CITY COUNCIL MEETING MINUTES
MONDAY, DECEMBER 5, 2011

The City Council of the City of Bellaire, Texas, met in Regular Session on Monday, December 5, 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 Cindy Siegel called the City Council of the City of Bellaire, Texas, to order at 7:39 p.m. on Monday, December 5, 2011.

Also present were Mayor Pro Tem Philip L. Nauert, Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, and Andrew S. Friedberg, Councilwoman Amanda B. Nathan, 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.

Mayor Siegel asked City Council to consider agenda item F. at this point in the meeting. After noting no objections, agenda item F. was considered.

F. SPECIAL RECOGNITION:

ISSUANCE of Certificates of Recognition by Mayor Cindy Siegel to John Ryder Hammond and William Wyatt Hammond in grateful appreciation of their outstanding service as Bellaire’s Mayors for the
Day – Item submitted by City Clerk Tracy L. Dutton; Certificates of Recognition issued by Mayor Cindy Siegel.

Mayor Cindy Siegel read and presented two Certificates of Recognition that she had issued to John Ryder Hammond and William Wyatt Hammond in recognition of their service to the City of Bellaire as Mayors for the Day. The Hammonds each spoke of their love for Bellaire and their enjoyment of the many amenities in Bellaire’s parks and pools.

The City Council returned to item D. and considered the remainder of the agenda in the order in which it was written.

D. PERSONAL/AUDIENCE COMMENTS.

Brenda Cauthen, 5409 Valerie Street, Bellaire, Texas, addressed City Council and advised that she was present representing the Bellaire Recycling Committee in support of the changes proposed by the Public Works Department to the City’s solid waste ordinance. She noted that the proposed changes would have a significant impact on the reduction of waste going to landfills. The proposed changes were a step in the right direction and Ms. Cauthen urged City Council to support those changes.

Nick Zito, 4400 Mildred Street, Bellaire, Texas, addressed City Council and advised that he was present to speak in opposition of the City’s sidewalk project (i.e., Baldwin Avenue). He noted that sidewalks were originally slated to be constructed seven feet into residents’ yards at a depth of four feet.

Mr. Zito indicated that many of the residents on his street were opposed to the sidewalks and referred to the receipt by the City earlier in the day of several additional notices of opposition. He urged City Council to heed the opposition of the residents that lived in the area.

He advised further that the proposed sidewalks would impact driveways, which were often short. A resident parking an SUV on their driveway would block any sidewalk causing residents to walk in the street. If the goal was to get people out of the street, the City would be putting them right back on the street as people stepped around cars. Additionally, there were many structures, such as telephone poles, utility boxes, and landscaping, in the area where the sidewalks would be installed.

In closing, Mr. Zito stated that the cost projected for the sidewalk was outweighed by the fact that the sidewalk would lack aesthetics, would not be used, was not practical or wanted, and would cause a number of logistical problems.

Brian Laviage, 4340 Jim West Street, Bellaire, Texas, addressed City Council and noted that Mr. Zito had already mentioned most of the important points regarding the proposed sidewalk on Baldwin Avenue; however, he
wished to speak directly to property values. The majority of the lots in Southdale were 5,125 square feet. Any unnecessary space taken up by anything, whether by a utility box or sidewalk, would drastically affect property values.

**Stuart Harris, 4400 Jonathan Street, Bellaire, Texas,** addressed City Council and noted that his home sat at the corner of Jonathan Street and Baldwin Avenue. His garage was right off of Baldwin Avenue, and he would be directly affected by the City’s improvement program.

In general, Mr. Harris advised that he supported the drainage improvements portion of the program, but was concerned with the proposed sidewalk. His concern was the fact that the sidewalk was proposed as a matter of City policy and not due to thoughtful consideration.

Mr. Harris noted that Baldwin Avenue was located on a 50-foot right-of-way and was quite narrow. With a ten-foot side setback, many homes were closer to the roadway than in many other parts of the community. Garages along Baldwin Avenue might be 20’ from the roadway and cars legally parked in the driveway would span almost entirely from the garage to the street. As suggested earlier, people walking along the sidewalk would be pushed back out onto the street repeatedly. In other words, the sidewalk was rendered useless before it was even constructed.

Residents with corner lots had smaller backyards than most other residents. As a result, the side yard was often used as a play area for children. Putting a sidewalk in the side yards would reduce the green space available to children to play. The closeness of the sidewalk to residents’ homes would also intrude on their privacy.

