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

Mayor Cindy Siegel called the City Council of the City of Bellaire, Texas, to order at 7:01 p.m. on Monday, December 1, 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.

INSPIRATIONAL READING AND/OR INVOCATION – Councilman Pat McLaughlan.

Councilman Pat McLaughlan noted that December was traditionally the season of giving and that he wished to read a few quotations on "giving" as follows:

- It is every man’s obligation to put back into the world at least the equivalent of what he takes out of it.
  --Albert Einstein

- We make a living by what we get, but we make a life by what we give.
  --Winston Churchill

- For it is in giving that we receive.
  --St. Francis of Assisi
Some people give time, some money, some their skills and connections, some give their life’s blood, but everyone has something to give.

--Barbara Bush

Councilman McLaughlan noted further that the Bellaire Police and Fire Departments were holding their second annual flag football game on Tuesday evening at 7:00 p.m. at Episcopal High School. Attendees were asked to bring a new toy or nonperishable food item. All of the donations would be given to local families in need of help this season.

C. PLEDGES TO THE FLAGS – Councilman Pat McLaughlan.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

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

D. APPROVAL OR CORRECTION OF MINUTES:

APPROVAL of minutes of the Special Session (Executive Session) and Regular Session of the City Council of the City of Bellaire, Texas, held Monday, November 17, 2008 – Item submitted by City Clerk Tracy L. Dutton.

MOTION TO APPROVE MINUTES:

A motion was made by Councilman Pat McLaughlan and seconded by Mayor Pro Tem Peggy Faulk to approve the minutes of the Special Session (Executive Session) and Regular Session of the City Council of the City of Bellaire, Texas, held Monday, November 17, 2008.

VOTE ON MOTION TO APPROVE MINUTES:

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
E. PERSONAL/AUDIENCE COMMENTS.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee addressed City Council and referred to an item on the evening’s agenda to award a contract for architectural services to replace the Bellaire Fire Station at Jessamine Street and South Rice Avenue. She indicated that plans for a new fire station had been ongoing for a number of years. Ms. McBee noted that Pierce Goodwin Alexander and Linville (PGAL) presented two options earlier this year for the fire station, which included the existing property location at Jessamine Street and a design that could be used at an alternate site.

Tonight, City Council would consider a $346,000 proposal with PGAL that was negotiated by City Staff. A separate contract manager would be hired, at the City’s expense, to supervise the contract with PGAL. Ms. McBee did not have a problem with PGAL, an outstanding firm in her judgment, but expressed concern that there was no documentation related to the estimated cost of the demolition or an optional site consideration. Apparently everyone assumed the new fire station would be rebuilt in its existing location. In order to do that and demolish the existing building, there would be an additional cost for temporary space, with overnight sleeping capacity, for the Fire Department and their equipment. She indicated that the estimated total cost for the new fire station left out many considerations.

If the fire station were built in another location, the City would eliminate the cost for the short-term relocation. On the other hand, if the fire station were built in place, there would be no cost for additional land. She was not suggesting that one be considered over the other because of cost. She indicated that alternate sites had really not been discussed among City Council or the public.

Although Ms. McBee felt certain that City Council would award the contract to PGAL, she advised that she would hold City Council accountable for not reporting to the community as to why the in-place location was chosen for the fire station as opposed to the central business district.

In closing, she commended City Staff for recommending a really fine firm to design the fire station.

F. REPORT:

CITY MANAGER’S REPORT – presentation and discussion regarding the status of the right-of-way issue on Fournace Place, plans for improving broadcast capabilities in the Council Chamber, update on the Therapy Pool hours of operation (Evergreen Park), and list of
upcoming meetings and/or events – Presented by City Manager Bernard M. Satterwhite, Jr.

City Manager Bernard M. Satterwhite, Jr., presented the City Manager’s Report to City Council. See Appendix “A” appended hereto for a copy of the City Manager’s Report dated December 1, 2008.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Councilman Pat McLaughlan referred to the portion of the City Manager’s report on television coverage for the Council Chamber. He inquired as to whether the City had a choice of broadcasting on Comcast or AT&T.

A: City Manager Satterwhite advised that he did not know of a way that the City could have coverage through both providers. He had asked the same question of Communications Technology Services Director Larry Parks earlier in the day and found out that it was an “either/or.”

Q: Councilman McLaughlan inquired as to whether the decision would be made by City Staff or City Council.

A: City Manager Satterwhite stated that he was not certain. City Staff would look into the matter and would keep City Council informed. Any drastic changes would be a policy decision.

Q: Mayor Cindy Siegel referred to the portion of the City Manager’s report related to the Fournace Place right-of-way issue. She asked for confirmation that part of the easement abandonment procedure required an appraisal of the right-of-way.

A: City Manager Satterwhite advised that Mayor Siegel was correct.

Q: Mayor Siegel asked for confirmation that the residents backing up to Fournace Place were aware of that process, as well as the fact that they would have to pay the City for the abandonment of public property.

A: City Manager Satterwhite indicated that the residents backing up to Fournace Place were fully aware of everything. One of the problems, in defense of the residents’ attorney, was trying to get everyone informed and on the same page. The abandonment involved several hundred square feet per resident and some were ready to move forward, while others were not. City Manager Satterwhite indicated that he would hesitate to break up the right-of-way.
MOTION TO ACCEPT REPORT INTO THE RECORD:

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

VOTE ON MOTION TO ACCEPT REPORT INTO THE RECORD:

Motion carried unanimously on a 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  

G. NEW BUSINESS:

1. ADOPTION OF RESOLUTIONS:

   Municipal Setting Designations  

   a. CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, in support of the application of RCWB Limited and Bohica Holdings, Ltd., d/b/a West Bellfort Center, to the Texas Commission on Environmental Quality (TCEQ) for a Municipal Setting Designation (MSD) for property located at 8761 West Bellfort Street, Houston, Texas, and adjacent to public rights-of-way in Houston, Texas, and authorization for the Mayor of the City of Bellaire, Texas, to execute an Indemnity Agreement in favor of the City of Bellaire, Texas, Indemnitee, as prepared and executed by RCWB Limited and Bohica Holdings, Ltd., d/b/a West Bellfort Center, Indemnitor — Item submitted by City Clerk Tracy L. Dutton on behalf of City Attorney Alan P. Petrov.

