I. SPECIAL SESSION (PUBLIC HEARING) – 6:00 P.M.

A. CALL TO ORDER AND ANNOUNCEMENT OF A QUORUM – Mayor Cindy Siegel.

Mayor Cindy Siegel called the City Council of the City of Bellaire, Texas, to order at 6:03 p.m. on Monday, December 17, 2007. The Bellaire City Council met at that time and on that date in Special Session for the purpose of holding a public hearing related to the installation of traffic control devices (speed humps) along the 4500 block of Maple Street between Avenue B and Newcastle Drive in Bellaire, Texas. The Special Session (Public Hearing) was held in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401. Mayor Siegel announced that a quorum was present consisting of herself and the following members of City Council:

- Councilman Will Hickman, Position No. 1;
- Mayor Pro Tem Peggy Faulk, Position No. 3;
- Councilwoman Debra Marz Davison, Position No. 4; and
- Councilman Pat McLaughlan, Position No. 6.

Councilman John F. Monday, Position No. 2, arrived shortly after the Special Session (Public Hearing) had begun at approximately 6:07 p.m. Councilman John Jeffery, Position No. 6, was absent. Other officials present were City Manager Bernard M. Satterwhite, Jr., City Attorney Alan P. Petrov, and City Clerk Tracy L. Dutton.

B. READING OF NOTICE OF PUBLIC HEARING – City Clerk Tracy L. Dutton.

City Clerk Tracy L. Dutton read the "Notice of Public Hearing" as follows:

Notice is hereby given that the City Council of the City of Bellaire, Texas, has called and will hold a public hearing on the 17th day of December, 2007, at 6:00 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas, at which time and place any and all persons may appear and be heard on or in connection with the installation of traffic control devices (speed humps) along the 4500 block of Maple Street between Avenue B and Newcastle Drive, Bellaire, Texas.
City Clerk Dutton advised that in the interest of time, she would not read the remainder of the “Notice of Public Hearing” and noted that copies were available at the entrance to the Council Chamber. For purposes of this record, the remainder of the “Notice of Public Hearing” follows:

**Background**

In February of 2007, traffic control device(s) (speed humps) were installed along the 4500 block of Maple Street between Avenue B and Newcastle Drive, Bellaire, Texas, at the request of 80% of the property owners abutting the 4500 block of Maple Street, said request of which consisted of a petition validated by the City Clerk of the City of Bellaire, Texas, in accordance with the City of Bellaire “Neighborhood Traffic Improvement Program.”

The initial public hearing was called by the City Council of the City of Bellaire, Texas, and subsequently held on December 5, 2005. Following the public hearing, the City Council of the City of Bellaire, Texas, approved the installation of traffic control device(s) (speed humps) along the 4500 block of Maple Street between Avenue B and Newcastle Drive, Bellaire, Texas, said approval of which occurred on September 18, 2006. the traffic control device(s) (speed humps) were installed during the month of February 2007 as noted above.

**Public Hearing Rules**

In accordance with the City of Bellaire “Neighborhood Traffic Improvement Program,” this public hearing, which is a second public hearing, must follow the rules of the initial public hearing as set forth below:

- Public comments shall be received on the project; and
- Written comments concerning the project shall not be considered in evaluating any project unless received in the office of the City Clerk. The City Clerk must receive all comments by noon on the Thursday preceding the date of the public hearing.

Dated this 19th day of November, 2007.

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

City Clerk Dutton advised that the “Notice of Public Hearing” was posted on the bulletin board located at City Hall on November 27,
2007, and published in the legal notices section of the *Southwest News* on Tuesday, November 27, 2007. The “Notice of Public Hearing” was also mailed to real property owners of record in the 4500-4600 blocks of Maple Street, Mimosa Street, and Holt Street. Signs advertising the public hearing were also installed by the Bellaire Public Works Department at the intersection of Bellaire Boulevard and South Rice Avenue and the intersection of Bellaire Boulevard and Newcastle Drive.

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

*City Manager Bernard M. Satterwhite, Jr.*, summarized the public hearing procedure for the evening as follows:

*During this evening’s public hearing, a brief presentation regarding a traffic engineering report prepared by Traffic Engineers, Inc., related to the installation of traffic control devices (speed humps) installed in the 4500 block of Maple Street, Bellaire, Texas, will be given by City Manager Bernard M. Satterwhite, Jr. The presentation will be limited to fifteen (15) minutes.*

*At the conclusion of the presentation, the Mayor and City Council will have an opportunity to ask questions regarding the report.*

*At the conclusion of the question and answer session, the Mayor will recognize citizens or other interested parties who have completed the sign-in sheet prior to commencement of the meeting. The Mayor will then read written comments submitted for the public hearing into the record. Comments, both oral and written, will be limited to four (4) minutes for each individual.*

*Following comments from citizens or other interested parties, the Mayor will close the public hearing. Public comment will not be received following the close of the public hearing. Written comments may be submitted to the City Council in care of the City Clerk prior to final deliberation on the matter. It is anticipated that final deliberation on the matter will occur on January 21, 2008. Written comments must be submitted by noon on Thursday, January 17, 2008, in order to be considered for the record. The sign-in sheet and written comment sheets have been provided at the entrance to the Council Chamber.*

D. PRESENTATION of a traffic engineering report prepared as a result of the installation of traffic control devices (speed humps) more than six months ago along the 4500 block of Maple Street between Avenue B and Newcastle Drive, Bellaire, Texas – *City Manager Bernard M. Satterwhite, Jr.*
{Note: The referenced traffic control devices (speed humps) were installed as a result of a validated petition received from 80% of the property owners abutting the 4500 block of Maple Street, Bellaire, Texas, requesting the installation of the devices, and after an initial public hearing on the matter was held before the City Council of the City of Bellaire, Texas}

City Manager Bernard M. Satterwhite, Jr., presented a traffic engineering report prepared for the City of Bellaire, Texas, by Traffic Engineers, Inc., related to the installation of traffic control devices (speed humps) along the 4500 block of Maple Street in Bellaire, Texas.

He began by noting that the purpose of the public hearing this evening was to determine whether the Maple Street speed humps should be made permanent in accordance with the City’s “Neighborhood Traffic Improvement Program.” In order to make that determination, the City should ensure that the speed humps were doing what the citizens and City intended and expected them to do, as well as to ensure that the residents on Maple Street were satisfied with the results of the speed humps and to ensure that residents on other streets were able to express their opinions concerning traffic that might have been diverted from Maple Street.

In reviewing some of the written comments submitted to City Council in their agenda packet, City Manager Satterwhite indicated that he believed that there might be some confusion on what action was taken concerning this matter after the first public hearing.

The agenda statement from September 18, 2006, prepared for purposes of City Council’s deliberation on the matter of installing speed humps in the 4500 block of Maple Street and also in the 4500 block of Holt Street, stated that “the measures would be considered temporary for a period of not less than 180 days in accordance with the Program. Following completion of the 180-day trial period, a second public hearing would be held. Following the hearing, City Council would determine whether or not the measures would be considered permanent. Even if considered permanent, City Council may continue to review the project every five years to determine its continued viability.” There was some confusion or expectation that the second public hearing would take place immediately after 180 days had passed. The speed humps were not actually installed for some time after the approval on September 18, 2006, and City Staff wanted to give time for traffic to find its alternate routes, if necessary, before a second traffic study was conducted.

Also on September 18, 2006, an amended motion was made by Councilwoman Debra Marz Davison and seconded by Mayor Cindy Siegel to remove consideration of the 4500 block of Holt Street from
consideration. Councilman Will Hickman made a suggestion during discussion of the matter that the 4500 block of Holt Street be reconsidered after six months, keeping their petition open. As a result of the amended motion, Holt Street was removed from consideration at that time. The ending vote was to install speed humps in the 4500 block of Maple Street only. There was no further discussion about Holt Street. City Staff did hold the petition open as suggested by Councilman Hickman. The public hearing this evening was to determine the effectiveness and viability of the speed humps that were installed on Maple Street.

In the meantime, the City Clerk had received a number of requests from residents on Holt Street to have their names removed from the petition. Although it has not been verified at this point, it appeared that the Holt Street petition probably did not contain 80% of the residents abutting the 4500 block of Holt Street. If Holt Street was interested in moving forward with the process, they might have to go out and put together another petition.

A traffic study was originally performed for the 4500 blocks of Maple Street and Holt Street. That study was completed in August of 2006, and City Council approved the Maple Street petition (4500 block) in September of 2006. The speed humps were installed in February of 2007, and the residents in the 4500 block of Maple Street did pay for those speed humps in accordance with the Neighborhood Traffic Improvement Program.

Traffic data was collected for purposes of the public hearing this evening in September of 2007. City Staff wanted to wait until after school had started before conducting a traffic study on that street. Traffic counts were limited to the 4500 block of Maple Street and did not include Holt or Holly Streets. City Staff was looking primarily to see the results of the speed humps on the 4500 block of Maple Street.

City Manager Satterwhite presented a summary of the traffic engineering report, noting that the eastbound volume of traffic decreased by 5.8% and the westbound volume of traffic decreased by 14.6%. The total volume of traffic in the 4500 block of Maple Street decreased by 9.5%. Therefore, if the objective was to decrease the volume of traffic thereby making the street safer, the installation of speed humps achieved that objective.

With regard to speed, the 85th percentile speed decreased by 11.8% or about 3.4 miles per hour eastbound. Westbound, the 85th percentile speed decreased 28.1% or about 8.5 miles per hour. The total 85th percentile speed decreased about 18.6%. In addition, there was a significant drop in the number of speeders from the previous study. The post-study reported no speeders traveling over 40 miles per hour.
in the 4500 block of Maple Street, whereas the pre-study reported speeders traveling as high as 60+ miles per hour.

In conclusion, the speed and volume decreased in the 4500 block of Maple Street. City Staff did not have studies to show where the volume of traffic went. There were a total of 66 cars that took another route and it was assumed that those cars went down adjoining streets. City Staff felt that the objectives were achieved as a result of the installation of speed humps on Maple Street. City Staff had received some comments from residents on Holt Street indicating that traffic had increased on their street.

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

Councilman Pat McLaughlan

Q: Councilman McLaughlan inquired as to whether City Staff had any data relating to the number of accidents that had occurred in the 4500 block of Maple Street before the installation of speed humps versus after the installation.

A: City Manager Satterwhite stated that he did not have any specific accident data. He could get that data if Councilman McLaughlan could indicate the timeframe of interest (i.e., how long before the installation occurred). He did not believe that any accidents were noted during the petition process by residents on that block. In other words, he did not know of any accidents either before or after the installation.

