CITY OF BELLAIRE
CITY COUNCIL

Minutes of Meeting
Monday, June 7, 2010

REGULAR SESSION – 7:00 P.M.

A. CALL TO ORDER AND ANNOUNCEMENT OF A QUORUM – Mayor Pro Tem Phil Nauert.

Mayor Pro Tem Phil Nauert called the City Council of the City of Bellaire, Texas, to order at 7:05 p.m. on Monday, June 7, 2010. The Bellaire City Council met at that time and on that date in Regular Session in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401. Mayor Pro Tem Nauert announced that a quorum was present consisting of himself and the following members of City Council:

   Councilman James P. Avioli, Sr., Position No. 2;
   Councilman Corbett Daniel Parker, Position No. 3;
   Councilman Andrew Friedberg, Position No. 5; and
   Councilwoman Mandy Nathan, Position No. 6.

Mayor Cindy Siegel and Councilman Will Hickman, Position No. 1, were absent. Other officials present were City Manager Bernard M. Satterwhite, Jr., City Attorney Alan P. Petrov, and City Clerk Tracy L. Dutton.

B. INSPIRATIONAL READING AND/OR INVOCATION – Councilwoman Mandy Nathan.

Councilwoman Mandy Nathan provided the inspirational reading for the evening.

C. PLEDGES TO THE FLAGS – Councilwoman Mandy Nathan.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

   Councilwoman Mandy Nathan led the audience and City Council in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.
D. PERSONAL/AUDIENCE COMMENTS.

Robert Riquelmy, 506 Winslow Lane, Bellaire, Texas:

Mr. Riquelmy advised that a few days ago he offered his written apologies to the Tolan Family and, with their permission, read that apology as follows:

I am here to apologize to Robbie Tolan, the Tolan Family, and Officer Cotton. I also hope to explain how this tragedy may have happened. As we know, Robbie was shot by one of Bellaire’s Police Officers under dubious circumstances. The criminality of the shooting has been decided, and that puts an end to that.

That does not mean that I, and most of those that I know in Bellaire, are not terribly sorry for the pain and anguish that the Tolans have suffered because of the actions and omissions of Bellaire employees and officials. We had expected much better for the Tolans and for everyone in Bellaire. All of us are deeply sorry.

No apology in a serious matter is complete without an explanation of how that terrible thing came to happen. I will try to explain what I think may have happened and why. Some history is basic to the understanding of what happened. Several years ago there was an eerily similar shooting on Acacia Street in Bellaire. An intoxicated young man on the floor was provoked to struggle while being suffocated by an officer standing on his chest. The young man was shot and killed when he struggled. The officer involved subsequently went on to attain high rank in the Bellaire Police Department.

Why did this happen and, also, why was Robbie Tolan shot? Bellaire is always trying to minimize costs and one of the best ways is to hire the cheapest people, often from near the bottom of the barrel, and not to look too closely at all their records. Officer Cotton may be one of these. In any event, the best that can be said of Officer Cotton’s action is that he was completely flummoxed by a frantic mother and slammed her into a garage door. The worst interpretation, and I hope it is not true, is that Officer Cotton did what he did in order to provoke Robbie into being a sinecure for life with the BPD.

However it happened, my family and I offer our most sincere apologies and hope that some day we may do something to help the Tolans.

Thank you for your attention.
Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee stated that one of the privileges and pleasures of living in Bellaire were the occasional moments (not too rare) when she could stand up at the podium and remark “What a great job!” There were times when she could tell the governing body that, but this was not what she was saying tonight.

She continued and advised that the Building and Standards Commission’s Green Building Committee of the Whole would present later on the agenda this evening. She had dropped in on their meetings from time to time and observed that the Committee had done one of the most outstanding jobs over and above their charge of all the boards and committees in the history of Bellaire as she knew it. There were others who did a bit from time to time, but no one to the extent of the vision and understanding of trends and reality that the Building and Standards Commission would present to City Council this evening.

Ms. McBee publicly commended the Building and Standards Commission’s efforts and hard work and hoped that City Council would take their recommendations under serious consideration. She thanked all of the members of the Bellaire Building and Standards Commission.

Secondly, Ms. McBee mentioned and wished to emphasize the fact that June 14th was Flag Day, symbolic in itself. The City had scheduled a 6:00 p.m. Pre-Budget Workshop Session on that day with City directors in the CenterPoint Energy Community Center, otherwise known as the second floor of the “pool house.”

Ms. McBee urged the community to attend the Pre-Budget Workshop Session for early discussion of the budget challenges that the department directors would elaborate upon and present to the City Council. She assumed that there would be no camera sitting on that floor in that building as there was at City Hall. Therefore, the public would have no opportunity to stay home and watch the cable. Ms. McBee particularly pointed out to City Council that one of the most important pieces of information, the challenges facing the City, should not be conducted privately in another building.

On behalf of open meetings, Ms. McBee advised that this was the most flagrant ignoring of the public’s right to know. If a standard City Council meeting could be broadcast, then the City could certainly broadcast what the directors had to say about the budget.

E. REPORTS:

1. CITY MANAGER’S REPORT regarding residential safety (police activity report and hurricane season preparedness), public
infrastructure/utilities (street and drainage projects update and facilities update), internal operations and productivity (facilities issues), quarterly indicators (crime and building permits), and upcoming City Council meetings/events –

Presented by City Manager Bernard M. Satterwhite, Jr.

City Manager Bernard M. Satterwhite, Jr., presented the City Manager’s Report for June 7, 2010, to City Council.

Residential Safety

Police Activity Report:

It was noted that during the month of April 2010, there had been 44 Part 1 criminal offenses. With respect to traffic accidents, as of the end of April there had been 57 as compared to 72 in April of the previous year.

Average response time for emergency calls was noted to be three minutes and 42 seconds (i.e., the response time included police, emergency medical service, and fire responses).

