CITY OF BELLAIRE
CITY COUNCIL

Minutes of Meeting
Monday, January 21, 2008

REGULAR SESSION – 7:00 P.M.

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

Mayor Cindy Siegel called the City Council of the City of Bellaire, Texas, to order at 7:01 p.m. on Monday, January 21, 2008. The Bellaire City Council met at that time and on that date in Regular Session in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401. Mayor Siegel announced that a quorum was present consisting of herself and the following members of City Council:

Councilman Will Hickman, Position No. 1;
Councilman James P. Avioli, Sr., Position No. 2;
Councilwoman Peggy Faulk, Position No. 3;
Councilman Phil Nauert, Position No. 4;
Councilman Pat McLaughlan, Position No. 5; and
Councilman John Jeffery, Position No. 6.

Mayor Siegel welcomed Councilmen James P. Avioli, Sr., and Phil Nauert to City Council. Other officials present were City Manager Bernard M. Satterwhite, Jr., City Attorney Alan P. Petrov, and City Clerk Tracy L. Dutton.

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

Councilman Pat McLaughlan stated that he had two topics of address for this first working meeting of City Council. The first topic was a “Recipe for a Happy New Year,” which he read as follows:

Take twelve whole months, clean them thoroughly of all bitterness, hate, and jealousy. Make them just as fresh and clean as possible.

Now cut each month into twenty-eight, thirty, thirty-one different parts, but don’t make up the whole batch at once. Prepare it one day at a time out of these ingredients.

Mix well into each day one part of faith, one part of patience, one part of courage, and one part of work.

Add to each day one part of hope, faithfulness, generosity, and kindness. Blend with one part prayer, one part meditation, and one good deed. Season
the whole with a dash of good spirits, a sprinkle of fun, a pinch of play, and a cupful of good humor.

Pour all of this into a vessel of love. Cook thoroughly over radiant joy, garnish with a smile, and serve with quietness, unselfishness, and cheerfulness.

Your final results may vary depending on your attitude.

Have a Happy New Year!

--Anonymous

Councilman McLaughlan continued and noted that today we celebrated the life of Dr. Martin Luther King. He read an excerpt from a Proclamation issued by President George W. Bush as follows:

As we observe Dr. King’s birthday, I encourage all Americans to celebrate his memory by performing acts of kindness through service to others. Let us live out Dr. King’s teachings as we continue to work for the day when the dignity and humanity of every person is respected.

C. PLEDGES TO THE FLAGS – *Councilman Pat McLaughlan*.

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

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

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

D. APPROVAL OR CORRECTION OF MINUTES:

1. **APPROVAL of minutes of the Special Session (Public Hearing) and Regular Session of the City Council of the City of Bellaire, Texas, held Monday, December 17, 2007 – Action by Members of City Council to Approve Minutes (Item submitted by City Clerk Tracy L. Dutton).**

   **MOTION TO APPROVE MINUTES:**

   A motion was made by Councilwoman Peggy Faulk and seconded by Councilman John Jeffery to approve the minutes of the Special Session (Public Hearing) and Regular Session City Council of the City of Bellaire, Texas, held **Monday, December 17, 2007.**
VOTE ON MOTION TO APPROVE MINUTES:

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

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

OPPOSED: None

ABSENT: None

ABSTAIN: Avioli, James P., Sr.*
          Nauert, Phil*

*Councilmen James P. Avioli, Sr., and Phil Nauert abstained from voting on the minutes of the City Council Special Session (Public Hearing) and Regular Session held on December 17, 2007, due to the fact that neither were a voting member of the Bellaire City Council on that date (i.e., both were sworn in on January 7, 2008).

2. APPROVAL of minutes of the Regular Session (Installation) of the City Council of the City of Bellaire, Texas, held Monday, January 7, 2008 – Action by Members of City Council to Approve Minutes (Item submitted by City Clerk Tracy L. Dutton).

MOTION TO APPROVE MINUTES:

A motion was made by Councilman Will Hickman and seconded by Councilman Phil Nauert to approve the minutes of the Regular Session (Installation) of the City Council of the City of Bellaire, Texas, held Monday, January 7, 2008.

VOTE ON MOTION TO APPROVE MINUTES:

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

FOR: Siegel, Cindy
     Hickman, Will
     Avioli, James P., Sr.
     Faulk, Peggy
     Nauert, Phil
     McLaughlan, Pat
     Jeffery, John
E. PERSONAL/AUDIENCE COMMENTS.

Ira Crain, 100 Marrakech Court, Bellaire, Texas:

Ms. Crain addressed City Council and advised that she was representing approximately 100 votes, strictly on Evergreen Street, Marrakech Court, and Calvi Court, in the form of a petition requesting that City Council consider the fact that 108 residents were seriously opposed to the City putting ten feet of concrete on their trees and green spaces. The petition before City Council set forth several negative issues, the first of which had to do with covering ground (permeability). Ms. Crain advised that unnecessary concrete was a major cause of current flooding problems, not only in Bellaire, but in other parts of Houston, and had been recognized by a number of credible individuals. She referred to an excellent article that appeared on January 13, 2008, in the Houston Chronicle regarding cities that were coming to grips with that situation.

Permeability was the land’s ability to absorb water, and was an issue that was the core of Houston’s future and Bellaire’s. If the City could immediately help preserve neighborhoods, manage flooding, clean the air, protect the bayous, expand green space, and enhance the quality of life without spending money, everyone would be an advocate. The citizens did not wish to spend unnecessary money to pave concrete over green space.

One of the reasons many had moved to Bellaire was the feeling that the community had a very accessible and responsive City Council. Citizens had been pleased with the work (and they knew it was a great deal of work) that the City Council did. Another reason for moving to Bellaire was for the beautiful community with trees and safety.

All of the citizens that had signed the referenced petition felt that sidewalks on one side of a street that were well maintained was enough, especially when there were many streets that had no sidewalks. The citizens were urging City Council to spend their money more wisely, such as for repairs of existing sidewalks and/or to install sidewalks on streets without any.

Ms. Crain noted further that there was no justification for expanding sidewalks to a width of five feet, thereby covering more tree roots and more land. It was her understanding that the cost of installing a sidewalk was $60,000 per block. She also stated that there was not enough pedestrian traffic between Interstate Highway 610 and Newcastle Drive to justify sidewalks on both sides of Evergreen Street. The sidewalk that was in existence was not fully utilized, as it was in terrible condition.
The last issue Ms. Crain wished to raise was that the citizens wished to set a precedent with regard to safety. The citizens in the area did wish to see some type of speed control on Evergreen Street. Children crossing from the playground through the parking area to the pool had experienced several near misses as vehicles were traveling too fast through the area, specifically teenagers. She urged City Council to consider the installation of a stop sign on Evergreen Street at Marrakech Court.

George Pierce, 4531 Evergreen Street, Bellaire, Texas:

Mr. Pierce addressed City Council and noted that his neighbor, Joe Brown, who was actively involved in the petition process, had left for the hospital in an ambulance this afternoon. Mr. Brown would have been present this evening if he had been able to.

Mr. Pierce continued and advised that he was concerned about the system. The citizens found out about this project once equipment showed up in the area. He noted that Bellaire was sinking and water needed to be put back in the ground, rather than removed. The City had gone to extremes to put houses on stilts. After placing sidewalks on both sides of Evergreen Street, the homes that were built on stilts would lose their effectiveness.

Mr. Pierce noted further that he lived on the side of Evergreen Street that had existing sidewalks. He did not see much traffic in the area, other than speeders. The project did not make any sense at all.

In closing, Mr. Pierce asked City Council to be thoughtful of the residents that lived in the area and to take into consideration that they did not want the sidewalks.

Ken Marx, 4530 Evergreen Street, Bellaire, Texas:

Mr. Marx addressed City Council and advised that he was present to support the statements made earlier by Ira Crain. The citizens appreciated the work that City Council did, but would like to donate their part of the sidewalk to Teas Street, where there were no sidewalks, or to Birch Street, so that the one side of sidewalk in existence on that street could be completed all the way to Newcastle Drive.

