CITY OF BELLAIRE
CITY COUNCIL

Minutes of Meeting
Monday, September 21, 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 7:00 p.m. on Monday, September 21, 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 McLoughlan, Position No. 5; and
Councilman John Jeffery, Position No. 6.

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

B. INSPIRATIONAL READING AND/OR INVOCATION – Councilman Phil Nauert.

Councilman Phil Nauert provided the inspirational reading for the evening. He began by noting that this evening was September 21st and that tomorrow was the autumnal equinox (the change of season). Fall would officially arrive at 5:18 a.m., central time, on September 22nd.

With all of the changes coming before us—election time and a number of new faces to come at the City Council table—Councilman Nauert looked for inspiration on rules. He found some “Rules for Being Human,” and read them as follows:

You will receive a body. You may like it or hate it, but it will be yours for as long as you live. How you take care of it or fail to take care of it can make an enormous difference in the quality of your life.

You will learn lessons. You are enrolled in the full-time, informal school called Life. Each day, you will be presented with opportunities to learn what you need to know.
There are no mistakes, only lessons. Growth is a process of trial, error and experimentation. You can learn as much from failure as you can learn from success. Maybe more.

A lesson is repeated until it is learned, thus an extension of the previous rule.

Learning lessons does not end.

"There is no better than here." When your "there" has become a "here" you will simply discover another "there" that will again look better than your "here." Don’t be fooled by believing that the unattainable is better than what you have.

Others are merely mirrors of you. You cannot love or hate something about another person unless it reflects something you love or hate about yourself. When tempted to criticize others, ask yourself why you feel so strongly.

Councilman Nauert interjected that all members of City Council might remember that rule when they were up at the table. He then continued as follows:

What you make of your life is up to you. You have all the tools and resources you need. What you create with those tools and resources is up to you. Remember that through desire, goal setting and unflagging effort you can have anything you want. Persistence is the key to success.

C. PLEDGES TO THE FLAGS – Councilman Phil Nauert.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

Councilman Phil Nauert 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.

Richard Franke, 1104 Howard Lane, Bellaire, Texas:

Mr. Franke addressed City Council and advised that the purpose for his presence this evening was related to the August 18, 2009, minutes regarding to the budget. He wished to clarify the comments he made that were later responded to by the City Manager. He wanted to make certain that he and the City Manager were on the same wavelength. He had no problems with the City Manager’s salary and understood all of the pressure that he was under. He felt that the City Manager was doing a fabulous job.
Mr. Franke made two comments on August 18, 2009. One comment was related to the disclosure of the City’s infrastructure. It was Mr. Franke’s understanding, based on ten years of attending City Council meetings, as well as listening to Mr. [James] Andrews and Mr. [Terry] Maher of Claunch & Miller and Mr. [Richard] Larson and Mr. [Joe] Keene of the City describing the City’s infrastructure, that the City’s infrastructure was in a terrible state, poorly built in some instances, and worn out in other instances.

In Mr. Franke’s pocket of the world on the east side of Bellaire, the City turned right around and instead of reconstructing dilapidated streets, many of which had no rebar in them as they were built during World War II, the City put three-four inches of asphalt on top of the streets.

The City of Bellaire and all taxpayers needed to understand in detail in their neighborhood what the condition of their streets were and where in City Staff’s and the engineers’ minds their streets fell so that they could understand the risks to their home values and their quality of life. The taxpayers also needed to understand the cost to reconstruct their street and when their street might be reconstructed. This was not simply a drainage issue anymore—the City was past that.

If the City had the information needed to determine what the next $5 million in bond funds would be expended on, then how could the City not be able to project the cost to complete the entire City?

Another comment Mr. Franke had made was regarding foundation failures in his neighborhood, as well as other areas across Bellaire. It was proposed that the inspection process be outsourced in the budget as a cost-saving measure. Another foundation failure had occurred in his neighborhood recently. The City needed to take responsibility for this. For example, a home next to his built in 2003 had a missing pier, which was not found by an outside inspector. Mr. Franke urged that all foundation inspections be controlled in-house by the Community Development Department.

In closing, Mr. Franke thanked Mayor Pro Tem Peggy Faulk, Councilman Pat McLaughlan, and Councilman John Jeffery for all of their good service to the City of Bellaire. He noted that the City would miss all of the engineers that were on City Council.

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Robert Riquelmy, 506 Winslow Lane, Bellaire, Texas:

Mr. Riquelmy addressed City Council and advised that he had spoken at the last meeting about injuries that had occurred in Bellaire due to the actions or inactions of City employees and how the City might be able to prevent that in the future.
This evening, Mr. Riquelmy wished to talk to City Council with respect to the amount of money that was wasted in Bellaire—money that could be used to make us all a little safer, perhaps. It could start with the photograph out on the wall in the lobby. Using the highest priced portrait photographer in Houston for Council portraits was not really necessary. For as long as he could remember, the Police Department photographer had taken City Council portraits. The City could save thousands with that expenditure alone.

The City could also save thousands, of course, by not giving into the Mayor’s every whim in putting a second floor on the pool house. He would bet that the City spent at least $250,000 on a floor that was rarely, if ever, used.

It was wisely said that being pennywise was pound-foolish. The City was wasting money by not hiring a full-time complement of police officers. He had spoken with the Police Department, and they were understaffed. The City’s website indicated that the City was not hiring anyone, yet there were vacancies in the Police Department.

The City had wasted money on public relations professionals. He did not understand why the City needed public relations professionals to communicate with the few people in Bellaire.

Further, the City used engineers that had a track record of very shabby buildings. One of the buildings in Bellaire did not last a decade until it was declared unsafe, unfit, and had to be torn down because it was too expensive to repair.

One thing Mr. Riquelmy hoped to accomplish by running for Mayor was to empower the residents of Bellaire to have major influence in City decisions whether they wanted to or not. There was a great deal to be done in Bellaire. Being a citizen carried with it the responsibility to know what was going on. He asked the citizens to help him get things going in the right direction.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee addressed City Council and referred to an item on City Council’s agenda identified as F. 2. b., which was to call a public hearing on the Comprehensive Plan. She noted that this item was pulled from the agenda during the last meeting because it was flawed. She was present this evening on the same subject for a different flaw.

Ms. McBee advised City Council that she had watched the development of the Comprehensive Plan at every meeting of each body throughout the last 15 months or more. The bottom result was that the Planning and Zoning Commission of the City of Bellaire, Texas ("Commission"), did not ever
consider a “standalone plan.” The Commission did not offer any presentation of such at its public hearing on the Comprehensive Plan. The Commission did not offer any recommendation in the matter. The *Texas Local Government Code* required the Commission to make a preliminary report and hold public hearings on that report before submitting a final report to the governing body.

Further, the governing body could not hold a public hearing until it received the final report of the Commission, which the governing body now had. City Staff could not intrude on this legal process by recommending anything directly or circumventing the statutory provisions that empowered City Council and the Commission in the zoning process.

The Comprehensive Plan was agreed to be a policy document setting direction and, as such, all of the City’s ordinances were contained in the “Code of Ordinances” on the website for the last half decade. It was updated regularly and anyone could access it.

The zoning regulations, like all City ordinances, were electronically accessible, searchable, and updated. Therefore, the City Staff recommendation that the governing body, when adopting a new Comprehensive Plan, remove it from the Code of Ordinances on the shabby grounds that it was a policy document was absurd.

City Staff’s recommendation was intrusive and out of line in Ms. McBee’s opinion. The governing body made the determination and no one else. The State said that the Commission would make a recommendation to the governing body, and it had. City Staff had no role there. The governing body could ask City Staff for its advice, but the audacity of a City Staff member to tell City Council to include in a public hearing that Appendix A should be removed from the Code of Ordinances—should be forgotten.

The Director of the Community Development Department, the City Staff person Ms. McBee had been referring to, sent City Council a recommendation in the packet and asked that it be included for consideration in the public hearing. In that document he quoted, very carefully, a chapter from the *Texas Local Government Code*. He was not a lawyer anymore than Ms. McBee was. He quoted one section of the *Texas Local Government Code* and totally omitted the standard section, *Chapter 211*, which discussed the governing procedures. Ms. McBee advised that the City Council was being misled through ignorance in her view and she was calling it.

The City Council had a City Attorney. Throughout the history of the City, there had always been a City Attorney. The position was funded to the tune of $100,000 per year, generally. Ms. McBee asked if City Council had requested a written legal memorandum from the City Attorney. It was high time that the governing body started relying on written legal opinions and not “he said—she said.”
In closing, Ms. McBee advised that she was very critical of this precedent in permitting City Staff to intrude in this statutory process. She was not talking about what was in the plan—she was talking about what the City Council did with it. She wanted it adopted and wanted the public hearing to be on the work that the Commission had conducted all year long, along with a paid consultant. She could not believe that City Staff would stand up at the last minute with a recommendation as to how the document should be handled. This was inappropriate and unacceptable.

