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

Mayor Cindy Siegel called the City Council of the City of Bellaire, Texas, to order at 7:00 p.m. on Monday, October 5, 2009. The Bellaire City Council met at that time and on that date in Regular Session in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401. Mayor Siegel announced that a quorum was present consisting of herself and the following members of City Council:

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

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

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

Councilman Pat McLaughlan provided the inspirational reading for the evening. He began by noting that tomorrow evening, Tuesday, October 6, 2009, was “Texas National Neighbors Night Out.” This event was designed to heighten crime and drug prevention awareness, generate support for, and participation in, local anticrime programs, strengthen neighborhood spirit and police-community partnerships, and send a message to criminals letting them know that neighbors were organized and fighting back.

In closing, Councilman McLaughlan read two quotes on neighbors as follows:

While the spirit of neighborliness was important on the frontier because neighbors were so few, it is even more important now because our neighbors are so many.

--Lady Bird Johnson
First Lady of the United States
1963-1969
Thou shalt love thy neighbor as thyself.

Leviticus 19:18

C. PLEDGES TO THE FLAGS – Councilman Pat McLaughlan.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

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

D. PERSONAL/AUDIENCE COMMENTS.

Robert Riquelmy, 506 Winslow Lane, Bellaire, Texas:

Mr. Riquelmy addressed City Council and noted that he was a candidate for public office in Bellaire. He indicated that in the past he had spoken about some of the safety shortcomings of the City and the reflections on management. He had also spoken of some wasteful spending. This evening he stated that he would offer strategies to reduce the levels of current spending by the City.

First, the idea that Bellaire needed high-priced, specialized legal talent at all Council and many Commission meetings should be examined. A general, civil attorney employed full-time on the City’s payroll could easily take care of most questions and matters that were now handled by a downtown specialist in municipal law. Legal matters that required specialized talent would continue as before.

The same analysis should be applied to engineering matters. For example, he doubted that sidewalk design required a permanent arrangement for services of a national consulting engineering firm. Bellaire should maintain its own in-house engineering capability and consult with other engineers only for complicated matters, when necessary.

There were almost certainly other services that could be brought in-house to effectuate savings.

Mr. Riquelmy continued and advised that it was his understanding that Harris County stood ready to assume the burden of operating the City’s library, which would provide another source of savings. Citizens would still have the convenience of their library in the same location, but the management and running of it would be provided by Harris County. Day care functions, if desired, could be spun off to the Recreation Department.
Building codes and regulations were meant to provide a minimum standard of construction but, through neglect and non-enforcement, building codes and regulations in Bellaire had become not a floor, but a ceiling. Bellaire should warn those undertaking construction within the City that the principle is caveat emptor. It could do this by eliminating building codes. Wasilla, Alaska is said to prosper without building codes and so could Bellaire. If it was good enough for Wasilla, it was good enough for Bellaire.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee addressed City Council and noted that several weeks ago on August 17, 2009, Councilman Pat McLaughlan brought to City Council's attention a staff-prepared resolution requesting St. Mark Coptic Orthodox Church to remove and move an electric service connection and panel closet and relocate that connection within its front setback. Much was made and discussed at the table, a resolution was produced, and legal counsel for the City pointed out the church was not out of compliance. Nothing further was heard. Ms. McBee stated that she was present this evening to ask for a factual response to the big "to-do" over the church, and if nothing had happened to so report. If something had happened, she asked that it be explained.

Secondly, City Council would be discussing the final plan for the Bellaire Fire Station this evening. The last time it was approved, the building had a 48’ height at one point. This was in excess of the Zoning Code in Bellaire. If anyone built a home in the same neighborhood, that person would have to request a variance to the Zoning Code to be permitted to build to that height. Yet, no variance had been requested and the City assumed that it could do anything it wanted. Ms. McBee raised that point just as trees had been removed and signs had been erected all without permits. The governing body should be abiding by the same rules as the residents had to abide by.

Finally, Ms. McBee congratulated the 14 candidates who had filed to be placed on the Bellaire ballot for consideration by the voters. She was proud to announce that all 14 candidates plus the two running for the Houston Independent School District (HISD) Trusteeship that would serve Bellaire had agreed to be present on Thursday, October 15, 2009, for scrutiny by the public at 6:30 p.m., followed by a program at 7:00 p.m. All of the candidates would be there and would have an opportunity to meet and greet citizens before and after the program. Ms. McBee hoped that all of the City of Bellaire voters would turn out and attend the Candidate Forum. This would be an opportunity to see everyone in the same place at one time and to compare and contrast.
E. REPORTS:

1. CITY MANAGER’S REPORT regarding residential safety (police activity report), public infrastructure and utilities (street and drainage projects update, report on survey of unnecessary and/or derelict signs located on City right-of-way, traffic signal project progress, and facilities management update), cultural and recreational (report on meeting with Episcopal High School regarding possible use of Bellaire Aquatics Facility for swim team training), employees (Employee of the Quarter), indicators (crime and building permits), and upcoming City Council meetings and events – Presented by City Manager Bernard M. Satterwhite, Jr.

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

Residential Safety

City Manager Satterwhite noted, as mentioned earlier by Councilman McLaughlan, that tomorrow evening was National Night Out and there were many block parties and block meetings planned. The Bellaire Police Department would be out in force promoting crime prevention awareness.

Over the past few months, the City had hired several new officers. He was proud to report that the first two officers of a group hired this year were now patrolling on their own and fully trained. Three officers would be following in their footsteps shortly.

City Manager Satterwhite indicated that he was also pleased to announce the promotion of Officer Joe Jenkins to the rank of Corporal.

Public Infrastructure/Utilities

City Manager Satterwhite advised that the Newcastle Drive reconstruction project was going very well. The concrete pours were complete and the contractor was currently working on “finish” work. He expected that Newcastle Drive would be open for traffic by the middle of October, which was a little ahead of schedule.

Perhaps as early as next week, the City could begin construction on Second Street, which was part of the Rebuild Bellaire Program, Phase Two. That reconstruction was from Chestnut Street to Elm Street.

City Staff had been looking at signs throughout the City, based on comments that there might be some existing signs that were either no longer in use or had fulfilled their purpose. A number of signs had
been identified, but it was difficult to tell, at times, whether a sign was still in use or not. Before a sign could be removed, City Staff needed to understand the reason that it was erected to begin with. City Manager Satterwhite went through the list that City Staff had identified as follows:

- Whipple Street – both entrances had “no outlet” signs. City Manager Satterwhite believed that those signs might have been erected to dissuade traffic from going through that horseshoe-shaped street;

- Newcastle Drive – the old sign identifying the “Bellaire Millennium Renewal Program” on Newcastle Drive would be removed;

- Derelict signs were located at most of the entryways to Bellaire listing various service organizations. The signs were in bad shape and did not communicate what they were originally intended to communicate. Those signs would be coming down as well;

- Neighborhood Watch Signs – there were a number of neighborhood watch signs in disrepair in various areas of the City. Those signs would either be updated and functional or removed if the neighborhood watch was no longer in effect in those particular neighborhoods. The Bellaire Police Department indicated that the signs were a good deterrent;

- Fournace Place – there were a number of underground cable signs erected by Southwestern Bell along Fournace Place from Newcastle Drive to South Rice Avenue. Those signs were rusty and old and City Staff would look into having them removed;

- Fournace Place – there were some school zone signs along Fournace Place near South Rice Avenue that needed to be repaired and straightened.

- Poles – City Staff found a number of poles with no signs attached. Those poles would be removed;

- Deaf Children Playing – City Manager Satterwhite did not specifically see the “Deaf Children Playing” sign that Councilman McLaughlan referred to. He indicated that he would get with Councilman McLaughlan to take a look at that one.

City Manager Satterwhite noted that there were probably many more signs or remains of signs that needed to be dealt with. He indicated
that he would appreciate receiving information about signs needing attention. He noted further that City Council action was not necessary for the signs to be removed and/or repaired.

With respect to the traffic signal project, it was still progressing. Most of the poles had been erected, as well as the cross arms. The pole work had been done very well with minimal traffic disruption. Some of the ramps for sidewalks would also be reconstructed and that construction would start soon.

City Manager Satterwhite advised that the traffic control box in the eastbound-westbound section of Bellaire Boulevard and South Rice Avenue would be moved to a more obscure location. City Staff would also do something to make that box look a little more pleasing.

With respect to facilities management, City Manager Satterwhite indicated that he wished to go down a list and let City Council know what had been going on in that area for the last several months. He noted the following:

- Evaluation and repair of the sewer lines under City Hall;
- Re-leveling of the City Hall foundation;
- Roof drain repairs in the Bellaire L.I.F.E. Center area;
- Fire alarm system repairs in City Hall;
- Renewal of janitorial contracts for the City;
- Roof repairs at the Recreation Center;
- Roof repairs at the Animal Shelter;
- Investigation of roof at City Hall—determined to be okay;
- Other fixes to the Recreation Center (due to Hurricane Ike damage);
- Structural study of the Bellaire Police and Municipal Court Building (fix budgeted for next fiscal year);
- Bellaire City Library elevator repairs;
- Municipal Court feasibility study (performed the previous year, with a move forward this year on some of the recommendations);
- Asbestos testing and remediation at City Hall;
- Coordination with the Bellaire Arts Commission on several projects, including the art benches;
- Repair of the foundation for the emergency generator at the Bellaire Police and Municipal Court Building; and
- Extensive repair of Bellaire City Library ceiling tiles due to Hurricane Ike damages.

Facilities management projects going on right now included the Bellaire Fire Station; coordination of the build-out and move to Chevron; implementation of the security plan; Evergreen Pool House
restroom and shower improvements; design and installation of History Walk; and City Hall renovations.

**Cultural and Recreational**

City Manager Satterwhite indicated that City Staff had a good meeting with Ned Smith, Head of School at Episcopal High School, about the use by the school of the Bellaire Aquatic Facility in the wintertime. Episcopal High School indicated that they were willing to help the City defray the cost of the operation of the pool. The school had provided the City with a list of times that they needed the pool during the months of December and January. Director of Parks & Recreation Jane L. Dembski and her staff had worked with the school and had come up with a cost schedule. Another private school would also use the facility during the wintertime.

**Employees**

City Manager Satterwhite advised that he was very pleased to announce the “Employee of the Quarter,” David Wu, Purchasing Technician in the Finance Department. David did a great job day in and day out and was well deserving of the award.

**Upcoming City Council Meetings/Events**

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Type of Meeting</th>
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</thead>
<tbody>
<tr>
<td>10/12/2009</td>
<td>6:00 p.m.</td>
<td>Public Hearing on the request from the Faith Lutheran Day School and Church for a specific use permit</td>
</tr>
<tr>
<td>10/15/2009</td>
<td>6:30 p.m.</td>
<td>Candidate Forum</td>
</tr>
<tr>
<td>10/19/2009</td>
<td>6:00 p.m.</td>
<td>Public hearing on the Comprehensive Plan</td>
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<tr>
<td>10/19/2009</td>
<td>7:00 p.m.</td>
<td>Regular Session</td>
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**QUESTIONS/COMMENTS FROM CITY COUNCIL:**

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

**Q:** Councilman Pat McLaughlan asked City Manager Satterwhite about the status of the City’s request to St. Mark Coptic Orthodox Church to move their electrical service connection.