One arrest highlight occurred on the 17th of April, 2010. Early that morning an officer was dispatched to the 4600 block of Laurel Street in reference to a possible burglary in progress. The officer observed the suspect exiting a front window of the residence. After a short foot pursuit, the suspect was taken into custody. The suspect was charged with burglary of a habitation.

City Manager Satterwhite advised that residential burglaries were up somewhat and wished to ensure that residents were aware of that and took necessary precautions. Such burglaries included home invasions, as well as property stolen from open garages.

No robberies were reported in April. There were five assaults, three of which involved incidents of family violence and charges were filed in one of those incidents.

Burglaries of motor vehicles continued to be an ever popular crime. This type of offense did not necessarily occur at night. Several such burglaries had occurred at the Nature Discovery Center in Bellaire. Residents were encouraged to remove anything in view in the front or back seats of their vehicles.

Hurricane Season Preparedness:

City Manager Satterwhite advised that hurricane season had begun. The City was in tune with the NOAA (National Oceanic and
Atmospheric Administration) forecast for the coming hurricane season. The City planned to prepare this year just as it had in the previous year for the hurricane season.

A notice had been placed in City water bills to make residents aware of and remind them of what they could do and what the City intended to do in the event of an emergency situation. That same notice had also been placed on the City’s website and email notifications had been sent to those who had signed up to receive such notifications.

National Incident Management System (NIMS) refresher courses would be taken by City employees and officials this year, and on the 30th of June, 2010, a course for elected officials would be offered at TranStar (The Greater Houston Transportation and Emergency Management Center).

Public Infrastructure/Utilities

Street and Drainage Projects:

The Rebuild Bellaire Program, Phase 3, Project was noted to be 95% complete with respect to design. A neighborhood meeting for the streets involved in the project would be held on June 17, 2010, at 6:00 p.m. in the Civic Center at City Hall. A letter notifying the affected residents was distributed earlier in the day. It was anticipated that bidding would begin in July of 2010 and a bid opening would occur on August 3, 2010.

With respect to the Rice Lift Station Project, construction was scheduled to begin on Monday, June 14, 2010. Letters were delivered in May to affected residents. The start time was delayed for various reasons. No response was received regarding the letters. The City intended to send letters again to remind residents that construction would begin.

The Solids Handling Improvements Project for the Bellaire Wastewater Treatment Plant was completed, with punch list items remaining. It was anticipated that the final payment approval would be brought to City Council on the second meeting in June of 2010.

The City was required to comply with Senate Bill 361 (S.B. 361), which was an emergency preparedness plan to ensure that residents were provided water in the event of a complete electrical failure. The City had plans to do so and applied to the Texas Commission on Environmental Quality (TCEQ) for an extension pending equipment procurement. That extension was near its end, and the City requested a second extension. The City just found out today that the Texas Department of Rural Affairs (TDRA) had recommended approval of a
grant to the City (i.e., a Hurricane Ike Community Development Block Grant) for the purchase of backup generators for the Bellaire Wastewater Treatment Plant and the Central Water Plant. The amount of grant award, if received, would be $2.3 million. The purchase and installation of the backup generators would allow the City to comply with S.B. 361.

Also during the second meeting in June, City Staff planned to bring forward an item to closeout the FY2008 Sidewalk Maintenance Repair Project.

**Internal Operations and Productivity**

**Facilities Issues:**

The Fire Station construction continued to progress. A project to rehabilitate the Bellaire City Library was under development and was based on a plan presented to the voters of Bellaire for a bond issuance in 2005. The proposal would be brought forward to City Council on June 21, 2010.

Recent issues of late with facilities were noted as follows:

- Fire alarm at the Recreation Center was “fried” in a power surge during the last weekend in May; and
- The City Hall air conditioning system quit at approximately the same time. The air conditioning system was out for one and one-half days (June 1st and 2nd).

In spite of the issues, Facilities Director Karl Miller had done a great job in getting the issues resolved.

**Quarterly Indicators**

**Crime:**

Quarterly indicators were presented at this time by City Manager Satterwhite utilizing a PowerPoint presentation. He noted that residential burglaries showed the greatest increase as compared to the last two previous years. Other types of crime were steady or down from the previous year.

The crime index was tracking fairly close to the previous four years. The City often heard concerns from residents that crime was up compared to years ago. In other words, there was a perception that there was a crime spree in Bellaire. The numbers on the crime index did not indicate or support that a “crime spree” was occurring.
Building Permits:

The City was a little up with respect to building permits as compared to the same period in 2009. The City still had a long way to go to recover from the levels of permits issued in the three previous years, if the City could.

The City had issued 43 permits this fiscal year (beginning in October). For the entire previous fiscal year, only 49 permits were issued.

Upcoming City Council Meetings/Events

The following upcoming City Council meetings were noted:

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<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Type of Meeting</th>
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<tr>
<td>June 14</td>
<td>6:00 p.m.</td>
<td>Pre-Budget Workshop Session in the CenterPoint Energy Community Center</td>
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<tr>
<td>June 15</td>
<td>6:00 p.m.</td>
<td>Special Session for Board, Commission, and Committee Interviews in the Council Conference Room</td>
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<tr>
<td>June 21</td>
<td>7:00 p.m.</td>
<td>Regular Session</td>
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QUESTIONS FROM CITY COUNCIL:

Councilman Andrew Friedberg inquired as to whether the City had a maintenance plan in place with contractors or if the work was paid for when it occurred from other budgeted funds.

City Manager Satterwhite indicated that the City had an on-call contractor for its heating, ventilation and air conditioning (HVAC) systems. The service was outstanding considering that the outage occurred over a holiday weekend.

Councilman Friedberg inquired as to whether the contract was paid on an annual basis from a budgetary perspective.

City Manager Satterwhite stated that the contract was paid on an annual basis.