In closing, Mr. Harris advised that he did not believe that the sidewalk was warranted. He asked City Council to reconsider spending taxpayer money on an ineffective and redundant sidewalk.

**Lynn McBee, 5314 Evergreen Street, Bellaire, Texas,** addressed City Council and indicated that she did not have a vested interest in Baldwin Avenue. The subdivision of Southdale was annexed into the City over a period of many years. The area did not meet current minimum lot standards as it would if created as a subdivision today. In many ways, Southdale was different from the rest of Bellaire and, in other ways, it was similar to the rest of Bellaire.

The City was required to protect its citizens. Given the current traffic codes of the State, once the City had created a public right-of-way, then it was obligated to enforce traffic laws and pedestrian laws. If, indeed, public outcry dictated that City Council would crater to the “loud noise” it heard and ignore what was good for the community, then Ms. McBee would have to suggest that this was not a sporting event. It was serious business.
Further, Ms. McBee advised that uniformity and consistency in any one part of town could be used as a precedent in any other part of town. Many City Councils had struggled with sidewalk issues over the years. The compromise that City Council had made over the years had been reducing sidewalks from both sides of the street to one side of the street. This had least ameliorated one-half of the citizens in a particular area.

Ms. McBee closed by advising that she supported sidewalks. She did not believe that Southdale could be considered a “country area.” It was an urban area in the middle of a metropolis. Equity would require that every neighborhood deserved and should be provided with sidewalks. She hoped that the residents abutting Baldwin Avenue would understand that they were a part of a community—not a lobby group from a block or a side of a street. She urged City Council to proceed forward with the plan for the proposed sidewalks.

**Mayor Siegel** read the following written comments into the record:

**Lori Williamson and Jason Henderson, 4401 Vivian Street, Bellaire, Texas:**

With such a small backyard we mostly hang out in our front/side yard. The same is true for a lot of our neighbors. As a result we know all our neighbors and there is a better sense of community. I would rather more stop signs on Baldwin if that were the only alternative. Most of the traffic is local residents so speeding cars are not a prevalent problem. The money could be better spent on other projects.

**Ada Maria De Angeli, 5211 Chestnut Street, Bellaire, Texas:**

Hello Mr. Parker, do you remember me?? I am the Italian diplomat you met at the Sri Lankan National Day. As you probably remember, I live in Bellaire, a wonderful place with a few annoying problems that, with your help, they might one day find a solution. One of these problems is the trash: as you know, a high number of Bellaire inhabitants seem not to care about keeping our neighborhood clean and looking nice. Therefore, just for an example, for the Monday morning collection, they start putting their trash out on Saturday night: if you have visitors coming for dinner in your place, instead of appreciating the beautiful Christmas decorations, they will mainly notice the display of rubbish on the streets. And if you take into account the fact that the trash is not put in proper containers, the effect is despicable. Is there a way to warn these people and give them fines?? Your help into the matter would be highly appreciated.

Thank you very much and Happy Holidays.
Bryan A. Phillips, 4402 Lula Street, Bellaire, Texas:

My family and I live at 4402 Lula Street, which is at the Northwest corner of Lula and Baldwin. During this Baldwin sidewalk process I have attended the various meetings and submitted my comments on the issue. Although I feel strongly that the facts still show that a sidewalk along Baldwin is both unnecessary and improper, I don’t want to waste Council’s time re-treading the same ground. I read Councilman Parker’s article in the Examiner and, although I greatly appreciate him taking the time to address this issue, I was troubled by the focus of his analysis. When Council last met on this issue, it was decided to send out a survey to all those in our area to get their position on this matter, despite the fact that the unsolicited comments from the residents was overwhelmingly opposed to the sidewalk. I am not opposed to a polling of the neighborhood residents, as long as the data is used properly. The part of Councilman Parker’s article that troubles me is that it appears that he is just taking the raw numbers “FOR” and “AGAINST” and going with the numerical winner, without any analysis of where the voting residents reside. While Council should take all residents into consideration, votes by those directly along Baldwin, and specifically the West side of Baldwin, should be given greater weight. These are the residents who will be directly affected by the installation of sidewalks. These are the residents who will lose a great deal of green space on their property.

It is easy for a resident that is not directly affected by a project to agree in an innocuous survey. I imagine if the project was instead to widen that resident’s street all the way to the edge of the city’s right-of-way on their property, they would be vehemently opposed, even though others on adjacent unaffected streets might be agreeable in a survey. Further, I note that the percentage of responding residents that are agreeable to a sidewalk was only 60%—hardly an overwhelming majority to be considered a mandate.

