I. SPECIAL SESSION (OFFICIAL CANVASS) – 6:00 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 6:04 p.m. on Monday, November 16, 2009. The Bellaire City Council met at that time and on that date in Special Session for the purpose of conducting an Official Canvass of the General Election and the Special Election to Fill a Vacancy held in the City of Bellaire, Texas, on November 3, 2009. The Special Session (Official Canvass) was held 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., City Attorney Alan P. Petrov, and City Clerk Tracy L. Dutton.

B. OFFICIAL CANVASS:

1. TABULATION of the total number of votes received in each precinct (128, 182, 214, 215, and 268) and the sum of the precinct totals cast in the City of Bellaire, Texas, General Election held on the 3rd day of November, 2009, for the purpose of electing a Mayor, Councilman – Position No. 1, Councilman – Position No. 3, and Councilman – Position No. 5 (Texas Election Code, Sections 67.002 – 67.004) – Tabulation Read by City Clerk Tracy L. Dutton and City Manager Bernard M. Satterwhite, Jr.; Tabulation Prepared by the Harris County Clerk’s Office, Elections Division.

City Clerk Tracy L. Dutton and City Manager Bernard M. Satterwhite, Jr., read the tabulation of the total number of votes received in each precinct (128, 182, 214, 215, and 268)
and the sum of the precinct totals cast in the City of Bellaire, Texas, General Election held on the 3rd day of November, 2009, for the purpose of electing a Mayor, Councilman – Position No. 1, Councilman – Position No. 3, and Councilman – Position No. 5 as follows:

**Early Voting – General Election:**

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Election Day – General Election:

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Election Day – General Election:

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Election Day – General Election:

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It was noted that 634 votes were cast during early voting in the General Election and 2,550 votes were cast on Election Day in the General Election. A total number of 3,184 ballots were
cast during early voting and on Election Day in the General Election as follows:

**Mayor:**

- Cindy Siegel: 2,615
- Robert Riquelmy: 419

**Councilman – Position No. 1:**

- Will Hickman: 2,154

**Councilman Position No. 3:**

- Corbett Daniel Parker: 1,374
- Roseann Rogers: 784
- Marie Anstead: 240
- Richard E. Franke: 392

**Councilman Position No. 5:**

- Tina Blum Cohen: 348
- Andrew Friedberg: 1,330
- James B. Jameson: 991
- Johnnie P. Frazier: 145

2. **TABULATION** of the total number of votes received in each precinct (128, 182, 214, 215, and 268) and the sum of the precinct totals cast in the City of Bellaire, Texas, Special Election to Fill a Vacancy held on the 3rd day of November, 2009, for the purpose of electing a Councilman – Position No. 6 (Texas Election Code, Sections 67.002 – 67.004) – Tabulation Read by City Clerk Tracy L. Dutton and City Manager Bernard M. Satterwhite, Jr.; Tabulation Prepared by the Harris County Clerk’s Office, Elections Division.

City Clerk Tracy L. Dutton and City Manager Bernard M. Satterwhite, Jr., read the tabulation of the total number of votes received in each precinct (128, 182, 214, 215, and 268) and the sum of the precinct totals cast in the City of Bellaire, Texas, Special Election to Fill a Vacancy held on the 3rd day of November, 2009, for the purpose of electing a Councilman – Position No. 6 as follows:
Early Voting – Special Election to Fill a Vacancy:

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Election Day – Special Election to Fill a Vacancy:

<table>
<thead>
<tr>
<th>Candidate</th>
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<th>Number of Votes</th>
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<tr>
<td>Councilman – Pos. No. 6:</td>
<td></td>
<td></td>
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<tr>
<td>Jim Hotze</td>
<td>128</td>
<td>128</td>
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<td></td>
<td>182</td>
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Election Day – Special Election to Fill a Vacancy:

<table>
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<tr>
<th>Candidate</th>
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<tr>
<td>Councilman – Pos. No. 6: Mandy Nathan</td>
<td>128</td>
<td>290</td>
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<td>Councilman – Pos. No. 6: Scott Scheinthal</td>
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<td></td>
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<td>133</td>
</tr>
<tr>
<td>Total</td>
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</table>

It was noted that **634** votes were cast during early voting in the General Election and **2,550** votes were cast on Election Day in the Special Election to Fill a Vacancy. A total number of **3,184** ballots were cast during early voting and on Election Day in the Special Election to Fill a Vacancy as follows:

**Councilman – Position No. 6:**

- Jim Hotze: 609
- Mandy Nathan: 1,629
- Scott Scheinthal: 741

3. **CONSIDERATION** of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, canvassing the returns and declaring the results of a General Election held on the 3rd day of November, 2009, in the City of Bellaire, Texas, for the purpose of electing a Mayor, Councilman – Position No. 1, Councilman – Position No. 3, and Councilman – Position No. 5, and a Special Election to Fill a Vacancy held on the 3rd day of November, 2009, for the purpose of electing a Councilman – Position No. 6 – Item submitted by City Clerk Tracy L. Dutton.
MOTION TO ADOPT ORDINANCE:

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, canvassing the returns and declaring the results of a General Election held on the 3rd day of November, 2009, in the City of Bellaire, Texas, for the purpose of electing a Mayor, Councilman – Position No. 1, Councilman – Position No. 3, and Councilman – Position No. 5, and a Special Election to Fill a Vacancy held on the 3rd day of November, 2009, for the purpose of electing a Councilman – Position No. 6.

VOTE ON MOTION TO 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: 09-070}

C. CERTIFICATE OF ELECTION:

ISSUANCE of a Certificate of Election to each candidate elected to the office of Mayor, Councilman – Position No. 1, and Councilman – Position No. 6 – Mayor Cindy Siegel.

Mayor Cindy Siegel, as Presiding Officer of the Canvass, issued Certificates of Election as follows:

- Cindy Siegel – elected to office of Mayor for a two-year term commencing on January 4, 2010, and expiring on January 9, 2012;

- Will Hickman – elected to office of Councilman – Position No. 1 for a four-year term commencing on January 4, 2010, and expiring on January 6, 2014; and
• Mandy Nathan – elected to office of Councilman – Position No. 6 for a term commencing on November 16, 2009, and expiring on January 9, 2012.

D. CERTIFICATION OF RUNOFF CANDIDATES:

CERTIFICATION of Runoff Candidates issued by the Mayor of the City of Bellaire, Texas, to the City Clerk of the City of Bellaire, Texas, certifying as to the offices and names of candidates to be placed on the ballot for the runoff election for the City of Bellaire, Texas, to be held on Saturday, December 12, 2009 – Mayor Cindy Siegel.

Mayor Cindy Siegel issued a “Certification of Runoff Candidates” to the City Clerk of the City of Bellaire, Texas, certifying that the following offices and names of candidates would be placed on the ballot for the runoff election for the City of Bellaire, Texas, to be held on Saturday, December 12, 2009:

Councilman – Position No. 3:

Corbett Daniel Parker
Roseann Rogers

Councilman – Position No. 5:

Andrew Friedberg
James B. Jameson

E. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Councilman John Jeffery and seconded by Councilman Pat McLaughlan to adjourn the Special Session (Official Canvass) of the City Council of the City of Bellaire, Texas, at 6:18 p.m. on Monday, November 16, 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
FOR (CONT.): McLaughlan, Pat
        Jeffery, John

OPPOSED: None

ABSENT: None

II. 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, November 16, 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., City Attorney Alan P. Petrov, and City Clerk Tracy L. Dutton.

B. INSPIRATIONAL READING AND/OR INVOCATION – Councilman James P. Avioli, Sr.

Councilman James P. Avioli, Sr., provided the inspirational reading for the evening.