The existing sidewalk on Evergreen Street was used, but there had never been a complaint by anyone regarding the need for a sidewalk on the other side of the street. He urged City Council to take into consideration what the residents of Evergreen Street wanted by not installing an additional sidewalk.
Travis Burnett, 100 Marrakech Court, Bellaire, Texas:

Mr. Burnett addressed City Council and stated that he was concerned about the fact that the residents on Evergreen Street could not get a response this evening because they were not on the agenda. He did not know when the residents would get a response.

Mr. Burnett stated that he had gone to several offices in the City to see if he could find a map that showed the original dedication of Evergreen Street and where the adjacent utility easements were, if any. It appeared that a 48” storm sewer would be completed in the area, which he appreciated. With respect to construction started at the east end of the street (Newcastle Drive), he inquired as to where the water would run, advising that there was inadequate drainage in other areas. He stated that he would like to be advised as to how that drainage was going to work.

In closing, Mr. Burnett advised that he was a retired attorney and noted that if the residents could not get a response before construction was started on the sidewalk, then he had no other alternative but to file a request for a temporary restraining order to stop action until the situation could be resolved. He questioned whether City Council had the right to do what they were going to—new curbs, with a vacant space two feet in width, then a sidewalk five feet in width. When sidewalks approached trees, the sidewalk would circle around the trees coming even further into residents’ yards (ten to twelve feet from the street).

Robert Riquelmy, 506 Winslow Lane, Bellaire, Texas:

Mr. Riquelmy addressed City Council and asked that quality assurance be separated from engineering contracts. One common retort to his request was that the Director of Public Works kept a tight rein on all of that. Mr. Riquelmy suggested that the Director had much else to do and was much too close to the process to keep a tight rein on it.

The other retort was that the engineering firm underwent recent scrutiny. What was not said, however, was that such scrutiny was of one small project and done by a serving City official who was appointed by City Council and the Mayor.

Richard Franke, 1104 Howard Lane, Bellaire, Texas:

Mr. Franke addressed City Council and welcomed Dr. Phil Nauert back to City Council and James P. Avioli, Sr., to City Council for his first term of office.
noted that he was present to speak to the comprehensive reconstruction of not just some of the streets, but all of the streets in the City of Bellaire.

Mayor Siegel had a great project going on with the Centennial Celebration and he respectfully recommended to all of the elected City officials and City Manager that her very important project be amended to include a plan to finish reconstruction of Bellaire’s streets.

Howard Lane was built during World War II and had four inches of overlay on it. According to neighbors, the overlay increased flood risk. The street was very narrow, which increased traffic hazards. Children were running up and down the street, which had no sidewalks, dodging buses and speeders (not just teenagers, but fellow retirees were some of the worst offenders). The City had made many excuses, such as affordability, inconvenience, and project size. Mr. Franke noted that he used to work for Brown & Root and had traveled all over the world with them. Reconstructing the streets of Bellaire was not a big project. The City could hire first class contractors in each quadrant and get the job done in six-seven years if City Council got behind it.

Mr. Franke agreed that the project would not be cheap and might, with inflation, cost in the vicinity of $200 million. He would add street lighting and sidewalks to the project as well. Two of his neighbors had moved out of Bellaire back to Braeswood Place because it was being reconstructed. Some of Bellaire’s streets looked like a third world country—no storm sewers and primitive street lighting. This was very disappointing, and Bellaire could do much better.

People were purchasing $2 million homes in Bellaire without understanding what they were buying into or the future liability. He felt that Bellaire needed to be honest with the market and itself. The no fill ordinance needed to be put back on the plate to see if it was still needed, taking into account the drainage improvements that had been made.

Mr. Franke stated that he believed that most trees that were in the utility easements and sidewalk easements were there to keep people out. He did not believe that they had a thing to do with the tree canopy. Those obstructions needed to be removed. He noted that he was tired of seeing children put at risk because of the lack of sidewalks.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee addressed City Council and reviewed the activities, projects, and budget for the Centennial Planning Committee. She noted that on January 15, 2007, the Mayor recommended, and the then City Council unanimously approved, the creation of an ad hoc Centennial Planning Committee.
Committee ("Committee") for the purpose of planning the 2008 Bellaire Centennial and associated activities and festivities. The Committee consisted of nine voting members, two of which were members of City Council (i.e., Mayor Cindy Siegel and Councilman Will Hickman). Also on the Committee was a Staff Liaison and consultants, all of whom were nonvoting members.

The Committee later recommended, and City Council approved, an estimated budget for the various celebratory and participatory projects and events for the year 2008. The estimate budget was capped at $156,625.00.

Highlights of the projects, some of which had already begun, were noted, as follows:

<table>
<thead>
<tr>
<th>Project</th>
<th>Budget</th>
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<tbody>
<tr>
<td>Fee for Services of a Promotion and Media Coordinator</td>
<td>$54,000</td>
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<tr>
<td>Fee for Services of a Professional Documentary Producer (to create, script, and record a history of Bellaire on a DVD at a discounted fee)</td>
<td>$25,000</td>
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<tr>
<td>Kickoff Celebration (January City Council Installation)</td>
<td>$1,400</td>
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<tr>
<td>Centennial Logo Banners (to be installed on light poles)</td>
<td>$7,875</td>
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<tr>
<td>Centennial Logo T-Shirts (to be sold for $10 each)</td>
<td>$4,000</td>
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<tr>
<td>Centennial City Calendars (to be mailed to all households) and Centennial Event Calendars</td>
<td>$10,631</td>
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<tr>
<td>Memorial Walk/History Walk (startup costs; project to be done in conjunction with the Parks &amp; Recreation Advisory Board and the Bellaire Arts Commission)</td>
<td>$10,000</td>
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<tr>
<td>Centennial Valentine Dance (February 15), with music and dance demonstrations ($2 fee for admission)</td>
<td>$6,000</td>
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<tr>
<td>Fourth of July Parade and Festival (no admission fee)</td>
<td>$10,000</td>
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<td>Holiday in the Park (no admission fee)</td>
<td>$10,000</td>
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<tr>
<td>Time Capsule</td>
<td>$500</td>
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<tr>
<td>Centennial Gala Party (fee would be based on amount needed to offset costs)</td>
<td>$20,000</td>
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<tr>
<td>Other Monthly Events (nine possible events with a budget allocation of $200 per event, if needed)</td>
<td>$1,800</td>
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Ms. McBee continued and advised that citizens would soon be able to obtain additional souvenir City calendars that contained the great old photographs of Bellaire for family and friends at a nominal fee of $1-$2 to cover reprint costs. Ms. McBee advised further that the Committee had unanimously approved of providing additional calendars at their meeting held the previous week.

In closing, Ms. McBee urged everyone to join together to celebrate “Our Town” by a friendly “Unity in the Community”. She noted that it would be fun to share good times and celebrate the unique founding and duration of the City of Bellaire for the past 100 years.

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., noted that he had been out of the office on vacation and did not have a report this evening. He advised that he would be happy to address any questions City Council might have regarding City projects or concerns.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Mayor Cindy Siegel referred to the question raised earlier regarding the path of storm water drainage from Evergreen Street. She inquired as to whether that path took the water from Evergreen Street to Newcastle Drive.

A: City Manager Bernard M. Satterwhite, Jr., stated that the next drainage project being engineered was Newcastle Drive, and there would be a larger drainage system installed in that area.

Q: Councilman John Jeffery inquired as to the status of the reconstruction project for Ferris Street.
A: City Manager Satterwhite advised that the City expected Ferris Street to be completed before the end of March 2008.

Q: Councilman Pat McLaughlan noted that Ferris Street was being totally reconstructed with underground drainage and sidewalks on one side of the street. He advised that he lived near Ferris Street, so he could not help but observe the work going on in that area. He continued and stated that the work was top notch. He was very impressed with the underground drainage, the quality of the pavement, and the installation of the sidewalks, advising that it was serving the community well.

Q: Councilman Will Hickman referred to the 4500 block of Pine Street by Horn Elementary School. Residents living on the north side of Pine Street advised that the timing of the one-way street had been switched from all day to an hour window in the morning and again at night. He inquired as to whether there was a problem with parking. For example did residents have to go out and re-park their vehicles during those times when the street was “one-way”?

