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 6:02 p.m. on Monday, December 21, 2009. The Bellaire City Council met at that time and on that date in Special Session in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401. The Special Session was held for the purpose of canvassing the returns and declaring the results of a Runoff Election held on December 12, 2009.

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
Councilwoman Mandy Nathan, 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, Runoff Election held on the 12th day of December, 2009, for the purpose of electing a 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.
Runoff Election held on the 12th day of December, 2009, for the purpose of electing a Councilman – Position No. 3 and Councilman – Position No. 5 as follows:

**Early Voting – Runoff Election:**

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Precinct</th>
<th>Number of Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Councilman – Pos. No. 3:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Corbett Daniel Parker</td>
<td>128</td>
<td>87</td>
</tr>
<tr>
<td></td>
<td>182</td>
<td>91</td>
</tr>
<tr>
<td></td>
<td>214</td>
<td>38</td>
</tr>
<tr>
<td></td>
<td>215</td>
<td>39</td>
</tr>
<tr>
<td></td>
<td>268</td>
<td>55</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>310</strong></td>
</tr>
<tr>
<td><strong>Councilman – Pos. No. 3:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Roseann Rogers</td>
<td>128</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>182</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>214</td>
<td>19</td>
</tr>
<tr>
<td></td>
<td>215</td>
<td>19</td>
</tr>
<tr>
<td></td>
<td>268</td>
<td>17</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>100</strong></td>
</tr>
<tr>
<td><strong>Councilman – Pos. No. 5:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Andrew Friedberg</td>
<td>128</td>
<td>64</td>
</tr>
<tr>
<td></td>
<td>182</td>
<td>59</td>
</tr>
<tr>
<td></td>
<td>214</td>
<td>32</td>
</tr>
<tr>
<td></td>
<td>215</td>
<td>28</td>
</tr>
<tr>
<td></td>
<td>268</td>
<td>38</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>221</strong></td>
</tr>
<tr>
<td><strong>Councilman – Pos. No. 5:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>James B. Jameson</td>
<td>128</td>
<td>46</td>
</tr>
<tr>
<td></td>
<td>182</td>
<td>60</td>
</tr>
<tr>
<td></td>
<td>214</td>
<td>24</td>
</tr>
<tr>
<td></td>
<td>215</td>
<td>30</td>
</tr>
<tr>
<td></td>
<td>268</td>
<td>34</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>194</strong></td>
</tr>
</tbody>
</table>

{Continued on next page}
Election Day – Runoff Election:

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Precinct</th>
<th>Number of Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Councilman – Pos. No. 3:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Corbett Daniel Parker</td>
<td>128</td>
<td>217</td>
</tr>
<tr>
<td></td>
<td>182</td>
<td>306</td>
</tr>
<tr>
<td></td>
<td>214</td>
<td>117</td>
</tr>
<tr>
<td></td>
<td>215</td>
<td>178</td>
</tr>
<tr>
<td></td>
<td>268</td>
<td>169</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>987</strong></td>
</tr>
<tr>
<td><strong>Councilman – Pos. No. 3:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Roseann Rogers</td>
<td>128</td>
<td>74</td>
</tr>
<tr>
<td></td>
<td>182</td>
<td>136</td>
</tr>
<tr>
<td></td>
<td>214</td>
<td>54</td>
</tr>
<tr>
<td></td>
<td>215</td>
<td>63</td>
</tr>
<tr>
<td></td>
<td>268</td>
<td>84</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>411</strong></td>
</tr>
<tr>
<td><strong>Councilman – Pos. No. 5:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Andrew Friedberg</td>
<td>128</td>
<td>159</td>
</tr>
<tr>
<td></td>
<td>182</td>
<td>205</td>
</tr>
<tr>
<td></td>
<td>214</td>
<td>97</td>
</tr>
<tr>
<td></td>
<td>215</td>
<td>138</td>
</tr>
<tr>
<td></td>
<td>268</td>
<td>151</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>750</strong></td>
</tr>
<tr>
<td><strong>Councilman – Pos. No. 5:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>James B. Jameson</td>
<td>128</td>
<td>138</td>
</tr>
<tr>
<td></td>
<td>182</td>
<td>243</td>
</tr>
<tr>
<td></td>
<td>214</td>
<td>74</td>
</tr>
<tr>
<td></td>
<td>215</td>
<td>103</td>
</tr>
<tr>
<td></td>
<td>268</td>
<td>118</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>676</strong></td>
</tr>
</tbody>
</table>

It was noted that 419 votes were cast during early voting in the Runoff Election and 1,444 votes were cast on Election Day in the Runoff Election. A total number of 1,863 ballots were cast during early voting and on Election Day in the Runoff Election as follows:

**Councilman – Position No. 3:**

Corbett Daniel Parker 1,297
Roseann Rogers 511
Councilman – Position No. 5:

Andrew Friedberg 971
James B. Jameson 870

2. 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 Runoff Election held on the 12th day of December, 2009, in the City of Bellaire, Texas, for the purpose of electing a Councilman – Position No. 3 and Councilman – Position No. 5 – 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 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 Runoff Election held on the 12th day of December, 2009, in the City of Bellaire, Texas, for the purpose of electing a Councilman – Position No. 3 and Councilman – Position No. 5.

DISCUSSION ON MOTION:

No discussion on the above-stated motion.

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: 09-083}
C. CERTIFICATE OF ELECTION:

ISSUANCE of a Certificate of Election to each candidate elected to the office of Councilman – Position No. 3 and Councilman – Position No. 5 – Mayor Cindy Siegel.

Mayor Cindy Siegel issued a Certificate of Election to Corbett Daniel Parker elected to the office of Councilman – Position No. 3 and to Andrew S. Friedberg elected to the office of Councilman – Position No. 5.

D. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Councilman Pat McLaughlan and seconded jointly by Councilman Will Hickman and Councilman James P. Avioli, Sr. to adjourn the Special Session (Official Canvass) of the City Council of the City of Bellaire, Texas, at 6:08 p.m. on Monday, December 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
      Nathan, Mandy

OPPOSED: None

ABSENT: None

II. SPECIAL SESSION (PUBLIC HEARING) – 6:15 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 6:19 p.m. on Monday, December 21, 2009. The Bellaire City Council met at that time and on that date in Special Session in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401. The Special Session was held
for the purpose of holding a public hearing before the Bellaire City Council to hear any all persons desiring to be heard on or in connection with an application and request for a specific use amendment and permit to construct and operate an urgent care center in Bellaire.

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
- Councilwoman Mandy Nathan, 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. READING OF NOTICE OF PUBLIC HEARING – City Clerk Tracy L. Dutton.

City Clerk Tracy L. Dutton read the "Notice of Public Hearing" regarding an application and request submitted by Quincitadel Ltd. for a specific use amendment and permit to construct and operate an urgent care center at 5300 Bellaire Boulevard.

