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, March 23, 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 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., and City Clerk Tracy L. Dutton. City Attorney Alan P. Petrov arrived at approximately 8:00 p.m.

B. INSPIRATIONAL READING AND/OR INVOCATION – Councilman Pat McLaughlan.

Councilman Pat McLaughlan provided the inspirational reading for the evening. He began by reading several quotations on “optimism” as follows:

We could never learn to be brave and patient if there were only joy in the world.

--Helen Keller
American Author, Political Activist, and Lecturer

If you are going to walk on thin ice, you might as well dance.

--Unknown Author
Don’t ask ‘Why,’ ask instead, ‘Why not.’

---John F. Kennedy
35th President of the United States

Councilman McLaughlan continued and noted that although St. Patrick’s Day had already occurred, he wished to read an Old Irish Blessing as follows:

May the road rise up to meet you.
May the wind always be at your back.
May the sun shine warm upon your face,
and rains fall soft upon your fields.
And until we meet again,
May God hold you in the palm of His hand.

C. PLEDGES TO THE FLAGS – *Councilman Pat McLaughlan.*

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

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

D. PERSONAL/AUDIENCE COMMENTS.

Brian Bollich, 5205 Laurel Street, Bellaire, Texas:

Mr. Bollich addressed City Council and noted that he lived three houses from the intersection of Laurel Street and Fifth Street near the Bellaire Family Aquatic Center. Mr. Bollich advised that he and his neighbors were affected on a routine basis by the hazardous situation created by parking demand virtually exceeding parking supply. Not wanting to risk collision with children, other pedestrians, and vehicles, he often avoided the intersection altogether when he saw massive vehicles lining both sides of the streets.

He advised further that he and his neighbors would like the City Council to review the *Texas Transportation Code, Section 545.302, Stopping, standing, and parking prohibited in certain places.* In summary, the referenced section stated that there was no parking, stopping, standing, etc., within 30 feet on the approach to a flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway. Mr. Bollich felt that if this section of the *Texas Transportation Code* were enforced, the probability of accidents would be decreased, but perhaps not eliminated altogether.

Mr. Bollich and his neighbors also urged City Council to consider an unconditional no parking enforcement on both sides of Fifth Street, which apparently contained no residential addresses at this time. This would at
least help alleviate the one-way street that Fifth Street became when both sides were filled with vehicles only a few feet from stop signs.

Mr. Bollich advised that he would like to thank Mr. and Mrs. Bedi for coordinating the residents to address this issue and for their tireless effort to this point. He also thanked his neighbors for their efforts and City Council for their time and consideration of this issue.

---

**Patrick Grealy, 5200 Laurel Street, Bellaire, Texas:**

**Mr. Brian Bollich** addressed City Council on behalf of **Patrick Grealy** as follows:

_Dear Mayor and City Council:_

As a resident of the 5200 block of Laurel Street, I strongly urge you to institute permit parking on both sides of Laurel Street between Fifth Street and Ferris Street. Since the opening of the Family Aquatic Center, there has been an increase in usage of the facilities together with a decrease in the number of off-street parking spaces.

Starting in May 2008 when the Family Aquatic Center opened, the residents of Laurel Street were inundated with increased traffic and parking on all of the streets in the immediate area around the intersection of Laurel and Fifth Streets. I would guess that most residents have experienced this situation at one time or another as they traveled through this area. This seems like a potential disaster in the case of an emergency, such as a fire. It is also an inconvenience to the residents and would guess the visitors to the area might come away with an unfavorable impression of our City as well.

I feel that instituting the parking permit system on Laurel Street would alleviate much of the congestion and reduce the safety hazards. At the same time, I encourage the City officials to monitor parking problems at the other intersections in the area in addition to Laurel Street at Fifth Street. Please consider how to reduce the number of parking infractions, especially the parking of vehicles too close to the street corners, which seem to be the most common problem.

_Thank you._
Luisa Franzini, 5219 Laurel Street, Bellaire, Texas:

Ms. Franzini addressed City Council and advised that she supported the permit parking on Laurel Street. Since the Family Aquatic Center opened, the residents had seen cars parked on both sides of Laurel Street. This seemed to be a safety issue. The children ran in and out among the parked cars and could not be seen well.

If a fire engine or ambulance were needed on Laurel Street, the emergency vehicle could not come through as the cars were parked too close together. Additionally, if a car were traveling in one direction, a car traveling in the opposite direction would have to reverse in order to let the other car pass.

In closing, Ms. Franzini stated that the current situation could not possibly go on. To institute permit parking during the summer and in the winter during the weekends would help with the congestion. She suggested that parking restrictions be instituted for Laurel Street as well as Fifth Street.

Cathy Riggs, 5125 Linden Street, Bellaire, Texas:

Ms. Riggs addressed City Council and referred to a letter that Carol Phillips had submitted to be read into the record this evening. That letter referred to the parking issue and Ms. Riggs agreed with the comments made by Carol Phillips.

The parking issue was not unforeseen. Ms. Phillips had been trying to get someone to acknowledge her concern for years beginning with the planning stages for the Family Aquatic Center.

Ms. Riggs advised that she had several small suggestions that might help during summertime as follows: 1) direct lifeguards to park at the Condit Elementary School parking lot instead of in the City’s parking lots or the streets surrounding the Family Aquatic Center; 2) install signage where patrons paid to enter the Family Aquatic Center directing those patrons to park at the Condit Elementary School parking lot; 3) open the gate on the east side of the facility so that people could come in on that side and park on that side of the facility; and 4) direct people to park in the Community National Bank parking lot.

Ms. Riggs urged City Council not to even think about installing permeable parking in Loftin Park.
Deepak Bedi, 5209 Laurel Street, Bellaire, Texas:

Mr. Bedi addressed City Council and noted that the residents of the 5200 block of Laurel Street had been working patiently on the parking issue for a while. When the Family Aquatic Center was built, it took away about 50-60% of the existing parking that had been available. Additionally, use of the Family Aquatic Center increased. As a result of the increased use and decrease in existing parking, the patrons started using Fifth Street and Laurel Street to park their vehicles.

Mr. Bedi stated that there had been several near accidents as a result of reduced visibility on Laurel and Fifth Streets. Additionally, many residents had routinely found fast food bags and soft drink cans in their front yards. The reasons just cited by Mr. Bedi were why the residents had come forward with a petition for permit parking. Permit parking was a difficult issue and a last resort for anyone. The residents did not like permit parking and if there were a better solution, the residents would have found it.

Within the petition, the residents recommended some parameters for the restrictions. The majority of residents would prefer restrictions from February through October rather than just the summer. Increased traffic was seen in the winter as well as in the summer.

A secondary concern was the intersection of Laurel Street and Fifth Street. Brian Bollich read an excerpt from the Texas Transportation Code regarding parking within 30 feet of an intersection. Mr. Bedi advised that the City did not police this regulation, but he felt that the City should police it. Mr. Bedi indicated that the residents were willing to assist the police by letting them know when there was an infraction. If the traffic congestion in this particular intersection were not taken care of, the problem would not be solved to a great degree.

A third concern was parking along Fifth Street. If that were not addressed, then only 50% of the problem would be taken care of. Since there were no residents that fronted Fifth Street, they were unable to petition for restricted parking on that particular street.

Kevin Schroder, 5201 Laurel Street, Bellaire, Texas:

Mr. Schroder addressed City Council and advised that he lived directly across from the Recreation Center. He noted that there were three large issues and his neighbors had touched on all three very well.
The largest issue in Mr. Schroder’s opinion was the Fifth Street thoroughfare, which was definitely a safety issue. People constantly had to reverse to let another vehicle through as cars were parked on both sides of the street. This was definitely a liability for the residents of Bellaire.

The second largest issue was on Laurel Street where parking routinely occurred on both sides of the street. Lastly, parking occurred very close to the stop signs. On a daily basis, people parked right up to the stop sign.

As stated earlier by Mr. Bedi, the residents preferred not to have permit parking, but in working with City Manager Satterwhite and discussing all the various options, the residents had come to the conclusion that permit parking was a necessary evil. He strongly encouraged City Council to consider allowing permit parking on Laurel Street.

**Mandy Nathan, 5211 Laurel Street, Bellaire, Texas:**

Ms. Nathan addressed City Council and noted that she was certain that City Council had driven down Fifth Street and found it completely blocked, noting that it was a safety concern to the residents on Laurel Street, as well as to the people visiting the Family Aquatic Center.

