The City Council of the City of Bellaire, Texas, met in Regular Session on Monday, August 19, 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 7:30 p.m. on Monday, August 15, 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, 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.

Agenda item F. was considered at this point in the meeting.

F. PERSONAL/AUDIENCE COMMENTS.

Marybeth Flaherty, a 23-year resident, noted that over the years, she had seen the addition to the City’s park system of Vic Driscoll Park, Joe Gaither Park, and Bellaire Town Square. Bellaire had never had a greater opportunity
to enhance its parks and improve the quality of life for all residents in the community than with the development of the five-acre tract at 4400 Bellaire Boulevard which The Jerry and Maury Rubenstein Foundation graciously acquired and gifted to Bellaire. That property was now known as Evelyn’s Park.

For years the City of Bellaire worked lot by lot to purchase the entire north side of the Laurel Street property across from City Hall with the vision of holding those lots until all could be acquired and envisioned that the green space would become a park for the Bellaire community. Those lots were now part of Bellaire Town Square and many could not imagine that those lots were not always part of that vibrant park.

The City of Bellaire, with the donation by the Rubenstein Foundation of the former Teas Nursery site, had been afforded a once in a lifetime opportunity of five acres of urban property that did not require a monetary investment to acquire.

The City, in preparing the Laurel Street lots for use, had to clear them, grade them, and ultimately invest City dollars to make them usable as public park space. Dollars spent by the City for Bellaire Town Square were certainly close to, if not over, $5,000,000. To date, the City had provided $100,000 initial seed money needed to begin the Master Plan for Evelyn’s Park. Ms. Flaherty raised the question as to how much money the City would have had to spend if there were not a non-profit entity working to fund the development of the property to make that property usable as a park. She estimated that the City would have spent $5,000,000 for the basic clearing of the land, infrastructure and bathroom facilities based on previous similar expenses with Bellaire Town Square.

As a City appointee to the Evelyn’s Park Conservancy Board, Ms. Flaherty assured City Council that the eight-member volunteer board was working very hard to fund 100% of the development of the park. However, potential funders wanted to know what the City was contributing to the development of the park. Ms. Flaherty asked City Council to show their support of Evelyn’s Park by adding to the November ballot a referendum to have available up to $5,000,000 of bonds for use to develop Evelyn’s Park and, therefore, allow the Bellaire citizens the opportunity to show their support of Evelyn’s Park by voting “yes” to a supporter of the park, which would be a defining icon of Bellaire for generations to come.

In closing, Ms. Flaherty indicated that in the event that 100% of all of the necessary funds were raised by the Board, the bonds would not have to be issued.
Bill Glick addressed City Council in support of Evelyn’s Park. He advised that he resided near Evelyn’s Park and was hopeful that City Council would be part of the support to create an icon and wonderful gateway as people came into Bellaire. He noted further that the park was a wonderful place for people to get together with family, enjoy the greenery, and be part of the Bellaire spirit.

In closing, Mr. Glick stated that he would appreciate City Council’s consideration in placing Evelyn’s Park on the ballot.

Lynda Clemmons addressed City Council on behalf and in support of The Nature Discovery Center ("Center"). Ms. Clemmons stated that she had served on the Board of the Center since 2006. In that time, she had witnessed a true transformation. The “little local nature center” was accessible and really engaged children and ignited their natural curiosity.

When Ms. Clemmons moved to Bellaire in 2005, the Center was rundown and things were patched together with duct tape, a string, and a prayer. In the past seven years, the transformation Ms. Clemmons mentioned had been real. The community was engaged and excited about the positive changes they saw.

As a past president of the Center, Ms. Clemmons advised that she knew the property well. Painting and printing could only go so far. She stated that the Center needed capital improvements and now, thanks to the hard work of Sarah Flournoy and her staff and the Board, the Center had a plan, which included the house, the park, parking lots, and safety lighting. This project had been two years in the making and it would continue the transformation. Like any project, it required funding to make it happen.

The Center had been fundraising for over 30 years and, during that time, the City of Bellaire had been very supportive with in-kind donations of utilities and other items. However, most of the cash for past improvements had been made with very few monetary contributions from the City. The Center relied primarily on foundations and corporate and private donors who recognized the need for an institution such as the Center.

Now was the time for the City to make a push that would really ensure the Center’s long-term sustainability. The Board would continue to reach out to its wonderful donors for the bulk of the project funding. The Board was asking the City to chip in and share the costs. Ms. Clemmons advised that the overall project, $1.5 million, would make a large impact on park upkeep, safety, and functionality while maintaining the wonderful family-oriented, natural feel of the Center.
The proposal for City funds was for one-third of the overall project cost and included items that best suited the needs of the Bellaire community and made the most sense for the City to fund.

Ms. Clemmons thanked City Council for their attention and urged them to approve the Center’s request for $500,000 to be put into the bond fund proposal.

Ben Cowan addressed City Council in support of The Nature Discovery Center ("Center"). He indicated that he had served on the Board of the Center for the past five years and served as Vice President for the past two years.

Mr. Cowan stated that he devoted his energies to the Center because he truly believed it was a unique and invaluable amenity that helped set Bellaire apart from neighboring communities, while providing wonderful educational and recreational opportunities of a kind that no other City park could offer.

Under the leadership of the Center’s still relatively new Executive Director, Sarah Flourney, the Center had entered into an exciting new phase of growth and renewal. Last year, Mr. Cowan appeared before City Council on behalf of the Center and asked for approval to install a new sign at the Center’s main Newcastle Drive entrance. Thanks to City Council’s favorable consideration, the Center was able to install the sign at the beginning of the year. The sign had been a wonderful addition to the Center and the community. People now knew where the Center was, what it was, and a little bit about what was going on there—but, there was so much more that could and needed to be done to enable the Center’s continued evolution into a first class nature center, educational facility, and community resource.

Much of the evolution had to do with the capital needs of an aging physical plant and the demands of cultivating native ecological communities in a four-acre park with minimal staff. Through the hard work of the Board and staff, the Center had already secured funding for many important projects. He noted that he hoped City Council had seen the recent cosmetic improvements to the inside and exterior of the Henshaw House. More exciting improvements were on the way with funds raised from foundations, corporations, and individual gifts.

While the Center relied on the City’s assistance with maintenance and utilities, for many years the Center had refrained from asking the City for any direct financial support. The Center prided itself on its self-sufficiency even through the recent hard economic times. However, with a municipal bond issue that City Council would be considering this evening, the City had before it the opportunity to make a genuine, significant contribution to an iconic and essential element of Bellaire. Designation of $500,000 of bond funds to
capital improvements of the Henshaw House and Russ Pitman Park would enable the Center to make the kind of major upgrades and improvements that had been long needed at the Center. The funding would enable the Center to address foundation, plumbing, and security issues at the Henshaw House that were needed to extend its useful life through the Center’s next phase of development.

