CITY OF BELLAIRE  
CITY COUNCIL  
Minutes of Meeting  
Monday, February 19, 2007  

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, February 19, 2007. 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. 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 John F. Monday, Position No. 2;  
- Mayor Pro Tem Peggy Faulk, Position No. 3;  
- Councilwoman Debra Marz Davison, Position No. 4;  
- Councilman Pat McLaughlan, Position No. 5; and  
- Councilman John Jeffery, Position No. 6.  

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

B. INSPIRATIONAL READING AND/OR INVOCATION – Councilman Pat McLaughlan.  

Councilman Pat McLaughlan, in light of President’s Day, presented the inspirational reading for the evening by quizzing the City Council and members of the audience over some interesting facts regarding some of the Presidents of the United States as follows:  

- What President graduated from Yale University and later became President of Yale University?  
  Answer: Woodrow Wilson  
- What two Presidents had sons to become Presidents?  
  Answer: John Adams and George Bush  
- Which President had a dog named after a common board game?  
  Answer: Richard Nixon (Dog named Checkers)
• What President swam nude in the early morning every day in the Potomac River?
  Answer: John Quincy Adams

• What college has the most alumni that served as President?
  Answer: Harvard University

• Who was the tallest President?
  Answer: Abraham Lincoln

• Who was the shortest President?
  Answer: James Madison (5’ 4”)

• Which President sometimes weighed over 300 pounds?
  Answer: William Taft

Councilman McLaughlan noted that all Presidents had both strengths and weaknesses and faced different challenges. All of them succeeded in some areas and not in other areas, and yet, each one contributed in some way to make our country the strong nation that it was today. The same applied to the Bellaire City Council. Each had different strengths and different areas of interest. By effectively working together, the Bellaire City Council was building an even better Bellaire.

C. PLEDGES TO THE FLAGS – Councilman Pat McLaughlan.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

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

D. APPROVAL OR CORRECTION OF MINUTES:

APPROVAL of minutes of the Regular Session (Town Meeting) of the City Council of the City of Bellaire, Texas, held Monday, February 5, 2007 – Action by Members of City Council (Item submitted by City Clerk Tracy L. Dutton).
MOTION TO APPROVE MINUTES:

A motion was made by Councilwoman Debra Marz Davison and seconded by Councilman John F. Monday to approve the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held Monday, February 5, 2007.

VOTE ON MOTION TO APPROVE MINUTES:

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

FOR: Siegel, Cindy
     Monday, John F.
     Davison, Debra Marz
     McLaughlan, Pat
     Jeffery, John

OPPOSED: None

ABSENT: None

ABSTAINED: Hickman, Will*
            Faulk, Peggy*

*Councilman Will Hickman and Mayor Pro Tem Peggy Faulk abstained from voting on the minutes of the City Council Regular Session held on February 5, 2007, due to their absence from that meeting.

E. PERSONAL/AUDIENCE COMMENTS.

Richard Franke, 1104 Howard Lane, Bellaire, Texas:

Mr. Franke addressed City Council regarding the City’s infrastructure. He expressed his concern and his embarrassment over his neighborhood on Howard Lane. He had tried since 1998 to promote uniform reconstruction of the City’s deteriorating infrastructure. What had come about, instead, was a mindset regarding mortgaging the future.

He re-encouraged City Council to step back and rather than looking at the process of reconstruction as mortgaging the future, to look at it as protecting the City’s values. For example, Howard Lane was built during World War II and, like many street in Bellaire, had no rebar and a crumbling sub-base. This was the most expensive neighborhood Mr. Franke had ever lived in, but it was also the least attractive neighborhood he had lived in. He was very concerned with respect to the resale value of his property.

As the free market began to understand what was going on in Bellaire as compared to some neighborhoods around Bellaire, notably West University
Place, Afton Oaks, and Braeswood Place, they would see the great amount of reconstruction going on in those other neighborhoods and locate in one of them instead of Bellaire.

Mr. Franke referred to the risks of not pursuing reconstruction. He knew that there was a mindset in Bellaire to do things the cheap or least expensive way and he thought Bellaire paid the price for that year after year. He applauded City Council’s initiatives on sidewalks and was sorry that those initiatives did not stay together. He referred to the fact that Howard Lane had stop and go sidewalks and limited traffic control.

As City Council approached the budget season, Mr. Franke asked them to take a new perspective. Interest rates were still good, although construction costs might continue to rise. He was afraid that the different types of infrastructure (streets, sanitary sewers, sidewalks, storm sewers, street lights) all had approximately the same useful life. Bellaire’s piecemeal approach caused Howard Lane to suffer through two long six to seven week periods of rehabilitation and reconstruction, with the sanitary sewers replaced first, followed by a very thick overlay of asphalt. Howard Lane would have to go through this process again for reconstruction of the water line. Bellaire had primitive storm drainage and very ineffective street lighting that invited crime.

Mr. Franke advised that he was willing to pay his fair share. He proposed that City Council make a commitment to reassess where the City stood with respect to infrastructure and its facilities. He suggested that it be listed out so that people who lived in Bellaire or were considering living in or opening a business in Bellaire understood the risks they were taking if the infrastructure and facilities were not addressed in a timely manner.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee addressed City Council regarding several issues. It was her understanding that as of January 1, 2007, the Federal Emergency Management Agency (FEMA) had formally adopted the TSARP (Tropical Storm Allison Recovery Program) maps for the floodplain in Bellaire. If that were the case, the City was now altogether in the “bowl.” What had not been addressed at all was equal treatment of commercial properties to residential.

City Council spent a long, intense time improving the construction requirements for the floodplain in the residential areas, but none whatsoever in commercial. At this very moment, Bellaire had a Burger King construction with an office building going on, the Enterprise Rental Car site with an office building going on, and Westbound Bank going on. All of that new construction was in 100% coverage, no standards for parking lots, no
drainage. All new construction was using fill and slabs. Ms. McBee did not think this was right as the commercial area was as much in the floodplain as the residential area was.

Chapter 23.5 of the City’s Code dealt with subdivision standards. Interestingly, Ms. McBee noted that Chapter 23.5 required sidewalks on both sides of a street with a minimum width of four feet for new subdivisions. However, the City now had arbitrary sidewalks where the people who screamed the loudest got what they wanted.

Ms. McBee noted, too, that the City Council had not taken action on proposed sidewalk standards, proposed standards for solid waste collection (submitted, but never adopted), and petitions for sidewalks.

The November election was coming up and Ms. McBee did not know what state the City Hall was in, but wished for City Staff to be sensitive to the fact that Precinct 128 would like to keep the election in the Civic Center and hoped that the building would be usable at that time. Otherwise, it would be necessary to file changes in polling locations with the U.S. Department of Justice.

