

City of Bellaire

CITY COUNCIL
Monday, March 23, 2020

Telephonic Meeting**Special Session****6:00 PM**

TOLL-FREE DIAL-IN NUMBER:

1-888-475-4499

Meeting ID: 896 180 937

Agenda

Mayor

Andrew S. Friedberg

Mayor Pro Tem

Gus E. Pappas

Council Member

Neil Verma

Council Member

Catherine Lewis

Council Member

Nathan Wesely

Council Member

Michael Fife

Council Member

Jim Hotze

SPECIAL SESSION - 6:00 P.M.**NOTICE OF TELEPHONIC MEETING**

Pursuant to Section 418.016 of the Texas Government Code, on March 16, 2020, the Governor of the State of Texas granted the Office of the Attorney General's request for the temporary suspension of certain provisions of the Texas Open Meetings Act to allow for telephonic or videoconference meetings of governmental bodies that are accessible to the public in an effort to reduce in-person meetings that assemble large groups of people, as a precautionary measure to contain the spread of novel coronavirus COVID-19.

Accordingly, this Special Session of the City Council of the City of Bellaire, Texas, will be conducted telephonically in furtherance of this important and necessary objective to protect the public health and welfare in our community.

Members of the public will be entitled to participate and address the City Council in the telephonic meeting, at the time for personal/audience comments. Any person desiring to address the City Council must submit their request via e-mail to City Clerk Tracy L. Dutton at tdutton@bellairetx.gov. The request must be received prior to the start of the meeting and include the speaker's full name and phone number from which they will be calling in to participate in the meeting.

Speakers will be recognized during personal/audience comments in the order their requests are received.

Members of the public may view a live broadcast of the meeting by visiting the City's website: <https://bellairetx.civicweb.net/Portal/MeetingInformation.aspx?Org=Cal&Id=1076>, U-Verse Channel 99, Comcast Channel 16, and the City's Facebook page: www.facebook.com/bellairetx.gov/.

The toll-free dial-in number to participate remotely in the telephonic meeting is 1-888-475-4499, Meeting ID: 896 180 937. An electronic copy of the agenda packet for this Special Session is posted online at <https://bellairetx.civicweb.net/document/19393>.

A recording of the telephonic meeting will be made and will be posted online at <https://bellairetx.civicweb.net/Portal/MeetingInformation.aspx?Org=Cal&Id=1076>.

- A. Call to Order - Andrew S. Friedberg, Mayor.
- B. Announcement of a Quorum - Andrew S. Friedberg, Mayor.
- C. Personal/Audience Comments.

Any person desiring to address the City Council must sign up, prior to the posted start time of the meeting, by e-mail to City Clerk Tracy L. Dutton, tdutton@bellairetx.gov. When signing up, all speakers shall provide their full name and the phone number from which they will be calling (for

the call moderator to be able to identify them).

Each speaker shall have a time limit of up to five (5) minutes, with no extension, and with notice after four (4) minutes that one (1) minute is left. In the event of pressing business before the City Council or matters requiring its immediate attention or action, the City Council may, prior to the opening of audience comments, set a different maximum time limit for each speaker by a vote of four (4) members of the City Council.

The purpose of this item is to allow the residents of Bellaire and other interested persons an opportunity to address the City Council on agenda issues and on non-agenda issues that are a matter of the jurisdiction of the City Council (i.e., City policy and legislative issues). Non-agenda issues regarding daily operational or administrative matters should be first dealt with at the administrative level by calling City Hall at (713) 662-8222 during business hours.

[Note: The Texas Open Meetings Act, Texas Government Code, Chapter 551, prohibits the City Council from fully discussing, debating, or considering subjects for which public notice has not been given on the agenda. Issues that cannot be referred to the City Staff for action may be placed on the agenda of a future City Council Session.]

D. New Business.

Adoption of Ordinances and Resolutions:

1. Consideration of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, continuing the disaster declaration issued by mayoral proclamation on March 20, 2020, in response to the COVID-19 public health emergency - Submitted by Andrew S. Friedberg, Mayor.
[Agenda Statement Report - Pdf](#)
2. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, postponing the Special Election previously ordered to be held on May 2, 2020, for the purpose of submitting to the voters three (3) propositions to amend the Charter of the City of Bellaire, Texas, to the November 3, 2020, uniform election date - Submitted by Tracy L. Dutton, City Clerk.
[Agenda Statement Report - Pdf](#)

E. Adjourn.

In compliance with the Americans with Disabilities Act, for persons with disabilities needing special arrangements, contact the City of Bellaire's ADA Coordinator, Lori Remington, at (713) 662-8271 or email lremington@bellairetx.gov at least 48 hours prior to the meeting so that reasonable accommodations can be made to assist in your participation in the meeting.

