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

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

Mayor Cindy Siegel called the City Council of the City of Bellaire, Texas, to order at 6:00 p.m. on Monday, December 15, 2008. The Bellaire City Council met at that time and on that date in Special Session (Executive Session) under the Texas Government Code, Chapter 551, Open Meetings Act, Section 551.072, Deliberation Regarding Real Property, to discuss the possibility of a purchase of real property for future expansion of parks. The Special Session (Executive Session) was held in the Council Chamber (open portions) and Council Conference Room (closed portions), located on the First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401. Mayor Siegel announced that a quorum was present consisting of herself and the following members of City Council:

Councilman James P. Avioli, Sr., Position No. 2;
Mayor Pro Tem Peggy Faulk, Position No. 3;
Councilman Phil Nauert, Position No. 4;
Councilman Pat McLaughlan, Position No. 5; and
Councilman John Jeffery, Position No. 6.

Councilman Will Hickman, Position No. 1, arrived at 6:10 p.m. and went directly into closed session. Other officials present were City Manager Bernard M. Satterwhite, Jr., City Attorney Alan P. Petrov, and City Clerk Tracy L. Dutton. City Clerk Tracy L. Dutton did not participate in the closed portion of the Special Session (Executive Session).

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

MOTION TO CONVENE IN EXECUTIVE SESSION (CLOSED SESSION):

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman Phil Nauert to convene in Executive Session
(Closed Session) under the Texas Government Code, Chapter 551, Open Meetings Act, Section 551.072, Deliberation Regarding Real Property, to discuss the possibility of a purchase of real property for future expansion of parks.

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

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

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

OPPOSED: None

ABSENT: Hickman, Will*

*Councilman Will Hickman arrived at 6:10 p.m. and went directly into closed session.

The Bellaire City Council convened in Executive Session (Closed Session) in the Council Conference Room, located directly behind the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401.

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

The Bellaire City Council reconvened in Open Session at 7:18 p.m. on Monday, December 15, 2008. The Open Session was held in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401.

Mayor Cindy Siegel advised that the Bellaire City Council had met in Executive Session (Closed Session) to discuss the possibility of purchasing real property for future park expansion and that no action had been taken.
D. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman Pat McLaughlan to adjourn the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, at 7:19 p.m. on Monday, December 15, 2008.

VOTE ON MOTION TO ADJOURN:

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

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

OPPOSED: None

ABSENT: None

II. REGULAR SESSION – 7:00 P.M.

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

Mayor Cindy Siegel called the City Council of the City of Bellaire, Texas, to order at 7:19 p.m. on Monday, December 15, 2008. The Bellaire City Council met at that time and on that date in Regular Session in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401. Mayor Siegel announced that a quorum was present consisting of herself and the following members of City Council:

- Councilman Will Hickman, Position No. 1;
- Councilman James P. Avioli, Sr., Position No. 2;
- Mayor Pro Tem Peggy Faulk, Position No. 3;
- Councilman Phil Nauert, Position No. 4;
- Councilman Pat McLaughlan, Position No. 5; and
- Councilman John Jeffery, Position No. 6.

Other officials present were City Manager Bernard M. Satterwhite, Jr., City Attorney Alan P. Petrov, and City Clerk Tracy L. Dutton.
B. INSPIRATIONAL READING AND/OR INVOCATION – Councilman John Jeffery.

Councilman John Jeffery provided the inspirational reading for the evening and began by noting that December 15, 2008, was “Cat Herder’s Day.” If you could say that your job or life was like trying to herd cats, then this day was for you.

He noted further that the holiday season was upon us and that everyone was busy getting ready for Hanukkah, Christmas, and New Year’s and worrying about finishing their shopping, baking, cleaning, and the economy. He read a few quotations to help those feeling the stress of the season as follows:

When I feel overwhelmed and my stress levels rise, I stop and step back from the situation and put the even in perspective. I always ask myself – what difference will this make in five years time?

--Catherine Pulsifer
Author, My Story

Every morning you are handed 24 golden hours. They are one of the few things in this world that you get free of charge. If you had all the money in the world, you couldn’t buy an extra hour. What will you do with this priceless treasure?

--Author Unknown

I’ve learned that people will forget what you said, people will forget what you did, but people will never forget how you made them feel.

--Maya Angelou
American Poet

God, grant me the serenity to accept the things I cannot change, the courage to change the things I can, and the wisdom to know the difference.

--Reinhold Niebuhr
American Theologian

Don’t sweat the small stuff . . . and it’s all small stuff.

--Richard Carlson, Ph.D.
Author

Councilman Jeffery closed by wishing everyone a happy holiday and a safe New Year.
C. PLEDGES TO THE FLAGS – Councilman John Jeffery.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

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

D. APPROVAL OR CORRECTION OF MINUTES:

1. APPROVAL of minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held Monday, December 1, 2008 – Item submitted by City Clerk Tracy L. Dutton.

MOTION TO APPROVE MINUTES:

A motion was made by Councilman James P. Avioli, Sr., and seconded by Councilman Will Hickman to approve the minutes of the Regular Session of the City Council held Monday, December 1, 2008.

VOTE ON MOTION TO APPROVE MINUTES:

Motion carried on a 6-0-1 vote as follows:

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

OPPOSED: None

ABSENT: None

ABSTAIN: Jeffery, John*

*Councilman John Jeffery abstained from voting on the approval of the City Council Regular Session Minutes dated December 1, 2008, due to his absence from that meeting.

2. APPROVAL of minutes of the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, held Monday, December 8, 2008 – Item submitted by City Clerk Tracy L. Dutton.
MOTION TO APPROVE MINUTES:

A motion was made by Councilman Phil Nauert and seconded jointly by Councilman Will Hickman and Councilman James P. Avioli, Sr., to approve the minutes of the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, held Monday, December 8, 2008.

VOTE ON MOTION TO APPROVE MINUTES:

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

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

OPPOSED: None

ABSENT: None

E. PERSONAL/AUDIENCE COMMENTS.

Mayor Cindy Siegel advised that one written comment had been submitted this evening, which she read into the record as follows:

It is rude to invite guests and then keep them waiting.

Robert Riquelmy
506 Winslow Lane
Bellaire, Texas

F. REPORTS:

1. CITY MANAGER’S REPORT – discussion related to the monthly police activity report, street and drainage projects update, Holiday in the Park report, availability of City Council packets on the City website, 2nd Annual “Guns and Hoses” Flag Football Game, Employee Holiday Luncheon, Curbside Recycling Program update, City holiday schedule, crime and building permit indicators (statistical data on a monthly, quarterly, and/or annual basis, as well as prior years), status of the right-of-way issue on Fournace Place, City facilities projects update (Bellaire Town Square and Bellaire Fire Station) 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 dated December 15, 2008, to City Council. See Appendix “A” appended hereto for a copy of the City Manager’s Report.

