CITY OF BELLAIRE
CITY COUNCIL
Minutes of Meeting
Tuesday, July 22, 2008

REGULAR SESSION – 7:00 P.M.

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

Mayor Cindy Siegel called the City Council of the City of Bellaire, Texas, to order at 7:03 p.m. on Tuesday, July 22, 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; and
- Councilman Pat McLaughlan, Position No. 5.

Councilman John Jeffery, Position No. 6, was absent. Other officials present were City Manager Bernard M. Satterwhite, Jr., City Attorney Alan P. Petrov, and City Clerk Tracy L. Dutton.

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

Mayor Cindy Siegel read the following written by Erma Bombeck (after she found out she was dying from cancer) for her inspirational reading:

*If I Had My Life to Live Over*

I would have gone to bed when I was sick instead of pretending the earth would go into a holding pattern if I weren’t there for a day.

I would have burned the pink candle sculpted like a rose before it melted in storage.

I would have talked less and listened more.

I would have invited friends over to dinner even if the carpet was stained, or the sofa faded.

I would have eaten the popcorn in the ‘good’ living room and worried much less about the dirt when someone wanted to light a fire in the fireplace.
I would have taken the time to listen to my grandfather ramble about his youth.

I would have shared more of the responsibility carried by my husband.

I would never have insisted the car windows be rolled up on a summer day because my hair had just been teased and sprayed.

I would have sat on the lawn with my grass stains.

I would have cried and laughed less while watching television and more while watching life.

I would never have bought anything just because it was practical, wouldn’t show soil, or was guaranteed to last a lifetime.

Instead of wishing away nine months of pregnancy, I’d have cherished every moment and realized that the wonderment growing inside me was the only chance in life to assist God in a miracle.

When my kids kissed me impetuously, I would never have said, “Later. Now go get washed up for dinner.” There would have been more “I love you’s.” More “I’m sorry’s.”

But, mostly given another shot at life, I would seize every minute . . . look at it and really see it . . . live it and never give it back. Stop sweating the small stuff.

Don’t worry about who doesn’t like you, who has more, or who’s doing what.

Instead, let’s cherish the relationships we have with those who do love us.

Let’s think about what God HAS blessed us with. And what we are doing each day to promote ourselves mentally, physically, emotionally. I hope you all have a blessed day.

C. PLEDGES TO THE FLAGS – Mayor Cindy Siegel.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

Mayor Cindy Siegel led the audience and City Council in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.
D. PERSONAL/AUDIENCE COMMENTS.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee addressed City Council and referred to parking around schools, noting that Condit Elementary School seemed to have developed a private parking spot on a public street some months ago. Later, after nagging on her part and a few follow-ups by dedicated members of City Council, that private parking spot disappeared.

Ms. McBee found another private parking spot this week on a public street. Schools, organizations, and businesses had no more right than Ms. McBee to a private parking reserved space on a City street. There was now a small sign near the Bellaire Little League Field indicating a “reserved” parking spot. Ms. McBee respectfully requested that the sign be removed and that the person or persons that installed the sign be informed that private parking spaces were not allowed on public streets.

Secondly, Ms. McBee referred to the Newcastle Drive Paving and Drainage Improvements item on the agenda. She noted that she wanted to express her support for the multi-use path. For many years the path had existed as an asphalt trail. Asphalt, as City Council well knew, did not last long. Asphalt cracked, feathered, and was very unstable. Because there were multiple users of that path, the recommended concrete surface would provide durability (far longer than the asphalt would) and contribute to public safety because of its stability. She hoped City Council would accept the newly revised plan for Newcastle Drive and authorize that concrete be used for the path in its current location.

E. 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 advised that he wished to add a comment with respect to Hurricane Dolly. The City was still watching the hurricane and did expect to get some of the rain bands through the night and in to the next day from that event. It appeared that Hurricane Dolly was bearing down on Brownsville, Texas, as a Category 1 event.
QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Mayor Cindy Siegel asked for confirmation that the City’s policy was to place information on the City’s cable channel (channel 16) and the website in the event that there were any changes to be expected as a result of Hurricane Dolly.

A: City Manager Satterwhite advised that Mayor Siegel was correct. He noted further that City Staff was still monitoring statewide weather-related conference calls and receiving updates several times a day from the Harris County Office of Emergency Management.

City Manager Satterwhite next referred to a question that had been asked by City Council of some possible alternative dates for the Special Session of City Council regarding the fiscal year 2009 budget originally scheduled for August 19, 2008. He advised that August 20, 2008, would be available, as would August 26, 2008, after a public hearing that would be called later this evening for that same date.

C: Mayor Siegel noted that Councilman John Jeffery had emailed her and indicated that he would like to keep the Special Session originally scheduled for August 19, 2008. She asked if there were any comments with respect to possible alternate dates.

R: Councilman Hickman mentioned August 25, 2008, and asked if that would work.

City Manager Satterwhite stated that a meeting could be called for August 25, 2008. He had recommended August 26, 2008, because City Council would already be at City Hall that evening.

C: Mayor Siegel suggested that an email be sent to all members of City Council and if all were available on the 26th of August, the Special Session on the budget would be set for that evening.

Q: Councilman Pat McLaughlan noted that there had been issues regarding the City’s cable television. Some residents had not been able to view the meetings on channel 16, but had found the meetings being aired on channel 99. This evening, the meeting could not be found on channel 99.
A: **City Manager Satterwhite** advised that the City was aware of the issue. His Administrative Assistant, Patte McGuire, had been working with Comcast on the issue. He did not know if it had been fixed at this point. A similar problem occurred a few months ago as well.

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

A motion was made by Councilman Pat McLaughlan and seconded by Councilman Phil Nauert to accept the City Manager's Report as presented orally by City Manager Bernard M. Satterwhite, Jr., into the record.

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

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

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

**OPPOSED:** None

**ABSENT:** Jeffery, John

2. **FINANCIAL REPORT – Chief Financial Officer Donna Todd.**

City Manager Bernard M. Satterwhite, Jr., advised that in light of all of the financial information presented the previous evening and to be presented this evening, no financial report would be given. He noted that Chief Financial Officer Donna Todd was present and available to answer any questions City Council might have with respect to the written Financial Report provided in the agenda packet.

**QUESTIONS/COMMENTS FROM CITY COUNCIL:**

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

**Q:** Mayor Cindy Siegel referred to the revenues for the Vehicle, Equipment, and Technology Fund and the Capital Improvement Program Fund. She asked for an explanation as to what those revenues were (i.e., page 1 of the Financial Report).

**A:** Chief Financial Officer Donna Todd stated that revenues of $4,600 included in the Vehicle, Equipment, and Technology
Fund came from a grant from the Rubenstein Foundation for the Bellaire Police Department. Revenues of $44,000 in that same fund came from an insurance reimbursement of $35,500 for the park equipment that was burned at The Nature Discovery Center and $8,700 for a police car that was totaled in an accident.

With respect to the Capital Improvement Program Fund, the revenues of $15,000 represented a contribution from the Patrons for Bellaire Parks, Inc., for park benches.

Q: Councilman Will Hickman referred to miscellaneous revenues on page 2 of the Financial Report and inquired as to what made up those revenues.

A: Chief Financial Officer Todd indicated that $50,000 of the revenues for last year had been received from Harris County for operations and maintenance of The Nature Discovery Center. She did not have those revenues itemized for this year with her this evening, but would get that information.

Q: Councilman Hickman referred to page 3 of the Financial Report and the line item entitled “Debt Service Fund – Principal Retirement.” He inquired as to the total amount of debt due (i.e., total principal on all debt).

A: Chief Financial Officer Todd advised that she did not have that with her this evening.

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 as provided by Chief Financial Officer Donna Todd into the record.

VOTE ON MOTION TO ACCEPT REPORT INTO THE RECORD:

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

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

OPPOSED: None
ABSENT: Jeffery, John

3. PRESENTATION, discussion, and possible action on the adoption of a proposed Five-Year Capital Improvement Plan for the City of Bellaire, Texas, for the period covering fiscal years 2009 through 2013 – City Manager Bernard M. Satterwhite, Jr.

Assistant City Manager Diane K. White presented the Five-Year Capital Improvement Plan for the City of Bellaire, Texas, to City Council. She began her presentation by describing how City Staff put the Capital Improvement Program Plan together. She noted that goals were established using City Council’s facility and infrastructure goals, an identification of capital needs, and an incorporation of the City’s various Master Plans.

Prior year transfers into the program funded the majority of the Capital Improvement Program Plan. Many of the projects or individual items included in the plan had been presented to City Council previously or in Workshop Sessions. Many of the projects and items would be presented to City Council again in the future prior to implementation of those projects and/or purchase of those items. All of the approved City Master Plans were prioritized against citywide plans and included for consideration.