AGENDA STATEMENT

City of Bellaire

MEETING: City Council - Mar 23 2020

PREPARED BY: Tracy L. Dutton

DEPARTMENT: City Clerk's Office

ITEM TITLE:

Consideration of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, continuing the disaster declaration issued by mayoral proclamation on March 20, 2020, in response to the COVID-19 public health emergency - Submitted by Andrew S. Friedberg, Mayor.

RECOMMENDATION:

Mayor Friedberg recommends the adoption of the proposed resolution continuing the local state of disaster for public health emergency.

BACKGROUND/SUMMARY:

On March 20, 2020, Mayor Andrew S. Friedberg issued a "Declaration of Disaster for Public Health Emergency" for the City of Bellaire, Texas, pursuant to Section 418.108(a) of the Texas Government Code, for a period of not more than seven days from the date of the declaration unless continued or renewed by the City Council. The Mayor's declaration was in response to, and to help prevent and control the spread of COVID-19.

In accordance with Section 418.108(b) of the Texas Government Code, the Mayor is requesting a continuation of the declaration until terminated by order of the City Council or executive order of the Mayor when the threat or danger that initiated the declaration has passed or has been dealt with in such a manner that it no longer exists.

A resolution has been prepared for consideration by the City Council to continue the disaster declaration.

CITY ATTORNEY REVIEW:

☒ Yes ☐ No

City of Bellaire

RESOLUTION NO. 20-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, CONTINUING THE DISASTER DECLARATION ISSUED BY MAYORAL PROCLAMATION ON MARCH 20, 2020, IN RESPONSE TO THE COVID-19 PUBLIC HEALTH EMERGENCY.

WHEREAS, the novel coronavirus (COVID-19) is a contagious respiratory virus, and its rapid global spread has been declared a pandemic by the World Health Organization; and

WHEREAS, on March 13, 2020, the Governor of the State of Texas issued a proclamation certifying that COVID-19 poses an imminent threat of disaster in the State and, pursuant to Section 418.014 of the Texas Government Code, declared a state of disaster for all counties in Texas; and

WHEREAS, the Commissioner of the Texas Department of State Health Services has determined that COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code, and on March 19, 2020, declared a state of public health disaster for the entire State of Texas; and

WHEREAS, on March 20, 2020, the Mayor of the City of Bellaire, Texas, issued a mayoral proclamation declaring a local state of disaster for public health emergency for the City of Bellaire, Texas, in response to, and to help prevent and control the spread of COVID-19; and

WHEREAS, pursuant to Section 418.108(b) of the Texas Government Code, such local state of disaster for public health emergency shall continue for a period of not more than seven days from the date of its declaration unless continued or renewed by the City Council of the City of Bellaire, Texas.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS:

Section 1. The recitals set forth above are true and correct and are incorporated as if fully set forth herein.

Section 2. The declaration of the local state of disaster for public health emergency, which was signed and executed by the Mayor on March 20, 2020, shall be continued in accordance with Section 418.108(b) of the Texas Government Code until terminated by order of the City Council of the City of Bellaire, Texas, or by executive order of the Mayor when such threat or danger which initiated the declaration has passed or has been dealt with in such a manner that it no longer exists.

Section 3. This Resolution shall take effect immediately upon its adoption.

DULY RESOLVED AND ADOPTED by the City Council of the City of Bellaire, Texas, on this the 23rd day of March 2020.

SIGNED:

Andrew S. Friedberg
Mayor

ATTEST:

Tracy L. Dutton, TRMC
City Clerk

APPROVED AS TO FORM:

Alan P. Petrov
City Attorney

Res. No. 20-____

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AGENDA STATEMENT

City of Bellaire

MEETING: City Council - Mar 23 2020

PREPARED BY: Tracy L. Dutton

DEPARTMENT: City Clerk's Office

ITEM TITLE:

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, postponing the Special Election previously ordered to be held on May 2, 2020, for the purpose of submitting to the voters three (3) propositions to amend the Charter of the City of Bellaire, Texas, to the November 3, 2020, uniform election date - Submitted by Tracy L. Dutton, City Clerk.

RECOMMENDATION:

The City Clerk recommends the adoption of the proposed ordinance to postpone the Special Election previously ordered to be held on May 2, 2020, to the next uniform election date occurring on November 3, 2020.