Again, I do not want to minimize the importance of the opinion of the greater neighborhood or seem unappreciative of Councilman Parker’s analysis. Rather, I just want the Council to look closely at the opinions of those residents who will have to endure the impact of the sidewalk. Greater weight should be given to these opinions when Council is analyzing the true feelings of the neighborhood.

Thank you for your time and your representation of our community.

Scott Aronstein, 4400 Jim West Street, Bellaire, Texas:

I would urge you to consider the following when making your decision this evening about the sidewalk add-in for the Baldwin project.

A useable sidewalk would create a safe area for people to walk the Baldwin corridor, that can’t be disputed. However, because of the driveway approach on each house with a garage on Baldwin, and the fact that most people do
leave cars in the driveways, the sidewalks will be rendered useless or at a minimum obstructed in many areas.

If you observe the sidewalks on Newcastle in the evenings and on weekends, most people do not walk on the East side sidewalks because they are blocked partially by cars and interrupted by the numerous street crossings. It’s the unobstructed West side sidewalk pedestrians use because there are not nearly as many streets interrupting the sidewalk consistency nor cars blocking the sidewalks.

I do not feel the surveys that were circulated to Southdale residents thoroughly explained the sidewalk project on Baldwin and the intricacies of those particular proposed sidewalks. Constituents would reasonably believe they are going to get something comparable to the West side of Newcastle, which they are not based on the plans viewed at the original informational meeting. There is not going to be a consistent, unobstructed sidewalk that is useable without walking into the street numerous times based on those plans. Additionally, the sidewalks are not aesthetically pleasing due to the meandering path shown to us at the meeting.

My question is, do the surveys truly reflect the residents’ opinions based on the facts of these potential sidewalks, or just the sentiment of people who want safe useable sidewalks? The residents are most likely expressing a desire for sidewalks in general and have not been brought up to speed enough to be knowledgeable on the specific facts related to the proposed Baldwin sidewalks.

I would urge you all to consider the specific situation at hand and not a generalization about sidewalks in Bellaire and vote no to the sidewalks on Baldwin!

Thank you.

Richard Franke, 1104 Howard, Lane, Bellaire, Texas:

This long-term advocate of sidewalks in Bellaire is reversing his support for sidewalks in general and for the Baldwin Project for the following reasons:

1. The City of Bellaire does not take responsibility for timely maintenance of sidewalks, particularly those paid for in years past by homeowners during construction of new homes.

2. The inconsistent sidewalk policies used by Bellaire present a substantial liability to property owners because of the absence of commitment to maintenance of all sidewalks and commitment to funding to fulfill that responsibility in a timely manner.
3. Baldwin residents should be further made aware that sidewalks on their property cannot be removed without City of Bellaire approval. Due to the absence of a maintenance policy, you are responsible for problems relating to construction defects, trees, etc.

4. It is recommended that sidewalks on Baldwin not be installed. Rather, the City of Bellaire should commit to speed control measures to limit risk to pedestrians on Baldwin. That should include reductions in the speed limit to 20-25 MPH and speed control humps.

5. Sidewalks crossing short driveways pose a risk to pedestrians but homeowners should not be allowed to arbitrarily plant shrubbery and landscaping in the easement that endangers visibility or poses other hazards.

**Carl Brinkmann, PE, 4401 Jim West Street, Bellaire, Texas:**

Dear Mr. Friedberg,

I appreciate your involvement in the July 12 meeting, which is why I am writing you this note now.

I would like city council to address my concern that the reconstruction of Baldwin as currently planned will increase the risk of a pedestrian-car accident. The points below support this conclusion.

Point 1: Baldwin is essentially a pedestrian street, not a “normal” traffic street.

Point 2: After reconstruction, pedestrians will still be using the roadway (possibly even more so).

Point 3: Adding 1 sidewalk (or even 2 or 3 sidewalks) will not “entice” these pedestrians to stay off the roadway (imagine two parallel baby carriages with 4 dogs in tow on a sidewalk).

Point 4: After reconstruction, car speed will increase (nicer roadway).

Conclusion: Greater car speeds will increase potential for pedestrian-car accidents, relative to the current situation.

Recommendation: Curtail Baldwin car usage (easier to do than curtailing pedestrian usage). One possible approach for this is to create 4-way stops at each intersection. Most “traffic” on Baldwin is based on avoiding the Newcastle/Evergreen light, anyway. Thus, all that is needed is to make Baldwin less attractive as a “short cut” relative to Newcastle.
Benefits:

1. Reduced risk of pedestrian-car accidents with fewer cars on Baldwin.
2. Cheaper than sidewalk construction.
3. No impact on current construction schedule—easy to change at this stage.
4. Better for the environment—less concrete, more green.