Assistant City Manager White next reviewed the designated capital funds beginning with the 2004 fiscal year. She noted that prior to that time, a portion of the property tax was allocated for the Capital Improvement Program Fund. Beginning in 2004, City Council made a decision to transfer funds from the General Fund into the Capital Improvement Program for future year capital projects.

The City started off with $4,389,826 in the Capital Improvement Program (CIP) at the beginning of fiscal year 2004. In fiscal year 2007, the City received $1,000,000 from the Patrons for Bellaire Parks, Inc., to be used for capital items in Bellaire Town Square. The City hoped to receive funding in the amount of $250,000 from the Patrons in fiscal years 2008 and 2009. By adding the funds received from Patrons to the beginning balance for fiscal year 2004, the total revenues in CIP would be $5,889,826.

Annual transfers from the General Fund to the CIP for fiscal years 2004 through 2009 were shown to total $8,600,000. Annual expenditures from the CIP fund for the same years were shown to total $12,539,656. The ending fund balance in the CIP at the end of fiscal year 2009 would be $1,950,170.

Assistant City Manager White went through a similar presentation for the Vehicle, Equipment, and Technology Fund. The balance at the
beginning of fiscal year 2004 was noted to be $1,238,379 with other sources of revenue totaling $4,200 (i.e., court technology funds). Taking into account annual transfers from the General Fund for fiscal years 2004 through 2009 of $4,400,000 and expenditures for the same period of $4,672,823, would result in an ending balance at the end of fiscal year 2009 of $969,756.

Assistant City Manager White continued and presented several slides to the City Council showing the categories of expenditures within the CIP, as well as schedules for fiscal years 2009 through 2013 depicting anticipated revenues and expenditures within the CIP Plan.

For fiscal year 2009, the beginning fund balance for CIP would be $3,761,170. Assuming a donation of $250,000 from the Patrons, the total revenue for 2009 would be $4,011,170. The total expenditures in the CIP for pay-as-you-go were $3,561,000. The transfer into the CIP Fund for 2009 was noted to be $1,500,000. The ending fund balance for 2009 would be $1,950,170.

**CAPITAL IMPROVEMENT PROGRAM**

**Bellaire Town Square**

Assistant City Manager White indicated that $528,000 was allocated for Bellaire Town Square in fiscal year 2009. The projects included in fiscal year 2009 were playground equipment, preparation of the area for playground equipment, trail system, general administrative overhead costs, and signage. Detailed information regarding the expenditures was laid out on page 3.

**Councilman Hickman** inquired as to whether City Council had taken action to adopt the plan presented by Clark Condon and Associates for Bellaire Town Square.

**Assistant City Manager White** advised that City Council had not taken action on the plan yet.

**Parks Master Plan**

Assistant City Manager White noted that every park in the City of Bellaire would be touched over the next five years with respect to some type of upgrade, addition, or amenity. Based on recommendations by City Staff and the Parks & Recreation Advisory Board, $96,000 was budgeted for fiscal year 2009. The following projects were planned in 2009: perimeter fencing for the playground in Feld Park and design of landscaping or other alternatives for the area in which the Trolley Pavilion had been located (i.e., Paseo Park).
**General Facilities Program**

The General Facilities Program addressed all of the items that were not addressed in the Rebuild Bellaire Program. The projects were developed based on City Staff recommendations and facility conditions assessments. One such project would enhance citywide security for the facilities. Another project was related to the relocation and upgrade of the City’s fueling station. Other projects noted were aesthetic upgrades for the Recycling Center, upgrades for the Jessamine Field concession stands, and mechanical, electrical, and plumbing items identified through the facility conditions assessments. A total of $627,000 was budgeted for fiscal year 2009.

**Mobility Program**

Included within the Mobility Program were the City’s Sidewalk Program, Street Management Program (striping and paving), and Traffic Signalization Program. A total of $1,450,000 was budgeted for fiscal year 2009 for this program.

**Public Art Program**

Based on recommendations from the Bellaire Arts Commission, $110,000 was budgeted for the Public Art Program in fiscal year 2009. Projects to be addressed were noted as follows: continuation of Art Bench Program, History Walk, and Street Entrance Identity Markers.

**Rebuild Bellaire Pay-As-You-Go Program**

This program included the bond funding carryover for City Hall improvements. It was noted that $750,000 had been budgeted for expenditures during the 2009 fiscal year.

**Water and Wastewater Program**

The Water and Wastewater Program was a four-year, $12 million program that City Staff had been working on since 2006. A Workshop Session was held with City Council regarding the need for this program on April 14, 2008. City Staff would recommend alternative funding for the City’s water and wastewater needs.

Since 2006 and anticipated through the end of this fiscal year or September 30, 2008, the City will have expended pay-as-you-go monies on wastewater treatment in the amount of $948,001, and $1,164,640 on water.
**METRO Program**

With respect to the METRO Program, it was noted that, if approved later this evening, the City would receive funding from METRO for the Newcastle Drive Paving and Drainage Improvements project. The City also expected to receive funding for the Baldwin Avenue project. The engineering design services for Baldwin Avenue were programmed in 2010.

Additionally, the $801,000 the City received each year from METRO under a Mobility Agreement would expire in 2014. The City had programmed $750,000 in projects from that funding in 2009.

**CIP Bond Program**

The CIP Bond Program included an issuance of up to $10 million in bonds during fiscal year 2009. The program included design services and the start of construction on the new Bellaire Fire Station. A “Request for Qualifications” was planned for issuance at the end of this month for the Bellaire Fire Station. It was hoped that a recommendation for an architect could be brought forward to City Council at the end of this calendar year (i.e., by December 31, 2008).

**VEHICLE, EQUIPMENT, AND TECHNOLOGY PROGRAM (VET)**

Assistant City Manager White noted several points of interest for the VET Program as follows: continuation of replacement programs, planned communication upgrades, citywide network upgrades, hybrid vehicle purchase, AFIS replacement, point-of-sale system for Parks & Recreation, and a new garbage truck.

The total amount expected to be expended during fiscal year 2009 was noted to be $899,050.

**CONCLUSION**

In closing her presentation, Assistant City Manager White presented City Council with a schedule of the City’s bond funds, including the actual revenues and expenditures for fiscal year 2007, budgeted and forecasted revenues and expenditures for 2008, and proposed revenues and expenditures for 2009.

She also presented City Council with a schedule depicting revenues and expenditures to be received from METRO and expended on various mobility projects for fiscal year 2007 (actual), fiscal year 2008 (budgeted and forecasted), and fiscal year 2009 (proposed).
QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Councilman Will Hickman referred to page 9, the Public Arts Program, and inquired as to where the items had come from. He noted that he was familiar with some of them, but some he had never seen before.

A: Assistant City Manager White stated that the Bellaire Arts Commission submitted all of the items. She asked if he were interested in a specific item.

Q: Councilman Hickman indicated that he was interested in the process. For example, did the Commission provide a wish list? Were all of the items on that list included in the budget?

A: Assistant City Manager White advised that all of the items were not included in the budget. The Bellaire Arts Commission had initially asked for approximately $220,000 to be funded in fiscal year 2009. Some items included in their wish list for 2009 were the Library Sensory Garden and Library Art Glass Mobile Program. Those items were moved to 2010, as disability accessibility was needed and that did not exist presently.

Q: Councilman Hickman inquired as to whether the requested items were part of the Bellaire Arts Commission Master Plan.

A: Assistant City Manager White indicated that all of the requested items were included in the Bellaire Arts Commission Master Plan. Those items were not necessarily defined and detailed within the Master Plan, but included in a general sense.

Q: Councilman Hickman assumed the City was seeking City Council’s authorization to make a transfer into the Capital Improvement Program Fund and the Vehicle, Equipment, and Technology Fund. He inquired as to whether the items would still come back to City Council individually or if the City Manager had the authority to approve the items.

A: Assistant City Manager White stated that the bid limit was $50,000.00. In the past during the budget process, City Council had “red tagged” items that they wished to consider again during the year. For the majority of items under $50,000.00, the City Manager had the authority to approve those items.
Q: **Mayor Cindy Siegel** asked for clarification that the City Manager could approve those items if such items were listed in the budget as approved by City Council.

A: **Assistant City Manager White** advised that Mayor Siegel was correct.

C: **Mayor Siegel** agreed that City Council had “red tagged” items in the past. She referred specifically to the purchase of a fire truck in one year.

R: **City Manager Bernard M. Satterwhite, Jr.,** advised that anything that was not in an approved plan, per se, would come back to City Council. In other words, all of the expenditures for the Bellaire Arts Commission would be brought back before City Council. All of the Bellaire Town Square expenditures would be brought back before City Council.

The cars to be replaced within the police car replacement program were generally purchased with the City Manager’s approval as those vehicles were approved within a budget.

He stated that he would not buy anything that had not been scrutinized by City Council. The Bellaire Arts Commission Master Plan was a little “fuzzy,” therefore, all of those items would be brought back before City Council.

Q: **Councilman Hickman** asked for confirmation that he really only needed to worry about fiscal year 2009 as he would be seeing fiscal year 2010 and so forth again in future budget year discussions.

