CITY COUNCIL MEETING MINUTES
MONDAY, APRIL 2, 2012

The City Council of the City of Bellaire, Texas, met in Regular Session on Monday, April 2, 2012, 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 Philip L. Nauert.

Mayor Philip L. Nauert called the City Council of the City of Bellaire, Texas, to order at 7:03 p.m. on Monday, April 2, 2012.

Also present were Mayor Pro Tem Amanda B. Nathan, Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, Pat B. McLaughlan, and Andrew S. Friedberg, City Manager Bernard M. Satterwhite, Jr., City Attorney Alan P. Petrov, and City Clerk Tracy L. Dutton.

B. INSPIRATIONAL READING AND/OR INVOCATION – Councilman Roman F. Reed.

Councilman Roman F. Reed provided the inspirational reading for the evening.

C. PLEDGES TO THE FLAGS – Councilman Roman F. Reed.

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

Councilman Roman F. Reed led the audience and members of City Council in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

D. RECOGNITION OF PROCLAMATIONS:

ISSUANCE of proclamation by Mayor Philip L. Nauert proclaiming the week of April 8-14, 2012, as National Library Week in Bellaire and encouraging all citizens to visit the library this week and take advantage of the wonderful library resources available to all who walk through the library’s doors – Item submitted by City Clerk Tracy L. Dutton on behalf of the Bellaire City Library; Issued by Mayor
Philip L. Nauert; to be presented to Mary Cohrs, Director of the Bellaire City Library.

Mayor Philip L. Nauert read the proclamation he issued in honor and recognition of National Library Week in its entirety. He presented the proclamation to Mary Cohrs, Director of the Bellaire City Library.

E. PERSONAL/AUDIENCE COMMENTS.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee addressed City Council and reported that Robbie Tolan, the litigant in Bellaire who sued the City for being shot by a Bellaire Police Officer, was found not to sustain favor in federal court and the City of Bellaire won the suit.* Ms. McBee's understanding was that, in addition to losing the suit, the costs of litigation could be given to the losing plaintiff, Robbie Tolan. She advised that she wondered if the City had any choice in dropping the claim as to those costs and suggested that it be considered.

Secondly, Ms. McBee referred to an Executive Session held by the Bellaire City Council earlier in the evening. Her understanding of the agreement discussed was one which had been in effect for a number of years with the Metropolitan Transit Authority of Harris County, Texas (METRO), which granted funds to each of the small cities in varying amounts. In the case of Bellaire, the City received $801,000 per year from METRO to use for advancing mobility issues.

With the earlier approval of a document joining with other small cities to hire a lobbyist, it appeared that the purpose of the lobbyist would be to persuade METRO not to quit giving the City money. This was a public issue, which was highly controversial, in Ms. McBee's opinion.

F. REPORT:

CITY MANAGER'S REPORT regarding residential safety (police activity report), public infrastructure/utilities (major projects update, entry plaza update, and South Rice pedestrian hybrid beacons), cultural and recreational (Tents 'n Town and Trolley Run), quarterly indicators (crime report and building permit report), 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 dated April 2, 2012, to members of City Council.

*At the conclusion of the presentation of his report, City Manager Satterwhite provided clarification of a statement made by Bellaire resident Lynn McBee during the “Personal/Audience Comments” portion of the meeting. City Manager Satterwhite noted that with respect to the Robert R. Tolan, et al,
civil action (lawsuit), a final summary judgment was issued by the United States District Court, Southern District of Texas, Houston Division, in favor of Defendants Bellaire Police Officers Cotton and Edwards. The City was still a defendant/party to the civil action (lawsuit) and that action was still ongoing.

Following questions of City Manager Satterwhite regarding his report, action was taken by the Bellaire City Council to accept his report into the record.

