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

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

Councilman Will Hickman called the City Council of the City of Bellaire, Texas, to order at 6:10 p.m. on Monday, June 1, 2009. The Bellaire City Council met at that time and on that date in Special Session (Interviews) for the purpose of interviewing, discussing, and evaluating applicants for the various City of Bellaire boards, commissions, and committees. The Special Session was held in the Council Conference Room, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401. Councilman Hickman announced that a quorum was present consisting of himself and the following members of City Council:

- Councilman James P. Avioli, Sr., Position No. 2;
- Councilman Phil Nauert, Position No. 4;
- Councilman Pat McLaughlan, Position No. 5; and
- Councilman John Jeffery, Position No. 6.

Mayor Pro Tem Peggy Faulk, Position No. 3, was absent. Mayor Cindy Siegel arrived shortly after the Special Session was convened or at 6:14 p.m. City Clerk Tracy L. Dutton was also present.

B. INTERVIEW, discussion, and evaluation of applicants for the following City of Bellaire boards, commissions, and committees:

- Bellaire Arts Commission;
- Bellaire L.I.F.E. Advisory Board;
- Building and Standards Commission;
- Parks and Recreation Advisory Board;
- Planning and Zoning Commission; and
- Recycling Committee.

The Bellaire City Council interviewed the following applicants on Monday, June 1, 2009:

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Area(s) of Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>Judy McConnell</td>
<td>Bellaire Arts Commission (1st), Recycling Committee, (2nd) and Parks and Recreation</td>
</tr>
</tbody>
</table>
Applicant Jimmy Hauser, whose area of interest was the Recycling Committee, did not appear for his scheduled interview.

C. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Councilman Pat McLaughlan and seconded by Councilman Phil Nauert to adjourn the Special Session (Interviews) of the City Council of the City of Bellaire, Texas, at 7:08 p.m. on Monday, June 1, 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.
Nauert, Phil
McLaughlan, Pat
Jeffery, John

OPPOSED: None

ABSENT: Faulk, Peggy

II. REGULAR SESSION – 7:00 P.M.

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

Mayor Cindy Siegel called the City Council of the City of Bellaire, Texas to order at 7:09 p.m. on Monday, June 1, 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; Councilman Phil Nauert, Position No. 4; Councilman Pat McLaughlan, Position No. 5; and Councilman John Jeffery, Position No. 6.

Mayor Pro Tem Peggy Faulk, Position No. 3, was absent. Other officials present were City Manager Bernard M. Satterwhite, Jr., City Attorney Alan P. Petrov, and City Clerk Tracy L. Dutton.

B. INSPIRATIONAL READING AND/OR INVOCATION – Mayor Cindy Siegel.

Mayor Cindy Siegel presented the inspirational reading for the evening, entitled “An American Creed,” as follows:

I Do Not Choose to be a Common Man. It is my right to be uncommon—if I can.

I seek opportunity—not security. I do not wish to be a kept citizen, humbled and dulled by having the state look after me.

I want to take the calculated risk; to dream and to build, to fail and to succeed.

I refuse to barter incentive for a dole. I prefer the challenges of life to the guaranteed existence; the thrill of fulfillment to the state calm of utopia.

I will not trade freedom for beneficence nor my dignity for a handout.

I will never cower before any master nor bend to any threat. It is my heritage to stand erect, proud and unafraid; to think and act for myself, enjoy the benefit of my creations and to face the world boldly and say, “This I have done.”

--Dean Alfange

C. PLEDGES TO THE FLAGS – Mayor Cindy Siegel.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

Mayor Cindy Siegel led the audience and the City Council in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.
D. PERSONAL/AIDSIENCE COMMENTS.

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

Ms. Phillips addressed City Council regarding the Loftin Park construction zone on the north end of the park. Ms. Phillips referred to the fact that the construction work was very close to many of the nice trees and how inadequate the tree protection fencing was. She advised City Council that she hoped they would remember what was happening in Loftin Park when they were eventually asked to approve additional construction right outside the back door of City Hall among the beautiful, huge oak trees.

She noted further that the construction drawings showed where the tree protection fencing was supposed to be. The drawings could be viewed at either City Hall or the Recreation Center, and those drawings had not been followed. For example, the beautiful elm tree north of the diving pool, with a trunk approximately 35 inches across, was supposed to have tree protection fencing extending 15-30 feet from the trunk. She had measured the fencing, noting that it only extended five-six feet from the trunk.

There was also a pecan tree near the northeast corner whose fencing was only three-four feet out instead of the six-fifteen feet specified. Another large tree had its tree fencing only three feet out, and the fencing was on the wrong side because the path was being installed differently from the drawing.

The worst situation involved the huge oak tree north of the Recreation Center. Instead of fencing most of the area under the branches as shown on the drawing, the fencing was just three-four feet from the trunk. Ms. Phillips had seen heavy dump trucks entering the site just west of the tree cutting across the zone that was supposed to be fenced. There were also ruts from heavy equipment on the east side, which was supposed to have been fenced. On the north, the fencing was three feet from the trunk instead of fifteen feet, and there were tire ruts and stockpiles of stuff that heavy trucks loaded and unloaded. Soon, the roots on the south side of the tree would be destroyed as well. According to the final plans, the parking lot was going to move north and end within eight feet of the oak tree. In other words, all four sides of the tree were being attacked.

Most of the roots of the trees extended further than the branches. Even shallow trenches for irrigation or electrical work were devastating. Roots needed both air and water and compaction from vehicles suffocated them. This was why Bellaire’s regulations required that fencing be extended as far as the branches wherever possible.
Ms. Phillips indicated that she had spoken to the City’s tree subcontractor. He was horrified with the incompetent fencing and stated that too often good contractors who planned to do things right and follow drawings were underbid by irresponsible ones that would do as they pleased and usually got away with it. She then spoke with the contractor who stated that the architect did not leave him the room he needed to do his work. She advised that both the architect and the main contractor were at fault. The architect had never been careful in avoiding trees in the City’s park. Ms. Phillips did not think that the architect even knew where the nicer trees were based on past work by the architect and from the location she chose for the path, utility trenches, and parking lot.

Ms. Phillips urged City Council to walk through Loftin Park frequently as paths were dug for sidewalks, the area was regraded, and trenches for electrical and storm sewers were installed just outside the too close fencing.

Eventually City Council would be asked to approve construction near the huge oak trees just outside the back door. Professional, caring people would stand before City Council and tell them not to worry. They would promise City Council that they would protect them. As City Council should know based on everything else that had been constructed in Bellaire, the protection would not happen.

With respect to City Council’s agenda item to limit cell phone use by school zones, Ms. Phillips suggested limiting cell phone use throughout the entire City of Bellaire.

James Burrough, 4613 Holt Street, Bellaire, Texas:

Mr. Burrough addressed City Council noting that he was present this evening to talk about the subject of the Therapy Pool in Evergreen Park. He began by thanking City Manager Satterwhite for a letter he had written to Mr. Burrough. While Mr. Burrough appreciated the thorough explanation, he still disagreed with City Manager Satterwhite’s final conclusions.

In particular, City Manager Satterwhite indicated that what the City had done at the Therapy Pool at Evergreen Park was not much different than what the City had done with the Bellaire Pool in its final years. The Bellaire Pool was closed early and Evergreen Pool was the focus of the City’s main concentration so that people would have a place to swim.
Mr. Burrough indicated that he had lived in Bellaire since 1950 and had probably logged more hours in Bellaire pools than most professional pilots had logged in their airplanes. He felt that he could remember pretty distinctly that the pool was open as late as 9:00 p.m. most years throughout the 50s, 60s, and the early 70s. He suggested that if City Manager Satterwhite wanted to talk about precedence, then it should be discussed full spectrum.

Basically, Mr. Burrough requested that a member of City Council place an item on a future City Council meeting agenda so that there could be a full, thorough, and transparent discussion of the system. He hoped that it could be discussed within the next two weeks. Mr. Burrough also reminded City Council that the Therapy Pool was unique in its function and in the people that it served.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee addressed City Council noted that she had a legal assistant background and was familiar with statutes and regulations. She advised that she had always been impressed by the choice words—“may” and “shall.” The “may” was discretionary. The “shall” was mandatory.

Bellaire had, over the years, chosen to take advantage of the “may” options and provided its citizenry with things that the City did not have to do, but chose to do. Ms. McBee had always been proud of that and was supportive of open meetings laws and open records laws. Bellaire complied pretty well with all of those things.

Ms. McBee stated that she was present this evening to talk about the living document called the “Comprehensive Plan” on the City’s land use. The plan told property owners in the long run what they might or might not do with their property. The plan affected everyone in Bellaire. Some people had turned land use into a “cost-benefit” analysis, others had turned land use into a “wants and needs” document.

Bellaire’s Comprehensive Plan had now been “drafted” in its completion. Next week (Monday evening) there would be a Joint Workshop Session with the City Council and the Planning and Zoning Commission. Although this session was open to the public, public comment would not be taken. She suggested that residents might learn by watching or attending the session. On Tuesday, June 9, 2009, the Planning and Zoning Commission would be meeting and would accept limited public comment on the draft Comprehensive Plan.
However, there would be no formal, legally advertised Planning and Zoning Commission public hearing notice to the citizens of Bellaire on the Comprehensive Plan because it was one of those “may” options and the City apparently had chosen not to hold it to cut costs on signage and advertising.

Ms. McBee continued and advised that the Comprehensive Plan draft currently included six chapters drafted by a consultant and was approximately 50+ pages in length. A copy could be printed directly from the City’s website (www.ci.bellaire.tx.us). Once at the homepage, Ms. McBee stated that the tab entitled “Document Center” should be selected. Once there, the folder entitled “Community Development Department” should be selected. The “Comprehensive Plan” was included within that folder. A copy could also be obtained from the Community Development Department for a fee. Ms. McBee indicated that if a copy were not obtained from the Community Development Department, a resident or interested individual attending the meeting would not have anything to look at.

Ms. McBee summarized by noting that there would be a Joint Workshop Session on Monday, June 8, 2009, between the City Council and the Planning and Zoning Commission. Then, on Tuesday, June 9, 2009, there would be Planning and Zoning Commission Meeting where some type of public comment would be allowed. In closing, Ms. McBee advised that the City needed to do a great deal more outreach than it had with respect to the Comprehensive Plan draft.

