CITY OF BELLAIRE
CITY COUNCIL

Minutes of Meeting
Monday, September 14, 2009

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 7:01 p.m. on Monday, September 14, 2009. The Bellaire City Council met at that time and on that date in Regular Session in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401. Mayor 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 Phil Nauert, Position No. 4;
- Councilman Pat McLaughlan, Position No. 5; and
- Councilman John Jeffery, Position No. 6.

Other officials present were City Manager Bernard M. Satterwhite, Jr., Attorney Josh Golden of Johnson Radcliffe Petrov & Bobbitt, PLLC, and City Clerk Tracy L. Dutton. City Attorney Alan P. Petrov arrived after the Regular Session was in progress and participated, when called upon, from the audience.

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

Mayor Cindy Siegel noted that one year ago, our lives were very different. The City had just completed one day of the aftermath of Hurricane Ike. Additionally, September 11, 2001, would always remain in our memories. This evening, in remembrance of September 11th, Mayor Siegel read three quotations as follows:

“Freedom comes at a price—and tragically, sometimes that price is the commitment to defend freedom by arms. No matter how painful, America understands its obligations to its citizens, and the citizens of the world. American has been, is and always will be willing to do its duty—to sacrifice even its own blood so that people everywhere can live as individuals, responsible for their own destinies.”

--Michael R. Bloomberg
New York City Mayor
Mayor Siegel next read the last paragraph of the Gettysburg Address, given by U.S. President Abraham Lincoln on November 19, 1863, as follows:

*It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we were highly resolved that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people shall not perish from the earth.*

The last quotation that Mayor Siegel wished to read was taken from a song that everyone had heard, which was sung by Lee Greenwood, as follows:

*And I’m proud to be an American, where at least I know I’m free. And I won’t forget the men who died, who gave that right to me.*

C. **PLEDGES TO THE FLAGS – Mayor Cindy Siegel.**

1. **U.S. PLEDGE OF ALLEGIANCE.**

2. **PLEDGE TO THE TEXAS FLAG.**

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

D. **PERSONAL/AUDIENCE COMMENTS.**

**William Durbin, 4535 Sunburst Street, Bellaire, Texas 77401:**

Mr. Durbin addressed City Council and advised that he understood that if residents had concerns that were administrative matters, those concerns should first be addressed at the administrative level at City Hall, which he had tried to do. Mr. Durbin indicated that his issue of concern was the gate at Sunburst Street and Newcastle Drive. Sunburst Street was one of the streets currently under reconstruction and the work was coming along well. During the course of the reconstruction, the gate at Sunburst Street and Newcastle Drive was removed. The gate itself had been in place for some time and had served the neighborhood well. However, the gate had aged and was in need of some rehabilitation due to general wear and tear and weather.

Mr. Durbin indicated that he had spoken to the Director of Public Works regarding the gate, noting that there was now an opportunity to sand the gate down and repaint it. The Director stated that it would be difficult to do
based on constraints and challenges he had in managing the department’s budget. The Director offered Mr. Durbin an opportunity to speak with the City Manager about his concern.

Mr. Durbin next asked the City Hall Receptionist if he could speak with the City Manager and she advised that he needed to have an appointment. Mr. Durbin advised her that he really did not need an appointment, but a return telephone call would work. The Receptionist called him back and advised that the City Manager’s schedule was full at the current time.

Mr. Durbin advised that he was present this evening to ask the Mayor or City Council if they could direct either the City Manager or the Public Works Director to see if the gate could be painted. It was a minor matter, but important to the residents of Sunburst Street. Mr. Durbin indicated further that he and his neighbors had been talking and that they were willing to take up a collection on the street to purchase the paint. If the workers were too busy to get to it, the neighbors would also be willing to paint the gate themselves. He advised that there was a rusty old chain on the gate that needed to be replaced. A nice, stainless steel vinyl coated cable would look better than the rusty chain.

Mr. Durbin also addressed a second matter. He advised that he was making a transaction at the Bank of Texas drive-through a few months back, and while he was waiting, he noticed a gentleman lying down. The Bellaire Police Department arrived and approached the gentleman who seemed to be in some distress. Something happened causing the police officer to recoil and draw his sidearm. Within a minute or so, back up officers arrived and took the individual into custody. Mr. Durbin found out later that the gentleman was armed and this was the reason that the first responding officer acted in the way he did. The important thing was that the officer acted and responded in a very professional manner and the gentleman ended up being compliant. The police officers had a very dangerous job to do and were always at risk.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee addressed City Council regarding agenda item F. 2. d., which related to the calling of a public hearing on October 12, 2009, at 6:30 p.m. before City Council involving a revision proposed by the Planning and Zoning Commission of the City of Bellaire, Texas, to remove Appendix A, Comprehensive Plan, from Chapter 24 of the Code and to adopt a new Comprehensive Plan to serve as a standalone document.

The Comprehensive Plan, a 97-page document, was just delivered to City Council in their agenda packet last Friday. Accompanying the document was a “Memorandum of Recommendation” from the Chair of the Planning and
Zoning Commission, Bill Thorogood, to accept and adopt the proposed Comprehensive Plan dated April 14, even though there were changes made to the document by the Planning and Zoning Commission as late as September 8. The memorandum from Mr. Thorogood did not mention any procedural change that would suggest moving the old plan from *Chapter 24* and replacing it with the new plan that would serve as a stand-alone document.

Ms. McBee advised that this made a difference because an ordinance could be repealed or modified by a simple action of an agenda item requiring four votes of City Council at any time during a meeting. The Zoning Code and all that was in it could only be changed by the Planning and Zoning Commission, after a public hearing and presentation of a recommendation to City Council. Then City Council would review the recommended change and deliberate any changes it might wish to make further than that and submit the changes to the public for a public hearing. Finally, City Council would only take action after the double input and recommendations.

So, who erred with this agenda item? The City Manager was on vacation. Did the City Attorney assume that the Planning and Zoning Commission considered and took action on the procedural question of a standalone document? Did the staff liaison assume this action was desired and that it would also simplify future changes to the City’s zoning plan?

Ms. McBee had attended every Planning and Zoning Commission meeting for a number of years now and did not recall any agenda item about the process being changed. She believed that the Planning and Zoning Commission assumed that there would simply be a substitution of the adopted 2009 Comprehensive Plan for the prior 1996 plan in *Chapter 24*. City Council had probably not had an opportunity to read the 97-page document just received over the weekend in full. City Council was not offered an item on the agenda this evening to first deliberate and to modify the plan to reflect its best judgment before calling a public hearing. Ms. McBee advised that there was time to do so. The plan would be the basis for all future land use and zoning regulations to come. It was too important to every landowner in the City to lose their protection from persuasive developers with great promises or from ambitious or arrogant staff or from a future member of Council whose agenda might be shared by three other Council members for an instant action to change the Comprehensive Plan and its subsequent regulations.

Protections were important for the community of Bellaire. It caused the City Council to stop and hesitate prior to taking action and protected the citizens from thoughtless action. Ms. McBee urged City Council to read the plan and make any changes desired before a called public hearing. A public hearing was just held on the document City Council received. Ms. McBee urged the correction of this apparent staff error.
Robert Riquelmy, 506 Winslow Lane, Bellaire, Texas:

Mr. Riquelmy addressed City Council and noted that he was also a candidate for public office in Bellaire. Over the last several years, there had been one death and at least two very serious injuries in Bellaire due to the actions or inactions of Bellaire employees. Those were just the ones that had made the newspapers.

When elected, one of the first things Mr. Riquelmy would do was to convene a joint meeting of City Council and senior staff. The purpose of the meeting would be to find out what would be required for the public to receive outstanding services and how to protect the public from harm. He advised that he would ask the group to tell him what they needed. He advised that we would find the necessary money.

Mr. Riquelmy continued, noting that salary increases were needed for some employees, especially the City’s firefighters and police officers. The City had needed new facilities for the Fire Department for many years, which the City was finally in the process of building. The City also needed job-specific safety training for all employees, new and old.

Mr. Riquelmy questioned what else was needed so that no one died or was injured by the actions of City employees. He answered by stating that the City needed constant, compassionate oversight of the City’s employees by well-trained management professionals. There was a great deal to be done in Bellaire. Mr. Riquelmy asked the citizens to help him get things started.

E. REPORT:

CITY MANAGER’S REPORT regarding residential safety (police activity report), public infrastructure/utilities (street and drainage projects update), internal operations/productivity (timeline for temporary relocation of the Fire Station and progress on City Hall plumbing repairs), quarterly indicators (crime and building permits), and upcoming City Council meetings and events – Presented by City Manager Bernard M. Satterwhite, Jr.

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

Public Infrastructure/Utilities

The Evergreen Street reconstruction was almost completed. All that remained was to close out the project and make the final payment. The
completion of this street signaled the completion of the Rebuild Bellaire Program, Phase One. The City was well into Phase Two of the Rebuild Bellaire Program. As noted earlier, the City was working on Sunburst Street. The next street to be reconstructed was Second Street from Chestnut Street north to Elm Street and then the 100 block of Whipple Street. There were a few outstanding items on the 4500 block of Park Court and Avenue B.

