CITY COUNCIL MEETING MINUTES
MONDAY, OCTOBER 7, 2013

The City Council of the City of Bellaire, Texas, met in Regular Session on Monday, October 7, 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 7:00 p.m. on Monday, October 7, 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. RECOGNITION OF PROCLAMATIONS:

1. ISSUANCE of a proclamation by Mayor Philip L. Nauert proclaiming Saturday, November 2, 2013, as “The Post Oak School Day” in the City of Bellaire, Texas, in recognition of their 50th anniversary – Mayor Philip L. Nauert.
Mayor Philip L. Nauert read the proclamation he had issued in recognition of “The Post Oak School Day” in its entirety.

Head of School John Long accepted the proclamation on behalf of The Post Oak School, along with the following members of The Post Oak School Staff: Christina Kopanidis Cantu, Debbie Henderson, Jessica Jackson, Kathy Long, and Mirani Smith.

F. APPROVAL OR CORRECTION OF MINUTES:

1. CONSIDERATION of and possible action on the approval and adoption of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, September 9, 2013 – Item submitted by City Clerk Tracy L. Dutton.

CITY COUNCIL MAIN MOTION/ACTION:

Councilman Roman F. Reed moved to approve and adopt the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, September 9, 2013. Councilman James P. Avioli, Sr., 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

2. CONSIDERATION of and possible action on the approval and adoption of the minutes of the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, held on Wednesday, September 11, 2013 – Item submitted by City Clerk Tracy L. Dutton.

CITY COUNCIL MAIN MOTION/ACTION:

Mayor Pro Tem Amanda B. Nathan moved to approve and adopt the minutes of the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, held on Wednesday, September 11, 2013. Councilman Pat B. McLaughlan 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

3. CONSIDERATION of and possible action on the approval and adoption of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, September 16, 2013 – Item submitted by City Clerk Tracy L. Dutton.

CITY COUNCIL MAIN MOTION/ACTION:

Councilman Pat B. McLaughlan moved to approve and adopt the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, September 16, 2013. Councilman Roman F. Reed 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

4. CONSIDERATION of and possible action on the approval and adoption of the minutes of the Special Session (Public Hearing on Tax Increase) of the City Council of the City of Bellaire, Texas, held on Monday, September 23, 2013 – Item submitted by City Clerk Tracy L. Dutton.

CITY COUNCIL MAIN MOTION/ACTION:

Councilman Pat B. McLaughlan moved to approve and adopt the minutes of the Special Session (Public Hearing on Tax Increase) of the City Council of the City of Bellaire, Texas, held on
Monday, September 23, 2013. Councilman James P. Avioli, Sr., 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

5. CONSIDERATION of and possible action on the approval and adoption of the minutes of the Special Session (Public Hearing on Tax Increase) of the City Council of the City of Bellaire, Texas, held on Monday, September 30, 2013 – Item submitted by City Clerk Tracy L. Dutton.

CITY COUNCIL MAIN MOTION/ACTION:

Councilman Roman F. Reed moved to approve and adopt the minutes of the Special Session (Public Hearing on Tax Increase) of the City Council of the City of Bellaire, Texas, held on Monday, September 30, 2013. Councilman Pat B. McLaughlan 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

6. CONSIDERATION of and possible action on the approval and adoption of the minutes of the Special Session (Executive Session) held on Monday, September 30, 2013 – Item submitted by City Clerk Tracy L. Dutton.
CITY COUNCIL MAIN MOTION:

Mayor Pro Tem Amanda B. Nathan moved to approve and adopt the minutes of the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, held on Monday, September 30, 2013. Councilman Pat B. McLaughlan seconded the main motion.

Councilman Andrew S. Friedberg noted two scrivener’s errors on this set of minutes, as follows:

The date in the header at the top of page 2 of 2 should be changed to “September 30, 2013.”

The action at the top of page 2 of 2 should indicate that “Councilman Corbett Daniel Parker” was absent.

Mayor Nauert called for a vote on the Special Session (Executive Session) minutes, with the scrivener’s errors to be corrected as cited by Councilman Friedberg.