Councilman Friedberg asked for an update regarding plans that the Communications Technology Services Director was working on with respect to either alternatives to cable and/or internet streaming for public meetings.

City Manager Satterwhite advised that this was another budgetary item that the City would have to consider. City Manager Satterwhite was not ready to present the plan this evening, but there was a plan in the works.
Councilwoman Mandy Nathan noted that before the pool opened, City Manager Satterwhite had told City Council that there was some problem with the aquatic center pool (i.e., a drain, perhaps). She indicated that she was curious as to what the problem was and how much it had cost.

City Manager Satterwhite stated that he could not remember the exact cost, but it had not been as significant as City Staff had first thought it might be. The problem involved replacing a fitting beneath some concrete. In addition, there was a problem with the rubber mat bubbling in the zero depth area. That problem had been fixed as well.

Councilwoman Nathan referred to the Neighborhood Meeting that was scheduled for the Rebuild Bellaire Program, Phase 3 Project. She inquired as to how broad the field of notification was with respect to area residents.

City Manager Satterwhite indicated that notification was given to people that resided on the affected streets.

Councilman James P. Avioli, Sr., inquired as to the allotted time for the work at the Rice Lift Station.

City Manager Satterwhite indicated that he would have to find out and let Councilman Avioli know. It was noted that Director of Public Works Joe Keene was currently taking a training course in Austin, Texas, and was not present this evening.

Councilman Avioli noted that City Staff had mentioned on a few occasions that the City would need to evaluate the impact on Bellaire’s water rates based on what the City of Houston was doing. He inquired as to whether City Staff was still on that process.

City Manager Satterwhite stated that the cost to produce water in Bellaire versus what was brought in was evaluated, and City Manager Satterwhite felt that a rate increase was not needed at that time. However, he felt fairly confident that this coming budget year might involve a rate increase.

Councilman Avioli noted that City Council had decided to close the Recycling Center. One of the things that the City was going to look at was how senior citizens would be treated that had opted out of curbside recycling and continued to presently use the Recycling Center. He asked if the City was still looking into that.

City Manager Satterwhite advised that the budget for the Recycling Center was not imminent right now, but plans were to close it before the end of calendar year 2010. A few things that might, perhaps,
encourage people to use curbside recycling were looked into. For example, the City ordered some wheels that would fit on the existing recycling bins. If those wheels turned out to be practical, more would be ordered. Before closing the Recycling Center altogether, City Staff wanted to have more questions answered.

Councilman Corbett Daniel Parker referred to the Pre-Budget Workshop Session scheduled for the next Monday. He asked if City Manager Satterwhite could educate him with respect to the format and what he hoped would be accomplished during that session.

City Manager Satterwhite stated that the City had never had a Pre-Budget Workshop Session before (i.e., since he had been with the City). He hoped to have an open, informal discussion among City Department Heads and City Council. He wished for the Department Heads to indicate to City Council what their budget challenges were—in other words, the time, material, and personnel needed to accomplish their daily tasks.

Councilman Parker noted that the public was invited to attend and inquired as to whether a certain amount of time had been allotted for public comment.

City Manager Satterwhite indicated that public comment time had not been allotted since this was a Workshop Session (i.e., he referenced the City Council Rules of Procedure).

Councilman Parker inquired as to whether the City had thought about videotaping the session. After noting that it would not be videotaped, he inquired as to the reason for holding the meeting at the CenterPoint Energy Community Center versus City Hall.

City Manager Satterwhite indicated that the CenterPoint Energy Community Center provided for a more informal setting.

Councilman Parker asked if it were feasible to take a video camera over, tape the meeting, and make it available for the public.

City Manager Satterwhite stated that if City Council wanted to direct that, he would have it taped.

Councilman Parker asked if it were a legal requirement.

City Attorney Alan P. Petrov stated that filming a meeting was not a legal requirement.

Councilman Parker asked if City Manager Satterwhite felt it was necessary.
City Manager Satterwhite indicated that he would prefer not to film the meeting.

Mayor Pro Tem Phil Nauert asked if there would be a time during the construction phase of the Rice Lift Station that there would be no lift station functionality. If so, was there a plan to work around it?

City Manager Satterwhite stated that he believed the old lift station would function until the new lift station was put into place. The new lift station was self-contained and would be brought online when the old one was taken offline. He stated further that he would double-check on that.

Mayor Pro Tem Nauert referred to the back-up generators for two very substantial operations, as well as a $2.3 million grant. He asked if the grant covered the cost for those generators and/or if there was a budgetary impact for the purchase and installation of those generators.

City Manager Satterwhite advised there was a bit of a budgetary impact. He was not sure of the exact amount that the City would have to come up with, but believed it to be around $250,000. A meeting regarding the grant was set for the following week.

Councilman Friedberg referred to the notification of residents for the Rebuild Bellaire Program, Phase 3 Project. He inquired as to the streets that would be affected during that project.

City Manager Satterwhite noted the following: 4500 Oleander Street, Newcastle Drive at Avenue B, 500 Second Street (from Jessamine Street to Evergreen Street), 7500-7700 Second Street (from Evergreen Street to Braeburn Drive), 4700-5000 Holt Street (IH-10 Service Road to South Rice Avenue), and 7900-8200 Englewood Street (from Pine Street to Maple Street).

Councilman Friedberg referred to the Baldwin Avenue project and inquired as to whether the City was still in the design phase for that project.

City Manager Satterwhite advised that the design phase was just starting. Surveying and coordination with utility companies was the first step and was underway currently.

Councilman Friedberg inquired as to when the Neighborhood Meeting for that project might occur—fall of 2010?

City Manager Satterwhite stated that the meeting would likely be held in early spring of 2011.
MOTION TO ACCEPT REPORT INTO THE RECORD:

A motion was made by Councilman Andrew Friedberg and seconded by Councilman James P. Avioli, Sr., to accept the City Manager’s Report as presented by City Manager Bernard M. Satterwhite, Jr., into the record.

