The City Council of the City of Bellaire, Texas, met in Regular Session on Monday, November 18, 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 – Dr. Philip L. Nauert, Mayor.

Dr. Philip L. Nauert, Mayor, called the City Council of the City of Bellaire, Texas, to order at 7:11 p.m. on Monday, November 18, 2013.

B. ANNOUNCEMENT OF A QUORUM – Dr. Philip L. Nauert, Mayor.

Dr. Philip L. Nauert, Mayor, announced that a quorum was present consisting of himself and the following members of City Council:

- Amanda B. Nathan, Mayor Pro Tem;
- Roman F. Reed, Councilman – Position No. 1;
- James P. Avioli, Sr., Councilman – Position No. 2;
- Pat B. McLaughlan, Councilman – Position No. 4; and
- Andrew S. Friedberg, Councilman – Position No. 5.

Corbett Daniel Parker, Councilman – Position No. 3, was absent.

Also present were: Diane K. White, Assistant City Manager; Alan P. Petrov, City Attorney; and Tracy L. Dutton, City Clerk.

C. INSPIRATIONAL READING AND/OR INVOCATION – Pat B. McLaughlan, Councilman – Position No. 4.

Councilman Pat B. McLaughlan provided the inspirational reading for the evening.

D. PLEDGES TO THE FLAGS – Pat B. McLaughlan, Councilman – Position No. 4.

1. U.S. PLEDGE OF ALLEGIANCE.
2. PLEDGE TO THE TEXAS FLAG.

Councilman Pat B. McLaughlan led the audience and members of City Council in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

E. APPROVAL OR CORRECTION OF MINUTES:

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, November 4, 2013 – Item submitted by Tracy L. Dutton, City Clerk.

CITY COUNCIL MAIN MOTION/ACTION:

Mayor Pro Tem Amanda B. Nathan moved to approve and adopt the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, November 4, 2013. Councilman Roman F. Reed seconded the main motion.

The main motion carried unanimously on a 6-0 vote as follows:

FOR:  
Dr. Philip L. Nauert, Mayor  
Amanda B. Nathan, Mayor Pro Tem  
Roman F. Reed, Councilman – Position No. 1  
James P. Avioli, Sr., Councilman – Position No. 2  
Pat B. McLaughlan, Councilman – Position No. 4  
Andrew S. Friedberg, Councilman – Position No. 5

OPPOSED: None

ABSENT: Corbett Daniel Parker, Councilman – Position No. 3

F. PERSONAL/AUDIENCE COMMENTS.

Joanne Oliver, registered nurse, addressed City Council and thanked them for recognizing operating room nurses across the City for their role in taking care of patients who were having surgery before, after and during that surgery. Ms. Oliver referred to a proclamation issued by Mayor Nauert and read into the record during City Council's previous meeting in recognition of the Association of Perioperative Registered Nurses (AORN). Ms. Oliver advised that the City of Bellaire had honored the AORN each year for the last ten years and advised that she wished to present a gift to the City of Bellaire on behalf of the AORN. The gift was a beautiful glass art tear drop with the following inscription on the base:
Ms. Oliver expressed her appreciation to members of City Council for taking the time to listen to and honor registered nurses during Perioperative Nurse Week each year. Mayor Nauert accepted the gift on behalf of the City of Bellaire.

**Janice Donalson** addressed City Council and expressed her concern that the location of the proposed parking lot for the new Condit Elementary School ("Condit") campus. She advised that the current Condit parking lot was located on the South Rice Avenue side of the campus at Linden Street. However, the plan she had seen for the new Condit campus showed the parking lot on Third Street on the residential side of the campus.

Ms. Donalson urged City Council to use their influence to persuade the Houston Independent School District ("HISD") to keep all of the proposed Condit parking lots on South Rice Avenue. Reference was made to a petition distributed to City Council in their agenda packet that she and her husband, Eddy Donalson, had walked around the 4900 blocks of Willow, Laurel, and Linden Streets (adjacent to the Condit campus on the east side). The Donalsons gathered the signatures of 32 families who were counting on them to tell City Council what they wanted. The families did not want the parking lot for Condit on Third Street for both safety and aesthetics reasons.