Councilman Will Hickman

Q: Councilman Hickman inquired as to the posted speed limit on Maple Street.

A: City Manager Satterwhite indicated that the posted speed limit was 30 miles per hour.

Q: Councilman Hickman noted that on the westbound side of Maple Street prior to the speed hump installation, at least 15% of those traveling down the street were exceeding 30 miles per hour. It appeared that the number of speeders had decreased significantly since the installation of the speed humps.

A: City Manager Satterwhite advised that Councilman Hickman was correct. In the post-study, the number of cars speeding out of a total of 376 was five.
C: Councilman Hickman advised that the decrease in the number of cars utilizing the 4500 block of Maple Street since the installation of speed humps of 66 seemed to be a small amount.

R: City Manager Satterwhite agreed that it seemed to be a small amount to him as well. If one took the total number of people living in the area and the number of cars normally driving through the area, a decrease of 66 seemed to be a relatively small number.

Councilwoman Debra Marz Davison

Q: Councilwoman Debra Marz Davison inquired as to whether there had been any “bad press” with respect to this issue.

A: City Manager Satterwhite advised that there had not been any. He believed that the residents that participated in the petition process were satisfied with the results, noting that the primary petitioner, Jocelyn Ellis, would be speaking to that later this evening.

Councilman John F. Monday

Q: Councilman John F. Monday inquired as to whether the City had any established criteria or guidelines. In other words, was there some threshold to indicate whether the speed humps should be removed or allowed to remain?

A: City Manager Satterwhite stated that Councilman Monday was correct. That matter had been discussed by City Council previously. It was noted that it would be very difficult to create that threshold as each street was different with respect to the nature of its traffic patterns. If the objective was to reduce traffic and speed, certainly speed humps were effective in doing so.

Councilman Will Hickman

Q: Councilman Will Hickman inquired as to whether the City had heard anything from the Holt Street residents. In other words, were they interested in moving forward or did they wish to withdraw their petition?

A: City Manager Satterwhite stated that he had not personally heard a great deal other than through the City Clerk who had received some requests from residents wanting to remove themselves from the petition. She had not gone back and
revalidated the petition, but we believed that the petition would now be below the 80% required to petition under the Neighborhood Traffic Improvement Program.

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

Jocelyn Ellis, 4521 Maple Street, Bellaire, Texas:

Ms. Ellis addressed City Council and noted that she understood that two of the members of City Council would not be voting on this issue in January (i.e., as they were term-limited and would be leaving office after the first City Council meeting in January). She hoped that the new members of City Council were in the audience.

As the primary petitioner for Maple Street, Ms. Ellis advised that the residents were very happy with the speed humps. She had in hand the signatures of 28 of the residents (and could get more) telling City Council that they affirmed their desire to keep the speed humps that they petitioned and paid for as safety was the mandate. She noted that the City would be receiving those signatures.

Ms. Ellis continued and asked if those present in support of the Maple Street speed humps would stand as a show of how much the issue mattered to them. [Those residents stood at this time].

While the speed humps had not solved every speeding problem, the speed humps had certainly solved the majority of the problems. As City Manager Satterwhite indicated earlier, there was a 9.5% reduction in volume. The volume was not necessarily what the residents were after—speed was what they were after. What was wonderful to the residents was the fact that speeds had dropped an average of 18.5% and, significantly, the speeds headed toward the freeway on ramp had dropped 28%. The reduction in speed was what the residents were after as a reduction saved lives.

The National Highway Traffic Administration has indicated that while 5% of pedestrians would die when struck by a vehicle traveling at 20 miles per hour, the pedestrian fatality percentage rose to 40% at 30 miles per hour, 80% at 40 miles per hour, and 100% over 50 miles per hour. What Ms. Ellis wanted City Council to hear and take to heart was what was in the raw data of the report prepared by Traffic Engineers, Inc. Whereas there used to be 121 cars per day driving 26 miles per hour or faster, there were now only 9 cars per day driving more than 25 miles per hour. No cars exceeded 40 miles per hour. The first study conducted on Maple Street in 2004 showed that 35 cars per day exceeded 40 miles per hour, one of which was at 75 miles per hour, four of which were at 70 miles per hour, two of which were at 65
miles per hour, four of which were at 60 miles per hour, and so on. Today, there was not one single car going over 40 miles per hour. That was wonderful news for the residents in the 4500 block of Maple Street.

In conclusion, the speed humps had done their job. Safety, after all, was the mandate. All of the residents present this evening and the others that had signed the petition wanted City Council to know what a difference the speed humps had made for them. To those City Council members who supported the installation of the speed humps, the residents in the 4500 block of Maple Street thanked them. Those votes had made a world of difference.

Karl Poirot, 4502 Holt Street, Bellaire, Texas:

Mr. Poirot addressed City Council on behalf of himself, his wife, and Kim Godfrey. He noted that they had entered the process late in the stage. He noted further that he was afraid that the intent of their initial efforts had become confused. Their intent was to have an option for like treatment in the event that Maple residents having speed humps would put additional pressure on Holt Street.

While the residents in the 4500 block of Holt Street were in support of the safety of the residents in the 4500 block of Maple Street, he estimated that the amount of traffic on Holt Street had increased by 20%. Of the increase, he believed that one-half to three-quarters of the increased traffic was driving at excessive speeds.

He noted that Holly Street now had a four-way stop that was installed during the initial petition process, which was a good thing, as well as a school zone. The traffic patterns on Holt Street, however, were different. The residents had seen increased pressure.

Mr. Poirot asked that the petition process under this program not change, noting that there had been concern along the way that the process for consideration of speed humps might change. He thought it was important to maintain consistency in the event that the residents of Holt Street, while some might have opted out, had the opportunity to proceed under the same process.

He noted that he had some questions regarding the second traffic study, such as the times of the day the traffic counts were conducted, how many days counts were conducted over, etc. Lastly, Mr. Poirot noted that he was a supporter of Maple Street and was in no way saying that they should not look out for the safety of their families and
children. He echoed Ms. Ellis’ statement that it was City Council’s responsibility for the residents’ safety—it was an uppermost tenet. Safety should be for all and not for some.

Ashley Zheng, 4527 Maple Street, Bellaire, Texas:

Ms. Zheng addressed City Council and stated that she had moved to the 4500 block of Maple Street in April of 2007. As the mother of a two and one-half year old, she felt that the speed humps were very helpful in limiting the speed of vehicles traveling down the street. She concluded by noting that she supported the speed humps.

Robyn Doyle, 4532 Holt Street, Bellaire, Texas:

Ms. Doyle addressed City Council and noted that she was speaking on the speed humps installed on the 4500 block of Maple Street, as well as any that might be proposed for the 4500 block of Holt Street. She was present on behalf of herself and several other neighbors residing on the 4500 block of Holt Street that were opposed to the speed humps on Maple Street and to inform City Council of their opposition to speed humps on Holt Street.

She and the others she referred to had not perceived any additional traffic or speeding on Holt Street since the speed humps were installed. The speed humps were determined to be unwarranted by the experts in the field that the City’s tax monies paid for. Despite that report, City Council ignored it and approved the installation of speed humps for the 4500 block of Maple Street. This should not have happened.

The Holt residents wanted to stand by the decisions made by the initial traffic study. In addition, the speed humps were shown to slow the speed of emergency vehicles, which could cause irreparable harm. The damage, through wear and tear, to cars, the irritating noise caused by driving over them, and the eyesore caused by their presence was why the cities of West University Place, League City, Missouri City, and others did not allow speed humps.

In closing, Ms. Doyle reiterated that the residents on Holt Street did not want speed humps. She had obtained several signatures and could get more to that effect.
Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee addressed City Council and noted that in February of 2006 or shortly thereafter, the Assistant Director of Public Works, David Ritz, came before City Council with a presentation and recommendation for a traffic calming policy. This was at or about the time that the Maple Street petition was beginning. There was nothing but inaction on the part of the City Council on actual policy citywide for process and recommendations by a traffic engineer to deal with these problems as opposed to an individual, case-by-case basis. Ms. McBee supported that policy then, which City Council neglected to consider. She supported it today and further supported not considering traffic calming device petitions on a block-by-block basis. She believed that comprehensive policies were fair, well thought out, and applicable equally to all.

The City of Houston had adopted a policy that could be applied in Bellaire. City Council was told previously by the City Manager that a comprehensive citywide traffic study had not been done. It had been done, and she had a copy of it in her files.

Ms. McBee did not believe in speed humps. She used River Oaks weekly and navigated over those speed humps. The navigation challenges were great due to heavy parking on both sides of the street, as well as two-way traffic. Streets in Bellaire were very much like that. Other options that engineers had recommended included one-way streets, closed access, parking options, and several other devices that might be usable citywide.

Ms. McBee appreciated the young parents on Maple Street being very concerned for the safety of their children—but, there was still two-sided parking on that street. She opposed speed humps on Maple Street, as well as any other street in the City, but did support a greater traffic review.

Mayor Cindy Siegel read the following written comments into the record:

Kim Godfrey, 4524 Holt Street, Bellaire, Texas:

My name is Kim Godfrey and I am the owner/resident of the property at 4524 Holt Street in Bellaire, Texas. The installation of traffic control devices on Maple Street has adversely affected the traffic flow on Holt Street. This is particularly true in the morning rush hour when our street is used as a “cut-through” street to gain access from Beechnut
to Loop 610. Several of my neighbors have begun to back their cars into their driveway to they can safely enter Holt Street. When City Council approved the installation of traffic control devices on Maple Street on September 18, 2006—the approval required an additional traffic study be done to determine the impact on Holt Street within six months of the installation. This was not done.

I am asking for the Mayor and City Council to consider the following:

1) Conduct the post traffic control device installation study on Holt Street as approved by City Council during the September 18, 2006, meeting. Utilize the information from this study to quantify the impact from the traffic diverting to Holt Street to avoid the Maple Street traffic control devices.

2) Install sidewalks on the 4500 block of Holt Street. Currently the 4500 block of Holt Street does not have continuous sidewalks. This forces pedestrian traffic onto a busy street.

3) Ask the Bellaire Police Department to monitor the traffic during the time period between 6:45 a.m. and 8:00 a.m. when the traffic is the heaviest and can exceed the 30 mph speed limit.

I thank you for your consideration and support in advance.

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Gayle Davies, 4609 Maple Street, Bellaire, Texas:

My name is Gayle Davies and I live at 4609 Maple Street.