It was noted that the "Notice of Public Hearing" was published in the legal notices section of the City's newspaper of general circulation, the Southwest News, on Tuesday, December 1, 2009. The "Notice of Public Hearing" was also posted on the City's bulletin board and website.

C. SUMMARY OF PUBLIC HEARING PROCEDURE – City Manager Bernard M. Satterwhite, Jr.

City Manager Bernard M. Satterwhite, Jr. summarized the public hearing procedure for the audience and City Council. It was noted that the applicant, Quincitadel Ltd., would have fifteen (15) minutes to make a presentation to City Council and the audience regarding their application and request for a specific use amendment and permit to construct and operate an urgent care center at 5300 Bellaire Boulevard in Bellaire, Texas. The City Council of the City of Bellaire, Texas, would then have an opportunity to ask questions of the applicant. Following the question and answer session, Mayor Cindy Siegel would recognize citizens and/or other interested parties to make comments. Each individual would be allowed four (4) minutes to make comments. Following receipt of comments, Mayor Siegel would close
the public hearing. Oral comments concerning the proposed application and request for a specific use amendment and permit to construct and operate an urgent care center would not be received. Written comments could be submitted to the Bellaire City Council in care of the Bellaire City Clerk prior to final deliberation on the matter. It was anticipated that final deliberation on the matter would occur later in the evening during a Regular Session of the Bellaire City Council. Written comments should, therefore, be submitted to the Bellaire City Council in care of the Bellaire City Clerk prior to consideration of the matter this evening.

D. PRESENTATION regarding an application and request submitted by Quincitadel Ltd. for a specific use amendment and permit to construct and operate an urgent care center within an existing one-story structure located on a 0.682 parcel legally described as the west 110 feet of Lot 59, Block 16, of the Amended First Subdivision of Westmoreland Farms, a subdivision in Harris County, Texas, according to the map of said subdivision recorded in Volume 3, Page 60 of the Map Records of Harris County, Texas, more commonly known as 5300 Bellaire Boulevard, Bellaire, Texas, in the CCD-2 City Center Zoning District – Representative(s) of Quincitadel Ltd.

Mario Quintanilla, MD, General Partner of Quincitadel Ltd., made the presentation regarding the application and request submitted by Quincitadel Ltd. for a specific use amendment and permit to construct and operate an urgent care center at 5300 Bellaire Boulevard, Bellaire, Texas. He advised that the physical location of the center was next to the Bank of Texas on Bellaire Boulevard. He anticipated making external renovations to the center totaling approximately $500,000.

Dr. Quintanilla advised City Council that whether or not he was ultimately able to construct and operate the urgent care center was still in question. He cited the economy and possible changes in health care by legislators in Washington, D.C. (i.e., anticipated cuts in Medicare and other benefits), as issues of concern.

During the presentation, Dr. Quintanilla advised that he practiced as an emergency room physician and was board certified in internal, sports, family, and emergency medicine. He obtained his credentials to practice medicine from Rice University and the University of Texas Medical School. Dr. Quintanilla advised that 96% of emergency room visits were actually non-emergencies. The cost of an emergency room visit, on average, was $546.00. Urgent care clinics, on the other hand, could provide non-emergency medical services at an average cost of $105.00.
Dr. Quintanilla stated that he wished to provide a walk-in clinic for the residents of Bellaire so that the residents could receive immediate, non-emergency care. He indicated that the clinic would be able to handle fractures and lacerations that regular medical doctors did not often handle. He noted that the clinic would not seek ambulance traffic and that he had already spoken with Fire Chief Darryl Anderson and advised him of that.

Adequate parking spaces existed for the use of the center. The prime usage of the center was expected to be on evenings and weekends. In conclusion, Dr. Quintanilla stated that he would provide high quality, accessible, and immediate health care for the residents of Bellaire.

E. QUESTIONS FROM THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS – Mayor Cindy Siegel.

Mayor Cindy Siegel opened the floor for questions from members of City Council.

Councilman Phil Nauert inquired as to hazardous waste disposal practices, training for staff regarding such disposal, location of a dumpster, if applicable, and x-ray processes and any waste associated with such processes (i.e., digital versus conventional films).

Dr. Quintanilla indicated that he had spoken with two firms experienced with the disposal of medical waste, but had not contracted with a firm yet. Early on, he anticipated that his volume of medical waste would be low. Dispensers for such waste would be located in each treatment room, with separate dispensers for blood and stool waste. There were no plans for a dumpster onsite at this point in time, and he would be using digital technology for his x-ray process.

Councilman James P. Avioli, Sr. inquired as to whether or not the business model outlined by Dr. Quintanilla was a “new concept” and how much time a patient might be expected to wait upon entering the center before being seen by a medical professional.

Dr. Quintanilla advised that there were other urgent care centers in the Houston area, however, the concept was just now beginning to proliferate. He noted that there was a “gap” between the doctor’s office and the emergency room. His business would fill that gap. He indicated further that a patient could expect to see a medical professional within fifteen (15) minutes of entering the center.

Councilwoman Mandy Nathan inquired as to the nature of Dr. Quintanilla’s current practice, the patient estimate per day at the urgent care center, arrivals of ambulances at the center despite the center not seeking ambulance traffic, and the timeframe in which Dr.
Quintanilla might make a decision to construct and operate his urgent care center in Bellaire.

**Dr. Quintanilla** advised that he was currently a full-time emergency room physician. He estimated that the urgent care center in Bellaire would see approximately thirty (30) patients per day. This estimate was obtained from a demographics firm that he had worked with on his business plan.

With respect to unsolicited ambulance traffic, Dr. Quintanilla advised that the idea was to create a relationship with the City and other ambulance businesses in the area and explain to them that his center was not equipped for and could not accept emergency patients. He noted that he had worked for four years in freestanding emergency rooms (i.e., centers not connected to a hospital) and had never seen an ambulance pull into a freestanding emergency room.

Regarding the timeframe for making a decision, Dr. Quintanilla stated that after talking with equipment vendors, he was concerned that his space might not be adequate for all of the equipment he would need for such a center. As noted previously, healthcare reform issues and the current state of the economy were a concern. Dr. Quintanilla indicated that he needed to make sure that his business could survive.

**Mayor Pro Tem Peggy Faulk** noted that paperwork included with the application and request for a specific use amendment and permit referred to the City’s recommendation that a sample well be installed. She inquired as to the reason for the request by the City.

**Director of Community Development John McDonald** advised that Director of Public Works Joe Keene had recommended a sample well to help monitor the quality of the water going back in the City’s water system.

**Councilman Will Hickman** inquired of City Staff as to whether any residents were located within 200 feet of the site of the specific use amendment and permit and, thereby, notified of the evening’s public hearing.

