CITY COUNCIL MEETING MINUTES
MONDAY, DECEMBER 17, 2012

The City Council of the City of Bellaire, Texas, met in Regular Session on Monday, December 17, 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 17, 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., 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 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,
December 3, 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, December 3, 2012. Councilman Pat B. McLaughlan seconded the motion.

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., Pat B. McLaughlan and Andrew S. Friedberg

**OPPOSED:** None

**ABSENT:** None

**ABSTAIN:** Councilman Corbett Daniel Parker*

*Councilman Parker abstained from voting on the City Council minutes of the Special Session (Executive Session) held on Monday, December 3, 2012, due to his absence from that meeting.

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, December 3, 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 Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, December 3, 2012. Councilman Pat B. McLaughlan seconded the motion.

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., Pat B. McLaughlan and Andrew S. Friedberg

**OPPOSED:** None
ABSENT: None

ABSTAIN: Councilman Corbett Daniel Parker*

*Councilman Parker abstained from voting on the City Council minutes of the Regular Session held on Monday, December 3, 2012, due to his absence from that meeting.

F. PERSONAL/AUDIENCE COMMENTS.

Lou Waters, 4505 Magnolia Street, Bellaire, Texas, Treasurer and Member of the Evelyn’s Park Conservancy Board addressed City Council on behalf of the Evelyn’s Park Conservancy Board ("Board") by proving a brief end of year activity report. He noted that the Board successfully exceeded their challenge grant of $100,000, the challenge grant of which was matched by an anonymous donor. The Board received strong widespread support from across the City, including 100% participation from the City Council and members of the Board.

Although the timeline was tight, the Board remained confident and excited about their ability to meet the timeline. The Board was currently working on their capital campaign and intended to be in front of major donors and foundations early in 2013 for initial meetings to present their plan and gather feedback.

Robert Riquelmy, 506 Winslow Lane, Bellaire, Texas, addressed City Council to report on a Workshop Session held the previous Monday (i.e., December 10, 2012). He attended the posted session and noted that the City had another contractor working to re-energize downtown Bellaire. Mr. Riquelmy outlined the general background of the principals working for the contractor.

In closing, Mr. Riquelmy urged City Council to address what was going on in Bellaire for the interest of the public.

Mayor Philip L. Nauert advised that one written comment in the form of an email had been received by the City Clerk on behalf of City Council. He read the written comment into the record in its entirety. A summary of the comment has been set forth below for purposes of the written minutes.

Richard Franke, 1104 Howard Lane, Bellaire, Texas, provided a list of items that he wished City Council to consider as they prepared for continuing challenges facing Bellaire and the country in 2013. One item of concern referenced by Mr. Franke were proposed major amendments for Chapter 24, Planning and Zoning, of the Code of Ordinances of the City of Bellaire, Texas, relating to the redevelopment of the Bissonnet Corridor. Of particular concern were the possible adverse effects on property values, public safety, overflow parking, and residential quality of life.
Secondly, Mr. Franke expressed concern regarding the financial status of Bellaire and urged City Council to require reconciliations between gross and net taxable values in the City’s financial statements. He also provided recommendations to improve future budgets, which would consist of a prioritization of each department and major function.

Thirdly, Mr. Franke reminded the City that taxpayers investing in Bellaire were not only from other states, but from locations all over the world. He suggested that restricting development to the desires of voters in 2005 was not appropriate.

Mr. Franke, a Viet Nam veteran, concluded his comments by opposing a recommendation to declare Veteran’s Day as an official holiday in Bellaire.