With respect to the Rebuild Bellaire Program, Phase Three, City Staff was very close to bringing a proposal to City Council for the streets that would be included in that particular phase. Things would be done a little differently this time. In the past, City Staff brought the streets forward to City Council with the engineering proposal. This time, the streets would be brought forward to City Council before the engineering proposal. Subsequent to that and once City Council was satisfied with the streets to be included in Phase Three, then City Staff would bring the engineering proposal forward. The project would cost roughly $5 million.

City Manager Satterwhite indicated that City Staff would also bring forth proposals from the study that was done on the extreme events storm sewer system on Baldwin Avenue. The intentions for that project would be presented to City Council in either late 2009 or early 2010.

The traffic signal project was moving along and on track. Some of the signal poles had been installed around town.

The sidewalks on the 4600 blocks of Holt Street and Mimosa Street were completed. The City was currently working on First Street from Bissonnet Street to Elm Street and then on to the freeway.

Another project to come online shortly were noted to be the mid-block crosswalk on South Rice Avenue close to Laurel Street. There was also an item on this evening’s agenda for the Bellaire Wastewater Treatment Plant, which was a solids handling improvement project. City Staff was also requesting the closeout of the City’s Central Water Plant well project. The well was not fixed, but rather closed for the time being until City Staff could figure out what should really be done with the well. Fixing the pump would not fix the well. City Staff did plan to rehabilitate that well in the next few years, so the remaining repairs would be held until the rehabilitation project was developed.

**Internal Operations/Productivity**

City Manager Satterwhite advised that the move to the temporary Fire Station would commence fairly soon, but would not occur overnight. The Chevron facilities were ready for the move-in. He advised that if City Council could see the facilities, they would be very impressed. The firefighters would have a fine facility to operate from for the next year or so.
The City Hall plumbing repairs were noted to be complete. The only item remaining was some fill work from where the plumbers had to tunnel underneath the building to make the necessary repairs.

**Upcoming City Council Meetings and Events:**

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<tr>
<th>Date</th>
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<th>Type of Meeting</th>
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<tr>
<td>09/21/2009</td>
<td>7:00 p.m.</td>
<td>City Council Regular Session</td>
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<tr>
<td>10/05/2009</td>
<td>7:00 p.m.</td>
<td>City Council Regular Session</td>
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**QUESTIONS/COMMENTS FROM CITY COUNCIL:**

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

**Q:** Councilman Pat McLaughlan noted that City Council, due to prior Texas Attorney General regulations or opinions, had been severely limited in terms of comments that could be made. Previously, at the conclusion of each City Council meeting, each member of City Council had an opportunity to make individual comments.

It was his understanding and question that those rules had been modified such that City Council should be allowed in the future to make closing comments.

**A:** City Manager Satterwhite advised that Councilman McLaughlan was correct. The comments were still somewhat limited and had to do with items of “interest.” For example, recognition of citizens or officials was acceptable. He indicated that City Staff would put an item back on the agenda for this purpose.

**Q:** Councilman McLaughlan inquired as to whether City Council could comment at the conclusion of the City Council meeting this evening.

**A:** City Manager Satterwhite stated that he did not think to put it on this particular agenda. Since it was not on the agenda, he did not believe that comments could be made this evening.

**Mayor Cindy Siegel** advised that City Council had a meeting scheduled in one week and asked Councilman McLaughlan if he would mind if the City Attorney rendered an opinion for City Council.

**City Manager Satterwhite** indicated that he had the law and it could be placed back on the agenda, he just did not think about it for this particular agenda.

**Q:** Mayor Siegel asked if City Council could get some type of clarity regarding the type of comments that were acceptable.
A: City Manager Satterwhite advised that clarity would be provided.

MOTION TO ACCEPT REPORT INTO THE RECORD:

A motion was made by Councilman Pat McLaughlan and seconded by Councilman Phil Nauert to accept the City Manager’s Report as presented by City Manager Bernard M. Satterwhite, Jr., into the record.

VOTE ON MOTION TO ACCEPT REPORT INTO THE RECORD:

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

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

OPPOSED: None

ABSENT: None

F. NEW BUSINESS:

Mayor Cindy Siegel requested that agenda item F. 4. a. be considered at this point in the meeting. After noting no objections from City Council, agenda item F. 4. a. was considered.

4. ITEMS FOR INDIVIDUAL CONSIDERATION:

Bellaire Recycles Day Event

a. CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department and the Recycling Committee of the City of Bellaire, Texas, to host a “Bellaire Recycles Day” event on Saturday, November 14, 2009, in the City of Bellaire, Texas, and to present a report to the Bellaire City Council after the event – Item submitted by Director of Public Works Joe Keene.

SUMMARY:

Chair Brenda Cauthen, Bellaire Recycling Committee, summarized the agenda item and recommendation on behalf of the Bellaire Public Works Department and the Bellaire Recycling
Committee. Chair Cauthen advised that the Bellaire Recycling Committee ("Committee") was bringing forth a proposal to have a “Bellaire Recycles Day” event on November 14, 2009.

Each year since 1997, “America Recycles Day” events had been held throughout the nation. America Recycles Day was a special day that America had set aside to remind everyone how important recycling was and to encourage Americans to buy recycled products. Since the first America Recycles Day in 1997, the campaign had grown substantially. Last year, a number of residents in every state participated and pledged to recycle.

According to the National Recycling Coalition, recycling was one of the most successful environmental endeavors in our nation’s history. This special day was used to raise awareness through education on the benefits of recycling and for buying recycled products.

Americans generated many hundreds of millions of tons of waste each year. America Recycles Day informed Americans of simple recycling measures that could help make a difference. Its purpose was to inform, promote, and remind people to join the movement towards creating a better natural environment.

The next level down was noted to be “Texas Recycles Day.” The Texas Recycles Day coincided with the America Recycles Day. In fact, Chair Cauthen advised that the Texas Recycling Coalition, who developed Texas Recycles Day first in 1993, inspired America Recycles Day. It might have taken 40 years to become a national day, but Texans were very proud of the fact that they launched the program.

While there was an increased awareness of the need to protect the earth’s environment and the reality that each individual could make a difference, the Committee was proposing that the City of Bellaire place a spotlight on recycling this year by having a “Bellaire Recycles Day” event on Saturday, November 14, 2009.

The objectives of “Bellaire Recycles Day 2009” would include raising the awareness of recycling in Bellaire and increasing the City’s curbside recycling program. Twenty years ago, only 1,000 curbside recycling programs existed in the United States. Today, over 10,000 curbside programs helped many millions of tons of materials have another chance at a useful life.
Residents in the City of Bellaire were so fortunate to have a wonderful curbside program and the Committee believed that now was the time to spotlight that program and get more residents to utilize the program.

Expected plans and details included an open house where the Committee would have a booth similar to the one they had at the Fourth of July celebration. Bins would be sold and information would be provided on Bellaire’s recycling program. Residents would also be encouraged to take the “America Recycles Day” pledge. Perhaps, a Bellaire garbage truck could be present on that day to illustrate how many truckloads of trash Bellaire residents generated on a weekly, monthly, and yearly basis. The Committee also hoped to have Bellaire’s curbside recycling vendor present to answer specific questions from residents related to what types of items could be recycled. The Committee had also discussed inviting other vendors to the open house. For example, there was a Nike tennis shoe recycling program, cell phone recycling program, etc.

Advertising ideas consisted of information on the City’s website, in the City’s water bill, through a proclamation issued by the Mayor, newspaper ads, and on the Bellaire access channel.

The estimated total cost of the “Bellaire Recycles Day 2009” event would be up to $3,300. That cost did not include any corporate sponsorships or donations, which the Committee would seek to obtain. Without approval for the event, the Committee was hesitant to solicit donations and sponsorships. The Committee believed that the overall cost of the event could be reduced through donations and sponsorships.

In closing, Chair Cauthen advised that the Committee would like to obtain City Council’s approval to start with a small event this year. After the event, the Committee would evaluate the event and report on its successes and areas for improvement to the City Council.

If the Committee wished to go forward with the event in the future, the Committee would provide separate proposals to City Council at that time.

**MOTION TO APPROVE RECOMMENDATION:**

A motion was made by Councilman Phil Nauert and seconded by Councilman James P. Avioli, Sr., to approve a recommendation from the Bellaire Public Works Department and Bellaire Recycling Committee to host a
“Bellaire Recycles Day” event on Saturday, November 14, 2009, in the City of Bellaire, utilizing funds included in the fiscal year 2010 budget in an amount not to exceed $3,300 and to present a report to the Bellaire City Council after the event.

DISCUSSION ON MOTION TO APPROVE RECOMMENDATION:

Councilman James P. Avioli, Sr., advised that the Bellaire Recycling Committee had done a great deal of work in putting their proposal together. He strongly recommended that City Council approve the event and grant them the necessary funds for the event. He suggested that City Council allocate at least $5,000 to the Committee for the event.

AMENDMENT (NO. 1) TO MOTION TO APPROVE RECOMMENDATION:

An amendment (no. 1) to the motion to approve a recommendation to host a “Bellaire Recycles Day” for the purpose of increasing the amount to be expended on the “Bellaire Recycles Day” event from $3,300 to $5,000 was made by Councilman James P. Avioli, Sr., and seconded by Councilman Pat McLaughlan.