   MOTION TO ADOPT RESOLUTION:

   A motion was made by Councilman Pat McLaughlan and seconded by Councilman Phil Nauert to adopt a resolution
of the City Council of the City of Bellaire, Texas, in support of the application of RCWB Limited and Bohica Holdings, Ltd., d/b/a West Bellfort Center, to the Texas Commission on Environmental Quality (TCEQ) for a Municipal Setting Designation (MSD) for property located at 8761 West Bellfort Street, Houston, Texas, and adjacent to public rights-of-way in Houston, Texas, and authorization for the Mayor of the City of Bellaire, Texas, to execute an Indemnity Agreement in favor of the City of Bellaire, Texas, Indemnitee, as prepared and executed by RCWB Limited and Bohica Holdings, Ltd., d/b/a West Bellfort Center, Indemnitor.

DISCUSSION:

Mayor Cindy Siegel advised that it appeared that the applicant had submitted everything that City Council had requested of them.

Councilman Will Hickman advised that he was happy with the letter submitted by the applicant. He inquired of City Attorney Alan P. Petrov whether the Indemnity Agreement included in the agenda packet this evening was the same agreement included at the last meeting on this issue.

City Attorney Alan P. Petrov advised that the Indemnity Agreement was the same—it had not changed.

Councilman Hickman indicated that he was satisfied with the documentation presented this evening.

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.
     Faulk, Peggy
     Nauert, Phil
     McLaughlan, Pat

OPPOSED: None

ABSENT: Jeffery, John

{Resolution was subsequently numbered: 08-09}
b. CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, in support of the application of Fondren Road Plaza, Ltd., to the Texas Commission on Environmental Quality (TCEQ) for a Municipal Setting Designation (MSD) for property located at 7042 Bissonnet Street, Houston, Texas, and adjacent to public rights-of-way in Houston, Texas, and authorization for the Mayor of the City of Bellaire, Texas, to execute an Indemnity Agreement in favor of the City of Bellaire, Texas, Indemnitee, as prepared and executed by Fondren Road Plaza, Ltd., Indemnitor – Item submitted by City Clerk Tracy L. Dutton on behalf of City Attorney Alan P. Petrov.

MOTION TO ADOPT RESOLUTION:

A motion was made by Councilman Pat McLaughlan and seconded by Mayor Pro Tem Peggy Faulk to adopt a resolution of the City Council of the City of Bellaire, Texas, in support of the application of Fondren Road Plaza, Ltd., to the Texas Commission on Environmental Quality (TCEQ) for a Municipal Setting Designation (MSD) for property located at 7042 Bissonnet Street, Houston, Texas, and adjacent to public rights-of-way in Houston, Texas, and authorization for the Mayor of the City of Bellaire, Texas, to execute an Indemnity Agreement in favor of the City of Bellaire, Texas, Indemnitee, as prepared and executed by Fondren Road Plaza, Ltd., Indemnitor.

DISCUSSION:

Councilman Will Hickman noted that during discussions of Municipal Setting Designations at a previous meeting Councilman Avioli had suggested an application fee. Councilman Hickman inquired as to whether City Staff had reviewed that possibility.

City Manager Bernard M. Satterwhite, Jr., indicated that an application fee would not apply to the application before City Council this evening, but City Staff had looked into it and were reviewing it. He agreed that it would be prudent for the City to establish a fee.

Mayor Cindy Siegel inquired as to whether a fee schedule could be set administratively by the City Manager.

City Manager Satterwhite indicated that he believed it could.
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.
     Faulk, Peggy
     Nauert, Phil
     McLaughlan, Pat

OPPOSED: None

ABSENT: Jeffery, John

{Resolution was subsequently numbered: 08-10}

2. ADOPTION OF ORDINANCE:

Agreements and Contracts

CONSIDERATION of and possible action on a recommendation from the City Manager of the City of Bellaire, Texas, for City Council approval and acceptance of a fee proposal from Pierce Goodwin Alexander and Linville (PGAL) to provide Architectural and Engineering Design Services for the proposed Bellaire Fire Station in an amount not to exceed $245,000 for basic design services, itemized additional services not to exceed $86,000 and reimbursable expenses not to exceed $15,000, and on the adoption of an ordinance authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a Contract and Agreement for Engineering Services with PGAL for said services in an amount not to exceed a total of $346,000 – Item submitted by Director of Facilities Management Karl Miller.

MOTION TO ACCEPT AND APPROVE RECOMMENDATION OF FEE PROPOSAL AND ADOPT ORDINANCE:

A motion was made by Councilman Pat McLaughlan and seconded by Mayor Pro Tem Peggy Faulk to accept a recommendation from the City Manager of the City of Bellaire, Texas, to approve a fee proposal from Pierce Goodwin Alexander and Linville (PGAL) to provide Architectural and Engineering Design Services for the proposed Bellaire Fire Station in an amount not to exceed $245,000 for basic design services, itemized additional services not to exceed $86,000 and reimbursable expenses not to exceed $15,000, and to adopt an ordinance authorizing the Mayor and the City
Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a Contract and Agreement for Engineering Services with PGAL for said services in an amount not to exceed a total of $346,000.

SUMMARY:

City Manager Bernard M. Satterwhite, Jr., advised that City Staff felt that the proposal before City Council this evening from PGAL was a good proposal and represented a fair price for the services to be provided. He noted that the proposal did include the opportunity for PGAL to interact with City Council early in the design process.

City Manager Satterwhite advised further that representatives from PGAL were present this evening to answer any questions City Council might have. Facilities Management Director Karl Miller was also present.

DISCUSSION:

Councilman Will Hickman inquired as to the process to be followed with respect to the proposal.

Jeff Gerber, PGAL, noted that his firm had previously prepared and presented a concept design to City Council for the proposed fire station. The concept design would be used as a starting point. Since the firm spent a great deal of time with City Staff trying to work through how the building needed to function, he felt that the concept design would be fairly close to the final design. Elevations would be designed based on the final design.

Councilman Hickman inquired as to the “back and forth” with City Staff and City Council.

Mayor Cindy Siegel indicated that she was also interested in the timeframe for this project.

Mr. Gerber advised that the first phase was the schematic design phase. During this phase, the firm would present multiple options to City Staff to make sure that City Staff was comfortable with those options. Thereafter, PGAL would schedule a workshop or two to share with City Council the options that were being proposed.

City Manager Satterwhite stated that he imagined that would occur in the not too distant future.
Mr. Gerber agreed and advised that the City could expect the first workshop to occur within the first 90 days after the project was started.

