CITY COUNCIL MEETING MINUTES
MONDAY, FEBRUARY 18, 2013

The City Council of the City of Bellaire, Texas, met in Regular Session on Monday, February 18, 2013, 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 Pro Tem Amanda B. Nathan.

Mayor Pro Tem Amanda B. Nathan called the City Council of the City of Bellaire, Texas, to order at 7:00 p.m. on Monday, February 18, 2013.

B. ANNOUNCEMENT OF A QUORUM – Mayor Pro Tem Amanda B. Nathan.

Mayor Pro Tem Amanda B. Nathan announced that a quorum was present consisting of herself and the following members of City Council: Councilmen Roman F. Reed, 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.

Mayor Philip L. Nauert and Councilman James P. Avioli, Sr., were absent.

Mayor Pro Tem Amanda B. Nathan advised that Councilman Corbett Daniel Parker was very ill and had attended the meeting this evening because of two important specific use permits (SUPs) that were on the agenda. She advised further that those two particular action items (H.2.e. and H.2.f.) would be considered right after the Pledges to the Flags.

C. INSPIRATIONAL READING AND/OR INVOCATION – Mayor Pro Tem Amanda B. Nathan.

Mayor Pro Tem Amanda B. Nathan provided the inspirational reading for the evening.

D. PLEDGES TO THE FLAGS – Mayor Pro Tem Amanda B. Nathan.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.
Mayor Pro Tem Amanda B. Nathan led the audience and members of City Council in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

As previously noted, agenda items H.2.e. and H.2.f. were considered at this point in the meeting.

H. NEW BUSINESS:

2. ADOPTION OF ORDINANCES:

   Specific Use Permits

   e. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, granting Specific Use Permit S-80 to Bellaire Child Care LLC d/b/a Let Us Play for the purpose of operating a kindergarten, nursery and/or day care center in an existing building consisting of 1,460 square feet at 5202 Bissonnet Street, Bellaire, Harris County, Texas, in the CCD-2 City Center Zoning District – Item submitted by City Clerk Tracy L. Dutton on behalf of City Council.

CITY COUNCIL MAIN MOTION:

Councilman Pat B. McLaughlin moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, granting Specific Use Permit S-80 to Bellaire Child Care LLC d/b/a Let Us Play for the purpose of operating a kindergarten, nursery and/or day care center in an existing building consisting of 1,460 square feet at 5202 Bissonnet Street, Bellaire, Harris County, Texas, in the CCD-2 City Center Zoning District. Councilman Andrew S. Friedberg seconded the motion.

FOLLOW-UP ON QUESTIONS ASKED DURING PUBLIC HEARING ON THIS MATTER:

Councilman Friedberg referred to some questions asked of the City Attorney for follow-up during a public hearing held on this matter on February 11, 2013. Questions related to the sale of alcohol in close proximity to a day care center, as well as the effect of a transfer of ownership of a business currently holding an alcoholic beverage license from the State of Texas.

City Attorney Alan P. Petrov indicated that the rules of the Texas Alcoholic Beverage Commission (TABC) were very complicated and varied from type or class of permit. A holder
of a food and beverage permit did not have to comply with the state's 300-foot limitation (i.e., distance, measured in feet, from the location of a business selling alcohol to the location of a day care center, school, or hospital). Since the two businesses currently selling alcohol within approximately 300 feet of the proposed day care center were food and beverage permit holders, the distance limitation would not apply to them.

With respect to a change in ownership or a change in the controlling interest in the stock of a corporation, a new permit would be required under TABC rules. The new permit would be issued to the underlying owners of a partnership or corporation.

**CITY COUNCIL ACTION ON MAIN MOTION:**

The main motion carried unanimously on a 5-0 vote as follows:

**FOR:** Mayor Pro Tem Amanda B. Nathan and Councilmen Roman F. Reed, Corbett Daniel Parker, Pat B. McLaughlan and Andrew S. Friedberg

**OPPOSED:** None

**ABSENT:** Mayor Philip L. Nauert and Councilman James P. Avioli, Sr.

{Ordinance was subsequently numbered: 13-009}

f. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, granting a Specific Use Permit S-81 to Veritas Christian Academy of Houston for the addition of two temporary classroom buildings on property addressed as 7000 Ferris Street, Bellaire, Harris County, Texas, in the R-4 Residential Zoning District – *Item submitted by City Clerk Tracy L. Dutton on behalf of City Council.*

**Note:** Since the final action with respect to this agenda item consisted of a referral back to the Planning and Zoning Commission of the City of Bellaire, Texas, for review, the minutes for this portion of the meeting have been expanded beyond the City's customary action minutes.

Mayor Pro Tem Amanda B. Nathan indicated that she wished to make a motion on this particular agenda item.
Copies of the motion were provided to the City Clerk and each member of City Council.