Additionally, Ms. McBee understood that congratulations were in order for the City Manager getting his harassed City Department Directors out of town for a few days to talk business. She was glad that the City did this. However, she felt that it would be very useful if the City Manager would consider publishing the new goals that might have been adopted by the City Staff at that retreat.

In closing, Ms. McBee referred to an item on the agenda this evening related to the receipt of a grant for Congestion Mitigation Air Quality (CMAQ) Program funds for the City’s traffic signalization project. She congratulated staff for achieving that, but did note that the federal standards would require that the City produce a public hearing at some appropriate point. She felt it would be very useful to hold the public hearing according to federal standards and explain to the community what that grant could achieve. As she understood it, the grant was based on air quality improvement. It reminded her of a pending application for a drive-in bank where all of the cars, spewing gasoline fumes, got lined up waiting to be serviced contra to the CMAQ standards.

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**Written Comment:**

**Mayor Cindy Siegel** advised that she had received a written comment and was requested to read that comment during Personal/Audience Comments as follows:

*Subject: Defeated Bellaire No-Smoking Ban*
Dear Cindy:

This is my first letter ever to City Council. This issue is of such critical importance to all citizens of Bellaire, including our children, that it astonishes me that anyone in good conscience could vote against it. Please ask the Council to reconsider its vote. Smoking kills! As a nonsmoker, I have a right to clean air, uncontaminated with second-hand smoke. We have enough problems with our air quality in Harris County. The idea that anyone in our town could deliberately choose to worsen our quality of life is so sad. I will remember every vote on this proposal when elections come around again.

Sincerely,

Georgia Thomas, M.D., M.P.H.
Executive Director, Employee Health & Well-Being
Associate Professor, Department of Infectious Diseases, Infection Control, and Employee Health
Unit 631 – UT M.D. Anderson Cancer Center, Houston, Texas
Home Address: 536 South Second Street, Bellaire, Texas

Mayor Cindy Siegel took an opportunity to welcome two Boy Scouts to the City’s Regular Session as follows: Dylan Cox of Troop 222 and David Lovington of Troop 806.

F. REPORTS:

1. CITY MANAGER’S REPORT – City Manager Bernard M. Satterwhite, Jr.

City Manager Bernard M. Satterwhite, Jr., presented the City Manager’s Report to City Council. The report consisted of the following Mission Areas: Residential Safety, Employees, and Internal Operations/Productivity. Also addressed were Indicators, Current Issues/Information, and Upcoming City Council Meetings/Events.

MISSION AREAS:

Residential Safety

With respect to police activity, it was noted that there were 31 part I criminal offenses in January of 2007 as compared to 48 in January of 2006. There were 54 traffic accidents in January of 2007 as compared to 67 in January of 2006. There were 241 arrests in January of 2007 as compared to 231 arrests in January of 2006.
With respect to robberies during the month, there was a report of suspicious activity at the METRO Transit Center ("Center") on Bellaire Boulevard. A victim was robbed while at the Center, and the suspect was arrested and charged with robbery in that incident.

Pilgrim Cleaners located at Chimney Rock Road and Dashwood Street was the victim of a robbery by a suspect with a handgun. The suspect stole cash from the register and fled. The case remained under investigation.

Two suspects robbed the Shell station on the West Loop. There was a video of the suspects and the investigation was continuing in that matter.

There were three assaults during the month of January and 23 thefts. Three of the thefts were identity thefts. Six arrests were made by officers in January, including three shoplifting incidents, a theft of construction materials, and a felony theft of DVDs from a business.

The City still continued to receive a large number of reports of theft of property from motor vehicles. A large percent of the incidents involved owners leaving valuable property in unlocked vehicles. It was best to not have any valuable items out on the seats and to lock vehicles, although a locked vehicle was still a fairly small deterrent in these types of incidents.

Other police activity during the month consisted of safety inspections of child seats (i.e., 35), distribution of free gunlocks to residents (i.e., 42), and one tour of the Police Department by a Girl Scout Troop.

**Residential Mobility**

City Manager Satterwhite referred to the commencement of construction on Ferris Street. The residents in the area were notified of the commencement, what the construction schedule would entail, and what inconveniences the schedule might entail. In addition, the residents with garages and carports facing Ferris Street were notified individually and given a schedule to the best of the City’s ability as to what those residents could expect during the project.

There had been a good deal of congestion with high school traffic in the area, and it would take the high school a while to make alternative arrangements and find alternative routes. The project would not be easy, but the contractors were working very hard to try to make the area available to residents to the maximum extent possible and would continue to do so. Residents would continue to receive notification as conditions changed.
The Jessamine Street construction project was progressing well now that the rains had subsided somewhat. The City was working on the south side of Jessamine as the north side had been paved. The south side would be completed more quickly than the north side, as the City did not have the large storm sewer to put in on the south side.

With respect to Fournace Place, it was noted that the construction project for that street was going very well.

**Employees**

City Manager Satterwhite advised that the City’s newest police officer, Daniel Trevino, started working for the City on Sunday. For the time being, the City was fully staffed in the Police Department.

With respect to the Fire Department, it was noted that there had been some changes due to the retirement of Dean Crain. Lieutenant Deacon Tittle was promoted to Commander to fill Commander Crain’s position, and Phil Dickinson was promoted to Lieutenant. These promotions were made after a very long and arduous assessment process.

**Internal Operations/Productivity**

City Manager Satterwhite referred to an incident that occurred at the end of January wherein one of the City’s courier vehicles was broken into while attempting to deliver the City’s utility bills to the bank. Approximately 200 City of Bellaire utility receipts were stolen. With those receipts were canceled checks. The deposits had been made, so there was no money stolen or funds compromised. Certainly, there was personal information of Bellaire residents on those canceled checks that could have been compromised.

Each of the affected residents was identified and letters were sent out to inform them that there was a possibility that their personal information could have been compromised. Advice was given to the residents with regard to what they might do to monitor their bank accounts for any unusual activity.

City Manager Satterwhite stated that he had not heard of any unusual activity, but he advised that if such an incident happened again, the City would get letters out to residents much more quickly. The City was caught somewhat off-guard by this incident. The City currently serviced 6,000 accounts and nothing like this had ever happened before. The City was building a process to ensure that residents were notified more quickly if an event such as this occurred again.
Secondly, the City was working with the bank and the courier company to try to take steps to ensure that this did not happen again. However, the City could not insure 100% that it was protected from theft.

**Indicators**

The crime statistics for the month of January 2007 were given to City Council. It was noted that theft was down somewhat over the previous year. City Manager Satterwhite referred to a five-year comparison bar added to the “Crime Index” chart. Response times were noted to be on target.