Councilman Hickman inquired as to the timeframe for this process, as well as through final construction.

Mr. Gerber indicated that he believed that the design process would take approximately eight months. Bidding and permitting usually took another 60 days. Construction was estimated to take 9-10 months.

Mayor Siegel inquired as to whether it was conceivable for the City to break ground on the proposed fire station next year.

Mr. Gerber advised that it was possible for the City to break ground next year.

Councilman James P. Avioli, Sr., referred to the proposal and inquired as to whether the total cost was $346,000.

Mr. Gerber advised that Councilman Avioli was correct.

Councilman Avioli indicated that the last page of the proposal was confusing. He noted that different disciplines were listed at hourly rates. He inquired as to whether this was for information purposes or if it was an add-on.

Mr. Gerber stated that his firm generally submitted a rate schedule to their clients so that if they were asked to do something outside the scope of the project, then their clients would have a basis to either negotiate an hourly arrangement or a lump sum arrangement to do that work. This happened on some projects, but not on most of them.

PGAL had proposed a complete scope of work. The rate schedule referred to by Councilman Avioli would only come into play if there were a left or right turn somewhere.

Councilman Avioli asked for confirmation that the City could expect that the only cost it would be responsible for was $346,000.

Mr. Gerber advised that Councilman Avioli was correct.

Councilman Pat McLaughlan asked the City Manager and/or the Mayor if City Council had ever taken a formal vote on the options presented during the conceptual design phase and as to the location of the proposed fire station.
The City Manager Satterwhite advised that formal action had been taken by City Council as to the options and location.

Mayor Siegel noted further that City Council had taken a formal vote on the property located behind the existing fire station as well.

Councilman McLaughlan asked for confirmation that the formal vote as to the location of the fire station was where it currently existed.

The City Manager Satterwhite advised that Councilman McLaughlan was correct.

Mayor Siegel referred to the construction manager and indicated that there was a description in the proposal advising that this person would be brought on fairly early in the process and would be involved in budgeting and cost analysis. She noted that PGAL would also perform budgeting and cost analysis in their proposal and inquired as to whether these functions were redundant.

Mr. Gerber stated that the construction manager would perform that analysis in addition to PGAL’s analysis. The benefit of using the construction manager approach was to get them on board as early on as possible so that the City could use that expertise. The construction manager would also serve as a third party to make sure that the project stayed on track and on budget.

The City Manager Satterwhite noted that “construction manager at risk” was a construction delivery method that was approved by the Texas State Legislature. This person was the “builder” or “contractor.” Instead of going out for sealed bids, an entity could go out for competitive, sealed proposals. This provided an opportunity for the architect and contractor to form a partnership and team. The construction manager would commit to a budget at the beginning of the project.

Mayor Siegel asked for confirmation that this would not be one person, but rather a contracting company.

The City Manager Satterwhite indicated that Mayor Siegel was correct. The “construction manager at risk” was a methodology. Several methodologies were approved by the Texas State Legislature, such as design-bid-build, which was what the City had seen in the past. There was also design-build, among others. A popular methodology due to the “team approach” and commitment to a budget early on was the “construction manager at risk.”
Mayor Siegel asked for confirmation that the City did not use the “construction manager at risk” methodology for the Bellaire Town Square pool.

City Manager Satterwhite advised that Mayor Siegel was correct. The City used the design-bid-build methodology for the pool.

Mayor Siegel inquired as to why the “construction manager at risk” methodology would be better than the “design-bid-build” methodology.

City Manager Satterwhite indicated that he liked the idea of going out for competitive, sealed proposals. This process allowed the City to talk to contractors instead of opening up a bid and taking the low bid. Internally, construction management would become more hands on and continuous than the City had for the pool. The City had a real good design team for the pool, but that team was offsite during construction. Trying to work the two simultaneously took many staff hours and time. With the construction manager at risk methodology, oversight would be a continuous process. He believed it would take the burden off of staff with respect to serving as a “go between” with the design team and construction team.

Mayor Siegel inquired as to whether PGAL had support services in Houston.

Mr. Gerber advised that his firm’s headquarters was located approximately three miles from Bellaire.

Mayor Siegel asked for confirmation that Director of Facilities Management Karl Miller and Fire Chief Darryl Anderson would be the City Staff contacts on this project.

City Manager Satterwhite advised that Mayor Siegel was correct. He stated that “construction manager at risk” was not a foregone conclusion at this point in time.

Mr. Gerber stated that if the City failed to negotiate a good price under the “construction manager at risk” methodology, the City could still go out for traditional bids.

Mayor Siegel indicated for the record that she really wanted to break ground next year on the proposed fire station.

Councilman McLaughlan echoed the Mayor’s comment. He advised that he was not familiar with the “construction manager at risk” terminology. He inquired as to who was “at risk” and what that risk meant.
Mr. Gerber stated that “construction manager at risk,” by definition, was the constructor or contractor and would offer a guaranteed maximum price for the construction of the fire station based on the design. The constructor or contractor was at risk to deliver the project for the amount budgeted. The advantage was if there were savings that occurred off of the negotiated maximum price, then the City could negotiate a savings program with the constructor or contractor whereby that person or company either returned all of the savings back to the City or whereby the City might share the savings with them. The process was transparent in that the City would be able to see where its monies were being spent.

Councilman McLaughlan referred to the types of methodologies used in the business he was in (i.e., fixed price contracts and cost plus contracts). He inquired as to whether the “construction manager at risk” methodology was a fixed price contract.

Mr. Gerber indicated that it was not a fixed price contract. Using the terminology referred to by Councilman McLaughlan, the “construction manager at risk” methodology was closer to a cost plus contract with a maximum. His firm would help the City solicit proposals for a construction manager. Once that company was on board, they would be required to seek competitive bids for all of the sub-trades, which would be most of the project.

Councilman McLaughlan expressed concern that the City had a limited staff and other facility work was underway or would be in the near term. For example, discussion had occurred with respect to changes at the library, police station, and municipal court. He noted that the Director of Facilities Management Karl Miller had been very involved with PGAL and as the project started to roll along, more time would be required in working with the construction manager at risk and PGAL. Councilman McLaughlan asked by what method someone else could be brought on board to act as an advocate for the City and play the role with PGAL and the construction manager at risk in order to free up some time for Karl Miller or someone else so that the other City facilities could be addressed.