VOTE ON MOTION TO ACCEPT REPORT INTO THE RECORD:

Motion carried unanimously on a 5-0 vote as follows:

FOR:       Avioli, James P., Sr.
           Parker, Corbett Daniel
           Nauert, Phil
           Friedberg, Andrew
           Nathan, Mandy

OPPOSED:   None

ABSENT:    Siegel, Cindy
           Hickman, Will

2. PRESENTATION from the Bellaire Building and Standards Commission’s Green Building Committee of the Whole regarding the provision of information to the Bellaire community related to green building and sustainability – Item submitted by Director of Community Development John McDonald; Presentation by Representative(s) of the Bellaire Building and Standards Commission’s Green Building Committee of the Whole.

Chair Dirk Stiggins, Bellaire Building and Standards Commission, introduced himself and advised that he and Commissioner Gayle Davies, Bellaire Building and Standards Commission, would like to present a summary of what the Bellaire Building and Standards Commission (“Commission”) had been working on related to green building issues.

In 2008 the Commission decided to form a subcommittee to determine what constituted “green building” and to determine if any of the issues related to green building would improve the quality, value, or safety of the City of Bellaire Building Codes for residential and commercial construction. The interest of the Commissioners turned out to be unanimous and the subcommittee morphed into a committee of the whole, with all of the Commissioners participating in the various discussions. Since 2008, the Green Building Committee of the Whole had met on a regular basis to investigate and discuss the issue related to green building. The Green Building Committee of the Whole
(“Committee”) worked together to prepare the presentation to City Council this evening. The presentation summarized the Committee’s findings and made some recommendations that the Committee would like for the Bellaire City Council to consider.

Chair Dirk Stiggins next turned the presentation over to Commissioner Davies. He indicated that he had two reasons for that. One, he was the spokesperson for the Commission, but this was his last month on the Commission and he would no longer be involved in any of their efforts on the issue. Commissioner Davies had been the Chair of the Committee since the outset. She had been a strong supporter of green building and had an intense interest in the issue. He had confidence that Commissioner Davies would continue the efforts related to green building issues on the Commission.

**Commissioner Gayle Davies, Bellaire Building and Standards Commission**, addressed City Council and advised that the presentation this evening had indeed been a group effort and she wished to recognize the Commissioners for their contributions as follows:

- Dirk Stiggins for his leadership and support throughout the process;
- Wayne Alderman who, as an architect, shared the expertise he had developed in designing rainwater harvesting systems for clients and his overall interest in water conservation;
- Kristin Schuster who, also as an architect, shared the expertise she had developed in working on LEED (Leadership in Energy and Environmental Design) projects and with REScheck, a residential energy code compliance system; and
- Greg Cauthen who, having become a walking encyclopedia on residential green building through the design and construction of his new home in Bellaire, shared much of the knowledge he had gained with the Committee.

The Committee and Commission discovered that the concept of green building is a complex, multifaceted issue. The Committee’s investigation began by talking with experts in various aspects of the green building field. Those experts provided information on the following:

- LEED (Leadership in Energy and Environmental Design) administered by the U.S. Green Building Council;
• ESP (Energy Star Program), a federally driven program administered by the Environmental Protection Agency (EPA); and

• IECC (International Energy Conservation Code), a recognized code standard used by the City of Bellaire and most other United States jurisdictions, including the City of Houston and the State of Texas. The code provided minimum safeguards in schools, homes, and at the workplace. It was administered by the nonprofit International Code Council.

**Green Building:**

Commissioner Davies advised that a green building was one designed to conserve resources and reduce negative impacts on environmental and human health through more efficient use of resources, including land, energy, water, and building materials.

In the United States alone, buildings accounted for almost 40% of energy use, CO2 emissions, and raw materials used, as well as 30% of waste output.

Green buildings outperformed their conventional counterparts using 26% less energy, emitting 30% less CO2, and being 13% cheaper to maintain.

**LEED:**

As previously mentioned, Commissioner Davies advised that LEED stood for Leadership in Energy and Environmental Design. She noted that many on City Council were already aware of LEED from having worked on the City’s new fire station for which the City was hoping to get a LEED certification.

The concept was that LEED embraced the entire construction project, from the initial design to the end of a building’s useful life.

LEED covered a host of details in any construction project, including sustainable material selection, land usage, orientation of building relative to the sun, landscaping, waste management, water conservation, and energy efficiency (including insulation and heating, ventilation and air conditioning or HVAC).

**Initial Direction:**

The Commission quickly concluded that the LEED concept was too complex to try to adapt and adopt into Bellaire’s building codes. Therefore, the Commission decided to focus on energy concerns since
energy efficiency had one of the most significant impacts on green building consideration and was a large part of the LEED concept.

Two major programs that dealt with energy efficiency, as mentioned earlier, were the IECC and ESP. These programs were the standards for energy building codes throughout the United States. The IECC was adopted into Bellaire’s building codes and had been for years. Additionally, Bellaire supported Energy Star when builders used its energy rating system.

Commissioner Davies mentioned that the City of Bellaire had been proactive in updating its energy code, having adopted each new IECC version, available every three years, with each new code requiring greater energy efficiency than before.

Energy Star, on the other hand, was begun in the United States and had become an international standard for, among other things, energy efficient consumer and building products, had an energy performance rating system for new homes and a host of other buildings.

**Initial Recommendation:**

The Committee decided initially to focus on energy conservation by investigating the LEED program, federal government initiatives, and other city energy codes for energy reduction efforts. This included how the Commission could use the wording of other city codes, specifically the City of Houston’s new energy code (implemented in October). The Commission hoped to consider amending Bellaire’s code in a similar manner as Houston’s code.