With respect to building permits, it was noted that the number of residential permits issued in 2007 was very strong and similar to 2006. No new commercial permits had been issued to date for fiscal year 2007.

**CURRENT ISSUES/INFORMATION:**

**Aquatic Facility**

City Manager Satterwhite noted that the Aquatic Facility was progressing slowly due to the unseasonably large amount of rain in December, January, and the first part of February. It was too early to say that the pool might open later than anticipated. The City would continue to press forward, but stressed to the contractors and others that the City wished for the project to be done right versus quickly and cutting corners.

**UPCOMING CITY COUNCIL MEETINGS/EVENTS:**

<table>
<thead>
<tr>
<th>Type of Meeting</th>
<th>Date</th>
<th>Time</th>
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<tbody>
<tr>
<td>Strategic Planning and Development Committee Meeting</td>
<td>February 20</td>
<td>6:30 p.m.</td>
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<tr>
<td>Regular Session</td>
<td>March 5</td>
<td>7:00 p.m.</td>
</tr>
<tr>
<td>Regular Session</td>
<td>March 19</td>
<td>7:00 p.m.</td>
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City Manager Satterwhite advised that an ordinance to call a public hearing on an application for a specific use permit filed by Westbound Bank might be considered on March 5, 2007, pending a special meeting called by the Planning and Zoning Commission on February 27, 2007.
QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

**Councilman Will Hickman**

**Q:** Councilman Hickman referred to several emails and comments he had received from residents on Jessamine Street related to driveway heights and the color of the concrete. He asked if City Manager Satterwhite could elaborate on those issues or concerns.

**A:** City Manager Satterwhite stated that the color of the concrete was due to the curing compound that was put on the concrete. It was initially very white in color, but would wear or gray out over time. This had been explained to the residents with concerns.

The driveways changed because the street was lowered to facilitate drainage. This made the slope of the driveway change depending on the location of the original driveway in relation to the street. There had to be a smooth slope to the street or a resident’s car would bottom out.

In several instances on Jessamine Street, the City had to go way up into the driveway to make the slope meet the street at an appropriate angle so that the cars would not bottom out. He believed that this might have taken some residents by surprise. The information was available at the neighborhood meeting. If anyone was listening with driveways on Ferris Street, those residents should be able to contact the City and find out now what would happen to their driveways.

**Mayor Cindy Siegel**

**Q:** Mayor Siegel inquired as to the reasoning behind the curing of the concrete.

**A:** City Manager Satterwhite indicated that curing the concrete would cause it to harden properly and quickly.

**Councilman John Jeffery**

**Q:** Councilman Jeffery referred to Ferris Street and noted that it was a mess from 7:15 a.m. until school started in the mornings. Although it was to be expected, he asked if it were possible for an officer to direct traffic at that end of Ferris Street. He advised that he had seen some interesting things in
the area as people tried to get to school. The traffic was literally backed up almost to Chimney Rock Road on Holly Street, and residents were not able to get out to go to work.

**A:** City Manager Satterwhite advised that it was his understanding that there had been City officers out there, but he would check that.

**Mayor Cindy Siegel**

**Q:** Mayor Siegel asked City Manager Satterwhite if he could address why the City started with the high school end of Ferris Street first. She knew that there had been some concerns that the City should wait until school was out to begin that work.

**A:** City Manager Satterwhite stated that it would not matter when the work had started because the City would either be working in that area now or when school started back in the fall. The project was long and would transcend the summer vacation.

James Andrews, P.E., Consulting Engineer, Claunch & Miller, Inc., stated that the end of Ferris Street near the high school was where the storm sewer system outfall was (i.e., Cypress Ditch). It was necessary to start the storm drainage portion of the project at the outfall and move away from that system.

**City Manager Satterwhite** noted that it was important to keep in mind that this was a drainage project.

**Mayor Pro Tem Peggy Faulk**

**Q:** Mayor Pro Tem Faulk referred to the curbside recycling program and inquired as to whether a report was going to come back to City Council at some point.

**A:** City Manager Satterwhite indicated that a report would come back to City Council on the March agenda.

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

A motion was made by Councilman John Jeffery and seconded by Mayor Pro Tem Peggy Faulk to accept the City Manager’s Report, as presented by City Manager Bernard M. Satterwhite, Jr., into the record.
VOTE ON MOTION TO ACCEPT REPORT INTO THE RECORD:

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

FOR:  Siegel, Cindy  
       Hickman, Will  
       Monday, John F.  
       Faulk, Peggy  
       Davison, Debra Marz  
       McLaughlan, Pat  
       Jeffery, John  

OPPOSED: None  

ABSENT: None  

2. FINANCIAL REPORT – Interim Chief Financial Officer Vickey O’Donnell.  

Mayor Cindy Siegel noted that Interim Chief Financial Officer Vickey O’Donnell was ill this evening and unable to attend the meeting. She indicated that the Financial Report would be postponed until the second March meeting.

G. NEW BUSINESS:

1. CONSENT AGENDA:

CONSIDERATION of and possible action on a request from Communications Technology Services (Organizational Services Department), Bellaire City Library, Parks & Recreation Department, and Public Works Department, to dispose of surplus property – Action by Members of City Council (Item submitted by Director of Communications Technology Services Larry Parks, Director of Library Mary A. Alford, Director of Parks & Recreation Jane L. Dembski, and Director of Public Works Joe Keene).

MOTION TO APPROVE CONSENT AGENDA:

A motion was made by Councilwoman Debra Marz Davison and seconded by Councilman John Jeffery to approve the Consent Agenda dated February 5, 2007, consisting of a request from Communications Technology Services (Organizational Services Department), Bellaire City Library, Parks & Recreation Department, and Public Works Department, to dispose of surplus property.
VOTE ON MOTION TO APPROVE CONSENT AGENDA:

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

FOR: Siegel, Cindy
     Hickman, Will
     Monday, John F.
     Faulk, Peggy
     Davison, Debra Marz
     McLaughlan, Pat
     Jeffery, John

OPPOSED: None

ABSENT: None

2. ADOPTION OF RESOLUTION:

CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, accepting a donation in the amount of $8,000.00 from the Friends of the Bellaire Library for the purchase of reference material, program support for children’s programs, support of the Big Read project, promotional bookmarks/posters, barcode scanner, digital camera, adult books on travel, young adult books, children’s books on the solar system, and Bookpage magazine – Action by Members of City Council (Item submitted by Director of Library Mary A. Alford).