The funding would also allow the Center to make exciting improvements to the park itself, such as improving entry points, installing new walking trails, and adding interpretive signage to help park visitors identify and understand the ecological communities present in the park and the importance of those communities to our environment in South Texas.

Mr. Cowan closed by stating that he hoped members of City Council were as excited as he, the staff, and Board members were for the opportunity for transformational improvement of the Henshaw House and Russ Pitman Park. He urged City Council to give it their genuine consideration and support.

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Lou Waters addressed City Council and noted that he was Vice President of the Evelyn’s Park Conservancy Board (“Board”) and served as Co-Chair of the Large Gifts Committee. He indicated that he wished to give City Council a quick update on the park and the Board’s progress. The Evelyn’s Park capital campaign had been kicked off and the Board was in the process of raising $16.7 million for detailed design, engineering, construction, and a maintenance reserve for the park.

The Board had overwhelming support in the early stages of their fundraising effort both from the community and from the foundations they had visited. The Board received a $500,000 challenge grant from a resident of Bellaire to help the Board push forward with donations from the community. Over $125,000 had been raised toward the challenge grant in a few short months. There were $7.25 million in grant applications out right now to larger foundations in Houston. The Board had $20 million in grant applications identified and targeted which would roll over the course of the year.

Mr. Waters indicated that the Board had received very encouraging feedback from the foundations—there had not been any negativity or push back toward the size of the Board’s goal. The Board’s fundraiser consultants had remained very encouraging about the funding possibilities. The Board was confident that it would meet its goal.

The motion on the table for City Council consideration to place Evelyn’s Park on the November ballot did not commit Bellaire to giving the Board money. It set the stage for good improvement and discussion as to how the City would contribute, for what grounds it would contribute, and for what part of the park it would contribute.
Mr. Waters referred to a clause in the agreement between the City and the Rubenstein Foundation with respect to future rights to the property. He indicated that the Board welcomed that conversation. The Board welcomed and understood further discussion with the City Council and the public about the whole project and how the funding would be used.

The Board was charged with building something that was not only a great park, but was an iconic, world class park—something that combined dynamic and exciting programming, a nationally recognized design, a restaurant, but also to create something crafted to live within Bellaire's neighborhoods.

In closing, Mr. Waters asked City Council to approve the motion to place Evelyn's Park on the ballot and allow the City to work with the Board later in the year to evaluate participation on the total goal on the citizen's behalf based on good diligence and detailed discussions and prudent conversation.

Keith Bowers addressed City Council and complimented Director of Public Works Joe Keene and the City Engineer for the reconstruction of Jessamine Street, which occurred a number of years ago. There had been absolutely no problems, defects, sinking, chips, or cracking. He encouraged the City to continue its high construction standards with regard to City streets—it paid off and was an excellent investment. He advised that it had been wonderful to see the durability of the new streets.

Mr. Bowers next referred to Evelyn's Park and asked if the City Council had really looked at the plan. It had thousands of dollars' worth of annual plants. Maintaining those in the Houston climate would cost $1-$1.5 million per year. The park was overdeveloped in Mr. Bowers' opinion—he was concerned where the money would come from to keep it going.

In closing, Mr. Bowers asked City Council to explain to the voters how much money would be asked for. Things needed to be identified and specified. As he saw it now, the City's bond issues would be defeated because they were not defined.

Leslie Clark addressed City Council and noted that her home backed up to the northern border of the proposed future Evelyn's Park. She referred to comments previously made as to the quantity of funds being asked for and the scope of the park. The park was always billed as a gift to the residents of Bellaire. She believed that moving forward with any consideration of a bond issue was placing a burden on the citizens of Bellaire that they did not accept when they accepted the proposed park.
The main issue Ms. Clark wished to address with City Council was an issue of disclosure. The original incorporation documents in which the City and the Rubenstein Foundation entered into a 501(c)(3)-type corporation to set up the Conservancy for Evelyn’s Park was a 50-50 ownership between the City and the Foundation. The former mayor who currently served on the Conservancy Board and at least one member of City Council had stated that it was a 50-50 ownership, but what the Foundation wanted, the Foundation got. The family Foundation was in control of all decisions even though there was a 50-50 split on paper.

Ms. Clark referred to another issue, which was related to the fact that in the gift-giving document for the Evelyn’s Park land, the Foundation reserved a right to take the land back should the City of Bellaire fail to satisfy its obligations under the agreement entered into. The Memorandum of Agreement was a confidential document and had not been disclosed to the citizens of Bellaire to her knowledge.

The document provided that the City of Bellaire had to execute a deed back to the Evelyn’s Park property in favor of the Family Foundation. At any point if the Foundation decided that the City had not met its obligations and was in violation of the agreements, the Foundation could choose to take the land back. This was a primary issue that had to be resolved before the City could even consider the idea of asking for bond or public money to fund the park. The City had to know that it had control and ownership of the land and the facilities that would be there.

Ms. Clark referred to a statement on the Evelyn’s Park website that indicated that the Conservancy Board was working with the City Council to define their obligations, responsibilities, and timelines on a moving forward basis. This was inadequate in Ms. Clark’s opinion. The issue of ownership was tantamount to control. Reference was next made to comments made earlier in the meeting about maintenance and the scope of the park development. These were further issues that needed to be resolved.

When City Council adopted an ordinance approving the Evelyn’s Park plan, some specific amendments were added to the ordinance, the first of which was proposed by Mayor Pro Tem Amanda B. Nathan. That amendment stated that no restaurant could be built on the Evelyn’s Park site unless they came back to City Council and got specific approval for that. The very ambitious $16.7 million plan, which the Board had talked about tonight and which they were submitting to the foundations, boldly stated that a restaurant would be included. A further plan proposed last year was for a 2,500 square foot catering kitchen to provide for special events and activities. The scope of the activities the Board was proposing was not on the level of what Ms. Clark would consider to be a public City park—it could be more properly classified as a commercial development.
Lastly, Ms. Clark referred to Marybeth Flaherty and her statements regarding the efforts made to acquire the Laurel Street properties for Bellaire Town Square. There was a specific City ordinance which allocated 100 feet behind the fences of the residents on Linden Street that was in perpetuity where no development could take place. On behalf of the residents of Camellia Lane, Ms. Clark asked that the same consideration be given for the proposed City park. Bellaire was a City of Homes. Residents wished to preserve their neighborhoods, families, and their peace of mind from the parking and commercial activity that would be going on in a very residential neighborhood.

**Lynn McBee** referred to another curfew waiver that appeared on City Council’s agenda. She stated that City Council handed out drinking permits like they were paper. She stated further that public lands should not be used for drinking.

