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 7:01 p.m. on Monday, May 7, 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;  
Mayor Pro Tem Peggy Faulk, Position No. 3; and  
Councilman Pat McLaughlan, Position No. 5.

Councilman John F. Monday, Position No. 2, Councilwoman Debra Marz Davison, Position No. 4, and Councilman John Jeffery, Position No. 6, were absent. Other officials present were City Manager Bernard M. Satterwhite, Jr., City Attorney Alan P. Petrov, and City Clerk Tracy L. Dutton.

B. INSPIRATIONAL READING AND/OR INVOCATION – Mayor Cindy Siegel.

Mayor Cindy Siegel noted that Library Director Mary Alford had given her some assistance in coming up with inspiration for the evening. Given that Sunday was a very special day for many women, Mother's Day, she wished to read some quotations related to mothers as follows:

God could not be everywhere and therefore he made mothers.

Anonymous

A mother is she who can take the place of all others but whose place no one else can take.

Cardinal Mermillod

Her children arise up, and call her blessed.

Proverbs 31:28
My Mother Taught Me . . .

To Value a Job Well Done--

If you’re going to kill each other, do it outside. I just finished cleaning.

Logic--

Because I said so, that’s why.

Foresight—

Make sure you wear clean underwear, in case you’re in an accident.

Irony—

Keep crying and I’ll give you something to cry about.

Stamina—

You’ll sit there until all that spinach is gone.

Weather—

This room of yours looks as if a tornado went through it.

Hypocrisy—

If I told you once, I’ve told you a million times. Don’t exaggerate!

Circle of Life—

I brought you into this world, and I can take you out.

Behavior Modification—

Stop acting like your father.

Envy—

There are millions of less fortunate children in this world who don’t have wonderful parents like you do.

Anticipation—

Just wait until we get home.
Receiving—

You are going to get it when you get home!

Medical Science—

If you don’t stop crossing your eyes, they are going to freeze that way.

How to Become an Adult—

If you don’t eat your vegetables, you’ll never grow up.

Genetics—

You’re just like your father.

Wisdom—

When you get to be my age, you’ll understand.

Justice—

One day you’ll have kids, and I hope they turn out just like you.

**Mayor Siegel** encouraged everyone to take time out to appreciate their mothers, mothers-in-law, and wives who were mothers this coming Sunday.

C. **PLEDGES TO THE FLAGS – Mayor Cindy Siegel.**

1. **U.S. PLEDGE OF ALLEGIANCE.**

2. **PLEDGE TO THE TEXAS FLAG.**

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

D. **APPROVAL OR CORRECTION OF MINUTES:**

 APPROVAL of minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held Monday, April 16, 2007 – **Action by Members of City Council (Item submitted by City Clerk Tracy L. Dutton).**

**MOTION TO APPROVE MINUTES:**

A motion was made by Councilman Pat McLaughlan and seconded by Mayor Pro Tem Peggy Faulk to approve the minutes of the Regular
Session of the City Council of the City of Bellaire, Texas, held Monday, April 16, 2007.

CORRECTION:

Councilman Will Hickman requested that a correction be made to the minutes. He referred to pages 20 and 21 (i.e., the discussion related to side setback requirements) and noted that a table appeared in the minutes that contained some additional information; however, it did not reflect the recommendation, which City Council accepted. He suggested replacing the table with the recommendation from the agenda packet on both pages 20 and 21.

VOTE TO APPROVE MINUTES, AS CORRECTED:

Motion carried unanimously on a 4-0 vote as follows:

FOR: Siegel, Cindy
     Hickman, Will
     Faulk, Peggy
     McLaughlan, Pat

OPPOSED: None

ABSENT: Monday, John F.
         Davison, Debra Marz
         Jeffery, John

E. PERSONAL/AUDIENCE COMMENTS.

Russ Pitman, 4908 Imperial Street, Bellaire, Texas:

Mr. Pitman addressed City Council on several matters. Firstly, he complimented Durwood Greene Construction, L.P. (Durwood Greene), on the job they had done on Imperial Street. He was quite impressed and noted that the neighbors were fairly shortly inconvenienced during the project. With the extra work that Durwood Greene had done on the project, Mr. Pitman felt that the street would hold up much longer. He noted that there was an agreement on City Council’s agenda this evening with Durwood Greene, and he hoped the other streets would be as pleased with their work as Mr. Pitman was. He jokingly noted that the residents were able to travel at a 50 mile per hour rate of speed now on Imperial Street.

Secondly, Mr. Pitman expressed concern over something that was going on in the City. He knew of two examples that had occurred thus far consisting of architectural elements that were approved in front of the front setback line. Mr. Pitman always reviewed the front setback as sacrosanct and nothing could be placed in front of that setback. One of the examples occurred on Tamarisk
Street and consisted of a balustrade fence out in front of the home. The other example occurred on Pine Street and consisted of a small, stone wall. Each of these items signaled “encroachment” to Mr. Pitman, and he felt that the City was not sticking to its own rules.

Thirdly, Mr. Pitman restated his concern over an issue he had brought to City Council previously. The homeowner of 4607 Pin Oak Lane constructed a fence on the portion of his or her property that backed up to Fournace Place. It was his understanding that the homeowner had not gotten a permit to construct that fence and that the fenced in portion included property that the homeowner did not own or have title to; property that the homeowner had not and did not pay taxes on; and property that belonged to the citizens of Bellaire. The fence had not been moved since Mr. Pitman last reported his concern over it. Mr. Pitman urged the City to move swiftly and promptly with respect to these types of encroachments.

In closing, Mr. Pitman congratulated John F. Teas for 50 years of service as a nurseryman in Bellaire. He advised that he was glad that City Council was recognizing Mr. Teas for that service.

Bill Borden, 4406 Basswood Lane, Bellaire, Texas:

Mr. Borden indicated that he wished to pass on his comments this evening.

Charles Evans, 5423 Oakdale Drive, Bellaire, Texas:

Mr. Evans addressed City Council and stated that he had copies that he could provide of new drainage problems that he was experiencing, while noting that his property was in compliance with the City’s regulations. He inquired as to whom violations should be reported to. He advised that he had been working through the City’s Inspection Department because the house that was just completed next door to him was dumping water onto his property.

A drain was placed on his next door neighbor’s property, but the drain continuously stopped up at the street. The pipe for the drain was a 4” pipe, but could not be continued to the street as the curb would not accommodate a 4” pipe. That 4” pipe was, therefore, split into two 3” pipes at the curb and were very easily stopped up. The last time the pipes were cleaned out, it took two weeks for them to stop up again. When this happened all of the drainage from the roof of his neighbor’s home, as well as the drainage from the lot, spewed out of the last open drain onto Mr. Evans’ sidewalk.
Mr. Evans noted that his sidewalk was lower than the neighbor’s new driveway (about 6-7” lower). When the new driveway was installed, it completely changed the drainage of both properties. The water flowing from his neighbor’s home, which pooled on the sidewalk for days at a time, was killing Mr. Evans’ grass on both sides of the sidewalk.

Mr. Evans stated that he could not seem to find the proper authority to discuss the issue with. He needed some relief from the flooding of his sidewalk. He understood that Bellaire did not replace sidewalks although such sidewalks were on City rights-of-way. He noted that the neighbor’s driveway had a ramp coming off of it to match the old, dilapidated Bellaire sidewalk. The engineer working on the project told Mr. Evans that the ramp would not comply with the Americans with Disabilities Act as the slope was too great. On one side, there was a 2% grade and on the other side there was a 6-8% grade. The engineer indicated that this was a trip hazard and an obstacle to walkers and wheelchairs.

In closing, Mr. Evans asked if there were one person that residents could report such violations to and get something done about it.

**Mayor Cindy Siegel** referred Mr. Evans to City Manager Bernard M. Satterwhite, Jr. She advised that if Mr. Evans did not feel that things were getting resolved, Mr. Satterwhite would be the person to talk with. In terms of sidewalks, Mayor Siegel noted that the City did have a sidewalk replacement program in place, but had probably not gotten to Mr. Evans’ street yet.

---

**Mayor Cindy Siegel** advised that the City had received one written comment for this evening, which she read into the record as follows:

**Richard Franke, 1104 Howard Lane, Bellaire, Texas:**

1. **Water Rates:**

   In addition to cost and rate issues, please consider the risk of possible further subsidence and soil disruption before approving the purchase of ground water credits made in response to recent water price increases by the City of Houston. Bellaire has a number of relatively new homes that have required extensive foundation repairs despite expensive pier and beam foundations. Drainage issues will also obviously be impacted by additional subsidence.

   Also, no preferential treatment should be given to any class of residential customer for water rates, regardless of home size, age of occupant or size of connection.
2. **2007-2008 Budget:**

The budget would be much more useful if it included more extensive financial analysis of individual programs and facilities. The analysis should include utilization rates by month for major facilities and programs (e.g., therapy pool, swimming pools, library, recreation center programs, etc.). The history of rate and fee increases for each program and the respective revenue and cost trends should be disclosed and considered in relation to need for adjustments.