I opposed the speed humps in the 4500 block of Maple Street when it was originally proposed, and I remain opposed to them. While no apparent negative effects have occurred in the 4600 block, I still believe that speed humps in one block are a bad idea and were ill considered for this area of Bellaire as a whole. After all, the engineers’ traffic study, accomplished around the time of the initial deliberation, showed that no speed humps were needed or advisable due to the low level of traffic on the street in question. This study was completely ignored without regard to how traffic would be affected in the area as a whole.

In reexamining this issue, I trust that Bellaire City Council will carefully ponder two matters of importance.

First is whether the adjoining streets have been adversely affected by the speed humps in the 4500 block of Maple. Since they were
installed in early 2006, I have used either Holly or Holt much more than before to get to Newcastle. This suggested that others may be doing the same thing. As representatives of the citizens living on those streets also, you need to be certain that Holly and Holt have not been adversely affected by diverted traffic.

Second is the problem these speed humps pose for emergency vehicles. When vehicular speed is necessary, ambulances, fire trucks, and police cars must slow down much more than the posted 20 miles per hour to safely get over the speed humps. These humps are dangerous when emergencies arise and seconds count. At the least, expensive city equipment can be seriously damaged and, at worst, lives of citizens lost.

Michael Doyle, 4532 Holt Street, Bellaire, Texas:

My name is Mike Doyle and I am a resident and property owner at 4532 Holt Street. This correspondence shall serve to voice my continued opposition to the installation of speed humps on the 4500 block of Maple Street despite the clear conclusion of the qualified traffic consultant. The consultant, Traffic Engineers, Inc., was selected and paid by the City of Bellaire to review the matter resulting in their very clearly stated conclusion that the speed humps were not warranted.

The petitioning of the property owners is not and should not be the criteria for evaluating and deciding on perceived traffic problems/solutions; that needs to be left to the nationally accepted engineering standards. With traffic situations, as in this case, speed and volumes can be more of a perceived problem rather than an actual problem. By all established criteria by those in the field of traffic engineering and other municipalities who have established clear objective criteria—these speed humps should never have been installed.

Objective criteria was proposed to you as a revised policy by the City of Bellaire staff and was never considered seriously even after this specific matter was addressed. By that same criteria proposed by City of Bellaire engineering staff, who is very qualified in traffic control issues, these speed humps would not have been approved for installation.

I respectfully request City Council’s reconsideration of the approval for installation of the speed hump installations on the 4500 block of Maple Street and ask that 1) the speed humps be removed, 2) objective
criteria be established within a revised traffic management policy, and
3) that the revised policy be administered by the staff.

Thank you for your time.

Robin Levins, 4516 Maple Street, Bellaire, Texas:

I work from home (4516 Maple) and have a large bay window open to the 4500 block of Maple Street. I observed many vehicles going abnormally fast down Maple Street before our speed humps were installed. I can now tell you that our street is safer due to these speed humps.

There appeared to be two types of arguments against speed humps on Maple during the first hearing:

1. Speeding traffic will be diverted to other streets. (My rebuttal: This is only admitting that there were speeders on Maple.)

2. There is not enough traffic to support the need for speed humps. (My rebuttal: This contradicts issue number 1 and, if true, only strengthens the small impact on cars having to slow down.)

These arguments do not address the primary reason Maple homeowners want speed humps—safer streets for our kids!!

Maple Street is now safer because of speed humps. As a father, I urge you to vote for a safer Maple Street. ”Keep Maple Road Humps.”

G. CLOSE OF PUBLIC HEARING – Mayor Cindy Siegel.

Mayor Cindy Siegel, after ensuring that there were no further oral or written comments, closed the public hearing before City Council regarding the installation of traffic control devices (speed humps) in the 4500 block of Maple Street between Avenue B and Newcastle Drive, Bellaire, Texas, at 6:40 p.m. on Monday, December 17, 2007. Mayor Siegel advised that oral comment concerning this matter would not be received. Written comments could be submitted to City Council in care of the City Clerk prior to final deliberation on the matter, which was expected to occur on Monday, January 21, 2008. Written comments must be submitted to the City Clerk by noon on Thursday, January 17, 2008, in order to be considered for the public record.
H. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Mayor Pro Tem Peggy Faulk and seconded jointly by Councilwoman Debra Marz Davison and Councilman Will Hickman to adjourn the Special Session (Public Hearing) before the City Council of the City of Bellaire, Texas, at 6:40 p.m. on Monday, December 17, 2007.

VOTE ON MOTION TO ADJOURN:

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

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

OPPOSED: None

ABSENT: Jeffery, John

II. REGULAR SESSION – 7:00 P.M.

A. CALL TO ORDER AND ANNOUNCEMENT OF A QUORUM – Mayor Cindy Siegel.

Mayor Cindy Siegel called the City Council of the City of Bellaire, Texas, to order at 7:04 p.m. on Monday, December 17, 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 77401. Mayor Siegel announced that a quorum was present consisting of herself and the following members of City Council:

    Councilman Will Hickman, Position No. 1;
    Councilman John F. Monday, Position No. 2;
    Mayor Pro Tem Peggy Faulk, Position No. 3;
    Councilwoman Debra Marz Davison, Position No. 4; and
    Councilman Pat McLaughlan, Position No. 5.

Councilman John Jeffery, Position No. 6, was 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 read the following regarding the paradox of our time in history for her inspirational reading:

The paradox of our time in history is that we have taller buildings and shorter tempers, wider freeways, but narrower viewpoints. We spend more, but have less, we buy more, but enjoy less. We have bigger houses and smaller families, more conveniences, but less time. We have more degrees, but less sense, more knowledge, but less judgment, more experts, yet more problems, more medicine, but less wellness.

We drink too much, smoke too much, spend too recklessly, laugh too little, drive too fast, get too angry, stay up too late, get up too tired, read too little, watch TV too much, and pray too seldom.

We have multiplied our possessions, but reduced our values. We talk too much, love too seldom, and hate too often.

We’ve learned how to make a living, but not a life. We’ve added years to life not life to years. We’ve been all the way to the moon and back, but have trouble crossing the street to meet a new neighbor. We conquered outer space but not inner space. We’ve done larger things, but not better things.

We’ve cleaned up the air, but polluted the soul. We’ve conquered the atom, but not our prejudice. We write more, but learn less. We plan more, but accomplish less. We’ve learned to rush, but not to wait. We build more computers to hold more information, but produce more copies than ever, but we communicate less and less.

These are the times of fast foods and slow digestion, big mean and small character, steep profits and shallow relationships. These are the days of two incomes but more divorce, fancier houses, but broken homes. These are days of quick trips, disposable diapers, throwaway mortality, one night stands, overweight bodies, and pills that do everything from cheer, to quiet, to kill. It is a time when there is much in the showroom window and nothing in the stockroom. A time when technology can bring this letter to you, and a time when you can choose either to share this insight, or to just hit delete . . .

Remember, spend some time with your loved ones, because they are not going to be around forever.

Remember, say a kind word to someone who looks up to you in awe, because that little person soon will grow up and leave your side.
Remember to give a warm hug to the one next to you, because that is the only treasure you can give with your heart and it doesn’t cost a cent.

Remember to say, “I love you,” to your partner and your loved ones, but most of all mean it. A kiss and an embrace will mend hurt when it comes from deep inside of you.

Remember to hold hands and cherish the moment for someday that person will not be there again.

Give time to love, give time to speak! And give time to share the precious thoughts in your mind.

AND ALWAYS REMEMBER:

Life is not measured by the number of breaths we take, but by the moments that take our breath away.

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 Special Session (Executive Session) and Regular Session of the City Council of the City of Bellaire, Texas, held Monday, December 3, 2007 – Action by Members of City Council to Adopt Minutes (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 Special Session (Executive Session) and Regular Session of the City Council of the City of Bellaire, Texas, held December 3, 2007.
VOTE ON MOTION TO APPROVE MINUTES:

Motion carried on a 5-0-1 vote as follows:

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

OPPOSED: None

ABSENT: Jeffery, John

ABSTAIN: Hickman, Will*

*Councilman Will Hickman abstained from voting on the approval of the minutes of the Special Session (Executive Session) and Regular Session of the Bellaire City Council held on December 3, 2007, due to his absence from that meeting.

E. PERSONAL/AUDIENCE COMMENTS.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee addressed City Council and referred to citizen projects instigated by individuals or groups that ultimately became City projects or facilities. In no particular sequence, she named them as follows: Condit Environmental Center, which was very innovative and instructional; Wellness Pool at Evergreen Park; Trolley and Trolley Pavilion, as well as six official Texas State Markers (contributions and efforts by the Bellaire Historical Society); Bellaire Boulevard Beautification Effort (path along Paseo Park); Recycling Program (Recycling Center and Curbside Recycling Program initiated by Lynda Dyson); The Nature Discovery Center in Russ Pitman Park (Hana and Arthur Ginzberg).

Secondly, Ms. McBee advised that there were two items on the agenda that she wished to address. One was the alcohol related item. Alcohol was readily available throughout Harris County and she urged City Council not to add another convenience spot for alcohol. She had heard earlier in the day that Harris County had the second highest number of death-related through alcohol abuse vehicular accidents in the country. She opposed adding alcohol sales and consumption in public facilities.

Another reason she opposed considering alcohol this evening was because there was a whole list of outdated facilities in the City and it...
was not mentioned that the pools were a rentable venue in the City for parties. A new facility was coming online shortly—the CenterPoint Energy Meeting Room, which she felt City Council would want to add to the list.

She urged City Council to postpone action on this item so that the new City Council could address it and so that City Staff could play catch-up with the new building or buildings and could address the question of pools. She noted further that the entire Chapter 12, Community Center, of the City’s Code needed to be overhauled as it was sorely outdated and overdue for review by the City Attorney.

She closed by thanking Councilman John Monday for the creativity and innovation he had brought to the Council table. She particularly appreciated his facility with numbers and creativity in arts. She noted that he left his mark—she would remember it and felt that others would too. She thanked him for his eight years of service.

With respect to Councilwoman Debra Marz Davison, she noted that she had worked with her on a number of things and that her sense of humor was great. What Ms. McBee was particularly impressed by was Councilwoman Davison’s incredible ability to restrain herself, which was a real skill for a legislator to have. She personally thanked her for her eight years of service, noting that she would miss her.

Mayor Cindy Siegel read the following written comment into the record:

Russ Pitman, 4908 Imperial Street, Bellaire, Texas:

I want to thank the Mayor and City Council for another year of service to our community. It has been a good year for Bellaire.

Each of you have given two years up to ten years of your time and Pat maybe more, and the community appreciates your contributions.

A fond farewell to John (Monday) and Debra—we will miss you.

