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

Mayor Cindy Siegel called the City Council of the City of Bellaire, Texas, to order at 7:00 p.m. on Monday, January 5, 2009. 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 Pat McLaughlan, Position No. 5; and
- Councilman John Jeffery, Position No. 6.

Councilman Phil Nauert, Position No. 4, was absent. Other officials present were City Manager Bernard M. Satterwhite, Jr., City Attorney Alan P. Petrov, and City Clerk Tracy L. Dutton.

B. INSPIRATIONAL READING AND/OR INVOCATION – Councilman Will Hickman.

Councilman Will Hickman read a quotation for his inspirational reading from Rocky Balboa (fictional boxer portrayed by actor Sylvester Stallone) to his son as follows:

I’d hold you up to say to your mother, “this kid’s gonna be the best kid in the world. This kid’s gonna be somebody better than anybody I ever knew.” And you grew up good and wonderful. It was great just watching you, every day was like a privilege. Then the time come for you to be your own man and taken on the world, and you did. But somewhere along the line, you changed. You stopped being you. You let people stick a finger in your face and tell you you’re no good. And when things got hard, you started looking for something to blame, like a big shadow. Let me tell you something you already know. The world ain’t all sunshine and rainbows. It’s a very mean and nasty place and I don’t care how tough you are it will beat you to your knees and keep you there permanently if you let it. You, me, or nobody is gonna hit as hard as life. But it ain’t about how hard ya hit. It’s about how hard you can get it and keep moving forward. How much you can take and keep moving forward. That’s how winning is done! Now if you know what
you’re worth then go out and get what you’re worth. But ya gotta be willing to take the hits, and not pointing fingers saying you ain’t where you wanna be because of him, or her, or anybody! Cowards do that and that ain’t you! You’re better than that! I’m always gonna love you no matter what. No matter what happens. You’re my son and you’re my blood. You’re the best thing in my life. But until you start believing in yourself, ya ain’t gonna have a life. Don’t forget to visit your mother.

C. PLEDGES TO THE FLAGS – Councilman Will Hickman.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

Councilman Will Hickman 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, December 15, 2008 – Item submitted by City Clerk Tracy L. Dutton.

MOTION TO APPROVE MINUTES:

A joint motion was made by Mayor Pro Tem Peggy Faulk and Councilman John Jeffery and seconded by Councilman Pat McLaughlan to approve the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held Monday, December 15, 2008.

Councilman James P. Avioli, Sr., suggested one change to page 41, line 1912, of the minutes. He advised that the word “tested” should have been “protected.”

VOTE ON MOTION TO APPROVE MINUTES, WITH SUGGESTED CHANGE:

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

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

OPPOSED: None
ABSENT: Nauert, Phil

E. PERSONAL/AUDIENCE COMMENTS.

Linda Dyson, 5205C Palmetto Street, Bellaire, Texas:

Ms. Dyson addressed City Council as a former member of the Bellaire Centennial Planning Committee (“CPC”) and subcommittee formed to investigate possible commemorative projects. She was present this evening to ask City Council to accept, favorably approve, and act on the CPC’s resolution passed at their final meeting on December 14, 2008. She noted that a copy of the resolution had been distributed to City Council this evening (i.e., on a pink-colored sheet of paper).

The CPC recommended that City Council approve a project of a pergola and meditation center in Loftin Park. Ms. Dyson learned that City Staff recommended that the project not be approved at this time. She advised further that the CPC-recommended project would not interfere or affect other plans proposed for Loftin Park. By its very nature, it was a meditation center and would be located off to the side of the park in a secluded area. If funding was a problem, perhaps funding from the history walk could be applied to this particular project.

Ms. Dyson had served on the American Bicentennial Committee in 1976 and on the Texas Sesquicentennial Committee in 1986. Both of those committees presented special projects of a permanent, substantial, and meaningful nature to the City’s past in commemoration of both of those events.

In 1976, a gazebo was constructed in Bellaire Park and presented to the City. In 1986, a trolley was purchased and placed in Paseo Park, a time capsule was also buried in Paseo Park, and a quilt was presented to the City by the Arts Council to commemorate the Texas Sesquicentennial event.

Ms. Dyson referred to a picture that was distributed earlier in the evening to City Council of the old school (i.e., still existing on Cedar Street today) with a pergola constructed next to it.

The entire CPC and its subcommittee, as well as City Staff, had spent a great deal of time and effort in making a final choice for a commemorative project. She inquired as to whether all of that work had been for naught and whether the CPC was getting the shaft.

In closing, Ms. Dyson urged City Council to approve the CPC’s resolution and to move forward on implementation of the pergola and meditation area.
Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee addressed City Council as a former member of the Bellaire Centennial Planning Committee (“CPC”) and as a long-time Council watcher. She had developed an ability to read between the lines to see what was missing. On City Council’s agenda this evening under item G.3., there was a small, but significant omission in that the directive from the City Council at its meeting last spring directed the CPC and the City Staff to develop approved projects. The reason Ms. McBee mentioned this omission was that when City Staff determined that they would recommend not doing the recommended projects, they did not notify the CPC. City Staff not only failed to recognize the Committee, but City Staff also omitted from City Council’s agenda packet the clearly stated resolution passed by the CPC in December of 2008.

Ms. McBee noted that it could be stated that this was an oversight, however, the combination of the omission of the CPC (appointed by the Mayor) and the almost unanimous support of a particular project, keeping in mind budgetary responsibility, and to allow City Staff to state that they did not agree with the recommendation, was inappropriate.

Ms. McBee decided that after years of pointing out omissions, that this was a significant enough one. She noted further that City Council had given everyone on staff pretty liberal raises and that there had been several holidays since that time. She inquired as to whether the City was really getting that sloppy or arrogant. She noted that she spoke only for herself, but the eleven members on the CPC spent a great deal of time to study, recommend, and come forth with a recommendation that City Staff decided they did not like.

