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, February 15, 2010. 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 Corbett Daniel Parker, Position No. 3;  
Mayor Pro Tem Phil Nauert, Position No. 4;  
Councilman Andrew Friedberg, Position No. 5; and  
Councilwoman Mandy Nathan, Position No. 6.

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 – Councilwoman Mandy Nathan.

Councilwoman Mandy Nathan provided the inspirational reading for the evening.

C. PLEDGES TO THE FLAGS – Councilwoman Mandy Nathan.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

Councilwoman Mandy Nathan led the audience and City Council in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

D. PERSONAL/AUDIENCE COMMENTS.

Susan Racciato, 4432 Oleander Street, Bellaire, Texas:

Ms. Racciato addressed the City Council for the purpose of advising them of the devastating side effects, both mental and physical, of certain medical
procedures performed by a clinic operating within the City of Bellaire. Ms. Racciato advised that the procedures performed by the clinic were 100% elective and done for convenience. Due to the lack of follow-up evaluations, many of the procedures had to be repeated.

According to Ms. Racciato, the clinic was performing abortions. She indicated that the after-effects of abortions were traumatic (i.e., suicide, depression, trauma, etc.) and that counseling was not provided to those that had undergone such procedures.

Ms. Racciato urged City Council to adopt an ordinance requiring counseling for those patients undergoing procedures at the clinic.

Jerome Mee, 4917 Imperial Street, Bellaire, Texas:

Mr. Mee addressed City Council and referred to an item on the evening’s agenda, F5a, regarding the call of a joint public hearing before City Council and the Bellaire Planning and Zoning Commission to consider proposed revisions to the City’s Zoning Code as a result of the Comprehensive Plan adoption. Mr. Mee inquired as to whether the agenda item was merely the calling of a joint public hearing or whether this were the time to ask questions, make comments, and/or to discuss material points.

Mayor Cindy Siegel advised that the agenda item was merely for the purpose of calling a joint public hearing.

Cynthia Freeman, 5009 Mayfair Street, Bellaire, Texas:

Ms. Freeman addressed City Council regarding agenda item H, a resolution requesting that the Houston Dynamo organization, City of Houston, Texas, and Harris County, Texas, approve the originally proposed East Downtown Houston location for a new stadium. Ms. Freeman thanked Mayor Siegel for submitting the resolution and advised that she hoped that City Council would vote unanimously in support of the resolution.

Ms. Freeman continued and noted that constructing a stadium at Highway 59 and South Rice Avenue would be a logistical nightmare in terms of traffic. The stadium would be a headache for those living in that area of Bellaire and Houston and a boon for those in East Downtown Houston that desired very much to have the stadium located in their area of town.
Regardless of control over the location, it was good to send a message that the proposed stadium should be built where originally intended and where it was wanted.

In closing, Ms. Freeman advised that she had sent emails to all members of City Council regarding her thoughts for the RDD (Research, Development and Distribution) Zoning District. She thanked Councilwoman Mandy Nathan and Mayor Cindy Siegel for responding to her concerns.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee addressed City Council and advised that she wished to address four items this evening. She began by noting that early voting for the Primary Election would begin on Tuesday, February 16, 2010. The Harris County Clerk’s website, www.harrisvotes.com, had a sample ballot for each party and a sample ballot that was precinct-specific. Instructions to obtain a ballot by mail and early voting locations could also be found on the website. The nearest early voting location to Bellaire was noted to be Bayland Park, and new voter applications could be obtained from the Bellaire City Hall.

Ms. McBee next referred to the City’s Charter, noting that it did not provide for a strong Mayor position, as did Houston’s. In Bellaire, a simple majority was required for any action. The Mayor, as presiding officer, could sign ordinances and contracts and was the spokesperson for the City, but was not the spokesperson for the City Council.

With respect to agenda item H, a resolution requesting that the Houston Dynamo organization, City of Houston, Texas, and Harris County, Texas, approve the originally proposed East Downtown Houston location for a new stadium, members of City Council were elected to represent the City of Bellaire, which did not mean telling any other jurisdiction what it should or should not do. The resolution suggested that the City of Bellaire was not happy with the placement of the Dynamo stadium in nearby Houston. This was not, in Ms. McBee’s opinion, Bellaire’s business.

Further, the Bellaire Village Vision Plan study called for some uses of the Houston property, such as the construction of a station or town square with opportunities for office space, health club, retail, and entertainment. Bellaire did not control the land use in that area and could end up with something a lot worse. Bellaire did have the authority to zone and regulate its portion of the City and could zone against the adverse impact of Loop 610.
Bill Thorogood, 4507 Merrie Lane, Bellaire, Texas:

Mr. Thorogood addressed City Council and noted that having worked with the City for a number of years, most recently on the Comprehensive Plan, he had a clear understanding of land use in Bellaire. In the late 60s and 70s, Bellaire had a population of 20,000. The City was horribly bisected due to the overall impact of the West Loop and for the benefit of Houstonians. The West Loop bisection severed Bellaire north of the Chevron campus.

