CITY OF BELLAIRE
CITY COUNCIL

Minutes of Meeting
Monday, November 5, 2007

I. SPECIAL SESSION (EXECUTIVE SESSION) – 6:00 P.M.

A. CALL TO ORDER AND ANNOUNCEMENT OF A QUORUM – Mayor Pro Tem Peggy Faulk.

Mayor Pro Tem Peggy Faulk called the City Council of the City of Bellaire, Texas, to order at **6:01 p.m.** on **Monday, November 5, 2007**. The Bellaire City Council met at that time and on that date in Special Session (Executive Session) under the **Texas Government Code, Chapter 551, Open Meetings Act, Section 551.074, Personnel Matters**, to deliberate the evaluation of the City Attorney of the City of Bellaire, Texas. The Special Session (Closed Session) was held in the Council Chamber (open portions) and the Council Conference Room (closed portions), First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401. Mayor Pro Tem Faulk announced that a quorum was present consisting of herself and the following members of City Council:

- Councilman John F. Monday, Position No. 2;
- Councilwoman Debra Marz Davison, Position No. 4;
- Councilman Pat McLaughlan, Position No. 5; and
- Councilman John Jeffery, Position No. 6.

Mayor Cindy Siegel was absent. Councilman Will Hickman, Position No. 1, arrived shortly after the City Council had convened in Executive Session. Other officials present were City Attorney Alan P. Petrov and City Clerk Tracy L. Dutton. City Clerk Dutton did not participate in the closed portions of the Executive Session.

B. CONVENE in Executive Session (Closed Session to be held in the Council Conference Room) under the **Texas Government Code, Chapter 551, Open Meetings Act, Section 551.074, Personnel Matters**, to deliberate the evaluation of the City Attorney of the City of Bellaire, Texas – **Deliberation by Members of City Council**.

**MOTION TO CONVENE IN EXECUTIVE SESSION:**

A motion was made by Councilman John Jeffery and seconded by Councilman John F. **Monday to convene in Executive Session under the Texas Government Code, Chapter 551, Open Meetings Act, Section 551.074, Personnel Matters, to deliberate the evaluation of the City Attorney of the City of Bellaire, Texas.**
VOTE ON MOTION TO CONVENE IN EXECUTIVE SESSION:

Motion carried unanimously on a 5-0 vote as follows:

FOR: Monday, John F.
     Faulk, Peggy
     Davison, Debra Marz
     McLaughlan, Pat
     Jeffery, John

OPPOSED: None

ABSENT: Siegel, Cindy
         Hickman, Will*

*Councilman Will Hickman arrived shortly after City Council convened in Executive Session.

C. RECONVENE (Open Session to be held in the Council Chamber) and take action, if any, on item(s) discussed in Executive Session – Action by Members of City Council.

The Bellaire City Council reconvened in Open Session in the Council Chamber at 7:06 p.m. on Monday, November 5, 2007. Mayor Pro Tem Peggy Faulk advised that the City Council had met in Executive Session (Closed Session) to review the performance of the City Attorney.

MOTION TO APPOINT CITY ATTORNEY AND APPROVE CONTRACT:

A motion was made by Councilman John F. Monday and seconded by Councilman Will Hickman to adopt an ordinance appointing Alan P. Petrov as City Attorney and to authorize the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a Legal Services Contract by and between Johnson Radcliffe Petrov & Bobbitt PLLC and the City of Bellaire, Texas, for a term beginning November 1, 2007, and ending October 31, 2008.

Councilman John F. Monday advised that the Legal Services Contract that City Attorney Alan P. Petrov had presented to City Council was identical in terms and conditions as the contract adopted the previous year.
VOTE ON MOTION TO APPOINT CITY ATTORNEY AND APPROVE CONTRACT:

Motion carried unanimously on a 5-0 vote as follows:

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

OPPOSED: None

ABSENT: Siegel, Cindy
        McLaughlan, Pat*

*Councilman Pat McLaughlan left the Council table temporarily and did not participate in the vote on the Legal Services Contract.