MOTION TO ADOPT RESOLUTION:

A joint motion was made by Councilwoman Debra Marz Davison and Councilman John F. Monday and seconded by Councilman Will Hickman to adopt a resolution of the City Council of the City of Bellaire, Texas, accepting a donation in the amount of $8,000.00 from the Friends of the Bellaire Library for the purchase of reference material, program support for children’s programs, support of the Big Read project, promotional bookmarks/posters, barcode scanner, digital camera, adult books on travel, young adult books, children’s books on the solar system, and Bookpage magazine.

VOTE ON MOTION TO ADOPT RESOLUTION:

Joint motion carried unanimously on a 7-0 vote as follows:

FOR: Siegel, Cindy
     Hickman, Will
     Monday, John F.
FOR (CONT.):  Faulk, Peggy  
Davison, Debra Marz  
McLaughlan, Pat  
Jeffery, John

OPPOSED:  None

ABSENT:  None

{Resolution was subsequently numbered:  07-02}

3. ADOPTION OF ORDINANCES:

   Agreements and Contracts

   a. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, and the Interim Chief Financial Officer and the City Attorney of the City of Bellaire, Texas, to countersign and approve as to form, respectively, an Interlocal Agreement with Harris County, Texas, for the purpose of receiving a one-time lump sum payment in the amount of $50,000.00 for the operation and maintenance of The Nature Discovery Center at Russ Pitman Park, 7112 Newcastle Drive, Bellaire, Texas – Action by Members of City Council (Item submitted by City Clerk Tracy L. Dutton on behalf of Director of Parks & Recreation Jane L. Dembski).

   MOTION TO ADOPT ORDINANCE:

   A motion was made by Councilwoman Debra Marz Davison and seconded by Councilman John Jeffery to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, and the Interim Chief Financial Officer and the City Attorney of the City of Bellaire, Texas, to countersign and approve as to form, respectively, an Interlocal Agreement with Harris County, Texas, for the purpose of receiving a one-time lump sum payment in the amount of $50,000.00 for the operation and maintenance of The Nature Discovery Center at Russ Pitman Park, 7112 Newcastle Drive, Bellaire, Texas.
SUMMARY:

City Manager Bernard M. Satterwhite, Jr., advised that in the past, Harris County had provided funds for the operation of The Nature Discovery Center, although never as much at once as was to be provided under the agreement before City Council this evening. This took the City by surprise, as it was unsolicited. He believed the Board of The Nature Discovery Center solicited these funds during their annual gala. He noted that the City would sit down with The Nature Discovery Center to see what they had in mind for the funds. For example, improvements to the Henshaw House would qualify as a use for the funds, as would normal operations of the Center and the Park.

The agreement indicated that the monies would be placed in a separate account. The City would earmark or restrict the monies within its budget for The Nature Discovery Center versus opening a separate account. City Attorney Petrov had advised that this would be acceptable and considered a “separate account” for purposes of the agreement.

There was also a provision in the agreement that the City would erect a sign that indicated that funding was provided by Harris County.

QUESTIONS FROM CITY COUNCIL:

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

Councilman John F. Monday

Q: Councilman Monday inquired as to who would authorize expenditures of the $50,000. In other words, was it under the purview of City Council?

A: City Manager Satterwhite indicated that the Parks & Recreation Department would authorize the expenditures.

Q: Councilman Monday asked if the Parks & Recreation Department would authorize an expenditure exceeding $25,000?

A: City Manager Satterwhite advised that if an expenditure equaled or exceeded $25,000, it would have to come before City Council for approval to expend the funds.
Councilman Will Hickman

Q: **Councilman Hickman** inquired as to the budget for The Nature Discovery Center and how much Bellaire paid for its operations and maintenance.

A: **City Manager Satterwhite** indicated that the operations and maintenance portion for The Nature Discovery Center was included in the Parks & Recreation Department’s overall budget. He did not know the breakdown at this time. He did not believe it was $50,000 per year.

Mayor Siegel added that The Nature Discovery Center paid for their programming costs.

City Manager Satterwhite agreed and noted that the Interlocal Agreement was for operations and maintenance. He did see an opportunity to work with The Nature Discovery Center to see what improvements might be needed for that facility.

Councilman Pat McLaughlan

Q: **Councilman McLaughlan** referred to the signage requirements mentioned earlier by City Manager Satterwhite that were imposed by Harris County. He asked if the sign were to include the names of the County Judge and County Commissioners. He referred to Harris County’s generosity in giving the City some of its tax dollars back and asked how long the City would be obligated to keep the signage up.

A: **City Manager Satterwhite** stated that the signage would be installed at a location and in a form to be approved by the County Commissioner of Precinct 3. There was no indication as to the length of time the City would be obligated to keep the signage up.

C: **Councilman McLaughlan** noted that approximately a decade ago, the County Commissioner gave the City some money to plant crepe myrtles on Bellaire Boulevard and the signage was still up. He suggested that some sign cleanup occur around the City.

R: **City Manager Satterwhite** advised that the City could certainly do that.
Mayor Siegel noted that the crepe myrtles referred to by Councilman McLaughlan had become diseased and were removed.

**VOTE ON MOTION TO ADOPT ORDINANCE:**

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

**FOR:**  Siegel, Cindy  
Hickman, Will  
Monday, John F.  
Faulk, Peggy  
Davison, Debra Marz  
McLaughlan, Pat  
Jeffery, John  

**OPPOSED:**  None  

**ABSENT:**  None  

{Ordinance was subsequently numbered: 07-004}

b. CONSIDERATION of and possible action on a request from the Bellaire Public Works Department for City Council approval of the acceptance of a grant administered by the Houston-Galveston Area Council (H-GAC) for the receipt of federal funds in the amount of $2,000,000 to be secured through the State of Texas and to be used for traffic signal and signal interconnect improvements in the City of Bellaire, Texas, under the Congestion Mitigation Air Quality Improvement Program (CMAQ) and adoption of an ordinance authorizing the Mayor of the City of Bellaire, Texas, to execute, for and on behalf of the City of Bellaire, Texas, a Local Transportation and Project Advance Funding Agreement for a Congestion Mitigation Air Quality Improvement Category 5 Project with the State of Texas, acting by and through the Texas Department of Transportation (TXDOT), for the purpose of installing traffic signal and signal interconnect improvements within the City of Bellaire, Texas - Action by Members of City Council (Item submitted by Director of Public Works Joe Keene).

**SUMMARY:**

City Manager Satterwhite noted that the City had received City Council approval to apply for a grant in the amount of $5 million, with a 20% match, for an extensive rework of the City’s
entire traffic signalization system. Not too long after the City’s application was submitted, the City was informed that the grant would not be awarded because there were other projects in the area that were of a higher priority. The grant was to be administered by the Houston-Galveston Area Council (H-GAC) and the money was to be administered by the State of Texas through the Texas Department of Transportation (TXDOT).