**City Clerk Tracy L. Dutton** and **City Manager Bernard M. Satterwhite, Jr.** both advised that the property owners within 200 feet of the site of the urgent care center were business and commercial property owners.

**Councilman Hickman** inquired as to the start-up time expected for the center, the expected flow of traffic into and out of the center, type of parking (i.e., angled-in), and whether or not the center could accept pediatric non-emergencies.
Dr. Quintanilla indicated that the start-up time would depend both on the volume of patients and the need in the community. With respect to the flow of traffic, it was noted that people would come into the center from Bellaire Boulevard and exit onto Bellaire Boulevard. He stated that there was an exit in the back, but he rarely saw people going out that direction. The parking was angled-in, and the center could accept pediatric non-emergencies.

Councilman Pat McLaughlan inquired as to whether Dr. Quintanilla’s practice at the urgent care center would be limited to people with medical insurance. He also inquired as to whether the practice would be limited to paying customers.

Dr. Quintanilla indicated that he had considered seeing patients on a cash basis. His practice would probably be limited to paying customers, as he would need to ensure that he could pay for his operating costs.

Mayor Cindy Siegel inquired as to the length of a term for a specific use amendment and permit.

City Attorney Alan P. Petrov indicated that the term of a specific use amendment and permit typically ran with the use of the property. City Council could set a time limit for the specific use amendment and permit if they desired to do so.

Councilman McLaughlan inquired as to whether a fire safety sprinkler system would be required for the urgent care center, noting that the project consisted of a renovation versus new construction.

Director of Community Development McDonald indicated that the Fire Marshal would review the situation and make recommendations during the construction phase of the project.

Dr. Quintanilla interjected and noted that he was planning on installing a sprinkler system in the center for safety purposes.

F. RECOGNITION OF CITIZENS AND/OR OTHER INTERESTED PARTIES – Mayor Cindy Siegel.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee addressed City Council and advised that she had attended the public hearing that the Bellaire Planning and Zoning Commission held on this same matter. She indicated that she did not object to the application, noting that this was a new use versus traditional uses typically considered by the City Council for an amendment and permit.
Ms. McBee inquired as to the type of regulations and the agency that would be responsible for regulating the type of health care delivery system proposed by Dr. Quintanilla. She stated that she would feel more secure if there were a state or federal regulatory agency that would govern such health care systems.

Market surveys indicated that there were a number of clinics similar to the one proposed by Dr. Quintanilla within a five-mile radius of Bellaire. Although this would not affect City Council’s decision to grant a permit, it might affect Dr. Quintanilla’s decision to take a risk and open his center.

Since this type of “use” was not clearly defined in the City’s zoning regulations, Ms. McBee urged City Council to direct the Bellaire Planning and Zoning Commission to include a definition of “urgent care center” in the zoning regulations and present that recommendation to City Council.

Since the risk of the center was of an unknown nature, Ms. McBee also suggested that City Council issue the permit initially for a one-year period. She added that City Council should also encourage the Community Development Department to develop information that could be provided to others desiring to construct and operate such centers.

G. CLOSE OF PUBLIC HEARING – Mayor Cindy Siegel.

Mayor Cindy Siegel closed the public hearing at 6:58 p.m. on Monday, December 21, 2009. Mayor Siegel noted further that the Bellaire City Council would be addressing the request for a specific use amendment and permit submitted by Quincitadel Ltd. to construct and operate an urgent care center at 5300 Bellaire Boulevard, Bellaire, Texas, during the Regular Session scheduled this same evening. She urged anyone desiring to submit written comments to begin submitting those to the City Clerk at the present time.

H. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Councilman Pat McLaughlan and seconded by Councilman James P. Avioli, Sr. to adjourn the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, at 6:59 p.m. on Monday, December 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
     Nathan, Mandy

OPPOSED: None

ABSENT: None

III. 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 7:02 p.m. on Monday, December 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 McLaughlan, Position No. 5; and
Councilwoman Mandy Nathan, 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 – Mayor Cindy Siegel.

Mayor Cindy Siegel provided the inspirational reading for the evening.
C. PLEDGES TO THE FLAGS – Mayor Cindy Siegel.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

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

D. PERSONAL/AUDIENCE COMMENTS.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee addressed City Council regarding a lawsuit brought by a few in federal court for the purpose of reducing criminal violations related to the Texas Open Meetings Act. Ms. McBee indicated that she was disappointed that the Texas Municipal League, an organization that the City of Bellaire paid tax dollars, supported the lawsuit. She felt strongly that the Texas Open Meetings Act and criminal violations related thereto should be left intact.

She next referred to an insert that had appeared in the Houston Chronicle newspaper written by the Anti-Defamation League regarding what could be done if there were an end to hatred. After going through the insert, Ms. McBee found that she was not nearly as tolerant as she had thought she was and indicated that Bellaire should do more at every level to undo the legacy of the past—bias and bigotry. She obtained 500 copies of the insert from the Anti-Defamation League and stated that she would provide them to the City for every employee, as well as for residents to pick up at City Hall and the Bellaire City Library. She closed and stated that the insert was so well done and she hoped that City Council would concur with her opinion.

Dr. Johnnie Frazier, 4721 Jessamine Street, Bellaire, Texas:

Dr. Frazier addressed City Council and advised that she applauded them for passing an ordinance that made texting illegal while operating a motor vehicle in a driving lane. Dr. Frazier urged City Council to consider a prohibition on the full use of a cell phone while driving.

In support of her recommendation, Dr. Frazier provided statistics from the National Highway Traffic Safety Administration (NHTSA) regarding
the number of serious accidents (some resulting in death) that occurred as a result of driver inattention.

In closing Dr. Frazier urged City Council to consider expanding the texting ordinance to include a prohibition regarding full cell phone use or to adopt a new ordinance to prohibit full cell phone use while driving.

Corbett Daniel Parker, 4505 Magnolia Street, Bellaire, Texas:

Mr. Parker addressed City Council and publicly thanked outgoing members of City Council, Mayor Pro Tem Peggy Faulk and Councilman Pat McLaughlan, for their service to the community of Bellaire. He personally thanked both of them for the time they had invested in him by answering questions and offering advice as he campaigned for a position on the Bellaire City Council.

Mayor Cindy Siegel noted that the City Council had received several written comments in care of the City Clerk for the evening’s Personal/Audience Comments section of the meeting. She read the comments into the record as follows:

Andrea Blitzer, 5416 Patrick Henry Street, Bellaire, Texas:

Dear Bellaire City Council Members,

It has come to my attention there is again discussion on changing the zoning laws on Bellaire Boulevard to accommodate the Wolf residence.

Please uphold the zoning laws the committees and residents have worked so hard to implement. Without them, our city’s quality of life is compromised, as is our property values.