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

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

Councilman James P. Avioli, Sr., led the audience and City Council in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.
D. SPECIAL RECOGNITION:

RECOGNITION of outgoing member John Jeffery for his dedication, exemplary performance, and commendable years of service on the Bellaire City Council.

John Jeffery, as of November 16, 2009, will have served the City of Bellaire, Texas, in the office of Councilman – Position No. 6 for one full term and one partial term as follows:

- January 2004 through January 2008; and
- January 2008 through November 2009.

Presentation to be made by City Manager Bernard M. Satterwhite, Jr., on behalf of the City of Bellaire, Texas.

Mayor Cindy Siegel recognized Councilman John Jeffery for all of his hard work and referred to his very first major vote as a member of City Council. Councilman Jeffery was the lone vote to outsource the City’s garbage collection. This was an intense issue and not one that was easy to take a stand on. Councilman Jeffery voted on what he thought was right for the community. He was a man of integrity and values. Mayor Siegel presented Councilman Jeffery with a memento of that vote—a miniature garbage truck complete with the City logo, yellow caution lights, and a backup noise indicator.

City Manager Bernard M. Satterwhite, Jr., next presented Councilman John Jeffery with some parting gifts on behalf of the City Council and City of Bellaire (i.e., flag flown over the Texas House of Representatives and authenticated with a certificate and a crystal and brass clock).

Councilman John Jeffery took this opportunity to state a few words. He indicated that it had been a pleasure serving the community and thanked the citizens for giving him that opportunity. He also thanked the City Staff, noting how incredible the team of City Staff was. He closed by stating that it was a pleasure to know each of the members of City Council, noting that each was diligent on behalf of the citizens.

E. INSTALLATION OF NEW CITY COUNCIL MEMBER:

1. STATEMENT OF ELECTED OFFICER – sworn to before Municipal Court Associate Judge Jerel S. Twyman by the candidate elected to the office of Councilman – Position No. 6 for the City of Bellaire, Texas, as determined by the results of the official canvass – Item submitted by City Clerk Tracy L. Dutton; Statement of Elected Officer
Municipal Court Associate Judge Jerel S. Twyman issued the Statement of Elected Officer to newly elected Councilman – Position No. 6 – Mandy Nathan.

2. OATH OF OFFICE – sworn to before Municipal Court Presiding Judge Lisa A. Wesely by the candidate elected to the office of Councilman – Position No. 6 for the City of Bellaire, Texas, as determined by the results of the official canvass – Item submitted by City Clerk Tracy L. Dutton; Oath of Office issued by Municipal Court Presiding Judge Lisa A. Wesely.

The Oath of Office was sworn to before Municipal Court Presiding Judge Lisa A. Wesely by newly elected Councilman – Position No. 6 – Mandy Nathan.

F. PERSONAL/AUDIENCE COMMENTS.

Robert Riquelmy, 506 Winslow Lane, Bellaire, Texas:

Mr. Riquelmy addressed City Council and referred to a question he and other candidates were asked during the campaign related to racial profiling and whether racial profiling played a role in a police shooting that had occurred in Bellaire. He indicated that he believed that the Police Department staffing, need for training and retraining, need for psychological training, and high turnover were related to City Hall management’s concern over other matters and continuous demands for ever lower taxes.

Johnnie Frazier, 4721 Jessamine Street, Bellaire, Texas:

Ms. Frazier addressed City Council regarding recent burglaries and robberies that had occurred in the neighborhoods (i.e., specifically on Vivian, Dorothy, Holt, Maple, Englewood, and Willow Streets). The incidents were described in detail via an email she received from friends. She noted that such emails provided instant communication to citizens. She urged the City to develop a community list serve to disperse such information of concern to the citizens of Bellaire for their safety.
Leora Nowitz, 4516 Teas Street, Bellaire, Texas:

Ms. Nowitz addressed City Council regarding an item that had been placed on City Council’s agenda related to a direction for the Bellaire Planning and Zoning Commission to review the Bellaire Boulevard Estate Overlay District (“District”). It was noted that this District had been created after ten years of citizen input. Ms. Nowitz urged City Council to uphold the District as many residents had invested millions in their large homes on large lots along Bellaire Boulevard. Ms. Nowitz advised that since the District was established, the properties in the District had tripled in value.

Gigi White, 4515 Bellaire Boulevard, Bellaire, Texas:

Ms. White addressed City Council regarding the Bellaire Boulevard Estate Overlay District (“District”), advising that she thought this issue had already been taken care of in the last Comprehensive Plan adopted by Bellaire. She advised that there was great demand for the large lots on Bellaire Boulevard. She indicated that she had spoken with several property owners on Bellaire Boulevard, one of which had not yet built his home. Both of these owners were adamantly opposed to any change in the zoning on Bellaire Boulevard. She closed by urging the Mayor and City Council to think long and hard about any change to the zoning in this District.

Brad White, 4515 Bellaire Boulevard, Bellaire, Texas:

Mr. White addressed City Council and advised that the purpose of the Bellaire Boulevard Estate Overlay District ("District") was to stimulate development along Bellaire Boulevard. A great deal of work, money, time, consulting, etc., was involved in developing the District. The District had been successful.

Mr. White urged City Council to be very careful with respect to any high-density development that might cause flooding for the existing properties in the District. The purpose of zoning, he noted, was to create a good community for all, not to maximize property values. He closed by encouraging City Council to resist the temptation to try to piecemeal zoning.
Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee addressed City Council and referred to height limits for buildings in Bellaire, which were set by ordinance in 1978. The height limits were set as a result of a citywide recall of City Council and zoning and density were on everyone’s mind at that time. The ordinance restricted height to 65 feet in the Office District, 33 feet in the LR-2 District, and six stories on all commercial buildings.

Ms. McBee indicated that if a bonus was applied and through a number or series of other considerations, a development in the CCD could receive approval for a maximum of ten stories. Ms. McBee pointed out that there was a definition in the Comprehensive Plan under consideration this evening that indicated that buildings could have a maximum of ten stories. It was important to note, however, that the default was six stories and she urged City Council to make that distinction.

Dottie Holm, 4205 Teas Street, Bellaire, Texas:

Ms. Holm addressed City Council and advised that she was in agreement with the existing Bellaire Boulevard Estate Overlay District (“District”). She indicated that she loved Bellaire Boulevard and enjoyed the large lots. She urged City Council to maintain the current District.

Roni Light, 4509 Teas Street, Bellaire, Texas:

Ms. Light addressed City Council and advised that lots of work had been done by good citizens on the Bellaire Boulevard Estate Overlay District (“District”). She could not understand why anyone would want to revisit the work that had already been done.

Mayor Cindy Siegel referred to a written comment from Joseph Nates, 4519 Bellaire Boulevard, Bellaire, Texas, that indicated that he shared all concerns regarding a change to the Bellaire Boulevard Estate Overlay District (“District”) and strongly opposed any changes to the District.
At the conclusion of the Personal/Audience Comments, Mayor Cindy Siegel advised that Councilman Pat McLaughlan had requested that the agenda item he placed on the agenda to direct the Bellaire Planning and Zoning Commission to review the Bellaire Boulevard Estate Overlay District be removed.

