CITY OF BELLAIRE
CITY COUNCIL

Minutes of Meeting
Monday, August 4, 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 7:00 p.m. on Monday, August 4, 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;
- Councilman Phil Nauert, Position No. 4;
- Councilman Pat McLaughlan, Position No. 5; and
- Councilman John Jeffery, Position No. 6.

Mayor Pro Tem Peggy Faulk, Position No. 3, was absent. Other officials present were Assistant City Manager Diane K. White, City Attorney Alan P. Petrov, and City Clerk Tracy L. Dutton.

B. INSPIRATIONAL READING AND/OR INVOCATION – Councilman Phil Nauert.

Councilman Phil Nauert referred to the storm that was headed toward the Houston area, Tropical Storm Edouard, and read the following quotation:

The wise man in the storm prays to God, not for safety from danger, but for deliverance from fear.

--Ralph Waldo Emerson
American Poet and Essayist

C. PLEDGES TO THE FLAGS – Councilman Phil Nauert.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

Councilman Phil Nauert led the audience and City Council in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.
Mayor Cindy Siegel took a moment to recognize and welcome Girl Scout Troop 4473, who were present this evening for the City Council Meeting. She noted that Troop 4473 would also be able to see ten other local Girl Scouts receive their Gold Award later in the evening.

D. APPROVAL OR CORRECTION OF MINUTES:

APPROVAL of minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, July 21, 2008 – Item submitted by City Clerk Tracy L. Dutton.

MOTION TO APPROVE MINUTES:

A motion was made by Councilman Pat McLaughlan and seconded by Councilman John Jeffery to approve the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, July 21, 2008.

CORRECTION:

Councilman James P. Avioli, Sr., requested that the following correction be made to the minutes on page 34, line 1599: replacement of the word “anything” with the word “any.”

Mayor Cindy Siegel, after noting no further corrections, called for a vote on the minutes, as corrected.

VOTE ON MOTION TO APPROVE MINUTES, AS CORRECTED:

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

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

OPPOSED: None

ABSENT: Faulk, Peggy

E. PERSONAL/AUDIENCE COMMENTS.

Louella Opoku, 6700 Chimney Rock Road, Houston, Texas 77081:

Ms. Opoku distributed a letter to each member of City Council. She noted that the letter pertained to an incident that occurred under the jurisdiction of
the City of Bellaire and advised that the two issues she and her husband had related to racial profiling within the City of Bellaire and police detention of innocent civilians.

The incident occurred on Father’s Day, June 15, 2008, at the Randall’s Supermarket on the corner of South Rice Avenue and Bellaire Boulevard, as well as the Bellaire Transit Center (METRO Bus Stop), at 4:41 p.m. Ms. Opoku advised that she and her husband had made purchases on the date and time mentioned at the Randall’s Supermarket. They left the store and stood at the Bellaire Transit Center to await a bus. Less than five minutes later, Bellaire Police Officer M. Borger arrived and yelled at Ms. Opoku and her husband to put their bags down and step away. She asked for an explanation, but no response was given. Officer Borger searched their bags and belongings. Ms. Opoku’s husband was body searched against a pole, handcuffed, and detained in Officer Borger’s Bellaire police vehicle.

A second Bellaire Police Officer, Corporal C. Delk, arrived and searched Ms. Opoku’s bag, took her personal identification and information, and asked how she knew her husband. He then asked Officer Borger to handcuff her and detain her in a separate Bellaire police vehicle.

While Ms. Opoku and her husband waited, a third Bellaire Police Officer, A. Porter, arrived. All three police officers gathered and talked amongst themselves out of hearing distance from Ms. Opoku and her husband. Her husband was next asked to get out of Officer Borger’s police vehicle. His handcuffs were removed and all three police officers began conversing with him out of the hearing distance of Ms. Opoku. Approximately ten minutes later, Officer Borger released Ms. Opoku and removed her handcuffs. She asked for an explanation from Officer Borger and received no response.

Ms. Opoku then joined her husband and the other Bellaire police officers. Corporal C. Delk explained that a manager of Randall’s Supermarket had seen a black male and Hispanic female shoplifting meat on previous occasions, and had come out of the store to point out Ms. Opoku and her husband to the officers while they stood at the Bellaire Transit Center. Corporal Delk advised Ms. Opoku and her husband to no longer shop at that supermarket and to shop elsewhere to avoid any future problems with the store.

Ms. Opoku advised that she and her husband did not agree with this and went back to the store to get the head office phone number for Randall’s Supermarket. The three Bellaire police officers followed them into the store. Ms. Opoku and her husband then left the store.