The current city policy regarding one sidewalk is properly applied to a normal traffic street. In closing, the question to pose is, “What is the city policy for pedestrian streets?”

Please do not hesitate to reply or call me at your convenience to discuss.

Sara Saber, 4332 Darsey Street, Bellaire, Texas:

Dear Mayor Siegel,

As a resident of the Southdale area of Bellaire, living three houses from Baldwin Avenue, I fully support the installation of a sidewalk on Baldwin Avenue. One of the reasons we moved to Bellaire was because of the safety and availability of walking areas. While searching for a home here, we always saw an abundance of walkers, runners and bikers. We also looked in West University and noticed that there are sidewalks on almost every street. It certainly does not bring down the property value, reduce the amount of “green space” or make the streets less attractive. If anything, it makes the neighborhood a more appealing place to live.

I have two large dogs and two small children with a double stroller and we all walk often. This is not always an easy group to manage and find that Baldwin, in its current state, to be hazardous and worry that after the improvements it will actually be more dangerous for pedestrians.

Currently Baldwin is narrow and full of obstacles which make it difficult to maneuver and avoid traffic, runners, bikers and other walkers as well. This has become more pronounced since school is back in session as many drivers use Baldwin to avoid the school zone on Newcastle in the mornings. The addition of a second stop sign on Newcastle also has increased the traffic on Baldwin.

Once Baldwin is smoothed out with the holes, large drainage grates, and deep dips removed, the traffic on it will surely increase. Plus, with less hazards to vehicles, the drivers will be able to speed more than they already do. The mornings are particularly treacherous with drivers rushing to work on Baldwin to avoid Newcastle and I have been forced to move onto the grass many
times. When the curbs are added to this situation, it gives the pedestrians with strollers and the bikers less of an escape from the speeding cars.

The argument could be made that the pedestrians have Newcastle and Avenue B with sidewalks to use, so they should stay off Baldwin. Using this reasoning, one could say that since the drivers have Newcastle and Avenue B, then they could stay off Baldwin as well. Neither of these are appropriate solutions. Each of these main thoroughfares should be equipped with streets that are safe for drivers and sidewalks that are safe for pedestrians. Those opposed to the sidewalk have legitimate concerns about the municipal finances, but the incremental cost is surely worth the safety of our children.

Thank you.

**Eric Geisler, 4320 Lafayette Street, Bellaire, Texas:**

I attended the public meeting about this and felt sorry for your staff because they are in a no-win situation. They handled a great deal of emotional comments from people who attended the meeting. From what I can tell, the city has limited options and none of them present opportunities where everyone will be happy. While I may have some empathy for those who complained, I do have some comments regarding some of the complaints or perceived issues that I heard:

1) "New street will cause more traffic"—the same stop signs will be in place, so there’s no (additional) advantage to using Baldwin over Newcastle, and there shouldn’t be any additional traffic. Also, I assume there is an opportunity to monitor this and the potential to add additional stop signs, speed bumps, etc., later. I thought that it was important for folks to understand this is a drainage project not a traffic project. So, traffic control isn’t a part of THIS project’s budget. Is it?

2) "Baldwin allows kids to safely ride bikes compared to Newcastle"—the Baldwin sidewalks will allow everyone to continue to ride bikes and walk down Baldwin without worrying about cars . . . PLUS the sidewalk on Baldwin will allow kids to ride/walk without having to cross Newcastle (a much busier street) to get to that sidewalk.

3) "Sidewalk will be too close to my house"—other sidewalks in Bellaire are just as close to some of those houses. So, there’s no difference and/or unfair situation for Baldwin residents.

Overall, this is a major drainage improvement project (long overdue) that will control flooding which will improve our home safety; and the sidewalks and road will enhance our property values and quality of life in the Southdale part of Bellaire.
Now that time has passed and emotions may have hopefully calmed down, I hope everyone will look at this situation with a reasoned approach and with the well-being of all residents in mind.

Kind regards.

E. REPORT:

CITY MANAGER’S REPORT regarding public infrastructure/utilities (projects update), internal operations/productivity (Employee Holiday Luncheon on December 15), 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 December 5, 2011, to City Council.

Public Infrastructure/Utilities

With respect to public infrastructure projects, things were going well. The new pump at the Rice Lift Station had been operating 39 days with no problems.