CITY COUNCIL MAIN MOTION:

Mayor Pro Tem Amanda B. Nathan moved that an ordinance of the City Council of the City of Bellaire, Texas, be adopted granting Specific Use Permit S-81 to Veritas Christian Academy of Houston for the addition of two temporary classroom buildings on property addressed as 7000 Ferris Street, Bellaire, Harris, County, Texas, in the R-4 Residential Zoning District subject to the following conditions:

(1) Entry for school-related traffic shall only be via Ferris Street, with the exit lane of the Ferris Street entryway blocked at all times by a semi-permanent structure;

(2) Exit by school-related traffic shall only be via Mapleridge Street between 7:00 a.m. and 9:00 a.m., with the Otto Street entryway blocked during this time by a semi-permanent structure;

(3) Exit by school-related traffic shall only be via Otto Street or Mapleridge Street after 9:00 a.m.; and

(4) The student population of the school shall not exceed 205 students, subject to the right of the school to petition for an increase in the number in the future via the specific use permit process.

Councilman Corbett Daniel Parker seconded the main motion.

Discussion:

Councilman Pat McLaughian advised that the motion might include some very good ideas; however, he would need some time to get the diagram out and study it. He stated that he did not have a problem with the application or with leaving it up to the school administration to best manage this. Personally, he did not see a problem with the school expansion as it was.

Mayor Pro Tem Nathan stated that the traffic flow included in her motion was actually what was reflected on the two traffic maps that the school provided to City Council in connection with the Council’s last meeting.
Councilman Andrew S. Friedberg looked to the City Attorney for guidance procedurally and indicated that he did not know that he would need to make a substitute motion for the action that he would prefer, which was to refer the item back to the Planning and Zoning Commission of the City of Bellaire, Texas ("PZC"), for it to give the City Council an updated recommendation in light of the newly presented information. He asked if he could, instead, make a motion to refer the pending motion on the table to the PZC so that it would have the benefit of what Mayor Pro Tem Nathan just read into the record as her motion.

City Attorney Petrov advised that Councilman Friedberg could make a motion to refer the pending motion to the PZC.

CITY COUNCIL MOTION TO REFER:

Councilman Andrew S. Friedberg moved to refer the matter, including the pending motion, to the PZC for further proceedings. Councilman Corbett Daniel Parker seconded the amended motion.

Discussion:

Councilman Friedberg stated that he did not feel that he was prepared to vote one way or the other. There was a reason why the City’s specific use permit process directed that applicants first go to the PZC to present their case and then to City Council. He did not have any statistics on how often it came from the PZC with a recommendation in favor. This was one that struck Councilman Friedberg as somewhat unusual in that it came straight to City Council on a 5-0 unanimous vote to deny from the PZC.

Councilman Friedberg continued and stated that, in particular, rather than going back to the PZC with new information, the applicant brought the matter straight to City Council for a determination. In his view, there was a reason why the City’s procedures contemplated that the PZC review it first and then forward a recommendation to Council. He did not feel comfortable acting on this and in overruling the PZC’s decision without them having an opportunity to consider the newly presented information. For that reason, he would send the item back to the PZC, along with the benefit of tonight’s discussion and the motion on the table, so they could consider the direction Council was suggesting that we go.
Councilman Roman F. Reed stated that he would vote for Councilman Friedberg’s motion to refer the item back to the PZC. However, he indicated that he wished to make some comments on the motion presented by Mayor Pro Tem Nathan. He felt that the motion sent the wrong message—a message of trying to over-regulate an entity in Bellaire. He was concerned about forcing traffic onto Mapleridge Street rather than Ferris Street in light of the safety issue cited by the school with Mapleridge Street and the school’s playing field.

Councilman Reed stated that he did not believe that the City should cap the student enrollment. He felt this was anti-business. He asked why anyone should want to have a business in Bellaire if the City were going to place a cap on revenues, number of students, or whatever.

He indicated that he would support referring the item back to the PZC; however, if the PZC recommended the motion presented by Mayor Pro Tem Nathan, he would vote against it.

Councilman Corbett Daniel Parker referred to City Attorney Petrov and noted that the Chair of the PZC had indicated that this item could be placed on the PZC’s agenda on the second Tuesday in March. He asked if the City Council could take the item up again on March 18, 2013.

City Attorney Petrov advised that the timeframe would be tight, but it had been done before.

Councilman Parker advised that he was in favor of the motion presented by Mayor Pro Tem Nathan. He noted that he had asked the Chair and another member of the PZC what they knew now that they had not known previously. Both indicated that during the public hearing before the PZC, a member of the church spoke and advised that the church was opposed to the school’s expansion. It was later discovered that the statement made regarding the church was erroneous.

