CITY COUNCIL MEETING MINUTES
MONDAY, MARCH 18, 2013

The City Council of the City of Bellaire, Texas, met in Regular Session on Monday, March 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 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, March 18, 2013.

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., 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.

An inspirational reading was not provided this evening.

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

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

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

E. APPROVAL OR CORRECTION OF MINUTES:

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, February 18, 2013 – Item submitted by City Clerk Tracy L. Dutton.
CITY COUNCIL MOTION TO APPROVE MINUTES/ACTION:

Councilman Andrew S. Friedberg moved to approve and adopt the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, February 18, 2013. Mayor Pro Tem Amanda B. Nathan seconded the motion.

The motion to approve and adopt the Regular Session minutes dated February 18, 2013, carried on a majority vote of 4-0-2 as follows:

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

OPPOSED: None

ABSENT: Councilman Corbett Daniel Parker

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

*Mayor Nauert and Councilman Avioli abstained from voting to approve and adopt the minutes of the Regular Session of the Bellaire City Council held on Monday, February 18, 2013, due to their absence from that meeting.

F. PERSONAL/AUDIENCE COMMENTS.

Robert Riquelmy, 506 Winslow Lane, Bellaire, Texas, addressed City Council and referred to the Bellaire Police Chief’s second semi-annual public information meeting a few weeks ago. Mr. Riquelmy expressed concern that there was no video of the meeting and that no one had thought about recording it.

Mr. Riquelmy advised that during the meeting, the Police Chief provided information about promotions and explained why Bellaire’s default policy was to promote from within the department. The simple, straightforward answer was that there was no money to do anything else. This deprived the police Department of valuable experience that they could have by pirating people from Houston, for example.

In closing, Mr. Riquelmy urged City Council to put an item in next year’s budget for a professional evaluation of the Police Department. To Mr. Riquelmy’s knowledge, such an evaluation had never been done.

Richard E. Franke, 1104 Howard Lane, Bellaire, Texas, addressed City Council regarding the last item on City Council’s agenda this evening, H.2.b., which were priorities set by the City Council for the 2012-2014 period.
Mr. Franke’s oral comments were provided to the City Clerk in typewritten form as follows:

Having reread the March 2012 version of Council’s priorities and the proposed update, this taxpayer offers the following observations and suggestions to strengthen Council’s priorities for the benefit of current and prospective residential and commercial taxpayers. This will include excerpts and handouts of risk management tools and techniques from the accounting profession designed for business but, in the opinion of this taxpayer, apply in large measure to municipalities. We all know these are challenging times, particularly due to the National Debt and related issues.

1. General observation: Overall, this is a fine effort to direct Council but it needs to be more complete and specific to promote the long term financial stability of Bellaire. Certain of these issues may warrant further study by Council before passage of this agenda item. A major concern is the absence of a risk assessment process to evaluate agenda items and the changes required to execute state priorities. A related concern is the absence of an agenda item to establish timetables to drive execution of priorities and plans to compile financial information required to evaluate the risk of action or inaction on priorities.

2. A major concern is the need for a definitive ranking of municipal functions to direct the prioritization of expenditures and the time dedicated by both Council and Staff. For example, an agenda item reiterates Bellaire’s continuing commitment to Public Safety and others make reference to Public Infrastructure and Utilities, a Residential and Recreational Focus Area, and a Budget and Finance Focus Area. What is the higher priority: parks and recreation or facilities or water lines, or streets, or water and sanitary sewer drainage?

3. Another concern is the absence of a commitment to provide updated information on the state of street-related infrastructure, water lines and drainage that will not be reconstructed under Rebuild Bellaire. As to facilities, should we not address the Evergreen Pool Complex? Further, should not the residential street infrastructure not reconstructed (approximately 70-75% of the City) be studied and the cost to reconstruct (not rehabilitate) estimated in executing Item D: Budget and Finance Area? Is such a study being planned? When?

