CITY OF BELLAIRE  
CITY COUNCIL  

Minutes of Meeting  
Monday, March 24, 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, March 24, 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 551.074, Personnel Matters, for the purpose of deliberating the possible appointment of an Associate Judge for the Bellaire Municipal Court. The Special Session (Executive Session) was held in the Council Chamber (open portions) and Council Conference Room (closed portions), 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;  
Mayor Pro Tem Peggy Faulk, Position No. 3;  
Councilman Phil Nauert, Position No. 4; and  
Councilman John Jeffery, Position No. 6.  

Councilman Will Hickman, Position No. 1, was absent. Councilman Pat McLaughlan, Position No. 5, arrived shortly after the City Council had convened in the closed portion of the Special Session (Executive Session). Other officials present were City Manager Bernard M. Satterwhite, Jr., and City Clerk Tracy L. Dutton. City Manager Satterwhite and City Clerk Dutton did not participate in the closed portion of the Special Session (Executive Session).  

B. CONVENE in Executive Session (Closed Session) under the Texas Government Code, Chapter 551, Open Meetings Act, Section 551.074, Personnel Matters, to deliberate the possible appointment of an Associate Judge for the Bellaire Municipal Court.  

MOTION TO CONVENE IN EXECUTIVE SESSION (CLOSED SESSION):  

A motion was made by Councilman Phil Nauert and seconded by Mayor Pro Tem Peggy Faulk to convene in Executive Session (Closed Session) under the Texas Government Code, Chapter 551,
Open Meetings Act, Section 551.074, Personnel Matters, to deliberate the possible appointment of an Associate Judge for the Bellaire Municipal Court.

**VOTE ON MOTION TO CONVENE IN EXECUTIVE SESSION (CLOSED SESSION):**

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

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

**OPPOSED:**
- None

**ABSENT:**
- Hickman, Will
- McLaughlan, Pat*

*Councilman Pat McLaughlan arrived shortly after City Council convened in the closed portion of the Special Session (Executive Session).

At this point, the Bellaire City Council convened in Special Session (closed portion) in the Council Conference Room located directly behind the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401.

C. **RECONVENE (Open Session) and take action, if any, on item(s) discussed in Executive Session.**

The Bellaire City Council reconvened in Special Session (open portion) at 6:37 p.m. The open portion of the Special Session was held in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401.

**Mayor Cindy Siegel** advised that City Council had evaluated three candidates for the position of Associate Judge of the Bellaire Municipal Court of Record.

A record vote was then taken for each of the three candidates as follows:

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Council Vote</th>
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<tbody>
<tr>
<td>James Randall Smith</td>
<td>None</td>
</tr>
</tbody>
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Candidate | Council Vote
--- | ---
William R. Henderson | None
Jerel S. Twyman | Siegel, Avioli, Faulk, Nauert, McLaughlan, Jeffery

MOTION TO DIRECT MAYOR TO MAKE OFFER OF APPOINTMENT:

A **motion** was made by Mayor Pro Tem Peggy **Faulk** and **seconded** by Councilman Phil **Nauert** to direct Mayor Cindy **Siegel** to offer the position of Associate Judge of the Bellaire Municipal Court of Record to Jerel S. Twyman for a one-year term commencing April 1, 2008, and expiring March 31, 2009.

**VOTE ON MOTION TO DIRECT MAYOR TO MAKE OFFER OF APPOINTMENT:**

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

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

- **OPPOSED:** None

- **ABSENT:** Hickman, Will

**Mayor Siegel** noted that a Special Session of the Bellaire City Council would be held on Monday, March 31, 2008, and that an ordinance formally appointing Jerel S. Twyman as Associate Judge of the Bellaire Municipal Court of Record would be considered at that time.

**D. ADJOURNMENT.**

**MOTION TO ADJOURN:**

A **motion** was made by Councilman Phil **Nauert** and **seconded** by Councilman James P. **Avioli, Sr.**, **to adjourn the Special Session**
(Executive Session) of the City Council of the City of Bellaire, Texas, at 6:41 p.m. on Monday, March 24, 2008.

VOTE ON MOTION TO ADJOURN:

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

OPPOSED: None

ABSENT: Hickman, Will

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 7:00 p.m. on Monday, March 24, 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 – Mayor Pro Tem Peggy Faulk.