The City started a process on Friday to make adjustments to the City Hall foundation. In some areas, that process went well. The Senior Area was in good shape; however, a break in one of the sewer pipes became clogged with material and needed to be repaired. The south exterior doors off of the lobby needed additional leveling as well.

Internal Operations/Productivity

It was noted that West University Place had come out on top during the recent public safety football game. Members of City Council were reminded that the annual Employee Holiday Luncheon had been scheduled at 11:30 a.m. on December 15th.

Upcoming City Council Meetings/Events

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<tr>
<th>Date</th>
<th>Time</th>
<th>Type of Meeting</th>
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<tbody>
<tr>
<td>12/12/2011</td>
<td>6:00 p.m.</td>
<td>Special Session (Executive Session) – Evaluation of City Attorney</td>
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<tr>
<td>12/12/2011</td>
<td>6:30 p.m.</td>
<td>Special Session – Consideration of Amendments to Chapter 24, Planning and Zoning, of the City Code (including the UV-T District)</td>
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<tr>
<td>12/15/2011</td>
<td>11:30 a.m.</td>
<td>Employee Holiday Luncheon</td>
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<tr>
<td>12/19/2011</td>
<td>7:00 p.m.</td>
<td>Regular Session</td>
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CITY COUNCIL MOTION/ACTION:

Following questions of City Manager Satterwhite regarding the City Manager’s Report, Mayor Pro Tem Philip L. Nauert moved to accept the City Manager’s Report dated December 5, 2011, as presented by City Manager Bernard M. Satterwhite, Jr., into the record. Councilman James P. Avioli, Sr., seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

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

OPPOSED: None

ABSENT: None

F. SPECIAL RECOGNITION:

ISSUANCE of Certificates of Recognition by Mayor Cindy Siegel to John Ryder Hammond and William Wyatt Hammond in grateful appreciation of their outstanding service as Bellaire’s Mayors for the Day – Item submitted by City Clerk Tracy L. Dutton; Certificates of Recognition issued by Mayor Cindy Siegel.

Note: This item was considered earlier in the meeting. See pages 1-2 of these minutes for discussion related to this item.

G. CONSENT AGENDA:

1. APPROVAL/CORRECTION OF MINUTES:

CONSIDERATION of and possible action on the adoption of the minutes of the Special Session (Official Canvass) of the City Council of the City of Bellaire, Texas, held on Monday, November 21, 2011 – Item submitted by City Clerk Tracy L. Dutton.

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, authorizing a change in the date of the first regular meeting of the City Council of the City of Bellaire, Texas, in the months of January and September 2012 from Monday, January 2, 2012, to Monday, January 9, 2012, due to the observance of the New Year holiday and from Monday, September 3, 2012, to Monday,
September 10, 2012, due to the observance of the Labor Day holiday – Item submitted by City Clerk Tracy L. Dutton.

CITY COUNCIL MOTION/ACTION:

Councilman Andrew S. Friedberg moved to approve the Consent Agenda dated December 5, 2011, consisting of the following items:

- Minutes of the Special Session (Official Canvass) of the City Council of the City of Bellaire, Texas, held on Monday, November 21, 2011; and

- Adoption of ordinance of the City Council of the City of Bellaire, Texas, authorizing a change in the date of the first regular meeting of the City Council of the City of Bellaire, Texas, in the months of January and September of 2012 from Monday, January 2, 2012, to Monday, January 9, 2012, due to the observance of the New Year holiday and from Monday, September 3, 2012, to Monday, September 12, 2012, due to the observance of the Labor Day holiday.

Councilman Roman F. Reed seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

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

OPPOSED: None

ABSENT: None

H. ADOPTION OF ORDINANCES:

Bid Award

1. CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department and Consulting Engineers HDR Engineering, Inc., to award Bid No. 12-001, Reconstruction of Baldwin Avenue, to Metro City Construction, LP, for the reconstruction of Baldwin Avenue from Ione Street to Beechnut Street, including the replacement of existing asphalt and concrete pavement with a reinforced concrete curb and gutter street, storm sewer, striping, and the rehabilitation
of a sanitary sewer line with cured in place pipe, the construction of a storm water detention pond, and the construction of sidewalks on the west side of Baldwin Avenue in the amount of $6,512,497.00; as well as the adoption of an ordinance authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a Standard Form of Agreement with Metro Construction, LP, for the referenced project in the amount of $6,512,497.00 – Item submitted by Director of Public Works Joe Keene.

