CITY OF BELLAIRE
CITY COUNCIL

Minutes of Meeting
Monday, March 5, 2007

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 7:03 p.m. on Monday, March 5, 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 – Councilman John Jeffery.

Councilman John Jeffery read several quotations for his inspirational reading regarding procrastination as follows:

Procrastination is the fear of success. People procrastinate because they are afraid of the success that they know will result if they move ahead now. Because success is heavy, carries a responsibility with it, it is much easier to procrastinate and live on the “someday I’ll” philosophy.

--Denis Waitley

Councilman Jeffery asked the following question of the audience: “Have you caught yourself saying someday I’ll . . .? Or, in our government’s case, made a statement, such as, “let’s form a committee to look into it,” “let’s hire a consultant,” or “I need more information.” He noted that such questions or statements could be considered procrastination or due diligence. He noted that he was learning that there was a fine balance between due diligence and the courage required to move ahead decisively.
A final quote was cited as follows:

There are no mistakes or failures, only lessons.

Denis Waitley

C. PLEDGES TO THE FLAGS – Councilman John Jeffery.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

Councilman John Jeffery led the audience and the 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, February 19, 2007 – Action by Members of the 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 John Jeffery to approve the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held Monday, February 19, 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
      McLaughian, Pat
      Jeffery, John

OPPOSED: None

ABSENT: None
E. PERSONAL/AUDIENCE COMMENTS:

Russ Pitman, 4908 Imperial Street, Bellaire, Texas:

Mr. Pitman addressed City Council regarding a property that was the subject of a new commercial development on Bellaire Boulevard. He began with a reference to decisions by the Bellaire Tax Increment Financing District Board and the Bellaire City Council to narrow Bellaire Boulevard at its intersection with Bissonnet Street. The narrowing of Bellaire Boulevard resulted in green space in front of the Weingarten Realty Property (i.e., Randall’s), Wagner’s Hardware Property (i.e., Sherwin-Williams Paint Co.), the property where the Watering Can was located and the property that used to be the Kactus Grill Restaurant. The pavement was left in place in front of The Bead Shop for parking.

In 1991, a new survey of the property on which The Bead Shop was located was prepared at the request of the property owner. As a result of that survey, the property, known as Lot 25, Block 46, Town of Bellaire, grew in size—it actually doubled in size. The surveyor referred to the “point of beginning” as “A,” however, “B” was the correct corner of Bellaire Boulevard and Fifth Street. The street right-of-way was 250 feet and the “point of beginning” should have been “B.”

A new survey performed in 2006 confirmed the erroneous 1991 survey for Westbound Bank. The surveyor did not check the plat, which was recorded in the Harris County Map Records, Volume 3, Page 59, in 1911. The surveyor referred to a plat filed on page 17. Mr. Pitman indicated his astonishment that this could occur as the official surveys of record guided everything. He noted that the City Attorney would concur with his statement that a surveyor should always start with the subdivision plat. Lot 25 could not grow as it was surrounded by rights-of-way. Abandonment by City Council could result in the growth of a property, however, abandonment had not occurred with respect to this property.

Mr. Pitman stated that the existing buildings on Lot 25 were old, but housed four retail businesses. As the City had trouble getting retail businesses to locate in downtown Bellaire, it would be sad to lose the businesses.

In closing, Mr. Pitman advised that the sign for the Sherwin-Williams Paint Co. located on the south side of Bellaire Boulevard was in the City’s right-of-way, which was illegal.
Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee addressed City Council on several issues. She began by commending Resident Russ Pitman for his excellent research of the plat associated with new commercial development on Bellaire Boulevard. She noted that this was not the first time that Mr. Pitman had provided research that benefited the City and its citizens.

As a point of information, Ms. McBee informed the audience and City Council that there would be an election on Saturday, May 12, 2007, for the purpose of allowing voters to cast a ballot on a constitutional amendment. The amendment related to the freezing of school taxes for those taxpayers who were 65 years of age and older and/or disabled. Due to the availability of precinct locations and officials, it was possible that many of the Harris County precincts would be combined on Election Day. Ms. McBee had recommended to Harris County that Bellaire’s precincts be combined and that Bayland Park serve as the polling place. She noted that as she knew more, she would ensure that the City Council was kept informed with respect to this election.