Mayor Pro Tem Peggy Faulk read several quotations from Ralph Waldo Emerson for her inspirational reading as follows:

People only see what they are prepared to see.
The less government we have the better.

Democracy becomes a government of bullies tempered by editors.

You cannot do wrong without suffering wrong.

The key to every man is his thought.

Trust your instinct to the end, though you can render no reason.

Always do what you are afraid to do.

Character is higher than intellect . . . A great soul will be strong to live, as well as to think.

We become what we think about all day long.

I hate quotations.

C. PLEDGES TO THE FLAGS – Mayor Pro Tem Peggy Faulk.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

Mayor Pro Tem Peggy Faulk 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:

1. APPROVAL of minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held Monday, March 3, 2008 – Action by Members of City Council to Adopt Minutes (Item submitted by City Clerk Tracy L. Dutton).

MOTION TO APPROVE AND ADOPT MINUTES:

A motion was made by Councilman James P. Avioli, Sr., and seconded by Councilman John Jeffery to approve and adopt as written the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held Monday, March 3, 2008.
VOTE ON MOTION TO APPROVE AND ADOPT 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

OPPOSED: None

ABSENT: None

2. APPROVAL of minutes of the Special Session (Executive Session), Special Session (Interviews), and Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, held Monday, March 10, 2008 – Action by Members of City Council to Adopt Minutes (Item submitted by City Clerk Tracy L. Dutton).

MOTION TO APPROVE AND ADOPT MINUTES:

A motion was made by Councilman John Jeffery and seconded by Councilman James P. Avioli, Sr., to approve and adopt as written the minutes of the Special Session (Executive Session), Special Session (Interviews), and Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, held Monday, March 10, 2008.

VOTE ON MOTION TO APPROVE AND ADOPT MINUTES:

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

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

OPPOSED: None

ABSTAIN: Hickman, Will*
Nauert, Phil*
E. PERSONAL/AUDIENCE COMMENTS.

Robert Riquelmy, 506 Winslow Lane, Bellaire, Texas:

Mr. Riquelmy addressed City Council and asked them and members of the audience to remember that an important public hearing would be held on Tuesday, March 25, 2008, at 6:30 p.m. in the Council Chamber. The public hearing had to do with $42 million worth of expansion at the Episcopal High School. Four of the projects apparently did not comply with the City’s zoning ordinances and variances would be sought for things that were otherwise not in compliance. He urged all of the neighbors of the Episcopal High School and other interested citizens to pay attention and participate.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee addressed City Council and noted that she was back after having completed her involvement with the primary election and the precinct convention. The next step was preparation for those who had senatorial district conventions on Saturday.

Reference was made to municipal governments, which had little, if any, checks and balances in Ms. McBee’s opinion. She stated that members of City Council represented all three branches of government—executive, legislative, and judicial. City Council represented the judicial branch in the sense that members appointed the judges and prosecutors that served the City of Bellaire. Ms. McBee advised that she had a slight problem with municipal governments not having an appropriate separation and a hands-off approach and distance from those who enforced the laws that City Council passed. A recent example of this occurred when the City Council used the “back room” to interview candidates who were applying for the post of municipal judge. She knew that the City Attorney assured City Council that it was okay, but she begged to differ with him.

Ms. McBee felt that it was inappropriate to interview anyone for the City, particularly a judge, without public scrutiny of those interview processes. She was sure that City Council would have arguments to the contrary, but it was Ms. McBee’s place and opportunity to state
that she did not agree with it. While City Council might vote in the public, the deliberation had occurred in the “back room.” She did not think it was healthy, smart, or well informed. The next time anyone was interviewed, whether it be the City Attorney, a consultant, City Manager, or City Clerk, it should be in open session. She hoped City Council would agree with her and try to augment that in the future.

In closing, Ms. McBee referred to a public information request she had filed and received related to a list of City facilities that had individual water meters and City facilities that did not have individual water meters. For years she had been tracking the fact that the City had no idea how much water was pumped and utilized on pools, city buildings, etc. She had also never seen a report that addressed the City’s usage of water for its own facilities.