DISCUSSION ON AMENDMENT (NO. 1) TO MOTION TO APPROVE RECOMMENDATION:

Mayor Cindy Siegel inquired as to the reason that Councilman Avioli felt that additional funding might be needed for the event.

Councilman Avioli stated that the Bellaire Recycling Committee had a great plan. He was merely suggesting giving them $1,700 of flexibility in this process. He felt that the process was certainly worthy of that kind of additional allocation.

Mayor Pro Tem Peggy Faulk advised that she could not support the amendment at this point because she did not know what the expectations were for corporate sponsorships. She also noted that she had a few questions before City Council considered a vote on this agenda item.

Mayor Siegel inquired of City Staff as to whether the $3,300 was budgeted.
City Manager Satterwhite indicated that the event was scattered throughout the budget. For example, some of the funding was included within personnel costs. Director of Public Works Joe Keene had planned for the event and the budget would not need to be amended for this event.

**VOTE ON AMENDMENT (NO. 1) TO MOTION TO APPROVE RECOMMENDATION:**

Motion **failed** on a 3-4 vote as follows:

**FOR:**  
Avioli, James P., Sr.  
Nauert, Phil  
McLaughlan, Pat

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

**ABSENT:**  
None

**DISCUSSION ON ORIGINAL MOTION:**

Mayor Pro Tem Faulk inquired as to the date for Earth Day.

Chair Cauthen advised that Earth Day was in April.

Mayor Pro Tem Faulk inquired as to what the Bellaire Recycles Day event would do that could not be accomplished on Earth Day.

Chair Cauthen indicated that the City of Bellaire did not have a separate Earth Day event. The Committee participated with the Nature Discovery Center by entering a booth similar to the booth used for the City’s Fourth of July celebration. The event requested by the Bellaire Recycling Committee was a separate event that focused on recycling.

Mayor Pro Tem Faulk asked if the same objectives could be accomplished during Earth Day and whether doing so could save money.

Chair Cauthen stated that she was not aware of what the City had spent on Earth Day in the past and asked for Director of Public Works Joe Keene’s assistance with the question. The emphasis of Bellaire Recycles Day 2009 was to coincide with the events held by the State of Texas and the United States.
Director of Public Works Joe Keene advised that the Earth Day event was geared toward people desiring to save plants and promote energy savings in order to save the Earth. It was not focused on collecting recycling, per se. The purpose of the event requested by the Bellaire Recycling Committee was to encourage people to recycle and to do so through Bellaire’s curbside recycling program.

Mayor Pro Tem Faulk inquired as to how much funding the Committee felt they could get through corporate sponsorships.

Chair Cauthen stated that the Committee specifically identified approximately $1,000 in sponsorships for promotional items and advertising.

Councilman Will Hickman advised that when he served as liaison to the Recycling Committee he recalled receiving sponsorships in the form of promotional items, etc., for other events, such as the Recycling Committee’s booth at the Pumpkin Patch event. He understood that the budget for fiscal year 2010 was already tight. He had to say “no” to other groups requesting funding, and felt that he also had to say “no” for this request for $3,300. He offered an amendment to see if the event could be approved, but with no budget, as set forth below.

**AMENDMENT (NO. 2) TO MOTION TO APPROVE RECOMMENDATION:**

An amendment (no. 2) to the motion to approve a recommendation to host a “Bellaire Recycles Day” event for the purpose of approving the event, but providing no budgetary funds for said event from the City was made by Councilman Will Hickman and seconded by Mayor Pro Tem Peggy Faulk.

**DISCUSSION ON AMENDMENT (NO. 2) TO MOTION TO APPROVE RECOMMENDATION:**

Councilman Avioli advised that he could not believe that the City of Bellaire could not afford to spend $3,300 on a national recycling day. He understood that the budget was tight, but he felt he could sift through the budget right now and pull out a great deal of fat in it.

Councilman Pat McLaughlan advised that he felt that recycling in Bellaire was very important. The City needed to
encourage additional residents to recycle. The City needed better education as to what materials were recyclable. He believed that the event would certainly help the City's recycling efforts. Everything that could be recycled saved the City on landfill costs. The City was essentially saving money if it could increase its rate of recycling.

Councilman McLaughlan continued and stated that the City Manager had just told City Council that the funding was in the budget. If the budget was that tight, then when it came time to set the tax rate, the tight budget needed to be a factor in considering the rate to set.

**Mayor Pro Tem Faulk** stated it was very easy to say, "yes" to requests, just as it was not easy to say "no." There were many worthwhile things that could be considered and City Council had a very tight budget ahead of them. The City needed to find other ways to fund things versus always approaching the taxpayer. She liked the analogy of fat, which reminded her of her thoughts before losing weight. Once could always say, "I’m already a little overweight, so I can eat a little bit more." If there was fat in the budget, then City Council should pull it out. This was not an excuse to do something.

Although Mayor Pro Tem Faulk supported the effort, she felt that other avenues for funding should be recommended.

**Councilman John Jeffery** indicated that since the budget had not been voted on it, he was not certain whether there was fat in it or not. He stated that City Council was considering adding something to the budget that had not yet been approved.

**Mayor Siegel** indicated that the funding for this event was already budgeted.

**Councilman Jeffery** stated that this item was brought up prior to the budget. He thought that event was a good one and he was in support of having the event, but would support Councilman Hickman's amendment recommending that the City not provide funds for the event.

**Councilman Phil Nauert** agreed with Councilman Jeffery that the sequencing of this agenda item was interesting in that it would affect a budget that had not yet been adopted. The City Manager had indicated that this event was covered, and Councilman Nauert believed that.
On the whole, this might not be the best way to go about things. However, as Councilman McLaughlan pointed out, this was one of the few things that the City’s boards, commissions, and committees did that, if successful, would more than pay for itself by encouraging recycling and diversion away from the landfill stream.

In Councilman Nauert’s mind, this event had a special circumstance. He supported participating in the event and providing budgeted funds. He also would strongly encourage the Committee to substitute as much of the City’s budget for corporate sponsorships as possible.

**Mayor Siegel** echoed the comments made by Councilman Nauert.

**VOTE ON AMENDMENT (NO. 2) TO MOTION TO APPROVE RECOMMENDATION:**

Motion failed on a 3-4 vote as follows:

**FOR:** Hickman, Will  
Faulk, Peggy  
Jeffery, John  

**OPPOSED:** Siegel, Cindy  
Avioli, James P., Sr.  
Nauert, Phil  
McLaughlan, Pat  

**ABSENT:** None

**VOTE ON ORIGINAL MOTION TO APPROVE RECOMMENDATION:**

Motion carried on a 4-3 vote as follows:

**FOR:** Siegel, Cindy  
Avioli, James P., Sr.  
Nauert, Phil  
McLaughlan, Pat  

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

**ABSENT:** None
1. CONSENT AGENDA:

Several members of City Council requested individual consideration of all consent agenda items, with the exception of one, as follows:

Mayor Pro Tem Peggy Faulk requested individual consideration of agenda item F. 1. b. Councilman Will Hickman requested individual consideration of agenda item F. 1. d. Councilman Phil Nauert requested individual consideration of agenda items F. 1. c. and F. 1. d.

The only item remaining on the Consent Agenda was F. 1. a., minutes of the City Council Special Session (Public Hearing) and Regular Session held Monday, August 17, 2009, as follows:

Approval/Correction of Minutes

a. APPROVAL of the minutes of the Special Session (Public Hearing) and Regular Session of the City Council of the City of Bellaire, Texas, held Monday, August 17, 2009 – Item submitted by City Clerk Tracy L. Dutton.

MOTION TO APPROVE CONSENT AGENDA:

A motion was made by Councilman James P. Avioli, Sr., and seconded by Councilman Pat McLaughlan to approve the Consent Agenda consisting of the minutes of the Special Session (Public Hearing) and Regular Session of the City Council of the City of Bellaire, Texas, held Monday, August 17, 2009.

VOTE ON MOTION TO APPROVE CONSENT AGENDA:

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

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

OPPOSED: None

ABSENT: None
INDIVIDUAL CONSIDERATION OF AGENDA ITEM F. 1. b.:

Bid Award and Contract

b. CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department to award Bid No. 09-021, Solids Handling Improvements, to R & B Group, Inc., for the provision of all applicable labor, services, materials, and equipment necessary for the rehabilitation of an existing two-meter belt press, existing centrifugal blowers, new air diffusers in aerobic digesters, and related work at the Bellaire Wastewater Treatment Plant located at 4401 Edith Street, Bellaire, Texas 77401, in an amount not to exceed $803,870.00 and on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a Standard Form of Agreement with R & B Group, Inc., for said services in an amount not to exceed $803,870.00 – Item submitted by Director of Public Works Joe Keene.