E. REPORT:

CITY MANAGER’S REPORT regarding public infrastructure/utilities (street and drainage projects update, Recreation Center roof update, and Loftin Park playground construction update), cultural and recreational (Library reading program and Evergreen pool complex operations), communications/technology (Internet issue), indicators (crime and building permits), and upcoming City Council meetings/events – Presented by City Manager Bernard M. Satterwhite, Jr.

City Manager Bernard M. Satterwhite, Jr., presented the City Manager’s Report to City Council.
Public Infrastructure/Utilities

With respect to street and drainage projects around town, it was noted that the south side of Evergreen Street (from Alder Street to Renwick Drive) was complete. The contractor had moved to the north side of Evergreen Street and traffic was one-way eastbound. The north side should not take as long as the south side because the storm sewer was already in place. Overall, the weather had been good.

The Newcastle Drive reconstruction project was progressing very well. The phase of the project from Verone Street to Lula Street should be completed either today or tomorrow. The next phase of the project would progress from Verone Street down to Holly Street and should begin this week. During the next phase, there would be no traffic northbound or southbound south of Verone Street on Newcastle Drive. The reason was due to the fact that both lanes needed to be constructed simultaneously before school started in August. The southbound traffic would detour to Avenue B. The northbound traffic would detour over to Baldwin Avenue and up north.

The Rebuild Bellaire Program, Phase Two Project, was also progressing well. The contractor was working on the 4500 blocks of Park Court, Sunburst Street, and Whipple Street.

The City was still working with the contractor on the restoration of the median on South Rice Avenue at Wachovia Bank.

The Recreation Center roof project was also going fairly well. The repairs had taken a little longer than City Staff had anticipated, but the work should be completed in the very near future.

With respect to the Loftin Park playground and trail construction project, City Manager Satterwhite agreed that the tree fencing had not necessarily followed the plans. He had asked the Community Development Department to review that project from time to time. As with many construction projects, tree fencing often interfered with the construction. Some of the grading in the Loftin Park playground was in close proximity to trees, so the tree construction fencing was not necessarily located at the drip line. City Manager Satterwhite advised that this was not unusual. He did indicate that he would ask the Community Development Department to ensure that the tree fencing was as far away from the base of the tree as possible.

Cultural and Recreational

The Library’s summer reading program was no less popular this year than it had been in the past. As of Saturday, there were 367 people signed up for the program, which was entitled “Libraries Deep in the
Heart of Texas." Director of Library Mary Alford noted that enrollment for the program was continuing. In the past week (May 26-30, 2009), there were 2,336 patrons in the Library, and the Library was open 43 hours during that week.

The Parks & Recreation Department summer camps started today and were full. This evening the first spring meet of the year was occurring at the Family Aquatic Center. The second of the two meets scheduled to occur in Bellaire would take place in the next few weeks.

The Evergreen Pool Complex ("Complex") would begin summer hours this week. The Complex would close at 7:00 p.m. and would continue to close at that time until City Staff was given direction otherwise. City Manager Satterwhite could not vouch for the policies that were in place 40-50 years ago, but City Staff was looking at demand and trying to take a balanced approach with respect to the City's three pool complexes.

**Communications/Technology**

City Manager Satterwhite noted that if residents tried to send an email to the City from outside City Hall, the email probably did not get through because the City had a T1 cable break in the main line from the building to the outside world to the Internet. This cable was cut and AT&T worked very hard and continuously for approximately one to one and one-half days trying to get the cable spliced.

For about one and one-half hours on Friday City Hall was up, but suddenly went back down again. Director of Communications Technology Services Larry Parks and others from outside the City troubleshooting the issue and as of 4:00 p.m. on June 1, 2009, the City was back up. It turned out that the cable break caused a configuration problem in some of the City’s equipment. City Manager Satterwhite urged those who had sent emails to City Hall during that time period to resend their email.

**Upcoming Meetings/Events**

June 8, 2009, at 6:00 p.m. – Board, Commission, and Committee Interviews;

June 8, 2009, at 7:15 p.m. – Joint Workshop Session with the Planning and Zoning Commission;

June 15, 2009, at 7:00 p.m. – Regular Session; and

June 22, 2009, at 7:00 p.m. – Special Session (Public Hearing) on Fournace Place Right-of-Way Abandonment.
QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

**Q:** Councilman Phil Nauert referred to the upcoming hurricane season. He inquired as to what the City had done compared to last year to prepare or position the City differently for the season.

**A:** City Manager Satterwhite advised that he did not know that City Staff had positioned the City any differently. City Staff was working through the National Incident Management System (NIMS) and making sure that everything was up-to-date. Several meetings had been held thus far and communication with residents was one of the major points of discussion. The City would have information in the next water billing and on the City’s website within the next day or so. The “Notify Me” service would also contain information about hurricane season. City Manager Satterwhite indicated that the focus would be on communications in the event that the City lost everything. That communication included everything the City had at its disposal, including installing signage on City Hall, Fire Station, and Library doors. The Library would also be used if City Hall were down.

**Q:** Councilman Nauert inquired as to whether the City had done some extensive trimming since the last storm.

**A:** City Manager Satterwhite advised that Councilman Nauert was correct. He also had a meeting scheduled within the next week with CenterPoint Energy to discuss their emergency preparations.

**Q:** Councilman Will Hickman referred to the Evergreen Park Pool and the Family Aquatic Center in Bellaire Town Square. He inquired as to the closing time for the Family Aquatic Center.

**A:** City Manager Satterwhite indicated that he believed the closing time for the Family Aquatic Center was 8:30 p.m.

**Q:** Councilman Hickman indicated that he had heard one suggestion and he wished to get City Manager Satterwhite’s thoughts on that suggestion. The suggestion was to offer the Evergreen Park Pool pricing at the Family Aquatic Center in Bellaire Town Square after 7:00 p.m. He inquired as to whether City Staff had considered that.
A: City Manager Satterwhite stated that City Staff had not specifically considered that. City Staff had readjusted some of the seasonal pass costs so that those costs were more in line. He noted that he was not that familiar with the pricing strategies and structures, but would look into it.

Q: Councilman Hickman inquired as to whether that pricing structure would come to City Council.

A: City Manager Satterwhite stated that if City Council wanted to direct that the pricing structure come before them, then City Council could. Beyond that, he had authority to set pricing.

Q: Councilman Hickman asked if City Staff could look at that and let him know.

A: City Manager Satterwhite advised that City Staff would look at it and let City Council know.

C: Councilman James P. Avioli, Sr., indicated that one of the residents of Park Court, who happened to be a professional engineer, advised Councilman Avioli that if he was not satisfied with the City’s work on that street that he would let him know. Pleasantly, the resident reported that the work was going well and done in a very professional manner.

R: City Manager Satterwhite thanked Councilman Avioli for sharing the compliment noting City Staff appreciated it.

Q: Mayor Cindy Siegel referred to the construction in Loftin Park. She asked that City Staff find out if the contractor was following the construction plan for the playground and improvements. If the City was not, she wished to know the reason why.

A: City Manager Satterwhite indicated that he would have the Community Development Department look into it.

MOTION TO ACCEPT REPORT INTO THE RECORD:

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

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

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

OPPOSED: None

ABSENT: Faulk, Peggy

F. NEW BUSINESS:

1. ADOPTION OF ORDINANCES:

   Bond Issuances

   a. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the issuance of "$7,000,000 City of Bellaire, Texas, General Obligation Bonds, Series 2009"; pledging the levy of a continuing annual ad valorem tax upon all taxable property within the City for the payment of the principal and interest on such bonds; enacting provisions incident and related to the issuance, delivery, payment of, and security for such bonds; approving and authorizing the distribution of an Official Statement; awarding sale of such bonds and authorizing and approving a Paying Agent/Registrar Agreement – Item submitted by Chief Financial Officer Donna Todd; Presentation by James Gilley, Partner, Coastal Securities, and Alan P. Petrov, City Attorney and Bond Counsel.

MOTION TO ADOPT ORDINANCE AUTHORIZING BOND ISSUANCE:

A motion was made by Councilman Phil Nauert and seconded by Councilman John Jeffery to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the issuance of "$7,000,000 City of Bellaire, Texas, General Obligation Bonds, Series 2009"; pledging the levy of a continuing
annual ad valorem tax upon all taxable property within the City for the payment of the principal and interest on such bonds; enacting provisions incident and related to the issuance, delivery, payment of, and security for such bonds; approving and authorizing the distribution of an Official Statement; awarding sale of such bonds and authorizing and approving a Paying Agent/Registrar Agreement.

SUMMARY:

Donna Todd, Chief Financial Officer, advised that the City had a great sale on Thursday. On Wednesday, a special order period was held for residents. On that date, she had over 110 contacts from residents.

She noted that she was still fielding calls from some of the emails that bounced back when the City’s T1 line was damaged. Since the sale had been concluded, she was putting everyone in direct contact with the underwriter at First Southwest Company in case they had any additional bonds that they took into their inventory that were available.

Fifty-one residents purchased bonds for slightly over $2,000,000 or an average of $43,000 each. Some residents bought the minimum of $5,000 and others bought over $100,000. Chief Financial Officer Todd indicated that she was very pleased with those results.

Additionally, she noted that the market moved in the City’s favor from Wednesday to Thursday.

James Gilley, Partner, Coastal Securities, advised that he wished to compliment the work that Chief Financial Officer Todd did. She was worn out by all of the calls that she received and did a great job making sure that the name of everyone who was interested was given to Coastal Securities. That information was then delivered to the underwriter. To Coastal Securities’ knowledge, the underwriter contacted or made an effort to contact every single interested individual. Mr. Gilley indicated that there were over 100 people who expressed interest in purchasing the City’s bonds.

Mr. Gilley continued and indicated that the new money bonds ($7,000,000) were sold at a true interest cost
rate of 4.34%. The City had a AAA rating from Standard & Poor’s and a Aa2 from Moody’s. Insurance was, therefore, unnecessary, and the bonds were issued on Bellaire’s credit rather than an insured credit. The maturities of the bonds ranged from 2011 to 2034.

