CITY COUNCIL MEETING MINUTES
MONDAY, SEPTEMBER 17, 2012

The City Council of the City of Bellaire, Texas, met in Regular Session on Monday, September 17, 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 Philip L. Nauert called the City Council of the City of Bellaire, Texas, to order at 7:08 p.m. on Monday, September 17, 2012.

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

Mayor Philip L. Nauert announced that a quorum was present consisting of himself and the following members of City Council: Mayor Pro Tem Amanda B. Nathan and Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker and Pat B. McLaughlan. Also present were City Manager Bernard M. Satterwhite, Jr., City Attorney Alan P. Petrov and City Clerk Tracy L. Dutton.

Councilman Andrew S. Friedberg was absent for religious observance of the Rosh Hashanah holiday.

C. INSPIRATIONAL READING AND/OR INVOCATION – Councilman Pat B. McLaughlan.

Councilman Pat B. McLaughlan provided the inspirational reading for the evening.

D. PLEDGES TO THE FLAGS – Councilman Pat B. McLaughlan.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

Councilman Pat B. McLaughlan led the audience and members of the City Council in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.
E. APPROVAL OR CORRECTION OF MINUTES:

1. CONSIDERATION of and possible action on the approval of the minutes of the Special Session (Budget) of the City Council of the City of Bellaire, Texas, held on Tuesday, August 21, 2012 – Item submitted by City Clerk Tracy L. Dutton.

CITY COUNCIL MAIN MOTION:

Mayor Pro Tem Amanda B. Nathan moved to approve the minutes of the Special Session (Budget) of the City Council of the City of Bellaire, Texas, held on Tuesday, August 21, 2012. Councilman Corbett Daniel Parker seconded the motion.

CITY COUNCIL AMENDMENT TO THE MAIN MOTION:

Mayor Pro Tem Amanda B. Nathan moved to amend the minutes dated August 21, 2012, by replacing the phrase “at least four bags” with the phrase “four bags or fewer” on page 2, line 56. Councilman Corbett Daniel Parker seconded the amendment.

CITY COUNCIL ACTION ON AMENDMENT TO THE MAIN MOTION:

The amendment to the main motion carried unanimously on a 6-0 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 and Pat B. McLaughian

OPPOSED: None

ABSENT: Councilman Andrew S. Friedberg*

*See agenda item B. for statement of reason for absence.

CITY COUNCIL ACTION ON MAIN MOTION, AS AMENDED:

The main motion, as amended, carried unanimously on a 6-0 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 and Pat B. McLaughian
OPPOSED: None

ABSENT: Councilman Andrew S. Friedberg*

*See agenda item B. for statement of reason for absence.

2. CONSIDERATION of and possible action on the approval of the minutes of the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, held on Monday, September 10, 2012 – Item submitted by City Clerk Tracy L. Dutton.

CITY COUNCIL MAIN MOTION/ACTION:

Councilman Corbett Daniel Parker moved to approve the minutes of the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, held on Monday, September 10, 2012. Mayor Pro Tem Amanda B. Nathan seconded the motion.

The main motion carried unanimously on a 6-0 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 and Pat B. McLaughlan

OPPOSED: None

ABSENT: Councilman Andrew S. Friedberg*

*See agenda item B. for statement of reason for absence.

Councilman Corbett Daniel Parker requested that the agenda order be changed to allow item G3 to be considered at this point in the meeting. After noting no objections from members of City Council, Mayor Philip L. Nauert advised that agenda item G3 would be considered.

G. REPORT(S):

3. PRESENTATION regarding the Houston Independent School District (HISD) Board of Education’s recommended bond proposal of $1.89 billion, a large portion of which ($1.64 billion) would provide for major construction projects at 38 schools, including Bellaire High School, as well as needed projects across the district ($252 million) – Presented by
Michael L. Lunceford, District V Trustee and President, HISD Board of Education.

Michael L. Lunceford, District V Trustee and President, HISD Board of Education, 4304 Jim West Street, Bellaire, Texas, advised that HISD was looking at the replacement of 20 campuses, one of which would be Bellaire High School. The average age of the high schools in HISD were noted to be 50 years old. Trustee Lunceford cited numerous problems with the campuses from structural foundations to air conditioning. HISD was also looking at resizing many of the campuses and renovations were proposed for four high schools.

Trustee Lunceford referred to the HISD tax rate, noting that the rate contained two components—the maintenance and operations rate and the debt service rate. The current maintenance and operations rate for HISD was $1.0067, and the debt service rate was $0.15. With the proposed $1.89 billion bond issuance, the debt service rate would increase by approximately 4-1/2 cents spread over a five-year period.

Two other area Bellaire schools to be addressed were Gordon Elementary School ("Gordon") and Condit Elementary School ("Condit"). Gordon was scheduled for replacement. Trustee Lunceford advised that Mandarin Chinese students were currently using the Gordon campus and that HISD would like for Gordon to become a K-8 school. Trustee Lunceford indicated that he was not certain that the campus would be large enough to fulfill that goal.

Condit was being considered for replacement using bond revenues left from the 2007 bond issuance (i.e., savings from completed bond projects) and land sales. The replacement facility cost for Condit was estimated to be $24 million. The Bellaire High School replacement facility cost was estimated to be $106 million.

In closing, Trustee Lunceford advised that if the 2012 bond issuance failed, HISD would still have to address many of the structural issues in its aging schools. Those funds would likely have to come from the maintenance and operations tax rate.

City Council was given an opportunity to ask questions of Trustee Lunceford regarding the bond issuance, as well as any impacts the facility replacements might have for the citizens of the Bellaire community.

Following questions, Mayor Philip L. Nauert thanked Trustee Lunceford for his presentation.
F. PERSONAL/AUDIENCE COMMENTS.

Paul Coselli, 5311 Huisache Street, Bellaire, Texas, addressed City Council and referred to an incident that occurred on July 31, 2012, involving a contractor that had pushed a tree over onto Mr. Coselli’s home with a backhoe. He noted that the tree was 48” across at the base and over 70 feet high, and he proceeded to show members of City Council a video that his neighbor had taken of the incident as it occurred.

