CITY COUNCIL MEETING MINUTES  
MONDAY, AUGUST 2, 2010

The City Council of the City of Bellaire, Texas, met in Regular Session on Monday, August 2, 2010, 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 AND ANNOUNCEMENT OF A QUORUM – Mayor Cindy Siegel.

Mayor Siegel called the City Council of the City of Bellaire, Texas, to order at 7:00 p.m. on Monday, August 2, 2010.

Also present were Mayor Pro Tem Phil Nauert, Councilmen Will Hickman, James P. Avioli, Sr., Corbett Daniel Parker, and Andrew Friedberg, Councilwoman Mandy Nathan, Assistant City Manager Diane K. White, City Attorney Alan P. Petrov, and City Clerk Tracy L. Dutton.

B. INSPIRATIONAL READING AND/OR INVOCATION – Mayor Cindy Siegel.

Mayor Siegel provided the inspirational reading for the evening.

C. PLEDGES TO THE FLAGS – Mayor Cindy Siegel.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

Mayor Siegel led the audience and City Council in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

D. PERSONAL/AUDIENCE COMMENTS.

Timothy Sandifer, 4809 Beech Street, Bellaire, Texas:

Mr. Sandifer addressed City Council regarding the construction of a hospital, First Street Hospital, across the street from his home. He indicated that he had visited with two of his neighbors and it did not appear that they were given proper notice to come and talk to City Council and the Planning and Zoning Commission prior to the issuance of the Specific Use Permit.

Mr. Sandifer indicated that the construction of the hospital had created a serious impact on his privacy, as well as the value of his home and property.
He advised that the permit needed to be pulled and the neighbors notified properly so that they could have a say in what went on and how specific use permits were issued. He asked if his concerns could be addressed as an agenda item during the next City Council meeting.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee addressed City Council and noted that during the last City Council meeting she had discussed the City Manager’s contract. She advised that she wished to correct some numbers that she had thrown out. She noted that the correct base amount for the City Manager as of the fall of 2008 was $147,500, a car allowance of $5,400, with a 5% deferred compensation of $7,645, which made his total compensation $160,545. She noted that in recognition of a tight budget year, she felt the City Manager should agree to defer his 10% accrual, as all of the City employees would be doing by not receiving an increase in their compensation.

With respect to the agenda item related to the call of public hearings (Chapter 24 amendment), she urged City Council not to approve the changes.

She next referred to the resolution to join with a coalition of cities regarding CenterPoint Energy’s request to charge new rates. She had no problem with the action to be taken, but questioned who paid the fees for any consulting or other costs related to the coalition.

The survey the Bellaire City Library did in connection with coming forward with a plan was very detailed and beautifully done. She thanked Director of Library Mary Alford Cohrs for her work on the survey.

With respect to the minutes of City Council’s proceedings, she had spent many years researching the minutes of the City, as well as research at the legislative stages. She requested that City Council retain whatever amount of detail would preserve understanding why something was done and what City Council wanted done. She urged the Mayor to require that motions be in writing and passed to the Chair (Mayor).

Mayor Siegel read one written comment that had been received into the record from Nancy Stowe, Martha Turner Properties, 50 Briar Hollow Lane, Suite 700, Houston, Texas 77027.

Ms. Turner stated that the purpose of her communication was related to the Bellaire Certificate of Occupancy item on the agenda. She noted that many realtors were in favor of the Bellaire Certificate of Occupancy going away and urged City Council to support the agenda item.
E. CONSENT AGENDA:

APPROVAL/CORRECTION OF MINUTES:

1. APPROVAL of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, June 7, 2010 – Item submitted by City Clerk Tracy L. Dutton.

2. APPROVAL of the minutes of the Special Session (Interviews) of the City Council of the City of Bellaire, Texas, held on Monday, June 15, 2010 – Item submitted by City Clerk Tracy L. Dutton.

Councilman Friedberg moved to approve the Consent Agenda dated August 2, 2010, consisting of minutes of the Bellaire City Council Regular Session held on Monday, June 7, 2010, and the Special Session (Interviews) held on Monday, June 15, 2010. Councilwoman Nathan seconded the motion. Votes were taken on each individual set of minutes.