A: City Manager Satterwhite advised that City Staff was going to get that fixed. The traffic pattern was changed in the area primarily to make Avenue B one-way north during the drop off and pick up times for school. Concerns had been levied by the Parent-Teacher Organization, so City Staff had taken a look at the area and changed the signage to reflect the one-way on Avenue B and Pine Street to be one-way east for only the drop off and pick up times instead of the entire school day. Some tickets had been issued, but would be changed to warnings, as there was no notification given to the people in the area. City Staff was also going to change Pine Street back to a one-way street all day.

Q: Councilman Jeffery referred to construction he had seen on the City baseball field and inquired as to whether a new backstop was being installed.

A: City Manager Satterwhite stated that a low wall (made of concrete and stone) was being constructed to hold the backstop. The wall was approximately three feet in height and the backstop would be made of chain-link.

Q: Councilman Jeffery inquired as to whether this project was funded by the Little League.

A: City Manager Satterwhite advised that it was.
C: Councilman Jeffery thanked the Little League, adding that it was a very nice project.

C/Q: Councilman Phil Nauert stated that the one-way traffic change on Avenue B, although contrary to the way he needed to travel on Avenue B, was working very well. He next referred to Horn Field, noting that all of the entrance gates to the field had been chained and padlocked except for the one in the extreme southeast corner by The Optimist hut. He inquired as to whether that was a City policy.

A: City Manager Satterwhite stated that he would look into it, noting he was not aware of the situation.

Since no report was given, no action was taken with respect to acceptance of said report.

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

Account Manager Vickey O'Donnell presented the Financial Report to City Council on behalf of Chief Financial Officer Donna Todd, who was absent. She noted that she would compare the first quarter ending December 31, 2007, as compared to the same quarter of the previous year.

Revenues were up almost $122,000, which represented a slight 2% increase, due primarily to high water and sewer revenues. Sales tax revenues were approximately $46,000 higher than the same quarter of the previous year. Tax collections were slightly higher as well, with the highest tax revenue coming during the month of January.

The City had expended approximately 17% or $744,000, of which 61% represented capital expenditures. This was a carryover from the previous year, which consisted of water, wastewater, and the pool.

Account Manager O'Donnell indicated further that the City had completed its first quarter of the budget and revenues were at 22% whereas the expenditures were at 26%. Nothing appeared to be out of line at this time.

With respect to housing there were 142 residential properties for sale and sixteen houses for lease, excluding “by owner” sales and leases.
QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: **Councilman James P. Avioli, Sr.**, referred to page 13 of the financial report and the term “arbitrage.” He asked if Account Manager O’Donnell could provide an explanation for it.

A: **Account Manager O’Donnell** advised that an outside firm was hired to evaluate the City’s bond sales to ensure that everything was going the way it was supposed to. The fees paid to the outside firm ranged from $10,000 to $12,000 annually for those services.

C: **City Manager Bernard M. Satterwhite, Jr.**, noted that when the City’s revenues came in, those revenues were placed into “one pot.” For purposes of the Internal Revenue Service, those funds had to be uncommingled. The City was not allowed to earn more than the City paid on the bond money and retain a tax-exempt status. If the City earned more than it paid, it was subject to federal income tax. The service performed under arbitrage included uncommingling the funds to determine where the money came from and where it was going.

Q: **Councilman Avioli** asked for confirmation that the account eventually would balance out to zero.

A: **Account Manager O’Donnell** and **City Manager Satterwhite** both indicated that Councilman Avioli was correct.

MOTION TO ACCEPT REPORT INTO THE RECORD:

A **motion** was made by Councilwoman Peggy **Faulk** and **seconded** by Councilman James P. **Avioli, Sr.**, to **accept the Financial Report** as presented by Account Manager Vickey O’Donnell **into the record**.

VOTE ON MOTION TO ACCEPT REPORT INTO THE RECORD:

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

FOR: **Siegel, Cindy**
FOR (CONT.): Hickman, Will
Avioli, James P., Sr.
Faulk, Peggy
Nauert, Phil
McLaughlan, Pat
Jeffery, John

OPPOSED: None

ABSENT: None

3. FINAL REPORT REGARDING AN URBAN FOREST PLANNING STRATEGY FOR BELLAIRE – presentation and briefing of the processes leading to the development of an Urban Forest Planning Strategy for Bellaire by Burditt Consultants, LLC, said services of which were subsidized under an Urban Forestry Partnership Grant received by the City of Bellaire, Texas, from the U.S. Department of Agriculture and the Texas Forest Service – Action by Members of City Council to Accept Report into the Record (Presentation by Representative(s) from Burditt Consultants, LLC; Item submitted by Assistant Director of Community Development Chris Magisano).

SUMMARY:

City Manager Bernard M. Satterwhite, Jr., introduced the agenda item before City Council, noting that a few years ago City Staff asked City Council to allow the City to apply for a grant from the Texas Forest Service. The final report to be presented this evening was the end result of that entire process. City Council was originally asked to approve a grant of up to $30,000 in order to possibly hire a staff or consultant urban forester for a time. The City would have been required to provide a 100% match. City Council indicated that City Staff should start a little slower and work up. City Council then approved a grant for $10,000, of which the City matched 100%, in order to get an evaluation of the City’s tree canopy and to receive assistance in the development of an effective Tree Management Program.

With that grant, the City hired Burditt Consultants, LLC, who worked for some time on evaluating, developing, and recommending a Tree Management Program so that the City could effectively manage its urban forest.

He then turned the floor over to Paul Howard of Burditt Consultants, LLC, for a presentation of the final report.
Paul Howard, Burditt Consultants, LLC, advised that he would give City Council a brief overview of the various projects that were undertaken during this process. City Staff wanted to get a handle on tree management issues and their initial interest was to do a full inventory of every tree in the City. Given a limited budget and the large number of trees in Bellaire, it was decided that the grant funds could be better utilized on smaller projects, such as evaluating the condition of the trees and to value the trees in public areas in the City.

Mr. Howard advised that there were eight overall project components, as follows:

- Urban Forestry Partnership Grant;
- Texas Forest Service Sample Community Tree Inventory (completed approximately six months prior to the City’s receipt of the Urban Forestry Partnership Grant);
- Valuation of Bellaire’s Urban Forest;
- Geographic Information System (GIS) Analysis of Aerial Photography (ten-year period from 1995 to 2006);
- Analysis of Park and Municipal Tree Canopy (through the use of GIS);
- Observations of Recent Development Sites (21 projects were reviewed over the last five years through applications submitted by developers and/or builders);
- Community Input and Public Relations (Members of Trees for Bellaire, as well as other citizens, builders, developers, and City Staff); and
- Summary of Recommendations.

With respect to the general condition of the trees in Bellaire, Mr. Howard noted that 92.15% were in good condition. Good condition was defined as having minimal amounts of defects and maintenance needs. A very small percentage (i.e., less than 1%) were in poor condition.

There was an interesting display of species distribution in the City. Mr. Howard indicated that this was typical of the Greater Houston Metropolitan Area (especially around the West Loop). He advised that 31% of the trees in Bellaire were Live Oak trees. His recommendation would be that no more than 10% of any given species would be ideal and would eliminate the possible chance of an epidemic disease coming through and wiping out the entire population of a species, like the Dutch Elm disease did in the early part of the last century.

Overall, there were still quite a few species in Bellaire and once one got past the Live Oak and Crapemyrtle Trees, the species were fairly well distributed.
With respect to diameter distribution (i.e., trunk diameter), the largest category was in the zero to five inch range. This indicated that Bellaire had a relatively young forest. The urban forest in the City of Bellaire was very small in 1950 and 1960. The planting of trees was just starting in Bellaire in 1970.

In order to appraise or determine the value of the trees in Bellaire, Mr. Howard analyzed the data from the Texas Forest Service Community Tree Inventory and utilized guidelines from the Council of Tree and Landscape Appraisers. The estimated total value of Bellaire's 10,025 street trees (i.e., trees in the street right-of-ways), was $46,086,000.