However, the Committee also looked into adopting Energy Star and Energy Star standards, as well as the IECC code. Experts in those areas, as well as Bellaire builders, residents, and “green” vendors, were investigated and contacted. Surprisingly, the Committee found widespread effort by city and federal codes to improve energy efficiency and encourage the use of sustainable building materials and practices.

In the end, the Commission recommended that Bellaire consider adopting the 2009 IECC code. The Building Official agreed and it was adopted effective on January 1, 2010.

**Next Area of Interest:**

The result of the adoption of the 2009 IECC code by Bellaire would be an energy savings of more than 10% in new residential construction, as compared to its immediate predecessor, the 2006 IECC code.
Changes made to the 2009 IECC code translated into long-term savings for new homeowners, as well as higher quality residential construction.

In the course of the Committee’s study efforts on energy conservation, it became apparent that there was also a need to extend potential benefits of energy conservation to residents in existing homes. To date, new construction had replaced about 50% of the homes in Bellaire, so there were still plenty of older homes that could benefit from energy improvement ideas.

Additionally, some of the newer homes (i.e., those built in the 1980s and 1990s under different codes) no longer met the codes that were active today.

Rather than mandate additional codes to accomplish improved energy effectiveness, the Committee believed that an effort should be made to inform and educate residents about the benefits and dollar savings of improved energy usage.

Recommendations to City Council:

The Commission believed that a good way to begin the education process was to develop a webpage on the City of Bellaire website. This webpage would be one that would provide information on green building issues. The Commission envisioned the webpage as evolving into an information source for issues such as energy conservation, water conservation, construction and demolition waste recycling, low-water gardening ideas, and so forth.

The Commission had already discussed the possibility of a webpage with City Staff and had started moving forward on the webpage. Being that the Commission was in an initial phase of the process, the Commission had yet to fully develop their plan. The Commission was present this evening to update City Council and to ask for their support for the Commission’s efforts.

Also, while the actual webpage would have negligible cost, publicizing the Commission’s educational initiatives might require some modest funding for simple brochures, handouts, and the like. The Commission was working with Director of Community Development John McDonald and Building Official Lee Cabello on the education initiatives and, again, asked for City Council support.

In addition, the Commission participated, along with Recycling Committee members, in the Bellaire Home Tour this past April on the basis that some of the funds from the tour of the Cauthen home would be available to the Commission and the Recycling Committee for
projects associated with the Commission and Recycling Committee’s educational efforts. The Commission understood that City Council had to make such a determination and asked that City Council consider allocating some of those funds to City Staff for projects related to green building initiatives.

Finally, in the Commission’s green-building journey, the Commission learned that there were several areas of overlap between City boards, such as an interest in C & D waste on the part of both the Commission and the Recycling Committee. A secondary recommendation in the form of a suggestion was that a “Sustainability Committee” be created for the purpose of coordinating various green initiatives in the City of Bellaire. This group could be made up of representatives of existing committee members to prevent creating additional bureaucracy. City Council’s blessing on such an effort would lend stature that ad hoc groups would not have.

QUESTIONS FROM CITY COUNCIL:

Mayor Pro Tem Phil Nauert advised that he appreciated the Commission’s efforts, noting that the fact that all of the Commissioners ended up on the Committee certainly spoke to itself.

Councilman James P. Avioli, Sr., stated that this was an excellent program and initiative. He asked how much it would cost to reach a 10% savings in energy costs from where someone might currently be. In other words, if he constructed a home that was “green,” would the cost be substantially more?

Commissioner Davies advised that studies on the U.S. Green Building Council website indicated that there was not a substantial increase in construction costs to build “green.” Almost everything done in a conventional home was also done in a green home. There were different materials used.

Councilman Avioli asked if the initiative was for the purpose of creating “awareness” as opposed to creating a “cost outlay.”

Commissioner Davies indicated that people who were interested in using the energy efficiency information on the website could certainly do so, but it would be up to them to purchase the necessary materials needed to create the efficiency.

Councilman Avioli asked if the Commission saw this as a deterrent for people who wanted to construct things.

Commissioner Davies advised that the Commission did not see it as a deterrent.
City Manager Bernard M. Satterwhite, Jr., noted that what had been seen the “real world” was that the Energy Star Program sold homes. Very few people were going to go out and buy a new home that was not an Energy Star home.

Commissioner Davies advised that the Committee initially thought they were on the cutting edge when they started studying green building, but the Committee was not. The concept was widespread throughout the country. It was amazing how many cities had adopted more stringent standards in order to have more environmentally attuned building and energy savings.

Councilman Avioli stated that he applauded the Committee’s efforts.

Councilman Corbett Daniel Parker asked why the Commission had not come forward mandating Energy Star or to provide economic incentives for green building. In other words, why stop at educating residents?

Commissioner Davies advised that when the Commission recommended that Bellaire adopt the newest energy code, which was the IECC 2009 code, the Commission had tried to educate themselves on the difference between the Energy Star Program and the IECC 2009 code. Both were about on par.

At some point there will be a diminishing return on improving the codes. At this point, the Commission was still finding benefit in improving the codes.

Councilman Parker asked why the Commission had not considered asking City Council to provide economic incentives versus educating the residents. In other words, why not mandate some of the things that the Commission felt were beneficial.

Commissioner Davies advised that there had been discussions at the Commission level about that.

Chair Stiggins agreed with Commissioner Davies in that mandates were discussed at length. The recommendation this evening was “Phase 1.” He suggested starting small and getting people to think about green building issues before going forward with anything else. The codes were forcing stricter standards by the natural evolution of the various codes.

The Commission was trying to make the residents in existing homes more aware of the potential economic benefits of green building issues. Education was better than trying to force a mandate.
Councilman Parker referred to the request for City Council to provide some funding for educational efforts. He inquired as to whether the Commission had an amount in mind.