F. REPORTS:

1. CITY MANAGER’S REPORT – City Manager Bernard M. Satterwhite, Jr. – Action by Members of City Council to Accept Report into the Record.
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, Residential Mobility, Residential Quality of Life, and Employees. Also included in the report were Indicators (i.e., crime and building permits) and Upcoming City Council Meetings/Events.

MISSION AREAS:

Residential Safety

With respect to residential safety, City Manager Satterwhite noted that Bank of America and Guaranty Bank in Bellaire were both robbed in the past few weeks. Houston had a similar robbery a few days ago, and Bellaire’s detectives got a possible description of the suspect vehicle. Some officers were pulled out of patrol and placed in unmarked vehicles to watch the banks. Around 4:00 p.m. a few days ago, Officer Florida observed a vehicle matching the description in Bellaire. During a subsequent investigation, a paper strap used to contain cash was found in the car, and the driver matched the description of the robbery suspect. A later search of the suspect’s residence, which incidentally was in Bellaire, resulted in the recovery by the Bellaire Police Department of the ball cap and shirts worn by the suspect in the two robberies. Some cash was recovered as well. The suspect has been charged in one of the robberies, and charges are pending on the others.

Residential Mobility

The residents on the 4500 block of Elm Street, the 5100 block of Chestnut Street, the 4500 block of Evergreen Street, and most of the northern part of Ferris Street were having a tough time due to the construction efforts ongoing on those streets. The City was progressing well on each of the projects and was continuing to do so as fast as possible. The streets south of Valerie Street were all open. The north lane had been poured on Elm Street and hopefully, in the very near future, the Elm Street driveways would be accessible again. The City was starting to work on the south side of Elm Street.

The northbound lane of South Rice Avenue was expected to be open within days, and the repair of the water leak was almost completed. After the holidays, the left lane and left turn lane on South Rice Avenue would be closed for repaving.
Residential Quality of Life

As in years past, City Manager Satterwhite advised that Director of Library Mary A. Alford was inviting the public over to the Bellaire City Library for wassail on Tuesday, December 18, 2007, from 9:00 a.m. until 8:00 p.m.

Employees

With respect to employees, it was noted that the Employee Holiday Luncheon had been scheduled for Wednesday, December 19, 2007, at 11:30 a.m. at the Bellaire Recreation Center. All members of City Council were invited to attend, as well as incoming members of City Council (i.e., James P. Avioli, Sr., and Phil Nauert).

The Bellaire Police Officers’ Association selected Detective John Bohannon as their Police Officer of the Year, and the Bellaire Fire Department selected Chris Bush as their Firefighter of the Year. Employee of the Year would be named at the Employee Holiday Luncheon.

INDICATORS:

Building Permits

With respect to building permits, there were two months of data available and the City was tracking very well in terms of construction values. With respect to numbers of permits, 14 new construction permits were issued in the month of November. The same number were issued in the month of November for the prior two years.

UPCOMING CITY COUNCIL MEETINGS/EVENTS:

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Type of Meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/24/2007</td>
<td>All Day</td>
<td>Christmas Holiday – City Offices Closed</td>
</tr>
<tr>
<td>12/25/2007</td>
<td>All Day</td>
<td>Christmas Holiday – City Offices Closed</td>
</tr>
<tr>
<td>01/01/2008</td>
<td>All Day</td>
<td>New Year Holiday – City Offices Closed</td>
</tr>
<tr>
<td>01/07/2008</td>
<td>7:00 p.m.</td>
<td>Regular Session (City Council Installation)</td>
</tr>
<tr>
<td>01/21/2008</td>
<td>7:00 p.m.</td>
<td>Regular Session</td>
</tr>
<tr>
<td>01/26/2008</td>
<td>9:00 a.m.</td>
<td>City Council Goal-Setting Retreat</td>
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In closing, City Manager Satterwhite advised that a little over seven years ago he was invited to Bellaire to speak to the then City Council about possibly becoming the City Manager of Bellaire. Even though he was locked out of the building, he persevered and stuck around in the high humidity. The City Council at that time went out on a limb and took a chance on a very unproven City Manager candidate.

Three members of that then City Council were on the dais tonight, two of which were leaving. He remembered his second interview for two reasons. After the interview at City Hall, he was taken to the home of one of the Council Members for a barbecue. He noted that the barbecue was posted, as a quorum of City Council was present. It was a very friendly affair, and the hostess was Debra Davison. This made a huge impact on him. He also remembered that as he left Councilman John Monday shook his hand and said, “we look forward to working with you.”

City Manager Satterwhite stated that it was bittersweet to see Councilman Monday and Councilwoman Davison leave. Both had been great supporters of him and his family, and he appreciated them bringing him to Bellaire.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

C:  Mayor Cindy Siegel noted that a second goal-setting workshop had also been scheduled for the City Council and the City Boards, Commissions, and Committees for the second Saturday in February (i.e., February 9, 2008).

MOTION TO ACCEPT REPORT INTO THE RECORD:

A motion was made by Councilman John F. Monday and seconded by Councilwoman Debra Marz Davison 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 6-0 vote as follows:

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

OPPOSED: None 

ABSENT: Jeffery, John 

2. FINANCIAL REPORT – Chief Financial Officer Donna Todd – Action by Members of City Council to Accept Report into the Record. 

Chief Financial Officer Donna Todd presented the financial report for the City of Bellaire, Texas, to City Council. She advised that her report represented the two months ended November 30, 2007. She noted that in the General Fund, revenues were approximately $85,000 lower than the previous year, which was primarily due to the timing differences and the receipt of the City’s franchise fees. The property tax collections were $76,000 year to date, $45,000 of which were current taxes. The Debt Service Fund also had about $22,000 of current taxes, and sales taxes were also higher. 

The City’s investment earnings were below the prior year. Chief Financial Officer Todd expected that trend to continue with the declining interest rates. Last week, the interest target rate was cut to 4 ¼%, which was expected to continue through the next year. 

Revenues in all of the utility operations in the Enterprise Fund were higher than the previous year. There were two inches less in rainfall this year as compared to last year, which impacted the use of water and sewer for the month. 

On the expenditure side, there was a three payroll month in November, which caused the salary and benefits in all departments to be higher as compared to the previous year. 

In terms of Interfund Transfers, the City was reflecting three transfers on a monthly basis. One transfer was from the Enterprise Fund to the Debt Service Fund (an annual amount of $950,000), another transfer was from the General Fund to the Capital Improvement Project Fund (an annual amount of $2,000,000), and the third transfer was from the General Fund to the Vehicle, Equipment, and Technology fund (an annual amount of $1,000,000).
In terms of housing for November, excluding the “by owner” sales and leases, there were 159 residential properties for sale. Last month there were 166 properties for sale. There were 14 houses for lease, which was the same number available for lease in the previous month.

In closing, it was noted that the City was continuing to prepare for the audit, and that the auditors were expected to arrive onsite in January of 2008.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Mayor Cindy Siegel referred to the housing information and the average homestead appraised value of $508,000. She inquired as to whether this included the tax value of all homes in Bellaire divided by the number of homes.

A: Chief Financial Officer Todd advised that Mayor Siegel was correct.

MOTION TO ACCEPT REPORT INTO THE RECORD:

A motion was made by Councilwoman Debra Marz Davison and seconded by Councilman John F. Monday to accept the Financial Report as presented by Chief Financial Officer Donna Todd into the record.

VOTE ON MOTION TO ACCEPT REPORT INTO THE RECORD:

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

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

OPPOSED: None

ABSENT: Jeffery, John

3. ENGINEERING REPORT – briefing and recommendation for repair of the Bellaire Trolley Pavilion located in Paseo
Park at the intersection of Bellaire Boulevard and South Rice Avenue – Action by Members of City Council to Accept Report and Approve Recommendations for Repairs (Presentation by Representative(s) from Civil, Structural & Forensic Engineering Solutions (CSF); Item submitted by Director of Facilities Management Karl Miller).

**SUMMARY**

City Manager Bernard M. Satterwhite, Jr., noted that City Council had directed City Staff to provide for an engineered solution to repair the Trolley Pavilion at its current site. The direction to City Staff included the preparation of construction documents and bids and to bring back a formal bid proposal for those repairs.

City Staff hired Civil, Structural & Forensic Engineering Solutions (CSF) to look at the Trolley Pavilion to find out what happened, what could have been done better to prevent the failure that occurred, and to determine what could be done to fix the structure on the site where it was currently located, including an estimate of that cost. CSF had performed the initial scope of the project.

City Staff had not directed the development of construction documents or bid specifications at this point, and felt that it might be better to provide a report to City Council and get an indication that City Council still wanted to move forward. CSF was prepared to go forward if City Council approved the report this evening, the approval of which would also include the plan for repairs.

**ENGINEERING REPORT**

Cory Walker, P.E., CSF, advised that the City of Bellaire hired CSF to evaluate the Bellaire Trolley Pavilion from an engineering standpoint. The scope of the evaluation was as follows:

- To investigate and determine the cause of damage to the structure;
- To provide remedial recommendations to repair the structure; and
- To provide an estimate for the cost to repair the structure.
CSF’s investigation consisted of four main components as follows:

- Visual Inspection;
- Construction Document Review;
- Structural Analysis; and
- Vertical Alignment Survey.

**Visual Inspection**

With respect to the visual inspection, the first thing noted was that the structure appeared to be leaning toward the east. Secondly, the columns were not supported directly over the concrete foundation footings. Instead, the footings supported wood beams that transferred loads from the columns to the footings. Bulges were noted in the floor deck at the footing locations between the columns. In looking beneath the structure, it was noted that the beams were sagging and rotted.

**Construction Document Review**

Mr. Walker advised that the second component of the investigation was a review of the construction documents. The construction documents given to CSF for review consisted of the record design drawings and specifications. It was determined that the structure was designed for the concrete footings to support the wood beams between the column locations.

Further comparison of record plans with the actual building revealed that the building was constructed according to the plans and specifications in the construction documents. However, in reading the specifications, Mr. Walker noted that some of the specifications were ambiguous with respect to the wood members, which should have been treated. According to the specifications, all exposed wood members were to be treated. Those wood members that were unexposed did not have to be treated. Mr. Walker assumed that the builder must have decided that the main wood support beams were covered by a deck and, therefore, did not need to be treated. Subsequently, those main wood support beams rotted.

**Structural Analysis**

Using a computer program, CSF generated a computer model of the Trolley Pavilion. With the model, all current design loads
were applied and stresses in the wood members were checked. CSF determined that the structure was adequately designed to withstand all current design loads without exceeding the allowable stresses of any of the members and without exceeding the allowable deflections. In other words, the design was adequate at the time in which it was built and would still be adequate today under current Codes.