Secondly, Ms. McBee congratulated the City Council on calling a General Election. She also congratulated the candidates who had filed.

With respect to public funds for private functions, Ms. McBee noted that Horn Field was not owned by the City of Bellaire, but rather by the Houston Independent School District (HISD). In other City locations with HISD, land use agreements had been entered into for various purposes, whether for playing fields or parking. In her opinion, the City could not allocate public funds to help a private fundraising organization that was building a facility for its use. It would be open to the public. She proposed that City Council get a written legal opinion on the question before it was even considered.

With respect to the bond election, Ms. McBee was delighted to see a construction proposition for $11 million for a new City Hall and Police Department. She was also delighted to see the option of a relocation amount of $5 million for those who did believe in moving out of the park and into the business district. However, she absolutely opposed City Council calling a bond election for Evelyn’s Park with all of the unanswered questions, some of which the prior speaker covered. The only disagreement she had with comments made by the prior speaker was the fact that the City’s agreements with the Foundation were a public record and the meetings held to discuss the agreements were open to the public.

The reason Ms. McBee did not believe a bond election should be called for Evelyn’s Park was not because she opposed the park, as it would be a great facility. The proposition was premature as the Board was working, as they said they would, to solicit grant monies from multiple foundations and they had not received any answers yet. Bond issuances should not be authorized if they might not be used. To do so was a ridiculous waste of the residents’ consideration and City Council’s integrity in her view.
Ms. McBee continued and advised that she did not oppose a future possible bond issue for Evelyn’s Park at least one year away from this November. By that time, the Board’s efforts in trying to raise grant money would be known and City Council would know how much the Board had actually raised by those commitments. The City’s commitment to the park was ownership and maintenance in perpetuity. Ms. McBee urged City Council not to bow to pressure to place Evelyn’s Park on the ballot.

With respect to The Nature Discovery Center, Ms. McBee stated it had earned its own way for 30+ years with benefit of support from others. It certainly deserved a mere $500,000 and had earned the right.

Mayor Nauert indicated that he had several letters to read into the record (see verbiage set forth below).

Honorable Mayor and Members of Council,

This evening the City Manager will include in his report information pertaining to the Biggert Waters Flood Insurance Reform Act of 2012. I urge each of you to follow this issue closely.

Under the act, Flood Insurance rates for “grandfathered” houses (built before the first maps were drawn) are subject to an increase of 20% per year over the next five years. Upon sale of the property the rate resets to an unsubsidized level. This would cost many current residents significantly and would make buying a home in Bellaire out of reach for many more people by making the purchase of some older homes financially illogical.

An example:

In 2006 my home was not in the 100-year floodplain. We purchased flood insurance anyway for $385 per year.

Our rates increased in 2007 when the new maps put us in the 100-year floodplain. A 20% per year increase of our current rate for 5 years would bring it close to $4,000 per year. If we were to sell our house and the unsubsidized rate jumped to $9,000 (a hypothetical number based on a statistic about the average cost to affected property owners across the country), well frankly, it would be ridiculous for anyone to buy it. $750 per month buys a lot of mortgage.

Life cycle housing is a stated goal of Bellaire. Well maintained older homes provide opportunities for people with a broader range of income levels (for example, young professionals starting families such as myself) to own homes in our city. As a city we need to do better in this regard, but until we do these homes provide important diversity in housing opportunity.
Please ask the following questions:

1. Harris County Flood Control requested an Amendment to the Flood Maps after the implementation of Project Brays. Has the application been successful in removing Bellaire from the floodplain in the maps that will go into effect in 2014?

2. If Bellaire is still in the floodplain, how will the rate changes impact residents?

The City can mitigate the effects of the Biggert Waters Act on Bellaire Residents in at least 2 ways:

1. Prepare and submit a LOMA (Letter of Map Amendment) based on recent infrastructure projects to improve our floodplain status. Waiting until the next official redraw in 2021 will be too late—the full rate increases will be in effect.

2. Pursue all opportunities to improve our CRS rating. This rating, administered by our Building Official, who is the city’s Floodplain Administrator, establishes a Flood Insurance rate discount for residents. The Building and Standards Commission, which has been charged with hearing variance requests to floodplain regulations, may be in a good position to work with staff to recommend ways we can improve Bellaire’s rating.

With thanks and kind regards,

Kristin Schuster

Ms. Dutton,

I have reviewed Kristin Schuster’s letter regarding the ways in which the Biggert Waters Flood Insurance Reform Act of 2012 will affect many Bellaire residents. In connection with Kristin’s comments being read into Monday’s public comments, I would appreciate my comments also being read aloud into the record. Further, I would appreciate it if my comments could be read into the record after Kristin’s letter since my comments refer to her letter. Thank you!

Comments:

As noted in Kristin Schuster’s letter of August 16, 2013 (previously read into the record), the 2012 Flood Insurance Reform Act has the potential to change dramatically the cost of living, market values and housing stock in Bellaire. As a taxpayer, I appreciate the flood program’s need to move toward a risk-
based system that more accurately reflects a particular area or homeowner’s flood potential. However, if a risk-based system is to be instituted, the risk assessment should be as accurate as possible and should not depend on “blanket” or overly broad flood map determinations.

As Ms. Schuster noted in her letter, the City of Bellaire is in a position to take several actions to ensure its residents’ flood risk and insurance rates are analyzed in detail and realistically set based on improvements and infrastructure repairs which all Bellaire residents’ taxes have funded. While the City may not be able to affect change at a national policy level, the City is well positioned to advocate for and protect its residents’ interests. Only the City, and not individual residents, can effectively pursue remedial measures such as the Letter of Map Amendment and improvements to Bellaire’s CRS rating.

I have one additional action request of the City. Through utility bill mailings and/or garbage bag distributions, the City often communicates with residents about issues facing the area. I strongly urge the City to use one or both of these communication tools to advise Bellaire’s residents about the flood insurance rate increases on the way.

In particular, residents should be made aware that the rate changes could easily affect “newer” homes that were constructed before Bellaire revised its building codes. Many residents living in homes built in the 1990s or early 2000s could be under the misimpression that the rate changes affect only the 1950s housing stock when, in fact, any homes built prior to code revisions could experience significant rate changes.

Thank you, in advance, for your consideration of these comments and your diligent attention to the issues raised.

Fay Peterson

Hello,

I am writing to let you know that I am strongly in favor of placing the bond referendum for Evelyn’s Park before the voters in November and I support the city using bond money to help pay for the park. Evelyn’s Park will change the landscape of Bellaire as we know it. The park will add more trees and green space to our community, be environmentally friendly and a beautiful showcase for our city. More importantly, Evelyn’s Park will bring a stronger sense of community to our city, as it will serve as a gathering place for all of our residents. It will be a future place for community events, meeting neighbors and for celebrating occasions. The support for the park is overwhelming among the citizens of Bellaire, and it is an incredible opportunity for our city, and one that cannot and should not be missed. We
can shape our future in Bellaire and the future of many generations to come by funding this unique and iconic park.

