CITY COUNCIL MEETING MINUTES
MONDAY, APRIL 1, 2013

The City Council of the City of Bellaire, Texas, met in Regular Session on Monday, April 1, 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 7:03 p.m. on Monday, April 1, 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., 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 advised that, in light of the lengthy agenda and his reluctance to incorporate April Fool’s Day into tonight’s greeting, he would forego his inspirational reading.

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 and adoption of the minutes of the Regular Session of the City
Council of the City of Bellaire, Texas, held on Monday, March 4, 2013 – Item submitted by City Clerk Tracy L. Dutton.

CITY COUNCIL MOTION TO APPROVE MINUTES/ACTION:

Mayor Pro Tem Amanda B. Nathan moved to approve and adopt the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, March 4, 2013. 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

2. CONSIDERATION of and possible action on the approval and adoption of the minutes of the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, held on Monday, March 18, 2013 – Item submitted by City Clerk Tracy L. Dutton.

CITY COUNCIL MOTION TO APPROVE MINUTES/ACTION:

Mayor Pro Tem Amanda B. Nathan moved to approve and adopt the minutes of the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, held on Monday, March 18, 2013. Councilman James P. Avioli, Sr., seconded the motion.

The 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 motion to approve and adopt the minutes of the City Council Special Session (Executive Session) held on March 18, 2013, due to his absence from that meeting.

3. 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, March 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, March 18, 2013. Councilman Roman F. Reed seconded the motion.

The 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 motion to approve and adopt the minutes of the City Council Regular Session held on March 18, 2013, due to his absence from that meeting.

City Clerk Dutton noted that Mayor Pro Tem Amanda B. Nathan and Councilman Andrew S. Friedberg had provided assistance to her by reviewing the minutes prior to their placement in the agenda packet. She thanked them for their assistance and indicated that the minutes reflected their thoughts as well.

F. PERSONAL/AUDIENCE COMMENTS.

Cindy Siegel addressed City Council in support of the Evelyn’s Park Conservancy (EPC) Board’s item on this evening’s agenda requesting approval to demolish some of the buildings determined unnecessary on the Evelyn’s Park site. As one of the City Council’s appointees and the newly appointed Treasurer to the EPC Board, Ms. Siegel indicated that the EPC had made good
progress and had ensured that its expenditure of donors’ dollars and the City’s dollars had been prudent and wise.

Ms. Siegel advised that the request from the EPC Board this evening was an important item. The EPC Board had received many comments and questions from residents asking when the park was going to happen and/or when they would see movement. Ms. Siegel stated that she believed that once some of the unnecessary buildings were removed and the site partially cleared, the property would look visually better and would help potential donors realize that Evelyn’s Park was going to happen.

In closing, Ms. Siegel urged City Council to vote “yes.” She referred to the results the City saw after building the Bellaire Aquatic Family Center and pool (i.e., a jumpstart for Bellaire Town Square) and felt that the removal of some buildings and partial clearing of the site would jumpstart Evelyn’s Park. She thanked City Council for all of their work and efforts.

Terry Leavitt-Chavez addressed City Council and conveyed her support for a continued board focus on visual and cultural arts in the City as she had voted with her peers while serving on the City’s Sunset Review Committee. With the development of the Great Lawn (Bellaire Town Square), Ms. Leavitt-Chavez indicated that she would envision that a Cultural Arts Board would be instrumental in creating monthly programming to utilize the space, to enrich the lives of residents, and to attract others to the City of Bellaire.

Ms. Leavitt-Chavez stated that she believed it was imperative from a city beautification goal that implementation of visual arts, as well as maintenance of the art, was important for economic development in the City. Funds and fundraising for such activities had been a barrier to the Cultural Arts Board. Not only would Ms. Leavitt-Chavez suggest a new primary goal of fundraising for the Cultural Arts Board, but would suggest the implementation of a public art fund as a separate fund within the budget of the City of Bellaire with a purpose of supporting cultural events and expanding and maintaining the City’s public art collection.

The public art fund would be able to accept contributions from public and private sources. Potential sources of funds included, but were not limited to, City of Bellaire budget allocations, grants from public and private sources, public contributions to be used solely for the acquisition of artwork and cultural events, and funds resulting from the sale of existing public artwork. This suggested structure had been implemented by the Cultural Arts Commission of the City of Highland Park, Illinois. The population for the City of Highland Park, Illinois, was noted to be 29,000 with a median household income of $110,000 and a median house price of $584,000. Ms. Leavitt-Chavez had also confirmed with Durio & Co. (accounting firm) that such a plan implementation could happen in the City of Bellaire as well.
Lynn McBee addressed City Council and congratulated them on their decision to hire an outside search firm to select the best candidate the City could find to replace the City Manager, including any in-house applications.