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**E. REPORT:**

**CITY MANAGER’S REPORT regarding residential safety (police activity report), public infrastructure/utilities (street and drainage projects update), quarterly indicators (crime and building permits), and upcoming City Council meetings/events – Presented by City Manager Bernard M. Satterwhite, Jr.**

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

**Residential Safety**

City Manager Satterwhite advised that he did not have a police activity report this evening, but did wish to go through some of the new changes or highlights to traffic laws that the Bellaire Police Department would be enforcing. Those changes became effective on September 1st.

**House Bill 537** required that all occupants of a vehicle, regardless of age, be secured by a safety belt no matter where the occupants were seated in the vehicle. This bill also changed the definition of a passenger vehicle to include a passenger van designed to transport 15 or fewer passengers, including the driver. The bill also removed a current exemption for third-party Medicaid transportation provisions regarding the use of child passenger safety seats. This was important because in the past, passengers in the rear seat over a certain age had not had to wear safety belts. Now everyone in the vehicle had to wear safety belts.

**Senate Bill 61** amended the existing statute regarding child passenger safety seats. The bill required that any child younger than eight be restrained in an approved child passenger safety seat unless the child was at least 4’ 9” in height. The fine was no more than $25 for a first offense and $250 for a second offense. The bill also created a new court cost for conviction of an offense under this statute to be collected and used by the Texas Department of Transportation to buy safety seats for low-income families.
**House Bill 55** made it illegal to use a *wireless communication device* in a school zone unless the vehicle was stopped or a hands free device was used. Cities, in order to enforce this bill, must post a sign at the beginning of each school zone to inform drivers that using a wireless communication device was prohibited and the operator was subject to a fine. Bellaire had posted the necessary signs in its school zones.

**House Bill 2730** increased the penalties for *driving while intoxicated with a child passenger* by adding an automatic driver license suspension period for first-time offenders.

**House Bill 2730** allowed a new Texas resident to *operate a vehicle without a Texas license* for 90 days instead of the current 30 days.

**House Bill 2012** created two new punishment enhancements. It was now a Class B misdemeanor if a person were to drive with a *suspended license and without insurance*. It was a Class A misdemeanor if the person without insurance or a valid driver license had an accident and someone was seriously injured or died as a result of the accident.

**Senate Bill 589** required that a vehicle equipment safety compliance label be placed on the windshield, side, or rear window stating that the *window tinting* complied with the appropriate provisions of the *Texas Transportation Code*. Failing to place the required label on the vehicle could lead to a $1,000 fine.

**Public Infrastructure/Utilities**

City Manager Satterwhite indicated that Newcastle Drive was going very well and would probably be opened up within the next two-three weeks.

The City had received bids on the History Walk Project, which had been approved by City Council. It was anticipated that the project would be presented to City Council for final approval at the next meeting.

The Fire Station final design was complete and City Manager Satterwhite hoped to present that final design plan to City Council for approval on October 19th.

It was noted that earlier today, Director of Public Works Joe Keene had attended a hearing regarding Senate Bill 361, which required that certain water service providers in Harris County and Fort Bend County ensure emergency operations during an extended power outage. There were different ways in which Bellaire could comply with the bill. The City was looking into a Community Development Block Grant for some back-up power.
**Questions from City Council**

City Manager Satterwhite referred to a question City Council asked during the last City Manager’s Report related to Senate Bill 1182. That bill opened up the ability for the governing body to talk about things that were not on the posted agenda . . . but not too much. The bill provided that a quorum of the City Council could receive from municipal staff and a member of the governing body could make a report regarding items of community interest during a council meeting without giving notice of the subject of the report provided no action was taken or discussed. The bill provided that an item of community interest included expressions of thanks, congratulations, or condolences, information regarding holiday schedules, honorary recognitions of City officials, employees, or other citizens, reminders about upcoming events sponsored by the City or other entity scheduled to be attended by a City official or City employee, and announcements involving imminent threats to the public health and safety of the City.

City Manager Satterwhite advised that City Staff would add an item on the agenda related to items of community interest in place of the old “Council Comments and Correspondence” item that used to appear on the agenda.

**Upcoming Meetings/Events**

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Type of Meeting</th>
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<tbody>
<tr>
<td>October 5, 2009</td>
<td>7:00 p.m.</td>
<td>Regular Session</td>
</tr>
<tr>
<td>October 12, 2009</td>
<td>6:00 p.m.</td>
<td>Special Session (Public Hearing) on Faith Lutheran Day School and Faith Lutheran Church Specific Use Amendment Request</td>
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<tr>
<td>October 15, 2009</td>
<td>6:30 p.m.</td>
<td>Candidate Forum</td>
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<tr>
<td>October 19, 2009</td>
<td>6:00 p.m.</td>
<td>Special Session (Public Hearing) on Comprehensive Plan</td>
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<tr>
<td>October 19, 2009</td>
<td>7:00 p.m.</td>
<td>Regular Session</td>
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**QUESTIONS/COMMENTS FROM CITY COUNCIL:**

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

**Q:** Mayor Pro Tem Peggy Faulk referred to the new legislation related to safety belts for the occupants of passenger vehicles and asked if this legislation included pickup trucks. In other words, could passengers still ride in the back of pickup trucks?

**A:** City Manager Satterwhite indicated that Mayor Pro Tem Faulk had raised a good point. He did not really know, but believed there was an age cut-off for occupants in the rear of a pickup truck. He stated that he would check into the question and report back.
Q: Mayor Pro Tem Faulk referred to the new legislation regarding cell phone use in school zones and inquired as to whether the legislation only applied while school was in session.

A: City Manager Satterwhite stated that as far as he knew school zones did not exist except for the times posted on the school zone signs. He noted that the “cell phone prohibited” sign had to be posted on the same sign that established the school zone.

Q: Councilman Pat McLaughlan referred to discussions that had been held a few meetings ago regarding some of the outdated and derelict structures around town and in public right-of-ways. Councilman McLaughlan noted that he had specifically mentioned an entrance sign at the corner of Bellaire Boulevard and Chimney Rock Road. That sign was thoroughly decayed and falling down. He thanked City Manager Satterwhite for getting rid of the sign.

City Manager Satterwhite indicated a few meetings ago that he would patrol the City to determine if there were any other outdated signs and structures that might need to come down. Councilman McLaughlan noted one such sign in a residential area that had been in place for 20 years with the notation “Deaf Children Playing.” He believed that those deaf children had grown up and might have even moved away. He asked if City Manager Satterwhite had been able to accomplish the patrol mission.

A: City Manager Satterwhite advised that City Staff had not completed the patrol mission yet. The Community Development Department was working through the issue and had developed a list of signs noted thus far. The list was going to be compared to the City’s sign listing. If the signs were no longer functional, then City Staff could remove the signs. It was possible that some signs might need City Council approval before removal. He expected to have the list completed by the next City Council meeting.

Q: Councilman James P. Avioli, Sr., stated that City Manager Satterwhite indicated that there would be an agenda item for City Council to consider at the next meeting related to the History Walk. He stated that he thought the meditation area was red-tagged and inquired as to whether the History Walk was part of that project as well.

A: City Manager Satterwhite stated that the meditation area was not part of the History Walk Project, but that City Staff would be addressing the meditation area soon.

Q: Councilman Avioli noted that City Council had red-tagged some of the work at the Evergreen Pool Complex. He asked when some of that
work would be brought forward to City Council, particularly projects to improve the restrooms.

A: City Manager Satterwhite advised that he hoped to address the Evergreen Pool Complex early in the fiscal year so that the improvements could be made before the Pool Complex opened back up.

C: Councilman Avioli stated that he certainly appreciated that, but based on his inspections at the Evergreen Pool Complex, there really was an immediate need. He was not sure that the first of the year (such as April) was satisfactory to let the work go that long. He felt that the current state of the Complex represented a safety hazard, was unsanitary, and certainly in need of immediate attention. He was not sure that he was satisfied that the City could wait until January, February, March, or April of next year.

R: City Manager Satterwhite indicated that he had not meant to imply the beginning of the calendar year. He meant the beginning of the fiscal year—in October or November.

C: Councilman Avioli stated that October or November would be acceptable. He could not impress enough the need that he saw for that facility.

Q: Councilman McLaughlan agreed with the situation as outlined by Councilman Avioli. He asked City Manager Satterwhite what City Council could do to help him procedurally in order to get those improvements going as soon as possible. In other words, should City Council put forward an agenda item to address the improvements? A second question related to the amount of money City Manager Satterwhite was looking for to make the necessary improvements.

