CITY COUNCIL MEETING MINUTES
MONDAY, MARCH 19, 2012

The City Council of the City of Bellaire, Texas, met in Regular Session on Monday, March 19, 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 7:01 p.m. on Monday, March 19, 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 — Mayor Pro Tem Amanda B. Nathan.

Mayor Pro Tem Amanda B. Nathan provided the inspirational reading for the evening.

C. PLEDGES TO THE FLAGS — Mayor Pro Tem Amanda B. Nathan.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

Mayor Pro Tem Amanda B. Nathan 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:

There were no proclamations issued during the March 19, 2012, Regular Session.

Mayor Philip L. Nauert requested City Council’s consideration in moving an item of business up to this point in the meeting (i.e., item G.2.a.). After noting no objections from members of City Council, item G.2.a. was considered.
G. NEW BUSINESS:

2. ADOPTION OF ORDINANCES:

   a. CONSIDERATION of and possible action on the adoption
      of an ordinance of the City Council of the City of Bellaire,
      Texas, appointing Jerel S. Twyman as Associate Judge
      for the Municipal Court of the City of Bellaire, Texas, for
      a two-year term commencing on the 1st day of April,
      2012, and expiring on the 31st day of March, 2014 — Item
      submitted by City Clerk Tracy L. Dutton on behalf of the
      Bellaire City Council.

CITY COUNCIL MOTION/ACTION:

Councilman Andrew S. Friedberg moved to adopt an
ordinance of the City Council of the City of Bellaire, Texas, 
appointing Jerel S. Twyman as Associate Judge for the
Municipal Court of the City of Bellaire, Texas, for a two-year 
term commencing on the 1st day of April, 2012, and expiring on the 31st day of March, 2014. 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: 12-011}

At this point in the meeting, the Bellaire City Council returned to the next item on the agenda, E., and considered the remainder of the items in the order in which the agenda was written.

E. PERSONAL/AUDIENCE COMMENTS.

Jane L. Dembski, Director of the Bellaire Parks and Recreation Department, addressed City Council and took an opportunity to recognize members of her staff for their achievement of the 2012 TRAPS (Texas Recreation and Park Society) Lone Star Recreation Programming Achievement Award. This award was given to Bellaire for the October Halloween program event known as The Great Pumpkin Hunt, which was masterminded by
Recreation Superintendent Cheryl Bright-West. Superintendent Cheryl Bright-West was assisted in the planning, organizing, and handling of the event by the Recreation "Special Event Team" of Kevin Browne, Valerie Langdon, and Brandon Thigpen.

**Michael Fife, 20 Town Oaks Place, Bellaire, Texas,** addressed City Council in support of Helen Bohnn, who was on the evening's agenda due to some plantings in the City's easement or right-of-way at the intersection of Magnolia Street and Newcastle Drive. Ms. Fife noted that the Town Oaks Place development had planted shade trees, benches, and plants on the City's right-of-way and were often thanked by residents using the Newcastle trail for providing an oasis for them to rest in during their walks or jogs. She closed by referring to the many benefits that trees and plants provided to a community and suggested that the City encourage its residents to beautify the City's easements.

**Bylan Shively, 4 Town Oaks Place, Bellaire, Texas,** addressed City Council in support of Helen Bohnn, who had taken a civic attitude toward her property and with her own time, effort, and money had created a beautiful oasis. Ms. Shively urged the City Council to encourage, honor, and support those residents who had made an effort to beautify the City.

**Helen Bohnn, 4501 Magnolia Street, Bellaire, Texas,** addressed City Council and stated that she had done everything the City had asked her to do to alleviate any safety issues as a result of her plantings at the intersection of Magnolia Street and Newcastle Drive. She had offered to prune additional branches so that the issue on City Council's agenda this evening could come to an end.

Ms. Bohnn indicated that she believed that the City Council should be able to listen to its own City employees who had deemed the intersection satisfactory and had no further requests for additional pruning. She stated that this was not really a City Council issue.

Ms. Bohnn cited many benefits provided by trees to the environment, to the neighborhood quality of life, and to the value of residents' property. She noted that the trees in question were seven magnolia trees that were native to the area. Ms. Bohnn indicated that these trees would stand no chance in being successfully moved elsewhere as the trees were large and easily stressed and would not do well if transplanted.

She also referred to her survey petition of residents in the area and noted that most residents were very supportive of the trees and plantings along Newcastle Drive.