The neighborhood in the area of the West Loop and Highway 59 struggled for several decades and was now over 50% redeveloped. The proposed Dynamo stadium would severely impair the property owners and bring redevelopment to a standstill if the stadium were to be constructed nearby.

Bellaire continued to pay a huge price due to the West Loop. The City made a substantial number of emergency runs on the West Loop annually. Over 190,000 cars per day traveled through Bellaire on the West Loop. Adding traffic to an already congested intersection of the West Loop and Highway 59 would only result in additional accidents and personal injuries.

Mr. Thorogood advised that the City’s Comprehensive Plan reinforced the concept of Bellaire as a “City of Homes.” There was a strong desire for residential land use in Bellaire and the Comprehensive Plan proposed that additional residential housing extend into the commercial areas of town, including the RDD Zoning District (adjacent to the proposed site for the Dynamo stadium).

The construction of a stadium in that area would also destroy any opportunity for redevelopment in the City’s RDD Zoning District. He urged City Council to honor their previous support for the Comprehensive Plan and promises made during election campaigns by supporting the resolution under agenda item H.

Mr. Thorogood closed by noting that a stadium, like the West Loop, would be here for a long time and could get larger in place. Houston had substantial infrastructure in place for the Dynamo and did not need a third entertainment venue. He noted that Bellaire already paid a substantial price due to the West Loop. He urged City Council not to let another West Loop catastrophe destroy more homes in Bellaire.

Mayor Cindy Siegel advised that the City had received a number of written comments to be read into the record this evening. The first three she referred to were received on February 1, 2010, after the Town Meeting had already begun for the evening. The comments were included in the City Council minutes dated February 1, 2010. She read those comments and the others received for the record.
Note: all written comments have been included herein for the record, including the three that were included in the minutes dated February 1, 2010.

John Parker, Precinct 214 Chair, 5003 Tamarisk Lane, Bellaire, Texas:

Ladies and Gentlemen,

I was very upset to hear that there is a proposal to build a multi-use stadium complex on the property located at Rice and Westpark. The traffic problems that this location would create would be a logistical nightmare. Rice Avenue and Westpark cannot handle the amount of traffic that will result from 20,000 people trying to get into and out of this location. There is very limited freeway access to this location. The gridlock that will result will mean that residential street cut-through traffic in Bellaire and the areas north of US59 will greatly increase as will the street parking. Aside from the traffic and parking issues, the noise generated by this complex will be a nuisance.

In addition, the statement by Steve Radack that it was none of Bellaire’s concern also makes me very angry. I will do everything in my power to make sure he has an early retirement from his county job.

I also think that Corbett Parker should recuse himself from any votes, discussions, and public statements regarding this issue due to his relationship with Oliver Luck. I really regret that I supported Mr. Parker in his race for City Council. He specifically told me that he understood the concerns of the residents in the North part of Bellaire and he would be aware of their concerns. This is the area of Bellaire that will be the most affected by this project and he is completely oblivious to the concerns of this area.

Please include this in the minutes of the meeting to be held tonight.

Michele Arnold, 4917 Elm Street, Bellaire, Texas:

Thank you for allowing us to submit written comments—I have a very full time job at Rice University and could not come to tonight’s meeting.

I write to urge Bellaire leaders to do whatever necessary to make sure a soccer stadium is not constructed half a mile from our residential neighborhood. Someone with no knowledge of Rice University football games has said that a stadium near Bellaire would pose no traffic problems. Rice has a large stadium – it’s true, but it has not been filled in decades. As a matter of fact we have to beg people to come to games. Attendance at a soccer stadium would be used. To make it cost effective, the owners will be casting about for other uses, I assure you.
There are experts who can provide the mayor and council with legitimate data on how such a stadium would adversely impact a residential neighborhood.

Please find those people and get their research. They will cite data on extra crime, traffic accidents (think of all the children we have who play outside and all the cars that would be rushing to and from the stadium), the trash that would blow our way exacerbating flooding because it will go down drains . . . the list of negatives is long. There are many people who would argue that a world-class city is not dependent on professional sports stadiums, rather on clean water, clean air, high-quality education for K-12, clean industry, etc.

Please let me know how I can help with this cause, and thank you again for taking in comments.

Karen A. Erwin, 5212 Grand Lake Street, Bellaire, Texas:

I apologize for not getting my comments to council in time for the meeting tonight, however, I still want Mayor Siegel and the rest of council to know that I am against any construction of a Dynamos or any other type of stadium in close proximity to the City of Bellaire. There were many good points brought up at the council meeting tonight. I believe that sitting back and doing nothing is not an option and fully support Mayor Siegel in her efforts to preserve the ideas and plans set forth in the Comprehensive Plan.

Henry J. Blum, M.D., Chairman, Board of Governors, Foundation Surgical Hospital, 5420 West Loop South, Suite 3200, Bellaire, Texas:

Dear Mayor Siegel,

As you know Foundation Surgical Hospital is an acute care 64 bed surgical hospital providing orthopedic and spine surgery for over 5,000 patients per year. We are located approximately 200 yards just east of the proposed soccer stadium and development. Our patients require a “quiet zone” to ensure a satisfactory healing environment. The proposed stadium complex would interfere with this environment with intrusive lighting, noise and traffic concerns. We strongly petition that the stadium complex not be built at this site near our hospital.