**A:** City Manager Satterwhite advised that City Staff had forwarded the resolution to the church, however, the church had not responded. He stated that he would look into it and see what the church’s plans might be.
Q: **Councilman McLaughlan** asked for confirmation that the resolution merely requested that the church move the connection as a goodwill gesture.

A: **City Manager Satterwhite** advised that Councilman McLaughlan was correct.

Q: **Councilman James P. Avioli, Sr.**, indicated that he had working copies of the budget, but inquired as to whether or not he could get a final copy.

A: **City Manager Satterwhite** indicated that the final copy of the budget was being developed now. Those final copies should be ready soon.

Q: **Councilman Will Hickman** thanked City Manager Satterwhite for his work on the signs around town. He advised that a resident had asked him about contractor signs in people’s yards—such as painters or gardeners.

A: **City Manager Satterwhite** indicated that such signs were allowed for a period of time. He could not remember off of the top of his head what the length of time was. He advised that he would certainly look into it.

Q: **Councilman Hickman** asked if residents could call someone at the City and report signs that had been in place too long.

A: **City Manager Satterwhite** indicated that residents should call the Code Enforcement Division of the Community Development Department.

Q: **Councilman Hickman** referred to the pools and inquired as to whether the Therapy Pool and the Bellaire Family Aquatic Center pool would both be open during December and January.

A: **City Manager Satterwhite** advised that both pools would be open except for approximately three weeks in December.

Q: **Councilman Hickman** asked if the main difference between the Therapy Pool and the Bellaire Family Aquatic Center pool was the ramp and the railing. He asked if a “cruise ship type ramp with metal railing” could be lowered into the Bellaire Family Aquatic Center so that only one pool had to be open.

A: **City Manager Satterwhite** advised that he could look into it, noting that this item had not been posted on the agenda for discussion.
Q: Councilman Hickman asked if the item could be discussed at a future meeting.

A: City Manager Satterwhite advised that the item could be discussed at a future meeting.

**MOTION TO ACCEPT REPORT INTO THE RECORD:**

A motion was made by Councilman James P. Avioli, Sr., and seconded by Councilman Pat McLaughlan to accept the City Manager’s Report as presented by City Manager Bernard M. Satterwhite, Jr., into the record.

**VOTE ON MOTION TO ACCEPT REPORT INTO THE RECORD:**

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

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

**OPPOSED:** None

**ABSENT:** Nauert, Phil

2. **REBUILD BELLAIRE PROGRAM, PHASE THREE – presentation and possible approval of a recommendation from the Bellaire Public Works Department and consulting engineers, HDR|Claunch & Miller, of the streets proposed to receive construction and drainage improvements in the next phase, Phase Three, of the Rebuild Bellaire Program – Item submitted by the Bellaire Public Works Department; Presentation by James Andrews, P.E., HDR|Claunch & Miller.**

**SUMMARY:**

City Manager Bernard M. Satterwhite, Jr., advised that the purpose of this agenda item was to show City Council the streets planned for the Rebuild Bellaire Program, Phase Three. City Staff chose to change the process a little bit by focusing on the streets to be readressed, without focusing on the engineering services proposal, in case there were any questions or concerns about the specific streets that were planned for Phase Three of the Program.
Consulting Engineer James Andrews, HDR|Claunch & Miller, was going to take this opportunity this evening to review where the City had come with respect to the street programs through the years.

**PRESENTATION:**

Consulting Engineer James Andrews, P.E., HDR|Claunch & Miller, noted that there had been a multitude of capital improvement programs developed over the past 30 years to replace, rehabilitate, and rebuild Bellaire's infrastructure that originally was constructed in the 1940s and 1950s as a result of the post war building boom.

The plans differed somewhat on the focus depending on the City’s most critical needs. Some plans were developed to improve the water and wastewater systems, while others were geared for rehabilitating or replacing street and drainage systems.

Funding sources also varied from pay-as-you-go to general obligation bonds to certificates of obligation to low interest loans and grants. There were even programs for citizens to pay for improvements if those citizens directly benefited from the construction.

The one real commonality of all of the plans was that while Bellaire’s infrastructure had served the City very well, it had reached its useful life and needed to be improved.

Back in the early 1980s, the Environmental Protection Agency (EPA) placed Bellaire under an enforcement order to virtually fix the wastewater collection system. The old concrete lines were collapsing, leaking, and overloading the Bellaire Wastewater Treatment Plant with storm water. Bellaire sold general obligation bonds and certificates of obligation and received a low interest loan from the State of Texas to completely replace its sanitary sewer system. Bellaire was the very first city in the State of Texas to successfully complete a project under the State’s Revolving Fund Program. This was quite an accomplishment.

The City also went a step further than most municipalities by requiring the citizens to replace their service laterals from the rear of the lot to the front of the lot. This was done because those existing service laterals were contributing to the storm water infiltration to the Bellaire Wastewater Treatment Plant. This was a very tough sell, as many already knew. Citizens had to actually pay for their own sewer lateral, which ranged in cost from $800 to $1,500. To ease the burden of the cost to the residents, the City was successful at changing laws that prohibited an expenditure of public funds on private property. The law was changed such that a City plumber was hired to go in and build the
lateral line for the citizen and then have the citizen repay at a low interest rate.

The City also had a fairly aggressive water distribution system replacement program during the same time period through the late 1990s. The program concentrated mainly on replacing the two-inch distribution lines that were old and deteriorated with larger mains that were able to supply water to fire hydrants. Mr. Andrews noted that there were no fire hydrants on the two-inch mains. Larger volumes of water were also needed for sprinkler systems being installed in newer homes.

During that time period, Bellaire replaced approximately 80% of the sanitary sewer system lines and 50% of the water lines. Those infrastructure components had to be improved, but were not necessarily the most critical infrastructure in the eyes of the residents. In survey after survey, citizens ranked the streets as needing the most improvements.

A citizen committee in the late 1980s reported that failure of the streets was due to many different things, including general subsidence, unsealed cracks and joints in the pavement, swelling and heaving of the base material, structural failure of the unreinforced concrete, and age.

In November of 1982, the City Council adopted a street improvement policy. The policy established a mechanism for citizens to initiate street improvements by petition. In essence, each homeowner would pay a percentage of the cost for the improvement in front of their home. The program really did not catch on right away. It was not until the early 1990s that a petition finally came forward for the reconstruction of Linden, Laurel, and Willow near the Little League Field. Following the 1982 policy, the City ended up paying for 86% of the improvements.

The City later determined that the street improvement policy would be cost-prohibitive if everyone came forward with a petition for improving their street. The City instead decided to begin a major maintenance and rehabilitation program on the roads. In the 1980s and 1990s, this program allowed many of the worst streets to be rehabilitated on a pay-as-you-go basis. During this period of time, Bellaire was also successful in obtaining funds from the Texas Department of Transportation (TXDOT) and the Metropolitan Transit Authority of Harris County, Texas (METRO), for improvements to major thoroughfares. The City received money from TXDOT for Bellaire Boulevard and METRO helped with the construction of Bissonnet Street.
In 1997, Claunch & Miller, Inc., conducted a Pavement Condition Assessment, rating all streets in the City. The report categorized the pavement type, the dimensions, riding quality, deterioration level, recommended improvements, and associated costs for improvements. A Pavement Management Program was prepared to help the City formulate a plan to bring all of the streets within the City up to an acceptable level of service.

The Pavement Management Program goal was very simple—to bring the streets up to an acceptable level of service and keep them there. Still, more and more citizens were requesting street improvements due to the very deteriorating condition of all of the roadways in Bellaire. The City requested that Claunch & Miller, Inc., present a program to Bellaire much like the total reconstruction program that Claunch & Miller, Inc., was managing for the City of West University Place, Texas.

Claunch & Miller, Inc., prepared a program calling for completely rebuilding infrastructure throughout the City by areas, called “high impact areas.” On March 13, 2000, Mr. Andrews presented a multi-year capital improvement program to completely reconstruct the roads, drainage, and other infrastructure improvements within designated areas of the City. This plan never really gained any momentum. The problem the City and others had with the “high impact” approach was that it was very, very expensive and would take 15-20 years to completely run through the program. The question became whether citizens would vote for a program with improvements that would occur so far in the future.

Later that same year, another committee made up of Council members, City Staff, engineers, and financial advisors, was put together to come up with a citywide program that could be accomplished in an eight-year period and provide some improvements to virtually every street in the City, continue to address the water and sewer critical needs, and to do so without increasing the tax rate. Thus, the Bellaire Millennium Renewal Program was born and on November 7, 2000, the voters of Bellaire cast their ballots on a bond package that was designed to complete the replacement of the old concrete sanitary sewer lines, upgrade the critical water distribution lines, fund the City’s share of the Loop 610 drainage system, reconstruct or rehabilitate approximately eight miles of major thoroughfares, improve drainage along those major thoroughfares and intersecting streets, reconstruct certain other minor streets, and rehabilitate or perform maintenance on all of the other streets in the City.

There were two bond referendums for the Bellaire Millennium Renewal Program. Proposition One was for or against authorizing the issuance of a little over $23 million of general obligation tax bonds for water
system, sanitary sewer system, and drainage improvements. Proposition Two was for or against authorizing the issuance of just under $22 million of general obligation tax bonds for street improvements. Both referendums passed overwhelmingly.

The construction management of the Bellaire Millennium Renewal Program was not easy. Claunch & Miller, Inc., was tasked with aggressively improving the sanitary sewer lines, the water lines, building major drainage improvements, and working on improving all of the street surfaces in the City in all quadrants of the City simultaneously. There were 20 separate construction packages let, arbitrage issues to monitor, and two contractors that actually went out of business during the middle of their respective projects.

The first phases of the Bellaire Millennium Renewal Program actually started before the initial bond issuance, with the City paying for the design effort with reserve funds and pay-as-you-go funds. The $45 million Bellaire Millennium Renewal Bond Program was supplemented with $801,000 of METRO money each year and completed on time and below budget.

The major drainage components constructed during the Bellaire Millennium Renewal Program would serve as the backbone system for future improvements. The Bellaire Millennium Renewal Program provided for a doubling of the drainage capacity on Loop 610, total reconstruction and major drainage improvements to Avenue B, Newcastle Drive, Jessamine Street, Ferris Street, Fournace Place, Elm Street, and several other roadways, as well as rehabilitation and maintenance to all other remaining streets in the City.

Unfortunately the Bellaire Millennium Renewal Program drainage improvements were not constructed when Tropical Storm Allison hit Bellaire in June of 2001. After Tropical Storm Allison, drainage became the next critical infrastructure issue that the City needed to address. The City Council created a Drainage Committee to identify the needs and develop a plan for improvements.

After almost one year of meetings with City Staff and engineers, the Rebuild Bellaire Program was formalized and introduced to various citizen groups. The consensus was to propose another bond election focusing on continuing the major paving and drainage improvements that were started under the Bellaire Millennium Renewal Program, while emphasizing drainage improvements.