Mr. Coselli passed out copies of the City’s ordinance dealing with tree removal to members of City Council. He noted that if a contractor failed to properly provide fencing and other adequate protection for a tree on a construction site, the City’s inspector could issue a citation, stop the construction or remodeling job and/or refuse to grant a Certificate of Occupancy. There were no rules for the removal of trees, including knocking a tree onto someone’s home. In those instances, the contractor could continue building; he could continue to get permits; and he could not be issued a citation.

Mr. Coselli noted that in a previous meeting Councilman Reed had asked the City’s Attorney if a contractor could be banned from building in the City. The answer was no. Mr. Coselli cited several legal cases in which he believed the City had the right to do so.

Ultimately, Mr. Coselli indicated that he had to file suit against the subcontractor and contractor as both had walked away from the situation. He indicated that he had contacted the subcontractor’s insurance company and was told that the subcontractor’s policy had lapsed; however, even if the policy had been in effect when the incident occurred, the subcontractor had the wrong kind of insurance.

The City had taken it upon itself to make the verification of insurance a governmental function as opposed to a proprietary function. Mr. Coselli advised that he would like to have a meeting with the City Attorney to find out how he could bring something before City Council so that some other citizen did not have the same problem that Mr. Coselli was dealing with.

Mr. Coselli also referred to the fact that residents did not receive notice when construction was going on adjacent to their homes.

{Mr. Coselli’s allotted speaker time ended at this point in the meeting}

Jerome Danburg, 5315 Huisache Street, Bellaire, Texas, addressed City Council and advised that he lived on the other side of the construction site where two trees were knocked down on July 31, 2012. Mr. Danburg indicated that he watched the incident from a second story window in his home with great interest.
Mr. Danburg explained that the subcontractor had told him how he was going to take down the trees, which included digging out around the perimeter of the tree with a backhoe to tear up all of the roots and then come behind the tree and push it over with a front loader in roughly the desired direction. Mr. Danburg indicated that the subcontractor had perfectly executed the removal of a pine tree with the process outlined. In the afternoon of the same day, the subcontractor returned to remove a Chinese tallow tree (which was heavier and broader than the pine tree). The tree went about 30 degrees in the right direction, then took a left turn and fell onto the Coselli house.

Mr. Danburg stated that if this process or technique continued to be allowed, a real tragedy could occur. Luckily, the Cosellis were not in the room where the tree fell onto their home. Mr. Danburg indicated that he was further concerned with the fact that a subcontractor was allowed to operate in the City without any insurance.

Howard Greer, 116 Mulberry Lane, Bellaire, Texas, addressed City Council and noted that the incident described by the two previous speakers was a common occurrence in the City of Bellaire (i.e., contractors saying one thing and doing something else).

The topic Mr. Greer wished to specifically address this evening was related to the proposal to increase the number of garbage bags collected per home. He was neither for nor against the proposal, but had a question related to the change. He asked who would pay the difference, noting that the City was proposing to increase volume, which, in turn, would increase costs. He asked if the funds would be taken out of the General Fund, sales tax, or if user fees would be increased.

Mr. Greer urged residents to compost or recycle and advised that he could support the increase, if it was necessary.

Richard Franke, 1104 Howard Lane, Bellaire, Texas, addressed City Council and thanked Trustee Michael L. Lunceford for his attendance this evening. Mr. Franke indicated that he totally supported the HISD bond issue.

Mr. Franke next thanked Councilman Reed for placing an item on the agenda to address the number of garbage bags to be collected per home. He recommended that City Council put a sunset limitation on the number for a period of one year. Mr. Franke advised that he had spoken with the Bellaire Public Works Department and understood that the impetus for the reduction was due to lawn crews from other neighborhoods dropping off their grass clippings in Bellaire.

He noted further that Bellaire prided itself on homes, shrubbery, trees and greenery. Brush, debris and leaves came with the territory, and it was the City’s job to pick up the brush, debris and leaves as this was a city function.
Mr. Franke stated further that he totally supported the City's Public Works Department and sanitation workers, but noted that the City seemed to be out of touch with the reality as to what the City's responsibilities were.

In closing, Mr. Franke suggested that City Council adopt an ordinance advising residents that if they allowed an outside bag of grass or shrubbery to be put on their lot for pick up by the City of Bellaire, there would be a minimum fine of $100 per bag. He advised that the City should not hesitate to enforce that fine.

Ira Gruber, 5100 Pine Street, Bellaire, Texas, addressed City Council regarding garbage bags. He noted that he had come before City Council in March to thank them for adopting the new Articles I and III in the Solid Waste Ordinance and to encourage them to preserve the ordinance. He was back again, six months later, to urge City Council not to undo what they had done.

Mr. Gruber advised that the new regulations were working extremely well on the street that he lived on. He noted that the lots were large, with many trees and much grass, as well as many parties. In other words, there was a great deal of debris that needed to be moved in and out of the place. His experience was that the homeowners and their lawn services had been incredibly responsible. He believed that the homeowners had read the new ordinance in a way they had not before and knew that they were responsible for the behavior of the lawn services.

Mr. Gruber advised further that people who used to put out bags of grass clippings did not do so anymore. People who did their own yard work were using mulching mowers, composting their leaves and generally employing people to take out large limbs and whole trees.

Most important, everyone was using curbside recycling. The result was that people really did not have many bags of garbage. Mr. Gruber had a rough idea from observing his street and talking with Public Works that the average number of garbage bags per large house per collection day was now two or four bags per week or 100 pounds.

The proposal to increase the number of bags collected would allow for 300 pounds of garbage per week. Mr. Gruber suggested that this was a great deal of garbage and the reason he was opposed to it was he felt it would be far better to keep the incentive where it was—which was to make people recycle and make them oversee their yard services.