Mr. Gilley referred to a “Summary of Sale” document handed to City Council earlier by Chief Financial Officer Todd. He indicated that the true interest cost rate for the bonds just sold was 4.34%. Bellaire’s first issue in 2006 for $5 million was a 4.41% rate. In 2007, Bellaire’s rate was just under 5.18%. The weighted average bond cost for all of the Rebuild Bellaire Program was noted to be 4.316%.

Additionally, Mr. Gilley advised that the underwriter had stated that residents were still contacting them indicating interest. He did not know how many bonds were remaining. Once those bonds were sold, a resident would have to purchase them in a secondary market. He was very surprised and pleased at how much interest was shown by Bellaire residents.

**DISCUSSION ON MOTION TO ADOPT ORDINANCE AUTHORIZING BOND ISSUANCE:**

Councilman Will Hickman inquired as to the deadline for the City to issue all of the bonds approved by the voters during the 2005 referendum.

City Attorney Alan P. Petrov indicated that there was not a fixed deadline by statute. The Attorney General of Texas’ Office had stated that a proposition could go stale over time if an entity was not showing that they had a plan to use the monies in a progressive manner. He believed the Rebuild Bellaire Program was a ten-year plan not unlike the Bellaire Millennium Renewal Program. As long as the City continued to show intent to go forward with the issuance of the authorized bonds, the referendum would remain in effect.

Councilman Hickman referred to the fact that the bond ordinance had many blanks that were unfilled. He inquired as to whether the information would be filled in later.

City Attorney Petrov noted that when he had to submit the ordinance to the City Clerk in the previous
week for the agenda packet, the interest rate information was not available as the underwriter was still marketing the bonds. Those blanks would be filled in with the rates contained in the documents City Council received this evening from Coastal Securities.

Councilman Hickman inquired into the different kinds of interest rates. He asked if Mr. Gilley could go over the true interest cost, net interest cost, and average coupon.

Mr. Gilley stated that the true interest cost rate was generally considered by the people in his industry as the most accurate method of computation. It tracked the U.S. Treasury Department’s methodology for calculating yield. It was a discounted rate of return whereas the net interest cost was the methodology prescribed in state statutes for calculating certain interest rates. This was an arithmetical average and did not take into account the time value of money like the true interest cost rate did. The average coupon was simply an arithmetical average of all of the coupons divided by the number of years. He believed that the most accurate way to calculate interest was with the true interest cost rate of 3.26%.

Councilman Hickman referred to the call option in 2019. He inquired as to whether that meant that the bonds could be called anytime after 2019.

Mr. Gilley indicated that this was issuance was a 10-year par call. On February 15, 2019, any bonds maturing thereafter could be called at the option of the City at par value.

Mayor Cindy Siegel inquired as to whether Coastal Securities or the underwriter called the residents who expressed an interest in purchasing bonds.

Mr. Gilley indicated that the underwriter was the one who called.

Mayor Siegel passed on that she heard from one resident who advised that the underwriter did a fabulous job in terms of explaining and answering all questions.
VOTE ON MOTION TO ADOPT ORDINANCE AUTHORIZING BOND ISSUANCE:

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

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

OPPOSED: None

ABSENT: Faulk, Peggy

{Ordinance was subsequently numbered: 09-031}

b. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the issuance of “$11,145,000 City of Bellaire, Texas, General Obligation Refunding Bonds, Series 2009A”; pledging the levy of a continuing annual ad valorem tax upon all taxable property within the City for the payment of the principal and interest on such bonds; enacting provisions incident and related to the issuance, delivery, payment of, and security for such bonds; approving and authorizing the distribution of an Official Statement; awarding sale of such bonds and authorizing and approving a Paying Agent/Registrar Agreement – Item submitted by Chief Financial Officer Donna Todd; Presentation by James Gilley, Partner, Coastal Securities, and Alan P. Petrov, City Attorney and Bond Counsel.

SUMMARY:

James Gilley, Partner, Coastal Securities, advised that the City had opted to refund the callable 1998 and 2001 bonds. The 1998 bonds were subject to current redemption. In other words, those bonds were after the call date and could be called at any time. The 2001 bonds, on the other hand, still had two years before those were subject to redemption. Under federal and state law, the City was allowed to advance refund those bonds by setting up an escrow to pay the principal and
interest on the 2001 bonds until the bonds could be called at the first call date.

A requirement of $11,195,000 in refunding bonds was necessary to refund $10,765,000. The maturities were from 2010 to 2026, which were shorter than the Rebuild Bellaire Program bonds. The average life on the 2001 bonds was about 6.8 years. The life for the refunding bonds was 6.5 years. In other words, the life was virtually the same.

The present value savings for the refunding was approximately 5% of the refunded bonds. The net present value savings, discounting at today's dollars, was $537,852. The true interest cost rate was approximately 3.27%. The refunding resulted in approximately $40,000 in annual savings between now and 2026.

**MOTION TO ADOPT ORDINANCE AUTHORIZING ISSUANCE OF REFUNDING BONDS:**

A motion was made by Councilman Will Hickman and seconded by Councilman John Jeffery to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the issuance of “$11,145,000 City of Bellaire, Texas, General Obligation Refunding Bonds, Series 2009A”; pledging the levy of a continuing annual ad valorem tax upon all taxable property within the City for the payment of the principal and interest on such bonds; enacting provisions incident and related to the issuance, delivery, payment of, and security for such bonds; approving and authorizing the distribution of an Official Statement; awarding sale of such bonds and authorizing and approving a Paying Agent/Registrar Agreement.

**DISCUSSION ON MOTION TO ADOPT ORDINANCE AUTHORIZING ISSUANCE OF REFUNDING BONDS:**

City Attorney Alan P. Petrov advised that he was not sure if City Council caught the fact that the dollar amount went up slightly. He understood that this was a result of the cost of the escrow. The refunding still produced more savings than the City originally anticipated. He noted that the ordinance before City Council authorized the issuance of $11,145,000. That
authorization should be for $11,195,000. He recommended an amendment to the motion to increase the authorization amount.

**Councilman Will Hickman** referred to the schedule of interest rates over time. He noted that 2011, 2012, and 2013 were at 4%, then the interest rate dropped, and then the interest rate grew again. He inquired as to the reasoning for this.

**Mr. Gilley** noted that he believed that Councilman Hickman might be referring the new bond issuance of $7 million rather than the refunding bonds. He noted further that there were two components to pricing. One was “coupons” or the nominal interest rate. The other component was the yield.

The yield was what drove the City’s cost, even though interest rate was a factor. In the new money bonds of $7 million and because the City had financing costs, Chief Financial Officer Todd was advised that she could fund projects with $6.8 million. The underwriter was required to give the City a bid of par, meaning $7 million or better, for the new money bonds.

In marketing the refunding bonds, the City did not have the same constraint. Part of the increase of $1 million to $1.195 million had to do with the escrow and part of it had to do with pricing. The yields were all the same, but the couponing was different so that the City could produce enough to meet the projects the City had in mind for the $7 million.

**AMENDMENT (NO. 1) TO MOTION TO ADOPT ORDINANCE AUTHORIZING ISSUANCE OF REFUNDING BONDS:**

An amendment (no. 1) was made by Councilman John Jeffery and seconded by Councilman Will Hickman to the motion to adopt an ordinance authorizing the issuance of City of Bellaire, Texas, General Obligation Refunding Bonds, Series 2009A, for the purpose of changing the amount of issuance from $11,145,000 to $11,195,000.
VOTE ON AMENDMENT (NO. 1) TO MOTION TO ADOPT ORDINANCE AUTHORIZING ISSUANCE OF REFUNDING BONDS:

Amended motion (no. 1) carried unanimously on a 6-0 vote as follows:

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

OPPOSED: None

ABSENT: Faulk, Peggy

VOTE ON ORIGINAL MOTION, AS AMENDED, TO ADOPT ORDINANCE AUTHORIZING ISSUANCE OF REFUNDING BONDS:

Original motion, as amended, carried unanimously on a 6-0 vote as follows:

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

OPPOSED: None

ABSENT: Faulk, Peggy

{Ordinance was subsequently numbered: 09-032}

Change Orders

c. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute Change Order No. 1 with Metro City Construction, LP, to a contract for the FY 2008 Sidewalk Repair/Maintenance Project, to include the addition of new sidewalks on Fifth and Linden
Streets and the deletion of sidewalk repairs on the 4500 blocks of Birch, Braeburn, and Maple Streets, the 4500 and 4600 blocks of Mimosa Street, and the 4600 and 4800 blocks of Holt Street, said change order of which will not affect the total contract price – **Item submitted by Director of Public Works Joe Keene.**

**Note:** This agenda item was postponed on May 18, 2009, in order to allow City Staff to obtain additional information with respect to the costs related to filling the gaps on the streets recommended for deletion from the project.

**MOTION TO ADOPT ORDINANCE AUTHORIZING CHANGE ORDER:**

A **motion** was **made** by Councilman Phil **Nauert** and **seconded** by Councilman Pat **McLaughlan** to **adopt an ordinance** of the City Council of the City of Bellaire, Texas, **authorizing the Mayor** of the City of Bellaire, Texas, **to execute Change Order No. 1 with Metro City Construction, LP, to a contract for the FY 2008 Sidewalk Repair/Maintenance Project, to include the addition of new sidewalks on Fifth and Linden Streets and the deletion of sidewalk repairs on the 4500 blocks of Birch, Braeburn, and Maple Streets, the 4500 and 4600 blocks of Mimosa Street, and the 4600 and 4800 blocks of Holt Street, said change order of which will not affect the total contract price.

**DISCUSSION ON MOTION TO ADOPT ORDINANCE AUTHORIZING CHANGE ORDER:**

**City Manager Bernard M. Satterwhite, Jr.,** indicated that he understood that City Council wanted additional information as to what it would cost to put the sidewalks that were deleted back in and then the cost to fill the gaps. On those streets that were in the contract, City Council had asked for the extent of the gaps—such as how many lots had gaps and what percentage of the lots on those streets had sidewalks now.

He referred City Council to a spreadsheet that showed each of the streets. Some of the streets on the spreadsheet were shown for continuity purposes only and were not in the original contract. For example, the
north side of the 4500 block of Birch Street was included for continuity purposes.