City Manager Satterwhite indicated that there was a possibility of hiring a third-party project manager for the fire station. He did not have a clear answer at this point in time.

Councilman McLaughlan suggested that under the bond program funding, it seemed that the City could bring someone on as a temporary consultant that would be a representative for the City. This would give the City Manager’s staff some time to actively move forward with the other projects.
City Manager Satterwhite agreed that Councilman McLaughlan’s suggestion could be accomplished with bond funds.

Mayor Siegel asked PGAL if they would remain engaged throughout the project. In other words, they would not just complete the design phase and hand the plans over.

Mr. Gerber indicated that his firm would be involved from the very beginning all the way through construction. They would make periodic site visits through construction. The construction manager at risk would have superintendents on the project every day all day long. He believed that Councilman McLaughlan was referring to the extensive amount of paperwork and pay applications that a member of City Staff would have to process.

City Manager Satterwhite stated that there were cities that hired third parties to do the paperwork referred to by Mr. Gerber.

Mayor Siegel noted that Councilman McLaughlan raised a very good point. She indicated that the Director of Parks & Recreation spent many hours on the pool project in addition to her regular duties.

Councilman Phil Nauert indicated that there might be competing interests throughout the project. For example, the architectural firm would have one objective while the construction manager at risk might have a different objective. He inquired as to the mechanism to be used in resolving any differences.

Mr. Gerber advised that the advantage of the construction manager at risk as opposed to design-build would be that the City was contracting separately with the designer and with the contractor. In some cases, the City wanted those entities to serve as a check and balance for each other. With respect to design build, the designer works for the contractor.

Councilman Nauert inquired as to what would occur if each became entrenched in their own position.

Mr. Gerber stated that the concept of the construction manager at risk methodology was a team that would buy into the project, concept, and budget from the very beginning. The benefit of the selection process was that the City would get to choose both the designer and contractor. With the traditional process, the City would get to choose the designer, but not necessarily the contractor, as that person was usually the low bidder.

City Manager Satterwhite noted that the situation Councilman Nauert inquired about happened with design build—it happened with
the City’s pool and things did come to a grinding halt. The reason he liked the construction manager at risk process better was because issues could be worked out in advance between the designer and contractor.

**Mayor Siegel** inquired as to whether the construction manager at risk methodology was the preferred methodology.

**Mr. Gerber** advised that any of the methodologies could work and be successful. He felt that the City would have more flexibility and the costs of the project would be more transparent in a construction manager at risk approach versus the other approaches. From that perspective, the construction manager at risk approach might work better. He indicated that his firm had worked under all of the referenced methodologies.

**City Manager Satterwhite** advised that City Staff had done some research on various construction methodologies and the construction manager at risk was a method that the City had pondered for some time. He noted that it would require another “Request for Proposals” process. The contract before City Council with PGAL this evening would allow PGAL to help the City with that process as well.

**Mr. Gerber** mentioned that his firm had worked with the City of Sugar Land on their City Hall and Airport Terminal, both projects of which used the construction manager at risk methodology. Sugar Land was about to design and construct a Museum of Natural Science and the construction manager at risk methodology would be used on that project as well. The City of West University Place also planned to use this methodology on their new recreation facility.

**Councilman Avioli** noted that Councilman McLaughlan raised a point that the City might consider getting some inside help for the Director of Facilities Management. He asked the City Manager to take another look at the road construction projects when he was reviewing a third party to help with the facilities projects. He realized that road projects were a different type of “job” than facilities projects, but felt that the disciplines were much the same with respect to inspections on construction.

**Councilman Hickman** referred to a national investment show that he had been listening to. That show indicated that municipal bonds were a good investment in Texas and Tennessee, meaning that the cost to the City would be high if issuing bonds. He inquired as to whether this was a good time to begin this project. He also inquired as to when the City would need to issue bonds for this project if we were to break ground next year, and if the City had done any benchmarking with respect to this issue.
City Manager Satterwhite indicated that the City had some of the money in the bank already to get started. The City was beginning to benchmark now and was looking to issue bonds as early as February of 2009. It might not be a good time to do that, but the City could get the design started with the money that was already in the bank.

Mayor Siegel stated that she agreed with Councilman Hickman with respect to the possibility that it would cost the City more to issue bonds. Conversely, the construction costs might be lower considering the economy.

**VOTE ON MOTION TO ACCEPT AND APPROVE RECOMMENDATION OF FEE PROPOSAL 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: 08-074}

3. **ITEMS FOR INDIVIDUAL CONSIDERATION:**

**Project Amendments**

a. DISCUSSION and possible action regarding the possibility of amending certain specific construction design components of the planned Rebuild Bellaire Program, Phase Two, Drainage and Street Reconstruction Project, specifically to maintain the mid-block cul-de-sac on the 4500 block of Sunburst Street and to place sidewalks immediately adjacent to the curb as has been designed on the west side of Second Street from Elm Street to Chestnut Street – **Item submitted by City Manager Bernard M. Satterwhite, Jr., on behalf of Councilman James P. Avioli, Sr.**
MOTION TO CONSIDER PROJECT AMENDMENTS:

A motion was made by Councilman James P. Avioli, Sr., and seconded by Councilman Phil Nauert to amend the construction design components of the planned Rebuild Bellaire Program, Phase Two, Drainage and Street Reconstruction Project, to maintain the mid-block cul-de-sac on the 4500 block of Sunburst Street and to place sidewalks immediately adjacent to the curb on the west side of Second Street.

City Manager Bernard M. Satterwhite, Jr., noted for clarification purposes that the sidewalks were designed to be constructed three to five feet in back of the curb.

Councilman Will Hickman requested that the two construction design component amendments for the Rebuild Bellaire Program, Phase Two, Drainage and Street Reconstruction Project, be considered separately.

DISCUSSION RELATED TO MAINTAINING THE MID-BLOCK CUL-DE-SAC ON THE 4500 BLOCK OF SUNBURST STREET:

Councilman James P. Avioli, Sr., noted that there was a cul-de-sac in the middle of the block in the 4500 block of Sunburst Street. The street was blocked at the end by a gate. He did not know the history for the cul-de-sac other than it might have been constructed because the street was gated at one end.

The question was whether the gate would remain after the improvements were made and what purpose the cul-de-sac served.

Mayor Cindy Siegel advised that the gate would remain unless City Council chose to remove the gate. She noted that the gate was installed as a result of a petition that City Council received. This was prior to the City’s development of its Neighborhood Traffic Improvement Program.