Ms. McBee echoed Ms. Dyson’s comments. She closed by noting that the Mayor sat on the CPC as the Chair and, yet, City Staff still ignored the recommendation.

F. REPORTS:

1. CITY MANAGER’S REPORT – report on Central Water Plant water well issues, status of Council Chamber video/audio upgrades, recap of employee holiday luncheon held December 17, 2008 (i.e., service recognition awards), report of Civic Center auditorium repairs, 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. He advised that the item he
wished to discuss at this time did not appear on the City Manager’s Report outline as the outline was submitted for the agenda packet prior to the occurrence of the incident. He referred to the shooting incident that occurred last Wednesday morning and advised that he would provide a comment as to what the City knew thus far regarding that incident.

City Manager Satterwhite advised that one of Bellaire’s police officers was involved in a shooting in front of a Bellaire residence while investigating what officers thought was a stolen vehicle early last Wednesday morning. The man who was shot lived at the residence. City Manager Satterwhite indicated that he knew members of City Council were concerned with respect to how this incident transpired and why it occurred. City Manager Satterwhite stated that he had been out of town on a scheduled vacation for a few days and had let City Council know that the incident had occurred, but had not given them a further update.

Unfortunately, City Manager Satterwhite advised that he had very little information about the details of the incident pending the results of an independent investigation by the Harris County District Attorney’s Office. He did not know what, why, or how the shooting happened other than that what he had reported to City Council previously and what City Council had seen in the media. As was the case with most people, City Manager Satterwhite stated that he was certainly not immune to speculation. While he would like to comment on what he thought might have happened, and he was sure that each member of City Council might have informed their own opinions as to what might have occurred that morning, any comment he could provide would only be based on speculation and assumption. He did not believe it would be appropriate for him to speculate. He had not interviewed anyone involved in the incident and he was not privy to any details that might have been garnered through the investigation to this point. The City had an obligation to wait until the facts were known before determining any conclusions and taking any action. Right now, the City was most concerned about the welfare of the young man in the hospital and hoped for a speedy recovery.

There had been a great deal of information disseminated in the media over the last few days, and City Manager Satterwhite felt that the media had done a good job reporting what was known. He advised that everyone must keep in mind that the media was not bound by the same guidelines with respect to information gathering that the investigators were. Therefore, much of the information that had been reported had come from only some of the people involved. While City Manager Satterwhite did not believe that there was anything wrong with that, it did tend to raise more questions than had been answered to this point.
Unfortunately, since the City was not in a position to speculate on any
details of the incident, the City was generally not in a position to
answer too many of the questions that the reports had placed in the
minds of many people. That led to frustration among the media,
citizens, and City Council, as everyone wanted answers.

There were a few things City Manager Satterwhite did know. First,
many of us felt bad. We felt bad for the young man in the hospital.
We felt bad that we did not have more answers at this point. City
Manager Satterwhite indicated that he had three grown children and if
something happened to one of them, he would certainly want answers.
He was sure that the family felt bad toward the City they lived in. The
City felt bad that a negative shadow had been cast over what was a
great city in all respects.

Another thing City Manager Satterwhite knew was the police
department. He knew its leadership and its men and women who
served the City. He also knew the officer involved in the shooting
fairly well as he and City Manager Satterwhite had worked through
police association issues over the past few years. The question then
became whether that knowledge of the police department and the
officer could cloud City Manager Satterwhite’s judgment and bias his
speculation in this matter. He did not really know, but supposed it
could. This was why he thought it was so important to let the
investigation proceed before responding to questions that involved
only speculation at this point. For example, if someone asked City
Manager Satterwhite if this were a case of racial profiling, his response
would be based on his opinion and knowledge of the police department
more than anything else. He knew that the policies, procedures, and
training in the department prohibited profiling. Until the investigation
was completed, City Manager Satterwhite would not speculate on any
aspects of the case or the questions arising out of it, including
profiling.

Lastly, City Manager Satterwhite knew that the Mayor and possibly
some of the other members of City Council had received suggestions
from some citizens as to what ought to be done in this case and what
ought to be done with the officer. City Manager Satterwhite stated
that he wanted to remind the citizens that under Bellaire’s system of
government and Charter, he, alone, was responsible for taking
appropriate action at the appropriate time. The Mayor and/or City
Council did not have the authority to hire, fire, or take any
administrative action against an employee. However, if City Manager
Satterwhite failed to take the appropriate action once the facts were
known, City Council certainly had the authority to take the appropriate
action against the City Manager. He stated that he hoped City Council
would allow the investigation to be completed before making
conclusions regarding any appropriate action.
In the meantime, Police Chief Randall C. Mack was going to review all processes and procedures to ensure that the police department continued their fine record of service to Bellaire.

City Manager Satterwhite continued onto other matters, specifically the Central Water Plant located next to City Hall. He indicated that the water well motor had burned up. There was currently no well water coming out of the Central Water Plant. The City did have well water coming out of the Renwick Water Plant and surface water was going to the Feld Park and Central Water Plants. The City did not have a problem with respect to losing water, however, it was going to be difficult to pump 50% well water under the City’s current contract. The City was investigating ways in which the repairs could be performed within the next few months; however, it would be necessary to seek bids for this project. City Manager Satterwhite reminded everyone that the water well at the Feld Park Water Plant was currently undergoing rehabilitation.

With respect to the Employee Holiday Luncheon held on December 17, 2008, City Manager Satterwhite stated that he appreciated City Council’s support of all the employees. He indicated that service recognitions occurred during that luncheon and he was pleased to report that the winner this year for 40 years of service to the City was Vickey O’Donnell who worked in the City’s Finance Department.

The Police Officer of the Year was Greg Bartlett, the Firefighter of the Year was Davis Farquhar, Volunteer Firefighter of the Year was Kathy Gable, and the Employee of the Year was John Bohannan of the Police Department.

