CITY COUNCIL MEETING MINUTES
MONDAY, MARCH 5, 2012

The City Council of the City of Bellaire, Texas, met in Regular Session on Monday, March 5, 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 7:00 p.m. on Monday, March 5, 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 Andrew S. Friedberg.

Councilman Andrew S. Friedberg provided the inspirational reading for the evening.

C. PLEDGES TO THE FLAGS – Councilman Andrew S. Friedberg.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

Councilman Andrew S. Friedberg 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 Monday, March 12, 2012, as “Girl Scouts Centennial Day” in the City of Bellaire, Texas, in recognition of the 100th anniversary of Girl Scouting in the United States – Proclamation issued by Mayor Philip L. Nauert; Proclamation presented to Martha G. Webster, Bellaire’s Girl Scout Girl Scout Gold Award Advisor.
Mayor Philip L. Nauert read the proclamation he issued proclaiming Monday, March 12, 2012, as “Girl Scouts Centennial Day” in the City of Bellaire, Texas, in recognition of the 100th anniversary of Girl Scouting in the United States. Bellaire’s Girl Scout Gold Award Advisor, Martha G. Webster, accepted the proclamation on behalf of the Girl Scouts of San Jacinto Council. Members of the Board of the Girl Scouts of San Jacinto Council were also present and were recognized by Ms. Webster.

E. PERSONAL/AUDIENCE COMMENTS.

Ira Gruber, 5100 Pine Street, Bellaire, Texas, addressed City Council and thanked them for having amended Chapter 16, Solid Waste, of the Code of Ordinances of the City of Bellaire, Texas (more commonly known as the "Solid Waste Ordinance"). He advised that the amendments were long overdue and very valuable to residents. Mr. Gruber cited numerous examples of the value, as follows: limiting the number of bags that could be put out at one time; ending the practice of allowing people to enter the City and dump their garbage in residents’ yards; re-emphasizing that garbage could not be put out before 6:00 p.m. on the day before collection; making residents accountable for the actions of their yard services; and requiring residents to recycle.

Susan Downs, 814 Carol Drive, Bellaire, Texas, addressed City Council regarding public safety, specifically the Bellaire Police Department and the opportunity they had to get crisis intervention training. She described crisis intervention training, noting that it was a 40-hour continuing education program administered by the Houston Police Department free of charge to any officer. The program would provide officers with the training necessary to de-escalate violence when responding to a person with mental illness. Ms. Downs provided information regarding the training to members of City Council.

Jay Moffitt, 4516 Magnolia Street, Bellaire, Texas, addressed City Council regarding a safety problem that residents had been experiencing at the intersection of Magnolia Street and Newcastle Drive. He referred to an obstruction on the City right-of-way that prevented pedestrians and vehicles from seeing northbound traffic on Newcastle Drive. A homeowner of a residence on the corner of Newcastle Drive on the southwest side refused to remove or cut trees that were obstructing/blocking the view of pedestrians and vehicles, which had created a dangerous situation in Mr. Moffitt’s and other residents’ opinions.

Mr. Moffitt presented a petition to City Council containing the signatures of eight homeowners on Magnolia Street and asked City Council to enforce its own statute in Section 22-1 of the City Code regarding obstructions in public right-of-ways. The petition requested the City’s facilitation with respect to the relocation of the referenced trees.
Keith Wohlford, 5218 Valerie Street, Bellaire, Texas, addressed City Council regarding his opposition to the changes recently made with respect to the Solid Waste Ordinance. He indicated that one reason he opted out of the curbside recycling program was his concern that City streets might be damaged further due to heavy garbage trucks driving down the streets three times per week versus two times per week.

Mr. Wohlford mentioned his disappointment with the closing of the Debbie Marshall Recycling Center and the fact that the City had made no other provisions for recycling other than the mandatory curbside recycling program.

In closing, Mr. Wohlford indicated that he did not believe the Solid Waste Ordinance was reasonable nor had it been well publicized. He thanked Councilman James P. Avioli, Sr., for placing an item on the agenda this evening to consider delaying implementation of the Solid Waste Ordinance and revisiting the changes.

J. Patrick Hughes, 4524 Magnolia Street, Bellaire, Texas, addressed City Council and advised that he was in full support of the comments made by his neighbor, Jay Moffitt, and indicated that the trees located in the right-of-way at the intersection of Magnolia Street and Newcastle Drive were obstructing the view of pedestrians and vehicles and were dangerous, in his opinion. He urged City Council to look into the issue.