Essentially, to put the streets recommended for deletion back into the contract, the cost would be $41,400. The cost to fill all of the gaps in all of the sidewalks in order to make sidewalks contiguous for the entire block would be an additional $238,000. He noted that the $238,000 was an estimated cost.

**Councilman Phil Nauert** referred to the spreadsheet. He was not certain that he understood the last column with the heading “delete cost if section is deleted.”

**City Manager Satterwhite** stated that the change order itself deleted several streets. The amount taken out of the contract related to the deleted streets was $41,400. The column Councilman Nauert referred to was the cost to add the deleted streets back. If the gaps were filled in on the sidewalks that were deleted, the City would spend another $238,000.

**Councilman Nauert** referred to the fourth column from the right-hand side of the spreadsheet, identified as “the percentage of lots with sidewalks.” He appreciated the fact that City Staff had put a great deal of work into the spreadsheet analysis. He understood that sidewalks were not to clear to everyone and that everyone looked at sidewalks and what they wanted out of sidewalks differently. This was the reason that sidewalks were such an emotional issue.

He agreed that new sidewalks on Fifth Street and Linden Street were a good idea. He also felt that it was a good idea to finish a few streets. In looking at the fourth column on the spreadsheet, one trend popped out in that two or three of the streets were close to having a continuous sidewalk.

**AMENDMENT (NO. 1) TO MOTION TO ADOPT ORDINANCE AUTHORIZING CHANGE ORDER:**

An amendment (no. 1) to the motion to adopt an ordinance authorizing execution of Change Order No. 1 with Metro City Construction, LP, to a contract for the "FY 2008 Sidewalk Repair/Maintenance Project" was made by Councilman Phil Nauert and seconded by Councilman Pat McLaughlan as follows:
5000 block of Linden Street – addition of new sidewalks;

6900 block of Fifth Street – addition of new sidewalks;

4600 block of Mimosa Street – repair and fill in sidewalks on the north side of the block;

4600 block of Holt Street – repair and fill in sidewalks on the north side of the block;

4500 block of Birch Street – delete sidewalk repairs;

4500 block of Braeburn Drive – delete sidewalk repairs;

4500 block of Maple Street – delete sidewalk repairs;

4500 block of Mimosa Street – delete sidewalk repairs; and

4800 block of Holt Street – delete sidewalk repairs.

AMENDMENT (NO. 2) TO AMENDMENT (NO. 1) TO MOTION TO ADOPT ORDINANCE AUTHORIZING CHANGE ORDER:

An amendment (no. 2) to amendment (no. 1) to the motion to adopt an ordinance authorizing execution of Change Order No. 1 with Metro City Construction, LP, to a contract for the “FY 2008 Sidewalk Repair/Maintenance Project” was made by Councilman Will Hickman and seconded by Councilman Phil Nauert for the purpose of removing the addition of new sidewalks on the 5000 block of Linden Street from the amendment (no. 1).

VOTE ON AMENDMENT (NO. 2) TO AMENDMENT (NO. 1) TO MOTION TO ADOPT ORDINANCE AUTHORIZING CHANGE ORDER:

Amended motion (no. 2) failed on a 3-3 vote as follows:

FOR: Siegel, Cindy
     Hickman, Will
FOR (CONT.): Nauert, Phil

OPPOSED: Avioli, James P., Sr.
McLaughlan, Pat
Jeffery, John

ABSENT: Faulk, Peggy

VOTE ON AMENDMENT (NO. 1) TO MOTION TO ADOPT ORDINANCE AUTHORIZING CHANGE ORDER:

Amended motion (no. 1) carried on a 4-2 vote as follows:

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

OPPOSED: Hickman, Will
Jeffery, John

ABSENT: Faulk, Peggy

DISCUSSION ON ORIGINAL MOTION AUTHORIZING CHANGE ORDER, AS AMENDED:

Mayor Siegel advised that the change order, based upon what City Council had added as an amendment, would be to increase the change order by $23,135. The engineering component, which was not part of this change order, was $3,280. She inquired as to how the engineering cost would get paid.

City Manager Satterwhite stated that the City had an evergreen contract with HDR|Claunch & Miller and a budget for those types of engineering costs.

Mayor Siegel asked for confirmation that the engineering costs would be covered separately under the City’s evergreen contract with HDR|Claunch & Miller.

City Manager Satterwhite advised that Mayor Siegel was correct.

Councilman Hickman advised that he was going to vote against the change order as he felt that City
Council could either continue its maintenance program that was already budgeted for or City Council could add a few new streets or fill in the gaps, but City Council could not do everything at an additional cost of approximately $26,000. If City Council wanted to add all of the new streets or fill in the gaps, then that was something City Council should budget for and consider in the next year’s budget.

Councilman McLaughlan stated that being the believer in sidewalks that he was, then any chance he had to vote for one, he would do so.

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

Original motion, as amended, **carried** on a **4-2** vote as follows:

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

**OPPOSED:** Hickman, Will  
Jeffery, John

**ABSENT:** Faulk, Peggy

{Ordinance was subsequently numbered: 09-033}

d. **CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute Construction Contract Change Order No. 1 with the Texas Department of Transportation (TXDOT) to a Local Transportation Project Advance Funding Agreement for a Congestion Mitigation Air Quality Improvement Category 5 Project, by and between the City of Bellaire, Texas, and the State of Texas, by and through TXDOT, in the total amount of $24,055.37, Bellaire’s portion of which would be $5,463.51, for the purpose of compensating for the installation of PED signal housing and the substitution of Quazite ground boxes in lieu of Type II ground boxes under said project – Item submitted by Director of Public Works Joe Keene.**
SUMMARY:

City Manager Bernard M. Satterwhite, Jr., advised that there was an increase in cost for this project because the housing for the pedestrian signals was inadvertently left out of the original bid specifications and contract. Additionally, there was a decrease in the cost for this project because the Quazite ground boxes were less expensive than the Type II ground boxes. The Quazite boxes were flush or at grade whereas the Type II boxes were slightly raised.

The net effect of the increase and decrease resulted in an increase in total project cost of $24,055. Under the grant program with the Texas Department of Transportation, 80% of the increase would be paid by the State of Texas and 20% of the increase would be paid by the City of Bellaire, Texas. Bellaire’s share of the increase would be $5,436.

MOTION TO ADOPT ORDINANCE AUTHORIZING CHANGE ORDER:

A motion was made by Councilman Pat McLaughlan and seconded by Councilman James P. Avioli, Sr., to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute Construction Contract Change Order No. 1 with the Texas Department of Transportation (TXDOT) to a Local Transportation Project Advance Funding Agreement for a Congestion Mitigation Air Quality Improvement Category 5 Project, by and between the City of Bellaire, Texas, and the State of Texas, by and through TXDOT, in the total amount of $24,055.37, Bellaire’s portion of which would be $5,463.51, for the purpose of compensating for the installation of PED signal housing and the substitution of Quazite ground boxes in lieu of Type II ground boxes under said project.

DISCUSSION ON MOTION TO ADOPT ORDINANCE AUTHORIZING CHANGE ORDER:

Councilman Pat McLaughlan asked for confirmation that there was an error in the original bid specifications resulting in the omission of the pedestrian signal
housing. He noted that he understood the need for the housing.

City Manager Satterwhite indicated that Councilman McLaughlan was correct.

Councilman McLaughlan advised that he was having a difficult time with the recommended change from Type II ground boxes to Quazite ground boxes. He noted that he was not certain as to what the ground boxes were utilized for in this project.

Colby Wright, Design Engineer, Traffic Engineers, Inc., indicated that the conduit came up into the ground boxes, which allowed for access to all of the signal wiring.

Councilman McLaughlan indicated that he was concerned that the City was going from what he assumed was a higher quality, elevated product to another type of ground box that apparently sat lower to the ground or at dirt level. With Bellaire’s rains and flooding, common sense told him that control boxes elevated above ground level should be better.

City Manager Satterwhite stated that Director of Public Works Joe Keene had requested this change in the contract. He asked Director Keene to respond to Councilman McLaughlan’s concern.

Director of Public Works Joe Keene advised that 99% of the control boxes under this project were to be installed within the sidewalks. The lid on the Type II ground boxes would be three-eighths of an inch higher than the sidewalk. The Quazite ground boxes would be installed so that the boxes were level or flush with the sidewalk.

Councilman McLaughlan indicated that he felt that the boxes that were raised were more desirable than the ones that were flush with the sidewalk when considering rains and the fact that sidewalks flooded.

Director of Public Works Keene agreed with Councilman McLaughlan in that the raised boxes would be better if those boxes did not have to be installed in the sidewalk.
Mayor Cindy Siegel stated that the discussion this evening was whether or not to ensure that the control boxes were flush with the sidewalk or whether the boxes should remain as currently engineered.

Councilman McLaughlan stated that even if the control box sat on the sidewalk, that box was some height above the corresponding sidewalk level. If the change were approved by City Council this evening, the box would be flush with the sidewalk.

Director of Public Works Keene indicated that Councilman McLaughlan was correct.

Councilman McLaughlan advised that this particular change bothered him. He asked why the boxes had to be installed in the sidewalk. He stated that the sidewalk needed to be open for pedestrian and handicapped traffic. He could not understand why the control boxes had to be installed in the sidewalk passageway.

Director of Public Works Keene advised that the City had very limited right-of-way and, for that reason, some of the boxes had to be installed in the sidewalk. He advised that the boxes were not waterproof and would fill up with water.

Councilman McLaughlan noted that the boxes were big and City Council had earlier in the evening finished a conversation regarding the value of sidewalks to the City. He felt that the City was doing the wrong thing by putting traffic signal control boxes in the sidewalk. He felt that it was an obstruction.

Councilman Will Hickman brought up a point of order. He indicated that either way under this project, the control boxes would be in the sidewalk. City Council was not discussing a change order to remove the control boxes from the sidewalk.

Mayor Siegel indicated that she believed Councilman Hickman was correct.

Councilman McLaughlan agreed with the point of order, but indicated that the issue needed to be addressed on a future agenda.
Councilman John Jeffery asked for confirmation that the reason that Director Keene wanted the boxes to be flush with the sidewalk was so as not to create an obstruction or trip hazard.

Director of Public Works Keene advised that Councilman Jeffery was correct.

Councilman James P. Avioli, Sr., inquired as to whether this project had anything to do with air quality.