QUESTIONS/COMMENTS FROM CITY COUNCIL RELATED TO CITY MANAGER’S REPORT:

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

Q: Councilman James P. Avioli, Sr., referred to the Bellaire Wastewater Treatment Plant and inquired as to the frequency of the basin aeration. In other words, was the basin aeration conducted on an annual basis?

A: City Manager Satterwhite indicated that the basin aeration was a major project and that the project currently underway was the first one that he believed had been done. He noted further that it had been included in the Capital Improvement Plan for a few years down the road, but was moved up based on an inspection conducted by the Texas Environmental Quality Commission (TCEQ). That inspection mandated that the project be done as soon as possible.

Q: Councilman Avioli inquired as to whether this project would help to ensure that the odor subsided.

A: City Manager Satterwhite indicated that the City had various odor control mechanisms in place at the Wastewater Treatment Plant. Once the project was completed, there would still probably be odor from time to time, but not like the City had experienced over the past few months.

City Manager Satterwhite advised further that the City had representatives come out from the Health Department to ensure that the air was not toxic at the Wastewater Treatment Plant. It was determined that the air was not toxic—it just did not smell good.

Q: Councilman Phil Nauert referred to the City Council packets that were uploaded onto the City’s website. He inquired as to how long those packets remained online and available for review.
A: City Manager Satterwhite advised that the packet remained online until it was time to load the next packet.

Q: Councilman Nauert inquired as to whether the packets were archived on another system and available.

A: City Clerk Tracy L. Dutton advised that the packets were archived on the City’s document imaging system, Laserfiche, but were not readily accessible to everyone.

C: Councilman Will Hickman thanked the City Manager, Director of Parks & Recreation, and City Staff for the Holiday in the Park event, indicating what a great job had been done. He noted that his daughter and her neighborhood friend had a great time on the pony rides, as well as everything else at the Holiday in the Park event.

C: Mayor Cindy Siegel echoed the comments made by Council Hickman with respect to Holiday in the Park. She noted that it was a wonderful event, was beautifully decorated, and indicated that she had received lots of good feedback on the snow slide.

Mayor Siegel referred to the Guns and Hoses Annual Football Game and advised that it, too, was a great event and had a very good turnout.

C: Mayor Pro Tem Peggy Faulk commented on Holiday in the Park as well. She indicated that she invited a friend from West University Place who had a six-year old boy. The event was a real memory maker for that friend and his son. His son even requested to come back the next night.

MOTION TO ACCEPT REPORT INTO THE RECORD:

A motion was made by Councilman Will Hickman and seconded by Councilman James P. Avioli, Sr., to accept the City Manager’s Report as presented by City Manager Bernard M. Satterwhite, Jr., into the record.
VOTE ON MOTION TO ACCEPT REPORT INTO THE RECORD:

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

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

OPPOSED: None

ABSENT: None

2. FINANCE REPORT for the City of Bellaire, Texas, covering the period ended November 30, 2008, and including discussion of revenues and expenditures in the General Fund, Enterprise Fund, Debt Service Fund, Vehicle, Equipment, and Technology Fund, and Capital Improvement Program Fund, as well as a discussion of statistical data – Presented by Chief Financial Officer Donna Todd.


QUESTIONS/COMMENTS FROM CITY COUNCIL RELATED TO THE FINANCE REPORT:

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

Q: Councilman Phil Nauert referred to page one of the Finance Report and the ending fund balances, which were healthy. He inquired as to whether the fund balances were larger than the City wanted to keep, particularly in the Enterprise Fund. For example, the ending fund balance in the Enterprise Fund was $5 million versus $4 million in the previous year.

A: Chief Financial Officer Donna Todd indicated that the Enterprise Fund ending fund balance was higher than the previous year, however, the City had some projects on the books that would be done during the year
requiring use of some of the ending fund balance. She indicated that she was not concerned that the ending fund balance was out of line in light of the projects that were to be undertaken.

C/Q: **Councilman Will Hickman** thanked Chief Financial Officer Todd for all of the housing information she had provided, noting that he found it to be useful when looking for trends. He inquired as to the due date for the payment of property taxes.

A: **Chief Financial Officer Todd** indicated that the due date for property taxes was January 31, 2009.

Q: **Councilman James P. Avioli, Sr.**, referred to page four of the Finance Report and asked Chief Financial Officer Todd to refresh his memory with respect to the “CMAQ Project.”

A: **Chief Financial Officer Todd** indicated that the “CMAQ Project” was the traffic signalization improvement project to be undertaken along Bellaire Boulevard and Bissonnet Street.

**City Manager Bernard M. Satterwhite, Jr.**, indicated that eleven traffic signals were included in the project, some of which were on streets other than Bellaire Boulevard and Bissonnet Street.

Q: **Councilman Avioli** referred to page 17 of the Finance Report, which set forth the ten highest taxpayers in Bellaire. He inquired as to whether the figure reported for those taxpayers was in addition to another figure on that page for total property taxes.

A: **Chief Financial Officer Todd** indicated that the information was not an add-on, but merely a breakdown of the ten top taxpayers.

Q: **Councilman Avioli** referred to the new table on page 18a of the Finance Report related to housing information. He inquired as to the meaning of the connotation “average TH.”

A: **Chief Financial Officer Todd** indicated that “TH” referred to townhouses. She had abbreviated the term due to space limitation on the table.
MOTION TO ACCEPT REPORT INTO THE RECORD:

A motion was made by Councilman Pat McLaughlan and seconded by Mayor Pro Tem Peggy Faulk to accept the Finance Report for the period ended November 30, 2008, as presented by Chief Financial Officer Donna Todd into the record.

VOTE ON MOTION TO ACCEPT REPORT INTO THE RECORD:

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

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

OPPOSED: None

ABSENT: None

G. NEW BUSINESS:

1. CONSENT AGENDA:

   Final Payment on Projects

   a. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute a Final Change Order (No. 1) with Durwood Greene Construction, LP, to a contract for the Bellaire Millennium Renewal Program, Phase Six, Contract Two, Resurfacing and Drainage Improvements Project, consisting of a net decrease of $54,477.50, and approval for the City of Bellaire, Texas, to make the final payment to Durwood Greene Construction, LP, on said contract in an amount not to exceed $233,870.63 – Item submitted by Director of Public Works Joe Keene.

   b. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the
City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute a Final Change Order (No. 1) with Durwood Greene Construction, LP, to a contract for the Bellaire Millennium Renewal Program, Phase Seven, Contract Two, Resurfacing Project, consisting of a net decrease of $11,952.67, and approval for the City of Bellaire, Texas, to make the final payment to Durwood Greene Construction, LP, on said contract in an amount not to exceed $83,260.12 – Item submitted by Director of Public Works Joe Keene.

Grant Approval

c. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the City Manager of the City of Bellaire, Texas, to execute, as Grantee for and on behalf of the City of Bellaire, Texas, a contract and other applicable forms with the Texas State Library and Archives Commission for the Loan Star Libraries Grant, Grant Number 442-09038, in the amount of $8,689.00 – Item submitted by Director of Library Mary A. Alford.