Councilman Avioli indicated that he was trying to understand what purpose the cul-de-sac served. He noted that he had driven to Sunburst Street earlier in the day. If someone were to travel down past the cul-de-sac, it became necessary to turn around in someone’s driveway due to the closed gate at the end.
Mayor Siegel advised that she did not believe the cul-de-sac came about as a result of the street closure.

City Manager Satterwhite agreed and indicated that there was another mid-block cul-de-sac on Merrie Lane and the street was not closed at one end.

Councilman Avioli inquired as to whether Councilman McLaughlan had any history of the cul-de-sac’s purpose.

Councilman McLaughlan stated that he did not have any history regarding that cul-de-sac. He assumed it was part of an original plat of the subdivision. He noted that it was not a true cul-de-sac as it was not large enough for a vehicle to turn around.

Councilman Avioli advised that he believed it could serve as a turnaround if there were no cars parked along the cul-de-sac; however, there were many cars parked along the cul-de-sac, and there appeared to be no restriction on parking in the area.

Councilman McLaughlan noted that with respect to today’s standards for a cul-de-sac, the one on Sunburst Street would not meet those criteria. He did recall that people were using the mid-block cul-de-sac as a parking area. He did not know what purpose it served.

Councilman Avioli noted that there were two homes located on the mid-block cul-de-sac. He inquired as to whether their lawns and driveways would be extended as a result of the removal of the cul-de-sac and whether or not the City would take care of that.

City Manager Satterwhite advised that the City would extend the residents’ lawns and driveways.

Mayor Siegel inquired as to whether the residents who expressed a concern regarding the removal of the mid-block cul-de-sac would be the residents that would gain more front yard.

City Manager Satterwhite advised that the abutting property owners did not comment on the removal of the mid-block cul-de-sac. The residents expressing concerns lived further up the street.
Mayor Siegel indicated that the residents on Merrie Lane had wanted the cul-de-sac removed in order to gain more front yard.

City Manager Satterwhite noted that if the cul-de-sac were to remain on Sunburst Street, there would be no parking allowed because the sidewalks would have to connect on each side of the cul-de-sac with a crosswalk.

Mayor Siegel asked for clarification that the requests to keep the mid-block cul-de-sac were not from the homeowners that abutted the cul-de-sac.

City Manager Satterwhite advised that Mayor Siegel was correct.

Councilman Avioli stated that he had asked for this issue to be placed on the agenda for discussion and possible action because some citizens had expressed concern regarding the removal of that cul-de-sac. He did not really see any reason to leave the cul-de-sac in place.

Councilman Will Hickman inquired of the City Manager and Director of Public Works if it appeared that there were just a few residents that wanted the cul-de-sac to remain or if there were a larger number.

Director of Public Works Joe Keene advised that he believed four residents on Sunburst Street had indicated their desire for the cul-de-sac to remain in place.

Councilman Avioli inquired as to whether the gate could be opened if the cul-de-sac were removed.

City Manager Satterwhite advised that if the City polled the street, he guaranteed that the result would be that the residents would not want the gate opened. He stated that traffic backing up on Newcastle Drive would use Sunburst Street as a cut-through.

Councilman Phil Nauert asked for confirmation as to the exact motion City Council was considering voting on at this time. In other words, would a positive vote mean to keep the cul-de-sac in place?

Mayor Siegel advised that Councilman Nauert was correct. A positive vote would result in keeping the cul-de-sac in place.
VOTE ON MOTION TO CONSIDER MAINTAINING THE MID-BLOCK CUL-DE-SAC ON THE 4500 BLOCK OF SUNBURST STREET:

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

FOR: None

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

ABSENT: Jeffery, John

DISCUSSION RELATED TO PLACING SIDEWALKS IMMEDIATELY ADJACENT TO THE CURB ON THE WEST SIDE OF SECOND STREET:

Councilman Hickman referred to his inquiry as to the viability of installing conduit as street improvement projects were undertaken. He inquired as to whether City Manager Satterwhite had an update on that inquiry.

City Manager Satterwhite indicated that he did have some information about the inquiry, but felt that it should be a separate item on a future agenda.

Councilman Hickman advised that he would defer to a future agenda.

Mayor Pro Tem Peggy Faulk inquired as to why there was a desire to install the sidewalk adjacent to the curb rather than to set it back three to five feet from the curb.

Councilman Avioli stated that two citizens had appeared before City Council and expressed an interest on where the sidewalk was located. Neither citizen was opposed to the sidewalk, but had a preference as to its location. Since those citizens came to City Council and expressed their opinion, he thought it was appropriate for City Council to discuss it. This was the reason he had placed the item on the agenda.

Mayor Pro Tem Faulk inquired as to City Staff’s recommendation as to the sidewalk placement.
City Manager Satterwhite indicated that the sidewalks, as had been designed in most areas, were generally three to five feet away from the curb, depending on vegetation, trees, etc. He noted that in some areas of Avenue B, it was necessary to install the sidewalk immediately adjacent to the curb; however, the basic design for sidewalks was three to five feet from the curb depending on vegetation and sufficient right-of-way.

Mayor Pro Tem Faulk inquired as to whether there were any extenuating circumstances whereby City Manager Satterwhite might believe that the sidewalk in this instance should be installed adjacent to the curb. She also inquired as to whether the sidewalk was to be installed on one or two blocks of Second Street.

City Manager Satterwhite indicated that the sidewalk ran along the right-of-way on the west side of Second Street from Chestnut Street to Elm Street or approximately four blocks. He noted that the City had tried to develop a sidewalk plan several years ago wherein the first sidewalk project was going to be on the west side of Second Street. The project was approved by City Council, but many of the residents expressed concerns about that project. Their contention was that the sidewalk would be very close to their homes as these were side lots. At that time, the street was not scheduled for curbs and gutters and the sidewalk would have been installed inside the open ditch. The open ditch would be closed under this project, and the street would be curb and gutter. It would not be quite as close to the edge of the right-of-way as it would have been under the initial project considered some time ago.

In conclusion, there were no impediments to installing the sidewalk in accordance with the design, if that were the question.

Councilman McLaughlan referred to the current design and asked if it conformed to the sidewalk policy that City Council voted on some time back. He noted that one of the residents that addressed this subject lived on the corner of Chestnut Street and Second Street. That resident’s architectural design contained quite a bit of glass area on the home and the resident appeared to be concerned about people being able to look inside his living room area.