Of the total pumpage City Council saw in the financial report each month, City Council did not have a clue as to how much of that was paid for and how much was municipal usage. With the new pools coming in, it would seem to be particularly useful to know how much water pumpage would go into those pools, as well as the Evergreen Pool. There were many sprinklers throughout the City (along the Loop and Bellaire Boulevard). She inquired as to whether City Council knew how much the City itself was using in this era of conservation. This seemed to be a management report that City Council ought to institutionalize or at least to debate in Ms. McBee’s opinion.

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. He began with a summary of the police activity for the month of February. It was noted that there were 43 Part I criminal offenses, and that crime was up as compared to the previous month. The average response time remained good at just over three minutes for Code 3 calls. The primary crimes that made the rate rise were robberies and theft.

Of note was the retirement of Officer Ron Robicheaux on February 29, 2008, after 26 years of service with Bellaire. He was an asset to Bellaire and would be missed.
The Community Resource Office of the Bellaire Police Department conducted Rape Aggression Defense (RAD) training for residents in February, as well as two residential security surveys and a personal safety presentation for 125 pre-kindergarten to fifth grade students. Twenty-five child safety seat inspections and 30 free gunlocks were distributed to residents during the month of February.

City Manager Satterwhite next referred to ongoing construction on South Rice Avenue. The weather had cooperated well during the project, and the area in front of City Hall should be completed sometime during the next week. Extensive point repairs had been made in front of City Hall, as well as near Bellaire Boulevard and South Rice Avenue.

City Council and the audience were reminded that this Saturday was the City’s second major Centennial event—the Centennial Rodeo Barbecue. The barbecue was co-sponsored by The Bellaire Optimists and the Holy Smoke Cookers. Phil Murray, husband of Roberta Murray, the City’s Human Resources Director, led the Holy Smoke Cookers. It was noted that the fee to get in was $7.50. Tickets could be purchased now from the Bellaire Parks & Recreation Department, as well as during the event. The event would begin at 5:00 p.m. on Saturday and continue through 8:00 p.m. There would also be games and activities that evening. The event would be held in the Condit Elementary School parking lot across the street from City Hall.

With respect to indicators, the crime rate was up slightly in February. The main culprits were assault crimes, burglary of a building, and thefts. Building permits were running strong. The first five months of FY 2008 was higher than the same period as compared to the previous five years with respect to residential permits.

In FY 2005, there was $38 million in construction values based on 94 permits issued during the first five months of the year. Conversely, in FY 2008, there was $41 million in construction values based on 66 permits issued during the first five months of the year. The FY 2005 numbers equated to $405,000 per construction permit (construction value, not market value). The FY 2008 numbers equated to $622,000 per construction permit (construction value, not market value). In conclusion, the values per permit were rising dramatically. During the month of February, 17 residential permits were issued for a total construction value of $13 million.
City Manager Satterwhite next referred to the Trolley Pavilion. The City was close to going out for bids on the project and expected that to occur around April 15, with an approval date expected on May 5, 2008. If the May 5, 2008, approval date could be met and with good weather, it was anticipated that construction would be completed around July 3, 2008.

City Council was reminded of the art bench project proposed by the Bellaire Arts Commission. It was noted that three of the first four benches purchased had been installed and completed (the Polka Dot bench in Evergreen Park, Magic Carpet bench at Feld Park, and the MEDSU bench at Paseo Park). The Lamp bench at the Bellaire City Library was installed, but not completed. It had been installed and not completed for quite some time. The City was not happy about the situation and was trying to work with the artist. The City did have a contract with the artist, but had reached a point where the City intended to give 30 days’ notice that the contract would be terminated.

Three additional benches were donated and approved by City Council some months ago. The City was working with the artists on those benches. The contracts had been tightened up to include performance criteria. Within the next several weeks, the City would be ready to start on the installation for those benches. Two of the benches would be located at the Little League Field, and one bench would be located in front of City Hall.

With respect to Bellaire Town Square, the consultant the City hired to provide a conceptual design for the elements in Bellaire Town Square was almost completed. The consultant had been working with the Parks & Recreation Advisory Board on a fairly regular basis. He noted that he would attend the Parks & Recreation Advisory Board meeting on Wednesday, as Director of Parks & Recreation Jane L. Dembski would be out of town. It was anticipated that the plan and cost estimates would be presented to the Parks & Recreation Advisory Board that evening. It was hoped that specific recommendations could be made and brought forward to City Council in the not too distant future.

