CITY OF BELLAIRE
CITY COUNCIL

Minutes of Meeting
Monday, February 18, 2008

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

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

Mayor Cindy Siegel called the City Council of the City of Bellaire, Texas, to order at 6:00 p.m. on Monday, February 18, 2008. The Bellaire City Council met at that time and on that date in Special Session (Executive Session) under the Texas Government Code, Chapter 551, Open Meetings Act, Section 551.072, Deliberation Regarding Real Property, for the purpose of discussing the possibility of a purchase of real property. The Special Session (Executive Session) was held in the Council Chamber (open portions) and Council Conference Room (closed portions), both of which were located on the First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401. Mayor Siegel announced that a quorum was present consisting of herself and the following members of City Council:

Councilman James P. Avioli, Sr., Position No. 2;
Councilman Phil Nauert, Position No. 4;
Councilman Pat McLaughlan, Position No. 5; and
Councilman John Jeffery, Position No. 6.

Councilman Will Hickman, Position No. 1, and Mayor Pro Tem Peggy Faulk, Position No. 3, arrived shortly after the City Council had convened in Executive Session. Other officials present were City Manager Bernard M. Satterwhite, Jr., City Attorney Alan P. Petrov, and City Clerk Tracy L. Dutton. City Clerk Tracy L. Dutton did not participate in the closed portions of the Special Session (Executive Session).

B. CONVENE in Executive Session (Closed Session to be held in the Council Conference Room) under the Texas Government Code, Chapter 551, Open Meetings Act, Section 551.072, Deliberation Regarding Real Property, to discuss the possibility of a purchase of real property for future use by the City of Bellaire, Texas.

MOTION TO CONVENE IN EXECUTIVE SESSION:

A joint motion was made by Councilman Pat McLaughlan and Councilman John Jeffery and seconded jointly by Councilman Phil
Nauert and Councilman James P. Avioli, Sr., to convene in Executive Session in the Council Conference Room, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, under the Texas Government Code, Chapter 551, Open Meetings Act, Section 551.072, Deliberation Regarding Real Property, to discuss the possibility of a purchase of real property for future use by the City of Bellaire, Texas.

VOTE ON MOTION TO CONVENE IN EXECUTIVE SESSION:

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

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

OPPOSED: None

ABSENT: Hickman, Will*
Faulk, Peggy*

*Councilman Will Hickman and Mayor Pro Tem Peggy Faulk arrived shortly after City Council had convened in Executive Session.

City Council convened in Executive Session at 6:01 p.m. on Monday, February 18, 2008.

C. RECONVENE (Open Session to be held in the Council Chamber) and take action, if any, on item(s) discussed in Executive Session – Action by Members of City Council.

City Council reconvened in Special Session in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, at 7:07 p.m. on Monday, February 18, 2008.

Mayor Cindy Siegel advised that City Council had met in Executive Session under the Texas Government Code, Chapter 551, Open Meetings Act, Section 551.072, Deliberation Regarding Real Property, to discuss the possibility of a purchase of real property for future use by the City of Bellaire, Texas. She advised that no action would be taken this evening.
D. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Councilman John Jeffery and seconded jointly by Councilman Pat McLaughlan and Councilman James P. Avioli, Sr., to adjourn the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, at 7:08 p.m. on Monday, February 18, 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

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 7:08 p.m. on Monday, February 18, 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;
Mayor Pro Tem Peggy Faulk, Position No. 3;
Councilman Phil Nauert, Position No. 4;
Councilman Pat McLaughlan, Position No. 5; and
Councilman John Jeffery, Position No. 6.
Other officials present were City Manager Bernard M. Satterwhite, Jr., City Attorney Alan P. Petrov, and City Clerk Tracy L. Dutton.

**B. INSPIRATIONAL READING AND/OR INVOCATION – Councilman Will Hickman.**

Councilman Will Hickman wished everyone a “Happy President’s Day,” noting that this was the day of observance of the birthdays of George Washington and Abraham Lincoln. He noted further that politics was in the air and that early voting started on February 19, 2008, for the primaries.

He continued and advised that this was a good time to discuss the story of Abraham Lincoln heading into his convention in third place at the time and how he miraculously won the nomination. He read an article that appeared in the *Chicago Tribune* dated May 18, 1860, as follows:

**The 1860 Republican Convention**

*Politics Chicago-style puts Lincoln over the top.*

A large and noisy crowd had already filled the meeting hall to capacity by the time the supporters of William H. Seward showed up for the third day of the Republican convention. It was no accident that the crowd—which bellowed its backing for Illinois’ favorite son, Abraham Lincoln—had arrived early. In retrospect, the hand of destiny is easy to see in Lincoln’s nomination on this day, but fate received considerable help from local admirers of “Honest Abe.”

The eloquent, self-assured, Seward, a U.S. senator from New York, was widely thought to have the nomination wrapped up; many deals had been cut, one of which put Chicago Mayor “Long John” Wentworth in the Seward camp. Lincoln had grown in national standing in the two years since his debates with Stephen A. Douglas, but he was still seen as something of a provincial. Fortunately for him, Chicago, which was hosting its first national political convention, was the heart of Lincoln country. To make sure a friendly crowd was on hand to out-shout the competition, batches of admission tickets were printed at the last moment and handed out to Lincoln supporters, who were told to show up early at the Wigwam, a rickety hall that held 10,000 people. And, for good measure, Illinois delegation chairman Norman Judd and Joseph Medill of the Chicago Daily Press and Tribune placed the New York delegates off to one side, far from key swing states such as Pennsylvania.

No candidate had a majority after two ballots. During the third ballot, with Lincoln tantalizingly close to winning the nomination, Medill sat close to the chairman of the Ohio delegation, which had backed its
favorite son, Salmon P. Chase. Swing your votes to Lincoln, Medill whispered, and your boy can have anything he wants. The Ohio chairman shot out of his chair and changed the state’s votes.

After a moment of stunned silence, the flimsy Wigwam began to shake with the stomping feet and the shouting of Lincoln backers who packed the hall and blocked the streets outside. A cannon on the roof fired off a round, and boats on the Chicago River tooted in reply.

The courthouse bell rang out, and soon church bells around the city took up the peal. The Republications had a candidate.

C. PLEDGES TO THE FLAGS – Councilman Will Hickman.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

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

D. APPROVAL OR CORRECTION OF MINUTES:

APPROVAL of minutes of the Regular Session (Town Meeting) of the City Council of the City of Bellaire, Texas, held Monday, February 4, 2008 – 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 Mayor Pro Tem Peggy Faulk and seconded by Councilman Phil Nauert to approve the minutes of the Regular Session (Town Meeting) of the City Council of the City of Bellaire, Texas, held Monday, February 4, 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.

Rhonda Hill, 1016 Howard Lane, Bellaire, Texas:

Ms. Hill addressed City Council and advised that Howard Lane was in the northeast corner of Bellaire and consisted of two blocks northeast of Bissonnet Street and Newcastle Drive. She advised further that she and her husband had lived in their home for 13 years and were grateful for the amenities of their location, the convenience, and their dependable neighbors. Over the last decade, she had noticed that the infrastructure on Mulberry and Howard Lanes had become neglected.

She advised that she wished to present a short list this evening of some concerns that she and some of her neighbors had and wished for City Council to be aware of. It was their hope that City Council could provide suggestions as to how the residents could address their concerns.

The first and most important concern was the amount of fast traffic that came through Howard and Mulberry Lanes. The area seemed to be the cut-through for traffic from Bissonnet Street and Newcastle Drive. Traffic had increased since Pin Oak Middle School was built. Ms. Hill indicated that school buses also used the streets as a corridor after school even though there was no drop off or pick-up on those streets.

There were 13 active children on the 1100 block of Howard Lane, and on any given afternoon, at least six or seven of those children were outside playing. Due to the increased traffic, the safety concerns for those children had become greater. Ms. Hill advised that she did not know what the solutions were and hoped that the City’s professionals could help the residents make the appropriate adjustments to eliminate the speeding and the amount of cut-through traffic.

Another concern was the increase in crime on Mulberry and Howard Lanes. Over the last few years there had been a larger number of attempted thefts and break-ins. Ms. Hill deferred to City Council, as the residents were not sure what steps to take in this regard.