MOTION TO APPROVE BID AWARD AND ADOPT ORDINANCE AUTHORIZING EXECUTION OF AGREEMENT:

A motion was made by Councilman Will Hickman and seconded by Councilman Pat McLaughlan to approve a recommendation from the Bellaire Public Works Department to award Bid No. 09-021, Solids Handling Improvements, to R & B Group, Inc., for the provision of all applicable labor, services, materials, and equipment necessary for the rehabilitation of an existing two-meter belt press, existing centrifugal blowers, new air diffusers in aerobic digesters, and related work at the Bellaire Wastewater Treatment Plant located at 4401 Edith Street, Bellaire, Texas 77401, in an amount not to exceed $803,870.00 and on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a Standard Form of Agreement with R & B Group, Inc., for said services in an amount not to exceed $803,870.00.

DISCUSSION ON MOTION TO APPROVE BID AWARD AND ADOPT ORDINANCE AUTHORIZING EXECUTION OF AGREEMENT:
Mayor Pro Tem Peggy Faulk indicated that the cost of this particular project was large and she wished to have a better understanding as to what the project involved.

Ralph Cox, P.E., Klotz Associates, Inc., advised that the project before City Council this evening was a rehabilitation of solids handling. The project was comprehensive and consisted of the replacement of worn out equipment. Some of the equipment in the City's Wastewater Treatment Plant used for the solids handling process dated in the 1970s. The newest equipment was dated in the early 1990s. As Director Keene could tell City Council, his crew was constantly dealing with breakdowns in the plant and was, at times, unable to process the solids. After this project was completed, other than the electrical feed facilities, the City would have an essentially brand new plant that should last for some time to come.

Mayor Pro Tem Faulk inquired as to how long the equipment would last.

Mr. Cox advised that equipment systems and pumps were essentially designed to last 20 years.

Mayor Pro Tem Faulk asked for confirmation that there had been numerous breakdowns.

Mr. Cox advised that Mayor Pro Tem Faulk was correct. He used the analogy of driving a car with 250,000 miles on it. It was old and worn out and much maintenance was or would be required. On the positive side, Mr. Cox indicated that the City should see a reduction in its maintenance costs.

Mayor Pro Tem Faulk inquired as to whether the project had already been bid out.

Mr. Cox advised that Mayor Pro Tem Faulk was correct. The City received three bids. The low bid was from R & B Group, Inc., and that company had done several jobs for the City previously at the Bellaire Wastewater Treatment Plant. The low bid was approximately $45,000 less than the engineer's estimate for the project.

Mayor Pro Tem Faulk inquired as to whether this project had been budgeted.

City Manager Satterwhite indicated that this project was part of the Bellaire Water and Wastewater System Assessment performed three-four years ago. From that assessment, City
Staff created a four-plan for the necessary improvements. Discussions had been held as to whether the project should be funded with revenue bonds or Capital Improvement Plan funds. This particular project was budgeted in the Capital Improvement Plan at $950,000.

Councilman James P. Avioli, Sr., asked for confirmation that the expected life of the equipment was 20 years.

Mr. Cox advised that the life of the equipment was typically 20 years.

Councilman Avioli noted that with respect to item 3 on the bid, the low bidder bid $385,000. The remaining bidders bid over $400,000 for item 3. He noted that the low bid was a significant difference from the highest bidder.

Mr. Cox stated that he did not have a particular opinion with respect to the item. As Councilman Avioli probably knew, contractors put their cash flow or profit in various areas within their bids. The City had some very robust specifications and had no reason to believe that the low bidder would not be able to provide what was required.

Councilman Avioli asked if the City was getting first-class equipment in Mr. Cox’s opinion.

Mr. Cox advised that the City would get exactly what was specified.

Councilman Will Hickman inquired as to whether any of the improvements in this project would affect the odor coming from the Bellaire Wastewater Treatment Plant. He indicated that a friend living in Southdale had asked that question of him.

Mr. Cox stated that this particular project did not include anything specific for odor control.

Councilman Hickman noted that he believed the City had tried to address the odor control several years ago.

Mr. Cox agreed and advised that there was a project to put in some scrubbers on the front end of the plant where the wastewater came into the plant. As far as he knew, it did what it was supposed to. He noted that there would be odors at wastewater plants and referred to the fact that another wastewater plant was located across the street from Bellaire’s
VOTE ON MOTION TO APPROVE BID AWARD AND ADOPT ORDINANCE AUTHORIZING EXECUTION OF AGREEMENT:

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

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

OPPOSED: None
ABSENT: None

{Ordinance was subsequently numbered: 09-052}

INDIVIDUAL CONSIDERATION OF AGENDA ITEM F. 1. c.:

Final Payments on Contracts

c. CONSIDERATION of and possible action on a recommendation from the Director of Facilities Management to make the final payment in the amount of $90,950.00 to Benco Commercial Roofing related to a project to repair damages to the roof at the Bellaire Recreation Center, 7008 Fifth Street, Bellaire, Texas 77401, caused as a result of Hurricane Ike 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 the Benco Commercial Roofing final invoice, for and on behalf of the City of Bellaire, Texas, in the amount of $90,950.00 – Item submitted by Director of Facilities Management Karl Miller.

MOTION TO APPROVE RECOMMENDATION AND ADOPT ORDINANCE:

A motion was made by Councilman Phil Nauert and seconded by Councilman Will Hickman to approve a recommendation from the Director of Facilities Management to make the final payment in the amount of $90,950.00 to Benco Commercial Roofing relating to a project to repair...
damages to the roof at the Bellaire Recreation Center, 7008 Fifth Street, Bellaire, Texas 77401, caused as a result of Hurricane Ike and to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute the Benco Commercial Roofing final invoice, for and on behalf of the City of Bellaire, Texas, in the amount of $90,950.00.

DISCUSSION ON MOTION TO APPROVE RECOMMENDATION AND ADOPT ORDINANCE:

Councilman Phil Nauert noted that the final payment on this project was in the amount of $90,950.00. He advised that many of the City’s contracts were reviewed by engineers and oft times the final payment represented a decrease in the budgeted amount. He inquired as to whether there was a change in the process, as this particular contract did not include any type of decrease. He also inquired as to whether any City engineer had inspected the work and signed off on it.

City Manager Satterwhite indicated that a City engineer did not review and/or sign off on this particular project. This contract was not a unit-price contract. This particular project had been bid and the cost remained at the amount that was bid, much like the City’s pool was. The City’s insurance company had also agreed to the amount that was bid.

Councilman Nauert inquired as to whether the City’s protection was the warranty provided for the work.

City Manager Satterwhite advised that Councilman Nauert was correct. City inspectors had also looked at the work.

Mayor Cindy Siegel inquired as to whether the City would be reimbursed for this project.

City Manager Satterwhite advised that Mayor Siegel was correct.

Councilman James P. Avioli, Sr., referred to some of the verbiage in Exhibit B. The City was voting on a final payment, yet there was a reference in Exhibit B to “final pay estimate.” He inquired as to whether that was the correct terminology.

City Clerk Tracy L. Dutton advised that she believed the title of the contractor’s document was “Final Pay Estimate,” but Councilman Avioli was correct in that this was the final payment for this project.
Attorney Josh Golden, Johnson Radcliffe Petrov & Bobbitt, PLLC, stated that he agreed with Councilman Avioli in that it should be called a final payment, however, calling it a final pay estimate would not invalidate the final payment nature of the project.

**VOTE ON MOTION TO APPROVE RECOMMENDATION AND ADOPT ORDINANCE:**

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

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

**OPPOSED:** None

**ABSENT:** None

{Ordinance was subsequently numbered: 09-053}

**INDIVIDUAL CONSIDERATION OF AGENDA ITEM F. 1. d.:**

d. CONSIDERATION of and possible action on the 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 Final Change Order (No. 1) with Alsay Incorporated related to a contract for “Investigation and Repairs to Water Well No. 3 and the Well Pump Motor” at the Bellaire Central Water Plant consisting of a net decrease in said contract of $165,120.00, and approval for the City of Bellaire, Texas, to make the final payment to Alsay Incorporated on said contract in an amount not to exceed $47,980.00 – Item submitted by Director of Public Works Joe Keene.

**MOTION TO ADOPT ORDINANCE AUTHORIZING FINAL CHANGE ORDER AND FINAL PAYMENT:**

A motion was made by Councilman John Jeffery and seconded by Councilman Pat McLaughlan to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to
execute a Final Change Order (No. 1) with Alsay Incorporated related to a contract for “Investigation and Repairs to Water Well No. 3 and the Well Pump Motor” at the Bellaire Central Water Plant consisting of a net decrease in said contract of $165,120.00, and approval for the City of Bellaire, Texas, to make the final payment to Alsay Incorporated on said contract in an amount not to exceed $47,980.00.

DISCUSSION ON MOTION TO ADOPT ORDINANCE AUTHORIZING FINAL CHANGE ORDER AND FINAL PAYMENT:

Councilman John Jeffery inquired as to whether this was the water system project that had an inoperable well pump motor.

City Manager Bernard M. Satterwhite, Jr., indicated that City Staff thought the motor was inoperable and that by replacing the bearings in the well shaft, the vibrations that might have caused the motor or pump to become inoperable would be solved. Once the repairs were begun, it became apparent that the shaft itself was damaged and beyond repair. Instead of going in and rehabilitating the entire well, City Staff stopped the project at that point. The amount of the final payment reflected the work that was actually done at the plant.

Councilman Jeffery asked for confirmation that the motor and well shaft was replaced.