Ms. McBee continued and noted that the Planning and Zoning Commission would hold a Workshop Session on Tuesday evening to hear and discuss a report submitted by Consultant Kendig Keast Collaborative with respect to their review of the City of Bellaire’s 1992 Comprehensive Plan (“Plan”). The report indicated that there were shortfalls and omissions in that Plan and charged the Planning and Zoning Commission to answer questions and provide comments with respect to the Plan. She urged members of City Council to either attend or watch the meeting on the City’s cable television channel.

Ms. McBee concluded by stating her hope that there would be very focused planning with respect to the City’s facilities and that disruption and fragmentation could be mitigated with such focused planning.

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. The report covered the following Mission Areas: Residential Mobility and Residential Quality of Life, as well as Current Issues/Information and Upcoming City Council Meetings/Events.
MISSION AREAS:

Residential Mobility

With respect to Phase One of the Rebuild Bellaire Program, City Manager Satterwhite advised that the engineering design work was nearing completion and full completion was anticipated by the end of March. City Staff had discussed holding a neighborhood meeting on Phase One prior to bid award so that the residents in the area affected by construction would have ample time to understand what the construction was about.

Another bond issuance would be needed this spring (i.e., late May or early June) to finance the remainder of Phase One of the Rebuild Bellaire Program.

Residential Quality of Life

City Manager Satterwhite reminded everyone that the 11th Annual Bellaire Trolley Run was scheduled on March 31, 2007, and volunteers were needed to man the various street closure locations. The telephone number for volunteers to call was given as follows: 713-662-8116. Volunteers would receive a tee shirt for their participation.

CURRENT ISSUES/INFORMATION:

With respect to the Aquatic Facility, City Manager Satterwhite indicated that December and January were slow due to rain (i.e., there were 35 rain days in those two months). There were no rain days during the month of February. A meeting was held the previous week regarding the status of the Aquatic Facility, and City Manager Satterwhite noted that the diving well walls and floor were completed; most of the water lines, wastewater lines, drain lines, etc., into the bath house and community center had been installed; underground electric was completed; the foundation on the pool house should be poured at the end of the current week; all of the drains on the lap pool and diving well were completed; and the lap pool should be poured this Thursday.

The pool subcontractor was bringing another team in to help make up time. The slide for the pool was expected to arrive around May 1, 2007. City Manager Satterwhite did not believe that the pool could be open by July 4, 2007; however, the opening should occur shortly thereafter. At any rate, the Aquatic Facility should be open during the summer of 2007.

It was noted that Westbound Bank pulled their application for a specific use permit. The specific use permit was for a drive-through. A bank in the City Center District was a permitted use. City Manager
Satterwhite did not really know what Westbound Bank’s intentions or plans were at this time, as no plans had been received to date. The City was certainly aware of the disputed land issues, and City Attorney Alan P. Petrov was researching those issues. Regardless of whether a bank were constructed on the property, the land dispute still needed to be resolved.

The Trolley Pavilion located in Paseo Park was experiencing severe foundation issues, and the roof structure was currently leaning. It had been discovered that there really was no foundation. There was a perimeter beam and some support footings or piers in-between the perimeter beams with wooden beams going across the structure. The floor joists and some of the support columns were attached to the wooden beams. The problem arose due to moisture below the floor that remained at all times. As a result, the wood was rotted, buckling, and bowing.

The City had begun some initial investigation and hired an engineer to perform a cursory examination. The engineer indicated that the structure was in bad shape. Two foundation companies had looked at the structure. One foundation company provided a quotation to shore up the structure at an estimated cost of $43,000. The other foundation company advised that they would not bid on it and would not attempt to do anything to the structure from a foundation perspective. A third foundation company was scheduled to look at the structure on Tuesday.