With respect to facilities, City Manager Satterwhite noted that the City had some problems in the Civic Center with the wallpaper. The wallpaper actually started coming down due to excessive humidity from the vents. Both the humidity problem and wallpaper had been fixed. The heater in the entire City Hall building went out earlier today. The reason it was not cold at the moment was due to a temporary fix made to ensure that the Council Chamber was warm this evening for those in attendance.

Upcoming meetings/events were noted as follows:

- Bellaire Centennial Gala – January 10, 2009, from 7:00 p.m. until 10:00 p.m. (Civic Center). Tickets could be purchased from the Bellaire Parks & Recreation Department or online through the City’s website;

- City Council Regular Session – January 19, 2009, at 7:00 p.m. (Council Chamber);
• Comprehensive Plan Public Forum – January 29, 2009, at 7:00 p.m. (Civic Center);

• City Council Regular Session – State of the City Address – February 2, 2009, at 7:00 p.m. (Civic Center).

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

C:  Mayor Cindy Siegel referred to the police shooting incident and echoed City Manager Satterwhite’s comments regarding what an unfortunate event it was. It was one that the City, Mayor Siegel, and City Council took very seriously. Her thoughts and prayers had been with the Tolan family and Mr. Tolan everyday and would continue to be until he had a complete recovery.

As the City Manager also stated, there was an independent investigation being conducted by the Harris County District Attorney’s Office. Tonight, the City was not going to debate the subject and politically grandstand by trying to second guess what should have been done. Bellaire’s police officers put their lives on the line everyday on behalf of Bellaire’s residents and they would continue to do so.

However, once Harris County’s investigation was completed and based upon the findings, the City would take any steps that were needed to ensure the safety of all Bellaire residents and that the residents’ concerns were addressed.

MOTION TO ACCEPT REPORT INTO THE RECORD:

A motion was made by Councilman Pat McLaughlan and seconded jointly by Councilman Will Hickman and 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 6-0 vote as follows:

FOR:  Siegel, Cindy
       Hickman, Will
       Avioli, James P., Sr.
       Faulk, Peggy
       McLaughlan, Pat
       Jeffery, John
OPPOSED: None

ABSENT: Nauert, Phil

2. PRESENTATION of student projects from two classes conducted in the Graphic Design Program of The Art Institute of Houston and proposed to the Bellaire Arts Commission by Larry Furst, Instructor at The Art Institute of Houston. Projects include the creation of posters for Bellaire’s Centennial Celebration and the development of wayfinding signage for Bellaire’s City facilities. – Item submitted by City Clerk Tracy L. Dutton on behalf of Chair Kathy Biddle, Bellaire Arts Commission; Presentation by Larry Furst, Instructor, The Art Institute of Houston.

Mayor Cindy Siegel advised that this agenda item was postponed to a later date.

G. NEW BUSINESS:

ITEMS FOR INDIVIDUAL CONSIDERATION:

1. CONSIDERATION of and possible action on a request from the Bellaire Fire Department to purchase a multi-purpose vehicle to be designated primarily as a cascade or mobile air supply vehicle, said vehicle of which was included in the Vehicle, Equipment and Technology Fund budget for fiscal year 2009 in an amount not to exceed $150,000.00 – Item submitted by Fire Chief Darryl Anderson.

SUMMARY:

Mayor Cindy Siegel advised that the multi-purpose vehicle requested by the Bellaire Fire Department was “red tagged” in the 2009 budget and that was the reason that it was on City Council’s agenda this evening.

City Manager Bernard M. Satterwhite, Jr., indicated that the requested vehicle was originally included in the 2008 Capital Improvement Program budget and was “red tagged” at that time as well. He was not certain that everyone had been on City Council when the item was first discussed in 2008.

Fire Chief Darryl Anderson summarized the agenda item before City Council. He noted that the vehicle requested would replace a one-ton vehicle initially purchased by the Bellaire Fire Department as a mini-pumper. After it had served its life as a mini-pumper, the vehicle was retrofitted by a local business (on a donation basis) to hold the department’s cascade system. The vehicle was 30 years old, and the
steering was almost gone. Only those employees who knew how to work around the steering could operate the vehicle safely. The vehicle also had a four-drum braking system that would stick until one had pumped the brakes a number of times. Chief Anderson advised that the vehicle had reached a point of becoming a safety hazard. The vehicle was primarily used by the volunteer firefighters—a dedicated, hard-working group of individuals serving the City. Chief Anderson noted further that the vehicle did not have properly working seat belts, an air conditioner, or heater.

When this request was discussed in 2008, City Council had suggested that other options needed to be explored before considering the purchase of a new vehicle. The Bellaire Fire Department had looked at other options, such as hauling spare bottles in vehicle assigned to the Fire Chief. Fire Chief Anderson noted that when he attended seminars and courses, his vehicle went with him out-of-town. In those instances, it was not available to haul spare bottles.

The vehicle requested would have the capability of hauling the City’s cascade system to a fire scene and would continue to recharge the breathing air system while at the scene.

**MOTION TO APPROVE REQUEST TO PURCHASE MULTI-PURPOSE VEHICLE:**

A motion was made by Councilman Will Hickman and seconded by Councilman John Jeffery to approve a request from the Bellaire Fire Department to purchase a multi-purpose vehicle to be designated primarily as a cascade or mobile air supply vehicle, said vehicle of which was included in the Vehicle, Equipment and Technology Fund budget for fiscal year 2009 in an amount not to exceed $150,000.00.

**DISCUSSION ON MOTION:**

Councilman Will Hickman referred to the original vehicle, which was a retrofit from an older vehicle. He inquired as to whether it would be possible to do that again. In other words, could the City find a used vehicle and retrofit it, and how would that cost compare to the purchase of a new vehicle?

