CITY OF BELLAIRE
CITY COUNCIL

Minutes of Meeting
Monday, June 16, 2008

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 7:00 p.m. on Monday, June 16, 2008. The City Council of the City of Bellaire, Texas, 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 Siegel announced that a quorum was present consisting of herself and the following members of City Council:

- Councilman Will Hickman, Position No. 1;
- Councilman James P. Avioli, Sr., Position No. 2;
- Mayor Pro Tem Peggy Faulk, Position No. 3;
- Councilman Pat McLaughlan, Position No. 5; and
- Councilman John Jeffery, Position No. 6.

Councilman Phil Nauert, Position No. 4, was absent. 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 James P. Avioli, Sr.

Councilman James P. Avioli, Sr., advised that he had recently come across an item that dealt with life in general and provided a new perspective on life that he wished to present for his inspirational reading as follows:

Life is like hot chocolate. A group of graduates, well established in their careers, were talking at a reunion and decided to go visit their old university professor who is now retired. During their visit, the conversation turned to complaints about stress in their working lives. Offering his guests hot chocolate, the professor went to the kitchen and returned with a large pot of hot chocolate and an assortment of cups—porcelain, glass, crystal, some plain looking ones, some expensive, some exquisite—telling them to help themselves to hot chocolate.

When they all had a cup of hot chocolate in hand, the professor said, "Notice that all of the nice looking expensive cups were taken, leaving behind the plain and cheap ones. While it is normal for you to want only the best for yourselves, that is the source of your problems and stress. The cup that you’re drinking from adds nothing to the quality of the hot chocolate. In most
cases, it's just more expensive and, in some cases, even hides what we drink. What all of you really wanted was hot chocolate, not the cup. That you consciously went for the best cups, and then you began eying each other's cups. Now consider this, life is a hot chocolate. Your job, money, and position in society are the cups. They are just tools to hold and contain life. The cup you have does not define nor change the quality of life you have. Sometimes, by concentrating only on the cup, we fail to enjoy the hot chocolate God has provided us. God makes the hot chocolate, man chooses the cups. The happiest people don't have the best of everything. They just make the best of everything that they have. Live simply, love generously, care deeply, speak kindly, and enjoy your hot chocolate.”

C. PLEDGES TO THE FLAGS – Councilman James P. Avioli, Sr.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

Councilman James P. Avioli, Sr., 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:

1. APPROVAL of minutes of the Special Session (Interviews) and Regular Session of the City Council of the City of Bellaire, Texas, held Monday, June 2, 2008 – Item submitted by City Clerk Tracy L. Dutton.

MOTION TO APPROVE MINUTES:

A motion was made by Councilman Pat McLaughlan and seconded by Mayor Pro Tem Peggy Faulk to approve the minutes of the Special Session (Interviews) and Regular Session of the City Council of the City of Bellaire, Texas, held Monday, June 2, 2008.

VOTE ON MOTION TO APPROVE MINUTES:

Motion carried on a 4-0-2 vote as follows:

FOR: Siegel, Cindy
Faulk, Peggy
McLaughlan, Pat
Jeffery, John

OPPOSED: None

ABSTAIN: Hickman, Will*
Avioli, James P., Sr.*
ABSENT: Nauert, Phil

*Councilmen Will Hickman and James P. Avioli, Sr., abstained from voting on the approval of the minutes of the Special Session (Interviews) and Regular Session of the City Council of the City of Bellaire, Texas, held Monday, June 2, 2008, due to their absence from that meeting.

2. APPROVAL of minutes of the Special Session (Interviews) of the City Council of the City of Bellaire, Texas, held Monday, June 9, 2008.

MOTION TO APPROVE MINUTES:

A motion was made by Councilman Will Hickman and seconded by Councilman Pat McLaughlan to approve the minutes of the Special Session (Interviews) of the City Council of the City of Bellaire, Texas, held Monday, June 9, 2008.

VOTE ON MOTION TO APPROVE MINUTES:

Motion carried on a 4-0-2 vote as follows:

FOR: Siegel, Cindy
Hickman, Will
McLaughlan, Pat
Jeffery, John

OPPOSED: None

ABSTAIN: Avioli, James P., Sr.*
Faulk, Peggy*

ABSENT: Nauert, Phil

*Councilman James P. Avioli, Sr., and Mayor Pro Tem Peggy Faulk abstained from voting on the approval of the minutes of the Special Session (Interviews) of the City Council of the City of Bellaire, Texas, held Monday, June 9, 2008, due to their absence from that meeting.

E. PERSONAL/AUDIENCE COMMENTS.

Ed Emmett, Harris County Judge, 6103 Wakeforest Avenue, Houston, Texas:

Harris County Judge Ed Emmett addressed City Council and advised that he and Commissioner Steve Radack were both graduates of Bellaire High
School, as were both of their wives. As a summer job, Judge Emmett noted that he had taught tennis on the courts located in Bellaire Town Square.

When Judge Emmett was in high school one of his former girlfriends lived on Marrakech Court, so he was familiar with that area of Bellaire. One of the biggest changes to that neighborhood was The Nature Discovery Center. Right after he became Judge for Harris County, Commissioner Radack came to him and stated that the County needed to get behind and support The Nature Discovery Center, as it was a great program for the community.

Judge Emmett continued and advised that he was present this evening to give a check in the amount of $100,000.00 to the City of Bellaire for support of The Nature Discovery Center. He noted further that county government was an arm of the State of Texas. Even though Harris County was the third largest county in the United States and larger than 24 states, they operated under the same basic rules and regulations as Loving County with 90 residents. He advised that people living in an incorporated area, as opposed to an unincorporated area frequently asked what they got from county government. He wanted people to know that county government really did function for everyone and the support of The Nature Discovery Center by Harris County was an example of that.

James Burrough, Jr., 4613 Holt Street, Bellaire, Texas:

Mr. Burrough addressed City Council and stated that he wished to present a simple message to City Council this evening as follows: the closing of the Evergreen Therapy Pool at the Evergreen Complex at 7:00 p.m. was a total mistake.

Mr. Burrough continued and advised that he presented his argument to City Council in the form of an email on May 31, 2008, as well as through personal contact with some members after the City Council meeting on June 2, 2008. He spoke to the City Manager as to the proper way to go about pursuing action, which led to him speaking to City Council after the meeting on June 2, 2008. Also at the City Manager’s suggestion, he spoke with a representative of the Parks & Recreation Department, Buster Adams, to plead his case.

The Therapy Pool provided a unique environment and function and served a unique group of citizens in Bellaire. Closing at 7:00 p.m. deprived users of a convenient time to use the Therapy Pool. Overhead costs were the same whether someone was in the pool or not. It seemed to make more sense to use the pool, rather than not use the pool. A lifeguard was already working there for the aquatics classes four nights a week. So, in reality, this would probably not cost the City any extra money.
Mr. Adams copied Mr. Burrough’s contact information after their discussion and, as of this evening, no one within the Parks & Recreation Department or the City had given him any kind of response whether for or against.

Mr. Burrough requested that the City Staff actually address this issue and that City Council exercise its responsibility of oversight in resolving the issue. The Evelyn Wood Therapy Pool was a true asset to Bellaire. Hundreds of people, both citizens and City Staff, worked hard to bring it into being. It made no sense to Mr. Burrough to close the pool at 7:00 p.m., especially when there were people actually there that wanted to use it. He urged City Council to drop by the Evergreen Complex at 7:00 p.m. in order to see the number of people who wanted to use the Therapy Pool.

Robert Riquelmy, 506 Winslow Lane, Bellaire, Texas:

Mr. Riquelmy addressed City Council regarding a serious item that he felt should be on City Council’s agenda this evening, but was not there—an injury to one of the City’s garbage men some months ago. Mr. Riquelmy was sure that City Council knew about the incident and regretted it as much as he did. The garbage men, as members of City Council could attest, had a particular place in the heart of residents of Bellaire. The residents would go to some lengths to see that they were treated well.

Mr. Riquelmy concluded by stating that he hoped that the City would do more than right by the injured man. It set a precedent for everyone that worked for the City—that the City cared about the employees deeply and wanted them well treated. He urged City Council to do whatever they could within reason for the injured man.

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 consisted of the following Mission Areas: Residential Safety, Residential Mobility, Residential Quality of Life, and Employees. The report also included Current Issues and Information, and Upcoming City Council Meetings and Events.
MISSION AREAS:

Residential Safety

City Manager Satterwhite started his report with a Police Department summary and activity report, noting that there were 31 Part I criminal offenses during the month of May as compared to 25 last May. However, he noted that 31 was still well below the average for the past several years. There were also 71 traffic accidents during the month of May, as compared to 64 last May. The average response time was three minutes and 30 seconds, which was normal.

On May 6, 2008, an employee of Subway was approached at his place of business and robbed. Officers subsequently located the vehicle seen fleeing from Subway and arrested four subjects. On May 11, 2008, Bellaire Police Officers arrested two subjects who were burglarizing a business at a strip center in the 5300 block of Bissonnet Street. The suspects had used a sledgehammer to break into the wall of the business.

Seven assaults were reported during the month of May, six of which involved incidents of violence between family members or co-workers.

City Manager Satterwhite noted that he would continue to report on crime on a monthly basis, but would show graphs depicting the trends on a quarterly basis.

Residential Mobility

With respect to residential mobility, it was noted that the reconstruction of the 4500 block of Evergreen Street was nearing completion (i.e., within three to four weeks). Reconstruction of the 4500 block of Beech Street would begin shortly thereafter. Completion of the 4500 block of Beech Street would also signal completion of Phase One of the Rebuild Bellaire Program.

Residential Quality of Life

Prior to the next meeting of City Council, the City would be celebrating the Fourth of July with a parade and festival. This was also a Centennial event and was expected to be bigger than ever. The festival would be held on the Great Lawn in Bellaire Zindler Park.

Employees

With respect to employees, City Manager Satterwhite advised that the City’s recruitment, retention, and compensation study was underway. Waters Consulting Group was performing the study and should be
completed within two months. The study would not be completed in time for the budget presentation, but it would certainly be taken into account prior to budget approval.

CURRENT ISSUES/INFORMATION:

City Manager Satterwhite presented an update on the status of several ongoing art projects for the City. The “Sunrise/Sunset” sculpture donated by citizen Cindy Cozewith had been installed at Paseo Park. He advised that a dedication ceremony for the sculpture was scheduled on Friday, June 20, 2008, at 8:30 a.m. at Paseo Park.

A little progress had been made with respect to the Lamp Bench located in front of the Bellaire City Library. The artist had recently had some difficulties with his suppliers for some of the parts. City Manager Satterwhite indicated that he would keep City Council apprised of the status of that project.

The contracts for three other art benches had been signed. Two of the three benches would be located at the Little League Field and one would be installed in front of City Hall.