Director of Public Works Keene advised that it did not.

Councilman Hickman indicated that the item he was concerned about was the fact that the pedestrian housing had been left out of the original bid specification and contract. He inquired as to whether the City had gone back through to determine if anything else had been left out.

Director of Public Works Keene noted that the original bid specifications had gone through several reviews by a number of engineers and by him. He hoped that everything had been caught.

**VOTE ON MOTION TO ADOPT ORDINANCE AUTHORIZING CHANGE ORDER:**

Motion carried on a 5-1 vote as follows:

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

**OPPOSED:** McLaughlan, Pat

**ABSENT:** Faulk, Peggy

{Ordinance was subsequently numbered: 09-034}
2. ITEMS FOR INDIVIDUAL CONSIDERATION:

Fire Station Design

a. CONSIDERATION of and possible action on the approval of a recommended final design for the proposed Bellaire Fire Station to be located at 5101 Jessamine Street, Bellaire, Texas – Item submitted by Director of Facilities Management Karl Miller; Presentation by Director of Facilities Management Karl Miller and Jeff Gerber, Pierce Goodwin Alexander & Linville (PGAL).

SUMMARY:

Karl Miller, Director of Facilities Management, stated that the item in front of City Council this evening was the proposed final design for the new fire station. On April 13, 2009, Pierce Goodwin Alexander & Linville (PGAL) presented four plans and elevation options for City Council’s review and comments. Subsequently on May 4, 2009, City Council approved a contract with Gilbane Building Company (Gilbane) for preconstruction and construction services of the new fire station.

Since that time, City Staff had been working with PGAL and Gilbane for purposes of evaluating the proposals, as well as considering comments and suggestions made by City Council.

Director Miller advised that he could confidently state that the design that City Council was presented with this evening would meet the needs of the Bellaire Fire Department, citizens of Bellaire, and could be built within the budget allocation.

The proposed fire station met the needs addressed in the 2004 Facility Requirement Study, which included increased training space, adequate physical fitness space, sufficient area for cleaning and storing gear, adequate office space, properly sized sleeping areas, and adequate space for minor medical procedures.

The proposal City Council would see this evening would show a reduction in size in the day room, as well as in the physical fitness room. However, City Staff still believed that the intent of the needs could still be met with the size reduction.
The Bellaire Fire Station had some unique characteristics that were not traditionally found in neighborhood fire stations, such as the Emergency Operations Center (EOC), office space for the Fire Chief and Fire Marshal, as well as plan review area, and additional space for fire apparatus. The proposed fire station also met the space requirements identified in the Leadership in Energy and Environmental Design (LEED) certification process and in the National Fire Station Standards.

George Conces, Senior Project Executive with Gilbane, as well as Jeff Gerber, President and Chief Executive Officer of PGAL, were present this evening to answer any questions that City Council might have regarding the project.

At this point in time, Director Miller turned the presentation over to Jeff Gerber of PGAL.

Jeff Gerber, President and Chief Executive Officer, PGAL, stated that he wished to present a little bit of history this evening, as well as some additional information from the last presentation PGAL gave to City Council.

Several months ago, PGAL and City Staff went through a programming and preliminary design process for the proposed Bellaire Fire Station. The programming was based on the Bellaire Fire Department’s current requirements, a large piece of which was housing the apparatus that Bellaire currently had, as well as staffing needs and meeting the needs of national standards. In addition, the design accommodated more customized sizing of Bellaire’s apparatus. The design being presented was, in many cases, smaller than the national standard.

One of the adjustments made since the first presentation was in the day room. It was reduced by 40 or 50 square feet down to 196 square feet. The workout or physical fitness area was originally sized to accommodate both police officers and firefighters. The size in the current proposal was reduced to 859 square feet. In making those areas smaller, some of the circulation areas became smaller. In summary, the proposal before City Council this evening totaled approximately 16,975 square feet.
Mr. Gerber indicated that one of the things his firm continued to do was to challenge the project to make sure the City’s requirements were adequately met versus undersizing or oversizing. To do this, the City’s proposed facility was compared and benchmarked against other facilities. He showed four current fire stations under design or construction near Bellaire. One was Fire Station No. 1 in Sugar Land, Texas, another was Fire Station No. 24, Fire Station No. 37, and Fire Station No. 90 all of which were located in Houston, Texas.

He noted that Sugar Land’s Fire Station No. 1 had two apparatus bays; Houston’s Fire Station No. 24 and Fire Station No. 37 each had three apparatus bays; and Houston’s Fire Station No. 90 had four apparatus bays. The square footage of the referenced stations ranged from 14,500 square feet to 11,400 square feet.

Mr. Gerber stated that his firm looked at how the proposed Bellaire Fire Station stacked up to its existing station and the other stations just referenced. He reduced out the unique spaces required by Bellaire so that an apples-to-apples comparison could be made. The proposed Bellaire Fire Station square footage would be 11,800; Sugar Land’s station was 10,481; Houston Fire Station No. 24 was 15,249; Houston Fire Station No. 37 was 11,376; and Houston Fire Station No. 90 was 14,254. Bellaire was on the smaller side when comparing the same number of apparatus bays with the other stations. Reducing the spaces resulted in a square footage for Bellaire’s Fire Station of 11,800.

The location for Bellaire’s proposed fire station was in the current footprint configuration of where the existing fire station was. He pointed out the location of the administrative offices and apparatus bays (six, two of which were sixty feet deep, one of which was shorter due to the encroachment of a stairway, and three of which were shorter). He noted that one of the prerequisites for a LEED certification was to have a dedicated recyclable area. That area was located in one of the shorter apparatus bays. He also noted the location of the EOC and public entrance to the building, as well as public restrooms and a shower, EMS supply area, patient treatment room, and support spaces.
The second floor was noted to contain all of the sleeping areas, designed as single occupancy so that they could be used by a male or a female, as well as individual shower and restroom facilities. This would give the City a greater deal of flexibility over the life of this project. He pointed out the living areas and exercise room.

Mr. Gerber indicated that the spaces that were unique to Bellaire’s operations and not typically found in neighborhood fire stations were three extra apparatus bays, training and EOC room, some administrative offices, and patient and treatment space. In other words, on the first floor, there was approximately 4,100 square feet of space that was unique to Bellaire’s requirements that did not exist in a typical fire station.

With respect to the architecture, Mr. Gerber showed some photographs of Bellaire’s existing campus facilities. He next showed the elevation of the proposed Bellaire Fire Station from Jessamine Street, from the rear, from the doors going into the apparatus bays, and from the main public entrance. He indicated that a standing seam metal roof would be used (i.e., green in color similar to the roofs of other buildings in the City’s campus complex). A red, brick masonry would be used, as well as a cast stone product.

With respect to the tower, those interviewed through committees (citizens, etc.), stated that the Bellaire Fire Station represented a unique opportunity for Bellaire to put a stake in the ground with respect to what the Town Center would be going forward into the future. Mr. Gerber’s firm felt that the creation of an iconic element could be a unique, small signature piece and help identify and anchor a corner of the Town Center. He felt that the tower element did just that.

Mr. Gerber next showed a three-dimensional view of the proposed Bellaire Fire Station in order for City Council and the audience to see how the facility played in terms of size and scale. The tower would be prominent enough, yet not imposing to the surrounding neighborhood. The tower did top out a little over forty-eight feet. The height of the tower had been reduced by approximately two feet since it was first shown to City Council. The main part of the roof was forty-one feet, ten inches.
A rendering was shown next so that City Council could get a feel for the materials and colors. Mr. Gerber stated that he felt the building had very handsome proportions and classic lines. It fit in very well architecturally with many of the City’s newer buildings.

Mr. Gerber indicated that his firm had modeled the corner of the City’s community in a program that helped demonstrate scale and how the building would fit within the existing context. One view showed the building looking from the Bellaire Police and Municipal Court Building. Another view showed the building looking from Condit Elementary School. Another view showed the building when coming down South Rice Avenue toward the front of the building. A final view showed the building from the neighborhood (rear view of building). When standing on Aspen Street, the tower element could not be seen due to line of sight. It could be seen from the public side (from Jessamine Street and from South Rice Avenue).

**MOTION TO APPROVE RECOMMENDED FINAL DESIGN:**

A motion was made by Councilman John Jeffery and seconded by Councilman James P. Avioli, Sr., to approve a recommended final design for the proposed Bellaire Fire Station to be located at 5101 Jessamine Street, Bellaire, Texas.

**DISCUSSION ON MOTION TO APPROVE RECOMMENDED FINAL DESIGN:**

Councilman Pat McLaughlan noted that the number of bays that nearby Houston stations had was used by PGAL as justification for the total size of the Bellaire Fire Station. Bellaire had a very different situation in that the majority of the apparatus that sat in the bays had no operators residing in the station. One really could not use the number of bays as compared to Houston stations as a justification for other aspects of the station.

For example, operationally, Bellaire was staffed for one command car, one fire engine, and one ambulance. The apparatus in the bays that Bellaire was not staffed for was a reserve pumper, a compressed air supply truck, a reserve ambulance, and a weapons of mass destruction
trailer. When he stated that Bellaire’s station was not being counted quite right, he meant that just because there were six bays for apparatus, one could not draw some conclusion that the living area was justified.

Mr. Gerber indicated that if Bellaire did not have a need for any of the apparatus, then bays could be eliminated. His firm had been told the amount of equipment Bellaire had to be housed at the station.

Councilman McLaughlan stated that he was not necessarily referring to the number of bays. He was questioning the amount of living area. He could understand that in most situations, five bays would correspond with a need for a certain amount of living area.

Mr. Gerber advised that this was not what he meant to say. He was trying to point out that if Bellaire was not penalized for the number of apparatus bays, the amount of living space in Bellaire’s new station was actually less than the living space in the other stations he referenced.

Councilman McLaughlan indicated that Bellaire had a maximum of seven firefighters on duty. A small Houston station (for example, Station No. 37) would have between ten and twelve firefighters on duty. The larger Houston station (Station No. 90) would have between fourteen and sixteen firefighters on duty. There were some pretty dramatic differences in the number of firefighters housed in the various stations.

Mayor Cindy Siegel inquired as to whether the Sugar Land station Mr. Gerber referenced was their main and only fire station.