Before Ms. Bohnn planted her trees in March of 2009, she had spoken with AT&T, as well as the City of Bellaire, about them.
Dr. Byron Bohnn, 4501 Magnolia Street, Bellaire, Texas, addressed City Council in support of the plantings and advised that he had taught two of his daughters to drive in the last year and one-half and neither of them had problems with visibility at the intersection of Magnolia Street and Newcastle Drive. He used the intersection frequently each day and had no visibility issues as well.

Meghan Hager, 4501 Magnolia Street, Bellaire, Texas, addressed City Council in support of the plantings at the intersection of Magnolia Street and Newcastle Drive. She indicated that she had recently learned to drive at driving school and with her father and never had problems with visibility at the referenced intersection.

Hana Ginzberg, 4520 Oleander Street, Bellaire, Texas, addressed City Council and read an introduction to the West University Place tree ordinance. She indicated that the Bellaire tree ordinance was modeled after the West University Place tree ordinance, however, it was not nearly as thorough.

Ms. Ginzberg spoke in support of trees and cited many benefits that could be attributed to trees, such as the absorption of air pollutants, reduction of utility bills, and flood control.

In closing, Ms. Ginzberg recommended that the City appoint a committee to study the West University Place tree ordinance and make recommendations on how to improve Bellaire’s tree ordinance in order to measure up to the standards of West University Place. She suggested that Bellaire residents Andrea Blitzer and Leora Nowitz be appointed to the committee.

Daphne Scarbrough, 2016 Richmond Avenue, Houston, Texas, addressed City Council in support of Helen Bohnn’s magnolia trees. She urged City Council to encourage the citizens of Bellaire to plant more trees along the City’s walkways.

Ms. Scarbrough noted that Ms. Bohnn did not arbitrarily plant her trees—she went through the system and got permission to plant the trees.

In closing, Ms. Scarbrough asked City Council to be considerate of the trees.

Nicola Morgan, 4420 Jonathan Street, Bellaire, Texas, addressed City Council in support of Helen Bohnn’s magnolia trees. She indicated that she loved the greenery and felt that it really enhanced the value of Newcastle Drive. As a pedestrian and a driver, she never had a problem with Ms. Bohnn’s trees—either before or after the trees had been trimmed.

Ailie Morgan, 4420 Jonathan Street, Bellaire, Texas, addressed City Council and noted that, as a student driver, she had never had any problems with visibility at the intersection of Magnolia Street and Newcastle Drive. In closing, Ms. Morgan indicated that having a native species in the area, such
as Ms. Bohnn’s magnolia trees, was extremely important to the landscapes. She urged City Council to support Ms. Bohnn’s magnolia trees.

Kevin Topek, 4407 Jane Street, Bellaire, Texas, addressed City Council and indicated that he planted trees every day for a living. He indicated that Ms. Bohnn’s plantings were more popularly known as a “cityscape” (i.e., a space between sidewalks and streets). Cityscapes should be encouraged for a variety of reasons—as a means to show off native plantings, as a reduction in noise and pollution, and as a habitat for insects.

Mr. Topek stated that Ms. Bohnn’s plantings did not personally cause a visibility problem for him at the intersection of Magnolia Street and Newcastle Drive.

In closing, Mr. Topek noted that each of Ms. Bohnn’s trees were worth approximately $25,000 and were slightly difficult to move. An estimated cost to move the trees was cited by Mr. Topek at $9,000 per tree. He urged City Council to look favorably on Ms. Bohnn’s cityscape.

Hazel Donato, 4527 Magnolia Street, Bellaire, Texas, addressed City Council and noted that she was in favor of cityscapes and the planting of trees. She indicated that as one of the residents that brought this issue to the table, her main issue was that the trees in question created an obstruction at the intersection of Magnolia Street and Newcastle Drive.

Ms. Donato did not know how long it took a southern magnolia tree to grow—her concern was that the trees would grow to a diameter that would create a problem in moving them. It was her position that the trees could be moved now and saved rather than waiting 10-20 years when the trees might be too large to be moved.

In closing, Ms. Donato indicated that she meant no offense to her neighbors or City Council and that she greatly appreciated City Council taking the time to look into the issue.

Dennis Brown, 4520 Magnolia Street, Bellaire, Texas, addressed City Council regarding two issues. One issue was related to a trash exemption for senior citizens. He indicated that over the years he had represented senior citizens on a fixed income, and many times every dollar made the difference between buying medicines and food. He supported the initiative to allow the exemption and hoped City Council would consider such an exemption for the disabled and senior citizens living on social security checks.

