I. SPECIAL SESSION (EXECUTIVE SESSION) – 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 6:06 p.m. on Monday, March 1, 2010. The Bellaire City Council met at that time and on that date in Special Session for the purpose of deliberating the evaluation of the Associate Judge of the Municipal Court of the City of Bellaire, Texas. The Special Session was held in the Council Chamber (open portions) and the Council Conference Room (closed portions), both of which were located on the 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 James P. Avioli, Sr., Position No. 2;
- Councilman Corbett Daniel Parker, Position No. 3;
- Mayor Pro Tem Phil Nauert, Position No. 4; and
- Councilwoman Mandy Nathan, Position No. 6.

Councilman Will Hickman, Position No. 1, was absent. Councilman Andrew Friedberg, Position No. 5, arrived at 6:10 p.m. and went directly into the closed portion of the Special Session. City Clerk Tracy L. Dutton was in attendance and participated only in the open portions of the Special Session (Executive Session).

B. CONVENE IN EXECUTIVE SESSION (Closed Session to be held in the Council Conference Room) under Chapter 551, Open Meetings Act, of the Texas Government Code, Section 551.074, Personnel Matters, to deliberate the evaluation of the Associate Judge of the Municipal Court of the City of Bellaire, Texas.

**MOTION TO CONVENE IN EXECUTIVE SESSION:**

A motion was made by Mayor Pro Tem Phil Nauert and seconded by Councilwoman Mandy Nathan to convene in Executive Session (closed session) under Chapter 551, Open Meetings Act, of the Texas Government Code, Section 551.074, Personnel Matters, to deliberate the evaluation of the Associate Judge of the Municipal Court of the City of Bellaire, Texas.
VOTE ON MOTION TO CONVENE IN EXECUTIVE SESSION:

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

FOR: Siegel, Cindy
     Avioli, James P., Sr.
     Parker, Corbett Daniel
     Nauert, Phil
     Nathan, Mandy

OPPOSED: None

ABSENT: Hickman, Will
        Friedberg, Andrew

The Bellaire City Council convened in closed session in the
Council Conference Room, First Floor of City Hall, 7008 South Rice
Avenue, Bellaire, Texas 77401, at 6:07 p.m. on Monday, March 1,
2010.

C. RECONVENE (Open Session to be held in the Council Chamber)
and consider taking possible action on the adoption of an
ordinance of the City Council of the City of Bellaire, Texas,
appointing Jerel S. Twyman as Associate Judge of the Municipal
Court of the City of Bellaire, Texas, for a two-year term
commencing on the 1st day of April, 2010, and expiring on the
31st day of March, 2012.

The Bellaire City Council reconvened in open session in the
Council Chamber, First Floor of City Hall, 7008 South Rice Avenue,
Bellaire, Texas 77401, at 6:45 p.m. on Monday, March 1, 2010.

Mayor Cindy Siegel advised that City Council had met in Special
Session (Executive Session) for the purpose of evaluating the
Associate Judge of the Municipal Court of the City of Bellaire, Texas,
Jerel S. Twyman, and noted that City Council was very pleased with
his performance.

MOTION TO ADOPT ORDINANCE:

A motion was made by Councilman Corbett Daniel Parker and
seconded by Councilman Andrew Friedberg to adopt an ordinance
of the City Council of the City of Bellaire, Texas, appointing
Jerel S. Twyman as Associate Judge of the Municipal Court of
the City of Bellaire, Texas, for a two-year term commencing on
the 1st day of April, 2010, and expiring on the 31st day of March,
2012.
VOTE ON MOTION TO ADOPT ORDINANCE:

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

FOR: Siegel, Cindy
     Avioli, James P., Sr.
     Parker, Corbett Daniel
     Nauert, Phil
     Friedberg, Andrew
     Nathan, Mandy

OPPOSED: None

ABSENT: Hickman, Will

{Ordinance was subsequently numbered: 10-014}

D. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Mayor Pro Tem Phil Nauert and seconded by Councilwoman Mandy Nathan to adjourn the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, at 6:46 p.m. on Monday, March 1, 2010.

VOTE ON MOTION TO ADJOURN:

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

FOR: Siegel, Cindy
     Avioli, James P., Sr.
     Parker, Corbett Daniel
     Nauert, Phil
     Friedberg, Andrew
     Nathan, Mandy

OPPOSED: None

ABSENT: Hickman, Will
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 7:03 p.m. on Monday, March 1, 2010. 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;
- Councilman Corbett Daniel Parker, Position No. 3;
- Mayor Pro Tem Phil Nauert, Position No. 4;
- Councilman Andrew Friedberg, 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 – Councilman Will Hickman.

Councilman Will Hickman provided the inspirational reading for the evening.

C. PLEDGES TO THE FLAGS – Councilman Will Hickman.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

   Councilman Will Hickman led the audience and City Council in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

D. PERSONAL/AUDIENCE COMMENTS.

Susan Downs, 814 Carol Drive, Bellaire, Texas:

Ms. Downs addressed City Council regarding two different issues. The first issue related to the beautiful park bench in front of City Hall named “Bellaire Chocolates.” She noted that when she inquired of City Staff as to the meaning of the bench and if there had been a “Bellaire Chocolates,” no one seemed to know.
Ms. Downs suggested that someone might consider selling Bellaire chocolates as a fundraiser and mentioned that The Chocolate Bar in Houston could make a bar with the City seal on it. She next read a list of benefits cited by medical experts to be achieved from eating a small amount of dark chocolate on a daily basis.

The second issue Ms. Downs wished to discuss related to programs that the City of West University Place offered to its senior citizen group that she hoped Bellaire might consider. For example, once enrolled on the mailing list for the City of West University Place, seniors received a schedule listing all activities for a one-year period of time. Transportation was provided to seniors for doctor visits, for example, for $1 if calls for transportation were received 24 hours in advance. There was a medical lending library whereby citizens could check out walkers, wheelchairs, crutches, etc. Additionally, trash and recycling bins for seniors were picked up at their door and cans and/or bins placed back at their door once empty.

Ms. Downs advised that she was a physical therapist and would be happy to help Bellaire with a medical lending library. She had spoken with City Staff regarding this issue, however, there did not seem to be room to store such equipment. Her ideas did not seem to be positively accepted.

In closing, Ms. Downs indicated that she had attended a meeting of the Bellaire L.I.F.E. Advisory Board and was disappointed that she had not been allowed to speak for very long and that she had not been invited back.

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**Mayor Cindy Siegel**, after noting no objections from members of City Council, announced that she would like to move two agenda items up at this time—agenda items F2 and F1.

**F. PROCLAMATIONS:**

2. **PRESENTATION OF A PROCLAMATION** issued during the month of February 2010 by Mayor Cynthia Siegel proclaiming February 23, 2010, as Rotary Day in the City of Bellaire, Texas, and encouraging all citizens to join her in recognizing Rotary International for its more than 105 years of service to improving the human condition in local communities and around the world – *Item*
City Manager Bernard M. Satterwhite, Jr., introduced Rotary Club officials, Lieutenant Governor Judy Harwell and Assistant Governor Lisa Massey, who were present to receive the proclamation Mayor Cindy Siegel previously issued on behalf of Rotary International wherein she proclaimed February 23, 2010, as Rotary Day in the City of Bellaire, Texas. He also introduced some fellow Rotarians that were present as follows: Bellaire/Southwest Houston Rotary Club Past President and Director Dr. Phil Nauert (Bellaire’s Mayor Pro Temp), Rotary Club of Houston Skyline Charter President Corbett Daniel Parker (one of Bellaire’s Council Members), and Bellaire/Southwest Houston Rotary Club Current President and Director Byron Holloway (Bellaire’s Assistant Chief of Police). City Manager Bernard M. Satterwhite, Jr., was the current Past President and Director of the Bellaire/Southwest Houston Rotary Club.