4. Be reminded that high quality infrastructure is an investment to proactively protect the tax base.

5. Item D. Budget and Finance Focus Area uses terms that require more explanation to be meaningful. For example, “conservative, optimized and fiscally responsible budgets.” The budget ordinances of recent years have been directed to lowering the tax rate without regard to
the infrastructure needs of neighborhoods throughout Bellaire or the unprecedented low interest rates available for commercial and municipal bond funding. Similarly, the traditional focus on protecting the City’s bond rating requires more explanation relative to basic risk management principles. A sound bond rating is essential, but a small temporary dip in the rating that is highly probable to be corrected by increased values in the tax base is worth the risk. West University took that risk, experienced a temporary reduction in its bond rating, but is now in a position to reduce its tax rate (with no homestead exemption) 40-50%, according to two West University Mayors, by 2018-2020 as its bonds are paid off. In that timeframe, Bellaire will be facing hundreds of millions of dollars of infrastructure and facility reconstruction in what is likely to be a financial environment of increasing interest rates and, possibly inflation. Is that sound risk management?

6. Concerning the Economic Development Focus Area, remaining sensitive to and addressing commercial/institutional impact on adjacent areas is commendable. However, the Comprehensive Plan and the City’s ordinances governing Planned Developments, SOPs and SUPs require study and public comment. Overflow parking and intensive traffic issues that affect residential areas are unacceptable and should be addressed by mandatory traffic studies and reassessment of onsite parking requirements.

Mr. Franke closed by suggesting that the Audit Finance Board review and consider some of his comments. He also thanked members of City Council for their time and dedicated service.

G. REPORT(S):

1. CITY MANAGER’S REPORT regarding residential safety (Police Activity Report), public infrastructure/utilities (Major Projects Report, 5119 Jessamine House Recycling Project Update, and Evergreen/Therapy Pool Update), cultural and recreational (Tents ’n Town, Trolley Run and Friends of the Bellaire Library Book Sale), internal operations/productivity (Park Security Update), 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 March 18, 2013, to members of City Council. Following questions of City Manager Satterwhite regarding his report, a motion was made and seconded to accept the report, as presented, into the record.
CITY COUNCIL MOTION TO ACCEPT REPORT/ACTION:

Councilman Roman F. Reed moved to accept the City Manager’s Report dated March 18, 2013, as presented by City Manager Bernard M. Satterwhite, Jr., into the record. Councilman Pat B. McLaughian seconded the motion.

The motion to accept the report into the record 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. McLaughian and Andrew S. Friedberg

OPPOSED: None

ABSENT: Councilman Corbett Daniel Parker

2. FINANCE REPORT for the City of Bellaire, Texas, covering the period ended February 28, 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 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 February 28, 2013, to members of City Council. Following questions of Chief Financial Officer Symank regarding her Finance Report, a motion was made and seconded to accept the report into the record.

CITY COUNCIL MOTION TO ACCEPT REPORT/ACTION:

Councilman James P. Avioli, Sr., moved to accept the Finance Report for the City of Bellaire, Texas, for the period ended February 28, 2013, as presented by Chief Financial Officer Linda Symank, into the record. Councilman Pat B. McLaughian seconded the motion.

The motion to accept the report into the record carried unanimously on a 6-0 vote as follows:

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

OPPOSED: None

ABSENT: Councilman Corbett Daniel Parker

H. NEW BUSINESS:

1. ADOPTION OF ORDINANCES:

Specific Use Permit

a. 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-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.

Mayor Philip L. Nauert noted that during a Regular Session of the Bellaire City Council held on February 18, 2013, a motion was made, seconded, and unanimously approved by the Bellaire City Council to refer the request from Veritas Christian Academy of Houston for a specific use permit to add two additional classroom buildings on property addressed as 7000 Ferris Street, Bellaire, Harris County, Texas, in the R-4 Residential Zoning District to the Bellaire Planning and Zoning Commission for further proceedings based on the receipt of new information from the applicant. The motion included direction to City Staff to forward the City Council’s pending motion related to this matter to the Planning and Zoning Commission.

Pending Motion on Floor (motion made during the Regular Session of City Council held on February 18, 2013):

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 motion.

Mayor Philip L. Nauert summarized actions to date by advising that City Council had a motion on the floor which had been remanded back to the Planning and Zoning Commission. The Planning and Zoning Commission considered the matter and returned it back to City Council with a similar list of conditions, though not exactly the same.

Mayor Pro Tem Amanda B. Nathan advised that she wished to offer a substitute motion for her original pending motion.

**CITY COUNCIL SUBSTITUTE MOTION:**

Mayor Pro Tem Amanda B. Nathan moved to substitute the following motion for her original pending motion that would incorporate only the recommendations made by the Planning and Zoning Commission (which included her original first three proposed conditions, but not the fourth proposed condition related to capping of enrollment):

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; and

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

The substitute motion was seconded by Councilman Andrew S. Friedberg.