A: **City Manager Satterwhite** advised that Councilman Hickman was correct. At some point in time, City Council would be requested to approve the Five-Year Capital Improvement Program Plan. However, the only year that really counted with respect to funding was the current year. The Plan would come before City Council each year and would be updated accordingly.

Q: **Councilman Hickman** noted that the Public Works Department had $1.4 million from 2010 to 2013 in the Vehicle, Equipment, and Technology Fund for garbage trucks, backhoes, vehicles, trailers, excavators, etc. He inquired as to whether there was any detail associated with those expenditures or if the expenditures would be discussed at a later time.
A: **Assistant City Manager White** advised that detail did exist for those expenditures. Director of Public Works Joe Keene had a schedule of planned expenditures through 2013, and she could provide that schedule if Councilman Hickman needed it.

Q: **Councilman James P. Avioli, Sr.,** noted that the City Council had been provided with a Master Plan for Bellaire Town Square during the month of June. He hoped that City Council would get to a point where the Master Plan could be approved and the City could move forward on it. He referred to page 6 of the Five-Year Capital Improvement Program Plan and the notation that the City wanted to create a Master Plan for Loftin Park in 2010. He inquired as to whether that ought to be moved to 2009.

A: **Assistant City Manager White** indicated that she was told right before the meeting that the item should have been removed as the City had already created a Master Plan for that park.

Q: **Councilman Avioli** referred to page 3 of the Plan and noted that there plans to construct a Pavilion in Bellaire Town Square in 2010. He inquired as to whether the item could be moved forward to 2009, even though City Council had not approved the overall Master Plan for Bellaire Town Square. His thought was that the Pavilion would be an impressive structure added to what had already occurred in Bellaire Town Square.

C: **Mayor Siegel** noted that after City Council had an opportunity to ask their questions, the process regarding the Five-Year Capital Improvement Program Plan needed to be discussed. For example, should the Plan be approved this evening or should City Council wait? The 2009 portion of the Plan could be commented upon during the public hearing on the budget. She asked Councilman Avioli to bring up that thought again when City Council held discussions regarding possible changes to the budget for 2009.

Q: **Councilman Hickman** asked if it would make sense to discuss the budget and the Capital Improvement Program Plan at the same time.

A: **Mayor Siegel** and **City Manager Satterwhite** agreed that it would make sense to do both at the same time. Mayor Siegel noted that the discussions would take place on either the 19th of August or the 26th of August.
City Manager Satterwhite noted that moving items forward involved some cash flow issues. Additionally, he advised that there had always been a plan for the Patrons for Bellaire Parks, Inc., to raise money for some of the features of Bellaire Town Square. He asked if the City desired to pay for the features itself or to let the money be raised prior to construction of those features. He was not suggesting that it be done one way or the other, but it was a consideration that City Council needed to make.

Q: Mayor Siegel inquired as to whether the Patrons for Bellaire Parks, Inc., had committed to raising the $500,000 that was included in the Plan.

A: City Manager Satterwhite advised that they had not committed to that amount. City Staff had assumed that the amount might be received from the Patrons for Bellaire Parks, Inc.

He noted further that there were only so many projects that could be completed within one year. City Staff, in preparing the Plan, tried to phase things in that were reasonably doable within the five-year timeframe.

Q: Mayor Pro Tem Peggy Faulk inquired as to how much was left in the fund established for the Bellaire Arts Commission. She noted that she believed that City Council had originally designated $150,000. She inquired as to how much had been expended and how she could follow that in the budget.

A: Assistant City Manager White advised that it was not clear in the packet that had been given to City Council. She noted that the information was included in the monthly financial reports.

At this point, $96,971 was left from the original City Council designation of $150,000.

Q: Mayor Pro Tem Faulk asked for confirmation that the balance did not show up in the budget.

A: Assistant City Manager White advised that the money had been dropped into the fund balance and reprogrammed it into the Plan.

City Manager Satterwhite advised that the carryover could be shown, but noted that the balance would be zero starting in 2010. He noted further that the History Walk, pergola, and
meditation area were included in 2009, which had already been approved by City Council.

Q: **Mayor Pro Tem Faulk** referred to the replacement of the AFIS system in the Bellaire Police Department and inquired as to whether that was in conjunction with the new Harris County Computer Aided Dispatch (CAD) system. She next inquired as to the additional features that would be provided to Bellaire as a result of the replacement, and for confirmation that the total cost was $41,000.00. Finally, she inquired as to whether any of the cost would be subsidized by Harris County.

A: **Chief of Police Randall C. Mack** stated that Harris County actually owned the AFIS system as a whole. There was a remote site at the Bellaire Police Department. The remote site provided Bellaire with the ability to fingerprint suspects at Bellaire as opposed to making trips downtown or to some other facility to do so.

The cost of the original piece of equipment was $110,000. Bellaire was the last site of the remote sites on the Harris County system that had not upgraded its equipment. Bellaire was still on a Unisys-based machine. In order to be compatible with Harris County’s new system, Bellaire had to replace its equipment this year.

Q: **Mayor Pro Tem Faulk** noted that at one time she understood that it was envisioned that the AFIS system could be mobile. She inquired as to whether this was possible.

A: **Chief Mack** stated that Bellaire had that capability currently.

Q: **Mayor Pro Tem Faulk** inquired as to whether the information was communicated through the state and on up to the federal level.

A: **Chief Mack** advised that the information was communicated through the county and to the state.

Q: **Mayor Pro Tem Faulk** asked for confirmation that Bellaire’s total cost would be $41,000.00 for the upgrade.

A: **Chief Mack** advised that Mayor Pro Tem Faulk was correct.

Q: **Mayor Pro Tem Faulk** inquired as to whether Bellaire was part of Harris County’s new CAD system.

A: **Chief Mack** advised that Bellaire was not.
Q: Mayor Pro Tem Faulk inquired as to whether Bellaire had any plans to become part of that system.

A: Chief Mack stated that there was no need for Bellaire to do that at the current time. Bellaire had radio communication capability with Harris County and all other agencies on the County radio system.

Q: Mayor Pro Tem Faulk asked for confirmation that Bellaire did not see any benefit in using that system.

A: Chief Mack advised that we did not unless Harris County would start dispatching for the City. He did not believe that this would happen any time soon.

Q: Mayor Pro Tem Faulk stated that she had heard that the City of Houston was considering going with Harris County, and she knew it was a big hurdle.

A: Chief Mack stated that this particular budget item simply maintained Bellaire’s capability to be a part of the Harris County AFIS system. The equipment did have features that the older equipment did not have, but it was essentially a replacement.

Q: Councilman Phil Nauert inquired as to whether there was a good way to see what Harris County (Precinct 3 Commissioner Steve Radack) was contributing to the City in the coming year. In other words, did the City have any projects that it would be doing with Harris County?

A: City Manager Satterwhite indicated that the City did not have any projects scheduled with Harris County.

Q: Councilman Nauert asked for confirmation that the City was not counting on any support from Harris County in the coming year.

A: City Manager Satterwhite noted that Harris County had provided the labor for street striping projects in the last few years. The City did not necessarily count on that. Monies had been included in the budget for street striping.

Mayor Siegel stated that the City had tried to approach Harris County for funding to be used in the Baldwin Avenue project, but the City was denied. She knew that other cities in Harris County had been denied on similar projects as well.
She noted further that Harris County Judge Emmett was aware that Bellaire and other cities in the area would like some assistance from Harris County with respect to drainage projects.

C/Q: Councilman Nauert stated that he believed that Harris County ought to pay back some of the citizens’ tax dollars. He had not meant the comment to be a criticism of City Staff’s budgeting.

He noted further that from a budgeting standpoint, it seem that the City was making some assumptions with respect to water/wastewater plans. He inquired as to whether City Council had committed to those plans.

A: City Manager Satterwhite indicated that a Workshop Session was held with City Council in April of this year. He could bring Councilman Nauert up to date with respect to those issues. He noted further that the City did have a four-year program that City Manager Satterwhite intended to present to City Council in August.

The plans were included as a means of helping City Staff determine cash flows. The cost for the improvements amounted to $11+ million over a four-year period. It might be appropriate for the City to issue revenue bonds in order to take care of the needs in that area.

Q: Councilman Pat McLaughlan noted that at some point land adjacent to some of the City facilities might come available. He inquired as to whether funds for the purchase of additional land would come from the Capital Improvement Program.

A: City Manager Satterwhite stated that he believed that the funds would be taken from the Capital Improvement Program. Adjustments would have to be made to the plan in order to purchase land, but that was a decision that City Council could make during the budget year.

Q: Councilman McLaughlan referred to the Patrons for Bellaire Parks, Inc.’s, accrual of $250,000.00 shown in 2009 and again in 2010. He noted that the Patrons had done a great job for the City in terms of fundraising. He inquired as to whether the operational philosophy of the Patrons was that the money they raised went into the “whole pot” or if it was set aside for some specific task or project.