Ms. Donalson indicated that many of the residents' children and grandchildren presently walked across Third Street with Condit's safety patrols at Willow and Laurel Streets. Although it was her understanding that the safety patrols would continue with the new campus, having a parking lot on Third Street would mean that children would not only have to cross the traffic across Third Street, but also cross the parking lot with moving traffic (especially before and after school hours). Ms. Donalson indicated further that the safety patrols, consisting of elementary school students, would not be able to control the traffic resulting from the use of the parking lot.

Additionally, the existing parking lot on South Rice Avenue did not interfere with children walking to school and it did not add to any parent traffic on Third Street. It was unwise, in Ms. Donalson's opinion, to invite additional traffic of teachers and visitors onto Third Street. According to neighbors familiar with the HISD consolidated bus route this year, two more buses had been added to the existing three to pick up middle school students every morning from Condit and drop them off at Condit every afternoon. Ms. Donalson referred to the additional traffic associated with those routes (i.e., parents dropping off and picking up their middle school-aged children from the Condit campus).
Aesthetically, the residents near the Condit campus felt that having the greenspace across the street from their homes replaced with a parking lot would be offensive and would negatively affect their property values. Ms. Donalson advised that the residents would prefer to see children playing on a green playground rather than looking at a lot full of parked cars across the street from their homes.

In closing, Ms. Donalson stated that it would be nice if the commercial delivery trucks made their deliveries to the Condit campus off of South Rice Avenue rather than Third Street. She indicated that if the parking lot was no longer located on South Rice Avenue near Bellaire Town Square, the City of Bellaire would not be able to use the lot in accordance with the Joint Use Agreement between HISD and the City (dated January of 2004).

Eddy Donalson addressed City Council and indicated that he agreed with everything his wife, Janice, had stated. It was his desire, as well as the desire of the residents near Condit Elementary School ("Condit") to keep the residential area "residential." He was also very supportive of moving commercial deliveries from Third Street to South Rice Avenue.

In closing, Mr. Donalson indicated that he had spoken with the City’s Community Development Department and learned that HISD was allowed to do pretty much what they wanted to do with their property. Mr. Donalson advised that he was hopeful that City Council might have some leeway with respect to the location and number of spaces in Condit’s parking lot.

Lynn McBee addressed City Council and referred to the 10-year old discussion as to whether or not the City should donate a street worth over $250,000 to benefit Condit Elementary School ("Condit") for the construction of a field, outdoor exercise area, and parking lot. The debate at that time was spirited, with a Council Chamber filled to overflowing.

Ms. McBee advised that the duration of the Joint Use Agreement referred to by Ms. Donalson was 20 years, with a 10-year penalty clause. The basic issue of whether the City should give land away in exchange for the opportunity to use another jurisdiction’s parking lot was settled ten years ago.

The plans for the new Condit campus would involve flipping the property into a beautiful, modern building. Ms. McBee stated that it was refreshing to see something modern in old, brick Bellaire and noted that both the school district and the City of Bellaire had a mission. She assumed that the architects placed the parking lot where they did for the ultimate safety for the front entrance of the Condit campus.

Ms. McBee noted that the original Condit campus was dedicated in 1914, and that the school had a history of fronting on Third Street. She noted further that South Rice Avenue was a rather busy street. Ms. McBee urged City Council to look at the architect’s design for the school and to respect the
school district’s mission. She also urged City Council to start thinking about City Hall, the Police Station, and a parking garage.

**Mayor Nauert** indicated that one written comment had been submitted to the City Council in care of the City Clerk, which he read into the record as follows:

Dear Council Members and citizens,

My name is Leslie Little and I have lived down the street from Condit Elementary for 15 years. My two boys attended HISD Bellaire Schools including Condit Elementary. I volunteered at Condit where I held several PTO memberships and board positions. The last two years at Condit I was one of the Condit Park Liaison volunteers working with all parties involved to ensure the success of the project.

After attending the HISD Bond Community Meeting on October 29, 2013, I was both excited about a new school and concerned about some of the details discussed at the meeting. The main concern of several when I viewed the new school plan was the location of the parking lot along 3rd Street. While working on the development and construction of Condit Park, details about the site were purposefully planned based upon comments and feedback from all parties involved.