Mr. Gerber indicated that Sugar Land had seven stations, with more in the works.

Mayor Siegel advised that if she understood the proposal correctly, excluding the extra bays, the other stations did not have EOCs and additional administrative offices.

Mr. Gerber advised that Mayor Siegel was correct. Other cities had their EOCs in different facilities rather than in the fire station. This was a unique component to
Bellaire in that this function was housed in the fire station.

**Councilman James P. Avioli, Sr.**, stated that he had a difficult time reading what the area designated as “218” was on the second floor. He inquired as to whether it was a staircase.

**Mr. Gerber** stated that it was a walk-in refrigerator.

**Councilman Avioli** indicated that his other questions related to aesthetics. He referred to the windows on the front and sides of the building. He inquired as to whether those windows were one-way glass. In other words, could one see through those windows from the outside?

**Mr. Gerber** stated that one of the components of LEED was to utilize daylight, where possible, in order to reduce the amount of lights that had to be used. This would allow for a lower use of electricity during the daytime.

**Councilman Avioli** referred to the tower and inquired as to whether stairs were housed in the tower.

**Mr. Gerber** indicated that the lower portion of the tower did house stairs.

**Councilman Avioli** inquired as to the City’s ordinance on tower height.

**Director Miller** indicated that he did not believe there was an ordinance for this type of facility.

**Councilman Avioli** expressed concern that if there was a restriction and the City did what it wanted to, then what would happen if a citizen made a case to go just as high with some feature of their home.

**City Attorney Alan P. Petrov** asked for confirmation that Councilman Avioli was referring to the City’s zoning regulations.

**Councilman Avioli** advised that he was.

**City Attorney Petrov** stated that in the zoning regulations there were restrictions as to residential
height certainly. If the question was if the City’s tower would allow a resident nearby to request the same height, the answer was no.

Mayor Siegel inquired as to what would happen if a church requested the same height.

City Attorney Petrov indicated that this would not create a precedential situation.

Mayor Siegel inquired as to why it would not.

City Attorney Petrov stated that the City had specific regulations that applied to churches and schools.

Councilman Avioli advised that it would help him if he knew the difference between the forty-eight feet and the zoning requirement for residential structures.

Director Miller advised that he did not recall the residential height, but knew it was lower than the tower.

Councilman Will Hickman stated that he believed the residential height restriction was thirty-five feet.

Councilman Avioli noted that someone had made a comment earlier that the tower was the same height as the Recreation Center. He inquired as to whether that was correct.

Director Miller advised that the Recreation Center was forty-one feet in height. The tower was forty-eight feet in height.

City Manager Bernard M. Satterwhite, Jr., advised that the roof height of the proposed fire station was forty-one feet and ten inches and the tower was forty-eight feet.

Councilman Avioli stated that the only point he would make was that this could open the door for something or someone else. If he wanted to build something, he felt he could make a pretty good case that he could build just as high as the City’s tower.

City Attorney Petrov stated that building the tower to a height of forty-eight feet would not legally cause a
problem for the City’s restrictions with respect to residential height.

**Mayor Siegel** asked for confirmation that a church or school requesting a specific use amendment for a tower, such as the City’s tower, would not create a problem.

**City Attorney Petrov** stated that Mayor Siegel was correct. There could be a public argument about it, but that, in and of itself, did not create a legal requirement for the City to copy one type of regulation to another.

**Councilman Phil Nauert** inquired as to whether PGAL had a drawing or rendition of the proposed fire station with all the apparatus or bay doors open. He advised that he had never seen the doors closed on the existing fire station.

**Mr. Gerber** indicated that he did not have such a rendering, but could prepare one.

**Councilman Nauert** stated that the architectural features and the idea of a cornerstone for the City were nice, but that was not what the City was going to get. The City would get a building with the doors open.

**Fire Chief Darryl Anderson** advised that the station as it existed today had all of its operations predominantly on the first floor. The doors were left open during the day so that things would cool off a little bit. A hot truck parked in a hot bay yielded a very hot area to work out of. With the new station and living areas on the second floor and due to security, the bay doors would be closed at all times. The heat gain would be relieved through air movement and circulation.

**Councilman McLaughlan** inquired as to the estimated cost for the proposed Bellaire Fire Station.

**Mr. Gerber** advised that Gilbane had been working with PGAL side by side on this project. The number was in the range of $4.2 million (construction cost).

**Councilman McLaughlan** inquired as to the elevation of the first floor area above grade level.

**Mr. Gerber** indicated that it was a little over sixteen feet.
Councilman McLaughlan inquired that he was asking about the finished floor elevation.

Mr. Gerber stated that the final civil engineering piece had not been completed. The finished elevation would be at least one foot above the curb.

Mayor Siegel inquired as to the cost to construct all bays the same length versus varying lengths.

Mr. Gerber advised that the cost of extending the three shorter bays was approximately $60,000.

Mayor Siegel asked what the City would gain from doing that.

Mr. Gerber indicated that a benefit would be increased flexibility down the road with respect to future equipment needs. The proposed bays were sized around the equipment that the City currently had. For example, if 10-15 years from now new apparatus were longer, the City would have the flexibility to store the new apparatus.

Mayor Siegel inquired as to the amount of square footage that would be added if the bays were extended.

Mr. Gerber stated that the additional square footage was approximately 600.

Mayor Siegel noted that $60,000 was a little over 1-1/2% of the cost of the project.

City Manager Satterwhite agreed, but noted that the City was looking at a budget. The modifications on the living areas were reduced for the budget.

Councilman Nauert stated that he did not want the City in the future to have to extend the bays, noting it would be much more expensive at that time. He wanted the question asked of professional people. If it were important to be added, he would hope the consultants would let City Council know.

Mr. Gerber restated that the bays were designed around the current apparatus owned by Bellaire, with some flexibility. His firm believed that the current design reflected what Bellaire needed.
Councilman Nauert noted that Bellaire currently did not have a ladder truck. He inquired if the footage were added in the last three bays whether a ladder truck be accommodated?

Mr. Gerber indicated that the reason two of the bays were sixty feet in length were to accommodate a larger apparatus, such as a ladder truck.

Fire Chief Anderson advised that the one 20’ X 60’ bay would accommodate a ladder truck nicely and allow for walk space. He suggested that the bay extensions could be added to the contract as an add alternate. It would be a consideration worth looking into.

City Manager Satterwhite felt that the City had looked into the future quite a bit. The City was not going to grow in area. In looking at the number of full size trucks and number of people that could be accommodated with the proposed station, he believed this design more than met Bellaire’s needs within the budget constraints that the City had. He was still concerned about the budget constraints in that there were some unknowns with respect to demolition and temporary housing.

City Manager Satterwhite indicated that he was concerned about fitting things within the budgetary constraints. He was a big fan of not sub-optimizing things just for money, but he had asked the question of the consultants, and it was felt that the proposed station met the needs now and into the future.

Councilman Nauert stated that if the additional square footage was not mission critical, then he did not believe it should be included.

Councilman Avioli stated that he could agree with City Manager Satterwhite with respect to the unknowns. He inquired as to the overall budget for the project.

City Manager Satterwhite advised that the City allocated $5 million from the 2000 bond issuance for the fire station. He advised that this was not etched in stone. There was some flexibility within that bond, but this was the allocation given for the fire station.
Councilman Hickman inquired as to the amount allocated from the bond issuance for the Municipal Court facility.

City Manager Satterwhite indicated that $2 million was allocated for the Municipal Court facility.

Councilman Hickman inquired as to whether the proposed fire station had a pole.

Mr. Gerber advised that there was one originally, but not any longer.

Councilman Hickman referred to a “white area” on the plans behind the fire station building.

Mr. Gerber stated that the area had not totally evolved in terms of design concept. The area was intended to be some type of pavement or outdoor space for the staff to go to. Whether it remained in the configuration that Councilman Hickman was looking at, Mr. Gerber could not say it was the ultimate solution.

Councilman Hickman indicated that if he looked in the back and on the sides, there appeared to be some room if the City wanted to make the facility bigger.

Mr. Gerber noted that there were some tree limitations that he had to work within. He was trying not to encroach on the parking lot any more than he had to. He had the ability to shift the building in one direction slightly.

Councilman Hickman noted that the Bellaire Police Department currently had their own exercise room.

Mr. Gerber advised that Councilman Hickman was correct.

Councilman Hickman inquired as to whether the Bellaire Police Department would still have their own exercise room even after the proposed Bellaire Fire Station is constructed.

Director Miller indicated that right now City Staff was looking at shared space for fitness capabilities. Some of those issues still had to be worked out. The shared space would be located in the Fire Station.
City Manager Satterwhite advised that City Staff still needed to look into demand and usage for the fitness equipment, as well as the times that the equipment was used. It had not been worked out yet.

Councilman Hickman inquired as to whether the first floor of the proposed Fire Station was in the floodplain.

Mr. Gerber indicated that it was not in the floodplain.

Councilman Hickman inquired as to whether the previous mention of a first floor elevation at one foot above the curb was one foot above base flood elevation.

Mr. Gerber indicated that Councilman Hickman was correct.

City Manager Satterwhite advised that the City would conform to all floodplain regulations.

Councilman Hickman referred to the rear elevations of the building. He inquired as to the height of the windows.

Mr. Gerber advised that the windows were intended to be high windows. Unless standing on a bed looking out, one could not look down into a neighbor’s backyard. The windows were intentionally high so as to allow natural light to come in, but not such that it would become imposing on neighbors.

Councilman Hickman inquired as to whether the windows were clear and could be seen through.

Mr. Gerber stated the windows would be relatively clear. The height would be eye level or higher.

Councilman Hickman suggested that the windows either be opaque or taken out altogether. If he were living right behind there, he would not want someone to be able to view down onto his backyard.

Mr. Gerber advised that they were counting on the glazing to achieve some energy efficiency. If the decision were to get rid of the windows, he would have to figure out a different way to achieve the energy reduction to meet LEED.
Councilman Hickman referred to the LEED certification and inquired as to how one traded off air conditioning load versus natural light.

Mr. Gerber advised that both were looked at together. The air conditioning load was primarily the result of the thermal properties of the envelope (inflation of roof). In terms of daylight, he was trying to reduce the amount of internal heat gain from light and those types of sources. If that load were reduced, then the tonnage required to cool the space would also be reduced.