MOTION TO APPROVE CONSENT AGENDA:

A motion was made by Councilman Pat McLaughlan and seconded by Mayor Pro Tem Peggy Faulk to approve the Consent Agenda dated December 15, 2008, consisting of the following:

- Final Change Order (No. 1) and final payment to Durwood Greene Construction, LP, on Bellaire Millennium Renewal Program, Phase Six, Contract Two – net decrease of $54,477.50 and final payment of $233,870.63;

- Final Change Order (No. 1) and final payment to Durwood Greene Construction, LP, on Bellaire Millennium Renewal Program, Phase Seven, Contract Two – net decrease of $11,952.67 and final payment of $83,260.12; and
• Authorization for City Manager to execute applicable documents with the Texas State Library and Archives Commission associated with the Loan Star Libraries Grant in the amount of $8,689.00.

VOTE ON MOTION TO APPROVE CONSENT AGENDA:

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

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

OPPOSED: None

ABSENT: None

{Note: The ordinance for Final Change Order (No. 1) regarding Bellaire Millennium Renewal Program, Phase Six, Contract Two, was subsequently numbered: 08-075; the ordinance for Final Change Order (No. 1) regarding Bellaire Millennium Renewal Program, Phase Seven, Contract Two, was subsequently numbered: 08-076; and the ordinance associated with the Loan Star Libraries Grant and contract with the Texas State Library and Archives Commission was subsequently numbered: 08-077.}

2. ADOPTION OF ORDINANCES:

Appointments

a. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing Evetta Herbert as Deputy Court Clerk of the Municipal Court of the City of Bellaire, Texas, for a two-year term commencing on the 21st day of December, 2008, and expiring on the 20th day of December, 2010; and providing that any appointments of Deputy Court Clerks in conflict with this appointment are
hereby repealed – Item submitted by City Clerk Tracy L. Dutton at the direction of City Council.

MOTION TO ADOPT ORDINANCE APPOINTING DEPUTY COURT CLERK:

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman Will Hickman to adopt an ordinance of the City Council of the City of Bellaire, Texas, appointing Evetta Herbert as Deputy Court Clerk of the Municipal Court of the City of Bellaire, Texas, for a two-year term commencing on the 21st day of December, 2008, and expiring on the 20th day of December, 2010; and providing that any appointments of Deputy Court Clerks in conflict with this appointment are hereby repealed.

QUESTIONS/COMMENTS FROM CITY COUNCIL REGARDING ORDINANCE/APPOINTMENT:

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

C: Councilman Pat McLaughlan noted that it was his understanding that the Municipal Court Clerk and Deputy Court Clerks essentially worked for City Council, as the City Manager, City Clerk, Municipal Court Judges, and Prosecutor did. He suggested that it might be appropriate to meet with the Court Clerk and Deputy Court Clerks annually to get to know them and get an indication from them of their needs.

R: City Manager Bernard M. Satterwhite, Jr., indicated that what Councilman McLaughlan had suggested could be done. Although the Municipal Court Clerk and Deputy Court Clerks were appointed by City Council in accordance with state law, organizationally they worked for the Finance Department under the direction of Chief Financial Officer Donna Todd.

Chief Financial Officer Donna Todd noted that the Municipal Court Clerk and Deputy Court Clerks did interact primarily with the Municipal Court Judges and Prosecutor. Any needs and concerns were communicated at that level. In
other words, the Municipal Court Judges and Prosecutor heard the Municipal Court Staff.

Although Chief Financial Officer Todd did not interact with the Municipal Court Staff on a daily basis, she did receive feedback from the Municipal Court Judges and Prosecutor and knew that the Municipal Court Clerk and Deputy Court Clerk did an excellent job.

Q: Mayor Cindy Siegel inquired as to who performed the evaluations or reviews of the Municipal Court Clerk and Deputy Court Clerk from a personnel perspective.

A: Chief Financial Officer Todd indicated that the Municipal Court Clerk performed the evaluation or review of the Deputy Court Clerks (i.e., there was currently only one Deputy Court Clerk). Chief Financial Officer Todd signed off on the Municipal Court Clerk’s review of the Deputy Court Clerks. Chief Financial Officer Todd performed the review of the Municipal Court Clerk, with input from the Municipal Court Judges and Prosecutor.

The City lost one of its Deputy Court Clerks this year and was still working to get someone hired. The Deputy Court Clerk Bellaire lost went to work for another City nearby. The City Manager from that City had advised Chief Financial Officer Todd of the difficulties he had in trying to hire someone for Municipal Court.

Chief Financial Officer Todd indicated further that Evetta Herbert had been employed by the City of Bellaire since 1990 and was an outstanding worker.

C: Councilman Phil Nauert advised that he felt that it might be helpful when this agenda item arose in the future, that City Council receive a copy of the job description for the Municipal Court Clerk and/or Deputy Court Clerks, as well as a performance review and indication as to where the employee fell within their pay range.
VOTE ON MOTION TO ADOPT ORDINANCE
APPOINTING DEPUTY COURT CLERK:

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

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

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 08-078}

b. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Ordinance No. 07-070 previously adopted by the City Council of the City of Bellaire, Texas, appointing Tracy L. Dutton as City Clerk of the City of Bellaire, Texas, and providing for the terms and provisions of such appointment, including the duties of the City Clerk, compensation, and payment of benefits for said City Clerk, and providing that any ordinance in conflict with this ordinance are hereby repealed.

SUMMARY:

Mayor Cindy Siegel summarized the agenda item before City Council and advised that City Council had met with the City Clerk on December 8, 2008, for the purpose of providing the City Clerk with an annual performance review and to discuss compensation.

Mayor Siegel noted that the City Clerk did an exceptional job and was detail-oriented, as well as very conscientious. City Council was proposing this evening to vote on a 5% increase in salary, bringing her salary up to $95,207 from a base pay of $90,673.

Mayor Siegel noted further that City Council advised that City Council had performed an analysis comparable to what was done for other employees in the pay plan for
both the City Clerk and City Manager. Although City Clerk Dutton might be on the higher end of the scale with respect to other City Clerks, she did the work on her own while other cities had one, two, three, or more staff working in their offices.

**MOTION TO ADOPT ORDINANCE APPOINTING CITY CLERK:**

A motion was made by Councilman Pat McLaughlan and seconded by Councilman James P. Avioli, Sr., to adopt an ordinance of the City Council of the City of Bellaire, Texas, amending Ordinance No. 07-070 previously adopted by the City Council of the City of Bellaire, Texas, appointing Tracy L. Dutton as City Clerk of the City of Bellaire, Texas, and providing for the terms and provisions of such appointment, including the duties of the City Clerk, compensation, and payment of benefits for said City Clerk, and providing that any ordinance in conflict with this ordinance are hereby repealed.