Thank you.

Debbie Lapin

Please ask Bellaire City Council to vote in favor of placing the bond referendum for Evelyn’s Park before the voters in November. I support the City using bond money to help pay for part of what will be a great park for the City.

Bruce D. Friedman

To Whom It May Concern,

We support the use of bond money to fund the development and maintenance of Evelyn’s Park Conservancy. You have our full financial support now and in the future.

Thank you,

Drs. Eric Longo and Laura Colton

Ms. Dutton,

I am a strong supporter of the development of Evelyn’s Park. I encourage the Bellaire City Council to place a bond referendum on the ballot for the November elections so that the citizens of Bellaire can show their support of using bond money to develop the fantastic resource that will be Evelyn’s Park.

Please have the above statement read at the upcoming City Council meeting.

Thanks.

Regards,

Susan Rosenbaum

I am writing to strongly urge the Council to please vote in favor of placing the bond referendum for Evelyn’s Park before the voters in November.
Park space is extremely precious—particularly so in our increasingly urban city. This park is a once in a generation opportunity for Bellaire, and the Council should do all it can to make it a reality.

I can't think of any better purpose for using bond money than to help this City accomplish the creation of a great park for all to enjoy. I strongly believe the voters of Bellaire will agree in November, and they should be given that opportunity.

Thank you.

Jeff M. Golub

Honorable Tracy Dutton,

I want to demonstrate my support for the Evelyn’s Park Conservancy. Please vote in favor of placing the bond referendum for Evelyn’s Park before the voters in November. I support the idea of the City of Bellaire using bond money to help pay for a portion of the park.

I am very excited about the prospect of having a wonderful park for our families in Bellaire and the surrounding communities. This was very forward thinking of the Rubenstein Family and I am completely behind their ideas and the work the City of Bellaire is trying to do to make this a reality for our community.

Thank you,

Lisa Lee

Mayor and City Council,

As a 35-year resident of the City of Bellaire and a homeowner in the immediate vicinity of the new Evelyn’s Park, I would like to encourage you to approve the bond initiative by the City to help fund the park. This new park will be a great asset for all Bellaire residents and it will be a wonderful representation of our beautiful City to the rest of the region, with its location at a major entry point along Bellaire Boulevard.

Respectfully yours,

J. Sam Lott
Respected Bellaire City Council,

With this email please find my support of the bond issue proposal to fund Evelyn’s Park. As a Bellaire resident and avid runner, I can tell you how much the community needs the park. Recent security issues in Newcastle and Lula in August puts in evidence how the community needs organized parks for the residents to exercise.

I look forward to a positive vote.

Thanks in advance.

Javier Gonzalez

I want to support the bond support of Evelyn’s Park.

Marsha Wallace

Tracy,

Our City and its residents will benefit greatly from the addition of Evelyn’s Park to our community. This park will bring attention to our City from the entire greater Houston area, and even possibly garner statewide and nationwide attention. It will improve quality of life in the area, enhance our City’s park program, and increase property values throughout the City. Bellaire lacks a “signature park” and this will be a great source of pride for our community.

In order for Evelyn’s Park to become a reality though, we all have to show our support. The Conservancy has done a great job raising money from the residents and neighbors through its fundraising efforts. The residents and neighbors have stepped up significantly, but it will take the support of the City and some of the area foundations to bring Evelyn’s Park to fruition, with the foundations providing the largest amount of financial support. The foundations’ financial support is predicated on support from the City and its residents. The proposed bond referendum will allow the City to ask the residents to support this great addition to our City. Yes, many residents have already contributed personally through private donations, but the overwhelming response from those residents when asked if they’d support a bond referendum is a resounding YES!
This is an exciting opportunity for our City. We have a multi-million dollar piece of land that can be transformed into a beautiful and vibrant community space. I beg the Council to please show its support by allowing this referendum to be placed in front of the citizens to let them decide.

Thank you for your support.

Scott and Randi Rubenstein

Tracy,

In my opinion no great city is without an exceptional gathering spot for its community members to coexist. That being said, the construction of Evelyn’s Park represents an opportunity for Bellaire. We will go from being a "good place to live" to being an "exceptional community to live in." All property values will improve with a community commitment to bettering our infrastructure (no one needs to look further than Southside Place for the effect of Parks and beautification on the economic impact of a profoundly positive plan). I strongly support the bond referendum being discussed by City Council with hopes that our residents understand that sometimes we have to spend money to make money.

Regards,

Ben Raymond

To Bellaire City Council:

First thanks for being members of the City Council and volunteering your time to make Bellaire the best city of homes in Texas.

I will be out of town Monday evening but wanted to ask for your help in putting a bond referendum for Evelyn’s Park before the voters in November. I have been a resident of Bellaire since 1986. Evelyn’s Park will give the residents of Bellaire and I am sure others nearby a beautiful peaceful place to enjoy with their families. The area all around us is becoming more congested and life is also more stressful for many. This will be another place in Bellaire that says we care about our citizens, especially families and kids and see to it they have a great quality of life with access to nature’s blessings.

Thanks for your support of this.
A fellow traveler,

Phil Rice

I fully support the addition of Evelyn’s Park to the City of Bellaire. I feel it will have a positive effect on both the economic and social values that our community stands for and supports. Please vote in favor of the Bond Referendum for Evelyn’s Park.

Daniel J. Reininger

Please put my name on the list of supporters. The park will really be very nice to volunteer and work at. This is a positive for the whole city. I would gladly pay higher taxes to see this project supported by the City of Bellaire.

Sincerely,

Christopher Keith Whitehead

Mayor Nauert returned to item E. on the agenda at this point in the meeting.

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, August 5, 2013 – Item submitted by City Clerk Tracy L. Dutton.

CITY COUNCIL MOTION/ACTION TO APPROVE MINUTES:

Councilman Corbett Daniel Parker moved to approve and adopt the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, August 5, 2013. Councilman Andrew S. Friedberg 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

Mayor Nauert requested to move agenda item H.5. forward to this point in the meeting. After noting no objections, item H.5. was considered.

H. NEW BUSINESS:

ADOPTION OF ORDINANCES:

5. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, calling a Bond Election within the City of Bellaire, Texas, for the purposes of 1) providing funds for the construction of new City facilities (City Hall/Civic Center and Police/Municipal Court Building); 2) providing funds for the relocation of the City Hall/Civic Center and the Police/Municipal Court Building to a new site within the City; 3) providing funds for improvements to Evelyn's Park; and 4) providing funds for improvements to The Nature Discovery Center; establishing the date of the Bond Election on the uniform election date designated by the State of Texas as the first Tuesday after the first Monday in November or November 5, 2013; establishing election precincts, polling places, and appointing election officials; and setting forth certain provisions related thereto – Item submitted by City Attorney Alan P. Petrov.