The parking lot was purposely built on Rice Avenue. This decision maintained the integrity of the neighborhood by keeping the street and look intact. The Rice Avenue location allowed the lot to be easily utilized for City events, Bellaire Town Square traffic, and the adjacent Church. Perhaps more importantly, the positioning of the lot along Rice served the school by providing a security buffer for the busier street protecting our school children and staff. This location also allowed the drop off and pick up of the little kids along 3rd Street to continue each day with a new traffic flow of cars established at the posted times in the afternoon.

As all parties move forward with the development of the new Condit Elementary School, I am hopeful you will consider the successes we have experienced with the current design.

Thank you,

Leslie Little

G. REPORT(S):

**FINANCE REPORT** for the City of Bellaire, Texas, covering the period ended October 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 Linda Symank, Chief Financial Officer.**

Chief Financial Officer Linda Symank presented the Finance Report for the City of Bellaire, Texas, covering the period ended October 31, 2013, to members of City Council.

Following questions of Chief Financial Officer Symank regarding the Finance Report, a motion was made and action taken to accept the report into the record.

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

Councilman Pat B. McLaughlan moved to accept the Finance Report for the City of Bellaire, Texas, for the period ended October 31, 2013, as presented by Chief Financial Officer Linda Symank, into the record. Councilman James P. Avioli, Sr., seconded the main motion.

The main motion to accept the Finance Report for the City of Bellaire, Texas, for the period ended October 31, 2013, into the record **carried unanimously on a 6-0 vote** as follows:

**FOR:**
- Dr. Philip L. Nauert, Mayor
- Amanda B. Nathan, Mayor Pro Tem
- Roman F. Reed, Councilman – Position No. 1
- James P. Avioli, Sr., Councilman – Position No. 2
- Pat B. McLaughlan, Councilman – Position No. 4
- Andrew S. Friedberg, Councilman – Position No. 5

**OPPOSED:** None

**ABSENT:** Corbett Daniel Parker, Councilman – Position No. 3

**H. NEW BUSINESS:**

1. **ADOPTION OF ORDINANCE(S)/RESOLUTION(S):**

   **CONSIDERATION** of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the City Manager of the City of Bellaire, Texas, to execute, for and on behalf of the City of Bellaire, Texas, a *Retail Sales Interlocal Agreement* with the Texas General Land Office for the purchase of electricity requirements for the City of Bellaire's public facilities for a term commencing on January 1, 2014, and expiring on December 31, 2016, at a rate not to exceed $0.0515/kwh – **Item submitted by Diane K. White, Assistant City Manager.**
Assistant City Manager Diane K. White summarized the agenda item for members of City Council and the public. She indicated that if the agreement for electricity requirements for the City met with the approval of City Council this evening, a rate of $0.05147 per kilowatt hour would be guaranteed for the two-year contract term.

CITY COUNCIL MAIN MOTION:

Councilman Andrew S. Friedberg moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the City Manager of the City of Bellaire, Texas, to execute, for and on behalf of the City of Bellaire, Texas, a Retail Sales Interlocal Agreement with the Texas General Land Office for the purchase of electricity requirements for the City of Bellaire’s public facilities for a term commencing on January 1, 2014, and expiring on December 31, 2016, at a rate of $0.05147 per kilowatt hour. Councilman Roman F. Reed seconded the main motion.

Following questions of David Roylance with Cavallo Energy Texas LLC, the retail energy provider for the Texas General Land Office, regarding electricity services to be provided under the Retail Sales Interlocal Agreement, action was taken on the motion.

CITY COUNCIL ACTION:

The main motion carried unanimously on a 6-0 vote as follows:

FOR:  
Dr. Philip L. Nauert, Mayor  
Amanda B. Nathan, Mayor Pro Tem  
Roman F. Reed, Councilman – Position No. 1  
James P. Avioli, Sr., Councilman – Position No. 2  
Pat B. McLaughlan, Councilman – Position No. 4  
Andrew S. Friedberg, Councilman – Position No. 5

OPPOSED:  
None

ABSENT:  
Corbett Daniel Parker, Councilman – Position No. 3

2. ITEM FOR INDIVIDUAL CONSIDERATION:

CONSIDERATION of and possible action to authorize the Mayor of the City of Bellaire, Texas, to issue a letter to the Houston Independent School District (HISD) and the Condit Project Advisory Team conveying the City’s desire that the new Condit campus be designed in a manner consistent with the plans and agreements
reflected in the January 22, 2004, Joint Use Agreement executed by HISD and the City of Bellaire, and more specifically, in a manner providing for a parking lot on South Rice Avenue with a capacity of approximately 62 cars, and an adjacent playground and greenspace, to be used jointly by Condit and the City — Item submitted by Bernard M. Satterwhite, Jr., City Manager, on behalf of Amanda B. Nathan, Mayor Pro Tem.