Commissioner Davies stated that the Commission was working on that at their last meeting, but did not have a set amount in mind. Director of Community Development McDonald was also in the process of working on that now. She suggested that it would probably be along the lines of what the Recycling Committee did and noted that it was a modest amount.

Councilman Parker inquired as to whether the Commission had held any discussion with the local papers and whether the papers had been supportive.

Commissioner Davies advised that the Commission had not done anything yet.

Councilwoman Mandy Nathan asked if the Green Committee of the Whole would continue for the near time being.

Commissioner Davies advised that there continued to be interest in green building issues and all the Committee had worked on thus far was energy efficiency.

Councilwoman Nathan asked if the website would include specific suggestions for homeowners.

Commissioner Davies advised that a firm plan was not in place just yet. The Committee had taken the LEED checklist and were using it as a template to organize different topics on the website.

Councilwoman Nathan thanked the Committee for their work, noting that they had done a terrific job.

Councilman Andrew Friedberg congratulated the Committee on a job well done. He advised that he felt that the citizens should be aware of the amount of the time that the Committee and Commission had spent on this issue—noting that both had been on double duty for quite awhile.

Councilman Friedberg referred to the current makeup of the homes in Bellaire and ensuring that as the Commission/Committee went about with their educational initiatives that they address both the existing homes, as well as new homes.
He noted that it was always easier to take a blank slate than to take an existing home and reorient it toward the sun, for example.

He understood the Commission to be looking at both sides—building/purchasing a new home and relatively inexpensive things that each resident could do today to start achieving energy efficiency goals.

**Commissioner Davies** agreed with Councilman Friedberg and advised that there were many inexpensive things that residents could do now to achieve energy efficiency.

**Councilman Friedberg** advised that he looked forward to more discussion on the issue and understood that the Commission would be bringing forward, more formally, the fundraising that had been done to support the costs of what the Commission wished to do with respect to educational efforts.

**Mayor Pro Tem Nauert** thanked Commissioner Davies and the Commission for bringing forward such an exciting subject. It made him want to start building a new house.

**MOTION TO RECEIVE AND ACCEPT REPORT INTO THE RECORD:**

A motion was made by **Councilman Andrew Friedberg** and seconded by **Councilman Corbett Daniel** to receive and accept the report of the Building and Standards Commission's Green Building Committee of the Whole as presented by Chair Dirk Stiggins and Commissioner Gayle Davies into the record.

**VOTE ON MOTION TO RECEIVE AND ACCEPT REPORT INTO THE RECORD:**

Motion carried unanimously on a 5-0 vote as follows:

**FOR:** Avioli, James P., Sr.  
Parker, Corbett Daniel  
Nauert, Phil  
Friedberg, Andrew  
Nathan, Mandy

**OPPOSED:** None

**ABSENT:** Siegel, Cindy  
Hickman, Will
F. CONSENT AGENDA – All items listed under the Consent Agenda are considered routine and are recommended for approval by a single motion of the City Council, without discussion. If discussion is desired, any one or more members of City Council and/or the Mayor may request that an item be removed and considered separately.

1. APPROVAL/CORRECTION OF MINUTES:

   a. APPROVAL of the minutes of the Special Session (Public Hearing on Specific Use Permit for HISD) of the City Council of the City of Bellaire, Texas, held on Monday, April 19, 2010 – Item submitted by City Clerk Tracy L. Dutton.

   b. APPROVAL of the minutes of the Special Session (Public Hearing on the Chestnut Street Right-of-Way Abandonment) of the City Council of the City of Bellaire, Texas, held on Monday, April 26, 2010 – Item submitted by City Clerk Tracy L. Dutton.

2. CITY COUNCIL MEETING DATE CHANGE:

   CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing a change in the date of the first Regular Session of the City Council of the City of Bellaire, Texas, during the month of July of 2010 from Monday, July 5, 2010, to Monday, July 12, 2010, due to the observance of the Fourth of July holiday on July 5, 2010 – Item submitted by City Clerk Tracy L. Dutton.

3. CALL OF PUBLIC HEARING:

   CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, calling a public hearing before the City Council of the City of Bellaire, Texas, on Monday, July 12, 2010, at 6:00 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, for the purpose of hearing any and all persons desiring to be heard on or in connection with: 1) revisions proposed to the Code of Ordinances of the City of Bellaire, Texas (“Code”), Chapter 24, Planning and Zoning, Article V, Zoning Regulations, Division 1, Zoning Districts and Regulations of General Applicability, Section 24-503, Specific Uses, Article VI, Amendatory Procedure, Section 24-605, Application for Specific Use Amendment, and Section 24-615, Standards Applicable to All Planned Developments and Specific Use Amendments, for the purpose of removing all references to the term “amendment” as such term relates to specific use(s)
and replacing with the term “permit” in order to bring the referenced sections of the Code in line with existing codification practices; and 2) revisions proposed to the Code, Chapter 24, Planning and Zoning, Article VI, Amendatory Procedure, Section 24-607, Call of Public Hearings, for the purpose of condensing the process for review and consideration of amendments to Chapter 24, Planning and Zoning, of the Code by eliminating the requirement that the Planning and Zoning Commission and the City Council formally call public hearings and amending said section of the Code to allow the Chair of the Planning and Zoning Commission and/or City Manager, as the case may be, to call the public hearing and direct City Staff to take the necessary steps to notify the public of such public hearing as required by the Code – Item submitted by Director of Community Development John McDonald.

Councilwoman Mandy Nathan asked for separate consideration of agenda item F1a under the Consent Agenda and Councilman Corbett Daniel Parker asked for separate consideration of agenda item F2 under the Consent Agenda.

Mayor Pro Tem Phil Nauert asked City Council for a motion and a second to consider the remaining items on the Consent Agenda (item F1b and item F3).