Mr. Howard next showed City Council an image analysis of the change in impervious surfaces and green space from 1995 to 2004. The overall change from 1995 to 2004 was a loss of 9% of total green space. Given the development patterns in Bellaire, wherein the building footprint of new homes was much larger than the footprint of older homes, a 9% loss of green space was small.

There was a total of 9.2 acres of tree canopy within Bellaire parks and other municipal property. He suggested that it would be a good idea to inventory the trees and place numbers on them in order to find out the conditions of those trees. Current practices in the City were that all of the park and right-of-way maintenance work was contracted out.

Tree removal permits were reviewed for 21 sites under development in Bellaire over the last five years. In some cases, all trees were removed due to such factors as poor condition. On average, 50% of the trees were removed on any given development.

With respect to community input, stakeholders were interviewed, such as City Staff, citizens, and Trees for Bellaire (i.e., local advocacy group). The Urban Forest Opinion Survey was another project that Burditt Consultants, LLC, joined with the City on. A basic questionnaire and educational brochure was mailed out in one of the City’s water bills. The results of the surveys were at Texas Tech University, and the City expected to get the analysis of the results back within the next week.

**Overall Recommendations**

Mr. Howard indicated that overall recommendations consisted of the following:
• Hazard and Risk Management Policy
  o Routine Hazard Tree Assessment (public areas assessed on an annual basis); and
  o Establishment of a Risk Management Policy (detailing the City’s stance on routine care of trees in emergency situations, as well as routine maintenance).

• Staff Training
  o Identification of City Staff who interfaced with tree issues; and
  o Coordinated training for hazard identification and tree preservation planning.

• Street Tree Population
  o Establishment of a target or baseline planting goal for new trees;
  o Inventory all trees in parks and municipal areas; and
  o Establishment of a Community Awareness Program regarding the benefits of the urban forest and costs to maintain safety.

• Tree Preservation Planning for Private Property
  o Development and adoption of technical guidelines for tree preservation for contractor use.

• Tree Preservation Planning for Municipal Projects
  o Requirement of a site evaluation for municipal projects;
  o Requirement of a Tree Preservation Plan;
  o Pre-construction meetings; and
  o Implementation of a Community Awareness Program to manage public opinion regarding municipal construction.

• Community Awareness, Education, and Public Relations
  o Sponsorship of an Arbor Day Program;
  o Development of education materials regarding tree maintenance; and
  o Establishment of a recognition program for outstanding efforts toward urban forestry goals.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Councilman Will Hickman inquired as to the average life expectancy of a tree. For example, if the life were based on species, what would the average life be for some of the most common species in Bellaire?
Mr. Howard indicated that the average life was based on species. The large majority of the Arizona Ash trees seen in Bellaire were nearing the end of their life cycle. Those type of trees generally lasted 30-40 years before decaying set it. A Live Oak, on the other hand, could last for 300-500 years.

City Manager Satterwhite inquired as to whether there was a difference in life span for an urban Live Oak tree versus a rural Live Oak tree.

Mr. Howard stated that an urban environment was a harsh environment for any tree. The urban forest was basically a forest in which there were more creatures than trees. With that, came maintenance, as well as a limited root area. In his opinion, some trees were too large to be planted in some of the small spaces existing between a curb and sidewalk. The volume of soil available to the tree for growth was very important.

In many cases, the life span would be shortened for trees in urban environments versus rural environments.

Councilman Hickman noted that a tree planting was scheduled in April of 2008 in conjunction with the City’s Centennial Celebration. The planting would occur in parks and public spaces and might be expanded to private residences. He inquired as to whether Mr. Howard knew of any groups that provided free or low cost trees for this purpose.

Mr. Howard indicated that the Texas Forest Service had really low cost trees on the order of $48.00 per 100. These would be bare root seedlings. Trees for Houston also had a huge planting program and had their fingers in many different grant programs and fundraising activities. Trees for Bellaire was an organization that was relatively small right now, but he felt they would be willing to get involved in such a program. He indicated further that Trees for Bellaire was a 501c3 organization.

Councilman Pat McLaughlan thanked Mr. Howard for his report, noting that it was very interesting. He advised that he had noticed what he termed as an “inappropriate planting of trees.” For example, plantings of trees that were capable of becoming quite large were planted in areas were only two feet in width. The net result of this was a costly situation for Bellaire’s taxpayers due to the proximity of the trees to the street and sidewalk, both of which would be uprooted and damaged. He asked if Mr. Howard had any knowledge or experience with possible city ordinances that would in some
way control the location and types of trees that could be planted in street right-of-ways.

A: **Mr. Howard** advised that he was working on an ordinance right now for another city (Denton, Texas). In their current ordinance, there was a street tree-planting requirement for trees planted between the sidewalk and curb. Denton had their own municipal co-op for electricity and were feeling the pressure for space needed for underground utilities, as well as sidewalks, curbs, street sweepers, overhead clearance for school buses and fire trucks, etc. The solution was to allow the street tree-planting program to continue, but to stretch it to the back of the right-of-way and the building setback for the property. You could still get the effect of a “street tree” even if it were not planted between the curb and the sidewalk. Such requirements could be put into a city’s policy—for example, no street trees between a sidewalk and curb or an official list of types of trees considered small that could work well in a smaller area.

Q: **Councilman Hickman** inquired as to the recommended spacing for trees from curbs, sidewalks, streets, foundations, etc., for large trees and for smaller trees.

A: **Mr. Howard** stated that every inch of diameter equaled two feet of tree canopy. If he had a tree with a six-foot canopy, the critical root zone would be a twelve-foot radius. This did not necessarily mean that such a tree would be destructive to underground utilities. He noted that if areas of the City still had clay piping for water and sewer facilities, tree roots could be present a problem for up to ten to fifteen feet.

Q: **Councilman John Jeffery** noted that Live Oaks appeared to be the predominant species for Bellaire. He then referred to the City’s sidewalk program wherein trees were protected to the greatest extent possible through root pruning and by building around them. He inquired as to what the life expectancy of sidewalk might be when built around a Live Oak tree.

A: **Mr. Howard** stated that he was not an engineer, but tended to find that with relatively mature trees, sidewalks built over the roots (at grade) would not buckle for about ten-twelve years. It depended on how closely the sidewalk was built to the tree. He noted that there were also problems in Bellaire with shrink-swell soils (i.e., heavy clay soils) and trees could exacerbate the issue by sucking moisture out of soils faster in one area causing an uneven amount of shrinkage. One solution might be
to add more expansion joints in the sidewalks. As far as saving the trees, he would recommend building the sidewalks at grade rather than cutting into existing soils.

**City Manager Satterwhite** noted that the City did a great deal of root pruning and hand digging. The City never went in and indiscriminately cut the roots of a large Live Oak tree.

**Q:** **Mayor Cindy Siegel** referred to one of the comments included in Mr. Howard’s report regarding diseases that could affect trees, thereby wiping out a species. Since the largest group of trees in Bellaire was the Live Oak tree, she inquired as to whether there was a risk of losing this species to disease and if there was a way to prevent such a disease or rid the trees of the disease, if one came through Bellaire.

**A:** **Mr. Howard** stated that “oak wilt” was a fungus disease that spread from oaks to oaks. It started its life cycle in Red Oak trees. It grew on the outside of a tree, usually on a wound. A beetle could then pass the disease from a Red Oak tree to a Live Oak tree. Once the disease entered the Live Oak tree, it could only leave by traveling from the root of that Live Oak tree to the root of another Live Oak tree.

The primary way to stop the disease would be to prune the roots between Live Oak trees. In cases where a catastrophic event would occur, trenches could be cut to sever the roots, thereby preventing the spread of the fungus from one tree to another. The disease basically flowed through the vascular tissue much like something would flow through a person’s bloodstream.

**Q:** **Mayor Siegel** referred to the beautiful canopy of Live Oak trees on some streets in Bellaire, such as Braeburn Drive. She asked for confirmation that property owners would have to go in and cut trenches between the trees in order to prevent the spread of such a fungus.

**A:** **Mr. Howard** advised that Mayor Siegel was correct, but noted that such a catastrophic loss was rare. He advised that there was a great deal of literature available from the Texas Forest Service that could help the City identify the presence of oak wilt by the leaf tissues. He stated that the City or citizen groups might wish to get involved to monitor the City’s tree canopy.