UPCOMING CITY COUNCIL MEETINGS/EVENTS:

<table>
<thead>
<tr>
<th>Type of Meeting</th>
<th>Date</th>
<th>Time</th>
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<tbody>
<tr>
<td>Workshop Session on Bellaire Town Square</td>
<td>06/24/2008</td>
<td>7:00 p.m.</td>
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<tr>
<td>Holiday - City Offices Closed</td>
<td>07/04/2008</td>
<td>All Day</td>
</tr>
<tr>
<td>Regular Session*</td>
<td>07/07/2008</td>
<td>7:00 p.m.</td>
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<tr>
<td>Regular Session</td>
<td>07/21/2008</td>
<td>7:00 p.m.</td>
</tr>
<tr>
<td>Regular Session or Budget Workshop Session*</td>
<td>07/22/2008</td>
<td>7:00 p.m.</td>
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*It was noted that there was an item on the evening’s agenda to postpone the Regular Session scheduled for July 7, 2008, to July 22, 2008.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Councilman Pat McLaughlan referred to the art bench in front of the Bellaire City Library and noted that due to the size of the bench, it was not easy to sit on. He asked if there were any plans to cure the problem.
A: **City Manager Satterwhite** stated that the bench in place in front of the Bellaire City Library was the bench that was approved by City Council.

Q: **Councilman McLaughlan** agreed that he approved the concept, but mistakenly thought that the bench could be used to sit on.

A: **City Manager Satterwhite** advised that he would be more than happy to request changes if City Council wanted those changes.

**Mayor Cindy Siegel** suggested that Councilman McLaughlan bring his concern back to City Council as a future agenda item.

Q: **Mayor Siegel** referred to the “Citizens Emergency Response Team” and asked if there would be another class in the near future.

A: **Fire Chief Darryl Anderson** advised that another one was scheduled for August of 2008 at the City of West University Place, Texas.

Q: **Mayor Siegel** asked if City Council could get a report on the hours for the Therapy Pool. For example, if there were a need to increase the hours and possibilities for accommodating increased hours.

A: **City Manager Satterwhite** advised that he would report back to City Council.

C: **Councilman Will Hickman** advised that he, too, was interested in a report on the Therapy Pool.

**MOTION TO ACCEPT REPORT INTO THE RECORD:**

A motion was made by Councilman James P. Avioli, Sr., and seconded by Councilman Will Hickman 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:**

Siegel, Cindy

Hickman, Will

Avioli, James P., Sr.
FOR (CONT.):  Faulk, Peggy
McLaughlan, Pat
Jeffery, John

OPPOSED:  None

ABSENT:  Nauert, Phil

2. FINANCE REPORT – Chief Financial Officer Donna Todd.

Chief Financial Officer Donna Todd presented the Finance Report for the City of Bellaire, Texas, to City Council.

Chief Financial Officer Todd advised that she would report on the financial results for the eight months ended May 31, 2008, compared to the prior fiscal year.

Revenues

The City’s revenues of $20.7 million were up 4% from the prior year or $578,000. The increase was due primarily to higher property tax collections. The City also had higher water and sewer revenues in all of its utility operations. Sales tax revenues remained strong and were $145,000 higher than last year.

Chief Financial Officer Todd noted that she had seen an article indicating that the State of Texas’ sales tax collections were also up. For the month of February, the State’s sales tax collections were up 6.8%.

Revenues for athletics and aquatics were higher than the prior year due primarily to the implementation of online registration for programs. The new Bellaire Pool brought in almost $23,000 for the month of May. The Evergreen Pool revenues were down slightly from the prior year. It was also noted that Evergreen Pool was not open during the entire month of May.

Expenditures

Expenditures of approximately $17.2 million were up 11% from the prior year. The City had spent approximately $68,000 for the Centennial celebrations, which was offset by about $15,000 in revenues. All of the departments had seen an increase in fuel costs. The fuel costs for the City as compared to the prior year had increased 70%.
Housing Update

With respect to the housing market (excluding the "by owner"), there were 222 residential properties for sale through the end of May and 19 properties for lease. These figures compared to 216 and 21, respectively, for April. For new residential construction, the average per unit value was $618,000 this fiscal year as compared to $528,000 for the prior fiscal year (or a 17% increase).

Department Update

The Finance Department continued to work on the conversion of the depository bank to Amegy Bank. Chief Financial Officer Todd noted also that the City received a certification of its Investment Policy, which was valid for a period of two years.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Mayor Cindy Siegel inquired as to the calculation for the new residential construction value.

A: Chief Financial Officer Todd indicated that the calculation was based on the construction permit value of the new units. The construction values reported for the month were $52.5 million for 85 units. This value did not take into account the land value or the profit margin.

Q: Councilman James P. Avioli, Sr., noted that it appeared that the Bellaire Police Department was at 90% of its budget with respect to fuel costs. He inquired as to whether the department would be allowed to exceed the line item or whether more funds would be allocated to that department for fuel.

A: Chief Financial Officer Todd noted that in the previous year, City Staff presented budget amendments to City Council at the end of the fiscal year versus doing several throughout the year. City Staff would follow the same approach this year.

C: Councilman Avioli stated that the Police Department appeared to be the only department that might exceed its fuel budget.

R: Chief Financial Officer Todd indicated that the Finance Department was watching those costs for all departments.
C: Mayor Siegel asked if an analysis could be presented to City Council in the future (i.e., September or October) as to how the Family Aquatic Center compared to the business plan developed for it.

R: City Manager Satterwhite and Chief Financial Officer Todd indicated that an analysis could be presented.

Q: Mayor Pro Tem Peggy Faulk inquired as to whether a study had been performed regarding the Bellaire Recycling Center (i.e., the cost to maintain versus the revenues derived from operating it).

A: City Manager Satterwhite stated that one had been done in the past and he could get the information for Mayor Pro Tem Faulk.

Q: Councilman Pat McLaughlan noted that there was a private vendor operating a snow cone trailer at the Bellaire Pool. He inquired as to whether the vendor paid the City rent or a percentage of receipts for allowing the operation.

A: Chief Financial Officer Todd stated that she was not aware of it.

City Manager Satterwhite advised that he would have to check into it as well.

Q: Councilman McLaughlan inquired as to whether the vendor was chosen on a competitive basis. In other words, what was the rationale for choosing a particular vendor? He was also interested in the basis on which they shared their revenues with the City.

A: City Manager Satterwhite stated that the City had contracting policies for many of the vendors used. He indicated that he would get the answer for Councilman McLaughlan.

MOTION TO ACCEPT REPORT INTO THE RECORD:

A motion was made by Councilman Will Hickman and seconded by Councilman Pat McLaughlan to accept the Finance Report for the City of Bellaire, Texas, as presented by Chief Financial Officer Donna Todd into the record.
VOTE ON MOTION TO ACCEPT REPORT INTO THE RECORD:

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

FOR: Siegel, Cindy
      Hickman, Will
      Avioli, James P., Sr.
      Faulk, Peggy
      McLaughlan, Pat
      Jeffery, John

OPPOSED: None

ABSENT: Nauert, Phil

G. NEW BUSINESS:

1. PROCLAMATIONS:

ISSUANCE of proclamations by Mayor Cynthia Siegel in honor and recognition of three (3) local Girl Scouts, each of whom received the Gold Award, the highest honor in scouting, in 2007: Diana Batten, Katherine Stuart, and Christine Stillman – Item submitted by City Clerk Tracy L. Dutton on behalf of Bellaire’s Girl Scout Gold Award Advisor Martha Webster.

Martha Webster, Bellaire Girl Scout Gold Award Advisor, stated that the San Jacinto Council really appreciated the award that Bellaire gave to the Girl Scouts. It was a wonderful acknowledgement of their hard work. She introduced several representatives present this evening from the San Jacinto Council, as well as the award recipients.

The Girl Scout Gold Award was noted to be the highest award in girl scouting. Ms. Webster next provided a brief outline of what each of the recipients had done to earn their Gold Award. The Gold Award was earned by an estimated 6.2% of all girls that registered in San Jacinto Council. The work involved took approximately two to three years to complete. Each girl was required to complete seven steps toward the award. Then each girl would begin researching, planning, and implementing her project, then evaluating the outcome, the successes and the challenges, and what she learned by completing the project.

In the past, the Gold Award project was a 50-hour minimum requirement. Under the new program, a minimum of 65 hours was required for the project. The project must also be leadership-based and fill a need in the girl’s community.
Gold Award Recipients Christine Stillman and Katherine Stuart worked together on a group project entitled “Awesome City Limits Festival.” Their event involved the arts and ways that people could connect with local charities to help those in need. The girls contacted several bands to perform and had local artists come to display their work to draw young people to their event, which was held at the Bellaire Presbyterian Church. They advertised their festival with flyers and created information on a “My Space” page. For admission they asked their participants to bring gently used clothing and canned food items to be donated to the Houston Food Bank, CCFC, and the Star of Hope. The girls shared the duties of the event, with each one earning over 50 hours towards their project goal. They were able to donate three bags of clothing and 36 bags of canned goods to local charities.

Christine learned that this project enabled her to be more outgoing and helped her to work well with others, as well as be a leader and a servant, and to stay on top of everything. Katherine learned that she could do anything she set her mind to and also learned that she could handle disappointments and problems and quickly work out a solution. Both girls agreed that the event was a huge success and all of their participants had a great time. They also educated many folks about the Girl Scout Gold Award, how they could be involved in giving to local charities, and they learned they could accomplish their goals and have fun doing it. Katherine was currently attending the University of Colorado at Boulder, where she made the Dean’s Honor Roll. She was studying psychology and would be a junior next year.

Diana Batten worked with the Bellaire City Library, specifically the library’s young adult section. Diana saw the need to improve and refurbish the section by adding colorful and comfortable seating, area rugs, brighter lighting, and new artwork for the walls. From the book list, she and her volunteers reorganized books, filled in the gaps in the book collection, and relabeled all of the bookshelves. She used her teen volunteers to give her input on new book selections, and she worked with the National Honor Society at Bellaire High School to create a proposal so that recommendations would be made each year for new book titles. Diana also attended the Houston Library Convention, made contacts at Barnes & Noble, and visited several other area libraries and book stores to get ideas on how to improve the library. She was very excited to get a total of 151 new books collected for the library—112 books for the teen section and 39 books for the children’s section. Diana worked closely with Mary Alford, Head Librarian, on every aspect of her project and completed the Gold Award with over 130 hours of work.

After finishing her impressive project, Diana said, “I’ve learned how even one person can make a huge difference. Actually, it’s quite amazing what one person can accomplish by just taking action.”
Diana currently attended SMU in a degree program called “Management Science” in the engineering department.