3. **Planning and Zoning Initiative Concerning Setback Adjustments:**

For your information, we have a nine year old on an R-4 (sixty-foot wide lot) with five-foot side setbacks. We selected the home because it has a front-loading garage required for security and efficiency and a reasonably efficient floor plan. We have a pool in the backyard. Please note we have enjoyed ample breezes, sunlight and reasonable privacy. We would not have purchased a home in Bellaire with any larger side setbacks. The streets and drainage are primitive, but the neighborhood is great.

Whereas, a periodic reassessment of all regulations is appropriate, this initiative is curiously similar to the failed Comprehensive Plan proposals of six-seven years ago. The misdirected efforts to control the size and appearance of homes rapidly deflated after the comment of Dr. Nauert, “We cannot zone for aesthetics.” Proposals to increase side setbacks with no adjustment of rear or front setbacks are often made by long-term residents who dislike large homes next to their comparatively smaller homes. Such proposals are often made to discourage front-loading garages and promote much smaller homes with detached garages and single width driveways. The absence of adjustments to rear setbacks often reflects a bias to single-story homes. Those proposals were blatantly disrespectful of the investment prospective homeowners make in Bellaire. Further, the last effort left Bellaire with allowance for ham radio towers that I recall can extend twenty-four feet above the thirty-six height of a home. Why not a wind-powered electric generator if such antennas are allowed.

Recommendation: Charge the City Attorney for submission of a report in plain English that defines the purpose and limitations of zoning and deed restrictions. Ensure that Planning and Zoning follows those guidelines and has objective relevant support for its proposals. Public hearings should be preceded by extensive publication of the Planning and Zoning’s proposals and the respective justification for changes.

Thank you all for your hard work and dedication.
Addendum to “Planning and Zoning Initiative Concerning Setback Adjustments:"

Increased setbacks do not promote increased drainage. The engineers have openly stated that our expansive clay is not very absorbent. Adding absorbent fill to ensure effective drainage from the rear to the storm drains is most effective. Bellaire’s major deficiency is failing to fund reconstruction of streets and subterranean storm drains to promote effective drainage.

F. 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, and began by advising that a major house fire had occurred in Bellaire during the previous week. He asked Fire Chief Darryl Anderson to give City Council a report, as the fire was more extensive than Bellaire had had for many years.

Fire Department Report

Fire Chief Darryl Anderson noted that a fire occurred at 5205 Aspen Street in Bellaire on May 3, 2007. The call came in at 18:38:56. The Bellaire Fire Department was in route at 18:39:00 and arrived on location at 18:40:00. The fire was approximately 1-½ blocks away from the Bellaire Fire Station.

The Bellaire Fire Department believed that a lightning strike caused the fire, although it was still under investigation. The homeowner stated that she had seen a flash of lightning, heard the roar of thunder, was deafened for a few moments, and then heard her alarm go off. The alarm indicated that there was smoke in the attic. About 30 seconds later, smoke came out of her ventilation system.

The call initially came through as an alarm because the resident’s fire alarm system functioned as it was supposed to. While two units were in route (i.e., the pumper and a command vehicle), the dispatcher was alerted that there was smoke in the attic and the Fire Commander on scene immediately upgraded the call to a full alarm for the Bellaire Fire Department. During a full alarm, all of the Bellaire Fire Department units and the Bellaire volunteers, as well as Southside Place and West University Place, were alerted.

The West University Place Fire Department arrived approximately 11 minutes after the first Bellaire unit had arrived on the scene. The reason for the delay was a train. The West University Place Fire Department usually arrived for structure fires within five minutes.

The Bellaire Fire Commander, upon noticing the size of the home and seeing smoke coming from the roof, immediately put out a broadcast call for the
Houston Fire Department to send out a residential box (i.e., two pumpers, a ladder truck, and a District Chief). The quick thinking and action of the Bellaire Fire Commander got the ball rolling in the right direction.

An interior attack was made by the Bellaire Fire Department, which consisted of a full complement of men and the added resources of two men held over after coming back from training in Houston. The original route taken was short on the first lay of hose (due to the size of the home). The hose was extended from the pumper, through the front door, and taken directly to the third floor attic for the application of water.

The Houston Fire Department arrived approximately 15 minutes after the first Bellaire unit had arrived on the scene. As a result of the constant communication between the firefighters on the scene and the Commanders on scene, as well as the District Chiefs from Houston, it was determined that a defensive posture needed to be taken. Houston’s ladder truck was used to put water in from an aerial perspective instead of from the ground on top. The ladder truck allowed for 750 gallons per minute to be dropped onto the fire (versus 125-150 gallons per minute for a hand line).

There were multiple reports that the fire was breaking through on the second and first floor. This was due to the attic contents falling down the chases built specifically for the ductwork of the house. There were also some reports that the landing on the stairway to the third floor was becoming “spongy,” which made the Fire Department think that there might be fire underneath the decking of the third story. When this situation occurred, firefighter safety could become a challenge.

Once the defensive attack was put into play for approximately seven minutes, the fire was knocked down sufficiently to allow for a good interior attack. Two different sets of hose line teams were sent up to the third floor once again. Using all teams together, the fire was fought for another 24 minutes. The teams were unable to get a headway on the fire and had to call for another defensive attack.

The various fire departments regrouped and made an entry through the third floor windows versus interior stairwells. Through that attack, the fire was put out.

**QUESTIONS/COMMENTS FROM CITY COUNCIL:**

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

**Mayor Pro Tem Peggy Faulk**

Q: Mayor Pro Tem Peggy Faulk inquired as to a recommendation the Bellaire Fire Department might make to homeowners to prevent that type of fire.
A: **Chief Darryl Anderson** noted that an act of God was a hard thing to prevent. The things that happened thereafter, however, became real important. It was a difficult sell for a lot of people, but a person’s attic space was definitely not a true “storage facility.” Storing in the attic increased the combustible load in that area.

Q: **Mayor Pro Tem Faulk** referred to lightning rods and inquired as to whether this would be a good safeguard.

A: **Chief Anderson** stated that the home he grew up in had a lightning rod, but he did not know what effect those rods had. He noted that lightning struck at 7,000 volts at the temperature of the sun or greater than the temperature of the sun. He advised that he did not know enough about them to provide an answer to the question.

Q: **Mayor Pro Tem Faulk** inquired as to whether there was a shortage of water pressure or capacity at any point during the fire.

A: **Chief Anderson** stated that many comments were made by firefighters on the scene that more water was needed, but those comments were not made because there was a lack of water. The lines feeding the fire hydrants were six-inch lines, immediately fed by 12-inch lines. The fire hydrants were installed in 2005, at which time they were flow tested at 1,650 gallons of water per minute or greater. Approximately 3,100 gallons of water flowed over the two and one-half hours that the fire was fought; therefore, the issue was not a gallons-per-minute issue. The issue was getting water in the right place at the right time to put the fire out.

**Councilman Will Hickman**

C: **Councilman Hickman** noted that the home he grew up in had lightning rods that were struck often and did work. He noted that he, too, had heard that there had been an issue with water pressure at one point during the firefighting.

R: **Chief Anderson** advised that the Incident Commander, upon arrival, called for the water pressure to be boosted knowing that the 5100 and 5200 blocks of Aspen had a single line from South Rice Avenue to Ferris Street. Bellaire Public Works did provide that needed boost. There was still not an issue with having enough water or enough pressure.

When fire hydrants underwent testing by the Bellaire Fire Department, the hydrants were tested down to a twenty-pound residual. This was how the Bellaire Fire Department determined what the hydrant would produce for them so that they could safely fight a fire, along with domestic demand. The hydrant on Aspen Street did not get below
thirty pounds. When another line was brought in off of a hydrant on Ferris Street, the Aspen Street hydrant went back up to fifty pounds.

**Mayor Cindy Siegel**

**Q:** Mayor Siegel asked if it made sense for Bellaire to invest in a ladder truck (i.e., versus having to wait from one to come in from Houston).

**A:** Chief Anderson stated that he believed that the time was coming where Bellaire needed to look at that as an option.

**Q:** Mayor Siegel noted that Bellaire had so many homes with attic space on the third story. She asked if the Fire Department might be bringing a ladder truck forward in a future budget.

**A:** Chief Anderson stated that he would like to do so.

**Councilman Pat McLaughlan**

**Q:** Councilman McLaughlan referred to the ladder truck issue and inquired as to whether he was correct in noting that the City of Houston had responded to this particular fire with four ladder trucks.

**A:** Chief Anderson stated that he did not get a chance to walk down the street to count the equipment on site, but would not doubt that there were four ladder trucks onsite.