I would like this letter read and placed on record at the Monday night meeting.
Timothy White, 4808 Glenmont Drive, Bellaire, Texas:

The Honorable Mayor and Members of the Bellaire City Council:

In regards to the property located at the corner of South Rice Avenue and Westpark Road, I too would like to express my concerns about future development of this property. I am greatly concerned over the potential development of the property for a stadium for the Houston Dynamos and its negative impacts on the community and citizens of Bellaire. If the stadium is constructed at this location it will likely have a negative impact on property values and a degradation of the quality of life for those who live nearby.

However, I am also concerned about another issue associated with this property. According to the Texas Commission on Environmental Quality ("TCEQ"), the property located at 5425 South Rice Avenue entered into the Voluntary Cleanup Program ("VCP") in October 1998. The Texas VCP is a program administered by the TCEQ which provides administrative, technical, and legal incentives to encourage the cleanup of contaminated sites in Texas. This property on South Rice Avenue is reported to have both soil and groundwater contamination present in excess of the concentrations allowed by the State of Texas. Contaminants reported for the site on the TCEQ website are Benzene, Toluene, Ethyl benzene, and Xylenes ("BTEX"), Total Petroleum Hydrocarbons ("TPH") and chlorinated solvents. According to the available information on the website, no remedy of the property has been selected to date.

In January, I witnessed activity in the Right-of-Way south of Lehigh Street and east of Anderson Street. I approached the men working in this area and inquired about their activities. I was told that they were working for the owner of the nearby South Rice Avenue property and were conducting remedial measures. I inquired into what it was that they were trying to remediate. I was told that while none of the groundwater monitor wells located along the edge of the Right-of-Way had shown detectable concentrations of TCE, they were taking "proactive" measures to address a TCE plume. TCE is an acronym for Trichloroethylene, a chlorinated solvent. The men were injecting a commercial product into the ground that could enhance the biological degradation of the TCE under ideal conditions.

The need for this drastic action concerns me a great deal. It demonstrates that this TCE plume has migrated approximately 500 feet from the site and is heading directly towards the residences of Saxon and Glenmont Streets.

Unless properly addressed, the potential development of the property where the source of the contamination originates will likely result in the increased migration of contaminants from the site. Now that the Council is looking to readdress the RDD statute, I strongly urge them to keep in mind the contamination that is located on and migrating from the property.
Kevin Leonard, 5007 Tamarisk Lane, Bellaire, Texas:

Dear Mayor Siegel and City Council:

I am pleased to see that you have acted quickly in addressing the proposed Dynamo stadium site located at South Rice and Westpark and strongly urge you to adopt the Resolution that is on tonight’s agenda requesting that the Houston Dynamo organization, the City of Houston, Texas, and Harris County, Texas, approve the originally proposed East Downtown location for the new stadium.

My wife and I started a petition last week recommending the same position as the proposed Resolution. An East Downtown (EaDo) location would better serve Dynamo fans for ease of access to and from the stadium. Additionally, the EaDo site promotes economic redevelopment of the area and EaDo community leaders fully support that site.

I urge all Bellaire residents and residents in the surrounding areas that support the original stadium site to get online and sign the petition. The website is www.ipetitions.com/petition/eastdowntownlocation/. Though the site has only been available for less than a week we have been able to obtain nearly 150 signatures and hope to exponentially increase that number over the next few weeks as word spreads throughout our community.

Angelo Longo, Realtor Associate, Lisa Barnes Properties, Bellaire, Texas:

Mrs. Siegel,

I am not able to attend the meeting tonight at the City of Bellaire, but would like to express my opposition to the proposed stadium at South Rice and Westpark.

My family and I have lived on the 4800 and 4900 blocks of Mayfair Street for almost 10 years. Our neighborhood has always been the victim of drivers "shortcutting" through our neighborhood at high speeds while trying to avoid traffic jams on 610 and 59. This problem would be exponentially larger with thousands of drivers in the area on game days.

With the proposal of the stadium and the congestion it would bring, I can only imagine the logjam that would be created on South Rice, Westpark and 610 on game days that would certainly spill into our community. Is there a required feasibility study that would predict the traffic associated with the
proposed stadium? I cannot imagine how any logical person could conclude anything other than a traffic nightmare would be created for the time period around each event held at the stadium.

In order to protect the integrity of our community, would it be possible to shut down traffic on South Rice and/or the 610 feeder on event days? In the same way that the City of Houston closes Kirby for Rodeo events and Texans football games, would Bellaire have the same jurisdiction to control the roads within its boundaries? Perhaps the threat of further-reduced thoroughfares would inhibit the desire to build the stadium near Bellaire.