To identify areas most in need of drainage improvements, the City Council, City Staff, and engineers developed a ranking system that not only utilized the Bellaire Public Works Department’s records of the most severe flooding areas, but considered several other rating
categories, such as the adequacy of the existing drainage system, the pavement condition prior to the Bellaire Millennium Renewal Program, lots served by street reconstruction and drainage improvements, traffic on the blocks, and whether or not streets were ditch-drained.

Each street was given a ranking of 1 through 5 for each category and the categories were weighted according to importance. The drainage areas associated with each street was determined first, as well as the associated storm water runoff generated during a two-year frequency storm. A two-year frequency storm was noted to be a storm that had a 50% chance of occurrence in any given year (i.e., about 2” of rain in one hour).

After determining the flows for each street, the capacity of the existing drainage system was determined. Comparing actual drainage capacity to what was needed, the severity of the undersized existing drain system could be determined. For example, a street with a 24” storm sewer draining it that really needed a 42” storm sewer to carry that two-year design storm was noted. If an existing storm sewer handled 25% of the needed capacity, that system was assigned a rating of 5. If it handled 75% of the storm water flows, then it was assigned a rating of 1.

The Bellaire Public Works Department had prepared a map showing drainage area problems that was based on complaints and their own observations. Streets designated by the Bellaire Public Works Department as having drainage problems were given five points and other streets received no points for that particular category.

The street condition records prior to the Bellaire Millennium Renewal Program were also reviewed. Each street was rated on its conditions. Even though streets had been overlaid during the Bellaire Millennium Renewal Program, the street area had only received 5% in point repairs. In other words, some streets had a more deteriorated concrete base underneath the asphalt overlay. The worst streets were given five points and the best streets were given no points.

The group next looked at the number of lots that each particular block serviced and the general cost per lot. In other words, the more lots served, the more points a block received. Each street was looked at and determined to be one of the following: a major street, a street near a school, or a residential street. A major street received five points, a street near a school received three points, and other streets received one point.

Using the ranking categories, streets were sorted to create a preliminary rating spreadsheet. Points in each category were multiplied times the weighted importance factor providing a priority
ranking for a particular street block. The ranking system illustrated significant numbers of streets that needed paving and drainage improvements throughout the City. This was no surprise to anyone because of the age of the infrastructure. This data was then tied to the geographic information system that Claunch & Miller, Inc., had created for the City. This enabled the engineers to quickly determine which drainage improvements produced the most benefits for the areas.

For example, the first sorting of the data showed that all of the Southdale area represented a very high priority. All of the streets in Southdale had no adequate outfall. Instead of proposing the reconstruction of that entire subdivision, the engineers ran the program assuming that Baldwin Avenue was reconstructed with an extreme event storm sewer and as if it were already in place. This corrected the drainage area problems and redistributed paving and drainage priorities to other areas of the City in need.

Likewise, there was another area in the northwest quadrant of the City that was rated very high to receive improvements. It was determined that if the City could construct a storm sewer trunk line on Fifth Street and outfall to the South Rice Avenue box culverts that were in place down Chestnut Street, then the drainage in the whole area would be greatly improved.

To determine improvements for each street, Claunch & Miller, Inc., analyzed each of the areas to determine the most cost-effective, beneficial improvement for that particular area, thus stretching City dollars as far as possible and improving streets and drainage on a citywide basis.

The Rebuild Bellaire Program, Phase One, was completed and included Fifth Street from Palmetto Street to Spruce Street, the 5100 block of Chestnut Street, 4500 block of Beech Street, 4500 block of Elm Street, 4500 block of Evergreen Street, and the 5400 block of Evergreen Street from Alder Street to Renwick Drive.

HDR|Claunch & Miller, Inc., was completing the final paperwork for that project and would be coming to City Council shortly for the closeout of that project. Mr. Andrews was very happy to tell City Council that the City was $500,000 under budget for Phase One.

The Rebuild Bellaire Program, Phase Two, was under construction and should be completed by the summer of 2010. This phase included Avenue B from Fournace Place to Glenmont Drive, the 4500 block of Sunburst Street, the 4500 block of Park Court, Second Street from Elm Street to Chestnut Street, and Whipple Street.
For the Rebuild Bellaire Program, Phase Three, HDR|Claunch & Miller, Inc., were selected using the same criteria outlined above and included Oleander Street from Newcastle Drive to Avenue B, Englewood Street from Maple Street to Pine Street, Holt Street from Loop 610 to South Rice Avenue, and Second Street from Braeburn Drive to Jessamine Street.

The 4500 block of Oleander Street had an existing 24” storm sewer that was connected to the Avenue B system. That storm sewer would be replaced with a larger pipe. The connection to the Avenue B system was constructed and installed during the Bellaire Millennium Renewal Program, Phase Three Project. The system would essentially divert flow to the Avenue B system, which, in turn, would flow to the Loop 610 system that was greatly improved during the Loop 610 improvement project.

Englewood Street, which drained the majority of Pine Street, Valerie Street, Holly Street, Holt Street, and Maple Street, had a single 36” pipe flowing into Cypress Ditch. The 36” pipe would be utilized and a 48” storm sewer would be added down Holt Street. This system would again take advantage of the drainage improvements requested during the reconstruction of Loop 610.

Second Street from Evergreen Street to Jessamine Street was currently served by an 18” pipe at Evergreen Street and a 24” pipe at Jessamine Street. HDR|Claunch & Miller, Inc., was proposing a 30” pipe to Evergreen Street and a 36” pipe to Jessamine Street, connecting to improvements that were constructed in the Bellaire Millennium Renewal Program, Phase One Project, to improve drainage in the area.

Second Street between Braeburn Drive and Evergreen Street was served by an 18” pipe only. The proposed improvements included a 30” connection to Evergreen Street and a 24” connection to Braeburn Drive.

In the future, when Bellview Street and Welford Drive were reconstructed, those streets would outfall to a new 48” line put in during the Loop 610 improvements.

**QUESTIONS REGARDING PRESENTATION:**

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

**Q:** Mayor Pro Tem Peggy Faulk inquired as to whether the presentation could be placed on the City’s website. She noted that many of the questions she had could be answered if she could look at some of the detail.
A: **City Manager Satterwhite** advised that he would put the presentation on the City’s website.

Q: **Councilman Will Hickman** referred to the various phases of the Rebuild Bellaire Program and indicated that it seemed that the City was addressing 4-5 streets at a time with each phase. He inquired as to how many more phases the City would be doing and how many streets in total would be addressed.

A: **Mr. Andrews** indicated that the percentage of streets completed during the Bellaire Millennium Renewal Program equaled approximately 20%. With the reconstruction of Newcastle Drive in the Rebuild Bellaire Program, Phase One, the percentage increased to 23% of the City’s streets. Phase Two of the Rebuild Bellaire Program would increase the percentage to 25%. In other words, per $5 million project, the City was improving approximately 2% of the streets.

Q: **Councilman Hickman** inquired as to the amount of bonds sold for the projects.

A: **Mr. Andrews** advised that for street and drainage improvements, the City issued $41 million in bond money and $2.5 million in pay-as-you go funds.

Q: **Councilman Hickman** inquired as to whether the City would go through 8-9 phases of street and drainage improvements under this program.

A: **City Manager Satterwhite** indicated that the program was intended to be completed over a ten-year period, however, Baldwin Avenue was included in the program and it was an extreme event storm sewer and more expensive than the other systems. The next phase would include Baldwin Avenue.

**Mr. Andrews** noted further that the City did have METRO funds to supplement the construction on Baldwin Avenue.

Q: **Councilman Hickman** referred to the proposed Baldwin Avenue project and noted that the City had discussed detention previously. He inquired as to whether that problem had been solved.

A: **Mr. Andrews** stated that his firm did want to come back to City Council and finalize information regarding that project, but the detention issue had been solved. Basically, a combination of an underground drainage system and overland flow would be used. Detention would be created behind the Bellaire
Wastewater Treatment Plant that was right next to Cypress Ditch. The street would be lowered and the water would be brought down and out of homes in the area.

**City Manager Satterwhite** indicated that the Baldwin Avenue report would be forthcoming to City Council in the very near future.

**Q:** Councilman Hickman referred to Second Street and the fact that it had an existing 18” line. He inquired as to whether HDR|Claunch & Miller, Inc., had looked at the condition of the line or just the capacity or both when ranking the systems for improvement.

**A:** Mr. Andrews indicated that if the area was designated as a problem area by the Bellaire Public Works Department, then the Department would have gone out and tried to clean and/or jet the line. When looking at 60-65 year old pipes, those pipes were starting to collapse and there were issues with tree root intrusion. Although points were given for it being a problem area for the Bellaire Public Works Department, the decision was largely based on the existing capacity/diameter of line and the velocity through the line.

**Q:** Councilman Hickman inquired as to when the Bellaire Millennium Renewal Program had started.

**A:** Mr. Andrews advised that the Bellaire Millennium Renewal Program stated in spring of 2001.

**Q:** Councilman Hickman inquired as to the life of the first Bellaire Millennium Renewal Program project. In other words, when did the City need to finish 100% of the City and start over?

**A:** Mr. Andrews indicated that if the City continued to perform maintenance on the streets that were rehabilitated, the life could be pushed out to 50 years.

**C/Q:** Councilman Pat McLaughlan advised that the presentation was very good and informative and thanked Mr. Andrews.

He referred to street pavement maintenance and noted that trees planted in the street right-of-ways were causing real problems for the streets. He suggested that the future City Council look at some type of legislation that would cause the trees to be set back appropriately from the curb line.
In terms of storm water management, Councilman McLaughlan stated the fact that the City had some undersized storm sewer systems caused the City streets to become a detention system for storm water. Improvements to the neighborhoods in the form of larger storm sewer lines meant that the water would drain much more rapidly to the City’s major collection culverts (Chimney Rock Road, South Rice Avenue, Loop 610, Avenue B, and Newcastle Drive). With the City’s current drainage system, Councilman McLaughlan had seen the City’s major collection culverts overloaded. He inquired as to whether it was the engineer’s analysis that as the City spent money expanding the storm water drainage lines (which we certainly wanted to do), the drainage culverts would still be able to handle the increased flow and would Cypress Ditch be able to handle the increased flow?

A: Mr. Andrews indicated that under a certain event, the flow could be handled. What the engineers were trying to do was to take water off of areas and place it into other systems that had doubled in size. Councilman McLaughlan was exactly right—Cypress Ditch could only handle a certain amount of water as could Brays Bayou. If both of those outfalls were full to their banks, then Bellaire’s underground system would become very inefficient and virtually would not drain until the water level started to drop in Cypress Ditch and Brays Bayou.

The City was planning for future levels in Brays Bayou to go down because of the major detention facilities being constructed during Project Brays with the Harris County Flood Control District.

Q: Councilman James P. Avioli, Sr., inquired as to how long it would take to complete the Rebuild Bellaire Program, Phase Three.

A: Mr. Andrews indicated that the project would take about ten months to design and then another month to two months for advertising the project, accepting bids, evaluating bids, and bringing those back to City Council. The construction phase would take no more than 12 months. In order to meet that construction schedule timeline, however, some areas might be under construction simultaneously.