The inspection indicated that the rotted beams were predominantly located around the perimeter of the structure (or overhang). Mr. Walker took the areas where he observed rotted wood members and added them to the model. He then decreased the modulus of elasticity (or weakened those members) and applied gravity loads. The result, sagging beams and a lean to the east, matched what he saw in the field with this structure.

**Vertical Alignment Survey**

Mr. Walker advised that the vertical alignment survey indicated that, on average, each column was leaning eastward by approximately two degrees. In summary, the structure has sunk downward, the beams were rotted, and it was leaning eastward.

**Conclusion**

Mr. Walker stated that, based on a visual inspection, structural analysis, construction document review, and the vertical alignment survey, the following conclusions were reached by CSF:

- The structure was adequately designed to withstand all current design loads without exceeding the allowable stresses of any of the members and without exceeding the allowable deflections.
- The building appeared to have been built according to the details and specifications in the record plans.
- The wood beams that supported the floor joists and roof canopy columns had rotted, causing the beams to deflect downward between the concrete footings that supported the beams. The downward beam deflection caused the structure to lean eastward.

Following the investigation, CSF was asked by the City of Bellaire to devise a conceptual repair plan. The basic concept
of the conceptual repair plan was to 1) eliminate the beams that had rotted, as these could not be used anymore due to a lack of strength; and 2) abandon the existing concrete footings and add new concrete footings directly under each column to transfer the load directly to the ground.

City Manager Satterwhite added that the estimated cost of the repair was in the neighborhood of $107,000.00. Until the project was bid, an actual cost could not be determined. He noted further that there was $100,000.00 in the City’s budget for this project, which might have to be amended.

Mr. Walker indicated that the floor joists were treated and had not rotted.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Councilman Will Hickman inquired as to whether the runoff of water from the roof onto and through the floor rotted the beams was the cause of the failure.

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

Q: Councilman Hickman asked for confirmation that the rotted beams, and not necessarily the footings settling and/or not being adequately sized to support the structure, was the primary cause of the failure.

A: Mr. Walker stated that CSF did not measure the elevations of the footings as it was a moot point. CSF planned to abandon those footings anyway. The footings might have subsided and there could be differential settlement.

Q: Councilman Hickman asked for confirmation that the rotted beams would be replaced with treated beams.

A: Mr. Walker advised that Councilman Hickman was correct. Basically, there would be two independent structures. The roof canopy would be supported directly to the ground through concrete footings. A “backyard” style deck would be built to bear its own weight and live weight from pedestrians. This deck would not support the roof canopy.
Q: **Councilman Hickman** inquired as to whether steel I-beams were considered in lieu of treated lumber.

A: **Mr. Walker** advised that he did not believe steel I-beams were needed as the structure would not be supporting any significant weight.

Q: **Councilman Hickman** advised that the reason he mentioned the use of steel I-beams was that the City understood that there were phone lines buried under the structure. Since CSF recommended drilled shaft piers, he wondered what would be used if additional piers could not be added.

A: **Mr. Walker** advised that CSF could use steel I-beams. If the City wanted or needed to keep the original footings, the deck would have to be demolished and an evaluation would need to be conducted on the original footings, including a geotechnical investigation. Mr. Walker was confident that if underground obstructions presented a problem, the canopy could be supported with a shallow strip footing that went completely across the column line and supported all of the columns. With a geotechnical evaluation, a footing could be designed to go around or over the top of almost any underground obstruction.

Q: **Councilman Hickman** inquired as to whether the City had looked into whether the drilled shaft piers could be installed.

A: **City Manager Satterwhite** stated that he believed some drilled shaft piers could be installed, but, perhaps, not all of them. City Staff did have a better indication of the location of the telephone trunk lines. David Ritz, Deputy Director of Public Works, had done some research with various companies that had lines in the area. As Mr. Walker stated, there was a high level of confidence that the canopy structure could be supported.

Q: **Mayor Pro Tem Peggy Faulk** asked for confirmation that the building was constructed according to the details and specifications in the construction documents. She also asked if the construction documents specified that treated wood should be used for the beams.
A: Mr. Walker stated that the specifications were somewhat ambiguous. Treated lumber was to be used for all exposed members. This became a matter of interpretation. He assumed that whomever built the structure interpreted that specification to mean that the main support beams were not exposed as the beams were covered by a tongue and groove deck.

Q: Mayor Pro Tem Faulk inquired as to whether there would have been a failure if treated wood had been used for the beams.

A: Mr. Walker indicated that the failure the City was currently seeing would not have occurred. There might, however, have still been some settlement in the concrete footings. CSF did not perform the demolition that would be necessary to measure elevations on those footings.

Mr. Walker could say with certainty that the beams were rotted and that, without a doubt, had caused the structure to subside and to lean eastward.

Q: Mayor Cindy Siegel asked Mr. Walker to show City Council which columns supported the roof canopy.

A: Mr. Walker showed City Council a slide indicating the columns supporting the roof canopy which needed new footings.

Q: Mayor Siegel asked for confirmation that there would be six footings under the proposed plan as compared to the existing three footings.

A: Mr. Walker advised that Mayor Siegel was correct.

Q: Councilman Pat McLaughlan referred to the failure and noted that in some engineering disciplines, a root cause analysis would be conducted. He inquired as to whether CSF conducted a root cause analysis on the failure of the structure.

A: Mr. Walker advised that he was not aware of the exact definition of a “root cause” analysis. CSF ensured that the structure was Code compliant (to current Codes) and found out why the structure was exhibiting the deflections it was exhibiting currently. If his understanding of a root cause analysis was correct, he
would say that the “rot” would be the root cause of this failure.

**Q:** Councilman McLaughlan asked for confirmation that Mr. Walker identified “rot” as the root cause of the failure.

**A:** Mr. Walker advised that Councilman McLaughlan was correct.

**Q:** Councilman McLaughlan inquired as to what caused the rot.

**A:** Mr. Walker advised that water had caused the rot.

**Q:** Councilman McLaughlan inquired as to what had caused the water.

**A:** Mr. Walker advised that rain had caused the water.

**Q:** Councilman McLaughlan asked if the root cause of the failure was rain.

**A:** City Manager Satterwhite stated that he believed that Mr. Walker was misunderstanding Councilman McLaughlan’s question, and inquired as to whether his question related to the roof overhang and the open deck.

**Q:** Councilman McLaughlan advised that the City had a serious failure on a structure that was only seven years old. His question was related to what the root cause of that failure was.

**A:** Mr. Walker stated that the beams that transferred the column loads laterally to the concrete footings rotted. The rot caused the beams to lose strength and sag, which caused the building to deflect downward and eastward.

**Q:** Councilman McLaughlan inquired as to why the beams rotted within seven years. He noted that pier and beam construction of that type existed in the Houston area that had lasted well over 100 years.

**A/Q:** Mayor Siegel stated that the beams were not treated and water seeped below the decking due to the design
of the building. She asked Councilman McLaughlan what he thought the answer was.

**C/Q:** **Councilman McLaughlan** advised that homes were being built in Bellaire today without pressure-treated lumber in terms of load. He inquired as to whether this was something that Bellaire should be worried about.

**A:** **Mr. Walker** stated that the homes referred to by Councilman McLaughlan were covered and not exposed to water. In the case of the Trolley Pavilion, it appeared that the beams more exposed to the exterior were rotted as those beams were exposed to water. The columns provided an avenue for the water to penetrate the deck, and the rot appeared to be worse at the column locations. In a home, the beams were under the structure and water would not go through the floor and come into contact with those beams.

**C:** **Councilman McLaughlan** stated that the root cause was related to the fact that there was “deck-type” construction that allowed rainwater to migrate through the spacing in the deck. The rainwater connected under the structure and was retained by a concrete perimeter beam that surrounded the structure; therefore, the rainwater could not escape. A few factors played into the failure. For example, the City’s building codes dictated that in wooden structures, beams should be eighteen inches above the dirt—this was one root cause. Another root cause was related to the fact that there was no ventilation under the structure to allow trapped water to dry, causing high humidity.

Councilman McLaughlan continued and asked for confirmation that CSF had indicated that the structure was adequately designed.

**R:** **Mr. Walker** advised that the structure was adequately designed to bear all design loads without exceeding allowable stresses and allowable deflections.

**C:** **Councilman McLaughlan** stated that the structure did fail in spite of the design. He noted that he wanted to ensure that this was not repeated again and that there was no carryover into the City’s continuing residential construction.
R/Q: **Mayor Siegel** agreed that this was important. She thought City Council had heard that this design, in a perfect world, would have held up. The fact was that it was exposed to rain and treated wood was not used, therefore, that wood rotted. Her question was whether the City would experience another problem with the structure after repair in another seven years. In other words, would the treated wood satisfy?

A: **Mr. Walker** stated that the main structural components would be concrete footings to support the heavy load (i.e., the roof canopy). The deck structure would be lightly loaded and was constructed of treated lumber (which had not failed).

Q: **Councilman McLaughlan** inquired as to Mr. Walker’s experience with the viability of treated wood. In other words, how long would the treated wood last?

A: **Mr. Walker** stated that the treated wood should last at least eight years or longer. The most expensive part of the structure was the columns, the trusses, and the roof structure. Those would be preserved for a very long time as the roof structure would be on concrete footings. A separate structure would be the deck. He would expect the deck to last as long or longer than the current deck.

Mr. Walker agreed that there was some uncertainty with the repair plan. However, the uncertainty was an inexpensive component. The uncertainty would be the deck.

Q: **Councilman McLaughlan** asked if Mr. Walker could project what he considered to be the functional life of treated wood in this particular type of application. In other words, how long would the treated wood last?

A: **Mr. Walker** stated that he believed it would last fifteen years.

Q: **Mayor Siegel** asked if it would last longer than that if under a home.

A: **Mr. Walker** stated that if it were not exposed to water, the treated wood would last a very long time. He noted further that he saw no evidence that water pooled under the Trolley Pavilion.
Q: Mayor Siegel asked if it made sense to put rain gutters around the perimeter of the Trolley Pavilion.

A: Mr. Walker stated that he did not think that rain gutters would make a big difference because windblown rain would still affect the deck. The gutters would catch the flow off of the roof and divert the water away from the structure, which might help some.

He noted that part of the goal in this project was to try to maintain the architecture. He could do many things to make a better pavilion, but it would look nothing like the original architecture.

Q: Councilman McLaughlan stated that the City’s current building codes required a certain amount of ventilation in the crawl space. He was sure that if reconstructed, the Trolley Pavilion would be reconstructed to current codes.