{Ordinance was subsequently numbered: 07-062}

II. REGULAR SESSION – 7:00 P.M.

A. CALL TO ORDER AND ANNOUNCEMENT OF A QUORUM – Mayor Pro Tem Peggy Faulk.

Mayor Pro Tem Peggy Faulk called the City Council of the City of Bellaire, Texas, to order at 7:06 p.m. on Monday, November 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 77401. Mayor Pro Tem Faulk 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;
Councilwoman Debra Marz Davison, Position No. 4;
Councilman Pat McLaughlan, Position No. 5; and
Councilman John Jeffery, Position No. 6.

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

Mayor Pro Tem Faulk advised that Mayor Cindy Siegel, who was absent due to important family business, had asked her to read a note as follows:
Last Wednesday Judge Bill Berryhill passed away after a difficult illness. The City of Bellaire lost a wonderful judge and resident. Bill showed his love for Bellaire through decades of service to the citizens of Bellaire as a former councilman, mayor, and then, judge. It is hard to find someone with a greater dedication to Bellaire or a love for his community than Bill Berryhill. Judge Berryhill will be greatly missed for many years to come.

--Mayor Cindy Siegel

Mayor Pro Tem Faulk asked for a moment of silence in respect and in memory of Judge Bill Berryhill.

B. INSPIRATIONAL READING AND/OR INVOCATION – Councilman John F. Monday.

Councilman John F. Monday advised that he wished to talk about the election and the power of the vote and had asked Director Mary Alford, Bellaire City Library, if she could help him find quotes related to those topics.

He noted that the voter turnout in Bellaire had historically been around 30%. In 2004, the national voter turnout of voting age population in federal elections was 55%. The highest percentage of voting age population participating in a presidential election was 63% in 1960. The 1960 election marked the end of Dwight D. Eisenhower’s two terms as President. The candidates that year were John F. Kennedy, Jr., and Richard Nixon. This was also the year of the first televised presidential candidate’s debate.

The following quotes were then read:

Voting is the least arduous of a citizen’s duties. He has the prior and harder duty of making up his mind.

--Ralph Barton Perry

A vote is not an object of art. It is the sacred and most important instrument of democracy and of freedom.

--Abe Fortas

Bad officials are elected by good citizens who do not vote.

--George Jean Nathan
A straw vote only shows which way the hot air blows.

--William Sydney Porter (O. Henry)

Let us never forget that government is ourselves and not an alien power over us. The ultimate rulers of our democracy are not a President and senators and congressmen and government officials, but the voters of this country.

--Franklin D. Roosevelt

The ballot is stronger than the bullet.

--Abraham Lincoln

We’d all like t’vote fer th’best man, but he’s never a candidate.

--Kim Hubbard

Elections are won by men and women chiefly because most people vote against somebody rather than for somebody.

--Franklin P. Adams

Always vote for principle, though you may vote alone, and you may cherish the sweetest reflection that your vote is never lost.

--John Quincy Adams

C. PLEDGES TO THE FLAGS – Councilman John F. Monday.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

Councilman John F. Monday 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 Workshop and Regular Sessions of the City Council of the City of Bellaire, Texas, held Monday, October 15, 2007 – Action by Members of the City Council to Adopt Minutes (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 Will Hickman to approve the minutes of the Workshop and Regular Sessions of the City Council of the City of Bellaire, Texas, held Monday, October 15, 2007.

VOTE ON MOTION TO APPROVE MINUTES:

Motion carried unanimously on a 6-0 vote as follows:

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

OPPOSED:  None

ABSENT:  Siegel, Cindy

E. PERSONAL/AUDIENCE COMMENTS.

Paul Simmons, 704 Mulberry Lane, Bellaire, Texas:

Mr. Simmons addressed City Council and advised that the tennis coach at Mulberry Park had been summarily released. The coach had been teaching 30 adults and 25 students at Mulberry Park for a very long time. The reason given for his release was that the Bellaire program was expanding into more tournaments and more leagues. Mr. Simmons wanted to know why the coach was released if the program was expanding.