I think I can speak for my neighbors that there is nothing of benefit to our neighborhood and Bellaire with the construction of this stadium. The loss of tax revenue to the City of Bellaire as a result of potentially reduced property values would certainly be detrimental. There is truly nothing to gain that would be of benefit to Bellaire and her citizens.

Lucy Leonard, 5007 Tamarisk Lane, Bellaire, Texas:

Mayor Siegel and City Council,

I am fully supportive of the resolution tonight as stated on the agenda to urge Houston and Harris County leaders to move forward with the original plan of the Dynamo location in East Downtown. To support these efforts a petition is currently being circulated online and on paper to gather signatures of residents who have expressed concern over the Midway Company’s location and who would like to support the EaDo location.

The petition reads as follows:

We, the undersigned, urge Houston and Harris County leaders to support the original location of the new Dynamo stadium in East Downtown (EaDo) as opposed to the recently announced site at the corner of South Rice and Westpark. The central EaDo location is near major freeway arteries that flow north, south, east and west allowing easy access for fans from all areas of Houston and Harris County. In contrast, the South Rice/Westpark location does not provide easy points of access or mobility as it is gridlocked by one of the most congested highway intersections in the United States.

As a result of the access and mobility issues surrounding the area, we believe the proposed South Rice/Westpark location would have a negative impact to the residential neighborhoods that are in proximity to the location. While a new stadium at the central EaDo location could mean a significant infusion of development dollars into the EaDo district that could result in a positive economic impact for the area.
This petition may be found at www.ipetitions.com/petition/eastdowntownlocation/ for anyone who may be interested.

Tony and Julie Pastel, 4802 Glenmont Drive, Bellaire, Texas:

Mayor Siegel and City Council—

As residents of Bellaire living on Glenmont Street we are strongly opposed to the construction of a soccer stadium at the corner of South Rice and Westpark.

We feel this proposed stadium would adversely impact our neighborhood and the City of Bellaire.

Our neighborhood already has motorists routinely ignoring traffic signs, speeding down our quiet, dead end streets in futile attempts to access the already congested 610 feeder road north of Fournace. The increased traffic would be a nightmare.

Aside from the increase in traffic, the noise and lights from such a stadium would greatly and negatively impact our quality of life and our property values.

The likelihood of an influx of non-Bellaire residents parking in front of our homes and the ensuing foot traffic through our neighborhoods in order to access the stadium is high, and causes additional concern.

There is zero neighborhood support for locating any type of sports or entertainment venue/stadium adjacent to our community. Please speak out on our behalf and for the City of Bellaire in stating your opposition to the proposed stadium site at South Rice and Westpark.

E. REPORTS:

CITY MANAGER’S REPORT regarding residential safety (police activity report and training offered by the Fire Department), public infrastructure/utilities (street and drainage projects update and facilities update), cultural and recreational (book signing and Parks and Recreation Department award), employees (employee of the quarter), indicators (crime and building permits), current issues/information (Horn Elementary School plans and Bellaire Comprehensive Plan presentation) 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 as set forth below.

Residential Safety

City Manager Satterwhite advised that with respect to police activity, there were 42 Part 1 offenses compared to 40 at this time last year. There were 35 traffic accidents as compared to 56 in the prior year. There were no robberies during the month of January; however, there were 11 burglaries. Six of the burglaries involved forced entry into buildings resulting in stolen property.

It was noted that burglaries of motor vehicles were prevalent in Bellaire. Many of the surrounding cities had similar issues. City Manager Satterwhite urged residents not to leave any property in plain sight in their vehicles.

The Community Resource Officer for the Bellaire Police Department concentrated on burglary prevention during the month of January. It was noted that the Community Resource Officer often investigated residences and made recommendations as to how residents could provide greater security to protect against burglary.

The Bellaire Fire Department was hosting a seminar on Thursday evening at 7:00 p.m. to inform residents and other interested participants how to recognize the symptoms of a heart attack.

Public Infrastructure/Utilities

With respect to street and drainage projects, it was noted that the City was down to one street project—Whipple Street. There would be more street projects gearing up in the near future.

The ramp and driveway for the new Fire Station was poured over the weekend. Underground water storage facilities had also been installed for that facility.

The plinths for the History Walk Project were being installed and completion was expected toward the end of the week. The maps/guides to be utilized while taking the History Walk were still under review by the Bellaire Arts Commission. Once everything was completed, the City would have an official dedication ceremony for the History Walk.

With respect to the Paseo Park beautification study for the area between South Rice Avenue and Third Street, City Manager Satterwhite advised that the consultants, Clark Condon Associates, Inc., had developed three conceptual plans for the area. The Chair and Vice Chair of the Parks &
Recreation Advisory Board, as well as Director of Parks & Recreation Jane L. Dembski, Parks Superintendent Brooks Smith, and City Manager Satterwhite had looked over the plans. The plans would be presented to the Parks & Recreation Advisory Board this week and a recommendation would be forthcoming to the Bellaire City Council in the near future.

**Cultural and Recreational**

Also of note on Thursday was a book signing to take place at the Bellaire City Library from 6:30 p.m. until 6:45 p.m.