Councilman McLaughlan inquired as to whether there was anything in the City Code that would prohibit the resident from fencing between the currently proposed sidewalk and his home.
City Manager Satterwhite advised that as long as the fence was behind the building line, the resident would not be prohibited from fencing the side of his yard.

Councilman Avioli referred to the west side of Second Street and asked for confirmation that the open ditch would be covered.

City Manager Satterwhite indicated that Councilman Avioli was correct.

Councilman Avioli inquired as to whether the open ditch would be covered on the east side of Second Street as well.

City Manager Satterwhite advised that the ditch would be covered up and an underground storm sewer installed.

Councilman Avioli referred to some landscaping along the open ditch. He inquired as to whether the sidewalk would curve around in some areas to avoid the landscaping.

City Manager Satterwhite advised that the City typically tried to curve around existing landscape. The resident at Chestnut Street and Second Street had the entire open ditch landscaped. Much of that would have to go whether a sidewalk were constructed or not for the storm sewer. There might be portions of the sidewalk against or adjacent to the curb under the current design due to landscaping and trees.

VOTE ON MOTION TO CONSIDER PLACING SIDEWALKS IMMEDIATELY ADJACENT TO THE CURB ON THE WEST SIDE OF SECOND STREET:

Motion failed on a 1-5 vote as follows:

FOR: Siegel, Cindy

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

ABSENT: Jeffery, John
Classification and Compensation Study

b. CONSIDERATION of and possible action on the receipt and approval of an Executive Summary regarding the 2008 Classification and Compensation Study conducted by Waters Consulting Group, Inc., as well as approval of a plan and recommendation by City Staff for the implementation of said study – Item submitted by City Manager Bernard M. Satterwhite, Jr.

SUMMARY:

City Manager Bernard M. Satterwhite, Jr., noted that the document or final report included in City Council’s agenda packet was a previous version. The final version was placed on the City Council dais this evening. That final version was also uploaded to the City’s website this evening.

Substantively there was not a great deal of difference between the version in the agenda packet and the version distributed this evening. One specific difference was noted to be on page 10 of the final version. The correct information was read as follows: Within that pay structure, general employee classification pay ranges are 3% below market comparing the mid-points of the current wages to the market average salaries paid for each particular classification and the pay ranges for fire and police positions are 9% below market . . . Survey data indicated the employee salaries are slightly above market, however, general employee salaries are 2% above and public safety employees are 2% below market. City Manager Satterwhite indicated that City Staff made a few other changes to the version that City Council had concerning classification reviews. Other than that, the two versions were basically the same.

Based on the final report, City Manager Satterwhite had written a recommendation that City Council approve the final report as prepared by Waters Consulting Group, Inc., and adopt the pay classification and pay ranges as recommended by Waters Consulting Group, Inc. He advised further that the City had followed the same process requested this evening in 2001.

The study facilitated City Manager Satterwhite’s recommendation, however, there really were not many changes being recommended for the City’s pay philosophy. Approval of the recommendation would result in the following:
1. Reaffirmation of the City’s pay philosophy that had been in place since 2001;

2. Revision of the classification structure to meet current internal equity requirements through the separation of the public safety structure from the general employee structure. It was noted that the public safety structure market had changed at a much different rate than the general employee structure;

3. Revision of pay ranges within the structure to ensure that the ranges met approximately 100% of the job market or, in the case of public safety, 100% of the market minimums. The market was measured by the mid-point in the general structure and measured by the beginning point in the public safety structure; and

4. Establishment of an ongoing review process to ensure that pay ranges were maintained at approximately 100% of the market.

In closing, City Manager Satterwhite advised that City Staff recommended that City Council approve the final report and the pay plan as presented.

MOTION TO RECEIVE AND APPROVE EXECUTIVE SUMMARY AND APPROVAL OF PLAN AND STAFF RECOMMENDATION FOR IMPLEMENTATION OF STUDY:

A motion was made by Councilman Pat McLaughlan and seconded by Councilman James P. Avioli, Sr., to receive and approve an Executive Summary regarding the 2008 Classification and Compensation Study conducted by Waters Consulting Group, Inc., and approval of a plan and recommendation by City Staff for the implementation of said study.

DISCUSSION:

Councilman Will Hickman inquired as to what might occur if City Council did not implement the pay proposal.

City Manager Satterwhite indicated that the City would continue on with the pay plan currently in place.

Councilman Hickman inquired as to when salaries were up for review and/or adjustment and what the adjustment might be.
**City Manager Satterwhite** indicated that employees typically received a market adjustment each fall when the budget started. A 2% market adjustment was done this year, and the study before City Council this evening was aged to that market adjustment.

**Councilman Hickman** inquired as to the total cost for implementation of the new plan.

**City Manager Satterwhite** indicated that the total cost for implementation of the new plan was approximately $200,000.

**Councilman Hickman** inquired as to whether that cost would occur annually.

**City Manager Satterwhite** indicated that the initial cost for implementation of the plan was $200,000. He advised that it was difficult at this point to state what the effect would be per year because senior people might leave and entry-level people might come on board. The new plan would move the market over slightly. The impact was not great for Bellaire because people would be put into the new pay plan at roughly the same salary that they currently had. This was not a pay raise plan, it was a range adjustment plan.

For example, if an employee was at step 5 now and step 3 in the new plan was closest to that employee’s current salary rounded up, then that was where the employee went in. It was not a huge impact for the employee in most cases. What the plan did was to create more pay opportunity over time based on the new ranges. The over time cost was more expensive because it opened up the senior end of the pay range for people going into the new pay plan.

**Councilman Pat McLaughlan** followed up on Councilman Hickman’s point regarding whether or not to implement the new pay plan or to stay with the current pay plan. He inquired as to City Manager Satterwhite’s personal recommendation.

**City Manager Satterwhite** stated that his personal recommendation was to implement the new pay plan.

**Councilman James P. Avioli, Sr.,** referred to the situation where an employee was closed in a “red circle,” and inquired as to whether that employee had an option to get a lump sum or cost of living adjustment.
City Manager Satterwhite advised that the employee would receive the market adjustment (which was similar to a cost of living adjustment, though not exactly the same). In the new plan, an opportunity was proposed for employees that were excelling, but topped out to get a lump sum. City Staff would have to analyze that process and develop some criteria to determine how that opportunity could be administered. He did believe that there should be an opportunity for employees to get something when they were topped out. That opportunity was not available in the current pay plan.