Mr. Simmons advised further that the coach, Gary, was a former Davis Cup player and had been the coach at Mulberry Park for seven years. He was certified as a professional coach by the U.S. Professional Tennis Association at Level One (i.e., the highest level). He paid court fees and 20% of his revenues to the City of Bellaire; therefore, the coach was not a financial burden to the City.

Mr. Simmons reiterated that Gary was summarily released last Friday by a document issued by Bellaire that contained a one-paragraph statement. None of the students were happy about this situation, and most of those students were Bellaire residents.

In closing, Mr. Simmons advised that he would leave copies of his notes with the City Manager, as well as a partial list of adult tennis
students and their telephone numbers. He stated that there were many disappointed people at Mulberry Park and advised City Council that he did not have all of the facts, but would like to know more.

Keith Bowers, 4909 Jessamine Street, Bellaire, Texas:

Mr. Bowers congratulated the City Attorney on a successful evaluation and congratulated the City Manager on his selection of Facility Director Karl Miller. Mr. Bowers advised that he kept hearing fantastic reports about Karl Miller, specifically with respect to the changes in the Recreation Center (i.e., refurbishment).

Mr. Bowers continued and advised that he could not attend the public hearing that would be held on November 19th regarding through lots, etc. He stated that he had lived across the street from two through lots for the last 16 years. One of the lots was not well maintained and the owner had installed an unattractive fence on the lot. He did not wish to see other homeowners in Bellaire have to put up with that situation, and urged City Council to disallow through lots in the future.

With respect to the election, Mr. Bowers urged everyone to vote, noting that local elections were far more important to a resident’s daily quality of life than national elections.

Mr. Bowers next expressed his disappointment that there was no resolution on the matter of drainage versus lot coverage. He advised that pervious pavers were not like trees or grass, but he did not have a problem with the use of them in backyards. He did oppose using pervious pavers in front yards. He suggested that City Council consider placing underground culverts below the streets to aid in storm water drainage when streets were under reconstruction.

In closing, Mr. Bowers advised that he was glad that Mayor Cindy Siegel wrote a letter to the editor advising that she was not one of the candidates that could not attend the candidate forum previously scheduled, then canceled.

Robert Riquelmy, 506 Winslow Lane, Bellaire, Texas:

Mr. Riquelmy addressed City Council, noting that he was a candidate for public office. He advised that his neighbor was going to have back surgery on Tuesday and was expected to be in the hospital for three-four days. The neighbor’s family asked Mr. Riquelmy if he could help
get his neighbor upstairs once he returned home from the hospital. He stated that this demonstrated the low expectations that the residents had about the quality and availability of service in Bellaire.

Although Mr. Riquelmy was not the best candidate to provide this assistance, his neighbors knew that there was no point in trying to contact the Bellaire Fire Department for assistance. He understood the Bellaire Fire Department could be ambivalent about providing such assistance, even though the assistance might save his neighbor from further injury.

The main issue as far as Mr. Riquelmy was concerned was the fact that the residents of Bellaire had very low expectations of service from the City. This needed to be changed, and Mr. Riquelmy hoped it happened soon and dramatically.

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**Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:**

Ms. McBee addressed City Council and noted that she and eight to nine of her peers would be offering services to the citizens of Bellaire on Tuesday from 7:00 a.m. until 7:00 p.m. at their polling places. Bellaire had the most wonderful polling places in Harris County and the most well trained officials and clerks working there as well.

She advised that one new election law that took place this year related to cell phones. Cell phones must be turned off once a voter passed the 100-foot marker. The voter could not have the phone ring and could not answer the cell phone in the polling place. The only persons authorized to use a cell phone in the polling place were the election officials who must communicate with the Harris County Clerk’s Office or the Harris County Voter Registrar. Ms. McBee advised that she personally felt that this was a great idea, as every voter should have the opportunity for peace and serenity when casting their ballot. Ms. McBee wished each of the candidates well and knew that whoever won would do their best for the City.