A: Mayor Siegel stated that she and Director of Parks & Recreation Jane Dembski were the “unofficial City liaisons” to
the Patrons. Basically, they had a fundraising campaign for Bellaire Town Square. If a donor wrote a check or made a pledge and did not designate a specific purpose, then that donation went into the Patrons’ general fund. Those funds would be applied to whatever the City had targeted as the next feature to be constructed in Bellaire Town Square.

If the donor wrote a check or made a pledge for a specific feature, such as the pavilion, then that donation would be restricted and used for that feature.

Q: Councilman McLaughlan asked for confirmation that if the donation were unspecific, it would go into the general fund for Bellaire Town Square.

A: Mayor Siegel advised that Councilman McLaughlan was correct.

Q: Councilman McLaughlan referred to the 800 MHz radio system. He assumed that the City would not go to an 800 MHz system until Houston and some of the other neighboring municipalities did the same thing.

A: Chief Mack advised that the Bellaire Police Department currently had an 800 system and had the 800 MHz-capability. Part of the primary working relationship for the police, fire, and EMS was with the City of Houston, which was mostly UHF based. Houston had been in the process of trying to determine where they would go with that for the last few years.

The 800 MHz equipment purchased was also capable of working at 700 MHz. Wherever Houston ended up going, Bellaire would already have the equipment in place.

Q: Councilman McLaughlan understood that Bellaire had 800 capabilities, but inquired as to whether the City’s primary system was still 400 MHz.

A: Chief Mack stated that Bellaire’s internal primary system (i.e., between police, fire, and EMS) was 460 MHz.

Q: Councilman McLaughlan asked for confirmation that Houston’s current primary system was 460 MHz.

A: Chief Mack advised that Councilman McLaughlan was correct. Bellaire wanted to continue to be able to communicate with Houston. He noted further that the City also had needs,
particularly during emergency situations, with Harris County. This was why the City had the 800-capability as well.

C: **Councilman McLaughlan** referred to the funds in the budget for art benches. He stated that he hoped that problems with the benches, such as the one at Evergreen Park made of sheet metal that would present future maintenance problems, and the one at the Bellaire City Library that was not very usable, could be resolved prior to purchasing more benches.

R: **City Manager Satterwhite** advised that he felt a better job would be done in the future. City Council was presented with a bunch of pictures that were difficult to understand when making their initial decision. Hopefully, that would improve.

**Mayor Siegel** stated that she believed the Bellaire Arts Commission had learned from the experience as well and had a much better understanding of what was needed in the future.

Q: **Councilman McLaughlan** referred to the “street entrance identity markers” that were included in the budget for the Bellaire Arts Commission and inquired as to what those were.

A: **Assistant City Manager White** stated that the Bellaire Arts Commission had planned for some identity markers to be placed at Loop 610. She advised that she could get some more detailed information for Councilman McLaughlan.

Q: **Mayor Siegel** referred to the Mobility Program of $1.4 million and inquired as to whether those funds were for sidewalks to be constructed or repaired outside of the Rebuild Bellaire Program.

A: **Assistant City Manager White** advised that Mayor Siegel was correct.

Q: **Mayor Siegel** referred to page 13, City Hall pay-as-you-go funds, and asked for confirmation that $250,000 had been expended thus far on City Hall improvements.

A: **Assistant City Manager White** indicated that the City anticipated to have spent $250,000 on City Hall improvements through the end of the current fiscal year.

Q: **Mayor Siegel** inquired as to what else needed to be addressed with respect to City Hall. In other words, did the City plan on spending the entire $500,000 on City Hall?
A: City Manager Satterwhite stated that he hoped not. Some foundation work had been done with respect to City Hall. That work was still being watched. There was still some cosmetic work that needed to be done in conjunction with the foundation work. However, there were no other major plans for City Hall.

Q: Mayor Siegel noted that City Council had asked for more information with respect to the Baldwin Avenue project. The engineers had planned for a two-year storm event, and City Council had asked for additional information and cost figures to increase the project to a 100-year storm event. She inquired as to where the City was with respect to that project.

A: City Manager Satterwhite indicated that the engineers had planned for an extreme event. The reason City Staff had not come back to City Council yet was because the Newcastle Drive project had not even begun. Currently, the engineers planned to provide for a 100-year storm event with respect to that project.

Q: Mayor Siegel asked if the cost for an extreme event was included in the budget.

A: City Manager Satterwhite indicated that funding included in the budget was to begin the engineering design services for a 100-year storm event.

Q: Mayor Siegel referred to METRO mobility funds and assumed that the funding would be used for streets that were started or overlaid with asphalt at the beginning of the Bellaire Millennium Renewal Program that might need to be redone.

A: City Manager Satterwhite stated that some of the funding was for that purpose. The City still had monies left over under the Bellaire Millennium Renewal Program, and the City planned to go back and complete some of the water and wastewater work that was not a priority at that time, but had become so.

Q: Mayor Siegel inquired as to whether temporary housing for the Fire Department personnel would be provided for.

A: City Manager Satterwhite stated that the City would build that into the project and that it could be paid for with bond funds.

Q: Mayor Siegel asked if sidewalks were included in 2009 for Bellaire Town Square. She noted the difficulty people had in getting from the parking lots over to the facilities.
A: **Assistant City Manager White** indicated that sidewalks were included and were identified as the "trail system."

Q: **Mayor Siegel** inquired as to the meaning of BFAC-UB system.

A: **Assistant City Manager White** indicated that “BFAC-UV” system meant “Bellaire Family Aquatic Center” UV system (or ultraviolet system).

**Director of Parks & Recreation Jane Dembski** read a description of the system, which indicated that the ultraviolet system was able to eliminate 99% of microorganisms, including bacteria and viruses. Such systems had been mandated in the State of New York for all shallow water facilities.

Q: **Mayor Siegel** asked for confirmation that this was new technology that was not considered at the time the pool was designed.

A: **Director Dembski** advised that Mayor Siegel was correct. Shallow water and zero-depth pools had become popular within the last ten years.

Q: **Mayor Siegel** referred to signage included in the budget and asked if the signage would direct people to areas for parking when using the City’s Family Aquatic Center.

A: **Director Dembski** stated that the signage in the budget was for monument markers for the entry to Bellaire Town Square.

Q: **Mayor Siegel** asked if funding had been included for blinds for the CenterPoint Energy Community Center.

A: **Director Dembski** stated that there a number of items budgeted for the CenterPoint Energy Community Center, such as technology improvements.

Q: **Mayor Siegel** referred to $4,200 that was included in the budget for metal detectors for the Municipal Court. She asked if that equipment was critical for safety now, noting that there were plans to build or lease space for a new Municipal Court.

A: **City Manager Satterwhite** indicated that there was a need for the equipment from a safety standpoint and that the equipment was transferable.
Q: **Councilman Hickman** referred to the Recycling Center upgrade of $25,000.00. He inquired as to where that amount came from (i.e., which department proposed that upgrade).

A: **Assistant City Manager White** stated that Director of Public Works Joe Keene proposed the upgrade.

**City Manager Satterwhite** noted that before the upgrades were considered, City Council would be asked to make a decision as to the future of the Recycling Center. In other words, this project would come back before City Council.

Q: **Councilman Hickman** referred to the AFIS system. He understood that some of the sister cities used that system as well. He inquired as to whether any of those cities helped pay for the system or for the use of the system.

A: **Chief Mack** indicated that there were some other agencies that used Bellaire’s AFIS system. The City of West University Place recently acquired their own system. Many of the agencies that used Bellaire’s system were agencies that covered large geographic areas, such as Harris County and the Texas Department of Public Safety (DPS). If one of those entities made an arrest near Bellaire, then Bellaire’s system might be used. It did not make sense for DPS to drive to Highway 290 and Jones Road to use one if they were in or near Bellaire. Those entities were operators of the system, so it was not a manpower or resource allocation issue for Bellaire.

Q: **Councilman Hickman** asked if Bellaire would be allowed to use the systems of other entities as well.

A: **Chief Mack** advised that Councilman Hickman was correct and that Bellaire had used the systems of other entities. He noted further that the system was owned by Harris County. Bellaire’s system was just a small piece of the overall system. Harris County funded the entire system and the expectation was that it be available for other agencies, when needed.

**Mayor Siegel**, after noting no further questions from City Council, suggested that City Council needed to discuss the process from this point forward.

**City Manager Satterwhite** noted that Councilman Hickman had made the statement that a great deal of the plan hinged on the budget and might be better discussed after the public hearing. He suggested that no action be taken this evening. Action could be taken at the meeting after the public hearing.
MOTION TO POSTPONE ADOPTION OF PLAN:

A motion was made by Councilman Will Hickman and seconded jointly by Councilman Phil Nauert and Mayor Pro Tem Peggy Faulk to postpone action on the adoption of the City of Bellaire Five-Year Capital Improvement Plan until City Council’s Special Session to discuss the Fiscal Year 2009 Budget and Results of the Budget Public Hearing (i.e., either August 19, 2008, or August 26, 2008).