The Regular Session minutes dated June 7, 2010, carried on a 6-0-1 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Avioli, Parker, and Friedberg, and Councilwoman Nathan

OPPOSED: None

ABSENT: None

ABSTAIN: Councilman Hickman*

*Councilman Hickman abstained from voting on the Regular Session minutes dated June 7, 2010, due to his absence from that meeting.

The Special Session (Interviews) minutes dated June 15, 2010, carried on a 5-0-2 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Parker and Friedberg, and Councilwoman Nathan

OPPOSED: None

ABSENT: None

ABSTAIN: Councilmen Hickman and Avioli*
*Councilmen Hickman and Avioli abstained from voting on the Special Session (Interviews) minutes dated June 15, 2010, due to their absence from that meeting.

F. ADOPTION OF ORDINANCES:

Amendment to Specific Use Permit S-71

1. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas (“City Council”), amending Ordinance No. 08-060, previously approved and adopted by the City Council on September 8, 2008, for the purpose of granting a Specific Use Permit S-71 to Episcopal High School to construct a new parking complex, a new academic center/building, a new field house addition, a new fine arts/performing arts center, a new maintenance building, and a renovation of the existing convent and fine arts building at 4650 Bissonnet Street in the Loop 610 Zoning District in the City of Bellaire, Texas, said amendment of which would include an adjustment to the size, shape, and placement of the parking complex, academic center/building, and fine arts/performing arts center – Submitted by City Clerk Tracy L. Dutton on behalf of City Council.

Mayor Pro Tem Nauert moved to adopt an ordinance amending Ordinance No. 08-060, previously approved and adopted by the City Council on September 8, 2008, for the purpose of granting a Specific Use Permit S-71 to Episcopal High School to construct a new parking complex, a new academic center/building, a new field house addition, a new fine arts/performing arts center, a new maintenance building, and a renovation of the existing convent and fine arts building at 4650 Bissonnet Street in the Loop 610 Zoning District in the City of Bellaire, Texas, said amendment of which would include an adjustment to the size, shape, and placement of the parking complex, academic center/building, and fine arts/performing arts center. Councilman Friedberg seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg, and Councilwoman Nathan

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 10-055}
Planned Development Permit PD-23-R-M.3

2. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, granting a Planned Development Permit PD-23-R-M.3 to 5177 Builders, Ltd. (dba Lovett Homes), for a residential planned development to be called Alder Circle on a 1.68 acre site located on Alder Drive and currently addressed as 5711 Bissonnet Street (between Alder Drive and Whitehaven Street), Bellaire, Texas, in the R-M.3 Residential-Commercial Mixed-Use District, said planned development of which would include 13 single-family homes, as well as the construction of a public street and sidewalks – Item submitted by City Clerk Tracy L. Dutton on behalf of City Council.

Councilwoman Nathan moved to adopt an ordinance granting a Planned Development Permit PD-23-R-M.3 to 5177 Builders, Ltd. (dba Lovett Homes), for a residential planned development to be called Alder Circle on a 1.68 acre site located on Alder Drive and currently addressed as 5711 Bissonnet Street (between Alder Drive and Whitehaven Street), Bellaire, Texas, in the R-M.3 Residential-Commercial Mixed-Use District, said planned development of which would include 13 single-family homes, as well as the construction of a public street and sidewalks. Councilman Hickman seconded the motion.

Discussion ensued among members of City Council regarding the Planned Development Permit. Items of discussion included the requirement or condition for streetlights and the City’s policy related to the distance between streetlights (i.e., minimum of 200 feet), the width of sidewalks on Alder Circle (i.e., four feet in width), the number of trees to be planted at each home site (i.e., two on the south side of the street and one on the north side of the street, with the last home on the north side having two trees due to the size of the lot). It was also noted that the homes on Alder Circle were not required to have fire sprinklers.