CITY COUNCIL MOTION:

Mayor Pro Tem Philip L. Nauert moved to consider the award of the base bid and add alternate number 1 (storm water detention pond) (Bid No. 12-001, Reconstruction of Baldwin Avenue) to Metro City Construction, LP, for the reconstruction of Baldwin Avenue from Ione Street to Beechnut Street, including the replacement of existing asphalt and concrete pavement with a reinforced concrete curb and gutter street, storm sewer, striping, and the rehabilitation of a sanitary sewer line with cured in place pipe, and the construction of a storm water detention pond in the amount of $6,319,905.00 and to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a Standard Form of Agreement with Metro Construction, LP, for the referenced project in the amount of $6,319,905.00. Councilman Corbett Daniel Parker seconded the motion.

CITY COUNCIL ACTION:

Following discussion among members of City Council, Chris Claunch and Edwin Rydell of HDR Engineering, Inc., City Manager Bernard M. Satterwhite, Jr., and Director of Public Works Joe Keene, Mayor Siegel called for a vote on the motion by Mayor Pro Tem Nauert and second by Councilman Parker, said motion of which carried unanimously on a 7-0 vote as follows:

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

OPPOSED: None

ABSENT: None
CITY COUNCIL MOTION:

Councilwoman Amanda B. Nathan moved to consider the award of add alternate number 2 (construction of sidewalks on the west side of Baldwin Avenue) to Metro City Construction, LP, in the amount of $192,592.00 with the proviso that the sidewalks be placed as close to the curb as possible. Mayor Pro Tem Philip L. Nauert seconded the motion.

Discussion ensued among members of City Council regarding comments and surveys received from residents in the affected area with respect to the construction of sidewalks on the west side of Baldwin Avenue. Councilman Andrew S. Friedberg presented an analysis he had completed of the survey results. He noted that 94.4% of the residents that would be directly impacted (i.e., residents abutting the west side of Baldwin Avenue) were opposed to the construction of the sidewalks. In total, 60 of the respondents from the general area were opposed to the sidewalks and 40 of the respondents were in favor of the sidewalks. Included in the discussion were concerns with security and safety, as well as the desire to provide sidewalks throughout the City and to connect the “patchwork” of sidewalks that already existed.

CITY COUNCIL ACTION:

Following the completion of the discussion, Mayor Cindy Siegel called for a vote on the motion to include add alternate number 2 in the Baldwin Avenue Project, which failed on a 3-4 vote as follows:

FOR: Mayor Cindy Siegel, Mayor Pro Tem Philip L. Nauert, and Councilwoman Amanda B. Nathan.

OPPOSED: Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, and Andrew S. Friedberg.

ABSENT: None

{Ordinance was subsequently numbered: 11-083}

Code Amendment

2. CONSIDERATION of and possible action on the adoption an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 16, Solid Waste, of the Code of Ordinances of the City of Bellaire, Texas, by repealing the existing Article I, In General, and Article III, Curbside Recycling, and replacing
with a new Article I, In General, and Article III, Curbside Recycling, for the purpose of improving the efficiency, enhancing employee safety, promoting curbside recycling, and discontinuing solid waste collection services for commercial accounts – Item submitted by Director of Public Works Joe Keene.

CITY COUNCIL MOTION:

Mayor Pro Tem Philip L. Nauert moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 16, Solid Waste, of the Code of Ordinances of the City of Bellaire, Texas, by repealing the existing Article I, In General, and Article III, Curbside Recycling, and replacing with a new Article I, In General, and Article III, Curbside Recycling, for the purpose of improving the efficiency, enhancing employee safety, promoting curbside recycling, and discontinuing solid waste collection services for commercial accounts. Councilman Roman F. Reed seconded the motion.

Discussion ensued among members of City Council, City Manager Bernard M. Satterwhite, Jr., Director of Public Works Joe Keene, and Chair Brenda Cauthen of the Bellaire Recycling Committee regarding the proposed amendments to Chapter 16, Solid Waste. Following the discussion, Councilman James P. Avioli, Sr., made the amendment set forth below.

CITY COUNCIL MOTION TO AMEND (NO. 1)/ACTION:

Councilman James P. Avioli, Sr., moved to amend Section 16-2, Collection requirements, of the proposed ordinance by revising subsection c) as follows (language to be deleted has been struck through; language to be added has been underscored) and eliminating subsection q):

- **c)** No more than four (4) **ten (10)** garbage bags will be collected per home.

- **q)** The homeowner may also purchase a sticker to be placed on the garbage bags in excess of the allowed four (4) bags for collection.