**Q:** Councilman McLaughlan inquired as to whether there was a shortage of ladder trucks.

**A:** Chief Anderson advised that there was no shortage of ladder trucks.

**Q:** Councilman McLaughlan asked how many additional personnel would be required in order for the Bellaire Fire Department to operate an engine company and a ladder truck company.

**A:** Chief Anderson stated that he would use a quint, which would have all of the capabilities of a ladder truck and a pumper. The manpower would be the same as the current pumper manpower.

**Q:** Councilman McLaughlan asked for confirmation that a quint was a pumper with a ladder mounted on it.

**A:** Chief Anderson advised that Councilman McLaughlan was correct.

**Q:** Councilman McLaughlan asked for confirmation that the same number of personnel could be used to operate the ladder truck function and the engine function.
A: Chief Anderson stated that a complement of four firefighters per truck would be used. If the ambulance were in-house, it could be done. He noted that it would have to be looked at long and hard, and he did not intend to approach the budget with this item this year.

Mayor Siegel

C: Mayor Siegel noted how impressed she was by the number of personnel that participated in the firefighting through Bellaire’s mutual aid agreements. She appreciated all of the hard work by the Bellaire Fire Department too.

R: Chief Anderson advised, for the record, that there were 17 pieces of firefighting apparatus, as well as ancillary equipment (i.e., command vehicles, ambulances, cascade trucks, etc.), and 102 personnel.

City Manager Satterwhite continued the City Manager’s Report by showing City Council and the audience some changes that had been made to the City’s website. The first change he showed was the Code of Ordinances of the City of Bellaire, Texas, and he provided an overview of the search capability.

The second item shown was a section entitled “Notify Me.” Citizens or other interested parties could add their email to the “Notify Me” list and receive minutes and agendas for most of the City boards and for City Council automatically by signing up. Bid postings and job postings could also be obtained by signing up for those.

A third item was shown entitled “Bellaire News Flash.” An “RSS” (relatively simple syndication) button was shown wherein citizens or other interested parties could subscribe and receive news flashes automatically via email.

A final item shown and discussed was the “FAQ” or frequently asked questions section. There were approximately 60 frequently asked questions and answers within that section.

In closing, City Manager Satterwhite advised that Bellaire Street Foreman Darold Bailey’s daughter drowned in a very tragic accident in Corpus Christi, Texas, on a school band trip. Our hearts and prayers went out to Darold.

QUESTIONS FROM CITY COUNCIL:

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

Mayor Pro Tem Peggy Faulk

Q: Mayor Pro Tem Faulk inquired as to the timetable on the situation at 4607 Pin Oak Lane.
A: **City Manager Satterwhite** advised that he did not know that there was a timetable. The property owners had brought up legal issues. Rather than push the issue, the City went back and dug up some of the old plats. City Attorney Petrov was taking a look at those plats and would be writing a legal opinion on them. Once City Staff received the legal opinion, the property owners would be taking the fence down.

C: **Mayor Pro Tem Faulk** referred back to lightning rods and advised that she thought the City should evaluate them. The City made recommendations for public safety all of the time. In view of what happened to the home on Aspen Street, she felt it would be nice to have a recommendation to the citizens as to whether or not lightning rods were worthwhile to have.

R: **City Manager Satterwhite** advised that City Staff could look into that issue.

**MOTION TO ACCEPT CITY MANAGER’S REPORT:**

A [motion](#) was made by Mayor Pro Tem Peggy Faulk and [seconded](#) by Councilman Pat McLaughlan to accept the City Manager’s Report as presented orally by City Manager Bernard M. Satterwhite, Jr., [into the record](#).

**VOTE ON MOTION TO ACCEPT CITY MANAGER’S REPORT:**

Motion carried unanimously on a [4-0](#) vote as follows:

**FOR:** Siegel, Cindy
Hickman, Will
Faulk, Peggy
McLaughlan, Pat

**OPPOSED:** None

**ABSENT:** Monday, John F.
Davison, Debra Marz
Jeffery, John

**G. NEW BUSINESS:**

1. **PROCLAMATION:**

PROCLAMATION issued by Mayor Cynthia Siegel proclaiming May 7, 2007, as John Frederick Teas Day in the City of Bellaire, Texas, in recognition of John Frederick Teas’ 50 years of dedicated service as a nurseryman in the Teas Nursery
business – Mayor Cindy Siegel (Item submitted by Mayor Pro Tem Peggy Faulk).

Mayor Pro Tem Peggy Faulk introduced the proclamation to be issued by Mayor Cindy Siegel and noted that she was very pleased to have it presented. She met John and Patsy Teas when she and her husband moved to Bellaire in 1990, 17 years ago. During that time, Mayor Pro Tem Faulk had never found John Teas to be less than thoughtful, kind, and gracious. He was always patient in sharing all of his knowledge about plants. He had never been less than a complete asset to Bellaire in the 50 years he had been in business with Teas Nursery. She turned the item over to Mayor Siegel so that the proclamation could be read at this time.

Mayor Cindy Siegel read the proclamation that she issued proclaiming May 7, 2007, as John Frederick Teas Day in Bellaire as follows:

Whereas, John Frederick Teas was born on the Teas Nursery property in Bellaire, Texas, thus becoming a fourth generation nurseryman. This year we celebrate John’s 50th anniversary in the nursery business. Surrounded by his father, grandfather, and uncles, John learned about the nursery business from these experts and developed his own lifelong love of plants, trees, and shrubs. The family business began in Henry County, Indiana, in 1843, moved to Bellaire, Texas, in 1910, and continues to help new and long-term gardeners; and

Whereas, John graduated from Texas A & M University with a degree in horticulture with special focus on how fertilizers and pesticides affect plants. After his graduation, he joined the family business, where he has worked for the past 50 years; and

Whereas, John has served as president of Garden Centers of America, Houston Landscape and Nursery Association, Texas Society of Landscape Architects, and Region II of the Texas Nursery and Landscape Association; and

Whereas, John was honored by the Houston Jaycees with the “Faith in God” award for his love of church and his participation in its many activities. The YMCA also honored him with a plaque for his participation with the disadvantaged children; and

Whereas, as a young man, John personally helped to plant trees along Fannin Street in Houston, Texas. Bob Hope (the entertainer) always stayed at the Warwick Hotel, which was between Fannin Street and Main Street, when he came to Houston. When asked what hotel he enjoyed staying at during his many travels, he always said it was the “Warwick Hotel” because of the beautiful view from his hotel
windows looking out on the trees and landscaping. This always pleased John because he considered those trees “his” trees;

Now, Therefore, I, Cynthia Siegel, Mayor of the City of Bellaire, Texas, do hereby proclaim May 7, 2007, as

John Frederick Teas Day

in the City of Bellaire, Texas, and encourage the citizens of Bellaire to join with me and the City Council of the City of Bellaire, Texas, in recognizing John Frederick Teas for his 50 years of dedicated service in the nursery business.

In Witness Whereof, I have hereunto set my hand and caused the seal of the City of Bellaire, Texas, to be affixed this 7th day of May, 2007.

Cynthia Siegel, Mayor
City of Bellaire, Texas

Mr. John F. Teas stated that he was delighted that the City of Bellaire and the citizens of Bellaire, in particular, had supported the Teas Nursery business all these years. He hoped that it continued. He noted that the Teas family knew in 1910 that Bellaire was a residential subdivision, so the family had been planning to sell for 97 years. He again thanked everyone for the support they had shown Teas Nursery.

Mayor Siegel noted that Teas Nursery was the oldest business that was still ongoing in Bellaire and thanked them for that business.

2. CONSENT AGENDA:

Note: Items listed under the Consent Agenda will be voted in one motion unless a member of the Bellaire City Council asks for separate discussion.

Bid Award(s)/Rejection(s)

a. CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department to award Bid No. 07-001, Staffing and Temporary Personnel Services, to the lowest bidder, Magnum Staffing Services, Inc., and adoption of an ordinance authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with Magnum Staffing
Services, Inc., for said services – Item submitted by Director of Public Works Joe Keene.

b. CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department to award Bid No. 07-005, Wastewater Treatment Plant Activated Sludge Disposal, to the lowest bidder, Republic Waste Services, in the amount of $490.00 per load and adoption of an ordinance authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with Republic Waste Services for said services in the amount of $490.00 per load – Item submitted by Director of Public Works Joe Keene.

c. CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department to reject the bid received under Bid No. 07-007, Chlorine and Sulfur Dioxide – One (1) Ton Capacity Cylinders, and authorization for the Bellaire Public Works Department to re-bid these materials – Item submitted by Director of Public Works Joe Keene.