Chief Anderson indicated that he had not looked into the purchase of a used vehicle and retrofit. He noted that the chassis was only one of the concerns. The other concern was the body, which, at the time it was purchased, had a pump component in it. Once the pump component was removed, the bed of the existing vehicle would not be long enough to fit on a new vehicle.
Councilman Hickman inquired as to the functionality of the new vehicle.

Chief Anderson advised that the new vehicle would be used to carry the City’s cascade system (high consequence, low frequency event involving fire and/or hazardous materials). The vehicle would also serve as a secondary backup to the command vehicle and as a rehab unit.

Councilman James P. Avioli, Sr., advised that he had originally envisioned this vehicle as a sport utility vehicle (SUV) and inquired as to whether it was actually larger than a SUV.

Chief Anderson advised that Councilman Avioli was correct in that it was much larger than a SUV. The chassis that the department was looking at was along the lines of a Ford F550, which would give the department a high wheelbase for flood events and the ability to pull a hazardous materials trailer. Currently, all vehicles with the capability of towing the trailer would already be on the fire scene and in use.

Councilman Avioli inquired as to how many people could be transported in the new vehicle in addition to the equipment.

Chief Anderson stated that the cab that the department would like to purchase was a quad-cab, which would allow the transport of five people. He noted further that there would be a cost constraint associated with the extra cab.

Councilman Avioli inquired as to whether the new vehicle would have a compressor on it.

Chief Anderson advised that the fire scene would be started with tanks that were already compressed. The new vehicle would have a booster tank on it that would allow the department to top off pressure.

Councilman Avioli inquired as to whether the $150,000 expenditure would enable the department to purchase the quad-cab.

Chief Anderson stated that it might not be possible to get the quad-cab for the amount budgeted. It was one item that the department was willing to forego.

Councilman Avioli inquired as to the expected life of the new vehicle.

Chief Anderson advised that the current vehicle as 30 years old, and he hoped that the new vehicle would be operable well into the future.
Councilman Avioli inquired as to whether maintenance of the current vehicle and new vehicle was outsourced.

Chief Anderson advised that Councilman Avioli was correct.

Councilman John Jeffery inquired as to whether the new vehicle would have a new cascade system or if the existing system would be installed on the new vehicle.

Chief Anderson stated that a new cascade system would be purchased. The reason for that was due to the piping, fittings, recharging system, and explosion-proof container. The system the department currently had did not have a fracture-resistant filling station.

Councilman Jeffery noted that he assumed the new vehicle and system would meet all the necessary requirements for safety, etc.

Chief Anderson advised that Councilman Jeffery was correct.

Councilman Pat McLaughlan advised that he wished to run through the technical issues he had with this purchase. He fully supported additional funding that was valuable to the Fire Department and valuable to the citizens. This vehicle had been previously discussed, and Councilman McLaughlan continued to feel that the $150,000 could be spent much better somewhere else in the Fire Department.

The proposed vehicle was simply not needed or required. Councilman McLaughlan advised that the purpose of the vehicle was to carry compressed breathing air for refilling the breathing apparatus air tanks that were used at a fire scene by a firefighter. This was a very important function. The vehicle was not needed because the most effective, efficient, and cheapest method to provide this option was to simply carry additional breathing apparatus cylinders that had already been charged from the compressor station located in the Fire Station. Once the new Fire Station was constructed, the City could even improve that compressor station.

The cost of a breathing apparatus cylinder was approximately $1,000. If the City had thirty (30) spare tanks at a $20,000 expenditure, those tanks would more than provide the breathing air requirements for the physical exertion duration of our firefighters.

At any major fire scene in the past, the City of Houston Fire Department had provided breathing apparatus recharge facilities at no charge to Bellaire. Houston had several of these apparatuses scattered throughout the City, including one located in the Galleria area. This particular function was not required immediately at the fire
scene. It was only required to replenish a change-out of the breathing apparatus during the firefighting operation. There was no Bellaire staff person specifically assigned to drive or operate the requested vehicle. The operation of this vehicle was dependent upon a volunteer and dependent, in Councilman McLaughlan’s opinion, after a second fire truck had already been staffed with volunteers.

Simply deleting this vehicle would free up space in the new Fire Station, giving the City an additional equipment bay. As far as firefighter rehab on the fire scene, Houston also had a specific vehicle for that function that responded to all major fires.

For the reasons stated, Councilman McLaughlan felt that the $150,000 would be better spent in some other application.

**Mayor Siegel** inquired as to whether Chief Anderson had a response to Councilman McLaughlan’s comments. She noted that the Chief and Councilman McLaughlan both had a great deal of experience and she was interested in hearing the Chief’s response to the comments, especially since she was unfamiliar with the operations.

**Chief Anderson** advised that he respected Councilman McLaughlan’s points, noting that he did make some very good points. There were two air supply trucks and one reserve in Houston. Houston did not send their air supply vehicles out on a first alarm. Houston waited until a commander called for the vehicle once a need for it was noted.

Bellaire would have to wait for Houston to arrive and make a request for the vehicle or the City would have to make a request if the vehicle were available. Houston was the third largest city in the nation and did respond to a large number of calls.

The requested vehicle was not just for the City of Bellaire. Although Bellaire was purchasing the vehicle, it was part of the automatic aid agreement in Bellaire’s response to the Cities of West University Place and Southside Place. Chief Anderson noted further that the City of Bellaire used other equipment owned by West University Place more than West University Place used Bellaire’s equipment.

He also pointed out that this request was not just about a cascade system. There was also a rehab component and rehab had become huge in the fire service. Before a firefighter could go back into a fire, that firefighter had to have a diagnostic check to ensure that he or she was not in the midst of having a heart attack.

The vehicle could pull the hazardous materials trailer and would serve as a transportation device. The department did not currently have space on the current apparatus to carry additional breathing cylinders.
Mayor Siegel referred to the number of volunteer firefighters and inquired as to whether that was a component of the City’s ISO rating.