With respect to City business, Ms. McBee stated that Bellaire had the most arbitrary and capricious lack of consistent enforcement of almost anything that could be named. In particular, she referred to political signs in City rights-of-way. Any signs, except those designated by the City, were not permitted in rights-of-way. Yet at least half of the candidates had placed signs in City rights-of-way. The enforcement officers in the Community Development Department were not enforcing the regulation because they felt that not everyone knew where the rights-of-way were.
Ms. McBee stated that if the City were going to protect its rights-of-way, then the City should get the Community Development Department to create a form letter notifying anyone who put a sign of any kind in the right-of-way to remove it as they were in violation of the City’s regulations.

A second suggestion from Ms. McBee was related to the three committees that the Mayor appointed to carry out portions of the goals and objectives that were adopted by the City Council. Those three committees were the Strategic Planning and Development Committee, the Facilities Committee, and the Health and Safety Committee. When the current terms of office ended, so would those committees. She believed that some of those committees had already ended as no meetings had been called of late.

The committees referenced had not completed their jobs or submitted final reports to City Council as the City Council had usurped the roles of the committees by accepting information from them and blindly moving forward. The community had not been involved whatsoever, other than through open meetings. Ms. McBee urged City Council to take action to terminate the three committees whose functions had been usurped anyway and whose terms of office would likely end by the end of the year. She suggested throwing it back out to the citizens who would love to give their opinion as to where City facilities might be located.

{The allotted time ended for this speaker}

F. REPORTS:

1. CITY MANAGER’S REPORT – City Manager Bernard M. Satterwhite, Jr. – Action by Members of City Council to Accept Report into the Record.

City Manager Bernard M. Satterwhite, Jr., presented the City Manager’s Report to City Council. The report provided updates with respect to residential mobility, residential quality of life, internal operations/productivity, and upcoming meetings/events.

Residential Mobility

With respect to residential mobility, City Manager Satterwhite referred to a report that would be forthcoming this evening from Consulting Engineers Claunch & Miller, Inc., related to the City of Bellaire’s Sidewalk Improvement Program.
Residential Quality of Life

It was noted that the City’s annual “Holiday in the Park” event was scheduled for Thursday, November 29, 2007. The event was scheduled to begin at 6:00 p.m. and would be held at the Condit Elementary School campus. It was noted further that a portion of South Rice Avenue would be closed during the event.

Internal Operations/Productivity

City Manager Satterwhite provided an update on projects currently underway. One project of note was the refurbishment of the trolley car located in Paseo Park. The roof over the car was being redone and the car itself would be cleaned and repainted.

With respect to the Bellaire Family Aquatic Center, the contractor was currently working on a punch list, which was noted to be fairly extensive. The pools had been filled with water and the pumps were operational. Additionally, Parks & Recreation staff was scheduled to start 16 hours of training on Tuesday on operation and maintenance of the pools, pumps and various water play features. City Manager Satterwhite anticipated getting the contractors out in the next few weeks. The pool would be open this fall and during the winter months (i.e., the lap pool and diving well were heated), but an exact date was not known just yet.

A tile wall (consisting of tiles painted by area donors) still needed to be installed at the Bellaire Family Aquatic Center, and that wall would be installed in the very near future.

With regard to the Trolley Pavilion, engineers had completed the structural analysis portion of their investigation and were calculating design loads and applying those loads to a computer finite element model. The engineers were trying to determine why the structure failed and what the design loads were to begin with. In other words, whether or not the foundation was adequate to begin with.

City Manager Satterwhite advised that the engineers stated that the Trolley Pavilion could be fixed, but had not yet completed their plans for fixing the structure. He anticipated that the engineers might have a report ready for presentation to City Council on November 19th. The report would include what happened, why it happened, what was needed to move forward, and the cost of moving forward. The next step would
entail putting construction plans together and going out for bids.