Secondly, Mr. Hughes advised that he was very much in favor of the changes recommended by the Bellaire Recycling Committee ("BRC") to the Solid Waste Ordinance. If City Council chose this evening to delay implementation of the Solid Waste Ordinance, then Mr. Hughes suggested that, perhaps, the City did not need anything as research provided by the BRC indicated that Bellaire residents were recycling more.

James Hotze, 5301 Valerie Street, Bellaire, Texas, addressed City Council and noted that he resided on a one-half acre lot in Bellaire. During the autumn, he often had 17 bags of leaves. He did recycle and very much appreciated the curbside recycling program.

Mr. Hotze advised that most of the residents in Bellaire were unaware of the City’s ordinance and might never be aware of it as they had four or fewer bags of garbage at one time.

He indicated to City Council that he would appreciate it if an accommodation could be made for those residents that lived on larger lots and had unusual circumstances from time to time.

Brenda Cauthen, 5409 Valerie Street, Bellaire, Texas, addressed City Council and advised that she was present this evening on behalf of the Bellaire Recycling Committee ("BRC"). She clarified the fact that the Solid Waste Ordinance was not solely a BRC decision—the BRC was a voluntary arm
of the City Council in an advisory capacity. She referred to a Workshop Session held by the City Council in the fall of 2011 regarding recommendations from the Bellaire Public Works Department and the BRC for proposed changes to the Solid Waste Ordinance. In addition to the City’s automated notices via the Internet, information regarding the proposed changes was included in the City’s water bills.

Ms. Cauthen indicated that she had talked with hundreds of people regarding the proposed changes, and there were a tremendous number of people in the City that embraced recycling and were proud to see Bellaire taking a lead to ensure that the City remained a great place to live in the coming years.

Many communities required mandatory recycling, especially along the east coast of the United States. The proposed changes were not unusual when compared to many other communities. The average American generated 4-5 pounds of garbage per day before recycling compared to approximately 2.5 pounds per person in the 1970s. Texas had approximately 493 landfills in the 1980s compared to less than 200 today. Packaging in the last 40 years had come at a huge environmental price.

The BRC was asking residents to be aware of the waste and to set up a process at home to recycle. Ms. Cauthen closed by stating that everyone had a responsibility to preserve and protect the environment.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas, addressed City Council regarding two topics. Firstly, with respect to the Solid Waste Ordinance, she indicated that she was proud to be a recycler. Single households had been paying the same fee for utility services as everyone else in town. Neither solid waste nor curbside recycling had anything to do with the volume produced. She had been asking for a “pay as you throw” consideration for a long time, which would be much more meaningful to her. The “pay as you throw” option was not recommended by the BRC or the City Staff.

Whether City Council changed nothing or changed the entire Solid Waste Ordinance, Ms. McBee would continue to recycle and only produce one bag of solid waste. She indicated further that she did not have a problem with raising taxes to support services, which was rejected by City Council last year.

Ms. McBee next addressed the reductions that the City was seeing in its staff. Of the four reductions that Ms. McBee was aware of, three of those were retiring after many years of service. She advised that she wished to recognize those employees, as they had been outstanding. First, Roberta Murray, Human Resources Director, had done a credibly, fantastic job, and Ms. McBee would miss her.
Secondly, Chris Magisano, Assistant Director of Community Development, had also given her notice and was resigning to move on to other fields. Chris, although shy and modest, had achieved excellence in her position. She, too, would be greatly missed.

Thirdly, Randy Mack, Chief of Police, could not be replaced. He could sit in place of a City Manager and could run a department. Chief Mack had the kind of excellence that few employees could match. Ms. McBee wished Chief Mack a wonderful, enjoyable retirement.

Lastly, Rebecca (Beckey) Eppler, Administrative Secretary for the Community Development Department, had decided to trade in her typewriter for a husband. She would be leaving the Community Development Department in a few weeks. She, too, had learned a great deal working for the City and had turned out to be a very dependable employee.

Mayor Philip L. Nauert read two written comments received from residents for the record, as set forth below.

Doug Christians, 4913 Palmetto Street, Bellaire, Texas:

I have been reading about the citizens who are unhappy with the new changes in solid waste pickup effective March 1st. Before you can really say something is broken you need to give it a chance.

Considerable effort has been made to notify the citizens and explain why these changes are necessary. There was an extensive study of the trash habits of the majority of citizens to come up with the four bag limit per pickup. Also, we need to consider our environment and start the process of educating current and future generations on proper handling of solid waste. This includes separating what is trash and what could be recycled. I feel it is imperative that we give the new ordinance a trial period of 3 to 6 months before considering any tweaking to the program. I do agree if one of your pickups falls on a holiday, the bag count should be increased to eight bags on the other. There could be some other issues that have not been brought up that need to be looked at after the trial period.