Councilman Hickman noted that his lighting was much cheaper than his air conditioning. He stated that he believed wall and insulation would be cheaper than windows.

Mr. Gerber stated that the same amount was paid for electricity regardless of its use. He noted that Councilman Hickman’s statement that one would be paying more for air conditioning was a true one.

Councilman Hickman referred to one of the outer materials—cast stone. He inquired as to whether Mr. Gerber had compared the cost of cast stone to real stone.

Mr. Gerber indicated that his firm would have the ability to look at a number of different materials within the City’s budget constraints. Generally speaking, one could get a better long-term performance out of a manufactured product than a natural stone. From a longevity perspective and even if the two materials were the same price, he would recommend a cast stone.

Councilman Hickman asked for confirmation that City Council would get to consider the materials in the future.

Mr. Gerber stated that final material selections had not been made and City Council would get an opportunity to look at those.

Councilman Hickman inquired as to what was at the top of the tower, indicating that it appeared to be a clock.

Mr. Gerber advised that it was intended to be an emblem. It could be a fire emblem or a city seal.
believed that the Fire Chief would like for it to be a fire emblem. He did not know feel that the tower was in a prominent enough location for a clock to be placed there. A medallion of some type would be more appropriate considering its location.

**Councilman Hickman** noted that total construction cost was estimated to be $4.2 million or $247 per square foot. He asked if that were scalable if he added or took out 500 square feet.

**Mr. Gerber** stated that it was not necessarily scalable as the construction estimate included site preparation costs. He believed that conditioned space was estimated at $200 per square foot and $125-$140 per square foot for unconditioned space.

Mr. Gerber advised that what was different was that the City was already buying the doors, walls, and slab. When pushing the building outward, what the City would be paying for was additional roof.

**Councilman Hickman** noted that pushing the building out would result in six bays that were flush with the public entrance and administrative offices. He indicated that it would probably not look quite as nice.

**Mr. Gerber** indicated that Councilman Hickman’s question was really one of functionality. Architecturally, he liked the fact that the elevation was broken up some, but he would not do it because it looked better.

**Councilman Hickman** inquired as to whether Houston Fire Station No. 37 mentioned earlier was located on Stella Link next to the YMCA.

**Mr. Gerber** advised that Councilman Hickman was correct and noted that it was one of Gilbane’s projects.

**Councilman Hickman** referred to the data server on the first floor and inquired as to whether it made more sense to put it on the second floor out of the possibility of flooding. He made the same inquiry as to the location of the EOC.

**Mr. Gerber** stated that there were two issues. One was the expectation that the finished floor would be designed so that the City had no flooding. Right now, there was
no elevator in the building. The Building Code and Americans with Disabilities Act provided an exemption for fire stations as long as there was no public space on the second floor. The EOC was considered a public space because City Council or others that were not firefighters would be using the space. Functionally, it made more sense to include those areas on the first floor so as not to cause a disruption with what went on upstairs. The space could also be used for public meetings or other multi-use functions.

**Councilman Hickman** inquired as to what modifications might be required so that the EOC could be used for Municipal Court.

**Mr. Gerber** advised that the City asked him to look into that. In terms of physical space, there would not be a great number of modifications. What was not represented were all of the other spaces that went along with Municipal Court. For example, the jury rooms, large public lobby spaces, etc., represented about 2,000 square feet. He did not think it was compatible to bring the public through the fire operations space.

There was no reason why the City could not have a fire station with a municipal court component. His firm had suggested that the municipal court be located to one side of the building because the City would not want the public to be walking in front of the apparatus space to get to court. The City would also want to get the court as close to the parking as possible.

**Councilman Hickman** inquired as to whether the building could be shifted to the east to accommodate what Mr. Gerber had suggested for the municipal court. He advised that he was trying to ascertain whether the same space could be used for the EOC, training, and municipal court.

**Mr. Gerber** stated that the City could.

**Councilman Hickman** noted that municipal court did not meet that often and he did not believe training was ongoing all of the time. This might be an opportunity to combine space and save money.

**Mr. Gerber** noted that additional spacing would have to be added if City Council wanted to have municipal court
in the fire station. Right now, there was not a large public lobby or separate breakout spaces for the jury and the municipal court clerk and deputy court clerks. None of that spacing was represented in the current plan and would need to be added to accommodate the municipal court functions.

Councilman Hickman inquired as to whether there was some room with the building line other than the tree issue.

Mr. Gerber indicated that there was a little bit of room.

Councilman Hickman inquired as to the purpose of the patient evaluation treatment room.

Fire Chief Anderson indicated that people came to the fire station for minor treatment and were currently taken to the living space for that treatment. Since the living space would no longer be accessible to the public in that it would be located on the second floor, a treatment room was needed. He indicated that patients came by for treatment two-three times per week (i.e., blood pressure checks).

Councilman Hickman inquired as to whether this would become a walk-in clinic.

Fire Chief Anderson stated that advanced practice paramedic treatment centers were under consideration in many fire stations in multiple states throughout the country. The State of Texas had looked at advanced practice paramedics. Such paramedics could do things such as suturing and wound care.

Mr. Gerber indicated that this was the one space that he was most skeptical of when his firm started programming it. However, he could not tell City Council the number of people who had come by while he was working on programming at the fire station for minor treatment. He was very surprised by that number.

Councilman Avioli noted that Councilman Hickman had made a point about the windows in the rear of the building. He inquired as to whether this was a closed subject or if Mr. Gerber would look into it.
Mr. Gerber advised that he considered it an open subject for City Council to tell him what to do.

Councilman Avioli advised that since there were bedrooms on the second floor, it would seem that light would shine through even during the nighttime.

Mr. Gerber stated that blinds would be installed over the windows.

Fire Chief Anderson pointed out that the current station had windows across the entire upper end of the dormitory consisting of solid windows from one end to the other.

Councilman Avioli inquired as to whether those windows had covering on them.

Fire Chief Anderson advised that Councilman Avioli was correct—there were coverings over the windows.

Councilman Hickman inquired as to whether the existing windows were as high as the windows proposed for the new station.

Fire Chief Anderson indicated that the proposed windows would be higher than the existing windows.

Mayor Siegel referred to the view of the fire station from the Aspen Street side. She indicated that she would rather see windows than a red brick wall. With windows it would look more closely like a residence.

She noted that the motion on the floor was to approve the recommendation this evening from a design standpoint, noting that it would be fleshed out as construction drawings were developed.

City Manager Satterwhite advised that Mayor Siegel was correct—the motion was to approve basic design and space allocation. He noted that materials and colors would still need to be addressed in the future.

Councilman McLaughlan advised that City Council had spent the same amount of time talking about spending $23,000 in sidewalks as they would spend talking about an expenditure of approximately $5 million when
considering the demolition cost, temporary space, and construction of the new fire station.

He stated further that he had concerns with the process that City Council was following this evening. City Council was essentially being asked to approve a design with only an estimated cost of approximately $5 million without a specific budgetary layout of what the Bellaire City Library, Police Building, and Municipal Court Building would cost. He indicated that he would feel better if he had a written presentation that included some estimates regarding all of the facility costs.

Bellaire's proposed fire station was 17,000 square feet. He advised that it was originally presented at 16,500 square feet. Although City Council was told that space had been reduced, the fire station grew from 16,500 square feet to 17,000 square feet.

The proposed fire station would serve a maximum firefighter staff of six to seven people. A reference was made to the new Houston fire station under construction on Stella Link. Councilman McLaughlan had some extensive discussions with the gentleman in charge of Houston construction activities. Houston's Fire Station No. 37 would have a contingent of ten to twelve firefighters and 12,000 square feet. He admitted that additional office space would account for some of the difference in square footage for Bellaire's fire station, but felt that it should still be well below 17,000 square feet.

With respect to the EOC, he noted that emergency operations might be needed a few times a year in Bellaire for emergencies such as hurricanes or floods. The rest of the time, the City did not need an EOC. The City had used the existing courtroom as the EOC. To achieve some synergism between City facilities, he really thought the City would be better off constructing the new courtroom to accommodate the EOC.

Councilman McLaughlan advised that another serious problem with the EOC was that it was located on the ground floor of the building. City Council was advised that the new fire station was not in the floodplain, but if Councilman McLaughlan remembered correctly, the fire station was in the floodplain. He remembered when Bellaire had its big rainfall several years ago (Tropical
Storm Allison), that the Bellaire Police Station flooded. So, flooding was still possible. To put an EOC on the first floor of a building that would only be elevated twelve inches above the surrounding grade level presented a real problem for him.

He noted that fill dirt could be brought in during construction to elevate the first floor. If fill dirt were brought in to elevate the first floor level, the City would be imposing a hardship on the surrounding residents by displacing floodwaters in other areas. The City’s “no net fill” ordinance was established to mitigate flooding in residential areas.

Councilman McLaughlan advised further that he was very disappointed as he felt that City Staff had shown no restraint in spending taxpayer dollars. The proposed fire station was simply too large, too elaborate, too luxurious, and too expensive for this small city. Bellaire had a relatively stable population with little or no expansion, a decreasing fire rate, and the city limits were fixed.

The City had been served for better than 50 years by an existing fire station of 10,000 square feet. That station certainly did need to be reconstructed, but he was hard put to understand if a 10,000 square foot station had served the City well, why the City needed a 70% increase in size of the station.

Councilman McLaughlan next ran through the plans and expressed concerns he had regarding those plans. He started with the second floor level, noting that there were ten private bedrooms on that level for a staff of six to seven firefighters. The City of Houston advised they did not provide private bedrooms. Houston used a dormitory approach and had male and female firefighters on their staff. The dormitory approach worked well because the firefighters were sleeping in their clothes anyway. For that reason, he advised that there was little need for private bedrooms. For a staff of seven firefighters, the second floor also had four private showers.

With respect to the exercise room, it was originally proposed at 1,200 square feet, but had been reduced to 850 square feet. The citizens of Bellaire (16,000) had an exercise room of 600 square feet. He advised that
there was a disconnect when 600 square feet was adequate for all of the citizens, yet the firefighters needed 850 square feet.