At this point in the meeting, Mayor Nauert recognized Councilman Friedberg, who made a presentation in PowerPoint format to members of City Council entitled “SUP Conditions: An Essential Part of the Process.”

Councilman Friedberg began with a reference to two of the types of uses in the City’s zoning regulations (Chapter 24, Planning and Zoning, Sections 24-502 and 24-503, in the Code of Ordinances of the City of Bellaire, Texas (“Code”)—permitted uses (as of right) and specific uses. It was noted that permitted uses were governed by the City’s Code and that specific uses were also governed by the City’s Code, but also had to come before the Planning and Zoning Commission and City Council and might include conditions.

An example of permitted uses as opposed to specific uses was provided for the R-M.1 Zoning District as follows:

Permitted uses were noted to include: single family dwellings, banks, business and professional offices, general retail and services, and restaurants.

Specific uses were noted to include: indoor amusements, art galleries, museums, athletic facilities, private clubs, indoor theaters, hospitals, acute care, nursing homes, kindergartens, nurseries, day care centers, drive-in banking, automobile services, churches, and schools.
Councilman Friedberg referenced the definition and procedures for specific uses as set out in the City’s Code. He also referenced the minutes of the City Council meeting held on Monday, July 17, 2006, wherein Councilman Pat McLaughlan made the statement that “the specific use amendment process provided an opportunity for specific requirements to be imposed on certain previously designated types of business in order to mitigate any adverse effects on the surrounding area.” Councilman Friedberg indicated that he supported that statement as well.

Councilman Friedberg continued and advised that he had reviewed all of the specific use permits issued over the last ten years, which provided a data set of 22 permits including the proposed permit for the Veritas Christian Academy of Houston. He noted that the largest category of applicants were banks and schools.

Several slides were provided detailing the number of the permit (e.g., S-60), the date of issuance, the applicant’s name, description of conditions, and the vote by City Council. He noted, for example, that while the Sterling Bank Drive-Through, numbered S-62, was issued on November 17, 2003 with no conditions, in that case City Council had rejected a condition recommended by the Planning and Zoning Commission for the Sterling Bank Drive-Through. This example illustrates that even when conditions are not ultimately adopted, they are still often considered during the process. When the St. Mark Coptic Orthodox Church applied for a specific use permit, City Council ultimately approved the permit with 11 conditions, which included the number of seats the chapel could have (i.e., similar to an enrollment cap). So, the idea of conditions was not new and conditions were part of the process.

Reference was also made to a specific use permit issued in 2008 to the Episcopal High School that included conditions that had been proposed by the school itself. Councilman Friedberg noted that this evening’s agenda item presented precisely the same scenario, in that the traffic patterns included in Mayor Pro Tem Nathan’s motion were those that had been proposed by Veritas.

Another example was provided wherein a motion had been made to place an enrollment cap on Episcopal High School by Councilman McLaughlan with a second by then-Councilman Phil Nauert. In the interest of full disclosure, Councilman Friedberg advised that then-Councilman Nauert ultimately voted against the enrollment cap. Councilman Friedberg indicated that he
provided the example to show that the notion of an enrollment cap was by far nothing new.

Of the 20 applications that made their way to a resolution, 12 had conditions and eight did not. Examples of the types of conditions included parking and traffic, fencing, and landscaping, among others.

In closing, Councilman Friedberg stated that specific use permit conditions were not new, but rather an integral part of what made specific uses different from permitted uses. He submitted that conditions were no more over-regulation than the basic zoning regulations that the City already had. In his mind, this issue was really about property rights. One of his rights as a property owner was having predictability and certainty knowing what the City’s regulations prevented a neighbor next door to him from doing things that were not in compliance with the City Code.

Mayor Philip L. Nauert and Councilman Pat McLaughlan thanked Councilman Friedberg for his great presentation.

Councilman McLaughlan indicated that he might have changed his mind a little bit from 2008 to now, but felt that was his prerogative.

Following comments by Councilman McLaughlan regarding commercial development and the complexity of the City’s specific use permit process which could lead to the discouragement of development, he offered the following amendment to the substitute motion:

**CITY COUNCIL AMENDMENT (NO. 1) TO SUBSTITUTE MOTION:**

Councilman Pat McLaughlan amended the substitute motion to strike the second condition:

1. 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;

and to modify the third condition to allow school-related traffic to exit via Otto Street or Mapleridge Street any time during the day.
Councilman Roman F. Reed seconded the amendment to the substitute motion.