Upcoming Meetings/Events:

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Type of Meeting</th>
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<tbody>
<tr>
<td>11/12/2007</td>
<td>6:00 p.m.</td>
<td>Special Session (Executive Session) to evaluate City Clerk and City Manager</td>
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<tr>
<td>11/19/2007</td>
<td>6:00 p.m.</td>
<td>Official Canvass of General Election</td>
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<tr>
<td>11/19/2007</td>
<td>6:15 p.m.</td>
<td>Special Session (Public Hearing) on Through Lots, Side Yard Setbacks, and Lot Coverage</td>
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<tr>
<td>11/19/2007</td>
<td>7:00 p.m.</td>
<td>Regular Session</td>
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</table>

City Manager Satterwhite concluded by reminding everyone that the City Offices would be closed on November 22 and 23, 2007, for the Thanksgiving holiday.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Councilman Will Hickman referred to mixed messages that he had heard regarding the housing market both nationally and locally (Houston-wide). He asked if City Manager Satterwhite or Director of Community Development Derhyl Hebert had any ideas as to how Bellaire’s new home starts compared and the length of time existing homes remained on the market prior to sales.

A: City Manager Satterwhite advised that the City had not seen any recent shifts in either starts or sales intervals. Sales intervals for existing homes had never been great in Bellaire. Existing homes had stayed on the market for a fairly good amount of time. Lots or lots with teardown homes were still moving rapidly. Housing starts through October of 2007 were still on the same level that they had been.

MOTION TO ACCEPT REPORT INTO THE RECORD:

A motion was made by Councilman Pat McLaughlan and seconded by Councilwoman Debra Marz Davison 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 6-0 vote as follows:

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

OPPOSED: None

ABSENT: Siegel, Cindy

2. CONSULTING ENGINEER’S REPORT – update regarding the City of Bellaire, Texas, Sidewalk Improvement Program – Terry Maher, Claunch & Miller, Inc. – Action by Members of City Council to Accept Report into the Record.

Consulting Engineer Terry Maher, Claunch & Miller, Inc., presented an update to City Council regarding the City of Bellaire’s Sidewalk Improvement Program. Consulting Engineer Maher began by noting that Bellaire’s Sidewalk Improvement Program had been underway for the last seven-eight years.

City Council charged the City, via a directive, to implement a program to repair or replace defective sidewalks and construct sections of missing sidewalks. In addition, the Planning and Zoning Commission also conducted a mobility system study, which set forth as its primary priority the repair of sidewalks that were considered a safety hazard.

Two repair and maintenance projects had been completed since the implementation of the program. The first project repaired or replaced 6,900 linear feet of sidewalk at a cost of $204,000. The second project replaced or repaired 14,500 linear feet of sidewalk at a cost of $400,000.

During Bellaire’s street reconstruction projects, sidewalks were installed and/or repaired and/or replaced. Phases One through Six of the Bellaire Millennium Renewal Program included 29,000 linear feet of new or repaired or replaced sidewalk at a cost of $675,114.
Consulting Engineer Maher presented a slide to the audience and City Council at this point, which outlined the sidewalks that were completed through the improvement program phases and through the street reconstruction projects. Also shown were some before and after pictures of sidewalks throughout Bellaire that had been improved under the various referenced projects.

Design criteria and standards for sidewalk installation were reviewed next. It was noted that the maximum cross-slope was 2% as directed by the Texas Department on Licensing and Registration, with the exception of repairing an existing sidewalk. If the cross-slope exceeded 5% on an existing sidewalk, then sections of sidewalk would continue to be replaced until an acceptable level could be reached. The ramps installed also met Texas Department on Licensing and Registration, as well as Texas Accessibility Standards. The width of concrete used for sidewalks was 4 ½ inches and was reinforced with steel. Additionally, plans for sidewalks were reviewed by and the finished product was inspected by the Texas Department on Licensing and Registration.

City Manager Bernard M. Satterwhite, Jr., summarized by noting that $1 to $1.3 million in sidewalk installation and/or repairs had been accomplished since the beginning of the Sidewalk Improvement Program. The City continued to make progress with respect to sidewalks and additional projects would be presented to City Council in the near future for both the improvement program and street reconstruction under the Rebuild Bellaire Program.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Councilman Will Hickman inquired as to the number of linear feet of sidewalk per block and the total linear feet of street in Bellaire.