Upcoming meetings were noted as follows:

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Type of Meeting</th>
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</thead>
<tbody>
<tr>
<td>3/26/2008</td>
<td>11:45 a.m.</td>
<td>Audit/Finance Committee</td>
</tr>
<tr>
<td>Date</td>
<td>Time</td>
<td>Type of Meeting</td>
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<tr>
<td>3/31/2008</td>
<td>6:00 p.m.</td>
<td>Special Session to appoint Associate Judge, followed by a Workshop Session on facilities and water and wastewater needs</td>
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<tr>
<td>4/7/2008</td>
<td>7:00 p.m.</td>
<td>Regular Session</td>
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</tbody>
</table>

**QUESTIONS/COMMENTS FROM CITY COUNCIL:**

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

**Q:** Councilman Pat McLaughlan referred to the bench at the Bellaire City Library and noted that it was difficult to sit on. He inquired as to whether the City had paid the artist for that bench.

**A:** City Manager Satterwhite advised that the artist had not been paid for the bench and that the City did have to give proper notification under the contract.

**C:** Councilman McLaughlan noted that the other benches seemed to have worked out very well.

**R:** City Manager Satterwhite advised that the bench at the Bellaire City Library was built according to the specifications that were given by the artist originally. He supposed this bench was to be more of a piece of art rather than a functional bench, noting that he did not pick up on that when the bench was originally presented for consideration.

**Q:** Councilman McLaughlan advised that a citizen stopped by his home and let him know that a street light at Pine Street and Ferris Street never had come back on. He asked if there were a problem with that particular light or whether the contractor was still doing some work on it.

**A:** Director of Public Works Joe Keene advised that if the street light was not on now, then it was an individual problem. He stated that the light was on not long ago and noted that he had personally examined the lights to ensure they were working after the Ferris Street construction was completed.

He stated that he would go back by the next day and see if he could resolve the problem.
City Manager Satterwhite reminded everyone that the City was happy to look into those situations; however, the City did not fix streetlights, as those streetlights did not belong to the City per se. CenterPoint Energy did all of the maintenance on streetlights; however, the City would interface with them on behalf of the residents.

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

A motion was made by 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. She noted that the financial report covered the five months ended February 29, 2008.

**Revenues**

Revenues were up $736,000 or 4.7% as compared to the previous year. The property tax collections were received at an accelerated rate this year compared to last year. As of February 29, 2008, the City had collected 93.5% of the total budgeted property tax revenues.

Water and sewer revenues were higher than last year in all of the City’s utility operations. Sales tax revenues were also...
continuing ahead of last year. The City had collected $69,000 more in sales tax revenues as compared to last year.

Revenues for athletics were higher than last year due to the addition of the online registration and payment program for recreation camps and activities. People could now use credit cards and were registering for camps and activities and paying the full amount due versus a down payment and the balance paid when the activity was about to start.

Also in February, the City received a donation from the Friends of the Bellaire Library in the amount of $8,512.00 to be utilized by the Bellaire City Library.

**Investment Earnings**

Chief Financial Officer Todd indicated that the City’s investment earnings were lower than last year. Through February of 2008 there were five rate cuts bringing the rate to 3%. Approximately one week ago, rates were cut again to 2-¼% and that rate was expected to continue for the rest of 2008.

**Expenditures**

Expenditures for the City were also up over last year by 12.5% or $1.3 million. Approximately 32% or $567,000 of the increase was related to capital improvements and carryovers from the previous year.

The City had spent approximately $34,000 thus far on Centennial events. The majority of the expenditure was related to fees paid to the public relations firm. Expenditures for calendars, postage for the calendars, and t-shirts were also included.

The City’s semi-annual principal and interest payment in February were higher than the previous year as it included the Series 2007 General Obligation Bonds.

All departments were also seeing increases in fuel costs, which were expected to continue throughout the rest of the fiscal year.

**Budget to Actual Comparison**

Chief Financial Officer Todd advised that the City was in line statistically with respect to actual expenditures and revenues versus budgeted expenditures and revenues. Forty-two
percent of the fiscal year was completed and the City’s revenues were at 39% of the total budget and expenditures were at 43% of the total budget. She advised further that nothing looked out of line, but as the City moved forward through the last half of the fiscal year and through the mid-year budget process, the Finance Department would be looking more closely at individual line items to see if any patterns emerged.