CITY COUNCIL ACTION:

The main motion (including the correction of scrivener’s errors cited above) 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.

Robert Riquelmy addressed City Council and advised that it had come to his attention that the City Clerk did not have access to all of the computer records of the City of Bellaire, which could and had led to misinformation being supplied and put out in response to a Freedom of Information Request. Mr. Riquelmy stated that he would think that the City Clerk, as Chief Custodian of the records of Bellaire, should have unlimited access to those records. He urged City Council to look into it.

Richard Franke addressed City Council and noted that they were doing a great job. Mr. Franke referred to Councilman Friedberg’s comments to City
Clerk Dutton a few weeks ago concerning summary minutes and detailed minutes. Mr. Franke insisted that City Council provide some guidelines for the City Clerk. He advised that he relied on the City’s minutes. He also advised that the City had a very capable City Clerk who recorded the minutes in detail, and it was in the City’s best interest to keep those records in good form.

Mr. Franke next referred to an item on the City of West University Place’s ballot that would place their City Clerk under the auspices of the City Manager. He did not know what motivated that item, but it seemed to be a terrible idea in his opinion. He indicated that former mayors of West University Place and Ms. McBee had spoken about the item. Mr. Franke stated that he hoped that this would never happen in Bellaire. The whole issue might be a valid topic to put forth to prospective City Managers, as well as during the election forum next week.

Rabbi Yossi Zaklikofsky addressed City Council and introduced himself as the Rabbi and Director of The Shul of Bellaire. He agreed with Mr. Franke in that everyone recognized and admired the work of each member of City Council.

Rabbi Zaklikofsky addressed an issue that came up only once in a century. The holidays of Thanksgiving and the first day of the Jewish Holiday Hanukkah would fall on the same date this year, and he indicated that the last time that occurred was in 1888. Rabbi Zaklikofsky advised that this year would mark the Third Annual Bellaire Hanukkah Festival for the community and city.

As City Council was aware, the city now had a beautiful display of a Hanukkah menorah alongside the tree in Loftin Park. Rabbi Zaklikofsky commented on the pride that the Jewish community in Bellaire and beyond felt seeing the menorah, which was now situated in the park throughout the holidays of Hannukkah.

Rabbi Zaklikofsky noted that Thanksgiving fell on Thursday, November 28, 2013. This would have been the date on which the Hanukkah Festival was held. Since this year people would be tied up and busy preparing or traveling for the Thanksgiving holidays, the Hanukkah Festival would be held until people returned from Thanksgiving. Approximately 90% of the families he had spoken with about the festival recommended that it be held until Sunday, December 1, 2013. Since school would start on Monday, December 2, 2013, Sunday was about the only time to successfully hold the festival.

Typically, the city buildings were closed on Thanksgiving weekend, which would include Thursday, Friday, Saturday, and Sunday (November 28 – December 1, 2013). Rabbi Zaklikofsky asked City Council and the City Manager to consider an exception and reminded them again that this would only happen once in a century. He asked for access to the Civic Center.
building on that Sunday afternoon so that Rabbi Zaklikofsky could hold the Hanukkah Festival for its third consecutive year. He noted that in its second year, the festival attracted close to 400 people, and that number was slated to increase this year. If an exception could be made for that Sunday afternoon, it would be very much appreciated by the entire Jewish community of Bellaire and beyond.

Lynn McBee advised that she attended a presentation hosted by Councilman Corbett Parker the previous Saturday morning which involved a presentation by the local trustee to the HISD Board, Mike Lunceford, and two volunteers to the public schools. She was pleased and delighted to hear from the new HISD volunteers.

Ms. McBee referred to HISD’s website, HISD.org, and stated that she had discovered that every advisory committee formed for each school that would undergo either remodeling, renovation, or replacement under the latest and earlier bond issues by HISD, recorded their proceedings and had the proceedings available on the website. The point Ms. McBee wished to make was that HISD represented the absolute essence of government at work and people knowing what was happening.