Secondly, Mr. Brown advised that he was present to talk about the tree situation at the intersection of Magnolia Street and Newcastle Drive. He indicated that he was a big supporter of trees and had landscaped his lot himself. His only concern was safety. If a person stopped at the stop sign on
Magnolia Street, that person could not see any oncoming traffic or pedestrians to the right.

Mr. Brown had personally observed two incidents over the past summer that alarmed him at the referenced intersection. One incident involved a near collision of a vehicle and a cyclist and the other involved a near collision of a vehicle and a pedestrian. Mr. Brown noted that Ms. Bohn had done a great job in landscaping the area, but he urged City Council to consider trimming the bushes and trees a little more at the intersection.

Ronny Burns, 4439 Jim West Street, Bellaire, Texas, addressed City Council and expressed a concern that plantings by others in City easements could escalate further than it already had in Ms. Bohn’s situation.

Mr. Burns stated that he hoped that the City of Bellaire was using someone with expertise and no interest to either party to determine if there was a safety concern. Should it be determined that there was a safety concern then, by all means, the trees should be removed and relocated. Should it be determined that there was not a safety concern and the City of Bellaire was forced to remove or relocate the trees because of Section 22-1 of the City of Bellaire’s Code, then the City would be setting a precedent to have any tree removed that was in the public right-of-way in Bellaire.

The City’s Code had not been enforced in the past. Mr. Burns referred to a cedar tree in the public right-of-way at his home that had probably been there for 50+ years. Additionally, he had planted many other things in the City’s right-of-ways along his property.

Mr. Burns indicated that it would be a shame for the City to remove trees and any other plantings in the City rights-of-way because of Section 22-1 of the City Code.

Jay Moffitt, 4516 Magnolia Street, Bellaire, Texas, addressed City Council and indicated that he supported the planting of trees in Bellaire, but not the referenced trees in their current position. Mr. Moffitt referred to a PowerPoint presentation that he had brought with him depicting the obstruction. He indicated that the issue was strictly one of safety for northbound traffic, both vehicular and pedestrian.

Randy Donato, 4527 Magnolia Street, Bellaire, Texas, addressed City Council and noted that 100% of the residents in Bellaire loved trees. The issue was related to the location of the trees in question. The real question was if the trees, as in existence now or later, presented a safety hazard.

The United Stated Department of Transportation addressed what a vision triangle was and what the line of sight should be for residential areas. Mr. Donato suggested that the City probably had a traffic engineer that was
familiar with the guidelines, rules, and regulations related to safety and visibility at intersections.

Mr. Donato closed and noted that he had defended lawsuits involving visual obstructions that were significantly less than the visual obstruction that the referenced trees presented. If an accident were to happen, the issue could be raised. The proper way to handle the issue would be to hire a safety engineer with the necessary credentials to review the guidelines and make a determination with respect to the trees.

**Dr. Johnnie Frazier, 4721 Jessamine Street, Bellaire, Texas,** addressed City Council and advised that she wished to speak to the solid waste-curbside recycling ordinance requirement of a four-bag limit. Dr. Frazier indicated that she was not in favor of not allowing a public hearing of the solid waste bag rule.

The four-bag solid waste rule might physically and financially impact some Bellaire citizens. Dr. Frazier cited examples of events or times when a four-bag limit would not be enough, such as a hurricane, tropical storm, and unintentional home disasters. Dr. Frazier asked City Council to consider such events as a real cause to reconsider an exception or suspension of the ordinance.

Additionally, the new solid waste ordinance did not allow exceptions for spring cleaning and exterior landscaping, holidays, or special events. Residents would be penalized financially for such events. Dr. Frazier suggested allowing residents to petition the City for special events.

Dr. Frazier next referred to the “label” system whereby a “label” was required to be affixed to a bag—facing the street. Labels were subject to weather conditions (i.e., peeling off, coming off, or washing off). She suggested using a colored bag, such as red, to differentiate between regular solid waste (four bags) and additional solid waste. The fee structure of $1.00 per label might also present a hardship for some citizens. Dr. Frazier suggested rethinking the fee structure for all citizens, such as two labels for $1.00.

When ordinances were put in place without an open government forum, the City government put itself at a disadvantage of second guessing citizens and time spent revisiting the issue for revisions.

In closing, Dr. Frazier commended Director Jane Dembski and the Parks and Recreation Department on their recent award for The Great Pumpkin Hunt. She noted that The Nature Discovery Center also had a pumpkin patch and encouraged the Parks and Recreation Department to get together with The Nature Discovery Center and work in concert for the benefit of all citizens.