Ms. Opoku next outlined the facts for the City Council. She advised that she and her husband had never stolen anything. For the store manager to state that Ms. Opoku was of Hispanic origin was incorrect. To state that her husband was a “black” was incorrect. Black was not an ethnicity, but a color, which did not explain ethnic background for this or any other context. To say
that Ms. Opoku was Hispanic was also incorrect, as she was not. The store manager who falsely accused them was, therefore, wrong in both cases.

Ms. Opoku continued and advised that their right to freedom was severely sabotaged and their human rights violated when they were accused by the store manager and detained by the police against their will. Ms. Opoku was never given a police report. Lastly, Randall’s Supermarket’s Loss Prevention Department investigating the issue had not yet responded. The Bellaire Police Department investigating the issue had not yet responded. The Bellaire City Manager, Bernard Satterwhite, and City Manager Liaison, Patte McGuire, had received a letter Ms. Opoku submitted, but no updates had been heard.

Ms. Opoku requested that the City of Bellaire gather the complete findings from the Bellaire Police Department investigation and the Randall’s Supermarket Loss Prevention Department’s investigation. Ms. Opoku advised that she and her husband had allowed more than enough time for due process to take place. She refused to allow this to happen to them again. She and her husband would not be racially profiled and detained for no reason against their will again in Bellaire or any other city in the United States.

Mark Marmon, 4441 Verone Street, Bellaire, Texas 77401:

Mr. Marmon addressed City Council and noted that the last time he was able to address City Council was on May 19, 2008. He noted, for the benefit of the audience, that the City was planning to reconstruct Newcastle Drive, which included lowering and widening the street. Since he and other neighbors had last appeared before City Council some changes had been made to the project and he and the neighbors in the area were appreciative of those changes.

The main concern Mr. Marmon had was related to the fact that this was an engineering driven project, with little or no input from the citizens prior to it being established. This was very reflective of what a Texas A & M Professor addressed with the City of Houston regarding the Kirby Street expansion. In other words, if one wanted a large amount of traffic to move at a high rate of speed through an area, then widening the lanes and reducing green space would be the way to go. The residents that lived in the area did not want increased traffic and high rates of speed.

Mr. Marmon indicated that he did not believe that all of the options had been surveyed with respect to drainage. He noted that there was standing water on Newcastle Drive between Bellaire Boulevard and Bissonnet Street. That portion of the street did drain, but not the way the engineers said it would.
Additionally, nothing had been addressed with respect to traffic concerns. There were constantly speeders up and down Newcastle Drive. Mr. Marmon had yet to see a traffic violation issued in the area. Mr. Marmon advised that he wished for City Council to know that the residents were still concerned with speeding in the area. Those residents would be appearing at future City Council meetings. It was their hope that this situation would be thought out and handled in a responsible manner.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas 77401:

Ms. McBee addressed City Council and advised that she was present to speak to the Newcastle Drive improvements as well. Approximately 30 years ago, there was talk regarding improving Newcastle Drive so much as to increase traffic capacity to accommodate an Abercrombie apartment complex at the north end just past the city limits. At that time, people wanted Newcastle Drive closed.

In the early 1970s, an asphalt jogging path was created along Newcastle Drive that was wildly popular today and used by every means of pedestrian, wheeled vehicle, etc., as well as the minimal width sidewalk on the east side. Ms. McBee stated that she supported the project and did not believe the widening of the street was significant enough to warrant the concerns she had heard about increased traffic. Admittedly the traffic was heavy in that area, but the traffic was heavy in other areas of Bellaire as well.

Ms. McBee requested that City Council not consider any of the alternate bids for other materials for use on the multi-shared path or the sidewalk. There was some question about rubberized track material to be used. The little research she had been able to do indicated that the material was wonderful for one use—joggers. It was an untested product for multiple uses. She was very concerned that if City Council considered the product for one class of users, that they might open up a very large bag of liability for all of the wheeled uses, such as strollers, wheelchairs, skateboards, bicycles, etc.

In closing, Ms. McBee stated that she hoped City Council would accept the bid as proposed and recommended by City Staff to put concrete in place of the asphalt on the multi-use path, which would both stabilize the path and have a longer life. She suggested that if City Council wanted to try to use the rubberized material that it be used in another location in the City.
Written Comment:

Mayor Cindy Siegel advised that one written comment had been received, which she read for the record as follows:

My name is Margaret Vinson and I live at 4441 Dorothy.

I would like to reiterate some of my concerns regarding the construction plans for Newcastle and to respectfully request that you do not move forward with the current plans but rather create a community-centric plan that incorporates community interests and supports the “city of homes” reputation.

- **Your citizens like the street the way it is** – it presents a unique small-town community feel to the area that people like. Now it will feel just like any other big-city street in Houston.

- **Pedestrian crossing of Newcastle is challenging** – a wider street will make crossing worse. It’s a ready, set, run! approach to getting across to enjoy the path and parks.