Apparently, additional monies were allocated for this Congestion Mitigation Air Quality Improvement Program (CMAQ) by the federal government. The H-GAC Grant Committee went back and awarded the additional monies to other entities. The City of Bellaire was one of the other entities selected, however, the grant amount was reduced to $2.5 million with a 20% match. The City would be responsible for $500,000, and the federal government would be responsible for $2 million.

The City had been working for approximately one year to structure a project that would fit the program. This evening, City Staff was asking for approval to accept the grant award and to approve an agreement with TXDOT, who would be administering the actual project. City Manager Satterwhite referred to TXDOT’s expertise in working with federal grant programs.

City Manager Satterwhite noted also that the City would be responsible for engineering the project and TXDOT would review the engineering design work and approve it. TXDOT would actually bid the project and manage it. The agreement before City Council this evening would get the ball rolling. If this item were approved, the City would remit $5,000 with the contract to TXDOT. The $5,000 would be taken out of the fiscal year 2007 operating budget.

The City would then start working on preliminary engineering for the project. This would obviously entail the hiring of an engineer through a “Request for Proposal” process. He advised that there was no time constraint associated with the project and he believed that no monies would have to be spent prior to next year’s budget, other than the $5,000 referred to earlier. Until the City began spending federal funding, there was no real, hard obligation.

City Manager Satterwhite noted further that the project would encompass eleven City intersections with all new poles, masts, foundations, wiring, LED light heads, digital controllers, fiber optic interconnections, terminals at the Public Works
Department, terminals at the Police Department, and links to TranStar.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Mayor Cindy Siegel

Q: Mayor Siegel inquired as to why this project was a better deal over what the City currently had.

A: City Manager Satterwhite advised that the LED signal heads required much less maintenance and were much more energy efficient. The incandescent heads that the City currently had in place were basically no longer available. As the City started to replace worn out analog and mechanical controllers and incandescent heads, it was getting very difficult to get the parts. The signal company many times got the parts the City needed from other cities who had changed to LED signal heads.

Q: Mayor Siegel referred to other cities that had pedestrian crossing lights that counted down the number of seconds a pedestrian had to cross a street.

A: City Manager Satterwhite stated that the City was looking into countdown timers for some of the pedestrian crossings. He noted that if the City wanted to upgrade some items, the City would be responsible for the difference in the price for the standard item versus the upgraded item. The City would also like to improve some intersections, such as Avenue B and Bellaire Boulevard (i.e., a left turn signal).

Q: Mayor Siegel asked if this project would be budgeted in fiscal year 2008 or over a period of time.

A: City Manager Satterwhite advised that Mayor Siegel was correct. City Staff would look into phasing the project. The City could not commit to Phase I and not to Phase II, though.

Councilman John Jeffery

Q: Councilman Jeffery referred to the $500,000 commitment that the City was responsible for and asked
for confirmation that the commitment would be budgeted for fiscal year 2008.

A: **City Manager Satterwhite** stated that he did not anticipate spending any money this year. If it were necessary, he would come back to City Council and request a budget amendment. The $5,000 fee referred to earlier would be spent out of this year’s budget.

**Councilman John F. Monday**

Q: **Councilman Monday** asked for confirmation that the City of Bellaire had the ability to engineer the project. He inquired as to whether the City could specify vendor(s) and types of equipment for the project.

A: **City Manager Satterwhite** did not feel that the City could specify a vendor under the project.

Q: **Councilman Monday** referred to page 3 of 14 of the Advance Funding Agreement and read the following excerpt: *the local government would be responsible for all non-federal and non-state costs, including any overruns.* Councilman Monday did not understand what costs might arise that were non-federal and/or non-state that might constitute overruns. He inquired as to whether the City was comfortable with that statement, noting that the $500,000 commitment could change as a result.

A: **City Manager Satterwhite** advised that it was his understanding that if the City wanted aesthetically pleasing light poles and light standards, the City would have to pay the difference in cost for the upgrade over the basic poles and light standards. He noted that federal funds could be used for powder coated light poles, which was not the case several years ago.

Q: **Councilman Monday** asked if City Manager Satterwhite felt comfortable from a vendor and style specification perspective that he had the control he needed to ensure that the project blended in with any economic redevelopment or revitalization in the downtown area and other areas of Bellaire.

A: **City Manager Satterwhite** advised that he believed the City would have control over the styling, but would have to agree to pay the difference.
C: Councilman Monday stated that he thought the City needed to consider how to protect itself from any potential cost overruns.

**Mayor Pro Tem Peggy Faulk**

Q: Mayor Pro Tem Faulk referred to the signal lights at Interstate Highway 610 and inquired as to whether those lights belonged to TXDOT.

A: City Manager Satterwhite advised that Mayor Pro Tem Faulk was correct.

Q: Mayor Pro Tem Faulk inquired as to whether TXDOT was participating in the project beyond administering the funds. In other words, would their signal heads be updated?

A: City Manager Satterwhite advised that TXDOT already had all new LED signal heads with digital controllers on the West Loop. The City’s fiber optic interconnection would connect into TXDOT’s digital controllers.

**Councilman Pat McLaughlan**

Q: Councilman McLaughlan inquired as to whether the upgraded intersections would include video cameras (i.e., not the red light cameras).

A: City Manager Satterwhite stated that cameras could be added. What the intersections would include were traffic sensors. Cameras could be included if we chose to.

Q: Councilman McLaughlan inquired as to whether the grant funding could be used for the cameras.

A: City Manager Satterwhite advised that the grant funding could be used for cameras. The project had been conceptualized, but not finalized. As long as the City had the fiber and conduit in place, adding a camera would not add much cost to the project.

**Councilman Will Hickman**

Q: Councilman Hickman referred to Attachment B to the agreement and the reference to the fiber optic
interconnect. He inquired as to the purpose of the fiber optic interconnect.

A: City Manager Satterwhite advised that the fiber optic interconnect allowed the City to run the controllers remotely and monitor data transmission (i.e., light timings, etc.). For example, the Police Department could control the lights, if necessary, to redirect traffic due to an accident.

Q: Councilman Hickman referred to the fact that the City of Houston had timed their signal lights so that a person could go all the way down one street without having to stop. He inquired if Bellaire could do something similar with this project.

A: City Manager Satterwhite indicated that the City probably could not. Houston was dealing with a number of one-way streets and since the traffic was traveling in one direction, it was easier to coordinate the timing of signal lights. The intersection of Bellaire Boulevard and South Rice Avenue presented a significant problem, especially with Bissonnet Street intersecting as well. He did believe that the timing could be improved dramatically at all of the intersections with digital timing capabilities.

Q: Councilman Hickman asked if the project would include upgraded crosswalks in terms of the street itself.