Q: Councilman Avioli inquired as to the total cost, roughly, of the Rebuild Bellaire Program, Phase Three project.

A: Mr. Andrews stated that the total cost would be approximately $5.7 million.
Q: **Councilman Avioli** asked for confirmation that each phase cost approximately $5 million.

A: **Mr. Andrews** indicated that the phases varied in cost, but $5 million was the approximate cost per phase.

Q: **Councilman Avioli** advised that he felt that the selection process used to determine priorities was very good and a great deal of thought went into it. He inquired as to when the selection process was developed—in 2000?

A: **Mr. Andrews** indicated that the selection process was done over a period of two years and started in 2003.

Q: **Councilman Avioli** inquired as to whether there was any need to update that process.

A: **Mr. Andrews** stated that his firm updated the process every time an area was considered for improvements.

Q: **Councilman Avioli** advised that more capacity would be provided with a 36” line versus a 24” line and inquired as to whether the City should consider a larger line to begin with.

A: **Mr. Andrews** agreed that Councilman Avioli was correct, but then the City would get into an issue that Councilman McLaughlan had alluded to wherein if water were moved too quickly to one area, the outfall system might be overloaded. The engineers were trying to balance the water flow through the drainage base.

Q: **Mayor Cindy Siegel** asked if the water were moved too quickly if the Harris County Flood Control District could mandate that the City provide detention.

A: **Mr. Andrews** indicated that the City actually would provide detention. Mayor Siegel was correct in that if the City moved the water too quickly and did not have adequate detention, then additional detention would be required.

Q: **Mayor Siegel** inquired as to the price per block—a general cost.

A: **Mr. Andrews** advised that depending on the size of the storm sewer pipe, the price per block was approximately $750 per foot.

Q: **Mayor Siegel** asked for the price for an average block.
Mr. Andrews stated that the cost for an average block was approximately $750,000.

Mayor Siegel inquired as to how much the City could reasonably handle within one year.

Mr. Andrews stated that to manage the mobility around the City, the size of projects could be doubled.

Mayor Siegel noted that she was often asked why the City of West University Place was able to do all of their streets. She had been told that West University Place did not do the storm water improvements that the City of Bellaire was doing.

Mr. Andrews advised that in the first few phases of their program, the City of West University Place did not make storm water improvements. West University Place’s street system was only one-half the size of Bellaire's street system.

Mayor Siegel asked if the City were able to do everything, including storm water drainage, what the total cost would be in today’s dollars.

Mr. Andrews advised that after completed the Rebuild Bellaire Program, he would say the City probably had $180 million of street and drainage work to accomplish.

Mayor Siegel asked if this meant that every street in Bellaire would be reconstructed with concrete.

Mr. Andrews advised that Mayor Siegel was correct.

Mayor Siegel inquired as to whether streets, such as the one she used to live on (a dead-end street), would be reconstructed in concrete as well.

Mr. Andrews advised that Mayor Siegel was correct.

Mayor Siegel asked Mr. Andrews if he could refresh her memory as to the funding that would be used for the Baldwin Avenue improvements.

Mr. Andrews indicated that the Baldwin Avenue project received $3.2 million from METRO.

Mayor Siegel asked if that amount was above and beyond the $801,000 the City received from METRO each year.
Mr. Andrews advised that Mayor Siegel was correct. The City would still be receiving the $801,000 each year from METRO.

Mayor Siegel asked for confirmation that the City received money from METRO for the Newcastle Drive improvements.

Mr. Andrews stated that virtually all of the improvements on Newcastle Drive were paid for by METRO.

Councilman Hickman referred to the $801,000 the City received per year from METRO and inquired as to what those funds were used for.

Mr. Andrews indicated that the bond program for the Bellaire Millennium Renewal Program was $45 million for the 7-8 year period. During that period, the City used another $7.2 million in METRO money to supplement the work.

Mayor Siegel stated that the monies were used to resurface the streets. When that program was put together, the intent was not to use bond money for something that was not lasting beyond the life of the asset.

Councilman Hickman asked if those funds would still be used for resurfacing going forward.

Mr. Andrews advised that it would not be used for resurfacing. The streets that were done in the first phases of the Bellaire Millennium Renewal Program still had to be maintained. City Staff would like to use the money to re-evaluate streets and replace any areas that failed.

City Manager Satterwhite noted that City Staff was looking at some project to bring back to City Council for approval.

Councilman Hickman asked if Mr. Andrews had any clients that were getting stimulus money for streets, sewer, or storm water.

Mr. Andrews advised that he did have clients getting stimulus funds for large, major construction projects. He advised further that the Grand Parkway was one of the biggest takers of stimulus funds. They received $181 million. There was some money out there to be taken.
MOTION TO ACCEPT RECOMMENDATION FOR REBUILD BELLAIRE PROGRAM, PHASE THREE:

A motion was made by Councilman Will Hickman and seconded by Councilman James P. Avioli, Sr., to accept the recommendation from the Bellaire Public Works Department and consulting engineers, HDR|Claunch & Miller, of the streets proposed to receive reconstruction and drainage improvements under the Rebuild Bellaire Program, Phase Three, consisting of:

- **4500 block of Oleander Street** (from Newcastle Drive to Avenue B);
- **Englewood Street** (from Pine Street to Cypress Ditch);
- **4700-5000 blocks of Holt Street**;
- **Second Street** (from Evergreen Street to Jessamine Street); and
- **Second Street** (from Braeburn Drive to Evergreen Street).

VOTE ON MOTION TO ACCEPT RECOMMENDATION FOR REBUILD BELLAIRE PROGRAM, PHASE THREE:

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

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

**OPPOSED:** None

**ABSENT:** Nauert, Phil

**F. PROCLAMATIONS:**

1. **ISSUANCE** by Mayor Cindy Siegel of a proclamation proclaiming the week of October 4-10, 2009, as **Fire Prevention Week** throughout the City of Bellaire, Texas, in appreciation and recognition of the services provided by the Bellaire Fire Department, and encouraging the citizens of Bellaire to protect their homes and families by heeding important safety messages, as well as the 2009 Fire Prevention Week theme, “Stay Fire Smart! Don’t Get Burned,” and by supporting the
many public safety activities and efforts of Bellaire’s fire and emergency services – Item submitted by Fire Marshal Alton Moses; Proclamation to be issued by Mayor Cindy Siegel.

Mayor Cindy Siegel read the proclamation she had issued proclaiming the week of October 4-10, 2009, as Fire Prevention Week in the City of Bellaire, Texas, in its entirety as follows:

Whereas, the City of Bellaire, Texas, is committed to ensuring the safety and security of all living in and visiting our City; and

Whereas, fire is a serious public safety concern, both locally and nationally, and homes are locations where people are at greatest risk from fire; and

Whereas, annually, roughly 3,000 people die as a result of home fires and burns and more than 200,000 individuals are seen in the nation’s emergency rooms for burn injuries; and

Whereas, thermal burns outnumber scalds nearly two-to-one, but for children ages five and under, scalds outnumber burns roughly two-to-one; and

Whereas, cooking is the leading cause of home fires and home fire injuries, while heating equipment and smoking are the leading causes of home fire deaths; and

Whereas, Bellaire’s first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

Whereas, Bellaire residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more like to survive a fire; and

Whereas, the 2009 Fire Prevention Week theme, "Stay Fire Smart! Don’t Get Burned," effectively serves to remind us all of the simple actions we can take to stay safe from fire during Fire Prevention Week and year-round.

Now, Therefore, I, Cynthia Siegel, Mayor of the City of Bellaire, Texas, do hereby proclaim the week of October 4-10, 2009, as Fire Prevention Week throughout this City, and I urge all people of Bellaire to protect their homes and families by heeding the important safety messages of Fire Prevention Week 2009, and to support the many public safety activities and efforts of Bellaire’s fire and emergency services.
In Witness Whereof, I have hereunto set my hand and caused the seal of the City of Bellaire, Texas, to be affixed this 5th day of October, 2009.

Cynthia Siegel, Mayor
City of Bellaire, Texas

Mayor Cindy Siegel presented the proclamation for “Fire Prevention Week” to Assistant Fire Chief Alton Moses of the Bellaire Fire Department.

2. ISSUANCE by Mayor Cindy Siegel of a proclamation proclaiming November 14, 2009, as Bellaire Recycles Day in the City of Bellaire, Texas, and encouraging the citizens of Bellaire to increase their awareness of the need to reduce waste by reusing, recycling, and buying recycled products and to support the efforts of and participate in the activities of the Bellaire Recycling Committee – Item submitted by City Clerk Tracy L. Dutton on behalf of the Bellaire Recycling Committee.

Mayor Cindy Siegel read the proclamation she had issued proclaiming November 14, 2009, as Bellaire Recycles Day in the City of Bellaire, Texas, in its entirety as follows:

Whereas, each year, Americans generate nearly 230 million tons of municipal solid waste. That is more than 4.5 pounds per person per day. While the nation has reached an overall recycling rate of 33 percent, much more can be done, especially in closing the loop and purchasing products made with recycled content; and

Whereas, each year, Bellaire residents generate nearly 7,000 tons of municipal solid waste. That is more than 2.4 pounds per Bellaire resident per day. While the City of Bellaire has reached an overall recycling rate of approximately 30 percent, much more can be done, especially in recycling more, closing the loop and purchasing products made with recycled content; and

Whereas, to focus the nation’s attention on the importance of recycling and closing the loop, businesses, industries, government agencies, nonprofit organizations, and individuals have joined together to celebrate America Recycles Day and are encouraging their employers, staff, customers, membership, and all citizens to pledge to buy more recycled products starting on November 25; and

Whereas, participating in America Recycles Day 2009 is one way citizens can help raise awareness about the need to reduce waste by reusing, recycling, and buying recycled products; and
Whereas, state and community leaders need to spread the word about the excellent recycling programs they have established, the growth of markets for recyclable materials, and the importance of buying recycled products;

Now, Therefore, I, Cynthia Siegel, Mayor of the City of Bellaire, Texas, do hereby proclaim Saturday, November 14, 2009, as Bellaire Recycles Day in the City of Bellaire, Texas, and I urge all citizens of Bellaire to observe this special day, along with America Recycles Day on November 15, 2009, by supporting the activities of the Bellaire Recycling Committee, Bellaire’s Curbside Recycling Program, and by pledging to recycle, reuse, and purchase more recycled products.

In Witness Whereof, I have hereunto set my hand and caused the seal of the City of Bellaire, Texas, to be affixed this 5th day of October, 2009.

Cynthia Siegel, Mayor
City of Bellaire, Texas

Mayor Cindy Siegel presented the proclamation for “Bellaire Recycles Day” to the following members of the Bellaire Recycling Committee: Chair Brenda Cauthen, Gail Edmiston, Stephanie Goldfield, and Miriam Wiener.

G. CONSENT AGENDA – All items listed under the Consent Agenda are considered routine and are recommended for approval by a single motion of City Council, without discussion. If discussion is desired, any one or more members of City Council and/or the Mayor may request that an item be removed and considered separately.

Approval/Correction of Minutes

APPROVAL of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held Monday, September 14, 2009 – Item submitted by City Clerk Tracy L. Dutton.