A: City Manager Satterwhite advised that he would place something on the agenda so that City Council could discuss this project in the proper way. He did not really have all of the answers City Council might want or need right now.

Q: Mayor Cindy Siegel indicated that it was her understanding that money had been budgeted for re-plastering and repainting the facility, and those improvements had been red-tagged. She did not wish to see City Council rush through on this project—she wanted to make sure that the City had its “ducks in a row.” She wanted to see City Staff bring something forward with costs so that City Council could make a good decision.
A: **City Manager Satterwhite** stated that he would let City Council know what the City’s capabilities were with respect to the project and options as to what types of improvements could be undertaken.

Q: **Councilman Will Hickman** advised that he believed City Council had funded a specific amount for the improvements in the budget and asked for confirmation that the amount was $17,000.

A: **City Manager Satterwhite** advised that Councilman Hickman was correct.

Q: **Councilman Hickman** referred back to Councilman McLaughlan’s question regarding signs in Bellaire. He noted that a resident had spoken with him about signs placed in yards for contractors. He asked if contractors could put out signs for such services as “pressure washing” or “painting.”

A: **City Manager Satterwhite** advised that contractors could put out signs.

Q: **Councilman Hickman** asked about the signs were allowed. In other words, were the signs allowed just while the work was being done or for months at a time?

A: **City Manager Satterwhite** believed that there were some stipulations as to the amount of time that signs could remain. He was not certain off of the top of his head. He noted that during the new home showcase, signs were allowed in yards for builders.

Q: **Mayor Siegel** asked if City Attorney Petrov could provide a short, concise memo to City Council regarding what City Council could talk about under “items of community interest” at the next meeting.

A: **City Manager Satterwhite** stated that the items that could be addressed would be written into the agenda item.

Q: **Councilman Avioli** asked for clarification as to whether the City Manager was still going to put the Evergreen Pool Complex restrooms on the agenda for the next meeting.

A: **Mayor Siegel** stated that to move forward without good facts was not a good idea. To arbitrarily put something on the agenda without having good information would be like City Council spinning its wheels.

C: **Councilman Avioli** advised that the City did have good information and urged members of City Council to go down to the facility and look at it.
C: Councilman Hickman noted that any member of City Council could put an item on the agenda and suggested that Councilman Avioli consider that.

R: Councilman Avioli stated that he would certainly take that under advisement.

MOTION TO ACCEPT REPORT INTO THE RECORD:

A joint motion was made by Councilman Pat McLaughlan and Mayor Pro Tem Peggy Faulk 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:

1. CONSENT AGENDA:

   Approval/Correction of Minutes

   a. APPROVAL of the minutes of the Special Session (Budget) of the City Council of the City of Bellaire, Texas, held Tuesday, August 18, 2009 – Item submitted by City Clerk Tracy L. Dutton.

   Bid Awards and Contracts

   b. CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department and Traffic Engineers, Inc., to award Bid No. 09-020, On-Street Pavement Markings, to Durham Traffic Signs, Inc., for the provision of all applicable labor,
services, materials, equipment, delivery, and/or installation necessary for on-street pavement markings within the corporate limits of Bellaire, Texas, 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 Durham Traffic Signs, Inc., for said services in an amount not to exceed $30,980.00 – Item submitted by Director of Public Works Joe Keene.

c. CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department to award Bid No. 09-022, Chlorine in 150-Pound Capacity Cylinders, to DXI Industries, Inc., for the purchase and delivery of chlorine in 150-pound capacity cylinders, on an as-needed basis, FOB to the City of Bellaire Wastewater Treatment Plant located at 4401 Edith Street, Bellaire, Texas 77401, said delivery of which would be further distributed by DXI Industries, Inc., accompanied by City of Bellaire personnel, to four (4) water well sites located within the City of Bellaire, Texas, 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 DXI Industries, Inc., for said purchase and delivery in an amount not to exceed $12,600.00 – Item submitted by Director of Public Works Joe Keene.

d. CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department to award Bid No. 09-023, Chlorine and Sulfur Dioxide in One-Ton Capacity Cylinders, to AOC for the purchase and delivery of chlorine and sulfur dioxide in one-ton capacity cylinders, on an as-needed basis, FOB to the City of Bellaire Wastewater Treatment Plant located at 4401 Edith Street, Bellaire, Texas 77401, 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 AOC for said purchase and delivery in an amount not to exceed $33,840.00 – Item submitted by Director of Public Works Joe Keene.

Councilman Phil Nauert requested separate discussion and consideration of agenda item F. 1. c. Councilman Will
Hickman requested separate discussion and consideration of agenda item F.1.b.

MOTION TO APPROVE CONSENT AGENDA:

A motion was made by Councilman Pat McLaughlan and seconded by Councilman Will Hickman to approve the Consent Agenda dated September 21, 2009, consisting of the following:

- Minutes of the Special Session (Budget) of the City Council of the City of Bellaire, Texas, held Tuesday, August 18, 2009; and

- Award of Bid No. 09-023, Chlorine and Sulfur Dioxide in One-Ton Capacity Cylinders, to AOC for the purchase and delivery of chlorine and sulfur dioxide in one-ton capacity cylinders and 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 AOC for said purchase and delivery in an amount not to exceed $33,840.00.

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

{Ordinance for Bid No. 09-023, Standard Form of Agreement with AOC was subsequently numbered: 09-060}
INDIVIDUAL CONSIDERATION OF CONSENT AGENDA ITEM
F. 1. b.

b. CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department and Traffic Engineers, Inc., to award Bid No. 09-020, On-Street Pavement Markings, to Durham Traffic Signs, Inc., for the provision of all applicable labor, services, materials, equipment, delivery, and/or installation necessary for on-street pavement markings within the corporate limits of Bellaire, Texas, 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 Durham Traffic Signs, Inc., for said services in an amount not to exceed $30,980.00 – Item submitted by Director of Public Works Joe Keene.

MOTION TO AWARD BID NO. 09-020 AND ADOPT ORDINANCE AUTHORIZING AGREEMENT:

A motion was made by Councilman Will Hickman and seconded by Councilman Pat McLaughlan to award Bid No. 09-020, On-Street Pavement Markings, to Durham Traffic Signs, Inc., for the provision of all applicable labor, services, materials, equipment, delivery, and/or installation necessary for on-street pavement markings within the corporate limits of Bellaire, Texas, and to adopt 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 Durham Traffic Signs, Inc., for said services in an amount not to exceed $30,980.00.

DISCUSSION OF MOTION TO AWARD BID NO. 09-020 AND ADOPT ORDINANCE AUTHORIZING AGREEMENT:

Councilman Will Hickman advised that he had not recalled seeing this particular project before. He inquired if street pavement markings were done on certain streets every year or on all streets every few years or so.

Director of Public Works Joe Keene advised that this type of project was done an either an annual basis or every other year. Sometimes the City was fortunate enough to enter into an Interlocal contract with Harris County to perform Bellaire’s
street striping. This year, Bellaire was not able to contract with Harris County.

Councilman Hickman inquired as to the life of the stripes.

Director Keene stated that this contract required the use of hot paint for school crossings, intersections, and parking lots. The contract did not include the regular through street striping.

Councilman Hickman inquired as to the life of the hot paint.

Director Keene stated that the life ranged from 12 to 18 months.

Councilman Hickman asked for confirmation that this contract involved the spraying of hot paint versus laying down material and blow torching it in place.

Director Keene advised that Councilman Hickman was correct.

Councilman Hickman asked for confirmation that City Council could expect to see another contract like this one in another 12 to 18 months unless Harris County helped the City.

Director Keene advised that Councilman Hickman was correct.

City Manager Bernard M. Satterwhite, Jr., noted that the City generally presented these contracts to City Council on an annual basis. Even though Harris County provided the labor to the City when they could, the City still had to furnish the materials.

Councilman Pat McLaughlan referred to the two techniques for striping streets (i.e., hot paint or blow torching material laid down on the street). He inquired as to the cost of the longer lasting approach. In other words, what was the trade-off for using one technique versus the other technique?

Director Keene advised that the hot paint was the longer lasting technique for the simple reason that if someone applied their brakes on top of the material, the material would not slide. Oftentimes the blow torched material started to slide (especially during hot summer months) as people applied their brakes at a crosswalk or intersection.

Councilman McLaughlan asked for confirmation that the contract before City Council represented the longer lasting approach.
Director Keene advised that Councilman McLaughlan was correct.

Councilman McLaughlan inquired as to whether the City was still using the “glued down” stripes.

Director Keene stated that the City had not used the “glued down” stripes in quite some time.

Councilman James P. Avioli, Sr., referred to the bid and complimented Director Keene on taking the lower bid. He advised that one of the components of the bid was a flagman. The cost of the flagman ranged from $2,600 to $10,000 across the bids. He inquired as to why the costs varied so greatly for the same task.