Chief Anderson advised that there was one volunteer for every three firefighters.

Mayor Siegel inquired as to whether the purchase of this vehicle was the biggest priority for the department and if this purchase would make Bellaire’s citizens safer in Chief Anderson’s opinion.

Chief Anderson stated that the safety of Bellaire’s citizens was always foremost as far as the department was concerned. This purchase, however, related to the safety of the firefighters.

Mayor Siegel noted ultimately that it did reflect upon the safety of the citizens.

Chief Anderson agreed and stated that the number one cause of death among firefighters was heart attacks—not just during a response, but also after a response.

Mayor Pro Tem Peggy Faulk inquired as to whether the City would be in violation of its mutual aid agreement if this vehicle were not purchased.

Chief Anderson advised that the City would not be in violation of its mutual aid agreement. He noted, however, that the mutual aid cities were dependent on Bellaire for this service.

Councilman Jeffery inquired as to whether a special certification was required to drive the vehicle.

Chief Anderson advised that a special certification was not required to drive the vehicle.

Councilman Jeffery commented that the high wheelbase might be important if the City experienced another event, such as Hurricane Ike. He inquired as to whether the vehicle would be four-wheel drive.

Chief Anderson stated that the department did not have a need for four-wheel drive, but agreed with the importance of the higher wheelbase.

Councilman McLaughlan noted that the department presently carried spare bottles to a scene. He inquired as to how many spare bottles were currently carried to a scene.
Chief Anderson advised that four spare bottles were carried on the primary vehicle, four spare bottles on the secondary vehicle, and two spare bottles on the cascade vehicle.

Councilman McLaughlan asked for confirmation that eight spare bottles were currently carried to a scene.

Chief Anderson advised that ten spare bottles were carried to a scene.

Councilman McLaughlan stated that the commander’s vehicle was fairly vacant in the back when he last looked at it.

Chief Anderson advised that this was no longer the case.

Councilman McLaughlan stated that the bottles weighed only 12 pounds each, or 120 pounds for all ten spare bottles, and this was not a great deal of weight.

Chief Anderson agreed, but noted that the rack used to carry the bottles needed to be included in determining the overall weight of the spare cylinders. He advised that the cylinders were high-pressure cylinders and could not be allowed to roll around in the back of a vehicle.

Councilman Hickman inquired as to where the funding would come from for this vehicle.

City Manager Satterwhite advised that the vehicle was originally budgeted in 2008 and carried forward. The funding was placed in the Vehicle, Equipment, and Technology Fund for fiscal year 2009.

Councilman Hickman inquired as to whether this purchase would hamper the City’s ability to pay its bills in the future.

City Manager Satterwhite advised that it would not.

VOTE ON MOTION TO APPROVE REQUEST TO PURCHASE MULTI-PURPOSE VEHICLE:

Motion carried on a 5-1 vote as follows:

FOR: Siegel, Cindy
      Hickman, Will
      Avioli, James P., Sr.
      Faulk, Peggy
      Jeffery, John
2. CONSIDERATION of and possible action regarding the placement of upgraded decorative traffic signal poles at some or all 11 intersections to be addressed in conjunction with the Congestion Mitigation Air Quality Traffic Signal Improvement Project – Item submitted by Director of Public Works Joe Keene.

SUMMARY:

City Manager Bernard M. Satterwhite, Jr., summarized the agenda item before City Council. He noted that he had previously promised City Council that at some point during the Congestion Mitigation Air Quality (CMAQ) Traffic Signal Improvement Project, City Staff would take a look at the cost of installing upgraded decorative poles at some or all intersections and provide that information to City Council.

The bid for this project came in a little under what was anticipated, but not a great deal under. Construction on the project was expected to begin on February 1, 2009. The cost for upgraded signal poles for most intersections was approximately $55,000 per intersection. The cost for larger intersections, such as Bellaire Boulevard and South Rice Avenue, was greater.

City Manager Satterwhite presented pictures of the standard signal poles to City Council, noting that those poles were much more attractive than what the City currently had. The poles were constructed of metal and were powder-coated with a black finish. He next showed a sample of a decorative signal pole with a streetlight on top.

The cost of upgrading the “triangle” portion of the City at the intersections of Bellaire Boulevard and Bissonnet Street, Bellaire Boulevard and South Rice Avenue, and Bissonnet Street and South Rice Avenue was approximately $250,000. The cost to upgrade all 11 intersections was noted to be approximately $1 million. There would be an additional cost if the City wanted to place streetlights on top of the decorative poles.

Based on cost, it was City Staff’s recommendation not to consider upgrading to decorative signal poles at this time.
QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

C: Mayor Cindy Siegel indicated that other than the streetlight on top of the signal poles, she did not see much difference between the standard and decorative poles.

R: City Manager Satterwhite showed some slides to indicate that the pole and arm-mast were fluted and had some decorative touches to them. He noted that the differences were not as big as he thought they would be.

City Manager Satterwhite advised that the City was under-budget with respect to this project at that moment. City Council had already approved the matching funds and those funds had been forwarded on to the Texas Department of Transportation.

C/Q: Councilman James P. Avioli, Sr., noted that as City Manager Satterwhite pointed out, going to a decorative signal pole would cost the City approximately $1.3 million more. He personally did not feel that the City should spend the additional monies.

Councilman Avioli referred to the description of the project and the fact that there were two signal modifications versus change-outs. He inquired as to the reason for those.

A: City Manager Satterwhite indicated that the modifications would occur at First Street and Mapleridge Street. The City was not able to do change-outs at these intersections due to the fiber optic controls that were necessary. The signal poles and signal heads would be the same as the other intersections. In other words, the poles and signal heads would match.

C/Q: Councilman Will Hickman commented that the only thing he felt the City might be missing out on was more streetlights. He inquired as to whether there was a need for more streetlights at the intersections included in this project.

