possible action on a request from the City Manager of the City of Bellaire, Texas, to declare the Martin Luther King, Jr., birthday observance, held on the third Monday of January in each year, as an official holiday in the City of Bellaire, Texas — Item submitted by City Manager Bernard M. Satterwhite, Jr.

Note: This agenda item was considered earlier in the meeting. Please see pages 4-5 of these minutes for discussion and action related to the item.

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

Councilman Roman F. Reed requested City Council consideration on a future agenda to declare Veterans Day (November 11 of each year) as an official holiday in the City of Bellaire, Texas. Councilman Pat B. McLaughlan requested City Council consideration on a future agenda for partial recycling of the interior portions of the city-owned house on Jessamine Street.

Community interest items from the Mayor and City Council included expressions of thanks to Director of Parks and Recreation Jane L. Dembski and her staff for a fabulous Holiday in the Park event and for the festive holiday decorations in the City and to the City Manager and City Clerk for a great job this year. Reminders were given regarding the Bellaire Fire and Police Department football game against the City of West University Place to be held on Saturday at 11:00 a.m. at the Episcopal High School field and the Bellaire City Library Wassail Open House to be held on December 17, 2012.

J. ADJOURNMENT.

CITY COUNCIL MAIN MOTION/ACTION:

Councilman Roman F. Reed moved to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 8:16 p.m. on Monday,

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

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

OPPOSED: None

ABSENT: Councilman Corbett Daniel Parker

Respectfully submitted,

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

Approved:

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