**Lynn McBee, 5314 Evergreen Street, Bellaire, Texas,** addressed City Council and advised that she wished to discuss five items this evening. First,
the new addition to Paseo Park, a clock from the Rotary Club, was not well suited for decoration, in her opinion, and she hoped it would be changed.

Secondly, Ms. McBee congratulated Community Development Inspector Phil Bullington for his recent recognition as “Employee of the Quarter.” She noted that Mr. Bullington worked very hard.

With respect to the curbside recycling program, Ms. McBee indicated that she was in favor of the humane exception proposed this evening for the disabled and citizens over the age of 65. She stated that the City needed to consider those who were physically unable to do things—such as get their bins to the curb. She urged City Council to pass the proposal.

With respect to the trees, there was no clear-cut definition as to what a public right-of-way/easement was, such as who owned them, what could be done with them, etc., and the City had never educated its citizens on what the public rights-of-way and easements were. Because there were no regulations governing tree plantings, trees had been planted all over town.

Ms. McBee drove to and “tested” the intersection of Magnolia Street and Newcastle Drive. She looked both ways and could see fine—both northbound and southbound. She saw no merit to the argument by the nine petitioners who opposed the trees and applauded those who came out and spoke to their belief and interest in the kind of City everyone wanted.

Ms. McBee requested public recognition of each of the employees who were leaving in the next week or two. She personally thanked each of those hardworking employees for their service to the City.

Leora Nowitz, 4516 Teas Street, Bellaire, Texas, addressed City Council and indicated that she had never even noticed that there might be a problem nor had she heard any complaints regarding the intersection of Magnolia Street and Newcastle Drive.

In Ms. Nowitz’s opinion, Ms. Bohnn’s plantings in front of her home should be a model for the rest of Bellaire. She hoped there would be ever-increasing plantings of trees in Bellaire just as there had been in West University Place and Memorial.

Mayor Philip L. Nauert read the following written comment into the record:

Richard Franke, 1104 Howard Lane, Bellaire, Texas:

Item G2b: This senior citizen has long admired Mr. Avioli for his businesslike approach and candor when addressing issues confronting Council. However, I strongly disagree with his proposal to amend Chapter 16 to exempt taxpayers of the age 65 and over from recycling fees. I can see little, if any, reason why a senior citizen cannot and should not recycle waste like all other
taxpayers. The annual recycling fee of $30 per property is small but will aggregate substantial amounts annually in years to come that will prevent shifting more burden to other taxpayers. Senior citizens represent a huge block of voters and the political sensitivity of the issue is understood but it is time for elected officials to stop granting tax and fee preferences for that group. That block of voters enjoys and, in some cases, has enjoyed financial preferences for 50 years or more. We all are subject to an exceptionally low tax rate of $.3999 per $100 valuation, which is much lower than Houston. In addition to the Homestead Exemption, senior citizens receive the generous $136,000 Bellaire senior property tax exemption. Although a gallon of water is a gallon of water, those in what are considered small homes receive preferential water rates. We are all familiar with the economic hardships of the post World War II era and the low or minimally adequate standards employed by Bellaire in constructing street, drainage, sewage and water service infrastructure and many facilities, including City Hall. However, as those capital assets deteriorated, reconstruction and repair was deferred to future taxpayers resulting in minimal taxes for many years. It has taken 60 years for the City of Bellaire to step up to the plate and address the sad conditions on Baldwin Avenue and Southdale. The City of Bellaire is confronted with approximately $180 million of residential infrastructure work and major thoroughfare maintenance and facility replacement and maintenance which require detailed assessment in the capital budget. It is time to draw the line on tax preferences.

Item H1: Elected officials and Staff are respectively reminded that several large palm trees on the northeast corner of Mulberry and Bellaire Boulevard have long presented a serious traffic hazard at that intersection and should have been removed years ago. Please investigate that matter and arrange for corrective action on a future agenda.

Item H2: Council and staff have listed commendable objectives but the advanced deterioration of many streets warrants an accelerated response to reassessment of street-related infrastructure needs. Earlier reports by HDR Claunch and Miller that it will take Bellaire 35 years to reconstruct what has long been assessed as severely deteriorated residential infrastructure. The 1000-1200 blocks are beyond rehabilitation, as explained by a prominent civil engineer in that area. Howard Lane is almost as bad. Nancy and Glenmont serve over 50 homes drainage but that has not been corrected by Public Works study. The sub-base of many streets is failing. Mulberry between Bellaire and Bissonnet is another example. It is time to put all the hands and cards on top of the table.