CITY COUNCIL MAIN MOTION:

Mayor Pro Tem Amanda B. Nathan moved to authorize the Mayor of the City of Bellaire, Texas, to issue a letter to the Houston Independent School District (HISD) and the Condit Project Advisory Team conveying the City’s desire that the new Condit campus be designed in a manner consistent with the plans and agreements reflected in the January 22, 2004, Joint Use Agreement executed by HISD and the City of Bellaire, and more specifically, in a manner providing for a parking lot on South Rice Avenue with a capacity of approximately 62 cars, and an adjacent playground and greenspace. Councilman Roman F. Reed seconded the motion.

Amanda B. Nathan, Mayor Pro Tem, outlined the background associated with the City’s conveyance of right-of-way (the 5000 block of Laurel Street) to HISD in exchange for the right to jointly use the parking lot that was to be built for 62 cars and adjacent greenspace.

Following discussion among members of City Council regarding the motion, action was taken and the motion carried unanimously (with one member of City Council absent).

CITY COUNCIL ACTION ON MAIN MOTION:

The main motion carried unanimously on a 6-0 vote as follows:

FOR:

Dr. Philip L. Nauert, Mayor
Amanda B. Nathan, Mayor Pro Tem
Roman F. Reed, Councilman – Position No. 1
James P. Avioli, Sr., Councilman – Position No. 2
Pat B. McLaughlan, Councilman – Position No. 4
Andrew S. Friedberg, Councilman – Position No. 5

OPPOSED: None

ABSENT: Corbett Daniel Parker, Councilman – Position No. 3
I. ITEMS FOR FUTURE AGENDAS; COMMUNITY INTEREST ITEMS FROM THE MAYOR AND CITY COUNCIL.

Community interest items from the Mayor and City Council included expressions of thanks to the citizens who had addressed City Council during the evening; congratulations to the Bellaire Police and Fire Departments for their successful win over the City of West University Place at the 2nd Annual Battle of the Tracks (football game) benefitting Toys for Tots; reminders to attend The Nature Discovery Center Gala on November 22, 2013, and to participate in the Evelyn’s Park Conservancy’s matching grant slated to expire on November 30, 2013; announcement of Pat McLaughlan’s recent election as an alternate to the Houston-Galveston Area Council Board of Directors and Transportation Policy Council; and wishes for a Happy Thanksgiving.

Councilman James P. Avioli, Sr., requested the placement of an item on City Council’s next agenda to discuss and consider moving ahead with improvements to The Nature Discovery Center as a Capital Improvement Project rather than as a bond issuance.

J. ADJOURNMENT.

CITY COUNCIL MOTION TO ADJOURN/ACTION:

Councilman Pat B. McLaughlan moved to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 8:24 p.m. on Monday, November 18, 2013. Councilman Roman F. Reed and Mayor Pro Tem Amanda B. Nathan jointly seconded the motion.

The motion to adjourn carried unanimously on a 6-0 vote as follows:

FOR: Dr. Philip L. Nauert, Mayor
Amanda B. Nathan, Mayor Pro Tem
Roman F. Reed, Councilman – Position No. 1
James P. Avioli, Sr., Councilman – Position No. 2
Pat B. McLaughlan, Councilman – Position No. 4
Andrew S. Friedberg, Councilman – Position No. 5

OPPOSED: None

ABSENT: Corbett Daniel Parker, Councilman – Position No. 3

Respectfully submitted,

Tracy L. Banton, TRMC, City Clerk
City of Bellaire, Texas
Approved:

[Signature]

Dr. Philip L. Nauert, Mayor
City of Bellaire, Texas