Councilman Will Hickman and Councilman James P. Avioli, Sr., requested that the minutes be removed from the Consent Agenda for discussion. Both noted that there were discrepancies on pages 37, 40, 43, 45, 47, and 48, indicating a unanimous vote for various agenda items, but detailing a different record vote.

City Clerk Tracy L. Dutton requested that the item be postponed until the next Regular Session of City Council so that she could recheck the audio recording of the Regular Session held on September 14, 2009, and make any necessary changes.
MOTION TO POSTPONE APPROVAL OF THE MINUTES:

A motion was made by Councilman Will Hickman and seconded by Councilman James P. Avioli, Sr., to postpone action on the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held Monday, September 14, 2009, until the next Regular Session of City Council scheduled to be held on October 19, 2009.

VOTE ON MOTION TO POSTPONE APPROVAL OF THE MINUTES:

Motion carried unanimously on a 5-0 vote as follows:

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

OPPOSED:  None

ABSENT:  Faulk, Peggy*
          Nauert, Phil

*Mayor Pro Tem Peggy Faulk stepped away from the City Council table and did not participate in the vote related to the above agenda item.

H. ADOPTION OF ORDINANCE:

Agreements and Contracts

CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, and the City Manager and the City Attorney of the City of Bellaire, Texas, to countersign and approve as to form, respectively, an Agreement Between Harris County and the City of Bellaire, Texas, Relating to Joint Elections to be Held November 3, 2009 – Item submitted by City Clerk Tracy L. Dutton.

MOTION TO ADOPT ORDINANCE AUTHORIZING EXECUTION OF AGREEMENT:

A motion was made by Councilman Will Hickman 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 and the City Clerk of the City of Bellaire, Texas, to execute and attest, and the City Manager and the City Attorney of the City of Bellaire, Texas, to countersign and approve as to form, respectively, an Agreement
Between Harris County and the City of Bellaire, Texas, Relating to Joint Elections to be Held November 3, 2009.

VOTE ON MOTION TO ADOPT ORDINANCE AUTHORIZING EXECUTION OF AGREEMENT:

Motion carried unanimously on a 5-0 vote as follows:

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

OPPOSED:  None

ABSENT:  Faulk, Peggy*
Nauert, Phil

*Mayor Pro Tem Peggy Faulk stepped away from the City Council table and did not participate in the vote related to the above agenda item.

{Ordinance was subsequently numbered: 09-063}

I. ADOPTION OF RESOLUTION:

Nominee to HCAD Board

CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, nominating a candidate for a position on the Board of Directors of the Harris County Appraisal District for a term of two years commencing on January 1, 2010, and expiring on December 31, 2012 – Item submitted by City Clerk Tracy L. Dutton on behalf of the Chief Appraiser of the Harris County Appraisal District.

SUMMARY:

Mayor Cindy Siegel advised that City Staff had been directed to find out who interested parties and nominees were for this position.

City Clerk Tracy L. Dutton advised that she had contacted the following cities regarding the position: West University Place, Bunker Hill Village, Hilshire Village, Webster, and Tomball. Each of those cities chose to nominate Ed Heathcott and had already done so.

City Clerk Dutton advised that City Council could chose to nominate Ed Heathcott or someone else.
City Manager Bernard M. Satterwhite, Jr., stated that City Council could also chose to do nothing.

Mayor Siegel reminded everyone that Ed Heathcott currently acted as the small cities representative on the Harris County Appraisal District (HCAD) Board.

Councilman Will Hickman inquired as to whether anyone in Bellaire had sent in a request to be nominated.

City Clerk Dutton and City Manager Satterwhite advised that no requests had been received for a nomination to the HCAD Board.

City Clerk Dutton advised that once the City received the ballot for this position and if there happened to be any other nominees on the ballot, City Staff would invite those nominees to attend a meeting so that City Council could meet and talk with them.

**MOTION TO ADOPT RESOLUTION NOMINATING CANDIDATE TO THE BOARD OF HCAD:**

A motion was made by Councilman Pat McLaughlan and seconded by Mayor Pro Tem Peggy Faulk to adopt a resolution of the City Council of the City of Bellaire, Texas, nominating Ed Heathcott for a position on the Board of Directors of the Harris County Appraisal District for a term of two years commencing on January 1, 2010, and expiring on December 31, 2012.

**DISCUSSION ON MOTION TO ADOPT RESOLUTION NOMINATING CANDIDATE TO THE BOARD OF HCAD:**

Councilman James P. Avioli, Sr., stated that he would like to see someone from Bellaire involved with HCAD. He hoped that in the future, City Council could work toward that for the next two-year term.

Mayor Pro Tem Faulk advised that she would like to nominate Councilman Avioli for the HCAD Board.

City Attorney Alan P. Petrov indicated that Councilman Avioli would not be able to serve on the HCAD Board and City Council at the same time. Because the HCAD Board was responsible for the setting of appraisals and that then tied into Bellaire setting its tax rates, the two positions would be incompatible.

Mayor Pro Tem Faulk inquired as to when the HCAD Board position went into effect.
City Clerk Dutton advised that the position went into effect on January 1, 2010.

Mayor Pro Tem Faulk inquired as to when Councilman Pat McLaughlan would be leaving office. After noting that he would be leaving office in early January and that there would be a slight overlap, she inquired of City Attorney Petrov if that would be a problem.

City Attorney Petrov indicated that it would not be a problem.

Councilman Pat McLaughlan advised that he appreciated the confidence, but felt it was time for a little rest on his part.

Mayor Siegel asked Mayor Pro Tem Faulk if she would be interested.

Mayor Pro Tem Faulk advised that she would have to agree with Councilman McLaughlan--it was time for a rest.

Mayor Siegel noted that once the City had received the ballot and if there were other nominees on it, she agreed with City Clerk Dutton that it would be very appropriate to invite those nominees to a City Council meeting.

VOTE ON MOTION TO ADOPT RESOLUTION NOMINATING CANDIDATE TO THE BOARD OF HCAD:

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

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

OPPOSED: None

ABSENT: Nauert, Phil

{Resolution was subsequently numbered: 09-10}

J. ITEMS FOR INDIVIDUAL CONSIDERATION:

History Walk Project

1. CONSIDERATION of and possible action on a recommendation from the Bellaire Arts Commission for City Council approval of a final design of the Bellaire Centennial Commemorative History Walk Project, consisting of ten plinths to be located in various
historical areas throughout the City of Bellaire, Texas, as well as a brochure, and approval for the City Manager of the City of Bellaire, Texas, to effect the purchase of any and all materials, services, and equipment necessary to implement the project – Item submitted by Director of Facilities Management Karl Miller on behalf of the Bellaire Arts Commission.

SUMMARY:

Director of Facilities Management Karl Miller advised that the item before City Council was for the acceptance of the implementation of the Bellaire History Walk. During the last presentation to City Council regarding the Bellaire History Walk, City Council voted to move forward with developing the project and requested that the project be brought back for final consideration.

Members of the Bellaire Arts Commission, Kathy Biddle, Kay Hieronymus, Kathryn M. Hardin, and Director Miller had been working quite closely together on this item. Since the last presentation, a local artist was hired and ten renderings were created for the Bellaire History Walk. Those renderings were included in City Council’s packet. Quotes had also been secured for the implementation of this project.

Director Miller turned the presentation over to Bellaire Arts Commission Member Kay Hieronymus, who would provide an overview of the project.

Bellaire Arts Commission Member Kay Hieronymus advised that the Bellaire Arts Commission was presenting again this evening the “Bellaire Centennial History Walk – A Glimpse of the Past with an Eye Toward the Future.” The project had been a collaborative effort of the Bellaire Centennial Committee, the Bellaire Arts Commission (especially Member Kathryn Hardin, who had expertise in design, and Chair Kathy Biddle), the Bellaire Historical Society (with special research done by Members Linda Dyson and Lynn McBee), Bellaire City Library Archives, and the Bellaire Parks & Recreation Department (Facilities Director Karl Miller and Director of Parks & Recreation Jane L. Dembski).

The goals of the project were to commemorate Bellaire’s Centennial or 100th birthday. A self-guided tour was developed that highlighted the original downtown and also incorporated some of the other buildings of significance historically on the east side of the West Loop. The tour told the story of Bellaire as the “City of Homes,” and it incorporated the existing Texas Historical Markers (there were five located around the community).
Member Hieronymus noted that a tour map (four-fold) had been placed in City Council’s packet. There were flexible entries along the tour, meaning that one could start anywhere and end anywhere. There was a Trolley District, a Central District, and an East Side District. The tour was pedestrian-safe. There was only one street on the tour that did not have a crosswalk.

Member Hieronymus advised that there ten plinths to be constructed along the History Walk. A sample plinth, sized to scale, was shown to City Council. The base was made of concrete and the plinth was made of Texas pink granite with a brushed stainless etched plate. The plates would have a pen and ink drawing done by the artist at the top, as well as an approximate 50-word description. The plinths were as historically accurate as the group could make them with the time allowed.

The artwork had already been completed and paid for. Architectural Rendering Artist Jim Arp did the artwork. Other uses for the drawings, which were owned by the City, were noted to be the City website, City brochures, History Walk self-guided tour maps, and prints suitable for framing and sale. The Patrons for Bellaire Parks, Inc., were planning to sell note cards with the artwork as a fundraising project.

With City Council’s approval, ten markers or plinths would be installed now. Member Hieronymus noted that markers could be added later as items of historical significance were brought to the City’s attention. There was no beginning or end to a History Walk. With inputs and research from many sources and many citizens, the Bellaire Arts Commission was proud to recommend to City Council a Bellaire Centennial History Walk that was suitable, appropriate, enduring, and worthy of being installed that commemorated Bellaire’s pride in its 100th birthday.

**Director of Facilities Management Karl Miller** advised that the Bellaire Arts Commission had created a bid specifications packet that was used to secure quotes. He added that the Bellaire Arts Commission had done a fantastic job on that specifications packet.

Four quotes were received from fabricators ranging from $18,640 to $35,580. All the vendors were qualified to do the work and references were checked. In Member Hardin’s profession, she had actually worked with all four of the fabricators and knew the quality of work and the commitment of each of the fabricators. The selected vendor would be responsible for engineering, fabrication, and installation of each of the plinths. The vendor was required to provide a one-year warranty for workmanship and materials. A quote had also been secured in the amount of $825 for 2,500 colored maps or brochures for the Bellaire Centennial History Walk.
Upon City Council’s approval, Director Miller and the Bellaire Arts Commission would be working with the Bellaire Public Works Department to determine the exact specific location of each of the ten plinths to ensure that the location was not within a utility easement or created an accessibility issue.

The estimated completion date would be the end of January 2010. In closing, Director Miller advised that he would like to recommend that City Council direct the City Manager to move forward with the implementation of the Bellaire Centennial History Walk.

**QUESTIONS FROM CITY COUNCIL:**

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

**Q:** Councilman Will Hickman referred to the plinths and inquired as to whether vandalism could occur—such as scratching the plates, painting the plinths, or removing the plates from the plinths, etc.

