The City Council of the City of Bellaire, Texas, met in Regular Session on Monday, June 17, 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 7:04 p.m. on Monday, June 17, 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 James P. Avioli, Sr.

Councilman James P. Avioli, Sr., provided the inspirational reading for the evening.

D. PLEDGES TO THE FLAGS – Councilman James P. Avioli, Sr.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

Councilman James P. Avioli, Sr., 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 Special Session of the City Council of the City of Bellaire, Texas, held on Monday, June 3, 2013 – Item submitted by City Clerk Tracy L. Dutton.
CITY COUNCIL MOTION/ACTION TO APPROVE MINUTES:

Councilman Andrew S. Friedberg moved to approve the minutes of the Special Session of the City Council of the City of Bellaire, Texas, held on Monday, June 3, 2013. Mayor Pro Tem Amanda B. Nathan seconded the motion.

The motion carried 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 Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, June 3, 2013 – Item submitted by City Clerk Tracy L. Dutton.

CITY COUNCIL MOTION/ACTION TO APPROVE MINUTES:

Councilman Andrew S. Friedberg moved to approve the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, June 3, 2013. Councilman Roman F. Reed seconded the motion.

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

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

OPPOSED: None

ABSENT: None

3. CONSIDERATION of and possible action on the approval and adoption of the minutes of the Special Session (Interviews) of the City Council of the City of Bellaire, Texas, held on Monday, June 10, 2013 – Item submitted by City Clerk Tracy L. Dutton.
CITY COUNCIL MOTION/ACTION TO APPROVE MINUTES:

Councilman Roman F. Reed moved to approve the minutes of the Special Session (Interviews) of the City Council of the City of Bellaire, Texas, held on Monday, June 10, 2013. Councilman Andrew S. Friedberg 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, Corbett Daniel Parker, Pat B. McLaughlan and Andrew S. Friedberg

OPPOSED: None

ABSENT: None

ABSTAIN: Councilman James P. Avioli, Sr.*

*Councilman Avioli abstained from voting on the approval of the June 10, 2013, Special Session (Interviews) minutes due to his absence from that meeting.

F. PERSONAL/AUDIENCE COMMENTS.

Robert Riquelmy addressed City Council and referenced a severe flood in Bellaire that occurred approximately 12 years ago. As a result of that flood, new ordinances were passed requiring crawl spaces under houses. Mr. Riquelmy advised that those ordinances resulted from discussions between City Council and the City's Engineer and were not run through the Building and Standards Commission.

Mr. Riquelmy indicated that, in his opinion, it was time to re-evaluate the crawl space requirement in most areas of Bellaire. He noted that he had asked the Building and Standards Commission at least twice to do that. Mr. Riquelmy advised that he believed that a request from City Council was required to see how many had been built, how many had not been built, what the benefits were, how it had mitigated flooding in Bellaire, and what problems had arisen.

In closing, Mr. Riquelmy stated that this was a field for serious study that he wished to see handled. He advised that if City Council would make the request, he would be thankful.
G. REPORT(S):

1. CITY MANAGER’S REPORT regarding Residential Safety (Police Activity Report), Public Infrastructure/Utilities (Major Projects Report and Pavilion/Great Lawn Project Status), Communications/Technology (Comcast TV broadcast issues), Current Issues/Information (Status of Streetscape Survey RFP, Economic Development Update, and Pool Incident of June 7), 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 June 17, 2013, to members of the 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/ACTION TO ACCEPT REPORT INTO THE RECORD:

Councilman Roman F. Reed moved to accept the City Manager’s Report dated June 17, 2013, as presented by City Manager Bernard M. Satterwhite, Jr., into the record. Councilman Corbett Daniel Parker 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. FINANCE REPORT for the City of Bellaire, Texas, covering the period ended May 31, 2013, and including discussion of revenues and expenditures in the General Fund, Enterprise Fund, Debt Service Fund, Vehicle, Equipment and Technology Fund, and Capital Improvement Program Fund, as well as discussion of statistical data – Item submitted 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 May 31, 2013, to members of the City Council. Following questions
of Chief Financial Officer Symank regarding her report, a motion was made and action taken to accept the report into the record.

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

Councilman James P. Avioli, Sr., moved to accept the Finance Report for the City of Bellaire, Texas, for the period ended May 31, 2013, as presented by Chief Financial Officer Linda Symank, into the record. Mayor Pro Tem Amanda B. Nathan seconded the motion.

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

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

OPPOSED: None

ABSENT: None

H. NEW BUSINESS:

ADOPTION OF ORDINANCE:

Code Amendment

CONSIDERATION of and possible action on the adoption of an ordinance amending Chapter 9, Buildings, Article II, Building Codes, Division 1, Generally, of the Code of Ordinances of the City of Bellaire, Texas, by amending Section 9-17, Amendments to building code, for the purpose of prohibiting construction of buildings and structures and related activities on Federal holidays within the City of Bellaire, Texas - Item submitted by City Manager Bernard M. Satterwhite, Jr., on behalf of Councilman Roman F. Reed.