**Mayor Cindy Siegel** read each proclamation as follows:

*Whereas, Diana Batten, Katherine Stuart, and Christine Stillman have achieved the **Girl Scout Gold Award**; and*

*Whereas, Diana Batten, Katherine Stuart, and Christine Stillman have displayed the attributes of integrity, honor, and dedication, and those qualities of character will serve Diana, Katherine, and Christine throughout their lives; and*

*Whereas, it is appropriate that the entire community of Bellaire, Texas, join with the Girl Scouts of San Jacinto Council to recognize this achievement;*

*Now, Therefore, I, Cynthia Siegel, Mayor of the City of Bellaire, Texas, do hereby proclaim and recognize Diana Batten, Katherine Stuart, and Christine Stillman as outstanding citizens of the City of Bellaire, Texas, in recognition of their achievement of the Girl Scout Gold Award.*

*In Witness Whereof, I have hereunto set my hand and caused the seal of the City of Bellaire, Texas, to be affixed this 16th day of June, 2008.*

*Cynthia Siegel, Mayor  
City of Bellaire, Texas*

Diana Batten was present and received her award personally from Mayor Siegel. Mark Stuart, father of Katherine Stuart, accepted the award on her behalf, and Martha Webster, Bellaire Girl Scout Gold Award Advisor, accepted the award on behalf of Christine Stillman.

2. **ADOPTION OF ORDINANCES:**

**Agreements and Contracts**

a. **CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department to engage Klotz Associates, Inc., to perform engineering services necessary for the rehabilitation of the well, well pump, and related appurtenances for Well No. 5 at Feld Park Water Plant in the amount of $70,000.00 and adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of The City of Bellaire, Texas, to execute a Letter**
Agreement for Consulting Services with Klotz Associates, Inc., for said services in an amount not to exceed $70,000.00 – Item submitted by Director of Public Works Joe Keene.

City Manager Bernard M. Satterwhite, Jr., asked permission to remove this item from the agenda.

Mayor Cindy Siegel, after noting no objections from City Council, announced that the item was removed from the agenda.

Code Amendments

b. 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, Building Codes, Division 1, Generally, Section 9-17, Amendment to Building Code, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of amending Section R309.2, Separation Required, relating to garages, Section R311.5.4, Landings for Stairways, Section R311.5.6, Handrails, and Section R312.2, Guard Opening Limitations, of the International Residential Code – Item submitted by Director of Community Development Derhyl Hebert and Building Official Lee Cabello on behalf of Chair Dirk Stiggins of the Building and Standards Commission of the City of Bellaire, Texas.

MOTION TO ADOPT ORDINANCE:

A motion was made by Councilman Pat McLaughlan and seconded by Councilman John Jeffery to adopt an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 9, Buildings, Article II, Building Codes, Division 1, Generally, Section 9-17, Amendment to Building Code, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of amending Section R309.2, Separation Required, relating to garages, Section R311.5.4, Landings for Stairways, Section R311.5.6, Handrails, and Section R312.2, Guard Opening Limitations, of the International Residential Code.

AMENDMENT (NO. 1) TO MOTION TO ADOPT ORDINANCE:

An amendment (no. 1) was made by Councilman Will Hickman and seconded by Councilman John Jeffery to
remove the phrase “or possible future habitable” from Section 9-17, Amendment to Building Code, R309.2, Separation Required.

DISCUSSION ON AMENDMENT (NO. 1) TO MOTION TO ADOPT ORDINANCE:

Councilman John Jeffery asked for clarification as to Councilman Hickman’s motion. For example would the motion only apply to attached garages?

Councilman Hickman advised he felt the phrase “or possible future habitable” was unclear.

Councilman Jeffery inquired as to the type of wall next to the home if the garage were attached. In other words would it be Type “X”?

Building Official Lee Cabello advised that the wall that abutted the home was Type “X” today. The City had been following this policy for eleven years, but did not have it set forth in writing in the City’s Code.

Councilman Jeffery asked for confirmation that the other walls (i.e., those not abutting the home) could be regular sheetrock.

Building Official Cabello advised that Councilman Jeffery was correct.

Councilman Hickman advised that his motion related to detached garages with the possibility of making the attic space habitable. If it were just a future possibility, he did not feel that this requirement was needed. If the homeowner decided down the road to make the attic habitable, the homeowner would be required to make the attic habitable when permitted.

Building Official Cabello advised that his concern was if a person had a second level (not the attic, but a second level) above the garage, then the recommended requirement should be in place. If not in place, it would be expensive to install later.

Councilman Jeffery asked for confirmation that this amendment would require a person to sheetrock a possible habitable second level with Type “X” sheetrock.
Building Official Cabello advised that Councilman Jeffery was correct.

Councilman Hickman stated that he did not see a need for Type "X" sheetrock in a storage space that was detached from the home.

Councilman Pat McLaughlan asked for confirmation that the City was talking about a detached garage with characteristics that allowed a second level to be built out in the future. He asked if the Building Official could distinguish a garage with potential build out from one that would probably not be built out.

Building Official Cabello stated that his concern was the cost to go back and install Type "X" sheetrock (or retrofit) a possible habitable space after the fact.

Councilman McLaughlan noted that in all probability, in the situation described by Building Official Cabello, those spaces would probably be built out in the future. The intent seemed to be to save the homeowner some money rather than having to go back and tear out the old sheetrock and install new Type "X" sheetrock. He inquired as to whether Building Official Cabello had an idea as to the cost differential between plain sheetrock and fire resistant sheetrock.

Building Official Cabello advised that he did not have a cost differential. He had been requiring builders and/or homeowners to use fire resistant sheetrock and they had been doing so.

Mayor Cindy Siegel asked how the City would know if someone built the space out later.

Building Official Cabello stated that unfortunately there were people doing work without permits. He believed that the majority of people did call the City before doing any work.

VOTE ON AMENDMENT (NO. 1) TO MOTION TO ADOPT ORDINANCE:

Amendment (no. 1) failed on a 3-3 vote as follows:

FOR: Hickman, Will
      Avioli, James P., Sr.
      Faulk, Peggy
OPPOSED: Siegel, Cindy  
McLaughlan, Pat  
Jeffery, John

ABSENT: Nauert, Phil

AMENDMENT (NO. 2) TO MOTION TO ADOPT ORDINANCE:

An amendment (no. 2) was made by Councilman Will Hickman and seconded by Councilman John Jeffery to add a sentence for clarification to the exception under Section 9-17, Amendment to Building Code, R311.5.4, Landings for Stairways, as follows: This exception, however, does not apply within an enclosed garage.

VOTE ON AMENDMENT (NO. 2) TO MOTION TO ADOPT ORDINANCE:

Amendment (No. 2) carried on a majority vote of 5-1 as follows:

FOR: Siegel, Cindy  
Hickman, Will  
Avioli, James P., Sr.  
McLaughlan, Pat  
Jeffery, John

OPPOSED: Faulk, Peggy

ABSENT: Nauert, Phil

VOTE ON ORIGINAL MOTION, AS AMENDED:

Motion carried on a 4-2 vote as follows:

FOR: Siegel, Cindy  
Avioli, James P., Sr.  
McLaughlan, Pat  
Jeffery, John

OPPOSED: Hickman, Will  
Faulk, Peggy

ABSENT: Nauert, Phil

{Ordinance was subsequently numbered: 08-028}
c. 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, Building Codes, Section 9-39, Additional Requirements for New Foundation Construction, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of requiring the removal of dirt produced during the excavation for foundation piers and grade beams, prohibiting wood products within eighteen inches of grade and requiring positive drainage with the crawl space – Item submitted by Director of Community Development Derhyl Hebert and Building Official Lee Cabello on behalf of Chair Dirk Stiggins of the Building and Standards Commission of the City of Bellaire, Texas.

MOTION TO ADOPT ORDINANCE:

A motion was made by Councilman Pat McLaughlan and seconded by Councilman John Jeffery to adopt an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 9, Buildings, Article II, Building Codes, Section 9-39, Additional Requirements for New Foundation Construction, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of requiring the removal of dirt produced during the excavation for foundation piers and grade beams, prohibiting wood products within eighteen inches of grade and requiring positive drainage with the crawl space.

AMENDMENT (NO. 1) TO MOTION TO ADOPT ORDINANCE:

An amendment (no. 1) was made by Councilman Will Hickman to remove language in paragraph (b) of Section 9-39, Additional Requirements for New Foundation Construction, as follows: Excess soil produced during the excavation for foundation piers and grade beams shall be removed from the site within two weeks after placement of the concrete.

Amendment (no. 1) failed due to the lack of a second.

DISCUSSION:

Councilman John Jeffery inquired as to whether the City would be able to enforce removal of excess soil from the site within two weeks.
Building Official Lee Cabello stated that the City would be able to enforce removal of excess soil from the site within two weeks.

**VOTE ON ORIGINAL MOTION:**

Motion carried on a 4-2 vote as follows:

**FOR:** Siegel, Cindy  
Avioli, James P., Sr.  
McLaughlan, Pat  
Jeffery, John

**OPPOSED:** Hickman, Will  
Faulk, Peggy

**ABSENT:** Nauert, Phil

{Ordinance was subsequently numbered: 08-029}

d. 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 VIII, Swimming Pools, Division 2, Enclosure, by adding a new Section 9-268, During Construction – Temporary Fence Required, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of requiring a temporary fence during the construction of a swimming pool – Item submitted by Director of Community Development Derhyl Hebert and Building Official Lee Cabello on behalf of Chair Dirk Stiggins of the Building and Standards Commission of the City of Bellaire, Texas.

**MOTION TO ADOPT ORDINANCE:**

A motion was made by Councilman Pat McLaughlan and seconded by Mayor Pro Tem Peggy Faulk to adopt an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 9, Buildings, Article VIII, Swimming Pools, Division 2, Enclosure, by adding a new Section 9-268, During Construction – Temporary Fence Required, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of requiring a temporary fence during the construction of a swimming pool.
DISCUSSION:

Councilman Will Hickman asked if this requirement would be satisfied if an entire building site were fenced (i.e., pool and house).

Building Official Lee Cabello advised that Councilman Hickman was correct. His concern was that the any hole dug for a pool be fenced to discourage young children from trying to get into it.

City Attorney Alan P. Petrov advised that the home could serve as one side of the barrier for the pool.

VOTE ON MOTION TO ADOPT ORDINANCE:

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

FOR: Siegel, Cindy  
     Hickman, Will  
     Avioli, James P., Sr.  
     Faulk, Peggy  
     McLaughlan, Pat  
     Jeffery, John

OPPOSED: None

ABSENT: Nauert, Phil

{Ordinance was subsequently numbered: 08-030}

e. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, increasing the residence homestead exemption for individuals age 65 or older and for individuals who are disabled as authorized by Title 1, Property Tax Code, Subtitle C, Taxable Property and Exemptions, Chapter 11, Taxable Property and Exemptions, Subchapter B, Exemptions, Section 11.13, Residence Homestead, of the Texas Tax Code and amending Chapter 28, Taxation, Section 28-3, Tax Exemption on Homestead, Subsections (1) and (2) of the Code of Ordinances of the City of Bellaire, Texas, to reflect such amendment – Item submitted by City Manager Bernard M. Satterwhite, Jr., and Chief Financial Officer Donna Todd.
SUMMARY:

Chief Financial Officer Donna Todd advised that City Staff was proposing changing two City exemptions—the over 65 exemption and the disabled exemption.