The entry to the City of Homes, the City of Bellaire, begins as one crosses the railway tracks and drives down Bellaire into the city’s center. It is crucial we keep the integrity of our city intact and not bend our laws to accommodate one homestead. Dividing the lots up to smaller plots would change the overall appearance and devalue the properties on the entire street. Bellaire Boulevard is a busy street. The only reason it’s considered a desirable address is due to the lovely stately properties that line the street leading from Newcastle to the tracks.
If we don’t have the guts to enforce our zoning laws, why have them at all? Residents have chosen to live in Bellaire versus Houston for our strict zoning laws that guarantees protection on their biggest investment—their home. Please don’t let us down.

Lara Ogden, 4545 Bellaire Boulevard, Bellaire, Texas:

Dear Ms. Dutton,

I own a lot on Bellaire Blvd (4545 Bellaire Blvd). I also live in Bellaire on a large lot. I grew up on Magnolia Street with a great big yard and spent years searching Bellaire for a similar home to raise my family. There was little to choose from. The purpose of this letter is to share two thoughts I have about the issue of planned development on Bellaire Blvd.

First, I have been approached over the years by realtors with clients wanting to purchase my lot on Bellaire Blvd., add a street, and put up town homes along one side. They have come to me with cash offers. My first thought was “My trees!” and my second thought was “How could I do that to my neighbors?” More town homes and streets devalue all property and diminish Bellaire’s family appeal.

If you allow one resident on Bellaire Blvd. to sell for this purpose, I guess I would be able to do the same and the Teas family would be allowed to build town homes/apartments on their property. I realize that selling is for the sake of earning money, but what of the sake of Bellaire’s future and our children’s.

Secondly, I think the consistency of homes set back a bit on 100 ft. wide lots is attractive for the main boulevard of our city and the overwhelming preference of the citizens. This is why the city, in the recently adopted Comprehensive Plan, changed the outdated 1980 zoning.

I certainly would not like to hurt one person’s chance of good profit on a sale. I am in her same position, waiting for a good buyer, but also wanting someone who will respect the trees on and neighbors surrounding my lot. My greater desire is to not hurt my neighbors or the City of Bellaire.

I believe it is the job of the City Council to protect all Bellaire citizens and me from the same harm.

Thank you so much for your time.
Phillip Rice, 4519 Teas Street, Bellaire, Texas:

Dear Council Members:

Subject: Changing Zoning Laws for Wolf Property on Bellaire Blvd.

Thanks for donating your time to be on the Council and seeing Bellaire continues to be the beautiful city of homes that we moved here to enjoy.

Bellaire is known as the city of homes and Bellaire Blvd. was zoned to keep it a Blvd. of Large Homes, which continue to be built on the vacant lots that are available.

On the front page of the Chronicle Business Section there is an article about Teas Nursery. It has been bought by the Rubenstein foundation and being preserved. This will fit very well with keeping Bellaire Blvd. the Blvd. of Large Homes or a park.

Mrs. Wolf’s property on Bellaire Boulevard, on the South side before the railroad track should not be rezoned. And the overlaid district (large homes on large lots along the boulevard) zoning should not be changed or exceptions allowed.

Thanks for your leadership in seeing this zoning is not changed and the plan that was adopted for Bellaire Blvd. remains.

As an aside, we were the second new home built on Teas Street in 1989.

Thanks, have a GREAT HOLIDAY SEASON WITH YOUR FAMILIES AND LOVED ONES.

Russ Pitman, 4908 Imperial Street, Bellaire, Texas:

I want to thank each of you for the service you have given this year to the citizens of Bellaire. Many do not realize how much time you give and I for one appreciate it.

Good luck to Peggy and Pat who are moving on. I will miss Pat, the maverick on the Council. He can now pass that baton on to Will or one of the new members of City Council.
E. REPORTS:

1. CITY MANAGER’S REPORT regarding residential safety (police activity report), public infrastructure/utilities (street and drainage projects update and facilities update), employees (Employees of the Year: Firefighter, Police Officer and Employee); internal operations/productivity (City office closures during holidays), quarterly indicators (crime and building permits), current issues/information (METRO issues), 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

With respect to police activity for the month of November 2009, the following was noted: zero robberies, three residential burglaries (occurred in open or unsecured garages and by forced entry), six assaults (five of the assaults were between family members), and three automobile thefts (all three automobiles were later recovered).

Public Infrastructure/Utilities

Newcastle Drive Reconstruction Project

The Newcastle Drive reconstruction project was essentially completed, with punch list items remaining. In addition, the new traffic signal at Evergreen Street and Newcastle Drive was operational.

Rebuild Bellaire Program, Phase Two Project

Reconstruction of the last street in the Rebuild Bellaire Program, Phase Two Project, 100 block of Whipple Street, would begin on January 4, 2010. The north lane of the 4500 block of Sunburst Street, also a part of the Phase Two Project, had been poured and should be completed soon. The majority of the concrete work on Second Street had been completed and the remaining two intersections would be completed later in the week.
CMAQ Traffic Signal Project

The poles and mast arms for the City’s eleven new traffic signals had been installed, with some of the accessibility ramps to sidewalks remaining to be constructed. It would be necessary to remove some of the old traffic light pedestals before some of the accessibility ramps could be constructed and/or completed. New controller cabinets for the traffic lights had been installed in seven of the eleven intersections.

Sidewalk Project

With respect to the City’s sidewalk project, City Manager Satterwhite advised that work was continuing at Bissonnet Street and Bellaire Boulevard. Fifth Street sidewalk construction should begin after the first of the New Year. On January 18, 2010, plans would be underway for a mid-block crosswalk on South Rice Avenue where Laurel Street used to be.

Replacement of Rice Lift Station

City Manager Satterwhite indicated that the project to replace the Rice Lift Station had been advertised for bid. The bid opening was scheduled for January 13, 2010.

Holly Trail Refurbishment

One of the City’s budgeted projects, a project to refurbish Holly Trail, had been submitted to the Community Development Department for a permit. The contractor hired for the project would begin work on the trail the Monday after Christmas. The project would include the excavation of four inches of existing soil and the addition of new steel edging, geotechnical fabric, crushed granite, and compaction of the crushed granite. With respect to trees in the Holly Street esplanade near the trail, the contractor would excavate to the tree roots and then hand dig around the roots of the trees.

City Manager Satterwhite advised that tree roots would protrude from the granite from time to time, and the City would continue to cover the roots, as needed.

Employees

The Employee Annual Holiday Luncheon was held on Wednesday, December 16, 2009. New employees were introduced and existing employees serving the City for five,
ten, fifteen, twenty, twenty-five, thirty, and thirty-five years were recognized with service pins. Two long-time recently retired employees attended the luncheon—Officer John King (retired after twenty-five years of service) and Public Works Solid Waste Superintendent Walter Allen (retired after thirty-seven years of service).