A: Mr. Walker stated that Councilman McLaughlan was correct.

Q: Councilman Hickman asked if the current design and/or the new design for the deck were sloped for runoff or designed to flow through the deck and under the crawl space.

A: Mr. Walker stated that he saw no indication for a prescribed slope in the construction documents. Obviously, measuring a slope on this particular structure would have been futile.

Q: Councilman Hickman inquired as to whether slope was incorporated in the new design.

A: Mr. Walker advised that he certainly could incorporate slope into the new design.

C: Councilman Hickman referred to the new pier and beam construction and noted that he believed Bellaire would have similar problems as this in ten or fifteen years with treated or untreated lumber. He suggested that this was something that should be looked at next year.
MOTION TO ACCEPT REPORT INTO THE RECORD AND APPROVE RECOMMENDATIONS FOR REPAIRS:

A motion was made by Councilman John F. Monday and seconded by Councilman Will Hickman to accept the engineering report and approve the recommendations for repairs to the Bellaire Trolley Pavilion located in Paseo Park at the intersection of Bellaire Boulevard and South Rice Avenue as presented by Civil, Structural and Forensic Engineering Solutions.

Q: Mayor Pro Tem Faulk inquired as to whether a vote to accept the report was also a vote to proceed to do the repairs.

A: City Manager Satterwhite stated that City Staff would put together construction documents, a bid package, and bid specifications. The project would be bid; then City Council would go through an approval process of the bid prior to construction beginning.

C: Mayor Pro Tem Faulk advised, for the record, that she was not going to support this agenda item. She did not think that this was an appropriate use of taxpayer monies. The facility was not that well utilized and there might be a better use for that portion of Paseo Park.

C: Councilman McLaughlan advised that he, too, would vote against acceptance of the report for several reasons. One reason was that there was nothing presented in the report that told City Council that the construction of the new facility, as proposed by CSF, would have any significant life to it. He found that the professional engineering report was inadequate.

C: Councilman Monday advised that he would support the motion and item. He felt moving forward was absolutely the right thing to do. Rebuilding the Trolley Pavilion in the same location with the same architecture was a symbolism that was worth the $100,000+ allocated for it.

VOTE ON MOTION TO ACCEPT REPORT INTO THE RECORD AND APPROVE RECOMMENDATIONS FOR REPAIRS:

Motion carried on a 4-2 vote as follows:

FOR: Siegel, Cindy
     Hickman, Will
     Monday, John F.
     Davison, Debra Marz
G. NEW BUSINESS:

1. ADOPTION OF RESOLUTION:

CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, finding and determining that the 2008-2012 Bellaire Arts Commission Master Plan, as prepared and presented by the Bellaire Arts Commission, be adopted as the official Bellaire Arts Commission Master Plan for the period 2008-2012 for the City of Bellaire, Texas – Action by Members of City Council to Adopt Resolution (Briefing by Member(s) of the Bellaire Arts Commission; Item submitted by City Manager Bernard M. Satterwhite, Jr., on behalf of the Bellaire Arts Commission).

SUMMARY:

Chair Kathy Biddle, Bellaire Arts Commission, advised that the Bellaire Arts Commission started working on the Bellaire Arts Commission Master Plan before her tenure, noting that Vice Chair Jamie Allen got the lion’s share of the credit for the document.

The document was originally presented to City Council during a Joint Workshop Session on July 9, 2007. The format, content, projects, and potential funding sources were discussed at that time. After that, the Bellaire Arts Commission held a Workshop Session with a consultant who dealt with nonprofit organizations in order to further investigate funding opportunities.

A few changes were made to the Table of Contents after the July Joint Workshop Session. Those changes were noted as follows:

- The six-year timeline was changed to a five-year timeline, beginning with the year 2008;
- The map contained in the Appendices had the locations of public art marked on it;
- The Bibliography was now called a “Reference List”;
- The resolution was mentioned in the Executive Summary and deleted from the Appendices; and
• The Bellaire Public Art Guidelines were added as directives to commission members on how to approach projects.

The Bellaire Arts Commission had included performing arts in their definition of public art, in part, to broaden their base. Any mention of nonprofit status was deleted as the Bellaire Arts Commission was not sure what direction they were going, but this did not mean that they were not still pursuing it.

Currently, the Bellaire Arts Commission worked with the City Manager and Director of Facilities Management Karl Miller. Projects were brought forward to them for evaluation and then forwarded to City Council, if feasible.

The Bellaire Arts Commission was also looking to find a federal grant writer, as nonprofit grants did not really apply to a City entity. Additionally, the public art inventory had been updated to include the four new benches that had been purchased and partially installed.

The adjusted timeline took the old 2007 timeline and meshed it with anything new under 2008. In summary, the Bellaire Arts Commission was continuing with the fabrication and installation of art benches; would like to pursue public art for new City construction or renovation, as well as grant money; fabricating and installing the gateway markers; designing a history walk for the City’s Centennial; installing a temporary history exhibit; would like to assist with the design of a performing arts pavilion, if needed; hiring a grant writer, as applicable; outlining criteria for donated public art; planning an art exhibit for Bellaire artists for the October Centennial month; pursuing development of a sculpture garden in Paseo Park; and developing the design of an identity marker for the City.

Chair Biddle continued and noted that the public art inventory now included eleven items as follows:

• Gateway to Officer Lucy Dog Park;
• Three Sesquicentennial Quilts (two at the Bellaire City Library and one at the Bellaire City Hall);
• Oil Painting (Bellaire City Library);
• Bronze of Russ Pitman (Russ Pitman Park);
• City Seal (in floor at the entry to the Bellaire Recreation Center); and
• Four Benches (Polka Dot Bench at Evergreen Park; Magic Carpet Bench at Feld Park; Lamp Bench at the Bellaire City Library; and MEDSU Bench at Paseo Park).
In closing, Chair Biddle stated that the Bellaire Arts Commission had lots of energy and enthusiasm and were getting great support from the City Manager and the Director of Facilities Management.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Mayor Cindy Siegel stated that she recalled that the Parks & Recreation Advisory Board were told that they needed to develop and adopt a Master Plan in order to obtain grants from the state and federal government. She inquired as to whether the Bellaire Arts Commission found this to be true for them as well.

A: Chair Biddle stated that the Bellaire Arts Commission found this to be true as well. It would help those in giving grants to see what the Bellaire Arts Commission's objectives were and if they were meeting them and whether they had the support of the City.

C: Mayor Siegel stated that she was glad to see the expanded approach to the performing arts in the plan.

A: Chair Biddle advised that one of the new members of the Bellaire Arts Commission, Kay Hieronymus, had a great deal of experience with nonprofit performing arts programs. The group was hoping to take advantage of her experience.

MOTION TO ADOPT RESOLUTION:

A motion was made by Councilman John F. Monday and seconded by Councilman Pat McLaughlan to adopt a resolution of the City Council of the City of Bellaire, Texas, finding and determining that the 2008-2012 Bellaire Arts Commission Master Plan, as prepared by presented by the Bellaire Arts Commission, be adopted as the official Bellaire Arts Commission Master Plan for the period 2008-2012 for the City of Bellaire, Texas.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Councilman Will Hickman inquired as to why the City Council needed to approve the Master Plan. In other
words, could the Bellaire Arts Commission not adopt one themselves?

A: City Manager Bernard M. Satterwhite, Jr., stated that adoption by the City Council had to do with future direction and possible funding decisions. It was certainly a guideline, but it did not create anything etched in stone.

Mayor Siegel noted that the Bellaire Arts Commission was an advisory board.

City Attorney Alan P. Petrov indicated that this was not a legal requirement, but an endorsement by the City Council of the activities of the Bellaire Arts Commission.

Q: Councilman Hickman noted that the plan stated that art was limited to original work. He inquired as to the reasoning that copies would not be acceptable (i.e., the copy of a master).

A: Jamie Allen, Vice Chair, Bellaire Arts Commission, noted that copyrights for original artwork lasted a long time. To purchase a copy might put the City at risk; therefore, pursuing original works of arts would limit the City’s risk.

Q: Councilman Hickman inquired as to how the Bellaire Arts Commission would choose and pay for the first sculpture to be placed in the proposed Sculpture Garden.

A: Chair Biddle advised that potentially the first sculpture would be the piece that Cindy Cozewith wished to donate to the City and proposed to be installed in Paseo Park. Chair Biddle noted that City Council had been invited to go and see that piece at Ms. Cozewith’s home. The only costs associated with that sculpture were for installation and maintenance. This was as far as the Commission had gotten with respect to pursuing sculpture.

Q: Councilman Hickman inquired as to the second piece of sculpture listed in the Master Plan for the year 2009.

A: Chair Biddle indicated that the Commission would look for another artist to make a donation.
Vice Chair Allen noted that there was a possibility for artwork to be installed on a temporary basis along Paseo Park for periods of six months to one year (i.e., a lease arrangement).

Q: Councilman Hickman noted that objective one on page 7 of 13 stated that a permanent funding mechanism would be established through the City of Bellaire, Texas. He inquired as to how that would work.

A: Vice Chair Allen stated that there were many different types of permanent mechanisms that other cities utilized through their budgets. For example, taxes or fees could be implemented on square footage of new buildings, extensions, and/or renovations. There were also flat fees that could be charged for permits. Those fees would be utilized to purchase public art. Another method could be through building design wherein a small amount of the budget could be used to incorporate a design element, such as a fountain, within the building.

Vice Chair Allen continued and noted that the Commission would like to be able to establish a permanent funding mechanism.

Chair Biddle advised that the Commission was currently working through the City Manager’s Office and the Facilities Management Director’s Office on funding for their projects. The Commission was not actively pursuing a tax and were looking for additional funds through a grant writer.

Vice Chair Allen noted that there were cities that had endowments for the arts and those cities were the “keeper” of those endowments. People made donations to those endowments and the resulting interest or part of the endowment itself could be used as the annual budget for public art.

Q: Mayor Pro Tem Peggy Faulk inquired as to whether City Council could get a summary of how money had been spent for the Bellaire Arts Commission. She recalled that the City had originally earmarked $150,000.00, and it appeared that there was a remaining balance of $39,000.00. She stated that she would like to see how the money had been spent and exactly how much was left.
She continued and inquired as to whether there would be an obligation to establish a permanent funding mechanism if City Council approved the Master Plan this evening.

A: **Vice Chair Allen** stated that the establishment of a permanent funding mechanism was just an objective of the Bellaire Arts Commission.

**City Manager Satterwhite** stated that many of the items in the Master Plan were goals, objectives, or guidelines that would require future City Council approval.