G. REPORT:

CITY MANAGER’S REPORT regarding residential safety (police activity report), public infrastructure/utilities (street and drainage projects update and Bellaire Recycles Day), cultural and recreational (Patrons for Bellaire Parks Wine and Tapas Event, Holiday in the Park, and Friends of the Bellaire Library book sale results), 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

It was noted that there were 44 Part I offenses in the month of October as compared to 36 last October. The norm was stated to be in the range of 34-45 per month; therefore, October 2009 was within the normal range. Two robberies occurred during the month of October—one of which occurred at the self-service car wash in the 4300 block of Beechnut Street and the other of which involved a male victim being approached in the 4400 block of Bellaire Boulevard and robbed of his vehicle. The vehicle was later recovered by the Houston Police Department after it was involved in a motor vehicle accident.

Eight residential burglaries occurred in the month of October. Several of the burglaries consisted of stolen items taken from open and unsecured garages. Other burglaries involved suspects entering homes through windows or doors by forced entry.

Public Infrastructure/Utilities

City Manager Satterwhite provided public infrastructure/utilities updates for the Rebuild Bellaire, Phase Two, Paving and Drainage Project, Traffic Signal Project, and Sidewalk Improvements Program Project.

Cultural and Recreational

Cultural and recreational events that had occurred or would be occurring within the next few weeks were noted as follows:
• Bellaire Recycles Day – Saturday, November 14 – very successful event hosted by the Bellaire Recycling Committee and Public Works Department;

• Patrons for Bellaire Parks Wine and Tapas Fundraising Event - Friday evening at 7:30 p.m. at the Neumann residence. Citizens were advised that tickets could be purchased on the City’s website or at the Parks & Recreation Department at a cost of $30 per person or $50 per couple; and

• Holiday in the Park – December 3rd – Great Lawn in Bellaire Town Square from 6:00 p.m. until 8:30 p.m. Tom Koch would be the Master of Ceremonies for the event.

### Upcoming Meetings/Events

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<tbody>
<tr>
<td>11/26/2009</td>
<td>All Day</td>
<td>Thanksgiving Holiday – Offices Closed</td>
</tr>
<tr>
<td>11/27/2009</td>
<td>All Day</td>
<td>Thanksgiving Holiday – Offices Closed</td>
</tr>
<tr>
<td>12/07/2009</td>
<td>7:00 p.m.</td>
<td>Regular Session</td>
</tr>
<tr>
<td>12/12/2009</td>
<td>7:00 a.m. to 7:00 p.m.</td>
<td>Runoff Election Day</td>
</tr>
<tr>
<td>12/21/2009</td>
<td>6:00 p.m.</td>
<td>Official Canvass for Runoff Election</td>
</tr>
<tr>
<td>12/21/2009</td>
<td>6:15 p.m.</td>
<td>Public Hearing – Specific Use Amendment and Permit</td>
</tr>
<tr>
<td>12/21/2009</td>
<td>7:00 p.m.</td>
<td>Regular Session</td>
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### Questions/Comments from City Council:

Members of City Council asked questions or provided comments related to the City Manager’s Report. Among the topics of discussion were flooding reported by a resident along Bellaire Boulevard and whether or not a drainage plan had been required for that construction; agreement with a comment made by Ms. Frazier during Personal/Audience Comments regarding the need for communication to residents regarding crime in the neighborhoods; and possibility of relocating traffic signal cabinets in areas that were less obtrusive or camouflaging them in some manner (i.e., landscaping, painting, etc.).

### MOTION TO ACCEPT REPORT INTO THE RECORD:

A motion was made by Councilman Pat McLaughlan and seconded by Councilman James P. Avioli, Sr., 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
     Nathan, Mandy

OPPOSED: None

ABSENT: None

H. CONSENT AGENDA – All items listed under the Consent Agenda are considered routine and are recommended for approval by a single motion of City Council, without discussion. If discussion is desired, any one or more members of City Council and/or the Mayor may request that an item be removed and considered separately.

Approval/Correction of Minutes

1. APPROVAL of the minutes of the Joint Special Session of the City Council of the City of Bellaire, Texas, and the Planning and Zoning Commission of the City of Bellaire, Texas, held Monday, October 26, 2009 – Item submitted by City Clerk Tracy L. Dutton.

2. APPROVAL of minutes of the Joint Special Session of the City Council of the City of Bellaire, Texas, and the Planning and Zoning Commission of the City of Bellaire, Texas, held Tuesday, October 27, 2009 – Item submitted by City Clerk Tracy L. Dutton.

Agreements and Contracts

3. CONSIDERATION of and possible action on a recommendation from the Bellaire Parks & Recreation Department to make the final payment to D. L. Meacham, LP, for the Bellaire Town Square – Loftin Park Landscape Improvements Project, and 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 an Application for Payment #5 – Final from D. L. Meacham, LP, for said Bellaire Town Square –
Loftin Park Landscape Improvements Project, in an amount not to exceed $46,854.06 – Item submitted by Director of Parks & Recreation Jane L. Dembski.

4. CONSIDERATION of and possible action 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, and the Chief Financial Officer and City Attorney of the City of Bellaire, Texas, to countersign and approve as to form, respectively, an Interlocal Agreement with Harris County, Texas, for the purpose of receiving an appropriation in the amount of $50,000.00 from Harris County, Texas, to be used for the operation and maintenance of The Nature Discovery Center, Inc., at Russ Pitman Park, 7112 Newcastle Drive, Bellaire, Texas – Item submitted by City Clerk Tracy L. Dutton on behalf of Harris County, Texas.

Appointment

5. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Ordinance No. 08-079, previously adopted by the City Council of the City of Bellaire, Texas, appointing Tracy L. Dutton as City Clerk of the City of Bellaire, Texas, on December 15, 2008, and providing for the terms and provisions of such appointment, including the duties of the City Clerk, compensation, and payment of benefits for said City Clerk – Item submitted by City Clerk Tracy L. Dutton at the direction of City Council.

Call of Public Hearing

6. 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, December 21, 2009, at 6:15 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas, on an application and permit to construct and operate an Urgent Care Center to be located at 5300 Bellaire Boulevard (i.e., north side of Bellaire Boulevard west of Ferris Street) in the CCD-2 Zoning District in the City of Bellaire, Texas – Item submitted by John McDonald, Director of Community Development, on behalf of the Planning and Zoning Commission of the City of Bellaire, Texas.
Councilman Will Hickman requested separate consideration of Consent Agenda items 3 and 6. Councilman Phil Nauert requested separate consideration of Consent Agenda item 2.

MOTION TO APPROVE CONSENT AGENDA:

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman Phil Nauert to approve the Consent Agenda dated November 16, 2009, consisting of the following items:

- Minutes of the Joint Special Session of the City Council of the City of Bellaire, Texas, and the Planning and Zoning Commission of the City of Bellaire, Texas, held Monday, October 26, 2009;

- Ordinance authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, and the Chief Financial Officer and the City Attorney of the City of Bellaire, Texas, to countersign and approve as to form, respectively, an Interlocal Agreement with Harris County, Texas, for the purpose of receiving an appropriation in the amount of $50,000.00 from Harris County, Texas, to be used for the operation and maintenance of The Nature Discovery Center, Inc., at Russ Pitman Park, 7112 Newcastle Drive, Bellaire, Texas; and

- Ordinance amending Ordinance No. 08-079 previously adopted by the City Council of the City of Bellaire, Texas, appointing Tracy L. Dutton as City Clerk of the City of Bellaire, Texas, on December 15, 2008, and providing for the terms and provisions of such appointment, including the duties of the City Clerk, compensation, and payment of benefits for said City Clerk.