The motion carried unanimously on a 7-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg, and Councilwoman Nathan

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 10-056}
3. **CONSIDERATION** of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending *Chapter 24, Planning and Zoning, Article V, Zoning Regulations, Division 1, Zoning Districts and Regulations of General Applicability, Section 24-503, Specific Uses*, and *Article VI, Amendatory Procedure, Section 24-605, Application for Specific Use Amendment, Section 24-615, Standards Applicable to All Planned Developments and Specific Use Amendments, and Section 24-607, Call of Public Hearings, of the Code of Ordinances of the City of Bellaire, Texas (“Code”), for the purpose of bringing said sections in line with existing codification practices and to condense the process for review and consideration of amendments to Chapter 24, Planning and Zoning, of the Code – Item submitted by City Clerk Tracy L. Dutton on behalf of City Council.**

Councilman Parker moved to adopt an ordinance amending *Chapter 24, Planning and Zoning, Article V, Zoning Regulations, Division 1, Zoning Districts and Regulations of General Applicability, Section 24-503, Specific Uses*, and *Article VI, Amendatory Procedure, Section 24-605, Application for Specific Use Amendment, Section 24-615, Standards Applicable to All Planned Developments and Specific Use Amendments, and Section 24-607, Call of Public Hearings, of the Code of Ordinances of the City of Bellaire, Texas (“Code”), for the purpose of bringing said sections in line with existing codification practices and to condense the process for review and consideration of amendments to Chapter 24, Planning and Zoning, of the Code. Mayor Pro Tem Nauert seconded the motion.

Councilman Friedberg moved to amend Appendix A to remove the amendment to Section 24-607. Councilman Parker seconded the amendment.

The amendment would delete all references to *Section 24-607* so as to preserve that Section, as it currently existed in the City’s Code. The amendment could be viewed as serving a limitation on what City Council and the Planning and Zoning Commission could do. Concern was also expressed that the calling of a public hearing seemed to be discretionary rather than mandatory. The proposed amendment also gave the authority/discretion to call a public hearing to the City Manager rather than the City Council and allowed the City Manager to call joint public hearings. Differences of opinion were expressed as to whether the language for the calling of a hearing was discretionary or mandatory.
Concern was also expressed that the joint public hearing process limited the ability of the public to provide their public and/or written comments with opinions expressed that the calling of joint public hearings should be limited to special circumstances.

The amendment failed on a 3-4 vote as follows:

FOR: Councilmen Avioli, Parker, and Friedberg

OPPOSED: Mayor Siegel, Mayor Pro Tem Nauert, Councilman Hickman, and Councilwoman Nathan

ABSENT: None

Mayor Pro Tem Nauert moved to amend Appendix A, Section 24-607, (2), to read as follows: In the event the City Council shall not elect to call a joint public hearing on such proposed amendment: The Planning and Zoning Commission Chair or the City Manager shall then call a public hearing before the Planning and Zoning Commission and such public hearing shall be held prior to the Planning and Zoning Commission making its report and recommendation to the City Council. Councilwoman Nathan seconded the amendment.

Councilman Hickman moved to amend the amendment to Appendix A, Section 24-607, (2), to change the word “shall” to “may” as follows: “. . . The Planning and Zoning Commission Chair or the City Manager may then call a public hearing . . . .” Councilman Nauert seconded the amendment to the amendment.

The amendment to the amendment failed on a 3-4 vote as follows:

FOR: Mayor Pro Tem Nauert and Councilmen Hickman and Parker

OPPOSED: Mayor Siegel, Councilmen Avioli and Friedberg, and Councilwoman Nathan

ABSENT: None

The original amendment carried on a 4-3 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilman Hickman, and Councilwoman Nathan
Councilman Friedberg moved to amend Appendix A, Section 24-607, by labeling the first paragraph as (1), the second paragraph as (2)(a), and the third paragraph as (2)(b). Councilman Parker seconded the amendment. The amendment carried unanimously on a 7-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg, and Councilwoman Nathan

Opposed: None

Absent: None

The purpose of the amendment set forth above was to differentiate between the calling of a “joint public hearing” (paragraph 1) and the calling of a “public hearing” (which was reflected in both paragraphs 2 and 3).

Councilman Hickman moved to amend Appendix A, Section 24-607, third paragraph renumbered as (2)(b), to read as follows: "... the City Manager may call a public hearing before the City Council. In the event the City Manager does not call a public hearing, the City Council will have the ability to call a public hearing." Councilman Parker seconded the amendment.

Discussion followed wherein the City Attorney was asked to confirm that City Council could override the City Manager if he did not call a public hearing. The City Attorney advised that City Council did have the authority to override the City Manager’s decision.