A: City Manager Satterwhite advised that improvements to crosswalks on the street would have to be addressed under a separate project.

VOTE TO APPROVE REQUEST FROM THE BELLAIRE PUBLIC WORKS DEPARTMENT TO ACCEPT A GRANT OF FEDERAL FUNDS FOR A TRAFFIC SIGNAL AND SIGNAL INTERCONNECT IMPROVEMENT PROJECT AND AUTHORIZATION FOR THE MAYOR TO EXECUTE AN ADVANCE FUNDING AGREEMENT WITH TxDOT UNDER THE CONGESTION MITIGATION AIR QUALITY IMPROVEMENT PROGRAM FOR SAID IMPROVEMENTS:

FOR: Siegel, Cindy
      Hickman, Will
      Monday, John F.
      Faulk, Peggy
      Davison, Debra Marz
FOR (CONT.): McLaughlan, Pat  
Jeffery, John  

OPPOSED: None  
ABSENT: None  

{Ordinance was subsequently numbered: 07-005}  

Appointment  

c. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, re-appointing Susana Mendiola as Deputy Court Clerk of the Municipal Court of the City of Bellaire, Texas, for a two-year term commencing on the 19th day of February, 2007, and expiring on the 18th day of February, 2009; and providing that any appointments of Deputy Court Clerks of the Municipal Court of the City of Bellaire, Texas, in conflict with this re-appointment are hereby terminated – Action by Members of City Council (Item submitted by City Clerk Tracy L. Dutton on behalf of Interim Chief Financial Officer Vickey O’Donnell).  

SUMMARY:  

City Manager Bernard M. Satterwhite, Jr., advised that Interim Chief Financial Officer Vickey O’Donnell was going to speak this evening on behalf of Susana Mendiola. Since Ms. O’Donnell was not present this evening, City Manager Satterwhite noted that the City had the best three Municipal Court Clerks around. They were highly praised and did excellent work. This re-appointment was highly recommended.

MOTION TO ADOPT ORDINANCE:  

A motion was made by Councilwoman Debra Marz Davison and seconded by Mayor Pro Tem Peggy Faulk to re-appoint Susana Mendiola as Deputy Court Clerk of the Municipal Court of the City of Bellaire, Texas, for a two-year term commencing on the 19th day of February, 2007, and expiring on the 18th day of February, 2009; and providing that any appointments of Deputy Court Clerks of the Municipal Court of the City of Bellaire, Texas, in conflict with this re-appointment are hereby terminated.
VOTE ON MOTION TO ADOPT ORDINANCE:

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

FOR: Siegel, Cindy
     Hickman, Will
     Monday, John F.
     Faulk, Peggy
     Davison, Debra Marz
     McLaughlan, Pat
     Jeffery, John

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 07-006}

Investment Policy

d. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, verifying and acknowledging that the City Council of the City of Bellaire, Texas, has performed its annual review of the City of Bellaire Investment Policy and Investment Strategies – Action by Members of City Council (Item submitted by City Clerk Tracy L. Dutton on behalf of City Attorney Alan P. Petrov).

SUMMARY:

City Attorney Alan P. Petrov advised that the Texas Public Funds Investment Act required an annual review by the governing body of its investment policy and investment strategies. Usually, there were some changes during the legislative sessions that required the City to tweak its policies; however, there was no legislative session last year and this year's had just begun, so there were no legislative changes to be made. The governing body would merely be complying with the Texas Public Funds Investment Act by adopting this ordinance indicating that an annual review was performed.

MOTION TO ADOPT ORDINANCE:

A motion was made by Councilwoman Debra Marz Davison and seconded by Councilman Will Hickman to adopt an ordinance of the City Council of the City of Bellaire, Texas, verifying and acknowledging that the City Council of the
City of Bellaire, Texas, has performed its annual review of the City of Bellaire Investment Policy and Investment Strategies.

VOTE ON MOTION TO ADOPT ORDINANCE:

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

FOR: Siegel, Cindy
     Hickman, Will
     Monday, John F.
     Faulk, Peggy
     Davison, Debra Marz
     McLaughlan, Pat
     Jeffery, John

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 07-007}

Temporary Suspension

e. CONSIDERATION of and possible action on the adoption of an ordinance temporarily suspending the application of Chapter 3, Alcoholic Beverages, Section 3-3, Use Prohibited in Public Parks and Other Public Places, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of allowing The Nature Discovery Center, Inc., to hold a kickoff celebration for the 25th Annual Bellaire Home Tour at the Hana & Arthur Ginzberg Nature Discovery Center located in Russ Pitman Park, 7112 Newcastle Drive, Bellaire, Texas, on Friday, March 2, 2007, said suspension to commence at 5:00 p.m. and terminate at 9:30 p.m. – Action by Members of City Council (Item submitted by City Manager Bernard M. Satterwhite, Jr., on behalf of The Nature Discovery Center, Inc.).

MOTION TO ADOPT ORDINANCE:

A motion was made by Councilman John Jeffery and seconded by Councilman Pat McLaughlan to adopt an ordinance temporarily suspending the application of Chapter 3, Alcoholic Beverages, Section 3-3, Use Prohibited in Public Parks and Other Public Places, of the Code of Ordinances of the City of Bellaire, Texas, for the
purpose of allowing The Nature Discovery Center, Inc., to hold a kickoff celebration for the 25th Annual Bellaire Home Tour at the Hana & Arthur Ginzbarg Nature Discovery Center located in Russ Pitman Park, 7112 Newcastle Drive, Bellaire, Texas, on Friday, March 2, 2007, said suspension to commence at 5:00 p.m. and terminate at 9:30 p.m.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

**Mayor Cindy Siegel**

Q: **Mayor Siegel** inquired as to whether The Nature Discovery Center, Inc., had followed the procedures laid out by City Council for the temporary suspension of ordinances.

A: **City Manager Satterwhite** advised that Mayor Siegel was correct.

**Councilman Will Hickman**

Q: **Councilman Hickman** inquired as to whether The Nature Discovery Center, Inc., was required to have police at the event.

A: **City Manager Satterwhite** stated that he believed so.

Q: **Councilman Hickman** inquired as to whether the bartenders had to be TABC (Texas Alcoholic Beverage Commission) certified.

A: **City Manager Satterwhite** indicated that any bartenders at the event would not have to be TABC certified.

C: **Councilman Hickman** referred to the Houston Rodeo & Livestock events and noted that he had to be certified by the TABC for one of the committees he served on.

R: **City Manager Satterwhite** stated that if The Nature Discovery Center, Inc., were going to sell alcohol, they would need a permit.
AMENDMENT #1:

An amendment (#1) was made by Councilman Will Hickman to include a stipulation in the ordinance that The Nature Discovery Center, Inc., use TABC certified bar tenders at this event.