VOTE ON MOTION TO APPROVE CONSENT AGENDA:

Motion carried on a 6-0-1 vote as follows

FOR: Siegel, Cindy
Hickman, Will
Avioli, James P., Sr.
Faulk, Peggy
Nauert, Phil
McLaughlan, Pat
OPPOSED: None

ABSENT: None

ABSTAIN: Nathan, Mandy*

*Councilwoman Mandy Nathan abstained from voting on the Consent Agenda due to the fact that she was not a member of City Council when the Joint Special Session was held between City Council and the Planning and Zoning Commission on Monday, October 26, 2009.

{Ordinance was subsequently numbered: 09-073}

INDIVIDUAL CONSIDERATION OF CONSENT AGENDA

ITEM 2:

APPROVAL of minutes of the Joint Special Session of the City Council of the City of Bellaire, Texas, and the Planning and Zoning Commission of the City of Bellaire, Texas, held Tuesday, October 27, 2009 – Item submitted by City Clerk Tracy L. Dutton.

MOTION TO APPROVE MINUTES OF THE JOINT SPECIAL SESSION HELD ON OCTOBER 27, 2009:

A motion was made by Councilman Will Hickman and seconded by Councilman James P. Avioli, Sr., to approve the minutes of the Joint Special Session of the City Council of the City of Bellaire, Texas, and the Planning and Zoning Commission of the City of Bellaire, Texas, held Tuesday, October 27, 2009.

VOTE ON MOTION TO APPROVE MINUTES OF THE JOINT SPECIAL SESSION HELD ON OCTOBER 27, 2009:

Motion carried on a 5-0-2 vote as follows:

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

OPPOSED: None

ABSENT: None
ABSTAIN:  Nauert, Phil*
Nathan, Mandy*

*Councilman Phil Nauert abstained from voting on the minutes of the Joint Special Session of the City Council and the Planning and Zoning Commission held on October 27, 2009, due to his absence from that meeting. Councilwoman Mandy Nathan abstained from voting on the referenced minutes due to the fact that she was not a member of City Council when that Joint Special Session was held.

INDIVIDUAL CONSIDERATION OF CONSENT AGENDA
ITEM 3:

CONSIDERATION of and possible action on a recommendation from the Bellaire Parks & Recreation Department to make the final payment to D. L. Meacham, LP, for the Bellaire Town Square – Loftin Park Landscape Improvements Project, and 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 an Application for Payment #5 – Final from D. L. Meacham, LP, for said Bellaire Town Square – Loftin Park Landscape Improvements Project, in an amount not to exceed $46,854.06 – Item submitted by Director of Parks & Recreation Jane L. Dembski.

MOTION TO ADOPT ORDINANCE:

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman Will Hickman to approve a recommendation from the Bellaire Parks & Recreation Department to make the final payment to D. L. Meacham, LP, for the Bellaire Town Square Loftin Park Landscape Improvements Project, 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 an Application for Payment #5 – Final from D. L. Meacham, LP, for said Bellaire Town Square Loftin Park Landscape Improvements Project, in an amount not to exceed $46,854.00.

Discussion ensued among members of City Council regarding the Bellaire Town Square loftin Park Improvements Project. Councilman Will Hickman advised that when walking from the Bellaire Police Department to City Hall, he noted that all of the lights on poles in Bellaire Town Square were out. City Manager Bernard M. Satterwhite, Jr., indicated that the lights
Councilman Hickman referred to were old and the City was having difficulty trying to locate replacement bulbs.

**VOTE ON MOTION TO 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  
Nathan, Mandy

**OPPOSED:** None

**ABSENT:** None

{Ordinance was subsequently numbered: 09-071}

**INDIVIDUAL CONSIDERATION OF CONSENT AGENDA ITEM 6:**

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, December 21, 2009, at 6:15 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas, on an application and permit to construct and operate an Urgent Care Center to be located at 5300 Bellaire Boulevard (i.e., north side of Bellaire Boulevard west of Ferris Street) in the CCD-2 Zoning District in the City of Bellaire, Texas – Item submitted by John McDonald, Director of Community Development, on behalf of the Planning and Zoning Commission of the City of Bellaire, Texas.

**MOTION TO ADOPT ORDINANCE:**

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman Will Hickman 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, December 21, 2009, at 6:15 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas, on an application
and permit to construct and operate an Urgent Care Center to be located at 5300 Bellaire Boulevard (i.e., north side of Bellaire Boulevard west of Ferris Street) in the CCD-2 Zoning District in the City of Bellaire, Texas.

Discussion ensued among members of City Council regarding the exact location of the Urgent Care Center and the reason that it was necessary for the applicant to request a specific use amendment and permit. City Attorney Alan P. Petrov advised that the urgent care facility would be located in an existing strip center. If the request had been for a general retail facility, then a specific use amendment and permit would not be necessary. City Staff was asked to double-check the physical address for the specific use amendment and permit to ensure that the facility was located at 5300 Bellaire Boulevard.

VOTE ON MOTION TO 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
     Nathan, Mandy

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 09-074}

I. ADOPTION OF ORDINANCES AND RESOLUTIONS:

Rice Lift Station Improvements Project

1. PRESENTATION regarding recommended improvements to be made to the City of Bellaire Rice Lift Station 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 Letter of Agreement for Consulting Services with Klotz Associates, Inc., for construction administration and construction observation services for the Rice Lift Station Improvements Project in an amount not to exceed $63,298.00 – Presentation by Ralph Cox, P.E., Klotz
Associates, Inc.; Item submitted by Director of Public Works Joe Keene.

SUMMARY:

City Manager Bernard M. Satterwhite, Jr., advised City Council that the engineering design services work for the Rice Lift Station Improvements Project was awarded in May of 2009 and recently completed by Klotz Associates, Inc. At that time, the City opted not to award a contract for construction phase services because the City had hoped to receive some stimulus funding for the project. Although the City was a candidate for stimulus funding, the City would not be receiving any for this project. The construction phase services and project were budgeted and would be funded out of the Enterprise Fund Working Capital.

PRESENTATION:

Ralph Cox, P.E., Klotz Associates, Inc., made a brief presentation regarding the Rice Lift Station Improvements Project. He advised that the existing Rice Lift Station was 60 years old and was located under the pavement on South Rice Avenue. The engineering proposal recommended replacing the existing lift station with a new submersible lift station. The new lift station would be located in the right-of-way beneath the sidewalk at Evergreen Street and South Rice Avenue. Replacing the existing lift station with a submersible lift station would ensure that there were no confined space entry issues during maintenance of the lift station. There would be an impact on traffic for a period of time during construction of the new lift station (i.e., approximately six months). A few lanes of traffic would need to be closed along South Rice Avenue from Patrick Henry Street to Evergreen Street for the construction.

MOTION TO ACCEPT RECOMMENDATION AND ADOPT ORDINANCE:

A motion was made by Councilman Phil Nauert and seconded by Councilman Pat McLaughlan to accept recommended improvements to be made to the City of Bellaire Rice Lift Station 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 a Letter of Agreement for Consulting Services with Klotz Associates, Inc., for construction administration and construction observation services for the Rice Lift Station Improvements Project in an amount not to exceed $63,298.00.
DISCUSSION:

Discussion ensued among members of City Council and Ralph Cox regarding the project. Councilman Phil Nauert inquired as to what would occur with the existing lift station. Mr. Cox indicated that the equipment would be removed from the dry well and the existing tunnel would be filled with a grout-like material.

After noting that access grates would be installed at grade level for the new lift station, Councilman Nauert inquired as to possible vandalism. Mr. Cox advised that the grates would be constructed of stainless steel and would have recessed handles with locks. A key would be required to unlock the grates.