Housing

In terms of housing, excluding the “by owner,” there were 168 residential properties for sale as of the end of the month of February and 23 houses for lease. Those figures compared to 163 residential properties for sale and 20 houses for lease in the previous month.

In closing, Chief Financial Officer Todd noted that the City’s auditors would be attending the Audit/Finance Committee Meeting scheduled on Wednesday, March 26, 2008, to review the audit for fiscal year 2007.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Councilman Will Hickman referred to a question that former Councilman John F. Monday had asked of former Chief Financial Officer Louise Richman related to whether or not there was a point in which the percentage of houses for sale started to be of concern, such as falling values or houses not turning over. He could not recall her answer and inquired as to whether Chief Financial Officer Todd knew what the answer might be.

A: Chief Financial Officer Todd advised that there probably was a percentage or rule of thumb, but she was not familiar with such a percentage at this point in time. She advised that she would see if she could determine if Chief Financial Officer Richman had any records related to such a percentage.

Q: Councilman Hickman referred to page one of the financial report, and indicated that it appeared that the Vehicle, Equipment, and Technology Fund (VET Fund), as well as the Capital Improvement Project Fund (CIP Fund), had both increased significantly from 2007 to 2008. He inquired as to the reason for that increase.
A: **Chief Financial Officer Todd** stated that the City had incurred significant expenditures in the VET Fund in 2008. For example, a metal detector had been purchased for Municipal Court, video cameras were purchased for police vehicles, three police vehicles were purchased, and a cab and chassis were purchased for the Public Works Department.

In order to respond to the increases in the CIP Fund, she would have to look into that Fund and get back with him.

Q: **Councilman James P. Avioli, Sr.**, referred to page 19 of the financial report and inquired as to whether the acronym PARD stood for Parks & Recreation Department.

A: **Chief Finance Officer Todd** indicated that Councilman Avioli was correct.

Q: **Councilman Avioli** next referred to page 29 of the financial report and the two investment accounts, TexPool and TexSTAR. He noted that there was $8.9 million in the TexPool account and $11.2 million in the TexSTAR account. He inquired as to the type of funds in those accounts.

A: **Chief Financial Officer Todd** advised that the City’s concentration account was with Prosperity Bank and the amount of funds deposited there totaled $1.5 million. The $8.9 million in the TexPool account was the City’s General Fund.

Q: **Councilman Avioli** asked if those funds were in cash.

A: **Chief Financial Officer Todd** indicated that the funds were a liquid, overnight investment. If the City needed all of those funds tomorrow, the funds could be withdrawn.

Q: **Councilman Avioli** asked if the same situation could occur with respect to the TexSTAR investment.

A: **Chief Financial Officer Todd** indicated that Councilman Avioli was correct. The City also invested in a third investment pool, TexasTERM.
Q: Councilman Avioli asked for confirmation that the concentration accounts were just cash accounts.

A: Chief Financial Officer Todd advised that all of the accounts were cash.

City Manager Bernard M. Satterwhite, Jr., advised that the funds consisted of revenues that the City had received from property tax collections, fines, fees, etc.

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

A motion was made by Councilman Pat McLaughlan and seconded by Councilman James P. Avioli, Sr., to accept the Financial Report for the City of Bellaire, Texas, as presented by Chief Financial Officer Donna Todd, into the record.

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

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:**

Bid Award and Ordinance

CONSIDERATION of and possible action on a recommendation from the Bellaire Fire Department to award Bid No. 08-006, Renovation of a Three-Story Fire Training Tower, to R. Hassell Builders, Inc., in an amount not to exceed $98,071.25, 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 R. Hassell Builders, Inc., for materials and services necessary to renovate a three-story fire training tower located in the Bellaire
Public Works Service Center Complex, 4337 Edith Street, Bellaire, Texas, in an amount not to exceed $98,071.25 – Action by Members of City Council to Approve Bid Recommendation and to Adopt Ordinance Authorizing Execution of Standard Form of Agreement (Item submitted by Fire Chief Darryl Anderson).

SUMMARY:

Mayor Cindy Siegel noted that the Consent Agenda consisted of a bid award as recommended by the Bellaire Fire Department to renovate their three-story fire training tower. She noted that this bid was actually a second bid. Approximately, one month ago at the recommendation of the Bellaire Fire Department, the bidders that submitted bids the first time were rejected and the project was re-bid. During this second bid, only one bid was received timely. A second bid was returned unopened in accordance with City policy as it was received after the bid acceptance cut-off.