The congestion on Laurel Street was probably not as bad as the congestion on Fifth Street. Unlike the areas around the Little League Fields that were congested when games were underway (5:30 p.m. until 9:30 p.m.), Laurel Street was congested all day. The problem was most acute for those residents that lived on the corner of Laurel Street and Fifth Street.

She understood that the City’s theory was that there was enough parking to accommodate everything that was going to built in Bellaire Town Square with the three parking lots in the vicinity and perimeter parking that existed around Jessamine Street and Laurel Street, as well as the Condit parking lot. Ms. Nathan stated that she believed that it was time to put that theory to the test in trying to get people to actually use the parking that was not being used currently.

As Mr. Bedi stated, the permit parking was not a decision that the residents of Laurel Street came to lightly. Obviously it was inconvenient to require permit parking and to hand out permits to everyone that wanted to visit them during May through September.

In closing, Ms. Nathan stated that she and her neighbors hoped that City Council would consider supporting their request.
Trish Pollard, 5123 Linden Street, Bellaire, Texas:

Ms. Pollard addressed City Council and advised that she returned from Germany to find an item on the agenda regarding restricted permit parking for the 5200 block of Laurel Street. The petition from the residents referenced unforeseen congestion and a severe parking problem.

Over the past several years while the Family Aquatic Center was being planned and built, speaker after speaker after speaker came to the podium to warn City Council of the potential parking problems. There was nothing unforeseen about this.

Last summer, a lifeguard parked directly across the street from the driveway to Ms. Pollard’s residence on Linden Street. This made it difficult for the Pollards to back out.

A parking permit program for the 5200 block of Laurel Street would only spread the problem to neighboring streets. The City could put up signs telling people to park at the Condit Elementary School parking lot, but people were not going to do that because they wanted the convenience of parking near the pool where their children would not have to cross the street.

The best solution to this problem was to have all City employees park in the Condit Elementary School parking lot during the months of May through September. This would include not only full-time employees, but also part-time pool employees, such as lifeguards. At a minimum, all employees of the Parks & Recreation Department and all of the Parks & Recreation Department vehicles should be required to park in the Condit Elementary School parking lot. The City had caused this problem and the City could solve this problem without burdening everyone with a parking permit program, the bureaucracy, expense of signs, etc. She stated that an email should be sent to all employees to park in the Condit Elementary School parking lot from May through September. She suggested that this be tried for summer 2009. If it did not work, then City Council could look at implementing a parking permit program.

Mayor Cindy Siegel read the following written comments into the record:

Ron Kikuchi, 5208 Laurel Street, Bellaire, Texas:

The summer pool parking is causing extreme congestion on the street. Sometimes it is impossible to get out of our driveway.
The parking on Fifth Street between Laurel and Linden Streets is a hazard and dangerous.

---

**Marie Bergeron, 5208 Laurel Street, Bellaire, Texas:**

The congestion on Laurel and Fifth Streets desperately needs to be addressed/corrected. When the pool is open our house becomes almost inaccessible.

---

**Richard May, 5212 Laurel Street, Bellaire, Texas:**

My wife and I are relatively new to Laurel having moved in last November. We have noticed that as the weather has improved this year, the number of cars parking all the way down Laurel, including in front of our home, have increased. The congestion on the street makes it very difficult to maneuver your car—particularly on the east side of Laurel near the recreation center. We used to live in Greatwood out in the Sugar Land area and we faced a similar problem. The Homeowners Association had to do something there to correct the problem—and we hope the City of Bellaire will also see fit to correct this situation. Not just for the inconvenience to the homeowners in the area—but also to ensure emergency vehicles can access the area without delay.

---

**Carol Phillips, 540 South Second Street, Bellaire, Texas:**

**Mayor and Councilmen:**

I am out of town but want to comment on the agenda item about parking problems on Laurel near the new Aquatic Center.

As stated in your agenda packet, people tend to park in the closest legal parking space. Once Laurel is protected, unless other steps are taken to actually solve the parking problem, the congestion will just move to other nearby streets.

The proposal mentions that possibility, saying that other blocks can get together and request permit parking also. Again, all that will do is push the problem to yet another street.

Parking has been a concern for many residents since the earliest planning stage for Town Square. We were told many things would be done to
encourage people to park on South Rice and in the Condit lot, and many drawings showed an “island” in the middle of South Rice to make crossing safer.

I have several questions and concerns:

1. Will anything be done to encourage people to park on South Rice and at Condit?

2. What if parking clogs only part of a block routinely, and many residents on the rest of the block do not want restrictions; can a few neighbors at one end of the block request permit parking in front of their houses?

3. When permit parking started by the high school, the permits allowed parking anywhere on the block. Some homeowners sold permits for hundreds of dollars to students who used them to park at the other end of the block, in front of someone else’s house closer to the school. Will this problem be avoided? If permits are valid for only one address, rather than the block, what if people have a few visitors at the same time?

4. The fire station and police/court buildings will soon be enlarged. Will they expand into existing parking lots, further reducing available parking?

5. I am concerned that the eventual result will be that much of Loftin Park will be paved for parking, despite repeated assurances throughout the design process that the park and trees would be protected.

I don’t oppose allowing permit parking on Laurel, but only if realistic steps are taken to actually solve the problem without creating the other problems I have listed.

Thank you.

E. REPORTS:

1. CITY MANAGER’S REPORT – Areas of discussion include: police activity report for the month of February 2009, public infrastructure and utilities – major projects update (i.e., Rebuild Bellaire Program, Newcastle Drive reconstruction, water/wastewater infrastructure, CMAQ traffic signals), Bellaire Trolley Run, Friends of the Bellaire Library Spring Used
City of Bellaire
City Council

Minutes of Meeting
March 23, 2009

Book Sale, availability of Bellaire historical DVD, status of City Hall security upgrades, Hurricane Ike cost status, acceptance of applications for board, commission, and committee members and upcoming City Council meetings – Presented by City Manager Bernard M. Satterwhite, Jr.

City Manager Bernard M. Satterwhite, Jr., presented the City Manager’s Report to City Council.

Police Activity Report – February 2009

City Manager Satterwhite advised that there were 33 Part I criminal offenses reported in February of 2009 compared with 43 in February of 2008. There was a perception among some that crime was up, but it was actually significantly down in general compared to the previous year. There were 55 accidents reported in February of 2009 as compared to 80 in February 2008, which was a significant drop as well.

Several robberies occurred during the month of February. One robbery occurred at the Smoothie King, 5425 Bellaire Boulevard; another at Guaranty Bank at 5319 Bellaire Boulevard; another occurred at a business at 5861 Bissonnet Street; and two incidents of individual robberies in the 5100 block of Grand Lake Street and the 4700 block of Pine Circle.

Robbery tended to be a somewhat low risk crime and happened very rapidly. He urged people to be aware of their surroundings, noting that many robberies occurred in the daytime. In addition, there were three residential burglaries reported and one burglary of a business.

Infrastructure Projects

The Evergreen Street construction (end of Rebuild Bellaire Program, Phase One) was underway. Traffic was one-way westbound in this area presently. The northbound side of the roadway would progress more rapidly as there was no storm sewer installation on that side of the roadway.

With respect to the Newcastle Drive construction, the east side of the street from Jane Street to Lula Street was almost completed. Traffic was one-way northbound in the area presently. The right-of-way parking in the vicinity of The Nature Discovery Center had been increased to 525 feet (from 400 feet) or approximately five additional spaces.

The second phase of the Newcastle Drive construction was scheduled to begin the following week. The remainder of The Nature Discovery Center, Evergreen Park, and further south toward the Horn Elementary
School would be addressed next. At the same time, CenterPoint Energy was relocating gas mains in the area and the City had to watch out for their safety as well.

The Rebuild Bellaire Program, Phase Two, Paving and Drainage Project, should get underway within the next week or so. This project consisted of the 4500 block of Park Court, 4500 block of Sunburst Street, Second Street from Chestnut Street north to Elm Street, and the 100 block of Whipple Drive.

City Manager Satterwhite noted further that a bid had been placed on this evening’s agenda for the Central Water Plant Water Well No. 3, which had been down for a few months. The City was able to accept surface water at the Central Water Plant, but not well water.