Following discussion, action was taken on the amendment (no. 1 to the substitute motion).

**CITY COUNCIL ACTION ON AMENDMENT (NO. 1) TO THE SUBSTITUTE MOTION:**

The amendment (no. 1) to the substitute motion failed on a 2-4 vote as follows:

**FOR:** Councilmen Roman R. Reed and Pat B. McLaughlan

**OPPOSED:** Mayor Philip L. Nauert, Mayor Pro Tem Amanda B. Nathan, and Councilmen James P. Avioli, Sr., and Andrew S. Friedberg

**ABSENT:** Councilman Corbett Daniel Parker

**CITY COUNCIL AMENDMENT (NO. 2) TO SUBSTITUTE MOTION:**

Councilman Andrew S. Friedberg moved to add back in the fourth condition in Mayor Pro Tem Amanda B. Nathan’s original motion, which read as follows:

(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.

Mayor Pro Tem Amanda B. Nathan seconded the amendment (no. 2) to the substitute motion.

Following discussion, action was taken by City Council on the amendment to the substitute motion.

**CITY COUNCIL ACTION ON AMENDMENT (NO. 2) TO THE SUBSTITUTE MOTION:**

The amendment (no. 1) to the substitute motion failed on a 2-4 vote as follows:

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

ABSENT: Councilman Corbett Daniel Parker

CITY COUNCIL AMENDMENT (NO. 3) TO SUBSTITUTE MOTION/ACTION:

Councilman Andrew S. Friedberg moved to include a final condition to adopt an annual reporting requirement for the school to indicate its compliance with the three conditions set forth in the specific use permit. Mayor Philip L. Nauert seconded the amendment.

The amendment (no. 3) to the substitute motion carried on a majority vote of 5-1 as follows:

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

OPPOSED: Councilman Pat B. McLaughlan

ABSENT: Councilman Corbett Daniel Parker

Mayor Nauert called for a vote on the substitute motion, as amended.

CITY COUNCIL ACTION ON SUBSTITUTE MOTION, AS AMENDED:

The substitute motion, as amended, carried on a majority vote of 5-0-1 as follows:

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

OPPOSED: None

ABSENT: Councilman Corbett Daniel Parker

ABSTAIN: Councilman Pat B. McLaughlan*
*Councilman McLaughlan indicated that he would abstain from voting on the substitute motion, as amended, based on his belief that the conditions imposed added more complexity than was needed. He advised that he was in support of the school getting a specific use permit to add two additional classroom buildings.

{Ordinance was subsequently numbered: 13-016}

**Repairs to City Hall HVAC System**

b. CONSIDERATION of and possible action on a recommendation from the Department of Facilities Management to accept a proposal from Entech Sales and Service through the utilization of the Local Government Purchasing Cooperative (Buy Board) for the replacement of the 150-ton chiller associated with the heating, ventilation and air conditioning (HVAC) system at City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, in an amount not to exceed $91,690.00 and on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the City Manager of the City of Bellaire, Texas, to execute, on behalf of the City of Bellaire, Texas, a proposal with Entech Sales and Service in an amount not to exceed $91,690.00 for any and all equipment and services necessary to replace the 150-ton chiller associated with the HVAC system at City Hall – Item submitted by Director of Facilities Management Karl Miller.

**Introduction**

Director of Facilities Management Karl Miller provided an overview of the proposal he had submitted for City Council’s consideration. He advised that the current chiller at City Hall was a 150-ton unit that was 19 years of age, with an average life expectancy in the Houston area of approximately 20 years.

