I. SPECIAL SESSION – 6:00 P.M.

A. CALL TO ORDER AND ANNOUNCEMENT OF A QUORUM – Mayor Cindy Siegel.

Mayor Cindy Siegel called the City Council of the City of Bellaire, Texas, to order at 6:05 p.m. on Monday, January 15, 2007. The Bellaire City Council met at that time and on that date in Special Session in the Council Conference Room, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas. The Special Session was held for the purpose of interviewing, discussing, and evaluating applicants requesting an opportunity to fill an unexpired term or vacancy on the Planning and Zoning Commission of the City of Bellaire, Texas. Mayor Siegel announced that a quorum was present consisting of herself and the following members of City Council:

- Councilman Will Hickman, Position No. 1;
- Councilman John F. Monday, Position No. 2;
- Mayor Pro Tem Peggy Faulk, Position No. 3;
- Councilwoman Debra Marz Davison, Position No. 4;
- Councilman Pat McLaughlan, Position No. 5; and
- Councilman John Jeffery, Position No. 6.

City Clerk Tracy L. Dutton was present.

B. INTERVIEW, discussion and evaluation of applicants requesting an opportunity to fill an unexpired term or vacancy on the Planning and Zoning Commission of the City of Bellaire, Texas.

Mayor Cindy Siegel advised that the Bellaire City Council would interview, discuss, and evaluate applicants requesting an opportunity to fill an unexpired term or vacancy on the Planning and Zoning Commission of the City of Bellaire, Texas. There were a total of nine (9) applications submitted to the City of Bellaire for consideration and four (4) applicants would be interviewed this evening, followed by the remaining five (5) applicants on Monday, January 22, 2007.

The four (4) applicants interviewed this evening were as follows:

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Area(s) of Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paul M. Suckow</td>
<td>Planning and Zoning Commission</td>
</tr>
<tr>
<td>Scott Rubenstein</td>
<td>Building &amp; Standards Commission</td>
</tr>
<tr>
<td></td>
<td>Planning and Zoning Commission</td>
</tr>
</tbody>
</table>
C. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Councilman John Jeffery and seconded by Councilman Will Hickman to adjourn the Special Session of the City Council of the City of Bellaire, Texas, at 7:30 p.m. on Monday, January 15, 2007.

VOTE ON MOTION TO ADJOURN:

Motion carried unanimously on a 7-0 vote as follows:

FOR: Siegel, Cindy
     Hickman, Will
     Monday, John F.
     Faulk, Peggy
     Davison, Debra Marz
     McLaughlan, Pat
     Jeffery, John

OPPOSED: None

ABSENT: None

II. REGULAR SESSION – 7:00 P.M.

A. CALL TO ORDER AND ANNOUNCEMENT OF A QUORUM – Mayor Cindy Siegel.

Mayor Cindy Siegel called the City Council of the City of Bellaire, Texas, to order at 7:30 p.m. on Monday, January 15, 2007. The Bellaire City Council met at that time and on that date in Regular Session in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas. Mayor Siegel announced that
a quorum was present consisting of herself and the following members of City Council:

   Councilman Will Hickman, Position No. 1;
   Councilman John F. Monday, Position No. 2;
   Mayor Pro Tem Peggy Faulk, Position No. 3;
   Councilwoman Debra Marz Davison, Position No. 4;
   Councilman Pat McLaughlan, Position No. 5; and
   Councilman John Jeffery, Position No. 6.

Other officials present were City Manager Bernard M. Satterwhite, Jr., City Attorney Alan P. Petrov, and City Clerk Tracy L. Dutton.

B. INSPIRATIONAL READING AND/OR INVOCATION – Mayor Cindy Siegel.

Mayor Cindy Siegel, in honor of Martin Luther King, Jr., Day, read two writings, one from the Great Emancipator, Abraham Lincoln, and a second from Martin Luther King, Jr. Before reading the writings, Mayor Siegel noted the many contributions these two gentlemen made for the world.

The world will note nor long remember what we say here, but it can never forget what they did here. It is for us, the living, rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this nation shall have a new birth of freedom; and that government of the people, by the people, for the people, shall not perish from the earth.

--Abraham Lincoln
Gettysburg Address,
November 19, 1863

I have a dream that some day every valley shall be exalted, every hill and mountain shall be made low, the rough places will be made plains, and the crooked places will be made straight, and the glory of the Lord shall be revealed, and all flesh shall see it together.

I have a dream that my four little children will one day live in a nation when they will not be judged by the color of their skin, but by the
content of their character.

--Martin Luther King, Jr.
Civil Rights March on Washington,
D.C., August 28, 1963

C.

PLEDGES TO THE FLAGS – Mayor Cindy Siegel.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

Mayor Cindy Siegel led the audience and City Council in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

D.

APPROVAL OR CORRECTION OF MINUTES:

APPROVAL of minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held Monday, January 8, 2007 – Action by Members of City Council (Item submitted by City Clerk Tracy L. Dutton).

MOTION TO APPROVE MINUTES:

A motion was made by Councilwoman Debra Marz Davison and seconded by Councilman Pat McLaughlan to approve the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held Monday, January 8, 2007.