Will Hickman, 4640 Cedar Street, Bellaire, Texas:

Mayor and Council,

Thank you for the opportunity to allow the citizens of Bellaire to provide you with our input on your agenda. I apologize that I can’t make it tonight in person.

When I arrived back in Bellaire at Christmas time, I was repeatedly asked what had Council done to the garbage service. Everyone I spoke to at school PTO, church, neighbors, and others in the neighborhood were upset about the
changes. I know there were some members of Bellaire recycling who have advocated for pay as you throw in the past, but I didn’t think it was imminent.

I will share with you some stories and examples:

One neighbor of mine is a senior citizen and is quite upset about the recall of the opt out provisions of curbside recycling.

I would ask you to consider the unintended consequences of your decision. Several have mentioned to me that they use the smaller white kitchen garbage bags which they will now have to stuff into 4 large black bags. This will actually cause an increase in the amount of garbage produced since they aren’t currently using and throwing away the large bags. Certainly, that wasn’t your intent.

Also, another senior neighbor of ours said we could use some of her spare capacity if we go over our 4 bag allotment. Again, I doubt that was your intent, although good for neighbors to get to know each other.

If your intent was green or environmentalism, what other city services are so limited? I think I can drive on my street an unlimited amount, check out more library books than I can read, have unlimited swimming in the pool with a season pass, and call the police and fire departments every time there’s a feral cat in a tree.

If your intent was economic, I would first suggest stopping funding the thousands of dollars of annual expenditure on the recycling festival. It’s certainly a worthwhile endeavor if funded by donations, not by taxpayers. I’m also curious how much it will cost to administer pay as you throw. From selling stickers, to counting trash bags, and what to do when someone puts out 5 bags? I would propose raising the garbage fee to cover the collection and tipping costs instead of cutting services.

F. REPORTS:

1. CITY MANAGER’S REPORT regarding residential safety (police activity report), public infrastructure/utilities (major projects update and Entry Plaza update), cultural and recreational (Tents in 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 March 5, 2012, to members of the City Council. Following questions of City Manager Satterwhite regarding his
report, City Council action was taken to accept the report into the record.

CITY COUNCIL MOTION/ACTION:

Councilman Pat B. McLaughlan moved to accept the City Manager’s Report dated February 20, 2012, as presented by City Manager Bernard M. Satterwhite, Jr., into the record. 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. Reed, James P. Avioli, Sr., Corbett Daniel Parker, Pat B. McLaughlan, and Andrew S. Friedberg

OPPOSED: None

ABSENT: None


Nathan Krupke, Partner, Belt Harris Pechacek LLLP, Certified Public Accountants, presented the 2011 Annual Audit and Comprehensive Annual Finance Report (CAFR) of the City of Bellaire, Texas, for the fiscal year ended September 30, 2011, to members of the City Council, wherein it was noted that there were no findings to report and that the City had received a clean, unqualified opinion.

Chief Financial Officer Linda Symank referred to the work of her excellent staff in achieving such a good audit and introduced the members who were present as follows: Finance Manager Vickey O’Donnell, Utility Billing Supervisor Bea Clair, Customer Service Representative Bonnie Lumpkin, Payroll/Ambulance Billing Representative Kathleen Quiroz, and Accounts Payable Technician Michelle Brownlow. Two members of staff that were unable to attend the Council meeting were Accounting Manager Bill Mize and Purchasing Technician David Wu.
Following questions of Partner Krupke and Chief Financial Officer Symank regarding the 2011 Annual Audit and CAFR, City Council action was taken to accept the audit and CAFR into the record.

**CITY COUNCIL MOTION/ACTION:**

Councilman Andrew S. Friedberg moved to accept the 2011 Annual Audit and Comprehensive Annual Financial Report (CAFR) of the City of Bellaire, Texas, for the fiscal year ended September 30, 2011, as presented by Partner Nathan Krupke, Belt Harris Pechacek LLP, Certified Public Accountants, into the record. Councilman James P. Avioli, Sr., 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

3. **BELLAIRE RECYCLES FEST REPORT** – follow-up presentation regarding the 2011 Bellaire Recycles Fest event held on Saturday, November 5, 2011 – *Presentation by Chair Brenda Cauthen of the Bellaire Recycling Committee; Item submitted by Director of Public Works Joe Keene on behalf of the Bellaire Recycling Committee.*

Chair Brenda Cauthen, Bellaire Recycling Committee, presented the Bellaire Recycles Fest Report for the Bellaire Recycles Fest event held on Saturday, November 5, 2011, to members of City Council. Following questions of Chair Cauthen regarding her report, City Council action was taken to accept the report into the record.