It was noted that in mid-February of this year, a significant breakage of the chiller occurred. One of the water tubes that ran through the evaporator broke allowing Freon and water to be mixed together and flow into the three compressors on circuit A, destroying all three. There were two compressors on circuit B, but one of them was bad as well. The City was operating with one compressor on the chiller. It was keeping the building somewhat cool. As the heat continued to rise, it would become more difficult to keep the building cool without some significant repairs or replacement of the unit.
In determining the City’s best options, Director Miller looked into repairing, purchasing used, and purchasing new. Repairing the unit would require four new compressors, repairing and recapping the evaporator tubes (a 3-4 day process), dehydrating the system to remove all the moisture (an additional 2-3 day process), replacement of an evaporator expansion valve, and filter dryers. Director Miller received two quotes for repairs as follows:

1. MDH Mechanical - $79,733.00; and
2. Carrier - $105,387.00.

Even with the repairs, the City would still have a 19-year old unit. Additionally, Director Miller advised that there were ten fan motors on the unit. Four of the fan motors were replaced; two had bad bearings and needed to be replaced; leaving four original fan motors. The condenser coils were in bad shape and deteriorating. The City had suffered two leaks recently which shut the unit down for at least one day each time. Replacement of the tubes, if necessary, could cost as much as $50,000.

With respect to purchasing a used chiller at an equivalent size, the only ones Director Miller could find ranged in age from nine to 15 years. Based on the age, cost to purchase, deliver, and install, unknown condition of the used chiller, and lack of warranty, purchasing a used chiller was concerning to Director Miller.

Director Miller did find what he considered a very good price on a new York 150-ton chiller through the Local Government Purchasing Cooperative, also known as the “Buy Board,” from Entech Sales and Service for $91,690.00.

In Director Miller’s opinion, if City Council did, at a later time, elect to build a new City Hall, there were viable options for the use of a new chiller. The chiller could be sold for a significant value; the chiller could be reused on a new building (depending on the footprint of the new building); the chiller could be used at another location, such as the Recreation Center; or the chiller could be decommissioned, vacuum-sealed, and stored for future use.

Based on his research and cost analysis, Director Miller indicated that a new chiller was the most sound and best investment for the City. He recommended that City Council authorize the City Manager to procure a new 150-ton York
chiller from Entech Sales and Service in an amount not to exceed $91,690.00.

**CITY COUNCIL MAIN MOTION:**

Councilman James P. Avioli, Sr., moved to accept a proposal, as recommended by the Department of Facilities Management, from Entech Sales and Service through the utilization of the Local Government Purchasing Cooperative (Buy Board) for the replacement of the 150-ton chiller associated with the heating, ventilation and air conditioning (HVAC) system at City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, in an amount not to exceed $91,690.00 and to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the City Manager of the City of Bellaire, Texas, to execute, on behalf of the City of Bellaire, Texas, a proposal with Entech Sales and Service in an amount not to exceed $91,690.00 for any and all equipment and services necessary to replace the 150-ton chiller associated with the HVAC system at City Hall. Councilman Roman F. Reed seconded the motion.

Following questions of Director Miller regarding his presentation and recommendation, action was taken by City Council on the motion.

**CITY COUNCIL ACTION ON MAIN MOTION:**

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

**FOR:** Mayor Philip L. Nauert, 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: 13-017}
Article I, In General, of the Code of Ordinances of the City of Bellaire, Texas, by adding a new Section 22-22, Mowing, Tree Trimming and Care of Right-of-Ways and Easements within the City – Item submitted by Director of Public Works Joe Keene.

Introduction:

City Manager Bernard M. Satterwhite, Jr., introduced the proposed code amendment to City Council. City Manager Satterwhite advised that most people in the City maintained their properties all the way to the street. Most people also knew that they did not necessarily own all of the property to the street. There were a few property owners and occupants who did not maintain the right-of-ways and easements abutting their property, and the City had no means to compel them to do so.

City Manager Satterwhite noted further that the proposed ordinance was similar to an ordinance adopted by the City of Houston that required residents to maintain the right-of-ways in accordance with the Code.

CITY COUNCIL MAIN MOTION:

Councilman Pat B. McLaughlan moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 22, Offenses-Miscellaneous, Article I, In General, of the Code of Ordinances of the City of Bellaire, Texas, by adding a new Section 22-22, Mowing, Tree Trimming and Care of Right-of-Ways and Easements within the City. Mayor Pro Tem Amanda B. Nathan seconded the motion.

Following questions of the City Manager by members of City Council regarding the proposed ordinance, action was taken on the main motion.

CITY COUNCIL ACTION ON MAIN MOTION:

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

FOR: Mayor Philip L. Nauert, 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: 13-018}

2. ITEMS FOR INDIVIDUAL CONSIDERATION:

Cultural Arts Board

a. CONSIDERATION of and possible action regarding a recommendation from the Cultural Arts Board of the City of Bellaire, Texas, of the “Elegant Theme” for City wayfinding signage and entry markers – Item submitted by Assistant City Manager Diane K. White on behalf of the Cultural Arts Board of the City of Bellaire, Texas (“CAB”); Presentation by Chair Terry Leavitt-Chavez, CAB.