Director Keene stated that in many instances contractors plugged in their profit in different line items. The lower bidder left a great deal of money on the table, so City Staff went through the bid very carefully to ensure that it could be done for the price bid.

Councilman Avioli stated that he understood that. He suggested that City Staff might ask for the reason as to the variances in the cost of certain line items. For example, one contractor might be using two or more flagmen versus another contractor that was using one flagman. In other words, the City might have been able to save $4,000 on this particular line item.

Director Keene noted that in a formal, competitive bidding process, he could not negotiate the price.

Councilman Avioli asked for confirmation that City procedures did not allow negotiating the price.

City Manager Satterwhite and City Attorney Alan P. Petrov both advised that state law did not allow for the price to be negotiated.

**VOTE ON MOTION TO AWARD BID NO. 09-020 AND ADOPT ORDINANCE AUTHORIZING AGREEMENT:**

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

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

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 09-058}

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

CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department to award Bid No. 09-022, Chlorine in 150-Pound Capacity Cylinders, to DXI Industries, Inc., for the purchase and delivery of chlorine in 150-pound capacity cylinders, on an as-needed basis, FOB to the City of Bellaire Wastewater Treatment Plant located at 4401 Edith Street, Bellaire, Texas 77401, said delivery of which would be further distributed by DXI Industries, Inc., accompanied by City of Bellaire personnel, to four (4) water well sites located within the City of Bellaire, Texas, 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 DXI Industries, Inc., for said purchase and delivery in an amount not to exceed $12,600.00 – Item submitted by Director of Public Works Joe Keene.

MOTION TO AWARD BID NO. 09-022 AND ADOPT ORDINANCE AUTHORIZING AGREEMENT:

A motion was made by Councilman Phil Nauert and seconded by Councilman Will Hickman to award Bid No. 09-22, Chlorine in 150-Pound Capacity Cylinders, to DXI Industries, Inc., for the purchase and delivery of chlorine in 150-pound capacity cylinders, on an as-needed basis, FOB to the City of Bellaire Wastewater Treatment Plant located at 4401 Edith Street, Bellaire, Texas 77401, said delivery of which would be further distributed by DXI Industries, Inc., accompanied by City of Bellaire personnel, to four (4) water well sites located within the City of Bellaire, Texas, and to adopt an ordinance of the City Council of the City of
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 DXI Industries, Inc., for said purchase and delivery in an amount not to exceed $12,600.00.

DISCUSSION OF MOTION TO AWARD BID NO. 09-022 AND ADOPT ORDINANCE AUTHORIZING AGREEMENT:

Councilman Phil Nauert referred to the fact that the chlorine was to be delivered in 150-pound capacity cylinders. He inquired as to the number of 150-pound cylinders that the City intended to purchase.

Director of Public Works Joe Keene stated that the number to be purchased depended on the demand. He would not exceed the total amount of the contract.

Councilman Nauert asked for confirmation that the City did not keep many cylinders on hand at any one time.

Director Keene indicated that the City kept two cylinders on hand at any one time.

Councilman Nauert noted that the bid mentioned that the deliveries would be distributed to four water well sites. He asked for confirmation that the deliveries would not actually be to all four well sites since some of the City’s wells were down.

Director Keene advised that the only water well that would not receive a delivery was the Evergreen water well. He left the fourth delivery location in the bid because sooner or later Director Keene would need to do something with the Evergreen water tanks.

VOTE ON MOTION TO AWARD BID NO. 09-022 AND ADOPT ORDINANCE AUTHORIZING AGREEMENT:

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
2. ADOPTION OF ORDINANCES:
   a. Property Taxes

   Submittal of Tax Roll/Tax Rate Calculations

   1. PRESENTATION, CONSIDERATION, and possible action on the submittal of the Certified 2009 Tax Roll and the 2009 Property Tax Rates in the City of Bellaire, Texas – Item submitted by Chief Financial Officer Donna Todd.

   Chief Financial Officer Donna Todd presented the Certified 2009 Tax Roll and the 2009 Property Tax Rates in the City of Bellaire, Texas, to City Council and began her presentation with a definition of Truth-in-Taxation.

   Truth-in-Taxation

   It was noted that Truth-in-Taxation was a guide for setting tax rates and had a two-fold purpose. One purpose was to make taxpayers aware of tax rate proposals. The second purpose was to allow taxpayers, in certain cases, to roll back or limit any tax increase. The guidelines for Truth-In-Taxation were set by the Texas Constitution and the Texas Property Tax Code. The City was required to follow the guidelines in preparing its annual tax rate.

   Truth-In-Taxation Overview

   By way of overview, Chief Financial Officer Todd noted that two rates were calculated after the City received the certified tax (or appraisal) roll. The rates were identified as the effective tax rate and the rollback tax rate. The City was obligated to publish the rates and, if necessary, to hold public hearings. Finally, the City would adopt the tax rate.

   Included in City Council’s agenda this evening was the Certified 2009 Tax Roll and a presentation of the calculation of the rates. In a separate agenda item, City
Council would be asked to vote on the tax rate. The City received the *Certified 2009 Tax Roll* on August 31, 2009.

**Tax Rate Calculations**

The effective tax rate was defined as the calculated rate that would provide about the same amount of revenue received the year before based on properties taxed in both years. So, if the property values went up, the effective tax rate would go down and vice versa.

The rollback tax rate was defined as the calculated rate that would provide about the same amount of tax revenue spent the previous year for operations and maintenance, plus an 8% increase, plus debt service requirements. The rollback tax rate was the maximum rate allowed by law without voter approval.

**Deadline to Adopt Tax Rate**

Chief Financial Officer Todd indicated that the City’s deadline to adopt the tax rate was 60 days after receipt of the tax rolls. For the City of Bellaire, that deadline would be October 29, 2009.

**Calculation – Effective Tax Rate**

An overview of the way in which the effective tax rate was calculated was provided to City Council. It was noted that two of the key components were the adjusted 2008 taxes and the adjusted 2009 taxable values.

The **adjusted taxes for 2008** were presented as follows:

- 2008 Taxes (on date of calculation) $12,012,044
- Taxes on 2008 values lowered in court decisions 16,194
- Taxes refunded in tax years preceding tax year 2008 125,495
- Taxes on deannexed territory --
- Taxes on property value not taxable in 2009 (61,208)
Adjusted 2008 Taxes  $12,092,525

The **adjusted 2009 taxable values** were presented as follows:

- Total value on 2009 Certified Appraisal Roll  $3,108,212,620*
- Estimated value of property under protest or not on roll  187,391,536*
- Value of property annexed after January 1, 2008  (2,978,656)
- Value of new improvements after January 1, 2008  (76,255,936)
- Value of first-time pollution control exemptions -- *

Adjusted 2009 Taxable Values  $3,216,369,564
*Total 2009 Taxable Values  $3,295,604,156

With respect to the value of property annexed after 2008, Chief Financial Officer Todd advised that she received questions as to what that particular number represented. She had asked the Tax Office, but received the very nebulous answer of “the number was a result of boundary adjustments in the Geographical Information System (GIS) or jurisdiction code corrections.” The Tax Office was not able to give Chief Financial Officer Todd a very specific answer about specific properties.

The **effective tax rate** was then calculated as the adjusted 2008 taxes of $12,092,525 divided by the adjusted 2009 taxable values of $3,216,369,564 times $100 for an effective tax rate of $0.375968.

The truth-in-taxation guidelines carried the tax rate out six decimal points. There was no rounding involved. Once the calculation reached six decimal points, the calculation truncated at that point.
Calculation – Rollback Tax Rate

The rollback tax rate was noted to consist of two components as follows: a maintenance and operations component and a debt component.

The maintenance and operations tax rate component was comprised of the adjusted 2008 value times the 2008 maintenance and operations rate divided by $100 plus the refunds for tax years preceding tax year 2008 divided by the adjusted 2009 taxable values times $100 times 1.08. Using dollar figures, the maintenance and operations tax rate calculation was noted to be:

\[
\left( \frac{3,170,074,063 \times 0.265}{100} + \frac{125,495}{3,216,369,564} \right) \times 100 \times 1.08 = 0.286293.
\]

The debt tax rate component was based on the 2009 debt payments minus any debt tax collections from the prior year divided by the 2009 anticipated collection rate (i.e., 100% per the Tax Office) divided by the 2009 total taxable values X $100. Using dollar figures, the debt component tax rate calculation was noted to be:

\[
\left( \frac{4,198,087 - 0}{3,295,604,156} \right) \times 100 = 0.127384.
\]

The total rollback tax rate was noted to be $0.413677 (maintenance and operations tax rate component of $0.286293 plus the debt tax rate component of $0.127384).