**Q:** **Mayor Siegel** stated that she had attended a meeting with some representatives from Trees for Houston who advised that it was important to plant trees for the future. She inquired as
to which of the recommendations that Mr. Howard had made in his report would be the top one or two that Bellaire should focus its efforts on.

A: Mr. Howard stated that with respect to planting, he was uncertain as to where there were some planting spaces in Bellaire. From interviews with the Director of Parks & Recreation Department, it was noted that there was an overabundance of trees in many of the parks and right-of-way areas. There was a great opportunity for the City to engage the citizens in a tree-planting program on their private properties. This could be done through an “Adopt-a-Tree” program where the City provided the tree and the citizens provided the labor and took ownership of the tree.

A hazard assessment on an annual basis would be another good recommendation to follow. It should be a part of every City’s standing policy. A staff-training event could be held and the City’s inspectors could be trained to identify potential hazard situations. Windshield surveys could then be conducted on a regular basis.

Q: Mayor Siegel advised that if she understood the report correctly, there was potential planting in the public spaces of 20,445.

A: Mr. Howard stated that the figure referred to by Mayor Siegel was a number reported by the Texas Forest Service in the inventory they had prepared for Bellaire. He indicated that there was not enough data to determine for certain that those spaces were “effective” tree planting spaces. Most of those spaces were on the edge of the right-of-way or on private property.

Q: Mayor Siegel asked for confirmation that “public” spaces referred to the City’s right-of-ways.

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

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

A motion was made by Councilman Pat McLaughlan and seconded by Councilman Will Hickman to accept the Final Report regarding an Urban Forest Planning Strategy for Bellaire as presented by Paul Howard of Burditt Consultants, LLC, into the record.
VOTE ON MOTION TO ACCEPT REPORT INTO THE RECORD:

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

FOR:            Siegel, Cindy  
                 Hickman, Will  
                 Avioli, James P., Sr.  
                 Faulk, Peggy  
                 Nauert, Phil  
                 McLaughlan, Pat  
                 Jeffery, John  

OPPOSED: None  

ABSENT: None  

G. NEW BUSINESS:

1. CONSENT AGENDA:

(Items listed under the Consent Agenda would normally be voted in one motion unless a member of the Bellaire City Council requested separate action).

Councilman Will Hickman asked that two of the items listed under the Consent Agenda be removed and considered by separate action. Those items were G. 1. a. and G. 1. d. Councilman James P. Avioli, Sr., asked that one additional item, G. 1. b., also be considered by separate action. Both members indicated that they wished to ask questions related to the items.

Mayor Cindy Siegel noted that one item remained on the Consent Agenda, G. 1. c., and would be considered, without discussion, at this time as follows:

Donation  

c. CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, accepting a donation in the amount of $2,000.00 from Jerry and Maury Rubenstein of Texas Pipe & Supply, Co., to be utilized by the Bellaire Police Department for the purchase of safety materials and equipment – Action by Members of City Council to Approve Consent Agenda (Item submitted by Chief of Police Randall C. Mack).
MOTION TO APPROVE CONSENT AGENDA:

A motion was made by Councilwoman Peggy Faulk and seconded by Councilman Pat McLaughlan to approve the Consent Agenda dated January 21, 2008, consisting of the acceptance of a donation in the amount of $2,000.00 from Jerry and Maury Rubenstein of Texas Pipe & Supply Co., to be utilized by the Bellaire Police Department for the purchase of safety materials and equipment.

VOTE ON MOTION TO APPROVE CONSENT AGENDA:

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

FOR: Siegel, Cindy
    Hickman, Will
    Avioli, James P., Sr.
    Faulk, Peggy
    Nauert, Phil
    McLaughlan, Pat
    Jeffery, John

OPPOSED: None

ABSENT: None

{Resolution was subsequently numbered: 08-01}

Bid Awards

a. CONSIDERATION of and possible action on the award of Bid No. 08-001, 1.5 Mil Polyethylene Density Garbage Bags, to the lowest bidder, Jadcore, Inc./LinerLady, LLC, in an amount not to exceed $114,882.30, and adoption of an ordinance authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a Standard Form of Agreement with Jadcore, Inc./LinerLady, LLC, in an amount not to exceed $114,882.30.

The purchase period associated with Bid No. 08-001 shall commence on January 21, 2008, and end on January 20, 2009. Approval of the item authorizes the City Manager, on behalf of the City of Bellaire, Texas, to extend and renew this bid up to four years, one year at a time, subject to price increases, upon mutual agreement of all parties – Action by Members of City Council to Award Bid
and Adopt Ordinance (Item submitted by Director of Public Works Joe Keene).

MOTION TO AWARD BID AND ADOPT ORDINANCE:

A motion was made by Councilman Will Hickman and seconded by Councilman Phil Nauert to award Bid No. 08-001, 1.5 Mil Polyethylene Density Garbage Bags, to the lowest bidder, Jadcore, Inc./LinerLady, LLC, in an amount not to exceed $114,882.30, and to adopt an ordinance authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a Standard Form of Agreement with Jadcore, Inc./LinerLady, LLC, in an amount not to exceed $114,882.30.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Councilman Will Hickman inquired as to the amount the City spent in the previous year for garbage bags.

A: City Manager Bernard M. Satterwhite, Jr., advised that the City had spent approximately $92,000 on garbage bags during the previous year.

Q: Councilman Hickman inquired as to the reason for the increase this year.

A: City Manager Satterwhite indicated that petroleum costs resulted in the increase for the garbage bags, and noted that City Staff was surprised that the bid had not been higher than it was.

VOTE ON MOTION TO AWARD BID AND ADOPT ORDINANCE:

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

FOR: Siegel, Cindy  
       Hickman, Will  
       Avioli, James P., Sr.  
       Nauert, Phil  
       McLaughlan, Pat  
       Jeffery, John

OPPOSED: None
ABSENT:  Faulk, Peggy*

*Councilwoman Peggy Faulk stepped away from the Council table temporarily and did not participate in the vote on this agenda item.

{Ordinance was subsequently numbered:  08-001}

b. CONSIDERATION of and possible action on the award of Bid No. 08-003, Water Distribution Piping and Fittings, to the following bidders for the purchase and delivery of water distribution piping and fittings parts used in the repair of the City’s Water Distribution System based on the lowest price bid for each item:

- Badger Meter, Inc.   $49,933.54;
- Ferguson Waterworks  $24,280.04;
- HD Supply    $33,336.55; and

adoption of an ordinance authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a Standard Form of Agreement with each of the referenced bidders for the materials and services in the amounts set forth above.

The purchase period associated with Bid No. 08-003 shall commence on January 7, 2008, and end on January 6, 2009. Approval of this item authorizes the City Manager, on behalf of the City of Bellaire, Texas, to extend and renew this bid up to four years, one year at a time, subject to price increases, upon mutual agreement of all parties – Action by Members of City Council to Award Bid and Adopt Ordinance (Item submitted by Director of Public Works Joe Keene).

MOTION TO AWARD BID AND ADOPT ORDINANCE:

A joint motion was made by Councilman Will Hickman and Councilman Phil Nauert and seconded by Councilman Pat McLaughlan to award Bid No. 08-003, Water Distribution Piping and Fittings, to the following bidders, for the purchase and delivery of water distribution piping and fittings parts used in the repair of the City’s Water Distribution System based on the lowest price bid for each item:

- Badger Meter, Inc.   $49,933.54;
• Ferguson Waterworks $24,280.04;
• HD Supply $33,336.55; and

to adopt an ordinance authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a Standard Form of Agreement with each of the referenced bidders for the materials and services in the amounts set forth above.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Councilman James P. Avioli, Sr., inquired as to whether this bid would provide a one-year supply for the Public Works Department or if it were a building of inventory.

A: Director of Public Works Joe Keene stated that this bid represented a one-year supply of parts for the Public Works Department. He noted that the Department would probably place three separate orders throughout the year on this bid.

Q: Councilman Avioli noted that the City would be spending approximately $30,000 on copper. He advised that copper was very expensive at this time and inquired as to whether this was something we needed to buy now.