It was noted that the purpose of the amendment was to allow the City Manager, if uncomfortable about calling a specific public hearing, could decline to do so and send it forward to City Council to make a decision as to whether to call a public hearing.

The amendment failed on a 3-4 vote as follows:

FOR: Councilmen Hickman, Avioli, and Parker

Opposed: Mayor Siegel, Mayor Pro Tem Nauert, Councilman Friedberg, and Councilwoman Nathan
Councilman Friedberg had earlier requested that the proposal for amendments to Section 24-607 be severed from the proposal for the remaining Sections 24-503 and 24-615.

Councilwoman Nathan moved to sever the three paragraphs within Section 24-607 so that each could be voted on separately. Mayor Siegel seconded the motion. The motion failed on a 3-4 vote as follows:

FOR: Mayor Siegel, Councilman Parker, and Councilwoman Nathan

OPPOSED: Mayor Pro Tem Nauert and Councilmen Hickman, Avioli, and Friedberg

A vote was next taken on the motion to adopt an ordinance amending Chapter 24, Planning and Zoning, Article VI, Amendatory Procedure, Section 24-607, Call of Public Hearings, of the Code, as further amended by the Bellaire City Council. The motion, as amended, carried on a 4-3 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilman Hickman, and Councilwoman Nathan

OPPOSED: Councilmen Avioli, Parker, and Friedberg

A vote was taken on the motion to adopt an ordinance amending Chapter 24, Planning and Zoning, Article V, Zoning Regulations, Division 1, Zoning Districts and Regulations of General Applicability, Section 24-503, Specific Uses, and Article VI, Amendatory Procedure, Section 605, Application for Specific Use Amendment, Section 24-615, Standards Applicable to All Planned Developments and Specific Use Amendments, of the Code of Ordinances of the City of Bellaire, Texas (“Code”), for the purpose of bringing said sections in line with existing codification practices and to condense the process for review and consideration of amendments to Chapter 24, Planning and Zoning, of the Code. The motion carried unanimously on a 7-0 vote.
FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg, and Councilwoman Nathan

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 10-057}

4. 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 I, In General, of the Code of Ordinances of the City of Bellaire, Texas (“Code”), by repealing the existing Section 9-2, Occupancy Permit Required, and adopting a new Section 9-2, Occupancy Permit Required, for the purpose of eliminating the requirements for the issuance of a Certificate of Occupancy to a previously inhabited single-family residential structure – Item submitted by Director of Community Development John McDonald.

Summary: Director McDonald stated that the Building Staff currently conducted Certificate of Occupancy inspections on all structures in the City when newly constructed and residential structures were re-inspected when the structure was turned over to either another buyer or a renter. The difficulty occurred because the Community Development Department (“Department”) did not always know when residential structures were turned over. The Department tried to catch the turnover through the utility billing process, but was not always successful in doing so.

As a result, such inspections were only conducted when a realtor or property owner came to the Department to let them know that a residence had been sold or rented. The Department was considering a rental process program in an effort to keep track of rental homes.

Members of the realty community approached the Department last winter with regard to the provision. Because mortgage companies already required a third-party inspection, it seemed redundant for the City to conduct an inspection as well. In talking with other cities, the Department discovered that some cities required a Certificate of Occupancy inspection and other cities did not.

With staffing concerns and all of the duties that the Department had, the Department felt there were better ways to utilize the City’s resources than requiring a Certificate of Occupancy inspection for single-family residential homes that turn over to another individual occupying the residence as a single-family home.
Councilman Friedberg moved to adopt an ordinance amending Chapter 9, Buildings, Article I, In General, of the Code of Ordinances of the City of Bellaire, Texas (“Code”), by repealing the existing Section 9-2, Occupancy Permit Required, and adopting a new Section 9-2, Occupancy Permit Required, for the purpose of eliminating the requirements for the issuance of a Certificate of Occupancy to a previously inhabited single-family residential structure. Councilman Parker seconded the motion.