VOTE ON MOTION TO APPROVE MINUTES:

Motion carried unanimously on a 7-0 vote as follows:

FOR:

Siegel, Cindy
Hickman, Will
Monday, John F.
Faulk, Peggy
Davison, Debra Marz
McLaughlan, Pat
Jeffery, John

OPPOSED: None

ABSENT: None
E. PERSONAL/AUDIENCE COMMENTS.

Bill Borden, 4406 Basswood Lane, Bellaire, Texas:

Mr. Borden addressed City Council regarding an item on City Council’s agenda this evening that had to do with no smoking. He noted that he was an ex-smoker and had quit smoking approximately ten years ago. He did not advocate smoking and thought others should refrain from smoking. He had a problem with whether or not the City Council’s role was to tell the private sector what to do.

Mr. Borden stated that he believed the issue before City Council was not whether or not smoking was a good idea; it was a matter of whether the City Council had that duty to protect the private sector. The private sector could take care of itself and would eliminate smoking if their customers demanded that they do so.

He was also concerned over the enforcement of such an ordinance. A part-time person, whether a police officer or health officer or some other employee, would have to enforce the ordinance at a minimum. Typically, these ordinances were selectively enforced after the receipt of a complaint. This seemed to create a “civil war attitude” between one group of people and another group (i.e., the smokers against the nonsmokers). Mr. Borden urged City Council to let the market take care of itself with respect to this issue.

In summary, Mr. Borden stated that it was not a good idea for the City to be involved in establishing a rule that the restaurants could control themselves. He noted that many office buildings established such rules with lease agreements. The more the City stayed out of such regulations, the better off the City would be. He noted that he would appreciate City Council’s consideration of his points when the referenced agenda item came before them later this evening.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee addressed City Council and noted that she wished to make a short comment about several items on the City Council agenda.

First, she publicly recognized her son Sam for finishing the Chevron Marathon before the time limit and when asked what his goal was, he advised that it was just to finish in his own time.

Second, Ms. McBee referred to the agenda item related to the passage of a resolution to seek more funding for the Texas Recreation and
Parks Department of the State of Texas. She absolutely agreed with the sentiment. The closing and deterioration of the state parks were criminal thanks to the last Legislative Session. She was hoping that the State Legislature this year would have a better take on that. However, City Council was elected to represent the citizens of Bellaire. The City Council was not elected, in her view, to represent what they thought the citizens of Bellaire might want them to tell the State Legislature. Ms. McBee would love for each member of City Council to individually address the State Legislature; however, she did not wish for them to speak for the populace of the City of Bellaire even though it was a noble cause. In addition, the City gained money from the fund and it did not seem ethical for the City to ask for more so that they could apply for that money again.

With respect to the Centennial Planning Committee agenda item, Ms. McBee thought it was terrific so long as the event was historical. She hoped that any fundraising for facilities in the City would not be a part of the event. She hoped that it would truly be a celebration of historical events, and noted that the gazebo was built in the 1980s to celebrate the 200th anniversary of the United States. The gazebo was a wonderful legacy, and she hoped that the Centennial Planning Committee would do similar historical and inspirational types of projects, particularly the Bellaire Arts Commission.

Finally, Ms. McBee noted that she disagreed with the comment made by the prior speaker that the market could take care of itself. The market was taken care of by consumers, governments, and regulatory agencies.

F. REPORTS:

1. CITY MANAGER’S REPORT – City Manager Bernard M. Satterwhite, Jr.

City Manager Bernard M. Satterwhite, Jr., presented the City Manager’s Report to City Council as follows:

With respect to Communications Technology Services, the City would be rolling out a new web-based geographic information system, which had been in the works for quite some time. It was noted that the technology had become more readily available and relatively inexpensive. The system could be accessed by City Staff and the public, and would include information such as the location of fire hydrants, water lines, sewer lines, roads, tax information, and parcel information.

City Manager Satterwhite noted that Cheryl Bright-West, Recreation Program Superintendent, had been out on maternity
leave and was back at work. He asked Director of Parks & Recreation Jane L. Dembski to come forward and make a special presentation to Cheryl.

Jane L. Dembski, Director of Parks & Recreation Department, addressed City Council and noted that she wished to present an award to Cheryl Bright-West. Cheryl was unable to receive the award at the National Recreation and Parks Association National Conference due to her being bedridden in anticipation of the birth of her first child—Ashlynn Lee.

The Texas Parks and Recreation Society (also known as “TRAPS”) was the professional organization for parks and recreation professionals in the State of Texas. TRAPS were noted to be the state affiliation to the National Recreation and Parks Association. Both associations offered award opportunities to individuals, cities, counties, and businesses for their achievements in various areas of parks and recreation.

Cheryl Bright-West had been the TRAPS Region IV Director for the last two years and would be coming on board again for the next two years. She had chaired and been a member of several committees, such as the Regional and State Conference Planning Committee, Awards Committee, Ways and Means Committee, and Publications Committee. Cheryl was a huge help to Director of Parks & Recreation Jane L. Dembski during her tenure as TRAPS President a few years ago.