Ms. McBee stated that she had prepared a listing of "Municipal Needs Unaddressed," which was a compilation of small, but important, things that she hoped City Council would give some credence, as follows:

- Street Number Visibility – not all houses or buildings had a street number that was visible or existing. She urged City Council to see to the enforcement of visible street numbers.

- Curb Repairs – recently City Council mandated that all residents would maintain their easements for the City. Ms. McBee had no problem with the request that residents maintain City easements abutting her property, but, in return, she asked that the City maintain the street curbs, which were in shambles in front of many homes, including hers, by putting money in the budget for such repairs.

- ADA Door Opener Buttons – The City Library and City Hall both lacked ADA (Americans with Disabilities Act) push buttons to automatically open entry doors. Ms. McBee indicated that the doors for both facilities needed to be addressed.

- Cabling of the Civic Center – Ms. McBee noted that money had been budgeted one year ago to allow webcast programming in the Civic Center. This project was never implemented, so meetings could not be held in the Civic Center.

- Records Retention and Access – A records retention and access device had not been set up for the Community Development Statutory Boards' decisions and minutes for the Board of Adjustment, Building and Standards Commission, and the Planning and Zoning Commission. She noted that the records of the Board of Adjustment were filed at the District Court level and should be carefully prepared and maintained so that the entire citizenry could consult them online.

Ms. McBee urged City Council to ensure that records for those boards were preserved and accessible.

- Ms. McBee urged City Council to seek input from the citizenry prior to preliminary preparation of the City's budget and prior to the development of plans to rebuild the Civic Center, City Hall, Police, Municipal Court, and Library buildings.

- Electronic Sign Placement at City Hall to promote Council and Board meetings, public hearings and public service messages to supplement
those on the website was suggested by Ms. McBee as a means to improve public awareness.

- Press Releases on Online Information beginning in February for each local election year announcing the calendar for City Council candidate elections, qualifications, . . .

{The speaker’s allotted time ended at this point in the meeting}

**Mayor Philip L. Nauert** read one written comment into the record that was received by email on behalf of City Council by City Clerk Dutton as follows:

*I won’t be able to attend the meeting tonight, but I would like the following comment read:*

*As the leaders of our city contemplate whether we should continue to have a Cultural Arts Board, I would like to convey my support of a city affiliated organization that focuses on Cultural Arts for our city. Our city is clearly lacking in the area of Arts. It is imperative that the organization have funds in order to operate and provide benefits to the citizens of our great community. Consideration should be given to forming a non-profit 501(c)(3) organization to help with the funding.*

*Regards,*

*Brenda Cauthen*

**Mayor Philip L. Nauert** indicated that he had been asked to move the agenda items related to Evelyn’s Park forward to this point in the meeting. After noting no objections from members of City Council, agenda item G.2., followed by agenda item H.3.a., was considered.

**G. REPORTS:**

2. **EVELYN’S PARK CONSERVANCY (EPC) BOARD** Semi-Annual Report of EPC Board actions, goals, and accomplishments related to the planning and development of Evelyn’s Park, 4400 Bellaire Boulevard, Bellaire, Texas – *Item submitted by City Manager Bernard M. Satterwhite, Jr., on behalf of the EPC Board; Presentation by EPC Board President Keith Rubenstein.*

*Keith Rubenstein, President, Evelyn’s Park Conservancy (EPC) Board,* indicated that he was present this evening to give City Council an update on what was happening with Evelyn’s Park (the "Park"). The EPC Board had begun their fundraising efforts for the design, development and construction of the Park. Mr. Rubenstein indicated that there were two fronts the EPC Board was starting to attack with respect to fundraising. The first front was the hiring of a professional
fundraiser to help the EPC Board make appointments with various foundations in town in order to attract large dollars. The second front, developed recently, would consist of five house parties beginning in April (i.e., one each month for the next five months). The EPC Board’s plan was to invite different segments of the community to the different parties.

Mr. Rubenstein stated that if anyone wanted to be involved in the development and/or fundraising for the Park, he or she should contact the EPC Board through their website. Mr. Rubenstein provided his email address as follows: keith@evelynspark.org and welcomed any help. He also noted that Bellaire needed to get their neighbors involved—such as residents in West University Place, Southside Place, and Meyerland—as those neighbors would benefit from the Park as well.