Since a referral would only delay a vote on the issue for another month, he would agree that the PZC should have an opportunity to take another shot at the matter in light of new information.

Councilman McLaughlan advised that he was not in favor of sending the item back to the PZC. The City Council ought to be able to make a decision and act on the matter one way or another. Sending it back to the PZC simply delayed the process. He knew the school wanted to be able to make their
plans with the knowledge as to whether they could move forward or not. The City Council should have the courage to address the item one way or the other.

The other problem Councilman McLaughlan had with sending it back to the PZC was the fact that it was being sent back with a motion. He had some problems with sending the motion back to the PZC—it was like telling them that the motion was what the City Council wanted. He was not in favor of limiting the student enrollment to 205. He did not believe the student enrollment or expansion were problems for the City.

Additionally, Councilman McLaughlan was highly concerned about any situation where the City blocked ingress or egress to the school. In the event of an emergency at the school, the City needed to have every possible way to get emergency equipment in that school rapidly and get students out of the school rapidly. He thought it was highly inappropriate for the City to talk about blocking any of the driveways into the school.

For the reasons outlined, Councilman McLaughlan would not support sending the item back to the PZC.

**Mayor Pro Tem Nathan** advised that the school currently had semi-permanent gates. These gates could be picked up and moved at the school’s discretion. This was something that the school had already agreed to.

Mayor Pro Tem Nathan inquired as to whether anyone from the school was present this evening. After noting that no one was present, she advised that she believed that this item was either going to be referred back to the PZC with four votes or it was going to get denied tonight. She did not believe it was in the school’s or the City’s best interest to deny the permit.

**Councilman Friedberg** agreed with Mayor Pro Tem Nathan that, based on the discussion thus far, it appeared that we could inadvertently end up with two votes in the negative; if the motion to refer the matter to the PZC failed, so, too, would the underlying motion on the specific use permit. He did not believe that was what anyone on Council intended. Following up with statements made by Councilman Parker and to address Councilman McLaughlan’s concerns as to a delay, Councilman Friedberg stated that he very much appreciated that the time window was as short as possible. He was not seeking to delay nearly as long as the school, noting that they first appeared before the PZC in July and August of 2012, but the City Council had not seen anything until February of 2013. So, he did not
feel personally responsible for the delay and he certainly did not think that one more month would change a lot.

**Mayor Pro Tem Nathan** indicated that she would prefer to vote this evening and noted that she had spent a great deal of time reviewing the information City Council had and observing traffic flows in the mornings and afternoons. She was prepared to vote. She appreciated that the PZC did not have the benefit of the information City Council had. She did not feel that City Council needed to belabor the issue.

Mayor Pro Tem Nathan concluded and stated that she was not going to allow this item to get denied this evening, which would apparently happen if the item was not referred back to the PZC. So, she would vote in favor of referring the item back to the PZC.

**Councilman Parker** stated that he wished to let Councilman McLaughlan know that he or other members of Council were free to communicate what they wished to the PZC regarding the item.

**Councilman Reed** advised that he wished to re-emphasize that he would vote for the motion to refer the item back to the PZC because he, too, did not want to see a denial. He was prepared to vote for the specific use permit this evening. He reiterated and re-emphasized that he was not in favor of points 3 or 4 of the motion. If those points were recommended to City Council by the PZC, he would vote against the motion. He restated that he wanted Veritas to continue.

**Councilman McLaughlan** stated that it appeared, with the maneuvering going forth at the table, that this minimal and modest expansion of a fine asset to Bellaire might get killed. To keep the item in play, he would have to vote to send the item to the PZC. He would do so because he did not want to see the item get killed. He felt that Veritas was a great school and that their expansion was minimal and any impact on the community was minimal. He concluded by noting that Bellaire had a tendency to over-regulate.

**CITY COUNCIL VOTE ON MOTION TO REFER:**

The motion to refer the matter, including the pending motion, to the PZC for further proceedings carried
unanimously on a 5-0 vote as follows:

FOR: Mayor Pro Tem Amanda B. Nathan and Councilmen Roman F. Reed, Corbett Daniel Parker, Pat B. McLaughlan and Andrew S. Friedberg

OPPOSED: None

ABSENT: Mayor Philip L. Nauert and Councilman James P. Avioli, Sr.

Councilman Corbett Daniel Parker, who was ill, left the dais at 7:21 p.m. to return home. Mayor Pro Tem Nathan returned to item E. on the agenda and indicated that the remainder of the agenda would be considered in the order in which it was written.

E. APPROVAL OR CORRECTION OF MINUTES:

1. CONSIDERATION of and possible action on the approval and adoption of the minutes of the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, held on Monday, January 28, 2013 – Item submitted by City Clerk Tracy L. Dutton.