A: Director Keene stated that the Public Works Department only purchased copper when it was needed. He advised that it was used due to its strength and durability. He noted further that the City kept a tight inventory on the copper and that only a few rolls were purchased at a time.

Q: Councilman Avioli referred to the fact that the City purchased two different types of meters—positive displacement meters and turbine meters. He inquired as to whether the meters had different applications.

A: Director Keene stated that one of the meters was used for large amounts of water and was very accurate.

Q: Councilman Avioli asked if the City had a field testing program to determine accuracy and/or whether there was a replacement program in place.
A: **Director Keene** stated that a field-testing program was in place for large meters. Most of the small meters (3/4” to 1”) were very accurate for seven-eight years after installation, with a 5% failure rate. After approximately eight years, the meter lost accuracy at a fairly rapid rate.

Q: **Councilman Avioli** inquired as to why the City could not go with just a turbine meter. In other words, did such a meter have a different application?

A: **Director Keene** stated that a turbine meter did have a different application and was used for 1” or larger lines. The turbine meters pushed a great deal of water through.

Q: **Councilman Pat McLaughlan** referred to the replacement of fire hydrants. He inquired as to whether the water flow from the hydrants was checked by the Public Works Department or the Fire Department. In other words, how would the City verify any need for servicing and/or replacement of a fire hydrant?

A: **Director Keene** stated that the Bellaire Fire Department tested the fire hydrants for flow. A fire hydrant would normally leak if there were a maintenance issue. Additionally, fire hydrants were flushed in Bellaire three times each year.

Q: **Councilman McLaughlan** inquired as to which department flushed the hydrants.

A: **Director Keene** indicated that the Public Works Department flushed the hydrants.

**VOTE ON MOTION TO AWARD BID AND ADOPT ORDINANCE:**

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

**FOR:** Siegel, Cindy
Hickman, Will
Avioli, James P., Sr.
Faulk, Peggy
Nauert, Phil
McLaughlan, Pat
Jeffery, John
OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 08-002}

Donations

c. CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, accepting a donation in the amount of $2,000.00 from Jerry and Maury Rubenstein of Texas Pipe & Supply, Co., to be utilized by the Bellaire Police Department for the purchase of safety materials and equipment – Action by Members of City Council to Approve Consent Agenda (Item submitted by Chief of Police Randall C. Mack).

This item was considered earlier in the meeting. See pages 21-22 of these minutes for the action related to this item.

d. CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, accepting a donation of a sculpture valued at $30,000.00 from Bellaire resident Cindy Cozewith and approval for the installation of said sculpture within Paseo Park near the intersection of Third Street and Bellaire Boulevard, Bellaire, Texas, as recommended by the Bellaire Arts Commission and the Bellaire Parks & Recreation Advisory Board – Action by Members of City Council to Accept Donation and Adopt Resolution (Item submitted by Director of Facilities Management Karl Miller).

MOTION TO ADOPT RESOLUTION:

A motion was made by Councilwoman Peggy Faulk and seconded by Councilman James P. Avioli, Sr., to adopt a resolution of the City Council of the City of Bellaire, Texas, accepting a donation of a sculpture valued at $30,000.00 from Bellaire resident Cindy Cozewith and to approve the installation of said sculpture within Paseo Park near the intersection of Third Street and Bellaire Boulevard, Bellaire, Texas, as recommended by the Bellaire Arts Commission and the Bellaire Parks & Recreation Advisory Board.
QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

C:  Councilman Will Hickman thanked resident and Member of the Bellaire Arts Commission, Cindy Cozewith, for her donation of the sculpture and the invitation to go by to see it. He stated that he would like to propose an amendment to the item similar to the speed hump policy wherein City Council had a six-month evaluation period. City Council could then come back and revisit the donation in six to nine months to take a second look after it had been installed to see what the citizen reaction might be, as well as that of City Council and to allow a decision to be made as to whether more sculptures should be installed within the park.

AMENDED MOTION (NO. 1) TO MOTION TO ADOPT RESOLUTION:

An amended motion was made by Councilman Will Hickman to include a six-month evaluation period within the resolution to allow the installation of the donation to be reconsidered.

The amended motion failed due to lack of a second.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q:  Councilman Phil Nauert thanked Cindy Cozewith for this donation and noted that the City was obligated to insure the sculpture. There was an annual cost for cleaning and maintaining the sculpture as well as insurance. He inquired as to what the insurance covered. For example, replacement of the structure if hit by a truck?

A:  City Manager Bernard M. Satterwhite, Jr., advised that there was not a requirement to insure the sculpture, but it might be prudent to do so since it had a value of $30,000.00. The cost of the insurance would be approximately $50.00 per year.

Q:  Councilman Nauert asked if that insurance would include damage to the structure and not necessarily liability caused by the structure.
A: **City Manager Satterwhite** indicated that the City had an umbrella liability policy, but the $50.00 per year would cover damage to the sculpture.

Q: **Mayor Siegel** inquired as to whether such damage would include vandalism.

A: **City Manager Satterwhite** indicated that Mayor Siegel was correct. The annual maintenance was cleaning on a semi-regular basis.

Q: **Councilman James P. Avioli, Sr.**, thanked Cindy Cozewith for the donation, noting that it was a beautiful sculpture. He indicated that he was curious as to the actual location. In other words, would the sculpture be inside or outside of the tree line?

A: **Director of Facilities Management Karl Miller** indicated that the area that he and Cindy Cozewith had looked at was more toward the inside of the sidewalk area at the intersection of Third Street and Bellaire Boulevard. The “exact” location had not been determined as the City needed to get utility lines marked to make sure there were no issues with respect to such lines. He estimated that the sculpture would be installed ten to fifteen feet inside the sidewalk.

**City Manager Satterwhite** stated that the orientation of the sculpture would be such that the sun could shine properly through it.

Q: **Councilman Avioli** indicated that he was concerned that the trees would obstruct the view of the sculpture.

A: **Director Miller** stated that Cindy Cozewith had identified an area that would allow the sculpture to catch the sun. He agreed that the area was limited due to the tree canopy.

Q: **Mayor Cindy Siegel** inquired as to whether the sculpture would be visible to people driving on Bellaire Boulevard.

A: **Director Miller** advised that Mayor Siegel was correct.
VOTE ON MOTION TO ADOPT RESOLUTION:

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

FOR: Siegel, Cindy
     Hickman, Will
     Avioli, James P., Sr.
     Faulk, Peggy
     Nauert, Phil
     McLaughlan, Pat
     Jeffery, John

OPPOSED: None

ABSENT: None

{Resolution was subsequently numbered: 08-02}

2. ADOPTION OF ORDINANCES:

Request for Installation of Traffic Control Devices

a. CONSIDERATION of and possible action on the adoption
   of an ordinance of the City Council of the City of Bellaire,
   Texas, approving the installation of traffic control
   devices, in the form of speed humps, on a permanent
   basis along the 4500 block of Maple Street between
   Avenue B and Newcastle Drive, Bellaire, Texas – Action
   by Members of City Council to Adopt Ordinance (Item
   submitted by City Clerk Tracy L. Dutton under the
   direction from City Council).

MOTION TO ADOPT ORDINANCE:

A motion was made by Councilwoman Peggy Faulk and
seconded by Councilman John Jeffery to adopt an
ordinance of the City Council of the City of Bellaire, Texas,
approving the installation of traffic control devices, in
the form of speed humps, on a permanent basis along
the 4500 block of Maple Street between Avenue B and
Newcastle Drive, Bellaire, Texas.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

C: Councilman Phil Nauert noted that he understood that
the process that residents went through to obtain speed
humps on Maple Street had been a long one. He noted further that he lived in the affected area on the 4600 block of Holt Street.

The City had engaged an engineer, then worked contrary to the recommendation of the engineer by putting in the speed humps. The only way the City could screw this up worse would be to spend money to take the speed humps out.

He advised that he had not noticed any more cars traveling down the 4600 block of Holt Street than before. The less said about this issue, the better.