**VOTE ON MOTION TO ADOPT ORDINANCE APPOINTING CITY CLERK:**

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

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

**OPPOSED:** None

**ABSENT:** None

{Ordinance was subsequently numbered: 08-079}

c. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing Bernard M. Satterwhite, Jr., as City Manager of the City of Bellaire, Texas, and authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a City Manager
Employment Agreement providing for the term and provisions of such appointment, including the duties of the City Manager, compensation, and payment of benefits for said City Manager, required notice and severance pay in the event that the appointment herein made is not voluntarily terminated by resignation of Bernard M. Satterwhite, Jr., and providing that any ordinances in conflict with this ordinance are hereby repealed – Item submitted by City Clerk Tracy L. Dutton at the direction of City Council.

SUMMARY:

Mayor Cindy Siegel summarized the agenda item before City Council, noting that the City Manager was also evaluated by City Council on December 8, 2008. City Council had been and continued to be very pleased with the City Manager. City Manager Satterwhite, over the last eight years, had developed a great team in his department heads and assistant department heads. City Manager Satterwhite had done an excellent job and was a man of great integrity. Mayor Siegel closed by referring to the wonderful job done by City Manager Satterwhite and his staff during Hurricane Ike, a very difficult and stressful situation for staff, as well as the citizens of Bellaire.

The contract City Manager Satterwhite was previously under with the City of Bellaire consisted of a base pay of $120,880, with an accrual of 10% per year for five years. Mayor Siegel indicated that City Manager Satterwhite did not receive health insurance benefits as he already had such benefits through the military. In lieu of health insurance benefits, the City had opted to pay City Manager Satterwhite 5% in deferred compensation.

Mayor Siegel indicated further that Bellaire’s City Manager was on the low end of the pay range for City Managers. That range went anywhere from $119,000 to $190,000 for comparable cities in the area. As an aside, it was the understanding of Mayor Siegel that the City of West University Place just gave their City Manager an increase to $169,000.

The contract City Council was proposing this evening with City Manager Satterwhite consisted of a base pay of
$147,500, with an accrual of 10% per year for five years and 5% in deferred compensation. Also allowed, at the City Manager’s discretion, was a City vehicle or a reimbursement of $450 per month for a car allowance.

MOTION TO ADOPT ORDINANCE APPOINTING CITY MANAGER AND AUTHORIZING EXECUTION OF CITY MANAGER EMPLOYMENT AGREEMENT:

A motion was made by Councilman Phil Nauert and seconded by Councilman Pat McLaughlan to adopt an ordinance of the City Council of the City of Bellaire, Texas, appointing Bernard M. Satterwhite, Jr., as City Manager of the City of Bellaire, Texas, and authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a City Manager Employment Agreement providing for the terms and provisions of such appointment, including the duties of the City Manager, compensation and payment of benefits for said City Manager, required notice and severance pay in the event that the appointment made herein is not voluntarily terminated by resignation of Bernard M. Satterwhite, Jr., and providing that any ordinances in conflict with this ordinance are hereby repealed.

QUESTIONS/COMMENTS FROM CITY COUNCIL REGARDING ORDINANCE/APPOINTMENT:

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

Q: Councilman Will Hickman referred to the housing loan, which was referenced in section 4, paragraph f, of the City Manager Employment Agreement and identified as Exhibits 1 and 2. He assumed those exhibits were the same as the previous contract and inquired as to whether those exhibits would be attached to the new contract.

A: City Attorney Alan P. Petrov advised that the same exhibits would be used.

VOTE ON MOTION TO ADOPT ORDINANCE APPOINTING CITY MANAGER AND AUTHORIZING EXECUTION OF CITY MANAGER EMPLOYMENT AGREEMENT:
Motion carried unanimously on a 7-0 vote as follows:

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

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 08-080}

3. ADOPTION OF RESOLUTION:

CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, authorizing the Chief Financial Officer of the City of Bellaire, Texas, to set up a custody account or accounts at JPMorgan Chase Bank, N.A., for the safekeeping (holding) of government securities, for the settlement of security purchases, and for the receipt of payments on any interest payment, sale, call, or maturity date, and designating the City Manager, Chief Financial Officer, and Accounting Manager of the City of Bellaire, Texas, as authorized representatives to act on behalf of the City of Bellaire, Texas, with respect to said account or accounts – Item submitted by Chief Financial Officer Donna Todd.

SUMMARY:

Chief Financial Officer Donna Todd summarized the agenda item before City Council. She advised that when the City updated its investment policy last February, an option was added to purchase direct securities through authorized broker/dealers. In order to do so, it was necessary to set up a custody account for such transactions. At the time the investment policy was updated, the City was in the process of working on a depository bank “Request for Proposal” and subsequent selection and implementation of a depository bank. The custody account was put on the back burner until the depository bank process could be completed.
The unfortunate aspect of setting up the custody account and/or preparing to purchase direct securities was that the current market showed nothing of interest. However, if the market was to turn around and good securities were available, having a custody account in place would position the City to be able to execute a trade or security purchase.

Chief Financial Officer Todd contacted a safekeeping bank that she had used for many years, now operating as JPMorgan Chase Bank, NA, and requested the material necessary to set up a custody account. City Attorney Alan P. Petrov was asked to review the material and has approved the material. It was Chief Financial Officer Todd’s recommendation that the City set up an account with JPMorgan Chase Bank, NA.

**MOTION TO ADOPT RESOLUTION AUTHORIZING CUSTODY ACCOUNT(S) SETUP:**

A motion was made by Councilman Will Hickman and seconded by Councilman James P. Avioli, Sr., to adopt a resolution of the City Council of the City of Bellaire, Texas, authorizing the Chief Financial Officer of the City of Bellaire, Texas, to set up a custody account or accounts at JPMorgan Chase Bank, NA, for the safekeeping (holding) of government securities, for the settlement of security purchases, and for the receipt of payments on any interest payment, sale, call, or maturity date, and designating the City Manager, Chief Financial Officer, and Accounting Manager of the City of Bellaire, Texas, as authorized representatives to act on behalf of the City of Bellaire, Texas, with respect to said account or accounts.

**QUESTIONS/COMMENTS FROM CITY COUNCIL REGARDING RESOLUTION AUTHORIZING CUSTODY ACCOUNT(S) SETUP:**

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

**Q:** Councilman Will Hickman inquired as to the type of securities that would be purchased.

**A:** Chief Financial Officer Todd stated that the securities could be treasuries, as well as Fannie Mae and Freddie Mac.

**Q:** Councilman Hickman inquired as to how Chief Financial Officer Todd would decide whether to buy a
treasury or agency security versus calling the City’s own bonds.

A: **Chief Financial Officer Todd** advised that the purchase of investment securities was completely separate from the City’s debt.

Q: **Councilman Hickman** advised that he understood that, but inquired as to how Chief Financial Officer Todd would invest $1 million if she could decide on investing versus reducing the City’s debt load.