The structure had been roped off until the City could get some answers as to its integrity. If the structure could not be addressed for some time, fencing would be installed to protect against usage of the structure.

The planning timeline for the Rebuild Bellaire Program had been roughly outlined. The timeline was not etched in stone, but would provide a flow for all of the elements within the Rebuild Bellaire Program to allow City Staff to structure the financing and workflow for this program. The timeline included the end of the Bellaire Millennium Renewal Program, the METRO projects, facilities projects, and street and drainage projects. It was anticipated that $5-6 million in bonds would be issued on an annual basis to finance the various projects.

City Manager Satterwhite suggested that City Council hold a Workshop Session in the spring so that City Staff could provide the ten-year timeline for the program to City Council.

The dollars for the Bellaire Millennium Renewal Program were on track, and the program would end as the voters intended in 2000.
UPCOMING CITY COUNCIL MEETINGS/EVENTS:

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<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Type of Meeting</th>
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<tbody>
<tr>
<td>03/19/2007</td>
<td>7:00 p.m.</td>
<td>Regular Session</td>
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<tr>
<td>04/02/2007</td>
<td>7:00 p.m.</td>
<td>Regular Session</td>
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City Manager Satterwhite indicated that there would be an Audit/Finance Committee and a Facilities Committee meeting sometime in the next month. Those dates and times would be announced at a later date.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Councilman Pat McLaughlan

Q: Councilman McLaughlan referred to the Aquatic Facility construction. In relation to parking, he noted that the City had always included the availability of the Condit Elementary School parking area to support some of the peak periods in the Aquatic Facility. At one time, the City had discussed some improvements in the pedestrian crossing area (i.e., former Laurel Street and South Rice Avenue). He inquired as to whether the City had any plans to improve that pedestrian crossing that would coincide with the opening of the Aquatic Facility.

A: City Manager Satterwhite advised that the City was working on it right now; however, he could not say that the City had any definitive plans. Any plans hinged on putting some type of crossing median in the middle of South Rice Avenue. He was not 100% that the crossing scheme would coincide with the opening this year, but the City was working in that direction.

C: Councilman McLaughlan stated that from a safety perspective, he hoped that the City could work that in. He referred to lights he had seen buried in pavement that turned on when it was safe for pedestrians to cross an intersection.

Councilman John Jeffery

Q: Councilman Jeffery referred to the plat and survey issue mentioned with respect to Westbound Bank. He inquired as to the next step the City would take on the issue.

A: City Attorney Alan P. Petrov stated that his firm was performing additional title research to see if they could
determine where the surveyor came up with the additional land. At first blush, it appeared that the additional land was not part of Lot 25.

City Manager Satterwhite stated that since a bank was a permitted use, it was only necessary for them to submit plans. As long as the plans conformed to the City’s zoning requirements, setback requirements, parking requirements, etc., those plans would be approved. He advised that the City would not be approving any plans on this site until there was some certainty with regard to the land issue.

Councilman Will Hickman

Q: Councilman Hickman inquired as to the current owner of the site where The Bead Shop was located and asked if it had been sold recently.

A: City Attorney Petrov advised that the current owner had not changed. The current owner had negotiated a contract with Westbound Bank to lease the property to them, with an option to purchase.

Q: Councilman Hickman referred to the Trolley Pavilion and inquired as to its age.

A: City Manager Satterwhite stated that the Trolley Pavilion was just under ten years old. It was accepted by City Council on July 3, 2000.

Q: Councilman Hickman inquired as to the cost of the original construction.

A: City Manager Satterwhite stated that the estimate of the Trolley Pavilion’s value when it was built and accepted by the City was $200,000. It was built through private funds, donations, and in-kind donations.

MOTION TO ACCEPT REPORT:

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman John F. Monday 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:

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. BELLAIRE CURBSIDE RECYCLING PROGRAM UPDATE – activity report for the first six months of operation of the citywide Curbside Recycling Program in the City of Bellaire, Texas – Deputy Director of Public Works David Ritz and Chair Craig Bello, Bellaire Recycling Committee.