BACKGROUND/SUMMARY:

On March 18, 2020, the City Clerk received notification from the Legal Director of the Elections Division of the Office of the Texas Secretary of State that Texas Governor Greg Abbott had issued a proclamation authorizing all political subdivisions holding general or special elections on May 2, 2020, to postpone their election to the next uniform election date of November 3, 2020. In issuing his proclamation, Governor Abbott "strongly encouraged local election officials to take advantage of these waivers and postpone their elections until November. Right now, the state's focus is responding to COVID-19 — including social distancing and avoiding large gatherings. By delaying this election, our local election officials can assist in that effort."

As certified by Governor Abbott on March 13, 2020, the novel coronavirus (COVID-19) poses an imminent threat of disaster. The Elections Division of the Secretary of State stated a primary concern is the health and safety of voters, election workers, and election officials. The City Clerk concurs with that statement and expresses the same concern for our voters, election workers, and election officials.

City Attorney Alan P. Petrov has prepared an ordinance for City Council consideration and official action to postpone the Special Election previously ordered to be held on May 2, 2020, to the next uniform election date of November 3, 2020. Favorable action on the ordinance would allow the City Clerk to work with the City's elections supplier, ES&S, to cancel orders placed for election supplies and ballots, as well as the City's contract for election equipment and services.

CITY ATTORNEY REVIEW:

☒ **Yes** ☐ **No**

City of Bellaire

ORDINANCE NO. 20-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, POSTPONING THE SPECIAL ELECTION PREVIOUSLY ORDERED TO BE HELD ON MAY 2, 2020, FOR THE PURPOSE OF SUBMITTING TO THE VOTERS THREE (3) PROPOSITIONS TO AMEND THE CHARTER OF THE CITY OF BELLAIRE, TEXAS, TO THE NOVEMBER 3, 2020, UNIFORM ELECTION DATE.

WHEREAS, in accordance with the general laws and Constitution of the State of Texas and the Charter of the City of Bellaire, Texas, and pursuant to Ordinance No. 20-006, a Special Election was ordered to be held on May 2, 2020, for the purpose of submitting to the voters three (3) propositions to amend the Charter of the City of Bellaire, Texas; and

WHEREAS, on March 13, 2020, the Governor of the State of Texas certified that the novel coronavirus (COVID-19) poses an imminent threat of disaster and, pursuant to the authority vested in the Governor by Section 418.014 of the Texas Government Code, declared a state of disaster in every county in the State of Texas; and

WHEREAS, pursuant to Section 418.016 of the Texas Government Code, on March 18, 2020, the Governor of the State of Texas signed a proclamation suspending certain provisions of the Texas Election Code to allow all local political subdivisions that are utilizing the May 2, 2020 uniform election date to postpone their elections to the November 3, 2020, uniform election date; and

WHEREAS, pursuant to the Governor's proclamation authorizing the City of Bellaire to postpone the May 2, 2020, Special Election, the City Council does by this Ordinance exercise its authority to postpone the Special Election ordered for May 2, 2020, for the purpose of submitting to the voters three (3) propositions to amend the Charter of the City of Bellaire to November 3, 2020; **NOW, THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS:

1. **THAT** the recitals set forth above are true and correct.
2. **THAT** the Special Election previously ordered to be held on May 2, 2020, for the City of Bellaire, Texas, for the purpose of submitting to the voters three (3) propositions to amend the Charter of the City of Bellaire is hereby postponed to November 3, 2020.
3. **THAT** since the Special Election is solely for the purpose of submitting to the voters three (3) propositions to amend the Charter of the City of Bellaire, there are no candidate filings for such election affected.

4. **THAT** all annual applications for ballot by mail (ABBM) for voters that are voting by mail due to being over the age of 65 or due to disability will still be valid for the November 3, 2020, election; and that ABBMs for voters who submitted ABBMs based on expected absence from the county shall not be valid for the postponed November 3, 2020, election.
5. **THAT** the voter registration deadline for the November 3, 2020, election is October 5, 2020, the deadline to submit an ABBM is October 23, 2020, and the dates for early voting are October 19, 2020, through October 30, 2020.
6. **THAT** should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, which shall remain in full force and effect.
7. **THAT** this Ordinance shall take effect immediately from and after its passage.

PASSED, APPROVED, and ADOPTED this, the 23rd day of March 2020.

SIGNED:

Andrew S. Friedberg
Mayor

ATTEST:

Tracy L. Dutton, TRMC
City Clerk

APPROVED AS TO FORM:

Alan P. Petrov
City Attorney

Ord. No. 20-_____
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