Councilman Hickman noted that the certification required the taking of an online class for approximately 2-3 hours.

Mayor Cindy Siegel inquired of the City Attorney whether such a certification was necessary for this event.

City Attorney Petrov inquired of the City Clerk as to whether the City obtained a rider from the City’s insurance carrier.

City Clerk Tracy L. Dutton advised that The Nature Discovery Center, Inc., would provide the City with a rider prior to the event from their insurance carrier indicating coverage for the City.

City Attorney Petrov stated that since there was insurance coverage and a requirement for police presence, he felt the City was covered with respect to liability. It would depend on how far the City wanted to take that.

Amendment #1 failed due to lack of a second.

VOTE ON MOTION TO ADOPT ORDINANCE:

Motion carried on a majority vote of 6-1 as follows:

FOR: Siegel, Cindy
     Monday, John F.
     Faulk, Peggy
     Davison, Debra Marz
     McLaughlan, Pat
     Jeffery, John

OPPOSED: Hickman, Will

ABSENT: None

{Ordinance was subsequently numbered: 07-008}
4. ITEMS FOR INDIVIDUAL CONSIDERATION:

a. CONSIDERATION of and possible action on a request from the Bellaire Public Works Department for City Council approval to direct Consulting Engineers Claunch & Miller, Inc., to amend the design criteria for sidewalks under the Rebuild Bellaire, Phase One, Paving and Drainage Improvements Project, as follows:

<table>
<thead>
<tr>
<th>Street</th>
<th>Block(s)</th>
<th>Design Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beech</td>
<td>4500</td>
<td>Sidewalk on south side of the street</td>
</tr>
<tr>
<td>Elm</td>
<td>4500</td>
<td>Sidewalk on south side of the street</td>
</tr>
<tr>
<td>Fifth</td>
<td>6300 – 6500</td>
<td>Sidewalk on west side of the street</td>
</tr>
</tbody>
</table>

- Action by Members of City Council (Item submitted by Director of Public Works Joe Keene).

SUMMARY:

Mayor Cindy Siegel noted that the issue of whether or not to place sidewalks on both sides of the 4500 block of Beech Street, the 4500 block of Elm Street, and the 6300-6500 blocks of Fifth Street was addressed approximately one month ago. The consulting engineers were asked to make a recommendation as to which side of the street a sidewalk should be installed on if City Council elected to install a sidewalk on only one side of the referenced streets.

City Manager Bernard M. Satterwhite, Jr., agreed that City Staff had been asked to recommend which side of each of the referenced streets a sidewalk should be installed on, and City Staff had done that. Criteria were used that could be applied to other sidewalks in the future.

The south side of the 4500 block of Beech Street was recommended due to the number of close encounters with trees and driveways on the north side. The south side of the 4500 block of Elm Street was recommended also due to the number of close encounters with trees on the north side and the fact that the south side was closer to Feld Park. The west side of the street was recommended for the 6300-6500 blocks of Fifth Street due to the existing sidewalk on the west side of Fifth north of Palmetto Street extending the west side to Elm Street.

MOTION AUTHORIZING CITY STAFF TO TAKE ACTION:

A motion was made by Councilman John F. Monday and seconded by Councilwoman Debra Marz Davison to authorize City Staff to
direct the Consulting Engineers to amend design criteria for sidewalks under the Rebuild Bellaire Program, Phase One, Paving and Drainage Improvements Project, to install sidewalks on the south side of the 4500 blocks of Beech and Elm Streets and the west side of the 6300-6500 blocks of Fifth Street.

DISCUSSION:

Mayor Pro Tem Peggy Faulk inquired as to whether any input had been received from the residents on the affected streets indicating what they desired.

City Manager Satterwhite stated that residents had asked for sidewalks on one side or the other, both sides, and/or none at all. He had not gotten any real consensus. The big concern he had heard from residents on Beech and Elm Street was related to trees. There were quite a few trees on those streets.

Mayor Pro Tem Faulk advised that she hoped the message was getting across as to the care that the City took to preserve the trees and work around them during construction of sidewalks. She asked Claunch & Miller, Inc., if they felt that any trees would have to be removed if sidewalks were installed on both sides of these streets.

James Andrews, P.E., Principal, Claunch & Miller, Inc., advised that sidewalks could be installed on both sides of the streets without harming existing trees.

Mayor Pro Tem Faulk advised that she had not heard an overwhelming concern from any of the residents on those streets. She recalled a few comments, but not concerns regarding installation of the sidewalks on both sides of the street. Residents had come forward that did want sidewalks on both sides of the street.

Councilman Pat McLaughlan asked for clarification that a “yes” vote supported the construction of sidewalks on one side of the street, and inquired what a “no” vote meant.

Mayor Siegel indicated that a “no” vote meant that sidewalks would be installed on both sides of the referenced streets.

Councilman McLaughlan asked for confirmation that a “no” vote called for the original plan of sidewalks on both sides of the street, whereas a “yes” vote supported the recommendation on the west or south sides.

City Manager Satterwhite noted that the agenda item originally under consideration was to consider installation of sidewalks on only
one side of the street. There was an amendment made to that agenda item to have City Staff come back to City Council and advise as to which side of the street the sidewalk should be installed on. He was under the impression that a decision had already been made to place the sidewalks on one side of the street. City Staff was to determine which side.

**Mayor Pro Tem Faulk** stated that she understood that to be the case for Ferris Street, but not Beech, Elm, and Fifth Streets.

**Mayor Siegel** noted that the City’s default policy was both sides and was still in place. City Council also determined that streets would be reviewed on a case-by-case basis. She thought City Council’s direction was that if the recommendation was for one side of the street, which side of the street should have the sidewalks. Then City Council would make the decision whether or not to stick with the default policy or to go with one side.

**Councilman McLaughlan** stated that this was his understanding as well.

**Councilman John Jeffery** advised that he would like to hear from the engineers as to what the recommendation was. In other words, was it both sides or one side of the street? The agenda item appeared to recommend one side.

**City Manager Satterwhite** noted that the default policy of both sides of the street had already been recommended. He indicated that City Staff was confused as to what City Council wanted. The recommendation for one side would take in political issues. Sidewalks could be installed on both sides of every one of the streets, and City Staff had already indicated that. If City Council wanted to choose one side of a street, the recommendation for that side was what City Staff was presenting this evening.

**Councilman Jeffery** stated that he recalled making the statement that it was appropriate for City Staff and the Consulting Engineers to make the best recommendation for these streets, whether it be both sides or one side of the street.