The exemptions were allowed by the Texas Tax Code, Section 11.13. To implement this change for the upcoming 2008 tax year, the entity (Bellaire) must adopt an ordinance increasing the exemptions by July 1, 2008, and provide that information to the Harris County Appraisal District.

The over 65 exemption was currently $90,000.00 and was effective beginning tax year 2003. Prior to that change, the exemption was $70,000.00 (i.e., effective tax year 2001). Prior to that change, the exemption was $40,000.00 (effective tax year 1983).

The City also had two other exemptions in effect—the disability exemption of $20,000.00 (effective since tax year 1983) and a homestead exemption of 20% of the appraised value (effective since tax year 1991). It was noted that 20% of the appraised value was the maximum amount that a City could offer for a homestead exemption, with the minimum being $5,000.00.

As an aside, the exemption for over 65 and disabled were also available to the surviving spouse, with certain restrictions as defined in the Texas Tax Code.

Chief Financial Officer Todd presented three options for raising the over 65 exemption. The City could 1) raise the exemption 33% to $120,000.00 (a $30,000.00 increase); or 2) raise the exemption to $135,000.00 (a 50% or $45,000.00 increase); or 3) raise the exemption to $150,000.00 (a 67% or $60,000.00 increase).

If the proposed $135,000.00 exemption were implemented, the taxes for those over 65 would be reduced 11% from the last fiscal year, all things being equal.

With respect to the disability exemption, three options for raising it were presented. The City could 1) raise the exemption 50% or $10,000.00 to a total of $30,000.00; or 2) raise the exemption 100% to $40,000.00; or 3) raise the exemption 150% to $50,000.00. It was noted that this particular exemption had not changed for 25 years.
If the proposed $50,000.00 exemption were implemented, the impact on the tax year was fairly insignificant. For the resident it represented a reduction of $127.00 in their taxes.

The City Staff recommendation was for the over 65 exemption to increase to $135,000.00. With no change in the City’s tax rate, the City was looking at an estimated savings of $89.00 for seniors on an annual basis, and a $75,000.00 impact on the City’s tax revenues.

The City Staff recommendation was for the disability exemption to increase to $50,000.00. With no change in the City’s tax rate, the City was looking at an estimated savings of $73.00 on average for disabled citizens, with an insignificant impact on the City’s tax revenues.

To implement these or any other changes that City Council would propose, the City would need an ordinance and City Staff would need to notify the Harris County Appraisal District prior to the July 1, 2008, deadline.

City Manager Bernard M. Satterwhite, Jr., stated that during discussions of the budget approval and tax rate approval last year, the possibility of increasing some of the City’s exemptions was mentioned. That was not the time to implement an increase, as such a decision had to be made prior to July 1st of the next tax year. He told City Council at that time that City Staff would look into it. The agenda item this evening was a result of that discussion.

City Manager Satterwhite referred to the fact that last year, the tax rate set by City Council was below the effective tax rate. This meant that the vast majority of existing property owners in Bellaire paid the same or less City tax than they did the previous year, except for seniors. The seniors’ exemption on top of the homestead exemption was a flat rate. In other words, as the values increased, the impact of that exemption was lower.

Mayor Cindy Siegel inquired as to the number of households in Bellaire with an over 65 exemption.

Chief Financial Officer Todd indicated that there were 1,009 households in Bellaire with an over 65 exemption.

Mayor Siegel inquired as to the number of households in Bellaire with a disabled exemption.
Chief Financial Officer Todd indicated that there were 52 households in Bellaire with a disabled exemption.

Councilman John Jeffery inquired as to whether the City Staff recommendations were benchmarked against other surrounding communities.

Chief Financial Officer Todd noted that she understood that the City of West University Place, Texas, recently increased their over 65 exemption from $125,000.00 to $185,000.00 or a 68% increase. West University Place had 828 households with over 65 exemptions.

City Manager Satterwhite noted that the property values in West University Place were higher than Bellaire.

Chief Financial Officer Todd stated that the City of Southside Place, Texas, had an over 65 exemption of $250,000.00 and had 53 households with over 65 exemptions.

Mayor Siegel asked for confirmation that the City of West University Place, Texas, did not offer a homestead exemption to their residents.

City Manager Satterwhite advised that Mayor Siegel was correct.

Councilman Will Hickman asked if Chief Financial Officer Todd knew what other entities offered for exemptions, such as the Houston Independent School District, Harris County, etc.

Chief Financial Officer Todd stated that the Houston Independent School District offered a homestead exemption of 20% and an over 65 and disabled exemption of $15,000.00. She believed that almost all of the local taxing entities were at 20% for homestead exemptions, except for Houston Community College, which was at 10%. Harris County was at 20% for the homestead exemption, with over 65 and disabled at $160,000.00 each.

Councilman James P. Avioli, Sr., noted that as pointed out by Chief Financial Officer Todd, the City of West University Place, Texas, just went through a similar exercise and increased their over 65 exemption to $185,000.00. He stated that the additional savings for their residents was roughly $275.00. It appeared that the savings for Bellaire residents under the proposal was $89.00. He asked for the short answer
as to why it was $275.00 in West University Place and $89.00 in Bellaire.

**City Manager Satterwhite** indicated that it was difficult to compare city to city due to the different valuations, different numbers of seniors, etc. City Staff looked at percentages and decreases in taxes. He knew that the property values in West University Place were higher and he did not know what the seniors were offered across the board. Without a homestead exemption, City Manager Satterwhite expected that West University Place seniors paid more tax to begin with on a particular home than the Bellaire seniors did.

**Councilman Avioli** stated that this was certainly a step in the right direction, but noted that he felt certain that City Council would be asked the question as to why the savings were different for each city.

**MOTION TO ADOPT ORDINANCE:**

A motion was made by Councilman John **Jeffery** and seconded by Councilman James P. **Avioli**, Sr., to adopt an ordinance of the City Council of the City of Bellaire, Texas, increasing the residence homestead exemption for individuals age 65 or older and for individuals who are disabled as authorized by Title 1, Property Tax Code, Subtitle C, Taxable Property and Exemptions, Chapter 11, Taxable Property and Exemptions, Subchapter B, Exemptions, Section 11.13, Residence Homestead, of the Texas Tax Code and amending Chapter 28, Taxation, Section 28-3, Tax Exemption on Homestead, Subsections (1) and (2) of the Code of Ordinances of the City of Bellaire, Texas, to reflect such amendment.

**DISCUSSION:**

**Councilman Pat McLaughlan** stated that he would recuse himself from this discussion, as this exemption would provide a direct financial impact for him.

**Councilman Hickman** inquired as to why the disabled exemption was not the same or a similar amount as the over 65 exemption.

**City Manager Satterwhite** stated that he did not have a good answer for that question.
AMENDMENT (NO. 1) TO MOTION TO ADOPT ORDINANCE:

An amendment (no. 1) was made by Councilman Will Hickman and seconded by Mayor Cindy Siegel to amend Section 28-3, Tax exemption on homestead, paragraph (2), to One hundred thirty-five thousand dollars of the assessed value of resident homesteads of married or unmarried persons, who are under a disability . . . .

VOTE ON AMENDMENT (NO. 1) TO MOTION TO ADOPT ORDINANCE:

Amendment (No. 1) carried on a majority vote of 5-0-1 as follows:

FOR: Siegel, Cindy
      Hickman, Will
      Avioli, James P., Sr.
      Faulk, Peggy
      Jeffery, John

OPPOSED: None

ABSENT: Nauert, Phil

ABSTAIN: McLaughlan, Pat*

*Councilman Pat McLaughlan abstained from voting on the amendment, as well as the original motion, as the increase in exemption (age 65 or over) would impact him financially.

VOTE ON ORIGINAL MOTION, AS AMENDED:

Motion carried on a majority vote of 5-0-1 as follows:

FOR: Siegel, Cindy
      Hickman, Will
      Avioli, James P., Sr.
      Faulk, Peggy
      Jeffery, John

OPPOSED: None

ABSENT: Nauert, Phil

ABSTAIN: McLaughlan, Pat*
*Councilman Pat McLaughlan abstained from voting on the amendment, as well as the original motion, as the increase in exemption (age 65 or over) would impact him financially.

{Ordinance was subsequently numbered: 08-031}

**CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 2, Administration, Article VII, Boards, Commissions and Committees, Division 1, Generally, by deleting Section 2-95, Term limits, and Division 3, Boards, Commissions and Committees Governed by City Charter, Ordinance or Resolution, Section 2-106, Parks and recreation advisory board, Section 2-10, Recycling committee, and Section 2-108, Bellaire living, information, fun, and enrichment (L.I.F.E.) advisory board, for the purpose of eliminating term limits on all boards, commissions, and committees, and for the purpose of setting the membership of each Board, Commission, and Committee at seven (7) members, as well as eliminating the alternate member on the Bellaire L.I.F.E. advisory board – Item submitted by City Clerk Tracy L. Dutton on behalf of Mayor Cindy Siegel.**

**MOTION TO ADOPT ORDINANCE:**

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Mayor Cindy Siegel to adopt an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 2, Administration, Article VII, Boards, Commissions and Committees, Division 1, Generally, by deleting Section 2-95, Term limits, and Division 3, Boards, Commissions and Committees Governed by City Charter, Ordinance or Resolution, Section 2-106, Parks and recreation advisory board, Section 2-10, Recycling committee, and Section 2-108, Bellaire living, information, fun, and enrichment (L.I.F.E.) advisory board, for the purpose of eliminating term limits on all boards, commissions, and committees, and for the purpose of setting the membership of each Board, Commission, and Committee at seven (7) members, as well as eliminating the alternate member on the Bellaire L.I.F.E. advisory board.
DISCUSSION:

Councilman Pat McLaughlan stated that he was surprised that the City was talking about eliminating term limits. He felt that some fine-tuning might be needed as to the counting of term limits. He noted that City Council served under term limits, and he felt that term limits were a good thing for any governmental operation.

Councilman James P. Avioli, Sr., felt the same way as Councilman McLaughlan. He noted that many new people were moving into the City and brought a lot to the table. He felt that City Council was restricting themselves by eliminating the term limits. To eliminate term limits was to go against the opportunity of bringing in new people.

Councilman Will Hickman agreed with Councilmen McLaughlan and Avioli. He referred to Gayle Davies who had served on the Recycling Committee for three terms and had done a great job there. Now, she served on the Building and Standards Commission and was doing a great job there. With any type of group, it was hard for new people to break in without term limits.