Councilman James P. Avioli, Sr., inquired as to the cost of the engineering services as compared to the total project cost and the total amount of time needed to complete the project. Mr. Cox indicated that the project would take approximately nine months, which included one and one-half months to bid, evaluate the bids received, and present a contract for construction to City Council. As to the cost of the engineering services, which was noted to be 49% for this project versus 32% for street reconstruction projects, Mr. Cox advised that there were a number of disciplines required for this type of project, such as civil construction, mechanical construction, instrument and control construction, and electrical construction. Councilman Avioli also inquired as to the number of hours on a weekly basis that Klotz Associates, Inc., would be required to spend on the project. Mr. Cox indicated that 24 hours would be the highest number of hours needed on a weekly basis.

Councilman Pat McLaughlan expressed a concern with filling the existing tunnel with a grout-like material. He asked what would occur if the City or another entity needed to install underground lines in the area where the tunnel currently existed. Mr. Cox advised that the fill could be drilled through or removed. Councilman McLaughlan also inquired as to the possibility of including electrical work in the project so that a movable, portable generator could be plugged in to support the lift station in the event of an emergency. Mr. Cox stated that the design did include a pigtail or large plug that a movable, portable generator could be plugged into.

Councilman Will Hickman inquired as to the funding for the project (i.e., bond funds or pay-as-you-go funds). City Manager Satterwhite advised that the City would use pay-as-you-go funds for the project. Councilman Hickman next asked
various questions regarding the construction technique and type of pump to be used for the project, as well as whether there would be any odors associated with the lift station. Mr. Cox indicated that the odors should not be any worse than those emitted from a manhole cover.

Mayor Cindy Siegel asked that the neighborhood be notified of the construction and any impacts that the neighbors might experience. City Manager Satterwhite advised that all neighbors in the area that would be directly impacted would be notified.

**VOTE ON MOTION TO 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  
Nathan, Mandy

**OPPOSED:** None

**ABSENT:** None

{Ordinance was subsequently numbered: 09-075}

2. **Comprehensive Plan:**

   a. **CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, adopting a new Comprehensive Plan for the City of Bellaire, Texas, as proposed by the Planning and Zoning Commission of the City of Bellaire, Texas, and amended by the City Council of the City of Bellaire, Texas, in Joint Special Sessions held on October 26, 2009, and October 27, 2009 – Presentation of amended Comprehensive Plan by Gary Mitchell, Vice President, Kendig Keast Collaborative; Item submitted by City Clerk Tracy L. Dutton at the direction of the Bellaire City Council.**
MOTION TO ADOPT NEW COMPREHENSIVE PLAN:

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman Pat McLaughlan to adopt an ordinance of the City Council of the City of Bellaire, Texas, adopting a new Comprehensive Plan for the City of Bellaire, Texas, as proposed by the Planning and Zoning Commission of the City of Bellaire, Texas, and amended by the City Council of the City of Bellaire, Texas, in Joint Special Sessions held on October 26, 2009, and October 27, 2009.

DISCUSSION ON MOTION:

Discussion ensued among members of City Council, Gary Mitchell of Kendig Keast Collaborative, and Community Development Director John McDonald regarding the revised Comprehensive Plan. The first item of concern expressed related to the maximum height restriction for buildings. Community Development Director McDonald indicated that the maximum height, in general, was six stories. Under certain circumstances, the maximum height of a building could be ten stories. Councilman Pat McLaughlan expressed concern over artificially limiting the height of buildings, noting that a fifteen-story building in the area near the Transit Center might be desirable. He suggested letting future Planning and Zoning Commissions and City Councils decide what height was good for the community in future years.

AMENDMENT (NO. 1) TO MOTION TO ADOPT NEW COMPREHENSIVE PLAN:

An amendment (no. 1) was made by Councilman Will Hickman and seconded by Councilman Pat McLaughlan to remove the definitions for high-rise building and mid-rise building from pages G.3 and G.4 of the Comprehensive Plan Glossary.

DISCUSSION ON AMENDMENT (NO. 1):

Councilwoman Mandy Nathan noted that there were references throughout the Comprehensive Plan document regarding “mid-rise” and “high-rise” buildings and inquired as to whether City Council desired to remove those references as well. It was noted that the intent of the amendment was to remove the definitions for those terms, but not the references.
VOTE ON AMENDMENT (NO. 1) TO MOTION TO ADOPT NEW COMPREHENSIVE PLAN:

Amendment No. 1 *carried* on a 6-1 vote as follows:

**FOR:** Siegel, Cindy  
Hickman, Will  
Fauk, Peggy  
Nauert, Phil  
McLaughlan, Pat  
Nathan, Mandy

**OPPOSED:** Avioli, James P., Sr.

**ABSENT:** None

DISCUSSION ON ORIGINAL MOTION, AS AMENDED:

Discussion continued among members of City Council and Gary Mitchell of Kendig Keast Collaborative regarding height limits for buildings. The possibility of a developer obtaining a planned development amendment and constructing a ten-story building in the City Center Zoning District was noted, as were current zoning restrictions for the Research, Development, and Distribution Zoning District of a six-story building. Mayor Cindy Siegel noted that it was the desire of many residents for Bellaire’s downtown area to reflect the surrounding residential area with respect to height limits.

Councilman James P. Avioli, Sr., inquired as to whether members of City Council felt comfortable moving forward with a vote on the Comprehensive Plan this evening. The majority of members indicated that they had a comfort level with the revised Comprehensive Plan and were ready to move forward with a vote on it.

AMENDMENT (NO. 2) TO MOTION TO ADOPT NEW COMPREHENSIVE PLAN:

An *amendment (no. 2) was made by* Councilwoman Mandy Nathan and *seconded by* Mayor Cindy Siegel to remove the reference to “apartments” from Chapter 2, page 2.7, Goal 2.2, Consideration #4, of the Comprehensive Plan.
Councilman Will Hickman asked Councilwoman Mandy Nathan to accept a friendly amendment to her amendment, which would include the removal of the term “apartments” from the glossary of the Comprehensive Plan. Councilwoman Nathan agreed to the friendly amendment.

Councilman Will Hickman next asked Councilwoman Mandy Nathan if she would accept a friendly amendment to remove the reference to “condominiums” as such reference appeared throughout the Comprehensive Plan document. Councilwoman Nathan declined the second friendly amendment.

DISCUSSION ON AMENDMENT (NO. 2) TO MOTION TO ADOPT NEW COMPREHENSIVE PLAN, AS AMENDED:

Mayor Pro Tem Peggy Faulk advised that she could not support the amendment to remove the references to “apartments” from the Comprehensive Plan. Councilman Pat McLaughlan advised that he, too, could not support the removal of references to “apartments” from the Comprehensive Plan. He noted that there were no particular issues with respect to apartments in Bellaire currently. Additionally, he noted that the primary residential structure in and around transit-oriented developments were apartments. With the plans by the Metropolitan Transit Authority of Harris County, Texas, to construct a light rail station in or near Bellaire, such a development would be desirable in certain areas of Bellaire.

Councilman Will Hickman raised a point of order noting that this amendment had been considered and voted on in a previous City Council meeting. City Attorney Alan P. Petrov advised that the amendment could be considered this evening since there was a new member on City Council (i.e., Councilwoman Mandy Nathan), thus constituting a new City Council.