Ms. Hill continued and indicated that their roads looked like spider webs because they had been patched so many times. The curbs were also disintegrating. She inquired as to what plans were on the books for those roads to be updated. She noted also that there was standing water in front of some of the driveways.
Street lighting was another concern mentioned by Ms. Hill. She indicated that she did not know if there was a standard in the City for street lights, but hoped City Council could tell the residents what to look for in that regard.

Finally, that area of town had always been missing a park north of Bissonnet Street. They were hoping City Council might have some suggestions as to how the residents might bring a park to their corner of Bellaire. The sidewalks that were along Bissonnet Street, which intersected Howard Lane, Newcastle Drive, and Mulberry Lane, were missing, pitched, or uneven. The residents were hoping to find out how they could get sidewalks from their homes.

{The allotted time ended for this speaker prior the conclusion of her comments}

Beth Ladinger, 1014 Howard Lane, Bellaire, Texas:

Ms. Ladinger addressed City Council regarding Howard Lane and needed improvements. She noted that her home had standing water in front of the driveway 365 days per year. She had lived in her home for more than two years, and it had never been dry.

Ms. Ladinger continued and referred to two vacant properties at the end of Howard Lane that were slated for commercial development. She advised that the residents were hoping that when the property was developed, the City would give some consideration to closing the street so that Howard Lane did not become the largest parking lot in the City.

Robert Riquelmy, 506 Winslow Lane, Bellaire, Texas:

Mr. Riquelmy addressed City Council and stated that he would like to report on the meeting that occurred on Saturday. It appeared that the Episcopal High School had submitted plans or proposals for $30 million worth of improvements to their property, including a parking garage. He noted that the effect of a parking garage on the community and their neighbors was not yet known.

Mr. Riquelmy closed by stating that he would like everyone to remember that some years ago when the sidewalk ordinance was then enforced, the Episcopal High School appeared before City Council
asking to be exempted from having to put a sidewalk along Bissonnet Street. They plead poverty.

Ira Crain, 100 Marrakech Court, Bellaire, Texas:

Ms. Crain addressed City Council and thanked all of her neighbors from Evergreen Street, Marrakech Court, Calvi Court, and other areas of Bellaire for coming tonight to show their support for respectfully requesting the grant of an exception from City Council’s not quite formal policy related to dual sidewalks on Evergreen Street.

Ms. Crain began by thanking City Council for reconsidering the situation with the City’s sidewalk policy. She advised that the survey that was sent out was not very successful because there was a misunderstanding from the general populace as to the purpose of the survey. She noted that in the City Council minutes dated December 4, 2006, and February 17, 2007, the City Council was told that the Planning and Zoning Commission wrote the Mobility System Policy (“Policy”) in 2002 and revisited and reassessed it in 2004. The Policy specifically stated that sidewalks would be evaluated on a block-by-block basis, and the majority of the property owners on an affected block would determine:

1) If sidewalks were to be constructed;
2) If sidewalks were to be placed on one or both sides of the street; and
3) If on only one side of the street, which side the sidewalks would go on.

In addition to policies that were already in place, the City’s consultant from Claunch & Miller, Inc., also recommended that sidewalks be installed only on one side of a street. Mr. Andrews (Claunch & Miller, Inc.) even answered the Mayor to say that if there was to be any kind of exception, that it should be done by studying the needs and to minimize conflict points for pedestrians, vehicles, crossing points, driveways, etc. Ms. Crain asked if such a study was ever done, noting that she did not believe so based on information the residents had obtained.

Also, Mayor Siegel (who the residents were very proud of) noted that the City’s default policy of sidewalk installation on both sides of the street was still in place, but that City Council also determined that streets would be reviewed on a case-by-case basis. Ms. Crain advised that deciding which side of the street to place a sidewalk on would not be a problem for residents of Evergreen as one sidewalk was already
in place on one side of the street. Residents were satisfied with that sidewalk and did not need another sidewalk.

In reviewing comments by resident Lynn McBee, who had provided some resource information to City Council regarding the AASHTO (American Association of State Highways and Transportation Organization), the higher the volume on the street, the greater the need for protection and safety through the installation of a sidewalk, though the sidewalk should be set back from the curb. The 4500 block of Evergreen Street did not have a high volume of traffic and did not really qualify as a collector street. Ms. Crain suggested that it should be reclassified as a local street. Additionally, it had already been determined that if the sidewalk were installed back from the curb, the City would be killing 18 mature trees.

In summary, Ms. Crain asked City Council to grant the residents on or near the 4500 block of Evergreen Street the same exception that was granted to Beech Street, Elm Street, and Fifth Street. The residents respectfully requested that City Council not install sidewalks on both sides of Evergreen Street.

Karen Schmidt, 4610 Evergreen Street, Bellaire, Texas:

Ms. Schmidt addressed City Council and advised that she had grown up in Bellaire and had attended Condit Elementary School and Bellaire High School. Her parents still lived in their home at 104 Berkshire Street, Bellaire, Texas. She noted that her parents were the original owners of their home, which was purchased in 1951. Ms. Schmidt advised that she, as well as her husband and twelve-year old daughter, had resided at 4610 Evergreen Street, Bellaire, Texas, since June of 1995. She noted further that she was very fond of Bellaire and wished the best for it and its residents.

The first thought Ms. Schmidt shared with City Council was based on what she had heard at the City Council meeting held January 21, 2008, during discussions of Phase Two of the Rebuild Bellaire Program. The “rule” regarding sidewalks in Bellaire was that sidewalks be constructed on both sides of a street. This rule, however, was applied only to major through streets, while residential streets were considered an exception. If this were so, where the exception was to construct a sidewalk on one side of the street only, clearly the majority of streets fell under the category of exception as Bellaire was a “City of Homes.” With regard to the two blocks of Evergreen Street, which fell inside the West Loop, Ms. Schmidt suggested that those two blocks be considered as a “hybrid” street of sorts. Evergreen Street at this point
could only be labeled a “through street” by virtue of the fact that it cut under Loop 610; however, in every other way, Evergreen Street was a neighborhood street.

Ms. Schmidt advised that she could see the need for sidewalks on both sides of true thoroughfares, such as Loop 610, Bellaire Boulevard, Chimney Rock Road, and South Rice Avenue. Although based solely on observation and not on a study, Ms. Schmidt felt that it was safe to say that the streets she mentioned carried high volumes of traffic every day throughout the day. While she believed those streets had very little pedestrian traffic because few walked for pleasure on those busy streets, if it were necessary to walk along them, crossing from one side with no walk to the other side with a walk could be daunting. This was not the case with Evergreen Street inside Loop 610. It was extremely easy to cross over two lanes that were basically residential in character to get to the other side. Moreover, if a pedestrian were approaching Evergreen Street from the south on Avenue B, that pedestrian would already be on the side of the street that had a sidewalk. If the pedestrian were approaching Evergreen Street from the north on Avenue B, the intersection was a four-way stop and could be crossed safely. A parallel case existed for Newcastle Drive, with a traffic light assisting pedestrians crossing from the north side of Evergreen Street to the south side of Evergreen Street in order to use the sidewalk. It was a very simple matter to access the sidewalk on the south side of Evergreen Street.

Even if the City were to construct a sidewalk on the north side of the 4500 block of Evergreen Street, the south side would clearly be the safer, easier choice. On the south side, one could walk from Avenue B to Newcastle Drive without crossing any streets. On the north side, however, pedestrians would need to cross two streets (Calvi Court and Marrakech Court) in order to reach Newcastle Drive.

Ms. Schmidt asked whether a study had been conducted to show the specific need for sidewalks on both sides of Evergreen Street inside Loop 610. She could personally see no need for sidewalks on both sides of the street. Ms. Schmidt stated that as a former professional, now a stay-at-home mother, she spent more time outdoors than indoors and saw only minor foot traffic on the existing sidewalk. The existing sidewalk appeared to be completely adequate.

She continued and advised that many neighbors did not allow their children to use the sidewalk, as they were afraid to send their children to Evergreen Pool on foot due to predators. Ms. Schmidt inquired as to how the cost could be justified unless a real need could be shown for another sidewalk on the north side of the street.
Secondly, during the City Council Meeting held on January 21, 2008, consideration was given to and action taken on requests by residents of the 4500 block of Maple Street, Bellaire, Texas, for permanent speed humps to control traffic. Most members of City Council did give ear to the wants and needs of the majority of the Maple Street residents. Ms. Schmidt hoped that City Council would do the same with the residents of the 4500 block of Evergreen Street.