Also recognized during the Employee Annual Holiday Luncheon were the Firefighter of the Year (selected by the Bellaire Firefighters), Police Officer of the Year (selected by the Police Officers), and Employee of the Year (selected by all employees). Firefighter of the Year was Phil Dickinson; Police Officer of the Year was Sergio Salinas; and Employee of the Year was Receptionist Tillie Wiedemann.

**Internal Operations/Productivity**

City Manager Satterwhite advised that City offices would be closed on Thursday, December 24, 2009, and Friday, December 25, 2009, as well as Friday, January 1, 2010. There would be no trash pick up on those days.

**Current Issues/Information**

City Manager Satterwhite referred to an article that had appeared in the *Houston Chronicle* newspaper regarding the Metropolitan Transit Authority of Harris County, Texas (METRO). The article made the implication that METRO’s funding to fourteen of the small cities in Harris County would go away. Bellaire, as well as the remaining thirteen small cities in Harris County, had previously entered into an agreement with METRO wherein 25% of the 1% sales tax paid to METRO would be given back to the cities to be utilized for mobility projects. Under that agreement, Bellaire received approximately $801,000 per year from METRO. The original agreement was set to expire in 2009. However, in 2003, that original agreement was extended from 2009 to 2014. In other words, the payment was still obligated by METRO.

**Upcoming City Council Meetings/Events**

City Manager Satterwhite announced the following upcoming City Council Meetings/Events:

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Type of Meeting/Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/04/2010</td>
<td>7:00 p.m.</td>
<td>Regular Session (City Council Installation)</td>
</tr>
<tr>
<td>01/18/2010</td>
<td>7:00 p.m.</td>
<td>Regular Session</td>
</tr>
</tbody>
</table>
QUESTIONS FROM CITY COUNCIL:

_Holly Trail Refurbishment_

Mayor Pro Tem Peggy Faulk inquired as to the cost and funding source for the Holly Trail refurbishment project described by City Manager Satterwhite during his report.

City Manager Satterwhite indicated that he would have to get back with Mayor Pro Tem Faulk on the cost for the project. The funding source was the Capital Improvement Program.

Councilman Pat McLaughlan advised that construction trucks regularly backed over the curb and onto the trail located on the Holly Street esplanade. He stated that he felt that the City should consider discussing how the steel edging was going to withstand the trucks that would drive over it.

City Manager Satterwhite stated that he would have to look into that issue.

_CMAQ Traffic Signal Project_

Councilman Phil Nauert inquired as to the location of the master controls for the City’s new traffic lights and to whom the responsibility for those controls had been assigned.

City Manager Satterwhite indicated that the master controls and responsibility for those controls had not been worked out yet, but he would get back to City Council with an answer to those questions.

_METRO’s University Line_

Councilman James P. Avioli, Sr. inquired as to whether City Manager Satterwhite saw the recent publicity about METRO’s University Line as a positive step for the City of Bellaire’s RDD Zoning District (Research, Development, and Distribution Zoning District).

City Manager Satterwhite stated that METRO’s University Line was certainly integral to the City’s discussion of transit-oriented development in the Comprehensive Plan and he believed it was a positive step for the City’s RDD Zoning District.
Board, Commission, Committee Interviews

Mayor Cindy Siegel noted that the Bellaire City Council planned to interview applicants for four unexpired terms on several of the City’s boards, commissions, and committees on January 18, 2010, prior to the City Council Regular Session. Additionally, City Council hoped to make appointments to those boards, commissions, and committees that same evening.

MOTION TO ACCEPT REPORT INTO THE RECORD:

A motion was made by Councilman James P. Avioli, Sr. and seconded jointly by Councilman Pat McLaughlan and Councilwoman Mandy Nathan to accept the City Manager’s Report, as presented by City Manager Bernard M. Satterwhite, Jr., into the record.

DISCUSSION ON MOTION TO ACCEPT REPORT INTO THE RECORD:

No discussion on the above-stated motion.

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

2. FINANCE REPORT for the City of Bellaire, Texas, covering the period ended November 30, 2009, and including discussion of revenues and expenditures in the General Fund, Enterprise Fund, Debt Service Fund, Vehicle, Equipment, and Technology Fund, and Capital Improvement Program Fund, as well as a discussion of statistical data – Presented by Chief Financial Officer Donna Todd.
Chief Financial Officer Donna Todd presented the Finance Report for the period ended November 30, 2009, to City Council.

{See Appendix A to these minutes for the complete Finance Report presented by Chief Financial Officer Donna Todd.}

QUESTIONS FROM CITY COUNCIL:

Councilman Will Hickman made several inquiries regarding the Finance Report. He referred first to park improvements, noting that this particular line item was at 800% of budget, and inquired as to the reason it was so far above budget.

Chief Financial Officer Todd advised that she would need to check on that, but believed that an encumbered amount had probably been carried over from the prior year.

Councilman Hickman next referred to the fund balance on page one of the Finance Report, noting that there was a $2.3 million difference in the beginning balance for the Capital Improvement Program versus the prior year. He inquired as to whether there was a reason for this difference.

Chief Financial Officer Todd indicated that spending differed for this fund year of year. In fiscal year 2009, the beginning balance in the Capital Improvement Program (CIP) was $5.6 million. The City expended $3.3 million, made interfund transfers of $1 million, and had revenues of $100,000.

Councilman Hickman inquired as to the projected spending for fiscal year 2010 from the CIP Fund.

Chief Financial Officer Todd referred City Council to page 19 of the Finance Report and indicated that the projected spending for fiscal year 2010 from the CIP Fund was $3.1 million.

Councilman James P. Avioli, Sr. referred to the General Fund on page 3 of the Finance Report. He noted an average reduction of $50,000 per month and inquired as to whether the same reasons applied to this fund (i.e., differences in spending from year to year).

Chief Financial Officer Todd advised that there were multiple reasons for the differences in spending in the General Fund, such as overtime, timing differences for some expenditures,
and disaster expenditures (down $20,000 compared to previous year due to Hurricane Ike). She indicated that it was too early to predict whether such a trend would continue. For example, in the Enterprise Fund, billings for meter readings were not very consistent. The City would notice significant changes throughout the current fiscal year due to a reduction in overtime and disaster-related expenditures.

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

A motion was made by Councilman Phil Nauert and seconded by Councilman Pat McLaughlan to accept the Finance Report, as presented by Chief Financial Officer Donna Todd, into the record.

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

No discussion on the above-stated motion.