- **Reduction of “green space”** – current plans result in ~40% reduction in green space. Why would we vote on something that destroys some of what makes our city so nice?

Everyone agrees drainage improvements would be a benefit. However, from attending the engineer plans meeting in April, we now know that **we can achieve the drainage benefits through other means.** Options that do not result in many of the negative issues that are creating such concern in the community.

One such option that seems ideal is improvements to the existing under-path drainage system. By using the path space for improved drainage, the community benefits in so many ways:

- Improved drainage,
- Narrow streets to preserve small-town feel and deter speed,
- Preservation of green space, and
- The ability to drive to our homes after heavy rain (the new street holds water (floods). Holding water over the path makes sense since no one will be using it in rain anyway).

Of course METRO is willing to give us funding since it makes it easier for cut-through traffic. Is that what we really want for our city of homes?

Before I conclude, I want to commend you on the great decisions you have made to date regarding the plans.
• The rubber path will be a wonderful feature to the entire city of Bellaire and will likely result in even more usage.

• Preserving the nature center by redesigning the parking options was a very wise decision.

• Lastly, conducting a study and taking action for speed deterrents will surely make the neighborhood happy.

I thank you for your efforts.

Therefore, in conclusion, I respectfully request that you do not move forward with the current plans to widen Newcastle but rather create a community-centric plan that incorporates community interests and supports the "city of homes" reputation.

Thank you for your consideration.

F. REPORT:

CITY MANAGER’S REPORT – Presented by Assistant City Manager Diane K. White.

Mayor Cindy Siegel noted that City Manager Bernard M. Satterwhite, Jr., was on vacation this evening and that the "City Manager’s Report" would be presented by Assistant City Manager Diane K. White.

Assistant City Manager Diane K. White advised that she wished to say farewell to the Bellaire Trolley Pavilion and presented some photos taken by Facilities Management Director Karl Miller of the demolition process. It was noted that the Bellaire Trolley Pavilion was demolished on June 29, 2008.

Secondly, Assistant City Manager White referred to Tropical Storm Edouard and advised that City Staff, specifically the City’s public safety officials, had been involved in conference calls with the State of Texas and the Harris County Operations Center during the day. The next conference call would be conducted later in the evening at 9:00 p.m. Assistant City Manager White noted that the expected rainfall was four-six inches, with ten inches in isolated areas.

The City planned to activate its Emergency Operations Center at 7:00 a.m. on Tuesday, August 5, 2008. This would mean that there would be approximately 130 full-time employees onsite (i.e., Public Works, Fire, Police, and Administration). City facilities would be closed on Tuesday, August 5, 2008, including all parks programs and the Bellaire City Library.
Citizens were urged not to place their garbage out for pick up on Tuesday, as the event was categorized as a “wind and rain” event and the City hoped to eliminate garbage blowing around or clogging the storm sewer system. Garbage would be picked up on the next regularly scheduled day. Any garbage trucks seen on the roads would be there for the purpose of picking up storm debris or trash that might flow into the City.

Additionally, the City had been in contact with CenterPoint Energy. The company was predicting power outages for the City of up to five hours, depending on the nature of the storm. Assistant City Manager White provided a website that citizens could visit for information regarding predictions with respect to winds as follows:  http://houstonhidefromthewind.org/.

In closing, Assistant City Manager White cautioned residents to bring in their pets, garbage, and loose items, such as patio furniture, grills, and plants. She also encouraged residents to park in their driveways in the event that the streets began filling with water.

Mayor Siegel noted that she had been involved in the conference calls between the City’s public safety officials, the State of Texas, and Harris County. She asked that the City Council work quickly this evening, if possible, as she would like to participate in the statewide conference call at 9:00 p.m. She noted that there would be employees at the Bellaire Fire Department that could answer general questions coming in through the City’s main telephone lines.

Mayor Siegel continued and urged citizens to shelter in place and use common sense during this storm. The City had made significant progress with respect to drainage in Bellaire, however, if enough rain came down, the streets would flood. The City wanted in the water in the streets and not in citizens’ homes. She noted that the City would not have a shelter open, however, if a citizen needed to try to find a place of shelter, the City would assist them.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

C: Councilman Phil Nauert noted that he was glad that the City was in the capable hands of Assistant City Manager White, but assumed that the City had been in contact with City Manager Satterwhite and that it was really not necessary that he be in the City at this time. Should the need arise, Councilman Nauert felt that City Manager Satterwhite would be in constant contact with the City.

R: Assistant City Manager White indicated that she had spoken with City Manager Satterwhite twice during the day, and he was aware of
what was going on. He planned to stay where he was right now. The City did have the storm covered.

**Q:** Councilman Pat McLaughlan referred to the Randall’s Supermarket and Bellaire Transit Center incident addressed earlier by a speaker. He noted that the speaker indicated that she had been unable to get any type of report from the City on that incident. He inquired as to whether Assistant City Manager White had any information that might shed light on the incident.