Mayor Cindy Siegel read the proclamation she had issued during the month of February 2010 proclaiming February 23, 2010, as Rotary Day in the City of Bellaire, Texas, in its entirety as follows:

Whereas, Rotary International, founded on February 23, 1905, in Chicago, Illinois USA, is the world’s first and one of the largest non-profit service organizations; and

Whereas, there are over 1.2 million Rotary club members comprised of professional and business leaders in over 33,000 clubs in 200 countries and geographic areas; and

Whereas, the Rotary motto “Service Above Self” inspires members to provide humanitarian service, encourage high ethical standards, and promote good will and peace in the world; and

Whereas, Rotary funds club projects and sponsors volunteers with community expertise to provide medical supplies, clean water, food production, job training and education to millions in need, particularly in developing countries; and

Whereas, Rotary in 1985 launched PolioPlus and spearheaded efforts with the World Health Organization, U.S. Centers for Disease Control and Prevention, and UNICEF to immunize the children of the world against polio; and
Whereas, polio cases have dropped by 99 percent since 1988 and the world stands on the threshold of eradicating the disease; and

Whereas, to date, Rotary has contributed nearly US $850 million and countless volunteer hours to the protection of more than two billion children in 122 countries; and

Whereas, Rotary has raised US $100 million towards a $200 million challenge grant from the Bill & Melinda Gates Foundation for a total US $355 million; and

Whereas, these efforts are providing much needed operational support, medical personnel, laboratory equipment and educational materials for health workers and parents; and

Whereas, in addition, Rotary has played a major role in decisions by donor governments to contribute over $4 billion to the effort; and

Whereas, Rotary is the world’s largest privately-founded source of international scholarships and promotes international understanding through scholarships, exchange programs and humanitarian grants; and

Whereas, about 40,000 students from 130 countries have studied abroad since 1947 as Rotary Ambassadorial Scholars; and

Whereas, Rotary’s Group Study Exchange program has helped more than 67,000 young professionals explore their career fields in other countries; and

Whereas, 7,000 secondary school students each year experience life in another country through Rotary’s Youth Exchange program; and

Whereas, there are over 3,000 Rotary club members led by District Governor Dr. Edward A. Charlesworth in more than 60 clubs throughout this Rotary District 5890 in the Bellaire and surrounding areas sponsoring service projects to address such critical issues as poverty, health, hunger, illiteracy, and the environment in their local communities and abroad.

Now, Therefore, I, Cynthia Siegel, Mayor of the City of Bellaire, Texas, do hereby proclaim February 23, 2010, as
Rotary Day

in the City of Bellaire, Texas, and encourage all citizens to join me in recognizing Rotary International for its more than 105 years of service to improving the human condition in local communities around the world.

In Witness Whereof, I have hereunto set my hand and caused the seal of the City of Bellaire, Texas, to be affixed this 22\textsuperscript{nd} day of February, 2010.

Cynthia Siegel, Mayor
City of Bellaire, Texas

Mayor Siegel presented the proclamation for Rotary Day to Lieutenant Governor Judy Harwell and Assistant Governor Lisa Massey.

1. ISSUANCE OF PROCLAMATION by Mayor Cynthia Siegel proclaiming Li Boynton, a top science and arts student at Bellaire High School, as an Outstanding Citizen of the City of Bellaire, Texas, in recognition of her achievements and significant contribution to the scientific community, as well as her recognition as a guest of First Lady Michelle Obama during the State of the Union address on January 27, 2010 – Item submitted by Councilman Corbett Daniel Parker.

Councilman Corbett Daniel Parker, after sharing the phenomenal academic credentials of Bellaire High School student Li Boynton, including her recent attendance at the State of the Union Address as a guest of First Lady Michelle Obama and her commitment to attend Yale University, introduced Houston Independent School District (HISD) officials present to celebrate in Miss Boynton’s successes as follows: HISD Trustee Mike Lunsford and Bellaire High School Business Manager Diana Leeson.

Mayor Cindy Siegel read the proclamation she had issued honoring Li Boynton as an Outstanding Citizen of Bellaire as follows:

Whereas, Li Boynton is a top science and arts student at Bellaire High School who has at a young age already begun addressing the plight of the world’s poor by creating a cheap method of testing for water contaminants using glowing bacteria which the White House recognized as "inspiring evidence that she is among the Nation’s next generation of
leaders and reflected a great confluence of scientific insight and caring for others’; and

Whereas, Li Boynton made national headlines and was a glowing representative of the City of Bellaire as a guest of First Lady Michelle Obama during the State of the Union address on January 27, 2010; and

Whereas, Li Boynton won top honors in the Intel International Science and Engineering Fair, has been awarded over $65,000 for her achievements, has inspired many other younger science students at Bellaire High School, has already made a significant contribution to the scientific community and is destined for even more; and

Whereas, it is appropriate that the entire community of Bellaire, Texas, join with First Lady Michelle Obama, Bellaire High School Principal Tim Salem, and HISD Superintendent Dr. Terry Grier to recognize the devotion and dedication of Li Boynton;

Now, Therefore, I, Cynthia Siegel, Mayor of the City of Bellaire, Texas, do hereby proclaim and recognize

Li Boynton
as an
Outstanding Citizen

of the City of Bellaire, Texas, in recognition of her outstanding achievements and contributions to this community.

In Witness Whereof, I have hereunto set my hand and caused the seal of the City of Bellaire, Texas, to be affixed this 1st day of March, 2010.

Cynthia Siegel, Mayor
City of Bellaire, Texas

Li Boynton accepted the proclamation Mayor Siegel issued recognizing her as an Outstanding Citizen of Bellaire.

The Bellaire City Council went back at this time and addressed agenda items E1 and E2, then continued with the remainder of the agenda in the order in which it was written.
E. REPORTS:

1. CITY MANAGER’S REPORT regarding residential safety (police activity report), public infrastructure/utilities (street and drainage projects update and facilities update), quarterly indicators (crime and building permits), current issues/information (Bellaire’s bond rating), 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

Due to the fact that City Council’s first meeting of the month of March was on March 1, 2010, the police activity report for the month of February 2010 was not yet compiled. City Manager Satterwhite would report on police activity at the second City Council meeting in March.

Public Infrastructure/Utilities

It was noted that the only Rebuild Bellaire Program Project ongoing presently was the reconstruction of Whipple Drive. The storm sewer work on that project was 98% complete, and the street and curb work was 75% complete.

The next phase of the Rebuild Bellaire Program, Phase Three, was currently in the engineering design phase. It was expected that bids and bonds would be issued in early spring, with construction to begin during the summer months.

The Congestion Mitigation Air Quality Control (CMAQ) Project (traffic signal lights) was well underway, with six of eleven intersections complete. Once all eleven intersections were complete, the digital timing apparatus would be installed. Full completion and operation of the project was still several months away.

With respect to the Rice Lift Station Replacement Project, the engineers were working on the contract phase. The City was not in a rush to get the project started. It was the City’s desire to get the Whipple Drive residents back in their driveways before the Rice Lift Station Replacement Project began. This project would involve blocking portions of South Rice Avenue.
The Fire Station facility piers and grade beams had been poured and the underground plumbing was completed.

The Evergreen Pool bathhouses were essentially completed. Punch list items remained and would be completed in approximately one week.

City Manager Satterwhite advised City Council that a major pump had gone out at the Bellaire Aquatics Facility and that there was a leak in a line leading to the leisure pool. More excavation work was needed to determine the location of the leak.

**Cultural/Recreational**

The Bellaire City Library would begin celebrating the “Read Across America” program on Tuesday.

**Communications/Technology**

City Manager Satterwhite advised that with the completion of the citywide fiber network project, the City’s network speed had increased significantly.

**Current Issues/Information**

The City’s Standard & Poor’s (S&P) bond rating of AAA was affirmed with an outlook of “stable.” City Manager Satterwhite advised that this rating was significant in this day and age, as the City was not able to give the raters all good news. It was noted by the raters that Bellaire’s financial position remained strong, with strong wealth and income levels, strong financial reserves, strong planning, and structurally sound budgeting.