It was noted further that Cheryl had been employed with the City of Bellaire for nine years, starting out as Recreation Program Supervisor and recently being promoted to Recreation Program Superintendent. Cheryl had raised the bar in her areas of responsibility, innovate programming, team programming, Bellaire L.I.F.E., Leisure Activities Guide, and great additions to the City’s special events.

Because of Cheryl’s professionalism, enthusiasm, and dedication to improving community leisure programming, and her excellent work within the TRAPS and NRPA organizations, she was a worthy recipient of the Robert W. Crawford Young Professional Award. This was the highest award a young professional could receive. The Robert W. Crawford Young Professional Award was presented to a young professional who exemplified Bob Crawford’s innovative leadership in the planning and development of creative community leisure opportunities.
Director Dembski advised that it was her honor, on behalf of the National Recreation and Parks Association, to present the award to Cheryl Bright-West.

[Cheryl Bright-West came forward and accepted the award from Director Dembski]

City Manager Satterwhite continued at this time with his report after congratulating Cheryl Bright-West and noting that she was very deserving of the award.

It was next noted that the City’s new Facilities Director, Colin Miller, would be leaving the City of Bellaire effective February 14, 2007. He would be moving to California to get married and had taken a position as the Deputy Director of Parks & Recreation in Stockton, California. This was a huge step for Colin, and the City wished him the best.

With respect to indicators, City Manager Satterwhite noted that he would be presenting an in-depth report on indicators during the State of the City Address on February 5, 2007. He did state that crime was down 17% over the previous year at year-end. During the first quarter of fiscal year 2007, there were 40 new residential building permits issued as compared to 38 during the first quarter of 2006. More information regarding building permits would also be presented at the State of the City Address on February 5, 2007.

The big issue currently was weather. City Manager Satterwhite stated that emergency personnel were watching the weather closely and would continue to do so throughout the evening. The City planned to be fully open on Tuesday, January 16, 2007. There were employees that lived a great distance from Bellaire and might have difficulty arriving at work. The biggest issue Bellaire might have was related to loss of power as a result of ice accumulation on aboveground utilities. He had spoken with CenterPoint Energy who had crews on standby 24 hours per day, seven days per week. CenterPoint Energy had pledged a full-blown effort to get the City’s water and sewer facilities back up and running as quickly as possible if those facilities were to go down.

Also of note was the next utility bill for the City of Bellaire, which would reflect the increased utility rates.
Upcoming meetings were noted as follows:

<table>
<thead>
<tr>
<th>Type of Meeting</th>
<th>Date</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special Session – Interviews and Appointment to the Planning and Zoning Commission</td>
<td>01/22/2007</td>
<td>6:00 p.m.</td>
</tr>
<tr>
<td>Regular Session – State of the City Address (Town Meeting)</td>
<td>02/05/2007</td>
<td>7:00 p.m.</td>
</tr>
<tr>
<td>Facilities Workshop and/or Special Session</td>
<td>02/12/2007</td>
<td>7:00 p.m.</td>
</tr>
<tr>
<td>Regular Session</td>
<td>02/19/2007</td>
<td>7:00 p.m.</td>
</tr>
</tbody>
</table>

QUESTIONS/COMMENTS FROM CITY COUNCIL:

{Legend:  A – Answer; C – Comment; Q – Question; R – Response}

Councilman John Jeffery

Q: Councilman Jeffery stated that the air conditioning system was out in the Recreation Center over the holidays. He inquired as to whether this was a major expense.

A: City Manager Satterwhite advised that he was not able to answer the question and would have to get back with Councilman Jeffery.

Q: Councilman Jeffery referred a situation wherein an older home was purchased by a builder and had been subsequently left vacant. The home had been vandalized (i.e., broken windows) and animals were getting inside. He asked if there was a certain time period that a home could be left vacant? In other words, could it sit idle?

A: City Attorney Alan P. Petrov advised that the home could sit idle. There was no requirement that people had to live in a particular house and some builders took a long time to build homes. The City did have ordinances relating to safety and security of structures. If windows had been knocked out, those windows were supposed to be repaired or boarded up. Doors were supposed to be fixed and sealed or boarded up. If there were a structure with problems, the Building Official could investigate and take action via the Building & Standards Commission.
Q: Councilman Jeffery asked for confirmation that a person could literally put up a piece of plywood in front of the windows as long as they stopped animals and others from gaining access.

A: City Attorney Petrov advised that Councilman Jeffery was correct.

Councilman Pat McLaughlan

Q: Councilman McLaughlan referred to the hurricane situation one year ago and noted that some homes around town put plywood sheets over their bedroom windows. Those plywood sheets were still in place in some instances. He asked if there were a requirement that every room in a house had to have a window. He thought that residents that had neglected to take down their hurricane protection might be in violation of some existing City Code.

A: City Attorney Petrov advised that there were some Fire Code requirements related to the situation that Councilman McLaughlan outlined. There was not a requirement related to every room in a house, but certainly to bedrooms. Bedrooms had to have secondary accesses, such as windows. Depending on the room and layout of the structure, there could be two doors to a bedroom, which might solve the problem as far as the Fire Code was concerned. Depending on the circumstances, the homeowner could be in violation of the Fire Code.