**A:** Assistant City Manager White stated that she had no information at this time. She was aware of the incident, but did not have a report on it. She could get one at a later date.

**C:** Councilman McLaughlan noted that Bellaire had a fine Police Department and that the officers and their actions were certainly respected. On the other hand, he understood that any time a person was detained, handcuffed, and body searched, that a report should be made with respect to that incident. He asked to see a copy of that report and stated that he would like to ensure that the speaker received a copy of that report.

Assistant City Manager White made a note of Councilman McLaughlan’s request.

**Q:** Councilman James P. Avioli, Sr., advised that he realized that the storm was a priority right now. After the storm had passed, Councilman Avioli asked if City Staff would look into the stanchions that had been installed on the sidewalk at Bellaire Boulevard. He stated that those stanchions were a real safety hazard and asked the City to consider placing some type of barricade over them. He noted further that the stanchions were an infringement on the sidewalk.

**A:** Assistant City Manager White advised that METRO had a new signature line coming down Bellaire Boulevard through the City of Bellaire. METRO put those stanchions in two different places with the intent of putting poles up and banners over Bellaire Boulevard to indicate their signature line. METRO also installed medallions in the roadway. Bellaire found out about it on Thursday and the City Manager had been in contact with METRO. At this point, the installation had been stopped. The City was working to find out what METRO’s needs were.

Mayor Cindy Siegel stated that it was her understanding that all work had been stopped, and that a meeting was scheduled with City Manager Satterwhite when he returned later in the week. She also referred to the fact that there was some question as to whether it was legal for METRO to have installed any devices.
City Attorney Alan P. Petrov stated that METRO installed the devices without getting a permit and without the City’s knowledge. The City got METRO to stop and arranged a meeting with them to take place as soon as the City Manager returned from vacation.

Assistant City Manager White indicated that City Manager Satterwhite met with METRO briefly on Friday about 3:00 p.m. METRO was very apologetic with respect to the lack of communication.

Q: Mayor Siegel asked that METRO be notified that appropriate coverage needed to be placed over the stanchions as mentioned by Councilman Avioli.

Councilman Avioli agreed, noting that the stanchions would not come out of the ground very easily. Until taken out, those stanchions represented a safety hazard.

Assistant City Manager White made a note of the request to secure the stanchions.

C: Councilman McLaughlan stated that it was hard for him to describe how outraged he was that METRO could come into Bellaire and knock a hole in the sidewalk to put some post in with no regard to the mobility of the sidewalk. They installed other standards for some type of signal lighting or control. He stated that he did not want any banners flying over Bellaire Boulevard for METRO. He appreciated the upgraded service and noted that Bellaire had a good relationship with METRO. The bus line would be a benefit to the City, but the City did not need any more visual pollution.

R: Mayor Siegel stated that the City Manager was aware of it and nothing was going to be done until the City knew more about it. Even at that point it was an “if.”

Q: Mayor Siegel asked if the Bellaire Police Department could supervise Newcastle Drive more with respect to traffic and speeding. She suggested placing the speed trailer on Newcastle Drive as a means to help deter speeding.

A: Assistant City Manager White advised that she would make the request.

MOTION TO ACCEPT REPORT INTO THE RECORD:

A motion was made by Councilman Will Hickman and seconded by Councilman Phil Nauert to accept the City Manager's Report as presented by Assistant City Manager Diane K. White 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.  
Nauert, Phil  
McLaughlan, Pat  
Jeffery, John  

**OPPOSED:** None  

**ABSENT:** Faulk, Peggy  

G. NEW BUSINESS:

1. PROCLAMATIONS:

ISSUANCE of proclamations by Mayor Cynthia Siegel in honor and recognition of ten (10) local Girl Scouts, each of whom received the Gold Award, the highest honor in scouting, in 2008: Rebecca Barnes, Patricia Brackendorff, Jennifer Clausen, Cathleen Day, Jana Hemann, Maegan Hinze, Emma Jones, Deepa Ramdas, Kellie Rodekohr, and Alexandra Ward – Item submitted by City Clerk Tracy L. Dutton on behalf of Bellaire’s Girl Scout Gold Award Advisor Martha Webster.

Martha Webster, Girl Scout Gold Award Advisor, thanked City Council for all that they did for the Girl Scouts, noting that each of the Gold Award recipients this evening were outstanding women in the community. All ten recipients just recently graduated from Bellaire High School and were off to college in a week or two. For the Gold Award, the girls worked two-three years on basic requirements, a focus book, and 30 hours of leadership. Another 40 hours were worked on a career award, such as job shadowing, internships, researching of colleges, and researching of degree plans. The girls were also asked to do a Girl Scout 4B Challenge, which asked them to step out into their community, assess their community needs, and to see what they could do to help in their community. The minimum number of hours required for a Gold Award project was noted to be 65 hours of leadership. “Leadership” consisted of the recruitment and training of volunteers, as well as leading the volunteers to carry out a plan. Ms. Webster noted further that the Gold Scout Award was the highest award a Girl Scout could earn.