Also in the City Council Meeting of January 21, 2008, a report was given regarding an Urban Forest Planning Strategy for Bellaire. There was great concern shown by City Council for the quantity, diversity, and health of trees in Bellaire. This same concern would need to be shown for what effect the new sidewalks would have on the existing, mature trees. This was a serious matter and should definitely be considered when determining whether or not to put in additional sidewalks where one sidewalk already existed.

{The allotted time ended for this speaker prior the conclusion of her comments}

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George Pierce, 4531 Evergreen Street, Bellaire, Texas:

Mr. Pierce addressed City Council and presented a yardstick for the purpose of indicating how long four feet was. He noted that the existing sidewalk in front of his home was four feet in width. He then showed how long five feet was on the same yardstick. He stated that the difference in width was hardly noticeable, and noted that it did not make sense to take up a good four-foot sidewalk and install a new five-foot sidewalk.

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Travis Burnett, 100 Marrakech Court, Bellaire, Texas:

Mr. Burnett addressed City Council and advised that since he was limited to only five minutes, he would state his conclusions, but would not able to support those conclusions. Mr. Burnett advised further that he tried his best to get a meeting through the City Manager with the City Attorney so the matter could be discussed lawyer to lawyer, but was not able to do so. Mr. Burnett noted that the City Attorney had attended all of the City Council meetings, but had not dissented or even discussed anything in the nature of legal rights. He had discussed procedural rights, but not legal rights.
The main basis for Mr. Burnett’s position was that City Council was trying to change the rules of the game in the middle of the contest. For instance, the residents had lived with the rules in existence before this attempted change for some 60-70 years. All during that time, the streets had been 28 feet in width. The City’s map showed a right-of-way of 60 feet; however, there had never been a 60-foot wide street. Mr. Burnett’s conclusion was based on a series of cases tried involving pipeline rights-of-way (i.e., for Exxon Corporation). The residents along and near Evergreen Street had no desire to have an adversarial relationship with the City, but they felt they had a right to express their legal views and had tried to do so with the City Attorney without any success.

Mr. Burnett stated that there were a number of things he could point out on maps that he was furnished that were inconsistent, but none of them showed the 28-foot width of the streets. He urged that this subject be assigned to the City Attorney so that the residents could have a detailed, legal discussion.

Mr. Burnett noted that most of City Council’s actions were based on safety. He had been in Houston since the 1940s and when he arrived, every street in downtown Houston was two-way. Now the streets were all one-way, and there was no problem with parking. If City Council really wanted to improve safety, the streets in Bellaire should be made one-way.

{The allotted time ended for this speaker prior the conclusion of his comments}

Kate Marx, 4530 Evergreen Street, Bellaire, Texas:

Ms. Marx addressed City Council and stated that she did not have a fundamental objection to sidewalks in their neighborhood and lived on the side of Evergreen that did not currently have sidewalks. She indicated that Evergreen Street between Loop 610 and Avenue B was redone within the last year or so. The street was completely torn back and no sidewalk was put on that side of the street. There was no sidewalk from Evergreen Street to Loop 610 on the north side of the street. If this default policy had been on the books for any length of time, it was not applied to a portion of Evergreen Street that had been redone recently.

She inquired as to why the City was making an “oasis” of one block between Avenue B and Newcastle Drive of sidewalks on both sides of the street. It did not make sense to the residents. She noted that she
and her neighbor walked every day down Evergreen Street to Newcastle Drive and up Holt Street. On Holt Street they had to walk down the street, as there were no sidewalks on either side of the street. They also walked along Teas Street, and there were no sidewalks on Teas Street either.

It seemed to Ms. Marx that the resources of the City would be well spent in making sure that every street had a sidewalk so that a child walking from their home to their neighbor’s home had a sidewalk to walk on. To put an extra sidewalk in an oasis that did not connect to the other side and did not get one through to the Loop did not make sense to the residents.

Again, if the policy had been in place for some time, she did not understand why sidewalks were not installed on the other portion of Evergreen Street. She appreciated the opportunity to address City Council and the new road and infrastructure that would be constructed in the 4500 block of Evergreen Street. She urged City Council to spend the infrastructure monies wisely.

Mary Alice Parmet, 4618 Evergreen Street, Bellaire, Texas:

Ms. Parmet addressed City Council to voice her concern over the construction of additional sidewalks on Evergreen Street. She noted that she had moved into her home 13 years ago and had fallen in love with the four very large, beautiful oak trees on the property, all of which were located within a few feet from the street. Since moving to Bellaire, she had spent thousands of dollars on annual deep root feeding, tree trimming, and lawn aeration so that the trees would thrive. Additionally, countless hours had been spent planting flowers underneath the trees to improve the beauty of her home, street, and neighborhood. If sidewalks were installed on the north side of the street that currently did not have sidewalks, the four very large oak trees previously mentioned, would surely be harmed.

Ms. Parmet advised that it was also important to mention that Evergreen Street had very little pedestrian traffic. The current sidewalk was more than adequate for the small number of people who used it. The Evergreen Street sidewalk was also repaired a few years ago, and it was in excellent condition. Very few people walked from outside the Loop, crossing under it to go to the pool or the park. If the City was worried about foot traffic, then attention should be focused on Baldwin Avenue, which was bustling with people walking in the street, jogging, walking their pets, small children on bicycles, and infants in strollers. Yet, within the entire one-mile stretch of Baldwin
Avenue, there was not one single sidewalk. It seemed wasteful to spend taxpayer money on a second sidewalk on Evergreen Street when the existing sidewalk was so infrequently used and other more active streets in the neighborhood had no sidewalk at all. As concerned citizens, she asked that the City please spend the tax dollars wisely and help the street live up to its “evergreen” name by not adding additional sidewalks on the north side of the street.

Joe Brown, 4534 Evergreen Street, Bellaire, Texas:

Mr. Brown addressed City Council and noted that he and his wife had lived in their home since 1999. He stated that he had intended to be present for the January 21, 2008, City Council meeting, but fortunately the Bellaire Emergency Medical Service got him to the hospital two hours before the meeting, which was why he was able to be present this evening. He thanked the City of Bellaire for that.

He advised that he and his wife had a concern with respect to how well taxpayer monies was being spent. He noted that the first two speakers this evening were a very good example of where money should be going. He saw very little pedestrian and vehicular traffic in the 4500 block of Evergreen Street, with the exception of the times when swim meets were being held at the Evergreen Pool. Those swim meets occurred about four-five times each year; however, future swim meets would be held at the Bellaire Pool in Bellaire Town Square.

Mr. Brown stated that he called the Public Works Department when this project came about and asked if they had any idea how much pedestrian traffic was on Evergreen Street. They did not have an idea. The residents who lived on Evergreen Street probably had a much better idea than most in the City as they were there every day. He also asked the Public Works Department if they had a traffic count for Evergreen Street and, if his memory was correct, he was told there was not one.

He advised that he would rather see City Council spend $10 per hour to count pedestrians before laying concrete, noting that concrete added to the run-off going into the wonderful drainage system to be installed. He strongly urged City Council to change the plan and stop the paving of the additional sidewalk on the north side of Evergreen Street.

Mr. Brown continued and advised that both his daughter and son lived in Bellaire. His daughter and granddaughters lived in the 4400 block of Jim West Street, and they sometimes walked to his home. He
would far prefer them walking on the south side of Evergreen Street, because the proposed sidewalk on the north side of Evergreen Street would abut the curb. He again urged City Council to give this issue careful thought and accede to the wishes and the needs of the residents of the 4500 block of Evergreen Street.

Mayor Cindy Siegel read the following written comments submitted for the record:

**Stacy Doctor, 4427 Jim West Street, Bellaire, Texas:**

I am in opposition to the proposed sidewalk on the south side of Evergreen Street.

**Gregg Brown, 107 Allendale Street, Bellaire, Texas:**

I am opposed to adding sidewalks on the other side of Evergreen. There are already sidewalks on one side of the street. Taxpayer funds could be put to better use. Also, it is a shame to tear up trees and landscape when sidewalks exist on the other side of Evergreen.

**David and Cathy Crabtree, 4614 Evergreen Street, Bellaire, Texas:**

I am opposed to the sidewalk project. I live on the north side of the 4600 block of Evergreen. I have a 40-inch diameter palm tree eight feet from Evergreen that would not survive. I purchased the lot because there was no sidewalk and an “enlarged” sidewalk is completely opposite.