CITY COUNCIL MAIN MOTION:

Councilman Pat B. McLaughlan moved that the bond propositions in agenda item H.5. receive independent consideration for each individual proposition in the bond referendum.

Mayor Phil Nauert asked if City Council would consider first making a motion to adopt the ordinance in its entirety.

CITY COUNCIL MAIN MOTION:

Councilman Corbett Daniel Parker moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, calling a Bond Election within the City of Bellaire, Texas, for the purposes of 1) providing funds for the construction of new City facilities (City Hall/Civic Center and Police/Municipal Court Building); 2) providing funds for the relocation of the City Hall/Civic Center and the Police/Municipal Court Building to a new site within the City; 3) providing funds for improvements to Evelyn's Park;
and 4) providing funds for improvements to The Nature Discovery Center; establishing the date of the Bond Election on the uniform election date designated by the State of Texas as the first Tuesday after the first Monday in November or November 5, 2013; establishing election precincts, polling places, and appointing election officials; and setting forth certain provisions related thereto. Mayor Pro Tem Amanda B. Nathan seconded the main motion.

Immediately following the main motion, Councilman Pat B. McLaughlan offered an amendment.

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

Councilman Pat B. McLaughlan moved to amend the main motion to consider each bond proposition in the bond referendum individually and independently. Councilman James P. Avioli, Sr., seconded the amendment.

After ensuring that no discussion was needed on the amendment, Mayor Philip L. Nauert called for action on the amendment.

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

The amendment (no. 1 of 1) to 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

**Bond Proposition One:**

Discussion and consideration were next given to the ballot language for bond proposition one, which read as follows: The issuance of $11,000,000 in bonds for the construction of new City Hall/Civic Center and Police/Municipal Court Buildings.
CITY COUNCIL MAIN MOTION ON BALLOT LANGUAGE FOR BOND PROPOSITION ONE:

Councilman Corbett Daniel Parker moved to approve the ballot language for bond proposition one as follows: The issuance of $11,000,000 in bonds for the construction of new City Hall/Civic Center and Police/Municipal Courts Buildings.

Prior to receiving a second on the main motion, Councilman Roman F. Reed offered the motion set forth below.

CITY COUNCIL SUBSTITUTE MOTION ON BALLOT LANGUAGE FOR BOND PROPOSITION ONE:

Councilman Roman F. Reed offered a motion to break bond proposition one into two propositions, with one proposition authorizing the issuance of bonds for the City Hall/Civic Center and the second proposition authorizing bonds for the Police/Municipal Courts Buildings. Councilman Pat B. McLaughlan seconded the substitute motion.

Discussion ensued among members of City Council regarding the substitute motion wherein Mayor Pro Tem Amanda B. Nathan and Councilman Corbett Daniel Parker noted that action had been taken on the substitute motion Councilman Reed offered during the previous Regular Session held on Monday, August 5, 2013.

City Attorney Alan P. Petrov agreed that the issue was discussed at the last City Council Regular Session and noted that he was directed to come back with a proposition that combined the facilities to be constructed.

Upon a request from Mayor Nauert for an opinion from City Attorney Petrov regarding the propriety of City Council reconsidering that action this evening, City Attorney Petrov advised that City Council could make a motion to suspend the rules. If that motion were approved, then Councilman Reed’s substitute motion could be considered.

CITY COUNCIL MOTION TO SUSPEND THEIR RULES OF PROCEDURE:

Councilman Roman F. Reed moved to suspend the City Council Rules of Procedure to allow for consideration and possible action on his substitute motion. Councilman James P. Avioli, Sr., seconded the motion.
After determining the necessary margin to suspend City Council's Rules of Procedure as five affirmative votes, action was taken on the motion.

**CITY COUNCIL ACTION TO SUSPEND THEIR RULES OF PROCEDURE:**

The motion to suspend City Council's Rules of Procedure failed on a 3-4 vote as follows:

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

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

**ABSENT:** None

Councilman Andrew S. Friedberg referred to ballot language used by the City of Bellaire, Texas, in 2005 for the Rebuild Bellaire Program, noting that it included the following language "for improvements to municipal buildings and facilities, to wit: Police Station, Municipal Court, Library, City Hall, Bellaire Municipal Pool, Fire Station, and to acquire additional land for such." He noted that the ballot language presented in the ordinance under consideration this evening used slashes between "City Hall" and "Civic Center" and slashes between "Police and Municipal Courts Buildings," which would possibly preclude the construction of a standalone Police Station, for example.

City Attorney Petrov advised that in order to provide more flexibility, he would agree that the facilities should be listed individually and separated by commas rather than slashes.

Councilman Friedberg requested advice of City Attorney Petrov as to whether proposition number two, which included funds for the acquisition of land to relocate the above-mentioned City facilities, could be combined with proposition number one and the Library added as a facility. He indicated that should the City facilities remain in their current locations, there could be funds available for a new Library.

Mayor Nauert noted that City Council had considered adding the Library to the bond proposition during the Regular Session held on August 5, 2013. It, too, had failed.

City Attorney Petrov agreed and advised that City Council would need to consider suspending their rules in order to consider adding the
Library to the bond proposition, as well as to combine the two bond propositions.

**CITY COUNCIL MAIN MOTION ON BALLOT LANGUAGE FOR BOND PROPOSITION ONE:**

Councilman Andrew S. Friedberg moved to adopt language for a revised Proposition One by removing the slashes and instead referring individually to City Hall, Civic Center, Police Station, Municipal Court Buildings.

Prior to receiving a second on the motion, City Attorney Petrov suggested keeping the two bond propositions, but revising the second proposition to authorize $16,000,000 in anticipation of a relocation and purchase of land.

Councilman Friedberg thanked City Attorney Petrov for his suggestion, but indicated that for now he would offer the amendment set forth above.

Councilman Corbett Daniel Parker seconded the motion.

Following discussion of the motion, Councilman Friedberg restated the motion as follows:

**Proposition One:**

The issuance of $11,000,000 in bonds for improvements to municipal buildings and facilities, to wit: City Hall, Civic Center, Police Station, and Municipal Court Buildings.

Prior to action on the main motion, Councilman Pat B. McLaughlan offered a motion to suspend City Council’s Rules of Procedure to allow for consideration of the inclusion of the Library in Proposition One.