City Manager Satterwhite advised that the motor was not replaced. The pump was removed and the well was televised. The work was stopped at that point.

Councilman Phil Nauert stated that the final payment was 22-1/2% of the original bid. Essentially, the City did not accomplish the project and cut its losses. He asked if there were any plans to reevaluate how badly the need for the well was.

City Manager Satterwhite indicated that City Staff was going to analyze the report and the results of the data. The City did not really lose anything on this project, because valuable data was gained and the City knew exactly where it needed to go moving forward. The well would be out of service for at least the next few years.

Councilman Pat McLaughlan inquired as to how many and which wells the City had that were currently operational.
City Manager Satterwhite advised that the Renwick well was the only well that was currently operational.

Councilman McLaughlan inquired as to where Water Well No. 3 was located.

City Manager Satterwhite indicated that Water Well No. 3 was located at the Central Water Plant next to City Hall.

Councilman McLaughlan asked for confirmation that the Central well would be down for two years.

City Manager Satterwhite advised that it was in the water/wastewater improvements plan and scheduled for a few years down the road. The City was currently rehabilitating the Feld well right now. That well should be coming back up soon.

Councilman McLaughlan inquired as to whether the two-year delay at the Central well was due to budget programming or if that was the time it would take to rehabilitate the well.

City Manager Satterwhite advised that this was due to the budget programming.

Councilman McLaughlan inquired if the water well could be back online if the City had a richer budget.

City Manager Satterwhite advised that it would still take some time to develop the project, have it engineered, bid, and rehabilitated. He stated that he would need to look at the overall plan and come back to City Council with a report on that. City Manager Satterwhite advised that the cost to rehabilitate this well could run from $500,000 to $1 million.

Councilman McLaughlan stated that he understood that when the City had three wells operating, those three wells were more than enough to support the needs of the City. If the City had only one well operating, then the City had to purchase more surface water from the City of Houston, which was costing more money versus pumping groundwater.

City Manager Satterwhite advised that Councilman McLaughlan was correct; however, Director of Public Works Keene was running the Renwick well 24 hours per day and had been able to keep up with the 50-50 agreement the City had with Houston. Once the Feld well came back up, it would be even easier for Public Works.
Mayor Cindy Siegel asked if City Manager Satterwhite had an estimated time that the Feld well might be back up.

Ralph Cox, P.E., Klotz Associates, Inc., advised that the Feld well would be back up before the end of the year.

Councilman Will Hickman asked for confirmation that the City had four wells in total.

City Manager Satterwhite advised that Councilman Hickman was correct; however, the City was only operating three wells. City Staff had made a decision that the Evergreen Water Plant (and well) should be decommissioned.

Councilman Hickman asked for confirmation that by the end of the year the Renwick and Feld wells would be operational and that the City would later decide what to do with the Central well.

City Manager Satterwhite advised that Councilman Hickman was correct.

Councilman Hickman asked how many wells the City normally needed for its day-to-day operations.

City Manager Satterwhite indicated that to do things well, the City needed all three wells. Things could be done fairly well with two wells. In order to meet the agreement with Houston using only the Renwick well, Director Keene had to pump the well 24 hours a day. If Renwick were to go down, the City would quickly get behind on pumping groundwater.

Councilman Hickman inquired as to how many wells the City would need if the City’s connection with Houston had to be shutdown for some reason.

City Manager Satterwhite advised that the City could be supplied with water if two wells were operational.

VOTE ON MOTION TO ADOPT ORDINANCE AUTHORIZING FINAL CHANGE ORDER AND FINAL PAYMENT:

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

FOR: Siegel, Cindy
Hickman, Will
Avioli, James P., Sr.
Faulk, Peggy
2. ADOPTION OF ORDINANCES:

Budget for Fiscal Year 2010

a. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, adopting the budget for the City of Bellaire, Texas, for the fiscal year beginning October 1, 2009, and ending September 30, 2010, and appropriating the several sums set up therein to the objects and purposes therein named – Item submitted by City Manager Bernard M. Satterwhite, Jr.

SUMMARY:

Mayor Cindy Siegel advised that the City Council had held a public hearing on the proposed budget for the fiscal year 2010 commencing on October 1, 2009, and ending on September 30, 2010. City Council had also received written comments since the public hearing, which were included in the agenda packet.

MOTION TO ADOPT BUDGET FOR FISCAL YEAR 2010:

A motion was made by Councilman Pat McLaughlan and seconded by Councilman Phil Nauert to adopt an ordinance of the City Council of the City of Bellaire, Texas, adopting the budget for the City of Bellaire, Texas, for the fiscal year beginning October 1, 2009, and ending September 30, 2010, and appropriating the several sums set up therein to the objects and purposes therein named.

DISCUSSION ON MOTION TO ADOPT BUDGET FOR FISCAL YEAR 2010:

City Manager Bernard M. Satterwhite, Jr., indicated that the only change made to the proposed budget after the Special Session held on August 18, 2009, was to incorporate $10,000 back into the budget for the Parks & Recreation Department to
cover the cost of operating the Evergreen Therapy Pool throughout the winter. He noted that line items 110, 420, 424, 602, and 620 were affected by the incorporation of the $10,000. For example, on line item 110, part-time employees, $5,250 was added. Line item 420, building maintenance, had $250 added. Line item 424, pool maintenance, had $250 added. Line item 602, janitorial and cleaning, had $250 added. Line item 620, natural gas, had $4,000 added.

Councilman James P. Avioli, Sr., noted that when he looked at the budget document, there were several pages with the term “revised” on them. He assumed that those were the pages that included the revisions that City Manager Satterwhite had just mentioned.

City Manager Satterwhite stated that pages 1, 2, 6, 7, 8, 43, 44, 45, 54, and 55 were revised to incorporate the $10,000 addition to the Parks & Recreation Department budget.

Councilman Pat McLaughlan indicated that he was a little worried that the proposed budget did not have enough money in it. It was a good budget, but citizens, at times, heard comments from City Staff that they would like to do more things, but those things were not in the budget. Some examples were repainting of the gate on Sunburst Street, park maintenance, quicker water well repairs, exercise equipment repairs, swimming pool operations and maintenance, etc. When it came time to set the tax rate, he would not be opposed to setting a minor increase in the tax rate at that time. He asked City Manager Satterwhite if he could use a little more money in this budget.

City Manager Satterwhite stated that he could always use more money. City Staff had worked very, very hard on the proposed budget. City Staff had been constrained due to the economic environment that the country was in. If City Council wanted to increase the budget, he would find a way to incorporate additional funds.

Councilman McLaughlan advised that it seemed as if the City was sometimes constrained on small things that related to quality of life issues for citizens.

City Manager Satterwhite agreed with Councilman McLaughlan. There were many things that people thought City Staff should be doing right now that were not being done. Whether the budget was increased or not, he did not know if
people would still think that City Staff was doing what needed to be done.

City Staff also had to take into account what the City was doing, how many people were being served, what the level of service was and should be. City Manager Satterwhite did not have a final answer for that because everyone was going to have a different idea.

City Manager Satterwhite personally felt that the budget was good, but at mid-year review time, he might be coming back to City Council begging for more funds.

Councilman Avioli stated that he wished to get some clarification. There was a letter in his packet from some citizens stating that Episcopal High School students used the City’s competition pool for practices and so forth. It was his understanding that the school paid a fee for that.

City Manager Satterwhite indicated that Councilman Avioli was correct.

Councilman Avioli inquired as to whether the City facility would be available for the school on a year-round basis.

City Manager Satterwhite advised that the facility would not be available year-round this year.

Councilman Avioli inquired as to whether this was due to a budget constraint.

City Manager Satterwhite advised that the amount of usage that the facility got during the months of December and January were low. In looking at the overall usage of the facility during those months, the usage did not justify the costs to operate the facility.

Councilman Avioli suggested that the school might be interested in paying more to use the facility.

City Manager Satterwhite agreed that the school might be willing to pay more to use the facility, but he did not believe the payment would cover the cost. He was not sure what had been negotiated with the school in the past.

Councilman Avioli noted that this issue had come to City Council’s attention in their agenda packet and he asked if City Manager Satterwhite would be open to discussion with the swim
team. If so, he inquired as to whether the swim team should contact City Manager Satterwhite.

City Manager Satterwhite indicated that he would contact Episcopal High School. He stated that one conversation was held with the swim team coach. Letters were then received from the parents indicating a slightly different conversation. City Manager Satterwhite had to work through the coach.

Councilman Avioli advised that he understood that, but when it was called to his attention he was led to believe that the school had no other alternative to practice and that they were willing to pay a fee to the City. If this could mitigate some of the costs for the City, then Councilman Avioli believed that it was something the City should consider.

City Manager Satterwhite asked the City Council to keep in mind that the school had only used the City’s facilities one year. It had only been open one year. He did not know what the other alternatives were, but City Manager Satterwhite felt that the City needed to investigate that.

Councilman Avioli asked for confirmation that the school should contact the City Manager.

City Manager Satterwhite stated that the school could contact him.

Mayor Siegel advised that she had received a letter regarding this issue from the head of the school. She understood the budgetary constraints, but what she had not seen was statistics that told City Council the numbers of people using the pools and the hours and days the pools were being used along with the associated costs. Granted Episcopal High School had only used the City’s facility one year, but it was not fair to this school or Bellaire High School or any institution that had a “contract” or an expectation of a contract with the City to be letting them know as late as this.