**Chuck Koziol, 4528 Evergreen Street, Bellaire, Texas:**

Why put a second sidewalk on Evergreen when SEVERAL streets in Bellaire have NO sidewalks at all?
Jim L. Walkup, M.D., 4532 Evergreen Street, Bellaire, Texas:

I live at 4532 Evergreen in Bellaire. As you know, street repairs are presently in progress. We appreciate and value the effort to improve drainage of the area and the street surface. Most of the residents of the inner loop south side of Evergreen Street, including myself, however, are deeply concerned about the proposed plans for placement of sidewalks on the south side of Evergreen. Our concerns can be summarized as follows:

1. We do not appreciate the exchange of our front yards for unneeded and unused concrete sidewalks. The loss of and jeopardy to our grass, trees, shrubs, and other landscaping efforts will detract from our individual home value.

2. Although initially perceived as “beautification,” with time and deterioration, the sidewalks will become an eyesore that will be regretted in future years. One only has to look across the street to the north side of Evergreen to see this. With subsidence, broken uneven concrete, and failure to maintain the sidewalks, the appearance is not one of “beauty.” The homeowner will be left with this legacy.

3. A substantial expenditure of our tax money for sidewalks that are neither needed nor wanted is wasteful. This money could be better applied to additional street repairs or other projects that are indeed needed.

I would hope that you and the City Council members would review the above before making a final decision regarding implementation of additional sidewalks on Evergreen.

Thank you for your consideration.

Nina Brown, 4534 Evergreen Street, Bellaire, Texas:

I am against spending tax dollars on the proposed sidewalk on Evergreen when there is already a sidewalk on one side of the street and there are so many streets in Bellaire that have none.

Mayor Cindy Siegel asked the Bellaire City Council to consider moving agenda item II. G. 3. a. up at this point in the meeting. After
noting no objections from City Council, agenda item II. G. 3. a. was considered at this point in the meeting.

G. NEW BUSINESS:

3. ITEMS FOR INDIVIDUAL CONSIDERATION:

Criteria for Sidewalks During Street Reconstruction

a. CONSIDERATION of and possible action on a proposal to amend the default policy with respect to the construction of sidewalks in conjunction with the reconstruction of streets included in the Rebuild Bellaire Program – Action by Members of City Council to Amend the City’s Sidewalk Policy (Item submitted by Councilman Will Hickman).

Councilman Will Hickman introduced the agenda item before City Council. He began by noting that approximately 18 months ago, City Council adopted a default policy after holding discussions related to construction and sidewalks. The default policy stated that as new streets were constructed, sidewalks would be constructed on both sides of every street.

As individual streets came along, exceptions to the default policy came forth for streets identified as “local streets.” Councilman Hickman noted that Bellaire had four levels of streets as follows: primary arterials, secondary arterials, collector streets, and local streets. Evergreen Street was identified as a “collector street.” It was noted further that the top ten traffic streets fell into one of the first three categories (i.e., primary arterial, secondary arterial, or collector street). The top ten traffic streets were noted to be Chimney Rock Road, Bellaire Boulevard, Bissonnet Street, Loop 610, Fournace Place, South Rice Avenue, Glenmont Drive, Newcastle Drive, Avenue B, and Evergreen Street.

As local streets came up, City Council considered individual blocks. For example, with respect to Ferris Street, Fifth Street, Elm Street, and Beech Street, City Council decided that those streets did not need sidewalks on both sides of the street.

When primary arterials, secondary arterials, and collector streets came up, City Council stayed with the default policy and voted to install sidewalks on both
sides of the street. The City Council voted on Evergreen Street just over one year ago. At that time, he and the Mayor had both discussed the issue with several residents on Evergreen Street.

The reason that sidewalks were constructed while reconstructing the streets was because it was less expensive to do so. The City saved one-half of the cost by installing sidewalks while reconstructing a street versus retrofitting the sidewalk later. The reason City Council voted for local streets to have sidewalks on only one side was the fact that sidewalks cost $30,000 per block and local streets did not need sidewalks on both sides of a street, whereas major streets justified the cost for sidewalks on both sides of a street.

He noted further that the Evergreen Streets were voted on over one year ago, and advised that he was not sure of the exact status of the project at this particular time. If the Evergreen Street residents wanted to change from two sidewalks to one sidewalk, then that item was not on the agenda this evening. From a procedural standpoint, the residents needed to convince one member of City Council to place that item on the agenda and then convince four members of City Council to vote for it.

The point of discussion this evening was Bellaire’s policy for all other streets going forward under the Rebuild Bellaire Program.

**MOTION TO ADOPT POLICY:**

A motion was made by Councilman Will Hickman and seconded by Mayor Cindy Siegel to adopt the Proposed Sidewalk Improvements Criteria developed at the request of the Bellaire City Council, which included suggestions from City Staff, City Council, and Claunch & Miller, Inc., Consulting Engineers.

Said policy has been reprinted in its entirety for the record below:

**Default Criteria:**

- Primary Arterial Streets (Chimney Rock Road, Bellaire Boulevard, Bissonnet Street, and Interstate Highway 610) – Sidewalks should be constructed on
both sides of the street, a minimum 5’ wide, with a preferred 5’ minimum set back from curb.

- Secondary Arterial Streets (Fournace Place and South Rice Avenue) – Sidewalks should be constructed on both sides of the street, a minimum of 5’ wide, with a preferred 5’ minimum set back from curb.

- Collector Streets (Glenmont Drive, Newcastle Drive, Evergreen Street, and Avenue B) – Sidewalks should be constructed on both sides of the street, a minimum of 5’ wide, with a preferred 5’ minimum set back from curb.

- Local Streets (all others) – Sidewalks should be constructed on one side of the street, 4’ wide, with up to 5’ set back from curb.

**Location Consideration**

- Sidewalks should be constructed in a location that minimizes points of conflict, such as street crossings and driveways, and on a route to the nearest school or other major pedestrian destination.

- Consideration should be given to the side of the street with the greatest distance between the curb and the right-of-way line where the pavement is offset significantly from the center of the right-of-way.

- Sidewalks should be constructed to minimize the impact to existing trees and landscaping.

- Sidewalks should be constructed on the side of the street where at least 50% of lots have existing sidewalks or 50% of the block has existing sidewalks.

**Construction Criteria**

- Sidewalks should be constructed in conformance with the latest Department of Public Works sidewalk improvements construction criteria.

- Sidewalks should be constructed in conformance with the most recent regulations of other governing
agencies with jurisdiction including, but not limited to, the Texas Department of Licensing and Regulation (TDLR), Texas Accessibility Standards (TAS), and the Americans with Disabilities Act (ADA).

- Reinforced concrete should be used for sidewalk construction unless, for the preservation of existing trees, the owner of the lot adjacent to the right-of-way where the sidewalk is proposed, requests an alternate construction material acceptable to the Director of the Department of Public Works and compensates the City for the difference in cost between the alternate construction and the standard construction proposed for the location. The cost of additional surveying and/or engineering services associated with the alternate construction shall also be borne by the requesting property owner. Such compensation shall be provided prior to construction and in such time as not to delay construction of standard materials construction.

Exceptions to General Policy

- The Policy set by the above criteria is General Policy and exceptions for safety or other reasons deemed necessary by the Department of Public Works may supersede the General Policy, such as providing sidewalks on both sides of the street and/or increasing the width of the sidewalk to greater than 4’ on local streets.

- It is the intent of this Policy to provide safe pedestrian routes on all streets within the City of Bellaire. Sidewalks are preferred to be constructed at least 5’ away from the curb for the safety of the pedestrian and to facilitate the construction of driveway approach slabs sloping toward the street gutter.

- To minimize the impact to trees and landscaping, the sidewalks may be constructed as little as 2’ away from the curb or adjacent to the curb in the immediate area of the obstruction. It is preferable to construct the sidewalk at least 5’ wide if the sidewalk is constructed adjacent to the curb. The sidewalk may be constructed at a width less than 4’ for a short distance to minimize the impact to a mature
tree, however, should be constructed in conformance with TDLR, TAS, and the ADA.

**DISCUSSION:**

Councilman Pat McLaughlan stated that he wished to make an amendment to the proposed sidewalk criteria. Said amendment was stated as follows:

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

An amended motion (no. 1) was made by Councilman Pat McLaughlan to add another paragraph under “Default Criteria” to state that sidewalks shall be constructed on both sides of a street within 1,000 feet of any public facility, such as schools, parks, and city buildings.