VOTE ON MOTION TO POSTPONE ADOPTION OF PLAN:

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

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

OPPOSED: None

ABSENT: Jeffery, John

F. NEW BUSINESS:

1. SPECIAL RECOGNITION:

RECOGNITION by Mayor Cindy Siegel of Assistant Chief of Police Byron Holloway for his design and implementation of a special Centennial commemorative badge for the City of Bellaire’s police officers – Item requested by the Bellaire Centennial Planning Committee.

Mayor Cindy Siegel presented a “Certificate of Recognition” to Assistant Chief of Police Byron Holloway for his design and implementation of a Centennial commemorative badge for the City of Bellaire’s police officers. Mayor Siegel read the “Certificate of Recognition” prior to acceptance by Assistant Chief of Police Holloway as follows:

Whereas, the City of Bellaire, Texas, was founded in December of 1908 and is celebrating its Centennial Year in 2008; and

Whereas, Mayor Cynthia Siegel heretofore previously issued a proclamation proclaiming Bellaire’s Centennial Year to be officially opened and encouraging all citizens, organizations, schools, religious
institutions, and businesses in Bellaire to participate in the City’s Centennial activities; and

Whereas, Assistant Chief of Police Byron Holloway participated in the City’s Centennial activities by designing and implementing a special commemorative Centennial badge that has been and will continue to be worn proudly by Bellaire Police Officers throughout the remainder of Bellaire’s Centennial Year; and

Whereas, the Bellaire Centennial Planning Committee has recommended that the City of Bellaire, Texas, recognize Assistant Chief of Police Byron Holloway for his participation in this most special and commemorative Centennial Year;

Now, Therefore, I, Cynthia Siegel, Mayor of the City of Bellaire, Texas, on behalf of the City Council of the City of Bellaire, Texas, and the Bellaire Centennial Planning Committee, do hereby recognize, with great honor and pleasure

Assistant Chief of Police Byron Holloway

for his outstanding contribution to the City of Bellaire’s Centennial Year.

In Witness Whereof, I have hereunto set my hand and caused the seal of the City of Bellaire, Texas, to be affixed this, the 22nd day of July, 2008.

Cynthia Siegel, Mayor
City of Bellaire, Texas

2. ADOPTION OF ORDINANCES:

Agreements and Contracts

a. CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department and Consulting Engineers Claunch & Miller, Inc., to award Bid No. 08-010, Newcastle Drive Paving and Drainage Improvements, to the lowest qualified bidder, JFT Construction, Inc., in an amount not to exceed $4,063,219.65 and adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with JFT Construction, Inc., for the services and materials necessary to complete said project,
consisting of the reconstruction of Newcastle Drive from Bellaire Boulevard to Cypress Ditch, including the replacement of the existing asphalt and concrete pavement with reinforced concrete curb and gutter street, storm sewer, traffic signal, sidewalks, and striping, in an amount not to exceed $4,063,219.65 – Item submitted by Director of Public Works Joe Keene.

**SUMMARY:**

City Manager Bernard M. Satterwhite, Jr., summarized the agenda item before City Council. He stated that the alternate bids related to alternative materials for the Newcastle trail. There were nine bidders on this project. The low bidder, JFT Construction, Inc., was the same company that reconstructed Avenue B south of Bellaire Boulevard. A really good job was done on that project, so City Staff was pleased to recommend them on this project.

The base bid of $4,063,219.65 was for a concrete trail along Newcastle Drive. Concrete was recommended as it was the cheapest alternative and, from a life cycle standpoint, it was cheaper as it was a more durable surface. The asphalt surface was only $250 more, so essentially it was about the same cost-wise, but was not the same life cycle-wise.

City Manager Satterwhite noted further that Consulting Engineers from Claunch & Miller, Inc., James Andrews, Edwin Rydell, and Terry Maher were present, as was Director of Public Works Joe Keene, and were available to answer any questions that City Council might have with respect to the project.

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

A motion was made by Councilman Phil Nauert and seconded by Councilman Will Hickman to accept the recommendation from the Bellaire Public Works Department and Consulting Engineers Claunch & Miller, Inc., to award Bid No. 08-010, Newcastle Drive Paving and Drainage Improvements, to the lowest qualified bidder, JFT Construction, Inc., in an amount not to exceed $4,063,219.65 and to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with JFT Construction, Inc., for the services and materials
necessary to complete said project, consisting of the reconstruction of Newcastle Drive from Bellaire Boulevard to Cypress Ditch, including the replacement of the existing asphalt and concrete pavement with reinforced concrete curb and gutter street, storm sewer, traffic signal, sidewalks, and striping, in an amount not to exceed $4,063,219.65.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Councilman Phil Nauert noted that the west side lip of the Newcastle trail fell off or was cracked and broken in places near the ditch. He inquired as to whether the newly constructed trail would be engineered such that it would not break, crack, and fall off toward the ditch as the asphalt material did.

A: Terry Maher, Consulting Engineer, Claunch & Miller, Inc., advised that it would be engineered with a stabilized base that was 5-1/2” thick and was designed to hold up.

Q: Councilman Pat McLaughlan stated that adjacent to The Nature Discovery Center in Russ Pitman Park there was supposed to be an area for parallel parking. He inquired as to whether the City had also included an area for parallel parking along Evergreen Park.

A: Mr. Maher advised that the parking next to Evergreen Park was deleted.

Mayor Siegel stated that she thought the City had opted for a drivable curb rather than parallel parking.

Mr. Maher agreed, but noted that the parking would be head-in versus parallel. There would be a rollover curb, with grass for cars to park on.

Q: Councilman McLaughlan asked for confirmation that the rollover curb and grass for parking would be adjacent to The Nature Discovery Center and Russ Pitman Park.

A: Mr. Maher advised that Councilman McLaughlan was correct.
Q: Councilman McLaughlan inquired as to the area adjacent to Evergreen Park.

A: Mr. Maher stated that there would not be parking adjacent to Evergreen Park.

Mayor Siegel advised that this was her recollection as well.

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

An amendment (no. 1) was made by Councilman Pat McLaughlan to include parking adjacent to Evergreen Park in this project that was similar to the parking planned adjacent to The Nature Discovery Center at Russ Pitman Park.

Mayor Siegel advised that she did not know if that could be done without suspending City Council’s rules.

City Attorney Alan P. Petrov indicated that the agenda item was for approval of a particular contract. If City Council wanted to discuss parking, then that needed to be included as a separate agenda item.

City Manager Satterwhite stated that City Staff would take a look at it. If City Council desired, a change order could be adopted to include the parking recommended by Councilman McLaughlan.

Councilman McLaughlan noted that there seemed to be an increase in comments from the residents regarding parking on the streets around the City’s recreational areas. He felt that if the City could alleviate the on street parking in any way in the future, it would be a positive thing.

Mayor Siegel advised that she believed the issue related to the fact that City Council removed the parking in front of Evergreen Park previously.

City Manager Satterwhite indicated that he would double-check on that.

[No second was requested nor action taken at this time on the amendment recommended by Councilman McLaughlan]
QUESTIONS/COMMENTS FROM CITY COUNCIL (CONT.):

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

Q: **Councilman McLaughlan** inquired as to how much of the project was related to improved drainage. In other words, in conjunction with this project, would there be a significant improvement in the City’s underground drainage infrastructure?

A: **Mr. Maher** stated that there were currently two 8’ X 7’ concrete boxes under Newcastle Drive. The storm sewer system to be constructed under the project before City Council included storm sewer connections to all of the side streets into that box. The current boxes would not be enlarged. No capacity would be added through the improvements to be made under this project. In other words, the system would not be enlarged. The City was merely tying all of the side streets on and adding facilities for the side streets so that those streets could be tied into the box in the future as those streets were reconstructed.

Q: **Councilman McLaughlan** asked for confirmation that this project did not represent significant drainage improvements. In other words, the project was basically a "street” project.

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

**City Manager Satterwhite** indicated that the project should improve overland sheet flow due to the curb and gutter street and the inlets on the street.

**Mr. Maher** agreed, noting that the street be lowered, thereby improving overland flow down to Cypress Ditch.

Q: **Mayor Pro Tem Peggy Faulk** asked for confirmation that the City was relying more on the Baldwin Avenue paving and drainage improvements project to provide more significant drainage improvements.

A: **Mr. Maher** stated that Mayor Pro Tem Faulk was correct.

Q: **Mayor Pro Tem Faulk** noted that the “source of funding” for the project was left blank on packet...
materials. She asked for confirmation that the project was being funded from monies received from the Metropolitan Transit Authority of Harris County (i.e., METRO).

A: **City Manager Satterwhite** advised that Mayor Pro Tem Faulk was correct.