C: Councilman McLaughlan suggested that when the City’s Building Inspectors were out and about in the City, they might notice those types of situations and give a friendly reminder to those residents in possible violation.

MOTION TO ACCEPT REPORT INTO THE RECORD:

A motion was made by Councilman Pat McLaughlan and seconded jointly by Councilwoman Debra Marz Davison and Councilman John Jeffery to accept the City Manager’s Report as presented by City Manager Bernard M. Satterwhite, Jr., into the record.
VOTE ON MOTION TO ACCEPT REPORT INTO THE RECORD:

Motion carried unanimously on a 7-0 vote as follows:

FOR: Siegel, Cindy
     Hickman, Will
     Monday, John F.
     Faulk, Peggy
     Davison, Debra Marz
     McLaughlan, Pat
     Jeffery, John

OPPOSED: None

ABSENT: None

2. FINANCIAL REPORT – Interim Chief Financial Officer Vickey O’Donnell.

Interim Chief Financial Officer Vickey O’Donnell presented the Financial Report for the period ended December 31, 2006, to the City Council. It was noted that the City’s financial report was for the third month of the fiscal year ending December 31, 2006.

Revenues and expenditures for the City were noted to be on target for this point in time. The tasks that the Finance Department typically concentrated in during the months of December and January pertained to tax and audit work, such as 1099s and W-2s. The auditors were scheduled to be onsite on Tuesday, January 16, 2007, for the City’s 2006 audit.

As noted previously, the utility bills were scheduled to go out on Friday and would include the new rates. An insert would be included with the bills to explain the new rate and meter charges.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

{Legend: A – Answer; C – Comment; Q – Question; R – Response}

Councilman John Jeffery

Q: Councilman Jeffery referred to page 3 of the Financial Report, Facilities Expenditures, and inquired as to the reason there was no variance.
A: Interim Chief Financial Officer Vickey O’Donnell advised that expenditures related to facilities during 2006 were booked to the Parks & Recreation Department. This year, those expenditures were moved to the Organizational Services Department. She advised that she could pull those out so that a better comparison could be made.

MOTION TO ACCEPT REPORT INTO THE RECORD:

A motion was made by Councilwoman Debra Marz Davison and seconded jointly by Councilman John F. Monday and Councilman Pat McLaughlan to accept the Financial Report as presented by Interim Chief Financial Officer Vickey O’Donnell into the record.

VOTE ON MOTION TO ACCEPT REPORT INTO THE RECORD:

Motion carried unanimously on a 7-0 vote as follows:

FOR: Siegel, Cindy
Hickman, Will
Monday, John F.
Faulk, Peggy
Davison, Debra Marz
McLaughlan, Pat
Jeffery, John

OPPOSED: None

ABSENT: None

G. NEW BUSINESS:

1. ADOPTION OF RESOLUTIONS:

a. CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, requesting the members of the 80th Legislative Session of the State of Texas’ support of increased funding for the Texas Recreation & Parks Account Local Park Grant Program and the Texas State Park System – Action by Members of City Council (Item submitted by Director of Parks & Recreation Jane L. Dembski).
SUMMARY:

Director of Parks & Recreation Jane L. Dembski advised that the last time she had brought a similar resolution to City Council, it was passed. A few times prior to that, City Council did not pass it. She brought the resolution to City Council because there were 50+ cities that had passed the resolution thus far this year.

Director Dembski advised that it was truly up to City Council as to whether or not they wished to go forward with this kind of backing or not. She, as a citizen of Texas, backed the resolution and would be going to the State Legislative Session to talk as a citizen of Texas.

She noted that the resolution was fairly self-explanatory and she would be happy to answer any questions City Council might have regarding it.

MOTION TO ADOPT RESOLUTION:

A motion was made by Councilman Pat McLaughlan and seconded by Councilwoman Debra Marz Davison to adopt a resolution of the City Council of the City of Bellaire, Texas, requesting the members of the 80th Legislative Session of the State of Texas’ support of increased funding for the Texas Recreation & Parks Account Local Park Grant Program and the Texas State Park System.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

{Legend:  A – Answer;  C – Comment;  Q – Question;  R – Response}

Councilman John F. Monday

C: Councilman Monday commented that it seemed that City Council was somewhat conflicted amongst themselves as to whether or not the resolution should be supported. He certainly did not argue the merits of the proposal or what Director Dembski had to say.

He was not certain that this was what his function was as a member of City Council or what he should be held accountable for as the City’s representative. It would not hurt for City Council
to do it, but he was conflicted with respect to whether or not it was the right thing to do. He did not believe it would make a difference.

**Councilman Will Hickman**

C: Councilman Hickman, stated that, in general, he enjoyed national and state parks and had an annual membership to state parks. While on the abstract funding for state parks seemed like a good idea, funding came from increased taxes, which he did not believe was a good idea.