CITY COUNCIL MAIN MOTION/ACTION:

Councilman Andrew S. Friedberg moved to approve and adopt the minutes of the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas held on Monday, January 28, 2013. Councilman Roman F. Reed seconded the motion.

The main motion carried unanimously on a 4-0 vote as follows:

FOR: Mayor Pro Tem Amanda B. Nathan and Councilmen Roman F. Reed, Pat B. McLaughlan, and Andrew S. Friedberg

OPPOSED: None

ABSENT: Mayor Philip L. Nauert and Councilmen James P. Avioli, Sr., and Corbett Daniel Parker

2. CONSIDERATION of and possible action on the approval and adoption of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday,
January 28, 2013 – Item submitted by City Clerk Tracy L. Dutton.

CITY COUNCIL MAIN MOTION:

Councilman Roman F. Reed moved to approve and adopt the minutes of the Regular Session of the City Council of the City of Bellaire, Texas held on Monday, January 28, 2013. Councilman Pat B. McLaughlan seconded the motion.

Councilman Andrew S. Friedberg requested that the lines of verbiage following an asterisk at line 653 be deleted as the verbiage did not comport with his notes from that meeting. Mayor Pro Tem Nathan agreed with the deletion. There were no objections to the request.

CITY COUNCIL ACTION ON MAIN MOTION, INCLUDING REQUESTED DELETION:

The main motion, including the requested deletion, carried unanimously on a 4-0 vote as follows:

FOR: Mayor Pro Tem Amanda B. Nathan and Councilmen Roman F. Reed, Pat B. McLaughlan, and Andrew S. Friedberg

OPPOSED: None

ABSENT: Mayor Philip L. Nauert and Councilmen James P. Avioli, Sr., and Corbett Daniel Parker

F. PERSONAL/AUDIENCE COMMENTS.

Mayor Pro Tem Amanda B. Nathan, after noting that there were no personal/audience comments, continued with agenda item G.

G. REPORT(S):

1. CITY MANAGER’S REPORT regarding residential safety (Police Activity Report), public infrastructure/utilities (Major Projects Report), quarterly indicators (Crime Report and Building Permit Report), current issues/information (upcoming Council agenda items, The Post Oak School SUP, and Pavilion and Great Lawn bid award), 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 February 18, 2013, to members of City Council. Following questions of City Manager Satterwhite related to his report, a motion was made and seconded and action taken to accept his report into the record.

CITY COUNCIL MAIN MOTION/ACTION:

Councilman Andrew S. Friedberg moved to accept the City Manager’s Report dated February 18, 2013, 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 4-0 vote as follows:

FOR: Mayor Pro Tem Amanda B. Nathan and Councilmen Roman F. Reed, Pat B. McLaughlan, and Andrew S. Friedberg

OPPOSED: None

ABSENT: Mayor Philip L. Nauert and Councilmen James P. Avioli, Sr., and Corbett Daniel Parker

FINANCE REPORT for the City of Bellaire, Texas, covering the period ended January 31, 2013, 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 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 January 31, 2013, to members of City Council. Following questions of Chief Financial Officer Symank regarding her report, a motion was made and seconded and action taken to accept her report into the record.

CITY COUNCIL MAIN MOTION/ACTION:

Councilman Roman F. Reed moved to accept the Finance Report for the City of Bellaire, Texas, covering the period ended January 31, 2013, as presented by Chief Financial Officer Linda Symank into the record. Councilman Andrew S. Friedberg seconded the motion.
The main motion carried unanimously on a 4-0 vote as follows:

FOR: Mayor Pro Tem Amanda B. Nathan and Councilmen Roman F. Reed, Pat B. McLaughlan, and Andrew S. Friedberg

OPPOSED: None

ABSENT: Mayor Philip L. Nauert and Councilmen James P. Avioli, Sr., and Corbett Daniel Parker

City Manager Bernard M. Satterwhite, Jr., indicated that Director of Parks and Recreation Jane L. Dembski was also feeling ill and requested that agenda item H. 3. be moved forward for consideration at this time.

Mayor Pro Tem Amanda B. Nathan, after noting no objections from members of City Council, requested consideration of agenda item H. 3. at this point in the meeting.

H. NEW BUSINESS:

3. ITEM FOR INDIVIDUAL CONSIDERATION:

CONSIDERATION of and possible action on the approval of the final construction documents as presented by Clark Condon Associates, Inc., Landscape Architects, for landscape architectural design services associated with the Bellaire Town Square Multi-Purpose Great Lawn Construction Project – Item submitted by Director of Parks and Recreation Jane L. Dembski; Presentation by Sheila Condon, Partner, Clark Condon Associates, Inc.