Councilman Friedberg moved to amend Appendix A, Section 9-2, Occupancy permit required, first paragraph, second sentence, to read as follows: For single-family residential structures, except those used as a rent or leasehold as provided below, . . . . Mayor Pro Tem Nauert and Councilman Parker jointly seconded the amendment. The amendment carried unanimously on a 7-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg, and Councilwoman Nathan

OPPOSED: None

ABSENT: None

Concern was expressed that the inspections provided a measure of safety for the residents that would be lost if inspections were no longer required. It was noted that homeowners were frequently required by their mortgage companies to have third-party inspections. The Department was working on a program for rentals wherein inspections might still be required.

The original motion, as amended, carried on a majority vote of 6-1 as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Avioli, Parker, and Friedberg, and Councilwoman Nathan

OPPOSED: Councilman Hickman

ABSENT: None

{Ordinance was subsequently numbered: 10-058}
Mayor Siegel suggested moving item G. 1. to this point in the meeting. After noting no objections from members of City Council, item G. 1. was considered.

G. ADOPTION OF RESOLUTIONS:

Municipal Setting Designation

1. CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, in support of the application of Fondren Southwest Shopping Center, to the Texas Commission on Environmental Quality (TCEQ) for a Municipal Setting Designation (MSD) for property located north of the intersection of Fondren Road and West Bellfort Avenue in Houston, Harris County, Texas, and authorizing the Mayor of the City of Bellaire, Texas, to execute an Indemnity Agreement in favor of the City of Bellaire, Texas, Indemnitee, and as executed by Surrey Equities, LLC, owner of the Fondren Southwest Shopping Center, Indemnitor – Item submitted by Director of Community Development John McDonald.

Summary: City Attorney Petrov advised that the State of Texas provided a process for a Municipal Setting Designation (MSD), which allowed for a property owner to designate a property that might have an environmental condition, typically some groundwater contamination, to be designated as such and recorded in the real property records that the contamination was present. If the applicant applying for an MSD obtained the approval of the City in which the property was located (i.e., in this case, Houston) and then subsequently by the state, then the applicant was not required to mediate and could leave the contamination in place. Generally, the type of contamination would be unlikely to cause any risk to anyone because the water could not be used for drinking purposes. The applicant was also required to obtain the consent of any well owners within five (5) miles of the location of the property. This was the reason that the applicant was before City Council this evening.

Councilman Parker moved to adopt a resolution in support of the application of Fondren Southwest Shopping Center, to the Texas Commission on Environmental Quality (TCEQ) for a Municipal Setting Designation (MSD) for property located north of the intersection of Fondren Road and West Bellfort Avenue in Houston, Harris County, Texas, and authorizing the Mayor to execute an Indemnity Agreement in favor of the City of Bellaire, Texas, Indemnitee, and as executed by Surrey Equities, LLC, owner of the Fondren Southwest Shopping Center, Indemnitor. Councilman Avioli seconded the motion.
Discussion: Concern was expressed that the Indemnity Agreement might not provide the City the assurance that would be needed in the event that the applicant had a problem with the site, filed bankruptcy, and left the City to clean up any contamination that its wells might suffer as a result. It was noted that there was no statutory requirement for an Indemnity Agreement.

Concern was also expressed that the City might be liable for clean up costs associated with the site itself on the basis that the City supported the application for an MSD. It was stated that the City would not likely be pulled in to assist the applicant in cleaning up their site, but might have to pay any costs associated with cleaning up its own wells if that were an issue. The City would have a cause of action in that case against the responsible parties.

Councilwoman Nathan moved to amend page 2 of the resolution by ending the second line of the fourth “Whereas” after the phrase “designated area.” Councilman Parker seconded the amendment. The amendment carried on a 6-0-1 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Avioli, Parker, and Friedberg, and Councilwoman Nathan

OPPOSED: None

ABSENT: None

ABSTAIN: Councilman Hickman*

*Councilman Hickman abstained from voting on the amendment because his employer was mentioned in the application as one of the former owners of the property under consideration.

Councilman Parker moved to amend the resolution by inserting section 7 of the City of Houston’s resolution in the appropriate place in Bellaire’s resolution to be determined by the City Attorney. Mayor Siegel seconded the amendment.

Councilman Friedberg made a friendly amendment to strike any references to City regulations and ordinances because the City of Bellaire did not have any with respect to that property. Councilman Friedberg’s friendly amendment was accepted by Councilman Parker and Mayor Siegel.