A brief summary was given of each of the Gold Award Projects undertaken by the recipients as follows:
Kellie Rodekohr, with the help of a landscaper, developed a prayer garden on the Bellaire Crosspoint Church grounds using various types of flowering plants and bushes. Kellie used several church members as volunteers and felt that they got to know each other better and learn more about the Girl Scout Gold Award. She was able to create a lasting space that the church and surrounding community could benefit from. With the additional beauty created by the prayer garden, the church now had an inviting and welcoming place for meditation. Kellie’s project hours totaled 76.

Alexandra (Alex) Ward, because of her love of swimming sports, wanted to teach underprivileged children basic swimming skills and give them a fun day at the pool. She recruited kids from the Star of Hope who were transported to Evergreen Pool by buses to attend her swim camp. On the day of her event, Alex and her volunteers worked with 17 children, giving them an exciting day of games, activities, and swim lessons at the pool. Alex said that her project helped the children feel more comfortable around the water, especially those who had never swam before. Everyone learned how much a day at the pool could mean to children who had few opportunities to swim. The project totaled over 67 hours.

Cathleen Day’s project totaled an amazing 105-½ hours. Cathleen created two seminars to educate her community about the hunger problems among our elderly citizens. She worked with Interfaith Ministries and their “Meals on Wheels” program. In each workshop, Cathleen created five stations about elderly hunger with her volunteers. She, along with her volunteers and participants, put together 100 generous gift boxes for the recipients of “Meals on Wheels” that were distributed just before Christmas.

Jana Hemann wanted to focus on something very special to her—impoverished children and a forgotten holiday, Memorial Day. She worked with a group of children from the Star of Hope, teaching them about the importance of Memorial Day and leading them in making patriotic wreaths. On the afternoon of her event, in the pouring rain, Jana took the children to the Veterans’ Memorial Cemetery to place the wreaths on the graves of the fallen soldiers. With Jana’s help one young girl in the group was able to find the grave of her grandfather and pay him respects for the first time since his death. She received a wonderful letter from Mr. Lopez, the Cemetery Director of the Houston National Cemetery, where he said that Jana’s project played an important role in leadership and patriotism and that the terrible weather conditions of the day of her event did not hinder her enthusiasm or determination. Her project took over 74 hours to complete.
Maegan Hinze worked with the Southwest Community Center to promote public awareness of the services they provided to the community. With the help of volunteers, Maegan planned and developed a fact sheet and tri-fold for her presentations and mailed out over 100 invitations. On the day of her event, Maegan and her volunteers conducted a tour of the facility, gave informational speeches about the clinic’s services, and accepted donations of baby items she later donated to the Center. She got excellent feedback and was successful in getting some of her participants to sign up to volunteer at the Center. Her project totaled over 74 hours.

Emma Jones began her project with a multi-lingual book drive and from that she wanted to spread literacy to impoverished areas of Houston. She was able to get over 650 books donated. She and her 35 volunteers built, sanded, and painted six bookcases and filled each bookcase with books. Each bookcase, with over 115 books each, directions, bookmarks, and reading lists, were distributed to six different clinics in the Houston area to benefit the children who had to wait for medical care. Emma even presented her project idea to the National Honor Society at the Bellaire High School to see if they would continue her work. She worked 73 hours on her project.

Deepa Ramdas’ project was conducted over one week and consisted of a dance camp that was held at the Fitness Center at First Presbyterian Church. She taught her participants different cultural dances. At the end of the week, the children gave a presentation of the dances they had learned. She gave the kids who would not otherwise have a chance to attend a dance camp the opportunity to experience different international dances. Deepa learned that she had the skills to plan a big event, use the resources at her disposal, and to make the event a success. Her project took over 65 hours to complete.

Rebecca Barnes worked over 67 hours with kids at Camp Paseo in Bellaire. She and her volunteers created a project called “Cooking for Kids,” which was an interactive cooking class. For one week she instructed the kids on nutrition and healthy eating, and held cooking classes with them to show them how to prepare simple, healthy foods. Rebecca also designed and created a cookbook to give to the kids to have with all of the great easy recipes that they worked on during the week. The kids also did a food drive and canned goods were donated to a local food pantry.