**CITY COUNCIL MOTION TO SUSPEND THEIR RULES OF PROCEDURE:**

Councilman Pat B. McLaughlan moved to suspend City Council’s Rules of Procedure for the purpose of allowing the inclusion of the Library in Proposition One. Councilman Roman F. Reed seconded the motion.
CITY COUNCIL ACTION TO SUSPEND THEIR RULES OF PROCEDURE:

The motion to suspend City Council’s Rules of Procedure failed* on a 4-3 vote as follows:

FOR: Councilmen Roman F. Reed, Corbett Daniel Parker, Pat B. McLaughlan, and Andrew S. Friedberg

OPPOSED: Mayor Philip L. Nauert, Mayor Pro Tem Amanda B. Nathan, and Councilman James P. Avioli, Sr.

ABSENT: None

*Five favorable votes were required in order to suspend City Council’s Rules of Procedure.

Discussion ensued among members of City Council regarding the main motion. At the conclusion of discussion, Mayor Nauert called for action on the main motion.

Proposition One (restated):

The issuance of $11,000,000 in bonds for improvements to municipal buildings and facilities, to wit: City Hall, Civic Center, Police Station, and Municipal Court Buildings.

CITY COUNCIL ACTION ON MAIN MOTION:

The main motion carried on a 5-2 vote as follows:

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

OPPOSED: Councilmen James P. Avioli, Sr., and Pat B. McLaughlan

ABSENT: None

Bond Proposition Two:

Discussion and consideration were next given to the ballot language for bond proposition two, which read as follows: The issuance of $5,000,000 in bonds for the acquisition of land and relocation
of new City Hall/Civic Center and Police/Municipal Courts Buildings.

CITY COUNCIL MAIN MOTION ON BALLOT LANGUAGE FOR BOND PROPOSITION TWO:

Councilman Corbett Daniel Parker moved to approve the ballot language for bond proposition two as follows: The issuance of $5,000,000 in bonds for the acquisition of land and relocation of new City Hall/Civic Center and Police/Municipal Courts Buildings. Mayor Pro Tem Amanda B. Nathan seconded the motion.

Immediately following the main motion, Councilman Parker offered an amendment.

CITY COUNCIL AMENDMENT (NO. 1 OF 2) TO MAIN MOTION:

Councilman Corbett Daniel Parker amended the main motion to mirror the language suggested by Councilman Friedberg and approved by City Council for proposition one. The ballot language proposed for proposition two would be: The issuance of $5,000,000 in bonds for the acquisition of land and relocation of municipal buildings and facilities, to wit: City Hall, Civic Center, Police Station, and Municipal Court Buildings. Mayor Philip L. Nauert seconded the amendment.

Councilman Andrew S. Friedberg made a friendly amendment in order to clarify the amendment by adding "municipal buildings and facilities" after the word "of" and before the phrase "to wit." Councilman Parker and Mayor Nauert accepted the friendly amendment.

Proposition Two (restated):

The issuance of $5,000,000 in bonds for the acquisition of land and relocation of municipal buildings and facilities, to wit: City Hall, Civic Center, Police Station, and Municipal Court Buildings.

CITY COUNCIL ACTION ON AMENDMENT NO. 1 OF 2) TO MAIN MOTION:

The amendment (no. 1) to the main motion carried on a vote of 6-1 as follows:

FOR: Mayor Philip L. Nauert, Mayor Pro Tem
FOR (CONT.): 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

Discussion ensued among members of City Council regarding the main motion, as amended. Councilman Friedberg posed a textual question to City Attorney Petrov, noting that the full ballot language for proposition two clearly started with the following phrase in bold typeface: If proposition one is approved. He noted that this proviso did not appear in the ballot language and inquired as to whether it should. City Attorney Petrov advised that there was a limitation as to the amount of language one could put on a ballot. The limitation had to be balanced against what state law required an entity to include in the proposition. City Attorney Petrov indicated that City Council could add the phrase “if proposition one is approved” to the ballot language. The phrase would have to be placed at the end of the ballot language. State law requires that the ballot has to be worded “for” or “against” the issuance of bonds.

CITY COUNCIL AMENDMENT (NO. 2 OF 2) TO MAIN MOTION:

Councilman Andrew S. Friedberg moved to add the phrase “if proposition one is approved” to the end of the ballot language for proposition two. Councilman Corbett Daniel Parker seconded the amendment.

After noting no discussion on the second amendment, Mayor Nauert called for a vote on the amendment.

Proposition Two (restated to include both amendments):

The issuance of $5,000,000 in bonds for the acquisition of land and relocation of municipal buildings and facilities, to wit: City Hall, Civic Center, Police Station, and Municipal Court Buildings, if proposition one is approved.

CITY COUNCIL ACTION ON THE AMENDMENT (NO. 2 OF 2) TO MAIN MOTION:

The amendment (no. 2) to the main motion carried on a 6-1 vote as follows:

FOR: Mayor Philip L. Nauert, Mayor Pro Tem
FOR (CONT.): 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

Following discussion of proposition two, as amended, Mayor Nauert called for action proposition two.

**CITY COUNCIL ACTION ON MAIN MOTION, AS AMENDED, FOR PROPOSITION TWO:**

The main motion, as amended, for proposition two 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

**Bond Proposition Three:**

Discussion and consideration were next given to the ballot language for bond proposition three, which read as follows: The issuance of $5,000,000 in bonds for the construction of improvements at Evelyn’s Park.

**CITY COUNCIL MAIN MOTION ON BALLOT LANGUAGE FOR BOND PROPOSITION THREE:**

Councilman Andrew S. Friedberg moved to adopt language for a revised proposition three to read as follows: The issuance of $5,000,000 in bonds for improvements to City parks. Councilman Pat B. McLaughlan seconded the motion for discussion purposes.

Discussion regarding the language for a revised proposition three ensued wherein Councilman Andrew S. Friedberg advised that during the last meeting, three different groups representing parks addressed City Council and requested inclusion in the City’s bond election. The three groups consisted of the Evelyn’s Park Conservancy Board, The Nature Discovery Center, and the Chair of the City’s Parks and...
Recreation Advisory Board on behalf of the City’s fourteen existing parks. Councilman Friedberg indicated that his intention was to provide to the Evelyn’s Park Conservancy Board what he understood they needed, which was to be able to go out and truthfully represent that they had the backing of the City for improvements to City parks.

The Nature Discovery Center could certainly be included in proposition three as well. Councilman Friedberg indicated that it gave him some pause and concern that urgent needs at the facility made their way to City Council around the same time that another high profile park addressed City Council for funding. Finally, there was the matter of the needs of the City’s existing fourteen parks as cited by the Chair of the Parks and Recreation Advisory Board.

Councilman Friedberg concluded his remarks by noting that the intention of his motion was to try to satisfy all of the different groups in play for parks generally in terms of a ballot measure that, if approved by the voters, would give flexibility to a future City Council to determine how those funds would be allocated, if at all.