A second topic that Mr. Rubenstein wished to advise City Council about was phasing options. The EPC Board had their first visit with a major foundation in the City. The pitch went well and the foundation was kind enough to provide some feedback. One of the pieces of feedback suggested was to phase the Park due to its size and cost ($16.5 million).

The EPC Board met with SWA, landscape architects and designers of the Park, to work on phases. The goal was to build the entire Park and the EPC Board would do so all at once if funding was available. If the EPC Board could not raise the money in the timeline allotted, phasing would have to be considered.

The EPC Board was considering an initial phase of $5-6 million, followed by a second phase of $3 million, and a final phase of $3-4 million. Mr. Rubenstein reiterated that the EPC Board’s goal was still to do it all the first time and once.

Another good suggestion made was for the EPC Board to be able to demonstrate how the Park could be maintained once it was built. The foundations would love to give money, but if the Park could not be maintained once it was built, then they did not wish to invest their money in it. The EPC Board was anticipating three different ways that the Park could be maintained once built. First, money would be raised for a reserve fund. Secondly, fundraising would be done annually. Thirdly, support from the City of Bellaire was needed.

Parking, a hot topic since the development plans were introduced, had not been forgotten. The EPC Board cared about the concerns of the neighbors surrounding the Park. The EPC Board had talked about adding more parking to the Park property itself and had started talking to the church located across the street regarding the use of their
property with a reciprocal arrangement. Additionally, one block to the east of the Park was a CenterPoint Energy easement. Discussions were underway with CenterPoint Energy regarding the possible use of the easement for parking.

Mr. Rubenstein indicated that his final update related to time. The EPC Board was given a fairly tight timeline to make a plan, raise money, and get the Park built. Now that the fundraising process had begun, all of the members of the EPC Board were realizing that raising the funds for substantial completion of the Park was a little more protracted than initially thought. The EPC Board had gone to The Jerry and Maury Rubenstein Foundation ("Foundation") and explained to them what it would take to get the Park built. The Foundation agreed to grant a one year extension. So, rather than having to have all of the money raised by July of 2013, the deadline would be July of 2014, and rather than having to have the Park substantially completed by July of 2014, the deadline would be July of 2015. In the coming weeks, paperwork would be presented to City Council to modify the deed to reflect the extensions.

Mayor Philip L. Nauert invited members of City Council to ask questions of Mr. Rubenstein regarding the EPC Board’s Semi-Annual Report to City Council.

At the conclusion of questions, Mayor Philip L. Nauert moved to agenda item H.3.a.

H. NEW BUSINESS:

3. ITEMS FOR INDIVIDUAL CONSIDERATION:

Evelyn’s Park

a. CONSIDERATION of and possible action on a request from the Evelyn’s Park Conservancy (EPC) Board for approval to demolish some existing buildings and to partially clear the Evelyn’s Park site in preparation for the development of Evelyn’s Park located at 4400 Bellaire Boulevard, Bellaire, Texas - Item submitted by City Manager Bernard M. Satterwhite, Jr., on behalf of the EPC Board.

Keith Rubenstein, President, Evelyn’s Park Conservancy (EPC) Board, advised that the EPC Board would like for City Council to consider a partial demolition of the Evelyn’s Park site. If permission were granted, the EPC Board would have approximately six structures demolished on the property. The EPC Board had found a donor that had offered, at no cost to the
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City, the equipment and personnel to come onto the property, demolish the buildings, and haul off the trash. Mr. Rubenstein noted that the donor was fully insured.

At this time, the EPC Board proposed to leave standing the office portion of the brick house that the Teas family used to use. The Bellaire Parks and Recreation Department was currently using the office and the EPC Board felt that a presence on the property was invaluable at least until construction began.

The second piece that the Parks and Recreation Department was currently using was a barnlike structure for the storage of equipment and tractors. The EPC Board proposed leaving that structure standing for them.

The third piece in use by the Parks and Recreation Department was the old cement structures that Teas used to put mulch and dirt in. The EPC Board proposed leaving those structures standing for them.

The fourth and final structure that the EPC Board would like to leave standing was the yellow house. At first, there was a great deal of talk about demolishing it. The architectural firm the EPC Board was using to design the structures on the property was thinking that there was a real possibility of using the yellow house or parts of it for the food service area. At least for the time being, the EPC Board wished to leave the yellow house standing in hopes that it could be used. If there was a time when that house could not be used, it would come down when construction started.

If approved, the demolition could start almost immediately. Mr. Rubenstein indicated that he understood that some permits needed to be filed and some electrical wiring and utilities needed to be taken care of. He believed that within a 30-60 day timeframe, the property could be taken care of.