CITY COUNCIL MOTION/ACTION:

Councilman Andrew S. Friedberg moved to accept the City Manager's Report dated April 2, 2012, as presented by City Manager Bernard M. Satterwhite, Jr., into the record. Councilman Corbett Daniel Parker seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

FOR: Mayor Philip L. Nauert, Mayor Pro Tem Amanda B. Nathan, and Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, Pat B. McLaughlan, and Andrew S. Friedberg

OPPOSED: None

ABSENT: None

G. NEW BUSINESS:

1. CONSENT AGENDA:

APPROVAL/CORRECTION OF MINUTES:

CONSIDERATION of and possible action on the adoption of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, March 19, 2012 – Item submitted by City Clerk Tracy L. Dutton.

CITY COUNCIL MOTION/ACTION:

Councilman Roman F. Reed moved to approve the Consent Agenda consisting of one set of minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, March 19, 2012. Mayor Pro Tem Amanda B. Nathan seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

FOR: Mayor Philip L. Nauert, Mayor Pro Tem Amanda B. Nathan, and Councilmen Roman F.
FOR (CONT.): Reed, James P. Avioli, Sr., Corbett Daniel Parker, Pat B. McLaughlan, and Andrew S. Friedberg

OPPOSED: None

ABSENT: None

2. ADOPTION OF ORDINANCE:

CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, reviewing the Investment Policy of the City of Bellaire, Texas, and amending Chapter 2, Administration, Article I, In General, Section 2-10, Investment Policy, of the Code of Ordinances of the City of Bellaire, Texas ("Code"), by repealing the existing Section 2-10 and adopting a new Section 2-10, Investment Policy, for the purpose of updating said policy in compliance with HB 2226 passed during the 82nd Texas Legislative Session – Item submitted by Chief Financial Officer Linda Symank.

Following a brief description by Chief Financial Officer Linda Symank of the changes that were made to update the City of Bellaire’s Investment Policy in compliance with HB 2226 passed during the 82nd Texas Legislative Session, as well as questions from City Council regarding said changes, action was taken by the Bellaire City Council to adopt the recommended changes.

CITY COUNCIL MOTION/ACTION:

Councilman James P. Avioli, Sr., moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, reviewing the Investment Policy of the City of Bellaire, Texas, and amending Chapter 2, Administration, Article I, In General, Section 2-10, Investment Policy, of the Code of Ordinances of the City of Bellaire, Texas ("Code"), by repealing the existing Section 2-10 and adopting a new Section 2-10, Investment Policy, for the purpose of updating said policy in compliance with HB 2226 passed during the 82nd Texas Legislative Session. Councilman Corbett Daniel Parker seconded the motion.

After ensuring the concurrence of Chief Financial Officer Symank, Councilman Friedberg made a motion to amend a portion of one paragraph in the Investment Policy.
CITY COUNCIL AMENDMENT (NO. 1) TO MOTION:

Councilman Andrew S. Friedberg moved to amend page A-5 (Appendix A to the proposed ordinance amending Section 2-10, Investment Policy) to restate the paragraph immediately preceding (i) Prohibited investments, to read as follows (additions have been underscored):

The city shall verify prior to participation in an investment pool, that the pool’s investment policy has established satisfactory procedures for monitoring investment rating changes sufficient for the City to determine whether investments in the pool have the required minimum rating.

Councilman Corbett Daniel Parker seconded the amendment to the motion. The amendment carried unanimously on a 7-0 vote as follows:

FOR: Mayor Philip L. Nauert, Mayor Pro Tem Amanda B. Nathan, and Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, Pat B. McLaughlan, and Andrew S. Friedberg

OPPOSED: None

ABSENT: None

Prior to taking a vote on the motion, as amended, Councilman Andrew S. Friedberg noted a scrivener’s error to be corrected under Section 6, page 2, of the ordinance as follows: the word “officials” should be changed to “officially.”