MOTION TO APPROVE THE CONSENT AGENDA:

A motion was made by Councilman Will Hickman and seconded by Councilman Pat McLaughlan to approve the Consent Agenda dated May 7, 2007, as follows:

- Award of Bid No. 07-001, Staffing and Temporary Personnel Services, to Magnum Staffing Services, Inc., and adoption of an ordinance authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with Magnum Staffing Services, Inc., for said services;

- Award of Bid No. 07-005, Wastewater Treatment Plant Activated Sludge Disposal, to Republic Waste Services in the amount of $490.00 per load and adoption of an ordinance authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with Republic Waste Services for said services in the amount of $490.00 per load; and
• Rejection of bid received under Bid No. 07-007, Chlorine and Sulfur Dioxide – One (1) Ton Capacity Cylinders, and authorization for City Staff to re-bid these materials.

VOTE ON MOTION TO APPROVE THE CONSENT AGENDA:

Motion carried unanimously on a 4-0 vote as follows:

FOR: Siegel, Cindy
      Hickman, Will
      Faulk, Peggy
      McLaughlan, Pat

OPPOSED: None

ABSENT: Monday, John F.
         Davison, Debra Marz
         Jeffery, John

{Ordinances for Bid Nos. 07-001 and 07-005 were subsequently numbered 07-017 and 07-018, respectively}

3. ADOPTION OF ORDINANCES:

Agreements and Contracts

a. CONSIDERATION of and possible action on the adoption of an ordinance authorizing the Mayor of the City of Bellaire, Texas, to execute, on behalf of the City of Bellaire, Texas, a Sales Contract with Uretek ICR Gulf Coast for the purposes of repair of the foundation of the Bellaire City Hall facility located at 7008 South Rice Avenue, Bellaire, Texas, said repair to consist of lifting and stabilizing approximately 8,660 square feet in an amount not to exceed $83,815.00 – Action by Members of City Council (Item submitted by Assistant City Manager Diane K. White).

City Manager Bernard M. Satterwhite, Jr., advised that the item before City Council had been presented to them earlier in a Workshop Session as one alternative for the City Hall foundation. He noted that the services to be provided under the contract would level the City Hall foundation to the maximum extent possible. The foundation was still going to be in the condition it was in, it would just be more level than it currently was. In other words, this was not a repair that would
last many, many years. There would continue to be some ongoing issues with the City Hall foundation. City Staff did feel, however, that the contract with Uretek ICR Gulf Coast was a good course of action at this time.

City Manager Satterwhite noted that Bellaire had asked Eric Green, a professional engineer with the firm of Walter P. Moore, to come out and look at the various alternatives for the City Hall foundation. Mr. Green recommended that the City go ahead and move forward with the contract and process under consideration by City Council this evening.

**MOTION TO ADOPT ORDINANCE:**

A **motion** was made by Councilman Pat **McLaughlan** and seconded by Mayor Pro Tem Peggy **Faulk** to adopt an **ordinance authorizing the Mayor** of the City of Bellaire, Texas, to execute, on behalf of the City of Bellaire, Texas, a **Sales Contract with Uretek ICR Gulf Coast** for the **purposes of repair of the foundation of the Bellaire City Hall facility** located at 7008 South Rice Avenue, Bellaire, Texas, said repair to consist of lifting and stabilizing approximately 8,660 square feet in an amount not to exceed $83,815.00.

**QUESTIONS/COMMENTS BY CITY COUNCIL:**

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

**Councilman Pat McLaughlan**

C: **Councilman McLaughlan**, member of the Facilities Committee, advised that he could not add anything to the recommendation beyond what City Council had before them. In his opinion, City Staff had gone through the proper process to investigate various options related to the City Hall. The Walter P. Moore consulting engineering firm was engaged to come in and take a second look at the City’s shifting foundation. There were high and low points in the elevation with as much as 4-5” difference in those elevations.

The proposed Uretek system was recommended as being the optimal approach to level out the City Hall flooring. The Facilities Committee evaluated the recommendation and supported the action to engage Uretek ICR Gulf Coast.
Councilman Will Hickman

Q: Councilman Hickman asked for confirmation that the foam was only used for areas of settlement and not areas of heave.

A: Jim Reid, Uretek ICR Gulf Coast, advised that Councilman Hickman was correct.

Q: Councilman Hickman inquired as to whether the grade beam and bell-bottom piers were in good shape.

A: Mr. Reid advised that the exterior pier areas that were inspected were in good shape. With respect to the interior beams . . .

Eric Green, P.E., Walter P. Moore, advised that his firm did look at the format of the entire building. The building was constructed using two separate systems. In other words, there was a floating slab that supported all of the interior (or first floor) area and there was a perimeter grade beam that supported the exterior walls and second floor. The grade beam had not experienced the same effects from movement of the soil that the interior slab had. The perimeter had moved somewhat as indicated by the level surveys performed for the City by several different consultants. However, the amount of movement was within an expected range.

Anything that sat in the soil in Bellaire moved somewhat. The real goal as an engineer was to limit the amount of movement to an acceptable amount. In closing, the perimeter beam was acceptable, but this did not mean that it was not moving at all.

Q: Councilman Hickman inquired as to whether the slab on grade was fractured or whether it was in good shape, but sitting on variable soils.

A: Mr. Green stated that to the best of his knowledge, there was no structural damage to the interior slab. Even if structural damage had occurred, it would not affect the repair methodology.

The interior slab was not considered a load-bearing structural element, it was present to keep the City from standing on the dirt—it did not provide structural strength.
**Q:** Councilman Hickman inquired as to what would happen to the foam during shrink-swell cycles. In other words, if the City was sitting on dirt that was allowing the slab to float up and down, what effect would the foam have in-between the dirt and the slab?

**A:** Mr. Green advised that this method would level the structure, but would not stabilize the structure. It was an inert material that was not affected by the soil movement. If the soil underneath the structure swelled, the structure would move up. If the soil underneath the structure settled, the structure would move down. The foam would simply level the structure, as it currently existed.

Mr. Reid advised that in the cases of shrink-swell of soils underneath the foundation, the material (or polyurethane) was injected every six feet in a grid system so that there was spacing between the injections to allow for shrink-swell of soils. This would help with any heaving.

**Q:** Councilman Hickman noted that he had foundation problems with his old home and one of the recommended products for residential use was a soaker hose with a controller that kept moisture at the correct level. He inquired as to whether this was something that would be recommended for City Hall.

**A:** Mr. Green stated that on a residential structure, all of the soil was relatively close to the perimeter of the building. He stated that a soaker hose was a very bad idea. If a leak were to occur underneath the home, damage could be caused to the structure.

**Q:** Councilman Hickman referred to the fact that the foam did not cure the shrink-swell cycle and inquired as to what would be recommended to overcome that problem.

**A:** Mr. Green stated that there were a few options that were available. The most reasonable option would be to install a moisture barrier around the perimeter of the building, which would be a combination root barrier/moisture barrier that would minimize the movement of water into the soil underneath the building or out of the soil underneath the building.
Q: Councilman Hickman asked for confirmation that, with the contract before City Council, the City was buying a flat foundation. He noted that the product was guaranteed against deterioration for ten years. He asked if Uretek could guarantee plus or minus one and one-half inch or one inch.

A: Mr. Reid inquired as to whether Councilman Hickman was referring to a guarantee of plus or minus one and one-half inch or one inch in terms of lifting. After receiving confirmation from Councilman Hickman that this was correct, Mr. Reid advised that he could guarantee that. He noted that the City would be given a one-year guarantee or warranty on the foundation for any type of movement. The material was guaranteed for ten years against shrink-swell or degradation. This amount of time was based on the length of time the material had been tested underground by DuPont, the manufacturer. With respect to residential homes, Uretek would provide a lifetime warranty.

Q: Councilman Hickman asked for confirmation that, if three years later the City returned to a position of plus or minus three inches, Uretek’s guarantee would not cover that situation.

A: Mr. Reid stated that they would guarantee that their material would not shrink to cause that position. Once the material was compressed and the foundation leveled, the material could not be compromised by anything short of a plumbing leak or natural disaster. If the material did fail for some reason on its own, Uretek would come back and take care of it for the cost of the material. Mr. Reid advised that such an occurrence had not happened for the company.

Mayor Cindy Siegel

Q: Mayor Siegel inquired as to whether there would be very much disruption to City Staff related to this process.

A: City Manager Satterwhite advised that the process would occur during normal working hours. It would be somewhat disruptive, but no one would have to move out of his or her office or workspace.
Q: Mayor Siegel inquired as to the length of time the process would take.

A: City Manager Satterwhite indicated that the process would be completed within 2-½ days.

Councilman Will Hickman

Q: Councilman Hickman noted that he recalled that part of the foundation problems for City Hall was related to plumbing problems. He inquired as to whether those had been fixed or would be fixed.

A: City Manager Satterwhite stated that the plumbing would not be fixed.