He agreed with Resident Lynn McBee that the City should not be taking a position on a state legislative issue. As individuals, members could lobby their respective positions.

**VOTE ON MOTION TO ADOPT RESOLUTION:**

Motion failed on a 3-4 vote as follows:

**FOR:** Siegel, Cindy  
Davison, Debra Marz  
McLaughlan, Pat

**OPPOSED:** Hickman, Will  
Monday, John F.  
Faulk, Peggy  
Jeffery, John

**ABSENT:** None

b. CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, setting forth the City of Bellaire’s request that the portion of Bellaire Boulevard located within the corporate limits of the City of Bellaire, Texas, not be considered for expansion including, but not limited to, additional lanes in the Houston-Galveston Area Council’s 2025 Regional Transportation Plan – Action by Members of City Council (Item submitted by City Clerk Tracy L. Dutton on behalf of Mayor Cindy Siegel and Councilman Pat McLaughlan).
SUMMARY:

Mayor Cindy Siegel noted that Councilman Pat McLaughlan and herself submitted the agenda item before City Council. Councilman McLaughlan currently served as the City of Bellaire’s representative to the Houston-Galveston Area Council. The item was brought forth in response to one of the items that the Houston-Galveston Area Council was considering in their 2025 Regional Transportation Plan, which was a possible expansion of Bellaire Boulevard. Executive Director Jack Steele of the Houston-Galveston Area Council had advised that if City Council did not wish to see Bellaire Boulevard expanded and increased traffic, then City Council needed to express formally in writing that desire.

Mayor Siegel advised that if this resolution passed this evening, she would recommend that it be forwarded, with a cover letter, to Mr. Steele.

MOTION TO ADOPT RESOLUTION:

A joint motion was made by Councilman Pat McLaughlan and Councilman John F. Monday and seconded by Councilman John Jeffery to adopt a resolution of the City Council of the City of Bellaire, Texas, setting forth the City of Bellaire’s request that the portion of Bellaire Boulevard located within the corporate limits of the City of Bellaire, Texas, not be considered for expansion including, but not limited to, additional lanes in the Houston-Galveston Area Council’s 2025 Regional Transportation Plan.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

{Legend:  A – Answer;  C – Comment;  Q – Question;  R – Response}

Councilman Will Hickman

Q: Councilman Hickman inquired as to what power the Houston-Galveston Area Council had to make the 2025 Regional Transportation Plan a reality.
A: **Councilman Pat McLaughlan** advised that it was his understanding that the Traffic Study Committee within the Houston-Galveston Area Council would assess the needs of communities and the workplaces for traffic flow and would make recommendations for funding through various agencies (i.e., Harris County, Texas, and the Metropolitan Transit Authority of Harris County, Texas, etc.). He believed that the Houston-Galveston Area Council’s long-term planning played a major role in the funding plans for roadway expansions. He felt that if City Council wanted to continue to see Bellaire Boulevard within the corporate limits of Bellaire as a residential street, then it was important that City Council get on the record and state that they did not support an expansion of Bellaire Boulevard.

Q: **Councilman Hickman** inquired as to why the City had specifically mentioned Bellaire Boulevard and not Bissonnet Street, South Rice Avenue, Newcastle Drive, etc. In other words, were there other streets in Bellaire that were under consideration for expansion?

A: **Mayor Siegel** stated that she understood that Bellaire Boulevard was the only street mentioned for possible expansion.

**Councilman McLaughlan** agreed and advised that Mr. Steele’s presentation to City Council specifically indicated that Bellaire Boulevard was a candidate for expansion.

Q: **Councilman Hickman** inquired as to the reason the resolution was limited to the corporate limits of the City of Bellaire. In other words, if Bellaire Boulevard were expanded ten lanes west of the City and ten lanes east of the City, it would not make much sense to constrict the road down within Bellaire.

A: **Mayor Siegel** stated that the portion of Bellaire Boulevard within the City of Bellaire was within City Council’s purview. The remainder of it was not.
Councilman John F. Monday

C: Councilman Monday advised that this was a great example of how Councilman McLaughlan’s oversight on the board of the Houston-Galveston Area Council was beneficial. He noted that an expansion of Bellaire Boulevard would have a significant impact on the residents of Bellaire. He believed that City Council was doing the right thing by sending a message to the Houston-Galveston Area Council that an expansion of Bellaire Boulevard was not desired or supported by the City Council.

Mayor Siegel stated that she believed that the Houston-Galveston Area Council planned to start looking at the 2025 Regional Transportation Plan in March of 2007, so it was important for City Council to get their desires on the record as soon as possible. She did not know how much influence this action would have, but noted that it could not hurt.

Councilman McLaughlan stated that he, too, believed that such an expansion would have a significant impact on Bellaire and noted that it was important that the City Council get its position on record with the Houston-Galveston Area Council.