AMENDMENT (NO. 1) TO MOTION TO ADOPT ORDINANCE:

An amendment (no. 1) was made by Councilman Will Hickman and seconded by Councilman John Jeffery to keep Section 2-95, Term limits, and to add the following statement: No board members shall serve more than three full consecutive terms on any one board. Any part of a term shall not constitute a full term.

VOTE ON AMENDMENT (NO. 1) TO MOTION TO ADOPT ORDINANCE:

Amendment (No. 1) carried on a 4-2 vote as follows:

FOR: Hickman, Will
Avioli, James P., Sr.
McLaughlan, Pat
Jeffery, John

OPPOSED: Siegel, Cindy
Faulk, Peggy

ABSENT: Nauert, Phil
DISCUSSION:

Councilman Hickman inquired as to the number of votes that were required for an item to pass on those boards with nine members. In other words if a quorum were five, would all five have to vote favorably for an action to pass?

City Attorney Alan P. Petrov advised that on the statutory boards, four members were a quorum and four votes were required for an item to pass. He was not certain with respect to the non-statutory boards.

Mayor Siegel asked Former Chair Craig Bello, Recycling Committee, how many votes were required to pass an item.

Craig Bello advised that a quorum of five was necessary for the Recycling Committee to meet. Since their membership was now seven due to two resignations, they had been using a quorum of four for the last six months.

Councilman Hickman asked Craig Bello what his thoughts were with respect to a reduction in the number of members on the Recycling Committee.

Craig Bello stated that the Recycling Committee would love to have nine members if enough interest could be generated, noting that there were four events during the year that needed to be staffed. In reality, the Recycling Committee had not been able to maintain nine positions for a long time.

Councilman Hickman asked what Craig Bello would like to see the City Council do this evening.

Craig Bello stated that he would like to keep the members at nine, but have the flexibility to run with seven members.

City Manager Satterwhite noted that the membership of each board was set by ordinance—it was a law, and was not that flexible. One of the reasons that City Staff recommended a reduction in the number of members was to create some consistency. The reality of the situation was to try to keep the boards full. The City had a difficult time doing that over the last few years. Whatever went into the ordinance was the number that City Staff would have to try to fill. If the numbers were not reduced this evening, those boards could not be filled tonight.
City Attorney Petrov advised that the boards needed to establish rules of procedure that would allow them to function the way in which they were currently functioning. Those boards were advisory in nature and had no authority to spend money without further approval from Council.

Mayor Siegel asked if a board with a membership of nine could decide to set their quorum at four and take a majority vote of those four if it were in their rules of procedure.

City Attorney Petrov advised that he would have no problem with that if it were written in a board’s rules of procedure.

Mayor Siegel asked for confirmation that if the membership were left at nine and City Council could not fill the board, then the board could adopt rules of procedure to operate with a lesser quorum.

City Attorney Petrov advised that Mayor Siegel was correct.

AMENDMENT (NO. 2) TO MOTION TO ADOPT ORDINANCE:

An amendment (no. 2) was made by Councilman Pat McLaughlan and seconded by Councilman James P. Avioli, Sr., to leave the membership as it was currently set for the following boards: Parks & Recreation Advisory Board at nine (9) members, Recycling Committee at nine (9) members, and Bellaire L.I.F.E. Advisory Board at nine (9) members and one (1) alternate member and that each board have the authority within their own rules of procedure to set their quorums and voting requirements.

VOTE ON AMENDMENT (NO. 2) TO MOTION TO ADOPT ORDINANCE:

Amendment (No. 2) failed on a 2-4 vote as follows:

FOR: Avioli, James P., Sr.
     McLaughlan, Pat

OPPOSED: Siegel, Cindy
         Hickman, Will
         Faulk, Peggy
         Jeffery, John

ABSENT: Nauert, Phil
VOTE ON ORIGINAL MOTION, AS AMENDED:

Original motion, as amended, carried on a 4-2 vote as follows:

FOR:  Siegel, Cindy  
   Hickman, Will  
   Faulk, Peggy  
   Jeffery, John

OPPOSED:  Avioli, James P., Sr.  
           McLaughlan, Pat

{Ordinance was subsequently numbered:  08-032}

g. CONSIDERATION of and possible action on the adoption of an ordinance appointing four (4) members to the Bellaire Arts Commission of the City of Bellaire, Texas, for a term of two years commencing on July 1, 2008, and expiring on June 30, 2010 – Item submitted by City Clerk Tracy L. Dutton at the direction of City Council.

Councilman Will Hickman asked if City Council could appoint less than four members.

Mayor Cindy Siegel advised that City Council could appoint fewer members, and noted that she had talked with Chair Kathy Biddle who indicated that there were potentially a few more applicants for the Bellaire Arts Commission. If one position was not filled this evening, the possibility existed for the position to be filled later.

Each member of the Bellaire City Council presented his or her choices for three or four members to serve a two-year term on the Bellaire Arts Commission of the City of Bellaire, Texas, as follows:

<table>
<thead>
<tr>
<th>Council Member</th>
<th>Nominee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cindy Siegel</td>
<td>Victoria Aguilar</td>
</tr>
<tr>
<td></td>
<td>Kathy Biddle</td>
</tr>
<tr>
<td></td>
<td>Kathryn Hardin</td>
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<tr>
<td>Will Hickman</td>
<td>Kathy Biddle</td>
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<td></td>
<td>Kathryn Hardin</td>
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<tr>
<td>James P. Avioli, Sr.</td>
<td>Victoria Aguilar</td>
</tr>
<tr>
<td></td>
<td>Kathy Biddle</td>
</tr>
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<td></td>
<td>Kathryn Hardin</td>
</tr>
</tbody>
</table>
Peggy Faulk
Pat McLaughlan
John Jeffery

The votes were tallied as follows:

<table>
<thead>
<tr>
<th>Name</th>
<th>Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Victoria Aguilar</td>
<td>5</td>
</tr>
<tr>
<td>Kathy Biddle</td>
<td>6</td>
</tr>
<tr>
<td>Kathryn M. Hardin</td>
<td>6</td>
</tr>
<tr>
<td>Gail Edmiston</td>
<td>1</td>
</tr>
</tbody>
</table>

**MOTION TO ADOPT ORDINANCE:**

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman John Jeffery to adopt an ordinance appointing three (3) members to the Bellaire Arts Commission of the City of Bellaire, Texas, for a term of two years commencing July 1, 2008, and expiring on June 30, 2010.

**Note:** There were two votes taken on members to be appointed by ordinance to the Bellaire Arts Commission of the City of Bellaire, Texas, for a two-year term as follows:

**VOTE (NO. 1) ON MOTION TO ADOPT ORDINANCE:**

Motion to appoint Kathy Biddle and Kathryn M. Hardin by ordinance as members of the Bellaire Arts Commission of the City of Bellaire, Texas, carried unanimously on a 6-0 vote as follows:

**FOR:**
- Siegel, Cindy
- Hickman, Will
- Avioli, James P., Sr.
- Faulk, Peggy
- McLaughlan, Pat
- Jeffery, John

**OPPOSED:** None
VOTE (NO. 2) ON MOTION TO ADOPT ORDINANCE:

Motion to appoint Victoria Aguilar by ordinance as a member of the Bellaire Arts Commission of the City of Bellaire, Texas, carried on a majority vote of 5-1 as follows:

FOR: Siegel, Cindy  
Avioli, James P., Sr.  
Faulk, Peggy  
McLaughlan, Pat  
Jeffery, John

OPPOSED: Hickman, Will*

ABSENT: Nauert, Phil

*Councilman Will Hickman indicated that his opposition to this appointment was based on the fact that Ms. Aguilar did not select the Bellaire Arts Commission as her first choice.

{Ordinance appointing Victoria Aguilar, Kathy Biddle, and Kathryn M. Hardin as members of the Bellaire Arts Commission of the City of Bellaire, Texas, for a two-year term was subsequently numbered: 08-033}

h. CONSIDERATION of and possible action on the adoption of an ordinance appointing three (3) members to the Bellaire L.I.F.E. Advisory Board of the City of Bellaire, Texas, for a term of two years commencing on July 1, 2008, and expiring on June 30, 2010, and appointing Alternate Member Gladys McGowan to the Bellaire L.I.F.E. Advisory Board of the City of Bellaire, Texas, for a one-year term commencing on July 1, 2008, and expiring on June 30, 2009 – Item submitted by City Clerk Tracy L. Dutton at the direction of City Council.

Each member of the Bellaire City Council presented his or her choices for three members to serve a two-year term on the Bellaire L.I.F.E. Advisory Board of the City of Bellaire, Texas, as follows:

<table>
<thead>
<tr>
<th>Council Member</th>
<th>Nominee</th>
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<tbody>
<tr>
<td>Cindy Siegel</td>
<td>Frances Freeman</td>
</tr>
<tr>
<td></td>
<td>Patricia J. Layton</td>
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<tr>
<td></td>
<td>Pauline McRae</td>
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</tbody>
</table>
The votes were tallied as follows:

Frances Freeman       6
Patricia J. Layton    5
Pauline McRae        6
Gladys McGowan        1

MOTION TO ADOPT ORDINANCE:

A motion was made by Councilman John Jeffery and seconded by Councilman Will Hickman to adopt an ordinance appointing Frances Freeman, Patricia J. Layton, and Pauline McRae as Members to the Bellaire L.I.F.E. Advisory Board of the City of Bellaire, Texas, for a term of two years commencing July 1, 2008, and expiring on June 30, 2010, and appointing Alternate Member Gladys McGowan as a Member to the Bellaire L.I.F.E. Advisory Board of the City of Bellaire, Texas, for a one-year term commencing on July 1, 2008, and expiring on June 30, 2009.

VOTE ON MOTION TO ADOPT ORDINANCE:

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

FOR:    Siegel, Cindy
        Hickman, Will
        Avioli, James P., Sr.
        Faulk, Peggy
FOR (CONT.): McLaughlan, Pat  
                     Jeffery, John

OPPOSED: None

ABSENT: Nauert, Phil

{Ordinance appointing Frances Freeman, Patricia J. Layton, and Pauline McRae as members of the Bellaire L.I.F.E. Advisory Board of the City of Bellaire, Texas, for a two-year term and appointing Alternate Member Gladys McGowan as a member of the Bellaire L.I.F.E. Advisory Board as a member for a one-year term was subsequently numbered: 08-034}

i. CONSIDERATION of and possible action on the adoption of an ordinance appointing four (4) members to the Board of Adjustment of the City of Bellaire, Texas, for a term of two years commencing on July 1, 2008, and expiring on June 30, 2010 – Item submitted by City Clerk Tracy L. Dutton at the direction of City Council.

