CITY OF BELLAIRE
CITY COUNCIL

Minutes of Meeting
Monday, November 2, 2009

REGULAR SESSION – 7:00 P.M.

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

Mayor Cindy Siegel called the City Council of the City of Bellaire, Texas, to order at 7:02 p.m. on Monday, November 2, 2009. The Bellaire City Council met at that time and on that date in Regular Session in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401. Mayor Siegel announced that a quorum was present consisting of herself and the following members of City Council:

   Councilman Will Hickman, Position No. 1;
   Councilman James P. Avioli, Sr., Position No. 2;
   Councilman Phil Nauert, Position No. 4;
   Councilman Pat McLaughlan, Position No. 5; and
   Councilman John Jeffery, Position No. 6.

Mayor Pro Tem Peggy Faulk, Position No. 3, arrived at 7:04 p.m. Other officials present were City Manager Bernard M. Satterwhite, Jr., City Attorney Alan P. Petrov, and City Clerk Tracy L. Dutton.

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

Councilman Will Hickman provided the inspirational reading for the evening.

C. PLEDGES TO THE FLAGS – Councilman Will Hickman.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

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

D. PERSONAL/AUDIENCE COMMENTS.

Linda Dyson, 5205 Palmetto Street, Bellaire, Texas:

Ms. Dyson addressed City Council and expressed her disappointment at the character assassinations that had occurred with respect to the City’s General

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and Special Elections this year. She stated that this was the first time partisan politics had been a part of the election and urged candidates to advise residents of their plans for the City rather than going after one another individually.

E. REPORTS:

CITY MANAGER’S REPORT regarding residential safety (police activity report), public infrastructure/utilities (street and drainage projects update, City Hall update, and Fire Station update), communications/technology (Council Chamber sound system upgrades), employees (employee health insurance rate increase), quarterly indicators (crime and building permits), current issues/information (Election Day), and upcoming City Council meetings/events – Presented by City Manager Bernard M. Satterwhite, Jr.

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

Residential Safety

City Manager Satterwhite began with an update of police activity, noting that five new officers were on the street and operating by themselves. One officer was nearing completion of training and another officer was just starting.

Public Infrastructure/Utilities

A brief overview of ongoing street, drainage, water and wastewater projects was given for the following:

- Newcastle Drive Reconstruction Project;
- Rebuild Bellaire Program, Phase Two, Paving and Drainage Improvements Project (4500 block of Sunburst Street, and Second Street);
- Rice Lift Station engineering design (now completed);
- Feld Park Water Plant improvements engineering design; and
- Solids Handling Improvements at the Bellaire Wastewater Treatment Plant.

It was noted that repairs for damage to the City Hall Council Chamber due to a roof drain obstruction were completed earlier in the day, and new audio speakers would be installed later in the week.

Gilbane Building Company had received bids for various trades for the Fire Station construction project. It was anticipated that City Council could consider a Guaranteed Maximum Price Proposal for the new Fire Station on November 16, 2009.
Also on November 16, 2009, City Council would be presented with a bid for consideration for the rehabilitation of the Evergreen Park Pool Bathhouse Project.

**Employees**

City Manager Satterwhite reported that the City had planned and budgeted for a health insurance rate increase of 25%. The City’s provider offered a 60% increase in rates due to high claims that had been processed in the first one-half of the year. Through many negotiations and some adjustments in the City’s coverage, the rate increase had been reduced to 23%.

**Current Issues/Information**

City Manager Satterwhite reminded everyone that the next day, Tuesday, November 3, 2009, was Election Day and that all five of the City’s polling places would be open from 7:00 a.m. until 7:00 p.m.

**Upcoming Meetings/Events**

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Type of Meeting</th>
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<tbody>
<tr>
<td>11/09/2009</td>
<td>5:30 p.m.</td>
<td>Special Session (Executive Session) to evaluate City Attorney, City Clerk, and City Manager</td>
</tr>
<tr>
<td>11/16/2009</td>
<td>6:00 p.m.</td>
<td>Special Session (Official Canvass)</td>
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<tr>
<td>11/16/2009</td>
<td>7:00 p.m.</td>
<td>Regular Session</td>
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**Questions/Comments from City Council:**

City Council had an opportunity to ask questions or provide comments related to the City Manager’s Report. One comment was made regarding the improvements that had been made on Newcastle Drive by the City. It was noted that residents in the area were very pleased with the improvements.