Patricia Brackendorff created a project called “Soccer Stars” at Star of Hope. She and her volunteers held a day-long event at the Star of Hope Transitional Living Center where they taught close to 60 four- to ten-year old kids soccer skills, how to play the game, and instilled self-esteem. At the end of her soccer camp, every child was presented
with a certificate, along with their official soccer picture, and words of praise for their participation. Her total project time was over 80 hours. Because of Patricia’s newfound ability to organize such a big event, she might make marketing and event planning a future career.

Jennifer Clausen used her love for art and pottery to teach arts and crafts to 30 underprivileged children at Forage for Families, a nonprofit organization in Houston’s Third Ward area. She instructed the children on how to create mosaic picture frames and taught them different painting techniques. Kimberly Darden with Forage for Families wrote that the kids had a great experience with Jennifer and her volunteers. She also wrote that the kids were able to complete and have as an example what could be done with the use of color and pattern. Jennifer gave her participants three fun days of art classes, and her project totaled over 77 hours.

Mayor Cindy Siegel read the proclamation she had issued for each of the ten Girl Scout Gold Award recipients in its entirety as follows:

Whereas, [Girl Scout’s name] has achieved the Girl Scout Gold Award; and

Whereas, [Girl Scout’s name] has displayed the attributes of integrity, honor, and dedication, and these qualities of character will serve her throughout her life; and

Whereas, it is appropriate that the entire community of Bellaire, Texas, join with the Girl Scouts of America and the Girl Scouts of San Jacinto Council to recognize this achievement;

Now, Therefore, I, Cynthia Siegel, Mayor of the City of Bellaire, Texas, do hereby proclaim and recognize

[Girl Scout’s Name]

as an

Outstanding Citizen

of the City of Bellaire, Texas, in recognition of her achievement of the Girl Scout Gold Award.

In Witness Whereof, I have hereunto set my hand and caused the seal of the City of Bellaire, Texas, to be affixed this 4th day of August, 2008.

Cynthia Siegel, Mayor
City of Bellaire, Texas
Mayor Siegel congratulated and presented a proclamation to each recipient.

2. ADOPTION OF ORDINANCE:

Agreements and Contracts

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 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:

Mayor Cindy Siegel advised that this agenda item was postponed during the July 22, 2008, Regular Session of City Council until the City Manager could talk to the Metropolitan Transit Authority of Harris County (METRO). City Manager Satterwhite told Mayor Siegel that he spoke with Louise Richman, Chief Financial Officer of METRO, regarding the use of the extra funding applicable to this project on the City’s upcoming Baldwin Avenue reconstruction project. Ms. Richman stated that the City and METRO would have to change the original agreement and the multi-city mayors would have to vote on that change. The City was not told that it could not roll the extra funds over to another project, but the City would need the approval and support of the multi-city mayors.

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 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, with the Newcastle trail to be reconstructed in concrete in an amount not to exceed $4,063,219.65.

Mayor Siegel noted that she forgot to mention that the bid before City Council this evening was good for 30 days and the City was currently 32 days into the bid. If the City did not accept this bid this evening, the City would have to re-bid the project.

Councilman Nauert stated that this project was sorely needed. The street was heavily used and had deteriorated. Councilman Nauert appreciated the use of funding outside of the City of Bellaire, and he encouraged his fellow members of City Council to support the project as it was.

Councilman Hickman inquired as to the likelihood of getting the multi-city mayors to approve the use of the extra funding on another project. He also inquired as to the number of multi-city mayors and what the process would be if City Council wished to move forward in that direction.

Mayor Siegel stated that she believed that there were 13-15 multi-city mayors. The problem was that there were cities smaller than Bellaire with smaller projects that had exceeded the amount of funding distributed to them. She was not saying that the multi-city mayors would not support the redistribution, but METRO had given Bellaire a large amount of money. There was a total of $45 million to be distributed among the multi-cities, and Bellaire had been given 10% of that total amount. Mayor Siegel stated that she did not feel good about asking for the extra funding.

Councilman Hickman asked what Mayor Siegel’s recommendation would be.

Mayor Siegel stated that she would recommend going forward with the project as it was. She noted that as the City started reconstruction, it was possible that the City would experience problems that might cause the overall project to exceed the bid of
$4,063,219.65. She noted further that it might be possible to do some additional landscaping to improve the Newcastle trail.

**Assistant City Manager Diane K. White** noted that the project would take more than one year to complete. It was possible that there might not be any funding to roll over.

**Councilman Hickman** asked if the add alternate 2, rubberized trail, could be purchased at the end of the project and laid on top of the concrete trail.

**Terry Maher, Claunch & Miller, Inc.,** advised that Councilman Hickman was correct. He noted that the general contractor, JFT Construction, Inc., received a bid from the rubber track company, which was over 30 days old as well. If the City waited until the end of the project, that bid would be one year old. He felt that the cost of the track could change at that time.

