The City Council of the City of Bellaire, Texas, met in Special Session (Public Hearing) on Monday, July 16, 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 – Mayor Philip L. Nauert.

Mayor Pro Tem Amanda B. Nathan called the City Council of the City of Bellaire, Texas, to order at 6:03 pm. on Monday, July 16, 2012.

B. ANNOUNCEMENT OF A QUORUM – Mayor Philip L. Nauert.

Mayor Pro Tem Amanda B. Nathan announced that a quorum was present consisting of herself and the following members of the Bellaire City Council: Councilmen Roman F. Reed, James P. Avioli, Sr., Pat B. McLaughlan and Andrew S. Friedberg. Also present were Assistant City Manager Diane K. White, City Attorney Alan P. Petrov and City Clerk Tracy L. Dutton.

Mayor Philip L. Nauert and City Manager Bernard M. Satterwhite, Jr., were absent. Councilman Corbett Daniel Parker arrived at 6:04 p.m.

C. NOTICE OF PUBLIC HEARING – City Clerk Tracy L. Dutton.

City Clerk Tracy L. Dutton read the Notice of Public Hearing ("notice") into the record. She advised that notices were mailed to all property owners abutting the 25’ X 175’ alley located between Lots 20 and 21, Block 15, Town of Bellaire, a subdivision in Harris County, Texas, also known as 4908 and 4912 Bellaire Boulevard, Bellaire, Texas. Bellaire property owners of record that were mailed notices included: Atul Raj (Petitioner), 4908 Bellaire Boulevard; Vernon D. and Phyllis Williams (Petitioners), 4912 Bellaire Boulevard; Igor and Gisela Cherches, owners of 4911 Cedar Street residing at 4501 Verone Street; Resident, 4911 Cedar Street; and Gerald D. and Aline C. Riddle, 4913 Cedar Street.

City Clerk Dutton advised that the notice was mailed to the referenced petitioners, property owners, and/or residents on Tuesday, June 26, 2012. The notice was also published in the legal notices section of the Southwest News, posted on the City’s official bulletin board and published on the City’s website on June 26, 2012.
D. SUMMARY OF PROCEDURE – City Manager Bernard M. Satterwhite, Jr.

Assistant City Manager Diane K. White summarized the public hearing procedure for the evening.

E. PRESENTATION regarding a petition for the abandonment by the City of Bellaire, Texas, and subsequent purchase by Petitioners Phyllis Williams and Atul Raj of the existing City easement rights encumbering the 25 foot by 175 foot alley located between Lots 20 and 21, Block 15, Town of Bellaire, a subdivision in Harris County, Texas, also known as 4908 and 4912 Bellaire Boulevard, Bellaire, Texas – Item submitted by Director of Community Development John McDonald on behalf of Petitioners Phyllis Williams and Atul Raj; Presentation by Petitioners and Community Development Director John McDonald.

Director John McDonald addressed City Council regarding a petition requesting the abandonment of the alley located between 4908 and 4912 Bellaire Boulevard, Bellaire, Texas. The petition was requested in accordance with Chapter 27, Streets, Sidewalks and Public Places ("Chapter 27"), Article VI, Sale and Abandonment of Public Property, of the Code of Ordinances of the City of Bellaire, Texas ("Code").

Director McDonald referred City Council to a report included in their agenda packet. He indicated that the petition was initiated by Vernon D. and Phyllis Williams at 4912 Bellaire Boulevard and later joined by Atul Raj at 4908 Bellaire Boulevard. An appraisal was performed as required by Chapter 27 of the Code which showed a base value of $22.00 per square foot. Additionally, the appraiser recommended a 25% discount for marketability; therefore, the price recommended for the alley was $72,188 or $36,094 per petitioner.

The Bellaire Public Works Department reviewed the petition and Director of Public Works Joe Keene had no objection to the abandonment of the requested alley, as the City had no facilities located within that alley. Director McDonald indicated further that there were no current easements for other utility companies located in the alley.

In closing, Director McDonald advised that both petitioners were present and available to answer any questions that City Council might have for them.

F. RECOGNITION OF CITIZENS AND/OR OTHER INTERESTED PARTIES – Philip L. Nauert.

Mayor Pro Tem Amanda B. Nathan recognized citizens and other interested parties who wished to address City Council.

Phyllis Williams, 4912 Bellaire Boulevard, Bellaire, Texas, addressed City Council regarding her request for the abandonment of the referenced alley. She indicated that she and her husband had owned their property since approximately 1991. She and her husband had resided in and out of the country, but were ready to return and reside in Bellaire permanently.
Ms. Williams indicated that she and her husband were going to improve their property and the method in which the improvements would occur depended greatly on their ability to acquire the easement. She indicated that she and her husband could not access the rear of their property without the easement. If they were able to acquire the easement at a reasonable price, then it would make their decision easier with respect to either rehabilitation or new construction. Even if the decision were for new construction, Ms. Williams indicated that the easement became extraordinarily important to them in terms of coming in and out of the property.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas, addressed City Council and indicated that she had reviewed the agenda packet and had no question or quarrel regarding the appraisal and supported the petition for abandonment.

G. QUESTIONS FROM MAYOR AND MEMBERS OF CITY COUNCIL — Mayor Philip L. Nauert.

Mayor Pro Tem Amanda B. Nathan called upon members of City Council with questions of City Staff or the petitioners regarding the petition for the abandonment of the alley located between 4908 and 4912 Bellaire Boulevard, Bellaire, Texas.

Questions ensued between members of City Council and City Staff regarding the timing of the appraisal, as well as whether or not a marketability discount might be warranted. All members indicated their desire to ask questions of the third-party appraiser of the property, Waldo S. Luedemann. Director McDonald indicated that he would ensure that Mr. Luedemann attended the August 6, 2012, meeting of City Council for deliberation related to the possible abandonment and sale of the referenced easement (alley).

Mayor Pro Tem Nathan additionally requested a schedule or history detailing other residential rights-of-way and easements and assessments made for those properties.

H. CLOSE OF THE PUBLIC HEARING — Mayor Philip L. Nauert.

Mayor Pro Tem Amanda B. Nathan closed the public hearing before the City Council of the City of Bellaire, Texas, at 6:20 p.m. on Monday, July 16, 2012. Mayor Pro Tem Nathan advised that oral comment would not be received following the close of the public hearing. Written comments, however, could be submitted to the Bellaire City Council in care of the City Clerk until final deliberation on the matter. It was anticipated that final deliberation would occur on August 6, 2012, therefore, written comments must be submitted to the City Clerk by noon on Thursday, July 26, 2012.
I. ADJOURNMENT.

Mayor Pro Tem Amanda B. Nathan advised that the City Council of the City of Bellaire, Texas, was adjourned at 6:20 p.m. on Monday, July 16, 2012.

Respectfully submitted,

[Signature]

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

Approved:

[Signature]

Amanda B. Nathan
Mayor Pro Tem
City of Bellaire, Texas