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

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

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

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

**FOR:**

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

OPPOSED:        None

ABSENT:         None

F. PROCLAMATION:

ISSUANCE of a proclamation by Mayor Cynthia Siegel in recognition of
the dedication of the nation’s perioperative nurses by proclaiming the
week of November 8-14, 2009, as “AORN Perioperative Nurse Week”
in the City of Bellaire, Texas – Item submitted by City Clerk Tracy L.
Dutton on behalf of AORN Greater Houston Chapter; Proclamation to
be issued by Mayor Cindy Siegel.

Mayor Cindy Siegel read the proclamation she had issued in recognition of
the dedication of the nation’s perioperative nurses in its entirety. She then
presented the proclamation to Joanne Oliver of the AORN Greater Houston
Chapter.

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,
ey 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

1. APPROVAL of the minutes of the Regular Session of the City
Council of the City of Bellaire, Texas, held Monday, October 5,
2009 – Item submitted by City Clerk Tracy L. Dutton.

2. APPROVAL of the minutes of the Special Session (Public
Hearing) and Regular Session of the City Council of the City of
Bellaire, Texas, held Monday, October 19, 2009 – Item
submitted by City Clerk Tracy L. Dutton.

Surplus Property

3. REQUEST for City Council authorization to dispose of surplus
property for the following City Departments: Community
Development, Fire, Library, Organizational Services, Parks &
Recreation, and Public Works – Item submitted by Facilities
Management Director Karl Miller on behalf of various City
Departments.
Agreements and Contracts

4. 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, respectively, an Interlocal Agreement (“Agreement”) with Harris County, Texas, for the administration and implementation by Harris County, Texas, of a regional watershed protection education program on storm water impacts in the amount of $8,290.26 for a term of one year commencing upon the execution of said Agreement by Harris County, Texas – Item submitted by City Clerk Tracy L. Dutton and Director of Public Works Joe Keene on behalf of the Harris County Public Infrastructure Department, Watershed Protection Group.

Final Change Order/Final Payment on Contract

5. CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department and Consulting Engineers, HDR|Claunch & Miller, to make the final payment to Reynolds Inliner, LLC, on a contract for the Rebuild Bellaire Program, Phase Two, Storm Sewer Rehabilitation Project, and on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute a Final Change Order (No. 1) with Reynolds Inliner, LLC, to a contract for the Rebuild Bellaire Program, Phase Two, Storm Sewer Rehabilitation Project, consisting of a net decrease in said contract of $28,559.00, and approval for the City of Bellaire, Texas, to make the final payment to Reynolds Inliner, LLC, on said contract in an amount not to exceed $17,098.00 – Item submitted by Director of Public Works Joe Keene.

Councilman Will Hickman requested separate consideration of Consent Agenda items 1 and 5. The remaining Consent Agenda items were considered at this time with one motion as set forth below.

MOTION TO APPROVE CONSENT AGENDA DATED NOVEMBER 2, 2009:

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman Phil Nauert to approve the Consent Agenda dated November 2, 2009, consisting of the following items:

- Minutes of the Special Session (Public Hearing) and Regular Session of the City Council of the City of Bellaire, Texas, held Monday, October 19, 2009;
• Request for City Council authorization to dispose of surplus property for various City Departments: Community Development, Fire, Library, Organizational Services, Parks & Recreation, and Public Works; and

• 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, respectively, an Interlocal Agreement (“Agreement”) with Harris County, Texas, for the administration and implementation by Harris County, Texas, of a regional watershed protection education program on storm water impacts in the amount of $8,290.26 for a term of one year commencing upon the execution of said Agreement by Harris County, Texas.

VOTE ON MOTION TO APPROVE CONSENT AGENDA DATED NOVEMBER 2, 2009:

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

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

OPPOSED: None

ABSENT: None

{Ordinance related to the Interlocal Agreement with Harris County, Texas, for the regional watershed protection education program was subsequently numbered: 09-066}

SEPARATE CONSIDERATION OF CONSENT AGENDA ITEM 1:

APPROVAL of minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held Monday, October 5, 2009 – Item submitted by City Clerk Tracy L. Dutton.

MOTION TO APPROVE MINUTES:

A motion was made by Councilman Will Hickman and seconded by Councilman Pat McLaughlan to approve the minutes of the
Regular Session of the City Council of the City of Bellaire, Texas, held Monday, October 5, 2009 – Item submitted by City Clerk Tracy L. Dutton.

Councilman Will Hickman requested a correction to page 8, line 372, of the minutes of the City Council Regular Session held on Monday, October 5, 2009, by changing the word “crews” to “cruise.”