Determine the Tax Rate

Chief Financial Officer Todd noted that during the budget process, City Staff developed the budget and decided how much tax needed to be levied to support that budget. If the proposed tax rate exceeded the lower of the effective tax rate or the rollback tax rate, the City must conduct public hearings to propose a tax increase.

Comparative Information

Chief Financial Officer Todd presented several slides containing comparative information so that City Council could see a five-year history of some of the key
components and items of interest in the City’s tax rate calculation.

The total appraised value of the City’s properties for the 2009 tax year was a little over $4 billion or a 3.82% increase from the prior year. Over the last five years, this was a significantly lower increase year to year than the City had seen in the last several years.

The total taxable value had also gone down approximately 3.43% for tax year 2009 to $3.2+ billion. This was significantly lower than the City’s most recent previous years.

The total value of new property was $76.3 million for tax year 2009 or a drop of approximately 22%. The City hit a peak in 2006, but was now on a decline over the last three tax years.

The total appraised value had changed 3.82%. The amount under protest had increased by 7.5%. The total taxable value had increased by about 3.4% from the prior year.

The total taxable value of new property was down 22%. Total taxable value of annexed property was up 97%. The taxable value of properties under protest was down 2%. The taxable value of properties not yet certified was up 25%.

The number of residential units compared to the previous year was noted to be a .10% change or 6,200 units. This number included certified and uncertified values. The uncertified values represented protested properties that were scheduled for hearings and protests that were still under review, as well as tax notices that had not yet been sent out within 30 days of the protest period.

The average appraised value of the residential units was $563,000, up from last year by 5.8%. The total taxable values were up from last year by 5.8% to $441,000.

The effective tax rate calculated this year was down .43% from the prior year. It went from $0.3776 to $0.375968. The rollback rate was up 4.61%. The maximum rate that the City could set before holding
public hearings was also the $0.375968 or the effective tax rate.

Proposed Tax Rate

Based on the information presented related to the tax rate calculations, the City was proposing a tax rate of $0.3759 per $100, which was slightly below the effective tax rate calculation (i.e., the last two digits of the six-digit calculation were dropped).

The apportionment proposed for the General Fund was $0.2639 and $0.1120 for the Debt Service Fund.

Impact of the Proposed Tax Rate

Chief Financial Officer Todd noted that a question that frequently came up at this time was the impact that a one-cent change in the tax rate would make. A one-cent change would represent approximately $330,000.

The impact of the proposed tax rate on the average residential appraised value would be taxes of $1,659 compared to last year’s $1,574. The average taxable value of $441,000 was actually an increase of 5.8% and resulted in a tax increase of approximately $85. The primary drive for the $85 increase on average was the change in the tax value.

If Adopted . . .

If adopted, there were certain steps that the City needed to include in its ordinance and on the website based on new legislation. Because the proposed tax rate exceeded the effective maintenance and operations tax rate, the following statements must be included in the ordinance:

"This tax rate will raise more taxes for maintenance and operations than last year’s tax rate."

Since the proposed tax rate of $0.3759 exceeded the effective maintenance and operations rate of $0.2651, then the City was required to also include the above-referenced statement. It was noted further that the City was also required to include the statement set forth below:
"The tax rate will effectively be raised (0.12) percent and will raise taxes for maintenance and operations on a $100,000 home by approximately ($1.10)."

Chief Financial Officer Todd advised that the legislature, in trying to incorporate some new guidelines, got a bit confused and had entities comparing their total effective tax rate to the maintenance and operations effective tax rate component. In other words, entities were comparing apples and oranges and coming up with this rather silly statement (i.e., raising things by negative amounts).

Chief Financial Officer Todd suggested that another statement be added to the City’s website to further explain the required statement as follows: "That the apportionment of the proposed rate to the General Fund for maintenance and operations, $0.2639 per $100 valuation is lower than last year’s rate of $0.265, but will raise more taxes than last year’s rate solely as a result of the increase in taxable values in the City of Bellaire."

For the most part, the City of Bellaire did not have any $100,000 properties, however, this was the example that the legislature required entities to incorporate with the statements she just referred to.

**Truth-in-Taxation Summary**

Chief Financial Office Todd advised that the Truth-in-Taxation required the City to calculate tax rates (effective tax rate and rollback tax rate). The calculations were completed on September 8, 2009. The rates were published on September 15, 2009, in the Southwest News. The City would not be required to hold public hearings this year because the proposed tax rate was lower than the effective tax rate.

The next step in the process would be to adopt the tax rate. She noted that this was the next item on the agenda.
QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Councilman Will Hickman referred to the hypothetical $100,000 house and inquired as to what the value of increase was from 2008 to 2009. In other words, what was the average appraisal increase?

A: Chief Financial Officer Todd stated that the average residential taxable value was $441,000 for 2009 versus $417,000.

City Manager Bernard M. Satterwhite, Jr., advised that the value did include new construction.

Q: Councilman Hickman stated that he calculated a different answer for the average taxable value per residential unit. He asked if the total taxable value of $3.295 billion should be divided by the number of units to get the average taxable value per unit.

A: Chief Financial Officer Todd indicated that she did not have the number of units that reflected new property.

Q: Councilman Hickman advised that based on his calculation, the average taxable value per unit was $517,000.

A: Chief Financial Officer Todd stated that there were three numbers involved in the calculation. The number of units certified was 5,685 and the number of uncertified units was 536. The appraised value on those units totaled $3,504,441,365. The taxable value was $2,744,787,468.

Q: Councilman Hickman asked for confirmation that Chief Financial Officer Todd did not include the properties under protest when calculating the average taxable value.
A: Chief Financial Officer Todd advised that the properties under protest were included in her calculation of the average taxable value. There were three categories—protests scheduled for hearing, protests still under review, and those that had not yet received tax notices because the properties were within the 30-day protest period.

Q: Councilman Hickman inquired as to the logic behind the tax rate calculation. For example, why were the 2008 taxes divided by the 2009 taxable values?

A: Chief Financial Officer Todd indicated that she believed that the purpose was to get comparable numbers between the two tax years. In other words, an entity was trying to compare “like” things in both tax years.

City Attorney Alan P. Petrov advised that the idea was to get to a tax rate that would produce revenues comparable to what the City would have had the prior year if the City had this year’s values. He was not sure that the goal was achieved.

Q: Councilman James P. Avioli, Sr., asked for confirmation that the tax rate would go down by .0016, but the revenues would go up because of increased appraisals.

A: Chief Financial Todd advised that Councilman Avioli was correct. Basically, the tax revenue would increase slightly because the appraisals were higher.

City Manager Satterwhite noted that there was also $76 million of new construction this year versus last year.

Q: Councilman Avioli referred to the agenda statement in City Council’s agenda packet, which indicated that the City would have a decrease in revenues of $38,000.

A: Chief Financial Officer Todd noted that the agenda statement to which Councilman Avioli
referred was the next agenda item, but it was explainable.

C: Councilman Avioli indicated that he would wait for the next agenda item.

MOTION TO ACCEPT THE CERTIFIED 2009 TAX ROLL AND THE CALCULATION OF THE 2009 PROPERTY TAX RATES IN THE CITY OF BELLAIRE, TEXAS:

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman Phil Nauert to accept the Certified 2009 Tax Roll and the 2009 Property Tax Rates in the City of Bellaire, Texas.

VOTE ON MOTION TO ACCEPT THE CERTIFIED 2009 TAX ROLL AND THE CALCULATION OF THE 2009 PROPERTY TAX RATES IN THE CITY OF BELLAIRE, TEXAS:

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

Tax Rate and Tax Levy

2. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, fixing the tax rate and tax levy for the City of Bellaire, Texas, for tax year 2009 (fiscal year beginning October 1, 2009, and ending September 30, 2010), upon all taxable property in said City – Item submitted by Chief Financial Officer Donna Todd.

Note: The rate recommended by City Staff is $0.3759 per $100 valuation, with $0.2639
per $100 valuation apportioned to the General Fund and $0.1120 per $100 valuation apportioned to the Debt Service Fund.

MOTION TO ADOPT ORDINANCE FIXING THE TAX RATE AND TAX LEVY FOR TAX YEAR 2009:

A motion was made by Councilman Phil Nauert to adopt an ordinance of the City Council of the City of Bellaire, Texas, fixing the tax rate and the tax levy for the City of Bellaire, Texas, for the tax year 2009 at $0.2639 for the General Fund (maintenance and operations) and $0.1120 for the Debt Service Fund (to pay the bonded indebtedness of the City of Bellaire). This year’s proposed tax rate of $0.3759 per $100 valuation does not exceed the effective tax rate. Mayor Pro Tem Peggy Faulk seconded the motion.