Q: **Mayor Pro Tem Faulk** inquired as to the total amount of funding METRO provided for this project.

A: **City Manager Satterwhite** indicated that $5.2 million was provided for the project.

C: **Mayor Pro Tem Faulk** noted that the bid for the project was $4.06 million.

R: **City Manager Satterwhite** advised that monies were also expended for engineering design and construction observation, etc.

Q: **Mayor Pro Tem Faulk** inquired as to the amount of money expended for engineering services.

A: **Mr. Maher** advised that after subtracting engineering services, there would be approximately $400,000 left of the METRO funding.

Q: **Mayor Pro Tem Faulk** asked if the City would lose that funding if it were not used.

A: **Mayor Siegel** advised that the City would have to return the unexpended funds. She noted further that there were other projects that other cities were waiting in line to receive funding for.

**City Attorney Petrov** noted additionally that some time ago the City entered into an Interlocal Agreement with METRO whereby METRO agreed to provide “X” dollars for the project. The way the agreement read was that there was a maximum amount to be provided. If the project ended up costing less than the agreed amount, the City had to pay the funds back.

Q: **Mayor Pro Tem Faulk** asked if the City had to pay the money back with interest.
A: City Manager Satterwhite stated that the money had to be placed in a separate interest-bearing account and METRO got the interest regardless.

Q: Mayor Pro Tem Faulk asked for confirmation that the total amount of this project at this point would be $4.8 million.

A: City Manager Satterwhite advised that it would be somewhere in that vicinity.

Q: Mayor Pro Tem Faulk asked for confirmation that the project would cost approximately $4.1 million, with $700,000 spent on design and engineering services.

A: Mr. Maher stated that the design and engineering services cost was $630,000.

James Andrews, Consulting Engineer, Claunch & Miller, Inc., advised that the Interlocal Agreement with METRO was for $5,179,443,000. There were two phases to the Interlocal Agreement, one was for the engineering contract and the other was for the construction award. There was a 25% contingency that METRO was willing to allow the City to use throughout the project process should there be any change orders or additional scope changes that might increase the overall construction costs.

Q: Mayor Siegel asked if the funding could be applied toward any of the add alternates included in the bid.

A: Mr. Andrews stated that the funding would be applied to whatever City Council decided to award this evening. If that were less than the construction cost originally in the agreement, then METRO would fund upwards of 25% of the amount awarded below the total agreement of $5,179,443.00.

Q: Mayor Pro Tem Faulk noted that the funding provided by METRO was approximately $5.1 million. The contract award this evening would be approximately $4.06 million. She inquired as to how much would be left.

A: Mr. Andrews indicated that $630,316 was expended on total engineering costs. Adding that to the recommended base bid of $4.06 million, the City would be left with approximately $500,000 to “play” with.
METRO had been willing to give the money to the City. He was not sure that it could not be used for some other project.

**Mayor Pro Tem Faulk** agreed, noting that the City should at least pursue that option.

**City Manager Satterwhite** advised that the agreement was for the City to build a street in accordance with certain specifications, not knowing at all how much it would cost. The City approached METRO with respect to this project five years ago. The expectation was that the City would get its street, and the City would get that.

**C: Mayor Siegel** stated that she did not believe that the City would be able to use any extra funding for something else. She had sat in the meetings and there were other cities in the area with needs.

**R: City Manager Satterwhite** agreed, noting that he was very happy to be getting a $5 million street and trail.

**Mayor Pro Tem Faulk** agreed, but noted that it did not hurt to ask to receive the extra funding.

**Mr. Andrews** advised that the City did not get its anticipated funding from the Harris County Flood Control District; so perhaps, this funding could be rolled into the Baldwin Avenue project.

**Q: Councilman James P. Avioli, Sr.,** indicated that he was trying to get the project sequence straight in his own mind. He asked for confirmation that the engineering design services were completed, and the project was then placed out for bid, and bids were received. As noted this evening, the lowest qualified bid was approximately $4.1 million. He asked if the engineering costs of $630,000 had been approved.

**A: City Manager Satterwhite** stated that the engineering services contract for this project was approved during the previous year. He noted that it took nine months or so to engineer the project, then an additional month or so to go out for bids. He believed that the contract might have come before City Council prior to the start of Councilman Avioli’s term.
Q: **Councilman Avioli** asked what percentage of the engineering costs was related to construction observation.

A: **Mr. Andrews** stated that he believed the construction observation portion of the services represented about 4.3% of the total engineering costs.

Q: **Councilman Avioli** asked for confirmation that the percentage was much lower than it had been.

A: **Mr. Andrews** indicated that it was not.

**City Manager Satterwhite** asked if Councilman Avioli was referring to the percentage based on the engineering contract or the total construction project.

Q: **Councilman Avioli** stated that he was not looking at the total project, but at the amount to be paid for engineering services.

A: **City Manager Satterwhite** indicated that those costs were itemized.

**Councilman Hickman** brought up a point of order, noting that the questions being asked with respect to the engineering contract were not relevant to the current agenda item before City Council.

**Mayor Siegel** agreed and advised that the questions and discussion needed to focus on the construction project before City Council.

C: **Councilman Avioli** advised that he understood the point of order, but not being a part of City Council when the project was put together, he felt he had a responsibility to ask the questions. He respected the Mayor’s point of order, but he also thought that his questions were warranted.

C: **Councilman McLaughlan** stated that he would be voting against this agenda item, as the residents in the area did not want the new concrete curb and gutter street. Those residents appeared before City Council at a previous meeting and indicated their desires and concerns.
Councilman McLaughlan visited the area over the weekend and noted that the residents still indicated that they liked the street the way it was. There was no identified safety hazard associated with the street. The downstream mobility and pedestrian mobility was good; there was a sidewalk on the east side of the street; and there was a trail on the west side of the street.

Councilman McLaughlan continued, noting that he realized that money had already been spent on the engineering design services and that he had voted for the monies to be spent on those services. However, for government to spend $4.1 million doing something that the people in the neighborhood really did not want did not make sense. He would, therefore, vote against this agenda item.

Q: Councilman Hickman inquired as to how this particular project fit into the overall drainage plan for the City. He asked if Mr. Andrews could address the entire Southdale area, the capacity of Interstate Highway 610, Avenue B, Newcastle Drive, and what was proposed for Baldwin Avenue. In other words, how did it all fit together?

A: Mr. Andrews indicated that the entire southeast quadrant of the City was greatly affected during Tropical Storm Allison. That area was basically the low end of Bellaire. There had been many improvements constructed and planned for the area, starting with the Interstate Highway 610 improvements.

When the Texas Department of Transportation (TXDOT) rebuilt Interstate Highway 610, the City campaigned very hard to double the drainage capacity of the roadway. TXDOT did so and the increased flow from the adjacent properties was greatly improved.

The reconstruction of Avenue B and Valerie Street pulled a great deal of the flow that was originally going through the Newcastle Drive system back to Avenue B and Interstate Highway 610 through the new boxes along Interstate Highway 610. This was the reason that the engineers had not planned to double the size of the culverts along Newcastle Drive.

The next large drainage project was Avenue B and it would provide extreme event drainage for not only the Southdale area, but also areas to the north of Bellaire.
Boulevard, improving the drainage efficiency and capacity of those systems.

**Q:** Councilman Hickman referred to the add alternates, 1 and 2, which were the asphalt and rubberized materials for the trail. He inquired as to whether both of those would have the base of a concrete trail. In other words, would the asphalt and/or rubberized material be an overlay on top of concrete?

**A:** Mr. Andrews stated that the rubberized trail would essentially be an overlay. It was a very expensive mat, but would have a concrete base. The asphalt trail was essentially a full section of asphalt on top of a stabilized black base.

**Q:** Councilman Hickman inquired as to the type of maintenance the City might expect if add alternate 3, crushed granite, were used for the trail.

**A:** Mr. Andrews stated that the maintenance costs were reviewed for each alternative. The replacement of the granite trail in total would occur after 10-20 years.

Mr. Maher indicated that the annual maintenance for the crushed granite trail would consist of the purchase of 100 tons of granite. It would cost approximately $440,000 over the 10 years.

**Q:** Councilman Hickman asked for some guidance from the Mayor or City Attorney. He stated that if the City could not use the additional funding of approximately $500,000 on another project, he would propose using it on the rubberized material for the Newcastle trail. This could not be done this evening until the City received confirmation from METRO as to whether or not the funding could be rolled over.

He felt that the rubberized trail would be a nice addition if the City could not use the funding elsewhere. He would prefer to use the additional funding on the Baldwin Avenue project.

**A:** Mr. Andrews suggested that the City initiate discussions with METRO to see if any potential additional funding could be used for another project. If the City could not do so, then City Council could come back
potentially with a change order for the rubberized surface.

Q: **Councilman Hickman** advised that he was not sure if the rubberized material could be included under the 25% contingency that Mr. Andrews referred to earlier. He wondered if it would be better to postpone action on this agenda item this evening and consider it at a later meeting.