**Upcoming Meetings/Events**

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Type of Meeting</th>
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</thead>
<tbody>
<tr>
<td>03/22/2010</td>
<td>6:00 p.m.</td>
<td>Special Session (Joint Public Hearing with the Planning and Zoning Commission) (Code Revisions based on Comprehensive Plan)</td>
</tr>
</tbody>
</table>
Upcoming Meetings/Events (cont.)

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Type of Meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td>03/22/2010</td>
<td>6:30 p.m.</td>
<td>Special Session (Joint Public Hearing with the Planning and Zoning Commission) (Amendment to Specific Use Permit S-73 to increase square footage of project area)</td>
</tr>
<tr>
<td>03/22/2010</td>
<td>7:00 p.m.</td>
<td>Regular Session*</td>
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*If approved by City Council action in a later agenda item to change the meeting date of the second Regular Session in March to March 22, 2010 (from March 15, 2010).

QUESTIONS/COMMENTS FROM CITY COUNCIL:

Councilman James P. Avioli, Sr., inquired as to the following:

- Whether the repair projects underway at the Bellaire Family Aquatic Center (pump outage and leak) were under warranty;
- Whether the City of Bellaire had received a portion of the Texas Municipal League Intergovernmental Risk Pool’s (TML-IRP) refunding of $16 million in members’ equity; and
- Rodent issues (i.e., possums, coyotes, etc.) with a lot the City used to store household waste.

City Manager Satterwhite indicated that the Bellaire Family Aquatic Center repair work was not under warranty and that the cost would probably be in the low thousands. With respect to the TML-IRP members’ equity refunding, Bellaire had received just under $10,000. The lot referred to by Councilman Avioli was used from time to time to store household waste when City garbage trucks were down. In this instance, the City had a full garbage truck that broke down. It had to be emptied in order to tow the truck to a repair facility. The lot was cleaned up earlier in the day.

Mayor Pro Tem Phil Nauert inquired as to the following:

- Whether the new traffic signals lights under the City’s CMAQ project were incandescent or LED; and
The type of leak that had occurred at the leisure pool.

City Manager Satterwhite advised that the traffic signal lights were state of the art LED. The cover over the lights made them look smoother. As to the leak at the leisure pool, it was noted that the leak was in a 4” PVC water feed line.

Councilman Andrew Friedberg inquired as to the following:

- Whether the crosswalks for the new traffic signal lights (CMAQ Project) would rely on existing infrastructure and if the old traffic signal lights had been removed; and
- Whether City Staff had interfaced with residents and businesses regarding the Cedar Street parking issue.

City Manager Satterwhite indicated that the crosswalks under the CMAQ Project would rely on existing infrastructure and that the old lights had been removed. City Staff had interfaced with businesses and some residents on the Cedar Street parking issue and were working on a possible resolution.

Mayor Cindy Siegel inquired as to whether a major pump going out at the Family Aquatic Center was considered a normal maintenance issue.

City Manager Satterwhite indicated that it was a maintenance issue and that he had not received a quotation for the repair yet.

MOTION TO ACCEPT THE REPORT INTO THE RECORD:

A *motion was made by* Councilman James P. Avioli, Sr., *and seconded by* Councilman Will Hickman to accept the City Manager’s Report as presented by City Manager Bernard M. Satterwhite, Jr., into the record.

VOTE ON MOTION TO ACCEPT THE REPORT INTO THE RECORD:

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

FOR:  
Siegel, Cindy  
Hickman, Will  
Avioli, James P., Sr.  
Parker, Corbett Daniel  
Nauert, Phil  
Friedberg, Andrew
FOR (CONT.): Nathan, Mandy

OPPOSED: None

ABSENT: None

2. 2009 ANNUAL AUDIT AND COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) for the City of Bellaire, Texas, for the fiscal year ended September 30, 2009, by Belt Harris & Associates, LLP, Certified Public Accountants – Presented by Belt Harris & Associates, LLP; Item submitted by Chief Financial Officer Donna Todd on behalf of the Bellaire Audit/Finance Committee.

Nathan Krupke, Senior Manager, Belt Harris & Associates, LLP, advised that Bellaire had hired the firm of Belt Harris & Associates, LLP ("Belt Harris") to provide an opinion on the City’s financial statements. He referred City Council to page 15 of the City’s Comprehensive Annual Financial Report (CAFR), which was identified as the Independent Auditors’ Report. Belt Harris presented a clean, unqualified report, which meant that Bellaire’s financial statements were free of material misstatements and that all disclosures required by generally accepted accounting principles (GAAP) had been made. The highest level of assurance that Belt Harris could give the City as auditors was an unqualified report.

Mr. Krupke advised that he had gone over the CAFR in detail with the City’s Audit/Finance Committee. He stated that his firm had the pleasure of completing the City’s audit earlier than in years past due to the fact that Chief Financial Officer Donna Todd and her staff had worked very hard to clean things up in the sense that the City was ready for the audit. This was a great testimony to Chief Financial Officer Todd, Finance Manager Vickey O’Donnell, Accounting Manager Bill Mize, and the rest of the Finance Department staff.

Mayor Cindy Siegel asked Councilman James P. Avioli, Sr., to present the Audit/Finance Committee Report.

Councilman James P. Avioli, Sr., advised that on February 16, 2010, the Audit/Finance Committee ("Committee"), consisting of Mayor Cindy Siegel, Councilman Corbett Daniel Parker, and himself, met with Chief Financial Officer Donna Todd and City Manager Bernard M. Satterwhite, Jr., to discuss the audit report. In addition, there was a
representative from the City of Bellaire, Ms. Lynn McBee, in attendance.

Mr. Krupke of Belt Harris went through the audit report with the Committee in detail. The Committee had several questions and Mr. Krupke was able to answer all questions to the satisfaction of the Committee.

The main topic of discussion, as it had been in prior years, was the internal controls the City had in place to protect the system financially. As one would imagine, it was not cost-effective for the City to have its own Internal Audit Department. In response to the questions, Chief Financial Officer Todd presented the procedures and techniques she had in place to protect the integrity of the financial system. The techniques and procedures were certainly satisfactory to the Committee, as well as Belt Harris.

As Mr. Krupke pointed out, Belt Harris was issuing an unqualified report to the City. It was the Committee’s recommendation that City Council accept this unqualified report, with minimum findings into the record. Councilman Avioli indicated that he, Mayor Siegel, and/or Councilman Parker could answer any questions that members of City Council might have.

Councilman Avioli closed by noting that the audit report was a credit to the Chief Financial Officer, City Manager, and all of City Staff.

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

A motion was made by Councilman James P. Avioli, Sr., and seconded by Councilman Corbett Daniel Parker to accept the 2009 Annual Audit and Comprehensive Annual Financial Report (CAFR) for the City of Bellaire, Texas, for the fiscal year ended September 30, 2009, as presented by Belt Harris & Associates, LLP, Certified Public Accountants, into the record.

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

Councilman Andrew Friedberg stated that he understood that certain language had to be included in the Audit Report and understood that it had been addressed with the Committee. He understood the language “significant deficiencies in internal control, of which three were material,”
was an objective sentence of the risks that the City faced in its controlling system. He understood the cost analysis given the size of the City’s organization. He inquired as to whether there were industry techniques or technology-based solutions that were cheaper to implement, but might still arrive at a better result than what the City had now. He understood that this statement was made in the City’s Audit Report every year.

Mr. Krupke advised that the language referred to by Councilman Friedberg were comments required by the American Institute of Certified Public Accountants (AICPA). However, Belt Harris commented later in the letter that Bellaire did not need to change anything. Although certain things were required to be noted as a material weakness, those things would not affect the City financially, such as its bond rating. If the City wanted to eliminate the comment, the City would have to hire one auditor to do work and another auditor to check that auditor’s work. In other words, the City would have to pay twice as much for its audit.

Councilman Friedberg stated that he was wondering if there was some sort of technology-based detection that would raise the flags.

Mr. Krupke advised that the auditors’ job involved essentially coming in with certain procedures to try to identify any weak areas and where the City’s highest risk was. He noted that his firm audited 40 other cities that functioned very similarly to the City of Bellaire. He could not think of a technology-based solution that the City could add.