F. REPORTS:

1. CITY MANAGER'S REPORT regarding residential safety (police activity report), public infrastructure/utilities (major projects update, entry plaza update, South Rice pedestrian hybrid beacon/education process, and Rotary clock on Paseo Park
esplanade), cultural and recreational (Tents in Town and Trolley Run), employees (Employee of the Quarter – Phil Bullington, Community Development Department), 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 19, 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:

Mayor Pro Tem Amanda B. Nathan moved to accept the City Manager’s Report dated March 19, 2012, as presented by City Manager Bernard M. Satterwhite, Jr., into the record. 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

2. FINANCE REPORT for the City of Bellaire, Texas, covering the period ended February 29, 2012, and including discussion of revenues and expenditures in the General Fund, Enterprise Fund, Debt Service Fund, Vehicle Equipment, and Technology Fund, And Capital Improvement Program Fund, as well as discussion of statistical data and a recycling cost analysis – Presented by Chief Financial Officer Linda Symank.

Chief Financial Officer Linda Symank presented the Finance Report for the period ended February 29, 2012, and a recycling cost analysis to members of City Council. Following questions from City Council of Chief Financial Officer Symank regarding her report and analysis, the motion and action set forth below was taken.
CITY COUNCIL MOTION/ACTION:

Councilman James P. Avioli, Sr., moved to accept the Finance Report for the period ended February 29, 2012, as well as a recycling cost analysis, as presented by Chief Financial Officer Linda Symank, into the record. 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

G. NEW BUSINESS:

1. CONSENT AGENDA:

APPROVAL OR 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 March 5, 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 19, 2012, consisting of the adoption of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on March 5, 2012. 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
2. ADOPTION OF ORDINANCES:

a. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing Jerel S. Twyman as Associate Judge for the Municipal Court of the City of Bellaire, Texas, for a two-year term commencing on the 1st day of April, 2012, and expiring on the 31st day of March, 2014 – Item submitted by City Clerk Tracy L. Dutton on behalf of the Bellaire City Council.

Note: This agenda item was considered earlier in the evening. See page 2 of these minutes for related discussion and action.

b. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 16, Solid Waste, Article III, Curbside Recycling, Section 16-32, Curbside recycling collection fee, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of adding a new subsection (d) to said section to allow residents over the age of 65 or disabled to opt out of the curbside recycling program – Item submitted by City Clerk Tracy L. Dutton on behalf of Councilman James P. Avioli, Sr.

CITY COUNCIL MOTION:

Councilman James P. Avioli, Sr., moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 16, Solid Waste, Article III, Curbside Recycling, Section 16-32, Curbside recycling collection fee, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of adding a new subsection (d) to read as follows:

(d) Any resident who is over the age of 65 or 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 seconded the motion for purposes of discussion.

Following discussion, Councilman Pat B. McLaughlan offered an amendment to the motion.
CITY COUNCIL AMENDMENT (NO. 1) TO MOTION:

Councilman Pat B. McLaughlan moved to amend the motion to state that the disabled status and age status of residents that wish to be exempted be determined and verified by the existing Harris County Appraisal District requirements. The amendment failed due to the lack of a second.

Following discussion, Councilman Roman F. Reed requested that the motion be split into two motions allowing for separate consideration of the disabled exemption and the over age 65 exemption. Councilman Andrew S. Friedberg offered a friendly amendment to remove the phrase "over the age of 65 or" and agreed to second if his amendment was considered. Councilman Roman F. Reed accepted the friendly amendment, which has been restated below.

CITY COUNCIL AMENDMENT (NO. 2) TO MOTION:

Councilman Roman F. Reed moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 16, Solid Waste, Article III, Curbside Recycling, Section 16-32, Curbside recycling collection fee, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of adding a new subsection (d) to read as follows:

(d) 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 Andrew S. Friedberg seconded the motion.

Following discussion related to the amendment, Councilman Roman F. Reed called the question.

CITY COUNCIL MOTION TO CALL THE QUESTION:

Councilman Roman F. Reed moved to call the question. 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
Mayor Philip L. Nauert called for a vote on the amendment (no. 2) to the motion, which would allow for an exemption from the curbside recycling program by disabled residents. The motion carried on a 5-2 vote as follows:

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

OPPOSED: Mayor Philip L. Nauert and Councilman James P. Avioli, Sr.