A: City Manager Satterwhite indicated that the City had the proper amount of streetlights. All of the decorative poles would not necessarily have streetlights on top of them—it would depend on the width of the street.

Q: Councilman Hickman inquired as to whether the streetlight on top of the decorative poles served as a “decoration” as opposed to a “light source.”
A: **City Manager Satterwhite** advised that those streetlights served as a "decoration."

C/Q: **Councilman John Jeffery** noted that Paseo Park was currently lined with decorative streetlights. He wondered whether or not it might be advantageous to consider decorative streetlights closer to the METRO bus station as there appeared to be fewer lights in that area. He noted further that the City’s vision for the downtown revitalization might benefit from some decorative streetlights.

Councilman Jeffery inquired as to how much under budget the City was with respect to this project.

A: **City Manager Satterwhite** advised that the City was not that much under budget. He suggested that the City might be better suited looking at lighting versus traffic signals. He stated that the City needed to start the traffic signal improvement project as the contractor was ready to go.

C: **Councilman Jeffery** noted that he was initially not pleased with the cost spent on improvements made in the Uptown area of Houston (chrome street signs, traffic signals, and lights), however, the improvements definitely provided a positive recognition and had improved the values of the area.

Q: **Mayor Siegel** asked for confirmation that to upgrade the four intersections in Bellaire’s triangle was $238,000. She asked for confirmation of the definition of Bellaire’s “triangle.”

A: **City Manager Satterwhite** advised that the “triangle” was the intersection of Bissonnet Street and South Rice Avenue, Bissonnet Street and Bellaire Boulevard, and Bellaire Boulevard and South Rice Avenue.

Q: **Mayor Siegel** inquired as to whether the upgrades could be implemented at a later time.

A: **City Manager Satterwhite** stated that the upgrades could not be implemented at a later time. The change order would need to be done very quickly because the contractor would need to order or had ordered the materials.

Q: **Mayor Siegel** referred to Councilman Jeffery’s suggestion and inquired as to whether the City could come in later with decorative lighting similar to the lighting already in existence along Paseo Park.
A: **City Manager Satterwhite** advised that the City could certainly consider lighting as a separate project. He advised that lighting was not inexpensive. He suggested that the City consider doing a lighting plan for the area that would incorporate more decorative lighting.

C: **Councilman Pat McLaughlan** noted that Councilman Jeffery and City Manager Satterwhite had honed in on the issue. The City wanted to spend its money on things that had a distinct benefit for the citizens and the community. Spending this amount of money on fluted traffic signal poles would not provide enough of an identifiable benefit to the community.

He agreed with the desirability of getting some more attractive streetlights that would provide the appropriate power. He stated that he would like to see the City concentrate on improved streetlights for the future, but accept the City Manager's recommendation on the issue currently before City Council.

**MOTION TO ACCEPT CITY STAFF’S RECOMMENDATION ON PROJECT:**

A motion was made by Councilman Pat **McLaughlan** and seconded by Councilman James P. **Avioli,** Sr., to accept City Staff's recommendation not to upgrade signal light poles to a decorative style in conjunction with the Congestion Mitigation Air Quality (CMAQ) Traffic Signal Improvement Project.

**DISCUSSION ON MOTION:**

**Mayor Siegel** noted for the record that several members of City Council were not opposed to some type of decorative lighting, but wished to consider such a project as a separate agenda item in the future.

**VOTE ON MOTION TO ACCEPT CITY STAFF’S RECOMMENDATION ON PROJECT:**

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

**FOR:**  
Siegel, Cindy  
Hickman, Will  
Avioli, James P., Sr.  
Faulk, Peggy  
McLaughlan, Pat  
Jeffery, John
OPPOSED: None

ABSENT: Nauert, Phil

{Motion was subsequently set forth in a Motion Document Numbered 2009-002}.

3. DISCUSSION and possible action on recommendations related to a City Council directive given to the Centennial Planning Committee on April 27, 2008, to investigate the possibility of a fountain, meditation area, and arbor to commemorate Bellaire’s Centennial, as well as direction to City Staff to develop the approved project(s) – Item submitted by Assistant City Manager Diane K. White on behalf of the Centennial Planning Committee.

SUMMARY:

Mayor Cindy Siegel summarized the agenda item before City Council, noting that information had been provided in City Council’s packet, as well as a resolution passed out by former member Lynn McBee, Centennial Planning Committee, that was adopted by the Centennial Planning Committee (“CPC”).

Mayor Siegel noted that she had presented a report to City Council on behalf of the CPC months ago and City Council directed the CPC and City Staff to look at a meditation area/arbor, a small fountain, and a large fountain and return to City Council with costs, possible locations, and a recommendation on a project.

The outcome of the directive included a vote by a majority of the members of the CPC to construct a meditation area with an arbor and small fountain to be located in Loftin Park close to the rear of the Greater Southwest Houston Chamber of Commerce building. Mayor Siegel noted that she had asked Clark Condon Associates, Inc., if this recommendation would fit with the remaining plans for Bellaire Town Square. Sheila Condon of Clark Condon Associates, Inc., advised that there would not be a problem in fitting the recommendation into Bellaire Town Square.

Three to four members of the CPC voted to construct a large fountain in Paseo Park near the area where the trolley pavilion was removed; however, the majority of the CPC members voted on a meditation area/arbor and small fountain.

Mayor Siegel advised that she respectfully disagreed with City Staff. She felt that the City did have the funding for this project in the budget. She suggested that City Council accept the CPC’s
recommendation and proceed with the meditation area in Bellaire Town Square.

MOTION TO ACCEPT RECOMMENDATION FROM THE CENTENNIAL PLANNING COMMITTEE (CPC):

A motion was made by Mayor Cindy Siegel and seconded by Mayor Pro Tem Peggy Faulk to accept the recommendation from the Centennial Planning Committee ("CPC") and to direct City Staff to proceed with the meditation area to be located in Bellaire Town Square (i.e., Loftin Park).