MOTION TO CLOSE DEBATE:

A motion was made by Councilman Will Hickman to close debate on Amendment (No. 2) to the motion to adopt a new Comprehensive Plan, as amended. Mayor Pro Tem Peggy Faulk seconded the motion.
VOTE ON MOTION TO CLOSE DEBATE:

Motion carried on a 6-1 vote as follows:

FOR: Siegel, Cindy
     Hickman, Will
     Avioli, James P., Sr.
     Faulk, Peggy
     Nauert, Phil
     Nathan, Mandy

OPPOSED: McLaughlan, Pat

ABSENT: None

VOTE ON AMENDMENT (NO. 2) TO MOTION TO ADOPT NEW COMPREHENSIVE PLAN, AS AMENDED:

{To remove the reference to “apartments” from Chapter 2, page 2.7, Goal 2.2, Consideration #4, and the glossary of the Comprehensive Plan}

Motion failed on a 3-4 vote as follows:

FOR: Siegel, Cindy
     Nauert, Phil
     Nathan, Mandy

OPPOSED: Hickman, Will
          Avioli, James P., Sr.
          Faulk, Peggy
          McLaughlan, Pat

ABSENT: None

VOTE ON MOTION TO ADOPT NEW COMPREHENSIVE PLAN, AS AMENDED BY AMENDMENT (NO. 1):

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
b. CONSIDERATION of and possible action on a recommendation from the Planning and Zoning Commission of the City of Bellaire, Texas, to adopt an ordinance amending Chapter 24, Planning and Zoning, Appendix A, Comprehensive Plan, and Section 24-104, Comprehensive Plan, of the Code of Ordinances of the City of Bellaire, Texas, by repealing Appendix A, Comprehensive Plan, and adding a new Subsection D to Section 24-104, for the purpose of providing information as to the location of the newly adopted Comprehensive Plan for the City of Bellaire, Texas.

MOTION TO ADOPT ORDINANCE:

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman Pat McLaughlan to accept a recommendation from the Planning and Zoning Commission of the City of Bellaire, Texas, to adopt an ordinance amending Chapter 24, Planning and Zoning, Appendix A, Comprehensive Plan, and Section 24-104, Comprehensive Plan of the Code of Ordinances of the City of Bellaire, Texas, by repealing Appendix A, Comprehensive Plan, and adding a new Subsection D to Section 24-104, for the purpose of providing information as to the location of the newly adopted Comprehensive Plan for the City of Bellaire, Texas.

VOTE ON MOTION TO ADOPT ORDINANCE:

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

FOR:

Siegel, Cindy
Hickman, Will
Avoli, James P., Sr.
Faulk, Peggy
Nauert, Phil
McLaughlan, Pat
Nathan, Mandy

OPPOSED: None

ABSENT: None
Agreements and Contracts

3. CONSIDERATION of and possible action on a recommendation from the Department of Facilities Management to approve the Guaranteed Maximum Price Proposal as submitted by Gilbane Building Company based on the construction documents prepared by Pierce Goodwin Alexander & Linville (PGAL) for the construction of a new Bellaire Fire Station in a base amount of $4,119,819.00 and consideration of two add alternate proposals valued at $158,249.00 and 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 the Guaranteed Maximum Price Proposal evidencing the City of Bellaire's acceptance, as Owner, of the recommended Guaranteed Maximum Price in an amount not to exceed $4,278,068.00 (base amount plus add alternates) – Item submitted by Facilities Management Director Karl Miller.

SUMMARY:

Facilities Management Director Karl Miller provided City Council with a brief summary of the agenda item before them regarding a request for approval of a Guaranteed Maximum Price Proposal for the construction of a new Bellaire Fire Station.

It was noted that the original Guaranteed Maximum Price (GMP) was approximately $3.9 million. In order to ensure that several furniture, fixtures, and equipment items were installed in a timely manner, City Staff had recommended adding those items to the GMP ($186,245), resulting in a GMP of $4,119,819.00. The furniture, fixtures, and equipment to be added included a gear locker, emergency generator, communications cabling, and security and fire systems. Director Miller noted that additional furniture, fixtures, and equipment necessary for the operation of the new fire station would be addressed at a separate time and that said furniture, fixtures, and equipment were not part of the GMP.

Director Miller next referred to a request from City Staff to add two add alternates to the GMP. The first add alternate related to installation of concrete unit pavers for the pathway leading to the doors in lieu of crushed granite. It was noted that the concrete unit pavers were more aesthetically pleasing and
would result in less maintenance than the crushed granite (i.e., over time the crushed granite would have to be replenished). The additional cost for concrete unit pavers was noted to be $30,000.00.

The second add alternate to the GMP would provide additional storm drainage for the site. The cost for the additional storm drainage was noted to be $128,249.00. As designed, the facility met the City’s Code requirements; however, City Council had asked City Staff to investigate the cost to provide additional drainage for the site. The additional storm drainage would increase the amount of underground detention to 400 linear feet.

In summary, Director Miller advised that the GMP, if both add alternates were added, would be $4,278,068.00. If the GMP were approved by City Council this evening, Gilbane Building Company could get started. Demolition of the existing fire station was targeted for one week from today or on Saturday, November 28th.

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

A motion was made by Councilman James P. Avioli, Sr., and seconded by Councilman Will Hickman to approve a recommendation from the Department of Facilities Management to approve the Guaranteed Maximum Price Proposal as submitted by Gilbane Building Company based on the construction documents prepared by Pierce Goodwin Alexander & Linville (PGAL) for the construction of a new Bellaire Fire Station in a base amount of $4,119,819.00, two add alternate proposals valued at $158,249.00, 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 Guaranteed Maximum Price Proposal evidencing the City of Bellaire’s acceptance, as Owner, of the recommended Guaranteed Maximum Price in an amount not to exceed $4,278,068.00 (base amount plus add alternates).

**DISCUSSION ON MOTION:**

Discussion ensued among members of City Council, Facilities Management Director Karl Miller, and Jeff Gerber of PGAL regarding the recommended add alternates (i.e., concrete pavers and additional storm drainage). Councilman Phil Nauert expressed concern that the GMP had not been approved and
City Staff was recommending that items be added to the project. He admitted that crushed granite was not necessarily a good surface to walk on after a rain; however, concrete pavers would add impervious cover resulting in possible drainage issues.

After the discussion ended, Councilman Will Hickman withdrew his second to the motion.

**MOTION TO APPROVE A PORTION OF THE RECOMMENDATION AND TO ADOPT ORDINANCE:**

A motion was made by Councilman Will Hickman and seconded by Councilman Phil Nauert to approve a portion of the recommendation from the Department of Facilities Management by approving the Guaranteed Maximum Price Proposal as submitted by Gilbane Building Company based on the construction documents prepared by Pierce Goodwin Alexander & Linville (PGAL) for the construction of a new Bellaire Fire Station in a base amount of $4,119,819.00 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 Guaranteed Maximum Price Proposal evidencing the City of Bellaire’s acceptance, as Owner, of the recommended Guaranteed Maximum Price in an amount not to exceed $4,119,819.00.

**DISCUSSION ON MOTION:**

Discussion ensued among members of City Council, Director of Facilities Management Karl Miller, City Manager Bernard M. Satterwhite, Jr., and Jeff Gerber of PGAL regarding the GMP proposal. Discussion included the specific items that made up the GMP. It was noted that artwork was not included in the GMP and that the masonry finish consisted of cast stone for the base of the building and brick above that.

**AMENDMENT (NO. 1) TO MOTION TO APPROVE A PORTION OF THE RECOMMENDATION AND TO ADOPT ORDINANCE:**

An amendment (no. 1) was made by Councilman James P. Avioli, Sr., and seconded by Councilwoman Mandy Nathan to approve and add one of the add alternates to provide additional storm drainage for the site in the amount of $128,249.00 to the GMP.
DISCUSSION ON AMENDMENT (NO. 1) TO MOTION TO APPROVE A PORTION OF THE RECOMMENDATION AND TO ADOPT ORDINANCE:

Discussion ensued among members of City Council regarding the amendment to approve an add alternate for additional storm drainage for the site. Councilman Will Hickman and Councilman Phil Nauert advised that they could not support the amendment because the facility had been designed to meet the detention required by the City’s zoning laws. Councilman Pat McLaughlan urged City Council to support the amendment, as the facility did not meet the City’s “no net fill” requirement for residential construction and the additional storm drainage would ensure that the City was not expanding the floodplain.