A: **Chief Financial Officer Todd** indicated that to reduce the City’s outstanding bond debt, the City would have to consider issuing refunding bonds and incur debt to do so.

Q: **Councilman Hickman** inquired as to whether the City’s bonds were callable.

A: **Chief Financial Officer Todd** advised that some of the City’s bonds were callable.

**City Manager Bernard M. Satterwhite, Jr.,** advised that under the *Public Funds Investment Act*, the City had to meet certain criteria. This evening, City Staff was talking about ways to store the City’s money for future use at more favorable rates than the City could get in the various investment pools, such as TexSTAR, TexPool, and TexasTerm. The City had issued some refunding bonds and would continue to look at those types of opportunities as the market became more favorable.

Q: **Councilman Hickman** inquired as to whether the custody bank would be the bank the City could use in setting up credit card payments for services.

A: **Chief Financial Officer Todd** advised that the depository bank would handle credit card payments for services. The custody bank was a safekeeping mechanism. The only time there would be cash in the account would be if a trade failed and the security was not delivered.

Q: **Councilman John Jeffery** referred to the TexPool investments that matured during December and inquired
as to whether those investments could be used to purchase securities.

A: **Chief Financial Officer Todd** advised that Councilman Jeffery was correct. If she saw an opportunity to earn a better interest rate over a longer period with a direct security, she could use those funds to purchase that direct security. She referred to the fact that during October she was able to diversify the City’s portfolio a little bit by investing in Certificates of Deposit with Amegy Bank at a more favorable interest rate over a little longer term.

Q: **Councilman Phil Nauert** inquired as to the anticipated banking charges and asked for confirmation that the cost of those charges would be approximately $2,000.

A: **Chief Financial Officer Todd** stated that she had estimated that the charges would be approximately $2,000. She made the determination by guessing as to the amount of trades the City might have over a one-year period. She felt that the charges would actually be less than $2,000 given the current state of the market.

Q: **Councilman Nauert** asked for confirmation that the cost was reflective of the activity in the account.

A: **Chief Financial Officer Todd** advised that Councilman Nauert was correct.

C: **Mayor Cindy Siegel** thanked Chief Financial Officer Todd for her recommendation and advised that she was glad to see the City doing this.

**VOTE ON MOTION TO ADOPT RESOLUTION AUTHORIZING CUSTODY ACCOUNT(S) SETUP:**

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

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

**OPPOSED:** None
ABSENT: None

{Resolution was subsequently numbered: 08-11}

4. ITEMS FOR INDIVIDUAL CONSIDERATION:

Bellaire Town Square Plans

a. CONSIDERATION of and possible action on the approval of Design Development Plans prepared by Clark Condon Associates, Inc., Landscape Architects, which depict actual materials, sizes, and locations of all landscape elements to be included in Bellaire Town Square – Item submitted by Director of Parks & Recreation Jane L. Dembski.

SUMMARY:

City Manager Bernard M. Satterwhite, Jr., advised that the presentation this evening was a continuation of what Clark Condon Associates, Inc., had presented before.

The presentation represented a refinement of each element for Bellaire Town Square, and had been presented to City Staff and the Parks & Recreation Advisory Board (“Board”) prior to this evening. The Board has made some comments related to the design development plans, which City Council was made aware of (i.e., comments were provided in the City Council agenda packet).

Sheila Condon, Clark Condon Associates, Inc., Landscape Architects, advised that she would provide a recap this evening of the elements to be included in Bellaire Town Square. She indicated that a set of documents existed now that looked like construction documents. This was the final deliverable in design development. Those documents were 24” X 36” in size and consisted of many pages.

The only new piece of business in the presentation was an option for the pavilion in terms of having a design that was more representational of the trolley era—not a duplicate, not a replica, but referential. A few elevation sketches were included in the City Council agenda packet to show the alternate option for the pavilion. Ms. Condon noted further that Leslie Little, Chair of the
Board, wished to provide a comment after the pavilion options were presented this evening.

The overall plan for Bellaire Town Square was shown to City Council at this point in the presentation via several PowerPoint slides.

Ms. Condon presented a picture of the original pavilion that had been selected by the Board. The original pavilion was a purchased, pre-manufactured pavilion with architectural embellishments (i.e., columns and wall in the back). The structure looked great and fit the need. It was also a little lower in price versus constructing a “custom” pavilion.

An alternate option for the pavilion was also presented. The area of hardscape (i.e., concrete platform area) was no different than what the City started with. The only thing that was altered was what the canopy over the stage area looked like. The walls and side walls were the same. The roof would be metal with a wood substructure. It was Ms. Condon’s opinion that the alternate option lends a flavor of the history of trolley station types of architecture. The cover area was taller and there was a bit more area square footage-wise as it was more of a square rather than angled.

Leslie Little, Chair, Parks & Recreation Advisory Board, advised that the Board had forwarded a letter to City Council based upon their last Board meeting. After seeing the Clark Condon Associates, Inc., presentation, the entire Board continued to recommend the original pavilion design. The Board found the trolley-themed design not to their liking. The Board felt that the design did not fit the theme of the park and that there might be some additional cost for maintenance of the trolley-themed pavilion. The space and size of the roof on the trolley-themed pavilion did not seem to be compatible with the other nearby buildings in existence.

**QUESTIONS/COMMENTS FROM CITY COUNCIL REGARDING DESIGN DEVELOPMENT PLANS FOR**
BELLAIRE TOWN SQUARE:

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

Q: **Councilman James P. Avioli, Sr.,** referred to the original rendering of the pavilion and inquired as to the material of the roof.

A: **Ms. Condon** advised that the material on the original pavilion was metal as well. She indicated that the alternate option had a wood understructure—laminated beams and tongue and groove ceiling, topped with metal.

Q: **Councilman Will Hickman** referred to page 4 of the PowerPoint presentation, which included a picture of a park bench that was powder coated. He inquired as to the cost of that particular bench.

A: **Ms. Condon** stated that she did not have her cost estimates handy, but believed the cost would be approximately $1,000 to $1,200.

Q: **Councilman Hickman** referred to lighting and inquired as to whether there would be any lighting on the water pad.

A: **Ms. Condon** advised that the lights were in the ground and shown through the jets.

Q: **Councilman Phil Nauert** referred to the pavilion and asked if one were looking at the stage, if they would be looking to the west.

A: **Ms. Condon** stated that Councilman Nauert was correct.

C: **Councilman Nauert** noted that Councilman McLaughlan had expressed a concern earlier about that and even suggested moving the pavilion. As Councilman Nauert was looking at the original pavilion option, it appeared as though the roof was canted so that the front was higher, which might block the sun a bit. The alternate option appeared as though one could look straight through.
R: Ms. Condon advised that the location of the pavilion had been discussed many times with the Board with respect to pros and cons. The Board really preferred this location with respect to how the pavilion would function in the park.

C: Councilman Nauert noted that there was no perfect solution.

R: Ms. Condon agreed with Councilman Nauert.