DISCUSSION ON MOTION TO ADOPT ORDINANCE FIXING THE TAX RATE AND TAX LEVY FOR TAX YEAR 2009:

Councilman John Jeffery asked for confirmation that the tax rate proposed would decrease the General Fund budget by $26,000.

Chief Financial Officer Donna Todd advised that the budget presented and approved on September 14, 2009, was based on a tax rate of $0.3775, which was the prior year’s tax rate. The effective tax rate and the tax rate proposed by City Staff was $0.3759, which was slightly lower. Chief Financial Officer Todd calculated that the difference in the proposed budget tax rate and the proposed tax rate to be adopted would result in a decrease of $26,365 in the General Fund and a decrease of $12,269 in the Debt Service Fund.

If City Staff had recommended adopting the tax rate used to prepare the budget, the City would have been required to hold two public hearings before voting to adopt the tax rate.

Councilman James P. Avioli, Sr., asked for further explanation from Chief Financial Officer Todd, indicating that he was still trying to comport the two.
Chief Financial Officer Todd indicated that the budget was presented and adopted at a tax rate of $0.3775. This was last year’s tax rate. The rate City Staff was proposing to adopt was slightly lower than the budget tax rate. The proposed rate was $0.3759. The budget revenues would, therefore, be lower because the City wanted to apply a lower tax rate. When that lower rate was applied to the values used in the truth-in-taxation calculation, it was determined that the change in total revenue was approximately $38,000 (i.e., $26,000 for General Fund and $12,000 for Debt Service Fund).

Mayor Cindy Siegel asked for confirmation that adoption of the rate recommended by City Staff would bring the City under the rate to avoid two public hearings.

Chief Financial Officer Todd advised that the effective rate was $0.375968, so the City was under the rate to avoid two public hearings.

Councilman Phil Nauert inquired as to whether the City Manager could run the City with $38,000 less.

City Manager Satterwhite stated that he could. City Staff had made a conscious decision to recommend a rate slightly below the effective tax rate. It would cost the City a significant amount of money to advertise the public hearings and another month to approve the tax rate. A $38,000 decrease was immaterial when talking about a $15 million budget in the General Fund and a $5.5 million budget in the Debt Service Fund.

AMENDMENT (NO. 1) TO MOTION TO ADOPT ORDINANCE FIXING THE TAX RATE AND TAX LEVY FOR TAX YEAR 2009:

An amendment (no. 1) was made by Councilman Pat McLaughlan to increase the General Fund tax rate by one-half of one cent to provide for rehabilitation of the Evergreen Pool bathhouse and other parks and recreational needs. Councilman James P. Avioli, Sr., seconded the amendment.

Councilman Pat McLaughlan advised that his recommended increase in the tax rate represented a small impact to the taxpayers of approximately $24 per year. The City continually seemed to have issues with
the parks and recreation equipment, pool equipment, pool hours, equipment in the recreation center room, chemicals for the pool, etc. Bellaire was a first-class city and Councilman McLaughlan believed that City Council needed to provide its citizens with first-class services.

If the City Manager could convince City Council that he could provide first-class services and rehabilitate the Evergreen Pool bathhouse quickly during the winter season, then the recommended increase in the tax rate might not be needed. Councilman McLaughlan noted that the slight increase in the tax rate would bring in approximately $160,000 to cover the items he mentioned. If the City Manager did not need that money, then he would certainly withdraw his amendment.

Councilman Will Hickman advised that he did not question the ability to change the tax rate, but inquired as to whether City Council could allocate an increase (or decrease) to certain items within the budget.

City Attorney Alan P. Petrov advised that City Council could not allocate the increase (or decrease) to certain items within the budget. However, City Council could follow up with a budget amendment at some point.

Councilman Hickman asked for the confirmation that the motion would be to increase (or decrease) the tax rate, but not for any specific purpose.

City Attorney Petrov advised that Councilman Hickman was correct.

Mayor Siegel advised that if she understood Councilman McLaughlan, he was merely elaborating on the reason he had suggested an increase.

Councilman McLaughlan advised that Mayor Siegel was correct.

Mayor Pro Tem Peggy Faulk inquired as to whether City Council would be required to hold the two public hearings referred to by Chief Financial Officer Todd.

Chief Financial Officer Todd advised that the City would be required to hold two public hearings.
Mayor Pro Tem Faulk inquired as to the cost to hold those hearings.

Chief Financial Officer Todd estimated that the cost of advertising might range between $2,000 and $2,500. She indicated further that she did prepare a preliminary calendar when she received everything from the tax office. The City would be required to hold two special meetings, one for a public hearing and the other to set the tax rate. The law required a certain number of days between each step. Since the local newspapers were published on a weekly basis, that time had to be factored in as well. The City could certainly publish in the Houston Chronicle, but the cost to do so would be significantly higher.

AMENDMENT TO AMENDMENT NO. 1 TO MOTION TO ADOPT ORDINANCE FIXING THE TAX RATE AND TAX LEVY FOR TAX YEAR 2009:

Councilman Will Hickman made a motion to amend Amendment No. 1 to the motion to adopt an ordinance fixing the tax rate and tax levy for tax year 2009 to lower the tax rate .19 cents to 0.262 for the General Fund, leaving the Debt Service Fund at 0.112. The total tax rate would, therefore, be 0.374.

Mayor Siegel allowed Councilman Will Hickman some latitude to elaborate as to the reasoning for a decrease in the proposed tax rate to see if someone on City Council would like to second the amendment to Amendment No. 1.

Councilman Hickman stated that the taxable values for property in Bellaire increased $110 million from $3.186 billion to $3.296 billion, excluding new construction of $76 million. The increase represented an appraisal increase of $34 million or about a 1% appraisal increase for the average homeowner. To offset that 1% appraisal increase, Councilman Hickman was proposing a 1% tax rate decrease from last year’s tax rate of $0.3775 to $0.374 so that the average homeowner would have the same tax burden as they did the previous year.

Mayor Siegel inquired as to the estimated total tax dollars in terms of revenue.
Councilman Hickman indicated that the budgetary effect of his amendment was $62,000.

Mayor Pro Tem Peggy Faulk seconded the amendment made by Councilman Will Hickman.

**DISCUSSION ON THE AMENDMENT TO AMENDMENT NO. 1 TO MOTION TO ADOPT ORDINANCE FIXING THE TAX RATE AND TAX LEVY FOR TAX YEAR 2009:**

Mayor Siegel advised that the total impact of the amendment to Amendment No. 1 was an approximate $62,000 decrease in addition to City Staff’s proposal, which represented a decrease of $38,634.

Councilman John Jeffery asked for confirmation that the $62,000 decrease would occur in addition to the $38,634 decrease.

Mayor Siegel advised that Councilman Jeffery was correct. The total decrease in revenues would be approximately $100,000.

Mayor Siegel asked City Manager Satterwhite if he had an idea as to where he could cut $100,000 from the budget.

City Manager Satterwhite indicated that the $38,634 decrease proposed by City Staff would be taken from the fund balance, as the City had a little more fund balance than was required. Off of the top of his head, he advised that the remaining $62,000 would be removed from the proposed transfer to the Capital Improvement Plan and/or the Vehicle, Equipment, and Technology Fund.

Councilman Will Hickman inquired as to the excess fund balance for the General Fund and Debt Service Fund.

City Manager Satterwhite advised that the City had not set a limit as to the amount of fund balance for the Debt Service Fund. He estimated that the fund balance in the Debt Service Fund was approximately $500,000. He indicated that he would be uncomfortable if the City got much below that amount. In the previous year, the
City had a fund balance in the Debt Service Fund of $1.5 million. The fund balance was slowing being eaten up. He noted that the Debt Service Fund principal and interest payments increased, but revenues had not increased since the tax rate was kept the same.

In addition, the property values were based on 2008 construction. During 2008, approximately 130 homes were built in Bellaire. During 2009, less than 50 homes were built in Bellaire. The biggest difference in revenues would be seen during tax year 2010. For that reason, he felt that less than $500,000 in the Debt Service Fund balance would be pushing the limit. He felt that the City’s financial advisors would agree.

The General Fund balance had $220,000 more than the City was required to keep on hand as part of the guidelines and parameters set for the budget.

Mayor Siegel inquired as to what would occur if the City were to have another emergency.

City Manager Satterwhite indicated that the City had not had to draw from fund balance for any of the emergencies thus far. The City had used cash in the bank.

Councilman Avioli noted that the City was operating in a tight-economic situation, and certainly the budget was tight. He advocated cutting taxes, but he questioned the prudence of cutting the tax rate now with the budget situation being what it was in the present economic situation.

Mayor Siegel asked City Staff to refresh her memory as to the total amount that the City had cut from this year’s budget. She recalled that it was approximately $1.5 million in total.