C: **Councilman McLaughlan** advised that public art was one of the many threads in the fabric of a premier community. It was true that not everyone was into public art, but not everyone was into dog parks either. He believed that the expanded scope to include performing arts as part of the Bellaire Arts Commission’s umbrella was very positive. Community art shows, involving students, was also very positive. He thanked the Bellaire Arts Commission for their good work.

C: **Councilman Monday** thanked the Bellaire Arts Commission for putting the Master Plan together. He noted that it was an important element that would allow the Bellaire Arts Commission to make better decisions and to better understand the value of public art by the community. He noted that the Master Plan and public art brought value to the City. The use of public dollars in conjunction with private dollars for public art was the right thing to do.

Councilman Monday continued and noted that no one on the Bellaire Arts Commission had ever asked for huge sums of money. When he first made a presentation to City Council that set the ball in motion for an arts program and committee, he spent weeks doing research in preparation for that presentation. He was stunned when his presentation was accepted almost in its entirety. He had asked for $150,000.00, but noted that he would take $75,000.00 to get it started. City Council agreed to the entire $150,000.00 request.
AMENDMENT (NO. 1) TO MOTION TO ADOPT RESOLUTION:

An amendment (no. 1) was made by Councilman Will Hickman and seconded by Councilwoman Debra Marz Davison to add “Centennial Planning Committee” to the fourth bullet point on page 11 of 13 of the Bellaire Arts Commission Master Plan under “2008.”

VOTE ON AMENDMENT (NO. 1) TO MOTION TO ADOPT RESOLUTION:

Amended motion carried unanimously on a 6-0 vote as follows:

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

OPPOSED: None

ABSENT: Jeffery, John

AMENDMENT (NO. 2) TO MOTION TO ADOPT RESOLUTION:

An amended motion (no. 2) was made by Councilman Will Hickman and seconded by Mayor Pro Tem Peggy Faulk to delete the words “through the City of Bellaire, Texas” from objective 1 on page 7 of 13 of the Bellaire Arts Commission Master Plan.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

C: Councilwoman Debra Marz Davison noted that this was a committee established by the City and there was no way that anyone on the committee could handle money; therefore, the Bellaire Arts Commission's funds had to be allocated through the City.

A: City Attorney Petrov advised that Councilwoman Davison was correct.
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**R:** **Councilman Hickman** noted that when he asked the question as to what “through the City of Bellaire, Texas” meant, all of the responses were in the form of taxes or fees. He could imagine a permanent mechanism parallel to the Patrons for the Bellaire Parks, Inc., which raised money and made a donation to the City, such as “Patrons for the Arts.” He was not talking about the accounting, but whether or not that money came in the form of taxes or fees or some other “donations.”

**Mayor Siegel** noted that Vice Chair Allen did indicate that the permanent funding could come in the form of an endowment.

**City Attorney Petrov** stated that the distinction between the Bellaire Arts Commission and the Patrons for Bellaire Parks, Inc., was that the Bellaire Arts Commission was an advisory commission or arm of the City, whereas the Patrons for Bellaire Parks, Inc., was a separate, nonprofit entity.

**C:** **Councilman Hickman** advised that he understood that. His point was where the money was coming from. He could imagine a permanent funding mechanism for the Bellaire Arts Commission that did not include tax dollars.

**R:** **Councilwoman Davison** stated that she believed that Councilman Hickman was stating that he did not wish to see tax dollars spent on public art. That decision would be made when the Bellaire Arts Commission brought a plan for a permanent funding mechanism forward to City Council. She was hoping that City Council would not remove that possibility altogether before a plan could even be presented and considered.

**C:** **Councilman Hickman** stated that he believed that was the very objective of a Master Plan—to set parameters, goals, and provide direction. He did not wish for people to waste their time coming to City Council.

**C:** **Councilman Monday** advised that if City Council did not wish for tax dollars to be used for public art, then a general statement to that effect needed to be made. He did not believe that the spirit of the Master Plan was to give City Council something that they could not live or work with. He thought the plan should be approved. He noted that a permanent funding mechanism was the most common method for creating public art programs.
VOTE ON AMENDMENT (NO. 2) TO MOTION TO ADOPT RESOLUTION:

Motion **failed** on a **2-4** vote as follows:

FOR: Hickman, Will
     Faulk, Peggy

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

ABSENT: Jeffery, John

VOTE ON ORIGINAL MOTION, AS AMENDED:

Original motion, as amended, **carried** on a **4-2** vote as follows:

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

OPPOSED: Hickman, Will
         Faulk, Peggy

ABSENT: Jeffery, John

{Resolution was subsequently numbered: 07-18}

2. 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 of the City of Bellaire, Texas, to execute a **Street Light Banner Agreement – Municipal** with CenterPoint Energy Houston Electric, LLC, for the placement of banners on street light standards located in the City of Bellaire, Texas, in conjunction with the City of Bellaire’s Centennial Celebration – **Action by Members of City Council to Adopt Ordinance (Item submitted by Assistant City Manager Diane K. White).**
SUMMARY:

City Manager Bernard M. Satterwhite, Jr., summarized the agenda item before City Council. He advised that the agreement would allow the City to place its Centennial banners (and possibly future banners) on street light poles in Bellaire which were owned by CenterPoint Energy Houston Electric, LLC. The City would limit installation of banners to metal poles at this time. He noted that it was much more difficult to hang permanent banners on wood poles. The locations of the metal poles were predominantly along Bellaire Boulevard and Bissonnet Street.

Before the City installed banners on any of the poles, the City was required to identify by pole number the poles the City intended to install the banners on.

MOTION TO ADOPT ORDINANCE:

A motion was made by Councilman Will Hickman and seconded by Councilman John F. Monday to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute a Street Light Banner Agreement – Municipal with CenterPoint Energy Houston Electric, LLC, for the placement of banners on street light standards located in the City of Bellaire, Texas, in conjunction with the City of Bellaire’s Centennial Celebration.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Mayor Cindy Siegel inquired as to how many banners the City was proposing to install at this time.

A: City Manager Satterwhite indicated that the City planned to install approximately 25 banners.

Q: Councilman John F. Monday referred to the insurance requirements listed in the agreement of $3,000,000.00.
A: City Manager Satterwhite indicated that the City currently had a $4,000,000.00 aggregate policy. CenterPoint Energy Electric Houston, LLC, already had the policy on file through our franchise agreements with them and were satisfied with the City’s coverage.

Q: Councilman Will Hickman inquired as to whether the banners were smaller than 2’ X 4’.

A: City Manager Satterwhite advised that the size of the banners that the Centennial Planning Committee had looked at were larger than 2’ X 4’ (i.e., 2’ X 6’). In order to meeting the requirements of CenterPoint Energy Electric Houston, LLC, the City would have to purchase the smaller banners.

Q: Councilman Hickman inquired as to whether the banners would be two-sided.

A: City Manager Satterwhite stated that the banners under consideration were two-sided.

VOTE ON MOTION TO ADOPT ORDINANCE:

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

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

OPPOSED: None

ABSENT: Jeffery, John

{Ordinance was subsequently numbered: 07-075}

Appointment

b. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Ordinance No. 07-044, related to the appointment of Randy Smith as Associate Judge of the Municipal Court of
the City of Bellaire, Texas, by extending the expiration date of his appointment from December 31, 2007, to March 31, 2008 – Action by Members of City Council to Adopt Ordinance (Item submitted by City Clerk Tracy L. Dutton for City Council).

MOTION TO ADOPT ORDINANCE:

A motion was made by Councilman John F. Monday and seconded by Councilwoman Debra Marz Davison to adopt an ordinance of the City Council of the City of Bellaire, Texas, amending Ordinance No. 07-044, related to the appointment of Randy Smith as Associate Judge of the Municipal Court of the City of Bellaire, Texas, by extending the expiration date of his appointment from December 31, 2007, to March 31, 2008.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Councilman Will Hickman inquired as to whether three months would be enough time for the City to consider the appointment of a new judge.

A: Mayor Cindy Siegel noted that City Council could come back and extend the term for a longer period if that were needed.

VOTE ON MOTION TO ADOPT ORDINANCE:

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

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

OPPOSED: None

ABSENT: Jeffery, John
{Ordinance was subsequently numbered: 07-076}

Code Amendments

c. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending the Code of Ordinances of the City of Bellaire, Texas, Chapter 3, Alcoholic Beverages, Article I, In General, by adding a new Section 3-4, Exception to general prohibition: special permit required to sell, possess, and/or consume alcoholic beverages in city-owned public places, and Section 3-5, Special permit procedures, and repealing and replacing Chapter 12, Community Center, Section 12-5, entitled Alcoholic beverages prohibited, with a new Section 12-5, entitled Alcoholic beverages prohibited, unless permitted for the purpose of authorizing the City Manager or his designee to grant special permits for the sale, use, or consumption of alcoholic beverages in city-owned places – Action by Members of City Council to Adopt Ordinance (Item submitted by City Manager Bernard M. Satterwhite, Jr., on behalf of Mayor Pro Tem Peggy Faulk).

SUMMARY:

Mayor Pro Tem Peggy Faulk advised that she had requested this agenda item as it seemed to make more sense to put a policy in place so that such decisions could be made by staff rather than City Council having to repeatedly consider such approvals on a case-by-case basis.

City Manager Bernard M. Satterwhite, Jr., noted that City Staff had used a composite of several processes found in other cities. The City Clerk and City Attorney did the research and put the ordinance together. The ordinance did not really change anything that was currently done other than to make it an administrative process. Checklists, controls, security, and insurance requirements were still in place. He believed that the policy made the process more stringent, though not overly so. The process was designed for events, not the casual use of alcohol.
City Staff decided not to recommend the administrative process for the parks themselves, but only for the rentable spaces. A contract process already existed for the rentable spaces, but not for the parks. Since the parks were open space, City Staff felt that if there were going to be an event in a park with alcohol sold and/or served, then City Staff wanted to recommend that the action come back to City Council.

**MOTION TO ADOPT ORDINANCE:**

A motion was made Councilman Will Hickman and seconded by Councilwoman Debra Marz Davison to adopt an ordinance of the City Council of the City of Bellaire, Texas, amending the Code of Ordinances of the City of Bellaire, Texas, Chapter 3, Alcoholic Beverages, Article I, In General, by adding a new Section 3-4, Exception to general prohibition: special permit required to sell, possess, and/or consume alcoholic beverages in city-owned public places, and Section 3-5, Special permit procedures, and repealing and replacing Chapter 12, Community Center, Section 12-5, entitled Alcoholic beverages prohibited, with a new Section 12-5, entitled Alcoholic beverages prohibited, unless permitted for the purpose of authorizing the City Manager or his designee to grant special permits for the sale, use, or consumption of alcoholic beverages in city-owned places.