City Manager Bernard M. Satterwhite, Jr., introduced this agenda item and noted that the purpose of the report was to determine the success of the Curbside Recycling Program and whether or not the costs of operation estimated by City Staff were in line. Before the City implemented the Curbside Recycling Program, Bellaire was collecting 50 tons of recyclables per month. The City was now collecting an average of 125 tons of recyclables per month. The collections at the Recycling Center had decreased by 50%; however, the City’s total recyclables (i.e., Curbside Recycling Program and the Recycling Center) had increased 150%.

Deputy Director of Public Works David Ritz stated that he wished to summarize the Curbside Recycling Program report that had been provided to City Council in their agenda packet. He pointed out that when City Staff last reported to City Council (i.e., after the pilot program), the Curbside Recycling Program had 40% participation. Although the participation citywide had remained at 35-40%, the amount of recyclables collected had increased significantly.

With respect to costs related to the Curbside Recycling Program, Deputy Director Ritz advised that overtime labor costs totaled $9,400 for the first six months of the program. In the first month of the program, overtime hours incurred totaled thirty. The number of overtime hours required per month currently averaged six.
Reasons for the reduction in overtime hours for this program were the result of a better education program (i.e., sorting issues) and increased efficiency by the workforce. The City was still running a “swing truck” as needed (i.e., for runs to the landfill).

Other operating costs for the first six months of the Curbside Recycling Program were identified as equipment and fuel at $44,000 and bin delivery and purchase of bins at $22,900. The tipping fees were $0 (no charge bid). In summary, the total cost for the first six months of operation related to the Curbside Recycling Program, including labor, was $76,400 or $2.27 per month per household (5,605 participating residents).

**QUESTIONS/COMMENTS FROM CITY COUNCIL:**

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

**Mayor Pro Tem Peggy Faulk**

**Q:** Mayor Pro Tem Faulk noted that a large portion of the operating costs for the program consisted of the bin delivery and bin purchases. She inquired as to how the program worked for people vacating Bellaire and people moving into Bellaire. In other words, did people moving into Bellaire have to pay for a new bin? Also, were people vacating Bellaire required to leave their bin behind?

**A:** Deputy Director Ritz stated that the Public Works Department would pick up the bins from those vacating Bellaire. The new homeowner would have to come in and purchase a bin. The Public Works Department did not have any control over those situations wherein the previous homeowner left the bin and the new homeowner took the bin over. It was hoped that the previous homeowner would return their bins.

City Manager Satterwhite indicated that the bins did belong to the City of Bellaire. The first bin for everyone was included in the monthly charge; therefore, a new resident coming in would not be charged for the first bin. If needed, residents could purchase additional bins from the City.

He noted further that the cost indicated in the report for bin purchases was likely a one-time cost. The City might have to purchase replacement bins from time to time, but the cost would be significantly less than the one-time bin purchase cost.

The number that was still an unknown was the tipping fee. He advised City Council that he would like to hold the fee for
curbside recycling services where it was currently. If the costs continued to go down, there might be an opportunity to lower the rate residents paid for the service.

C/Q: Mayor Pro Tem Faulk noted that she felt City Manager Satterwhite had made a wise choice. Mayor Pro Tem Faulk inquired as to where the $2.50 fee for curbside recycling appeared on a resident’s utility bill.

A: City Manager Satterwhite advised that the curbside recycling fee was built into the garbage fee that appeared on a resident’s utility bill.

Q: Mayor Pro Tem Faulk inquired as to the collection rates that were stated previously before and after the Curbside Recycling Program was implemented and asked that those rates be repeated.

A: City Manager Satterwhite advised that the City had collected 50 tons per month of recyclables prior to the implementation of the Curbside Recycling Program. After implementation of the Curbside Recycling Program, the City was collecting 125 tons per month of recyclables.

Q: Mayor Pro Tem Faulk inquired as to the number of tons per month collected at the Recycling Center before and after implementation of the Curbside Recycling Program.

A: City Manager Satterwhite indicated that collections at the Recycling Center before implementation of the Curbside Recycling Program was 50 tons per month. After implementation of the Curbside Recycling Program, the recyclables collected at the Recycling Center had decreased to 24 tons per month.