Mr. Green advised that, based on his review of the data that had been collected over a period of about three years, he did not believe that the plumbing issues were a primary contributing factor to the movement of the foundation. It was a factor, but not a primary, contributing factor. It was certainly not contributing to the settlement, which was the predominant failure mode that Mr. Green was seeing. His recommendation was based on risk-reward. The cost of repairing the plumbing was 4-5 times the cost of the injection. His recommendation was to do the injection and not worry about the plumbing (even though it was leaking).

City Manager Satterwhite noted that Mr. Green was also fairly confident that the plumbing leak was not a pressurized leak where it was washing anything out. The lines were televised at one time and there were some leaks, but no large breaks.

Mayor Cindy Siegel

Q: Mayor Siegel inquired as to the recommendation related to the moisture barrier.

A: City Manager Satterwhite advised that Mayor Siegel had made a good point and noted that there would be other costs involved beyond the Uretek process. The City still needed to square up the doors that had been ground down so they would close. Cosmetic repairs needed to be made to many areas. The City also intended to look at the moisture barrier.
Mr. Green agreed with City Manager Satterwhite and noted that his recommendation was to get the foundation level and monitor it to see if there were any continuing movement. Some of the data suggested that the soil might be as dry as it was going to get, in which case the City would not need to consider the moisture barrier.

City Manager Satterwhite agreed and noted that a moisture barrier could cause issues with many of the trees around City Hall (i.e. causing them to die).

Mr. Green advised that this was definitely a concern as a moisture barrier had the potential to kill the trees around City Hall.

Q: Mayor Siegel asked for confirmation that Walter P. Moore would be supervising the Uretek process.

A: Mr. Green stated that his firm was going to provide some construction observation services, basically acting as the City’s eyes during the process to ensure that the work was in general conformance with accepted standards.

Councilman Pat McLaughlan

Q: Councilman McLaughlan referred to the northeast part of the City Hall building wherein the foundation had heaved. He noted that this particular process would not address the heaved area as he understood it. He asked for confirmation that the City Manager would tackle that issue by repositioning the doors, etc.

A: City Manager Satterwhite indicated that, at the very least, he would like to do some cosmetic work in the area. The partitions would either be repaired or taken down in that area of the City Hall.

**VOTE ON MOTION TO ADOPT ORDINANCE:**

Motion carried unanimously on a 4-0 vote as follows:

**FOR:**  
Siegell, Cindy  
Hickman, Will  
Faulk, Peggy  
McLaughlan, Pat
OPPOSED: None

ABSENT: Monday, John F. Davison, Debra Marz Jeffery, John

{Ordinance was subsequently numbered 07-019}

b. CONSIDERATION of and possible action on the adoption of an ordinance authorizing the Mayor of the City of Bellaire, Texas, to execute, on behalf of the City of Bellaire, Texas, a Fee Proposal for A/E Services with Pierce Goodwin Alexander & Linville (PGAL) for the purpose of developing a Conceptual Facilities Master Plan to address possible options for reconstruction, renovation, relocation, or combination thereof, for the City Hall, Fire Station, Municipal Court, Police Station, and Library for consideration of future facility improvements to optimize the redevelopment of Bellaire Town Square for a base amount not to exceed $50,000.00 and reimbursable expenses not to exceed $7,500.00 – Action by Members of City Council (Item submitted by Assistant City Manager Diane K. White).

SUMMARY:

Mayor Cindy Siegel referred to a bond referendum, which passed in Bellaire approximately one year ago, noting that the referendum included funds for replacement of the Fire Station, possible relocation of the Municipal Court, expansion of the Police Station, and renovation of the Library. The fee proposal before City Council this evening represented the first step toward optimizing land use for the City facilities.

City Manager Satterwhite advised that City Staff had been working in conjunction with the Facilities Committee for some time. After deliberating and discussing many different possible permutations for land use and space design, City Staff and the Facilities Committee decided to request proposals from architectural and/or engineering firms for the development of a Conceptual Facilities Master Plan. The proposal included the development of budgets for alternatives that would be presented by the firm for the Conceptual Facilities Master Plan.

Approximately fourteen firms participated in a facilities tour prior to submission of proposals. Nine companies submitted proposals to develop the Conceptual Facilities Master Plan for Bellaire. City Staff objectively graded the proposals based on a
set of criteria. Three companies were recommended to the Facilities Committee, and the Facilities Committee added a fourth company for consideration. Supplemental questions were submitted to the four “finalists.” Each of those finalists had an opportunity to answer the questions in writing.

From the supplemental questions, City Staff and the Facilities Committee narrowed down the final recommendation to one company, Pierce Goodwin Alexander & Linville (PGAL). A subsequent meeting was held with PGAL in order for them to submit a fee proposal to go with the proposal submitted for the development of a Conceptual Facilities Master Plan. The Facilities Committee approved the fee proposal for submission to the City Council.

MOTION TO ADOPT ORDINANCE:

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman Pat McLaughlan to adopt an ordinance authorizing the Mayor of the City of Bellaire, Texas, to execute, on behalf of the City of Bellaire, Texas, a Fee Proposal for A/E Services with Pierce Goodwin Alexander & Linville (PGAL) for the purpose of developing a Conceptual Facilities Master Plan to address possible options for reconstruction, renovation, relocation, or combination thereof, for the City Hall, Fire Station, Municipal Court, Police Station, and Library for consideration of future facility improvements to optimize the redevelopment of Bellaire Town Square for a base amount not to exceed $50,000.00 and reimbursable expenses not to exceed $7,500.00.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Councilman Pat McLaughlan

C: Councilman McLaughlan, as a member of the Facilities Committee, advised that the Mayor and City Manager’s introductions covered where the City hoped to go with the Conceptual Facilities Master Plan. The issue was somewhat complicated. The City was looking at the renovation and remodeling of several very major City facilities. When the Facilities Committee starting addressing this issue, it became apparent that it needed to be reviewed from a more integrated, global approach. It was determined that the appropriate thing to do was
to seek a professional architectural organization with a
demonstrated history and experience of looking at the
overall needs of reconstruction and/or remodeling, the
sequence in which it could be done, relocation
possibilities, land use, and/or combination of facilities.
The Facilities Committee, along with City Staff, felt that
the PGAL proposal was a very strong, excellent proposal.

Councilman McLaughlan noted that PGAL had done
similar projects in surrounding communities. He noted
further that the City was looking forward to a strong
relationship with PGAL.

As indicated by City Manager Satterwhite, this proposal
would not consist of detailed architectural work, such as
interior design, layout, or the exterior façade of a
building. As Councilman McLaughlan understood it, the
project would produce volumes or land area required for
the City’s facilities, as well as possible locations.

Subsequently, the City would enter into other types of
contracts that would provide what the interior layout
would be like, what the building would look like, and
what the architectural style would be.

**Councilman Will Hickman**

Q: **Councilman Hickman** noted that there seemed to be
quite a few moving parts. He inquired as to how the
City would come up with the inputs and parameters. In
other words, what land would be used? Who would set
the requirements for each of the City’s facilities?

A: **Jeffrey P. Gerber, AIA, President and Chief
Executive Officer, PGAL,** noted that his firm would be
looking at the development of the City’s Conceptual
Facilities Master Plan at a very high level in order to
provide the City with a number of alternatives. The
alternatives would be based on functional requirements
and would demonstrate the scheduling and cost
implications of each alternative.

PGAL would begin from the inside and start with
department requirements. In other words, what the
people and space requirements were for each of the
buildings and departments on the City’s campus. The
available buildings would be evaluated and a
determination made as to the buildings’ capabilities to satisfy the departments’ needs.

From that point, various options would be considered. Those options might include relocation, additions, rebuilds, or some combination thereof, to present different ways for the City to be able to satisfy those space requirements.

PGAL’s job was to provide the City with options and alternatives, present recommendations, and to answer the questions to help the City come up with the right solution to meet the City’s ultimate goals.

Q: Councilman Hickman asked for confirmation that the fee to be paid to PGAL would cover the services necessary to provide the City with different options as to where the City’s facilities could be located, which departments would be combined with which, etc.

A: Mr. Gerber advised that Councilman Hickman was correct.

Q: Councilman Hickman asked Mr. Gerber if he could provide an example from another City or provide a possible scenario for Bellaire as to what the final outcome would be.

A: Mr. Gerber stated that his firm had done this type of planning for a number of communities over the last ten years, from Sugar Land to West University Place to Pearland to Missouri City to Harris County. All of the solutions were unique to the community at hand. PGAL would make sure they had an understanding of what Bellaire was trying to get accomplished. One of the first things that would be done would be to determine what things were definitely off of the table. This would ensure that the firm did not waste time looking at options that were not feasible.

Mr. Gerber did not wish to start to speculate as to what Bellaire’s options might be. The firm’s goal was to look at the full spectrum or a wide range of choices and work their way down based on input from City Staff and others.