City Manager Satterwhite advised that Mayor Siegel was correct. The City had cut $1.5 million from what was budgeted last year (not from what was actually spent).

**VOTE ON THE AMENDMENT TO AMENDMENT NO. 1 TO MOTION TO ADOPT ORDINANCE FIXING THE**
TAX RATE AND TAX LEVY FOR TAX YEAR 2009:

Motion failed on a 2-5 vote as follows:

FOR: Hickman, Will
     Faulk, Peggy

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

ABSENT: None

DISCUSSION ON AMENDMENT (NO. 1) TO MOTION TO ADOPT ORDINANCE FIXING THE TAX RATE AND TAX LEVY FOR TAX YEAR 2009:

Councilman Pat McLaughlan noted that Amendment No. 1 would bring the City approximately $160,000 more in revenue. His general thought with the amendment was to ensure that the City had funds to take care of the recreational facilities, particularly the pool problems. He asked if City Manager Satterwhite felt that he needed the additional $160,000 to promptly move out on those pool issues.

City Manager Satterwhite indicated that the only pool issue he knew of that was controversial at this point was the Evergreen Pool bathhouse repairs. The City certainly could bring a project forward that would go beyond what was planned for in the budget. That money would not come out of the General Fund budget; it would come out of the Capital Improvement Plan fund balance, which was approximately $2.9 million (reserves for future years).

In other words, the City did not really need to bump up the budget to make the repairs if that was what City Council wanted to do. A budget amendment could be done and the money could be taken from the Capital Improvement Plan fund balance.

Councilman McLaughlan inquired as to whether City Manager Satterwhite would be talking about an amount greater than the $17,000 previously mentioned.
City Manager Satterwhite advised that it would cost more than $17,000 to make the improvements that some members of City Council wanted. Again, the funds would be taken from the Capital Improvement Plan fund balance. This would be a decision for City Council to make at a later meeting.

Councilman McLaughlan asked for confirmation that City Manager Satterwhite felt that the City had the ability to appropriately rehabilitate the Evergreen Pool bathhouse situation.

City Manager Satterwhite indicated that from a financial standpoint, the City had the ability to appropriately rehabilitate the Evergreen Pool bathhouses.

Councilman McLaughlan advised that based on the discussions just held with the City Manager, he wished to withdraw his amendment. Councilman Avioli agreed to withdraw his second to the amendment.

DISCUSSION ON ORIGINAL MOTION TO ADOPT ORDINANCE FIXING THE TAX RATE AND TAX LEVY FOR TAX YEAR 2009:

Councilman Will Hickman asked for clarification that the tax rate had been lowered to just below the effective tax rate.

Chief Financial Officer Todd advised that Councilman Hickman was correct.

Mayor Siegel asked for confirmation that the rate to be adopted would not require a public hearing.

Chief Financial Officer Todd advised that Mayor Siegel was correct.

VOTE ON MOTION TO ADOPT ORDINANCE FIXING THE TAX RATE AND TAX LEVY FOR TAX YEAR 2009:

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

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

OPPOSED: None
ABSENT: None

{Ordinance was subsequently numbered: 09-061}

Public Hearing

b. CONSIDERATION of and possible action on the adoption of an ordinance calling a public hearing before the City Council of the City of Bellaire, Texas, on Monday, October 19, 2009, at 6:00 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 recommendation by the Planning and Zoning Commission of the City of Bellaire, Texas, to adopt a new Comprehensive Plan for the City of Bellaire, Texas, and a recommendation from the Bellaire Community Development Department to remove Appendix A, Comprehensive Plan, from Chapter 24, Planning and Zoning, of the Code of Ordinances of the City of Bellaire, Texas, and to adopt a new Comprehensive Plan as proposed by the Planning and Zoning Commission of the City of Bellaire, Texas, as a standalone document – Item submitted by City Clerk Tracy L. Dutton on behalf of the Bellaire Planning and Zoning Commission and the Bellaire Community Development Department.

MOTION TO ADOPT ORDINANCE CALLING PUBLIC HEARING:

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman Will Hickman to adopt an ordinance calling a public hearing before the City Council of the City of Bellaire, Texas, on Monday, October 19, 2009, at 6:00 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 recommendation by the Planning and Zoning Commission of the City of Bellaire, Texas, to adopt a new
Comprehensive Plan for the City of Bellaire, Texas, and a recommendation from the Bellaire Community Development Department to remove Appendix A, Comprehensive Plan, from Chapter 24, Planning and Zoning, of the Code of Ordinances of the City of Bellaire, Texas, and to adopt a new Comprehensive Plan as proposed by the Planning and Zoning Commission of the City of Bellaire, Texas, as a standalone document.

DISCUSSION ON MOTION TO ADOPT ORDINANCE CALLING PUBLIC HEARING:

Mayor Cindy Siegel asked City Attorney Alan P. Petrov if the City Council were violating any laws or regulations by calling a public hearing on a recommendation from a City department.

City Attorney Alan P. Petrov advised that it was probably his fault that there was so much angst over this issue. To be clear, the only thing that the Planning and Zoning Commission of the City of Bellaire, Texas ("Commission"), recommended was the adoption of a new Comprehensive Plan. That recommendation had been forwarded to City Council. The Commission did not really speak to how the adoption would be done. The assumption was, he guessed, that the new Comprehensive Plan would replace the current Comprehensive Plan in the Code of Ordinances of the City of Bellaire, Texas ("Code").

The mechanics as to whether the proposed Comprehensive Plan would replace the existing Comprehensive Plan in the Code was the prerogative of the City Council. City Attorney Petrov stated that City Staff was making the recommendation to adopt the Comprehensive Plan as a standalone document instead of as an appendix to the Code. He insisted that the recommendation be included in the notification of the public hearing, as he knew that it would generate some angst.

Adopting the Comprehensive Plan as a standalone document was certainly different from the way in which it had been handled in the past. He felt that people needed to know about it and have an opportunity to comment on that. In that respect, he guessed he had accomplished that goal.

City Attorney Petrov reiterated that the mechanics as to where the Comprehensive Plan was kept did not affect the validity of the document, the enforceability of the document, or the use of the document.
The Comprehensive Plan could only be amended by public hearings and by recommendations from the Commission. The Comprehensive Plan had been kept in various places over the years. At one time it was incorporated completely within the body of the Code. It then became a little larger and was retained in the Code, but as an appendix. The proposed Comprehensive Plan was larger still. City Attorney Petrov stated that if City Council looked at what other cities did, it could be seen that it was physically a little more difficult to incorporate the document within the Code itself.

Mayor Siegel asked if the Comprehensive Plan would still be adopted by ordinance.

City Attorney Petrov advised that it was certainly adopted by ordinance.

Mayor Siegel referred to City Staff’s recommendation.

City Manager Bernard M. Satterwhite, Jr., agreed that the issue should have been clearer as it came out from the Commission. The plan was a large document with many pictures and graphs, causing the document to be somewhat problematic to include into the Code. City Staff was merely presenting a recommendation to adopt the document as a standalone document. He believed that City Staff did have the right to make a recommendation.

City Attorney Petrov indicated that there would still be a section in Chapter 24, Planning and Zoning, of the Code called “Comprehensive Plan” that referenced the adoption of the document. This was the same thing the City did with other codes, such as the International Residential Code, National Electrical Code, etc. Those codes were large and adopted as part of the City Code, but were not reproduced verbatim within the City Code.

Mayor Siegel inquired as to whether there was a requirement that City Staff’s recommendation should have gone through a public hearing before the Commission first, before calling a public hearing at the City Council level. In other words, did City Council have the latitude to call a public hearing on a City department recommendation that had not been reviewed by the Commission?

City Attorney Petrov stated that City Council had the latitude to make the decision as to how the Comprehensive Plan would be incorporated within the City Code. The Commission could
certainly put that item on their next agenda and clarify whether or not they had feelings about it. The Commissioners could certainly come to the public hearing and talk as citizens as well.

**Mayor Pro Tem Peggy Faulk** asked if City Council could ask the Chair of the Commission, Bill Thorogood, to speak this evening.

**City Attorney Petrov** indicated that this evening’s action was whether or not to call a public hearing.

**Mayor Pro Tem Faulk** advised that her question was related to the method City Council was using to call the public hearing.

**City Attorney Petrov** stated that City Council could ask whether or not Chair Thorogood had an opinion as to whether or not the change should be considered.

**Mayor Pro Tem Faulk** indicated that the Commission had put a great deal of work into the Comprehensive Plan and she would like to hear the Chair’s opinion as to the change.

**City Attorney Petrov** noted that Ms. McBee had made a valid point from the audience that Chair Thorogood was speaking as one member of the Commission and obviously could not tell City Council the opinion of the body as a whole.