**A:** Director Miller advised that there was always potential for vandalism of some type. Graffiti (painting on the plinths) could easily be removed. He did not believe that the cost to replace the plates would be outrageous if the City ever got to that point.

**Q:** Councilman Hickman inquired as to how the plates were attached to the plinths.

**A:** Director Miller advised that the plates would be pin-bolted down on the granite.

**Q:** Councilman James P. Avioli, Sr., inquired as to the total cost of the project.

**A:** Director Miller stated that the quote of $18,640 would be accepted, and there would be a cost of $825 for printing the brochures.

**C:** Councilman Avioli advised that the numbers came out to roughly $23,000. He believed that there was $30,000 in the budget, and noted that this project would end up under budget.

**R:** Director Miller stated that Councilman Avioli was correct.

**C:** Councilman Avioli indicated that he really appreciated all of the work that went into this project by the various committees.
Q: Councilman Pat McLaughlan noted that he had looked up the word “plinth” in the dictionary and it was defined as a square block under a pedestal. He asked if the plinth would sit on the ground or if it had a foundation.

A: Director Miller advised that there was a foundation that the plinth would sit on. The fabricator was required to have an engineer design the foundation to ensure that stability of it. He believed the foundation was approximately six to eight inches wider than the plinth and approximately one-two feet deep. The base would be belowground and constructed of concrete.

Bellaire Arts Commission Member Kathryn M. Hardin advised that the foundation would be dependent on where the plinths were finally located. If the plinth were located in a flowerbed, for example, the plinth would have one type of base. If the plinth were located in concrete, then there would be a different type of base. Each of the bases would be shown in the shop drawings that the fabricator was required to prepare for the City prior to proceeding with any construction.

Q: Councilman Hickman asked for confirmation that the $18,640 cost was for the plinths installed with stainless steel plates attached.

A: Director Miller advised that Councilman Hickman was correct. The cost included design, engineering, fabrication, and installation.

Q: Mayor Cindy Siegel referred to several of the sites on the tour. She asked if the City had obtained permission from some of the sites that did not necessarily include City right-of-way, such as Condit Elementary School.

A: Director Miller indicated that if the plinths needed to be located in areas other than City rights-of-way, the City would obviously have to obtain permission from, for example, the school district to locate the plinth on their property.

City Manager Satterwhite advised that the City did not want to install the plinths on private property and would make every effort to ensure that the plinths were installed on City rights-of-way. In the business district, there was not a great deal of room and it would be necessary to identify where the property lines were.
MOTION TO APPROVE THE RECOMMENDATION AND DIRECT CITY MANAGER TO PROCEED WITH PROJECT:

A motion was made by Councilman John Jeffery and seconded by Councilman James P. Avioli, Sr., to approve a recommendation from the Bellaire Arts Commission of the final design of the Bellaire Centennial Commemorative History Walk Project, as well as the self-guided map or brochure, and to direct the City Manager of the City of Bellaire, Texas, to proceed with the steps necessary to effect the purchase of any and all materials, services, and equipment to implement the project.

VOTE ON MOTION TO APPROVE THE RECOMMENDATION AND DIRECT CITY MANAGER TO PROCEED WITH PROJECT:

Motion carried unanimously on a 5-0 vote as follows:

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

OPPOSED: None

ABSENT: Faulk, Peggy*
          Nauert, Phil

*Mayor Pro Tem Peggy Faulk stepped away from the City Council table and did not participate in the vote related to the above agenda item.

Fire Station Project

2. PRESENTATION and discussion of the final design for the Bellaire Fire Station to be constructed in the same location as the existing Bellaire Fire Station – Item submitted by Director of Facilities Management Karl Miller; Presentation by Jeff Gerber, President and CEO, Pierce Goodwin Alexander & Linville (PGAL).

SUMMARY:

City Manager Bernard M. Satterwhite, Jr., advised that the final design for the Bellaire Fire Station was presented to City Council in June. What City Staff wanted to do this evening was to bring City Council up to speed with what Pierce Goodwin Alexander & Linville (PGAL) had been doing, along with the City’s Construction Manager at Risk, Gilbane Building Company, in developing the project and getting
ready to go out for bid on the various components. He turned the presentation over to Jeff Gerber, President and CEO, of PGAL to describe the process.

**PRESENTATION:**

**Jeff Gerber, President and CEO, PGAL,** summarized the process the City had followed thus far with the Bellaire Fire Station Project. He noted that the City had solicited competitive proposals and selected a Construction Manager. That Construction Manager had been working side by side with PGAL for the last several months on cost estimating, constructability reviews, scheduling, and preparing documents to meet the City’s needs on the project.

The Construction Manager, Gilbane Building Company (“Gilbane”), had prepared proposals and would be gathering the proposals and preparing a guaranteed maximum price that would be presented to City Council for consideration and approval in November of 2009. Gilbane was required to obtain multiple bids for the entire project—for all of the different trades.

Other things going on with the project relative to schedule, were the submission of the project for a building permit a few weeks back. PGAL and Gilbane had gotten comments back from the City and were incorporating those comments into the documents. As mentioned, PGAL expected to have the guaranteed maximum price from Gilbane to present to City Council sometime in November. The City had the flexibility in this process to not accept all of the component bids. PGAL and Gilbane did not expect to receive proposals that needed to be re-bid, but the City did have that flexibility if bid coverage was not good for a particular component or components.

Assuming that City Council approved the guaranteed maximum price in November of 2009, construction could start shortly thereafter in late November or early December, with occupancy expected somewhere in November of 2010.

In terms of the budget and based on recent costing estimates from Gilbane, the City was still on track. Gilbane believed that the project, as designed, would yield a guaranteed maximum price that would be within the project budget that City Council had seen from the very beginning of the process.

In terms of the LEED (Leadership in Energy and Environmental Design) certification, City Council directed PGAL to pursue a LEED certification for the project. The project had been registered and was on track to get a LEED certification. The formal submittal to the United States Green Building Council (“USGBC”) would not happen until after the
building was completed. At that point the USGBC would deem whether the credits that had been submitted for the certification would be acceptable or not. That feedback from the USGBC in terms of the certification would not occur until January of 2011.

The building that had been designed was designed to meet all of the applicable Codes. The building structure and skin were designed to accommodate a wind of 146 miles per hour, which was essentially the Miami-Dade County standard. In terms of drainage, the building finished floor was a little over one foot above the base flood elevation. As part of the engineering of the site, there was an underground detention system that was there to accommodate the fact that there was a little more impervious cover than the existing site and to accommodate mitigation.

Mr. Gerber presented a foam board with exterior finish samples on it for City Council’s review. The building elevation and rendering was essentially as City Council saw and approved back in June of 2009. The building included a standard seam metal roof (green in color). The building material was brick. The base of the building was bid as two different systems—one was a cast stone and the other was a manufactured masonry block. The systems would look the same essentially. The window glass was insulated and laminated. The window frames were noted to be anodized aluminum.

In terms of the interior finishes, Mr. Gerber advised that a number of different finish pallets were reviewed with City Staff and with Gilbane. He noted that there were several finish pallets that bids were being requested for. Once the pricing came back, City Council would be able to make final decisions based on the pricing for those different pallets.

The goal for the interior finishes was durability. Another goal was to ensure that the materials selected were timeless. Colors were introduced in areas that could be easily changed over the course of the project. All of the finishes also needed to be LEED-compliant (i.e., having green components, recycled content, etc.).

Mr. Gerber indicated that the majority of the building had a hard floor system (i.e., a stained concrete or a tile component). A tile component would be used in the restrooms on the walls and floor. All of the millwork or cabinets would be constructed of plastic laminate. The plastic laminate to be used would look like a wood product. Very little carpet would be used in the facility. In terms of paint, a number of different tones would be used to get light into the building.

Mr. Gerber continued and stated that in terms of the building itself, the site plan was still very much like the City Council had seen previously. The fence line would essentially remain in its current location.
major trees along South Rice Avenue would be saved. The grading of the site in front of the main entry was designed in such a way to eliminate the series of ramps and railings as existed in front of the Police and Municipal Court Building.

The sidewalks on the perimeter of the site on Jessamine Street and South Rice Avenue would be damaged during the course of construction.

City Council was shown a slide of the site plan and Mr. Gerber advised that he wished to point out some of the major differences. In the previous scenario, some parking spaces had existed near the front entrance. In order to save a tree and due to the fact that the grading could be changed to accommodate the Americans with Disabilities Act, the parking was relocated. The existing parking lot was not part of this project, but the new facility would encroach into that parking lot a little bit.

**City Manager Bernard M. Satterwhite, Jr.,** noted that on the east side of the facility, a different type of landscaping would be used.

**Mr. Gerber** advised that City Manager Satterwhite was correct. The geotechnical report for the project recommended replacing 48” of the material underneath the existing building and replacing it with engineered fill and bringing it back up to the final grade. This would occur under the entire building footprint. Precautions would be taken to protect the root systems of the existing trees. PGAL wanted to make sure on South Rice Avenue that the new sidewalk would be constructed to the same width as the existing sidewalk. To increase the width of the sidewalk would involve an encroachment on the root system of the trees. Ground cover would be used on the east side of the building in lieu of sod so that more oxygen could get down to the root system. Mr. Gerber advised that this was a recommendation from their landscape architect.

In summary, there would be very little grass involved in the project. Under the base bid, there was a decomposed granite walk system in parts of the project as this was not considered a pervious surface and would allow water to drain through. PGAL had requested an add alternate bid for concrete pavers that could be used in lieu of the decomposed granite walk system.

In terms of the floor plans, the floor plans were very much like what was approved previously. The administrative components of the building, including the training room/emergency operations center, were located on the first floor in one corner of the site. The apparatus bays were located in the same area as before. The emergency generator building was pointed out. One of the LEED component
requirements was a recycling area and the designated spot for recycling was pointed out as well.

With respect to the second floor, the floor plan was very much like it was before. The same number of sleeping areas remained, as well as self-contained restroom and shower facilities. The living area and kitchen were also located on the second floor.

QUESTIONS FROM CITY COUNCIL:

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

Q: Councilman John Jeffery inquired as to how large the “back yard” area was. In other words, could the firefighters put a barbecue pit and picnic table in the back for outdoor cooking?

A: Mr. Gerber advised that the area was tight—the City was right on top of the building lines. There would, however, be room for a barbecue pit and picnic table in the back. The facility was approximately 20 feet off of the fence line.

Q: Councilman James P. Avioli, Sr., noted that during a prior discussion he had inquired as to the height of the tower. One of Bellaire’s citizens raised that question again this evening. He inquired as to the final height of the tower.

A: Mr. Gerber indicated that it was slightly shorter than the previous rendering. It was 48’ 3” to the top of the tower.

Q: Councilman Avioli asked if the height was in excess of the limit set out by the City Code.

A: City Manager Satterwhite indicated that the height was in excess of the limit set for residential construction.

Mr. Gerber advised that the main section of the roof was 43’ 4”.

Q: Councilman Avioli inquired as to how much taller the tower was in comparison to the main section of the roof.

A: Mr. Gerber advised that the tower was approximately five feet taller than the main section of the roof.