Amendment (No. 1) failed due to lack of a second.

**DISCUSSION (CONT.):**

Councilman John Jeffery asked if the length of a street were used to determine its type, such as a “collector street.” He noted that some portions of a street might be considered “local” and other portions of that some street might be considered “collector.”

Mayor Cindy Siegel advised that the City’s zoning ordinance, set forth in Chapter 24 of the City Code, designated the street types.

Councilman Jeffery asked for confirmation that the zoning district dictated the street type.

City Attorney Alan P. Petrov stated that Chapter 24 set out definitions and within those definitions specific streets were named (i.e., the whole length of those streets).

Councilman Hickman stated that, through his motion, he was hoping that City Council could adopt a policy that would be used more often. Currently, the City was granting an exception every time a local street came up. Rather than handling those on an exception basis, the “exception” would become the new policy. City Council would still have the ability to make an exception if, for
example, a street were near a park or school or a part of a secondary, collector, or primary, that did or did not need two sidewalks,

Councilman James P. Avioli, Sr., noted that he was new to the discussion among members of City Council, but was familiar with Ferris Street and Evergreen Street. He was a member of the audience when the Ferris Street residents appeared before City Council to make their case and certainly he had heard the audience make their case on Evergreen Street.

Procedurally, he was not sure how City Council dealt with this issue. City Council had heard the people this evening, and Councilman Avioli indicated that he thought City Council ought to listen.

Mayor Siegel advised that procedurally Councilman Avioli had the option of bringing that item forward to City Council on a later agenda. The contract for that project had been let, the engineering completed, and construction had begun. Even if the policy were changed this evening, it would not change the contract that had been let for Evergreen Street. That change in contract would need to come up at another City Council meeting.

Councilman Phil Nauert noted that two threads of conversation were going on at the same time. One thread would be to address the concerns of the residents that had spoken this evening and procedurally that could not be done. Whether City Council would like to or not, the item had not been placed on the agenda for this evening and would not become a part of the evening’s action.

He believed that criterion was a good idea and City Council could learn from what had been heard from the residents. He noted that he lived near the 4500 block of Evergreen Street and although he believed very strongly in sidewalks, he questioned whether two sidewalks were twice as good as one sidewalk. One sidewalk was a great deal better than no sidewalk at all, but he questioned what a second sidewalk added. Councilman Nauert offered an amendment to the default policy, noting that unfortunately it did not have any bearing on the construction at hand, which could be addressed at
another time if someone so chose. The amendment offered by Councilman Nauert was stated as follows:

**AMENDMENT (NO. 2) TO MOTION TO ADOPT POLICY:**

An amended motion (no. 2) was made by Councilman Phil Nauert to redefine the criteria for collector streets as follows:

- **Collector Streets (Glenmont Drive, Newcastle Drive, Evergreen Street, and Avenue B) –** Sidewalks should be constructed on one side of the street, 4’ wide, with a 5’ set back from curb.

Councilman John Jeffery seconded the amended motion.

**DISCUSSION (CONT.):**

Councilman Jeffery stated that the developers and founders of Bellaire constructed sidewalks on one side of streets. He inquired as to whether the Zoning Code came in later and made Evergreen Street a “collector street.” He stated that he was trying to follow the logic.

City Attorney Petrov advised that the City’s zoning regulations were adopted much later and probably mirrored what existed at the time more than anything else. The Zoning Code did not discuss sidewalks. It defined different types of streets.

Councilman Jeffery advised that he would support Councilman Nauert’s amendment, but thought it might be simpler for the City to design future sidewalks on streets as the sidewalks existed today. In other words, the City should follow the preliminary design. If there was enough citizen support to add a sidewalk, then the citizens could bring that forward to City Council.

Mayor Siegel indicated that there were streets in Bellaire with no sidewalks on either side.

Councilman Jeffery stated that the City had not put in sidewalks on all of the street reconstruction projects undertaken to date.
Mayor Siegel advised that the City had put in new sidewalks in the last few years.

City Manager Bernard M. Satterwhite, Jr., advised that Fifth Street, for example, had no sidewalks prior to its reconstruction.

Mayor Pro Tem Peggy Faulk stated that she wished to address the sidewalk width. She indicated that on many streets with sidewalks four feet in width, people were still forced to push their strollers in the dark on the street when passing someone else. She was not in favor of the four-foot width, but would support a five-foot width.

Councilman McLaughlan agreed with Mayor Pro Tem Faulk regarding the five-foot width of a sidewalk. He advised that the number of people he saw in the street continually concerned him. Two people could not comfortably walk side-by-side and converse while walking on a four-foot sidewalk.

A five-foot wide sidewalk would allow people to walk side-by-side and provided adequate space to push a stroller.

In terms of visual impact, there was little difference between a four-foot wide and a five-foot wide sidewalk. He thought there was some real merit to a five-foot wide sidewalk, noting that it would be a significant safety improvement in terms of getting some of the walkers and strollers out of the street and onto the sidewalk.

Councilman Hickman agreed with Councilman McLaughlan, noting that he used the sidewalk on Avenue B north of Bellaire Boulevard three-four times a week. He had to cross back and forth on that portion of Avenue B just to stay on the sidewalk. He would not support the amendment because on at least that section of Avenue B there was significant foot traffic. With respect to the four-foot versus five-foot issue, when passing someone with a stroller, one or the other had to get off of the sidewalk to pass each other. He believed that the primary, secondary, and collector streets did need sidewalks on both sides of the street.

Mayor Siegel indicated that she would not support the amendment either. She, too, lived in the neighborhood
and walked the streets. One of the citizen comments made in January was that because of the additional traffic on Evergreen Street, the street needed speed humps or a possible three-way stop. That told the Mayor that the City's collector streets did get more traffic. When the traffic study was done for Newcastle Drive, the City was told that there was significant traffic on that street traveling as high as 70 miles per hour.

The purpose of the sidewalks was to create a network. The sidewalks were not just serving the neighbors adjacent to those sidewalks. The City's streets were being redesigned to hold additional drainage for the people living on that street, as well as the whole area adjacent to that street. It was cheaper to install sidewalks during street reconstruction. The reason the City was not installing sidewalks during a resurfacing project was because resurfacing consisted of an asphalt overlay, not concrete.

She noted that it was difficult to make a differentiation between when a street was a “collector street” and when it was a “local street.” Evergreen Street outside of Loop 610 had sidewalks on both sides of it. She noted that sidewalks provided safety for a neighborhood and the City.

Mayor Siegel noted further that sidewalks had been discussed numerous times over the years and City Council had tried different policies. At one time, people were told to construct a sidewalk when they constructed a new home. People then complained because the City had piecemeal sidewalks and they wanted the sidewalks to be contiguous.

VOTE ON AMENDMENT (NO. 2) TO ADOPT POLICY:

Amended motion (no. 2) failed on a 3-4 vote as follows:

FOR: Avioli, James P.  
Nauert, Phil  
Jeffery, John

OPPOSED: Siegel, Cindy  
Hickman, Will  
Faulk, Peggy  
McLaughlan, Pat
ABSENT: None

DISCUSSION (CONT.):

Mayor Pro Tem Faulk advised that she wished to propose an amendment to the default criteria. The amendment was stated as follows:

AMENDMENT (NO. 3) TO MOTION TO ADOPT POLICY:

An amended motion was made by Mayor Pro Tem Peggy Faulk to redefine the criteria for local streets as follows:

- Local Streets (all others) – Sidewalks should be constructed on one side of the street, 5’ wide, with up to 5’ set back from curb.

Councilman Pat McLaughlan seconded the amended motion.

VOTE ON AMENDMENT (NO. 3) TO MOTION TO ADOPT POLICY:

Amended motion (no. 3) failed on a 3-4 vote as follows:

FOR: Faulk, Peggy
Nauert, Phil
McLaughlan, Pat

OPPOSED: Siegel, Cindy
Hickman, Will
Avioli, James P.
Jeffery, John

ABSENT: None

After noting no further discussion, Mayor Siegel called for a vote on the original motion.