**AMENDMENT (NO. 1) TO ORIGINAL MOTION:**

An **amended motion** was made by Councilman Will **Hickman** to include add alternate 2, rubberized material for the Newcastle Trail, to the Newcastle Drive Paving and Drainage Improvements Project.

**Amendment No. 1 failed due to lack of a second.**

**Councilman Pat McLaughlan** noted that he had spoken rather strongly about this project during a previous meeting as he felt that improvements were being made in an area that had no specific safety problems and was not desired by the neighborhood. He had reluctantly reconsidered his position in order to vote for something that was good for the City overall and for the fact that drainage would be improved as a result of this project. He would, therefore, reluctantly support this project.

Councilman McLaughlan stated that he wished to put a few other thoughts on the table. The City would be faced with a similar situation when Baldwin Avenue was slated for reconstruction. He was hopeful when the proposal for Baldwin Avenue came forth that it was not for a curb and gutter concrete street, but rather more in harmony with the neighborhood.

With respect to the Newcastle trail, Councilman McLaughlan inquired as to what the trail would look like. In other words, would the trail be reconstructed in a straight line or would it have aesthetic characteristics, such as curves, landscaping, and benches?
Mr. Maher advised that the trail would basically be a nine-foot wide sidewalk. As directed by City Council in a previous meeting, the west line of the trail would be held. It would be brought out nine feet from that west line. Most of the trail was already nine feet out. There were no plans to put any benches in at this point.

Councilman McLaughlan stated that over the weekend he had visited a city in another state that was part of a master planned community. The trails in that city were beautiful and not just a straight ribbon of concrete. There was some variability in the width of the trails and some minimal curvature in the design. He was hopeful that the City might be able to talk about the design at some future time.

Councilman McLaughlan inquired as to whether the project did or did not include parking adjacent to Evergreen Park.

Mr. Maher advised that he researched the minutes regarding the project (May 19, 2008). City Council removed angled-in parking and specified a rollover curb, with parking on the grass parallel in front of The Nature Discovery Center and Evergreen Park.

Councilman McLaughlan asked for confirmation that this project did include parking at both The Nature Discovery Center and Evergreen Park.

Mr. Maher advised that Councilman McLaughlan was correct.

Councilman James P. Avioli, Sr., stated that he understood that part of the whole process for the project was improved drainage in the area and asked for confirmation of this.

Mr. Maher advised that Councilman Avioli was correct.

Councilman Avioli inquired as to the adverse effect on drainage if the City did not go forward with this project.

Mr. Maher advised that currently Newcastle Drive was elevated and water flowed inconsistently from Bellaire Boulevard down Newcastle Drive and on to Cypress Ditch. After completion of this project, Newcastle Drive would be a curb and gutter street that would generally flow from Bellaire Boulevard (three feet higher than Cypress Ditch) down toward the ditch. The street itself would, therefore, be an avenue for overland sheet flow. During Tropical Storm Allison, Newcastle Drive did not allow for overland sheet flow.

Additionally, new inlets would be installed at the corners of each side street (i.e., 20+ side streets), as well as a stub out for future
extensions down those streets. Later when the side streets were slated for reconstruction, a stub out would already be in place for their storm sewer system.

Councilman Avioli advised that under existing conditions there was an extreme slope going down to Verone Street from Newcastle Drive. He inquired as to whether that slope would go away once the reconstruction was completed on Newcastle Drive.

Mr. Maher advised that it would go away for the most part. Newcastle Drive would be lowered 18 inches to two feet under this project.

Councilman Avioli referred to the green space on the west side of Newcastle Drive and noted that there were some areas with 4’ X 4’ cement slabs covering manholes. He inquired as to whether those would go away in this project.

Mr. Maher indicated that the inlets would be replaced with grade inlets that would be flush with the ground and would have double grates on top.

Councilman Avioli asked for confirmation that the aesthetics would, therefore, be improved.

Mr. Maher advised that Councilman Avioli was correct.

Councilman Avioli stated that there was a large difference between JFT Construction, Inc.’s, bid of $4 million and the high bid of $6.5 million. He inquired as to whether or not Mr. Maher had any comments he could make with respect to that difference.

Mr. Maher stated that it was not uncommon to have a big range in bid amounts. There were nine bidders on this project, which was more than Bellaire had received for as long as he could remember. Typically, the highest bidder would be way out of the ballpark. He did not know why this occurred. The bid just above the low bid was about $300,000 more with the next bid at $400,000 more, followed by another bid that was $400,000+ more. In other words, four of the bids were in close proximity to each other.

Councilman Hickman inquired as to whether a future agenda item could be considered nine to ten months down the road to revisit this project and see if there was extra money available and if the City should go forward to the multi-city mayors to seek approval for use of that funding.
Mayor Siegel asked Assistant City Manager Diane K. White and Director of Public Works Joe Keene if they could make a note to provide reports to City Council on this project.