  - The sticker may be purchased at City Hall, located at 7008 S. Rice Ave., upstairs in the Utility Billing department.
  - The price for the stickers shall be set by the City Manager.
Councilman Roman F. Reed seconded the motion to amend.

Following discussion among members of City Council, City Staff, and Chair Brenda Cauthen of the Bellaire Recycling Committee regarding the reasoning behind the proposed amendment (i.e., a desire to discourage waste and encourage recycling), the motion to amend failed on a 2-5 vote as follows:

FOR: Councilmen Roman F. Reed and James P. Avioli, Sr.*

OPPOSED: Mayor Cindy Siegel, Mayor Pro Tem Philip L. Nauert, Councilmen Corbett Daniel Parker and Andrew S. Friedberg, and Councilwoman Amanda B. Nathan

ABSENT: None

*Councilmen Reed and Avioli indicated that their opposition to the reduction from ten (10) bags to four (4) bags was based on the fact that this represented a diminution of service to the residents.

CITY COUNCIL MOTION TO AMEND (NO. 2)/FRIENDLY AMENDMENTS:

Councilman James P. Avioli, Sr., moved to amend Section 16-2, *Collection requirements*, of the proposed ordinance by revising subsection o) as follows (language to be added has been underscored) and eliminating subsection p):

o) No grass clippings shall be set out for collection and must be hauled out of the City by the person that cut the grass.

p) Grass clippings must be left on the lawn, composted, or hauled out of the City by the person that cut the grass.

Councilman Corbett Daniel Parker seconded the amendment, then immediately offered a friendly amendment to replace the word “person” with “landscaping services.”

Before the friendly amendment by Councilman Parker was accepted, Councilwoman Amanda B. Nathan offered a friendly amendment to rephrase the language in subsection o) as follows:

o) No grass clippings shall be set out for collection. Clippings not left on the lawn shall be hauled out of the City.
Councilmen James P. Avioli, Sr., and Corbett Daniel Parker accepted the friendly amendment made by Councilwoman Amanda B. Nathan.

Following discussion regarding whether or not the proposed amendment would eliminate a resident’s ability to compost his or her grass clippings, Councilman Andrew S. Friedberg offered the following friendly amendment to rephrase subsections o) and p) and re-letter subsection q) as p):

o) Subject to the applicable provisions of subsection p) below, no grass clippings shall be set out for collection—grass clippings must be left on the lawn, composted, or hauled out of the City.

p) The homeowner may also purchase a sticker to be placed on the garbage bags in excess of the allowed four (4) bags for collection, or on bags containing grass clippings.

   o The stickers may be purchased at City Hall, located at 7008 S. Rice Ave., upstairs in the Utility Billing department.

   o The price for the stickers shall be set by the City Manager.

Following further discussion, Councilmen James P. Avioli, Sr., and Corbett Daniel Parker withdrew the motion to amend (no. 2).

CITY COUNCIL MOTION TO AMEND (NO. 2)/ACTION:

Councilwoman Amanda B. Nathan moved to amend Section 16-2, Collection requirements, of the proposed ordinance by eliminating subsections o) and p) and re-lettering subsection q) to o) as follows (language to be deleted has been struck through; language changes have been underscored):

o) No grass clippings shall be set out for collection.

p) Grass clippings must be left on the lawn, composted, or hauled out of the City by the person that cut the grass.

q o) The homeowner may also purchase a sticker to be placed on the garbage bags in excess of the allowed four (4) bags for collection.

   o The sticker may be purchased at City Hall, located at 7008 S. Rice Ave., upstairs in the Utility Billing department.
The price for the stickers shall be set by the City Manager.

Councilman Andrew S. Friedberg seconded the motion to amend. The motion to amend carried unanimously on a 7-0 vote as follows:

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

OPPOSED: None

ABSENT: None

CITY COUNCIL MOTION TO AMEND (NO. 3):

Councilman James P. Avioli, Sr., moved to amend Section 16-32, Curbside recycling collection fee, subsection (d), by removing the proposed language and adding additional language as follows (language to be removed has been struck through; language to be added has been underscored):

(d) Residents cannot opt out of the curbside recycling program. Any resident who is disabled may opt out of the curbside recycling program by submitting a written request to the Utility Billing Office of the Department of Finance of the City of Bellaire.

Councilman Roman F. Reed and Mayor Pro Tem Philip L. Nauert jointly seconded the motion to amend.