Councilman Avioli indicated that he was pleased with that opportunity. He then referred to the step plan and inquired if an employee with exceptional performance in the step plan had to wait tenure-wise to go to the next step.

City Manager Satterwhite advised that Councilman Avioli was correct—the employee would have to wait tenure-wise to go the next step in the pay plan.

Councilman Avioli inquired as to whether there was discretion for the supervisor or City Manager to move the employee up quicker.

City Manager Satterwhite advised that there was not.

Councilman Avioli inquired as to whether the City had an overtime policy.

City Manager Satterwhite stated that the City did have an overtime policy.

Councilman Avioli inquired as to how that policy worked.

City Manager Satterwhite indicated that the policy conformed to the Federal Labor Standards Act (FSLA). General employees working in excess of 40 hours were paid time and one-half for hours in excess of 40. Fire employees had a slightly different structure, but it still complied with the FSLA.

Councilman Avioli asked for confirmation that the policy indicated by City Manager Satterwhite applied to non-exempt employees.

City Manager Satterwhite advised that Councilman Avioli was correct.
Councilman Avioli inquired as to whether the City had a job posting system.

City Manager Satterwhite advised that the City did have a job posting system. Detailed job descriptions existed for every position. Job postings were included on the City’s website and applications could be accepted online.

Councilman Avioli inquired as to whether the City had a continuing education plan.

City Manager Satterwhite stated that the City had a tuition assistance program. For those positions that required continuing education, the City provided for that as well.

Councilman Avioli inquired as to whether the City helped with, for example, a police officer that wanted to go to law school.

City Manager Satterwhite advised that the City could help with that through tuition assistance.

Councilman Avioli referred next to shift differential and noted that the report stated that shift differential had been considered. He suggested that the City look seriously at that and inquired if City Manager Satterwhite felt the same way.

City Manager Satterwhite indicated that City Staff did intend to look at shift differential seriously.

Councilman Avioli advised that when he reviewed the pay plan, he could not find the police dispatchers on the plan.

City Manager Satterwhite indicated that the police dispatchers were non-sworn employees and were included in the general employee plan.

Councilman Avioli advised that he could not find the position under either plan.

City Manager Satterwhite indicated that the title of the position had been changed to “communications officers.”

Director of Human Resources Roberta Murray advised that she believed that the position might have been inadvertently omitted from the plan. She did know what grade the communications officers would go in.
City Manager Satterwhite inquired as to the grade the communications officers would go in.

Chief of Police Randall Mack indicated that the communications officers were a grade “107.”

Councilman Avioli advised that he was sure the dispatchers wanted to be in the pay plan.

Director of Human Resources Murray advised that the communications officers were and would definitely be in the plan.

Councilman Hickman stated that what he did not like about the implementation was that it was a seemingly random movement to the new step system. For example, if he was at $34,000 and Jim was at $31,000 and both ended up at the same grade of $35,000, then Jim would get a larger raise than he would. He was not sure how that problem could be solved.

Secondly, Councilman Hickman advised that he did believe the adoption of the new pay plan was the right thing to do, but he did not think this was the right time to do it. With the housing market, economy, and City's tax base at risk, he would propose to increase the public safety range by 4% so that both actuals on page 10 of the final report were 2% above market.

**AMENDMENT (NO. 1) TO RECEIVE AND APPROVE EXECUTIVE SUMMARY AND APPROVAL OF PLAN AND STAFF RECOMMENDATION FOR IMPLEMENTATION OF STUDY:**

An amendment (no. 1) to the motion to receive and approve the Executive Summary and to approve the plan and recommendation of City Staff for implementation of the study was made by Councilman Will Hickman to receive and approve the Executive Summary and Staff plan, but said plan should not be implemented at this time. Public safety should be given an increase of 4% across the board. The new plan would implemented at a later date. Mayor Pro Tem Peggy Faulk seconded the amendment.

**DISCUSSION ON AMENDMENT (NO. 1):**

Mayor Cindy Siegel asked for clarification as to Councilman Hickman’s amendment. In other words, City Staff could implement the new plan at some point in the future if the economy turned around.
City Manager Satterwhite indicated that he was not certain that a straight-line number could be used. The 2% below market was a generalization. He would need to ensure that the increase suggested by Councilman Hickman was distributed equitably. It was not 2% across the board. Some positions were above market and others were below market within public safety.

He advised further that he had an opportunity to meet with representatives of the Bellaire Police Officers Association (BPOA) and discuss the pay plan with them. Generally, they were very pleased with the pay proposal the way it was presented. The City currently had a problem, especially in public safety, with beginning salaries. Perhaps the biggest jump in the entire plan was beginning salaries for public safety. The City was having difficulty attracting entry-level people.

City Manager Satterwhite also noted that the proposed pay plan alleviated compression to a good degree. The BPOA did express the same concern mentioned previously by Councilman Hickman wherein some employees would get a larger raise than others. Again, he reiterated that this was not a pay raise plan, but a pay adjustment plan. The plan was based on the market and to make things equal would create a certain amount of inequality with respect to the market.

Councilman McLaughlan stated that Councilman Hickman had a valid point and he, too, feared that the nation might be entering some economic turmoil. He was also concerned about voting on the amendment until City Staff (City Manager, Director of Human Resources, etc.) had an opportunity to more thoroughly assess the effects of the amendment.

Councilman McLaughlan continued and advised that he was reluctant to have gone through a very extensive study and then just in a few minutes at the Council table make a significant change to that study. The change might be very well merited, but he felt that before he could address that he would need to have a recommendation from City Staff. For that reason, he could not accept the amendment. He suggested, if there were a consensus of City Council, deferring a decision on the pay plan so City Staff could come back at the next meeting with a recommendation.

Mayor Siegel inquired as to whether City Manager Satterwhite could be ready with a recommendation by the next meeting if City Council voted to postpone a decision on this agenda item.
City Manager Satterwhite stated that he would not be able to have a recommendation by the next meeting. He indicated that City Staff had been assessing the proposed plan for several months.

Councilman McLaughlan indicated that if it was complicated enough that it could not be done by the next meeting, then it was complicated enough for him not be able to make a decision after a few minutes at the Council table.

City Manager Satterwhite noted that he was not sure what City Staff was assessing.