In closing, Mr. Gruber stated that people needed to be responsible for what they did. He suggested that when a resident opened a new water account with the City, the resident be given a summary of the requirements for solid waste disposal and curbside recycling so that the person who got the new account would know what he or she was supposed to do.
Mr. Gruber stated that he remained pleased with what City Council had done and advised that his neighborhood was infinitely better than it was. All of his neighbors were behaving in an exemplary way and he thought City Council should take a bow and stick to the revisions that had already been made.

**David Johnson, 5101 Huisache Street, Bellaire, Texas,** addressed City Council and thanked the members who had talked with or responded to him on the issue of garbage bags.

Mr. Johnson originally brought up the subject of trash bags because two bags of trash were left in front of his home, and he did not know why. He only had four bags out and white tags were left on the bags with the following notations circled: “more than four” and “over 25 pounds.” He found it hard to believe that the bags were over 25 pounds as the bags were small. He was not certain if the garbage trucks had the ability to weigh garbage bags, but if Mr. Johnson could carry them out to the curb, he doubted that the bags were that heavy. He called the City and asked why his bags were left at the curb. The City was able to come back by and pick up the bags.

A few weeks later, another bag was left at his curb. Mr. Johnson had put the bag out on Thursday and left for the weekend. When he came back on Sunday, one small bag of grass was left at the curb with no tag on it. The bag had been sitting in front of his home all weekend—a clear indication that he was not home. Another time, two bags were left in front of his neighbors’ home. The bottom line was that the garbage men were making mistakes and leaving bags when they should not be.

Mr. Johnson indicated that, for him, having garbage bags left in front of someone’s home for a number of days was a huge safety issue and an indication that the homeowner was not home.

Since he had brought the subject to City Council’s attention, the conversation had changed to how the City should pay for garbage. He had no idea that this was the issue. First, the City had picked up his trash for 29 years with no problems. His understanding now was that there was a $17 monthly fee taken out of taxes and put into the Enterprise Fund for each house in Bellaire. That $17 paid for the collection of eight bags per week. Apparently, this was sufficient for the majority of houses.

Mr. Johnson indicated that his problem was that he had a large lot with lots of trees, leaves and grass. Because of the size of his lot, he paid about 2-3 times what most people paid in taxes. If the $17 was 2% of the taxes of someone who paid one-half of what Mr. Johnson paid, that meant for him the $17 was only 1% of the taxes that he paid. He questioned why he could not use 2% of his tax money and consequently get his taxes to pay for the bags that he needed for his lot. Instead, the City wanted to use his money for something else and have him pay for additional trash bags.
Mr. Johnson indicated further that there had been a number of comparisons to water. For example, he paid more taxes for the water infrastructure and he did not mind doing that. However, other people did not get free water like they did the free eight bags of trash. The only way to make this fair was to truly pay for what was used and stop using the money paid in taxes for tonnage fees. Mr. Johnson was 100% for going to a true pay for usage model. What the City had right now was not a true pay for usage model, and this was the reason that Mr. Johnson had suggested looking into outsourcing.

With outsourcing, residents could get a bill based completely on usage. The City billed residents for recycling and could bill residents the same way for trash. It had been interesting watching others talk about pay for use when they got to use a larger percent of their taxes for trash and that money met their needs. That amount of money did not meet his needs.

Mr. Johnson advised that the sad thing about this was that he was not sure why it had been done. One member of Council indicated that the City had a reduction in overtime, but there would not be a monumental reduction in solid waste. If safety and security was the top issue for City Council, Mr. Johnson inquired as to whether leaving bags in front of people’s homes was really worth saving a little bit of overtime.

In closing, Mr. Johnson added that while going from four bags to six bags would not solve all of the issues for residents--it was a good compromise and would probably reduce the number of bags left in front of people’s homes.

**Betsy Johnson, 5101 Huisache Street, Bellaire, Texas,** addressed City Council and thanked the members who had responded to a letter she had written to City Council. Ms. Johnson stated that she wished to add a few comments.

She indicated that when conversations regarding the garbage bag issue first took place, she had talked with a number of City Council members and was told that the recommendation to change the policy was presented by the Bellaire Recycling Committee. Their point was that much of what was going in trash bags could go in recycling bins instead. This would limit the amount of trash that the City would have to pay to dispose of. In addition, more material would go to the recycler.

While Ms. Johnson thought recycling was a noble cause and she had been doing it for many, many years, it was not a requirement. The City could encourage, but not force people to recycle. What people put in their bags and what they determined to be garbage was just that—what they determined to be garbage.

Ms. Johnson advised that she was later told that the issue was really not about recycling or the amount of tonnage, it was about a pay-as-you-go program. She, too, was in support of a pay-as-you-go-program, but the City
had not put one in place yet. For example, how was the new policy applied on the days that she did not put any trash out or only put one trash bag out—where did that go against her allotted four bags? She was not receiving stickers from the City indicated that she could place three extra bags at the curb on the next pickup date.

Ms. Johnson also read that the ordinance change was considered to be a cost savings to the City, primarily for the solid waste department as they were saving on overtime because the crews were getting to come in earlier. She wondered if the overtime the City was saving based on a limited number of bags was really paying off.

Residents were also told that 3% of the citizens were putting in excess of four bags at the curb per collection day. She asked why the City was not addressing those citizens who were putting out the mounds of garbage rather than penalizing citizens by putting in a policy for the entire City that was not working.

Further, Ms. Johnson stated that citizens were not being allowed any flexibility in how they managed their garbage. There were events in residents’ homes (holidays and parties) that drove the trash number up. Instead, residents were required to put their extra garbage beside their homes—which did nothing but create a bad smell and draw rodents.

Ms. Johnson advised that she also knew that those who were recommending a change, including herself, had been referred to as naysayers and a super minority. She asked City Council if the group that made the recommendation to them for a change was not also a super minority and urged City Council to hear both groups equally.

Lastly, going from an unlimited amount (which no one would support) or ten bags to four was too big a change and urged City Council to consider increasing the number of garbage bags from four to six. No one was suggesting that City Council abandon the idea that they needed to make a change. She asked that City Council review the results to see if those results were getting them to the goal that they originally wanted and whether that original goal was still the right one.