Sheila Condon, Partner, Clark Condon Associates, Inc., addressed City Council and noted that her firm had almost completed the construction documents for the Bellaire Town Square Multi-Purpose Great Lawn. She indicated that the City’s plans included bidding the project in March and returning to City Council with a bid recommendation in April.

Ms. Condon indicated that the project would take approximately 120 working days to complete, and that the project budget was $675,000. Ms. Condon indicated further that the estimated project cost was comfortably in line with that budget.

The primary components of the project were noted to include a pavilion, great lawn, lighting, grading, drainage, and some site
furniture. The option selected by City Council in November of 2012 consisted of an ellipse shaped sidewalk (460 linear feet) with great lawn (12,000 square feet) and pavilion at one end of the great lawn.

Ms. Condon advised that the elevation and height of the pavilion were changed a little bit based on earlier discussions with City Council. The top of the pavilion stage area was noted to be 30 inches above the great lawn area. The pavilion would be constructed of brick to match the existing Recreation Center with a base made of cast stone material to match the existing donor wall. The steps leading to the stage of the pavilion would be 18 inches wide and could serve as a gathering place if a show was not going on. The pavilion was designed in compliance with the Americans with Disabilities Act (ADA) to include accessible ramps and railings.

Additionally, it was noted that City Staff had asked Clark Condon Associates, Inc., to include the replacement of several old lights leading from Bellaire Town Square to the City Hall and parking lot and the addition of some new lights from Bellaire Town Square leading to the baseball field. In total, there were 20 new lights added to the bid specifications.

CITY COUNCIL MAIN MOTION:

Councilman Pat B. McLaughlan moved to approve the final construction documents for landscape architectural design services associated with the Bellaire Town Square Multi-Purpose Great Lawn Construction Project, as presented by Sheila Condon, Partner, Clark Condon Associates, Inc., and to authorize City Staff to go out for bids for said construction project. Councilman Roman F. Reed seconded the main motion.

Following discussion and questions regarding the final construction documents, as presented, action was taken on the main motion.

CITY COUNCIL ACTION ON MAIN MOTION:

The main motion carried unanimously on a 4-0 vote as follows:

FOR: Mayor Pro Tem Amanda B. Nathan and Councilmen Roman F. Reed, Pat B. McLaughlan, and Andrew S. Friedberg

OPPOSED: None

ABSENT: Mayor Philip L. Nauert and Councilmen James P. Avioli, Sr., and Corbett Daniel Parker
Mayor Pro Tem Amanda B. Nathan returned to agenda item G. 3. at this point in the meeting. The remainder of the agenda was considered in the order in which it was written.

G. REPORT(S):

3. CITY ENGINEER’S REPORT regarding discovery, repair, and failure analysis of the surface water line leak located at South Rice Avenue and Locust Street – Item submitted by City Manager Bernard M. Satterwhite, Jr.; Presentation by James Andrews, P.E., City Engineer for the City of Bellaire, Texas.

City Engineer James Andrews, P.E., presented the City Engineer’s Report to members of City Council for a water line leak, repair, and failure analysis that occurred on South Rice Avenue on December 26, 2012. Upon his arrival at the scene of the leak, City Engineer Andrews noted water coming out of a telecommunication manhole located in the northbound lanes of the 6500 block of South Rice Avenue directly across the street from Jax Grill. Water was also coming up out of the ground on South Rice Avenue north of Locust Street between the sidewalk and right-of-way next to the Legal Eagle Contractors business location (5009 Locust Street). Two water lines were located in the general area—a 12-inch distribution line and a 16-inch water transmission main that started at Glenmont and tied into the City of Houston surface water transmission main for the purpose of transporting surface water to the Central Water Plant (located over one mile away on South Rice Avenue).

It was determined that the source of the leak was from the surface water transmission main, which was initially constructed by Kinsel Industries approximately nine years ago. City Engineer Andrews advised that Kinsel Industries was purchased by another firm that no longer engaged in that type of construction. Quotes were obtained on repairing the line from several different reputable contractors. SER Construction Partners, LLC, provided the lowest responsible proposal at just over $23,000.

Upon issuance of a purchase order and notice to proceed, the area of the leak was excavated and 20 feet of pipe was exposed, along with a valve and an electro-fusion coupling. The main material for the pipeline was noted to be high density polyethylene (HDPE). The actual leak was determined to be at the coupling. The plan to repair the line included cutting out the existing electro-fusion coupling and several feet of the HDPE pipe and replacing it with a solid piece of HDPE pipe.

In summary, City Engineer Andrews advised that the leak was caused by installation errors when constructing the electro-fusion coupling. Due to increased installation difficulty, he recommended that the use
of electro-fusion couplings be held to a practical minimum when constructing HDPE pipelines in the future. He also advised that maintenance on this particular line, as well as all underground pipelines, should be expected over a system's useful life.