Q: Councilman Hickman asked what the City would get at the end of the phase.
A: Mr. Gerber advised that the end product would include an order-magnitude space and staff requirements for each department, standardization of spaces, alternatives or scenarios narrowed down, blocking plans for each building, a phasing plan, and project budgets for each alternative, including timing. It was noted that costs would be adjusted relative to timing (as costs escalated relative to time). Finally, there would be a wrap-up report.

Mayor Cindy Siegel

Q: Mayor Siegel noted that the City had one pot of money (i.e., the bond proceeds from the referendum referenced earlier). She inquired as to how realistic the costs were.

A: Mr. Gerber indicated that his firm took great pride in the fact that most cities or counties used those budgets for their capital improvement programs on a going forward basis. He noted that his firm had a good library of cost expectations. With respect to escalation of costs, the firm was having to use their best judgment, but had a pretty good sense of the market. It was also noted that PGAL had been in business for sixty years.

Q: Mayor Siegel inquired as to whether the expected turnaround for the project was 90 days.

A: Mr. Gerber indicated that Mayor Siegel was correct.

Councilman Will Hickman

Q: Councilman Hickman inquired as to what projects were included in the bond referendum. In other words, which City facilities were covered?

A: Mayor Siegel advised that the bond referendum was not broken down for facilities, but the thinking during the Committee process was replacement of the Fire Station, relocation of the Municipal Court, renovation of the Library, expansion of the Police Station. The total bond referendum was $11.5 million (i.e., $1.5 million of which was set to go toward the Aquatic Facility).

City Manager Satterwhite noted that there was $10 million left, but some of those funds would be expended on the City Hall foundation leveling and cosmetic repairs.
Mayor Siegel stated that she believed the proposal before City Council would be very helpful to the City in determining how to best put those pieces together and the best use of the City’s property.

**VOTE ON MOTION TO ADOPT ORDINANCE:**

Motion **carried** unanimously on a **4-0** vote as follows:

**FOR:** Siegel, Cindy  
Hickman, Will  
Faulk, Peggy  
McLaughlan, Pat

**OPPOSED:** None

**ABSENT:** Monday, John F.  
Davison, Debra Marz  
Jeffery, John

{Ordinance was subsequently numbered 07-020}

c. **CONSIDERATION** of and possible action on a recommendation from the Bellaire Public Works Department and Consulting Engineers Claunch & Miller, Inc., to award Bid No. 07-003, Bellaire Millennium Renewal Program, Phase Seven, Contract Two, to the lowest bidder, Durwood Greene Construction, L.P., in an amount not to exceed $1,677,155.00 and adoption of an ordinance authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, on behalf of the City of Bellaire, Texas, a **Standard Form of Agreement** with Durwood Greene Construction, L.P., for the services and materials necessary to complete said project in an amount not to exceed $1,677,155 – **Action by Members of City Council** (Item submitted by Director of Public Works Joe Keene).

**SUMMARY:**

Mayor Cindy Siegel advised that this was the last project under the Bellaire Millennium Renewal Program. For the record, Mayor Siegel read a list of the streets to be included in this project as follows:

**Resurfacing**

4600 Block of Evergreen Street
**Resurfacing (cont.)**

4800-5000 Blocks of Holly Street  
4800-5100 Blocks of Terminal Street

**2” Mill and Overlay**

5200 Block of Chestnut Street  
100 Block of Calvi Court  
4500 Block of Larch Lane  
5100-4200 Blocks of Aspen Street  
4500 Block of Valerie Street  
4700 Block of Holly Street  
4700-4900 Blocks of Bellview Street  
4700-4900 Blocks of Welford Drive  
500 Block of Second Street (from Evergreen Street to Jessamine Street)  
4700-5000 Blocks of Maple Street  
4700-5000 Blocks of Holt Street  
4900-5000 Blocks of Glenmont Drive  
4900-5000 Blocks of Mimosa Street  
4500 Block of Live Oak Street  
7800-8200 Blocks of Alder Drive (from Evergreen Street to Maple Street)  
6900-7000 Blocks of Ferris Street (from Bissonnet Street to Jessamine Street)

**Point Repairs**

1300 Block of Anderson Street  
6600-6700 Blocks of Fifth Street (from Bissonnet Street to Spruce Street)  
Entire Block of Prospect Place  
4700-4800 Blocks of Lehigh Street  
1300 Block of First Street  
1300 Block of Third Street  
500 Block of Bolivar Street  
7500-7700 Blocks of Second Street (from Evergreen Street to Braeburn Drive)  
500 Block of Third Street  
4700-4900 Blocks of Valerie Street  
7900-8200 Blocks of Englewood Street (from Pine Street to Maple Street)  
100 Block of Pembrook Court  
6300 Block of Fifth Street (from Elm Street to Palmetto Street)  
100-900 Blocks of Mulberry Lane  
4700-4800 Blocks of Mayfair Street
City Manager Bernard M. Satterwhite, Jr., noted that the project consisted of resurfacing, as well as some major point repairs on some streets.

MOTION TO ADOPT ORDINANCE:

A motion was made by Councilman Will Hickman and seconded by Councilman Pat McLaughlan to award Bid No. 07-003, Bellaire Millennium Renewal Program, Phase Seven, Contract Two, to the lowest bidder, Durwood Greene Construction, L.P., in an amount not to exceed $1,677,155.00 and to adopt an ordinance authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with Durwood Greene Construction, L.P., for the services and materials necessary to complete said project in an amount not to exceed $1,677,155.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Mayor Pro Tem Peggy Faulk

Q: Mayor Pro Tem Faulk referred to the fact that Mulberry Lane was on the project list. She noted that this street was considered at a previous time and removed from the project list. She inquired as to whether Claunch & Miller, Inc., had seen a great deal of deterioration on Mulberry since that time.

A: James Andrews, P.E., Vice President, Claunch & Miller, Inc., advised that Mulberry Lane had been included in the project that was to be completed by Contractor Technology, Ltd. (CTL), who had gone bankrupt prior to completion of that particular project. Mulberry Lane was included on this contract before City Council so that corrective measures could be completed.

Mr. Andrews indicated that some additional failures had been noted and would be taken care of in this new project.

Q: Mayor Pro Tem Faulk inquired as to how extensive the repairs would be along Mulberry Lane.
A: Mr. Andrews advised that there were some fairly major repairs to be made along Mulberry Lane. The project included approximately $85,000 for Mulberry Lane and one other street that CTL had not finished.

Councilman Pat McLaughlan

Q: Councilman McLaughlan referred to Mulberry Lane and noted that some years ago Mulberry Lane was completely rebuilt.

A: Mr. Andrews advised that Councilman McLaughlan was correct. Mulberry Lane was completely rebuilt with asphalt.

Q: Councilman McLaughlan inquired as to the year in which the rebuild occurred.

A: Mr. Andrews stated that he believed it was rebuilt in the early 1990s.

Q: Councilman McLaughlan asked for confirmation that the repair work to be completed on Mulberry Lane was finishing out someone else’s contract and if that contract related to the 1990 work.

A: Mr. Andrews stated that the rebuild that occurred in 1990 was completed at that time. The life span of an asphalt street was shorter than that of a concrete street. There were failures along Mulberry Lane over the years and CTL’s contract was to repair some of those failures.

Q: Councilman McLaughlan asked for confirmation that there was a later contract for Mulberry Lane with CTL and inquired as to what CTL was supposed to do.

A: Mr. Andrews stated that Councilman McLaughlan was correct. CTL was supposed to do some point repairs on areas that were showing some signs of distress.

Mayor Siegel stated that Mulberry Lane was included in a prior Bellaire Millennium Renewal Program project that the City had settled with the bonding company.

City Attorney Alan P. Petrov advised that Mayor Siegel was correct. The City was going to take the funds from the CTL contract that it was still holding and apply
it to the current project before City Council so that it could be finished.

Q: Councilman McLaughlan inquired as to whether the work was not done or whether it was done and failed.

A: City Manager Satterwhite and Mr. Andrews advised that the work was never completed.

Q: Councilman McLaughlan advised that a few years ago, there were one or two sections of Mulberry Lane that dropped or collapsed by several inches. At that time, the City had discussed doing a failure analysis to determine why that section of street failed or dropped.

A: Mr. Andrews advised that the street had dropped due to subgrade failure.

Q: Councilman McLaughlan inquired as to whether an analysis was ever done.

A: Mr. Andrews indicated that an analysis was done and the repair process was placed into a contract that CTL bid on. CTL did some of the repairs under the contract, but not all before they went bankrupt. The City held retainage out that would cover getting another contractor out to complete the unfinished work.

Q: Councilman McLaughlan inquired as to why the subgrade had failed.

A: Mr. Andrews stated that it failed due to compaction reasons. The subgrade was not compacted properly in the first place.

Q: Councilman McLaughlan inquired as to whether the City had an inspector on the scene to measure the compaction.

