CITY COUNCIL MEETING MINUTES
MONDAY, MAY 6, 2013

The City Council of the City of Bellaire, Texas, met in Regular Session on Monday, May 6, 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 7:09 p.m. on Monday, May 6, 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 Andrew S. Friedberg.

Councilman Andrew S. Friedberg provided the inspirational reading for the evening.

D. PLEDGES TO THE FLAGS – Councilman Andrew S. Friedberg.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

Councilman Andrew S. Friedberg led the audience and members of City Council in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

E. PROCLAMATIONS:

1. ISSUANCE of a proclamation by Mayor Philip L. Nauert proclaiming the month of May, 2013, as “Older Americans Month” in the City of Bellaire, Texas, in appreciation and celebration of the vitality and aspirations of older adults and in grateful acknowledgment of the
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contributions older adults make to our community – Item submitted by City Clerk Tracy L. Dutton on behalf of Senior Services Specialist Valerie Langdon, Director of Parks and Recreation Jane L. Dembski, and Recreation Superintendent Cheryl Bright-West; Issuance and presentation of proclamation by Mayor Philip L. Nauert.

Mayor Philip L. Nauert read the proclamation he had issued proclaiming the month of May, 2013, as “Older Americans Month” in the City of Bellaire, Texas, in its entirety. At the conclusion of the reading, Iola Pickul, Chair of the L.I.F.E. Advisory Board of the City of Bellaire, Texas, accepted the proclamation. Chair Pickul introduced two of her colleagues who were in attendance with her as follows: L.I.F.E. Advisory Board Members Pat Westwood and Marjorie Ishee.

2. ISSUANCE of a proclamation by Mayor Philip L. Nauert proclaiming the week of May 19-25, 2013, as “Emergency Medical Services Week” in recognition of the dedication, value, accomplishments, and tremendous efforts our emergency medical services teams make to improve the health in our community – Item submitted by City Clerk Tracy L. Dutton on behalf of Fire Chief Darryl Anderson and Assistant Fire Chief Alton Moses and the Bellaire Fire Department; Issuance and presentation of proclamation by Mayor Philip L. Nauert.

Mayor Philip L. Nauert read the proclamation he had issued proclaiming the week of May 19-25, 2013, as “Emergency Medical Services Week” in the City of Bellaire, Texas, in its entirety. At the conclusion of the reading, Fire Chief Darryl Anderson accepted the proclamation on behalf of the Bellaire Fire Department.

F. 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, April 15, 2013 – Item submitted by City Clerk Tracy L. Dutton.

CITY COUNCIL MOTION TO APPROVE AND ADOPT 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, April 15, 2013. Councilman Roman F. Reed seconded the motion.
The **motion to approve and adopt the minutes** 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

**G. PERSONAL/AUDIENCE COMMENTS.**

Lynn McBee addressed City Council and advised that according to the United States Census, the number of citizens who lived and resided in the City of Bellaire totaled 16,855 and not over 17,000 or any other variant thereof. Ms. McBee’s statement was related to a reference of the City’s population in a Request for Proposal document without citing the attribution for the number reported.

Secondly, Ms. McBee indicated that another ill-reported area for Bellaire and other cities was notice of the City’s biennial elections. She advised that on November 5, 2013, the City of Bellaire would hold its General Election. She advised further that there was a very small window of time when a candidate might file for a place on the ballot, which was controlled by the *Texas Election Code*. The window for 2013 was noted to be from July 29, 2013,* to August 26, 2013.

*The actual first day to file for a place on the ballot is July 27, 2013, which is a Saturday; however, City offices would be closed that day. Monday, July 29, 2013, would be the first day in which City offices would be open following July 27, 2013.*

Ms. McBee encouraged citizens who might be interested or who might know someone that was interested to plan and educate themselves well before July 29, 2013. She advised that there would be four positions on the ballot and that interested applicants should contact the City Clerk.

Finally, Ms. McBee stated that she had been investigating a document trail. She attended City Council’s economic development workshop held one week prior to the Regular Session. It was noted that Marsh Darcy had contracted with the City regarding some services related to the expansion of commercial development in Bellaire. At the end of the meeting, the question was raised as to whether City Council wished to proceed with Marsh Darcy to interview real estate professionals and developers.

To date, the City had spent $15,000 with Marsh Darcy. Ms. McBee indicated that she wished to find the City’s new contract whereby the new services of Marsh Darcy would be rendered. She started the search on Friday. Her
request was passed appropriately to the Community Development Department, which had never heard of it. City officials were not available on Friday to ask about the document. As of this date, Ms. McBee had still not seen the document. She advised City Council that if they had instructed Marsh Darcy to proceed with additional services, Ms. McBee had not seen a contract that City Council had authorized for the expenditure of more funds. She urged City Council to provide a cumulative total of expenditures for this particular project, as well as future projects. She felt that such information would be beneficial for the public, as well as for City Council.