**MOTION TO APPROVE CONSENT AGENDA:**

A motion was made by Councilwoman Mandy Nathan and seconded by Councilman James P. Avioli, Sr., to approve the Consent Agenda dated June 7, 2010, consisting of the following:

- Approval of the minutes of the Special Session (Public Hearing on the Chestnut Street Right-of-Way Abandonment) of the City Council of the City of Bellaire, Texas, held on Monday, April 26, 2010; and

- Adoption of an ordinance of the City Council of the City of Bellaire, Texas, calling a public hearing before the City Council of the City of Bellaire, Texas, on Monday, July 12, 2010, at 6:00 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, for the purpose of hearing any and all persons desiring to be heard on or in connection with: 1) revisions proposed to the Code of Ordinances of the City of Bellaire, Texas ("Code"), Chapter 24, Planning and Zoning, Article V, Zoning Regulations, Division 1, Zoning Districts and
Regulations of General Applicability, Section 24-503, Specific Uses, Article VI, Amendatory Procedure, Section 24-605, Application for Specific Use Amendment, and Section 24-615, Standards Applicable to All Planned Developments and Specific Use Amendments, for the purpose of removing all references to the term “amendment” as such term relates to specific use(s) and replacing with the term “permit” in order to bring the referenced sections of the Code in line with existing codification practices; and 2) revisions proposed to the Code, Chapter 24, Planning and Zoning, Article VI, Amendatory Procedure, Section 24-607, Call of Public Hearings, for the purpose of condensing the process for review and consideration of amendments to Chapter 24, Planning and Zoning, of the Code by eliminating the requirement that the Planning and Zoning Commission and the City Council formally call public hearings and amending said section of the Code to allow the Chair of the Planning and Zoning Commission and/or City Manager, as the case may be, to call the public hearing and direct City Staff to take the necessary steps to notify the public of such public hearing as required by the Code.

VOTE ON MOTION TO APPROVE CONSENT AGENDA:

Motion carried unanimously on a 5-0 vote as follows:

FOR:

Avioli, James P., Sr.
Parker, Corbett Daniel
Nauert, Phil
Friedberg, Andrew
Nathan, Mandy

OPPOSED:

None

ABSENT:

Siegel, Cindy
Hickman, Will

{Ordinance calling a public hearing on various revisions to Chapter 24, Planning and Zoning, of the Code was subsequently numbered: 10-036}

SEPARATE CONSIDERATION OF CONSENT AGENDA ITEM F1a:

APPROVAL of the minutes of the Special Session (Public Hearing on Specific Use Permit for HISD) of the City Council of the City of Bellaire, Texas, held on Monday, April 19, 2010 – Item submitted by City Clerk Tracy L. Dutton.
Councilwoman Mandy Nathan requested an amendment (no. 1) to the minutes of the Special Session (Public Hearing on Specific Use Permit for HISD) of the City Council dated April 19, 2010, as follows on page 20, line 908:

*She inquired as to whether there was parking fencing through the middle of the campus so that people who were walking from the parking lot to the fields could not get close to the school.*

(Note: Word to be removed has been struck through and word to be added has been underscored).

**MOTION TO APPROVE MINUTES, AS AMENDED/CORRECTED:**

A motion was made by Councilman Corbett Daniel Parker and seconded by Councilwoman Mandy Nathan to approve the minutes of the Special Session (Public Hearing on Specific Use Permit for HISD) of the City Council of the City of Bellaire, Texas, held on Monday, April 19, 2010, as amended/corrected.

**VOTE ON MOTION TO APPROVE MINUTES, AS AMENDED/CORRECTED:**

Motion carried unanimously on a 5-0 vote as follows:

**FOR:**
- Avioli, James P., Sr.
- Parker, Corbett Daniel
- Nauert, Phil
- Friedberg, Andrew
- Nathan, Mandy

**OPPOSED:**
- None

**ABSENT:**
- Siegel, Cindy
- Hickman, Will

**SEPARATE CONSIDERATION OF CONSENT AGENDA ITEM F2:**

CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing a change in the date of the first Regular Session of the City Council of the City of Bellaire, Texas, during the month of July of 2010 from Monday, July 5, 2010, to Monday, July 12, 2010, due to the observance of the Fourth of July holiday on July 5, 2010 – *Item submitted by City Clerk Tracy L. Dutton.*
Councilman Corbett Daniel Parker advised that he had requested separate consideration of Consent Agenda item F2 so that he could ensure that a quorum of City Council would be available on July 12, 2010.

After noting that a quorum of those present for the June 7, 2010, meeting would be available on July 12, 2010, a motion and vote were taken on Consent Agenda item F2.

**MOTION TO ADOPT ORDINANCE (CONSENT AGENDA ITEM F2):**

A motion was made by Councilman Corbett Daniel Parker and seconded by Councilman Andrew Friedberg to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing a change in the date of the first Regular Session of the City Council of the City of Bellaire, Texas, during the month of July of 2010 from Monday, July 5, 2010, to Monday, July 12, 2010, due to the observance of the Fourth of July holiday on July 5, 2010.