A: **Mr. Andrews** stated that 25% of the low bid would put the City right at the construction budget.

Q: **Councilman Hickman** asked for confirmation that the City would have enough funding to consider the rubberized material as an add alternate.

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

Q: **Mayor Siegel** asked for confirmation that if the current motion was amended to include add alternate 2, that the cost would be included within the METRO agreement or outside of the METRO agreement.

A: **Mr. Andrews** stated that any of the add alternates would be inside the METRO agreement.

Q: **Mayor Siegel** asked for confirmation that City Council could amend the motion this evening, as it would be part of the METRO project.

A: **City Attorney Petrov** advised that Mayor Siegel was correct.

Q: **Mayor Siegel** referred to considering the item as a change order down the road and asked if it would then fall under the 25% contingency.

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

C: **Councilman Hickman** stated that he did not want to recommend add alternate 2 if the funding could be used on the Baldwin Avenue project.

**Councilman Nauert** stated that if the motion currently on the table were approved, City Council could still
pursue finding out if the additional funding could be rolled over.

**Mayor Siegel** advised that she felt City Council should amend the motion to include a statement that the City would pursue the possibility with METRO of using any extra funding for another project.

**R:** **City Attorney Petrov** stated that he did not feel that it would fit within the agenda item. City Staff could still be directed to contact METRO about the funding. City Council did not necessarily need a motion on it.

**C:** **Councilman Hickman** stated that even if City Council included add alternate 2 as a part of this project this evening, there would still be approximately $100,000 left to roll over if METRO agreed. If the answer were yes, then add alternate 2 could be removed from the project, leaving approximately $500,000 that could be rolled over.

**C:** **Councilman Nauert** stated that he did not wish to see the City saddled with a $400,000 expenditure ten years down the road to replace the rubberized trail.

**R:** **Mr. Andrews** advised that the rubberized material was not guaranteed beyond five years.

**C:** **Councilman Nauert** stated that if the City were going to use rubberized material, he would like to do so in a location that could have a roof over it.

**R:** **Mr. Maher** stated that 10-15 years down the road the City would have to replace the rubberized material at a cost of $450,000. The cost of the material was over $100 per square yard.

**Q:** **Councilman Hickman** inquired as to whether the rubberized material could be removed, leaving the concrete base beneath.

**A:** **Mr. Andrews** stated that the material was virtually a mat on top of a concrete base.

**Q:** **Councilman Hickman** asked if the mat could be removed once it were worn out and still have the concrete base as a trail.
A: Mr. Maher stated that the concrete base would be one-half inch to one inch lower than you would need for it to be in order to place the mat on top of it.

Bicyclers could use the rubberized material recommended for the trail. It would be rough for skaters and somewhat difficult for strollers (i.e., bumpy).

C: Councilman McLaughlan stated that the rubberized surface was great for joggers and great to walk on it. However, it increased the rolling resistance for bicyclers and for strollers.

Q: Mayor Siegel inquired as to the useful life of the asphalt trail.

A: Mr. Andrews stated that the life of the asphalt trail would be 20 years. The maintenance, however, would be much greater. Over a 20-year life cycle, a certain number of dollars would need to be spent on point repairs. It would cost approximately $140,000 over the 20-year life.

Q: Mayor Siegel asked how the maintenance costs compared for a concrete trail.

A: Mr. Andrews stated that $70,000 would be spent over 20 years with respect to concrete.

C: Councilman Avioli stated that since the City Council was discussing a $5 million project and some of the decisions were made prior to his being on City Council, he would abstain from the vote.

C: Mayor Siegel respectfully disagreed with Councilman McLaughlan. She stated that the Newcastle project affected more than just the people that lived adjacent to Newcastle Drive. Every reconstructed street project undertaken by the City was to improve drainage of the area around the street. She would support the agenda item, but was up in the air with respect to concrete versus asphalt surfacing for the trail.

C: Councilman McLaughlan stated that he utilized Memorial Park often in Houston and did not feel that it had cost Houston the amounts of money mentioned earlier to maintain the crushed granite surface.
Concrete was hard to walk and run on. The City spent many dollars repairing concrete sidewalks throughout the City, and the sidewalks continued to break up. He felt that asphalt had some great advantages, but he personally liked granite.

MOTION TO POSTPONE ACTION ON THE ACCEPTANCE OF A RECOMMENDATION AND ADOPTION OF ORDINANCE:

A motion was made by Councilman Will Hickman and seconded by Mayor Pro Tem Peggy Faulk to postpone action on the acceptance of a recommendation and adoption of ordinance regarding the Newcastle Drive Paving and Drainage Improvements project until such time as the City of Bellaire could inquire and receive an answer from the Metropolitan Transit Authority of Harris County (METRO) as to how the remainder of monies agreed to be paid for said project versus the actual cost of the project could be used.

VOTE ON MOTION TO POSTPONE ACTION ON THE ACCEPTANCE OF A RECOMMENDATION AND ADOPTION OF ORDINANCE:

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

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

OPPOSED:    Nauert, Phil

ABSENT:     Jeffery, John

ABSTAIN:    Avioli, James P., Sr.

b. CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department and Consulting Engineers Klotz Associates, Inc., to award Bid No. 08-009, Aeration Basin Rehabilitation, to the lowest bidder, R+B Group, Inc., in an amount not to exceed $604,590.00 and adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with R+B Group, Inc., for
the applicable labor, services, materials, and equipment necessary for the replacement of the aeration basin diffuser system and related work at the Bellaire Wastewater Treatment Plant located at 4401 Edith Street, Bellaire, Texas 77401, in an amount not to exceed $604,590.00 – Item submitted by Director of Public Works Joe Keene.

SUMMARY:

City Manager Bernard M. Satterwhite, Jr., summarized the agenda item before City Council. He advised that this agenda item was brought forward as a result of the Texas Commission on Environmental Quality’s (TCEQ) inspection of the City’s facilities. It was identified in that inspection as an item that needed to be replaced. The City had gone out for bids on this project twice, and this was the lowest bid received. Consulting Engineer Ralph Cox of Klotz Associates, Inc., and Director of Public Works Joe Keene were present to answer any questions that City Council might have with respect to the project.

MOTION TO ACCEPT RECOMMENDATION AND ADOPT ORDINANCE:

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman Pat McLaughlan to accept the recommendation from the Bellaire Public Works Department and Consulting Engineers Klotz Associates, Inc., to award Bid No. 08-009, Aeration Basin Rehabilitation, to the lowest bidder, R+B Group, Inc., in an amount not to exceed $604,590.00 and to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with R+B Group, Inc., for the applicable labor, services, materials, and equipment necessary for the replacement of the aeration basin diffuser system and related work at the Bellaire Wastewater Treatment Plant located at 4401 Edith Street, Bellaire, Texas 77401, in an amount not to exceed $604,590.00.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Councilman James P. Avioli, Sr., referred to item 5 of the bid and the major difference between the original
cost estimate and the bid received. He inquired as to whether the difference was related to parts or labor, for example.

A: Consulting Engineer Ralph Cox, Klotz Associates, Inc., stated that the difference appeared to be labor costs. The engineering estimate was based on material pricing received from vendors, as well as their opinion on the amount of hours of labor required to install the materials. Since the equipment and material pricing matched the estimates, he could only conclude that the difference related to labor costs.

Q: Councilman Avioli asked if Mr. Cox found that to be acceptable.

A: Mr. Cox stated that the project was bid twice and the same answer (with respect to costs) was received twice. Since the project was mandated by the TCEQ, the City concluded that bidding the project a third time would probably not change anything. The recommendation was, therefore, to move forward.

Q: Councilman Avioli inquired as to whether the $604,000 included the engineering costs.

A: Mr. Cox advised that the engineering costs were not included. The engineering costs were approved some time ago and were around $30,000.

Q: Councilman Pat McLaughlan noted that the City’s Wastewater Treatment Plant was an aging facility, and the City continued to spend money on it, and money would probably be spent on it in the future. He asked if entering into negotiations with Houston for wastewater treatment services was a “dead” item or a possibility.

A: City Manager Satterwhite indicated that if the City wanted to spend the money on an impact fee and pay the costs of treating the water, which was much higher than what Bellaire could treat it for now, then it was not a “dead” issue. His recommendation was to rehabilitate the City’s Wastewater Treatment Plant and move forward. The City had to do something to keep the sewage running. He would not say that negotiations with Houston were a “dead issue,” if the City wanted to pay the costs.
C: Councilman McLaughlan noted that there might be future negotiation capability with Houston if the City wanted to pursue that. An intangible from using Houston was that the land on which the Wastewater Treatment Plant was located could be used for recreational purposes.

R: City Manager Satterwhite advised that he understood that as well. However, if the City did not perform the rehabilitation requested this evening, the City would be getting a notice of violation from the TCEQ and would get fined.