CITY COUNCIL MAIN MOTION:

Councilman Roman F. Reed moved to approve a request from the Evelyn’s Park Conservancy (EPC) Board for approval to demolish some existing buildings and to partially clear the Evelyn’s Park site in preparation for the development of Evelyn’s Park located at 4400 Bellaire Boulevard, Bellaire, Texas, as outlined by President Keith Rubenstein of the EPC Board. Councilman Corbett Daniel Parker seconded the motion.
A question was asked of City Manager Satterwhite by Councilman Andrew S. Friedberg as to whether the City could absorb the permitting costs for the requested demolition since a donor had offered time, labor, and materials at no cost to the City. City Manager Satterwhite indicated that the City would absorb the permitting costs.

**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

{The action taken by City Council with respect to this agenda item has been detailed in a document identified as Motion No. 2013-003. Said document is a record maintained by the City Clerk}

**G. REPORTS:**

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), and upcoming City Council meetings and events – Item presented by City Manager Bernard M. Satterwhite, Jr.

City Manager Bernard M. Satterwhite, Jr., presented the City Manager’s Report dated April 1, 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 into the record.

**CITY COUNCIL MOTION TO ACCEPT REPORT INTO THE RECORD/ACTION:**

Councilman James P. Avioli, Sr., moved to accept the City Manager’s Report dated April 1, 2013, as presented by City
Manager Bernard M. Satterwhite, Jr., into the record. Councilman Roman F. Reed seconded the motion.

The motion to accept the City Manager’s Report into the record 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. EVELYN’S PARK CONSERVANCY (EPC) BOARD Semi-Annual Report of EPC Board actions, goals, and accomplishments related to the planning and development of Evelyn’s Park, 4400 Bellaire Boulevard, Bellaire, Texas – Item submitted by City Manager Bernard M. Satterwhite, Jr., on behalf of the EPC Board; Presentation by EPC Board President Keith Rubenstein.

Note: This report was presented earlier in the evening. See pages 6-8 of these minutes for a summary of the report.

H. NEW BUSINESS:

1. CONSENT AGENDA:

Surplus Property Disposition Request

CONSIDERATION of and possible action on a request from the Organizational Services, Community Development, Police, Public Works, and Fire Departments to dispose of surplus property in accordance with schedules and recommendations provided by said Departments – Item submitted by Assistant City Manager Diane K. White on behalf of Bellaire City Departments.

CITY COUNCIL MOTION TO APPROVE CONSENT AGENDA/ACTION:

Councilman Andrew S. Friedberg moved to approve the Consent Agenda dated April 1, 2013, consisting of the following item:

- Request from the Organizational Services, Community Development, Police, Public Works, and Fire
Departments to dispose of surplus property in accordance with schedules and recommendations provided by said Departments.

Councilman Roman F. Reed seconded the motion.

The motion to approve the Consent Agenda 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

{The action taken by City Council with respect to this agenda item has been detailed in a document identified as Motion No. 2013-002. Said document is a record maintained by the City Clerk}

2. ADOPTION OF ORDINANCES:

Depository Bank Services Contract:

a. CONSIDERATION of and possible action on a recommendation from the Bellaire Finance Evaluation Committee to designate Amegy Bank as the City’s Depository Bank and on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, designating Amegy Bank as the City’s Depository Bank and authorizing the City Manager of the City of Bellaire, Texas, to execute, for and on behalf of the City of Bellaire, Texas, a depository agreement and any and all other necessary documentation with Amegy Bank for the provision of depository services for the City of Bellaire, Texas, for a three-year term beginning May 1, 2013, and expiring April 30, 2016, with the option to extend said agreement for two additional one-year terms upon mutual agreement of the City Manager of the City of Bellaire, Texas, acting on behalf of the City of Bellaire, Texas, and Amegy Bank – Item submitted by Chief Financial Officer Linda Symank.
Introduction:

Mayor Philip L. Nauert advised that the proposal submitted by Amegy Bank for the provision of depository service for the City was reviewed by the Audit Finance Board ("Board") on March 21, 2013, and that the Board supported the recommendation of the Bellaire Finance Evaluation Committee.

Chief Financial Officer Linda Symank introduced Christine Kohut, Vice President, Amegy Bank. It was noted that Ms. Kohut was available to answer any questions of City Council regarding Amegy Bank’s proposal.