Councilman Friedberg closed by commending Chief Financial Officer Todd and her department. He appreciated the good work.

Mayor Siegel noted that the Committee spent a great deal of time asking the same questions of the Chief Financial Officer. Mayor Siegel indicated that she felt very comfortable with the response in terms of reconciling cash, determining where the City’s financial risks were, and that the City was within the limitations of its size. She felt that Councilman Avioli and Councilman Parker would agree that the Chief Financial Officer and her group did an excellent job in trying to double-check the City’s financial records to make sure something was not slipping by.

Councilman Friedberg indicated that his comments were not directed toward individuals, but rather to best practices.
Councilman Avioli advised that the Committee meeting was very enlightening. Some of the techniques that Chief Financial Officer Todd used were unannounced cash checks, stringent review of expense accounts and travel vouchers, etc. The Committee addressed such issues and was pleased with the answers that were received. Although the City did not have a formal Internal Audit Department, Chief Financial Officer Todd was an “internal auditor.”

Mayor Pro Tem Phil Nauert inquired as to whether the content of this evening’s 2009 Audit Report had already been seen by the bond rating agencies.

City Manager Bernard M. Satterwhite, Jr., indicated that the bond rating agencies had seen the CAFR, but not the Audit Report.

Mayor Pro Tem Nauert indicated that the review of the bond rating based on the CAFR was a good endorsement of what the Finance Department, City management, and auditors had done.

Councilman Will Hickman inquired as to whether there was anything the City needed to be worried about in terms of fraud, schemes, false contractors, money slipping out the back, etc.

Mr. Krupke noted that previous Council Members had made good points in that Chief Financial Officer Todd was very “hands on” and had an eagle eye for detail. Something as simple as a travel voucher did not get past her department without being formally approved. This was a good sign to the auditors that the City had staff that was paying attention to detail. Schemes normally came into play because someone had figured out a way to manipulate the system. The Finance Department did a great job in looking at such things. Unfortunately, there was no fail-safe way to prevent a rogue employee or employees that could commit fraud.

Councilman Hickman inquired as to whether the auditors would be able to detect such a rogue employee or employees.

Mr. Krupke indicated that he believed his firm would pick up such a situation. His firm had found people committing fraud in other cities. They had not found that to be the case in Bellaire.

City Manager Satterwhite noted that the schemes that Councilman Hickman referred to were high-level conspiracies to commit fraud. There were no guarantees and no absence of
risk anywhere. The City looked for trends and at numbers on a continuous basis. Financial reports were presented to City Council on a monthly basis.

**Councilman Hickman** asked for confirmation that Mr. Krupke had not seen hints or evidence of fraud in Bellaire.

**Mr. Krupke** advised that Councilman Hickman was correct.

**Mayor Siegel** indicated that one of the beauties of being a small city and a small employee group was that people knew everyone’s business. She did not believe that someone would get away with fraud for very long in Bellaire.

**City Manager Satterwhite** asked everyone to keep in mind that the real purpose of the audit was to ensure that the City’s financial statements had no material deficiencies. The bottom line was that the City’s financial statements were good and had no material deficiencies.

**Councilman Corbett Daniel Parker** advised that not only did the City of Bellaire have great financial statements, but he was pleased to learn that despite the harsh economic realities that other municipalities were facing, Chief Financial Officer Todd and City Manager Satterwhite were doing a great job ensuring that Bellaire was fiscally responsible.

**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.  
Parker, Corbett Daniel  
Nauert, Phil  
Friedberg, Andrew  
Nathan, Mandy

**OPPOSED:** None

**ABSENT:** None

**F. PROCLAMATIONS:**

1. **ISSUANCE OF PROCLAMATION** by Mayor Cynthia Siegel proclaiming Li Boynton, a top science and arts student at
Bellaire High School, as an Outstanding Citizen of the City of Bellaire, Texas, in recognition of her achievements and significant contribution to the scientific community, as well as her recognition as a guest of First Lady Michelle Obama during the State of the Union address on January 27, 2010 – Item submitted by Councilman Corbett Daniel Parker.

Note: This agenda item was considered earlier in the meeting. See pages 8-9 of these minutes for discussion related to this agenda item.

2. PRESENTATION OF A PROCLAMATION issued during the month of February 2010 by Mayor Cynthia Siegel proclaiming February 23, 2010, as Rotary Day in the City of Bellaire, Texas, and encouraging all citizens to join her in recognizing Rotary International for its more than 105 years of service to improving the human condition in local communities and around the world – Item submitted by City Clerk Tracy L. Dutton on behalf of Rotary International.

Note: This agenda item was considered earlier in the meeting. See pages 5-8 of these minutes for discussion related to this agenda item.

G. ADOPTION OF ORDINANCES:

1. APPOINTMENT:

CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing one (1) member to the Planning and Zoning Commission of the City of Bellaire, Texas, to fill an unexpired term commencing March 1, 2010, and expiring June 30, 2010 – Item submitted by City Clerk Tracy L. Dutton at the direction of City Council.

Each member of the Bellaire City Council presented his or her choice for one (1) member to fill the unexpired term of James P. Avioli, Jr., on the Planning and Zoning Commission of the City of Bellaire, Texas, as follows:

<table>
<thead>
<tr>
<th>Council Member</th>
<th>Applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cindy Siegel</td>
<td>Paul C. Simmons</td>
</tr>
<tr>
<td>Will Hickman</td>
<td>Paul C. Simmons</td>
</tr>
</tbody>
</table>
The votes were tallied as follows:

Jana Bedi 1
Paul C. Simmons 6

MOTION TO ADOPT ORDINANCE APPOINTING (1) MEMBER TO THE PLANNING AND ZONING COMMISSION OF THE CITY OF BELLAIRE, TEXAS:

A motion was made by Councilman Andrew Friedberg and seconded by Councilman Will Hickman to adopt an ordinance of the City Council of the City of Bellaire, Texas, appointing Paul C. Simmons as a member to the Planning and Zoning Commission of the City of Bellaire, Texas, to fill an unexpired term commencing March 1, 2010, and expiring June 30, 2010.

VOTE ON MOTION TO ADOPT ORDINANCE APPOINTING ONE (1) MEMBER TO THE PLANNING AND ZONING COMMISSION OF THE CITY OF BELLAIRE, TEXAS:

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

FOR: Siegel, Cindy
Hickman, Will
Avioli, James P., Sr.
Parker, Corbett Daniel
Nauert, Phil
Friedberg, Andrew
Nathan, Mandy

OPPOSED: None

ABSENT: None
2. BID AWARD:

CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department to award Bid No. 10-002, Solid Waste and Construction Debris Disposal (Tipping Fees) to Blue Ridge Landfill TX, LP in an amount not to exceed $9.00 per cubic yard for compacted debris and $6.00 per cubic yard for non-compacted debris and on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with Blue Ridge Landfill TX, LP for solid waste and construction debris disposal (tipping fees) in an amount not to exceed $9.00 per cubic yard for compacted debris and $6.00 per cubic yard for non-compacted debris – Item submitted by Director of Public Works Joe Keene.

Note: This item was postponed on February 15, 2010, in order to allow the Bellaire Public Works Department an opportunity to review a Ground Lease Agreement for the Ruffino Hills Landfill between the City of Bellaire, Texas, and Ruffino Hills, LP.

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

A motion was made by Mayor Pro Tem Phil Nauert and seconded by Councilwoman Mandy Nathan to approve a recommendation from the Bellaire Public Works Department to award Bid No. 10-002, Solid Waste and Construction Debris Disposal (Tipping Fees) to Blue Ridge Landfill TX, LP in an amount not to exceed $9.00 per cubic yard for compacted debris and $6.00 per cubic yard for non-compacted debris and to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with Blue Ridge Landfill TX, LP for solid waste and construction debris disposal (tipping fees) in an amount not to exceed $9.00 per cubic yard for compacted debris and $6.00 per cubic yard for non-compacted debris.