The dining area could seat 20 people, yet there was only a staff of seven. Something he found amazing was the lounge area that could seat up to eight people. He inquired as to whether the Finance Department, Public Works Department, Community Development Department, etc., had a lounge area. Additionally, there were four computer stations in the lounge area. If all of the seating were added in the “day area” (i.e., dining area, lounge area, and computer stations), many people could be seated there.

The media room had not gone away, it was now called the “day room.” The day room had raised, theater-type seating for nine people.

With respect to the first level, Councilman McLaughlan indicated that the patient evaluation treatment room bothered him. He had twenty years experience in the fire service and emergency medical service and knew that people walked into fire stations and wondered what services they could get. A small area in which those people could be seated was totally acceptable. However, the proposed patient evaluation treatment room made Bellaire look like it was going into the hospital business. Firefighters did not treat people. They evaluated and stabilized patients, but Councilman McLaughlan did not think the City would be running a "hospital" in the fire station.

Another problem with the treatment room was that there was no direct access from the outside. If someone came into the fire station, they had to be brought in through a fire truck bay to access the patient evaluation room.

With respect to the electrical and mechanical rooms, Councilman McLaughlan had problems with those rooms being located on the first floor due to potential flooding.

He advised that it would be much simpler to combine the EOC with the new courtroom. Currently, the City had used the courtroom, which was well elevated above flood levels. He indicated that he was worried about flooding.
Councilman McLaughlan closed and advised that he was very disappointed in the proposed station. It was much bigger than what was needed. It appeared to him to be an oversized temple of government spending.

Councilman John Jeffery stated that Councilman McLaughlan had made some good points that should be considered as the conceptual plan moved forward and firmed up. He disagreed with spending as much time on $25,000 worth of sidewalks. The City had spent four years at least on this fire station project. Many, many meetings were held with City Staff, citizens, and City Council. The proper due diligence was performed all along the way to get buy in from just about everyone that one could imagine.

Councilman Jeffery advised that he was fascinated at how the end product had come out. He was not in the fire business or architectural business and could not claim to know about those areas, but he understood that there were new threats out there—hurricanes, terrorism, flooding. The City needed to have facilities to handle that. The City needed to be ready to expect changes in governmental regulations and to accommodate those changes. He referred, too, to citizen requirements. He indicated that Bellaire had to protect those people who drove through the City (i.e., through Interstate Highway 610) as well.

The time, material, and labor cost that Bellaire had spent on due diligence for this facility could not even be added up. The facility was still within budget; the design was incredible; and the proposal represented an awesome facility for the Fire Chief to be able to recruit new firefighters. He advised that this was a “no brainer.”

Councilman Hickman stated that in looking at the proposed fire station, it was either too big or too small. He agreed with Councilman McLaughlan that there were some areas for discussion, particularly on the second floor, such as the dining, lounge, and computer area. He advised that the area looked enormous to him.

He proposed that the day room and training room be combined and the EOC placed in the new courtroom as Councilman McLaughlan suggested or to bring the court facility over to the new fire station. The court facility
could be placed on the southeast corner of the building or the architect might have a better suggestion on the west side of the building.

Councilman Hickman agreed with Councilman McLaughlan that increasing the size of the facility from 10,000 square feet to 17,000 square feet seemed a little excessive with the same size Fire Department, same size City, and same number of equipment.

**Mayor Siegel** indicated that she was the only member of City Council that had actually sat in the EOC during an event (i.e., two hurricanes). She, too, had a concern that the EOC was located on the first floor. She stated, however, that she believed the facility was more likely to get hit by flying limbs versus flooding. She advised that the portion of the Police Department that had flooded during Tropical Storm Allison was the basement. To her knowledge, the Bellaire Fire Station did not flood during Tropical Storm Allison.

She noted further that the existing fire station was sixty years old. To try to compare the needs of a sixty-year-old building to today was like comparing apples to oranges. She referred to the replacement of the old Bellaire Pool, which was fifty years old, noting the tremendous use the City had gotten out of the new pool thus far and would continue to get out of it.

In terms of wasting money, the current City Council had wasted money. Construction costs had risen 15% each year. City Council had sat on this for two years re-looking at the same thing. City Council had blown almost $1 million sitting on this facility. If this facility continued to be reworked, even more money would be wasted. At some point, City Council had to pick a lane.

City Council had talked about putting the EOC and courtroom together. Votes had been taken on that before. City Council later directed City Staff and PGAL to come in and look at adding the municipal court onto the police station. When was the City going to build something? She stated that this situation had gotten out of control.

The voters voted four years ago on a new fire station and were willing to pay for it. The proposed fire station was within that budget.
Councilman McLaughlan indicated that he did not necessarily believe that the delays were the fault of City Council. He could remember several years ago Mr. Gerber suggesting to Councilman McLaughlan that the cost could run as high as $300 per square foot. Rather than having an increase in construction cost per year, construction costs had actually gone done. He noted that the City had seen construction costs fall in some of the roadwork and underground utility projects. He, therefore, questioned the statement that construction costs had escalated 15% per year over the last two to three years.

Councilman Phil Nauert advised that he had not spoken a great deal on this issue because it was not a difficult decision in his mind. He would like to reflect Councilman Jeffery’s comments. He also hoped that he had not heard Councilman McLaughlan suggest that the City sit around and let the economy tank so that more money could be saved on the fire station.

The City had wasted time and time was money. The Bellaire Fire Station was too old when this process started and it was that much older now.

He noted that this was not a perfect solution and there were some things that could possibly be done better, but according to who? The City had engaged fine professional staff and the City Council had to shoulder the responsibility for having picked those professionals and having done that, City Council needed to have confidence in them.

Councilman Hickman indicated that the citizens voted in 2005 for a new municipal court building, which also had not been built. He suggested an amendment or add alternate to incorporate the municipal court into the fire station facility and hoped the designer could present some sketches to City Council for consideration.

**AMENDMENT (NO. 1) TO MOTION TO APPROVE RECOMMENDED FINAL DESIGN:**

An amended motion (no. 1) to the motion to approve the recommended final design for the proposed Bellaire Fire Station was made by Councilman Will Hickman and seconded by Councilman Pat McLaughlan to include
an add alternate that would incorporate the Municipal Court into the new Fire Station facility.

DISCUSSION ON AMENDMENT (NO. 1) TO MOTION TO APPROVE FINAL DESIGN:

Mayor Siegel inquired as to the cost and time delay associated with the design and presentation of sketches for the incorporation of a municipal court into the fire station.

Mr. Gerber stated that the construction budget would increase, as well as the architectural costs. If the construction budget increased $2 million as a result of the addition of municipal court facilities, then the architectural costs would increase by approximately 1/3 of that cost.

Councilman Avioli indicated that he would not vote for this amendment as he had heard Judge Lisa Wesely on many occasions state that she needed to be near the police station. He wished to honor Judge Wesely’s desire to be near the police station.

VOTE ON AMENDMENT (NO. 1) TO MOTION TO APPROVE RECOMMENDED FINAL DESIGN:

Motion failed on a 2-4 vote as follows:

FOR: Hickman, Will  
McLaughlan, Pat

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

ABSENT: Faulk, Peggy

VOTE ON ORIGINAL MOTION TO APPROVE RECOMMENDED FINAL DESIGN:

Motion carried on a 5-1 vote as follows:

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

OPPOSED: McLaughlan, Pat

ABSENT: Faulk, Peggy

{See: Motion Document No. 2009-006}

Cellular Telephone Regulations

b. CONSIDERATION of and possible action regarding direction to City Staff and the City Attorney to research, develop, and present an ordinance for future City Council consideration that would prohibit the use of cellular telephones by drivers of vehicles within school zones in the City of Bellaire, Texas – Item submitted by City Manager Bernard M. Satterwhite, Jr., on behalf of Councilman Pat McLaughlan.

MOTION TO DIRECT CITY STAFF AND CITY ATTORNEY TO PREPARE ORDINANCE:

A motion was made by Councilman Pat McLaughlan and seconded by Mayor Cindy Siegel to direct City Staff and the City Attorney to research, develop, and present an ordinance for future City Council consideration that would prohibit the use of cellular telephones by drivers of vehicles within school zones in the City of Bellaire, Texas.

DISCUSSION ON MOTION TO DIRECT CITY STAFF AND CITY ATTORNEY TO PREPARE ORDINANCE:

Councilman Pat McLaughlan indicated that he had placed this prohibition on cellular telephone use in school zones on the agenda because he felt that it was a real safety issue. People were distracted when using their cellular telephones, and he hated to see that distraction in a school zone.

The City of West University Place, Texas, implemented such an ordinance a year or two ago. He had some conversations with West University Place residents and the City Manager regarding the restriction and all felt that the ordinance was working well. Additionally, there had been some citations issued.
Councilman McLaughlan’s proposal was that City Attorney Alan P. Petrov, who was familiar with the ordinance crafted for the City of West University Place, Texas, prepare a similar ordinance for Bellaire to implement within its school zones.

He had learned that the Texas Legislature was proposing a statewide ban on the use of cellular telephones in school zones.

City Attorney Alan P. Petrov indicated that there was a bill that passed in the House, but he was not certain if it had made it all the way through the Legislature yet.

Councilman McLaughlan stated that he believed that the ordinance would be relatively simple and straightforward. He recommended that City Staff direct City Attorney Petrov to draw up a similar ordinance prohibiting cellular telephone use in school zones for Bellaire.

Councilman Will Hickman referred to the West University Place, Texas, ordinance, specifically Appendix A, Section C. He inquired as to whether this allowed the use of a hands free device.

City Attorney Petrov advised that it did not allow the use of a hands free device.

Councilman Hickman advised that as he understood the bans on cellular telephone use implemented in most states, the use of hands free devices was still allowed.

**VOTE ON MOTION TO DIRECT CITY STAFF AND CITY ATTORNEY TO PREPARE ORDINANCE:**

Motion carried on a 5-1 vote as follows:

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

OPPOSED: Nauert, Phil

ABSENT: Faulk, Peggy
G. 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 10:20 p.m. on Monday, June 1, 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.
     Nauert, Phil
     McLaughlan, Pat
     Jeffery, John

OPPOSED: None

ABSENT: Faulk, Peggy

Respectfully submitted,

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

Approved:

___________________________
Cynthia Siegel, Mayor
City of Bellaire, Texas