VOTE ON ORIGINAL MOTION TO ADOPT POLICY:

Motion carried on a 4-2-1 vote as follows:

FOR: Hickman, Will
Faulk, Peggy
F. REPORTS:

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

City Manager Bernard M. Satterwhite, Jr., presented the City Manager’s Report to City Council. The report consisted of the following Mission Areas: Residential Safety, Residential Quality of Life, and Internal Operations/Productivity, as well as Crime and Building Permit Indicators, Current Issues/Information, and Upcoming City Council Meetings/Events.

MISSION AREAS:

Residential Safety

City Manager Satterwhite advised that the Police Department activity for the month of January 2008 included 38 Part I crimes, 54 traffic accidents, zero robberies, two motor vehicle thefts, and seven burglaries of a building. It was noted that most of the crimes were in line with the same period of the previous year, with the exception of burglaries of a building, which was slightly high for a single month.

It was noted further that identity theft continued to rise. There were things people could do to mitigate their risk. He referred citizens to the Bellaire Police Department website, www.bellairepolice.com, for more information on combating identity theft.

Residential Quality of Life

City Manager Satterwhite noted that the first major Centennial event, a Valentine’s dance, sponsored by the Bellaire L.I.F.E. Advisory Board and the Parks and Recreation Department, was a major success. That event opened the door for the rest of the Centennial events to occur throughout the coming year.
Internal Operations/Productivity

A Staff Strategic Planning Retreat had been set for March 6 and 7, 2008. The Retreat was timed to follow the City Council goals and objectives planning. Although the City Council goals and objectives might not be officially adopted by that time, Staff would continue to plan ahead based on the information that had already been received.

Staff would also discuss internal processes, and the Retreat would be held in the CenterPoint Energy Community Center.

INDICATORS:

Crime

With respect to indicators, individual crimes were running the same as the previous year, with the exception of burglary of a building, as mentioned earlier.

Building Permits

In fiscal year 2008, building permits were running strong. The number of permits issued had declined slightly, however, the values were greater than the same period of the previous two years.

CURRENT ISSUES/INFOGRAPHIC:

Aquatics Facility Update

City Manager Satterwhite stated that the punch list items left on the Aquatics Facility were completed, and the paperwork was being finalized. Everything was turning out to be the way the City had envisioned.

Additionally, the tile wall was being installed. There had been a slight problem in that the number of tiles to be installed and the spacing were off, but City Staff was getting that situation rectified. The tiles were laid out on the second floor of the Aquatic Family Center, and City Manager Satterwhite understood that those looked great.

The parking lot refurbishing on both sides of the Aquatic Facility should commence the last week in February. It would involve the resurfacing and re-striping of both sides of the lot. This should suffice until the City designed the final parking lots that would go with Bellaire Town Square.
UPCOMING CITY COUNCIL MEETINGS/EVENTS:

<table>
<thead>
<tr>
<th>Type of Meeting</th>
<th>Date</th>
<th>Time</th>
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</thead>
<tbody>
<tr>
<td>Regular Session</td>
<td>03/03/2008</td>
<td>7:00 p.m.</td>
</tr>
<tr>
<td>Workshop Session on Facilities</td>
<td>03/10/2008</td>
<td>7:00 p.m.</td>
</tr>
<tr>
<td>Regular Session*</td>
<td>03/24/2008</td>
<td>7:00 p.m.</td>
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*City Manager Satterwhite indicated that there was an item on this evening’s agenda to move the Regular Session scheduled on March 17, 2008, to March 24, 2008. Provided that item passed, it was anticipated that the second meeting in March would occur on March 24, 2008.

QUESTIONS//COMMENTS FROM CITY COUNCIL:

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

Q: **Councilman John Jeffery** referred to a citizen comment made earlier in the meeting related to a rise in crime in the Howard Lane area of town. He inquired as to whether the City looked into those specific areas that increased.

A: **City Manager Satterwhite** advised that he received a monthly report depicting crime in the City geographically. He had not noticed a specific increase in the Howard Lane area, but would take a look at it.

Q: **Mayor Cindy Siegel** inquired as to whether the Police Department could place the speed limit trailer on Howard Lane to address some of the speeding in the area.

A: **City Manager Satterwhite** advised that the City would perform a traffic enforcement assignment in the area.

Q: **Mayor Siegel** referred to the comment that school buses were utilizing the street as a cut-through.

A: **City Manager Satterwhite** stated that the City could not dictate where the school buses went. He would look into whether or not Howard Lane had a “no truck” designation, noting that some streets in Bellaire were designated as such.

Q: **Councilman James P. Avioli, Sr.**, inquired as to whether the City was changing police car types to Dodge makes.
A: City Manager Satterwhite advised that the City was changing the traffic enforcement division to a Dodge make. Dodge just got back into the police car business, and the Dodge Chargers were a little cheaper than the Ford Crown Victoria makes previously purchased.

He referred to the different markings on the police cars as well, noting that the markings were transparent.

Q: Councilman Avioli inquired as to whether the City competitively bid for its police vehicles.

A: City Manager Satterwhite stated that the police cars were purchased through the Houston-Galveston Area Council, who had competitively bid for the vehicles in accordance with state law. He stated further that the City of Houston had changed all of their traffic enforcement division to Dodge Chargers as well.

Q: Mayor Siegel inquired as to whether the existing landscaping would have to be removed when the parking lots were refurbished.

A: City Manager Satterwhite indicated that some of the landscaping would be removed to create some additional parking.

MOTION TO ACCEPT REPORT INTO THE RECORD:

A joint motion was made by Mayor Pro Tem Peggy Faulk and Councilman Pat McLaughlan and seconded by Councilman John Jeffery to accept the City Manager’s Report as presented by City Manager Bernard M. Satterwhite, Jr., into the record.

VOTE ON MOTION TO ACCEPT REPORT INTO THE RECORD:

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

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

2. FINANCIAL REPORT – Chief Financial Officer Donna Todd.

Chief Financial Officer Donna Todd presented the Financial Report for the City of Bellaire, Texas, to City Council for the four months ended January 31, 2008, as compared to the previous year, fiscal year 2007.

Revenues

Chief Financial Officer Todd indicated that the City’s revenues were up $317,000, which was an increase of 3%. This was primarily due to property tax collections, which were slightly accelerated versus the prior year.

Water and sewer revenues were also higher, as well as other utility operations. The City’s sales taxes remained strong and were $66,000 higher than last year at this time.

The downer was the City’s investment earnings, which were lower. Chief Financial Officer Todd noted that she was sure that everyone was aware of the declining interest rates. Last year the rates were at 5-¼%. Currently, those rates were at 3% and were projected to continue declining throughout 2008.

Expenditures

The expenditures were up about 14% over last year. One-half of that increase was related to capital spending, which included carryovers from the prior fiscal year. Compared to the budget, the City’s first four months were in line statistically. The City had completed about 1/3 of its fiscal year.

Comparison of Actual to Budget

Chief Financial Officer Todd indicated that the City’s revenues were at 32% of the budget and the expenditures were at 34% of the budget.

Housing

With respect to housing (excluding “by owner” sales and leases), there were 163 residential properties for sale and 20 houses for lease in January. This compared to 142 and 16, respectively, in December.
In terms of new construction in 2007, the average value was $564,000 versus $479,000 in 2006. The average per unit for 2008 was $654,000. Even though the City might be seeing a decline in the actual quantity of building permits issued, the values were increasing.

Chief Financial Officer Todd next referred to an article that she had seen that included some information from the Houston Area Realtors. That article indicated that single-family home sales were down 3% in the area, however, optimism was also indicated for 2008 despite the fact that you “can’t set a record pace every year.” In a more recent article on national housing statistics, Merrill Lynch stated that there was variation in local housing markets and predicted stable prices for 2008.

**Annual Audit**

It was noted that the City’s auditors had completed their fieldwork and were currently working on reporting in their own offices.

**QUESTIONS/COMMENTS FROM CITY COUNCIL:**

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

**Q:** Councilman Will Hickman inquired as to whether there was anything in the financial report that troubled Chief Financial Officer Todd.

**A:** Chief Financial Officer Todd stated that there was not. She tried to highlight anything that looked out of line or a large swing. There were many timing differences in various line items, but if there were something significant, she would report it.

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

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman James P. Avioli, Sr., 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 7-0 vote as follows:

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

OPPOSED: None

ABSENT: None

G. NEW BUSINESS:

1. CONSENT AGENDA:

Bid Rejection

a. CONSIDERATION of and possible action on the approval of a request from the Bellaire Fire Department to reject the bids received under Bid No. 08-004, Renovation of Three-Story Fire Department Training Tower, and authorization for City Staff to re-bid this project – Action by Members of City Council to Approve Rejection of Bid and Authorize Re-Bid (Item submitted by Fire Chief Darryl Anderson).