The Bellaire Parks & Recreation Department and the Bellaire Arts Commission were going to be the recipient of an award during a conference in March of 2010. The award, an Arts and Humanities Award, would be given by the Texas Recreation and Park Society in recognition of the BelleArtz Show.

The recent Daddy-Daughter Dance held by the Parks & Recreation Department was unmatched in success. There were 191 Daddies and Daughters in attendance for the event, 108 of which had pre-registered.

Valerie Langdon, Interim Bellaire L.I.F.E. Senior Services Specialist, and Pauline McRae, Bellaire L.I.F.E. Coordinator, arranged a very successful tea party this past week with real tea and cookies for Bellaire L.I.F.E. participants.

**Employees**

A special recognition was given to Valerie Langdon, Interim Bellaire L.I.F.E. Senior Services Specialist, for her recent selection as Bellaire’s Employee of the Quarter. Ms. Langdon was doing a great job for the City.

**Current Issues/Information**

An item that would be coming forward to the Planning and Zoning Commission and City Council for consideration was a specific use amendment and permit application for the new Horn Elementary School. Plans for the new school had been underway for quite some time. The school building itself would be constructed on the opposite end of the property (i.e., south end) and the fields (currently on the south end) would be moved to the north end of the property. It was anticipated that the specific use amendment and permit would undergo a public hearing before the Planning and Zoning Commission during the month of March. Construction for the new school was expected to begin in early summer of 2010.

On Tuesday, February 23, 2010, the Bellaire Comprehensive Plan would be presented to the business community during a Greater Southwest Houston Chamber of Commerce luncheon meeting. The public was invited to attend and could purchase lunch at the meeting.
Upcoming Meetings/Events

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Type of Meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td>02/16/2010</td>
<td>12:00 p.m.</td>
<td>Audit/Finance Committee Meeting</td>
</tr>
<tr>
<td>02/19/2010</td>
<td>5:30 p.m.</td>
<td>City Council Workshop Session – Goal Setting</td>
</tr>
<tr>
<td>02/20/2010</td>
<td>8:00 a.m. to 12:00 p.m.</td>
<td>Joint Workshop Session of City Council and all City Boards, Commissions, and Committees</td>
</tr>
<tr>
<td>03/01/2010</td>
<td>7:00 p.m.</td>
<td>Regular Session</td>
</tr>
</tbody>
</table>

City Manager Satterwhite closed by mentioning that applications for Boards, Commissions, and Committees were being accepted through May 14, 2010.

QUESTIONS FROM CITY COUNCIL:

Councilman Will Hickman referred to Feld Park near Gordon Elementary School and advised that it seemed that flooding between fields and the playground had increased each time he visited the park. He indicated that there seemed to be a problem with the drainage system.

Councilman Corbett Daniel Parker referred to an email that City Council had received regarding a Google beta test.

City Manager Satterwhite stated that he would get with Communications Technology Services Director Larry Parks on Tuesday and would obtain some information regarding that beta test.

Councilman Parker inquired as to whether there had been any follow up on the allegation that there was a property on Cedar Street being used for purely commercial purposes.

City Manager Satterwhite advised that he did not have an update on that allegation right now.

Councilman Parker inquired as to how the City looked into allegations that people were operating allegedly without a medical license or violating their medical license. In other words, did the City have any jurisdiction with respect to those issues?

City Manager Satterwhite indicated that he did not believe the City had any jurisdiction or regulatory authority with respect to such issues. The City could make the situation known to the appropriate state agency.

MOTION TO ACCEPT REPORT INTO THE RECORD:

A joint motion was made by Councilman James P. Avioli, Sr., and Councilman Andrew Friedberg and seconded by Councilman Will Hickman
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.  
Parker, Corbett Daniel  
Nauert, Phil  
Friedberg, Andrew  
Nathan, Mandy

OPPOSED: None

ABSENT: None

F. 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.

Members of the Bellaire City Council requested that items be removed from
the Consent Agenda and considered separately as follows:

Mayor Pro Tem Phil Nauert – item 2. a.;
Councilman Andrew Friedberg – items 1. a. and 1. b.;
Councilman James P. Avioli, Sr. - item 5. a.
Mayor Cindy Siegel – item 5. b.;
Councilman Corbett Daniel Parker – item 1.b.; and
Councilman Will Hickman – item 4.

The only item remaining on the Consent Agenda for consideration was item
3., which was considered at this point in the meeting as follows:

3. DONATION:

CONSIDERATION of and possible action on the adoption of a
resolution of the City Council of the City of Bellaire, Texas, accepting a
donation in the amount of $12,782.00 from the Friends of the Bellaire
Library for the purpose of purchasing reference material, Bookpage
Magazine, program support for children’s and teen summer
programming, book drop art, promotional cards for library hours,
ceiling mounted data projector and a public computer stand – Item
submitted by Library Director Mary Alford Cohrs.
MOTION TO APPROVE CONSENT AGENDA:

A motion was made by Mayor Pro Tem Phil Nauert and seconded by Councilman Will Hickman to approve the Consent Agenda dated February 15, 2010, consisting of the following:

- Adoption of resolution of the City Council of the City of Bellaire, Texas, accepting a donation in the amount of $12,782.00 from the Friends of the Bellaire Library for the purpose of purchasing items for the Bellaire City Library (i.e., reference material, Bookpage Magazine, program support for children’s and teen summer programming, book drop art, promotional cards for library hours, ceiling mounted data projector and a public computer stand).