Assistant City Manager White indicated that the mid-year budget review report would occur in that approximate timeframe, and she could report on the project at that time.

Councilman McLaughlan noted that drainage in the area was of primary interest. He inquired as to how important the ditch was that ran along the railroad track behind the 4300 blocks of the Southdale streets.

Mr. Maher indicated that the ditch was very important to the neighborhood. The 4300 block of Lafayette Street all the way up to the 4300 block of Ione Street drained into that ditch (known as the "Railroad Ditch"). Many of the storm sewers on Baldwin Avenue flowed down to the Railroad Ditch (i.e., 4400 blocks of Southdale streets).

Councilman McLaughlan asked if the ditch would still be important after the Newcastle Drive reconstruction project was completed.

Mr. Maher advised that it would still be important.

Councilman McLaughlan stated that the Railroad Ditch was full of dirt, grass, brush, and was almost nonfunctional.

Mayor Siegel asked for City Staff to make a note of that. She then asked if 40% of green space was being lost as a result of this project.

Mr. Maher advised that he did not believe so. The street was being widened about six feet from 22 feet to 28 feet. Another foot was being added to the sidewalk on the east side of Newcastle Drive. The trail was being reconstructed at nine feet for consistency, but much of the trail was already nine feet in width. He indicated that he would have to do the calculations, but did not believe that the City was losing 40% of its green space.

Councilman Avioili referred to the increase in street width and asked how much of the increase would occur on each side of the street.

Mr. Maher indicated that all of the increase would occur on the west side of the street.

Mayor Siegel reiterated that this project was related to drainage for the entire area and noted that Southdale flooded tremendously during Tropical Storm Allison. She did not believe the increase in width would
significantly impact traffic, but did agree that the City needed to do something in the area to slow down the traffic that was there.

**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.
Nauert, Phil
McLaughlan, Pat
Jeffery, John

**OPPOSED:** None

**ABSENT:** Faulk, Peggy

{Ordinance was subsequently numbered: 08-046}

**3. ADOPTION OF RESOLUTION:**

**Acceptance of Funds**

CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, accepting funds in the amount of $75,190.21 from the Harris County District Attorney’s Office to be utilized by the Bellaire Police Department for the acquisition of an evidence handling, storage, and processing solution – Item submitted by Chief of Police Randall C. Mack.

**SUMMARY:**

Assistant City Manager Diane K. White stated that the agenda item before City Council this evening was a distribution of funds from the Harris County District Attorney’s Office to the Bellaire Police Department based on a project they submitted. The project was for a more sophisticated evidence handling, storage, and processing solution for the department. The funds were from seized assets and were being distributed back to the smaller cities.

**MOTION TO ADOPT RESOLUTION:**

A motion was made by Councilman John Jeffery and seconded by Councilman Will Hickman to adopt a resolution of the City Council of the City of Bellaire, Texas, accepting funds in the amount of
$75,190.21 from the Harris County District Attorney’s Office to be utilized by the Bellaire Police Department for the acquisition of an evidence handling, storage, and processing solution.

Councilman Phil Nauert inquired as to whether any additional funding would be required from the City for training, certifications, construction, etc., with respect to this project. Additionally, would there be any continuing obligations with respect to this project at the end of this fiscal year?

Assistant City Manager White and Chief of Police Randall C. Mack advised that no additional funding would be required from the City with respect to this project.

VOTE ON MOTION TO ADOPT RESOLUTION:

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

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

OPPOSED: None

ABSENT: Faulk, Peggy

{Resolution was subsequently numbered: 08-05}

H. COUNCIL CORRESPONDENCE AND COMMENTS.

Discussion only.

Mayor Cindy Siegel announced that she had contacted several persons that she wished to appoint to serve on the Comprehensive Plan Action Committee (CPAC). In selecting members to serve, Mayor Siegel looked for people living in all four quadrants of the City, people involved in the community, business leaders, etc. The members appointed and confirmed thus far were noted as follows:

Bill Thorogood (Planning & Zoning Commission);
Michael Doyle (Planning & Zoning Commission);
Peter Boecher (Planning & Zoning Commission);
Andy Bernstein;
Jame Jameson;
Tom Flaherty;
Joni Hoffman;
Carl Masterson;
Forrest Jenkins;
Larry Haas;
Dave Stevenson;
Christine Stone; and
Scott Rubenstein.

Mayor Siegel advised that she hoped to hear back from 2-3 more people that she also wished to appoint to the CPAC.

I. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Councilman James P. Avioli, Sr., and seconded by Councilman Will Hickman to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 8:23 p.m. on Monday, August 4, 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.
     Nauert, Phil
     McLaughlan, Pat
     Jeffery, John

OPPOSED: None

ABSENT: Faulk, Peggy

Respectfully submitted,

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