Each member of the Bellaire City Council presented his or her choices for four members to serve a two-year term on the Board of Adjustment of the City of Bellaire, Texas, as follows:

<table>
<thead>
<tr>
<th>Council Member</th>
<th>Nominee</th>
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<tbody>
<tr>
<td>Cindy Siegel</td>
<td>Nick Bacile</td>
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<td>Bill Borden</td>
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<td>David Middleman</td>
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<td>Marc Steinberg</td>
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<td>Will Hickman</td>
<td>Nick Bacile</td>
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<td>Bill Borden</td>
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<td></td>
<td>Andrew Haut</td>
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<td>Marc Steinberg</td>
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<td>James P. Avioli, Sr.</td>
<td>Nick Bacile</td>
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<td>Bill Borden</td>
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<td>David Middleman</td>
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<td></td>
<td>Marc Steinberg</td>
</tr>
<tr>
<td>Peggy Faulk</td>
<td>Nick Bacile</td>
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<td></td>
<td>Bill Borden</td>
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<td></td>
<td>Andrew Haut</td>
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<td></td>
<td>Marc Steinberg</td>
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</tbody>
</table>
The votes were tallied as follows:

<table>
<thead>
<tr>
<th>Nominee</th>
<th>Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nick Bacile</td>
<td>6</td>
</tr>
<tr>
<td>Bill Borden</td>
<td>5</td>
</tr>
<tr>
<td>Andrew Haut</td>
<td>4</td>
</tr>
<tr>
<td>David Middleman</td>
<td>4</td>
</tr>
<tr>
<td>Marc Steinberg</td>
<td>5</td>
</tr>
</tbody>
</table>

As there was a tie vote for the fourth position on the Board of Adjustment, each member of City Council was asked to present his or her vote for either Andrew Haut or David Middleman as follows:

<table>
<thead>
<tr>
<th>Council Member</th>
<th>Nominee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cindy Siegel</td>
<td>David Middleman</td>
</tr>
<tr>
<td>Will Hickman</td>
<td>Andrew Haut</td>
</tr>
<tr>
<td>James P. Avioli, Sr.</td>
<td>David Middleman</td>
</tr>
<tr>
<td>Peggy Faulk</td>
<td>Andrew Haut</td>
</tr>
<tr>
<td>Pat McLaughlan</td>
<td>David Middleman</td>
</tr>
<tr>
<td>John Jeffery</td>
<td>David Middleman</td>
</tr>
</tbody>
</table>

The votes were tallied as follows:

<table>
<thead>
<tr>
<th>Nominee</th>
<th>Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andrew Haut</td>
<td>2</td>
</tr>
<tr>
<td>David Middleman</td>
<td>4</td>
</tr>
</tbody>
</table>

**MOTION TO ADOPT ORDINANCE:**

A motion was made by Councilman John Jeffery and seconded by Councilman Pat McLaughlan to adopt an ordinance appointing four (4) members to the Board of Adjustment of the City of Bellaire, Texas, for a term of
two years commencing July 1, 2008, and expiring on June 30, 2010.

Note: There were two votes taken on members to be appointed by ordinance to the Board of Adjustment of the City of Bellaire, Texas, for a two-year term as follows:

**VOTE (NO. 1) ON MOTION TO ADOPT ORDINANCE:**

Motion to appoint Nick Bacile, Bill Borden, and Marc Steinberg by ordinance as members of the Board of Adjustment of the City of Bellaire, Texas, **carried** on a majority vote of **5-1** as follows:

**FOR:**
- Siegel, Cindy
- Hickman, Will
- Avioli, James P., Sr.
- Faulk, Peggy
- Jeffery, John

**OPPOSED:**
- McLaughlan, Pat

**ABSENT:**
- Nauert, Phil

**VOTE (NO. 2) ON MOTION TO ADOPT ORDINANCE:**

Motion to appoint David Middleman by ordinance as a member of the Board of Adjustment of the City of Bellaire, Texas, **carried** on a vote of **4-2** as follows:

**FOR:**
- Siegel, Cindy
- Avioli, James P., Sr.
- McLaughlan, Pat
- Jeffery, John

**OPPOSED:**
- Hickman, Will
- Faulk, Peggy

**ABSENT:**
- Nauert, Phil

{Ordinance appointing Nick Bacile, Bill Borden, David Middleman, and Marc Steinberg as members of the Board of Adjustment of the City of Bellaire, Texas, for a two-year term was subsequently numbered: 08-035}

**j. CONSIDERATION** of and possible action on the adoption of an ordinance appointing four (4) members to the Building and Standards Commission of the City of Bellaire, Texas, for a two-year term.
**Bellaire, Texas, for a term of two years commencing on July 1, 2008, and expiring on June 30, 2010 – Item submitted by City Clerk Tracy L. Dutton at the direction of City Council.**

Each member of the Bellaire City Council presented his or her choices for four members to serve a two-year term on the Building and Standards Commission of the City of Bellaire, Texas, as follows:

<table>
<thead>
<tr>
<th>Council Member</th>
<th>Nominee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cindy Siegel</td>
<td>Gayle Davies</td>
</tr>
<tr>
<td></td>
<td>Tom Ligh</td>
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<tr>
<td></td>
<td>Kristin Schuster</td>
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<tr>
<td></td>
<td>Dirk Stiggins</td>
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<tr>
<td>Will Hickman</td>
<td>Gayle Davies</td>
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<td>Andrew Haut</td>
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<td>Tom Ligh</td>
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<td>Dirk Stiggins</td>
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<td>James P. Avioli, Sr.</td>
<td>Gayle Davies</td>
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<td>Tom Ligh</td>
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<td></td>
<td>Kristin Schuster</td>
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<td></td>
<td>Dirk Stiggins</td>
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<td>Peggy Faulk</td>
<td>Gayle Davies</td>
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<td></td>
<td>Andrew Haut</td>
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<td></td>
<td>Kristin Schuster</td>
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<td></td>
<td>Dirk Stiggins</td>
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<tr>
<td>Pat McLaughlan</td>
<td>Gayle Davies</td>
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<td>Tom Ligh</td>
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<td>Kristin Schuster</td>
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<td>Dirk Stiggins</td>
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<td>John Jeffery</td>
<td>Gayle Davies</td>
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<td>Andrew Haut</td>
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<td></td>
<td>Tom Ligh</td>
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<tr>
<td></td>
<td>Dirk Stiggins</td>
</tr>
</tbody>
</table>

The votes were tallied as follows:

- Gayle Davies: 6
- Andrew Haut: 3
- Tom Ligh: 5
- Kristin Schuster: 4
MOTION TO ADOPT ORDINANCE:

A motion was made by Councilman Will Hickman and seconded by Councilman Pat McLaughlan to adopt an ordinance appointing Gayle Davies, Tom Ligh, Kristin Schuster, and Dirk Stiggins as Members to the Building and Standards Commission of the City of Bellaire, Texas, for a term of two years commencing July 1, 2008, and expiring on June 30, 2010.

VOTE ON MOTION TO ADOPT ORDINANCE:

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

FOR: Siegel, Cindy
     Hickman, Will
     Avioli, James P., Sr.
     Faulk, Peggy
     McLaughlan, Pat
     Jeffery, John

OPPOSED: None

ABSENT: Nauert, Phil

{Ordinance appointing Gayle Davies, Tom Ligh, Kristin Schuster, and Dirk Stiggins as members of the Building and Standards Commission of the City of Bellaire, Texas, for a two-year term was subsequently numbered: 08-036}

k. CONSIDERATION of and possible action on the adoption of an ordinance appointing three (3) members to the Parks & Recreation Advisory Board of the City of Bellaire, Texas, for a term of two years commencing on July 1, 2008, and expiring on June 30, 2010 – Item submitted by City Clerk Tracy L. Dutton at the direction of City Council.

Each member of the Bellaire City Council presented his or her choices for three members to serve a two-year term on the Parks & Recreation Advisory Board of the City of Bellaire, Texas, as follows:
<table>
<thead>
<tr>
<th>Council Member</th>
<th>Nominee</th>
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</thead>
<tbody>
<tr>
<td>Cindy Siegel</td>
<td>Craig Bello</td>
</tr>
<tr>
<td></td>
<td>Leslie Little</td>
</tr>
<tr>
<td></td>
<td>Sharon Veldman</td>
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<tr>
<td>Will Hickman</td>
<td>Leslie Little</td>
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<tr>
<td></td>
<td>Richard Sanders</td>
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<td></td>
<td>Sharon Veldman</td>
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<tr>
<td>James P. Avioli, Sr.</td>
<td>Jim Bettis</td>
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<tr>
<td></td>
<td>Leslie Little</td>
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<td></td>
<td>Sharon Veldman</td>
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<tr>
<td>Peggy Faulk</td>
<td>Craig Bello</td>
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<td></td>
<td>Richard Sanders</td>
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<td></td>
<td>Sharon Veldman</td>
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<tr>
<td>Pat McLaughlan</td>
<td>Craig Bello</td>
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<td></td>
<td>Leslie Little</td>
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<tr>
<td></td>
<td>Sharon Veldman</td>
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<tr>
<td>John Jeffery</td>
<td>Craig Bello</td>
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<td></td>
<td>Leslie Little</td>
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<td></td>
<td>Sharon Veldman</td>
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</tbody>
</table>

The votes were tallied as follows:

<table>
<thead>
<tr>
<th>Nominee</th>
<th>Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Craig Bello</td>
<td>4</td>
</tr>
<tr>
<td>Jim Bettis</td>
<td>1</td>
</tr>
<tr>
<td>Leslie Little</td>
<td>5</td>
</tr>
<tr>
<td>Richard Sanders</td>
<td>2</td>
</tr>
<tr>
<td>Sharon Veldman</td>
<td>6</td>
</tr>
</tbody>
</table>

**MOTION TO ADOPT ORDINANCE:**

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman John Jeffery to adopt an ordinance appointing Craig Bello, Leslie Little, and Sharon Veldman as Members to the Parks & Recreation Advisory Board of the City of Bellaire, Texas, for a term of two years commencing July 1, 2008, and expiring on June 30, 2010.
VOTE ON MOTION TO ADOPT ORDINANCE:

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

**FOR:**  
Siegel, Cindy  
Hickman, Will  
Avioli, James P., Sr.  
Faulk, Peggy  
McLaughlan, Pat  
Jeffery, John

**OPPOSED:**  None

**ABSENT:**  Nauert, Phil

{Ordinance appointing Craig Bello, Leslie Little, and Sharon Veldman as members of the Parks & Recreation Advisory Board of the City of Bellaire, Texas, for a two-year term was subsequently numbered: 08-037}

I. CONSIDERATION of and possible action on the adoption of an ordinance appointing four (4) members to the Planning and Zoning Commission of the City of Bellaire, Texas, for a term of two years commencing on July 1, 2008, and expiring on June 30, 2010 – **Item submitted by City Clerk Tracy L. Dutton at the direction of City Council.**

