CITY COUNCIL MEETING MINUTES  
MONDAY, JANUARY 3, 2011

The City Council of the City of Bellaire, Texas, met in Special Session (Public Hearing) on Monday, January 3, 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 6:03 p.m. on Monday, January 3, 2011.

Also present were Mayor Pro Tem Phil Nauert, Councilmen James P. Avioli, Sr., Corbett Daniel Parker, and Andrew Friedberg, Councilwoman Mandy Nathan, City Manager Bernard M. Satterwhite, Jr., and City Clerk Tracy L. Dutton. Councilman Hickman was absent.

B. READING OF THE NOTICE OF PUBLIC HEARING – City Clerk Tracy L. Dutton.

City Clerk Dutton read the “Notice of Public Hearing” into the record. It was stated that the “Notice of Public Hearing” was posted on the City of Bellaire’s website and bulletin board on Tuesday, December 14, 2010, and published in the legal notices section of the Southwest News on Tuesday, December 14, 2010. In accordance with Chapter 27, Article VI, Sale and Abandonment of Public Property, Section 27-106, Notice of public hearing on the petition, the abutting property owner, Bill Philibert, was notified of the public hearing by mail.

C. SUMMARY OF PUBLIC HEARING PROCEDURE – City Manager Bernard M. Satterwhite, Jr.

City Manager Satterwhite summarized the public hearing procedure for the evening.

D. PRESENTATION regarding a petition for the abandonment by the City of Bellaire, Texas, and subsequent purchase by Petitioners, David England and Karla Medrano, of the existing City easement rights encumbering the east ten (10) feet of Lot 10, Park Court, located at 4523 Park Court, Bellaire, Texas – Representative(s) of Petitioners.
Petitioner David England, 322 Carlyle Circle, League City, Texas, advised that he and his wife, Karla Medrano (who was unable to be present this evening), were formally requesting the abandonment of the existing ten-foot storm sewer and drainage easements that ran along their easterly property line so that they could begin to plan and construct a new home on their property (Lot 10, Park Court, Bellaire, Texas).

Mr. England provided some background information with respect to his lot, noting that it was purchased by his in-laws in 2002 and later given to his wife as a gift. He and his wife were now ready to start building a home and, upon visiting with an architect, learned of the two existing City easements that were encumbering the east ten (10) feet of their lot.

It was noted that Mr. England subsequently contacted Director of Community Development John McDonald to discuss the possibility of requesting the abandonment of the easements. He understood, from a discussion with Public Works Director Joe Keen, that the storm sewer pipe within the existing easement had been plugged and abandoned and was no longer in use by the City. It was also noted that Director Keene had indicated to Mr. England that the drainage easement was not needed by the City either.

Mr. England noted that his situation differed somewhat from other easement abandonments that the City had granted in that these particular easements were located solely within the property owned by Mr. England and his wife. In other words, they were not requesting to purchase any additional property.

Mr. England requested that City Council take into consideration that the easements were located solely within property already owned by Mr. England and his wife, as well as the fact that taxes had been paid on the property since 2002. Mr. England urged City Council to consider abandoning the easements at no cost to him and his wife.

E. RECOGNITION OF CITIZENS AND/OR OTHER INTERESTED PARTIES – Mayor Cindy Siegel.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee addressed City Council and stated that she had no objection to the conveyance of the easements back to the owner. She raised a concern that the appraiser had appraised the easements as if they were located outside of the property boundaries rather than within the property boundaries. She concluded by stating that she could see no reason why the City should collect any money from the applicant given the fact that the applicant already owned the property and had been paying taxes on it.
F. QUESTIONS FROM THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS – Mayor Cindy Siegel.

The Mayor and members of City Council asked questions of Petitioner England regarding his request for the abandonment of the east ten (10) feet of Lot 10, Park Court, located at 4523 Park Court, Bellaire, Texas.

G. CLOSE OF PUBLIC HEARING – Mayor Cindy Siegel.

Mayor Siegel closed the public hearing before the City Council of the City of Bellaire, Texas, at 6:18 p.m. on Monday, January 3, 2011. She advised that oral comments would not be received following the close of the public hearing. Written comments could be submitted to the City Council of the City of Bellaire, Texas, in care of the City Clerk prior to final deliberation on the matter. It was anticipated that final deliberation would occur on Monday, January 17, 2011; therefore, written comments should be submitted to the City Clerk by noon on Thursday, January 13, 2011.

H. ADJOURNMENT.

Mayor Pro Tem Nauert moved to adjourn the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, at 6:19 p.m. on Monday, January 3, 2011. Councilman Avioli seconded the motion. The motion carried unanimously on a 6-0 vote as follows:

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

OPPOSED: None

ABSENT: Councilman Hickman

Respectfully submitted,

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

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Cynthia Siegel, Mayor
City of Bellaire, Texas