CITY COUNCIL MEETING MINUTES  
TUESDAY, AUGUST 16, 2011

The City Council of the City of Bellaire, Texas, met in Special Session (Executive Session) on Tuesday, August 16, 2011, 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 6:01 p.m. on Tuesday, August 16, 2011.

Also present were Mayor Pro Tem Phil Nauert, Councilmen Roman F. Reed, James P. Avioli, Sr., and Andrew Friedberg, Councilwoman Mandy Nathan, City Manager Bernard M. Satterwhite, Jr., and City Clerk Tracy L. Dutton.

Councilman Corbett Daniel Parker was absent.

B. CONVENE in Executive Session (Closed Session to be held in the Council Conference Room) under Chapter 551, Open Meetings Act, of the Texas Government Code, Section 551.071, Consultation with Attorney, to seek legal advice which falls under the purview of the attorney-client privilege relating to implementation and enforcement of an order of the Building and Standards Commission of the City of Bellaire, Texas, in Docket No. 2011-012, including, but not limited to, direction to City Staff to commence an enforcement proceeding in state district court – Members of City Council.

CITY COUNCIL ACTION:

Councilwoman Nathan moved to convene in Executive Session (Closed Session) under Chapter 551, Open Meetings Act, of the Texas Government Code, Section 551.071, Consultation with Attorney, to seek legal advice which falls under the purview of the attorney-client privilege relating to implementation and enforcement of an order of the Building and Standards Commission of the City of Bellaire, Texas, in Docket No. 2011-012, including, but not limited to, direction to City Staff to commence an enforcement proceeding in state district court. Councilman Friedberg seconded the motion. The motion carried unanimously on a 6-0 vote as follows:
FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Reed, Avioli, and Friedberg, and Councilwoman Nathan

OPPOSED: None

ABSENT: Councilman Parker

The Bellaire City Council convened in Executive Session in the Council Conference Room, which was located directly behind the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401.

C. RECONVENE (Open Session to be held in the Council Chamber) and take action, if any, on item(s) discussed in Executive Session – Action, if any, by members of City Council.

The Bellaire City Council reconvened in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, at 7:01 p.m. on Tuesday, August 16, 2011.

City Manager Satterwhite provided an update regarding the property which was the subject of an order issued by the Building and Standards Commission of the City of Bellaire, Texas, 4529 Park Court in Bellaire, Texas. He advised that the condemnation order and all notifications had been sent to the address of record for the owner, which was the address on Park Court (4529). Obviously, no one was living there. The City was never able to contact the owner.

Subsequent to the last City Council meeting, apparently a co-worker of the owner of the home took a copy of one of the local newspapers to the owner and the owner contacted Director John McDonald of the Community Development Department. The owner met with Director McDonald last Friday. He instructed the owner on what she needed to do. An email was received by Director McDonald later that same day from the owner indicating that CenterPoint Energy had already been contacted to disconnect the electricity and gas within seven-ten days, which was a fairly typical turnaround for utility companies. The owner had also contacted a topographical surveyor for a survey, which was supposed to have been completed earlier in the day. The owner had also contracted with a demolition contractor.

In summary, the owner apparently desired and was willing to take the action that the City has prescribed. The City would be following up with the owner to ensure that the appropriate action was taken.

Mayor Siegel asked City Attorney Alan P. Petrov if he could describe how a recent Texas Supreme Court ruling had changed the process related to condemnation proceedings.
City Attorney Alan P. Petrov indicated that a recent Texas Supreme Court decision held that the determination as to whether or not property was a nuisance that should be demolished needed to be made by a court rather than by an appointed board of a city.

Mayor Siegel stated that in order to start legal proceedings, City Council needed to direct City Staff to take the necessary steps to do so.

CITY COUNCIL ACTION:

Councilman Friedberg moved to direct the City Attorney to commence an action in state district court to effect the demolition of the structure located at 4529 Park Court, Bellaire, Texas, in the event that said structure is not demolished by the owner on or before September 15, 2011. Councilwoman Nathan seconded the motion. The motion carried unanimously on a 6-0 vote as follows:

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

OPPOSED: None

ABSENT: Councilman Parker

D. ADJOURNMENT.

Mayor Pro Tem Nauert moved to adjourn the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, at 7:05 p.m. on Tuesday, August 16, 2011. Councilman Reed seconded the motion. The motion carried unanimously on a 6-0 vote as follows:

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

OPPOSED: None

ABSENT: Councilman Parker

Respectfully submitted,

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

_____________________________
Cynthia Siegel, Mayor
City of Bellaire, Texas