With respect to the request from the Rabbi about opening the facility for his religious celebration on a Sunday, Ms. McBee advised that she did not understand what the problem was. She indicated that she understood that everyone who rented a facility covered the costs involved over and above what was paid for rental, such as police needs, if necessary, as well as other auxiliary support. Ms. McBee asked City Council if one Staff person could be asked to cover the festival at the reimbursement of overtime by the people who were renting the facility. This seemed to be an equitable solution, in her opinion, both to those who wished to hold the festival in the City and to the Staff person who might wish to earn overtime.

Finally, Ms. McBee announced the Candidates’ Forum to be held on Thursday, October 17, 2013, in the Civic Center. She noted that residents could submit their questions to the candidates in writing that evening.

H. REPORT(S):

1. CITY MANAGER’S REPORT regarding Residential Safety (Police Activity Report and Report on National Night Out), Public Infrastructure/Utilities (Major Projects Report), Communications/Technology (Information on Bond Proposals), Current Issues/Information (Update on HISD plans for school construction in Bellaire and update on Bellaire Jewish Center Specific Use Application), 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 October 7, 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/ACTION TO ACCEPT REPORT INTO THE RECORD:

Councilman Corbett Daniel Parker moved to accept the City Manager’s Report dated October 7, 2013, as presented by City Manager Bernard M. Satterwhite, Jr., into the record. Councilman Roman F. Reed seconded the motion.

The main motion to accept the report into the record carried unanimously on a 7-0 vote as follows:

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

OPPOSED: None

ABSENT: None

2. PRESENTATION of the tax rate implications posed by the November 5, 2013, Bond Election in the City of Bellaire, Texas – City Manager Bernard M. Satterwhite, Jr.

City Manager Bernard M. Satterwhite, Jr., indicated that his presentation was about “what ifs” and represented a “worst case scenario” (i.e., issuance of remaining bonds and newly authorized bonds, if approved, within the next two years). Many assumptions were made in City Manager Satterwhite’s presentation. Assumptions included: the sale of the bonds at 4.25% in 2014 and 2015; issuance of $15 million ($14.5 million remaining to be issued from the Rebuild Bellaire Program bonds and $500,000 for The Nature Discovery Center bonds) in 2014; issuance of $21 million (remainder of propositions on 2013 bond election, if all propositions were approved) in 2015; continuation of $950,000 transfer from the City’s Enterprise Fund to the Debt Service Fund; and conservative growth as follows: 6% for 2014, 3% for 2015, 2016, 2017, and 2018, and 0% thereafter for the remaining payback period.

If all of the referenced assumptions occurred, the tax rate for the Debt Service Fund, which was currently $14.51 per $100 valuation,
would peak at $16.38 per $100 valuation in 2015. City Manager Satterwhite advised that the tax rate for the Debt Service Fund would remain at $16.38 per $100 valuation, based on the referenced assumptions, for quite some time.

In summary, the worst case scenario would impact the Debt Service Fund tax rate by a little less than $0.02. If the tax base growth exceeded 4%, there could be no tax increase at all.

City Manager Satterwhite advised that in the scenario he had provided, Proposition One (City facilities) represented $0.01 of the $0.02 tax rate increase; Propositions Two and Three (relocation of City facilities and construction of Evelyn’s Park) represented $0.005 each; and Proposition Four (improvements at The Nature Discovery Center) was negligible at less than 1/10 of a cent. A $0.02 tax rate increase per $100 valuation equaled $70 per year in taxes on an average Bellaire homestead projected out to 2015.

Following questions of City Manager Satterwhite regarding his presentation, a motion was made and action taken to accept the presentation into the record.

CITY COUNCIL MAIN MOTION/ACTION TO ACCEPT PRESENTATION INTO THE RECORD:

Councilman Andrew S. Friedberg moved to accept the presentation of the tax rate implications posed by the November 5, 2013, Bond Election in the City of Bellaire, Texas, as presented by City Manager Bernard M. Satterwhite, Jr., into the record. Councilman Corbett Daniel Parker 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
I. NEW BUSINESS:

ADOPTION OF ORDINANCES/RESOLUTIONS:

Tax Rate and Tax Levy for Tax Year 2013

1. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, fixing the tax rate and tax levy for the City of Bellaire, Texas, for tax year 2013 (fiscal year beginning October 1, 2013, and ending September 30, 2014) – Item submitted by Chief Financial Officer Linda Symank.