Changing City Council’s decision after having careful deliberation did not show a weakness or failure to hold on to their principles—it just showed leadership.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas, addressed City Council and disclosed that that she was a former member of the City’s Sunset Review Committee. She indicated that two years ago in January of 2011, the City Council appointed members to the Sunset Review Committee (“Committee”) to revise the regulations governing the appointments to boards and commissions. The Committee was a large group consisting of ten members and worked very hard for one year. The Committees’ final report
and recommendations was subsequently presented to City Council in November of 2011.

In March of 2012, City Council held a Workshop Session with the Committee regarding the November report and recommendations. By July of 2012 and faced with making appointments to the City’s boards and commissions, the City still did not have a new Boards Handbook or new regulations in place.

In August of 2012, City Council finally acted on the report and recommendations, with some changes. Ms. McBee advised that she was grateful for and deeply appreciated that action. She stated that for the last three years the City had not provided training for its boards or handbooks or information or a thank you. City Council could not and should not delegate what needed to be done to Staff as the Boards worked for City Council and not Staff.

In closing, Ms. McBee stated that she held City Council responsible for the lack of training and information available to its boards. She urged City Council to adopt a resolution or issue a directive to the City Manager stating to him what was wanted and when. She advised that City Council could shine if the right things were done in the right way and at the right time.

**Jeff Christman, 4921 Beech Street, Bellaire, Texas,** addressed City Council and mentioned that after receiving information as to the split in the tax rate between the General Fund and Debt Service Fund, he found it interesting that the savings in the Debt Service Fund was being shifted to the General Fund, resulting in another $350,000 a year in revenue in the General Fund. He advised that he wondered what the additional revenue was being spent on.

As to the garbage bag issue, the City would not spend an appreciable amount more in 2012 than it spent in 2011 on solid waste, garbage and brush pickup according to the budget. Actually, the City was budgeting to spend less by a fraction. He asked what the big deal was between four and six bags, noting that one year ago it was ten bags. He did not know what everyone was getting wound up about if there was not going to be any dollar savings to the City.

**Roy Lund, 4928 Valerie Street, Bellaire, Texas,** addressed City Council and advised that he had been frustrated with the solid waste ordinance since it had changed. He knew that City Council’s tenet was to save money and increase recycling; however, that tenet did not take into account the majority of the needs of the citizens of Bellaire. What seemed to be missing was the impact of the amount of true garbage and other items, such as leaves, that could not be recycled.

Since the new change to the ordinance had taken place, Mr. Lund had noticed a few things around the neighborhood and streets he drove through. Residents were using larger bags to cram the same amount of trash for
pickup to stay within the four bag limit. Residents were working with each other to share each other's limit to get their trash picked up. Particularly disturbing to Mr. Lund was the garbage that was not picked up at a residence because a limit had been exceeded, the garbage in many cases stayed at the curb until the next pickup. He advised that leaving trash at the curb was a real health issue and, of course, a safety issue.

Mr. Lund stated that he understood the option of going to City Hall to buy stickers for more bags; however, from his observation, stickers were used infrequently in his area. Mr. Lund respectfully requested that the City Council revisit the policy. He advised that a higher limit was needed to appropriately serve the needs of all Bellaire residents that used trash service. In addition, it was vital that City Council inform citizens when making changes to policies affecting all citizens. He suggested including the citizens in a dialog rather than basing decisions solely on a small group's recommendations. He stated further that communication was lacking, and he expected a better communication on these types of decisions in the future.

In closing, Mr. Lund implored City Council to revisit their decision and consider increasing the bag limit to six bags.

Rob Negro, 5105 Huisache Street, Bellaire, Texas, addressed City Council regarding the trash bag issue. He asked what City Council was trying to achieve if only 3% of the population exceeded the City's limits. There were 6,300 homes in Bellaire; therefore, 190 homes were causing an issue.

Mr. Negro inquired as to the methodology or analysis that was done to arrive at four bags as a limit. He asked if the City had used a full sample analysis by driving down every street in Bellaire to arrive at four bags, and indicated that the analysis had been made transparent. Mr. Negro advised that residents had no idea as how much trash collection cost the City on a monthly or annual basis. He suggested that if City Council could put the analysis on paper so that residents could see the numbers, it would be very helpful. To just implement such changes without painting a clear picture for residents had resulted in the current confusion. Mr. Negro noted that if he did not use the four bag limit each time trash was collected, he lost the service.

In closing, Mr. Negro noted that everyone had a decent point this evening. He supported increasing the number from four to six and suggested that if increasing caused some seismic shift in the City's budget, then City Council should revisit the issue again.

Rachel Crochet, 4913 Holly Street, Bellaire, Texas, addressed City Council and stated that she was against the four-bag rule. She felt that six was a good number although she, personally, only put out one bag each collection day. She indicated further that she had just sold a home to someone who had four children, two of which were teenagers, and lived on a one-half acre lot. That family would need more than four bags per pick up.
Ms. Crochet also stated that many people were not aware of the City’s new rule.

She next advised City Council of two incidences she witnessed related to the “policing” of trash bags. The first incident related to her next door neighbor who went out of town and put out six bags of trash before she left. This neighbor did not know the rules and was new to Bellaire. The garbage men came down the street, saw that there were six bags, and drove on by without picking up any of the bags.

Ms. Crochet interjected that she loved the City’s garbage men and thought that they should be given a special meeting in order to thank them for a great job.

On the second garbage pickup day of the week, Ms. Crochet’s neighbor’s son put out three more bags of garbage. The garbage men drove past the house once again because the home was over their four bag limit. Ms. Crochet ran out and stopped the garbage men, who told her they could not pick up the bags because there were more than four. She asked if they could at least pick up four of them or put the extra bags on her lot because she only had one. The garbage men indicated that they were afraid they would get fired if they allowed her to place some of the bags on her lot. Suddenly, a lady jumped out of a car and started yelling at the garbage men. Ms. Crochet asked who she was and never received an answer. A yard man then came over and spoke with the woman and she left. The garbage men ended up taking all of the bags with them.