G. 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), 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 December 17, 2012, to members of City Council. Following the presentation of the report and 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 Roman F. Reed moved to accept the City Manager’s Report dated December 17, 2012, as presented by City Manager Bernard M. Satterwhite, Jr., into the record. Councilman Pat B. McLaughlan 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 November 30, 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 presented the Finance Report for the City of Bellaire, Texas, covering the period ended November 30, 2012, to members of City Council. Following the presentation of the report and 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:

Councilman James P. Avioli, Sr., moved to accept the Finance Report for the City of Bellaire, Texas, covering the period ended November 30, 2012, as presented by Chief Financial Officer Linda Symank, into the record. Councilman Pat B. McLaughlan 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

H. NEW BUSINESS:

1. ADOPTION OF ORDINANCES:

a. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Section 2, Subsection b, Compensation, of Ordinance No. 09-073, for the purpose of increasing the City Clerk’s annual compensation as a result of the City Clerk’s annual performance review – Item submitted by City Clerk Tracy L. Dutton on behalf of 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 Section 2, Subsection b, Compensation, of Ordinance No. 09-073, for the purpose of increasing the City Clerk's annual compensation as a result of the City Clerk's annual performance review. Mayor Pro Tem Amanda B. Nathan seconded the motion.

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

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

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 12-056}

b. CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department to make the final payment on a contract for improvements to the Feld Park Water Plant to Long & Son, Inc., in the amount of $108,139.82, and on the 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 a Final Change Order (No. 1) with Long & Son, Inc., on said contract consisting of a net increase of $6,812.32, and approval for the City of Bellaire, Texas, to make the final payment to Long & Son, Inc., on said contract in an amount not to exceed $108,139.82. - Item submitted by Director of Public Works Joe Keene.

CITY COUNCIL MAIN MOTION:

Councilman James P. Avioli, Sr., moved 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 a Final Change Order (No. 1) with Long & Son, Inc., on a contract for improvements to the Feld Park Water Plant consisting of a net increase of $6,812.32, and approval for the City of Bellaire, Texas, to make the
final payment to Long & Son, Inc., on said contract in an amount not to exceed $108,139.82. Councilman Corbett Daniel Parker seconded the motion.

Following questions of Public Works Director Joe Keene regarding the final change order and request for final payment to be made to Long & Son, Inc., 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: 12-057}

c. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 7, Automobile Wreckers, Article I, In General, of the Code of Ordinances of the City of Bellaire, Texas, by adding Section 7-36 to be entitled "Towing fee study" for the purpose of providing a procedure whereby an auto wrecker owner may request that a towing fee study be performed – Item submitted by City Attorney Alan P. Petrov.

CITY COUNCIL MAIN MOTION:

Councilman Andrew S. Friedberg moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 7, Automobile Wreckers, Article I, In General, of the Code of Ordinances of the City of Bellaire, Texas, by adding Section 7-36 to be entitled "Towing fee study" for the purpose of providing a procedure whereby an auto wrecker owner may request that a towing fee study be performed. Councilman Pat B. McLaughlan seconded the motion.
CITY COUNCIL AMENDMENT TO MAIN MOTION/ACTION:

Councilman Andrew S. Friedberg moved to amend the main motion to request City Staff to include a citation in Section 7-36 to reference the state law pursuant to which the section was adopted (Texas Occupations Code, 2308-203). Councilman Corbett Daniel Parker seconded the amendment to the main motion.

The amendment to 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

{Ordinance was subsequently numbered: 12-058}

2. ITEMS FOR INDIVIDUAL CONSIDERATION:

a. CONSIDERATION of and possible action on a request from Councilman Roman F. Reed to declare Veterans Day, held on the 11th day of November in each year, as an official holiday in the City of Bellaire, Texas — Item submitted by City Manager Bernard M. Satterwhite, Jr., on behalf of Councilman Roman F. Reed.
CITY COUNCIL MAIN MOTION:

Councilman Roman F. Reed moved to declare Veterans Day, held on the 11th day of November in each year, as an official holiday in the City of Bellaire, Texas. Mayor Pro Tem Amanda B. Nathan seconded the motion.

CITY COUNCIL AMENDMENT TO MAIN MOTION/ACTION:

Councilman James P. Avioli, Sr., moved to declare Veterans Day, held on the 11th day of November in each year, as an official holiday in the City of Bellaire, Texas, and to eliminate one of the employees' floating holidays. Councilman Corbett Daniel Parker seconded the amendment to the motion for discussion purposes.