Deputy Director Ritz stated that the City was down 25 tons at the Recycling Center, but had picked up a total of 380 tons.

City Manager Satterwhite noted that there was a net gain of 76 tons per month.

Q: Mayor Pro Tem Faulk referred to the statement that approximately 5500 residents were participating in the Curbside Recycling Program. She inquired as to how many had opted out of the program.

A: City Manager Satterwhite advised that City Staff could get that number for City Council.
Q: **Mayor Pro Tem Faulk** asked if City Staff had any idea how many residents were eligible to opt out of the program.

A: **Interim Chief Financial Officer Vickey O'Donnell** stated that she believed approximately 700 residents had opted out of the program, but would have to get the number of residents eligible to opt out for City Council.

**Councilman John Jeffery**

C/Q: **Councilman Jeffery** congratulated City Staff on the success of the Curbside Recycling Program. He inquired as to whether there was still a full-time employee working at the City’s Recycling Center.

A: **Deputy Director Ritz** advised that Councilman Jeffery was correct.

Q: **Councilman Jeffery** inquired as to how City Staff saw the need for that particular position in the future.

A: **City Manager Satterwhite** indicated that if the trend continued (i.e., more utilization of the Curbside Recycling Program and less utilization of the Recycling Center itself), City Staff would need to re-evaluate the Recycling Center.

Q: **Councilman Jeffery** inquired as to the amount of revenue generated by the program.

A: **Deputy Director Ritz** advised that since the recyclables were mixed (versus separated), there was no revenue generated.

{Tape ended at this point}

**Councilman Will Hickman**

Q: **Councilman Hickman** referred to initial concerns by the Recycling Committee of residents placing unacceptable recyclables in their bins. He inquired as to whether that had become less of a problem.

A: **Deputy Director Ritz** stated that Councilman Hickman was correct and that it had become less of a problem. One thing done to mitigate that problem was the placement of tags on bins to educate residents on recyclables that were acceptable and to let them know why their recyclables were not accepted.
Q: Councilman Hickman inquired as to how the revenue from the Recycling Center compared to the cost to operate it.

A: Deputy Director Ritz advised that he had not performed that calculation.

City Manager Satterwhite indicated that the revenues had never covered the costs. In the past, the revenues had been approximately 50% of the operating costs.

Councilman John F. Monday

Q: Councilman Monday stated that it appeared that the City had been able to divert some of the waste stream from the landfill that charged a tipping fee to a landfill that did not charge a tipping fee.

A: Deputy Director Ritz advised that Councilman Monday was correct.

C/Q: Councilman Monday suggested that calculations include the reduction in tipping fees for the extra tonnage of recyclables being hauled. Councilman Monday next inquired as to whether it was acceptable for citizens to write their address inside the City’s recycling bin with a permanent magic marker.

A: Deputy Director Ritz advised that the Public Works Department had been asked that question as well, and there was no objection to a resident wishing to write their address on their bin.

Councilman Pat McLaughlan

C/Q: Councilman McLaughlan thanked Deputy Director Ritz for a good report. He then noted that the City was sending a tremendous amount of yard waste to the landfills. He inquired as to whether any opportunity had presented itself so that the City could go back to the old system of someone taking the City’s yard waste.

A: Deputy Director Ritz advised that Director of Public Works Joe Keene had worked very diligently to find a company that would be willing to take the City’s yard waste, but was not able to find one.

Mayor Siegel invited Chair Craig Bello, Bellaire Recycling Committee, to come forward and make a statement at this point in the meeting.
Chair Craig Bello, Bellaire Recycling Committee, thanked City Council and Deputy Director Ritz for the opportunity to speak, as well as their support for the Curbside Recycling Program. He advised that he wished to provide an update on the Recycling Committee’s activities and ongoing projects.