{Ordinance was subsequently numbered: 10-015}
DISCUSSION ON MOTION TO APPROVE BID AWARD AND
ADOPT ORDINANCE AUTHORIZING EXECUTION OF
AGREEMENT:

City Manager Bernard M. Satterwhite, Jr., indicated that the Blue Ridge Landfill, after having done the analysis of the two bids and taking into account the 18% discount in the City’s Ground Lease Agreement with Ruffino Hills, LP for the Ruffino Hills Landfill, was still the low bid.

The Ground Lease Agreement did not work too well for the City because it offered a percentage discount off of the gate fee at the transfer station. The City purchased through a bid contract and not off the gate fees. Nonetheless, the gate fee as of February 24, 2010, was $36.75. With the City’s discount of $6.62, the fee would be $30.14 per ton. It was noted that the gate fee did change from time to time. On top of the gate fee, other environmental fees had to be added on. In a negotiated bid, environmental fees were already included. The Ground Lease Agreement did not refer to such fees. The Blue Ridge Landfill was 11.9 miles away. The Ruffino Hills Transfer Station was 7.77 miles away. Given the cost per cubic yard, truck capacity, miles per gallon of the truck, and the average diesel price of fuel, and applying to both bids and the gate fee discount, resulted in the following:

- $298 per trip for the Blue Ridge Landfill;
- $433 per trip for the Ruffino Hills Transfer Station; and
- $436 per trip with the Ruffino Hills Transfer Station Ground Lease Agreement Discount.

The Ruffino Hills bid price was better than the discount the City could get from the gate.

With respect to determining the tonnage of trucks that visit the landfill, the Blue Ridge Landfill sent the City a scale certification. The scale certifications were performed every six months at a minimum and after every major repair. During the summer of 2008, the Blue Ridge Landfill elected to certify their scales on a quarterly basis to ensure accuracy. This procedure had continued. Since April of 2007, the scales had been recertified 11 times.

Mayor Pro Tem Phil Nauert asked if the City could still take a truck or two to the Ruffino Hills Transfer Station if there were ever a heavy or specific need to do so.
City Manager Satterwhite advised that Mayor Pro Tem Nauert was correct. The City had taken loads to the Ruffino Hills Transfer Station. Just before Hurricane Ike hit, the Blue Ridge Landfill closed due to the impending storm. Director of Public Works Joe Keene wanted to get the garbage out of town, so he took it to the Ruffino Hills Transfer Station and the City was given its discount off of the gate fee.

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

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

FOR:  
Siegel, Cindy  
Hickman, Will  
Avioli, James P., Sr.  
Parker, Corbett Daniel  
Nauert, Phil  
Friedberg, Andrew  
Nathan, Mandy

OPPOSED:  None

ABSENT:  None

{Ordinance was subsequently numbered: 10-016}

3. **CODE CHANGE – NAME CHANGE:**

CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, repealing Chapter 2, Administration, Article VII, Boards, Commissions and Committees, Section 2-109, Bellaire Arts Commission, of the Code of Ordinances of the City of Bellaire, Texas, and adopting a new Section 2-109, thereto, entitled Bellaire Cultural Arts Commission, in order to change the name of the Bellaire Arts Commission to reflect an expanded and modified scope of the Commission to include support for community projects involving cultural arts – Item submitted by City Clerk Tracy L. Dutton on behalf of the Bellaire Arts Commission.

**MOTION TO ADOPT ORDINANCE AMENDING CODE TO**
CHANGE THE NAME OF THE BELLAIRE ARTS COMMISSION:

A motion was made by Councilman James P. Avioli, Sr., and seconded by Councilman Corbett Daniel Parker to adopt an ordinance of the City Council of the City of Bellaire, Texas, repealing Chapter 2, Administration, Article VII, Boards, Commissions and Committees, Section 2-109, Bellaire Arts Commission, of the Code of Ordinances of the City of Bellaire, Texas, and adopting a new Section 2-109, thereto, entitled Bellaire Cultural Arts Commission, in order to change the name of the Bellaire Arts Commission to reflect an expanded and modified scope of the Commission to include support for community projects involving cultural arts.

DISCUSSION ON MOTION TO ADOPT ORDINANCE AMENDING CODE TO CHANGE THE NAME OF THE BELLAIRE ARTS COMMISSION:

Councilman Corbett Daniel Parker advised that the mission the Bellaire Arts Commission (“Commission”) was tasked with by a previous City Council when it was created was a little different at that time and did not take into account the opportunities that the Commission has had to make an impact. The name change more accurately described what the Commission had already done and what they intended to continue doing—cultural art as well as traditional art. He advised that he certainly supported such a name change.

Councilwoman Mandy Nathan stated that she would support the name change as well and commended the Commission. She noted that the Commission initially had a hard time finding its way in part because of the difficulty of getting a consensus on what art was, as well as funding issues. The Commission had done a great job adapting and being flexible. The projects that had been worked on over the last year had been terrific. She thanked the Commission for finding a way to do what had been asked at a time when there was not a great deal of money for City Council to give them. She was happy to support a change in the name if the Commission felt it better reflected the current mission.

Councilman Andrew Friedberg indicated that he, too, was happy to support the request. He noted that he had a few changes to recommend to the ordinance itself.
AMENDMENT (NO. 1) TO MOTION TO ADOPT ORDINANCE AMENDING CODE TO CHANGE THE NAME OF THE BELLAIRE ARTS COMMISSION:

An amendment (no. 1) was made by Councilman Andrew Friedberg to the motion to adopt an ordinance amending the City Code to change the name of the Bellaire Arts Commission as follows:

Item 2., page one of ordinance, should read as follows (amendment to item 2. is underscored):

“2. THAT Chapter 2, Administration, Article VII, Boards, Commissions and Committees, Division 3, Boards, Commissions and Committees Governed by City Charter, Ordinance or Resolution, Section 2-109, Bellaire Arts Commission, of the Code of Ordinances of the City of Bellaire, Texas, is hereby repealed and a new Section 2-109, entitled Bellaire Cultural Arts Commission, is hereby adopted to read as follows:”

Subsection d. under item 2., page two of ordinance, should read as follows (amendment to subsection d. has been struck through):

“d. Participating in cooperative projects with City departments, boards, commissions, committees, and nonprofit entities, such as the Centennial Committee, Patrons for Bellaire Parks, Inc., and the Bellaire Historical Society.”

Mayor Pro Tem Phil Nauert seconded the amendment (no. 1) to the motion to adopt an ordinance amending the City Code to change the name of the Bellaire Arts Commission.

VOTE ON AMENDMENT (NO. 1) TO MOTION TO ADOPT ORDINANCE AMENDING CODE TO CHANGE THE NAME OF THE BELLAIRE ARTS COMMISSION:

Amendment (No. 1) carried unanimously on a 7-0 vote as follows:

FOR: Siegel, Cindy
     Hickman, Will
     Avioli, James P., Sr.
     Parker, Corbett Daniel
     Nauert, Phil
     Friedberg, Andrew
FOR (CONT.): Nathan, Mandy

OPPOSED: None

ABSENT: None

DISCUSSION ON ORIGINAL MOTION TO ADOPT ORDINANCE AMENDING CODE TO CHANGE THE NAME OF THE BELLAIRE ARTS COMMISSION, AS AMENDED:

Councilman Will Hickman inquired as to the definition of “cultural arts.”

Chair Kathy Biddle, Bellaire Arts Commission, advised that the Commission wanted to make it clear that they were moving away from just advising City Council on installation of public art projects and getting into programs and projects that involved the community and working with other City departments, such as the Parks & Recreation Department.

In other words, the Commission was getting into interactive programs with the community and not promoting the purchase of pieces of art.

Cultural arts also implied music, film, dance, and written works.

Councilman Hickman asked for confirmation that the term “cultural art” was broader than just art or sculpture.

Chair Biddle agreed that it was much broader and helped to separate the Commission from the initial negative impressions that came about because they were not able to accommodate the initial mission that the Commission had.