**Mayor Siegel** asked what City Staff’s understanding was.

**Mr. Andrews** advised that engineering-wise, sidewalks could be placed on both sides of the street. It was his understanding that City Staff had been told to take a look at a new policy or new criteria to determine which side of a local street needed a sidewalk.
City Manager Satterwhite disagreed and advised that the direction was just for Beech, Elm, and Fifth Streets.

Mr. Andrews agreed, but noted that the suggested new criteria was applied to Beech, Elm, and Fifth Streets.

Councilman McLaughlan asked for confirmation that there were no significant obstacles on either side of the streets.

Mr. Andrews indicated that the 4500 block of Elm Street had seven trees on the south side and ten on the north side, which were fairly significant; however, he could get around them.

Councilman McLaughlan asked if “getting around them” meant placing the sidewalk on the back side of the tree or the front side adjacent to the street.

Mr. Andrews indicated that it would depend on the particular location.

Councilman McLaughlan referred to Beech Street and asked if there were a clear reason to restrict the sidewalk to the south side of the street.

Mr. Andrews indicated that there was not. There was one obstacle on the south side of Beech Street and three on the north side. The least number of conflicts and the least number of landscaping obstacles were taken into account when deciding which side was the best. The driveway conflict points and intersections were the same for these streets.

Councilman McLaughlan asked for confirmation that either side of the street was doable and that the recommendation and decision was based on finer points.

Mr. Andrews advised that Councilman McLaughlan was correct.

Mayor Pro Tem Faulk advised that as much as she would like to vote on the issue and put it behind City Council this evening, she wished to suggest that the agenda item be postponed so that the minutes of the meeting could be verified as to what City Staff was asked to do, as well as to give some additional time for the citizens on these streets to give their input. She indicated that she was not asking the City to do anything additional with respect to notification. She felt that word of mouth and newspaper articles would provide that notification.
MOTION TO POSTPONE:

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Mayor Cindy Siegel to postpone action on a request from the Bellaire Public Works Department for City Council approval to direct Consulting Engineers Claunch & Miller, Inc., to amend the design criteria for sidewalks under the Rebuild Bellaire Program, Phase One, Paving and Drainage Improvements Project, until the next Regular Session of City Council scheduled on March 5, 2007.

DISCUSSION ON MOTION TO POSTPONE:

Councilman McLaughlan noted that all members of City Council were responsive to the citizens and wanted citizen input to be a part of the process; however, City Council had spent an inordinate amount of time debating sidewalks. There was a clear issue before City Council this evening. The choice was to vote "yes" to follow the Claunch & Miller, Inc., recommendation for sidewalks on one side of the street or to vote "no" to fall back on the default policy of sidewalks on both sides of the street. He did not know that he would gain more information by delaying this decision further.

Councilman John F. Monday noted that the Consulting Engineers had revisited this project from an engineering perspective and picked the best side of the street for sidewalk construction. He could not make an engineering decision any better than that. City Council tasked the engineer to answer the question posed in the previous meeting. That task was contained in the item summary on the agenda statement. He did not know what there was for him to revisit.

Councilman Will Hickman stated that he had gotten input from people living on Beech and Elm Streets, though not as much from those living on Fifth Street, and, in general, there were one or two people on each street that wanted sidewalks on both sides. The vast majority wanted sidewalks on either one side or none at all. He noted that the comments were received approximately one to one and one-half months ago during a City Council meeting.

VOTE ON MOTION TO POSTPONE ACTION:

Motion failed on a 2-5 vote as follows:

FOR:  
Siegel, Cindy  
Faulk, Peggy  

OPPOSED:  
Hickman, Will  
Monday, John F.
OPPOSED (CONT.): Davison, Debra Marz
McLaughlan, Pat
Jeffery, John

ABSENT: None

DISCUSSION ON ORIGINAL MOTION:

There was no further discussion at this time.

VOTE ON ORIGINAL MOTION:

Motion carried on a majority vote of 4-3 as follows:

FOR: Siegel, Cindy
      Hickman, Will
      Monday, John F.
      Jeffery, John

OPPOSED: Faulk, Peggy
         Davison, Debra Marz
         McLaughlan, Pat

ABSENT: None

b. CONSIDERATION of and possible action on a request from the Mayor of the City of Bellaire, Texas, to amend action taken by the City Council of the City of Bellaire, Texas, on January 15, 2007, regarding appointment of nine (9) members to the Centennial Planning Committee (“Committee”) to allow the Mayor to add more than nine (9) members to said Committee as she deems necessary.

SUMMARY:

Mayor Cindy Siegel noted that once the word got out that the City was establishing a Centennial Planning Committee (“Committee”) for Bellaire’s Centennial Celebrations, she had a number of people who were interested in serving and helping with the celebrations. She felt that such an event would probably take a great deal of time and effort so, if City Council were not opposed, she was asking that she be allowed some flexibility to add membership to the Committee. This was an important event for the City and if people were interested in serving and putting in the time, she felt that they should be allowed to do so.
MOTION TO AMEND PREVIOUS ACTION:

A motion was made by Mayor Pro Tem Peggy Faulk and seconded jointly by Councilwoman Debra Marz Davison and Councilman Pat McLaughlan to amend action taken by the City Council of the City of Bellaire, Texas, on January 15, 2007, regarding appointment of nine (9) members to the Centennial Planning Committee to allow the Mayor to add more than nine (9) members to the Centennial Planning Committee as she deems necessary.

DISCUSSION:

Councilman John F. Monday inquired as to whether the Mayor had a topside number in mind for the Committee.

Mayor Siegel stated that she did not believe she would include more than 15 members on this Committee.

Councilman Will Hickman noted that it was sometimes harder to get things done with a larger number of Committee members. He suggested that the Mayor might want to consider a subcommittee structure.

Mayor Siegel agreed with Councilman Hickman and stated that a subcommittee structure would probably be set up.

VOTE ON MOTION TO AMEND PREVIOUS ACTION:

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

FOR: Siegel, Cindy  Hickman, Will  Monday, John F.  Faulk, Peggy  Davison, Debra Marz  McLaughlan, Pat  Jeffery, John

OPPOSED: None

ABSENT: None

H. COUNCIL CORRESPONDENCE AND COMMENTS.

Discussion only.
I. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Councilman Pat McLaughlan and seconded by Councilman John Jeffery to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 8:39 p.m. on Monday, February 19, 2007.

VOTE ON MOTION TO ADJOURN:

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

FOR: Siegel, Cindy
      Hickman, Will
      Monday, John F.
      Faulk, Peggy
      Davison, Debra Marz
      McLaughlan, Pat
      Jeffery, John

OPPOSED: None

ABSENT: None

Respectfully submitted,

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

Approved:

____________________________
Cynthia Siegel, Mayor
City of Bellaire, Texas