The Aeration Basin at the Wastewater Treatment Plant was essentially complete and the final change order and pay estimate would be placed on the City Council agenda for April 6, 2009.

With respect to the railroad ditch, cleaning had begun on the east side of town through Southdale. The cleanup would impact all of the streets that dead-ended into the railroad tracks, such as Jane, Jonathan, Lula, Wendell, Mildred, Darcy, Dorothy, and Lafayette Streets.

The CMAQ traffic signal project was noted to consist of new or rehabilitated traffic signals at 11 intersections in Bellaire. The project began at Bissonnet Street and Newcastle Drive and Bellaire Boulevard and Newcastle Drive. The first phase of the project consisted of the drilling of pole foundations, the installation of conduit, ground boxes, fiber network, and the new signal system, as well as demolishing the existing signal system. Americans with Disabilities Act-compliant sidewalk ramps would also be constructed at all intersections. This project would take more than one year to complete.

Two upcoming infrastructure projects to be considered on April 6, 2009, were noted as follows: Rebuild Bellaire Program, Phase Two, Storm Sewer Rehabilitation, and FY2008 Sidewalk Repair/Maintenance Project.

**Recreational/Cultural**

The Bellaire Trolley Run was scheduled for April 4, 2009. Online registration was available, as well as registration in person at the Bellaire Recreation Center. The 5K was scheduled to begin at 8:00 a.m. and the other runs were scheduled to begin at 7:30 a.m. (i.e., Children’s 1 Mile Fun Run).
The Friends of the Bellaire Library were scheduled to hold their Spring Used Book Sale on March 28, 2009, in the parking lot between the Bellaire City Library and the Bellaire Fire Station from 9:00 a.m. until 4:00 p.m. Hardcover books would be sold for $1.00 and paperback books would be sold for $0.50.

**Facilities Update**

City Manager Satterwhite referred to questions that City Council had asked previously regarding the status of the City Hall security upgrades. One of the first steps regarding security was the installation of two additional doors upstairs, which had been completed. Prior to installing electronic and surveillance systems, it was necessary to make some hardware modifications to the current outside doors. Since the cost of those modifications exceeded a threshold prescribed by the City’s purchasing procedures, it was necessary to seek additional quotations, two of which were required to come from historically underutilized businesses (or HUBs). Those quotations were expected to be available next week. The work would start within a few weeks after receiving the quotations. The installation of the necessary electronic systems would begin soon thereafter.

Additionally, purchase requisitions had been submitted for security cameras at the Bellaire City Library and Bellaire Recreation Center.

**Hurricane Ike Update**

City Manager Satterwhite indicated that Chief Financial Officer (CFO) Donna Todd had put together documents titled “Project Worksheets” for the Federal Emergency Management Agency (FEMA). In total, CFO Todd had put together 35 Project Worksheets, ranging from debris pickup, traffic signage, overtime costs for employees, brick wall fence at Public Works, Bellaire City Library storm-related issues, Recreation Center storm-related issues, Recycling Center storm-related issues, Renwick Water Plant, Evergreen Pool Complex, etc. FEMA had reviewed all 35 Project Worksheets. The total cost of damage and employee time related to Hurricane Ike was $2,162,083.43.

FEMA had reimbursed the City approximately 10% of the total damages thus far and the City had received approximately $136,000 in insurance reimbursements. Additional reimbursements were expected from both FEMA and the City’s insurance carrier.

The total debris removal cost was $1.4 million. The City expected the total FEMA reimbursement to be in the neighborhood of $2 million. City Manager Satterwhite thanked CFO Todd and the Department Heads for working on the storm-related issues over the past six months, noting that it had not been an easy task.
Boards, Commissions, and Committees

City Manager Satterwhite advised that the City was current accepting applications for positions on all City Boards, Commissions, and Committees. The City would accept applications through May 22, 2009. Interested individuals could come by City Hall to pick up an application or could obtain one online through the City’s website. The “News Flash” portion of the homepage had an item regarding Boards, Commissions, and Committees. The terms for each of the openings would begin July 1, 2009.

Upcoming Meetings

April 6, 2009    -   Regular Session of City Council
April 13, 2009  -   CIP/Mid-Year Review Workshop Session
April 20, 2009  -   Regular Session of City Council

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

C/Q: Councilman Pat McLaughlan referred to the CMAQ traffic signal project and advised that at First Street and Bissonnet Street, and noted that a pole was installed right in the middle of the sidewalk. As a result, the sidewalk was essentially disabled. He inquired as to whether pedestrians were “out of luck” at that location right now.

A: City Manager Satterwhite advised that unfortunately people were “out of luck” at that location right now. The sidewalk would be fixed, but it might be a while before that occurred.

Q: Councilman McLaughlan inquired as to whether it were appropriate for the City to make the sidewalk repair right now in order to provide pedestrian access.

A: City Manager Satterwhite stated that he believed the City could do something to make the sidewalk usable in the interim. He noted that he would look into it.

C/Q: Councilman McLaughlan thanked City Manager Satterwhite for the update on the City’s security improvements. He noted that one area of security that bothered him was the openness of City Hall. Most people in government and in industry had changed that approach. He asked City Manager Satterwhite to share any thoughts he might have regarding limiting public access to City Hall employees.
A: City Manager Satterwhite indicated that once the security plan was implemented, access to City Hall employees would be limited. He suggested that he put an item on a future agenda so that he could show City Council what the security plan would entail. The goal of the plan was to give all employees more physical security. It was very difficult to work a plan in the City Hall because of the openness of the original building design. Although the City did not want to shut out the public completely, the City did want to protect its employees.

Q: Councilman McLaughlan inquired as to whether the plan could be placed on the next City Council agenda.

A: City Manager Satterwhite advised that it would be on the next agenda.

Q: Councilman John Jeffery stated that there appeared to be a development underway at the northeast corner of Bissonnet Street and Howard Lane. He inquired as to whether the City knew what the development would be.

A: City Manager Satterwhite indicated that it was his understanding that it would be used primarily for offices, but there might be some retail.

Councilman Will Hickman advised that Bellaire Pediatrics would be relocating there.

Q: Councilman James P. Avioli, Sr., noted that a few meetings ago several businesses had petitioned the City to release liability for land that had been environmentally condemned. The City was going to establish a policy and fee for the process. He inquired as to whether that had been done.

A: City Manager Satterwhite advised that a policy and fee had been established.

City Clerk Tracy L. Dutton stated that she could email the policy to members of City Council.

Q: Councilman Avioli asked if it were appropriate to inquire as to the amount of the fee.

A: City Clerk Dutton advised that the fee was $500.00.

C/Q: Councilman Avioli indicated that Bellaire’s sister city (i.e., West University Place) had initiated that same fee. He then referred to a comment addressed by a citizen, Mr. Thomas, on
March 2, 2009, related to an incident with his children and indicated that he never got any feedback. Councilman Avioli asked if the City had followed up on Mr. Thomas’ comment.

A: City Manager Satterwhite stated that the City had followed up. He did not know the final answer, but indicated that the Police Chief was going to follow up. He stated that he would get back to City Council with an answer.

Q: Councilman Avioli noted that the City had talked about items that needed to be addressed at Evergreen Park. He inquired as to whether the delays were related to FEMA.

A: City Manager Satterwhite indicated that part of the delay was related to FEMA and part of the delay was a CenterPoint Energy issue. He had already signed a purchase order for the repairs.

Q: Councilman Avioli inquired as to whether City Manager Satterwhite had a chance to see what the impact would be to Bellaire with respect to the surface water rates that Houston raised.

A: City Manager Satterwhite indicated that it was too soon to address at this point, but he would be talking about it in the near future.

C: Mayor Cindy Siegel noted that the City would love to get some applicants for its Boards, Commissions, and Committees and urged those present and watching the meeting on television to consider applying.

MOTION TO ACCEPT REPORT INTO THE RECORD:

A motion was made by Councilman Pat McLaughlan and seconded jointly by Councilman Phil Nauert 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 7-0 vote as follows:

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

OPPOSED: None

ABSENT: None

2. FINANCE REPORT for the City of Bellaire, Texas, covering the period ended February 28, 2009, 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.

Chief Financial Officer (CFO) Donna Todd presented the Financial Report for the City of Bellaire, Texas, for the period ended February 28, 2009, to City Council.