A: Consulting Engineer Maher advised that there was approximately 62 miles of streets in Bellaire and the blocks, on average, were approximately 1,000 feet long.

Q: Councilman Hickman inquired as to whether new sidewalks were installed differently now so as to avoid damage due to the roots of trees (i.e., such as a root block or trimming of the roots).
A: Consulting Engineer Maher stated that the roots were trimmed, where possible, and a root barrier was installed. This was done with respect to street construction and utilities as well.

Q: Councilman Hickman inquired as to who had the duty to trim back bushes and trees that were overhanging onto sidewalks.

A: City Manager Satterwhite stated that the abutting property owner was generally asked to do so. The City was usually fairly successful in working with the property owner on such issues. He asked Councilman Hickman to let him know of any such areas and the City would check to see if it was the responsibility of the abutting property owner or the City.

MOTION TO ACCEPT REPORT INTO THE RECORD:

A motion was made by Councilman John F. Monday and seconded by Councilman John Jeffery to accept the Consulting Engineer’s Report as presented by Consulting Engineer Terry Maher, Claunch & Miller, Inc., into the record.

VOTE ON MOTION TO ACCEPT REPORT INTO THE RECORD:

Motion carried unanimously on a 6-0 vote as follows:

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

OPPOSED: None

ABSENT: Siegel, Cindy

G. NEW BUSINESS:

1. PROCLAMATION:

PROCLAMATION issued by Mayor Cynthia Siegel proclaiming the week of November 11-17, 2007, as AORN Perioperative Nurse Week in the City of Bellaire, Texas, in dedication and recognition of the nation’s
perioperative registered nurses who care for patients before, during, and after surgery – No Action Required by Members of City Council; Presentation by Mayor Pro Tem Peggy Faulk on behalf of Mayor Cindy Siegel (Item submitted by City Clerk Tracy L. Dutton on behalf of the Association of Perioperative Registered Nurses).

Joanne Oliver, RN, Association of Perioperative Registered Nurses, made a brief statement regarding the services provided by perioperative registered nurses to patients before, during, and after surgical procedures, noting that such nurses worked in an operating room environment and monitored and evaluated the care a patient received during their entire surgical experience.

Mayor Pro Tem Peggy Faulk read a proclamation issued by Mayor Cynthia Siegel proclaiming the week of November 11-17, 2007, as AORN Perioperative Nurse Week in the City of Bellaire, Texas, as follows:

Whereas, believing that surgery today is highly technical, sophisticated, and exacting; and

Whereas, believing that the perioperative registered nurse is highly skilled in providing nursing care and managing the perioperative environment and that the surgical patient needs expert care for his mind, body, and spirit; and

Whereas, believing that the surgical patient and family are experiencing a major event in their lives and that the perioperative registered nurse is an expert in allaying the patient’s fears, preparing the patient for what will happen during surgery, providing family support, and discussing how the patient will feel during the entire surgical experience; and

Whereas, believing that perioperative registered nurses have a long tradition of working toward patient safety and improving the quality of patient care and that surgical patients rely on the skills, knowledge, and expertise of perioperative registered nurses;

Now, Therefore, I, Cynthia Siegel, Mayor of the City of Bellaire, Texas, do hereby proclaim the week of November 11-17, 2007, as:

AORN Perioperative Nurse Week
in Bellaire, Texas, in dedication and recognition of the nation’s perioperative registered nurses who care for patients before, during, and after surgery.

In Witness Whereof, I have hereunto set my hand and caused the seal of the City of Bellaire, Texas, to be affixed this 5th day of November, 2007.

--Cynthia Siegel, Mayor
City of Bellaire, Texas

Mayor Pro Tem Faulk presented the proclamation to Joanne Oliver.

2. ADOPTION OF RESOLUTIONS:

   Donation

   a. 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 $1,250 from The Nicole Katharine Suchowiecky Foundation to be utilized for the purchase of one Automated External Defibrillator (AED) for the Bellaire Family Aquatic Center – Action by Members of City Council to Adopt Resolution (Item submitted by Fire Chief Darryl Anderson).