Mayor Cindy Siegel commended Chair Biddle and the Commission, noting that the process had been evolving. The City was very lucky to have Kathy Biddle as the Chair of the Commission. The entire Commission was to be commended.

VOTE ON MOTION TO ADOPT ORDINANCE AMENDING CODE TO CHANGE THE NAME OF THE BELLAIRE ARTS COMMISSION, AS AMENDED:

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

FOR: Siegel, Cindy
Hickman, Will
Avioli, James P., Sr.
4. MEETING DATE CHANGE:

CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing a change in the date of the second regular meeting of the City Council of the City of Bellaire, Texas, to be held in the month of March 2010 from March 15, 2010, to March 22, 2010, due to the lack of a quorum on March 15, 2010 – Item submitted by City Clerk Tracy L. Dutton at the direction of City Council.

Mayor Cindy Siegel advised that due to the fact that there would not be a quorum of City Council Members in attendance on March 15, 2010, she had requested that the City Clerk prepare an ordinance for City Council consideration to move the second regular meeting of the Bellaire City Council from March 15, 2010, to March 22, 2010.

MOTION TO ADOPT ORDINANCE AUTHORIZING A CHANGE IN THE SECOND CITY COUNCIL MEETING DATE FOR MARCH 2010:

A motion was made by Councilwoman Mandy Nathan and seconded by Councilman Corbett Daniel Parker to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing a change in the date of the second regular meeting of the City Council of the City of Bellaire, Texas, to be held in the month of March 2010 from March 15, 2010, to March 22, 2010, due to the lack of a quorum on March 15, 2010.

VOTE ON MOTION TO ADOPT ORDINANCE AUTHORIZING A CHANGE IN THE SECOND CITY COUNCIL MEETING DATE FOR MARCH 2010:
DATE FOR MARCH 2010:

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

FOR:  
Siegel, Cindy  
Hickman, Will  
Avioli, James P., Sr.  
Parker, Corbett Daniel  
Nauert, Phil  
Friedberg, Andrew  
Nathan, Mandy  

OPPOSED:  None  

ABSENT:  None  

{Ordinance was subsequently numbered:  10-018}

H. ITEMS FOR INDIVIDUAL CONSIDERATION:

Recycling Center

1. CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department and Bellaire Recycling Committee to close the Bellaire Recycling Center during the calendar year 2010 – Presentation by Chair Brenda Cauthen, Bellaire Recycling Center; Item submitted by Director of Public Works Joe Keene.

Brenda Cauthen, Chair, Bellaire Recycling Committee, stated that she was present this evening to present the Bellaire Recycling Committee’s (BRC) recommendation that the City close the Recycling Center located at 4400 Edith Street, Bellaire, Texas. The presentation would summarize recycling in Bellaire, recycling statistics, and what the BRC believed was the best recycling solution for the City.

One of the purposes of the BRC was to review and make advisory recommendations to City Council with respect to all things “recycling” in Bellaire. The BRC did believe that their recommendation this evening fell within their stated purpose.

There were currently two options for recycling in Bellaire. The first option was a wonderful, fabulous, and unbelievable curbside program that took just about everything under the sun with a "recycle" symbol on it except for Styrofoam. The program did not require any sorting. All a person had to do...
was get their bin out to the curb by 8:00 a.m. on Wednesday morning.

This expanded program came into place in November of 2008. With that program, the material that had been collected through the curbside recycling program had risen 28% in 2009 compared to the 2008 period.

The second option that a recycler in Bellaire had was the Recycling Center. The volumes collected at the Recycling Center had steadily decreased over the last five years. The amount collected in 2009 was only 347 tons or approximately 35 truckloads, which equated, on average, to less than one truck per week.

Currently, the City’s recycle day was Wednesday. Each Wednesday, the Bellaire Public Works Department drove a truck by every home in Bellaire to collect the curbside recycling. There were, however, individual residents that liked to take their recyclables to the Recycling Center themselves rather than place them at the curb. These residents, for whatever reason, were spending time sorting the items by type, loading them into their vehicles, driving to the Recycling Center using more gas, releasing emissions, and incurring wear and tear on their car. They would then get out of their car, unload all of their recyclables, and sort it into the various bins at the Recycling Center. These recyclables were picked up by another truck and driven to a recycling plant. This was not very efficient and certainly not very good for the environment, given the fact that the Bellaire Public Works Department already drove by every home in the City of Bellaire.

Chair Cauthen presented a slide containing recycling statistics related to tonnage recycled through the Recycling Center and through the curbside recycling program. She also noted that an average family who was truly recycling everything that could be recycled on a weekly basis should be filling up four bins.

The BRC believed it was time for a change for the environment. From the initial pilot recycling study that was performed in 1988 in Bellaire (which was very leading edge at the time) to the opening and renovation of the Recycling Center in 1989 and 1994, respectively, Bellaire residents had always been proactive in protecting the environment through recycling efforts. The Recycling Center played an important role in the City’s recycling for many, many years. However, in today’s times and with the wonderful curbside program that Bellaire had, the BRC believed the better solution for today was to close the Recycling Center.
The curbside recycling program was convenient, available to all residents, offered a better return on the environment by using less gas, and did not require sorting.

Based on all of the considerations already covered by Chair Cauthen this evening, the BRC recommended that the City close the Recycling Center.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

Councilman James P. Avioli, Sr., noted that he was a recycler and participated in the curbside recycling program and had used the Recycling Center. He felt that Bellaire had an excellent BRC. If the Recycling Center were closed, would it have an adverse effect on the City’s overall recycling effort?

Secondly, he was struggling with the economics. It was stated that the City lost $33,000 each year on the Recycling Center. If the City closed the Recycling Center, there could be an additional 375 tons for the City to handle assuming those recyclers used the curbside recycling program. He indicated that this was in increase of 20%. To handle the extra tonnage, 35 garbage trucks were needed. If one assumed that the cost for the garbage truck was $1,000, the City would have to spend $35,000 to save $33,000.

Additionally, would the City have to increase the daily pickup or work longer hours or add a second pickup day? He indicated that he was not adverse to the idea; he was looking strictly at economics.

Chair Cauthen indicated that the BRC itself did not get into dollar amounts other than asking how much it cost to run the Recycling Center. She assumed that the Bellaire Public Works Department had looked into that before bringing the BRC’s recommendation to City Council.

The 35-truck question was 35 trucks over a 52-week year. It was less than one additional truck on average per week. Director of Public Works Joe Keene indicated that he felt his staff could pick that up without having to extend into another day.

Councilman Will Hickman noted that the assumption was that the recyclables at the Recycling Center belonged to Bellaire residents and not Houston residents, for example.
Chair Cauthen indicated that Councilman Hickman was correct. She asked Councilman Avioli if he could elaborate again on his first question.

Councilman Avioli inquired as to whether the City felt that everyone that brought material to the Recycling Center would put it out on the curb or just blow it off? He was not certain anyone really had the answer to that question.

Chair Cauthen agreed that the City probably did not have any way of knowing. The City did not know who brought materials to the Recycling Center. The only known factor was that there was a City employee working at the Recycling Center five days per week.

Councilman Avioli inquired as to whether the closure of the Recycling Center meant that City Staff would be cut.

City Manager Bernard M. Satterwhite, Jr., stated that he doubted there would be a cut in City Staff, but he did not really have the answer for that question.

When the City implemented the curbside recycling program, the City did not look at the program as an economic question. There was not necessarily a specific savings that the City was trying to achieve in closing the Recycling Center. He believed the City was looking at greater efficiencies. With the tonnage collected at the Recycling Center decreasing from 900+ tons to 300+ tons, the City had to figure that some of the tonnage collected at the Recycling Center was from non-Bellaire residents.

Although there would be a savings in closing the Recycling Center, that cost may be picked up in longer hours for the curbside recycling program. He, therefore, did not know if this was an economic question or not. Materials had to be sorted at the Recycling Center, but not at curbside. If, for example, colored and clear glass were mixed at the Recycling Center, the City would be penalized for that at the recycling plant.