Revenues

The City’s revenues were $17 million, up $678,000 compared to last February year-to-date or a 4.7% increase. The total property tax collections in the General Fund and Debt Service Fund were $383,000 higher than last year or a 3.4% increase. The current property tax collections in the General Fund were 5.9% higher than last year, which related to the City’s property values being up 5.6%. In the Debt Service Fund, the current property tax collections were approximately 1.1% lower than last year (i.e., $38,000 difference). CFO Todd reminded City Council that the City’s tax rate allocation to the Debt Service Fund was also lower this fiscal year. In total, the City’s current tax collections year-to-date for both funds were 3.7% higher than last year.

Sales tax revenues through February were $4,100 higher than last year. CFO Todd advised that she expected the City to see more of a decline in sales tax revenues for the balance of the fiscal year.

The City’s permit revenues were $60,000 lower than the previous year or a 29% drop. This was primarily driven by the building situation. Building permits alone were $28,000 lower than the previous year.

Fines were $108,000 lower than the previous year. Some of the reasons for the decline were the issuance of fewer citations, as well as issues with fewer people paying their fines. On the other hand, the City did have more people who were trying to pay. Those people were on the extended payment plan, thereby extending the revenue stream a little bit.
Investment earnings in all funds combined were $237,000 lower than the previous year. Last February, the target interest rate for federal funds was 3%. That rate was now 0% to .25%. This range of rates was left unchanged at the Federal Reserve Board’s meeting held last week on St. Patrick’s Day.

Water revenues were $64,000 higher than the previous year. This represented an increase in all areas—residential, commercial, and sprinklers. On the other hand, new service meter revenues were down $6,000. With respect to wastewater revenues, the new service meter revenues were down $32,000, so the net result was $12,000 lower than last February despite the fact that the residential and commercial line item revenues were higher.

Total miscellaneous income was $281,000, made up primarily of insurance and FEMA reimbursements received through February of 2009.

In the Capital Improvement Program Fund, there was an insurance reimbursement from the City’s insurance carrier, Texas Municipal League Intergovernmental Risk Pool (TML), for $340,000. The majority of this reimbursement was related to the Recreation Center roof and the remainder of the reimbursement would cover damages at the Wendell Lift Station.

**Expenditures**

Expenditures totaled almost $13 million or $822,000 higher than the previous year. Of the increase in expenditures, $674,000 or 82% was related to Hurricane Ike.

Parks & Recreation Department expenditures were $46,000 higher than last year. The increase in costs was related to operation of the new pool, building and equipment maintenance for the pools, higher wages and benefits to operate the pools, and natural gas and electricity costs.

Disaster-related expenditures through February were $674,000. Of that amount, $43,000 was attributable to the General Fund and $631,000 was attributable to the Enterprise Fund. As mentioned in the City Manager’s Report, the total cost of debris removal for this fiscal year and last fiscal year was close to $1.4 million.

On February 15, 2009, the City made a semi-annual Debt Service payment, which included principal of $2.1 million and interest of approximately $1.3 million for a total payment of $3.4 million. The new outstanding principal balance in the Debt Service Fund was noted to be $56.6 million. The total Debt Service Fund balance (i.e.,
principal and interest) was noted to be $85 million. The next semi-annual payment would be an interest only payment and would occur on August 15, 2009.

The interfund transfer from the Enterprise Fund to the Debt Service Fund year-to-date was $396,000 (i.e., monthly amortization of the $950,000 transfer). The interfund transfer from the General Fund to the Vehicle, Equipment, and Technology Fund year-to-date was $333,000 (i.e., monthly amortization of $800,000 budgeted for the transfer). The interfund transfer from the General Fund to the Capital Improvement Program Fund year-to-date was $625,000 (i.e., monthly amortization of $1.5 million budgeted for the transfer).

**Housing Sector Statistics**

With respect to the housing sector, excluding “by owner,” 204 residential properties were up for sale and 29 homes were for lease in February as compared to 188 residential properties for sale and 26 homes for lease in January.

The number of units for which construction permits had been issued was noted to be 23 for this fiscal year. That number was significantly lower than those issued last fiscal year.

There were five Bellaire addresses up for auction, six properties were bank-owned, and one property had a sale pending in February.

**Investments**

On February 17, 2009, the Finance Department purchased the first government security in the City’s portfolio, a Federal Home Loan Bank $1 million security. The term for the security was two years, with a one-year call protection and earnings of 1.75%. This compared to the City’s pools, which were currently earning less than 1%.

**2008 Comprehensive Annual Financial Report (CAFR)**

CFO Todd advised that she had received the City’s 2008 CAFR from the auditors and was planning to meet with them tomorrow to review and discuss the CAFR. She noted further that in the next few days she would be contacting members of the Audit/Finance Committee to schedule a meeting for them to meet with the auditors.
QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Councilman John Jeffery referred to the General Fund and noted that fines were lower by approximately $100,000 from the previous year and he was not sure whether that was an item of concern.

A: CFO Todd indicated that the City had seen lower fine rates and extended payment plans for the Municipal Court. The Municipal Court Clerk also indicated that fewer citations had been issued.

Q: Councilman Jeffery asked if CFO Todd could get more details as to the decline in the “fines” line item.

A: CFO Todd advised that she would get more details regarding that line item.

Q: Councilman Phil Nauert inquired as to the City’s ambulance billings and collections. In other words, were those billings and collections in line?

A: CFO Todd stated that ambulance revenues were down this fiscal year as compared to the previous year. She was not certain as to whether there were timing issues involved, as well as slower payments. She advised that she would look into it and obtain further details.

C: Councilman Nauert noted that in the past the City had experienced both a good collection history and a dismal collection history. He suggested that the City look into that issue again.

R: CFO Todd indicated that she would get further details and report to City Council during the next Finance Report.

Q: Councilman James P. Avioli, Sr., referred to the Debt Service Fund and a comment made earlier by CFO Todd that the City had made a principal payment of $2.1 million. He asked for confirmation that City had to make an interest payment in August from its Debt Service Fund.

A: CFO Todd advised that the City made debt service payments twice a year. One payment was made in February of each year and consisted of principal and interest and the other payment was made in August of each year and consisted of interest.
Q: **Councilman Avioli** inquired as to whether this strategy was to the City’s advantage.

A: **CFO Todd** indicated that municipal bonds were set up that way. It might be possible to pick different dates, however, February and August were typical payment months for general obligation bonds. Revenue bonds might have different dates if the City ever issued those types of bonds in the future. However, the payments would still be semi-annual.

Q: **Mayor Pro Tem Peggy Faulk** inquired as to the page of the report that contained information related to foreclosures in Bellaire.

A: **CFO Todd** indicated that she provided information regarding foreclosures orally. The information contained within the report was strictly related to sales and leases. She typically reviewed foreclosures on the date of the presentation of the Finance Report to City Council so that she could provide the most accurate up-to-date information.

C: **Mayor Pro Tem Faulk** indicated that this was a trend that she would like to keep an eye on and inquired as to whether the information could be presented in writing.

R: **CFO Todd** advised that it could be presented in writing.

Q: **Mayor Cindy Siegel** asked for confirmation that when CFO Todd presented her report on expenditures, that she was not addressing any corresponding revenues. In other words, the City was not netting revenues against expenditures.

A: **CFO Todd** advised that Mayor Siegel was correct.

Q: **Mayor Siegel** referred to the economy and issues seen in the media regarding other company and entity retirement plans. She inquired as to how the City’s retirement plan was doing.

A: **CFO Todd** advised that the City’s retirement plan was through the Texas Municipal Retirement System (TMRS). CFO Todd did not work directly with TMRS, but had confidence in TMRS. She also received monthly updates from them.

TMRS was good for the employees right now in CFO Todd’s opinion. She referred to the fact that TMRS had many fixed-income securities and were slowly diversifying. Because of that, TMRS was not heavily invested in the stock market, which
was an advantage for them. She noted further that TMRS was committed to protecting their assets.

Q: Mayor Siegel inquired as to whether the City could get more information regarding the City’s plan, such as the percentages of the portfolio that were invested in the stock market versus other types of investments. She also asked if CFO Todd could foresee a problem in terms of funding the retirement plan. In other words, would the City have a shortfall at some point in time?