Each member of the Bellaire City Council presented his or her choices for four members to serve a two-year term on the Planning and Zoning Commission of the City of Bellaire, Texas, as follows:

<table>
<thead>
<tr>
<th>Council Member</th>
<th>Nominee</th>
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<tbody>
<tr>
<td>Cindy Siegel</td>
<td>James P. Avioli, Jr.</td>
</tr>
<tr>
<td></td>
<td>Peter Boecher</td>
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<tr>
<td></td>
<td>Michael Doyle</td>
</tr>
<tr>
<td></td>
<td>Donna Rickenbacker</td>
</tr>
<tr>
<td>Will Hickman</td>
<td>James P. Avioli, Jr.</td>
</tr>
<tr>
<td></td>
<td>Peter Boecher</td>
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<tr>
<td></td>
<td>Andrew Haut</td>
</tr>
<tr>
<td></td>
<td>Donna Rickenbacker</td>
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</tbody>
</table>
The votes were tallied as follows:

<table>
<thead>
<tr>
<th>Name</th>
<th>Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>James P. Avioli, Jr.</td>
<td>6</td>
</tr>
<tr>
<td>Peter Boecher</td>
<td>6</td>
</tr>
<tr>
<td>Michael Doyle</td>
<td>5</td>
</tr>
<tr>
<td>Andrew Haut</td>
<td>2</td>
</tr>
<tr>
<td>Donna Rickenbacker</td>
<td>5</td>
</tr>
</tbody>
</table>

**MOTION TO ADOPT ORDINANCE:**

A motion was made by Councilman Will Hickman and seconded by Mayor Pro Tem Peggy Faulk to adopt an ordinance appointing James P. Avioli, Jr., Peter Boecher, Michael Doyle, and Donna Rickenbacker as Members to the Planning and Zoning Commission of the City of Bellaire, Texas, for a term of two years commencing July 1, 2008, and expiring on June 30, 2010.

**VOTE ON MOTION TO ADOPT ORDINANCE:**

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

**FOR:**
- Siegel, Cindy
- Hickman, Will
- Avioli, James P., Sr.
- Faulk, Peggy
- McLaughlan, Pat
- Jeffery, John
OPPOSED: None

ABSENT: Nauert, Phil

{Ordinance appointing James P. Avioli, Jr., Peter Boecher, Michael Doyle, and Donna Rickenbacker as members of the Planning and Zoning Commission of the City of Bellaire, Texas, for a two-year term was subsequently numbered: 08-038}

m. CONSIDERATION of and possible action on the adoption of an ordinance appointing three (3) members to the Recycling Committee of the City of Bellaire, Texas, for a term of two years commencing on July 1, 2008, and expiring on June 30, 2010, and appointing one (1) member to the Recycling Committee of the City of Bellaire, Texas, to fill an unexpired term commencing on July 1, 2008, and expiring on June 30, 2009 – Item submitted by City Clerk Tracy L. Dutton at the direction of City Council.

Each member of the Bellaire City Council presented his or her choices for three members to serve a two-year term on the Recycling Committee of the City of Bellaire, Texas, as follows:

<table>
<thead>
<tr>
<th>Council Member</th>
<th>Nominee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cindy Siegel</td>
<td>Jim Bettis</td>
</tr>
<tr>
<td></td>
<td>Gail Edmiston</td>
</tr>
<tr>
<td></td>
<td>Robert E. Johnson</td>
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<tr>
<td>Will Hickman</td>
<td>Jim Bettis</td>
</tr>
<tr>
<td></td>
<td>Gail Edmiston</td>
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<tr>
<td></td>
<td>Robert E. Johnson</td>
</tr>
<tr>
<td>James P. Avioli, Sr.</td>
<td>Jim Bettis</td>
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<tr>
<td></td>
<td>Gail Edmiston</td>
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<tr>
<td></td>
<td>Robert E. Johnson</td>
</tr>
<tr>
<td>Peggy Faulk</td>
<td>Jim Bettis</td>
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<tr>
<td></td>
<td>Gail Edmiston</td>
</tr>
<tr>
<td></td>
<td>Robert E. Johnson</td>
</tr>
<tr>
<td>Pat McLaughlan</td>
<td>Jim Bettis</td>
</tr>
<tr>
<td></td>
<td>Gail Edmiston</td>
</tr>
<tr>
<td></td>
<td>Robert E. Johnson</td>
</tr>
</tbody>
</table>
The votes were tallied as follows:

<table>
<thead>
<tr>
<th>Name</th>
<th>Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jim Bettis</td>
<td>6</td>
</tr>
<tr>
<td>Gail Edmiston</td>
<td>6</td>
</tr>
<tr>
<td>Robert E. Johnson</td>
<td>6</td>
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</tbody>
</table>

Each member of the Bellaire City Council next presented his or her choices for one member to serve an unexpired term on the Recycling Committee of the City of Bellaire, Texas, as follows:

<table>
<thead>
<tr>
<th>Council Member</th>
<th>Nominee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cindy Siegel</td>
<td>Andrew Haut</td>
</tr>
<tr>
<td>Will Hickman</td>
<td>Bernie Satterwhite</td>
</tr>
<tr>
<td>James P. Avioli, Sr.</td>
<td>No Vote</td>
</tr>
<tr>
<td>Peggy Faulk</td>
<td>Andrew Haut</td>
</tr>
<tr>
<td>Pat McLaughlan</td>
<td>No Vote</td>
</tr>
<tr>
<td>John Jeffery</td>
<td>No Vote</td>
</tr>
</tbody>
</table>

The votes were tallied as follows:

<table>
<thead>
<tr>
<th>Name</th>
<th>Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andrew Haut</td>
<td>2</td>
</tr>
<tr>
<td>Bernie Satterwhite</td>
<td>1</td>
</tr>
</tbody>
</table>

Mayor Cindy Siegel noted that there were not four votes to fill the unexpired term.

DISCUSSION ensued as to whether or not a motion should be made to insert Andrew Haut’s name into the ordinance for that position. Several members of City Council indicated that they wished to ensure that he wanted to serve in that capacity before appointing him to it. Several members also suggested holding the position open for someone that truly wanted to serve on the Recycling Committee.

Mayor Siegel asked Former Chair Craig Bello of the Recycling Committee as to whether he thought there might be someone interested in specifically serving on that Committee.
Former Chair Craig Bello, Recycling Committee, advised that the Recycling Committee had planned on him being able to fill one of the four spots, so an effort was not really made to look for another candidate. He felt that since he was no longer a voting member on the Committee, they would probably make an effort to try to recruit someone. He noted that he felt the Recycling Committee would rather leave the position open in order to recruit someone that was really interested in being on the Committee.

MOTION TO ADOPT ORDINANCE:

A motion was made by Councilman Pat McLaughlan and seconded by Councilman John Jeffery to adopt an ordinance appointing Jim Bettis, Gail Edmiston, and Robert E. Johnson as Members to the Recycling Committee of the City of Bellaire, Texas, for a term of two years commencing July 1, 2008, and expiring on June 30, 2010, and to leave the appointment of one (1) member to fill an unexpired term commencing July 1, 2008, and expiring June 30, 2009, open and to look to the Recycling Committee for a recommendation that could be acted on at a future Regular Session.

VOTE ON MOTION TO ADOPT ORDINANCE:

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

FOR:
- Siegel, Cindy
- Hickman, Will
- Avioli, James P., Sr.
- Faulk, Peggy
- McLaughlan, Pat
- Jeffery, John

OPPOSED: None

ABSENT:
- Nauert, Phil

{Ordinance appointing Jim Bettis, Gail Edmiston, and Robert E. Johnson as members of the Recycling Committee of the City of Bellaire, Texas, for a two-year term was subsequently numbered: 08-039}

Meeting Date Change

n. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire,
Texas, authorizing a change in the date of the first regular meeting of the City Council of the City of Bellaire, Texas, in July of 2008 from Monday, July 7, 2008, to Tuesday, July 22, 2008, due to the lack of a quorum on Monday, July 7, 2008 – Item submitted by City Clerk Tracy L. Dutton on behalf of Mayor Cindy Siegel.

SUMMARY:

Mayor Cindy Siegel advised that an item to change the first regular meeting date in July of 2008 was on the agenda due to the fact that there might not be a quorum of City Council present on July 7, 2008. The Mayor, Mayor Pro Tem Faulk, and Councilman Jeffery would be out of town on July 7, 2008, and Councilman Hickman was returning from a trip that day. Mayor Siegel was concerned that if his flight were late, there would be no quorum. The City Charter required City Council to have two regular meetings each month. Since City Council would already be meeting on July 21 and 22, 2008, to discuss the proposed fiscal year 2009 budget, it was decided to recommend having the second regular meeting on July 22, 2008.

MOTION TO ADOPT ORDINANCE:

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman John Jeffery to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing a change in the date of the first regular meeting of the City Council of the City of Bellaire, Texas, in July of 2008 from Monday, July 7, 2008, to Tuesday, July 22, 2008, due to the lack of a quorum on Monday, July 7, 2008.

VOTE ON MOTION TO ADOPT ORDINANCE:

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

FOR: Siegel, Cindy
     Hickman, Will
     Avioli, James P., Sr.
     Faulk, Peggy
     McLaughlan, Pat
     Jeffery, John

OPPOSED: None

ABSENT: Nauert, Phil
3. ITEMS FOR INDIVIDUAL CONSIDERATION:

Comprehensive Plan Action Committee

a. DISCUSSION of and possible action on the appointment of a Comprehensive Plan Action Committee to work with Kendig Keast Collaborative, planning consultants, and City Staff on the City of Bellaire’s Comprehensive Plan Review – Item submitted by City Manager Bernard M. Satterwhite, Jr., on behalf of Mayor Cindy Siegel.

SUMMARY:

City Manager Bernard M. Satterwhite, Jr., advised that Kendig Keast Collaborative had made some recommendations with regard to a citizen committee to work with them and City Staff on the City’s Comprehensive Plan. The recommended number of members to be appointed to the citizen committee, to be known as the Comprehensive Action Plan Committee, was 15. Kendig Keast Collaborative noted that it would be difficult for all 15 members to attend every meeting, but if 10 could be present, the process would work well.

It was noted further that the Comprehensive Plan Action Committee was not really a voting committee. It was a consensus building committee, with a Chair. Strict voting rules would be avoided. Kendig Keast Collaborative also recommended that one member of City Council be appointed to the Comprehensive Plan Action Committee as an ex-officio member.

Mayor Cindy Siegel stated that she had a conversation with the Chair of the Planning and Zoning Commission of the City of Bellaire, Texas (“Planning and Zoning Commission”), Bill Thorogood, who indicated that all or most of the members of the Planning and Zoning Commission were interested in being on or a part of the Comprehensive Plan Action Committee. She noted that if a quorum of the Planning and Zoning Commission were on the Comprehensive Plan Action Committee (“Committee”), then posting of the Committee’s meetings would be required.