Following further discussion, Mayor Philip L. Nauert called for a vote on the motion, as amended:

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

OPPOSED: Councilmen James P. Avioli, Sr.,* and Pat B. McLaughlan

ABSENT: None

*Councilman Avioli indicated that his vote to oppose the motion, as amended, was based on his strong belief that the motion should have included senior citizens age 65 and older.

{Ordinance was subsequently numbered: 12-012}

c. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, granting to CenterPoint Energy Houston Electric, LLC ("CenterPoint"), a ten (10) foot wide easement, together with aerial easements ten (10) feet wide, for the installation of electric distribution and communication facilities necessary and required by CenterPoint to provide new electrical service to the Bellaire Wastewater Treatment Plant (WWTP), located at
4401 Edith Street, Bellaire, Texas, and to a new generator to be installed at said WWTP, including authorization for the Mayor of the City of Bellaire, Texas, to execute an Easement document granting the referenced easements to CenterPoint, for and on behalf of the City of Bellaire, Texas – Item submitted by City Clerk Tracy L. Dutton on behalf of Director of Public Works Joe Keene.

CITY COUNCIL MOTION/ACTION:

Councilman Pat McLaughlan moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, granting to CenterPoint Energy Houston Electric, LLC ("CenterPoint"), a ten (10) foot wide easement, together with aerial easements ten (10) feet wide, for the installation of electric distribution and communication facilities necessary and required by CenterPoint to provide new electrical service to the Bellaire Wastewater Treatment Plant (WWTP), located at 4401 Edith Street, Bellaire, Texas, and to a new generator to be installed at said WWTP, as well as authorization for the Mayor of the City of Bellaire, Texas, to execute an Easement document granting the referenced easements to CenterPoint, for and on behalf of the City of Bellaire, Texas. 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

{Ordinance was subsequently numbered: 12-013}

H. ITEMS FOR INDIVIDUAL CONSIDERATION:

1. CONSIDERATION of and possible action on a request from concerned homeowners residing in the 4500 block of Magnolia Street, Bellaire, Texas, for action by the City Council of the City of Bellaire, Texas, that would result in the removal or relocation or additional trimming of four magnolia trees currently planted in a City right-of-way and allegedly
obstructing the view of pedestrian and vehicular traffic at or near the intersection of Magnolia Street and Newcastle Drive – Item submitted by City Clerk Tracy L. Dutton on behalf of Councilman Corbett Daniel Parker.

CITY COUNCIL MOTION/ACTION:

Councilman Corbett Daniel Parker moved to maintain the status quo for discussion purposes. Mayor Pro Tem Amanda B. Nathan seconded the motion. Following discussion of the request and motion, action was taken on the motion, 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

2. CONSIDERATION of and possible action on the adoption of Priorities for the City Council of the City of Bellaire, Texas, for the period 2012-2014 – Item submitted by Assistant City Manager Diane K. White on behalf of Mayor Philip L. Nauert.

CITY COUNCIL MOTION/ACTION:

Councilman Roman F. Reed moved to adopt Priorities for the City Council of the City of Bellaire, Texas, for the period 2012-2014, as presented in a document provided by Assistant City Manager Diane K. White and based on City Council discussion from two City Council Workshop Sessions held on the matter. 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
ITEMS FOR FUTURE AGENDAS; COMMUNITY INTEREST ITEMS FROM THE MAYOR AND CITY COUNCIL.

Community interest items from the Mayor and City Council included reminders of upcoming events, such as Tents in Town on March 24, 2012, the Trolley Run on March 31, 2012, and the Friends of the Bellaire Library Book Sale in partnership with the Bellaire Mens Club and the Bellaire High School National Honor Society on March 24, 2012; reminder to watch the Deborah Duncan Show on Wednesday, March 21, 2012, at 9:00 a.m. to see Randy McKinney, founder of the Bellaire Mens Club, discuss the history of the club, as well as to promote events to be held in Bellaire; thanks to the Bellaire/Southwest Houston Rotary Club for their donation of a landmark four-faced clock installed in Paseo Park; thanks to members of City Council for their support of the curbside recycling program exemption for the disabled; an apology to the senior citizens by Councilman Avioli for his inability to get support for an exemption for those age 65 or older from the curbside recycling program; and recognition of a new business in Bellaire—the Bellaire ER Center on Bellaire Boulevard.

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 10:18 p.m. on Monday, March 19, 2012. 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

Respectfully submitted,

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

Minutes of Meeting
March 19, 2012

Approved:

[Signature]

Philip L. Nauert, Mayor
City of Bellaire, Texas