Following questions of City Engineer Andrews regarding his report, a motion was made and seconded and action taken to accept the report into the record.

**CITY COUNCIL MAIN MOTION/ACTION:**

Councilman Andrew S. Friedberg moved to accept the City Engineer's Report regarding discovery, repair, and failure analysis of the surface water line leak located at South Rice Avenue and Locust Street, as presented by City Engineer James Andrews, P.E., into the record. Councilman Roman F. Reed seconded the motion.

The main motion carried unanimously on a 4-0 vote as follows:

FOR: Mayor Pro Tem Amanda B. Nathan and Councilmen Roman F. Reed, Pat B. McLaughlan, and Andrew S. Friedberg

OPPOSED: None

ABSENT: Mayor Philip L. Nauert and Councilmen James P. Avioli, Sr., and Corbett Daniel Parker

4. **REPORT ON ECONOMIC DEVELOPMENT WORKSHOP OUTCOMES,** including recommendations for next steps – *Item submitted by Director of Community Development John McDonald; Presentation by Sue Darcy, President, Marsh Darcy Partners, Inc.*

Sue Darcy, President, Marsh Darcy Partners, Inc., presented her report on the City's Economic Development Workshop outcomes to members of City Council. Ms. Darcy indicated that her firm had prepared reports regarding conclusions made during two Workshop Sessions held by the City Council on economic development, as well as recommendations for next steps.

Ms. Darcy advised that the conclusions made by her firm regarding the Workshop Sessions were fairly straightforward; however, recommendations for next steps were a bit more thought-provoking. The firm felt that City Council had made great progress in terms of getting on the same page and building some consensus. The firm also
felt that City Council had not gone quite far enough in terms of actually identifying the action steps that the City was willing to take.

Ms. Darcy indicated that oftentimes cities found themselves responding to development proposals. It was in those development proposals that cities decided what they were willing to do to achieve their goal. For example, whether the private sector was a partner or simply left to fend for themselves, while the city did their obligation in the public realm.

Ms. Darcy advised that her firm suggested, absent having a development proposal from which to weigh issues, that City Council take where they had been to date and engage in the construction of a policy framework. The policy framework’s goal would connect the City’s existing planning documents, beautification efforts, capital improvement program, and zoning documents and connect the dots among them, while looking for relevancy and things the City absolutely wanted to support. The City should identify the appropriate location for certain types of projects and look at the City’s capital improvement plan to identify areas where an improvement might be needed that the private sector could join in on.

The policy framework should be vetted with the City’s Planning and Zoning Commission as they would play a role as they were approving redevelopment plans and with Kendig Keast Collaborative to ensure compatibility with the City’s Comprehensive Plan.

City Council needed to further calibrate their willingness to engage in incentives or at least reimbursements. The policy framework should be tested and discussed with local investors and real estate builders and developments.

Finally, the firm suggested that the policy framework be used as the basis for a job description for the person that City Council would hand the implementation strategy off to. Coming out of the two workshops, Ms. Darcy was not certain of the kind of attributes that City Council would want in a person they were trying to hire. For example, if beautification were going to serve as a hallmark for the City, then the City needed a planner as much as they needed an economic development coordinator. If the City really wanted to engage the private sector in incentives, the City might need someone schooled in economic development with, perhaps, a chamber vent.

Members of City Council thanked Ms. Darcy for the work she had done on behalf of the City.
Mayor Pro Tem Amanda B. Nathan indicated that City Council planned to have another workshop session on economic development sometime in April.

CITY COUNCIL MAIN MOTION/ACTION:

Councilman Roman F. Reed moved to accept the Report on Economic Development Workshop Outcomes, as presented by Sue Darcy, Partner, March Darcy Partners, Inc., into the record. Councilman Pat B. McLaughlan seconded the motion.

The main motion carried on a 4-0 vote as follows:

FOR: Mayor Pro Tem Amanda B. Nathan and Councilmen Roman F. Reed, Pat B. McLaughlan, and Andrew S. Friedberg

OPPOSED: None

ABSENT: Mayor Philip L. Nauert and Councilmen James P. Avioli, Sr., and Corbett Daniel Parker

H. NEW BUSINESS:

1. CONSENT AGENDA:

CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, accepting a donation in the amount of $12,070.00 from the Friends of the Bellaire Library for the purchase of reference material, BookPage magazine, program support for children, teen and adult summer programming, an outdoor project, Bi-Folkal upgrades, promotional material and die cuts – Item submitted by Director of Library Mary Cohrs on behalf of the Friends of the Bellaire Library.