Ms. Crochet’s stated that her point was if there were six bags on a lot, the City should at least pick up four of them. She indicated that she was very curious as to who the woman was in the car policing the collection efforts.

A second incident occurred with one of her clients on Braeburn. This client purchased some green bags and put his garbage in the green bags. He then gave some bags to his older neighbor across the street. Someone pulled up in a car and told him that he could not put his garbage over on his neighbor’s lot. He told the man that he had given his neighbor some green bags, but the man insisted that because the bags were the same color, they must belong to one person. Ms. Crochet indicated, once again, that she was curious as to who the garbage “police” were.

Ms. Crochet concluded by stating that she was in agreement with those requesting to increase the bag limit to six, noting that it evened out as some people were only putting out one bag.

On a final note, Ms. Crochet inquired as to who was maintaining the grass around the METRO Transit Station on Bellaire Boulevard, noting that it was embarrassing. She also asked who took care of the areas along Loop 610, noting that she believed it was the Texas Department of Transportation. She
asked if Bellaire could make them come out and mow the grass, and expressed concern that Bellaire looked horrible to those driving through.

She also reiterated that she loved the City’s garbage men.

Mayor Philip L. Nauert, after noting no further oral public comments, read written comments received by the City Clerk on behalf of the City Council into the record as follows:

**Doug Christians, 4913 Palmetto Street, Bellaire, Texas:**

*Please do not change the 4 bag limit. This change was done for all the right reasons including holding down household expenses for the majority of homes that have 4 bags or less of garbage each pickup. Just because a few homeowners are unwilling to change their habits, use the city supplied bags, and pay a measly $1 extra per bag does not warrant a change that affects the rest of us and especially our environment.*

**Jocelyn Ellis, 4521 Maple Street, Bellaire, Texas:**

*I understand that some of our citizens are protesting the four-bag limit per collection date currently in place in our City. Please place these citizens’ complaints firmly where they belong: in the trash can.*

*Simply put, a four-bag limit is a more-than-reasonable limit. It is not only a reasonable limit, it is a respectful limit.*

*My family of four rarely places more than one bag on the curb. I notice that my neighbors have similar habits. We all recycle—and it is time that everyone did.*

*As City Leaders, you will always hear from the complainers. Keep these complaints in perspective. Stay the path of your more important responsibilities: our environment, our children (the inheritors of this earth)—and the hundreds if not thousands of Bellaire residents who have no problem at all with the limit. We are the majority who are proud to live in a community that sees the great intelligence of such a limit.*

**Doug Beatty, 5220 Braeburn Drive, Bellaire, Texas:**

*I am in complete support of the changes made by enacting Ordinance 11-084 which amended Chapter 16 of the Code of Ordinances of the City of Bellaire, Texas, and was effective March 1, 2012.*

*The amendments made to the Solid Waste Ordinance, in particular the 4-bag limit per pickup day and requiring yard contractor waste to be disposed of by the yard contractor, were well thought out and beneficial to the city in several ways. In these days of ever-tightening budgets, the city is wise to seek ways...*
to increase the efficiency of its services. It is not too much to ask all citizens of Bellaire to adhere to the new ordinance when it benefits the entire city. Having a “pay-as-you-throw” system is in place in many cities in the United States and is certainly de rigueur in Western Europe. I am sure many residents will protest loudly at having to adhere to a new paradigm for garbage collection. But the fact is, many in our society are clearly comfortable with a disposable modus operandi life style and not concerned about the impact on the environment and the city budget when it comes to something as mundane as garbage.

It is apparent that some residents feel that the city should not limit the amount of garbage that they generate and dispose of and they also think they should not have to pay extra if they exceed the reasonable limits. I have a neighbor whose yard service comes every other Monday and leaves 6+ bags at his curb for eventual Thursday pickup (two violations). Not only has he chosen to not buy the tags for the extra bags even though they are yard contractor waste, but he has chosen to deposit his bags at a nearby vacant house without the owner’s permission (technically a littering violation) or at a nearby construction site (yet another littering violation), and finally at a vacationing neighbor’s house (possibly with permission) with impunity. Besides the literal violations of the city ordinance, this presents the visual blight of having garbage bags at the curb nearly every day of the week and reduces the quality of life for the citizens of Bellaire. These violations are not due to ignorance but rather by purposeful intent to not comply. All this to avoid instructing his yard contractor to remove the waste or paying a few dollars for the extra bag tags while living in a 3-year old $1.5 million dollar house. Last Monday he put a 32” tube television out for collection (which is specifically prohibited by the ordinance), not on the curb or on his yard, but in the street on top of the storm drain (another violation). Before I could call Public Works, the garbage truck came and incredibly picked up the television set and put it in the back of the garbage truck for compaction (surely a safety issue). Some of my other nearby residents have their yard waste removed by their contractors and have purchased the tags to get their extra garbage bags collected.

I have contacted Public Works via phone and email about these violations and understand their difficulty in enforcing the ordinance. These ordinance changes certainly support the City’s goal to provide the most efficient service possible to all residents while maintaining the cost of solid waste and recycling collection services at a reasonable level for every resident of Bellaire. They should be kept intact and enforced as written.

P.S. I have a .5 acre lot with many trees, maintain my own yard, and I have never needed more than 4 bags per pickup to dispose of my garbage and yard waste using the bags provided by the city.
Seth A. Miller, 4315 Dorothy Street, Bellaire, Texas:

I support the changes made by Ordinance No. 11-084, which amended Chapter 16 of the Code of Ordinances of the City of Bellaire, Texas, and was effective March 1, 2012.

It is apparent that very few but vocal residents expressed that the City should not limit the amount of garbage bags disposed of and they also think they should not have to pay extra if they exceed the reasonable limits set forth in the Ordinance. The Ordinance passed in March because it is sound and makes sense for Bellaire—both from an economic and environmental perspective.