CITY COUNCIL MAIN MOTION:

Mayor Pro Tem Amanda B. Nathan moved to approve a recommendation from the Bellaire Finance Evaluation Committee to designate Amegy Bank as the City’s Depository Bank and to adopt an ordinance of the City Council of the City of Bellaire, Texas, designating Amegy Bank as the City’s Depository Bank and authorizing the City Manager of the City of Bellaire, Texas, to execute, for and on behalf of the City of Bellaire, Texas, a depository agreement and any and all other necessary documentation with Amegy Bank for the provision of depository services for the City of Bellaire, Texas, for a three-year term beginning May 1, 2013, and expiring April 30, 2016, with the option to extend said agreement for two additional one-year terms upon mutual agreement of the City Manager of the City of Bellaire, Texas, acting on behalf of the City of Bellaire, Texas, and Amegy Bank. Councilman Andrew S. Friedberg seconded the motion.

Mayor Pro Tem Amanda B. Nathan, who also served as a member of the Board, provided a general summary of the item as presented to the Board. She noted that the City’s depository contract with Amegy Bank would expire on April 30, 2013. In an effort to ensure that the City was getting the best services at the best price, City Staff solicited proposals through the RFP (Request for Proposals) process and undertook a very detailed re-analysis. Five interested banks responded to the City’s request. City Staff conducted a weighted evaluation of the five banks and narrowed the selection down to two banks—Wells Fargo Bank and Amegy Bank based on their initial analysis of the criteria. More study was conducted by City Staff and, based on several factors, such as convenience (Amegy Bank being located close to Bellaire), as well as an exceptional earnings rate of credit received from Amegy Bank of the higher
of a floor rate of .85% or the 91-day Treasury Bill rate, all three members of the Bellaire Finance Evaluation Committee (Chief Financial Officer Linda Symank, Finance Manager Vickey O'Donnell, and Accounting Manager Bill Mize) recommended that Amegy Bank be selected again. The Board agreed with the recommendation and, likewise, recommended that Amegy Bank be again selected as the City’s Depository Bank.

Councilman Andrew S. Friedberg, who also served as a member of the Board, thanked and complimented the members of the Bellaire Finance Evaluation Committee for a very thorough process and excellent memorandum to the Board and City Council. He also thanked Amegy Bank for submitting a proposal to the City of Bellaire.

Following questions from members of City Council regarding the proposal, action was taken on the motion to designate Amegy Bank as the City’s Depository Bank.

**CITY COUNCIL ACTION ON MAIN MOTION:**

The motion to designate Amegy Bank as the City’s Depository Bank 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: 13-019}

**Agreements and Contracts – Provision of Products and Services**

b. CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department to award Bid No. 13-007, Rehabilitation of Water Storage Tanks at Central Water Plant, to the lowest responsive bidder, Gulf States Protective Coatings, Inc., in an amount not to exceed $753,415.00 and on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute
and attest, respectively, for and on behalf of the City of Bellaire, Texas, a *Standard Form of Agreement* with Gulf States Protective Coatings, Inc., for the provision of any and all equipment and services necessary to rehabilitate the water storage tanks at the Central Water Plant in an amount not to exceed $753,415.00 – *Item submitted by Director of Public Works Joe Keene.*

**CITY COUNCIL MAIN MOTION:**

Mayor Pro Tem Amanda B. Nathan moved to approve a recommendation from the Bellaire Public Works Department to award Bid No. 13-007, Rehabilitation of Water Storage Tanks at Central Water Plant, to the lowest responsive bidder, Gulf States Protective Coatings, Inc., in an amount not to exceed $753,415.00 and to adopt an ordinance of the City Council of the City of Bellaire, Texas, *authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement* with Gulf States Protective Coatings, Inc., for the provision of any and all equipment and services necessary to rehabilitate the water storage tanks at the Central Water Plant in an amount not to exceed $753,415.00. Councilman Corbett Daniel Parker seconded the motion.

Following questions from members of City Council regarding the bid proposal, action was taken on the motion to award a bid to rehabilitate the water storage tanks at the Central Water Plant.

**CITY COUNCIL ACTION ON MAIN MOTION:**

The motion to award a bid to rehabilitate the water storage tanks at the Central Water Plant 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: 13-020}
Agreements and Contracts – Provision of Engineering Services

c. CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department to award a contract for engineering services to Klotz Associates, Inc., for the performance of construction phase services associated with the rehabilitation of the water storage tanks at Central Water Plant in an amount not to exceed $62,200.00 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 Letter Agreement for Consulting Services with Klotz Associates, Inc., for said engineering services in an amount not to exceed $62,200.00 – Item submitted by Director of Public Works Joe Keene.