Q: Councilman Avioli noted that aesthetically the tower looked very nice. He asked if it had a utilitarian purpose as well.
A: Mr. Gerber indicated that the only direction from which the tower could be seen was from the Bellaire Town Square side. The tower could not be seen from the back of the facility at all. He felt that the tower element provided an iconic component that anchored that corner of the City’s main complex. It served a purpose in that regard. There was no functional reason for the tower to be the height that it was.

C: Councilman Avioli advised that he was trying to look to the future, noting that a citizen might ask the City for an exception to the height limit based on the fact that the City itself had exceeded the height limit.

Q: Mayor Siegel asked if City Attorney Alan P. Petrov could address Councilman Avioli’s concern from a legal standpoint.

A: City Attorney Alan P. Petrov advised that it would not affect a residential structure coming before the City for any kind of variance. Variances were considered on a case-by-case basis and on their own merits. In other words, the City’s tower would not set any type of precedent.

Q: Mayor Siegel asked if there were restrictions under state law with respect to the height of the tower.

A: City Attorney Petrov indicated that the City Code did not establish a height requirement or limitation for city-owned buildings.

Q: Mayor Siegel inquired as to the height requirement for residential structures.

A: City Attorney Petrov indicated that the height requirement for residential structures was 40 feet.

Q: Mayor Siegel inquired as to the height requirement for commercial.

A: City Attorney Petrov advised that he could not recall what the height requirement was for the City Center District, but noted that it varied.

Q: Mayor Siegel asked for confirmation that legally there was no restriction on municipal buildings.

A: City Attorney Petrov advised that Mayor Siegel was correct.
Q: Mayor Siegel inquired as to whether the City Attorney was referring to state law.

A: City Attorney Petrov advised that the City established size restrictions for residential construction, but not for city-owned facilities.

Q: Councilman Will Hickman inquired as to the roof height of 43’ 4” and inquired if that were measured from the base floor elevation or from the curb level.

A: Mr. Gerber advised that the measurement was taken from the finished floor level.

Q: Councilman Hickman referred to the comment by Mr. Gerber that the finished floor was one foot above base flood elevation. He inquired as to how high the finished floor was above the base flood elevation of the existing fire station.

A: Mr. Gerber stated that the existing fire station building was 53.94’ and the 100-year flood elevation was 54.4’ and the proposed finished floor of the office area for the new Fire Station was 55.5’.

Q: Councilman Hickman referred to the comment that there was an underground detention system and inquired as to whether that meant that the slab for the new fire station was elevated.

A: Mr. Gerber stated that the new fire station would have a conventional slab on grade (or on top of the engineered fill). There were grade beams or a pier system.

Q: Councilman Hickman indicated that he thought Mr. Gerber had stated that there would be an underground detention system.

A: Mr. Gerber advised that it was not under the building nor would the City want to place one under the building. The detention system was out in the front drive. From time to time, that system would have to be maintained and cleaned out.

C/Q: Councilman Hickman completely agreed and advised that he did not want one under his home, but the City required it. He inquired as to the additional cost for LEED compliance.

A: Mr. Gerber indicated that what his firm had found was that as long as one stayed under goal, that the cost was negligible. In other words, there was almost no cost premium to go to LEED
certification. There were some different costs that came into play. For example, a commissioning agent had to be paid for, as well as USGBC fees. The idea or theory of LEED was that the property owner was optimizing the systems and not buying more air conditioning or lighting than was needed.

Q: Councilman Hickman referred to the recycling area on the floor plan and inquired as to whether it had been in the plan previously.

A: Mr. Gerber advised that the recycling area had been in the plan before.

Q: Councilman Hickman inquired as to whether the area was limiting the size of the apparatus bay.

A: Mr. Gerber stated that the size of the recycling area was defined by the USGBC. What he had found was that nowhere near that amount of space was actually necessary. For a building of the size of the new Fire Station, that area would probably house a few garbage containers (three to four) in order to separate recycling into components.

Q: Councilman Pat McLaughlan noted that the City’s Residential Code required the floor height to be one foot above base flood elevation for a typical residence. When talking about the emergency operations center, he inquired as to whether Mr. Gerber felt that this was an adequate elevation for the emergency operations center.

A: Mr. Gerber stated that one foot above base flood elevation was used for a number of emergency operations centers in this area. Because the City also had to be able to get the fire trucks out of the building and back down to the street, this elevation was necessary. The ability to get the fire trucks out quickly limited how high the elevation could be raised realistically. He felt comfortable that one foot above base elevation was sufficient.

C: Councilman McLaughlan advised that it seemed to him if the ramp was steeper, the trucks could exit more rapidly.

R: Mr. Gerber indicated that there was not a great deal of room to make the transition between the ramp and the street and the trucks would tend to bottom out.
Q: **Councilman McLaughlan** asked if there were any logic in making the emergency operations center more elevated than the apparatus floor.

A: **Mr. Gerber** advised that the emergency operations center was already more elevated than the apparatus floor by approximately 2-3 inches.

Q: **Councilman McLaughlan** asked if the apparatus floor or the emergency operations center was one foot above base flood elevation.

A: **Mr. Gerber** indicated that the apparatus floor was one foot above base flood elevation.

**City Manager Satterwhite** indicated that one foot above base flood elevation was quite a lot. Even in Southdale, one foot above base flood elevation was a lot. If Bellaire were to get a flood that high in any area, then the City had a lot more problems than the emergency operations center. The water did not get near that high during Tropical Storm Allison. City Manager Satterwhite stated that this was not to say that it would not some time in the future. However, when looking at overall probabilities, one foot above the base flood elevation was really high.

City Manager Satterwhite indicated further that there were contingency plans to move the emergency operations center, if necessary. For example, if a tornado were to come through, the center might have to be relocated.

Q: **Councilman McLaughlan** stated that he felt that when a building was constructed for the City in the middle of a residential area or adjoined a residential area, that there was an obligation to satisfy the Residential Code.

One portion of the City’s Residential Code contained a “no net increase in fill” regulation. This meant that an owner would not put in more concrete, dirt, bricks, terrace, lawn, etc., on the property than existed there previously. It was important for owners not to push water from their property onto another property. He understood that the slab would be a little more than one foot above base flood elevation, the lawn would be terraced for handicapped access, and there would be underground detention in the driveway area. He asked if this satisfied the City’s “no net increase in fill” policy. In other words, did the underground detention for storm water equal the amount of concrete and dirt added to the property such that
the City was not putting its adjoining residences at greater risk of flooding?

A: **Mr. Gerber** indicated that on three sides of the building, the building would be in the same location it was now. Because the building was larger, there was a larger footprint, which meant there was an increase of impervious area. The mitigation or detention was not only a City requirement, but a LEED requirement as well. In terms of the actual filling of the area, the fill on the front of the site was decreased slightly.

Q: **Councilman McLaughlan** advised that a certain amount of fill material had been added to the site – the concrete slab was fill material, the driveway in the front was fill material and the dirt added was fill material. In other words, so many cubic feet of fill material had been added. To satisfy the City’s residential ordinance, the same amount of cubic feet of underground storm water detention as the cubic feet of material added would be necessary. He inquired as to the number of cubic feet of fill added and the number of cubic feet in underground storm water detention.

A: **Mr. Gerber** indicated that he did not have the specific yardages with him. He did know that, based on the front, the volume had been increased slightly.

**City Manager Satterwhite** stated that the fill had been mitigated with underground detention. He did not know if it was a 1:1 basis like it was in the residential areas.

Q: **Councilman McLaughlan** advised that the reason he was nagging on this was because he felt that it was very important that if someone was going to build a residence in Bellaire, the City’s Community Development Department would analyze the building plans and require the engineers and the architects to come in and determine how much fill was being added to the property and how that was being mitigated so that the City’s ordinance was satisfied.

The residential construction architects and/or engineers were required to come up with the figures mentioned. Councilman McLaughlan felt that if the City was constructing a building for City purposes, then the City owed it to its residents to implement the same procedure and understand what the City was doing in terms of storm water management.
A: **Mr. Gerber** indicted that it was true that Bellaire’s Residential Code required “no net fill”; however, Bellaire’s Commercial Code did not require “no net fill.”

C: **Councilman McLaughlan** advised that he was worried about that. The City’s Fire Station was considered to be a commercial building, but it was right next to a row of residences.

R: **City Manager Satterwhite** advised that Councilman McLaughlan was correct, but the standard used to design the Fire Station was the commercial standard used for commercial and institutional structures all over Bellaire whether those structures were in a residential or a commercial zone.

   This was not a loophole, the fire station was an institutional, commercial structure and conformed with that Code—just like the churches and schools in residential areas did. If the City wanted to change that, then the City could.

C: **Councilman McLaughlan** stated that he appreciated City Manager Satterwhite’s comments with respect to the Codes, but he was talking about what was right for the City’s neighbors.

R: **City Manager Satterwhite** agreed and advised that this was the reason that the City had installed underground detention and a commercial-sized storm drain system to carry that water away from the residential zones.

C: **Councilman McLaughlan** asked Mr. Gerber and City Manager Satterwhite if it were possible for the City to maximize the amount of underground storm water detention on that property. The City would be doing the right thing for the community and its residents if the City could meet the “no net increase in fill” ordinance in terms of protecting those adjoining residents.

Q: **Councilman Hickman** inquired as to whether the proposed facility met the Code as it applied to institutional buildings for fill and detention.

A: **City Manager Satterwhite** advised that the proposed facility absolutely met the Code for its type of construction.

**Mayor Cindy Siegel** advised that the Bellaire City Council would not be voting on this issue this evening. She referred to Councilman McLaughlan’s comments and agreed that the point was that the City did not want to do harm to the residences backing up to the Fire
Station. Anything the City could on to make sure that the City was being a good neighbor would be very much appreciated.

City Manager Satterwhite stated that he had asked that same question. He believed the City was protecting the neighbors much more so than a large residential home in that area could with the design criteria that the City had to use for commercial development.

**Rehabilitation of Evergreen Park Pool Bathhouses**

3. **DISCUSSION and possible direction to City Staff regarding alternatives for the scope of work, estimated cost, and timeline for the rehabilitation of the Evergreen Park swimming pool bathhouses – Item submitted by City Manager Bernard M. Satterwhite, Jr.**

City Manager Bernard M. Satterwhite, Jr., advised that during the development of the City’s Capital Improvement Plan, the Bellaire Parks & Recreation Department had developed a project to rehabilitate the bathhouses at the Evergreen Pool Complex at a cost of $17,000. That project included primarily just sprucing the place up with resurfacing, repainting the floors, and repainting the walls. The project did not involve any improvements to the systems inside, such as the toilets, sinks, showers, and changing areas.

A concern was raised during the budget process that the City should consider doing more than just sprucing the building up. City Staff went back and looked at a possible project that would actually rehabilitate the bathhouses.

Director of Facilities Management Karl Miller and Director of Parks & Recreation Jane L. Dembski met with a contractor again today to map out where the City could possibly go with that facility. The original project of $17,000 was still in the budget. An enhanced project that would create more wide-ranging improvements was under development, to include meeting the Americans with Disabilities Act (ADA) standards for both the men’s and women’s bathhouses.