C: Councilman McLaughlan stated that he was not critical of City Staff’s efforts this evening. He was merely using this as an opportunity to keep the item on the table that the land might become usable for additional recreational purposes.

R: Mr. Cox stated that even if City Council decided this very minute to work a deal with the City of Houston, the current project would still need to be done, as it would take some time to get those services and the necessary infrastructure in place.

VOTE ON MOTION TO ACCEPT RECOMMENDATION AND ADOPT ORDINANCE:

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

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

OPPOSED: None

ABSENT: Jeffery, John

{Ordinance was subsequently numbered: 08-043}

c. CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department to engage Klotz Associates, Inc., to perform engineering services necessary for the rehabilitation of the well, well pump, and related appurtenances for Well
No. 5 at Feld Park Water Plant in the amount of $70,000.00 and adoption of an ordinance of the City Council of the City of Bellaire, Texas, to execute a Letter of Agreement for Consulting services with Klotz Associates, Inc., for said services in an amount not to exceed $70,000.00 – Item submitted by Director of Public Works Joe Keene.

SUMMARY:

Ralph Cox, Consulting Engineer, Klotz Associates, Inc., advised that the City operated with both treated water purchased from the City of Houston, as well as well water. That combined operation was the most economical way to run the City.

The City had two functioning wells right now. Well No. 5 was out of surface. The rehabilitation of the well would add some redundancy to the system and improved its reliability. Within the Capital Improvement Program, City Staff had requested that a similar rehabilitation occur at the Central Water Plant. The rehabilitation included jetting out the well and cleaning the well screens. The pump and motor for Well No. 5 had basically come apart at the seams. It was 20 years old or more and would be replaced under the proposed rehabilitation project.

MOTION TO ACCEPT RECOMMENDATION AND ADOPT ORDINANCE:

A motion was made by Councilman Phil Nauert and seconded by Councilman Will Hickman to accept the recommendation from the Bellaire Public Works Department to engage Klotz Associates, Inc., to perform engineering services necessary for the rehabilitation of the well, well pump, and related appurtenances for Well No. 5 at Feld Park Water Plant in the amount of $70,000.00 and to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute a Letter of Agreement for Consulting services with Klotz Associates, Inc., for said services in an amount not to exceed $70,000.00.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Councilman Will Hickman inquired as to whether it would be possible to receive several options that
included energy considerations. For example, a pump might be available at a low cost, but not be capable of providing energy savings to the City. Conversely, a pump might be available at a great cost, but provide a great deal of savings with respect to energy.

A: Mr. Cox stated that in this particular case, the efficiency of the pump was not as critical as the efficiency of the motor. His firm would specify a super high efficiency motor. Depending on the size of the motor, a premium might be paid for the high efficiency motor, but payback in energy savings was typically a few years.

Q: Councilman Pat McLaughlan noted that Mr. Cox had indicated that similar rehabilitation work would be done in the future at the Central Water Plant. He asked the City Manager if the City would consider expanding its agreement with Klotz Associates, Inc., in the future to address the possible removal of one of the ground storage water tanks in order to expand the City’s recreational areas.

A: Mayor Siegel stated that Councilman McLaughlan’s question did not relate to the agenda item before City Council. She felt that question would be answered down the road.

VOTE ON MOTION TO ACCEPT RECOMMENDATION AND ADOPT ORDINANCE:

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

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

OPPOSED: None

ABSENT: Jeffery, John

{Ordinance was subsequently numbered: 08-044}
Public Hearing

d. CONSIDERATION of and possible action on the adoption of an ordinance calling a public hearing before the City Council of the City of Bellaire, Texas, on Tuesday, August 26, 2008, at 6:00 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, concerning an application and request submitted by the Episcopal High School for:

(1) a specific use amendment and permit to construct a new Parking Complex, a new Academic Center, a new Field House addition, a new Student Center addition, a Chapel renovation and addition, a new Fine Arts Center, a new Maintenance Building, and a renovation of the existing Convent and Fine Arts Building;

(2) an amendment to the written text of the Code of Ordinances of the City of Bellaire, Texas, Chapter 24, Planning and Zoning Regulations, Article V, Zoning Regulations, Division 2, Zoning District Regulations, Section 24-541, Loop 610 District, Subsection D, Standard Regulations, (2) Non-residential structures, b) Schools, 1) Size and area, d. Maximum building height, to allow for the maximum building height of a structure in said district to be six (6) stories subject to tiered setbacks measured from abutting residential neighborhoods and to increase the maximum height limit for cooling towers, roof gables, theatrical fly spaces, chimneys, radio and television antennas, and vent stacks to eighty-four (84) feet above the average level of the base of the foundation of the building, excluding basements; and

(3) an amendment to the written text of the Code of Ordinances of the City of Bellaire, Texas, Chapter 24, Planning and Zoning Regulations, Article II, Definitions and Interpretations, Section 24-202, Definitions, by adding a new definition (174.6), Theatrical fly space.

Item submitted by City Clerk Tracy L. Dutton on behalf of Chair Bill Thorogood, Planning and Zoning Commission of the City of Bellaire, Texas.
Mayor Cindy Siegel advised that she would recuse herself from any action related to this agenda item because her daughter would be attending Episcopal High School in August of 2008. She next turned the floor over to Mayor Pro Tem Peggy Faulk.

Mayor Pro Tem Peggy Faulk asked for a motion related to the agenda item.

**MOTION TO ADOPT ORDINANCE:**

A motion was made by Councilman Will Hickman and seconded by Councilman Phil Nauert to adopt an ordinance calling a public hearing before the City Council of the City of Bellaire, Texas, on Tuesday, August 26, 2008, at 6:00 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, concerning an application and request submitted by the Episcopal High School for:

1. a specific use amendment and permit to construct a new Parking Complex, a new Academic Center, a new Field House addition, a new Student Center addition, a Chapel renovation and addition, a new Fine Arts Center, a new Maintenance Building, and a renovation of the existing Convent and Fine Arts Building;

2. an amendment to the written text of the *Code of Ordinances of the City of Bellaire, Texas, Chapter 24, Planning and Zoning Regulations, Article V, Zoning Regulations, Division 2, Zoning District Regulations, Section 24-541, Loop 610 District, Subsection D, Standard Regulations, (2) Non-residential structures, b) Schools, 1) Size and area, d. Maximum building height*, to allow for the maximum building height of a structure in said district to be six (6) stories subject to tiered setbacks measured from abutting residential neighborhoods and to increase the maximum height limit for cooling towers, roof gables, theatrical fly spaces, chimneys, radio and television antennas, and vent stacks to eighty-four (84) feet above the average level of the base of the foundation of the building, excluding basements; and

3. an amendment to the written text of the *Code of Ordinances of the City of Bellaire, Texas, Chapter*
24, Planning and Zoning Regulations, Article II, Definitions and Interpretations, Section 24-202, Definitions, by adding a new definition (174.6), Theatrical fly space.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Councilman Will Hickman inquired as to whether this request for a specific use amendment and code amendments had been approved by the Bellaire Planning and Zoning Commission.

A: City Attorney Alan P. Petrov advised that Councilman Hickman was correct. The Bellaire Planning and Zoning Commission had made a recommendation for approval of the specific use amendment and code amendments requested by Episcopal High School.

Q: Councilman Hickman asked if the specific exceptions were set forth in the application.

A: City Attorney Petrov advised that he believed so.

City Attorney Alan P. Petrov and City Clerk Tracy L. Dutton asked City Council to consider amending Exhibit C to the ordinance, the Notice of Public Hearing, for the purpose of eliminating the full metes and bounds description of the property as it was not legally required and would cost the applicant unnecessary funds to reimburse the City for the cost of the advertisement.

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

An amendment (no. 1) was made by Councilman Will Hickman and seconded by Councilman Phil Nauert to amend Exhibit C, Notice of Public Hearing, to the ordinance before City Council for the purpose of eliminating the full metes and bounds description of the Episcopal High School property.
VOTE ON AMENDMENT (NO. 1) TO MOTION TO ADOPT ORDINANCE:

Amendment (No. 1) carried on a 5-0-1 vote as follows:

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

OPPOSED: None

ABSENT: Jeffery, John

ABSTAIN: Siegel, Cindy*

*Mayor Cindy Siegel abstained from voting on the amendment as per her earlier statement regarding her daughter’s recent acceptance to Episcopal High School.

VOTE ON MOTION TO ADOPT ORDINANCE, AS AMENDED:

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

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

OPPOSED: None

ABSENT: Jeffery, John

ABSTAIN: Siegel, Cindy*

*Mayor Cindy Siegel abstained from voting on the amendment as per her earlier statement regarding her daughter’s recent acceptance to Episcopal High School.

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 9:39 p.m. on Tuesday, July 22, 2008.

VOTE ON MOTION TO ADJOURN:

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

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

OPPOSED: None

ABSENT: Jeffery, John

Respectfully submitted,

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

Approved:

_______________________________
Cynthia Siegel, Mayor
City of Bellaire, Texas