When asked for clarification, City Attorney Alan P. Petrov advised that, as stated by Councilman McLaughlan, the “no net fill” requirements related to residential lots only. The City had different standards for commercial and industrial lots. He added that the commercial standards were stronger in terms of drainage requirements.

VOTE ON AMENDMENT (NO. 1) TO MOTION TO APPROVE A PORTION OF THE RECOMMENDATION AND TO ADOPT ORDINANCE:

Amendment (No. 1) carried on a 4-3 vote as follows:

FOR: Siegel, Cindy
      Avioli, James P., Sr.
      McLaughlan, Pat
      Nathan, Mandy

OPPOSED: Hickman, Will
         Faulk, Peggy
         Nauert, Phil

ABSENT: None

DISCUSSION ON ORIGINAL MOTION, AS AMENDED:

Councilman Pat McLaughlan indicated that he was supportive of the Bellaire Fire Department and the construction of a new fire station. However, he was opposed to the excessive size and cost of the building as proposed. In his opinion, this expenditure could not be supported in uncertain financial times.
MOTION TO CLOSE DEBATE:

Mayor Pro Tem Peggy Faulk made a motion to close debate on the original motion, as amended. Councilman Will Hickman seconded the motion to close debate.

VOTE ON MOTION TO CLOSE DEBATE:

Motion carried on a 6-1 vote as follows:

FOR: Siegel, Cindy
      Hickman, Will
      Avioli, James P., Sr.
      Faulk, Peggy
      Nauert, Phil
      Nathan, Mandy

OPPOSED: McLaughlan, Pat

ABSENT: None

VOTE ON ORIGINAL MOTION, AS AMENDED:

The original motion, as amended, carried on a 6-1 vote as follows:

FOR: Siegel, Cindy
      Hickman, Will
      Avioli, James P., Sr.
      Faulk, Peggy
      Nauert, Phil
      Nathan, Mandy

OPPOSED: McLaughlan, Pat

ABSENT: None

{Ordinance was subsequently numbered: 09-078}

4. CONSIDERATION of and possible action on a recommendation from the Department of Facilities Management to accept a Proposal from Structura Design and Construction, an authorized contractor through the Harris County Department of Education, Choice Facilities Partners Cooperative Purchasing Program, for the purpose of providing any and all construction services necessary for the Evergreen Park Pool Bathhouse Repair Project in an amount not to exceed the base amount of
$75,658.00, a contingency in the amount of $3,000.00, and add alternate improvements in the amount of $5,700.00, 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, for and on behalf of the City of Bellaire, Texas, a *Standard Form of Agreement* with Structura Design and Construction for said improvements in an amount not to exceed $84,358.00 (base amount plus contingency plus add alternates) – *Item submitted by Facilities Management Director Karl Miller and Director of Parks & Recreation Jane L. Dembski.*

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

A motion was made by Councilman James P. Avioli, Sr., and seconded jointly by Mayor Pro Tem Peggy Faulk and Councilman Pat McLaughlan to approve a recommendation from the Department of Facilities Management to accept a Proposal from Structura Design and Construction, an authorized contractor through the Harris County Department of Education, Choice Facilities Partners Cooperative Purchasing Program, for the purpose of providing any and all construction services necessary for the Evergreen Park Pool Bathhouse Repair Project in an amount not to exceed the base amount of $75,658.00, a contingency in the amount of $3,000.00, and add alternate improvements in the amount of $5,700.00, and to adopt 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, for and on behalf of the City of Bellaire, Texas, a *Standard Form of Agreement* with Structura Design and Construction for said improvements in an amount not to exceed $84,358.00 (base amount plus contingency plus add alternates).

**DISCUSSION ON MOTION:**

Discussion ensued among members of City Council, Director of Facilities Management Karl Miller, and City Manager Bernard M. Satterwhite, Jr., regarding the project to repair the Evergreen Park Pool Bathhouse. Councilman Will Hickman inquired as to the source of funding for the project. After receiving an answer from City Manager Satterwhite that the project would require a budget amendment to use fund balance reserves from the
Capital Improvement Program Fund, Councilman Hickman advised that he could not support the motion. He advised that there were other needs in the City that had been declined or deferred. He noted, also, that when he had suggested lowering the tax rate, he had been told that the City’s reserves were too low and were needed for future projects.

**MOTION TO POSTPONE:**

Councilman Will Hickman made a motion to postpone action on the proposal presented by the Department of Facilities Management to repair the Evergreen Park Pool Bathhouse and to direct City Staff to adopt this project as part of the State Energy Conservation Office (SECO) program.

Motion to postpone failed due to the lack of a second.

**DISCUSSION ON ORIGINAL MOTION:**

Councilman James P. Avioli, Sr., advised that he was struggling to understand why this project would not receive unanimous support. Many citizens had appeared before City Council to let them know of the needs at the Evergreen Park Pool Bathhouse. Those with physical disabilities were unable to use the bathhouse or even get a drink of water from the water fountain.

Mayor Pro Tem Peggy Faulk expressed her support for the project, noting that citizen usage of the Evergreen Park Pool Bathhouse was high. The existing facility was despicable by Bellaire’s standards.

Councilman Phil Nauert expressed his support for the facility, noting that it was important to have a bathhouse that was both functional and barrier free. He indicated that the City Council had just authorized an expenditure of $128,000 for storm drainage that the City might not need. The Evergreen Park Pool Bathhouse needed the recommended repairs.

Councilwoman Mandy Nathan added her support to the project. Having previously been a member of the Parks & Recreation Advisory Board, she noted that repairs to the facility had been recommended in the 2001 Master Plan. The Evergreen Park Pool Bathhouse had languished for more years than had been planned by the Parks & Recreation Advisory Board and the City. This project was long overdue.
VOTE ON ORIGINAL MOTION:

Motion carried on a 6-1 vote as follows:

FOR: Siegel, Cindy  
Avioli, James P., Sr.  
Faulk, Peggy  
Nauert, Phil  
McLaughlan, Pat  
Nathan, Mandy

OPPOSED: Hickman, Will

ABSENT: None

{Ordinance was subsequently numbered: 09-079}

5. Runoff Election for the City of Bellaire, Texas:

a. ISSUANCE of an “Order of Election” ordering a Runoff Election to be held on Saturday, December 12, 2009, in Bellaire, Harris County, Texas, for the purpose of electing a Councilman – Position No. 3 and Councilman – Position No. 5 – Mayor Cindy Siegel.

Mayor Cindy Siegel advised that she had issued an “Order of Election” for the purpose of ordering a Runoff Election to be held on Saturday, December 12, 2009, in Bellaire, Harris County, Texas, for the purpose of electing a Councilman – Position No. 3 and Councilman – Position No. 5.

No action was required by the Bellaire City Council.

b. CONSIDERATION of and possible action 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, and the City Manager and the City Attorney of the City of Bellaire, Texas, to countersign and approve as to form, respectively, an Agreement between Harris County and City of Houston and City of Bellaire and Houston Independent School District, Relating to Joint Runoff Elections to be Held December 12, 2009 – Item submitted by City Clerk Tracy L. Dutton.
MOTION TO ADOPT ORDINANCE:

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman Pat McLaughlan 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, and the City Manager and the City Attorney of the City of Bellaire, Texas, to countersign and approve as to form, respectively, an Agreement between Harris County and City of Houston and City of Bellaire and Houston Independent School District, Relating to Joint Runoff Elections to be Held December 12, 2009.