Mayor Siegel felt that there should have been some negotiation or some talk with those entities or institutions related to the need to raise the fees for usage.

Mayor Siegel understood that the school used the facility for a longer period of time than just December and January.
City Manager Satterwhite advised that Mayor Siegel was correct. The school did use the facility longer than those two months.

Mayor Siegel asked if the school would continue to use the facility beyond those two months or not.

City Manager Satterwhite advised that the school could continue to use the facility if they so desired.

Mayor Siegel asked if the City had budgeted part of the fee paid the prior year (i.e., $3,500) as revenue.

City Manager Satterwhite stated that revenues had been budgeted for usage of the pools.

Mayor Siegel asked if the school would still be using the facility if they could not have it in December and January as well.

City Manager Satterwhite indicated that he did not know.

Mayor Siegel seconded what Councilman Avioli had stated. She felt that there needed to be further discussions between City Staff and Episcopal High School to see if there was some kind of arrangement that could be made. The City was not in the business of supporting another institution, but if they could pay for the cost of heating the pool, then it seemed ridiculous not to let them do that.

City Manager Satterwhite advised that they would not be able to pay the heating cost, but he would meet with them.

Mayor Siegel indicated that until the City had those conversations, it was difficult to know if that could be done or not.

Councilman Will Hickman noted that since the City was opening the Evergreen Therapy Pool, then perhaps the school could use that facility during December and January.

Councilman Hickman noted further that he believed there might be a problem on line 312, election services. He stated that it appeared that there might be at least one position in a run-off election and he was not sure if the City had budgeted for a run-off.
City Manager Satterwhite advised that the City had not budgeted for the run-off.

Councilman Hickman inquired as to the cost of a run-off election.

City Clerk Tracy L. Dutton advised that it depended on how many entities had run-off elections that the City might be able to share costs with. She assumed that the cost would be similar to the cost of the regular election and possibly more.

Mayor Siegel asked if City Staff would normally bring the item back as a budget amendment.

City Manager Satterwhite indicated that he was planning on doing that.

Councilman Hickman noted that during a previous meeting he had made an amendment that failed. He inquired if the amendment could be brought back again this evening.

Mayor Siegel advised that there would need to be a two-thirds vote to suspend the rules to reconsider that amendment.

Councilman Hickman inquired as to whether he could propose a different amendment.

Mayor Siegel agreed that Councilman Hickman could do so if it were substantially different.

Councilman Hickman asked if it would be substantially different if he changed the dollar figure by 20%.

City Attorney Alan P. Petrov (answering from the audience) advised that Councilman Hickman could offer his amendment with such a difference in the dollar figure.

**AMENDMENT (NO. 1) TO MOTION TO ADOPT BUDGET FOR FISCAL YEAR 2010:**

An amendment (no. 1) was made to the motion to adopt the budget for fiscal year 2010 by Councilman Will Hickman and seconded by Mayor Pro Tem Peggy Faulk for the purpose of reducing the overall training budget line item by $8,000.
DISCUSSION ON AMENDMENT (NO. 1) TO MOTION TO ADOPT BUDGET FOR FISCAL YEAR 2010:

Mayor Siegel asked if Councilman Hickman was assuming that the decision as to where to cut the training budget would be made by the City Manager.

Councilman Hickman advised that Mayor Siegel was correct.

Councilman Pat McLaughlan asked for the total amount of the overall training budget.

Councilman Hickman advised that the total amount of the overall training budget was $144,000.

Councilman McLaughlan advised that he could make a better decision on the amendment if he understood where the $8,000 cut in training would occur.

Councilman Hickman indicated that his amendment was a 20% reduction from the previous change proposed, which was $10,000. Councilman Hickman would leave the discretion to the City Manager as to which training and travel to allow and which to not allow. For example, the reduction could be one fewer national conference per Staff Director.

Councilman McLaughlan inquired as to the objection of the amendment. In other words, was the objective just to reduce the overall training budget by $8,000?

Councilman Hickman advised that his objective was to reduce the travel and training budget by $8,000. He advised that his employer had reduced their training budget by 50%. This was an easy area to cut.

VOTE ON AMENDMENT (NO. 1) TO MOTION TO ADOPT BUDGET FOR FISCAL YEAR 2010:

Motion failed on a 3-4 vote as follows:

FOR: Siegel, Cindy
      Hickman, Will
      Faulk, Peggy

OPPOSED: Avioli, James P., Sr.
          Nauert, Phil
          McLaughlan, Pat
          Jeffery, John
ABSENT: None

DISCUSSION REGARDING ORIGINAL MOTION:

Councilman Avioli indicated that he was still struggling as to where the City was going with the request from the Episcopal High School for the use of the Bellaire Family Aquatic Center. He asked if the Bellaire Family Aquatic Center was going to be closed in December and January or if the City was going to wait to decide on a closure until a new fee could be negotiated.

Mayor Siegel asked the City Attorney or City Manager if City Council needed to take action to direct negotiations with Episcopal High School.

City Attorney Alan P. Petrov advised that City Council was simply taking action on the adoption of a budget.

Mayor Siegel advised that the proposed budget assumed the closure of the Bellaire Family Aquatic Center during the months of December and January.

Councilman John Jeffery stated that procedurally he felt that an amendment should be made regarding the possible opening of the Family Aquatic Center during the months of December and January so that City Council could discuss the matter.

AMENDMENT (NO. 2) TO MOTION TO ADOPT BUDGET FOR FISCAL YEAR 2010:

An amendment (no. 2) to the motion to adopt the budget for fiscal year 2010 was made by Councilman James P. Avioli, Sr., and seconded by Councilman Pat McLaughlan to continue the operation of the Bellaire Family Aquatic Center Pool during the months of December and January until a determination could be made by Episcopal High School regarding a possible contract with the City of Bellaire, Texas, for use of the facility.

DISCUSSION REGARDING AMENDMENT (NO. 2) TO MOTION TO ADOPT BUDGET FOR FISCAL YEAR 2010:

Councilman Phil Nauert brought forth a point of order indicating that City Council was discussing the budget, not operations.
Councilman Avioli stated that in order to achieve the bottom line of the proposed budget, the Bellaire Family Aquatic Center was closed. He was inquiring as to what the impact was on the budget if City Manager Satterwhite did not close the Family Aquatic Center.

Councilman Hickman asked if City Manager Satterwhite or Assistant City Manager Diane K. White could provide City Council with a ballpark figure as to the amount of increase that would be required to keep the Family Aquatic Center open and where those funds would go.

Director of Parks & Recreation Jane L. Dembski answered the question posed by Councilman Hickman by indicating that the cost to open the Bellaire Family Aquatic Center during the months of December and January would be approximately $14,000. This cost would cover natural gas and staff.

Mayor Siegel inquired as to the reason that the City needed staff when Episcopal High School provided their own trained lifeguards.

Director Dembski indicated that while Episcopal High School was using the pool, the City needed one employee to be present.

Mayor Siegel advised that this employee should already have been included in the budget whether or not the pool was open. She inquired as to what the actual cost would be.

City Manager Satterwhite asked if Mayor Siegel was asking for the cost if the facility was opened just for Episcopal High School.

Councilman Avioli indicated that he was posing his question from a fee aspect. He did not know what the fee was now. He was not trying to give anything away. He was just trying to see if it would be appropriate to charge Episcopal High School more to accommodate their request.

Director Dembski advised that she could not speak for Episcopal High School as to what they could pay. Last year, they paid $3,500 for the two months. It would cost probably $7,000 to $8,000 for the natural gas for those two months.

Mayor Siegel inquired as to how the City knew for certain what the natural gas cost would be.
Director Dembski stated that the City had used the heater for the last two years during those months and the cost was approximately $7,000 to $8,000.

Mayor Siegel advised that she was merely trying to get a better understanding as to what the $14,000 covered.

Director Dembski indicated that when City Staff was directed to cut their budget, she had to look for areas to cut. This was the area of her budget that cost the most, but served the least amount of people. When Episcopal High School was not using the pool last year, the City only had approximately three people using the facility.

Mayor Siegel asked if the City took counts of the numbers of patrons using the pools.

Director Dembski advised that City did take counts and those numbers were given to Assistant City Manager Diane White.

Councilman Jeffery asked if Councilman Avioli was suggesting a zero cost with his amendment. In other words, would the facility be open to Episcopal High School only and the fee to be negotiated would be a fee to cover all of the City’s costs?

Councilman Avioli stated that Councilman Jeffery was correct. This was what he was trying to determine.

City Manager Satterwhite advised that the City did not know exactly what the costs would be. The City did not know what the rates would be for natural gas during the months of December and January. The cost of natural gas would be the big cost to consider. He did not believe the school swam every day or even every week. If the City turned the heaters on, the heaters would have to remain on.

Director Dembski noted that other costs would include electricity, chemicals, etc.

Mayor Siegel noted that chemicals and electricity would be used regardless of whether or not the pool was opened.