VOTE ON MOTION TO APPROVE MINUTES, AS CORRECTED:

Motion, with the noted correction, carried on a 6-0-1 vote as follows:

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

OPPOSED: None

ABSENT: None

ABSTAIN: Nauert, Phil*

*Councilman Phil Nauert abstained from voting on the minutes of the City Council Regular Session held on Monday, October 5, 2009, due to his absence from that meeting.

SEPARATE CONSIDERATION OF CONSENT AGENDA ITEM 5:

CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department and Consulting Engineers, HDR|Claunch & Miller, to make the final payment to Reynolds Inliner, LLC, on a contract for the Rebuild Bellaire Program, Phase Two, Storm Sewer Rehabilitation Project, and on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute a Final Change Order (No. 1) with Reynolds Inliner, LLC, to a contract for the Rebuild Bellaire Program, Phase Two, Storm Sewer Rehabilitation Project, consisting of a net decrease in said contract of $28,559.00 and approval for the City of Bellaire, Texas, to make the final payment to Reynolds Inliner, LLC, on said contract in an amount not to exceed $17,098.00 – Item submitted by Director of Public Works Joe Keene.
MOTION TO MAKE FINAL PAYMENT AND ADOPT ORDINANCE:

A motion was made by Councilman Phil Nauert and seconded by Councilman Will Hickman to make the final payment to Reynolds Inliner, LLC, on a contract for the Rebuild Bellaire Program, Phase Two, Storm Sewer Rehabilitation Project, and to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute a Final Change Order (No. 1) with Reynolds Inliner, LLC, to a contract for the Rebuild Bellaire Program, Phase Two, Storm Sewer Rehabilitation Project, consisting of a net decrease in said contract of $28,559.00 and approval for the City of Bellaire, Texas, to make the final payment to Reynolds Inliner, LLC, on said contract in an amount not to exceed $17,098.00.

DISCUSSION:

Discussion ensued among members of City Council and Consulting Engineer James Andrews, P.E., HDR|Claunch & Miller, regarding the liner process and the inspection of said liner once the project was completed. Mr. Andrews advised that the liner was inspected and worked very well.

VOTE ON MOTION TO MAKE FINAL PAYMENT AND ADOPT ORDINANCE:

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

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

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 09-067}

H. ADOPTION OF ORDINANCES:

Agreements and Contracts

1. CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department to award a contract
for engineering services to HDR|Claunch & Miller for surveying, engineering, tree protection and preservation recommendations, and utility relocation coordination services associated with the Rebuild Bellaire Program, Phase Three, Paving and Drainage Improvements Project, and 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, respectively, a Contract and Agreement for Engineering Services with HDR|Claunch & Miller in an amount not to exceed $446,440.00 – Item submitted by Director of Public Works Joe Keene.

MOTION TO ADOPT ORDINANCE:

A motion was made by Councilman James P. Avioli, Sr., and seconded by Councilman Pat McLaughlan to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a Contract and Agreement for Engineering Services with HDR|Claunch & Miller for surveying, engineering, tree protection and preservation recommendations, and utility relocation coordination services associated with the Rebuild Bellaire Program, Phase Three, Paving and Drainage Improvements Project, in an amount not to exceed $446,440.00.

DISCUSSION:

Discussion ensued among members of City Council and Consulting Engineer James Andrews, P.E., HDR|Claunch & Miller, related to the proposed project. Topics of discussion included the method used to determine the fee for services (i.e., based on number of hours), possibility of additional services outside the scope of the project (i.e., additional services had not been charged to the City by HDR|Claunch & Miller on projects over the last 23 years), and method used to prevent tree roots from damaging the new streets (i.e., root pruning and root barriers were used).

VOTE ON MOTION TO ADOPT ORDINANCE:

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

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

OPPOSED:  None

ABSENT:  None

{Ordinance was subsequently numbered:  09-068}

Code Amendment

2. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 30, Traffic and Vehicles, Article II, Traffic Control Regulations, Division 5, Parking, Section 30-97, Parking prohibited—anytime, of the Code of Ordinances of the City of Bellaire, Texas, by adding Cedar Street south from Loop 610 to Avenue B to the table inset of Section 30-97 for the purpose of making it unlawful for any person to park any vehicle on the south side of that portion of Cedar Street at any time – Item submitted by City Manager Bernard M. Satterwhite, Jr., on behalf of Councilman Will Hickman.