Household Hazardous Waste/Electronic Waste

The City was currently directing Bellaire residents to Harris County’s ongoing voucher program for household hazardous waste and electronic waste (also known as “eWaste”). The Bellaire Recycling Committee (“Committee”) was also trying to keep Bellaire residents apprised of Harris County collection event days through the City’s cable television channel and through the Committee’s newsletters.

Finally, Harris County, through the Houston-Galveston Area Council grant funding, had purchased and was ready to put into practice the “HazMobile,” which was a mobile collection unit for household hazardous waste. The Committee was hoping to book the “HazMobile” for a future Bellaire collection event or a combination event for Bellaire and West University Place residents.

Electronic waste fell into the category of hazardous waste. The Committee had been trying to funnel residents with good, relatively new materials over to “Techs in Trainers.” This group refurbished and provided education about technology.

Spring Fling

April was a very busy month for the Committee. A “Spring Fling” event had been scheduled for April 14, 2007, at The Nature Discovery Center. This event would take the place of “Earth Day” and would be run by The Nature Discovery Center. The Committee would be there in force to educate and distribute information related to recycling.

The weekend following the Spring Fling event was the Mothers for Clean Air Earth Day 5K Event. The Committee was considering involvement in this activity, but was not certain whether or not the manpower would be available.

Citywide Garage Sale

The annual citywide garage sale had been scheduled for the weekend of April 28, 2007, with May 5, 2007, as the rain date. Member Patricia Atkins was taking on leadership and planning of this event for the Committee.
**Spring Cleanup**

The “Spring Cleanup” event was a little off-kilter this year with the garage sale. For the west side of town (west of Interstate Highway 610), Spring Cleanup would occur on April 21, 2007, and on April 28, 2007, for the east side of town (east of Interstate Highway 610). Examples of items that would not be accepted during the “Spring Cleanup” event were automobile parts, hazardous materials, oil-based paint, appliances containing Freon (unless the resident was in possession of a certificate indicating that the Freon was removed by a trained professional), medical waste, construction waste, sharp objects, or broken glass.

In closing, Chair Bello noted that the Committee would have at least three, maybe four, open positions this summer and encouraged anyone having an interest in the environment and recycling to apply for one of those openings.

**QUESTIONS/COMMENTS FROM CITY COUNCIL:**

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

**Councilman John Jeffery**

**Q:** Councilman Jeffery inquired as to the appropriate method for disposal of paint.

**A:** Chair Bello stated that Bellaire had its own voucher program through the Houston-Galveston Area Council, but had run out of vouchers. The Westpark Recycling Center site, a City of Houston facility, accepted latex paint. That site did not necessarily check to see if a person dropping off materials was a resident of Houston.

All other paints that were not latex-based would be considered hazardous waste. A resident would need to obtain a voucher from Harris County or attend a collection event sponsored by Harris County to dispose of those paints.

**G. NEW BUSINESS:**

1. **ADOPTION OF RESOLUTION:**

CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, accepting a donation in the amount of $1,500.00 from Sam’s Club Foundation to be utilized by the Bellaire Fire Department
MOTION TO ADOPT RESOLUTION:

A motion was made by Councilwoman Debra Marz Davison and seconded by Councilman Pat McLaughlan to adopt a resolution of the City Council of the City of Bellaire, Texas, accepting a donation in the amount of $1,500.00 from Sam’s Club Foundation to be utilized by the Bellaire Fire Department for training and equipment.

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: 07-03}

2. ADOPTION OF ORDINANCES:

Appointments

a. CONSIDERATION of and possible action on the adoption of an ordinance reappointing Bill Berryhill as Presiding Judge of the Municipal Court, Division A, of the City of Bellaire, Texas, for a term commencing on the 5th day of March, 2007, and expiring on the 4th day of March, 2009 – Action by Members of City Council (Item submitted by City Clerk Tracy L. Dutton for City Council).