Director Dembski advised that more chemicals were used when there were swimmers using the facility. The cost of chemicals increased in that instance. Prior to Bellaire’s facility, Episcopal High School had used JCC. The school could probably use JCC.
**Mayor Siegel** indicated that it was her understanding that the school swam during the holidays as well.

**Director Dembski** advised that the school did swim some during the holidays, but not every day. The City was closed on holidays anyway.

**Councilman Hickman** advised that he had not heard a budget amendment yet.

**Councilman Avioli** stated that he did not have a budget amendment. All he was trying to do was to see if the City could avoid making a decision to shut down the Bellaire Family Aquatic Center until there had been some discussion with the Episcopal High School.

**City Manager Satterwhite** stated that the budget was written taking many assumptions into account. Not all of those assumptions would come to pass. Ultimately, the City could decide to do something different. If there was a budgetary impact, City Staff probably would not know until after the fact. The cost to keep the facility opened might be able to be blended into the budget. A budget amendment might be needed and it might not be needed. Although the budget was written based on the assumption that the Bellaire Family Aquatic Center would be closed during the months of December and January, it did not necessarily mean that the City had to close the facility during those months.

City Manager Satterwhite suggested that this discussion be taken up at a later time between now and December. If a budget amendment were needed, then one could be made. He advised that the City did an entire Compensation Plan last year amounting to $200,000 and that whole amount was absorbed into the budget. To alleviate the procedural problems that the discussion had raised, he suggested that the discussion be left for later.

**Mayor Siegel** noted that members of City Council were allowed to tag items in the Capital Improvement Plan. She suggested that this item be tagged for further discussion.

**City Manager Satterwhite** advised that an operational matter was different than a project.

**Mayor Siegel** indicated that she was merely asking for a report back on this item.
Councilman Avioli stated that he was in agreement with what City Manager and Mayor Siegel had outlined and that he would withdraw his amendment.

Councilman McLaughlan agreed, too, to withdraw his second of Councilman Avioli’s amendment.

VOTE ON ORIGINAL MOTION TO ADOPT BUDGET FOR FISCAL YEAR 2010:

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

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

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 09-055}

Capital Improvement Plan and Vehicle, Equipment, and Technology Program

b. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, approving and adopting the City of Bellaire, Texas, Capital Improvement Plan (CIP) and Vehicle, Equipment, and Technology (VET) Program for the fiscal year beginning October 1, 2009, and ending September 30, 2010 – Item submitted by City Manager Bernard M. Satterwhite, Jr.

MOTION TO ADOPT ORDINANCE APPROVING AND ADOPTING THE CIP AND THE VET PROGRAM FOR FISCAL YEAR 2010:

A motion was made by Councilman Pat McLaughlan and seconded by Councilman James P. Avioli, Sr., to adopt an ordinance of the City Council of the City of Bellaire, Texas, approving and adopting the City of Bellaire, Texas, Capital Improvement Plan (CIP) and Vehicle, Equipment, and
Technology (VET) Program for the fiscal year beginning October 1, 2009, and ending September 30, 2010.

DISCUSSION ON MOTION TO ADOPT ORDNANCE APPROVING AND ADOPTING THE CIP AND VET PROGRAM FOR FISCAL YEAR 2010:

Mayor Pro Tem Peggy Faulk indicated that she wished to make an amendment to reduce the public art program to zero.

Mayor Cindy Siegel asked Mayor Pro Tem Faulk if she was aware that the public art program was not funded. Items that appeared in “red” were effectively zero.

City Manager Satterwhite stated that the items in “red” were listed as “placeholders.” Those particular items were included in plans that were adopted by City Council. Since the items were in “red,” those items were not included in the bottom line and were currently not funded. City Staff did not plan on addressing those projects this year, but wanted to keep them listed so that the projects were visible for future years.

Mayor Pro Tem Faulk asked for confirmation that the public art program was zero.

City Manager Satterwhite advised that zero money would be spent on the public art program in fiscal year 2010.

Mayor Pro Tem Faulk asked for the reason that the City showed $273,000 for the program.

City Manager Satterwhite advised that the program was part of previously approved or adopted master plans, etc. City Staff wanted to keep those visible and, perhaps, bring those items back later when times were better.

Mayor Pro Tem Faulk asked for confirmation that the intent would be to spend zero. However, if something did come up, it would still have to come back to City Council for approval.

City Manager Satterwhite advised that Mayor Pro Tem Faulk was correct. That item would have to have City Council’s approval and authorization to place the funds in the budget.

Councilman James P. Avioli, Sr., stated that he would like to “red tag” an item that was already in “black.” The item he wished to “red tag” was the Evergreen Pool bathhouse upgrades in the amount of $17,000. He requested that City Council consider requesting City Staff to come back with an
explanation of what that work would entail, as well as a budget, plan, and cost to restore the restrooms and bring them up to Americans with Disabilities Act (ADA) compliance.

Councilman Avioli continued and requested that the pergola and meditation area be “red tagged.” City Council had a presentation from the Centennial Planning Committee with respect to those items. As he recalled, there was some difference of opinion as to the project. He wished to see an explanation or further discussion about that project.

City Manager Satterwhite advised that the City would bring that project back to City Council anyway. The project was left over from the fiscal year 2009 budget. The project was “red tagged” in that particular budget. He indicated that the project would be brought to City Council in the very near future.

Councilman Will Hickman asked how the “red tagged” projects would work procedurally in the next fiscal year (i.e., 2011).

City Manager Satterwhite stated that he would probably move everything over to the right in 2011, and City Staff would make recommendations based on the City’s cash flow projections. In essence, City Staff was deferring the items in “red.” City Council could also determine that it wanted to drop items altogether.

For example, one of the reasons that the Bellaire Town Square items were left in the budget in “red” was that the City still wanted to give impetus for the Patrons for Bellaire Parks, Inc., to do some fundraising. The City wanted the public to understand that the items were planned and on the horizon. If funding became available for Bellaire Town Square, then those items might appear in “black” in fiscal year 2011.

Mayor Siegel noted that a future line item was placed in the budget for future parkland acquisitions, but that line item was in “red.” Monies were not available for the line item yet, but the City wanted to include it as a “placeholder” in the budget.

Councilman Avioli noted that the budget City Council was looking at this evening had a completely different appearance than the version City Council looked at during their last session. He asked if the formatting had changed or whether there was something else the City Council should be picking up on as this version was completely different.
Assistant City Manager White advised that the difference was related to formatting. This version was printed in “portrait” versus “landscape.”

Councilman Avioli stated that he noted some other differences as well. If the formatting was the only difference, then he was okay with it.

Mayor Siegel advised that the only item that should have been changed based on City Council discussions was the addition of the future parkland acquisition line item and the Centennial projects – pergola and meditation area.

City Manager Satterwhite advised that Mayor Siegel was correct.

Councilman Hickman asked for the police station foundation repairs to be “red tagged” in the amount of $330,000. He indicated that City Council had held discussions regarding moving Municipal Court out of the facility and/or adding onto the facility. In light of possible changes to the facility and not knowing how those changes would affect the foundation, he was asking for the repairs to be “red tagged.”

VOTE ON MOTION TO ADOPT ORDINANCE APPROVING AND ADOPTING THE CIP AND THE VET PROGRAM FOR FISCAL YEAR 2010:

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

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

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 09-056}

Public Hearings

c. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire,
Texas, calling a public hearing before the City Council of the City of Bellaire, Texas, on Monday, October 12, 2009, at 6:00 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, concerning an application and request submitted by SBWV Architects, Inc., agent for Faith Lutheran Day School and Faith Lutheran Church for a specific use amendment and permit to construct and operate a new day school consisting of a two-story facility to be located on a vacant property containing 0.4590 acres north of the existing Faith Lutheran Church (between Avenue B, Cedar Street, and Nolley Court) legally described as Lot 1A of the replat of Lot 1 of Karlyne Addition, an addition in Harris County, Texas, and Lot 26, Block 4 of Westmoreland Farms Amended First Subdivision, an addition in Harris County, Texas, more commonly known as 4601 Cedar Street, Bellaire, Texas, in the R-5 Residential Zoning District – Item submitted by City Clerk Tracy L. Dutton based on a report and recommendation from the Bellaire Planning and Zoning Commission.

**MOTION TO ADOPT ORDINANCE CALLING A PUBLIC HEARING ON A SPECIFIC USE AMENDMENT REQUEST:**

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, calling a public hearing before the City Council of the City of Bellaire, Texas, on Monday, October 12, 2009, at 6:00 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, concerning an application and request submitted by SBWV Architects, Inc., agent for Faith Lutheran Day School and Faith Lutheran Church for a specific use amendment and permit to construct and operate a new day school consisting of a two-story facility to be located on a vacant property containing 0.4590 acres north of the existing Faith Lutheran Church (between Avenue B, Cedar Street, and Nolley Court) legally described as Lot 1A of the replat of Lot 1 of Karlyne Addition, an addition in Harris County, Texas, and Lot 26, Block 4 of Westmoreland Farms Amended First Subdivision, an addition in Harris County, Texas, more commonly known as 4601 Cedar Street, Bellaire, Texas, in the R-5 Residential Zoning District.
DISCUSSION ON MOTION TO ADOPT ORDINANCE CALLING A PUBLIC HEARING ON A SPECIFIC USE AMENDMENT REQUEST:

Councilman James P. Avioli, Sr., noted that City Council received a great deal of paper with respect to this agenda item. He had gone through all of the paper, as had the Planning and Zoning Commission. He noted that money and time was tied up in putting the packet together. He inquired as to whether it was necessary for City Council to receive all of the paperwork once the Planning and Zoning Commission had been through it.