C: Councilman Nauert advised that both options for the pavilion were handsome proposals.

Q: Councilman Avioli inquired as to whether there had been any thought as to which option might be more susceptible to wind damage.

A: Ms. Condon advised that she would be hard pressed to state that there was much of a difference. Both were engineered for the same load.

Q: Mayor Cindy Siegel inquired as to the difference in the two options with respect to cost.

A: Ms. Condon stated that the cost of the Litchfield pavilion (i.e., original design) was about $95.00 per square foot. The custom design would cost in the range of $95.00 to $105.00 per square foot. There was slightly more square footage in the custom design.

Q: Mayor Siegel asked for confirmation that the bottom portion of the pavilion was the same.

A: Ms. Condon advised that Mayor Siegel was correct. Because the roof was square in the alternate option versus the original angled option, it had larger overhangs.

Q: Mayor Siegel asked for confirmation that the footprint would remain the same and that the only thing that was changing was the roof space.

A: Ms. Condon advised that Mayor Siegel was correct.
Q: Mayor Siegel asked for confirmation that the tennis courts and Recreation Center would be located directly behind the pavilion.

A: Ms. Condon advised that Mayor Siegel was correct.

Q: Mayor Siegel asked for confirmation that you could see through the alternate pavilion option whereas you could not see through the original option.

A: Ms. Condon advised that Mayor Siegel was correct.

Q: Mayor Siegel noted that she had stood in the park area during Fourth of July events when it was very hot. She inquired as to which pavilion option might provide more protection for entertainers.

A: Ms. Condon stated that the roof of the alternate pavilion option would provide more protection as it extended over the steps. The original pavilion roof did not extend to the steps at all. There was an estimated four additional feet of coverage with the alternate pavilion option.

Q: Councilman John Jeffery inquired as to the location of the tennis court shade structure.

A: Ms. Condon advised that for some reason it did not make it into the presentation. Depending on the pavilion option, the “flavor” of the pavilion would be used for the tennis court shade structure as well. For example, the roof shape and columns would be used.

Q: Councilman Jeffery inquired as to the drinking fountains.

A: Ms. Condon advised that the drinking fountains would be included, but were not shown at that level of detail in her presentation.

C/Q: Councilman Pat McLaughlan noted that the pavilion had gotten the attention that it had
because it was his personal desire, as well as the desire of some others, that the pavilion be a centerpiece for the City—a marker so to speak. At the prior City Council meeting, an amendment was made that the pavilion be of a custom design to capture the role of the trolley and the history of Bellaire.

Councilman McLaughlan advised that he did not believe that Ms. Condon’s colleague had captured the trolley history in the alternate option provided for the pavilion. He inquired as to whether further refinement was possible.

R/A: Ms. Condon advised that the design was subjective. Her firm believed that the design did have references to stations that existed in this part of the world. The design was subtle—it was not intended to be a replication of what Bellaire had or used to have.

Q: Councilman Jeffery inquired as to whether a bronze inlay could be placed in the back of the wall to depict a trolley.

A: Ms. Condon advised that Councilman Jeffery’s suggestion could certainly be considered and noted that there were many fun, interpretive things that could be done with the back wall. Ms. Condon noted that such an addition was not in the City’s budget, but it could be added if that was City Council’s desire.

Q: Mayor Siegel inquired of Chair Leslie Little of the Board as to the theme that the Board was working on with respect to the park.

A: Chair Little stated that the Board had been working to incorporate the new buildings with the old buildings (i.e., Recreation Center already in existence). For example, the same pattern and color of brick would be used in the new buildings to tie them to the old buildings.

Q: Mayor Siegel inquired as to the concern with the alternate pavilion option.
A: Chair Little stated that the Board did not feel that the roof structure on the alternate option fit in with the space that the pavilion would be located in.

The Board had also wanted an amphitheater-style pavilion to be used with future park programming. This was the reason that the pitched roof was chosen.

Q: Mayor Siegel inquired of Ms. Condon as to whether it was possible to extend the roof further on the original pavilion design.

A: Chair Little stated that she was sure that the roof could be extended further.

C: Mayor Siegel advised that she liked the amphitheater style, but also knew how hot it could be during summer months, especially for the entertainers.

Q: Councilman Hickman inquired as to what would be located directly behind the pavilion.

A: Ms. Condon indicated that there was a little bit of green space directly behind the pavilion, followed by a sidewalk and then the tennis courts.

Q: Councilman Hickman asked if he could walk on the north or south side of the Aquatic Center to access the pavilion if he parked on South Rice Avenue.

A: Ms. Condon advised that there were several trail systems in the park. There was one loop around Bellaire and Loftin Parks, was well as some connector walkways.

Q: Councilman Jeffery inquired as to the location of the restrooms.

A: Ms. Condon advised that the restrooms were located in the Aquatic Center.

City Manager Satterwhite indicated that there was access to the restrooms from the outside of
the Aquatic Center (pool portion of the building). There were also restrooms located in the lobby of City Hall.

**Ms. Condon** noted that there were also restrooms on the playground side of the park.

**Q:** **Councilman Avioli** asked for confirmation that the Board liked the original design of the pavilion.

**A:** **Ms. Condon** advised that Councilman Avioli was correct.

**C:** **Councilman Avioli** noted that the decision point was whether to accept the original design or to consider redesigning something that was more of a trolley-theme.

**Mayor Siegel** agreed, but advised that City Council could also decide to go with the alternate option as presented by Clark Condon Associates, Inc.

**Q:** **Mayor Siegel** noted that on January 5, 2009, the Centennial Planning Committee intended to bring forth a recommendation to City Council for a Centennial Memorial. One of the proposals was a meditation area with a small fountain and/or pergola. It was recommended to be located in Loftin Park near to the Greater Southwest Houston Chamber of Commerce building. She inquired as to whether it would fit in with the remainder of the park theme.

**A:** **Ms. Condon** advised that she believed it would fit in and that she would need to make sure that the trails connected to it properly.

**C/Q:** **Councilman Nauert** advised that Councilman McLaughlan’s comments notwithstanding, the alternate pavilion proposal was evocative of many of the structures seen at Disneyland that were part of train stations. To that extent, he felt that the alternate proposal captured a train or trolley theme.

Councilman Nauert indicated that his concern was related to how much effective shade or glare
blockage the alternate proposal produced for someone watching an event. He inquired as to whether there was a way to take the essential design and incorporate some more effective shade barrier, such as a backdrop, without destroying the design or look.

A: Ms. Condon advised that anything could be done. What worked about the alternate option was its airiness and lightness. She felt that if a backdrop were added that it should be transparent or translucent. She noted further that the Recreation Center was located behind the pavilion and was taller, so it would provide some shade as the sun went down.

Q: Mayor Siegel asked if the locations of proposed shade structures for the park had been decided.

A: Ms. Condon stated that since the City had many trees on the site already, the shade structures would be filling in gaps. She recalled that there were a few structures located at the edge of the Great Lawn.