Councilman Will Hickman indicated that he had a question regarding this project and bid award and asked that the item not be considered as a consent item.

MOTION TO AWARD BID AND ADOPT ORDINANCE:

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman Will Hickman to approve a recommendation from the Bellaire Fire Department to award Bid No. 08-006, Renovation of a Three-Story Fire Training Tower, to R. Hassell Builders, Inc., in an amount not to exceed $98,071.25, and to adopt an ordinance authorizing the Mayor and City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a Standard Form of Agreement with R. Hassell Builders, Inc., for materials and services necessary to renovate a three-story fire training tower located in the Bellaire Public Works Service Center Complex, 4337 Edith Street, Bellaire, Texas, in an amount not to exceed $98,071.25.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Councilman Will Hickman referred to live fire training available through the City of Houston and Harris County. He inquired as to the type of training that would be done
with the City’s training tower that could not be done elsewhere.

**A:** **Fire Chief Darryl Anderson** stated that the City of Houston did have live fire training available at their drill field and the City of Bellaire was taking advantage of that training under contract now.

The training tower would allow firefighters to train within the City on a more frequent basis than they are able to now. The training with the City of Houston and the Houston Community College was done on a quarterly basis.

There was also an ISO requirement that a City have a drill tower in order to maintain its ISO rating.

**Q:** **Councilman Hickman** inquired as to whether the current tower was usable.

**A:** **Fire Chief Anderson** advised that the existing training tower was dilapidated. The windows had been broken out of the frames and had been hanging open. Pigeons have been using it as their coop for quite some time.

Additionally, there was an exterior gate and ladder system that allowed firefighters to travel from the second floor to the third floor. The bolts of that ladder system were pulling loose from the building itself and were unsafe. The real function of a drill tower was to simulate the training that firefighters would need to fight fires in a high-rise building. The current stairway was an 18-inch stairway and was unsuitable for high-rise training. The stairway needed to be 48 inches (as found in commercial structures). The Fire Department was asking for a 40-inch wide stairway.

**Q:** **Councilman Pat McLaughlan** noted that he and Councilman John Jeffery could attest to the deplorable condition of the existing training tower. He felt that renovation of the tower was a positive move.

He referred to live fire training, such as a burn house and flashover, and inquired as to whether that would still be done at one of the off-site training academies.

**A:** **Fire Chief Anderson** advised that Councilman McLaughlan was correct.
Q: **Councilman McLaughlan** referred to joint training with neighboring fire departments that routinely responded with Bellaire, such as Southside Place and West University Place, and inquired as to whether those departments would be able to participate and cooperate with Bellaire on drills in the tower.

A: **Fire Chief Anderson** stated that there would be no restrictions placed on those departments and that they would be welcome to join with Bellaire on mutual aid training. He noted that the departments had participated with Bellaire on mutual aid training in the past.

Q: **Councilman James P. Avioli, Jr.** noted that he had a question on the bid itself. The highest components of the bid were listed on the bid tabulation sheet as Section 4C and Section 4D, in the amounts of $33,900.00 and $32,200.00, respectively. In reviewing 4C, a 40-foot galvanized stair was listed at a cost of $20,000.00. In reviewing 4D, the same description of the stair was listed at a cost of $26,000.00. He was curious about whether an error might have been made.

A: **Fire Chief Anderson** stated that he would have to look at that and talk with the contractor.

Q: **Councilman Hickman** inquired as to whether the City could adjust the contract based on the final answer to Councilman Avioli’s question if City Council approved the item this evening.

A: **City Attorney Alan P. Petrov** advised that since this was an itemized contract, City Council could approve it and a change be made later.

Q: **Mayor Siegel** asked for confirmation that City Council could approve the contract now and if City Staff determined there was an error or mistake in the bid, then the contract could be adjusted downward.