MOTION TO ADOPT ORDINANCE:

A motion was made by Councilman Pat McLaughlan and seconded jointly by Councilwoman Debra Marz Davison and Councilman John Jeffery to adopt an ordinance reappointing Bill Berryhill as Presiding Judge of the
Municipal Court, Division A, of the City of Bellaire, Texas, for a term commencing on the 5th day of March, 2007, and expiring on the 4th day of March, 2009.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Councilman Will Hickman

C/Q: Councilman Hickman referred to the City of Friendswood’s consideration of an ordinance this evening to adopt English as their official language. During reviews of Bellaire Municipal Court officials, he recalled the statement that Municipal Court was sometimes conducted in languages other than English. He inquired as to whether anyone had any feelings as to whether Municipal Court should be conducted in the English language.

A: Mayor Cindy Siegel stated that it was her understanding that a translator was used if a person in Bellaire’s Municipal Court needed assistance in a language other than English.

City Manager Satterwhite indicated that the City did not conduct Municipal Court in a language other than English, but there was a state mandate that at least the Municipal Court Clerk be able to provide translation in the Spanish language.

He noted further that the ordinance before the City of Friendswood was related to an amendment to their Charter, which would require an election before the voters of Friendswood.

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
b. CONSIDERATION of and possible action on the adoption of an ordinance reappointing Lisa A. Wesely as Presiding Judge of the Municipal Court, Division B, of the City of Bellaire, Texas, for a term commencing on the 5th day of March, 2007, and expiring on the 4th day of March, 2009 – Action by Members of City Council (Item submitted by City Clerk Tracy L. Dutton for City Council).

MOTION TO ADOPT ORDINANCE:

A joint motion was made by Councilman John F. Monday and Mayor Pro Tem Peggy Faulk and seconded by Councilman Pat McLaughlan to adopt an ordinance reappointing Lisa A. Wesely as Presiding Judge of the Municipal Court, Division B, of the City of Bellaire, Texas, for a term commencing on the 5th day of March, 2007, and expiring on the 4th day of March, 2009.

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: 07-010}

c. CONSIDERATION of and possible action on the adoption of an ordinance reappointing Robert C. Richter, Jr., as Assistant City Attorney for the City of Bellaire, Texas, for a term commencing on the 6th day of March, 2007, and expiring on the 5th day of March, 2009, for the purpose of serving as Prosecutor in the Municipal Court of the City
of Bellaire, Texas – Action by Members of City Council
(Item submitted by City Clerk Tracy L. Dutton for City Council).

MOTION TO ADOPT ORDINANCE:

A motion was made by Councilman Pat McLaughlan and seconded jointly by Councilman John F. Monday and Councilman John Jeffery to adopt an ordinance reappointing Robert C. Richter, Jr., as Assistant City Attorney for the City of Bellaire, Texas, for a term commencing on the 6th day of March, 2007, and expiring on the 5th day of March, 2009, for the purpose of serving as Prosecutor in the Municipal Court of the City of Bellaire, Texas.

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: 07-011}

d. CONSIDERATION of possible action on the adoption of an ordinance reappointing Kelly N. Saucier as Deputy Assistant City Attorney for the City of Bellaire, Texas, for a term commencing on the 6th day of March, 2007, and expiring on the 5th day of March, 2009, for the purpose of serving as Deputy Prosecutor in the Municipal Court of the City of Bellaire, Texas – Action by Members of City Council (Item submitted by City Clerk Tracy L. Dutton for City Council).

MOTION TO ADOPT ORDINANCE:

A motion was made by Councilman Pat McLaughlan and seconded by Councilwoman Debra Marz Davison to adopt an
ordinance reappointing Kelly N. Saucier as Deputy Assistant City Attorney for the City of Bellaire, Texas, for a term commencing on the 6th day of March, 2007, and expiring on the 5th day of March, 2009, for the purpose of serving as Deputy Prosecutor in the Municipal Court of the City of Bellaire, Texas.

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:  07-012}

H. COUNCIL CORRESPONDENCE AND COMMENTS.

Discussion only.

I. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilwoman Debra Marz Davison to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 8:17 p.m. on Monday, March 5, 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
FOR (CONT.): John Jeffery

OPPOSED: None

ABSENT: None

Respectfully submitted,

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

Approved:

________________________________
Cynthia Siegel, Mayor
City of Bellaire, Texas