Chair Terry Leavitt-Chavez, Cultural Arts Board (“CAB”) of the City of Bellaire, Texas, presented a recommendation from the CAB for City wayfinding signage and entry markers designed in the “Elegant Theme.” She thanked the members of the CAB—including Stephanie Goldfield, Judy McConnell, Gretchen Sparks, Jacquelyn Quick, Staff Liaison Diane White, and Council Liaison Roman F. Reed—for all of their contributions to the presentation this evening.

Chair Leavitt-Chavez advised that the CAB was recommending a unified branding program and wayfinding and entry markers into the City to be developed to help beautify and make Bellaire a user-friendly city. The types of signage could be utilized to identify entrances to the City and provide directions to City buildings, pools, parks, landmarks, and business districts. Chair Leavitt-Chavez indicated that the objective of the signs was to create visual consistency within the community, enhance recognition and pride within and outside the City, provide additional revenues to the City, and assist with pedestrian and vehicle traffic.

In order to come up with a visual package, the CAB sought the help of the Art Institute of Houston. Many portfolios were reviewed and the CAB voted and selected the “Elegant Theme.”

Slides were shown in a PowerPoint format to demonstrate the entry types of markers, as well as directional signs and “you are here” markers.
Chair Leavitt-Chavez stated that the CAB felt that the theme coloration in red matched nicely back to the street signs already being utilized in Bellaire with the color red. The historical trolley on the signs created and preserved the heritage of Bellaire. The “Elegant Theme” also mixed nicely with a variety of eclectic architecture in Bellaire homes, businesses, and city buildings.

In closing, Chair Leavitt-Chavez asked City Council to approve the recommendation by the CAB to incorporate the “Elegant Theme” to be used throughout the City of Bellaire for wayfinding signage and entryway markers. Chair Leavitt-Chavez advised further that the CAB would like to work with the City to seek proposals for the design and implementation of such a program.

Mayor Philip L. Nauert invited City Council to ask questions of Chair Leavitt-Chavez. Following questions by members of City Council, a motion was made and action taken on the request by the CAB.

**CITY COUNCIL MAIN MOTION:**

Mayor Pro Tem Amanda B. Nathan moved to accept the recommendation of the Cultural Arts Board and to request them to provide the back-up for other options as requested by some of the members of City Council in the interim. Mayor Philip L. Nauert seconded the motion.

Following further discussion, City Council took action on the main motion.

**CITY COUNCIL ACTION ON MAIN MOTION:**

**FOR:** Mayor Philip L. Nauert, 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
City Council Priorities

b. CONSIDERATION of and possible action regarding updates of the "City Council Priorities for the Period 2012-2014" adopted by the City Council of the City of Bellaire, Texas, on March 19, 2012 – Item submitted by Assistant City Manager Diane K. White on behalf of Mayor Philip L. Nauert.

CITY COUNCIL MAIN MOTION/ACTION:

Councilman Pat B. McLaughlan moved to accept the revised, updated "City Council Priorities for the Period 2012-2014" as submitted. Councilman Roman F. Reed seconded the motion.

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

FOR: Mayor Philip L. Nauert, 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

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

Councilman James P. Avioli, Sr., reiterated his request for an agenda item that he outlined during a Special Session held earlier in the evening related to compensation for the Municipal Court personnel (Judges, Prosecutors, and Deputy Prosecutors).

Community interest items from the Mayor and City Council included reminders of events occurring over the weekend and in the near future, such as the Friends of the Bellaire Library Book Sale, Patrons for Bellaire Parks’ Tents ‘n Town event, Trolley Run, and the Nature Discovery Center’s Home Tour. Condolences were expressed to Fire Chief Darryl Anderson’s family on their loss of a loved one. Congratulations were expressed to two Police Department employees—Jorge Florido, Bellaire Officer of the Year for 2012, and Richard Perez, Bellaire Non-Police Employee of the Year for 2012, for their well-deserved awards.
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 9:10 p.m. on Monday, March 18, 2013. Councilman James P. Avioli, Sr., seconded the motion.

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

FOR: Mayor Philip L. Nauert, 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

Respectfully submitted,

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

Approved:

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