DISCUSSION ON MOTION:

City Manager Bernard M. Satterwhite, Jr., stated that City Staff certainly did not recommend against doing either of the projects and apologized if it came across that way. City Staff wanted to make sure that the plans for Bellaire Town Square and/or the old trolley pavilion area were set in place before we moved forward with either project in order to ensure that everything was in place.

He did not want to construct a meditation area in a location that was going to be under construction and not be able to work around that. For that reason, City Staff recommended that a final decision be postponed on the procurement and placement of either of the projects.

Mayor Siegel advised that the recommendation on the table from the CPC was to go with a meditation area/arbor and small fountain. She would agree with the City Manager if the CPC had voted on a large fountain near the location of the old trolley pavilion. In light of the cost and everything else going on in Paseo Park, she agreed that the project could be postponed until the traffic signal lights were completed.

Councilman Pat McLaughlan noted that the trolley pavilion was demolished and demolishing the trolley pavilion versus repairing it saved well over $100,000. He could certainly support the meditation area in Loftin Park; however, City Council, in his opinion, also gave the public an expectation that once the trolley pavilion was gone, that some type of feature would be constructed at that location that would include a water feature, if possible. He inquired as to where the City stood in moving forward with some type of feature where the trolley pavilion was removed.

Mayor Siegel indicated that City Council would have to take action to direct City Staff to consider the project questioned by Councilman McLaughlan. Mayor Siegel referred to the resolution adopted by the CPC.
For purposes of the record, that resolution has been reprinted herein as follows:

Whereas, on April 21, 2008, the City Council directed that one of three proposed Centennial projects, the self-guided History Walk, move forward and the cost (estimated to be $40,000) be funded from previously allocated arts funding with a budget amendment brought forward; and

Whereas, on April 21, 2008, the City Council directed that the second and third of the three proposed Centennial projects, a Pergola/Meditation area and Small Fountain, be investigated by the Centennial Planning Committee and City Staff to provide appropriate parameters; and

Whereas, for the first project authorized by the City Council, the drawings for 10 markers along the self-guided History Walk has been contracted for by an artist and are now completed, with construction and installation of each marker to be completed; and

Whereas, for the second project, Pergola/Meditation Area with Small Fountain, the Centennial Planning Committee through a subcommittee and Staff has selected placement of such second project at the end of Loftin Park; and

Whereas, the Centennial Planning Committee and Staff have identified estimated costs for such Pergola/Meditation Area and Small Fountain (consisting of a free-standing structure 16’ X 20’ with 8’ posts, a permeable ground cover, a 2’ apron of landscaping around the pergola, four 8’ Chippendale benches with back port/surface mount-faux wood with center arm rest) and Small Fountain (between 24” and 62”) that may be purchased and installed at an estimated cost of $18,000; and

Whereas, for the third project, a Large Fountain, the Centennial Planning Committee and Staff have identified various pre-fabricated fountains over 5’ tall that may be purchased for less than $25,000;

Now, Therefore, Be It Resolved that the Centennial Planning Committee recommends to Bellaire City Council that it approve the second Centennial project, a Pergola/Meditation Area with Small Fountain, be authorized during the City’s current fiscal year and that a budget amendment of $18,000 be approved for its purchase and installation; and

Be It Further Resolved that City Council consider for a third Centennial project the purchase and installation of a large fountain, over 5’ tall, in Paseo Park at an estimated cost of $25,000 or less.
The above-referenced resolution was approved by the Bellaire Centennial Planning Committee at its final meeting on December 14, 2008, on a 9-1-1 vote, with one member opposing and one member abstaining.

Mayor Siegel next referred to the History Walk to be constructed in Paseo Park from the Bellaire Arts Commission budget. There was still funding budgeted for a Centennial commemorative/memorial. City Council asked the CPC and City Staff to come back with a recommendation for a project, information related to cost, and a possible location.

The CPC stated that if they had to choose between a large fountain to commemorate the Centennial or a meditation area/small fountain, their choice would be a meditation area/small fountain (majority of the vote). It was up to City Council whether to follow the recommendation or to choose a different project, or to do two projects. The large fountain did not necessarily have to commemorate the Centennial.

Mayor Siegel suggested to Councilman McLaughlan that if City Council wanted to construct a large fountain in Paseo Park that City Staff could be instructed or directed to work on that project.

Councilman McLaughlan thanked Mayor Siegel for the explanation stated that the action regarding some type of feature on Paseo Park would be a separate agenda item that could be considered at some point in the future.

Councilman John Jeffery advised that he supported the project, but inquired as to where it fell within the priority list—noting that the infrastructure would have to be in place for water, lighting, security, etc.

Mayor Siegel noted that there was a curfew of 9:00 p.m. in Loftin Park.

Councilman Jeffery raised the point that there might be a security issue if there were no lighting in the area. He understood the scope of the project and that the CPC was trying to work within a budget, but the smaller fountain looked temporary and cheap. He stated that if the City was going to do such a project, it should be done correctly.

Mayor Siegel suggested that City Council direct City Staff to move forward with the plans for this project. The recommended project was based on a certain budget. She advised that the purpose of the area was quiet solitude, and this project provided a way to get people to utilize Loftin Park in a passive manner. She stated that it was critical
to start a project to commemorate the Centennial as it was already coming to a close.

**Councilman Jeffery** stated that he felt City Council should consider a more permanent structure that someone could not “run away with” or kick over. He felt that lighting and a more permanent structure was important. He indicated that he was not talking about a large fountain, just a more permanent structure.

**Mayor Siegel** advised that a recommendation was being presented this evening. Design plans had not been drawn up for this recommendation.