Donation

b. CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, accepting a donation in the amount of $8,512.00 from the Friends of the Bellaire Library for the purchase of reference material, science and history sets, support for children’s and teen programs, promotional magnets, Born to Read kits, Bookpage magazine, Playaways, and assistance with a teen writing project to be utilized by the Bellaire City Library – Action by Members of City Council (Item submitted by Director of Library Mary A. Alford).

After noting that no member of City Council wished to pull an item from the Consent Agenda for separate discussion, Mayor Cindy Siegel called for a motion to approve the Consent Agenda.
MOTION TO APPROVE CONSENT AGENDA:

A motion was made by Councilman John Jeffery and seconded by Councilman Phil Nauert to approve the Consent Agenda dated February 18, 2008, consisting of the following items:

- Request from the Bellaire Fire Department to reject the bids received under Bid No. 08-004, Renovation of Three-Story Fire Department Training Tower, and authorization to re-bid project; and

- Adoption of a resolution of the City Council of the City of Bellaire, Texas, accepting a donation in the amount of $8,512.00 from the Friends of the Bellaire Library for the purchase of reference material, science and history sets, support for children’s and teen programs, promotional magnets, Born to Read kits, Bookpage magazine, Playaways, and assistance with a teen writing project to be utilized by the Bellaire City Library.

VOTE ON MOTION TO APPROVE CONSENT AGENDA:

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*

*Mayor Pro Tem Peggy Faulk stepped away from the Council table temporarily at this point in the meeting and did not participate on the vote on the Consent Agenda.

{Resolution was subsequently numbered: 08-03}
2. ADOPTION OF ORDINANCES:

Agreement and Contract

Water Tank Rehabilitation

a. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute a Final Change Order (No. 1) with Gulf States Protective Coatings, Inc., to a contract for the rehabilitation of the elevated storage tank and ground storage tank at the Feld Park Water Production and Distribution Plant consisting of a net increase in said project of $4,098.00, and approval for the City of Bellaire, Texas, to make the final payment to Gulf States Protective Coatings, Inc., on said contract in an amount not to exceed $24,139.24 – Action by Members of City Council to Adopt Ordinance (Item submitted by Director of Public Works Joe Keene).

Mayor Cindy Siegel advised that although this agenda item reflected an increase over the contract amount, a budget amendment was not required because the budget for the project was higher than the bid.

MOTION TO ADOPT ORDINANCE:

A motion was made by Councilman John Jeffery and seconded by Councilman Pat McLaughlan to adopt an ordinance of the City Council City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute a Final Change Order (No. 1) with Gulf States Protective Coatings, Inc., to a contract for the rehabilitation of the elevated storage tank and ground storage tank at the Feld Park Water Production and Distribution Plant consisting of a net increase in said project of $4,098.00, and to approve the City of Bellaire, Texas, to make the final payment to Gulf States Protective Coatings, Inc., on said contract in an amount not to exceed $24,139.24.

SUMMARY:

City Manager Bernard M. Satterwhite, Jr., indicated that the increase in the agenda item related to
additional, minor modifications that had to be made once the interior of the tank could be more thoroughly assessed. He noted that the engineer on the project, Ralph Cox of Klotz Associates, Inc., was present this evening to answer any questions that City Council might have with regard to this project closeout.

**QUESTIONS/COMMENTS FROM CITY COUNCIL:**

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

**Q:** Councilman Will Hickman inquired as to whether the contract was on an hourly basis or on a lump sum, noting that he agreed that the increase was a small one.

**A:** Ralph Cox, P.E., Klotz Associates, Inc., advised that the contract was set up on a lump sum basis. Additional pay items were also included in the original contract for items that the engineers felt might arise upon a more thorough investigation of the interior of the tanks. This particular item turned out to be a lot of mud that was in the bottom of the tank and had to be removed.

He was not quite sure where the mud came from, but theorized that it was likely from the City of Houston, as this particular ground tank was one of the take points.

**C:** Councilman Pat McLaughlan advised that the City of Bellaire had four water production facilities. The State of Texas required that the City only have two water production facilities, if he remembered correctly. He hoped that some time in the future City Staff, in cooperation with the City’s water consultants, would be able to work at deleting one or more of the four plants that the City continued to maintain and spend taxpayer dollars on when the State of Texas advised that only two plants and a Houston tie-in were required.

**R:** City Manager Satterwhite indicated that a discussion of water and wastewater issues for the
City would be forthcoming to City Council in the very near future.

**Mayor Siegel** noted that City Staff was working on scheduling a City Council Workshop Session for that very purpose.

**Q:** **Councilman Phil Nauert** asked what the expected service life would be for the work that was done under this project.

**A:** **Mr. Cox** stated that the elevated tank was approximately 50 years old, and the ground storage tank was not quite as old. The existing coating of the tanks was removed down to the bare metal. There were several areas of corrosion where new pieces of metal had to be welded in. The coating system that was put back on the tanks was a high performance system that should last at least ten years, possibly as many as 15-20 years.

Mr. Cox advised that the substantial completion of the contract occurred in December of 2007, and the warranty on the system was effective for 12 months. In the eleventh month, the City would drain the tank and take a look at it to make sure it was holding up as it was supposed to.

In summary, Mr. Cox noted that the tanks were still very functional and had a good coating system in place, but were getting older in terms of age.

**C/Q:** **Councilman Nauert** advised that some years ago when the Renwick Water Tank was inspected, the tank was discovered to be in poor condition and there were some substantial structural concerns. He noted that it was difficult to recondition a tank in that condition.

He stated that he would hope that the City drained the tanks regularly to ensure that the coatings were performing the way anticipated. If the City waited until the tanks were structurally unsound, the cost would escalate in a hurry.
Councilman Nauert inquired as to whether there was a standard for the amount of sediment in water that Bellaire was getting from the City of Houston.

A: Mr. Cox stated that the amount of sediment should be close to zero. He was uncertain as to what had happened. One possibility was that Houston had a line break and flushed it, causing sediment to end up in the City of Bellaire’s tank. He stated that he really had no idea as to how this had occurred.

It was noted that when the contractor discovered the mud, he called Klotz Associates, Inc. One of the engineers went out to the site and found pieces of gravel substantial in size, as well as shell, in the bottom of the tank which indicated to Mr. Cox that there was a line break somewhere in Houston.

Additionally, all of the tanks in Bellaire were inspected in 2005 and 2006. At that time, the engineers saw a thin layer of sand in the bottom of the City’s tanks, which was typical. The amount seen at Feld Park was not typical.

C: Councilman Nauert indicated that he felt it was most important for the City to inspect the tanks frequently enough to address any needs as soon as possible.

R: Mr. Cox stated that the recommendation of the American Waterworks Association was to perform a cursory examination of tanks (by looking inside without draining) once a year and to drain the tanks and to perform a more thorough inspection once every two-three years.

Q: Councilman McLaughlan noted that Bellaire received water from two sources—the City of Houston (lake water) and Bellaire’s own groundwater wells. He inquired as to whether the mud on the bottom of that tank could have come from a malfunction or deterioration of one of the City’s groundwater wells.
A: Mr. Cox stated that it was possible. There were some pretty large particles in the tank that more than likely could not have come through the well screen. The City had someone televise the well recently and it showed that the screen needed to be cleaned, but there were not any big holes that would have allowed particles of the size he had seen to come through.

Q: Councilman Hickman advised that the City had talked months ago about the possibility of painting or placing some type of sign on the Feld Park elevated storage tank for the City’s Centennial. He inquired as to whether there was an update on the status of that project.

A: City Manager Satterwhite indicated that the cost to paint one side of the tank was $10,000.

**VOTE ON MOTION TO ADOPT ORDINANCE:**

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: 08-007}

**Code Amendment**

b. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 2, Administration, Article I, In General, Section 2-10, Investment policy, of the Code of Ordinances of the City of Bellaire, Texas, by repealing the existing Section 2-10 and adopting a new Section 2-10, Investment policy, for the purpose of updating and reorganizing said policy – Action by Members of City Council to Adopt Ordinance (Item submitted by Chief Financial Officer Donna Todd).
MOTION TO ADOPT ORDINANCE:

A motion was made by Councilman John Jeffery and seconded by Councilman James P. Avioli, Sr., to adopt an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 2, Administration, Article I, In General, Section 2-10, Investment policy, of the Code of Ordinances of the City of Bellaire, Texas, by repealing the existing Section 2-10 and adopting a new Section 2-10, Investment policy, for the purpose of updating and reorganizing said policy.