CITY COUNCIL MAIN MOTION:

Councilman Roman F. Reed moved to adopt an ordinance amending Chapter 9, Buildings, Article II, Building Codes, Division 1, Generally, of the Code of Ordinances of the City of Bellaire, Texas, by amending Section 9-17, Amendments to building code, for the purpose of prohibiting construction of buildings and structures and related
activities on Federal holidays within the City of Bellaire, Texas. Councilman Corbett Daniel Parker seconded the motion.

Introduction:

Councilman Roman F. Reed indicated that all Federal holidays should be a time for rest and relaxation for all of Bellaire’s residents. Oftentimes, construction noise interrupted holiday celebrations and impeded the rest and relaxation of residents. Councilman Reed advised that he had received comments from several citizens regarding celebrations or events that were disrupted as result of the construction. For those reasons, Councilman Reed proposed prohibiting the construction of buildings and structures on Federal holidays.

Although sympathetic to the concept, Councilman James P. Avioli, Sr., advised that he felt that the prohibition could impact business in the City and offered a friendly amendment.

AMENDMENT (NO. 1) TO THE MAIN MOTION:

Councilman James P. Avioli, Sr., moved to amend Chapter 9, Buildings, Article II, Building Codes, Division 1, Generally, of the Code of Ordinances of the City of Bellaire, Texas, by amending Section 9-17, Amendments to building code, for the purpose of prohibiting construction of buildings and structures and related activities on the following six (6) Federal holidays within the City of Bellaire, Texas: New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.* Councilman Corbett Daniel Parker seconded the amendment.

*Since the City offices were open on George Washington’s Birthday and Columbus Day, Councilman Avioli felt those days should be removed from the list. In order to shorten the number of Federal holidays in which construction of buildings and structures would be prohibited, Councilman Avioli also suggested removing Martin Luther King’s Birthday and Veterans Day from the list.

Councilman Roman F. Reed indicated that he would not accept the amendment as friendly. He noted that homeowners and occupants were not subject to this prohibition. Councilman Reed’s statement was confirmed by City Manager Bernard M. Satterwhite, Jr.

Councilman Corbett Daniel Parker, the seconder of the main motion, indicated that he wished to hear the thoughts of other members of City Council with respect to Councilman Avioli’s amendment.

Following further discussion among members of City Council, a vote was taken on amendment (no. 1) to the main motion.
VOTE ON AMENDMENT (NO. 1) TO THE MAIN MOTION:

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

FOR: Mayor Pro Tem Amanda B. Nathan and Councilmen James P. Avioli, Sr., and Corbett Daniel Parker

OPPOSED: Mayor Philip L. Nauert and Councilmen Roman F. Reed, Pat B. McLaughlan and Andrew S. Friedberg

ABSENT: None

Following discussion on the main motion, action was taken on the motion to adopt an ordinance amending Chapter 9, Buildings, Article II, Building Codes, Division 1, Generally, of the Code of Ordinances of the City of Bellaire, Texas, by amending Section 9-17, Amendments to building code, for the purpose of prohibiting construction of buildings and structures and related activities on Federal holidays* within the City of Bellaire, Texas.

*The ten Federal holidays recognized or to be recognized during calendar year 2013, were noted as follows: New Year’s Day, Martin Luther King’s Birthday, George Washington’s Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day.

VOTE ON MAIN MOTION:

The main 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

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 upcoming meetings/events as follows: Town Hall Meeting on Facilities to be held June 19, 2013; Parks and Recreation Advisory Board Meeting to discuss focus group results on their Master Park Plan, which was also scheduled to be held on June 19, 2013; and the Bellaire Business Alliance Meeting to be held on June 18, 2013, at Brisket Bar-B-Q. Citizen participation was strongly encouraged on upcoming City matters. Condolences were expressed to the family of Leila Rouse, active community participant and wife
of Former Mayor William Rouse. Congratulations were expressed to Bellaire Police Officer Traci Mathews for her continued community volunteerism and to Episcopal High School Teacher Thomas Wright on his recent recognition from the Bellaire Southwest Rotary Club. Expressions of thanks were given to the Bellaire Lifeguard and First Responders for their quick emergency response and preparedness during a recent incident at the Bellaire Pool and to Chair Winfred Frazier and the Planning and Zoning Commission for their work and continued efforts on Code amendments related to the City's Comprehensive Plan.

J. ADJOURNMENT.

CITY COUNCIL MOTION/ACTION TO ADJOURN:

Mayor Pro Tem Amanda B. Nathan moved to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 8:07 p.m. on Monday, June 17, 2013. Councilman James P. Avioli, Sr., seconded the motion.

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

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

OPPOSED: None

ABSENT: None

Respectfully submitted,

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

Approved:

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