**Councilman James P. Avioli, Sr.,** stated that he was a strong supporter of the meditation area, but he felt that Councilman Jeffery had made some good points. With all due respect to the CPC, he really did not like the design. When City Council originally discussed the project, a picture of a rock wall and nice setting was shown to City Council. He respected the work of the CPC, but felt that the City was missing the point on the design. It appeared to look like a patio cover. He felt the City should do a little more work on design.

**Councilman Will Hickman** advised that he was curious as to the process City Council would follow with respect to this agenda item. In other words, if this item passed, would City Staff hire a designer and come back to City Council with several designs to choose from?

**Mayor Siegel** stated that she felt City Council needed to direct staff. She felt City Staff would have to come up with a project and figure out what it would entail.

**City Manager Satterwhite** suggested that a very specific agenda item needed to be crafted as he felt everyone was confused. City Staff was confused. City Staff and the CPC were tasked to come up with some alternatives. He understood that the CPC subcommittee came up with a pergola/meditation area and small fountain as their first choice. This was what City Staff had placed on the agenda.

**Mayor Siegel** advised that City Council needed to pick a lane. The recommendation was to construct a meditation area within the budget set aside for the project. However, if City Council did not like that idea, something more permanent could be designed and constructed.

**MOTION TO DIRECT CITY STAFF TO HIRE DESIGN CONSULTANT:**

A motion was made by Councilman Will Hickman and seconded by Councilman Pat McLaughlan to direct City Staff to hire a design consultant.
consultant to come back with a preliminary or conceptual design for a meditation area to be located in Loftin Park.

Note: Mayor Cindy Siegel and Mayor Pro Tem Peggy Faulk agreed to withdraw their original motion.

DISCUSSION ON MOTION:

Councilman Jeffery asked if Clark Condon Associates, Inc., had already considered this meditation area in their design plan for Bellaire Town Square.

Mayor Siegel advised that it had not been considered in that design plan.

Councilman Jeffery asked if would make sense to direct Clark Condon Associates, Inc., to design the meditation area.

City Manager Satterwhite indicated that he did not really have an answer. He felt that City Staff would need some type of dollar amount to be spent. In other words, he would need to be able to advise the designer as to the expected cost of the project. He did not have a good feel for what City Council wanted to design.

Councilman McLaughlan went back to the recommendation that came forth from the CPC and advised that it was a concept recommendation. In other words, the CPC was not specific as to the exact design of the water feature and layout.

Mayor Siegel advised that Councilman McLaughlan was correct.

Councilman McLaughlan advised that he felt the motion was a very correct motion. It was important to bring on board some landscape architect that had some specific skill in this area. He believed that the City should go out into the marketplace and look around for an architect that had demonstrated experience in this area. He believed that when the City moved forward on the Paseo Park situation, a similar designer could be engaged to address that project.

He inquired as to whether the CPC did independent design work with respect to their recommendation and inquired as to whether they put forth a specific design recommendation.

Mayor Siegel advised that the CPC recommended a concept – meditation area, small fountain, bench, etc. The members of the CPC were not landscape architects—they merely researched ideas and obtained cost estimates for those concepts.
City Manager Satterwhite suggested that City Council might like to see some renderings of the recommended concepts. He noted that the discussions started over one year ago. A budget was developed for the Centennial and in that budget was an item for a commemorative feature for the Centennial. He believed that line item was $10,000. He inquired as to whether City Staff was supposed to work with the $10,000 from the Centennial budget or whether City Staff should try to free form.

Mayor Siegel advised that in the original budget, there was a line item for History Walk/Commemorative Centennial Memorial. When the item came up for discussion, City Council chose to take funding from the Bellaire Arts Commission for the History Walk. City Council took another step and asked the CPC and City Staff to look at other options for a Centennial memorial project. The $10,000 was a “guide” that the CPC and City Staff worked toward. Mayor Siegel stated that if City Council wanted a more “permanent” design, it might be necessary to make a budget amendment to include more funding for this commemorative memorial.

City Manager Satterwhite indicated that he still needed a figure to work from. In other words, was he working from the $10,000 end of the spectrum or the $50,000 end of the spectrum?

Mayor Pro Tem Faulk inquired as to whether this was something that could be discussed with the design consultant.

City Manager Satterwhite stated that the first thing the consultant would ask was how much the City was willing to spend.

Councilman Avioli inquired as to what City Council wanted to look at cost-wise. To put everything in perspective, City Council wanted something that was nice and would contribute to the City. A great deal of money would be spent on the skate park. He suggested that City Council might want to spend $50,000 on a project that would last and commemorate the Centennial.

Councilman Hickman suggested that City Staff inquire as to whether the consultant could provide pricing on an arbor, as well as add alternates for a wall, water feature, benches, landscaping, etc. In other words, an “ala carte” menu that City Council could look at and obtain a better sense of what could be spent and what the City would end up with in Loftin Park.

Mayor Siegel agreed with Councilman Hickman, but noted that City Council would also like to see some renderings.

Councilman Hickman agreed with Mayor Siegel.
Councilman Jeffery suggested that there could be an “A” option at $20,000, a “B” option at $30,000, a “C” option at $40,000, with renderings and a breakdown of costs for each price range.

City Manager Satterwhite suggested that City Staff be directed to come back with some options and then City Council could decide on the next step or a proposal for City Council to consider.

VOTE ON MOTION TO DIRECT CITY STAFF TO HIRE DESIGN CONSULTANT:

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

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

OPPOSED: None

ABSENT: Nauert, Phil

{Motion was subsequently set forth in a Motion Document Numbered 2009-003}.

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 8:30 p.m. on Monday, January 5, 2009.

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
      McLaughlan, Pat
      Jeffery, John
City of Bellaire
City Council

Minutes of Meeting
Monday, January 5, 2009

OPPOSED: None
ABSENT: Nauert, Phil

Respectfully submitted,

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

Approved:

____________________________
Cynthia Siegel, Mayor
City of Bellaire, Texas