   Renee Suchowiecky addressed City Council and advised that she was one of the donor advisors of The Nicole Katharine Suchowiecky Foundation, along with her husband, David, and daughter, Raquel. They wished to make the grant for the City’s new Aquatic Facility in memory of their daughter, Nicole, but also in honor of the Bellaire Fire Department. Ms. Suchowiecky indicated that nine years ago on March 9, 1988, Nicole collapsed on the field while practicing for a lacrosse game at Episcopal High School. The Bellaire Fire Department was the first responder to the 9-1-1 call. Those courageous men made a valiant effort to save her life. The Suchowieckys were very inspired by the dedication, sincerity, and ability of the Bellaire Fire Department and wished to honor them with the grant.

   In closing, Ms. Suchowiecky advised that the mission of The Nicole Katharine Suchowiecky Foundation was to put as many Automated External Defibrillators in public places as possible. Several had already been donated to schools.
MOTION TO ADOPT RESOLUTION:

A motion was made by Councilman John Jeffery and seconded by Councilman Will Hickman to adopt a resolution of the City Council of the City of Bellaire, Texas, accepting a donation in the amount of $1,250 from The Nicole Katharine Suchowiecky Foundation to be utilized for the purchase of one Automated External Defibrillator (AED) for the Bellaire Family Aquatic Center.

VOTE ON MOTION TO ADOPT RESOLUTION:

Motion carried unanimously on a 6-0 vote as follows:

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

OPPOSED: None

ABSENT:
- Siegel, Cindy

{Resolution was subsequently numbered: 07-15}

Harris County Appraisal District – Board Election

b. CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, casting its ballot for the election of a person to the Board of Directors of the Harris County Appraisal District – Action by Members of City Council to Adopt Resolution (Item submitted by City Clerk Tracy L. Dutton on behalf of the Harris County Appraisal District).

{Candidates nominated to serve as a member of the Board of Directors of the Harris County Appraisal District representing cities, other than the City of Houston, Texas, are: Ed Heathcott, Laurence W. Tobin, and Richard E. Yehle}

Ballots were issued to each member of City Council so that a selection could be made by marking an “X” beside the name of one of the nominees: Ed Heathcott, Laurence W. Tobin, or Richard E. Yehle. Each member of City Council signed their ballot and returned it to Mayor Pro Tem Peggy Faulk so that it...
could be read into the record. Each vote cast was read as follows:

<table>
<thead>
<tr>
<th>Council Member</th>
<th>Nominee</th>
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<tbody>
<tr>
<td>Will Hickman</td>
<td>Laurence W. Tobin</td>
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<tr>
<td>John F. Monday</td>
<td>Richard E. Yehle</td>
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<tr>
<td>Peggy Faulk</td>
<td>Richard E. Yehle</td>
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<tr>
<td>Debra Marz Davison</td>
<td>Richard E. Yehle</td>
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<td>Pat McLaughlan</td>
<td>Richard E. Yehle</td>
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<tr>
<td>John Jeffery</td>
<td>Richard E. Yehle</td>
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**MOTION TO ADOPT RESOLUTION:**

A motion was made by Councilman Will Hickman and seconded by Councilman Pat McLaughlan to adopt a resolution of the City Council of the City of Bellaire, Texas, casting its ballot for the election of Richard E. Yehle to the Board of Directors of the Harris County Appraisal District.

**VOTE ON MOTION TO ADOPT RESOLUTION:**

Motion carried unanimously on a 6-0 vote as follows:

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

**OPPOSED:** None

**ABSENT:** Siegel, Cindy

{Resolution was subsequently numbered: 07-16}

3. **ADOPTION OF ORDINANCE:**

**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 9, Buildings, Article II-A, Flood Damage Provision, Division 2, Definitions, Division 3, General Provisions, Division 4, Administration, Division 5, Provisions for Flood Hazard Reduction, of the Code of Ordinances of the City...
of Bellaire, Texas ("Code"), for the purpose of updating the City’s Code to comply with recommendations made by the Texas Commission on Environmental Quality (TCEQ) during an audit review of the City’s Flood Damage Prevention Program – Action by Members of City Council to Adopt Ordinance (Item submitted by Director of Community Development Derhyl Hebert).