CITY COUNCIL MAIN MOTION:

Councilman Corbett Daniel Parker moved to approve a recommendation from the Bellaire Public Works Department to award a contract for engineering services to Klotz Associates, Inc., for the performance of construction phase services associated with the rehabilitation of the water storage tanks at Central Water Plant in an amount not to exceed $62,200.00 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 Letter Agreement for Consulting Services with Klotz Associates, Inc., for said engineering services in an amount not to exceed $62,200.00. Councilman Pat B. McLaughian seconded the motion.

Following questions from members of City Council regarding the proposal for construction phase services associated with the rehabilitation of the water storage tanks at the Central Water Plant, action was taken on the motion to approve said proposal.

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.,
Bellaire Municipal Court

d. DISCUSSION of and possible action on an analysis and recommendation prepared by City Staff related to monthly compensation and docket rates for the Presiding Judge, Associate Judge, Prosecutor, and/or Deputy Prosecutors of the Municipal Court of the City of Bellaire, Texas, as well as possible action on the adoption of an ordinance amending Ordinance Nos. 12-011, 12-045, 13-013, 13-014, and/or 13-015, to reflect an increase in the monthly compensation and/or document rates of said Municipal Court personnel – Item submitted by City Manager Bernard M. Satterwhite, Jr., at the direction of City Council.

Introduction:

Mayor Philip L. Nauert referred to items included in City Council’s packet by the City Manager. One item was a discussion related to the way Bellaire handled its Municipal Court as compared to other adjacent municipalities. Based on City Manager Satterwhite’s analysis, he has provided a fair compensation proposal for the City’s Municipal Court Judges and Prosecutor. The following compensation rates were recommended by the City Manager:

Municipal Court Judges - $600 per month and $200 per docket;

Municipal Court Prosecutor - $450 per month and $200 per docket; and

Municipal Court Deputy Prosecutor(s) - $200 per docket.

CITY COUNCIL MAIN MOTION:

Councilman Corbett Daniel Parker moved to approve the City Manager’s compensation recommendation as follows: $600 per month and $200 per docket for the Judges; $450 per month and $200 per docket for the
Prosecutor; and $200 per docket for the Deputy Prosecutor(s), as well as to adopt an ordinance of the City Council of the City of Bellaire, Texas, amending Ordinance Nos. 12-011, 12-045, 13-013, 13-014, and 13-015, to reflect said increases in the monthly compensation and docket rates of said Municipal Court personnel. Mayor Pro Tem Amanda B. Nathan seconded the motion.

Following questions of the City Manager regarding his analysis, an amendment was made to the main motion to further increase the monthly compensation for the Municipal Court Judges.

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

Councilman James P. Avioli, Sr., moved to amend the main motion to provide for monthly compensation in the amount of $625 per month for Municipal Court Judges as opposed to $600 per month. Councilman Roman F. Reed seconded the amendment to the motion.

Following discussion on the amendment to the motion, action was taken on the amendment.

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

The amendment (no. 1) to the main motion carried on a 4-3 vote as follows:

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

**OPPOSED:** Mayor Philip L. Nauert, Mayor Pro Tem Amanda B. Nathan and Councilman Andrew S. Friedberg

**ABSENT:** None

[Note: The compensation and docket rates, based on the amendment passed by City Council were as follows: $625 per month and $200 per docket for the Judges; $450 per month and $200 per docket for the Prosecutor; and $200 per docket for the Deputy Prosecutor(s).]
Following further discussion, action was taken on the motion, as amended.

**CITY COUNCIL ACTION ON MAIN MOTION, AS AMENDED (AMENDMENT NO. 1):**

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. McLaughlin and Andrew S. Friedberg

**OPPOSED:** None

**ABSENT:** None

{Ordinance was subsequently numbered: 13-022}

3. **ITEMS FOR INDIVIDUAL CONSIDERATION:**

**Evelyn’s Park**

a. CONSIDERATION of and possible action on a request from the Evelyn’s Park Conservancy (EPC) Board for approval to demolish some existing buildings and to partially clear the Evelyn’s Park site in preparation for the development of Evelyn’s Park located at 4400 Bellaire Boulevard, Bellaire, Texas - Item submitted by City Manager Bernard M. Satterwhite, Jr., on behalf of the EPC Board.

**Note:** This agenda item was considered earlier in the meeting. See pages 8-10 of these minutes for discussion and action related to this agenda item.