Mayor Siegel stated that City Council would adopt the plan as it was, but would only implement the part that pertained to bringing public safety up. She asked if she understood the amendment correctly.

Councilman Hickman stated that the amendment was to keep the current plan and increase the public safety salaries by 4% across the board on average, so that at the end of the day, general employees were 2% above market and public safety employees were 2% above market. City Council would also adopt the new plan, but not implement it yet. The new plan would be implemented at a later date.

He asked City Manager Satterwhite if it were a fair statement to say that the average salaries for general employees were 2% above market and for public safety employees, the average salaries were 2% below market.

City Manager Satterwhite stated that it did not solve the problem of attracting new people. He indicated that he was not trying to be difficult.

Councilman Hickman advised that he understood that. He, too, wanted to solve the problems, but not right now.

Mayor Siegel referred to attracting new employees and asked if there had been problems with that in the last few months. In other words was the City competitive?

City Manager Satterwhite indicated that the City had incredible problems and was not able to remain competitive. Many cities were having difficulty with respect to police and fire employees. It was not just a matter of starting salary, but the City’s starting salary was below market.
Mayor Siegel asked if the Director of Community Development was replaced with the current pay plan range.

City Manager Satterwhite advised that he was not certain.

Mayor Siegel clarified that part of the reason for the implementation of the new plan was to be able to offer competitive salaries and attract new employees to fill vacancies.

Councilman Hickman inquired as to how many unfilled vacancies there were in police and fire and how long those vacancies had been unfilled.

City Manager Satterwhite asked Fire Chief Darryl Anderson and Police Chief Randall C. Mack to discuss the issues they had with respect to attracting new employees.

Fire Chief Darryl Anderson indicated that the Bellaire Fire Department required certifications in firefighting and emergency medical services. This required the City to hire certified firefighters and paramedics. Bellaire was too small to bring people in and send them to a six-month school for firefighting, followed by a one and one-half year school for paramedics. These were the most sought after positions in the “fire world” now—firefighter paramedic.

The Bellaire Fire Department was down three paramedics currently. He was told today that several other firefighter paramedics were looking for positions outside of Bellaire because of the drive distance to the City. In other words, they could get the same job with more money closer to home.

City Manager Satterwhite referred to an assessment center that the Fire Department recently held.

Fire Chief Anderson advised that City Manager Satterwhite was correct. There were six potential employees. Three were emergency medical technicians and failed to meet the qualifications on other parts of the application process. Three were paramedics and failed the physical agility test.

Chief of Police Randall C. Mack advised that he had two vacancies, both of which had existed for one and one-half years. Two current employees were chasing the $12,000 City of Houston employment bonus. Three other current employees had applied at various other agencies and were looking to leave
Bellaire. Bellaire’s starting salary was so low, he did not even believe it was worth trying to recruit right now.

If Bellaire did not do something with the starting police officer salary, it was only going to get worse.

Councilman McLaughlan inquired as to the starting salary for a police officer.

Chief of Police Mack indicated that it was $39,000.

Councilman McLaughlan asked what the starting salary would be upon implementation of the new plan.

Chief of Police Mack stated that the starting salary would be $44,000.

Councilman McLaughlan inquired as to whether Chief Mack felt it would make a difference.

Chief of Police Mack stated that he was optimistic that it would make a difference. He indicated that it was still not the top starting pay.

Councilman McLaughlan inquired as to the starting salary for a police officer in the City of Houston.

Chief of Police Mack indicated that Houston’s starting salary was $43,900. Sugar Land was $44,765.

City Manager Satterwhite indicated that $44,000 was the average of the market, and this was the reason that public safety salaries were based on the starting salary. He indicated that the range for police officer went from $44,000 to a little over $62,000 in ten years.

Chief of Police Mack advised that he strongly recommended that City Council implement the salary ranges, as well as starting salaries, as proposed. If the City did not do something soon, it would never catch up.

Councilman McLaughlan inquired as to whether Chief of Police Mack would recommend the proposed plan in order to get and retain police officers.

Chief of Police Mack advised that he would.
Mayor Siegel stated that the City’s staff were the finest around and had been demonstrated through Hurricane Ike. The City had spent money on a study, and that study recommended bringing the employees up to fair pay for the work that was done. The City could not legislate after the fact. If the City had positions that could not be filled and the City did not have the plan in place to offer competitive salaries, then the City was stuck with trying to do it after the fact.

She understood that the economy was horrible right now, but she was going to vote against the amendment. She believed City Council should accept the plan and implement it. If City Council felt that the economy was having a negative impact on Bellaire, then the City could adjust going forward on proposed raises in subsequent years.

Some people would be frozen under the proposed plan as their salaries were already out of the market range. Others would be brought to a competitive salary.

The City’s biggest asset was its people. The City was a service provider. Without good, qualified people, the City would not be able to deliver quality service. The City needed to pay a fair price for that.

The plan did not propose to pay the employees 10% above market, merely to pay the employees at current market rates. For that reason, she would vote against the amendment.

Councilman Avioli advised that Mayor Siegel’s comments were well stated. He indicated that he had been through the plan and read every line of it. He felt that it was a good plan. He understood that the nation was in a period of recession, but felt it was important to implement the new pay plan right now. He did not believe it should be delayed. This was certainly a time when people needed a morale booster. If the City felt this could be handled in the budget, then we should move forward now.

**VOTE ON AMENDMENT (NO. 1):**

Amendment (No. 1) failed on a 2-4 vote as follows:

**FOR:**  
Hickman, Will  
Faulk, Peggy

**OPPOSED:**  
Siegel, Cindy  
Avioli, James P., Sr.
OPPOSED (cont.): Nauert, Phil
McLaughlan, Pat

ABSENT: Jeffery, John

DISCUSSION ON ORIGINAL MOTION:
None

VOTE ON ORIGINAL MOTION TO RECEIVE AND APPROVE EXECUTIVE SUMMARY AND APPROVAL OF PLAN AND STAFF RECOMMENDATION FOR IMPLEMENTATION OF STUDY:

Motion carried on a 5-1 vote as follows:

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

OPPOSED: Hickman, Will

ABSENT: Jeffery, John

H. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Councilman Pat McLaughlan and Mayor Pro Tem Peggy Faulk to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 8:52 p.m. on Monday, December 1, 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,

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

Approved:

______________________________
Cynthia Siegel, Mayor
City of Bellaire, Texas