A: Mr. Andrews advised that every square inch of the compaction effort was not measured. In general, an independent laboratory measured densities.

Mr. Andrews noted further that asphalt was not as forgiving as concrete. With concrete, some of the areas that were not compacted as well could be bridged.
Q: Councilman McLaughlan asked what the City was doing differently now to correct the deficiency that occurred on Mulberry Lane (i.e., compaction issue).

A: Mr. Andrews advised that the City was building concrete streets, testing compaction at greater frequencies, and monitoring the construction closely.

Q: Councilman McLaughlan asked if Claunch & Miller, Inc., was revising their inspection technique. He referred to the fact that the Mulberry Lane subgrade failed because it was not compacted properly and the inspection missed the fact that it was not properly compacted. His question to Claunch & Miller, Inc., was how the future inspection process would be modified to ensure that a similar situation would not occur.

C: Mayor Pro Tem Faulk advised that this particular project involved point repairs versus resurfacing or reconstruction.

A: Mr. Andrews advised that when the point repairs were performed on Mulberry Lane, cement stabilized sand would be used. He advised that the City could not possibly afford to pay for density tests for every foot of pavement length. The frequency of testing had to be done prudently, and the testing needed to be relied upon. Pavement was not allowed to be installed in areas where the density test had failed.

Councilman Will Hickman

Q: Councilman Hickman inquired as to the total budget for the Bellaire Millennium Renewal Program versus the actual expenditures incurred under the program.

A: Mr. Andrews indicated that the total budget was a little over $52 million, which included monies the City received from the Metropolitan Transit Authority of Harris County, Texas (METRO). The Ferris Street project and the current resurfacing project had not been completed. The project before City Council this evening had not started yet. Mr. Andrews believed that the City would end up under budget by several hundred thousand dollars.
Q: Councilman Hickman inquired as to whether all of the streets in Bellaire would have been resurfaced at the conclusion of this final project.

A: Mr. Andrews stated that some blocks of streets just received localized point repairs and others were resurfaced.

Q: Councilman Hickman asked for confirmation that localized point repairs did not include a resurfacing after the point repairs were completed.

A: Mr. Andrews advised that Councilman Hickman was correct.

Q: Councilman Hickman referred to the Rebuild Bellaire Program and inquired as to whether the goal was to replace asphalt with concrete.

A: Mr. Andrews stated that the majority of Bellaire’s streets consisted of a very thin layer of concrete with an asphalt overlay. The entire pavement structure would be replaced with 12” of lime-stabilized subgrade and a 7” reinforced concrete pavement.

Q: Councilman Hickman inquired as to the life of a concrete street versus the asphalt overlay on top of concrete.

A: Mr. Andrews stated that the asphalt street would last 10-12 years versus 25-30 years for the concrete. Maintenance issues would occur throughout the lifespan of either roadway to prolong that life.

Q: Councilman Hickman asked for confirmation that the long-term goal over the next 50 years was to replace the asphalt streets with concrete streets.

A: Mr. Andrews stated that such a goal would be established by City Council. He noted that this was the goal with Rebuild Bellaire—to attack the worst streets in Bellaire and replace them with concrete.

Q: Councilman Hickman asked for confirmation that the worst streets were addressed in the Bellaire Millennium Renewal Program and that the Rebuild Bellaire Program started over with what was now the worst.
A: Mr. Andrews advised that Councilman Hickman was correct.

City Manager Satterwhite indicated that the Rebuild Bellaire Program had a drainage component within it.

Mayor Siegel noted that the Bellaire Millennium Renewal Program attempted to address citizen concerns regarding the City’s street, water, and sewer infrastructure, with street rideability being an important concern. With the Rebuild Bellaire Program, drainage issues had come to the forefront.

C: Councilman McLaughlan noted that the citizens were probably getting confused when we spoke about asphalt versus concrete streets. The vast majority of the City’s streets were concrete streets. The streets simply had an asphalt overlay on top of them. Asphalt overlays were placed on top of a concrete street to extend the lifetime of the concrete.

When Councilman McLaughlan discussed the dirt street earlier, he noted that this was an unusual type of street, although there were a few in Bellaire. This street consisted of a dirt sub-base with asphalt overlay on top.

With a new concrete street, there was the probability that sometime in the future the engineers might recommend an asphalt overlay on the street if it started developing cracks or other durability or maintenance situations. The street would still be considered a “concrete street.”

C: Mayor Siegel advised that Councilman McLaughlan had made a very good point. The vast majority of the City’s streets were concrete streets. The City could not financially afford to increase its tax rate to $1.00 for 17-19+ years for all new concrete streets. The asphalt overlay bought the City time and provided a good riding surface for the citizens. Those streets that had been resurfaced had seen an improvement with respect to ponding issues as well.

VOTE ON MOTION TO ADOPT ORDINANCE:

Motion carried unanimously on a 4-0 vote as follows:

FOR: Siegel, Cindy
FOR (CONT.): Hickman, Will  
Faulk, Peggy  
McLaughlan, Pat

OPPOSED: None

ABSENT: Monday, John F.  
Davison, Debra Marz  
Jeffery, John

{Ordinance was subsequently numbered 07-021}

d. CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department to award Bid No. 06-015, Contractual Services for Repairs to the Evergreen Water Well Site, to Alsay Incorporated in an amount not to exceed $94,800.00 and adoption of an ordinance authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a Standard Form of Agreement with Alsay Incorporated for said services in an amount not to exceed $94,800.00.

SUMMARY:

City Manager Bernard M. Satterwhite, Jr., advised that this bid was received approximately one year ago and the bidder, Alsay Incorporated, agreed to honor the terms of that bid, which City Staff thought was a good bid. Since then, the Director of Public Works had obtained some quotes for the project and those quotes were higher than this particular bid.

MOTION TO ADOPT ORDINANCE:

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman Will Hickman to award Bid No. 06-015, Contractual Services for Repairs to the Evergreen Water Well Site, to Alsay Incorporated in an amount not to exceed $94,800.00 and to adopt an ordinance authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a Standard Form of Agreement with Alsay Incorporated for said services in an amount not to exceed $94,800.00.
QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Councilman Pat McLaughlan

C: Councilman McLaughlan suggested that this item be deferred until a full City Council was present. When this item came before City Council previously, Councilman McLaughlan had expressed a concern that there seemed to be no plan in place as to which one of the City’s four water plant sites would be decommissioned. He did not see any information in this action as to which one would be decommissioned. He personally felt uncomfortable moving forward with this agenda item based on the information that had been presented to City Council this evening.

MOTION TO POSTPONE AGENDA ITEM:

A motion was made by Councilman Pat McLaughlan and seconded by Mayor Pro Tem Peggy Faulk to postpone action on the recommendation from the Bellaire Public Works Department to award Bid No. 06-015, Contractual Services for Repairs to the Evergreen Water Well Site, to Alsay Incorporated in an amount not to exceed $94,800.00 and to adopt an ordinance authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a Standard Form of Agreement with Alsay Incorporated for said services in an amount not to exceed $94,800.00 until another meeting.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Councilman Will Hickman

Q: Councilman Hickman asked if City Staff could include the type of warranty or guarantee that the City would receive on the pump when this item was brought back before City Council.

A: City Manager Satterwhite indicated that he could do so.
VOTE ON MOTION TO POSTPONE AGENDA ITEM:

Motion carried unanimously on a 4-0 vote:

FOR: Siegel, Cindy
     Hickman, Will
     Faulk, Peggy
     McLaughian, Pat

OPPOSED: None

ABSENT: Monday, John F.
        Davison, Debra Marz
        Jeffery, John

e. CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department to accept a Proposal from Traffic Engineers, Inc., for the performance of engineering services necessary for the design, administration, construction monitoring, construction observation, and traffic control plans for an estimated 11 traffic signalized intersections throughout the City of Bellaire, Texas, and authorization for 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 Contract and Agreement for Engineering Services with Traffic Engineers, Inc., for the services outlined in the Proposal in an amount not to exceed $264,800.00 – Action by Members of City Council (Item submitted by Director of Public Works Joe Keene).

SUMMARY:

City Manager Bernard M. Satterwhite, Jr., referred to a grant, which the City of Bellaire had been awarded in the amount of $2.5 million ($2 million from the federal government and a $500,000 match from the City of Bellaire) for new traffic signals, new controllers, and fiber optic connectivity at 11 of the City’s intersections.

City Manager Satterwhite indicated that the proposal before City Council this evening represented engineering design, administration, and construction observation work for the traffic signal system. The engineering design would include crossing upgrades (which were not covered by the grant). For example, countdown timers at pedestrian crossings were not covered by the grant. In order to factor in the upgrades and structure the
traffic signal system the way the City would like, City Staff wished to hire its own engineer for this project. If the City opted to hire its own engineer, those costs would not be covered by the grant.