**Cultural Arts Board**

b. CONSIDERATION of and possible action regarding the elimination or redefinition of the Cultural Arts Board of the City of Bellaire, Texas ("CAB"), formerly known as the Bellaire Cultural Arts Commission ("BCAC") - Item submitted by Assistant City Manager Diane K. White on behalf of City Council.
**Introduction:**

Councilman Corbett Daniel Parker introduced the agenda item for the evening. He indicated that he wished to make it clear that this evening’s discussion was about whether or not the Cultural Arts Board (“Board”) was working for the City, not about the value of art to the community or economic development. He believed that all seven members of City Council, as well as residents, would state that art was valuable to the City and to economic development.

Councilman Parker noted that the Board was formed under the premise of the City giving the Board money to spend. The Board had a rough start, then there was an economic downturn, and, finally, prior Councils and the current Council had been unwilling, from a majority perspective, to provide a generic set of dollars absent the Board having to come forward and ask for funds for a specific project.

On one hand, the Board had some great successes. For example, the Board had worked very well with the Parks and Recreation Department and very closely with the Environmental and Sustainability Board on several community events. Clearly, great things had come from the Board.

The present situation, however, was not working for the Commissioners of the Board or the City based on comments from the Commissioners and multiple Staff Liaisons. The Board was a City Board and not a 501(c)(3) organization. The Board was required to meet on specific days, publicly post meetings, could not communicate with more than three members at one time, and could not raise funds that were promised to be used for art. The Board was, in summary, handcuffed by the current process.

It was Councilman Parker’s opinion that the Board could be more successful if City Council either restructured the Board, restructured the Board’s mission, or allowed them to become a 501(c)(3). After discussion, Councilman Parker advised that his proposal would be to find four members of City Council that were willing to agree to fund the Board or, secondly, to terminate the Board so that it could become a 501(c)(3) organization, like The Nature Discovery Center.

Mayor Philip L. Nauert requested that a motion be made to allow discussion of the agenda item.
CITY COUNCIL MAIN MOTION:

Councilman Corbett Daniel Parker, for purposes of discussion, moved to terminate the Cultural Arts Board of the City of Bellaire, Texas. Mayor Pro Tem Amanda B. Nathan seconded the motion.

Following discussion among members of City Council regarding either elimination of the Board or a possible redefinition of the Board, a motion was made to table the agenda item before City Council.

CITY COUNCIL MOTION TO TABLE:

Mayor Philip L. Nauert moved to table a decision regarding the elimination or redefinition of the Cultural Arts Board of the City of Bellaire, Texas ("CAB"), formerly known as the Bellaire Cultural Arts Commission ("BCAC"), until such time as the City could find out what Highland Park, Illinois, was doing and what they were doing successfully in order to see if the City could make small changes that, in so doing, would satisfy City Council's concerns and leave the City with a functioning Cultural Arts Board. The motion to table was seconded by Councilman Roman F. Reed.

Following further discussion, action was taken on the motion to table.

CITY COUNCIL ACTION ON MOTION TO TABLE:

The motion to table a decision regarding the elimination or redefinition of the CAB to allow the City to find out what Highland Park, Illinois, was doing carried on a 6-1 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: Councilman James P. Avioli, Sr.

ABSENT: None
City Hall and Police Station

c. CONSIDERATION of and possible action regarding a decision to either renovate or rebuild the Bellaire City Hall and Police Station based on the Facilities Condition Assessment update presented to City Council by Pierce Goodwin Alexander & Linville (PGAL) on February 25, 2013 – Item submitted by City Manager Bernard M. Satterwhite, Jr., on behalf of Mayor Philip L. Nauert.

Introduction:

Mayor Philip L. Nauert referred to the agenda item before City Council this evening and summarized the options identified by Pierce Goodwin Alexander and Linville (PGAL) that were presented to City Council during a Workshop Session held on February 25, 2013, as follows:

Police and Municipal Court Building

Maintenance Option: Continue minimal renovation strategy at an estimated cost over 5+ years of $684,000;

Renovation Option: Renovate existing building (for Police and Municipal Court) at an estimated cost over 5+ years of $4,148,315;

Renovation/Replacement Option: Renovate existing building (for Police) and build a new Municipal Court addition at an estimated cost of $6,035,900;

Renovation/Replacement Option: Renovate existing building (for Police) and build a new Municipal Court building at an estimated cost of $6,369,300;

Renovation/Replacement Option: Renovate existing building (for Municipal Court) and build a new Police building at an estimated cost of $9,447,000; or

Rebuild Option: Construct a new building for Police and Municipal Court at an estimated cost of $6,853,000.