The Public Works statistics show that residents are complying and also recycling more. With more residents recycling, the City benefits by getting some monies in return for tonnage of recycled waste. The City does not receive monies in return for throwing away more garbage bags. Additionally, the City has not increased solid waste costs for residents in a long time; to keep the low rates that help to attract more residents to stay and move to Bellaire, the Ordinance just makes sense.

The ordinance supports the City’s goals to provide the most efficient service possible to all residents while maintaining the cost of solid waste and recycling collection services at a reasonable level for every resident of Bellaire. I respectfully urge City Council to keep Ordinance No. 11-084 intact and unchanged.

Thank you for your continued service and representation.

Timothy White, 4804 Glenmont Street, Bellaire, Texas:

I am writing to let you know I support the four bag limit in the solid waste ordinance. While some may complain that a four bag limit is unfair and restricting, this ordinance makes sense, on a long-term basis, for the majority of Bellaire citizens from both an environmental and economic standpoint. Please do not change the limit.

Thank you.

Dirk Stiggins, 4531 Merrie Lane, Bellaire, Texas:

I am writing to let you know I support the four bag limit in the solid waste ordinance. The 4 bag limit seems to be about right, based on what I see in my neighborhood. A VERY small number of residents put out more than four bags of trash. When they do exceed the four bag limit, the extra bags have stickers. I am of the opinion the majority of residents are comfortable with the current ordinance and I see no reason to change it. I also think the majority of residents would be upset if they knew that allowing more free
trash bags would be more costly for the city. Residents should not have to pay for others who cannot comply with this reasonable limit. If they have more than four bags, they should buy stickers for their extra bags. The cost for the stickers is very reasonable. Please do not change the limit.

Dorene Delaloye-Schroder, 5201 Laurel Street, Bellaire, Texas:

I am writing to let you know I support the changes to Ordinance 11-084 which amended Chapter 16 of the Code of Ordinances of the City of Bellaire, Texas, and was effective March 1, 2012.

Specifically I support the four bag limit, per pick up day, in the solid waste ordinance. Residents should not have to pay for others who cannot comply with this reasonable limit. If they have more than four bags, they should buy stickers for their extra bags. Please do not change the limit.

The city has done much to improve the convenience of recycling and we should explore making composting of leaves more accessible too. However, putting out more than four bags of trash, twice a week, is excessive and other avenues need to be explored to avoid clogging our landfills and increasing the solid waste cost to all of our residents.

Thank you.

Jana Bedi, 5209 Laurel Street, Bellaire, Texas:

I am writing to let you know I support the four bag limit in the solid waste ordinance. Residents should not have to pay for others who cannot comply with this reasonable limit. If they have more than four bags, they should buy stickers for their extra bags. Please do not change the limit.

I am proud to note that on my block of Laurel Street, I have rarely seen more than two bags of trash. Personally, we usually put out just one trash bag.

Keith Bowers, 4909 Jessamine Street, Bellaire, Texas:

Fairness and equity in Bellaire should be improved, not further distorted. I was very happy to see the curbside recycling program meet with great success and hope participation continues to grow. I was also pleased the Council enacted limits on the number of "free" garbage bags collected twice a week. A few years ago I made a brief, but poignant presentation to Council, illustrating with photographs, the wide range in trash volumes from different homes in the city. Those extreme variations have not decreased, in fact have INCREASED in magnitude and number!

Many households recycling so much that a single, partially filled black bag is their normal volume. Others, who do not recycle, have INCREASED the volume of refuse—yard waste, cardboard boxes, discarded household goods
and such. We, the economical recyclers should not be asked to FURTHER subsidize the wasteful by increasing the “free collection” volume.

Bellaire SHOULD DECREASE the number of bags from 4 to 2, not increase it. Many, many studies have shown providing proper incentives, such as charging extra for additional trash, increases recycling.

Please do not encourage a few to “mooch off” the majority who do try to recycle more and discard less.

Kevin Schroder, 5201 Laurel Street, Bellaire, Texas:

I am writing to let you know I support the changes to Ordinance 11-084 which amended Chapter 16 of the Code of Ordinances of the City of Bellaire, Texas, and was effective March 1, 2012.

Specifically, I support the four bag limit, per pick up day, in the solid waste ordinance. With almost 7,000 homes in Bellaire and all but a handful of residents being completely happy with the current limits there is no reason to change this new limit to accommodate a very few vocal residents.

Bellaire has made a good policy decision. At some point, we must stand our ground when sound logic and the good of all has been considered. Not every decision is going to please everyone. The vast majority of residents are neutral or feel this is a positive change.

Bottom line; we all have choices. If you choose not to participate in Bellaire’s recycling program which is good for our city and our environment then you have the option of purchasing extra trash stickers. Purchasing extra trash stickers may not be convenient but sometimes resistance to positive change requires an individual to pay a price when they do not make a choice which is in everyone’s best interest.

Thank you for your consideration.

Lisa Boesen, 4501 Park Court, Bellaire, Texas:

I am a volunteer on the Environmental and Sustainability Board. I have enjoyed attending the meetings and assisting with the upcoming Recycles Fest.

I am writing to let you know I support the four bag limit in the solid waste ordinance. The City of Bellaire should not have to increase the solid trash bag limit to accommodate a few residents.

The vast majority of Bellaire residents have improved their trash removal/recycle process to not only comply with the City ordinance but also actively participate in our city’s efforts to become a more sustainable and
environmentally conscious community. To move the bag limit up to six would be a strong signal to the citizens of Bellaire that the City is not committed to building a "green" community and that a few individual can push changes through the Council. I request that the data speak for itself. The vast majority of your citizens are willing and able to help Bellaire become a green community. We should be considering our next steps in building and supporting sustainability and environmental consciousness in our citizenry, not a step back. Residents should not have to pay for others who cannot comply with this reasonable limit. If they have more than four bags, they should buy stickers for their extra bags as is required in the current ordinance or store and distribute bags over a short period of time. Please do not change the limit.

Thank you for your continued support.