**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

**F. PRESENTATION of posters of symbolic imagery for official seals for the Bellaire Police and Fire Departments as prepared and designed by 2009 Paseo Summer Campers and Chair Kathy Biddle of the Bellaire Arts Commission – Item submitted by Director of Parks & Recreation Jane L. Dembski and Athletics and Aquatics Superintendent Buster Adams on behalf of Chair Kathy Biddle of the Bellaire Arts Commission; Presentation to be made to Representative(s) from the Bellaire Police and Fire Departments.**
Director of Parks & Recreation Jane L. Dembski began the presentation with thanks to the Bellaire Arts Commission for their help with the Parks & Recreation 2009 Paseo Summer Camp Program by providing fun art projects for the summer campers. She then turned the presentation over to the Chair of the Bellaire Arts Commission, Kathy Biddle.

Chair Kathy Biddle, Bellaire Arts Commission, thanked the Bellaire Parks & Recreation Department for supporting the art project that the Bellaire Arts Commission wished to introduce to the 2009 Paseo Summer Camp Program. The project presented to the summer campers was to prepare symbolic imagery that could be used as seals for the Bellaire Police Department and Bellaire Fire Department. She then took the artwork designed by the summer campers, scanned it, and placed all the images on a foam board to be given to Fire Chief Darryl Anderson and Police Chief Randall C. Mack.

Among the symbolic imagery provided by the summer campers were an equestrian department, a large kennel, three submarines, four helicopters, and an arsenal of patrol vehicles.

After presenting the foam boards to the City for the Bellaire Police and Fire Departments, Chair Biddle indicated that the next art project would be undertaken by the 2009 Holiday Camp and would focus on symbolic imagery for the Bellaire Library.

G. 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 Regular Session of the City Council of the City of Bellaire, Texas, held Monday, December 7, 2009 – Item submitted by City Clerk Tracy L. Dutton.

Final Payment

2. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute a Final Payment Request from Chevron U.S.A. Inc. authorizing the first and final payment of costs necessary to reimburse Chevron U.S.A. Inc. for
modification of workspace costs associated with the temporary relocation of the Bellaire Fire Department into Building BTF-C, owned by Chevron U.S.A. Inc. and leased on a temporary basis by the City of Bellaire, Texas, in an amount not to exceed $181,062.27, as previously approved by the City Council of the City of Bellaire, Texas, under Ordinance No. 09-045, duly passed and adopted on July 27, 2009 – Item submitted by Facilities Management Director Karl Miller.

Amendment to Existing Ordinance

3. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Ordinance No. 07-022, approved and adopted on May 7, 2007, for the purpose of providing for a penalty to defray costs of collecting delinquent property taxes pursuant to the Texas Property Tax Code, Sections 33.07 and 33.08, for the purpose of adding the provisions of Section 33.11 of the Texas Property Tax Code to said ordinance – Item submitted by Chief Financial Officer Donna Todd.

Grant

4. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the City Manager of the City of Bellaire, Texas, to execute, as Grantee, for and on behalf of the City of Bellaire, Texas, Bellaire City Library, a contract and other applicable forms with the Texas State Library and Archives Commission for the Loan Star Libraries Grant, Grant Number 442-10468, in the amount of $11,090.00 – Item submitted by Director of Library Mary Cohrs.

Councilman Pat McLaughlan requested separate consideration of Consent Agenda Item G.2. and Councilman Will Hickman requested separate consideration of Consent Agenda Items G.3. and G.4.

MOTION TO APPROVE A PORTION OF THE CONSENT AGENDA:

A motion was made by Councilman Phil Nauert and seconded jointly by Councilman Pat McLaughlan and Councilman James P. Avioli, Sr. to approve the Consent
Agenda dated December 21, 2009, consisting of the following item:

- Approval of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held Monday, December 7, 2009.

**VOTE ON MOTION TO APPROVE A PORTION OF THE CONSENT AGENDA:**

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

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

**OPPOSED:** None

**ABSENT:** None

**ABSTAIN:** Hickman, Will*

*Councilman Will Hickman abstained from voting on the minutes of the Regular Session of the Bellaire City Council held on December 7, 2009, due to his absence from that meeting.

**INDIVIDUAL CONSIDERATION OF CONSENT AGENDA ITEM G. 2.:**

*Final Payment*

2. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute a Final Payment Request from Chevron U.S.A. Inc. authorizing the first and final payment of costs necessary to reimburse Chevron U.S.A. Inc. for modification of workspace costs associated with the temporary relocation of the Bellaire Fire Department into Building BTF-C, owned by Chevron U.S.A. Inc. and leased on a temporary basis by the City of Bellaire, Texas, in an amount not to exceed $181,062.27, as previously approved by the City Council of the City of Bellaire, Texas, under Ordinance No. 09-045, duly passed and

MOTION TO ADOPT ORDINANCE AND APPROVE FINAL PAYMENT:

A motion was made by Councilman Pat McLaughlan and seconded by Councilman Will Hickman to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute a Final Payment Request from Chevron U.S.A. Inc. authorizing the first and final payment of costs necessary to reimburse Chevron U.S.A. Inc. for modification of workspace costs associated with the temporary relocation of the Bellaire Fire Department into Building BTF-C, owned by Chevron U.S.A. Inc. and leased on a temporary basis by the City of Bellaire, Texas, in an amount not to exceed $181,062.27, as previously approved by the City Council of the City of Bellaire, Texas, under Ordinance No. 09-045, duly passed and adopted on July 27, 2009.

DISCUSSION ON MOTION TO ADOPT ORDINANCE AND APPROVE FINAL PAYMENT:

Councilman Pat McLaughlan commented that he understood that the City had already committed to making workspace improvements in the facility leased from Chevron and that the Bellaire Fire Department planned to occupy the leased facilities for approximately one year. He advised that by spending the $181,062.27 for such workspace improvements, the City of Bellaire was essentially paying $500 per day or $15,000 per month. He suggested that the City would have been better off renting some of the 50 homes available for rent in Bellaire as reported by Chief Financial Officer Donna Todd during her Finance Report. He closed his discussion by indicating that the workspace modifications had turned out to be more expensive than he had thought the modifications would be.

Mayor Cindy Siegel noted that the final payment request and total cost was actually below the amount City Council had originally authorized.

Councilman Will Hickman thanked Director of Facilities Management Karl Miller for his work on the modifications, noting that he had visited the facility and thought that the modifications were a great improvement over the Fire Department’s previous location.
VOTE ON MOTION TO ADOPT ORDINANCE AND APPROVE FINAL PAYMENT:

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

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

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 09-086}

INDIVIDUAL CONSIDERATION OF CONSENT AGENDA ITEM

G. 3.:

Amendment to Existing Ordinance

CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Ordinance No. 07-022, approved and adopted on May 7, 2007, for the purpose of providing for a penalty to defray costs of collecting delinquent property taxes pursuant to the Texas Property Tax Code, Sections 33.07 and 33.08, for the purpose of adding the provisions of Section 33.11 of the Texas Property Tax Code to said ordinance – Item submitted by Chief Financial Officer Donna Todd.