Richard Franke addressed City Council and recommended that the City’s sanitation workers be recognized as the City had a terrific group of people in that department and those people deserved some recognition.

Mr. Franke advised that he was motivated to attend City Council’s meeting this evening in order to comment on the budget guidelines and parameters proposal (resolution) on the agenda. It was disturbing to Mr. Franke to see a budget presentation, with all of the work that needed to be done in the City (i.e., facilities, streets, Evergreen Pool, etc.), with a restriction to a $0.3999 tax rate.

Mr. Franke indicated that he was not in favor of arbitrarily raising taxes, but Bellaire had hundreds of millions of dollars of non-elective work staring it in the face in Mr. Franke’s judgment. He noted that City Council already knew his feelings with respect to the condition of the City’s streets and drainage ditches, which he indicated were horrible. He also referred to several instances he had seen of speeding issues on neighborhood streets.

Mr. Franke continued by stating that the condition of streets, lack of speed control, and the indignity represented by the drivers who cut through Bellaire’s neighborhoods had to stop. He informed City Council that many people bought in the City of Bellaire without any idea of what they were buying into. He urged City Council to back off and critically investigate what was needed before adopting the budget resolution this evening. He did not believe that it was conservative and frugal to, year after year, decade after decade, push the burden and the risk of lack of failure to address critical issues onto a select group of taxpayers.

{Mr. Franke’s allotted speaker time ended at this point in the meeting}

H. REPORT(S):

CITY MANAGER'S REPORT regarding Residential Safety (Police Activity Report), Public Infrastructure/Utilities (Major Projects Report, Evergreen Pool Update, Pavilion/Great Lawn Project), Indicators (Crime and Building Permits), Current Issues/Information, 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 May 6, 2013, to members of City Council. Following questions of City Manager Satterwhite regarding his report, a motion was made and action taken to accept the report into the record.

**CITY COUNCIL MOTION TO ACCEPT REPORT/ACTION:**

A motion was made by Mayor Pro Tem Amanda B. Nathan and seconded by Councilman Pat B. McLauglan to accept the City Manager's Report dated May 6, 2013, as presented by City Manager Bernard M. Satterwhite, Jr., into the record.

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. McLauglan and Andrew S. Friedberg

OPPOSED: None

ABSENT: None

I. **NEW BUSINESS:**

1. **ADOPTION OF ORDINANCES:**

   **Agreements and Contracts**

   a. **CONSIDERATION** of and possible action on a request from the Department of Facilities Management to enter into an agreement with Pierce Goodwin Alexander & Linville (PGAL) to provide professional services related to the preparation of Municipal Building Concept Design Studies, focusing on the City Hall, Civic Center, Police Station, and Municipal Court, as well as on the adoption of an ordinance authorizing the City Manager and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a **Standard Form of Agreement** with PGAL for said services in an amount not to exceed $12,000.00 – Item submitted by Director of Facilities Management Karl Miller.

   **CITY COUNCIL MAIN MOTION:**

   A motion was made by Councilman Corbett Daniel Parker and seconded by Mayor Pro Tem Amanda B. Nathan to approve a request from the Department of Facilities
Management to enter into an agreement with Pierce Goodwin Alexander & Linville (PGAL) to provide professional services related to the preparation of Municipal Building Concept Design Studies, focusing on the City Hall, Civic Center, Police Station, and Municipal Court and to adopt an ordinance authorizing the City Manager and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a Standard Form of Agreement with PGAL for said services in an amount not to exceed $12,000.00.

Following questions of CEO Gerber of PGAL regarding his proposal to provide professional services for the City, action was taken on the motion and second set forth above.

CITY COUNCIL ACTION ON MAIN MOTION:

The main motion carried on a 6-1 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 and Andrew S. Friedberg

OPPOSED: Councilman Pat B. McLaughlan*

ABSENT: None

*Councilman McLaughlan indicated that he was opposed to the main motion because the design stage included the demolition and reconstruction of the City Hall, which was perfectly functional in his opinion, at great expense to the City's taxpayers.

{Ordinance was subsequently numbered: 13-025}

Appointments

b. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing one (1) member to the Cultural Arts Board of the City of Bellaire, Texas, to fill an unexpired term commencing on May 6, 2013, and expiring on June 30, 2013, and appointing one (1) member to the Cultural Arts Board of the City of Bellaire, Texas, to fill an unexpired term commencing on May 6, 2013, and
expiring on June 30, 2014 – Item submitted by City Clerk Tracy L. Dutton on behalf of City Council.

Mayor Philip L. Nauert advised members of City Council and the audience that he was asked by the applicants interviewed earlier in the evening to postpone consideration of this agenda item.

2. ADOPTION OF RESOLUTION:

CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, setting forth guidelines and parameters for City Staff for the budget for the City of Bellaire, Texas, for the fiscal year commencing on October 1, 2013, and ending on September 30, 2014 – Item submitted by Assistant City Manager Diane K. White.