**CITY COUNCIL MOTION/ACTION:**

Councilman Roman F. Reed moved to accept the 2011 Bellaire Recycles Fest Report, as presented by Chair Brenda Cauthen, Bellaire Recycling Committee, into the record. 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

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, February 20, 2012 – Item submitted by City Clerk Tracy L. Dutton.

CITY COUNCIL MOTION/ACTION:

Councilman Andrew S. Friedberg moved to approve the Consent Agenda dated March 5, 2012, consisting of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, February 20, 2012. Councilman Roman F. Reed 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

2. ADOPTION OF RESOLUTION:

CONSIDERATION of and possible action on the adoption of a Joint Resolution of the City Council of the City of Bellaire, Texas, and the Harris County Commissioners Court reaffirming the inter-jurisdictional emergency management plan for Bellaire and Harris County – Item submitted by Fire Chief Darryl Anderson.
Following a brief summary of the purpose of the requested Joint Resolution by Fire Chief Darryl Anderson, City Council action was taken to consider the adoption of the referenced Joint Resolution.

**COUNCIL MOTION/ACTION:**

Councilman James P. Avioli, Sr., moved to adopt a Joint Resolution of the City Council of the City of Bellaire, Texas, and the Harris County Commissioners Court reaffirming the inter-jurisdictional emergency management plan for Bellaire and Harris County. Councilman Roman F. Reed 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

{Joint Resolution was subsequently numbered: 12-05}

3. **ADOPTION OF ORDINANCE:**

CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Exhibit A, Agreement for Use of City of Bellaire Park Facilities, by and between the City of Bellaire, Texas, and the Bellaire Little League, passed and approved on November 7, 2011, by the adoption of Ordinance No. 11-077, including authorization for the City Manager of the City of Bellaire, Texas, to execute Addendum One to the Agreement for Use of City of Bellaire Parks Facilities (Exhibit A to Ordinance No. 11-077) providing authorization from the City of Bellaire, Texas, for the Bellaire Little League to install temporary or permanent signs advertising projects, plans, events, or other activities and/or signs designating the name(s) of facilities at Horn Field contingent on the approval of the Houston Independent School District (HISD) – Item submitted by Director of Parks and Recreation Jane L. Dembski on behalf of the Bellaire Little League.

Following a summary by City Manager Bernard M. Satterwhite, Jr., of the request by the Bellaire Little League to amend the original
Agreement for Use of City of Bellaire Park Facilities, to allow for naming rights at Horn Field, City Council action was taken to consider the adoption of the referenced ordinance.

COUNCIL MOTION/ACTION:

Councilman Corbett Daniel Parker moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, amending Exhibit A, Agreement for Use of City of Bellaire Park Facilities, by and between the City of Bellaire, Texas, and the Bellaire Little League, passed and approved on November 7, 2011, by the adoption of Ordinance No. 11-077, including authorization for the City Manager of the City of Bellaire, Texas, to execute Addendum One to the Agreement for Use of City of Bellaire Parks Facilities (Exhibit A to Ordinance No. 11-077) providing authorization from the City of Bellaire, Texas, for the Bellaire Little League to install temporary or permanent signs advertising projects, plans, events, or other activities and/or signs designating the name(s) of facilities at Horn Field contingent on the approval of the Houston Independent School District (HISD). Councilman Roman F. Reed 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

{Ordinance was subsequently numbered: 12-010}

H. ITEMS FOR INDIVIDUAL CONSIDERATION:

1. CONSIDERATION of and possible action on a recommendation and request from the Bellaire Public Works Department and the Bellaire Recycling Committee to host a Bellaire Recycles Fest event on November 3, 2012, in the City of Bellaire, Texas, as well as a request to expend funds in the amount of $1,500.00 for said event – Item submitted by Director of Public Works Joe Keene on behalf of the Bellaire Recycling Committee.

Following a presentation related to the Bellaire Recycling Committee’s plans for a 2012 Bellaire Recycles Fest by Chair Brenda Cauthen, as well as a request to expend $1,500.00 to start planning the event, City
Council was taken to approve the event and approve the expenditure of $1,500.00 for the event.