City Hall and Civic Center

Maintenance Option: Continue minimal renovation strategy at an estimated cost over 5+ years of $1,595,000;
Renovation Option: Renovate existing City Hall and Civic Center at an estimated cost over 5+ years of $4,901,570; or

Rebuild Option: Construct new City Hall and Civic Center building(s) at an estimated cost of $5,506,000.

City Hall/Civic Center/Police/Municipal Court

Construct new City Hall, Civic Center, Police, and Municipal Court building(s) at an estimated cost of $11,700,000.

City Hall/Civic Center/Police/Municipal Court/Library

Construct new City Hall, Civic Center, Police, Municipal Court, and Library building(s) at an estimated cost of $15,250,000.

Mayor Nauert noted that the City had some money left over from previous bond issuances. If City Council were to decide to construct all new facilities at an estimated cost of $15 million, the City would need to issue approximately $12 million in debt ($15 million minus monies left from previous bond issuances and some pay-as-you-go funds).

CITY COUNCIL MAIN MOTION:

Councilman Corbett Daniel Parker moved to direct City Staff to investigate the replacement option consisting of the construction of a new City Hall, Civic Center, Police, and Municipal Court buildings at an estimated cost of $11,700,000. City Staff was also directed to look at different options, such as keeping the Police and Municipal Court in one building and a new City Hall in another building, as well as the possibility of constructing the new buildings on another property, such as the downtown district in order to spur economic development. Mayor Philip L. Nauert seconded the motion.

Following questions of Councilman Parker regarding his motion, Councilman Andrew S. Friedberg offered a substitute motion in order to provide City Staff with a more basic answer to their request for a decision to either “rebuild” or “renovate” certain City buildings.

CITY COUNCIL SUBSTITUTE MOTION:

Councilman Andrew S. Friedberg moved to rebuild the City Hall, Civic Center, Police and Municipal Court
buildings. Mayor Philip L. Nauert seconded the substitute motion.

Following discussion among members of City Council, an amendment to the substitute motion was offered for consideration.

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

Councilman Roman F. Reed moved to amend the substitute motion to include the Library as a building to be rebuilt. Councilman Pat B. McLaughlan seconded the amendment.

The amendment (no. 1) to the substitute motion failed on a 2-5 vote as follows:

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

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

**ABSENT:** None

Following further discussion by members of City Council related to the substitute motion, action was taken on said motion.

**CITY COUNCIL ACTION ON SUBSTITUTE MOTION:**

The substitute motion carried on a majority vote of 6-1 as follows:

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

**OPPOSED:** Councilman Pat B. McLaughlan*

**ABSENT:** None

*Councilman McLaughlan advised that he did not believe that government should spend taxpayer dollars unless there was a
definite value relationship. In his opinion, a new City Hall provided little value to citizens; therefore, he would not support constructing a new City Hall.

Mayoral Appointments

d. CREATION and appointment of an ad hoc committee to explore and recommend action regarding entry markers and wayfinding signs for the City of Bellaire, Texas – Item submitted by City Manager Bernard M. Satterwhite, Jr., on behalf of Mayor Philip L. Nauert.

Mayor Philip L. Nauert advised that he wished to appoint an ad hoc committee to explore and recommend action regarding entry markers and wayfinding signs for the City of Bellaire, Texas.

The term of the Ad Hoc Wayfinding Committee would be 12 months from the time of appointment. The term could be extended by 12 months, if necessary, at the discretion of City Council. Mayor Nauert requested an interim report at six months and a final report at 12 months.

The members who had graciously accepted the appointment to the Ad Hoc Wayfinding Committee were named as follows:

Councilman Corbett Daniel Parker, Chair;
Councilman Roman F. Reed;
Terry Leavitt-Chavez;
Doug Christians; and
Brenda Cauthen.

Mayor Nauert thanked each of the members in advance for the service they would provide.

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

Community interest items from the Mayor and City Council included reminders of the upcoming Tents 'n Town and Trolley Run events; expressions of thanks and congratulations to Library Director Mary Cohrs and the Friends of the Bellaire Library for their recent successful book sale; an expression of thanks to the Rubenstein Family for an extension granted for the development of Evelyn's Park; and a reminder of the upcoming Bellaire Business Alliance meeting to be held on Thursday at 7:30 a.m. at Casa Domínguez.
J.  ADJOURNMENT.

CITY COUNCIL MOTION TO ADJOURN/ACTION:

Councilman Roman F. Reed moved to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:25 p.m. on Monday, April 1, 2013. Councilman Pat B. McLaughlan seconded the motion.

The motion to adjourn 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. Button, TRMC
City Clerk
City of Bellaire, Texas

Approved:

Philip L. Nauert, Mayor
City of Bellaire, Texas