Cecilia Campbell, 5108 Huisache Street, Bellaire, Texas:

I am writing to express my disagreement with The City of Bellaire Solid Waste Ordinance change limiting the number of solid waste trash bags to four bags per household pick up on trash days. I hope my disagreement is not considered by council as just a naysayer raising their head and complaining about the four bag limit or that council feels they need to cave in to a complaining citizen. As our advocates, I hope instead that each of you feels a need to hear what your citizens are thinking, feeling and experiencing.

I can honestly say I have not personally heard from any resident in Bellaire that is pleased with the new solid waste ordinance change to a four bag limit from ten bags. I am sure there are residents who are okay with the reduced bag limit. It is just those I have spoken with do not like it, agree with it, understand how it passed, are having difficulty with it, etc. Most, if not all of you, happily spoke with us when you were seeking office. We really need you now to take the time to find out how we feel about the solid waste ordinance change and the impact on our lives. Council could also speak with our Solid Waste workers as to what they hear from residents as they have likely heard an earful. We like our Solid Waste workers! They are great guys! Unfortunately, they seem to now be burdened with being our "trash police." A resident who was trying to help a neighbor with a fifth trash bag by putting it in front of her own house was told by the Solid Waste worker "she could not do that." A City employee following the garbage truck then came up to her and admonished her for trying to move the bag. Really? Is that where we have taken ourselves as a community? We cannot help each other? Is that what we want? I, for one, do not. If I have excess trash bag capacity, I will help out my neighbor. No problem. Do I feel I am "paying" for their trash disposal? Absolutely not. Do I feel they are not paying their fair share? Absolutely not. I helped them out when the trash bag limit was ten and I will continue to help them out today.
My household is a household of two, my husband and me. We are in our 50s. If we find it difficult to comply with the four bag limit at times, I cannot imagine what a household of four, six or eight has to deal with. I live on a smaller lot—62.5′ X 135′. I have a yard service for mowing and edging and, yes, they take the yard trash with them, although I do not believe they should. After all, it is my trash. I, however, trim my trees and shrubbery. Yes, me, not my husband. I plant replacement shrubbery. I plant seasonal color. I mulch. I rake leaves in the fall. I also have parties...a BBQ on July 4th...a pizza party on Halloween...a Christmas party...a dinner party or two...a birthday party...a street dinner with neighbors. I also spring clean which means getting rid of stuff that somehow we all manage to accumulate over time. I donate to Goodwill and I also recycle.

All of this is normal everyday living. Nothing out of the ordinary. Nothing extraordinary. I know what my husband and I can generate as a household of two and, again, I wonder, "What does a household of four, six or eight generate?" I would venture to guess a normal amount of solid waste.

The new ordinance allots me four bags per trash pick up. That is 416 bags for the year, but subtracting 24 bags for the six days the City does not offer trash service (although unlikely all six days fall on my trash pickup day), means I pay for approximately 392 bags of trash to be removed from my house each year. So let me and every resident have what we pay for, 392 bags per year. I do not believe my husband and I are generating more or less solid waste trash than, say, five years ago. So why then am I upset? I am upset because prior to the ordinance change all my trash was picked up as it was generated! I may have had two bags of trash one trash pick up day, eight bags another trash day and zero on another. In totality I do not believe it was excessive. I do not believe it came anywhere near the 392 bags I am now paying for per year. Yet, because I do not generate solid waste at an even rate of four bags per trash day, I am now "penalized." Can I not rely on my city to provide the basic of services? Please do not ask me to pay the $1.00 tags to use on those days I have more than four bags when I have not met my 392 bag limit for the year, or 32-33 bag limit for the month or the 8 bag limit for the week or the four bag limit for the day. Why should I pay more money for a service I am already paying for? Again, because I do not generate a normal amount of solid waste trash at an even rate of four bags per trash pick up day?

I have difficulty with the notion that Bellaire residents were "generating" excessive trash before the ordinance change and somehow now are "generating" less. It is getting "managed" by neighbor helping out neighbor, but I would not begin to believe that it is less than what it was prior to the ordinance change. Trash is just that, trash. It happens. I believe the city as a whole is disposing less solid waste trash and disposing more recycling trash. I know of many residents who now recycle due to the ordinance changes. If the solid waste trucks are coming in earlier and overtime pay is reduced, then are the recycle trucks coming in later and with bigger loads? I hope so. That
would be a good thing since the City gets paid to dispose of recycled trash. Why did Council not try reducing the bag limit to 8? Or 7? Or 6?

{City Clerk Dutton advised Mayor Nauert that the speaker’s allotted time had ended}

**Stephanie Goldfield, 4806 Palmetto Street, Bellaire, Texas:**

I strongly support the four bag limit in the Solid Waste Ordinance. Residents should not have to pay for others who cannot comply with this reasonable limit. Any resident who needs more than four bags needs to purchase stickers for those bags. There are very few—if any—circumstances in which this number of bags would be insufficient. While I don’t know citizens who have lodged these complaints, they should be encouraged by you to use curbside recycling—and this discussion should thus be put to an end.

Can’t we say with certainty that the majority speak the loudest in an election or with any important decision to be made? When have you experienced 100% of our citizens agreeing on any one issue? The answer of course is "never,” which is why it is disheartening and frankly astonishing to learn that you are taking more valuable time to discuss this issue yet again. We look to you to make the best decisions for our City at large and to move our City forward in every possible way to meet the challenges of the future—economically, environmentally and socially. You have many items on your agendas and this shouldn’t be one of them any longer.

Please do not change the limit of trash bags.

Thank you!

G. **REPORT(S):**

1. **CITY MANAGER’S REPORT** regarding residential safety (police activity report), cultural and recreational (National Night Out), communications/technology (Incode after-action), and upcoming City Council meetings/events – Item submitted and presented by City Manager Bernard M. Satterwhite, Jr.

City Manager Bernard M. Satterwhite, Jr., presented the City Manager's Report dated September 17, 2012, to members of City Council. Following questions of City Manager Satterwhite regarding his report, a motion was made and action taken to accept the report into the record.