Q: Mayor Pro Tem Peggy Faulk inquired as to the dimensions of the original pavilion as recommended by the Board.

A: Ms. Condon indicated that the original pavilion was 20’ X 40’.

Q: Mayor Pro Tem Faulk inquired as to how that size compared to the stage the City rented for its Fourth of July event.

A: City Manager Satterwhite indicated that the rented stage was the same size—20’ X 40’.

Q: Mayor Pro Tem Faulk inquired as to whether plans had been made for adequate electric outlets, fans, misters, etc.

A: Ms. Condon advised that there would be plenty of power to the pavilion.
Q: Mayor Siegel inquired as to whether the footprint would be large enough to place a large theater screen inside for people to view movies.

A: Ms. Condon advised that she believed a screen could fit between the two columns. A really large screen might have to fit in front of the columns.

**MOTION TO ACCEPT THE FINAL DESIGN DEVELOPMENT PLAN FOR BELLAIRE TOWN SQUARE AS RECOMMENDED BY THE BOARD:**

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman Will Hickman to accept the final Design Development Plans for Bellaire Town Square as proposed by the Parks & Recreation Advisory Board, utilizing the Litchfield design or “amphitheater-type” pavilion, at a total cost of $2,792,000.

**DISCUSSION REGARDING MOTION:**

Councilman Hickman inquired as to the source of funding for the remainder of Bellaire Town Square.

Mayor Siegel advised that the Patrons for Bellaire Parks, Inc., gave the City $250,000 at the end of last fiscal year. Part of those funds was used to pay Clark Condon Associates, Inc., for the final design development plans for Bellaire Town Square. The amount paid to Clark Condon Associates, Inc., thus far was $141,000. It was noted that the playground and trails were included in the fiscal year 2009 budget.

Councilman Hickman inquired as to what would happen if City Council adopted the entire plan. In other words, would it come back for approval as various portions were budgeted and bid?

City Manager Satterwhite indicated that the five-year Capital Improvement Program Plan incorporated many of the items in the park. Revenue items were also included for donations, but the City was unsure as to how soon those donations would come in. He did not know how soon City Council wanted to start on the park—whether to wait on donations or to fund it on a pay-as-you-go basis. The specific funding had not been worked out, but was based on a certain amount the City
assumed it would receive in the form of donations from the Patrons for Bellaire Parks, Inc.

**Mayor Siegel** noted that if the City wanted to get Bellaire Town Square done sooner, then those funds would have to be donated. Otherwise Bellaire Town Square was melded into the Master Park Plan, which included improvements to other parks as well.

**City Manager Satterwhite** agreed with Mayor Siegel and advised that approval of the final design plan was the approval of a concept for Bellaire Town Square. All of the elements would come back to City Council for approval. There was a desire to try to get the playground and north side walkways constructed this year.

**Mayor Siegel** assumed that depending on what was raised by the Patrons for Bellaire Parks, Inc., if someone donated enough funds for the skate park, then that element might be moved forward in the overall schedule.

**Councilman Hickman** asked for confirmation that this evening City Council was merely adopting the final design plan as a “master plan” for Bellaire Town Square.

**City Manager Satterwhite** agreed with Councilman Hickman.

**Councilman Nauert** asked for confirmation that under the current motion City Council would be approving the Litchfield pavilion design.

**Mayor Siegel** advised that Councilman Nauert was correct.

**Councilman Nauert** indicated that he liked the alternate design for the pavilion better and would vote against the motion and encouraged his fellow Council Members to support the train or trolley theme.

**Mayor Siegel** suggested that in lieu of voting against the motion that Councilman Nauert offer an amendment to the motion.
AMENDMENT (NO. 1) TO MOTION TO ACCEPT THE FINAL DESIGN DEVELOPMENT PLANS FOR BELLAIRE TOWN SQUARE:

An amendment (no. 1) was made by Councilman Phil Nauert to the motion to accept the final Design Development Plans for Bellaire Town Square by replacing the canopy of the pavilion with the alternate design, which was more evocative of a turn of the century railroad depot. Councilman Will Hickman seconded the amendment.

DISCUSSION REGARDING AMENDMENT (NO. 1) TO MOTION:

Councilman McLaughlan offered his support for Councilman Nauert’s amendment, but hoped that some fine-tuning could be done to the design.

City Manager Satterwhite stated that “fine-tuning” could be done, but it would have to be an agenda item because it would involve a change in scope and would cost money.

Councilman McLaughlan indicated that he guessed there would not be any fine-tuning.

Mayor Siegel stated that she was very torn with respect to a decision on the pavilion, as she liked both options.

VOTE ON AMENDMENT (NO. 1) TO MOTION TO ACCEPT THE FINAL DESIGN DEVELOPMENT PLANS FOR BELLAIRE TOWN SQUARE:

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

FOR: Hickman, Will  
Nauert, Phil  
McLaughlan, Pat  
Jeffery, John  

OPPOSED: Avioli, James P., Sr.  
Faulk, Peggy  

ABSENT: None  

ABSTAIN: Siegel, Cindy
DISCUSSION ON ORIGINAL MOTION, AS AMENDED:

Mayor Siegel inquired as to how much money was left from what was originally budgeted for the trolley pavilion that was demolished versus repaired. She suggested that those monies could be shifted to Bellaire Town Square via a budget amendment.

Councilman Hickman inquired as to whether there was an inherent prioritization for the elements in Bellaire Town Square.

Mayor Siegel stated that the reason the playground was being constructed first was because it was budgeted and because the Patrons for Bellaire Parks, Inc., had advised the community that the monies donated would be used to construct a playground.

Mayor Pro Tem Faulk advised that she did not like the alternate option for the pavilion and would vote against the original motion.

VOTE ON ORIGINAL MOTION, AS AMENDED:

Original motion, as amended, carried on a 5-2 vote as follows:

FOR: Siegel, Cindy
     Hickman, Will
     Nauert, Phil
     McLaughlan, Pat
     Jeffery, John

OPPOSED: Avioli, James P., Sr.
         Faulk, Peggy

ABSENT: None

Street Improvement Program Policy Consideration

b. CONSIDERATION of and possible action regarding the development of a policy to include the installation of conduit for underground utilities in all future City of Bellaire street improvement projects – Item submitted by City Clerk Tracy L. Dutton on behalf of Councilman Will Hickman.
SUMMARY:

Councilman Will Hickman summarized the agenda item before City Council. He advised that with his job he had spent a great deal of time in Europe and new developments and had noted the number of underground utilities in existence. Additionally, post Hurricane Ike, he observed that many developments in and around Houston with underground utilities seemed to be able to "flip a switch" and the entire neighborhood had power.

Some of the benefits for underground utilities would be an improvement in aesthetics and no interference with trees during storm events. Drawbacks included the cost, access to the lines, and transformer pads that would be necessary in residents’ yards.