CITY COUNCIL ACTION:

Following discussion related to fairness to all residents in sharing the costs for curbside recycling and the goal of encouraging recycling, regardless of ability or desire to use the services, the motion to amend failed on a 3-4 vote as follows:

FOR: Mayor Cindy Siegel and Councilmen Roman F. Reed, and James P. Avioli, Sr.

OPPOSED: Mayor Pro Tem Philip L. Nauert, Councilmen Corbett Daniel Parker and Andrew S. Friedberg, and Councilwoman Amanda B. Nathan
ABSENT: None

CITY COUNCIL MOTION TO AMEND (NO. 4)/ACTION:

Councilman Andrew S. Friedberg moved to amend Section 16-32, Curbside recycling collection fee, by striking subsection (d) in its entirety as follows (language to be removed has been struck through):

(d) Residents cannot opt out of the curbside recycling program.

Councilwoman Amanda B. Nathan seconded the motion to amend. The motion to amend carried on a 6-1 vote as follows:

FOR: Mayor Cindy Siegel, Mayor Pro Tem Philip L. Nauert, Councilmen Roman F. Reed, Corbett Daniel Parker, and Andrew S. Friedberg, and Councilwoman Amanda B. Nathan

OPPOSED: Councilman James P. Avioli, Sr.

ABSENT: None

CITY COUNCIL MOTION TO AMEND (NO. 5)/ACTION:

Councilwoman Amanda B. Nathan moved to insert a new heading after the first paragraph of Section 16-7, Garbage generated or collected by commercial tree trimming, lawn maintenance, gardening or landscaping services, handymen or any others not considered the occupant, said heading to read as follows:

Sec. 16-8, Garbage consisting of tree hedges and bush trimmings cut by the owner.

The motion to amend also included re-numbering the remaining sections accordingly. Councilman Andrew S. Friedberg seconded the motion to amend. The motion to amend carried on a 6-1 vote as follows:

FOR: Mayor Cindy Siegel, Mayor Pro Tem Philip L. Nauert, Councilmen Roman F. Reed, Corbett Daniel Parker, and Andrew S. Friedberg, and Councilwoman Amanda B. Nathan

OPPOSED: Councilman James P. Avioli, Sr.
ABSENT: None

CITY COUNCIL ACTION ON MOTION, AS AMENDED:

Mayor Cindy Siegel called for a vote on the motion, as amended, which carried on a 6-1 vote as follows:

FOR: Mayor Cindy Siegel, Mayor Pro Tem Philip L. Nauert, Councilmen Roman F. Reed, Corbett Daniel Parker, and Andrew S. Friedberg, and Councilwoman Amanda B. Nathan

OPPOSED: Councilman James P. Avioli, Sr.*

ABSENT: None

*Councilman James P. Avioli, Sr., was opposed to the adoption of the ordinance as he felt that a premier service provided by the City to residents had been compromised as a result of the proposed revisions to the solid waste ordinance.

{Ordinance was subsequently numbered: 11-084}

Note: It was noted that the ordinance would be in effect on March 1, 2012.

I. ADOPTION OF RESOLUTION:

CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, adopting a Fund Balance Policy for the purpose of complying with Governmental Accounting Standards Board (GASB) Statement No. 54 – Item submitted by Chief Financial Officer Linda Symank.

CITY COUNCIL MOTION/ACTIO:

Mayor Pro Tem Philip L. Nauert moved to adopt a resolution of the City Council of the City of Bellaire, Texas, adopting a Fund Balance Policy for the purpose of complying with Governmental Accounting Standards Board (GASB) Statement No. 54. Councilmen Corbett Daniel Parker and Roman F. Reed jointly seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

FOR: Mayor Cindy Siegel, Mayor Pro Tem Philip L. Nauert, Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, and Andrew S. Friedberg, and Councilwoman Amanda B. Nathan
J. COMMUNITY INTEREST ITEMS FROM THE MAYOR AND CITY COUNCIL.

Community interest items from the Mayor and City Council included a remembrance of veterans for their service to the country; congratulations on the City’s successful Holiday in the Park event; and reminders of the Employee Holiday Luncheon to be held on December 15, 2011, a Special Session of City Council to be held on December 12, 2011, to discuss zoning revisions, and a Regular Session of City Council to be held on December 19, 2011.

K. ADJOURNMENT.

CITY COUNCIL MOTION/ACTION:

Councilman Roman F. Reed moved to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 11:06 p.m. on Monday, December 5, 2011. Councilman James P. Avioli, Sr., seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

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

OPPOSED: None

ABSENT: None

Respectfully submitted,

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

_______________________________
Cynthia Siegel, Mayor
City of Bellaire, Texas