Councilwoman Nathan made a friendly amendment to insert the following language in lieu of section 7 of the City of
Houston’s resolution in order to meet the concerns expressed by members of City Council: *Nothing herein is intended or shall be interpreted as an agreement by the City of Bellaire to assume any responsibility or liability in connection the contaminants or the property.* Councilman Parker and Mayor Siegel accepted the friendly amendment. The amendment carried on a 6-0-1 vote as follows:

**FOR:** Mayor **Siegel**, Mayor Pro Tem **Nauert**, Councilmen **Avioli**, **Parker**, and **Friedberg**, and Councilwoman **Nathan**

**OPPOSED:** None

**ABSENT:** None

**ABSTAIN:** Councilman **Hickman**

*Councilman Hickman abstained from voting on the amendment because his employer was mentioned in the application as one of the former owners of the property under consideration.*

The **motion, as amended, carried on a 6-0-1 vote** as follows:

**FOR:** Mayor **Siegel**, Mayor Pro Tem **Nauert**, Councilmen **Avioli**, **Parker**, and **Friedberg**, and Councilwoman **Nathan**

**OPPOSED:** None

**ABSENT:** None

**ABSTAIN:** Councilman **Hickman**

*Councilman Hickman abstained from voting on the amendment because his employer was mentioned in the application as one of the former owners of the property under consideration.*

{**Resolution was subsequently numbered: 10-11**}

City Council returned to item F.5. and considered the remainder of the agenda in the order in which it was written.
F. ADOPTION OF ORDINANCES (CONT.):

Appointments to Boards, Commissions, and/or Committees

5. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing one (1) member to the Building and Standards Commission of the City of Bellaire, Texas, for the purpose of filling a two-year term that was declined prior to its commencement, said term of which would be effective commencing on August 1, 2010, and expiring on June 30, 2012 – Item submitted by City Clerk Tracy L. Dutton at the direction of City Council.

Councilman Hickman moved to adopt an ordinance appointing John Cohen to the Building and Standards Commission for the purpose of filling a two-year term that was declined prior to its commencement, said term of which would be effective commencing on August 1, 2010, and expiring on June 30, 2012. Mayor Pro Tem Nauert seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg, and Councilwoman Nathan

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 10-059}

6. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing one (1) member to the Recycling Committee of the City of Bellaire, Texas, for a term of two years commencing on August 1, 2010, and expiring on June 30, 2012 – Item submitted by City Clerk Tracy L. Dutton at the direction of City Council.

Councilman Friedberg moved to adopt an ordinance appointing Steven Amaya to the Recycling Committee for a term of two years commencing on August 1, 2010, and expiring on June 30, 2012. Councilman Hickman seconded the motion. The motion carried unanimously on a 7-0 vote as follows:
G. ADOPTION OF RESOLUTIONS (CONT.):

Municipal Setting Designation

1. CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, in support of the application of Fondren Southwest Shopping Center, to the Texas Commission on Environmental Quality (TCEQ) for a Municipal Setting Designation (MSD) for property located north of the intersection of Fondren Road and West Bellfort Avenue in Houston, Harris County, Texas, and authorizing the Mayor of the City of Bellaire, Texas, to execute an Indemnity Agreement in favor of the City of Bellaire, Texas, Indemnitee, and as executed by Surrey Equities, LLC, owner of the Fondren Southwest Shopping Center, Indemnitor – Item submitted by Director of Community Development John McDonald.

Note: This agenda item was considered earlier in the meeting. See pages 12-14 of these minutes for action and possible discussion related to the agenda item.

Resolution – Electric Rates

2. CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, approving the City of Bellaire, Texas, to join with other municipalities as part of a coalition of cities led by the City of Houston, Texas, in the conduct of proceedings pertaining to the CenterPoint Energy application to change electric rates and to authorize the coalition to convene on behalf of the participating municipalities therein led by the City of Houston, Texas, in order to participate to the fullest extent permitted by law in proceedings affecting the rates, operations, and services of CenterPoint Energy for customers within the City of Bellaire, Texas, and, in particular, regarding the new rates – Item submitted by Chief Financial Officer Donna Todd.
Councilman Parker moved to adopt a resolution approving the City of Bellaire, Texas, to join with other municipalities as part of a coalition of cities led by the City of Houston, Texas, in the conduct of proceedings pertaining to the CenterPoint Energy application to change electric rates and to authorize the coalition to convene on behalf of the participating municipalities therein led by the City of Houston, Texas, in order to participate to the fullest extent permitted by law in proceedings affecting the rates, operations, and services of CenterPoint Energy for customers within the City of Bellaire, Texas, and, in particular, regarding the new rates. Councilman Hickman seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