Councilman Avioli stated that he was a recycler and strongly supported recycling. He did not wish for his comments to have an adverse effect on any decision. He was focusing on the economics. If the Public Works Department felt the extra tonnage could be handled without additional cost, then it was certainly something the City ought to consider.
City Manager Satterwhite advised that he, too, had concerns as to whether the City could handle all of the curbside recycling program on just one day per week whether the Recycling Center remained open or not. The City was getting pushed harder and harder to recycle at all of the City’s parks, the Little League Field, and at City Hall. There might be a need to expand the program at some point. Personally, City Manager Satterwhite felt that the City needed to put all of its eggs in one basket or the other.

Councilman Hickman asked if the City still had a free tipping fee for recycling materials on Wednesdays.

City Manager Satterwhite indicated that there was a free tipping fee for the City’s curbside recycling materials. At one time, the City was actually paid for its recycling materials. Now, it was merely a free drop off. He suspected that when the City renegotiated its contract that there would be a possibility of having to pay to drop off recycling materials.

Councilman Hickman noted that another economic factor that the City could look at was the fact that the City was saving $30.00 per ton on materials that no longer had to go to Blue Ridge Landfill for tipping fees. He advised that he was the Council Liaison to the BRC in 2006 when the curbside recycling program was just getting started. The total amount of recycling materials from the Recycling Center added to the curbside program was 1,334 tons. As of 2009, that figure increased to 1,925 tons.

Councilman Hickman stated that he rarely went to the Recycling Center, but once the curbside recycling program was introduced, he put his bin out every Wednesday. He referred to the convenience, but applauded the efforts of the BRC as the amount of recycling materials collected curbside had quadrupled. He felt that the program was certainly a great success.

Councilman Hickman asked City Manager Satterwhite if he could look at the feasibility of closing the pipe yard and Edith Street.

Councilman Corbett Daniel Parker asked if there were better economic uses for the property where the Recycling Center was currently located. By closing the Recycling Center, the City would have additional property. He inquired as to whether there had been any considerations for the use of that property.
City Manager Satterwhite indicated that the lot was actually the storage lot for the Public Works Department. It was a storage lot before the Recycling Center was constructed there. The Recycling Center took up a very, very small portion of the pipe yard. The City would have to find another place to store materials if that lot were to be used for any other purpose.

Councilman Parker asked if any specific alternative uses had been brought up or had been considered for that property. In other words, what else could the property be used for?

City Manager Satterwhite advised that Councilman Hickman had made some suggestions in the past to turn that property into a detention facility and/or park. In other words, some suggestions had been discussed briefly.

Mayor Pro Tem Phil Nauert advised that this was a matter that was real close to his heart in a certain number of ways. Debbie Marshall was a close friend of Mayor Pro Tem Nauert. He worked with her for many years in helping her realize the dream of the Debbie Marshall Bellaire Recycling Center. There was a plaque on the Center containing words written by Mayor Pro Tem Nauert. He felt that the words reflected a certain courage in the face of adversity that those who knew Debbie would recognize.

He believed the Recycling Center did recognize Debbie’s vision, which at the time was to expand the categories of recyclables and tonnage that were diverted from the waste stream. She also wanted the facility to serve as an educational facility to spread the words of reduce, reuse, and recycle, which were her mantra. With all of those, he knew that Debbie understood that the whole concept was a very fluid concept. Mayor Pro Tem Nauert commended the BRC for looking into this change and he felt that Debbie would be very supportive of the change as long as people still recycled.

Councilman Nauert supported closing the Recycling Center, but would champion trying to keep the name of Debbie Marshall in the public domain as a dedicated volunteer, noting that this was something City Council could do at another time. Rarely did a governmental or quasi-governmental entity suggest reducing the size of its fiefdom. To him, this was one of the greatest signs of responsibility that the BRC had shown.

Councilman Andrew Friedberg inquired as to whether the BRC had considered a pilot program for temporarily closing the Recycling Center for a period of time (such as six months) in
order to study the effects of that closure (i.e., data, patterns of behavior, etc.).

Chair Cauthen indicated that the BRC had not considered a pilot program. The BRC felt that their purpose was to make a recommendation. She did not know whether Director of Public Works Keene and/or City Manager Satterwhite had discussed such an option.

City Manager Satterwhite advised that such an option had not been considered.

Councilman Friedberg stated that there was value to maintaining the property as a Recycling Center, but perhaps there might be a better and higher use for the property. If the City did determine to close the Recycling Center, then City Council should come up with solutions for the property that were best for the community and would better serve the citizens than the Recycling Center was currently able to do. He also applauded the BRC for bringing the recommendation to City Council and thanked the members of the BRC for all of their efforts.

Councilwoman Mandy Nathan agreed and commented that having the BRC be the ones to come to City Council with a recommendation to close the Recycling Center in light of what had been accomplished in the last few years was terrific and commendable. She was very comfortable that the recycling goals could be attained through the curbside recycling program. She recalled a time when the Parks & Recreation Advisory Board certainly had their eye on the property for a soccer field. At that time the Recycling Center was serving such an important role. She thought it was great that the City had gotten to the point where this discussion could be held.

MOTION TO APPROVE RECOMMENDATION REGARDING THE CLOSURE OF THE BELLAIRE RECYCLING CENTER:

A motion was made by Councilwoman Mandy Nathan and seconded by Councilman Will Hickman to approve a recommendation from the Bellaire Public Works Department and the Bellaire Recycling Committee to close the Bellaire Recycling Center during the calendar year 2010.
DISCUSSION TO APPROVE RECOMMENDATION REGARDING THE CLOSURE OF THE BELLAIRE RECYCLING CENTER:

Councilman Parker inquired as to whether the closure of the Recycling Center disproportionately affected certain segments of Bellaire’s residents. For example, would seniors be disproportionately affected any more than any other group?

City Manager Satterwhite advised that the City would look into that and find out.

Mayor Cindy Siegel advised that she believed that the City did assist the elderly with their recycling materials.

Chair Cauthen stated that she understood that the City had not had the program for some time.

City Manager Satterwhite indicated that at one time the first Saturday of each month had been assigned for assisted pick up, but agreed with Chair Cauthen that the program had not been ongoing for some time.

Mayor Siegel inquired as to whether the City did anything to help the elderly who could not carry their bin to the curb. She referred to initial discussions related to purchasing bins with rollers on them.

Councilman Hickman indicated that “dolly-type” bins had been discussed at one time.

Chair Cauthen indicated that those types of bins were not currently used. The BRC had someone attend a meeting that asked about getting some assistance for those types of bins.

City Manager Satterwhite stated that two things happened with the City’s assisted pick up program. One, demand for the program decreased. Two, the program was staffed by volunteers, which, somewhat disappeared over time.

If the City wanted to re-implement those types of programs, the City Staff was not adverse to them. He believed the City needed volunteers to help and believed this was how it worked at other places.

Chair Cauthen advised that she had approached her elderly neighbor to ask her if there was anything she could do to help her. But, she could not get her to answer the door.
Mayor Siegel knew that many of the elderly had helped start the recycling program and were big proponents of it. She could see where it could be difficult for some to get their bins to the curb.

She asked if there were any agreement with the cities of West University Place or Houston for Bellaire residents to use their facilities.

City Manager Satterwhite indicated that currently, no such agreement was needed. He advised that City Staff had not explored seeking an agreement.

Mayor Siegel thanked Chair Cauthen and the BRC for their hard work. When the City first started its curbside-recycling program, there seemed to be some resistance to closing the Recycling Center. She commended the BRC for being willing to come forward with their recommendation this evening.

Councilman Avioli stated that he did not wish to be cumbersome with respect to the economics of the recommendation. He supported the closure, but did not believe the economics were there. At some point, City Council needed to re-look at what the closure was costing the City and re-evaluate the situation.

If the decision to close the Recycling Center became economically cumbersome, then the City would have to make a change.

City Manager Satterwhite stated that he would guess that recycling would cost more in the future. He thought it would get more and more expensive. Several cities had gotten out of the recycling business because it had become prohibitively expensive. That had not happened in Bellaire, yet. He did believe that in future years recycling would be a costly proposition. He did not believe that closing the Recycling Center or keeping it open would make a big difference with respect to that future cost.