C: Councilman Pat McLaughlan advised that he wished to explain why he would be voting against this ordinance. Maple Street was traditionally a low traffic street, with no history of accidents. City Staff analyzed the situation and recommended that speed humps not be installed. Traffic engineers analyzed the situation and recommended that speed humps not be installed. Speed humps did affect storm water and overland flow, and could cause damage to automobiles. He did not see any evidence that speed humps slowed people down. Speed humps also caused emergency vehicles to stop before crossing over them.

C: Councilman Will Hickman stated that he disagreed with some of the comments. What the traffic engineering study showed was that over 20% of the people traveling down the 4500 block of Maple Street were speeding prior to the installation of the speed humps. Since the speed humps had been installed, there was a record of only one car that was speeding.

He agreed that there had been no significant shift of traffic to another street based on the study results. There were 80+ percent of the residents on the street that signed the petition wanting the speed humps and had paid for the speed humps. He saw no reason why the City should remove those speed humps at this point.

Q: Councilwoman Peggy Faulk inquired for the record as to the cost to remove the speed humps.

A: Director of Public Works Joe Keene could estimate the cost as of today because he had a contractor in
town. That cost would range between $6,000 and $7,000.

C: Mayor Cindy Siegel noted that even though City Council would be voting for a permanent installation of the speed humps in the 4500 block of Maple Street this evening, the City’s policy was such that the speed humps could be reviewed in another five years and removed at that time if it was the desire of City Council.

A: City Manager Bernard M. Satterwhite, Jr., agreed that the policy set forth another review in five years.

Q: Mayor Siegel asked if the five-year review was automatic.

A: City Attorney Alan P. Petrov advised that the City was basically reserving the right for City Council to review the devices in five years if they desired to do so.

VOTE ON MOTION TO ADOPT ORDINANCE:

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

FOR: Siegel, Cindy
Hickman, Will
Avioli, James P., Sr.
Faulk, Peggy
Nauert, Phil
Jeffery, John

OPPOSED: McLaughlan, Pat

ABSENT: None

{Ordinance was subsequently numbered: 08-003}

Rebuild Bellaire Program

b. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, approving a recommendation from the Bellaire Public Works Department to engage Claunch & Miller, Inc., to perform all necessary engineering services for the City of Bellaire, Texas, associated with the Rebuild Bellaire Program, Phase Two, Paving and Drainage Improvements, in an amount not to exceed $730,250.00, and to adopt an ordinance authorizing the Mayor and the
City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a *Contract and Agreement for Engineering Services* with Claunch & Miller, Inc., for said engineering services in an amount not to exceed $730,250.00 – Action by Members of City Council to Adopt Ordinance (Item submitted by Director of Public Works Joe Keene).

**SUMMARY:**

Mayor Cindy Siegel indicated that the streets that this particular program applied to were:

- Sunburst Court between Newcastle Drive and Avenue B;
- Avenue B between Glenmont Drive and Fournace Place;
- Park Court between Avenue B and Newcastle Drive;
- Whipple Street between South Rice Avenue and South Rice Avenue (i.e., horse-shoe shaped street); and
- Second Street between Elm Street and Bissonnet Street.

**MOTION TO APPROVE RECOMMENDATION AND ADOPT ORDINANCE:**

A motion was made by Councilman John Jeffery and seconded by Councilman Pat McLaughlan to approve a recommendation from the Bellaire Public Works Department to engage Claunch & Miller, Inc., to perform all necessary engineering services for the City of Bellaire, Texas, associated with the Rebuild Bellaire Program, Phase Two, Paving and Drainage Improvements, in an amount not to exceed $730,250.00, and to adopt an ordinance authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a *Contract and Agreement for Engineering Services* with Claunch & Miller, Inc., for said engineering services in an amount not to exceed $730,250.00.

**OVERVIEW:**

James Andrews, P.E., Claunch & Miller, Inc., advised that City Council was considering the engineering proposal this evening for the Rebuild Bellaire Program, Phase Two. Rebuild Bellaire was a $52 million capital improvement program that included both facilities improvements and street and drainage improvements. The Rebuild Bellaire Program was funded with
bonds and pay-as-you go monies. Phase Two of Rebuild Bellaire was the second paving and drainage project under the program.

The streets that were proposed for improvements under Phase Two were selected based on criteria prepared by City Council, City Staff, and Claunch & Miller, Inc., with a major focus on drainage. Well over 65% of the weighted criteria related to actual drainage on the streets.

Mr. Andrews presented City Council with a slide that depicted all of the paving and drainage projects currently either under design or in construction in the City of Bellaire. The Phase Two streets were shown in green. Also included in Phase Two in the southeast section of the City was the rehabilitation of a very deteriorated storm sewer system that began in the 4600 block of Holly Street and ran to Cypress Ditch.

The anticipated schedule was to begin the preliminary design upon City Council’s approval. Changes or revisions noted during the preliminary design phase would be brought forward to City Council for approval before moving forward to the final design and preparation of bid documents. That should occur in July of 2008. It was anticipated that this project would be completed (including construction) in 2010.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q:  Mayor Cindy Siegel inquired as to two streets included in the project and the reasoning behind their inclusion. The first street of her inquiry was Whipple Street.

A:  Mr. Andrews stated that Whipple Street ranked very near the top of the list due to drainage problems, which were noted by the Public Works Department. Additionally, the adequacy of the drainage system was poor. The entire subdivision was drained by one 18” pipe which ran from the street through side lot easements between homes and out the back lot lines to the box culverts on South Rice Avenue.

Q:  Mayor Siegel inquired as to the reasoning being Sunburst Court.

A:  Mr. Andrews indicated that Sunburst Court had no storm sewer whatsoever. The drainage system to be
put in place would help all of the streets in the area, such as Oakdale Drive.

Q: **Mayor Siegel** referred to flooding that occurred in the area of Wedgewood Street during Tropical Storm Allison. She inquired as to whether that area had been addressed when the Avenue B system was installed.

A: **Mr. Andrews** advised that Mayor Siegel was correct.

Q: **Councilman James P. Avioli, Sr.,** referred to the fee schedule, specifically page 8 of 9. He stated that the second largest item within the fees was construction observation services. He asked Mr. Andrews to address those services.

A: **Mr. Andrews** stated that Claunch & Miller, Inc., would provide site representation for the City as its agent. The site representation would consist of full-time inspection of the contractor’s construction activity, as well as support from Claunch & Miller, Inc.’s other in-house staff.

Q: **Councilman Avioli** inquired of City Manager Satterwhite as to whether the City had people on staff that could perform construction observation.

A: **City Manager Satterwhite** advised that the City did not. Those services were contracted out.

**Mr. Andrews** stated that the site representative was the first contact with all of the citizenry, as well as scheduler of material testing. An urban forester would also be involved with the project. The site representative would be the point of contact and scheduler for the urban forester as well.

Q: **Councilman Avioli** asked if those services would be provided by more than one person.

A: **Mr. Andrews** advised that there would be more than one person.

Q: **Councilman Avioli** noted that the fee broken down over 18 months totaled $12-13,000 per month, which was a nice charge.
A: Mr. Andrews advised that the construction observation services took at least 40 hours per week and often included work on Saturdays. There were five individual working in-house at Claunch & Miller, Inc., on Bellaire projects. This was a very heavy effort on the part of his firm.

Q: Councilman Avioli inquired as to overruns. He noted that there were direct labor costs multiplied by a factor of 2.99 plus ten percent. He inquired as to the explanation of the multiplier of 2.99.

A: Mr. Andrews stated that 2.99 was basically their multiplier and included their cost of doing business—raw salary times the cost of insurance, vacations, travel, etc.

Q: Councilman Avioli asked for confirmation that the multiplier represented administrative costs.

A: Mr. Andrews advised that Councilman Avioli was correct. A profit was built into the multiplier as well.

Q: Councilman Avioli stated that he had not looked at other projects that had been worked by Claunch & Miller, Inc., but guessed that these fees were in line with other projects for the City.

A: Mr. Andrews advised that the exact same multiplier had been used in other projects.

City Manager Satterwhite noted that Director of Public Works Joe Keene compared Claunch & Miller, Inc.’s fees on an engineering curve that the City of Houston and Harris County used to ensure that the fees were in line with what could be expected for engineering services. Typically, the fees were below those curves.