A: City Manager Bernard M. Satterwhite, Jr., indicated that the City’s annual factor would increase if there were ever a shortfall. The factor would continue to increase each year and the City had worked that into its long-term planning. This was not like a 401(k) or 457(k), which were totally dependent on market fluctuations.

Q: Mayor Siegel indicated that she would like to know a little bit more about it.

A: City Manager Satterwhite and CFO Todd indicated that it might be beneficial to get representatives from TMRS to come down and make a presentation to City Council.

Q: Councilman Will Hickman inquired as to whether the City of Houston was part of TMRS or if the City of Houston were self-funded.

A: City Manager Satterwhite indicated that the City of Houston was self-funded.

Q/C: Councilman Hickman asked that the TMRS presentation include the differences between its plan and the City of Houston’s plan, which had been in the news lately.

MOTION TO ACCEPT REPORT INTO THE RECORD:

A motion was made by Councilman James P. Avioli, Sr., and seconded by Councilman Will Hickman to approve the Finance Report for the period ended February 28, 2009, 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
FOR (CONT.): Hickman, Will  
Avioli, James P., Sr.  
Faulk, Peggy  
Nauert, Phil  
McLaughlan, Pat  
Jeffery, John  

OPPOSED: None  

ABSENT: None  

Mayor Cindy Siegel asked City Council to consider agenda item F. 2. a. at this point in the meeting. After noting no objections from City Council, agenda item F. 2. a. was considered.

F. NEW BUSINESS:

2. ITEMS FOR INDIVIDUAL CONSIDERATION:

Permitted Parking Petition

a. CONSIDERATION of and possible action on a request and petition from the residents of the 5200 block of Laurel Street for the City to establish permitted parking restrictions in the 5200 block of Laurel Street for the months of May through September of each year – Item submitted by City Manager Bernard M. Satterwhite, Jr., on behalf of the residents of the 5200 block of Laurel Street.

SUMMARY:

City Manager Bernard M. Satterwhite, Jr., summarized the agenda item before City Council. He noted that oftentimes speakers stated their credentials prior to making comments on a particular subject. He advised that he wished to present his credentials this evening and indicated that he had a Masters Degree in Strategic Studies and National Security Decision-Making. He noted further that the City looked closely at things before doing them. The parking situation was discussed at length with City Council before the Bellaire pool and Family Aquatic Center was ever built. The parking situation on Laurel Street was not totally unforeseen. Those members of City Council that were present during the discussion would agree that the situation was not unforeseen.

The City did not think that there was plenty of parking for every situation that occurred at the pool. The City had to make a
decision as to how much parking was enough. In other words, should the City provide enough parking for the maximum weekend in the summer? The residents in the 5200 block of Laurel Street obviously perceived a problem during the last pool season.

At the end of the season, the Laurel Street residents asked to meet with the City Manager and the Mayor to discuss the problem. There were two meetings in which the residents and the City went through various alternatives as to what could be done to alleviate the problem on Laurel Street.

City Manager Satterwhite agreed with the speakers when they stated that permit parking was the least desirable option. When dealing with a public street and trying to control traffic on a public street, permit parking was probably the option that would allow them the opportunity to free up their street much like what the City went through around the Bellaire High School area.

He suggested a program to the Laurel Street residents that would be very similar to the ordinance that established permit parking for the Bellaire High School. The permit parking would be address specific, with each resident afforded a number of permits free of charge in the form of hang tags to place on a vehicle’s windshield. The problem was identified to occur during the peak of the pool season, which was May to September, and the petition stated a time period of May to September. That could certainly change if City Council desired a change.

Concerns were also expressed that the problem might move over to Willow, Jessamine, and Linen Streets. For that reason, an opt-in program was recommended for other streets in the area.

When the policy was initially established for Bellaire High School, the City found that the problem did not spread out near as far as the City thought it was going to. City Manager Satterwhite hoped that once people realized that they could not park in front of the door to the Family Aquatic Center, that they would go to some of the other parking areas in the City. Additionally, during the next session of City Council, City Staff planned to ask City Council to consider building a sidewalk from the east lot to the west lot during the Loftin Park Improvements project.
This evening, City Council was asked to consider the possibility of implementing permit parking on the 5200 block of Laurel Street from May to September, specifically on weekends. If City Council agreed with that, City Staff would write an ordinance similar to the Bellaire High School ordinance and return to City Council for approval of the ordinance.

MOTION TO DIRECT STAFF:

A motion was made by Councilman Phil Nauert and seconded by Mayor Pro Tem Peggy Faulk to direct staff to craft an ordinance to restrict parking to permitted parking along the 5200 block of Laurel Street, Friday through Sunday, 11:00 a.m. to 6:00 p.m., May through September.

AMENDMENT (NO. 1) TO MOTION TO DIRECT STAFF:

An amendment (no. 1) to the motion to direct staff was made by Councilman John Jeffery and seconded by Councilman Will Hickman to direct staff to add an opt-in provision for other streets that might be affected by the Bellaire Aquatic Facility.

DISCUSSION ON AMENDMENT (NO. 1) TO MOTION TO DIRECT STAFF:

Mayor Pro Tem Peggy Faulk inquired as to how the opt-in program worked.

City Manager Satterwhite indicated that the way the opt-in program worked for Bellaire High School was that during the first year, residents in the area were allowed to opt-in up to a certain date. After the first year, residents were allowed to opt-in once each year prior to the school year. He would envision that the City would allow streets to opt-in up through July of this year. After that, it would be prior to the swimming season each year. In order to opt-in, 75% of the homeowners on the street had to petition to opt-in. Once the City Clerk verified the petition, the opt-in was handled administratively.

Councilman Will Hickman inquired as to whether there were residents on Fifth Street and what the plans were for Fifth Street.

City Manager Satterwhite indicated that the City did agree that parking should only be allowed on one side of Fifth Street based on the reasons cited by the residents of Laurel Street. This restriction could be handled administratively, but City Staff
typically liked to get the consensus of residents that abutted the street before throwing signs up. The City was able to come to a consensus with residents on South Third Street. In the past, the City had erected parking signs for one side of Jessamine Street, but this was not favorable to the residents on Jessamine Street.

Fifth Street from Laurel Street to Linden Street was not the only street in Bellaire that had a problem. For example, Mimosa Street had cars parked on both sides of the street and it was difficult to travel down. In other words, this situation was not unique, but during peak hours and swim team events, it became a situation that the City should deal with.

Councilman Hickman inquired as to whether the discussions with Laurel Street residents included restricting parking to just one side of the street.

City Manager Satterwhite indicated that restricting parking to one side of the street was discussed.

Councilman Hickman inquired as to why that was not a “best” option.

City Manager Satterwhite advised that it impeded the residents’ opportunity to park their vehicles next to their homes.

VOTE ON AMENDMENT (NO. 1) TO MOTION TO DIRECT STAFF:

Amended motion carried on a 6-1 vote as follows:

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

OPPOSED: McLaughlan, Pat

ABSENT: None

DISCUSSION ON ORIGINAL MOTION, AS AMENDED:

Councilman Hickman indicated that the reasons the residents stated that restricted parking was necessary were safety
issues—public safety, reduced visibility, pedestrian traffic with young children, cars in opposite directions meeting in the middle, and inability for emergency vehicles to access the street. Since the City was using Bellaire High School as an example, Councilman Hickman noted that he had lived in a rental house in the 5000 block of Holt Street, two houses from Bellaire High School. He had opportunities to sell his front yard for parking, opportunities to sell permits for parking, and without doing any of that, he still had cars parked in front of his house every single school day.

In other words, permit parking did not keep people from parking on the street. A permit-parking program did not solve the safety issues. Councilman Hickman believed that people would still park on both sides of the street close to the Family Aquatic Center. He proposed a ban on parking on the south side of Laurel Street, but to allow parking on the north side of Laurel Street. This would address the safety issues.

Further, Councilman Hickman stated that he believed the City needed to construct a sidewalk from City Hall over to the Family Aquatic Center, noting that there was no easy access for those parking near City Hall or in the Condit Elementary School parking lot.

**Mayor Cindy Siegel** noted that she participated in the meetings with the City Manager and residents and many alternatives were discussed. The restricted parking allowed residents to be able to park on the street in front of their homes. She noted further that it was a violation for residents to sell parking permits. She believed that there would be a different clientele parking near the Aquatic Family Center (i.e., families with children) versus students attending school.