**CITY COUNCIL MAIN MOTION/ACTION:**

Councilman Corbett Daniel Parker moved to accept the City Manager’s Report dated September 17, 2012, as presented by
City Manager Bernard M. Satterwhite, Jr., into the record. Mayor Pro Tem Amanda B. Nathan seconded the motion.

The main motion carried unanimously on a 6-0 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 and Pat B. McLaughian

OPPOSED: None

ABSENT: Councilman Andrew S. Friedberg*

*See agenda item B. for statement of reason for absence.

2. FINANCE REPORT for the City of Bellaire, Texas, covering the period ended August 31, 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 – Item submitted and presented by Chief Financial Officer Linda Symank.

No Finance Report was given this evening. It was noted that the Finance Report for the City of Bellaire, Texas, covering the period ended August 31, 2012, would be presented on October 1, 2012, and the Finance Report for the City of Bellaire, Texas, covering the period ended September 30, 2012, would be presented on October 15, 2012.

3. PRESENTATION regarding the Houston Independent School District (HISD) Board of Education’s recommended bond proposal of $1.89 billion, a large portion of which ($1.64 billion) would provide for major construction projects at 38 schools, including Bellaire High School, as well as needed projects across the district ($252 million) – Presented by Michael L. Lunceford, District V Trustee and President, HISD Board of Education.

Note: This presentation was given earlier in the Regular Session. See pages 3-4 of these minutes.

H. NEW BUSINESS:

1. SPECIFIC USE PERMIT S-79

CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas,
granting Specific Use Permit S-79 to the Houston Independent School District (HISD) to construct and operate a 5,000 square foot one-story field house on property owned by HISD and more commonly known as Bellaire High School, 5100 Maple Street, Bellaire, Harris County, Texas, in the R-1 Residential Zoning District – Item submitted by City Clerk Tracy L. Dutton on behalf of the Planning and Zoning Commission of the City of Bellaire, Texas.

CITY COUNCIL MAIN MOTION:

Mayor Pro Tem Amanda B. Nathan moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, granting Specific Use Permit S-79 to the Houston Independent School District (HISD) to construct and operate a 5,000 square foot one-story field house on property owned by HISD and more commonly known as Bellaire High School, 5100 Maple Street, Bellaire, Harris County, Texas, in the R-1 Residential Zoning District. Councilman Corbett Daniel Parker seconded the motion.

Following questions of Trustee Michael L. Lunceford of the HISD Board of Education and other representatives from HISD regarding the field house project, Mayor Philip L. Nauert called for a vote on the main motion.

CITY COUNCIL ACTION ON MAIN MOTION:

The main motion carried on a 5-1 vote as follows:

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

OPPOSED: Councilman Pat B. McLaughlan*

ABSENT: Councilman Andrew S. Friedberg**

*Councilman Pat B. McLaughlan was opposed to the granting of the specific use amendment due to his opinion that adding an additional permanent structure to the site might affect drainage. He also referred to the fact that the school already had one field house onsite.

** See agenda item B. for statement of reason for absence.

Note: The Bellaire City Council recessed for a short break beginning at 9:18 p.m. and reconvened in Regular Session at 9:26 p.m. for purposes of considering the remainder of the evening’s agenda.
2. **CODE AMENDMENT:**

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 I, In General, Section 16-2, Collection requirements, subsections c) and o)* of the *Code of Ordinances of the City of Bellaire, Texas*, for the purpose of increasing the number of garbage bags that will be collected per home from four (4) to six (6) – *Item submitted by City Clerk Tracy L. Dutton on behalf of Councilman Roman F. Reed.*

**CITY COUNCIL MAIN 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 I, In General, Section 16-2, Collection requirements, subsections c) and o)* of the *Code of Ordinances of the City of Bellaire, Texas*, for the purpose of increasing the number of garbage bags that will be collected per home from four (4) to six (6). Councilman James P. Avioli, Sr., seconded the motion.

Following discussion among members of City Council regarding a change in the ordinance for the purpose of increasing the number of garbage bags that would be collected per home from four (4) to six (6), Mayor Philip L. Nauert called for a vote on the main motion.

**CITY COUNCIL ACTION ON MAIN MOTION:**

The **main motion carried on a 4-2 vote** as follows:

**FOR:** Mayor Philip L. Nauert and Councilmen Roman F. Reed, James P. Avioli, Sr., and Pat B. McLaughlan

**OPPOSED:** Mayor Pro Tem Amanda B. Nathan* and Councilman Corbett Daniel Parker*

**ABSENT:** Councilman Andrew S. Friedberg**

*Mayor Pro Tem Amanda B. Nathan and Councilman Corbett Daniel Parker were opposed to an increase in the number of bags to be collected per home.

**See agenda item B. for statement of reason for absence.
I. ITEMS FOR FUTURE AGENDAS; COMMUNITY INTEREST ITEMS FROM THE MAYOR AND CITY COUNCIL.

There were no items for future agendas discussed this evening. Community interest items from the Mayor and City Council included condolences to the family of Frances Freeman, noting that she was an outstanding citizen and volunteer for the City; expression of thanks to those who had supported the change in the solid waste ordinance; wishes for a Happy New Year to everyone celebrating Rosh Hashanah this evening; and reminders of the Patrons for Bellaire Parks Wine and Tapas fundraising event in early October, with a note that Councilman James P. Avioli, Sr., and his wife, Dee Avioli, were the Honorary Chairs of the event, as well as a reminder of the Nature Discovery Center’s annual gala in mid-November.

J. ADJOURNMENT.

CITY COUNCIL MOTION TO ADJOURN:

Councilman Roman F. Reed moved to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:45 p.m. on Monday, September 17, 2012. Councilman Corbett Daniel Parker seconded the motion.

The motion carried unanimously on a 6-0 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 and Pat B. McLaughlan

OPPOSED: None

ABSENT: Councilman Andrew S. Friedberg*

*See agenda item B. for statement of reason for absence.

Respectfully submitted,

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

[Signature]

Philip L. Nauert, Mayor
City of Bellaire, Texas