SUMMARY:

City Manager Satterwhite provided a summary of the agenda item for Chief Financial Officer Linda Symank, who was absent for personal reasons.

City Manager Satterwhite advised that the City had held two public hearings on the proposed tax rate. Nothing had changed since the two hearings, so the motion tonight would involve adopting a tax rate of $0.3999 per $100 valuation.

CITY COUNCIL MAIN MOTION:

Mayor Philip L. Nauert moved that the property tax rate be increased by the adoption of a tax rate of $0.3999, which is effectively a 4.28 percent increase in the tax rate. Mayor Pro Tem Amanda B. Nathan and Councilman Pat B. McLaughlan jointly seconded the motion.

For the sake of the public record, Councilman Andrew S. Friedberg emphasized that the property tax rate itself was staying constant. Therefore, the wording of the motion is technically not correct and Councilman Friedberg did not agree with it as stated, but he acknowledged that this specific language was required by § 26.05 of the Tax Code.

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
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OPPOSED:  None  
ABSENT:  None

{The ordinance setting forth the approved tax rate and tax levy for the City of Bellaire, Texas, was subsequently numbered: 13-051.}

Contract(s) and Agreement(s)

2. CONSIDERATION of and possible action on a recommendation from the Public Works Department to award a contract for Professional City Engineer Services to ARKK Engineers, LLC, in an amount not to exceed $70,000.00 and on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a *Contract and Agreement for City Engineer Services* with ARKK Engineers, LLC, in an amount not to exceed $70,000.00 – *Item submitted by Director of Public Works Joe Keene.*

**CITY COUNCIL MAIN MOTION:**

Councilman Corbett Daniel Parker moved to accept a recommendation from the Public Works Department to award a contract for Professional City Engineer Services to ARKK Engineers, LLC, in an amount not to exceed $70,000.00 and to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a *Contract and Agreement for City Engineer Services* with ARKK Engineers, LLC, in an amount not to exceed $70,000.00. Councilman Roman F. Reed seconded the motion.

Following questions of City Engineer James Andrews regarding the services to be provided under his contract proposal, 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: 13-052.}

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

Community interest items from the Mayor and City Council included a warm thanks for all of the volunteers who helped put together the Patrons for Bellaire Parks’ Wine & Tapas Event, with special recognition of President Brenda Cauthen, and the Co-Chairs of the event itself, Cindy Siegel, Lynne Skinner, and Pat Lunn; expression of thanks to Board Member Mike Lunceford and HISD volunteers for providing updates for the HISD bonds, portions of which would be used for projects involving Condit Elementary School, Bellaire High School, and the Mandarin Chinese Language Immersion Magnet School; recognition of the 41 block parties held in Bellaire on National Night Out; reminder to attend the Planning and Zoning Commission meeting on Tuesday, October 8, 2013, with recognition given to Chair Winfred Frazier for his hard work and leadership; reminder to attend The Nature Discovery Center Annual Gala on November 2, 2013; and a reminder for residents to attend the Candidates’ Forum to be held on October 17, 2013. Residents were also encouraged to learn about the various bond propositions on the November 5, 2013, ballot.

K. ADJOURNMENT.

CITY COUNCIL MOTION TO ADJOURN/ACTION:

Councilmen Corbett Daniel Parker and Roman F. Reed jointly moved to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 8:21 p.m. on Monday, October 7, 2013. Councilman Pat B. McLaughlan seconded the joint main motion.

The joint main 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
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ABSENT: None  

Respectfully submitted,  

Tracy L. Button, TRMC  
City Clerk  
City of Bellaire, Texas  

Approved:  

Philip L. Nauert, Mayor  
City of Bellaire, Texas  

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