MOTION TO ADOPT ORDINANCE AMENDING ORDINANCE NO. 07-022:

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 Ordinance No. 07-022, approved and adopted on May 7, 2007, for the purpose of providing for a penalty to defray costs of collecting delinquent property taxes pursuant to the Texas Property Tax Code, Sections 33.07 and 33.08, for the purpose of adding the provisions of Section 33.11 of the Texas Property Tax Code to said ordinance.
DISCUSSION ON MOTION TO ADOPT ORDINANCE AMENDING ORDINANCE NO. 07-022:

Councilman Will Hickman noted that the law firm collecting delinquent property taxes for the Harris County Commissioners’ Court was Linebarger Goggan Blair & Sampson, LLP. He inquired as to the law firm utilized by the City of Bellaire to collect delinquent property taxes. He also inquired as to whether the collection was contingency based or fee based.

City Attorney Alan P. Petrov indicated that the City of Bellaire had a contract with the law firm of Perdue Brandon Fielder Collins & Mott LLP to collect its delinquent taxes. The fee was a set percentage of delinquent taxes actually collected on behalf of the City of Bellaire.

VOTE ON MOTION TO ADOPT ORDINANCE AMENDING ORDINANCE NO. 07-022:

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: 09-087}

INDIVIDUAL CONSIDERATION OF CONSENT AGENDA ITEM G. 4.:

Grant

4. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the City Manager of the City of Bellaire, Texas, to execute, as Grantee, for and on behalf of the City of Bellaire, Texas, Bellaire City Library, a contract and other applicable forms with the Texas State Library and Archives Commission for the Loan Star Libraries Grant, Grant Number 442-10468, in the amount
of $11,090.00 – Item submitted by Director of Library Mary Cohrs.

MOTION TO ADOPT ORDINANCE AUTHORIZING ACCEPTANCE OF GRANT:

A motion was made by Councilman Phil Nauert and seconded by Councilwoman Mandy Nathan to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the City Manager of the City of Bellaire, Texas, to execute, as Grantee, for and on behalf of the City of Bellaire, Texas, Bellaire City Library, a contract and other applicable forms with the Texas State Library and Archives Commission for the Loan Star Libraries Grant, Grant Number 442-10468, in the amount of $11,090.00.

DISCUSSION ON MOTION TO ADOPT ORDINANCE AUTHORIZING ACCEPTANCE OF GRANT:

Councilman Will Hickman referred to the availability of digital books (i.e., to be used on a device, such as a Sony® Reader) from the City of Houston’s Library System. He inquired as to whether the City of Bellaire Library had digital books available for use by the residents.

Director of Library Mary Cohrs advised that the City of Bellaire did have digital books available for use by the residents.

VOTE ON MOTION TO ADOPT ORDINANCE AUTHORIZING ACCEPTANCE OF GRANT:

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: 09-088}
H. ADOPTION OF ORDINANCE:

Specific Use Amendment and Permit

CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, granting a Specific Use Amendment and Permit S-73 to Quincitadel Ltd. to construct and operate an urgent care center within an existing one-story structure located on a 0.682 acre parcel legally described as the west 110 feet of Lot 59, Block 16, of the Amended First Subdivision of Westmoreland Farms, a subdivision in Harris County, Texas, according to the map of said subdivision recorded in Volume 3, Page 60 of the Map Records of Harris County, Texas, more commonly known as 5300 Bellaire Boulevard, Bellaire, Texas, in the CCD-2 City Center Zoning District – Item submitted by Director of Community Development John McDonald on behalf of the Planning and Zoning Commission of the City of Bellaire, Texas.

MOTION TO ADOPT ORDINANCE GRANTING A SPECIFIC USE AMENDMENT AND PERMIT:

A joint motion was made by Councilman Pat McLaughlan and Councilman James P. Avioli, Sr. and seconded by Councilman Will Hickman to adopt an ordinance of the City Council of the City of Bellaire, Texas, granting a Specific Use Amendment and Permit S-73 to Quincitadel Ltd. to construct and operate an urgent care center within an existing one-story structure located on a 0.682 acre parcel legally described as the west 110 feet of Lot 59, Block 16, of the Amended First Subdivision of Westmoreland Farms, a subdivision in Harris County, Texas, according to the map of said subdivision recorded in Volume 3, Page 60 of the Map Records of Harris County, Texas, more commonly known as 5300 Bellaire Boulevard, Bellaire, Texas, in the CCD-2 City Center Zoning District.

DISCUSSION ON MOTION TO ADOPT ORDINANCE GRANTING A SPECIFIC USE AMENDMENT AND PERMIT:

Councilman Will Hickman advised that he did not see any conditions listed for the requested specific use amendment and permit and inquired as to whether those conditions were a part of the agenda packet.

Director of Community Development John McDonald advised that the only condition recommended by the Bellaire Planning and Zoning Commission was a monitored fire alarm. That recommendation was
included as a condition in the ordinance drafted for City Council’s consideration.

Mayor Cindy Siegel inquired as to whether the sample well recommended by Director of Public Works Joe Keene should be included in the ordinance as a condition for the specific use amendment and permit.

Director of Community Development McDonald stated that the sample well did not need to be set out as a condition as it was already a City requirement.

VOTE ON MOTION TO ADOPT AN ORDINANCE GRANTING A SPECIFIC USE AMENDMENT AND PERMIT:

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: 09-089}

I. SPECIAL RECOGNITION:

RECOGNITION of outgoing members Peggy Faulk and Pat McLaughlan for their dedication, performance, and commendable years of service on the Bellaire City Council.

- Peggy Faulk, as of January 4, 2010, will have served the City of Bellaire, Texas, in the office of Councilman – Position No. 3 for one partial term and one full term as follows:
  - November 2003 through January 2006; and

- Pat McLaughlan, as of January 4, 2010, will have served the City of Bellaire, Texas, in the office of Councilman – Position
No. 5 for two full terms as follows:

- January 2002 through January 2006; and

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

Mayor Cindy Siegel provided person comments regarding the dedication and performance of Councilman Pat McLaughlan and Mayor Pro Tem Peggy Faulk. With respect to Councilman Pat McLaughlan, Mayor Siegel advised that she had served with him for the last ten years and for two years during his previous term with the City Council (i.e., a total of twelve years). She noted that he was instrumental in and/or the driving force for the passage of the City’s sprinkler system ordinance and no net fill ordinance. He served as Bellaire’s representative to the Houston-Galveston Area Council (H-GAC). As such, he attended many meetings during the day and took vacation time off from work to do so on behalf of the City.

Councilman McLaughlan’s knowledge and history with the City should be commended. He had the best network in town and never took things personally (a wonderful trait).