Mayor Siegel stated that once this issue was brought to her attention, she made a point of driving around during peak pool hours and found a number of parking spaces available (i.e., at least 23). People were simply being lazy and parking as close to the front as they could.

She agreed with Carol Phillips in that signage was needed to let people know that parking was available around the City Hall Complex.

Mayor Siegel asked City Manager Satterwhite to address the issue of lifeguards and other Parks & Recreation employees taking up prime parking spaces during peak pool hours.
She noted further that residents along Jessamine Street had a similar problem during Little League baseball events.

Mayor Pro Tem Faulk inquired as to which City Department would handle the issuance of parking permits.

City Manager Satterwhite stated that the permits would be issued by the Community Development Department.

Mayor Pro Tem Faulk inquired as to whether there was an expiration period for the permit, what the cost would be, and how many permits a resident could get.

City Manager Satterwhite indicated that there was no expiration date and no cost. A resident could get five permits.

Mayor Siegel indicated that there was a reason that the City had selected five as the number of permits a resident could get. For example, if a resident had a maid, nanny, gardener, children with vehicles, etc., that resident could get up to five permits to give those people so that they could park on the street in front or near to the resident’s home. Additionally, if a resident needed to have a party or shower during the time period of restricted parking, that resident could go to the Police Department and advise them of the party. The process seemed to work in the Bellaire High School area, although the City had heard that people were selling their permits.

Mayor Pro Tem Faulk asked for confirmation that the ordinance stated that a resident was not allowed to sell a permit.

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

Councilman Hickman indicated that he did not believe the safety issue would be addressed by issuing permit parking. Further, cars would likely still be parked on both sides of the street even with permits.

Mayor Siegel stated that she believed that safety was more of an issue on Fifth Street.

Councilman Hickman indicated that he had the same problem on the block he currently lived on with people parking there to visit the retirement home, on Jewish holidays, and during other church events. He advised that the problem was citywide.
Every street could request permit parking, but that was not how the street worked.

Councilman Phil Nauert stated that he was glad that whatever City Council considered this evening, that it would still come back to City Council for final approval. He advised that when he saw this item on the agenda, it made him want to extend his spring break for a few more days having been through this process with the Bellaire High School.

There were, however, some encouraging differences in this scenario. This was a proposal carried to City Council by a majority of the people who were affected. This was not true of Bellaire High School. The residents already understood that there was no perfect solution. The nature of who was parking in the area was not the all-day high school student, but the occasional and probably responsible family-oriented people who were parking because convenience allowed them to do so and were not thinking about how inconvenient their parking might be to the residents.

For those reasons, Councilman Nauert felt that the solution outlined by City Manager Satterwhite was an encouraging one and probably worth a try.

He inquired of City Attorney Alan P. Petrov if the sign that the City would have to erect would truly only say “Permit Parking, Friday-Sunday, 11:00 a.m. – 6:00 p.m.” He advised that he still owned one of the signs from the City’s ill-fated attempt to color code blocks in the Bellaire High School area. He purchased the sign from the City (and still had his receipt) and erected it in his barn to remind him of what happened when the City did not pay attention to the rules and ended up with signs the size of a UPS van.

City Attorney Alan P. Petrov indicated that the City had to strike a balance between giving enough notification so that people coming into the area knew what the rules were and that they could not park there. On the other hand, the City did not have to put up a billboard either. He agreed that the City had a trial and error situation at Bellaire High School, but had found a system that worked well up there now.

This signs used near Bellaire High School were not large, but contained enough information to alert a person as to the City’s regulations.
**City Manager Satterwhite** agreed that the City did not want the signs to be large, but of a standard size. If the signs became too wordy, the City could shorten them and take them down between the months of October through April.

**Councilman Nauert** advised again that he believed this was encouraging and worth a try.

**Councilman Jeffery** indicated that he listened to the comments made earlier in the evening and understood the logic behind the process wherein the City was trying to shift the parking where it should be. He inquired as to whether there was truly a safety issue in the area. He was concerned about whether or not a fire truck or ambulance could access residences on the street with cars parked on both sides. He would like to see if that issue would be addressed through the permit parking process.

**City Manager Satterwhite** indicated that a fire truck could go down a 28’ wide street with cars parked on both sides.

**Mayor Siegel** agreed with Councilman Hickman that cars parked on both sides of most streets in the City. Avenue B, a brand new street, had similar issues. The safety issue was everywhere as well.

**Councilman Jeffery** agreed with Mayor Siegel, but inquired as to whether there was a greater issue with cars parking on both sides of a 22’ wide curbed street.

**City Manager Satterwhite** advised that he did not believe the City had any 22’ wide curbed streets, but did have streets that were 22’ in width. Typically, one did not see cars parked on both sides of a 22’ wide street unless someone was having a party. It had not been a problem, but he could not say that it would not happen.

**Councilman Jeffery** agreed that the problem occurred on every street. The reason there were open parking spaces along the first and third bases at the baseball field were due to foul balls hitting vehicles parked in those spaces.

**Mayor Siegel** advised that she had seen many spaces around the Bellaire City Library and closer to the Police Station. The point was that there was adequate parking for almost all of the City’s events.
Councilman James P. Avioli, Sr., indicated that he had a real sensitivity to the people that lived on Laurel Street and hoped that the City could give them some kind of relief. Ms. Pollard brought up the point about City employee parking. He asked how many employees were parking around the pool and if the situation would be mitigated if those employees parked elsewhere. Additionally, he asked if City Manager Satterwhite could help with that issue.

City Manager Satterwhite stated that he could direct people to park in other places, but he did not know every vehicle that employees owned. All of the places that employees were parking in were either in public lots or on public streets. The City would be restricting the access to public streets. He advised that he had asked employees and all City vehicles to park in the public lot beside the Central Water Plant.

Councilman Avioli asked for confirmation that it was not a workable solution.

City Manager Satterwhite advised that he could send an email out and ask employees not to park in front of City Hall or near the pool. He felt that the majority of employees would comply, but he could not be certain that all would comply. He inquired as to what his recourse would be then.

Councilman Avioli agreed and advised that he did not believe there was any recourse. That was the point he was trying to make.

City Manager Satterwhite stated that the employees would certainly try to cooperate. He suggested that he could designate one of the lots as an employee lot and compel employees to park in that lot, but the public would not be able to use it.

Councilman Hickman stated that parking would occur on both sides of the street with or without permits. He proposed an amendment to allow permit parking on the north side of the street and to ban parking on the south side of the street.

**AMENDMENT (NO. 2) TO MOTION TO DIRECT STAFF:**

An amendment (no. 2) to the motion to direct staff was made by Councilman Will Hickman and seconded by Mayor Pro Tem Peggy Faulk to restrict parking to permitted parking on the north side of the 5200 block of Laurel
Street and a ban on parking on the south side of the 5200 block of Laurel Street.

DISCUSSION ON AMENDMENT (NO. 2) TO MOTION TO DIRECT STAFF:

Mayor Siegel stated that she was opposed to the amendment. The neighbors indicated that they were willing to try a permit parking system as long as parking were allowed on both sides of the street. The safety concern was related to Fifth Street, which could be handled administratively by the City Manager. The City tried banning parking on one side of many of the streets near Bellaire High School and the residents were not happy with that alternative.

Councilman Avioli stated that if he owned a home he wanted to be able to park in front of his home and on either side of the street. He did not believe it would be fair to ban parking on one side of the street.

Councilman Jeffery advised that he could not park in front of his home many times because other people were parked there. Since it was a public street, parking was allowed. He requested that when City Staff came back with the ordinance and if safety were the issue, that City Staff advise which side of the street parking should be banned. He also inquired as to whether the City was in compliance with the Texas Transportation Code section cited by the residents on Laurel Street.

City Manager Satterwhite advised that the City enforced the Texas Transportation Code if violations were noticed and it became an issue. The City did not go around to each street and ensure that people were not parking within 30 feet of a stop sign, as it would not be practical.

Mayor Siegel stated that Councilman Jeffery’s concern was whether or not the problem was a safety issue.