Mayor Siegel stated that City Council needed to decide how the members would be appointed and who should be appointed. One option would be to advertise openings for the Committee and interview potential appointees; a second option would be
for City Council to present names of appointees to the Mayor and a vote could be taken on July 21, 2008; and a third option would be for City Council to present names of appointees to the Mayor, with the Mayor being given the authority by City Council to make the appointments. Another point to be considered would be whether or not some or all members of the Planning and Zoning Commission should be on the Committee.

**MOTION REGARDING APPOINTMENT OF MEMBERS TO COMPREHENSIVE PLAN ACTION COMMITTEE:**

A motion was made by Councilman John Jeffery and seconded by Councilman Will Hickman for members of City Council to submit names to the Mayor of potential appointees to serve on the Comprehensive Plan Action Committee, and for the Mayor to be granted the authority to make the necessary appointments.

**AMENDMENT (NO. 1) TO MOTION REGARDING APPOINTMENT OF MEMBERS TO COMPREHENSIVE PLAN ACTION COMMITTEE:**

An amendment (no. 1) was made by Councilman Will Hickman and seconded by Councilman John Jeffery to limit the number of members from the Planning and Zoning Commission of the City of Bellaire, Texas, appointed to the Comprehensive Plan Action Committee to no more than three.

**DISCUSSION:**

Councilman Pat McLaughlan noted that he felt that the entire Planning and Zoning Commission needed to serve on the Comprehensive Plan Action Committee.

Councilman Will Hickman advised that the Planning and Zoning Commission was already going to be involved in the process. His understanding was that the Comprehensive Plan Action Committee served as an advisory committee and would consist of people from a cross-section of the community and would not necessarily include members of the Planning and Zoning Commission.

Councilman John Jeffery commented that if the membership involved others from a cross-section of the community, the City might receive a broader viewpoint.
VOTE ON AMENDMENT (NO. 1) TO MOTION REGARDING APPOINTMENT OF MEMBERS TO COMPREHENSIVE PLAN ACTION COMMITTEE:

Motion carried on a majority vote of 5-1 as follows:

FOR:  
Siegel, Cindy  
Hickman, Will  
Aviooli, James P., Sr.  
Faulk, Peggy  
Jeffery, John

OPPOSED:  McLaughlan, Pat

ABSENT:  Nauert, Phil

VOTE ON ORIGINAL MOTION REGARDING APPOINTMENT OF MEMBERS TO COMPREHENSIVE PLAN ACTION COMMITTEE, AS AMENDED:

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

FOR:  
Siegel, Cindy  
Hickman, Will  
Aviooli, James P., Sr.  
Faulk, Peggy  
McLaughlan, Pat  
Jeffery, John

OPPOSED:  None

ABSENT:  Nauert, Phil

**Mayor Cindy Siegel** asked if members of City Council could submit names of potential appointees to her by June 27, 2008, indicating that she would like to make the appointments before she left to go out of town. She also suggested posting notice of the Committee on the web to see if there were any interested citizens willing to serve. She suggested further that City Staff have interested citizens complete the same application the City used for boards, commissions, and committees.

**Bellaire Trolley Pavilion**

b. DISCUSSION and possible action regarding the status of the Bellaire Trolley Pavilion and future considerations to be undertaken by City Staff at the direction of City
Mayor Cindy Siegel advised that this agenda item was postponed during the May 19, 2008, and June 2, 2008, Regular Sessions of City Council. It was noted that a motion had been made to demolish the Bellaire Trolley Pavilion, however, that motion failed because there were not four votes in favor of demolishing it. There were discussions related to re-bidding to see if a better bid could be obtained to renovate the Bellaire Trolley Pavilion. The one bid received by the City to renovate the Bellaire Trolley Pavilion was $185,000.00, which was $85,000.00 more than was budgeted for the project. The bid was subsequently rejected by City Council.

Mayor Siegel advised that since she was on the prevailing side of the motion to demolish the Bellaire Trolley Pavilion (i.e., she was against demolishing it), she would move to reconsider that motion as follows:

**MOTION TO DEMOLISH THE BELLAIRE TROLLEY PAVILION:**

A motion was made by Mayor Cindy Siegel and seconded by Councilman John Jeffery to reconsider demolishing the Bellaire Trolley Pavilion located in Paseo Park at the intersection of Bellaire Boulevard and South Rice Avenue.

**DISCUSSION:**

Mayor Siegel indicated that even though she brought forward the motion to reconsider demolishing the Bellaire Trolley Pavilion, she would not vote in support of the motion. She still felt that the City should try one more time to re-bid the renovation project.

Mayor Pro Tem Faulk stated that during previous City Council discussions it was noted that City Staff still had the authority to re-bid this project. She inquired as to whether that had been done.

City Manager Bernard M. Satterwhite, Jr., stated that since the item was postponed, he did not feel that it was prudent to re-bid the item at this time. If all motions had failed, City Staff
might have considered re-bidding the item in order to move forward.

**Mayor Pro Tem Faulk** advised that she was still in favor of tearing the Bellaire Trolley Pavilion down, as it was an eyesore and an embarrassment. She noted that it was not designed properly in the first place and was not an exact replica of the original Trolley Pavilion, thereby losing any historical significance.

**Councilman Pat McLaughlan** stated that he was inclined to demolish the Bellaire Trolley Pavilion and to recreate the City’s dedication to the Bellaire Historical Society and the history of the City of Bellaire through the City’s Bellaire Town Square to be developed in the future.

**Councilman John Jeffery** stated that he would like to ensure that any historical pieces of the Bellaire Trolley Pavilion be saved. He advised further that he would also be in favor of rebuilding a better structure, a monument, or something else in the community to commemorate the Trolley Pavilion.

**Mayor Siegel** advised that she had been told that the historical pieces of the Bellaire Trolley Pavilion were in the attic.

**Councilman Will Hickman** inquired as to the length of time that the current Bellaire Trolley Pavilion had been in place.

**Mayor Siegel** indicated that the Bellaire Trolley Pavilion had been in place for approximately ten (10) years.

**Councilman Hickman** indicated that he would be interested in three things as follows: 1) the cost to tear down the existing structure, 2) the cost to refurbish the existing structure, and 3) the cost to rebuild a new structure. He did not know if City Council could direct City Staff to obtain those three numbers so that City Council had more on the table to discuss.

**Mayor Siegel** stated that the cost to refurbish the Bellaire Trolley Pavilion was bid at $185,000.00.

**Councilman Hickman** suggested that all three scenarios be bid—demolish, refurbish, and rebuild.

**City Manager Satterwhite** estimated that the cost to demolish the structure would be in the neighborhood of $5,000.00.
Councilman Hickman stated that he felt that a new structure could be built for about the same amount as the bid to refurbish it.

City Manager Satterwhite stated that the engineers felt that the structure could be rebuilt in some form for about the same amount that was bid to refurbish it.

Councilman James P. Avioli, Sr., stated that he felt that the Bellaire Trolley itself was an attractive piece and was a symbol of the Trolley and its significance. He was not on City Council ten years ago when the Trolley Pavilion was built. Needless to say, in its existing condition today, it was unsightly and unsafe. If there were any relics in the structure, he would not think they were good or usable. The structure did not appear to be salvageable, and he was opposed to spending any more money on that structure.

Councilman McLaughlan stated that in the plan for Bellaire Town Square, the cost for a new pavilion was projected to be around $200,000.00. The design detail was yet to be determined.

**MOTION TO CALL THE QUESTION:**

A motion was made by Councilman John Jeffery to call the question. Mayor Pro Tem Peggy Faulk seconded the motion.

**VOTE ON MOTION TO CALL THE QUESTION:**

Motion carried on a majority vote of 5-1 as follows:

**FOR:** Siegel, Cindy  
Hickman, Will  
Avioli, James P., Sr.  
Faulk, Peggy  
Jeffery, John  

**OPPOSED:** McLaughlan, Pat  

**ABSENT:** Nauert, Phil  

**VOTE ON MOTION TO DEMOLISH THE BELLAIRE TROLLEY PAVILION:**

Motion carried on a vote of 4-2 as follows:

**FOR:** Avioli, James P., Sr.
FOR (CONT.):  Faulk, Peggy
               McLaughlan, Pat
               Jeffery, John

OPPOSED:  Siegel, Cindy
           Hickman, Will

ABSENT:  Nauert, Phil

Mayor Siegel noted that City Council might want to give City Staff further direction with respect to the site and asked if City Council wanted to put something in the Bellaire Trolley Pavilion’s place.

MOTION TO DIRECT CITY STAFF TO DEMOLISH THE BELLAIRE TROLLEY PAVILION PRIOR TO JULY 4TH:

A motion was made by Councilman Pat McLaughlan and seconded by Mayor Pro Tem Peggy Faulk to direct City Staff to demolish the Bellaire Trolley Pavilion prior to the City’s Fourth of July parade and celebration.

DISCUSSION:

Mayor Siegel inquired as to whether this was possible.

City Manager Satterwhite advised that he felt it was possible and would look into it.

VOTE ON MOTION TO DIRECT CITY STAFF TO DEMOLISH THE BELLAIRE TROLLEY PAVILION PRIOR TO JULY 4TH:

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

FOR:  Siegel, Cindy
       Hickman, Will
       Avioli, James P., Sr.
       Faulk, Peggy
       McLaughlan, Pat
       Jeffery, John

OPPOSED:  None

ABSENT:  Nauert, Phil
MOTION TO DIRECT CITY STAFF TO SEEK BIDS TO REBUILD THE BELLAIRE TROLLEY PAVILION AT ITS CURRENT SITE:

A motion was made by Councilman Will Hickman to direct City Staff to seek bids to rebuild the Bellaire Trolley Pavilion at its current site.

Motion failed due to lack of a second.

Mayor Siegel stated that she felt that the Parks & Recreation Advisory Board was interested in the possibility of incorporating the Trolley Pavilion theme into a new pavilion for Bellaire Town Square. She also noted that the Bellaire Arts Commission had thoughts on how to memorialize and preserve the history of the Bellaire Trolley Pavilion.

H. COUNCIL CORRESPONDENCE AND COMMENTS.

Discussion only.

I. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Councilman John Jeffery and seconded by Mayor Pro Tem Peggy Faulk to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:47 p.m. on Monday, June 16, 2008.

VOTE ON MOTION TO ADJOURN:

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

FOR: Siegel, Cindy
Hickman, Will
Avioli, James P., Sr.
Faulk, Peggy
McLaughian, Pat
Jeffery, John

OPPOSED: None

ABSENT: Nauert, Phil
Respectfully submitted,

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

Approved:

_________________________________
Cynthia Siegel, Mayor
City of Bellaire, Texas