DISCUSSION:

Councilman James P. Avioli, Sr., stated that he felt that the policy proposed was a very good one. He noted that he had reviewed it with an eye toward some of the adverse impact of investments that some of the retirement funds felt when their portfolio contained Enron stock. He saw that the City’s policy covered almost everything he had a concern about.

He continued by referring to page 6 and noted that the City would not do anything with derivatives. He noted further that the City did have the opportunity to do things with an investment pool. He wondered if that might be an area where the City could have some exposure with different businesses that might be high risk. On page 8, the City had certain criteria, percentage-wise, as to how much could be invested in different securities. He wondered if it would be prudent to put in a percentage limit as to how much could be invested in investment pools.

Chief Financial Officer Donna Todd indicated that the City was currently invested in three investment pools, which was the limit of the City’s diversification. One of the things that she had tried to address in the policy was the fact that being diversified within an asset class was not true diversification.

The policy, as it was written before, needed to be fleshed out to more completely embrace parts of the Public Funds Investment Act (“Act”). That Act was what dictated how public funds in Texas were invested and managed. The policy before City Council this evening was an attempt to be more encompassing and more
thorough in providing guidance to the Chief Financial Officer and others in the City who were investing, as well as to give City Council an awareness of some of the very things Councilman Avioli pointed to in terms of guidelines and areas of concern.

Currently, the City was invested in three public funds investment pools in Texas. Those pools were also required to follow the guidelines of the Act. Some of the pools offered a higher rate if an entity would accept commercial paper in their program. Several years ago one of the pools that was heavily invested in commercial paper and that had not done sufficient due diligence created some problems for the cities invested in those pools by tying up their funds for two years. One of her previous employers had been tied up in that pool. The principal and some interest was returned, but not for a period of two years. This was the reason that it was wise to invest in more than one public funds investment pool. It was also important to diversify outside of those pools to protect your assets in the event that one asset class had a problem.

Councilman Avioli asked for confirmation that the City had roughly $35 million to invest and inquired as to what percentage of that money was invested in the investment pools.

Chief Financial Officer Todd indicated that all of it was invested in the investment pools, and this was one of her concerns. She felt that the City should start to take some of its money and place it in other types of assets that were within the boundaries of the policy in order to diversify the entire portfolio.

Councilman Avioli stated that his interpretation of investment pools must not be correct. He asked for confirmation that monies invested in federal securities or Certificates of Deposit were not considered an “investment pool.”

Chief Financial Officer Todd advised that Councilman Avioli was correct.

Councilman Avioli asked for confirmation that all $35 million was invested in an investment pool.
Chief Financial Officer Todd stated that Councilman Avioli was correct. She noted that she could invest in bank Certificates of Deposit.

Councilman Avioli referred to the City’s financial report and advised that he thought the City had listings of bank investments.

Chief Financial Officer Todd stated that the City had cash in its depository bank and that was included on the investment report.

Councilman Avioli asked if Chief Financial Officer Todd felt that the policy was okay without having a percentage limit on investment pools.

Chief Financial Officer Todd advised that she was comfortable with the policy not have a percentage limit on investment pools.

Councilman Will Hickman asked if there were new investments that the City could invest in now that it could not before under this policy and vice versa.

Chief Financial Officer Todd stated that the authorized and prohibited investments remained unchanged, however, the prohibited investments were expanded. She noted that the language in the previous policy was a little broad and she had tightened that language. However, the types of investments were not changed.

VOTE ON MOTION TO ADOPT ORDINANCE:

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: 08-008}
Meeting Date Change

c. CONSIDERATION of and possible action on the adoption of an ordinance authorizing a change in the date of the second regular meeting of the City Council of the City of Bellaire, Texas, in March of 2008 from March 17, 2008, to March 24, 2008, due to the lack of a quorum.

MOTION TO ADOPT ORDINANCE:

A motion was made by Councilman Pat McLaughlan and seconded by Councilman John Jeffery to adopt an ordinance authorizing a change in the date of the second regular meeting of the City Council of the City of Bellaire, Texas, in March of 2008 from March 17, 2008, to March 24, 2008, due to the lack of a quorum.

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: 08-009}

2. ITEMS FOR INDIVIDUAL CONSIDERATION:

Criteria for Sidewalks During Street Reconstruction

a. CONSIDERATION of and possible action on a proposal to amend the default policy with respect to the construction of sidewalks in conjunction with the reconstruction of streets included in the Rebuild Bellaire Program – Action by Members of City Council to Amend the City’s Sidewalk Policy (Item submitted by Councilman Will Hickman).
Mayoral Appointments

b. CONSIDERATION of and possible action on a recommendation from Mayor Cindy Siegel to extend the term of appointment of the members of the Centennial Planning Committee from January 14, 2008, to January 31, 2009 – Action by Members of City Council to Extend the Term of the Centennial Planning Committee (Item submitted by City Clerk Tracy L. Dutton on behalf of Mayor Cindy Siegel).

Mayor Cindy Siegel noted that the Centennial Planning Committee was an ad hoc committee as defined by the City’s Code and, as such, had a term of one year. She was asking City Council to extend the appointment of the members of the Centennial Planning Committee through the end of January 2009. The reason for the extension to one month beyond the Centennial was so that the Centennial Planning Committee could hold a "gala" to close out the year.

MOTION TO EXTEND THE TERM OF APPOINTMENT OF THE CENTENNIAL PLANNING COMMITTEE:

A joint motion was made by Councilman Will Hickman and Councilman Phil Nauert and seconded by Councilman Pat McLaughlan to extend the term of appointment of the members of the Centennial Planning Committee from January 14, 2008, to January 31, 2009.

VOTE ON MOTION TO EXTEND THE TERM OF APPOINTMENT OF THE CENTENNIAL PLANNING COMMITTEE:

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
c. APPOINTMENTS to the Bellaire Audit/Finance Committee for the calendar year beginning January 1, 2008, and ending December 31, 2008 – No Action by City Council; Mayor Cindy Siegel to Make Appointments (Item submitted by City Clerk Tracy L. Dutton on behalf of Mayor Cindy Siegel).

Mayor Cindy Siegel advised that she wished to make the following appointments to the Bellaire Audit/Finance Committee, for the calendar year beginning January 1, 2008, and ending December 31, 2008, noting that the previous Facilitator, John Jeffery, was termed out from serving on the Committee:

Councilman Pat McLaughlan, Chair;

Mayor Cindy Siegel; and

Councilman James P. Avioli, Sr.

d. APPOINTMENTS of Council Liaisons for a one-year period commencing January 1, 2008, and expiring December 31, 2008, to the following Bellaire Boards, Commissions, and Committees: Bellaire Arts Commission, Bellaire L.I.F.E. Advisory Board, Board of Adjustment, Building and Standards Commission, Parks and Recreation Advisory Board, Planning and Zoning Commission, and Recycling Committee – No Action by City Council; Mayor Siegel to Make Appointments (Item submitted by
City Clerk Tracy L. Dutton on behalf of Mayor Cindy Siegel).

Mayor Cindy Siegel advised that she wished to make the following Council Liaison appointments for a one-year period commencing January 1, 2008, and expiring December 31, 2008:

Bellaire Arts Commission:
Councilman John Jeffery;

Bellaire L.I.F.E. Advisory Board:
Mayor Cindy Siegel;

Board of Adjustment:
Mayor Pro Tem Peggy Faulk;

Building and Standards Commission:
Councilman Will Hickman;

Parks and Recreation Advisory Board:
Councilman Pat McLaughlan;

Planning and Zoning Commission:
Councilman Phil Nauert; and

Recycling Committee:
Councilman James P. Avioli, Sr.

H. COUNCIL CORRESPONDENCE AND COMMENTS.

Discussion only.

I. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman Will Hickman to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:05 p.m. on Monday, February 18, 2008.

VOTE ON MOTION TO ADJOURN:

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

FOR: Siegel, Cindy
     Hickman, Will
FOR (CONT.): 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:

___________________________
Cynthia Siegel, Mayor
City of Bellaire, Texas