VOTE ON MOTION TO ADOPT RESOLUTION:

Motion carried unanimously on a 7-0 vote as follows:

FOR: Siegel, Cindy
    Hickman, Will
    Monday, John F.
    Faulk, Peggy
    Davison, Debra Marz
    McLaughlan, Pat
    Jeffery, John

OPPOSED: None

ABSENT: None

{Resolution was subsequently numbered: 07-01}
2. ADOPTION OF ORDINANCES:

Agreements and Contracts

a. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing Harris County, Texas, to replace existing pavement markings on specific sections of certain streets in the City of Bellaire, Harris County, Texas – Action by Members of City Council (Item submitted by Director of Public Works Joe Keene).

SUMMARY:

Mayor Cindy Siegel read the sections of streets that would be included in the agreement for replacement of existing pavement markings as follows:

- 6300–8300 blocks of South Rice Avenue;
- 4300–5800 blocks of Bissonnet Street;
- 7800–8300 blocks of Chimney Rock Road;
- 4300–5400 blocks of Bellaire Boulevard;
- 4700–5100 blocks of Evergreen Street;
- 6300–8200 blocks of Avenue B;
- 5500–8300 blocks of Newcastle Drive;
- 4700–5000 blocks of Fournace Place;
- 5100–5200 blocks of Spruce Street; and
- 5000–5100 blocks of Cedar Street.

MOTION TO ADOPT ORDINANCE:

A motion was made by Councilman John Jeffery and seconded by Councilman Will Hickman to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing Harris County, Texas, to replace existing pavement markings on specific sections of certain streets in the City of Bellaire, Harris County, Texas.

{Remainder of page intentionally left blank}
QUESTIONS/COMMENTS FROM CITY COUNCIL:

{Legend:  A – Answer; C – Comment; Q – Question; R – Response}

Councilman Will Hickman

Q:  Councilman Hickman inquired as to how often the City had to replace pavement markings on a street.

A:  Director of Public Works Joe Keene advised that pavement markings generally lasted between 9-15 or 16 months.

C:  Councilman Hickman stated that he was going to inquire as to whether any of the streets scheduled for replacement of pavement markings were going to be resurfaced soon. Since many of the pavement markings were replaced on an annual basis, his question no longer mattered.

VOTE ON MOTION TO ADOPT ORDINANCE:

Motion carried unanimously on a 7-0 vote as follows:

FOR:   Siegel, Cindy  
        Hickman, Will  
        Monday, John F.  
        Faulk, Peggy  
        Davison, Debra Marz  
        McLaughlan, Pat  
        Jeffery, John

OPPOSED:  None

ABSENT:  None

{Ordinance was subsequently numbered:  07-002}

Code Amendment

b.  CONSIDERATION of and possible action on the adoption of an ordinance amending Chapter 22,
Offenses – Miscellaneous, of the Code of Ordinances of the City of Bellaire, Texas, by adding an Article V entitled “Smoking”; containing findings and other provisions relating to the foregoing subject; providing for severability – Action by Members of City Council (Item submitted by City Clerk Tracy L. Dutton on behalf of City Attorney Alan P. Petrov).

{Note: This agenda item was postponed by City Council on December 18, 2006, until the Mayor could be present for its consideration.}

SUMMARY:

Mayor Cindy Siegel summarized the agenda item before City Council and referred to direction previously given to City Staff in November of 2006 to prepare an ordinance that followed a similar ordinance adopted by the City of Houston and other cities in the area. Although Mayor Siegel submitted this agenda item, she noted that she was approached approximately one year ago by Former Houston Councilwoman Shelley Sekula-Gibbs regarding her efforts with the City of Houston related to the issue. She also received a call from Mayor Bill White asking that Bellaire give similar consideration to the issue as well. It was noted that the Houston Restaurant Association had requested that the ban be comparable across the area.

Mayor Siegel advised that she had put together a fact sheet related to secondhand smoke that she wished to present as an introduction to the agenda item.

First, secondhand smoke was classified by the Environmental Protection Agency as a known cause of cancer in humans. Secondhand smoke contained a number of chemicals known to be toxic and carcinogenic, including formaldehyde, benzene, arsenic, ammonia, hydrogen, cyanide, etc.

Approximately 3,400 lung cancer deaths were associated with secondhand smoke. A nonsmoking person exposed to secondhand smoke was 25% more likely to have coronary heart disease as compared to a nonsmoking person not exposed to secondhand smoke.
Levels of secondhand smoke in restaurants and bars were found to be 2-5 times higher than residences with smokers and 2-6 times higher than in office workplaces. The impact to children was noted to be between 150,000 to 300,000 lower respiratory tract infections resulting in between 7,500 and 15,000 hospitalizations each year. Secondhand smoke was also known to cause between 1,900 and 2,700 sudden infant deaths each year.

In closing, Mayor Siegel advised that she saw secondhand smoke as a health issue and noted that the Bellaire Charter set out City Council’s responsibility as health, safety, and welfare of the community. She respectfully disagreed with Resident Bill Borden’s earlier comment and noted that the City told its business owners many times how high their buildings could be built, what type of wiring to use, what degree their food should be chilled at, etc. The City governed such things as indecent exposure and constantly stepped in to protect the health, safety, and welfare of its citizens.