FOR:  Mayor Siegel, Mayor Pro Tem Nauert,
       Councilmen Hickman, Avioli, Parker, and
       Friedberg, and Councilwoman Nathan

OPPOSED: None

ABSENT: None

{Resolution was subsequently numbered: 10-12}

H. ITEMS FOR INDIVIDUAL CONSIDERATION:

Long-Range Plan for Services by Bellaire City Library

1. CONSIDERATION of and possible action on a request from the Bellaire City Library for City Council approval of a Long-Range Plan for services by the Bellaire City Library and as required by the Texas Library System Act of the Texas State Library and Archives Commission – Item submitted by Library Director Mary Alford Cohrs.

Councilman Parker moved to approve a Long-Range Plan for services by the Bellaire City Library as required by the Texas Library System Act of the Texas State Library and Archives Commission and presented by Library Director Mary Alford Cohrs. Mayor Pro Tem Nauert seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

FOR:  Mayor Siegel, Mayor Pro Tem Nauert,
       Councilmen Hickman, Avioli, Parker, and
       Friedberg, and Councilwoman Nathan

OPPOSED: None
City Council Minutes

2. CONSIDERATION of and possible action to direct the City Clerk of the City of Bellaire, Texas, as to the length and type of written minutes that should be maintained for the official record of the City Council of the City of Bellaire, Texas – Item submitted by City Clerk Tracy L. Dutton at the direction of City Council.

Members of City Council discussed their preferences for the type of written minutes that they desired to be maintained for the official record of the City Council. Preferences ranged from detailed, verbatim minutes to action minutes to a modified type of action minutes, with some discussion included on items that did not pass unanimously.

Several members of City Council indicated a preference for a sample set of minutes that were provided in the agenda packet from the City of Missouri City. Those minutes were a modified type of action minutes to include a record vote and some discussion on items that did not pass unanimously.

Mayor Pro Tem Nauert moved to follow the Missouri City model of minutes for a period of six months and then re-evaluate the type of minutes desired by City Council. During the six-month period, the DVD of the meeting would be retained. Councilman Avioli seconded the motion.

Councilwoman Nathan moved to amend the motion to follow the Missouri City model of minutes until the end of September 2010 and then re-evaluate the type of minutes desired by City Council. Councilman Parker seconded the amendment.

The amendment was based on concerns as to whether or not the City could implement a video streaming project for City Council meetings.

It was noted that this item would be placed on the agenda for re-evaluation during the first meeting in October.

The amendment carried unanimously on a 7-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg, and Councilwoman Nathan

OPPOSED: None
ABSENT: None

Members of City Council discussed the option of having a transcription company or court reporter provide verbatim minutes. After discussing the possible cost of using such a company or court reporter, it was suggested that City Council consider the action minutes over the next few months, with the hope that the video streaming budget item would be approved.

The original motion, as amended, carried unanimously on a 7-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg, and Councilwoman Nathan

OPPOSED: None

ABSENT: None

I. ITEMS OF COMMUNITY INTEREST FROM THE MAYOR AND CITY COUNCIL.

Community interest items included upcoming meetings for City Council (August 9th Special Session, August 16th Budget Public Hearing, August 16th Regular Session, and August 17th Special Session related to the Budget); condolences for the family of Lenora Carlson; thanks to the Bellaire City Library for all of their efforts; update on the successful recovery of Bill Borden, former citizen and former board member; and congratulations to the two new City board members, John Cohen and Steven Amaya.

J. ADJOURNMENT.

Councilman Parker moved to adjourn the Regular Session of the City Council at 9:50 p.m. on Monday, August 2, 2010. Councilman Hickman seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg, and Councilwoman Nathan

OPPOSED: None
Absent: None

Respectfully submitted,

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

Approved:

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Cynthia Siegel, Mayor
City of Bellaire, Texas