Discussion ensued among members of City Council regarding the revised language proposed by Councilman Friedberg. Following discussion, Mayor Nauert offered an amendment to Councilman Friedberg’s motion.

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

Mayor Philip L. Nauert moved to amend the main motion to return the ballot language as presented by City Attorney Alan P. Petrov, as follows: The issuance of $5,000,000 in bonds for the construction of improvements at Evelyn’s Park. The amendment was seconded by Councilman Corbett Daniel Parker.

VOTE ON CITY COUNCIL AMENDMENT (NO. 1 OF 1) TO MAIN MOTION FOR PROPOSITION THREE:

The amendment to the main motion carried on a majority vote of 5-2 as follows:

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

OPPOSED: Councilmen James P. Avioli, Sr., and Andrew S. Friedberg
ABSENT: None

Discussed ensued regarding the main motion, as amended. Following discussion, action was taken on the main motion, as amended.

VOTE ON CITY COUNCIL MAIN MOTION, AS AMENDED, FOR PROPOSITION THREE:

The main motion, as amended, 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, Corbett Daniel Parker, Pat B. McLaughlan, and Andrew S. Friedberg

OPPOSED: Councilman James P. Avioli, Sr.

ABSENT: None

Bond Proposition Four:

Discussion and consideration were next given to the ballot language for bond proposition four, which read as follows: The issuance of $500,000 in bonds for improvements to The Nature Discovery Center building and grounds in Russ Pitman Park.

CITY COUNCIL MAIN MOTION ON BALLOT LANGUAGE FOR BOND PROPOSITION FOUR:

Councilman Corbett Daniel Parker moved to approve the ballot language for bond proposition four as follows: The issuance of $500,000 in bonds for improvements to The Nature Discovery Center building and grounds in Russ Pitman Park. Councilman Pat B. McLaughlan seconded the motion.

Prior to discussion of the main motion, Councilman Pat B. McLaughlan offered an amendment to the main motion.

CITY COUNCIL AMENDMENT (NO. 1 OF 2) TO THE MAIN MOTION:

Councilman Pat B. McLaughlan moved to amend the ballot language for proposition four to increase the amount of bonds to be issued for improvements at The Nature Discovery Center building and grounds in Russ Pitman Park to $750,000 to cover the installation of pathway lighting and other security measures along the Newcastle Trail. Councilman
Corbett Daniel Parker seconded the amendment for purposes of discussion.

Discussion ensued among members of City Council regarding the amendment to the main motion. Following discussion, action was taken on the amendment.

**CITY COUNCIL VOTE ON AMENDMENT (NO. 1 OF 2) TO THE MAIN MOTION:**

The amendment (no. 1) 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

Discussion ensued on the original motion related to proposition four. Following discussion, Councilman Pat B. McLaughlan offered a second amendment.

**CITY COUNCIL AMENDMENT (NO. 2 OF 2) TO THE MAIN MOTION:**

Councilman Pat B. McLaughlan moved to modify the ballot language for proposition four to provide funding for improvements to The Nature Discovery Center at Russ Pitman Park and other parks throughout the City of Bellaire, Texas, and increase the funding value from $500,000 to $1,000,000.

The amendment (no. 2) failed due to the lack of a second.

Following further discussion among members of City Council regarding the main motion language for proposition four, action was taken on the main motion.

**CITY COUNCIL VOTE ON MAIN MOTION FOR PROPOSITION FOUR:**

The main motion related to proposition four 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, Corbett Daniel Parker, Pat B. McLaughlan, and Andrew S. Friedberg

OPPOSED: Councilman James P. Avioli, Sr.

ABSENT: None

{The ordinance calling a bond election on November 5, 2013, for the four propositions adopted by various motions as set forth above was subsequently numbered: 13-044}

At the request of City Manager Bernard M. Satterwhite, Jr., items H.1., H.2, H.3., and H4. were considered at this point in the meeting prior to agenda items G.1 and G.2. Mayor Philip L. Nauert indicated that agenda items G.1. and G.2. might be postponed indefinitely.

H. NEW BUSINESS:

ADOPTION OF ORDINANCES:

1. CONSIDERATION of and possible action on a recommendation from the USCA Municipal Advisors LLC to award Bid No. 13-011, Bid for Bonds, to the bidder offering a sale that conforms to the bid specifications contained within the Notice of Sale and Bidding Instructions on $6,000,000 City of Bellaire, Texas (Harris County, Texas), General Obligation Bonds, Series 2013, which produces the lowest true interest rate cost to the City of Bellaire, Texas, and on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the issuance, delivery, payment of, and security for such bonds; approving and authorizing the distribution of an Official Statement; awarding the sale of such bonds and approving and authorizing a Paying Agent/Registrar Agreement – Item submitted by Chief Financial Officer Linda Symank; Presentation by Financial Advisor Jim Gilley of USCA Municipal Advisors LLC.

Summary:

Financial Advisor Jim Gilley, USCA Municipal Advisors LLC, advised that this morning at 10:00 a.m., his firm received bids on $6,000,000 of the City of Bellaire’s bonds maturing from 2014-2038. It was noted that the bonds could be called at par without penalty on February 15, 2022.
Mr. Gilley continued and advised that the City was truly privileged to receive a continuation of its existing AAA rating by Standard & Poor's. Nine bids were received, with the best bid having been submitted by Piper Jaffray at a true interest rate cost of 3.649894%.

In closing, Mr. Gilley recommended that the Bellaire City Council accept the bid offered by Piper Jaffray at a 3.649894% true interest rate.

CITY COUNCIL MAIN MOTION TO AWARD BID NO. 13-011 AND ADOPT AN ORDINANCE AUTHORIZING THE ISSUANCE OF BONDS:

Councilman Corbett Daniel Parker moved to award Bid No. 13-011, Bid for Bonds, to Piper Jaffray at the lowest true interest rate cost to the City of Bellaire, Texas, of 3.649894% and to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the issuance, delivery, payment of, and security for $6,000,000 City of Bellaire, Texas (Harris County, Texas), General Obligation Bonds, Series 2013; approving and authorizing the distribution of an Official Statement; awarding the sale of such bonds and approving and authorizing a Paying Agent/Registrar Agreement. Mayor Pro Tem Amanda B. Nathan seconded the main motion.

Following questions of Financial Advisor Jim Gilley, action was taken on the main motion as stated.

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

{Ordinance was subsequently numbered: 13-045}

2. CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department to award engineering services to ARKK Engineers for the FY2013 Street Pavement Management Project in the amount of $206,240.00
and authorization for 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 Contract and Agreement for Engineering Services with ARKK Engineers in an amount not to exceed $206,240.00 – Item submitted by Director of Public Works Joe Keene.