VOTE ON MOTION TO APPROVE CONSENT AGENDA:

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

FOR: Siegel, Cindy
    Hickman, Will
    Avioli, James P., Sr.
    Parker, Corbett Daniel
    Nauert, Phil
    Friedberg, Andrew
    Nathan, Mandy

OPPOSED: None

ABSENT: None

{Resolution was subsequently numbered: 10-04}

1. APPROVAL/CORRECTION OF MINUTES:

a. APPROVAL of the minutes of the Special Session (Interviews) and Regular Session of the City Council of the City of Bellaire, Texas, held Monday, January 18, 2010 – Item submitted by City Clerk Tracy L. Dutton.

MOTION TO APPROVE MINUTES:

A motion was made by Councilman Andrew Friedberg and seconded by Councilman James P. Avioli, Sr., to approve the minutes of the Special Session (Interviews) and Regular Session of the City Council of the City of Bellaire, Texas, held Monday, January 18, 2010.
DISCUSSION ON MOTION TO APPROVE MINUTES:

Councilman Andrew Friedberg referred to page 30 of the minutes, line 1395, and noted that there was a parenthetical reference to NFIP. That reference should be “NTIP.” With respect to line 1400, he proposed adding some language as follows: after the end of the sentence, which concluded with the word “permit,” he wished to add a comma and the statement “but the number of spaces required thereunder is insufficient.” The next sentence, which read “He would like to see the facility try to get . . .” should have the remainder of its language stricken and the following language added in lieu thereof: “a variance to add more parking onsite and then City Council could revisit the issue in the future if the variance application is unsuccessful.”

The corrections suggested by Councilman Friedberg were accepted by City Council, and a vote was taken on the minutes, as corrected.

VOTE ON MOTION TO APPROVE MINUTES, WITH CORRECTIONS SUGGESTED BY COUNCILMAN ANDREW FRIEDBERG:

FOR: Siegel, Cindy
      Hickman, Will
      Avioli, James P., Sr.
      Parker, Corbett Daniel
      Nauert, Phil
      Friedberg, Andrew
      Nathan, Mandy

OPPOSED: None

ABSENT: None

b. APPROVAL of the minutes of the Regular Session (Town Meeting) of the City Council of the City of Bellaire, Texas, held Monday, February 1, 2010 – Item submitted by City Clerk Tracy L. Dutton.

MOTION TO APPROVE MINUTES:

A motion was made by Councilwoman Mandy Nathan and seconded by Councilman Corbett Daniel Parker to approve the minutes of the Regular Session (Town Meeting) of the City Council of the City of Bellaire, Texas, held Monday, February 1, 2010.
DISCUSSION ON MOTION TO APPROVE MINUTES:

Councilman Corbett Daniel Parker advised that he would like for the comments he made at the Town Meeting to be stated verbatim, if possible.

City Clerk Tracy L. Dutton stated that the meeting was not audiotaped, but if she could pick up his comments from the videotape, she would try to do so.

VOTE ON MOTION TO APPROVE MINUTES, AS CORRECTED TO INCLUDE COUNCILMAN PARKER’S VERBATIM COMMENTS, IF POSSIBLE:

Motion carried unanimously on a 6-0-1 vote as follows:

FOR: Siegel, Cindy  
      Avioli, James P., Sr.  
      Parker, Corbett Daniel  
      Nauert, Phil  
      Friedberg, Andrew  
      Nathan, Mandy

OPPOSED: None

ABSENT: None

ABSTAIN: Hickman, Will*

*Councilman Will Hickman abstained from voting on the approval of the minutes of the Regular Session (Town Meeting) of the City Council of the City of Bellaire, Texas, held on Monday, February 1, 2010, due to his absence from that meeting.

2. BID AWARDS:

a. CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department to award Bid No. 10-002, Solid Waste and Construction Debris Disposal (Tipping Fees), to Blue Ridge Landfill TX, LP in an amount not to exceed $9.00 per cubic yard for compacted debris and $6.00 per cubic yard for non-compact debris 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, for and on behalf of the City of Bellaire,
Texas, a *Standard Form of Agreement* with Blue Ridge Landfill TX, LP for solid waste and construction debris disposal (tipping fees) in an amount not to exceed $9.00 per cubic yard for compacted debris and $6.00 per cubic yard for non-compacted debris – *Item submitted by Director of Public Works Joe Keene.*

**MOTION TO APPROVE AWARD OF BID AND ADOPTION OF ORDINANCE AUTHORIZING EXECUTION OF AGREEMENT:**

A motion was made by Mayor Pro Tem Phil Nauert and seconded by Councilman James P. Avioli, Sr., to approve a recommendation from the Bellaire Public Works Department to award Bid No. 10-002, Solid Waste and Construction Debris Disposal (Tipping Fees), to Blue Ridge Landfill TX, LP in an amount not to exceed $9.00 per cubic yard for compacted debris and $6.00 per cubic yard for non-compacted debris and to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a *Standard Form of Agreement* with Blue Ridge Landfill TX, LP for solid waste and construction debris disposal (tipping fees) in an amount not to exceed $9.00 per cubic yard for compacted debris and $6.00 per cubic yard for non-compacted debris.