CITY COUNCIL MOTION TO APPROVE CONSENT AGENDA/ACTION:

Councilman Roman F. Reed moved to approve the Consent Agenda dated February 18, 2013, consisting of the following item:

- Adoption of a resolution of the City Council of the City of Bellaire, Texas, accepting a donation in the amount of $12,070.00 from the Friends of the Bellaire Library for the purchase of reference material, BookPage magazine,
program support for children, teen and adult summer programming, an outdoor project, Bi-Folkal upgrades, promotional material, and die cuts.

Councilman Andrew S. Friedberg seconded the motion.

The motion carried unanimously on a 4-0 vote as follows:

FOR: Mayor Pro Tem Amanda B. Nathan and Councilmen Roman F. Reed, Pat B. McLaughlan, and Andrew S. Friedberg

OPPOSED: None

ABSENT: Mayor Philip L. Nauert and Councilmen James P. Avioli, Sr., and Corbett Daniel Parker

{Resolution was subsequently numbered: 13-01}

2. ADOPTION OF ORDINANCES:

Appointment of Deputy Court Clerk

a. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing Rosivel Reyes as Deputy Court Clerk of the Municipal Court of the City of Bellaire, Texas, said appointment commencing on February 15, 2013; 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 – Item submitted by City Clerk Tracy L. Dutton on behalf of City Council.

CITY COUNCIL MAIN MOTION/ACTION:

Councilman Pat B. McLaughlan moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, appointing Rosivel Reyes as Deputy Court Clerk of the Municipal Court of the City of Bellaire, Texas, said appointment commencing on February 15, 2013; 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 main motion.
The main motion carried unanimously on a 4-0 vote as follows:

**FOR:** Mayor Pro Tem Amanda B. Nathan and Councilmen Roman F. Reed, Pat B. McLaughlan, and Andrew S. Friedberg

**OPPOSED:** None

**ABSENT:** Mayor Philip L. Nauert and Councilmen James P. Avioli, Sr., and Corbett Daniel Parker

*(Ordinance was subsequently numbered: 13-005)*

**Final Change Orders/Final Payments on Contracts**

b. CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department to make the final payment on the “FY2011 Sidewalk Repair and Maintenance Project” to Teamwork Construction Services, Inc., in the amount of $24,574.12 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, for and on behalf of the City of Bellaire, Texas, a *Final Change Order (No. 1)* on said project with Teamwork Construction Services, Inc., reflecting a decrease in the amount of $2.65 and approval for the City of Bellaire, Texas, to make the final payment to Teamwork Construction Services, Inc., on said project in the amount of $24,574.12 – *Item submitted by Director of Public Works Joe Keene.*

**CITY COUNCIL MAIN MOTION/ACTION:**

Councilman Pat B. McLaughlan moved to approve a recommendation from the Bellaire Public Works Department to make the final payment on the “FY2011 Sidewalk Repair and Maintenance Project” to Teamwork Construction Services, Inc., in the amount of $24,574.12 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, for and on behalf of the City of Bellaire, Texas, a *Final Change Order (No. 1)* on said project with Teamwork Construction Services, Inc., reflecting a decrease in the amount of $2.65 and approval for the City of Bellaire, Texas, to make the final payment to Teamwork Construction Services, Inc., on
said project in the amount of $24,574.12. Councilman Andrew S. Friedberg seconded the main motion.

The main motion carried unanimously on a 4-0 vote as follows:

FOR: Mayor Pro Tem Amanda B. Nathan and
Councilmen Roman F. Reed, Pat B. McLaughlan, and Andrew S. Friedberg

OPPOSED: None

ABSENT: Mayor Philip L. Nauert and Councilmen
James P. Avioli, Sr., and
Corbett Daniel Parker

{Ordinance was subsequently numbered: 13-006}

c. CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department to make the final payment on the “Generators for the Bellaire Central Water Plant and Wastewater Treatment Plant Project” to C. F. McDonald Electric, Inc., in the amount of $104,106.28 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, for and on behalf of the City of Bellaire, Texas, a Final Change Order (No. 1) on said project with C. F. McDonald Electric, Inc., reflecting a decrease of $343.32 and approval for the City of Bellaire, Texas, to make the final payment to C. F. McDonald Electric, Inc., on said project in the amount of $104,106.28 – Item submitted by Director of Public Works Joe Keene.

CITY COUNCIL MAIN MOTION/ACTION:

Councilman Andrew S. Friedberg moved to approve a recommendation from the Bellaire Public Works Department to make the final payment on the “Generators for the Bellaire Central Water Plant and Wastewater Treatment Plant Project” to C. F. McDonald Electric, Inc., in the amount of $104,106.28 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, for and on behalf of the City of Bellaire, Texas, a Final Change Order (No. 1) on said project with C. F. McDonald Electric, Inc., reflecting a decrease of $343.32
and approval for the City of Bellaire, Texas, to make the final payment to C. F. McDonald Electric, Inc., on said project in the amount of $104,106.28. Councilman Roman F. Reed seconded the main motion.