Councilman Friedberg referred to the earlier comment as to whether an agreement with the cities of West University Place and/or Houston might be needed to use their recycling facilities. He recalled that the recycling location at Westpark Drive accepted more household items than Bellaire accepted either curbside or at the Recycling Center. He inquired as to whether his recollection was correct.
Chair Cauthen agreed that the Westpark Drive recycling location did accept more recycling materials than Bellaire.

Councilman Friedberg felt that continuing to educate the Bellaire residents as to what Bellaire offered and that there were other resources in Houston, for example, was important.

City Manager Satterwhite advised that Harris County sponsored periodic electronic waste and hazardous waste pickup sites.

VOTE ON MOTION TO APPROVE RECOMMENDATION REGARDING THE CLOSURE OF THE BELLAIRE RECYCLING CENTER:

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

FOR: Siegel, Cindy
Hickman, Will
Avioli, James P., Sr.
Parker, Corbett Daniel
Nauert, Phil
Friedberg, Andrew
Nathan, Mandy

OPPOSED: None

ABSENT: None

2. Rules of Procedure

CONSIDERATION of and possible action on the adoption of Rules of Procedure for the City Council of the City of Bellaire, Texas, for the period 2010-2012 – Item submitted by City Clerk Tracy L. Dutton on behalf of Mayor Cindy Siegel.

Mayor Cindy Siegel advised that the Bellaire City Council had a Workshop Session approximately one week ago at which time the Rules of Procedure for the City Council of the City of Bellaire, Texas, were discussed. A few suggested changes to the Rules of Procedure of the City Council of the City of Bellaire, Texas ("Rules"), adopted for the period 2008-2010 arose from that Workshop Session. With City Manager Bernie Satterwhite and Assistant City Manager Diane White’s help, City Clerk Dutton had blacklined those changes. Changes occurred on pages 6, 13, 15, 16 and page 17. Most of the changes were related to cleaning up and tightening the Rules. The only
substantive change was to increase the time for public comment during public hearings from four minutes to five minutes. Therefore, there is no differentiation in a speaker’s allotted time between regular sessions and public hearings. In other words, both types of meetings would allow the public to comment for five minutes.

MOTION TO ADOPT THE REVISED/BLACKLINED VERSION OF THE RULES OF PROCEDURE FOR THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, FOR THE PERIOD 2010-2012:

A motion was made by Mayor Pro Tem Phil Nauert and seconded by Councilman Andrew Friedberg to adopt the revised/blacklined version of the Rules of Procedure for the City Council of the City of Bellaire, Texas, for the period 2010-2012 as presented in the City Council agenda packet dated March 1, 2010.

AMENDMENT (NO. 1) TO MOTION:

An amendment (no. 1) was made by Councilman Andrew Friedberg to add the phrase “among the members present” to Section N, Absence of Both Mayor and Mayor Pro Tempore after the parenthetical. Section N would then read as follows:

In the absence of both the Mayor and the Mayor Pro Tempore at a scheduled meeting, the member of City Council who holds the lowest numbered City Council position (i.e., position number 1, position number 2, etc.) among the members present shall preside over the meeting in their absence.

Councilman Will Hickman seconded the amendment (no. 1).

VOTE ON AMENDMENT (NO. 1) TO MOTION:

Amendment (No. 1) to motion carried unanimously on a 7-0 vote as follows:

FOR: Siegel, Cindy
     Hickman, Will
     Avioli, James P., Sr.
     Parker, Corbett Daniel
     Nauert, Phil
     Friedberg, Andrew
     Nathan, Mandy
OPPOSED: None

ABSENT: None

Councilman Will Hickman referred to page 13 of the Rules. He indicated that “New Business” was the heart of what City Council did (i.e., adoption of ordinances, items for individual consideration, etc.). He agreed with removing Section H, but felt City Council should leave Sections I and J as is, except for the statement “Comments under this agenda item in this section may be closed at any time by a two-thirds (2/3) vote of the City Council.” That particular statement should be removed.

AMENDMENT (NO. 2) TO MOTION:

An amendment (no. 2) was made by Councilman Will Hickman to leave Section I, New Business, and Section J, Council Correspondence and Council Comments, as is, with the exception of the statement under Section J that reads “Comments under this agenda item in this section may be closed at any time by a two-thirds (2/3) vote of the City Council.” That statement should be removed.

Councilman Corbett Daniel Parker seconded the amendment (no. 2).

DISCUSSION ON AMENDMENT (NO. 2) TO MOTION:

Councilman Andrew Friedberg stated that he understood the term “new business” to refer to items discussed by City Council solely for the purpose of determining whether to put such items on a future agenda. In other words, the item(s) was not actually on the agenda and therefore could not be discussed, versus current business that was properly noticed on the agenda.

Councilman Hickman stated that he believed that “new business” was a term of art that was used for anything on the agenda to be discussed during a meeting. He noted that Robert’s Rules of Order referred to anything done during a meeting as “new business.”

City Attorney Alan P. Petrov agreed that “new business” was commonly used as a term for what was on the agenda currently.
VOTE ON AMENDMENT (NO. 2) TO MOTION:

Amendment (No. 2) to motion carried unanimously on a 7-0 vote as follows:

FOR:  
Siegel, Cindy  
Hickman, Will  
Avioli, James P., Sr.  
Parker, Corbett Daniel  
Nauert, Phil  
Friedberg, Andrew  
Nathan, Mandy

OPPOSED:  None

ABSENT:  None

Mayor Cindy Siegel, after noting no further discussion, called for a vote on the original motion, as amended.

VOTE ON MOTION TO ADOPT THE REVISED/BLACKLINED VERSION OF THE RULES OF PROCEDURE FOR THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, FOR THE PERIOD 2010-2012, AS AMENDED:

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

FOR:  
Siegel, Cindy  
Hickman, Will  
Avioli, James P., Sr.  
Parker, Corbett Daniel  
Nauert, Phil  
Friedberg, Andrew  
Nathan, Mandy

OPPOSED:  None

ABSENT:  None

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

Mayor Cindy Siegel read an email she had received from Southwest News Editor Kathy Ballanfant complimenting Bellaire Police Officer Jeanette Palmire for her service to the citizens of Bellaire. She closed by reminding City Council and the audience that there would be no
City Council meeting on March 15, 2010. That meeting was rescheduled to March 22, 2010.

**Mayor Pro Tem Phil Nauert** had no community interest items to report this evening.

**Councilman Andrew Friedberg** commended outgoing Planning and Zoning Commissioner James P. Avioli, Jr., on a job well done. He congratulated Commissioner Paul Simmons on his appointment to the Planning and Zoning Commission.

**Councilwoman Mandy Nathan** reminded everyone that Tuesday, March 2, 2010, was the Primary Election Day.

**Councilman Will Hickman** reminded everyone to return to their precincts after voting had concluded for their political conventions.

**Councilman James P. Avioli, Sr.,** complimented City Manager Bernard M. Satterwhite, Jr., Chief Financial Officer Donna Todd, and City Staff on a successful audit.

**Councilman Corbett Daniel Parker** congratulated Paul Simmons, newly appointed Commissioner to the Planning and Zoning Commission, noting that Mr. Simmons was very impressive in interviews with City Council. He thanked residents like Susan Downs and Lynn McBee for offering suggestions to City Council and being willing to follow up and volunteer their services. He closed by noting what a remarkable student Li Boynton was (i.e., recognized this evening by proclamation) and what a great school Bellaire High School was.

J. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by **Councilman Corbett Daniel Parker** and seconded by **Councilman Andrew Friedberg** to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 8:45 p.m. on Monday, March 1, 2010.

VOTE ON MOTION TO ADJOURN:

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

**FOR:** Siegel, Cindy

Hickman, Will

Avioli, James P., Sr.

Parker, Corbett Daniel
FOR (CONT.): Nauert, Phil
Friedberg, Andrew
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