City Staff felt there were advantages to using the City’s own engineers versus using engineers provided by the Texas Department of Transportation (TXDOT). The City had experienced some difficulties in working with TXDOT on the box culvert project along Loop 610. This was not a reflection on TXDOT, but they worked in their best interests, and we wished to work in our best interests.

City Manager Satterwhite noted that Traffic Engineers, Inc. (TEI), had worked on this project from the beginning approximately 2-4 years ago. TEI understood the City’s objectives and could oversee the contractors even though the contractors would be hired by TXDOT. City Staff, therefore, recommended that City Council hire TEI to design and oversee this project in the amount of $264,800, which would be over and above the $2.5 million assigned to the project.

MOTION TO ADOPT ORDINANCE:

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman Will Hickman to accept a Proposal from Traffic Engineers, Inc., for the performance of engineering services necessary for the design, administration, construction monitoring, construction observation, and traffic control plans for an estimated 11 traffic signalized intersections throughout the City of Bellaire, Texas, and to authorize 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 Contract and Agreement for Engineering Services with Traffic Engineers, Inc., for the services outlined in the Proposal in an amount not to exceed $264,800.00.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Councilman Pat McLaughlan

C: Councilman McLaughlan advised that he did not feel that adequate information had been presented to City Council to explain why this work was being done. The City was considering expending $764,000 of taxpayer
money for new signal lights. The information needed to be expanded and elaborated upon. Councilman McLaughlan did not see adequate justification in what he had before him for such expenditure. He could not find any information that fully identified the deficiencies in the existing system. He felt that if City Staff had another two weeks to work on this agenda item, they could better justify this request.

R: City Manager Satterwhite advised that he would welcome that opportunity.

Mayor Cindy Siegel

Q: Mayor Siegel asked Councilman McLaughlan if he could identify some of the concerns he had with respect to this agenda item.

A: Councilman McLaughlan stated that he had three concerns. If TXDOT was willing to pay for the engineering design and construction observation work if we used their engineers, then Councilman McLaughlan felt sure that the City could develop a relationship with TXDOT and save Bellaire’s taxpayers $264,000. Secondly, he had a concern with pulling money from the City’s sidewalk improvement program for this project. Thirdly, he wished to see some justification as to why the City’s existing traffic signals could not be modified and upgraded or repaired. He would feel better if he had a greater understanding of the true deficiencies that the City was trying to address with this project.

MOTION TO POSTPONE ACTION UNTIL THE NEXT COUNCIL MEETING:

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman Pat McLaughlan to postpone action to accept a Proposal from Traffic Engineers, Inc., for the performance of engineering services necessary for the design, administration, construction monitoring, construction observation, and traffic control plans for an estimated 11 traffic signalized intersections throughout the City of Bellaire, Texas, and to authorize 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 Contract and Agreement for Engineering Services with Traffic Engineers, Inc., for the services
outlined in the Proposal in an amount not to exceed $264,800.00 until the next Council meeting.

VOTE ON MOTION TO POSTPONE ACTION UNTIL THE NEXT COUNCIL MEETING:

Motion failed on a vote of 3-1 as follows:

FOR: Siegel, Cindy
Faulk, Peggy
McLaughlan, Pat

OPPOSED: Hickman, Will

ABSENT: Monday, John F.
Davison, Debra Marz
Jeffery, John

DISCUSSION:

Councilman McLaughlan advised that due to the lack of information that he had received this evening, he would be forced to abstain from the vote.

Discussion ensued among members of City Council and the City Attorney regarding the fact that four votes were required for passage of the agenda item. An abstention would not be a vote “for” or “against.” In order to bring the agenda item back before City Council for reconsideration, someone who voted in the majority would have to agree to bring it back. In this situation, it would be someone that voted against it.

Councilman Hickman asked if all of the traffic signals in Bellaire would be addressed with this project.

Director of Public Works Joe Keene advised that there were 20 traffic lights in Bellaire and this project would address 11 of those.

Councilman Hickman inquired as to whether the signal lights could be overridden by the call center.

City Manager Satterwhite advised that he was not certain what was meant by “override.”

Councilman Hickman stated that if a light were “green,” it could be overridden by changing it to “red.”
City Manager Satterwhite stated that with this system, the timing of the lights could be changed. The system would be linked to TranStar, the Bellaire Police Department, and the Bellaire Public Works Department.

Councilman Hickman referred to the new Aquatic Facility and inquired as to whether a pedestrian crossing from the Condit Elementary School parking lot to the City Hall was included.

City Manager Satterwhite advised that such a crossing had not been included. It would be a separate project.

Councilman Hickman asked for confirmation that the City would be spending $764,000 to get $2,764,000 worth of work done.

City Manager Satterwhite advised that Councilman Hickman was correct.

Mayor Pro Tem Faulk inquired of City Attorney Petrov how substantial a rewording would be needed in order to bring this item back before City Council if it failed this evening.

City Attorney Alan P. Petrov advised that it would be difficult to say without looking at a redraft.

Councilman McLaughlan stated that his desire was to see additional justification, particularly with respect to the $264,000 expenditure that TXDOT would be willing to absorb themselves. He noted that he did not wish to further impede the process, he wanted to fully understand the process if he abstained due to the lack of information. As an alternate, he could vote against the item.

City Attorney Petrov stated that Councilman McLaughlan could vote against the item and request that it be brought back for reconsideration at the next City Council meeting.

**VOTE ON MOTION TO ADOPT ORDINANCE:**

Motion failed on a vote of 2-2 as follows:

**FOR:** Hickman, Will
Faulk, Peggy

**OPPOSED:** Siegel, Cindy
McLaughlan, Pat
Delinquent Property Tax Penalty

f. CONSIDERATION of and possible action on the adoption of an ordinance providing for a penalty to defray the costs of collecting delinquent property taxes pursuant to the Texas Property Tax Code, Sections 33.07 and 33.08 – 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 Property Tax Code required the City to adopt a penalty that would go toward payment of the delinquent tax collection attorneys as they collected the City’s delinquent taxes. Essentially, the penalty was 20% of the delinquent amount. That penalty was placed on top of the amount owed by the delinquent taxpayer so that the City did not have to pay any costs associated with collection. The taxpayer paid that cost when the penalty was paid.

One thing noted with respect to this ordinance was a change made at the advice of Harris County. Harris County would accept a one-time ordinance containing language related to future years so that City Council did not have to keep readopting the same penalty over and over again on an annual basis.

MOTION TO ADOPT ORDINANCE:

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman Pat McLaughlan to adopt an ordinance providing for a penalty to defray the costs of collecting delinquent property taxes pursuant to the Texas Property Tax Code, Sections 33.07 and 33.08.

{Continued on next page}
QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Councilman Will Hickman

Q: Councilman Hickman inquired as to who paid the collection fees if the delinquent tax collection attorneys were unsuccessful in collecting the back taxes.

A: City Attorney Petrov advised that no one paid it. The delinquent tax collection attorneys would not get paid in that instance.

Q: Councilman Hickman asked for confirmation that the delinquent tax collection attorneys were only paid in the event that they were successful in collecting. If unsuccessful, he assumed the City would go into foreclosure auction on the property in order to get paid.

A: City Attorney Petrov advised that Councilman Hickman was correct.

VOTE ON MOTION TO ADOPT ORDINANCE:

Motion carried unanimously on a 4-0 vote as follows:

FOR: Siegel, Cindy
     Hickman, Will
     Faulk, Peggy
     McLaughlan, Pat

OPPOSED: None

ABSENT: Monday, John F.
        Davison, Debra Marz
        Jeffery, John

{Ordinance was subsequently numbered: 07-022}

4. ITEM FOR INDIVIDUAL CONSIDERATION:

DISCUSSION of possible options related to the disposition of the Bellaire Trolley Pavilion located in Paseo Park near the intersection of South Rice Avenue and Bellaire Boulevard, Bellaire, Texas, and possible action and/or direction to City Staff related to said disposition – Members of City Council (Item submitted by City Manager Bernard M. Satterwhite, Jr.).
City Manager Bernard M. Satterwhite, Jr., advised that he wished to withdraw this agenda item and bring it forward at the next City Council meeting so that the full City Council could hear it.

H. COUNCIL CORRESPONDENCE AND COMMENTS.

Discussion only.

I. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Councilman Will Hickman and seconded by Councilman Pat McLaughlan to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:15 p.m. on Monday, May 7, 2007.

VOTE ON MOTION TO ADJOURN:

Motion carried unanimously on a 4-0 vote as follows:

FOR:  Siegel, Cindy
       Hickman, Will
       Faulk, Peggy
       McLaughlan, Pat

OPPOSED: None

ABSENT: Monday, John F.
        Davison, Debra Marz
        Jeffery, John

Respectfully submitted,

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

Approved:

_______________________________
Cynthia Siegel, Mayor
City of Bellaire, Texas