With respect to Mayor Pro Tem Peggy Faulk, Mayor Siegel advised that she had served with her for six years. Mayor Pro Tem Faulk, in addition to serving as the Mayor’s right arm, was instrumental in the development of the City’s bond program and Capital Improvement Program plan. She had chaired two very complicated meetings on behalf of the Mayor, one of which was a specific use amendment and permit request from Episcopal High School. Mayor Pro Tem Faulk had a great deal of integrity and was very hard working on behalf of Bellaire residents.

Mayor Siegel then presented a few small light-hearted tokens to both Councilman McLaughlan and Mayor Pro Tem Faulk to bring with them when they attended future City Council meetings as residents of Bellaire. Councilman McLaughlan was presented with a sign that he could hold up reminding City Council to be concise and brief. He was also presented with a timer. Mayor Pro Tem Faulk was presented with a sign that she could hold up letting Councilman McLaughlan know that he, too, should be concise and brief. She was also presented with a horn she could “blast” to let people (and Councilman McLaughlan) know when their time to speak was up.

City Manager Bernard M. Satterwhite, Jr. next presented Councilman Pat McLaughlan and Mayor Pro Tem Peggy Faulk with some parting gifts on behalf of the City Council and the City of Bellaire.
Councilman McLaughlan received a Texas flag flown over the Texas House of Representatives on his birthday and authenticated with a certificate, as well as a crystal clock. Mayor Pro Tem Peggy Faulk received a plaque with gavel (for her service as Mayor Pro Tem) and a glass sculpture.

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

Councilman Pat McLaughlan advised that he was proud to have been a part of the team (i.e., citizens, staff, and City Council) that had been responsible for so many successes in Bellaire. He indicated that there was no way he could thank all of the individuals, boards, commissions, and committees that had helped make Bellaire what it was. He did thank Receptionist Tillie Wiedemann, City Clerk Tracy Dutton, and Administrative Assistant to the City Manager Patte McGuire for their tremendous support. He also thanked Assistant City Manager Diane White for her hard work on special projects, Department Heads for all of their hard work, and City Manager Bernie Satterwhite for his level-head and calmness. He noted that City Manager Satterwhite was a strong manager and was doing a very good job. He thanked City Attorney Alan Petrov for keeping the City legal and out of trouble, and he thanked his wife, Diane, for tolerating his erratic schedule. He also offered congratulations to newly re-elected Mayor Cindy Siegel and Councilman Will Hickman, and newly elected Council Members Mandy Nathan, Andrew Friedberg, and Corbett Parker.

Councilman McLaughlan closed with a special thanks to the citizens of Bellaire for having elected him to serve the City of Bellaire.

Mayor Cindy Siegel advised that she was honored by the trust that the Bellaire citizens had placed in her. Her election as Mayor was a true honor and she hoped that she could satisfy the citizens’ trust. She closed by offering thanks to everyone and wishing them well.

Mayor Pro Tem Peggy Faulk echoed the comments made by Councilman McLaughlan, noting that she agreed with him. She offered a special thanks to a few, namely Mayor Cindy Siegel (the glue that held the group together), resident Lynn McBee for her citizen involvement and knowledge of the City, and City Manager Bernie Satterwhite (a good head for the City and a great asset).

Mayor Pro Tem Faulk closed by thanking all citizens for participating in the community and noted that she could not wait to see newly elected Council Members Andrew Friedberg and Corbett Parker in action.
**Councilman James P. Avioli, Sr.** referred to a reception he had attended at St. Mark’s, noting how attractive and beautiful the building and sanctuary were (i.e., a credit to the City of Bellaire). He thanked Mayor Pro Tem Peggy Faulk and Councilman Pat McLaughlan for their service to the City, noting that it had been a pleasure working with them and taking advantage of their experience. He closed by extending holiday greetings to everyone.

**Councilman Will Hickman** thanked Director of Library Mary Cohrs for all of the activities she provided for patrons of the Bellaire Library. He congratulated Receptionist Tillie Wiedemann for her selection as Bellaire’s “Employee of the Year.” He closed by thanking Councilman Pat McLaughlan and Mayor Pro Tem Peggy Faulk for their long years of service to the City and extended holiday greetings to everyone.

**Councilwoman Mandy Nathan** began by stating that it had been an honor for her to sit at the Council table with Councilman Pat McLaughlan and Mayor Pro Tem Peggy Faulk. She thanked them for the time and energy both had dedicated to the City as seen from her standpoint as a resident and as a member of City boards and other organizations. She continued by congratulating Andrew Friedberg and Corbett Parker for their recent elections to City Council.

Councilwoman Nathan also thanked the Bellaire Library for having their annual open house and for seeking a grant (approved earlier this evening) to provide additional resources for the residents.

In closing, Councilwoman Nathan thanked the Rubensteins and their Foundation for the greatest gift ever—the purchase of the Teas property on Bellaire Boulevard. She also extended holiday greetings to everyone.

**Councilman Phil Nauert** commended City Manager Bernie Satterwhite and all employees of the City of Bellaire. He had treasured spending time with the City employees at their recent Annual Holiday Luncheon, noting that the employees were a “family” and not just friends and co-workers. He recognized Receptionist Tillie Wiedemann for her selection as “Employee of the Year,” noting that the award was well deserved.

Councilman Nauert continued and stated that he, too, was excited about the Teas property, noting that the gift was a legacy for everyone in Bellaire for years to come.

In closing, Councilman Nauert advised that it had been an honor and a pleasure to serve with Councilman Pat McLaughlan and Mayor Pro Tem Peggy Faulk. Although he had not always agreed with Councilman
McLaughlan, they had always been friends and would continue to be friends. He, too, extended holiday greetings to everyone.

**Mayor Cindy Siegel** thanked Councilman Pat McLaughlan’s wife, Diane, for putting up with him and all the time he was away from home serving the City. She also thanked the children of Mayor Pro Tem Peggy Faulk for giving up their mom while she served the City.

Mayor Siegel continued by thanking the employees for helping to make Bellaire what it was and continued to be. She thanked the Rubenstein Foundation for making a dream come true for many people in Bellaire by helping to preserve a part of Bellaire’s history with respect to the Teas property. Bellaire was blessed to have so many wonderful citizens who gave of their time and made generous contributions.

Mayor Siegel closed by extending holiday greetings to everyone.

**K. ADJOURNMENT.**

**MOTION TO ADJOURN:**

A motion was made by Councilman Pat McLaughlan and seconded by Mayor Pro Tem Peggy Faulk to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 8:32 p.m. on Monday, December 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  
Nathan, Mandy

**OPPOSED:** None

**ABSENT:** None
Respectfully submitted,

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

Approved:

____________________________
Cynthia Siegel, Mayor
City of Bellaire, Texas