City Clerk Tracy L. Dutton advised that the paperwork was tied to the applicant’s application and this was the reason that City Council received it. She stated that she would normally give City Council another copy for fear that members might not remember to bring the original copy back from this meeting. If everyone would carry their item forward, that would be great.

Councilman Avioli noted that he was trying to look for efficiencies. His question was whether City Council needed to see the paperwork procedurally if the Planning and Zoning Commission had already seen it.

Mayor Cindy Siegel advised that the paperwork was part of the public hearing and City Council would be going through the same process that the Planning and Zoning Commission had gone through. Mayor Siegel stated that, speaking for herself, she still reviewed everything even though the Planning and Zoning Commission had made a recommendation. She also reviewed the recommendation from the Planning and Zoning Commission. She felt sure that City Council would accept the recommendation from the Planning and Zoning Commission, but there had been times when City Council had not accepted their recommendation.

Mayor Siegel continued, noting that there was a two-part process involved with specific use amendments and permits. One part of the process was a public hearing before the Planning and Zoning Commission, followed by a recommendation and report to City Council. The second part of the process was a public hearing before City Council.

Councilman Avioli agreed, but noted that he was merely trying to look for efficiencies.
Mayor Siegel agreed and asked if members of City Council could hang on to their materials and carry them forward, as this would help the City Clerk.

City Manager Bernard M. Satterwhite, Jr., stated that he ultimately hoped that the City could go totally paperless. Unfortunately, that had not caught on just yet.

Councilman Will Hickman noted that he lived across the street from Faith Lutheran Church. One of his neighbors had brought up the issue of the new day school and had asked if the City could install “no parking” signs on the north side of Cedar Street.

City Manager Satterwhite stated that he could . . . but asked jokingly who wanted him to do so.

Mayor Siegel noted that the discussion this evening centered on whether or not to call a public hearing.

City Manager Satterwhite advised that Councilman Hickman had brought up a good point and that it should be discussed during the public hearing process itself. If Councilman Hickman wished to, the “no parking” issue could be part of the specific use permit.

Mayor Siegel stated that Councilman Hickman should encourage his neighbors to attend the public hearing.

Councilman Hickman asked if this item would come back to City Council for consideration after the public hearing was held.

City Manager Satterwhite advised that Councilman Hickman was correct.

VOTE ON MOTION TO ADOPT ORDINANCE CALLING A PUBLIC HEARING ON A SPECIFIC USE AMENDMENT REQUEST:

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

FOR: Siegel, Cindy
      Hickman, Will
      Avioli, James P., Sr.
      Faulk, Peggy
      Nauert, Phil
      McLaughlan, Pat
      Jeffery, John
d. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas calling a public hearing before the City Council of the City of Bellaire, Texas, on Monday, October 12, 2009, at 6:30 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, for the purpose of hearing any and all persons desiring to be heard on or in connection with any matter or question involving a revision proposed by the Planning and Zoning Commission of the City of Bellaire, Texas, to remove Appendix A, Comprehensive Plan, from Chapter 24, Planning and Zoning, of the Code of Ordinances of the City of Bellaire, Texas (“Code”), and to adopt a new Comprehensive Plan to serve as a standalone document – Item submitted by City Clerk Tracy L. Dutton based on a report and recommendation from the Bellaire Planning and Zoning Commission.

Mayor Cindy Siegel advised that City Staff had requested that this item be removed from the agenda this evening. After noting no objections from City Council, the item was removed from the agenda.

City Manager Bernard M. Satterwhite, Jr., advised that there were some miscommunications and the ordinance and agenda statement did not accurately reflect the action that was taken by the Planning and Zoning Commission.

3. ADOPTION OF RESOLUTION:

Houston-Galveston Area Council (H-GAC) 2010 General Assembly

CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, designating a Representative and an Official Alternate to the General Assembly of the Houston-Galveston Area Council (H-GAC) for the year 2010 – Item submitted by City Clerk Tracy L. Dutton on behalf of H-GAC.
Mayor Cindy Siegel called for nominations from the City Council table for a Representative and Official Alternate to serve on the General Assembly of the H-GAC for the year 2010.

Councilman Pat McLaughlan nominated Mayor Cindy Siegel to serve as Bellaire’s Representative to the H-GAC General Assembly for the year 2010 and Councilman Will Hickman to serve as Bellaire’s Official Alternate to the H-GAC General Assembly for the year 2010.

Mayor Cindy Siegel, after noting no further nominations, called for a vote on the adoption of a resolution designating the names of the Representative and Official Alternate to the H-GAC General Assembly for 2010. She noted that she would be happy to serve as Representative, but indicated that she had an opponent in her race. Councilman Hickman, on the other hand, was unopposed and would be remaining on City Council.

MOTION TO ADOPT RESOLUTION DESIGNATING REPRESENTATIVE AND OFFICIAL ALTERNATE TO H-GAC GENERAL ASSEMBLY FOR 2010:

A motion was made by Councilman Phil Nauert and seconded by Mayor Pro Tem Peggy Faulk to adopt a resolution of the City Council of the City of Bellaire, Texas, designating Cindy Siegel as Representative and Will Hickman as Official Alternate to the General Assembly of the Houston-Galveston Area Council (H-GAC) for the year 2010.

VOTE ON MOTION TO ADOPT RESOLUTION DESIGNATING REPRESENTATIVE AND OFFICIAL ALTERNATE TO H-GAC GENERAL ASSEMBLY FOR 2010:

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

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

OPPOSED: None

ABSENT: None

{Resolution was subsequently numbered: 09-09}
4. ITEMS FOR INDIVIDUAL CONSIDERATION:

**Bellaire Recycles Day Event**

a. **CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department and the Recycling Committee of the City of Bellaire, Texas, to host a “Bellaire Recycles Day” event on Saturday, November 14, 2009, in the City of Bellaire, Texas, and to present a report to the Bellaire City Council after the event – Item submitted by Director of Public Works Joe Keene.**

**Note:** This item was considered earlier in the meeting. See pages 8-15 of these minutes for discussion and action related to this agenda item.

**Harris County Appraisal District Board of Directors**

b. **DISCUSSION of and possible direction to City Staff regarding the selection of a nominee to serve a two-year term commencing on January 1, 2010, and expiring on December 31, 2012, as a member of the Board of Directors of the Harris County Appraisal District – Item submitted by City Clerk Tracy L. Dutton on behalf of the Harris County Appraisal District.**

**City Clerk Tracy L. Dutton** advised that in the past the City had attempted to move directly to the nomination phase without having discussion first. Each city that was a taxing jurisdiction with the Harris County Appraisal District was allowed to nominate a person to serve on the Board of Directors. Houston had their own nominee, and all other cities were served by the same person. City Council could choose to support the current small cities Board member, Ed Heathcott. He provided a letter asking for the City’s support and that letter was in the City Council packet. City Council could nominate someone of their choosing and ask other cities in the area to support Bellaire’s nominee. City Staff could contact other cities and find out if they had a nominee and obtain resumes from them and let City Council choose among those nominees. City Council could also choose to take no action with respect to nominating anyone for the board and wait until a ballot was received from Harris County.

City Staff wanted to get direction from City Council as to which way they desired the situation to be handled.
Mayor Pro Tem Peggy Faulk indicated that she liked the idea of asking City Staff to contact other cities to determine whether there were more nominees that could be reviewed by Bellaire.

Councilman McLaughlan stated that assuming City Council chose not to nominate someone themselves, if the City could invite other nominees to come before City Council and discuss their qualifications, etc., that might be helpful.

Councilman James P. Avioli, Sr., asked whether City Council should consider nominating someone from Bellaire. He asked if he could get City Council’s feel on that.

Mayor Cindy Siegel asked if there were any reason to think under Mayor Pro Tem Faulk’s proposal that Bellaire could not bring someone of its own choosing forward and consider nominating them.

City Manager Satterwhite agreed and suggested that City Staff perform some research and if there were people out there that were interested and/or City Council would like to nominate someone, then interviews could be done at the same time.

MOTION TO DIRECT CITY STAFF REGARDING NOMINATION TO HCAD BOARD OF DIRECTORS:

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman Phil Nauert to direct City Staff to contact other cities that are taxing jurisdictions within HCAD and determine whether they had nominees and would like to submit their nominees’ resumes to Bellaire for consideration.

VOTE ON MOTION TO DIRECT CITY STAFF REGARDING NOMINATION TO HCAD BOARD OF DIRECTORS:

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

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

OPPOSED: None
G. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Councilman John Jeffery and seconded by Councilman Phil Nauert to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:00 p.m. on Monday, September 14, 2009.

VOTE ON MOTION TO ADJOURN:

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

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

OPPOSED: None  

ABSENT: None  

Respectfully submitted,

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

Approved:

____________________________
Cynthia Siegel, Mayor  
City of Bellaire, Texas