**CITY COUNCIL MOTION/ACTION:**

Mayor Pro Tem Amanda B. Nathan moved to approve the request from the Bellaire Recycling Committee to host a 2012 Bellaire Recycles Fest on Saturday, November 3, 2012, as well as the request to expend funds in the amount of $1,500.00 for said event. 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

**ABSENT:** None

{Action related to the request to host a 2012 Bellaire Recycles Fest and expend $1,500 on said event was subsequently numbered: Motion Document 2012-002}

2. **CONSIDERATION** of and possible action regarding a request from Councilman James P. Avioli, Sr., to direct staff to delay the implementation of changes contained in Chapter 16, Solid Waste, of the Code of Ordinances of the City of Bellaire, Texas, as amended by the City Council of the City of Bellaire, Texas (“City Council”), on December 5, 2011, until such time that staff and City Council has had an opportunity to address certain concerns expressed by residents of the City of Bellaire, Texas, regarding such changes – Item submitted by City Manager Bernard M. Satterwhite, Jr., on behalf of Councilman James P. Avioli, Sr.

Councilman James P. Avioli, Sr., read two motions that he wished for members of City Council to consider, as follows:

- Discontinue implementation of the residential aspect of the December 5, 2011, Solid Waste Ordinance for sixty (60) days until a public hearing could be held to respond to citizens’ concerns; and
• Reinstate the opt out provision in the December 5, 2011, Solid Waste Ordinance for senior citizens and the physically challenged retroactive to March 1, 2012.

COUNCIL MOTION FOR CONSIDERATION:

Councilman James P. Avioli, Sr., moved to discontinue implementation of the residential aspect of the December 5, 2011, Solid Waste Ordinance for sixty (60) days until a public hearing could be held to respond to citizens’ concerns. Councilman Corbett Daniel Parker seconded the motion for discussion purposes.

COUNCIL ACTION:

Following questions and discussion, Mayor Philip L. Nauert called for a vote on the motion, which failed on a 1-6 vote as follows:

FOR:                  Councilman James P. Avioli, Sr.

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

ABSENT:              None

COUNCIL MOTION:

Upon a restatement by Councilman James P. Avioli, Sr.’s, of the second motion related to the Solid Waste Ordinance that he desired for members of City Council to consider, Councilman Roman F. Reed moved to reinstate the opt out provision in the December 5, 2011, Solid Waste Ordinance for senior citizens and the physically challenged retroactive to March 1, 2012. Councilman Corbett Daniel Parker seconded the motion for purposes of discussion.

Following points of order raised by Councilmen Corbett Daniel Parker and Andrew S. Friedberg, respectively, as to 1) whether the requested action could be taken this evening and 2) whether the requested action could be taken based on the agenda language, which only addressed delaying the implementation of the Solid Waste Ordinance.

City Attorney Alan P. Petrov advised, with respect to the point of order raised by Councilman Corbett Daniel Parker, that the action outlined by Councilman Avioli would require the adoption of an
ordinance to amend the Solid Waste Ordinance. Such ordinance could be crafted by City Staff and brought to City Council at a future meeting for consideration. With respect to the point of order raised by Councilman Andrew S. Friedberg, City Attorney Petrov agreed that the agenda item, as stated, was limited to delaying implementation of the Solid Waste Ordinance. City Attorney Petrov suggested that a specific agenda item related to the opt out provision be placed on a future agenda for consideration.

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

Community interest items from the Mayor and City Council included congratulations to the City’s retirees, Roberta Murray, Chris Magisano, and Randy Mack, and to Beckey Eppler, who was leaving the City to get married; congratulations to the Bellaire Little League on their recent successful opening ceremony; an expression of thanks to citizens for their participation in the meeting and to the Bellaire Recycling Committee and Recycles Fest sponsors for their contributions to the City; an expression of sympathies and support to other communities ravaged by recent weather-related events; and reminders of upcoming events, such as Tents in Town (March 24th), Trolley Run (March 31st) and Bellaire Mens Club Scholarship & Awards Gala (April 14th).

Items for future agendas included consideration of an amendment to the Solid Waste Ordinance to reinstate the provision allowing residents over the age of 65 and disabled to opt out of the curbside recycling program (Councilman James P. Avioli, Sr.); consideration of the safety issue mentioned earlier in the evening regarding an obstruction in the public right-of-way at the intersection of Magnolia Street and Newcastle Drive (Councilman Corbett Daniel Parker); and consideration of a letter or other type of communication to the City of Houston requesting action that would address a portion of South Rice Avenue within the Houston city limits that had become a safety concern (Councilman Corbett Daniel Parker).

J. ADJOURNMENT.

COUNCIL MOTION/ACTION:

Councilman Pat B. McLaughlan moved to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:31 p.m. on Monday, March 5, 2012. Councilman James P. Avioli, Sr., 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

Respectfully submitted,

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

Approved:

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Philip L. Nauert, Mayor
City of Bellaire, Texas