SUMMARY:

Mayor Cindy Siegel advised that the cost to Bellaire of the Joint Runoff Election would be $20,444.00.

VOTE ON MOTION TO 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
      Nathan, Mandy

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 09-080}

6. Emergency Management

a. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 11, Emergency Management, of the Code of Ordinances of the City of Bellaire, Texas ("Code"), by repealing the existing Section 11-3, Harris County Emergency Management Council, and
adding a new Section 11-3, entitled Inter-Jurisdictional Program, for the purpose of updating the terminology set forth in the City’s Code to match that used by Harris County, Texas – Item submitted by City Clerk Tracy L. Dutton on behalf of Fire Chief Darryl Anderson.

**MOTION TO ADOPT ORDINANCE:**

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman Will Hickman to adopt an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 11, Emergency Management, of the Code of Ordinances of the City of Bellaire, Texas ("Code"), by repealing the existing Section 11-3, Harris County Emergency Management Council, and adding a new Section 11-3, entitled Inter-Jurisdictional Program, for the purpose of updating the terminology set forth in the City’s Code to match that used by Harris County, Texas.

**VOTE ON MOTION TO 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
Nathan, Mandy

**OPPOSED:** None

**ABSENT:** None

{Ordinance was subsequently numbered: 09-081}

b. CONSIDERATION of and possible action on the adoption of a joint resolution by and between the City of Bellaire, Texas ("City"), and Harris County, Texas ("County"), establishing a Harris County Emergency Management organization consisting of officers of the City and County, together with applicable organized volunteer groups, for the purpose of sharing mitigation, preparedness,
response, and recovery phases of emergency management – Item submitted by Fire Chief Darryl Anderson.

**MOTION TO ADOPT JOINT RESOLUTION:**

A motion was made by Councilman Phil Nauert and seconded by Mayor Pro Tem Peggy Faulk to adopt a joint resolution by and between the City of Bellaire, Texas ("City"), and Harris County, Texas ("County"), establishing a Harris County Emergency Management organization consisting of officers of the City and County, together with applicable organized volunteer groups, for the purpose of sharing mitigation, preparedness, response, and recovery phases of emergency management.

**VOTE ON MOTION TO ADOPT JOINT RESOLUTION:**

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
Nathan, Mandy

**OPPOSED:** None

**ABSENT:** None

{Resolution was subsequently numbered: 09-12}

c. CONSIDERATION of and possible action 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, and the Chief Financial Officer of the City of Bellaire, Texas, to countersign an Interlocal Agreement by and between the City of Bellaire, Texas ("City"), and Harris County, Texas ("County"), for the purpose of providing mutual aid consistent with the mutual aid and emergency assistance plans developed by the City’s and County’s emergency management agencies and/or departments and approved by the
governing bodies of the City and County – Item submitted by Fire Chief Darryl Anderson.

**MOTION TO ADOPT ORDINANCE:**

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilwoman Mandy Nathan 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, and the Chief Financial Officer of the City of Bellaire, Texas, to countersign an Interlocal Agreement by and between the City of Bellaire, Texas ("City"), and Harris County, Texas ("County"), for the purpose of providing mutual aid consistent with the mutual aid and emergency assistance plans developed by the City’s and County’s emergency management agencies and/or departments and approved by the governing bodies of the City and County.

**DISCUSSION ON MOTION:**

Discussion ensued among members of City Council and City Manager Bernard M. Satterwhite, Jr., regarding the Interlocal Agreement with Harris County, Texas. Councilman Pat McLaughlan asked for confirmation that the emergency assistance would “flow” both ways. City Manager Satterwhite indicated that the assistance could “flow” both ways; however, the City normally handled its own emergency management situations and if assistance were needed from the County, the Interlocal Agreement would provide the necessary conduit to request such assistance. Councilman Will Hickman asked for confirmation that the City would not lose any of its independence. In other words, could the County shut off the City’s water mains without the City’s permission? City Manager Satterwhite indicated that the City would not lose any independence as a result of executing the Interlocal Agreement.

**VOTE ON MOTION TO ADOPT ORDINANCE:**

Motion carried unanimously on a 7-0 vote:

**FOR:** Siegel, Cindy
Hickman, Will
Avoli, James P., Sr.
FOR (CONT.):  Faulk, Peggy  
Nauert, Phil  
McLaughlan, Pat  
Nathan, Mandy  

OPPOSED:  None  
ABSENT:  None  

{Ordinance was subsequently numbered: 09-082}  

J. ITEM FOR INDIVIDUAL CONSIDERATION:  

CONSIDERATION of and possible action on a recommendation to direct the Planning and Zoning Commission of the City of Bellaire, Texas, to review the effectiveness and/or continued need for Section 24-546, Bellaire Boulevard Estate Overlay District (District), located in Chapter 24, Planning and Zoning, Article V, Zoning Regulations, Division 2, Zoning District Regulations, of the Code of Ordinances of the City of Bellaire, Texas, for that section of Bellaire Boulevard east of Newcastle Drive and to prepare a report and recommendation regarding said District to be presented to the Bellaire City Council for consideration – Item submitted by Councilman Pat McLaughlan.  

As noted earlier in the meeting, Mayor Cindy Siegel stated that Councilman Pat McLaughlan had asked that the above-referenced agenda item be removed from the agenda this evening.  

K. COMMUNITY INTEREST ITEMS FROM THE MAYOR AND CITY COUNCIL.  

[Note: Community interest items may include expressions of thanks, congratulations, or condolences; information regarding holiday schedules, honorary recognition of City officials, employees, or other citizens or entities; reminders of upcoming events sponsored by the City or another entity that is scheduled to be attended by a City official or City employee.]  

Items of community interest were expressed by Councilwoman Mandy Nathan (congratulated Recycling Committee for Bellaire Recycles Day); Councilman Pat McLaughlan (congratulated Bellaire City Library for their book sale, Recycling Committee for Bellaire Recycles Day, and newly elected Councilwoman Mandy Nathan); Councilman Phil Nauert (thanked outgoing Councilman John Jeffery for his service to the community and welcomed newly elected Councilwoman Mandy Nathan); Mayor Cindy Siegel (welcomed newly elected Councilwoman
Mandy Nathan and reminded everyone to vote during the Runoff Election, noting that early voting was from November 30, 2009, through December 8, 2009); Mayor Pro Tem Peggy Faulk (welcomed newly elected Councilwoman Mandy Nathan, thanked outgoing member John Jeffery, noting that he would be missed, and reminded everyone of the Patrons for Bellaire Parks event on Friday, November 20th, and the Firefighter and Police Football Event on December 5, 2009); Councilman James P. Avioli, Sr., (congratulated the Recycling Committee for Bellaire Recycles Day, Bellaire City Library on the book sale, and welcomed newly elected Councilwoman Mandy Nathan); and Councilman Will Hickman (thanked outgoing Councilman John Jeffery for his service and welcomed newly elected Councilwoman Mandy Nathan).

L. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Councilman Pat McLaughlan and seconded jointly by Councilwoman Mandy Nathan and Councilman James P. Avioli, Sr., to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 10:04 p.m. on Monday, November 16, 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  
Nathan, Mandy

OPPOSED:  None

ABSENT:  None

Respectfully submitted,

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

______________________________
Cynthia Siegel, Mayor
City of Bellaire, Texas