SUMMARY:

City Manager Bernard M. Satterwhite, Jr., stated that this agenda item was primarily a housekeeping item. The changes to the ordinance brought the City’s terminology into line with current regulations. The changes were made at the recommendation of the Texas Commission on Environmental Quality (TCEQ), which did an assist visit with the City this past summer. After making the changes, the City’s flood prevention ordinance would be in line with other directives and regulations.

The biggest change, which needed to be done, was to change the basis of flood criteria to the current flood maps issued by the Federal Emergency Management Agency (FIRM or Flood Insurance Rate Map). Previously, flood criteria were based on the Tropical Storm Allison Recovery Project Maps (TSARP), which represented the most current available information until just recently.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Councilman Will Hickman inquired as to how this ordinance fit in with other ordinances adopted by the City. In other words, he was looking for a big picture view.

A: City Manager Satterwhite stated that this ordinance did not really impact, for example, the no net fill ordinance. The flood damage ordinance primarily dictated the City’s participation in the National Flood Insurance Program. All of the other City ordinances were still in place.

City Attorney Alan P. Petrov stated that the regulations contained in this ordinance were those required by the Federal Emergency Management Agency (FEMA) for participation in the National Flood Insurance Program. Section 9-70 was an existing section of the City Code. The only changes were the addition of a few definitions, the date referenced to the flood insurance maps, as well as a few other minor terminology changes.
Q: Mayor Pro Tem Peggy Faulk inquired as to the City’s current rating and whether or not the adoption of these changes would affect that rating.

A: City Manager Satterwhite stated that one of the items needed to upgrade a City’s rating was to ensure that all of the City’s directives were in line with other regulations. In that respect, the regulations needed to match other regulations. It would not impact the City’s rating directly as many things went into the rating.

If a City did have ordinances that met or exceeded FEMA requirements and if those ordinances were well implemented, enforced, and complied with, then it would help with an improved rating. A better rating would result in better discounts on flood insurance.

Derhyl Hebert did find out that the City had enough points to achieve a Class 8, and possibly even better. It was noted that this was not official yet.

Q: Councilman Pat McLaughlan inquired as to whether an improved rating would be reflected in a resident’s flood insurance policy cost.

A: City Manager Satterwhite stated that it was similar to an ISO rating and fire insurance. The better the rating, the lower or more discounted a flood insurance policy would be. The City was working on a 15% discount for its citizens at this point in time. A full report would be given when the City received its final Community Rating System (CRS) rating.

MOTION TO ADOPT ORDINANCE:

A motion was made by Councilman John Jeffery and seconded by Councilwoman Debra Marz Davison to adopt an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 9, Buildings, Article II-A, Flood Damage Provision, Division 2, Definitions, Division 3, General Provisions, Division 4, Administration, Division 5, Provisions for Flood Hazard Reduction, of the Code of Ordinances of the City of Bellaire, Texas ("Code"), for the purpose of updating the City’s Code to comply with recommendations made by the Texas Commission on Environmental Quality (TCEQ) during an audit review of the City’s Flood Damage Prevention Program.
VOTE ON MOTION TO ADOPT ORDINANCE:

Motion carried unanimously on a 6-0 vote as follows:

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

OPPOSED: None

ABSENT: Siegel, Cindy

{Ordinance was subsequently numbered: 07-063}

H. COUNCIL CORRESPONDENCE AND COMMENTS.

Discussion only.

I. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Councilman John Jeffery and seconded by Councilman Pat McLaughlan to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 8:09 p.m. on Monday, November 5, 2007.

VOTE ON MOTION TO ADJOURN:

Motion carried unanimously on a 6-0 vote as follows:

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

OPPOSED: None
ABSENT: Siegel, Cindy

Respectfully submitted,

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

Approved:

Peggy Faulk, Mayor Pro Tem
City of Bellaire, Texas