MOTION TO ADOPT ORDINANCE:

A motion was made by Councilman Pat McLaughlan and seconded by Councilman Will Hickman to adopt an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 30, Traffic and Vehicles, Article II, Traffic Control Regulations, Division 5, Parking, Section 30-97, Parking prohibited—anytime, of the Code of Ordinances of the City of Bellaire, Texas, by adding Cedar Street south from Loop 610 to Avenue B to the table inset of Section 30-97 for the purpose of making it unlawful for any person to park any vehicle on the south side of that portion of Cedar Street at any time.

DISCUSSION:

Discussion ensued among members of City Council regarding the request to amend the City’s Code to make it unlawful for any person to park any vehicle on the south side of Cedar Street from Loop 610 to Avenue B. One topic of discussion related to whether or not a petition submitted in support of the request should have included the support of at least 80% of the property owners on both sides of the street similar to the City’s requirement for traffic control devices under the Neighborhood Traffic Improvement Program.
The possible impact to other establishments in the area, such as the synagogue and retirement home, due to reduced on-street parking was mentioned.

After discussing whether or not to table the motion to allow time to obtain the support of more property owners in the immediate area, Councilman Will Hickman withdrew his second. There was no subsequent second to the motion.

I. ADOPTION OF RESOLUTION:

CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, supporting the development of energy efficiency programs by developing an energy efficiency project under the American Recovery and Reinvestment Act of 2009 (ARRA) with the monies allocated to the City of Bellaire, Texas, authorized in Title V, Subtitle E, of the Energy Independence and Security Act (EISA) and signed into law on December 19, 2007 – Item submitted by Assistant City Manager Diane K. White.

SUMMARY:

City Manager Bernard M. Satterwhite, Jr., advised City Council that the resolution before them for consideration would indicate the City’s support and desire to participate in the energy efficiency programs by developing an energy efficiency project. The City would need to have its project designed and submitted by the first of December. The resolution to be considered this evening had to be postmarked by November 22, 2009.

MOTION TO ADOPT RESOLUTION:

A joint motion was made by Councilman Pat McLaughlan and Councilman John Jeffery and seconded by Councilman James P. Avioli, Sr., to adopt a resolution of the City Council of the City of Bellaire, Texas, supporting the development of energy efficiency programs by developing an energy efficiency project under the American Recovery and Reinvestment Act of 2009 (ARRA) with the monies allocated to the City of Bellaire, Texas, authorized in Title V, Subtitle E, of the Energy Independence and Security Act (EISA) and signed into law on December 19, 2007.

DISCUSSION:

Discussion ensued among members of City Council and City Staff regarding the resolution, the development of an energy efficiency project, and the amount of funding that would be allocated to the City under the American Recovery and Reinvestment Act of 2009 (ARRA). One topic of discussion
included whether or not the City would be bound to any future expenditures as a result of accepting an allocation. It was noted that the City would be allocated a minimum of $50,000 and that the funding was considered a non-matching grant with very few strings attached.

A suggestion was made that the funds be used to spruce up Bellaire’s downtown area with more energy efficient and beautiful lighting. Several members of City Council expressed concern that the acceptance of any stimulus funding was not a principled or right thing to do and that the City should levy a tax to pay for any necessary energy efficiency projects. An example was cited wherein the City had accepted a form of stimulus funding from other county or state agencies for the City’s traffic light enhancement project.

**VOTE ON MOTION TO ADOPT RESOLUTION:**

Motion carried on a 6-1 vote as follows:

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

**OPPOSED:** Nauert, Phil

**ABSENT:** None

{Resolution was subsequently numbered: 09-11}

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

Mayor Cindy Siegel, Mayor Pro Tem Peggy Faulk, Councilman James P. Avioli, Sr., Councilman Pat McLaughlan, and Councilman Phil Nauert provided community interest items, all of which were related to the upcoming City of Bellaire General Election and Special Election to Fill a Vacancy. Candidates who had attended City Council meetings week after week in order to stay informed and educated were thanked for their efforts. Citizens of Bellaire were encouraged to vote on Tuesday, November 3, 2009.

Citizens were also encouraged to participate in Bellaire Recycles Day on November 14, 2009.
K. ADJOURNMENT.

MOTION TO ADJOURN:

A joint motion was made by Councilman John Jeffery and Councilman Pat McLaughlan and seconded by Councilman James P. Avioli, Sr., to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 8:21 p.m. on Monday, November 2, 2009.

VOTE ON MOTION TO ADJOURN:

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

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

OPPOSED: None

ABSENT: None

Respectfully submitted,

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

Approved:

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Cynthia Siegel, Mayor
City of Bellaire, Texas