SUMMARY:

City Manager Bernard M. Satterwhite, Jr., advised that the resolution before City Council this evening was very similar to what had been done in past years. The resolution did not bind City Council or even the City Manager to anything.

The actual budget ordinance would be brought before City Council in September after much work, much discussion, and many workshops. The resolution represented a starting point for City Staff and City Council to be on a level playing field at the beginning of the budget process.

City Manager Satterwhite referred to a statement in the resolution that the fiscal year 2014 budget would be developed at a total tax rate not to exceed the fiscal year 2013 total tax rate. City Staff had considered leaving the statement out, but felt it was a good starting point. At this time, City Staff did not know if the budget would end up meeting that tax rate. City Manager Satterwhite advised that he was fairly confident that there would be a tax base increase for Bellaire this year.

He continued and advised that City Staff planned to again recommend a $950,000 transfer from the Enterprise Fund to the Debt Service Fund, with a fund balance of not less than 5%, which was a good business practice.

With respect to the General Fund, City Staff indicated that expenditures would not exceed current year revenues. City Staff further indicated that the growth of the General Fund would be limited to a factor not to exceed the Municipal Price Index (MPI). If City Staff
could not meet the parameter and do the things that City Council and
the citizens wanted to do and/or needed to do, then City Staff would
ask City Council to re-look at the parameter.

Competitive employee compensation was also included as a
parameter. City Manager Satterwhite advised that City Staff would
like to consider both a market adjustment and a step increase during
fiscal year 2014.

With respect to the Capital Improvement Program Fund and the
Vehicle, Equipment and Technology Fund, City Manager Satterwhite
advised that the City needed to look at what could be done to build
both of the funds back up, as well as to continue to fund the
commitment to the Rebuild Bellaire Pay-As-You-Go Program.

Guidelines for the Enterprise Fund, a business-based fund, were to
continue to provide water, wastewater, and solid waste services to the
residents and to transfer $950,000 to the Debt Service Fund and not
less than $500,000 to the General Fund.

In closing, City Manager Satterwhite indicated that City Staff planned
to schedule a priorities workshop with City Council in late June.

CITY COUNCIL MAIN MOTION TO ADOPT RESOLUTION:

Councilman Corbett Daniel Parker moved to adopt a resolution
of the City Council of the City of Bellaire, Texas, setting forth
guidelines and parameters for City Staff for the budget for the
City of Bellaire, Texas, for the fiscal year commencing on
October 1, 2013, and ending on September 30, 2014.
Councilman Roman F. Reed seconded the motion.

Following questions of City Manager Satterwhite from Councilman
Parker related to the effect of a possible bond issuance of $10-20
million on the Debt Service Fund tax rate, Councilman Parker offered
an amendment to the main motion.

CITY COUNCIL AMENDMENT TO MAIN MOTION:

Councilman Corbett Daniel Parker moved to remove the
following guideline and parameter from the resolution:

- The fiscal year 2014 budget will be developed at a total
tax rate not to exceed the fiscal year 2013 total tax rate.

Councilman Pat B. McLaughlan seconded the amendment for
discussion.
Following discussion among members of City Council regarding the amendment proposed by Councilman Parker, Mayor Nauert called for a vote on the amendment.

**CITY COUNCIL ACTION ON AMENDMENT TO MAIN MOTION:**

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

**OPPOSED:** Councilman Andrew S. Friedberg*

**ABSENT:** None

*While recognizing that City Council would ultimately have the discretion to vary from this parameter in adopting the final budget, Councilman Friedberg preferred to challenge City Staff to propose a budget based on a more conservative tax rate. He emphasized that Staff would likely still have more to work with, based on an increase in the tax base, even while holding the tax rate constant. He further noted that even the City Manager stated that this parameter “was a good starting point.”

Following further questions and discussions among members of City Council and City Staff regarding the motion, as amended, Mayor Nauert called for a vote.

**CITY COUNCIL ACTION ON MAIN MOTION, AS AMENDED:**

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

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

**OPPOSED:** None

**ABSENT:** None

{Resolution was subsequently numbered: 13-02}
J. ITEMS FOR FUTURE AGENDAS; COMMUNITY INTEREST ITEMS FROM THE MAYOR AND CITY COUNCIL.

Community interest items from the Mayor and City Council included wishes for a Happy Mother's Day; congratulations and best wishes for those graduating from college and high school; and encouragement to residents to sign up for openings on the City's boards and commissions.

K. ADJOURNMENT.

CITY COUNCIL MOTION TO ADJOURN/ACTION:

A motion was made by Councilman Corbett Daniel Parker to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 8:43 p.m. on Monday, May 6, 2013. Councilman Roman F. Reed 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,

[Signature]
Tracy L'Otto, TRMC
City Clerk
City of Bellaire, Texas

Approved:

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