A: **City Attorney Petrov** advised that Mayor Siegel was correct. The contract could be adjusted downward since it was a unit price contract.
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: 08-013}

2. ADOPTION OF ORDINANCES:

Amendments

a. CONSIDERATION of and possible action on the adoption of an ordinance amending Chapter 21, Municipal Court, Section 21-1, Unified municipal court of record created, Section 21-2, Jurisdiction, Section 21-3, Rules of practice and procedure, Section 21-4, Judge—Generally, Section 21-5, Judge—Appointment, Section 21-8, Clerks—Appointment, and Section 21-9, Clerks—Powers and duties, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of eliminating multiple divisions of the municipal court of record of the City of Bellaire – Action by Members of City Council to Adopt Ordinance (Item submitted by City Clerk Tracy L. Dutton and City Attorney Alan P. Petrov at the direction of City Council).

SUMMARY:

Mayor Cindy Siegel advised that the purpose of this agenda item was to bring the City’s Code in compliance with state statutes. The effect of this ordinance and the next ordinance on the agenda would be that the City would have one Presiding Judge over the Municipal Court as whole versus two Presiding Judges over two divisions of Municipal Court.
Mayor Siegel reiterated that an approval of this item and the next item would result in one Municipal Court for Bellaire with a Presiding Judge and an Associate Judge.

**MOTION TO ADOPT ORDINANCE:**

A motion was made by Councilman John Jeffery and seconded by Mayor Pro Tem Peggy Faulk to adopt an ordinance amending Chapter 21, Municipal Court, Section 21-1, Unified municipal court of record created, Section 21-2, Jurisdiction, Section 21-3, Rules of practice and procedure, Section 21-4, Judge—Generally, Section 21-5, Judge—Appointment, Section 21-8, Clerks—Appointment, and Section 21-9, Clerks—Powers and duties, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of eliminating multiple divisions of the municipal court of record of the City of Bellaire.

**QUESTIONS/COMMENTS FROM CITY COUNCIL:**

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

Q: Councilman Will Hickman inquired as to whether the dockets for the Presiding Judge and Associate Judge would be the same in terms of nights and numbers, etc.

A: City Manager Bernard M. Satterwhite, Jr., indicated that the dockets would be almost the same. The Presiding Judge would be responsible for the schedule and would work with the Associate Judge in determining that schedule.

Mayor Siegel stated that it was her understanding from Judge Wesely that former Judge Berryhill handled all of the administrative work for the Municipal Court.

City Attorney Alan P. Petrov noted that there was still a provision within Chapter 21 of the Code of Ordinances of the City of Bellaire, Texas, that the Clerks of the Municipal Court would distribute the caseload evenly amongst the judges.
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: 08-014}

b. CONSIDERATION of and possible action on the adoption of an ordinance amending Ordinance No. 07-010, reappointment of Lisa A. Wesely as Presiding Judge of the Municipal Court, Division B, of the City of Bellaire, Texas, by removing the term “Division B” from said ordinance – Action by Members of City Council to Adopt Ordinance (Item submitted by City Clerk Tracy L. Dutton at the direction of City Council).

MOTION TO ADOPT ORDINANCE:

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman Pat McLaughlan to adopt an ordinance amending Ordinance No. 07-010, reappointment of Lisa A. Wesely as Presiding Judge of the Municipal Court, Division B, of the City of Bellaire, Texas, by removing the term “Division B” from said ordinance.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Councilman Will Hickman inquired as to how the compensation for the Presiding Judge compared with the Associate Judge.

A: Mayor Cindy Siegel advised that nothing changed with respect to compensation.
City Manager Bernard M. Satterwhite, Jr., advised that the compensation was the same for the Presiding Judge and the Associate Judge. He advised further that City Council could take action in the future to change the compensation.

**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: 08-015}

**Appointment**

c. **CONSIDERATION of and possible action on the adoption of an ordinance appointing one (1) member to the Board of Adjustment of the City of Bellaire, Texas, to fill an unexpired term commencing March 24, 2008, and expiring June 30, 2009 – Action by Members of City Council to Adopt Ordinance (Item submitted by City Clerk Tracy L. Dutton at the direction of City Council).**

Five (5) applicants were interviewed and considered to fill an unexpired term on the Board of Adjustment of the City of Bellaire, Texas, commencing March 24, 2008, and expiring June 30, 2009. Members of City Council cast votes as follows:

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Council Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nick Bacile</td>
<td>Avioli</td>
</tr>
<tr>
<td></td>
<td>Faulk</td>
</tr>
<tr>
<td>James Bettis</td>
<td>Nauert</td>
</tr>
</tbody>
</table>
Applicant | Council Vote
--- | ---
Andrew Haut | None
Aashish Shah | Siegel
 | Hickman
 | McLaughlan
 | Jeffery
Marc Steinberg | None