**Mayor Pro Tem Faulk** advised that the entire body was not present for her to ask their opinions.

**Chair Bill Thorogood, Planning and Zoning Commission of the City of Bellaire, Texas (Commission)**, advised that the Commission really did appreciate the support City Council had given the Commission to go ahead and proceed with and complete the Comprehensive Plan. The Commission had worked on the Comprehensive Plan for a year and the document was substantial in size (i.e., 96 pages). The Commission hoped that they had done the service City Council had asked them to do. Chair Thorogood advised that the Commission believed that they had provided the service requested.

As to the matter before City Council this evening, Chair Thorogood could only say that the Commission did not address the issue in terms of an agenda item. The Commission had not really looked at where the document would be located. There was some very light discussion related to whether or not the document should be located inside or outside of the City Code.
early in the process. However, essentially, the location of the document had not been discussed.

The focus of the Commission was really on the development of a new Comprehensive Plan. He was not aware of any differences in the management of the plan if it were within the City Code versus outside of the City Code.

**Mayor Siegel** inquired as to the date of the next Commission meeting.

**Chair Thorogood** stated that the Commission met on the second Tuesday of each month.

**Mayor Siegel** noted that the next meeting of the Commission would be on Tuesday, October 13, 2009. So, theoretically the Commission could address this issue and provide a recommendation to City Council prior to or by the public hearing date.

**City Clerk Tracy L. Dutton** advised that she would need to post and publish the notice of this particular public hearing prior to the Commission’s meeting in order to be able to hold the hearing on October 19, 2009.

**Mayor Siegel** agreed, but noted that Chair Thorogood would have a record of the Commission’s feelings and report on that at the public hearing.

**Councilman Will Hickman** thanked Chair Thorogood, the Commission, and Kendig Keast Collaborative for their good work on the Comprehensive Plan document. With all of that said, he noted that City Council liked to look at the document as well and consider making changes or offering amendments. He inquired of City Attorney Petrov whether the document could be brought back to City Council after the public hearing for amendments. He also inquired as to whether City Council should review the document, propose amendments, and then hold a public hearing.

**City Attorney Petrov** advised that either process outlined by Councilman Hickman could be done. What the City had to keep track of was whether substantial changes had been made by City Council to the existing document. If so, then at some point the changes could be so substantial as to require another public hearing in order for the public to have a fair opportunity to comment on those new changes.
City Attorney Petrov advised further that there would be citizens appear before City Council with comments that might not have, for whatever reason, appeared before the Commission.

**MOTION TO POSTPONE:**

A *motion* was made by Councilman Will **Hickman to postpone** consideration of this agenda item until City Council had an opportunity to make amendments and then set a public hearing on the plan, as amended by City Council.

**Mayor Siegel** asked for clarification from the City Attorney as to whether the document would need to go back to the Commission if it were substantially amended by City Council.

**City Attorney Petrov** advised that as he thought the mechanics through, the hearing was being called on the recommendation from the Commission, so it was not a document that City Council was creating and then calling a public hearing on.

So, City Council should have a public hearing first. The hearing should be reviewed in context of comments from the public. City Council might have to hold a second public hearing if changes were significant.

**Mayor Siegel** indicated that it appeared that there might be substantial changes recommended by City Council after the public hearing. She inquired as to whether the document then went back to the Commission.

**City Attorney Petrov** advised that City Council always had the latitude to send something back to the Commission for more input, but City Council would not have to do so.

**Mayor Siegel** asked for confirmation that City Council would need to call a second public hearing if significant changes were made and that the alternative path would be to send the document back to the Commission.

**City Attorney Petrov** advised that Mayor Siegel was correct.

**Councilman Hickman** stated that he would withdraw the motion to postpone and inquired as to whether City Council could have a Special Session with the Commission after the public hearing so that City Council could ask questions of them
as to specific aspects, such as height restrictions, lot coverage, etc.

**Mayor Siegel** advised that she was glad that Councilman Hickman had brought up his inquiry, noting that she had no problem with it. She indicated that in her agenda meeting with the City Manager and City Clerk, holding a Special Session with the Commission was a point of discussion. She, too, asked City Attorney Petrov if he saw any problem with that process.

**City Attorney Petrov** stated that the Commission had obviously spent a great deal of time on the document over the last several months and would be an excellent resource for City Council. Having attended their meetings, he knew that the Commission had very specific reasons for wording certain parts of the plan.

**Mayor Siegel** noted that City Council could either hold a Special Session or a Joint Workshop Session with the Commission, followed by a Special Session of City Council. She was open to any suggestions from City Council.

**Councilman Hickman** asked for confirmation that during a Joint Workshop Session City Council could work through issues, but would be unable to take any action.

**Mayor Siegel** advised that Councilman Hickman was correct.

**Councilman Hickman** advised that he would prefer to schedule a Special Session whereby City Council could take action.

**City Manager Satterwhite** agreed with Councilman Hickman.

**Councilman Phil Nauert** agreed with Councilman Hickman’s suggestion of a Special Session with the Commission following the public hearing.

**Mayor Siegel** asked Chair Thorogood if he could see any problem with scheduling a Special Session between the Commission and City Council.

**Chair Thorogood** advised that he felt certain that the Commission would be happy to do whatever City Council would ask. The Commission would appreciate the opportunity to work with City Council and respond to any questions City Council might have.
Mayor Pro Tem Faulk asked for confirmation that City Council could take action during a Special Session and that the Commission would also be present during that Special Session.

Mayor Siegel advised that Mayor Pro Tem Faulk was correct.

Mayor Pro Tem Faulk advised that she was very acceptable to a Special Session with the Commission following the public hearing.

Mayor Siegel stated that she would make sure that the Special Session was scheduled on an evening that would work for the Commission as well.

Chair Thorogood indicated that the Commission generally kept Tuesday nights open during the month, but could certainly work out another date that was most convenient for City Council.

Mayor Pro Tem Faulk asked if the ordinance to call a public hearing were approved this evening, if the Commission could still be asked to render an opinion on whether the Comprehensive Plan should be part of the City Code or outside of the City Code before the public hearing occurred.

Mayor Siegel inquired as to whether City Council could amend the ordinance calling the public hearing to add a statement that the Commission would consider the location of the Comprehensive Plan on their next agenda.

City Attorney Petrov stated that he doubted that the statement was needed, as he felt certain that the item requested by City Council would be placed on the Commission’s next agenda.

Councilman Pat McLaughlan advised that City Council was spending a great deal of time talking about whether or not the Comprehensive Plan document would be part of the City Code or a standalone document. The purpose of the Comprehensive Plan was to set a vision, plan, and goal for future land use within the City of Bellaire. He referred to the objective of the Comprehensive Plan and inquired as to what difference it made whether or not the Comprehensive Plan was adopted as part of the Code or as a standalone document.

City Attorney Petrov stated that the question was really whether or not the Comprehensive Plan was codified as part of the City Code or was a separate document referred to in the
City Code as the “separate document dated as of a certain date and kept with the City Clerk.”

Councilman McLaughlan asked what difference that made with respect to land use planning.

City Attorney Petrov advised that it did not make any difference with respect to land use planning. It still had the same effect. State law required that a city’s zoning ordinances be adopted in compliance with a Comprehensive Plan. The Comprehensive Plan would be the document that one would have to go to whenever any changes were made to the City’s zoning ordinances to ensure that those ordinances furthered the Comprehensive Plan.

Councilman McLaughlan inquired as to whether any greater weight or impact or importance would be given to the Comprehensive Plan based on where the document resided (i.e., inside or outside of the City Code).

City Attorney Petrov advised that it made no difference. He asked City Council to recall the lawsuit filed against the City over the Teas property. The Comprehensive Plan was contained as part of the City Code and was adopted by ordinance. The argument was made that certain provisions within the Comprehensive Plan were so specific that those provisions acted as regulations. This was simply not the law. The regulations were the zoning regulations that were adopted based on the Comprehensive Plan. The fact that it was in one place or the other did not add any additional weight to the document.

Councilman McLaughlan asked if he were correct in assuming that it was six one-way and one-half dozen the other way.

City Attorney Petrov advised that Councilman McLaughlan was correct.

Mayor Siegel asked City Council if a vote could be taken on the motion to call a public hearing at this point in the meeting.

VOTE ON MOTION TO ADOPT ORDINANCE CALLING PUBLIC HEARING:

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

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

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 09-062}

G. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Councilman Will Hickman and seconded by Councilman John Jeffery to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:05 p.m. on Monday, September 21, 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
City of Bellaire
City Council

Minutes of Meeting
Monday, September 21, 2009

Approved:

________________________________
Cynthia Siegel, Mayor
City of Bellaire, Texas