**DISCUSSION ON MOTION TO APPROVE AWARD OF BID AND ADOPTION OF ORDINANCE AUTHORIZING EXECUTION OF AGREEMENT:**

Mayor Pro Tem Phil Nauert asked for confirmation that the bid award covered tipping fees for compacted and non-compacted solid waste from the City’s Solid Waste Department.

Director of Public Works Joe Keene advised that Mayor Pro Tem Nauert was correct.

Mayor Pro Tem Nauert noted that there were two bids, one from Blue Ridge Landfill and the other from Ruffino Hills Landfill. The Blue Ridge Landfill was 11-12 miles from Bellaire. The Ruffino Hills Landfill, by his estimation, was 5-6 miles from Bellaire.

Director Keene advised that he believed the Ruffino Hills Landfill was 9 miles from Bellaire.
Mayor Pro Tem Nauert referred to calculations made in determining the advisability of accepting the Blue Ridge Landfill bid. He asked if the Bellaire Public Works Department also calculated the time and greater distance involved in traveling to the Blue Ridge Landfill. After noting that time and distance were taken into account, Mayor Pro Tem Nauert asked for confirmation that the Blue Ridge Landfill bid was the most cost-effective for the City.

Director Keene advised that it was.

Mayor Pro Tem Nauert asked if the City still had a favorable agreement with the Ruffino Hills Transfer Station for a reduced fee for tipping fees. Originally, the contract had a provision to give the City favorable consideration on tipping fees.

Director Keene indicated that these bids were competitively bid and everyone had an opportunity to submit a bid.

Mayor Pro Tem Nauert asked City Manager Satterwhite and City Attorney Petrov if the City had negotiated a favorable position for tipping fees with the Ruffino Hills Landfill.

City Attorney Petrov advised that Mayor Pro Tem Nauert was correct.

Mayor Pro Tem Nauert asked if this were considered in their bid.

City Attorney Petrov stated that he did not know that for sure. The Ruffino Hills Landfill was supposed to offer the City a discount off of their posted tipping fees.

Mayor Pro Tem Nauert suggested tabling action on this agenda item until those calculations could be performed. The mileage was a little farther to the Blue Ridge Landfill and if the Ruffino Hills Landfill was obliged to offer the City the reduced rate, then it might be cost-effective to use them.

Mayor Cindy Siegel stated that she, too, thought the City was supposed to be given a more favorable rate at the Ruffino Hills Landfill.

MOTION TO POSTPONE CONSIDERATION OF BID AWARD AND ADOPTION OF AN ORDINANCE AUTHORIZING
EXECUTION OF AN AGREEMENT:

A motion was made by Mayor Pro Tem Phil Nauert to postpone consideration of the award of Bid No. 10-002, Solid Waste and Construction Debris Disposal (Tipping Fees), to Blue Ridge Landfill TX, LP in an amount not to exceed $9.00 per cubic yard for compacted debris and $6.00 per cubic yard for non-compacted debris and on the adoption of an ordinance authorizing execution of an agreement with Blue Ridge Landfill TX, LP for said fees until such time as the Bellaire Public Works Department could review a Ground Lease Agreement between the City of Bellaire, Texas, and Ruffino Hills, LP, with respect to discounted tipping fees. Councilman Corbett Daniel Parker seconded the motion.

DISCUSSION ON MOTION TO POSTPONE CONSIDERATION OF BID AWARD AND ADOPTION OF AN ORDINANCE AUTHORIZING EXECUTION OF AN AGREEMENT:

Councilman Will Hickman inquired as to the current mileage the Bellaire Public Works Department was driving to the landfill.

Director Keene indicated that the City was currently driving 11.9 miles to the landfill.

Councilman Hickman inquired as to the current tipping fees.

Director Keene stated that the current tipping fees were the same as those bid--$9.00 per cubic yard for compacted debris and $6.00 per cubic yard for non-compacted debris.

Councilman James P. Avioli, Sr., inquired as to how the cubic yards of debris was calculated.

Director Keene indicated that the cubic yards of debris were calculated by weight. The truck was weighed on a scale going into the landfill and coming out.

Councilman Avioli inquired as to whether the scale was checked for accuracy.