**MOTION TO ADOPT ORDINANCE:**

A **motion** was made by Councilman Pat **McLaughlan** and **seconded** by Councilman John **Jeffery** to **adopt an ordinance appointing Dr. Aashish Shah to the Board of Adjustment** of the City of Bellaire, Texas, **to fill an unexpired term commencing March 24, 2008, and expiring June 30, 2009.**

**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: 08-016}

3. **ITEMS FOR INDIVIDUAL CONSIDERATION:**

**Agreement – Life Flight**

a. **CONSIDERATION** of and possible action on a request from the Bellaire Fire Department for authorization for the Mayor of the City of Bellaire, Texas, to execute a **Life Flight Release from Liability** agreement for the purpose of Life Flight’s
participation in the City of Bellaire’s annual Emergency Medical Services Day (EMS Day) to be held on Saturday, May 17, 2008 – Action by Members of City Council to Authorize Execution of Agreement (Item submitted by Fire Chief Darryl Anderson).

MOTION AUTHORIZING MAYOR TO EXECUTE AGREEMENT:

A motion was made by Councilman James P. Avioli, Sr., and seconded by Councilman Will Hickman to approve a request from the Bellaire Fire Department by authorizing the Mayor of the City of Bellaire, Texas, to execute a Life Flight Release from Liability agreement for the purpose of Life Flight’s participation in the City of Bellaire’s annual Emergency Medical Services Day (EMS Day) to be held on Saturday, May 17, 2008.

VOTE ON MOTION AUTHORIZING MAYOR TO EXECUTE AGREEMENT:

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

Goals and Objectives

b. CONSIDERATION of and possible action on the adoption of Goals and Objectives for the City Council of the City of Bellaire, Texas, for the period commencing January 7, 2008, through January 4, 2010 – Action by Members of City Council to Adopt Goals and Objectives (Item submitted by City Clerk Tracy L. Dutton on behalf of Mayor Cindy Siegel).
SUMMARY:

Mayor Cindy Siegel referred to a Workshop Session that City Council held earlier in the year for the purpose of reviewing prior goals and objectives and updating them for the coming year. The item before City Council this evening was the draft that included changes made by City Council during their Workshop Session. A Joint Workshop Session was also held with Boards, Commissions, and Committees earlier in the year. The goals and objectives were reviewed again at that time with those Boards, Commissions, and Committees.

MOTION TO ADOPT GOALS AND OBJECTIVES:

A motion was made by Councilman John Jeffery and seconded by Councilman Phil Nauert to adopt Goals and Objectives for the City Council of the City of Bellaire, Texas, for the period commencing January 7, 2008, through January 4, 2010.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Councilman Will Hickman inquired as to whether the City Council Goals and Objectives could be relied upon by the City Staff to do anything or whether it was aspirational of what the City Council wanted to achieve this year.

A: City Manager Bernard M. Satterwhite, Jr., advised that he personally felt it was a little of both. There were some goals and objectives that could be relied upon by City Staff. City Staff discussed the goals and objectives during their recent retreat and worked on aligning their goals and objectives with those of City Council. There was no reason for City Staff to go out in a totally different direction from that desired by City Council.

There were probably things that needed to get done over the next few years that were not in the goals and objectives document. Additionally, there were things in the goals and objectives
document that would need to be worked on by City Council.

He advised that it was a very good practice to have such a goals and objectives document.

C: Mayor Siegel stated that she felt it was good to have a focus to move toward and the goals and objectives provided that focus. Mayor Siegel noted further that once the Workshop Session was held on facilities, she felt that City Council might need to consider whether or not Council Committees should be assigned to work toward some of the goals and objectives and/or whether Workshop Sessions should be held with the City Council as a whole.

**VOTE ON MOTION TO ADOPT GOALS AND OBJECTIVES:**

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

**H. COUNCIL CORRESPONDENCE AND COMMENTS.**

Discussion only.

**I. ADJOURNMENT.**

**MOTION TO ADJOURN:**

A motion was made by Councilman Pat McLaughlan and seconded by Councilman Will Hickman to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at **8:00 p.m.** on **Monday, March 24, 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:

___________________________
Cynthia Siegel, Mayor
City of Bellaire, Texas