Councilman Jeffery advised that the majority of the residents expressed concerns about their safety. The petition was brought forward citing safety as an issue. His concern was whether or not a permit parking system would solve that problem. He stated that he wanted the best recommendation for the safety of Bellaire’s citizens. Would there still be a safety issue with permit parking in place and people with permits parking on both sides of the street?
If safety were not resolved, then the purpose of the permit parking restrictions would be to push people to park in other areas of the City.

**Mayor Pro Tem Faulk** stated that with respect to the amendment on the floor right now, she could go either way if City Staff returned with information regarding whether or not cars could go in both directions with cars parked on both sides. If cars could not go both directions, she would definitely support a ban on parking on one side of the street.

**Mayor Siegel** inquired as to how this was different from any other street in the City.

**City Manager Satterwhite** advised that the residents brought forward a petition, and he felt the focus should be on the petition. If the petition had merit, then the City should move forward. If not, then the petition should be turned down and another proposal could be brought forward.

He did not know if he could answer the question, as he did not live in the area.

**Mayor Siegel** stated that if the City Council agreed to direct City Staff to prepare an ordinance, the residents would have another opportunity to address City Council regarding the City’s concerns and City Council would have another opportunity to review the petition and related ordinance.

As the residents had stated, this was not a perfect solution. They wanted to try this to see if it would alleviate their problem.

**Councilman Jeffery** indicated that there was a staff recommendation on all items that appeared before City Council. He believed that the City Manager, Fire Chief, and Police Chief were the best authorities City Council had with respect to safety issues. All he was asking was for an opinion or recommendation from the City’s safety authorities regarding this issue.

**VOTE ON AMENDMENT (NO. 2) TO MOTION TO DIRECT STAFF:**

Motion **failed** on a 3-3-1 vote as follows:

**FOR:** Hickman, Will
           Faulk, Peggy
FOR (CONT.): McLaughlan, Pat

OPPOSED: Siegel, Cindy
        Avioli, James P., Sr.
        Nauert, Phil

ABSENT: None

ABSTAIN: Jeffery, John

DISCUSSION ON ORIGINAL MOTION, AS AMENDED:

Councilman Pat McLaughlan advised that this situation was very confusing and incompatible. It appeared that there was a safety problem when nonresidents parked on Laurel Street. Yet, when residents parked on Laurel Street the safety problem went away.

He noted that he lived in the area of the Bellaire High School in a permit-parking area. Even with the permits, there were lots of cars on the street. The fact that a street had a permit situation would not make the cars on the street go away. If this were a safety issue, it needed to be addressed in some other way.

He referred to numerous other areas in town with parking issues. From his point of view, he would like to see the City implement some of the other solutions suggested by residents this evening as follows:

- Encourage employees to park away from the Recreation Center and in the Condit Elementary School parking lot. He felt that the City Manager could handle that suggestion.

- The walk from the Condit Elementary School parking lot could be made easier. For years, the City had talked about installing a pedestrian crossing from that lot to the City Hall area.

- As soon as possible, the City should construct sidewalks from the west side of the pool area to the east side. Right now, there was no “invitation” to park anywhere else and walk to the pool. Once the sidewalk was constructed, along with other planned park improvements, the situation would get much better.
He urged City Council to support some of the other issues before getting into the complexity of government by issuing parking permits. The suggested solutions might very well mitigate the situation.

**Mayor Siegel** stated that if there were not four votes in favor of the motion, the item would fail and it could not be brought up again unless there was a two-thirds vote. Mayor Siegel pointed out that a great deal of work had gone into the petition and recommendation to City Council. Everyone agreed that this might not be the perfect solution, but the residents were in agreement that restricted permit parking should be considered. It might not solve the problem or alleviate the problem, and that could be readdressed further down the road.

**Mayor Pro Tem Faulk** asked for confirmation that if the motion passed tonight, the City Council was authorizing City Staff to craft an ordinance that would come back to City Council for review at the next meeting. In other words, this was not a “done deal.”

**Mayor Siegel** advised that Mayor Pro Tem Faulk was correct. The citizens would also have time to speak out during public comments.

**Councilman Hickman** referred to a comment made by Councilman Nauert that all of the affected residents had come forth with this recommendation. He disagreed. The people who lived there had come forth, but not the residents who parked there. Those residents would be forced to go and park somewhere else.

Councilman Hickman advised that Councilman Avioli indicated that he wanted the ability to park in front of his house on either side of the street. Councilman Hickman did not have the ability to park on either side of the street many days with all of the parking that went on in his area of town. If the 5200 block of Laurel Street was able to petition for permit parking, then the City should allow every street in the City to petition for permit parking so that he could be guaranteed a space just as Councilman Avioli was.

**VOTE ON ORIGINAL MOTION, AS AMENDED:**

Motion **carried** on a **5-2** vote as follows:

**FOR:**

Siegel, Cindy
Avioli, James P., Sr.
FOR (CONT.):   Faulk, Peggy  
               Nauert, Phil  
               Jeffery, John  

OPPOSED:    Hickman, Will  
            McLaughlan, Pat  

ABSENT:    None  

Note: The Bellaire City Council considered the remainder of the agenda in the order in which it was written.

1. CONSENT AGENDA:

Approval/Correction of Minutes:

a. APPROVAL of minutes of the Special Session (Executive Session) and Regular Session of the City Council of the City of Bellaire, Texas, held Monday, March 2, 2009 – Item submitted by City Clerk Tracy L. Dutton.

Bid Awards/Ordinances

b. CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department to award Bid No. 09-016, Investigation and Repairs to Water Well No. 3 and Well Pump Motor at Central Water Plant, to the lowest qualified bidder, Alsay Incorporated, in the amount of $213,100.00 and to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with Alsay Incorporated for said project in the amount of $213,100.00 – Item submitted by Director of Public Works Joe Keene.

c. CONSIDERATION of and possible action on a recommendation from the Department of Facilities Management to award a contract for any and all services, labor, materials, and equipment necessary to repair the roof at the Bellaire Recreation Center, 7008 Fifth Street, Bellaire, Texas, to Benco Commercial Roofing in the amount of $363,750.00 and to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the City Manager and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a Standard
Form of Agreement with Benco Commercial Roofing for said services, labor, material, and equipment in the amount of $363,750.00 – Item submitted by Director of Facilities Management Karl Miller.

Reimbursement Resolution
d. CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, declaring official intent to reimburse any and all amounts expended by the City after the date of this resolution associated with the Rebuild Bellaire Program, Phase Two, Paving and Drainage Project, from the proceeds of tax-exempt bonds or other evidences indebtedness which are expected to be issued in connection therewith – Item submitted by Chief Financial Officer Donna Todd.

Cooperative Purchasing Resolution
e. CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, approving the terms and conditions of an Interlocal Agreement by and between Region 4 Education Service Center, which sponsors The Cooperative Purchasing Network (TCPN), and the City of Bellaire, Texas, providing for a Cooperative Purchasing Program (Program) for goods and services; designating Donna Todd, Chief Financial Officer, as Official Representative of the City of Bellaire, Texas, in all matters relating to the Program, and authorizing the Mayor of the City of Bellaire, Texas, to execute said Interlocal Agreement on behalf of the City of Bellaire, Texas – Item submitted by Assistant City Manager Diane K. White.

Councilman James P. Avioli, Sr., requested that items b. and c. under the Consent Agenda be removed and considered separately, as he had a few questions related to those items.

MOTION TO APPROVE CONSENT AGENDA:

A motion was made by Councilman Phil Nauert and seconded by Councilman Pat McLaughlan, to approve the portion of the Consent Agenda dated March 23, 2009, consisting of the following items:
• Minutes of the Special Session (Executive Session) and Regular Session of City Council held March 2, 2009;

• Resolution declaring official intent to reimburse any and all amounts expended after the date of this resolution associated with the Rebuild Bellaire Program, Phase Two, Paving and Drainage Project, from the proceeds of tax-exempt bonds; and

• Resolution approving the terms and conditions of an Interlocal Agreement with the Region 4 Education Service Center, sponsor of the TCPN, providing for a Cooperative Purchasing Program for goods and services; and designating Chief Financial Officer Donna Todd as Official Representative.

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

{Resolutions were subsequently numbered: 09-03 and 09-04, respectively}

INDIVIDUAL CONSIDERATION OF ITEM B. FROM THE CONSENT AGENDA:

b. CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department to award Bid No. 09-016, Investigation and Repairs to Water Well No. 3 and Well Pump Motor at Central Water Plant, to the lowest qualified bidder, Alsay Incorporated, in the amount of $213,100.00 and to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the
City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with Alsay Incorporated for said project in the amount of $213,100.00 – Item submitted by Director of Public Works Joe Keene.