Councilman Hickman advised that he had placed this item on the agenda to give City Staff an opportunity to present their thoughts, the thoughts of CenterPoint Energy, and the thoughts of consulting engineers Claunch & Miller, Inc., as well as cost estimates for such an undertaking. He was interested in seeing whether it made any sense to install conduit during new street construction in the event that underground utilities could be installed at a future date. He indicated that he was concerned with having to remove new streets later to install underground utilities.

City Manager Bernard M. Satterwhite, Jr., presented City Staff’s findings related to the development of a policy to include the installation of conduit for underground utilities in all future City of Bellaire street improvement projects.

City Manager Satterwhite noted that certainly new subdivisions were generally constructed with underground utilities that were planned from the beginning of construction. Retrofitting was quite different as opposed to building a master planned subdivision. During the Bellaire Millennium Renewal Program 90 blocks were reconstructed, which was not really a large number.

It would not be cheaper to install conduit during street construction versus coming back later. It was noted that there would need to be several conduits depending
on the lines for a particular street. For example, some streets might have both primary and secondary lines. Other utilities had to be separated as well, such as cable. Some of the telephone lines in Bellaire were buried, while others were on poles. The duct banks themselves were installed in separate trenches from anything else. Those banks would not be installed within the street itself and were buried a minimum of five-seven feet below the surface.

The duct bank trench work would require solid-sheet trenching the entire length of the trench versus what the City normally did for storm sewers, which was to build a ten-foot section at a time with a ten-foot shoring block.

All of the electric work would have to be designed by an electrical engineer, which would involve an additional cost. That work had to be approved and/or engineered by CenterPoint Energy. The electric duct bank had to be placed in its own trench separate from the storm sewer trench. The electric duct bank would more than likely be installed in the right-of-way outside of the roadway.

The City’s current construction costs for streets and drainage were about $700 per linear foot. The estimated construction cost for the duct banks in addition to that would be about $500 per linear foot. There would still need to be entry and exit points for each section built. If a community were master planned, there would probably only be the need for one entry and exit point. Once the duct banks were installed, the power would still need to be directed to individual homes. Transformer vaults would serve that purpose and would have to be built and staged as well.

The additional cost per linear foot of $500 was probably not covered under the City’s bond authorization. The bond authorization was specifically for streets, drainage, and sidewalks. He would need an opinion from the City Attorney and Bond Counsel Alan Petrov on that.

Burying the utilities underground in the midst of an aboveground grid might or might not do a great deal of good. Since there would be several entry and exit points, power might not be totally protected. City Manager Satterwhite noted that Chief Randy Mack was without power for ten days after Hurricane Ike, although he lived in a subdivision with underground utilities.
In closing, City Manager Satterwhite indicated that to consider installing conduit with street projects right now would add about 50% more to the cost of the City’s projects.

Councilman Hickman advised that since City Manager Satterwhite indicated that the conduit or duct banks would be installed outside of the roadway, there was no real benefit to perform the installation at the same time the street was under reconstruction.

City Manager Satterwhite agreed with Councilman Hickman. He noted that CenterPoint Energy preferred not to make installations within a street due to the cost of future repairs or rehabilitation.

Councilman Pat McLaughlan inquired as to the meaning of a “duct bank.”

City Manager Satterwhite indicated that a “duct bank” was a bank of multiple conduits hooked together and running parallel to each other.

Councilman McLaughlan stated that he really appreciated Councilman Hickman for bringing this issue up. The City had thought and talked about this issue before, as had the Planning and Zoning Commission under Chair Bruce Volkert. The Planning and Zoning Commission had hoped that underground utilities could be a goal of the community.

Councilman McLaughlan thought he had seen this type of work going on with the Kirby Street reconstruction project in Houston. One thing that might diminish the need for this was the new horizontal directional drilling or boring machines that were so effective and controllable.

Councilman McLaughlan suggested that if installation of underground utilities appeared to be desirable on certain selected projects, that City Council keep an open mind with respect to this issue.

Councilman Phil Nauert referred to the CenterPoint Energy engineers and indicated that those engineers might not be the most objective engineers on the
subject. He inquired as to whether the City got some corroborating engineering advice from another firm.

City Manager Satterwhite noted that CenterPoint Energy did have the “hammer” since the wires and poles belonged to them. Claunch & Miller, Inc., was consulted with as well and was in agreement with CenterPoint Energy.

When talking about spending an extra $500 per linear foot on a project, City Manager Satterwhite wished to ensure that the City would get the protection it expected. It would be a huge disappointment to spend several million dollars and still have the power go out.

Councilman Nauert noted that as City Manager Satterwhite pointed out several months ago, much of the power outages in Bellaire were due to problems that were miles away. Even if Bellaire buried its entire grid and a tree fell over at the entry point aboveground, the City would still be out of luck.

City Manager Satterwhite indicated that much of his concern with installing the conduit in a piecemeal fashion would be the number of entry and exit points that would be necessary.

Councilman Nauert advised that he appreciated the discussion and noted that it certainly seemed logical to consider installing conduit during street improvement projects. Hopefully someday the entire metropolitan area would have underground utilities.

Councilman Hickman noted that it might make sense to consider the installation of underground utilities in Bellaire’s downtown area. He indicated that since utilities were normally in the back of residents’ yards, the aboveground utilities were not as noticeable. In the downtown area, the aboveground utilities noticeable and were not aesthetically pleasing.

He asked for confirmation that CenterPoint Energy currently maintained the poles and lines out of their own pocket.

City Manager Satterwhite indicated that Councilman Hickman was correct.
Councilman Hickman stated that CenterPoint Energy would save some money if Bellaire installed the underground system.

City Manager Satterwhite noted that the City of Houston had done that very thing in the downtown area, and it was the right thing to do.

Councilman James P. Avioli, Sr., inquired as to the type of material used for the conduit—whether it was plastic or metal.

City Manager Satterwhite indicated that the material was PVC.

Councilman Avioli stated that if it were metal, it would have to be cathodically protected. He advised that it was a great idea and a plan for the future. He inquired as to whether the City dug down five feet when constructing a street.

City Manager Satterwhite advised that the City did dig down five feet when installing a storm sewer. He noted, however, that a storm sewer had to be in a separate trench from the duct bank trench.

Councilman John Jeffery inquired as to whether procedurally City Council needed to have a motion on the floor before continuing with discussions.

Mayor Siegel advised that the discussion item was included on the agenda.

Councilman Hickman noted that he was still deciding whether or not there needed to be a motion and determined that there did not need to be one at this time.

No motion was made with respect to this agenda item.

H. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Councilman Pat McLaughlan and seconded by Councilman Will Hickman to adjourn the Regular Session of
the City Council of the City of Bellaire, Texas, at 9:27 p.m. on Monday, December 15, 2008.

VOTE ON MOTION TO ADJOURN:

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

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

OPPOSED: None

ABSENT: None

Respectfully submitted,

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

Approved:

___________________________________
Cynthia Siegel, Mayor
City of Bellaire, Texas