The main motion carried unanimously on a 4-0 vote as follows:

FOR: Mayor Pro Tem Amanda B. Nathan and Councilmen Roman F. Reed, Pat B. McLaughlin, and Andrew S. Friedberg

OPPOSED: None

ABSENT: Mayor Philip L. Nauert and Councilmen James P. Avioli, Sr., and Corbett Daniel Parker

{Ordinance was subsequently numbered: 13-007}

d. CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department to make the final payment on the “Rebuild Bellaire Phase Three Project” to Total Contracting Limited in the amount of $189,811.77 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, for and on behalf of the City of Bellaire, Texas, a Final Change Order (No. 1) on said project with Total Contracting Limited reflecting a decrease of $140,001.10 and approval for the City of Bellaire, Texas, to make the final payment to Total Contracting Limited on said project in the amount of $189,811.77 – Item submitted by Director of Public Works Joe Keene.

CITY COUNCIL MAIN MOTION/ACTION:

Councilman Roman F. Reed moved to approve a recommendation from the Bellaire Public Works Department to make the final payment on the “Rebuild Bellaire Phase Three Project” to Total Contracting Limited in the amount of $189,811.77 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, for and on behalf of the City of Bellaire, Texas, a Final Change Order (No. 1) on said project with Total Contracting Limited reflecting a decrease of $140,001.10
and approval for the City of Bellaire, Texas, to make the final payment to Total Contracting Limited on said project in the amount of $189,811.77. Councilman Pat B. McLaughlan seconded the motion.

The main motion carried unanimously on a 4-0 vote as follows:

FOR: Mayor Pro Tem Amanda B. Nathan and Councilmen Roman F. Reed, Pat B. McLaughlan, and Andrew S. Friedberg

OPPOSED: None

ABSENT: Mayor Philip L. Nauert and Councilmen James P. Avioli, Sr., and Corbett Daniel Parker

{Ordinance was subsequently numbered: 13-008}

Specific Use Permits

e. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, granting Specific Use Permit S-80 to Bellaire Child Care LLC d/b/a Let Us Play for the purpose of operating a kindergarten, nursery and/or day care center in an existing building consisting of 1,460 square feet at 5202 Bissonnet Street, Bellaire, Harris County, Texas, in the CCD-2 City Center Zoning District – Item submitted by City Clerk Tracy L. Dutton on behalf of City Council.

Note: This item was considered earlier in the meeting. See pages 2-3 of these minutes for discussion and action related to this item.

f. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, granting a Specific Use Permit S-81 to Veritas Christian Academy of Houston for the addition of two temporary classroom buildings on property addressed as 7000 Ferris Street, Bellaire, Harris County, Texas, in the R-4 Residential Zoning District – Item submitted by City Clerk Tracy L. Dutton on behalf of City Council.

Note: This item was considered earlier in the meeting. See pages 3-9 of these minutes for discussion and action related to this item.
3. ITEM FOR INDIVIDUAL CONSIDERATION:

CONSIDERATION of and possible action on the approval of the final construction documents as presented by Clark Condon Associates, Inc., Landscape Architects, for landscape architectural design services associated with the Bellaire Town Square Multi-Purpose Great Lawn Construction Project – Item submitted by Director of Parks and Recreation Jane L. Dembski; Presentation by Sheila Condon, Partner, Clark Condon Associates, Inc.

Note: This item was considered earlier in the meeting. See pages 12-13 of these minutes for discussion and action related to this item.

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 condolences for the family of Mike Boone (the City’s former CenterPoint Energy representative), for the McNamara family, and for the Avioli family on their losses of loved ones. Mayor Pro Tem Amanda B. Nathan shared a recent experience she had as she served as a juror for the Bellaire Municipal Court ("Court"), by noting how very impressed she was with all of the employees and officials at the Court and their handling of court-related issues.

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 8:40 p.m. on Monday, February 18, 2013. Councilman Roman F. Reed seconded the motion.

The motion carried unanimously on a 4-0 vote as follows:

FOR: Mayor Pro Tem Amanda B. Nathan and Councilmen Roman F. Reed, Pat B. McLaughlan, and Andrew S. Friedberg

OPPOSED: None

ABSENT: Mayor Philip L. Nauert and Councilmen James P. Avioli, Sr., and Corbett Daniel Parker
City of Bellaire
City Council

Minutes of Meeting
February 18, 2013

Respectfully submitted,

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

Approved:

[Signature]
Amanda B. Nathan
Mayor Pro Tem
City of Bellaire, Texas