CITY COUNCIL MAIN MOTION TO AWARD AN ENGINEERING SERVICES CONTRACT FOR THE FY2013 STREET PAVEMENT MANAGEMENT PROJECT:

Councilman Pat B. McLaughlan moved to approve a recommendation from the Bellaire Public Works Department to award engineering services to ARKK Engineers for the FY2013 Street Pavement Management Project in the amount of $206,240.00 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 Contract and Agreement for Engineering Services with ARKK Engineers in an amount not to exceed $206,240.00. Councilman Corbett Daniel Parker seconded the main motion.

Following questions of James Andrews of ARKK Engineers regarding the engineering services to be performed within the project, as well as the type of repairs to be performed, action was taken on the main motion.

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

{Ordinance was subsequently numbered: 13-046}

3. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, temporarily suspending the application of Chapter 27, Streets, Sidewalks and Public Places, Article V, Public Parks, Section 27-
95, Curfew Imposed, Subsection a, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of allowing the Bellaire Girls Softball Boosters to hold their "10th Annual BBQ Fundraiser" in the Mulberry Park parking lot located at 700 Mulberry Street, Bellaire, Texas 77401, from noon on Wednesday, August 28, 2013, through Saturday, August 31, 2013, at 5:00 p.m., said suspension to commence at 11:00 p.m. and terminate at 5:00 a.m. on the stated dates – Item submitted by Parks and Recreation Director Jane L. Dembski.

CITY COUNCIL MAIN MOTION TO TEMPORARILY SUSPEND THE CITY’S CURFEW ORDINANCE AT MULBERRY PARK:

Councilman Corbett Daniel Parker moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, temporarily suspending the application of Chapter 27, Streets, Sidewalks and Public Places, Article V, Public Parks, Section 27-95, Curfew Imposed, Subsection a, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of allowing the Bellaire Girls Softball Boosters to hold their “10th Annual BBQ Fundraiser” in the Mulberry Park parking lot located at 700 Mulberry Street, Bellaire, Texas 77401, from noon on Wednesday, August 28, 2013, through Saturday, August 31, 2013, at 5:00 p.m., said suspension to commence at 11:00 p.m. and terminate at 5:00 a.m. on the stated dates. Councilman Roman F. Reed seconded the main motion.

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

{Ordinance was subsequently numbered: 13-047}

4. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, calling a General Election within the City of Bellaire, Texas, for the purpose of electing a Mayor, Councilman – Position No. 1, Councilman – Position No. 3, and Councilman – Position No. 5
for the City Council; establishing the date of the General Election on the uniform election date designated by the State of Texas as the first Tuesday after the first Monday in November or November 5, 2013; establishing election precincts, polling places, and appointing election officials; and setting forth certain guidelines - Item submitted by City Clerk Tracy L. Dutton and City Attorney Alan P. Petrov.

CITY COUNCIL MAIN MOTION ON AN ORDINANCE CALLING A GENERAL ELECTION:

Councilman Corbett Daniel Parker moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, calling a General Election within the City of Bellaire, Texas, for the purpose of electing a Mayor, Councilman – Position No. 1, Councilman – Position No. 3, and Councilman – Position No. 5 for the City Council; establishing the date of the General Election on the uniform election date designated by the State of Texas as the first Tuesday after the first Monday in November or November 5, 2013; establishing election precincts, polling places, and appointing election officials; and setting forth certain guidelines. Councilman Roman F. Reed seconded the main motion.

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

{Ordinance was subsequently numbered: 13-048}

5. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, calling a Bond Election within the City of Bellaire, Texas, for the purposes of 1) providing funds for the construction of new City facilities (City Hall/Civic Center and Police/Municipal Court Building); 2) providing funds for the relocation of the City Hall/Civic Center and the Police/Municipal Court Building to a new site within the City; 3) providing funds for improvements
to Evelyn's Park; and 4) providing funds for improvements to The Nature Discovery Center; establishing the date of the Bond Election on the uniform election date designated by the State of Texas as the first Tuesday after the first Monday in November or November 5, 2013; establishing election precincts, polling places, and appointing election officials; and setting forth certain provisions related thereto – Item submitted by City Attorney Alan P. Petrov.

Note: This agenda item was considered earlier in the meeting. See pages 17-29 of these minutes for discussion and action related to the item.

G. REPORT(S):

1. CITY MANAGER'S REPORT regarding Residential Safety (Police Activity Report), Public Infrastructure/Utilities (Major Projects Report), Cultural and Recreational, Communications/Technology, and Upcoming City Council Meetings/Events – Item submitted and presented by City Manager Bernard M. Satterwhite, Jr.

CITY COUNCIL MAIN MOTION/ACTION REGARDING THE CITY MANAGER'S REPORT DATED AUGUST 19, 2013:

Mayor Philip L. Nauert moved to combine the City Manager's Report dated August 19, 2013, with the City Manager's Report for the next Regular Session, both of which would be presented on Monday, September 9, 2013. Councilman Roman F. Reed seconded the 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

2. FINANCE REPORT for the City of Bellaire, Texas, covering the period ended July 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.

CITY COUNCIL MAIN MOTION/ACTION REGARDING THE CITY OF BELLAIRE FINANCE REPORT:

Councilman Pat B. McLaughlan moved that members of City Council review the Finance Report for the City of Bellaire, Texas, covering the period ended July 31, 2013, outside of the Council Chamber, and consider acceptance of the report into the record this evening. Mayor Pro Tem Amanda B. Nathan seconded the 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

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

Items for future agendas included a request from Councilman Andrew S. Friedberg for a possible item to direct City Staff to perform an initial investigation as to the feasibility and efficacy of the installation of blue emergency towers along Newcastle Trail and other frequented areas in Bellaire. City Manager Bernard M. Satterwhite, Jr., asked for some time to look into the suggestion and then indicated that he would place an item on a future agenda for consideration. Councilman Roman F. Reed requested a future agenda item for the September 9, 2013, meeting that offered a $10,000 reward from the City of Bellaire, Texas, to the person(s) who provided information leading to an arrest and conviction of those persons who assaulted David Gigliardi on Newcastle Drive. Councilman Corbett Daniel Parker referred to numerous requests he had received for doggy bag boxes along Newcastle Drive. He requested that City Staff look into that possibility while investigating the emergency towers.

Expressions of thanks were given to those residents who took an opportunity to provide comments to City Council this evening.
J. ADJOURNMENT.

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 10:17 p.m. on Monday, August 19, 2013. Councilman Corbett Daniel Parker seconded the motion to adjourn.

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. Dutton, TRMC
City Clerk
City of Bellaire, Texas

Approved:

Philip L. Nauert, Mayor
City of Bellaire, Texas