Mr. Andrews stated that every time the fees were below those curves.

Q: Councilman Pat McLaughlan advised that in his profession people were paid either a fixed bid price or an hourly rate plus. In the consulting projects, he understood that Claunch & Miller, Inc.’s fees were a percentage of the project costs rather than actual hours expended.
A: **Mr. Andrews** stated that Director of Public Works Keene looked at Claunch & Miller, Inc.’s fees based on three different types of calculations. Two types were mentioned by City Manager Satterwhite. One was the standard fee curves for the City of Houston (i.e., based on the construction cost of a project). The Harris County curves were also reviewed. Those curves were basically calculated in the same manner as City of Houston. Finally, a man-hour level of effort for each of the tasks to be undertaken to complete a project was prepared. All of those calculations were used to negotiate the fee for Bellaire.

Q: **Councilman McLaughlan** asked for confirmation that the fee for every project was a negotiated fee rather than a percentage of project cost.

A: **Mr. Andrews** advised that Councilman McLaughlan was correct. Some of the tasks listed in the proposal were on a lump sum basis. Other tasks, such as material testing, were performed by an independent laboratory and consisted of a not to exceed figure. A ten percent surcharge was added since Claunch & Miller, Inc., managed the independent laboratory.

Q: **Councilman McLaughlan** referred to the improvements to be made to Second Street between Elm Street and Bissonnet Street. He inquired as to the rationale behind the improvements to be made to Second Street.

A: **Mr. Andrews** noted that the six different categories that were adopted by the City were utilized to rank the streets, with drainage being the number one component. Drainage was very poor in that area.

City Manager Satterwhite noted that he lived in that area and drainage was very difficult.

Q: **Councilman McLaughlan** inquired as to whether the street would be lowered to assist with drainage.

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

Q: **Councilman Will Hickman** asked if Claunch & Miller, Inc., would be designing for sidewalks on both sides of each of the streets in this project.
A: Mr. Andrews stated that sidewalks would be designed for one side of each street, except for Avenue B from Sunburst Court to Fournace Place. If that changed for any reason and it was determined that sidewalks were needed on both sides of a street, Claunch & Miller, Inc., would return to City Council for approval before proceeding to the final design phase.

Q: Councilman Hickman inquired as to whether this was the first time City Council had seen Phase Two.

A: Mr. Andrews advised that this was the first time.

Q: Councilman Hickman stated that it was his understanding that the City had a general policy of sidewalks on two sides of every street. Each time the issue had come up, City Council had adopted an exception to that wherein sidewalks were installed on one side of residential streets and on both sides of the major-minor thoroughfares and collector streets.

A: City Manager Satterwhite suggested that City Staff come back to City Council for clarification as to the sidewalk policy.

**VOTE ON MOTION TO APPROVE RECOMMENDATION AND ADOPT ORDinance:**

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

FOR: Siegel, Cindy
     Hickman, Will
     Avioli, James P., Sr.
     Faulk, Peggy
     Nauert, Phil
     McLaughlan, Pat
     Jeffery, John

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 08-004}

**Agreements and Contracts**

c. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire,
Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a Services Agreement with Beck Disaster Recovery, Inc., for the performance of monitoring services associated with debris management and disaster recovery to be provided in the event of a natural disaster, such monitoring services of which are required in order to obtain reimbursement from the Federal Emergency Management Agency (FEMA). Note: Beck Disaster Recovery, Inc., was the successful bidder under a bid for services prepared and administered by the Houston-Galveston Area Council (H-GAC) – Action by Members of City Council to Adopt Ordinance (Item submitted by Director of Public Works Joe Keene).

**MOTION TO ADOPT ORDINANCE:**

A motion was made by Councilwoman Peggy Faulk and seconded by Councilman John Jeffery to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a Services Agreement with Beck Disaster Recovery, Inc., for the performance of monitoring services associated with debris management and disaster recovery to be provided in the event of a natural disaster, such monitoring services of which are required in order to obtain reimbursement from the Federal Emergency Management Agency (FEMA).

**SUMMARY:**

City Manager Bernard M. Satterwhite, Jr., advised City Council that this was a companion item to an item passed several months ago to award a contract to a company to perform services necessary to remove debris. FEMA required an independent third party to monitor the removal of the debris in order for the City to get reimbursed. There was no money involved unless there was a disaster and then all of the money was reimbursable by FEMA if done properly.

**QUESTIONS/COMMENTS FROM CITY COUNCIL:**

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

Q: Councilman James P. Avioli, Sr., asked for confirmation that there was no initial cash outlay.
A: City Manager Satterwhite advised that Councilman Avioli was correct.

VOTE ON MOTION TO ADOPT ORDINANCE:

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

FOR: Siegel, Cindy
     Hickman, Will
     Avioli, James P., Sr.
     Faulk, Peggy
     Nauert, Phil
     McLaughlan, Pat
     Jeffery, John

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 08-005}

Election of Mayor Pro Tempore

d. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, electing a Mayor Pro Tempore for the City of Bellaire, Texas, for a term commencing January 7, 2008, and expiring January 4, 2010, in accordance with Article II, The Council, Section 5, Mayor Pro Tempore, of the Charter of the City of Bellaire, Texas, as amended November 7, 2006, and repealing any prior ordinances conflicting therewith.

NOMINATIONS:

Councilman Will Hickman nominated Peggy Faulk to serve as Mayor Pro Tempore for the City of Bellaire, Texas, for a term commencing January 7, 2008, and expiring January 4, 2010.

Councilman John Jeffery nominated Phil Nauert to serve as Mayor Pro Tempore for the City of Bellaire, Texas, for a term commencing January 7, 2008, and expiring January 4, 2010.

After ensuring that no further nominations were forthcoming, Mayor Siegel closed the floor for nominations.
QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

C: Mayor Cindy Siegel stated that she had served with both Councilwoman Peggy Faulk and Councilman Phil Nauert and both were excellent candidates and great right-hand Mayor Pro Tems. She would be happy to serve with either one. For that reason, she would abstain from voting.

C: Councilman Phil Nauert stated that he would like to withdraw his name from the nominations.

VOTE ON NOMINATION OF PEGGY FAULK AS MAYOR PRO TEMPORE:

The City Council of the City of Bellaire, Texas, unanimously accepted the nomination of Peggy Faulk as Mayor Pro Tempore for the City of Bellaire, Texas, with a vote of 7-0 as follows:

FOR: Siegel, Cindy
      Hickman, Will
      Avioli, James P., Sr.
      Faulk, Peggy
      Nauert, Phil
      McLaughlan, Pat
      Jeffery, John

OPPOSED: None

ABSENT: None

MOTION TO ADOPT ORDINANCE ELECTING A MAYOR PRO TEMPORE:

A motion was made by Councilman Phil Nauert and seconded by Councilman John Jeffery to adopt an ordinance of the City Council of the City of Bellaire, Texas, electing Peggy Faulk, Councilman – Position No. 3, as Mayor Pro Tempore for the City of Bellaire, Texas, for a term commencing January 7, 2008, and expiring January 4, 2010.
VOTE ON MOTION TO ADOPT ORDINANCE ELECTING A
MAYOR PRO TEMPORE:

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

FOR: Siegel, Cindy
      Hickman, Will
      Avioli, James P., Sr.
      Faulk, Peggy
      Nauert, Phil
      McLaughlan, Pat
      Jeffery, John

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 08-006}

H. COUNCIL CORRESPONDENCE AND COMMENTS.

Discussion only.

I. ADJOURNMENT.

MOTION TO ADJOURN:

A joint motion was made by Mayor Pro Tem Peggy Faulk and Councilman Pat McLaughlan and seconded by Councilman Phil Nauert to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:06 p.m. on Monday, January 21, 2008.

VOTE ON MOTION TO ADJOURN:

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

FOR: Siegel, Cindy
      Hickman, Will
      Avioli, James P., Sr.
      Faulk, Peggy
      Nauert, Phil
      McLaughlan, Pat
      Jeffery, John

OPPOSED: None
ABSENT: None

Respectfully submitted,

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

Approved:

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Cynthia Siegel, Mayor
City of Bellaire, Texas