MOTION TO AWARD BID AND ADOPT ORDINANCE:

A motion was made by Councilman Will Hickman and seconded by Councilman James P. Avioli, Sr., to award Bid No. 09-016, Investigation and Repairs to Water Well No. 3 and Well Pump Motor at Central Water Plant, to the lowest qualified bidder, Alsay Incorporated, in the amount of $213,100.00 and to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with Alsay Incorporated for said project in the amount of $213,100.00.

DISCUSSION ON MOTION TO AWARD BID AND ADOPT ORDINANCE:

Councilman James P. Avioli, Sr., indicated that he had not visited the Central Water Plant location. He inquired as to whether the facility had a motor control center and if that center needed to be replaced. He noted that work had been scheduled for the future at the Central Water Plant and inquired as to whether it should all be done at the same time.

Ralph Cox, P.E., Klotz Associates, Inc., indicated that the Central Water Plant was located beside City Hall and that it did have a motor control center. This particular agenda item would replace the motor and a solid-state soft start starter for that motor. The starter would be housed in the existing motor control room. In previous meetings, City Council and City Staff had discussed a future project to replace the entire electrical feed equipment at the Central Water Plant. The cost for that project would be approximately $1 million. The recommendation of Klotz Associates, Inc., was to deal with the well and motor right now in order to get the well back in service.

In the future, the same motor and starter would be used. The starter would be relocated into the new building in the future.
Councilman Avioli inquired as to whether Mr. Cox felt that the existing motor control center was reliable for the present time.

Mr. Cox stated that the motor control center definitely needed to be replaced eventually, however, it was a much bigger project than the one under consideration this evening.

Councilman Avioli asked for confirmation that the motor control center could be replaced at a later time.

Mr. Cox advised that Councilman Avioli was correct. In other words, the projects were, in effect, independent projects.

VOTE ON MOTION TO AWARD BID AND ADOPT ORDINANCE:

Motion carried on a 6-0 vote as follows:

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

OPPOSED: None

ABSENT: Siegel, Cindy*

*Mayor Cindy Siegel stepped away from the Council table temporarily and did not participate in the motion or vote on this agenda item.

{Ordinance was subsequently numbered: 09-016}

INDIVIDUAL CONSIDERATION OF ITEM C. FROM THE CONSENT AGENDA:

c. CONSIDERATION of and possible action on a recommendation from the Department of Facilities Management to award a contract for any and all services, labor, materials, and equipment necessary to repair the roof at the Bellaire Recreation Center, 7008 Fifth Street, Bellaire, Texas, to Benco Commercial Roofing in the amount of $363,750.00 and to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the City Manager and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a Standard
Form of Agreement with Benco Commercial Roofing for said services, labor, material, and equipment in the amount of $363,750.00 – Item submitted by Director of Facilities Management Karl Miller.

MOTION TO AWARD CONTRACT AND ADOPT ORDINANCE:

A motion was made by Councilman Will Hickman and seconded by Councilman James P. Avioli, Sr., to award a contract for any and all services, labor, materials, and equipment necessary to repair the roof at the Bellaire Recreation Center, 7008 Fifth Street, Bellaire, Texas, to Benco Commercial Roofing in the amount of $363,750.00 and to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the City Manager and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a Standard Form of Agreement with Benco Commercial Roofing for said services, labor, material, and equipment in the amount of $363,750.00.

DISCUSSION ON MOTION TO AWARD CONTRACT AND ADOPT ORDINANCE:

Councilman James P. Avioli, Sr., referred to page 2 of Exhibit A. He advised that he did not understand the labels or titles on the columns set forth on Exhibit A as prepared by Benco Commercial Roofing. He inquired specifically as to which column represented the “labor” costs.

Director of Facilities Management Karl Miller indicated that the labor column was the middle column of the Exhibit.

Councilman Avioli inquired as to the title for the last or end column.

Director Miller indicated that the last column was for the total costs.

Councilman Avioli stated that the reason he was asking was because there was a column on the next page of Exhibit A that was titled “Miscellaneous Materials and Labor.”

Director Miller indicated that the columns were apparently off a little bit.

Burt Nunez, President and Owner, Benco Commercial Roofing, stated that it appeared to be a formatting error. For example, the City’s version of Microsoft Word might be different.
from Benco Commercial Roofing’s version. He indicated that “mobilization” should be in the first column, “material” in the second column, and “labor” in the third column.

Councilman Avioli indicated that he was more confused by the second page, which listed miscellaneous material and labor, as well as labor again in the last column of that page.

Mr. Nunez indicated that there was a material cost, as well as a labor cost, within certain detailed items.

Councilman Avioli advised that he understood that, but was concerned that the labor cost might have been duplicated on page two within the one item that was listed on page two. Councilman Avioli indicated that if Director Miller felt comfortable with the line item, then he would accept it.

Director Miller stated that the column referred to miscellaneous work that needed to be done. The total price for the roof as provided by Benco Commercial Roofing was an excellent price. Over the last six months, numerous roofing companies had looked at the Recreation Center, but very few ended up providing a cost for the repair. Benco and another company that were listed on the State’s procurement program, provided quotes, as well as a third company that was recommended by TML. Benco’s price was the lowest and best one that the City received.

City Manager Satterwhite indicated that TML was satisfied with Benco’s bid as well.

Councilman Avioli indicated that he did not have a problem with the bid, but was struggling to understand the detail within the bid. He advised that he was satisfied with the bid.

**VOTE ON MOTION TO AWARD CONTRACT AND ADOPT ORDINANCE:**

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: 09-017}

2. ITEMS FOR INDIVIDUAL CONSIDERATION:

Permitted Parking Petition

a. CONSIDERATION of and possible action on a request and petition from the residents of the 5200 block of Laurel Street for the City to establish permitted parking restrictions in the 5200 block of Laurel Street for the months of May through September of each year – Item submitted by City Manager Bernard M. Satterwhite, Jr., on behalf of the residents of the 5200 block of Laurel Street.

Note: This item was considered earlier in the meeting. See pages 22-35 of these minutes for discussion and action related to this item.

Mayoral Appointments

b. APPOINTMENTS to the Bellaire Audit/Finance Committee for a one-year term effective on February 1, 2009, and expiring on January 31, 2010 – Item submitted by City Clerk Tracy L. Dutton on behalf of Mayor Cindy Siegel.

Mayor Cindy Siegel made the following appointments to the Bellaire Audit/Finance Committee for a one-year term effective on February 1, 2009, and expiring on January 31, 2010:

Councilman James P. Avioli, Sr.; Councilman John Jeffery; and Mayor Cindy Siegel.

City Manager Bernard M. Satterwhite, Jr., and Chief Financial Officer Donna Todd also serve as members of the Bellaire Audit/Finance Committee.

c. APPOINTMENTS of Council Liaisons for a one-year period effective on January 1, 2009, and expiring on December 31, 2009, to the following Bellaire Boards, Commissions, and Committees: Bellaire Arts Commission, Bellaire LIFE Advisory Board, Board of Adjustment, Building and Standards Commission, Parks
and Recreation Advisory Board, Planning and Zoning Commission, and Recycling Committee – Item submitted by City Clerk Tracy L. Dutton on behalf of Mayor Cindy Siegel.

Mayor Cindy Siegel made the following Council Liaison appointments to Bellaire Boards, Commissions, and Committees for a one-year period effective on January 1, 2009, and expiring on December 31, 2009:

Bellaire Arts Commission:
Councilman John Jeffery;

Bellaire LIFE Advisory Board:
Mayor Cindy Siegel;

Board of Adjustment:
Mayor Pro Tem Peggy Faulk;

Building and Standards Commission:
Councilman Will Hickman;

Parks and Recreation Advisory Board:
Councilman Pat McLaughlan;

Planning and Zoning Commission:
Councilman Phil Nauert; and

Recycling Committee:
Councilman James P. Avioli, Sr.

G. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Councilman Will Hickman and seconded by Councilman Pat McLaughlan to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:06 p.m. on Monday, March 23, 2009.

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
FOR (CONT.):  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