The amendment to the main motion failed on a 3-4 vote as follows:

FOR: Councilmen James P. Avioli, Sr., Corbett Daniel Parker and Pat B. McLaughlan*

OPPOSED: Mayor Philip L. Nauert, Mayor Pro Tem Amanda B. Nathan and Councilmen Roman F. Reed and Andrew S. Friedberg

ABSENT: None

*Members of City Council voting in favor of the amendment to declare Veterans Day as an official holiday and to eliminate one of the employees' floating holidays cited the cost and loss of service perspectives that would result by adding an additional holiday.

CITY COUNCIL ACTION ON MAIN MOTION:

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, Corbett Daniel Parker, Pat B. McLaughlan and Andrew S. Friedberg

OPPOSED: None
ABSENT: None

ABSTAIN: Councilman James P. Avioli, Sr.*

*As noted above, Councilman Avioli was concerned with the cost and loss of service that would result by adding an additional holiday.

b. CONSIDERATION of and possible action regarding approval of the holiday schedule to be observed by the City of Bellaire, Texas, in calendar year 2013 – Item submitted by City Manager Bernard M. Satterwhite, Jr.

Holidays proposed for approval by the Bellaire City Council for calendar year 2013 included:

New Year’s Day January 1, 2013 (Tuesday)
Martin Luther King, Jr. Day January 21, 2013 (Monday)
Memorial Day May 27, 2013 (Monday)
Independence Day July 4, 2013 (Thursday)
Labor Day September 2, 2013 (Monday)
Veterans Day November 11, 2013 (Monday)
Thanksgiving November 28-29, 2013 (Thursday and Friday)
Christmas December 24-25, 2013 (Tuesday and Wednesday)

Plus two floating holidays to be approved on a personal basis by Department Head pursuant to the City of Bellaire Employee’s Manual.

CITY COUNCIL MAIN MOTION/ACTION:

Councilman Roman F. Reed moved to approve the holiday schedule presented by City Manager Bernard M. Satterwhite, Jr. (see dates listed above), as the holiday schedule to be observed by the City of Bellaire, Texas, for calendar year 2013. Councilman Pat B. McLaughian 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. **ITEMS FOR FUTURE AGENDAS; COMMUNITY INTEREST ITEMS FROM THE MAYOR AND CITY COUNCIL.**

Community interest items from the Mayor and City Council included expressions of thanks to the Bellaire City Library for their wonderful holiday events, to City Staff for the hard work and effort on the annual Holiday in the Park event, to City Clerk Dutton for her work, to the Evelyn's Park Conservancy Board for all of their hard work, to the anonymous donor for his or her generous donation to the City for the development of Evelyn's Park, and to the Director of the Nature Discovery Center ("Center"), Sarah Flourney, for her quick response to concerns expressed by residents related to the Center's new sign. Congratulations were expressed to the Bellaire Police and Fire Departments on their win over the City of West University Place during a recent annual football game and charity event. In addition, joyous holiday wishes were expressed to everyone.

Expressions of sorrow, condolences, and prayers were offered from the City Council to the families, faculty, and students who suffered many losses as a result of a recent mass shooting that occurred at Sandy Hook Elementary School in Newtown, Connecticut. Councilman Roman F. Reed read the names of each of the victims in that tragic shooting and asked that families and friends be given the strength needed to deal with their losses.

J. **ADJOURNMENT.**

**CITY COUNCIL MOTION TO ADJOURN/ACTION:**

Councilman Pat B. McLaughlan moved to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 8:31 p.m. on Monday, December 17, 2012. Councilman Roman F. Reed seconded the motion.
The motion carried unanimously on a 7-0 vote as follows:

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

OPPOSED: None

ABSENT: None

Respectfully submitted,

Tracy L. Dutton, TRMC
City Clerk
City of Bellaire, Texas

Approved:

Philip L. Nauert, Mayor
City of Bellaire, Texas