**QUESTIONS/COMMENTS FROM CITY COUNCIL:**

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

Q: Councilman Will Hickman inquired as to whether the person or group should be required to have liability insurance.

A: City Attorney Alan P. Petrov advised that the person or group would be required to have liability insurance.

C: Councilman Hickman suggested that everyone who served alcohol needed to be TABC-certified. The training was similar to the Open Meetings Act training that City Council was required to have.
He advised that the requirement was not onerous and the training was minimal.

**AMENDMENT (NO. 1) TO MOTION TO ADOPT ORDINANCE:**

An amendment (no. 1) was made by Councilman Will Hickman and seconded by Mayor Pro Tem Peggy Faulk to add a statement to paragraph 13 on page 4 of the ordinance to require all individuals serving alcohol to be TABC-certified.

**QUESTIONS/COMMENTS FROM CITY COUNCIL:**

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

C: Councilman Pat McLaughlan felt that as long as the City was covered by insurance, the person renting the City facility should make a choice as to whether or not they wanted to be insured. He felt that the City did not need to keep piling more regulations on top of this policy.

C\Q: Councilman John F. Monday stated that he did not object to adding the requirement suggested by Councilman Hickman, but felt that when City Council strayed from what had been state and federally legislated and legislated by the City Council for years and years to abdicate policy might be expedient, but removed City Council from the process.

**VOTE ON AMENDMENT (NO. 1) TO MOTION TO ADOPT ORDINANCE:**

Amended motion (no. 1) **failed** on a 1-5 vote as follows:

FOR: Hickman, Will

OPPOSED: Siegel, Cindy  
Monday, John F.  
Faulk, Peggy  
Davis, Debra Marz  
McLaughlan, Pat

ABSENT: Jeffery, John
QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: **Councilman Monday** inquired as to the definition of a rentable space and if there were a finite number of rentable spaces.

A: **City Manager Satterwhite** stated that Chapter 12 set out guidelines for renting the Community Center, which was the primary rentable space. The City also rented pools for parties. City Staff intended to rewrite Chapter 12 to add the new Community Center to it. Right now, the Community Center was the only rentable space under consideration.

Q: **Mayor Siegel** inquired as to whether the pools would be included as a rentable space and, therefore, eligible for alcohol use.

A: **City Manager Satterwhite** advised that the pools would be included at this point, but he felt that City Staff would request that action be taken before the pools became rentable.

Q: **Mayor Siegel** asked for confirmation that the City Manager’s thought was not to include pools and alcohol.

A: **City Manager Satterwhite** stated that he would not advise having pool parties with alcohol.

Q: **Mayor Siegel** asked if City Manager Satterwhite planned to return to City Council with a revision to Chapter 12 in the future.

A: **City Manager Satterwhite** stated that he hoped to return to City Council by the next meeting with a revision to Chapter 12 to include the Community Center and to exclude the other areas that City Council would probably not want the risk of alcohol consumption.
AMENDMENT (NO. 2) TO MOTION TO ADOPT ORDINANCE:

An amended motion was made by Councilman Will Hickman and seconded by Mayor Cindy Siegel to amend the section entitled “fees and deposits” by adding the sentence “The City will require the individual or group to have liability insurance for the event.”

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Councilman Monday inquired as to the amount that the City should specify for liability insurance or whether there was a generally accepted amount.

A: City Attorney Petrov advised that he did not believe that the City needed to specify an amount as the amount might vary depending on the size of the event. He felt that decision should be left up to City Staff.

Q: Mayor Pro Tem Faulk inquired as to whether the City would be made the beneficiary of the renting entity’s insurance policy and whether the City needed it. In other words, did the City already have immunity as a governmental entity?

A: City Attorney Petrov indicated that the City would be named as an additional insured on the renting entity’s insurance policy. He felt that it was a good idea even though the City did have certain immunities as a governmental entity; however, this did not stop people from suing the City.

Q: Mayor Pro Tem Faulk inquired as to whether TML would represent the City in the event it was sued.

A: City Attorney Petrov indicated that TML would likely represent the City.
C: Mayor Cindy Siegel stated that she had chaired runs for Alzheimer's in Houston, and the City of Houston required them to have a $5,000,000 insurance policy. She felt that this was a standard requirement.

R: City Attorney Petrov indicated that this was a standard requirement and the City had routinely required insurance from those wanting to serve alcohol on City premises.

**VOTE ON AMENDMENT (NO. 2) TO MOTION TO ADOPT ORDINANCE:**

Amended motion (no. 2) carried on a 4-2 vote as follows:

**FOR:** Siegel, Cindy  
Hickman, Will  
Davison, Debra Marz  
McLaughlan, Pat

**OPPOSED:** Monday, John F.  
Faulk, Peggy

**ABSENT:** Jeffery, John

**VOTE ON ORIGINAL MOTION TO ADOPT ORDINANCE, AS AMENDED:**

Motion carried on a 5-1 vote as follows:

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

**OPPOSED:** Monday, John F.

**ABSENT:** Jeffery, John

{Ordinance was subsequently numbered: 07-077}

**H. SPECIAL RECOGNITION:**

RECOGNITION of outgoing members John F. Monday and Debra Marz Davison for their dedication, exemplary
performance, and commendable years of service on the Bellaire City Council.

John F. Monday, as of January 7, 2008, will have served the City of Bellaire, Texas, in the office of Councilman – Position No. 2 for two full terms as follows:

- January 2000 through January 2004; and

Debra Marz Davison, as of January 7, 2008, will have served the City of Bellaire, Texas, in the office of Councilman – Position No. 4 for two full terms as follows:

- January 2000 through January 2004; and

Mayor Cindy Siegel noted that this was the time that the City recognized the service of outgoing members of City Council, although both Councilman John F. Monday and Councilwoman Debra Marz Davison would be sitting at the dais on January 7, 2008, when new members of City Council were sworn in. She noted that the last eight years had been fun and had passed quickly. When both Councilman Monday and Councilwoman Davison joined City Council, Mayor Siegel’s youngest child was two years old, but was now in middle school.

Before turning this portion of the meeting over to the City Manager, Mayor Siegel advised that there were two things that she wished to say. John Monday had brought so much creativity and uniqueness to the Council table that had truly added to the City. John Monday, by far, had the best speaking voice of any of the other members of City Council.

Debra Davison always cut to the chase, got right to the point, and kept City Council on task. The most important thing was Debra’s dedication to the underdog, whether that be a citizen or the employees.

Both John Monday and Debra Davison would be greatly missed. Mayor Siegel thanked their families, especially their spouses Jo Monday and Steve Davison. Mayor Siegel stated that all members of City Council knew that they could not serve the community without the support of their families.

Mayor Siegel presented both with a present they could use in their spare time.

City Manager Bernard M. Satterwhite, Jr., stated that it had been a tradition to present the parting members of City Council with
something from City Staff, noting that a great deal of thought went into the present. Generally, City Staff tried to come up with something that was representative of what that member of City Council had given to the City or City Staff over the years.

Debra Davison, to commemorate her support and time with the Bellaire Arts Commission, was presented with a replica of an art bench made by Director of Library Mary Alford.

John Monday spent a great deal of time over the past two years working on City facilities as “facilitator” of the Facilities Committee, and he had done a great job in that capacity. As a token of City Staff’s appreciation and representation and commemoration of his efforts, John Monday was presented with a model of the City facilities located in Bellaire Town Square.

City Manager Satterwhite next presented parting gifts from the City of Bellaire to John Monday and Debra Davison. Mayor Siegel read the inscription on plaques that were presented to each member as follows:

*Presented to Councilman Debra Marz Davison, 2000-2008, with gratitude for the qualities that make you so special, for the rare and priceless courage that takes you where others dare not go, for the concern and the conviction that inspire you, this expression of thanks is made with warmest appreciation and respect from the City of Bellaire.*

She was also presented with a crystal bowl and stand.

*Presented to Councilman John F. Monday, 2000-2008, with deep appreciation to a man that has done many things for the City of Bellaire and asked for nothing in return. Your hours of dedication mean more than words can ever express. Thank you from the City of Bellaire.*

He was also presented with a crystal clock and stand.

**Councilwoman Debra Marz Davison** stated that in eight years she had the honor and privilege to serve under two incredible Mayors. At the same time, she wanted to remind everyone that Bellaire was the type of city that made the City Manager a very important and integral part of the government. Although there had been some wonderful department heads that were no longer here, she had to say that right now the City had it right—all of the department heads were fabulous people, which helped the City Manager be a fabulous City Manager, which helped the Mayors be fabulous Mayors. City Council was the stagehands. In terms of leadership, Bellaire was in a good place. She would miss everyone, and she thanked everyone.
Councilman John F. Monday stated that this had been an experience of a lifetime. He had some great memories and could reminisce for hours. He referred to the year that the City Manager came on board and noted that it was an absolute magical time in his life. He thanked his wife, Jo, for her support in so many different ways over the last eight years. For every hour he had spent at Bellaire had been an hour spent away from her. He thanked her for the incredible sacrifices that she had made, as well as all of the spouses of members of City Council. He noted that there needed to be a way to honor, in some meaningful way, the direct and indirect service that the spouses had contributed.

He thanked all of City Staff that made Bellaire work. The department heads were where the rubber met the road and delivered the service to the taxpayers. He could not go without saying thanks to the executive leadership team, noting that Bernie led that. He stated that it had been a privilege to work with such talented people.

To the boards, commissions, and committee members, Councilman Monday expressed his thanks for their efforts. He noted that the Bellaire Arts Commission had a soft spot in his heart. He next thanked all of the members of City Council, noting that it had been a wonderful learning experience. In closing, he thanked the citizens for entrusting him with the responsibility of serving them. He tried his best to follow the City Charter and to represent the citizens equitably. There were two reasons he chose to run: 1) he thought he could contribute; and 2) he thought he could win. Only the latter was indisputable. He thanked everyone and advised that he would see them around the neighborhood.

I. COUNCIL CORRESPONDENCE AND COUNCIL COMMENTS.

Discussion only.

J. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Councilwoman Debra Marz Davison and seconded by Councilman John F. Monday to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:46 p.m. on Monday, December 17, 2007.

VOTE ON MOTION TO ADJOURN:

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

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

OPPOSED: None

ABSENT: Jeffery, John

Respectfully submitted,

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

Approved:

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Cynthia Siegel, Mayor
City of Bellaire, Texas