**VOTE ON MOTION TO ADOPT ORDINANCE (CONSENT AGENDA ITEM F2):**

Motion carried unanimously on a 5-0 vote as follows:

FOR: 
*Avioli,* James P., Sr. 
*Parker,* Corbett Daniel 
*Nauert,* Phil 
*Friedberg,* Andrew 
*Nathan,* Mandy

OPPOSED: None

ABSENT: 
*Siegel,* Cindy 
*Hickman,* Will

{Ordinance was subsequently numbered: 10-035}

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**G. ADOPTION OF ORDINANCE:**

CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 9, Buildings, Article II, Building Codes, Division 1, Generally, Section 9-18, Drainage requirements for residential construction, of the Code of Ordinances of the City of Bellaire, Texas, by repealing the existing Subsection (e), Certificate of occupancy, and adopting a new Subsection (e),
entitled *Certificate of occupancy*, for the purpose of requiring a Professional Engineer to review the “as-built” survey of a property and to conduct a site visit of the location shown on the survey to ensure that the survey and site conform to the design and intent of the approved drainage plan submitted for permit — *Item submitted by Director of Community Development John McDonald.*

**SUMMARY:**

City Manager Bernard M. Satterwhite, Jr., summarized the agenda item before City Council. He advised that the City’s Code currently required the engineer to review the “as-built” survey and compare that to the submitted survey at the beginning of a project. It did not require a site visit. City Staff had noted that sometimes the lines on the “as-built” might conform to the original survey, but a review of the site itself might show some differences. All City Staff was really doing to the process was adding a requirement to do a site visit before the engineer stamped the final “as-built” survey.

**MOTION TO ADOPT ORDINANCE:**

A motion was made by Councilman James P. Avioli, Sr., and seconded by Councilman Corbett Daniel Parker to adopt an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 9, Buildings, Article II, Building Codes, Division 1, Generally, Section 9-18, Drainage requirements for residential construction, of the Code of Ordinances of the City of Bellaire, Texas, by repealing the existing Subsection (e), *Certificate of occupancy*, and adopting a new Subsection (e), entitled *Certificate of occupancy*, for the purpose of requiring a Professional Engineer to review the “as-built” survey of a property and to conduct a site visit of the location shown on the survey to ensure that the survey and site conform to the design and intent of the approved drainage plan submitted for permit.

**DISCUSSION:**

Councilman Andrew Friedberg advised that his reading of the ordinance from an enforcement standpoint was just to state that when the engineer placed his or her stamp, it was certifying further that he or she had made a site visit.

City Attorney Alan P. Petrov advised that Councilman Friedberg was correct.
AMENDMENT (NO. 1) TO MOTION TO ADOPT ORDINANCE:

An amendment (no. 1) to the motion to adopt an ordinance amending Chapter 9, Buildings, Article II, Building Codes, Division 1, Generally, Section 9-18, Drainage requirements for residential construction, of the Code of Ordinances of the City of Bellaire, Texas, by repealing the existing Subsection (e), Certificate of occupancy, and adopting a new Subsection (e), entitled Certificate of occupancy, was made by Councilman Andrew Friedberg to further amend Section 1 to read as follows: Subsection (e), as so amended, shall be read as set out in Appendix A.

The amendment (no. 1) to the motion was seconded by Mayor Pro Tem Phil Nauert.

VOTE ON AMENDMENT (NO. 1) TO MOTION TO ADOPT ORDINANCE:

Amendment (No. 1) to motion to adopt ordinance carried unanimously in a 5-0 vote as follows:

FOR:  Avioli, James P., Sr.
       Parker, Corbett Daniel
       Nauert, Phil
       Friedberg, Andrew
       Nathan, Mandy

OPPOSED: None

ABSENT: Siegel, Cindy
         Hickman, Will

VOTE ON MOTION TO ADOPT ORDINANCE, AS AMENDED:

The motion to adopt ordinance, as amended, carried unanimously on a 5-0 vote as follows:

FOR:  Avioli, James P., Sr.
       Parker, Corbett Daniel
       Nauert, Phil
       Friedberg, Andrew
       Nathan, Mandy

OPPOSED: None

ABSENT: Siegel, Cindy
        Hickman, Will
H. COMMUNITY INTEREST ITEMS FROM THE MAYOR AND CITY COUNCIL.

Councilwoman Mandy Nathan thanked and apologized to the City employees that had to suffer through the day and one-half in the heat at City Hall.

Councilman James P. Avioli, Sr., commented about the plan for the Pre-Budget Workshop Session and noted that he thought it was an excellent plan. He encouraged the Directors to really come with their case and advise City Council of what they did and what they needed.

Councilman Corbett Daniel Parker advised that he had no community items this evening.

Councilman Andrew Friedberg referred to one of the City’s recent meetings in which CenterPoint Energy had talked to City Council about their new smart meter program. In the intervening time since that meeting, CenterPoint Energy had visited Councilman Friedberg’s home to install a smart meter. He noted that the contractor was doing a great and professional job, and he was excited to see the program come on board.

Mayor Pro Tem Phil Nauert advised that this weekend he noticed a young man with some adult supervision gluing a marker to one of the City’s storm sewer inlets. The young man, identified as 15-year old Matthew Roberts of Boy Scout Troop 505 sponsored by St. Vincent DePaul Church, stated that he was installing the markers as part of his Eagle Scout project. The marker reminded people that the storm sewers were not a garbage can and did flow to Galveston Bay and into the Gulf of Mexico. All of the homes in the neighborhood were also getting door hangers letting residents know of the interactivity of the City’s water system with our estuaries and bays.

He also mentioned Saturday, July 3, 2010, as the City’s Fourth of July parade beginning at 9:30 a.m.

I. ADJOURNMENT.

MOTION TO ADJOURN:

After noting no further business, a motion was made by Councilman Corbett Daniel Parker and seconded by Councilwoman Mandy Nathan to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 8:23 p.m. on Monday, June 7, 2010.
VOTE ON MOTION TO ADJOURN:

Motion carried unanimously on a 5-0 vote as follows:

FOR:  
    Avioli, James P., Sr.  
    Parker, Corbett Daniel  
    Nauert, Phil  
    Friedberg, Andrew  
    Nathan, Mandy

OPPOSED:  None

ABSENT:  
    Siegel, Cindy  
    Hickman, Will

Respectfully submitted,

_________________________________
Tracy L. Dutton, TRMC  
City Clerk  
City of Bellaire, Texas

Approved:

_________________________________
Phil Nauert, Mayor Pro Tem  
City of Bellaire, Texas