MOTION TO ADOPT ORDINANCE:

A motion was made by Councilman Pat McLaughlan and seconded by Councilwoman Debra Marz Davison to adopt an ordinance amending Chapter 22, Offenses – Miscellaneous, of the Code of Ordinances of the City of Bellaire, Texas, by adding an Article V entitled "Smoking"; containing findings and other provisions relating to the foregoing subject; providing for severability.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

{Legend: A – Answer; C – Comment; Q – Question; R – Response}

Councilman John F. Monday

C: Councilman Monday advised that he felt that everyone was clear as to his position on the issue, and he did not expect to change anyone’s mind. There was really no argument to the health detriments as outlined by Mayor Siegel.

Until people acknowledged that smoking was more of an addiction than a nuisance to others
(i.e., secondhand smoke), it would not make a difference in the City of Bellaire with respect to public health, and it would not change the number of deaths.

Councilman Monday continued and advised that he did not believe that it was the City Council’s purview to consider this issue, and the City would just be following along with what Mayor Bill White of Houston wished for Bellaire to do. Councilman Monday did not believe there was any harm in considering and/or passing the ordinance, but did not feel that there would be any benefit from such passage.

**Councilman Pat McLaughlan**

C: **Councilman McLaughlan** noted that Bellaire was a zoned community and had lots of laws and regulations. The result of such laws and regulations had been the development of a very strong community. The City told businesses what kind of fire protection requirements they had to have. The City told restaurants what type of food handling standards they had to follow. He did not see that those rules and regulations for the public good were onerous or driving people out of business.

Councilman McLaughlan strongly disagreed with comments made earlier by Resident Bill Borden. Councilman McLaughlan noted that he planned to support the ordinance, as it would be good for the community, and it would not damage the business owners. All business owners had not proved themselves to be responsible. Sometimes responsibility needed a little nudge from the City.

**Councilman Will Hickman**

C: **Councilman Hickman** stated that he did not smoke nor had he ever smoked and did not go to places that allowed smoking. He did not see nor had he heard of a problem in Bellaire with smoking places.

If he remembered correctly, when this issue came before City Council previously, there were
two restaurants in Bellaire that allowed smoking. He did not know for sure if that was high or low or accurate, but he felt that this was an issue best dealt with by the market. As a consumer, Councilman Hickman could avoid going to those places that allowed smoking or, if he preferred smoking places, he could go to them. The business owners, property owners, office managers, etc., could allow or disallow smoking as they saw fit.

Councilman Hickman referred to one of the facts that was mentioned earlier by the Mayor related to sudden infant deaths and noted that this was more likely to occur in the home than in a place of business. In that regard, smoking should be banned in all structures in Bellaire—not just public places. A greater health benefit could be gained by banning smoking in homes.

Councilman Hickman closed and advised that he did not see this as a health issue, but rather a property rights issue. He asked if the City should be legislating common sense or whether the City should allow people to make free choices.

Mayor Pro Tem Peggy Faulk

C: Mayor Pro Tem Faulk advised that she had never smoked, did not want her children to ever smoke, would not marry a smoker, did not allow smoking in her home, and did not allow smoking on her property if it could be avoided. The City did regulate, but certain amounts of regulation were necessary. She did want to control the temperature that food was stored at in restaurants so that she knew that she could eat the food safely.

However, if Mayor Pro Tem Faulk walked into a restaurant and there was a great deal of smoking, she could vote with her pocketbook. She could go talk to them or leave the restaurant. She also noted that if the City were to regulate smoking, perhaps the City should consider regulating overeating and trans fat. In other words, where did the regulation stop?
America was supposed to be the land of the free, and all we seemed to do was regulate and regulate. Enough was enough. She did not see a problem with smoking in the Bellaire restaurants and would, therefore, not support this item.

**Councilman John Jeffery**

**Q:** Councilman Jeffery advised that this was a tough issue. He inquired as to how the ordinance would be enforced. Mayor Siegel noted that the Houston Restaurant Association would like for this ban to be applied across all the municipalities in the area. He suggested that the Houston Restaurant Association ask the restaurants in the area to support a ban. He was not sure this was an issue for the Bellaire City Council to take on.

Councilman Jeffery stated that he did not like smoking and had lost good friends and family members in his life due to smoking. He advised, again, that he did not believe that this was an issue for the City to address, but rather an issue for a business or property owner to deal with on their own basis. He agreed with the statement made by Mayor Pro Tem Faulk regarding voting with one’s pocketbook.

**C:** Mayor Siegel advised that she did not bring this issue forward just because of Houston Mayor Bill White. Secondly, she noted that a person’s decision to smoke in a restaurant impacted the Mayor’s health and that of her family. She thought such a ban was comparable to standards for food handling.

Mayor Siegel gave an example of a person letting his or her pocketbook vote in lieu of food handling standards. If that person got food poisoning, then he or she would probably never go to that establishment again. She did not really see a difference between a ban on smoking and food handling standards.
VOTE ON MOTION TO ADOPT ORDINANCE:

Motion failed on a 2-5 vote as follows:

FOR:       Siegel, Cindy
           McLaughlan, Pat

OPPOSED:   Hickman, Will
           Monday, John F.
           Faulk, Peggy
           Davison, Debra Marz
           Jeffery, John

ABSENT:    None

3. ITEM FOR INDIVIDUAL CONSIDERATION:

DISCUSSION and possible action by the City Council of the City of Bellaire, Texas, to appoint a Centennial Planning Committee to plan the 2008 Bellaire Centennial and associated activities and festivities – Action by Members of City Council (Item submitted by City Clerk Tracy L. Dutton on behalf of Mayor Cindy Siegel).