There were some issues related to making the bathhouses ADA compliant. One of the issues was the footprint of the facility itself. The partitions put in the existing bathhouses were designed to be weather resistant since the bathhouses did not even have roofs until approximately six years ago. When the roofs were installed, it was necessary to leave an air gap between the roof and old walls so that air could circulate in the bathhouses. This, of course, allowed moisture to come into the facility and the facility never really dried out.
The all-weather systems or blocks (partitions) in the bathhouses took up a great deal of room. Directors Miller and Dembski had outlined a project that City Manager Satterwhite felt would be a good ADA compliant makeover for the building.

The proposed, enhanced project would entail removing all of the partitions and installing new, modern all-weather partitions with doors in both restrooms. One toilet in each restroom would have to be moved over to allow for an accessible stall. City Manager Satterwhite noted that if a handrail were installed in an area that was already non-compliant, that area would become less compliant. The other stalls would also be wider than they currently were because today’s standards were different.

The toilets in the bathrooms and urinal in the men’s room would be replaced. Handrails would be installed in the accessible stall in each bathroom. The sinks would be removed and new sinks installed. An accessible, individual changing area would be installed in the women’s bathhouse.

The largest hurdle involved reconfiguring the entrances to the bathhouses. Both entries had to be enlarged to allow for the required 50” turning radius for wheelchairs. The entrance to the men’s bathhouse would have to completely be moved. The reason for that was that there was no way to partition off the entrance to the men’s bathhouse that would keep people from walking by from being able to see in the bathhouse.

City Manager Satterwhite had indicated to City Council a few weeks ago that he believed an enhanced project for the bathhouses would cost approximately $65,000. He just found out today that the cost for such a project would be about $85,000.

He continued noting that the project would also include relocating the showerheads and creating one accessible shower in the women’s restroom. The speed bumps at the entrance to each restroom would be removed. Some small hot water heaters would also be installed so that the facility would have hot water. There was a gutter in the men’s restroom that currently drained into the men’s restroom. That gutter would be rerouted to drain to a more convenient location. There was one roof support in the men’s restroom that would have to be moved to accommodate new partitions.

The exterior, walls, and floors of the bathhouses would be repainted and a new storage area would be built. A water spigot would be installed under the sinks for easier cleaning. Finally, the outside drinking fountain would be brought up to Code for accessibility and safety concerns.
City Manager Satterwhite indicated that the City could probably get this project completed using the State Buy Board. Once everything was figured out exactly, the project would be brought back to City Council for approval. He believed that the project could be completed within six weeks if the State Buy Board were used.

City Staff recommended that the enhanced project be undertaken. Extra funding would be taken out of the Capital Improvement Program Fund balance (current balance of $2.9 million). City Staff would come back with a budget amendment for the project.

**QUESTIONS/DISCUSSION REGARDING REHABILITATION PROJECT FOR THE EVERGREEN PARK POOL BATHHOUSES:**

Councilman Will Hickman inquired as to whether the cost of the project totaled $85,000 or if the $85,000 would be added to the $17,000 already budgeted.

City Manager Satterwhite indicated that the cost for the project would total $85,000.

Councilman John Jeffery inquired as to the cost to scrap the existing facility and start over.

City Manager Satterwhite stated that a quote for minimal bathhouses at the Bellaire Pool (prior to the Bellaire Family Aquatic Center) was $175,000. He believed that the cost today for new air conditioned bathhouses at the Evergreen Pool Complex would be in the neighborhood of $250,000.

Councilman Jeffery stated that if the City did anything to the facility (other than extremely minor repairs), the facility would have to be ADA-compliant.

City Manager Satterwhite agreed with Councilman Jeffery.

Mayor Cindy Siegel advised that Councilman James P. Avioli, Sr., had some pictures to show City Council.

Councilman James P. Avioli, Sr., thanked the City Manager, Director Miller, and Director Dembski for responding to a need that he really felt that the City had. Certainly, he was sure that the citizens who used the pool would be very responsive as well.

Councilman Avioli knew that there were money constraints for the City and that there was quite a bit of difference between $17,000 and $85,000. However, he could not emphasize enough that there was a need to respond to what could be seen at the existing bathhouses. He
knew that City Staff agreed with that. Councilman Avioli passed some pictures around to City Council that he had taken of the facility so that members of City Council could see the state of disrepair the facility was in.

City Manager Satterwhite noted that maintenance would still be an issue at the facility as it would still be an open-air facility and grime and dirt would still get into the facility. He believed, however, with the new fixtures and updated appearance, that the City would be able to keep up with the maintenance better.

Councilman Avioli indicated that he was certainly not a contractor, but based on the tours he had made of the facility, he felt that City Manager Satterwhite had covered the areas that needed to be addressed very well. He advised that the facility would be greatly improved with the work that City Manager Satterwhite had in mind and he hoped that City Council would approve that project.

MOTION TO DIRECT STAFF TO PROCEED WITH REHABILITATION OF EVERGREEN PARK POOL BATHHOUSES:

A motion was made by Councilman James P. Avioli, Sr., and seconded by Councilman Pat McLaughlan to direct City Staff to initiate a scope of work, determine costs, and develop a timeline to bring the Evergreen Park swimming pool bathhouses (both men’s and women’s facilities) up to the Americans with Disabilities Act (ADA) standards and return to City Council for approval.

DISCUSSION ON MOTION TO DIRECT STAFF TO PROCEED WITH REHABILITATION OF EVERGREEN PARK POOL BATHHOUSES:

Councilman Hickman inquired as to the number of patrons that used the Evergreen Therapy Pool and the bathhouses. He noted that he frequented the Bellaire Family Aquatic Center, but had never been in the bathhouses.

City Manager Satterwhite agreed that not all of the patrons at the pools used the bathhouses, but in the summertime, it was heavily used. He asked if Director Dembski could comment on the usage.

Director of Parks & Recreation Jane L. Dembski stated that the bathhouses were used a great deal. She noted that there were many pool parties scheduled at Evergreen Pool by citizens and schools and the bathhouses were certainly used during those events as well.

City Manager Satterwhite indicated that the focus of this rebuild was really on the toilet facilities more than anything. This was what
was taking up the most space. People needed a place to go to the restroom, if nothing else.

Councilman Hickman inquired as to what the $17,000 project for the Evergreen Pool bathhouses would involve.

City Manager Satterwhite indicated that the floors and walls were to be repainted.

Mayor Siegel advised that some re-plastering work would be done as well with the $17,000.

Councilman Hickman noted that the City had discussed the Evergreen Park well facility in the past and the possibility that it might be closed. He inquired as to when final plans for that facility would be considered.

City Manager Satterwhite advised that he did not know exactly when City Staff could present final plans for that facility. He noted that the City had some issues with the Central Water Plant that needed to be addressed before the City made any dramatic changes to its other water facilities. If he had to guess, then he would estimate that the City would not be ready to address the facility for the next five years.

Mayor Siegel indicated that she had a resident contact her about the Evergreen Pool bathhouses earlier in the summer, and she agreed that the facility needed to be addressed. Although $85,000 was a great deal of money, the City did have the funds available to address the facility. The project would not be bringing the facility above standards, but rather bringing it to a reasonable standard.

Mayor Siegel agreed that there was enough disparity in the cost to bring the facility to a reasonable standard versus rebuilding it, and that the City should go ahead and rehabilitate the facility for a cost of $85,000. This would be money well spent.

Councilman Hickman stated that he had seen far worse facilities than the men's restroom at the Evergreen Pool bathhouse. He believed that painting the floors and walls and making the necessary surface repairs would go a long way. He would vote against the motion, and noted that City Council had talked about this during the budget discussions and had decided to spend $17,000 on the facility. He did not feel that the City was ready to start making budget amendments this soon after adopting the budget.

Councilman Jeffery indicated that he thought the motion was to bring a plan back to City Council to vote on.
Mayor Siegel advised that Councilman Jeffery was correct.

City Manager Satterwhite agreed as well.

Councilman Avioli advised that he wished to let everyone know that he was not hanging out in the women’s restroom, but rather was escorted into the room when he was taking pictures.

Councilman Hickman indicated that he was not going to waste anyone’s time, but he would not approve the motion now or when it came back to City Council for final consideration.

**VOTE ON MOTION TO DIRECT STAFF TO PROCEED WITH REHABILTIATION OF EVERGREEN PARK POOL BATHHOUSES:**

Motion carried on a 4-1 vote as follows:

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

**OPPOSED:** Hickman, Will

**ABSENT:** Faulk, Peggy*  
Nauert, Phil

*Mayor Pro Tem Peggy Faulk left the City Council meeting and did not participate in the vote related to the above agenda item.

K. **COMMUNITY INTEREST ITEMS FROM THE MAYOR AND CITY COUNCIL.**

Councilman John Jeffery advised that he had no comments this evening.

Councilman Pat McLaughlan stated that the meeting this evening had been very interesting and a great deal of territory had been covered. He wanted to say some good things that went on in the community. For example, the exercise room at the Recreation Center had been in the process of being refurbished. Citizen reports he had received indicated that the room looked great.

With respect to the Bellaire City Library, he continued to be amazed at the quality of the City’s library. The library was teeming with adults and children. It was truly an asset to the community.

In terms of some of the City’s contractors, the City Attorney and James Andrews and Terry Maher, Consulting Engineers with HDR|Claunch & Miller, did an excellent job for the City.
Councilman James P. Avioli, Sr., thanked the City Manager and City Staff for what they were trying to do at the Evergreen Pool facility. He realized that the City was certainly not there yet, but he really appreciated their efforts.

Councilman Will Hickman advised that he had no comments this evening.

Mayor Cindy Siegel stated that she had a letter dated September 21, 2009, from the Government Finance Officers Association that indicated that the City of Bellaire’s Comprehensive Annual Financial Report for the fiscal year ended September 30, 2008, qualified for a Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement was the highest form of recognition in governmental accounting and financial reporting and its attainment represented a significant accomplishment by a government and its management. The Certificate of Achievement would be shipped to Donna Todd, Bellaire’s Chief Financial Officer.

Mayor Siegel also thanked all of the Bellaire candidates for attending the City Council meeting and for their willingness to serve.

Mayor Siegel closed by reminding everyone of the public hearing before City Council on Monday evening regarding a request for a specific use amendment and permit from Faith Lutheran Church at 6:00 p.m. There would also be a Candidate Forum next Thursday, October 15, 2009. She urged everyone to attend that Forum, noting that it would provide a great opportunity for citizens to meet all of the candidates. The doors would open for the Forum at 6:30 p.m. Mayor Siegel thanked the Bellaire Democrats for hosting the event.

L. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Councilman Will Hickman and seconded by Councilman James P. Avioli, Sr., to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:55 p.m. on Monday, October 5, 2009.

VOTE ON MOTION TO ADJOURN:

Motion carried unanimously on a 5-0 vote as follows:

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

ABSENT: Faulk, Peggy*
  Nauert, Phil

*Mayor Pro Tem Peggy Faulk left the City Council meeting and did not participate in the vote related to the above agenda item.

Respectfully submitted,

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

Approved:

_________________________________
Cynthia Siegel, Mayor
City of Bellaire, Texas