CITY COUNCIL VOTE ON MOTION, AS AMENDED:

Mayor Philip L. Nauert called for a vote on the motion, as amended, which carried unanimously on a 7-0 vote as follows:

FOR: Mayor Philip L. Nauert, Mayor Pro Tem Amanda B. Nathan, and Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, Pat B. McLaughlan, and Andrew S. Friedberg

OPPOSED: None

ABSENT: None
H. ITEM FOR INDIVIDUAL CONSIDERATION:

CONSIDERATION of and possible action on a request from the Building and Standards Commission of the City of Bellaire, Texas ("Commission"), for City Council direction to the Commission and City Staff to work together to develop and present an ordinance for future City Council consideration that would amend Chapter 9, Buildings, Article II, Building Codes, Division 4, Demolition and Salvage of Residential Structures, of the Code of Ordinances of the City of Bellaire, Texas, to include provisions for whole house recycling and to review and update the provisions for residential structure salvage, generally – Item submitted by Director of Community Development John McDonald on behalf of the Building and Standards Commission of the City of Bellaire, Texas; Presentation by Kristin Schuster, Chair of the Building and Standards Commission.

Kristin Schuster, Chair of the Building and Standards Commission, 4610 Birch Street, Bellaire, Texas, provided a brief presentation to members of City Council on behalf of the Building and Standards Commission ("Commission") related to the salvage and recycling of building materials, including the practice of “whole house recycling.” Chair Schuster indicated that it was the desire of the Commission to see the City encourage homeowners and contractors to voluntarily salvage and recycle building materials during the demolition and salvage process for residential structures.

Issues to be considered included: 1) performance bond requirement review; 2) maximum time frame for demolition and salvage; 3) review of the current demolition and salvage permit process; and 4) jobsite safety and security.

In closing, Chair Schuster requested that the City Council consider directing the Commission and City Staff to work together to develop and present an ordinance for future City Council consideration that would update the existing provisions for residential structure salvage and include provisions for whole house recycling.*

*Future recommended changes would amend Chapter 9, Buildings, Article II, Building Codes, Division 4, Demolition and Salvage of Residential Structures, of the Code of Ordinances of the City of Bellaire, Texas.

CITY COUNCIL MOTION/ACTION:

Councilman Andrew S. Friedberg moved for City Council to direct the Building and Standards Commission and City Staff to continue to work together to develop a residential demolition and salvage ordinance as outlined in Chair of the Building and Standards Commission Kristin...
Schuster’s presentation. Councilman Corbett Daniel Parker seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

FOR: Mayor Philip L. Nauert, Mayor Pro Tem Amanda B. Nathan, and Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, Pat B. McLaughlan, and Andrew S. Friedberg

OPPOSED: None

ABSENT: None

(The action taken by City Council with respect to this agenda item has been recorded in a document titled "Motion No. 2012-005," which is maintained by the City Clerk)

I. ITEMS FOR FUTURE AGENDAS; COMMUNITY INTEREST ITEMS FROM THE MAYOR AND CITY COUNCIL.

There were no items suggested for future agendas. Community interest items from the Mayor and City Council included an expression of thanks and best wishes to retiring Director of Human Resources, Roberta Murray; a warm welcome to newly hired Director of Human Resources, Yolanda Williams; congratulations to the Parks & Recreation Department, City Staff, and Patrons for Bellaire Parks for two very successful community events—Tents 'n Town and Trolley Run; and congratulations to Bellaire High School Baseball Coach Rocky P. Manuel for his 800th win.

J. ADJOURNMENT.

CITY COUNCIL MOTION/ACTION:

Councilman Andrew S. Friedberg moved to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 8:01 p.m. on Monday, April 2, 2012. Councilman Pat B. McLaughlan seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

FOR: Mayor Philip L. Nauert, Mayor Pro Tem Amanda B. Nathan, and Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, Pat B. McLaughlan, and Andrew S. Friedberg

OPPOSED: None
City of Bellaire
City Council

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ABSENT: None

Respectfully submitted,

[Signature]
Tracy L. Dutton, TRMC
City Clerk
City of Bellaire, Texas

Approved:

[Signature]
Philip L. Nauert, Mayor
City of Bellaire, Texas