SUMMARY:

Mayor Cindy Siegel advised that there was some confusion as to the City’s Centennial. There was a marker on Bellaire Boulevard that indicated that the Centennial should be in 2007. The historical marker in front of City Hall and the deed records for Harris County, Texas, showed that the City of Bellaire was founded December of 1908. As a great believer in planning parties with sufficient time, she put together a thought for a Centennial Planning Committee for Bellaire’s Centennial in 2008. Her thought was not related to fundraising, but to get various organizations in the community involved in planning the activities for the Bellaire Centennial.

She suggested that the composition of the Bellaire Centennial Committee (“Committee”) be as follows:

One member from the Parks & Recreation Advisory Board;
One member from the Bellaire L.I.F.E. Advisory Board;
One member from the Bellaire Arts Commission;
One member from the Bellaire Historical Society;
Two members from City Council; and
Three citizens at large.
The members of the Committee would serve from time of appointment through the end of the Centennial year—2008. She felt that the Committee should work with the community and City Staff to plan what the festivities would be.

**MOTION TO APPOINT CENTENNIAL PLANNING COMMITTEE:**

A motion was made by Councilwoman Debra Marz Davison and seconded by Councilman John Jeffery to authorize the Mayor of the City of Bellaire, Texas, to appoint a Centennial Planning Committee to plan the 2008 Bellaire Centennial and associated activities and festivities.

**QUESTIONS/COMMENTS FROM CITY COUNCIL:**

{Legend:  A – Answer; C – Comment; Q – Question; R – Response}

**Councilman John Jeffery**

Q: Councilman Jeffery inquired as to whether more members from the senior community should be on the Committee.

A: Mayor Siegel advised that she had suggested a member from the Bellaire L.I.F.E. Advisory Board. She was open to suggestions as to whether there should be more from each board on the Committee and whether or not there needed to be only one member of City Council on it.

**Councilman John F. Monday**

C: Councilman Monday stated that this was a great example of a Mayor that was always thinking. He thought her suggestion was a great one, and he did not think that two members of City Council serving on the Committee were too many. Having nine people on the Committee also seemed to be a good number, and he would support the item as presented by Mayor Siegel.

A: Mayor Siegel noted that if the Committee came back and suggested that other groups needed to be included, then City Council could always add more members. Mayor Siegel noted that she saw this as an umbrella group. She would expect the Bellaire Historical Society to play a big role, as well as the Parks & Recreation Advisory Board.
Councilwoman Debra Marz Davison

C: Councilwoman Davison stated that she, too, thought that this was a great idea. She noted that the Bellaire Arts Commission was already considering the City’s Centennial and considering partnering with the Parks & Recreation Advisory Board on one or two ideas. Obviously, the Bellaire Historical Society had been discussing the Centennial as well. Councilwoman Davison stated that she believed it was time to pull these groups together.

Councilman Will Hickman

Q: Councilman Hickman inquired as to whether City Council wanted to request one or more members of City Staff to join the Committee.

A: Mayor Siegel advised that City Staff normally served as a liaison to City Committees. She believed that she would leave that up to the City Manager to decide. She could see Library Director Mary Alford and Director of Parks & Recreation Jane L. Dembski wanting to be involved.

Councilman John F. Monday

Q: Councilman Monday inquired as to whether an end date was needed for the Committee.

A: Mayor Siegel stated that the end date was December 31, 2008. She also advised that she was open to City Council holding an interview process to appoint the members of the Committee.

C: Councilwoman Davison stated that she would like to see the Mayor appoint the members as originally suggested in the agenda item.

VOTE ON MOTION TO APPOINT CENTENNIAL PLANNING COMMITTEE:

Motion carried unanimously on a 7-0 vote as follows:

FOR: Siegel, Cindy
     Hickman, Will
     Monday, John F.
     Faulk, Peggy
FOR (cont.): Davison, Debra Marz
McLaughlan, Pat
Jeffery, John

OPPOSED: None

ABSENT: None

H. COUNCIL CORRESPONDENCE AND COMMENTS.

Discussion only.

I. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Councilwoman Debra Marz Davison and seconded by Mayor Pro Tem Peggy Faulk to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 8:32 p.m. on Monday, January 15, 2007.

VOTE ON MOTION TO ADJOURN:

Motion carried unanimously on a 7-0 vote as follows:

FOR: Siegel, Cindy
Hickman, Will
Monday, John F.
Faulk, Peggy
Davison, Debra Marz
McLaughlan, Pat
Jeffery, John

OPPOSED: None

ABSENT: None

Respectfully submitted,

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

___________________________
Cynthia Siegel, Mayor
City of Bellaire, Texas