Director Keene advised that he was not certain about that.
VOTE ON MOTION TO POSTPONE CONSIDERATION OF
BID AWARD AND ADOPTION OF AN ORDINANCE
AUTHORIZING EXECUTION OF AN AGREEMENT:

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

FOR:    Siegel, Cindy
         Hickman, Will
         Avioli, James P., Sr.
         Parker, Corbett Daniel
         Nauert, Phil
         Friedberg, Andrew
         Nathan, Mandy

OPPOSED: None

ABSENT: None

b. CONSIDERATION of and possible action on a
recommendation from the Bellaire Public Works
Department to award Bid No. 10-003, Replacement of
the South Rice Lift Station, to Metro City Construction in
an amount not to exceed $761,729.00 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, for and on behalf of the City of Bellaire,
Texas, a Standard Form of Agreement with Metro City
Construction for said project in an amount not to exceed
$761,729.00 – Item submitted by Director of Public
Works Joe Keene.

MOTION TO APPROVE BID AWARD AND ADOPTION OF
AN ORDINANCE AUTHORIZING EXECUTION OF AN
AGREEMENT:

A motion was made by Councilman Corbett Daniel Parker
and seconded jointly by Councilman Will Hickman and
Councilman James P. Avioli, Sr., to approve a
recommendation from the Bellaire Public Works
Department to award Bid No. 10-003, Replacement of
the South Rice Lift Station, to Metro City Construction in
an amount not to exceed $761,729.00 and to adopt an
ordinance of the City Council of the City of Bellaire, Texas,
authorizing the Mayor and the City Clerk of the City of
Bellaire, Texas, to execute and attest, respectively, for and
on behalf of the City of Bellaire, Texas, a Standard Form of
Agreement with Metro City Construction for said project in an amount not to exceed $761,729.00.

DISCUSSION ON MOTION TO APPROVE BID AWARD AND ADOPTION OF AN ORDINANCE AUTHORIZING EXECUTION OF AN AGREEMENT:

Councilman James P. Avioli, Sr., referred to the bid sheet and noted that he was certainly pleased to get the low bid. One thing that caught his eye was that the low bid was 20% lower than the engineer’s estimate. He asked if Ralph Cox, P.E., Klotz Associates Inc., could address that.

Ralph Cox, P.E., Klotz Associates Inc., advised that the bidding environment right now was very competitive. Contractors were hungry for work. The engineer’s estimate was prepared last fall. He was finding that it was not unusual for bids to be 20-30% under the engineer’s estimate on many jobs.

Councilman Avioli inquired as to whether Mr. Cox was satisfied that Bellaire would get what it needed.

Mr. Cox advised that his firm looked very hard at the low bidder. The bidder had done similar projects, but not a large amount of such projects. For that reason, his firm vetted them pretty completely. After doing so, the firm was convinced that the low bidder could do the job.

Councilman Avioli pointed out that the low bid was $198,000 cheaper than the engineer’s estimate, which was certainly okay.

Councilman Will Hickman inquired as to whether Klotz Associates Inc. had any experience with the low bidder and/or whether references were checked.

Mr. Cox advised that his firm checked references, talked with other owners, other engineers, and the contractor’s bank. The contractor (low bidder) had done work for the City of Bellaire before--not on lift stations, but on sidewalks.

Councilman Hickman referred to the contingency items, noting that the cost was the same for every bid and for the engineer’s estimate. He asked Mr. Cox if he could provide an explanation as to how that worked.
Mr. Cox advised that the contingency items were allowances put into the bid to handle unforeseen circumstances. For example, if additional work were needed, the engineers would get a proposal from the contractor that would be negotiated against the contingency items amount.

Councilman Hickman inquired as to whether the contingency items were usually needed.

Mr. Cox indicated that he hoped the contingency items would not be needed, but did not know for certain.

Councilman Andrew Friedberg referred to the Standard Form of Agreement that the City attached to its ordinance. He inquired as to whose “Standard Form of Agreement” that was.

City Attorney Alan P. Petrov indicated that the Standard Form of Agreement was something the City had been using for the last several years. It was merely a cover agreement page, which incorporated the bid package as part of the agreement.

Councilman Friedberg inquired as to the last time the Standard Form of Agreement was updated.

City Attorney Petrov advised that it was updated approximately 3-4 years ago.

Councilman Hickman inquired as to the source of funding for this project.

City Manager Bernard M. Satterwhite, Jr., stated that the source of funding was the Capital Improvement Program Fund.

VOTE ON MOTION TO APPROVE BID AWARD AND ADOPTION OF AN ORDINANCE AUTHORIZING EXECUTION OF AN AGREEMENT:

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

FOR: Siegel, Cindy
      Hickman, Will
      Avioli, James P., Sr.
      Parker, Corbett Daniel
      Nauert, Phil
      Friedberg, Andrew
      Nathan, Mandy
3. DONATION:

CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, accepting a donation in the amount of $12,782.00 from the Friends of the Bellaire Library for the purpose of purchasing reference material, *Bookpage Magazine*, program support for children’s and teen summer programming, book drop art, promotional cards for library hours, ceiling mounted data projector and a public computer stand – *Item submitted by Library Director Mary Alford Cohrs.*

This item was considered as a Consent Agenda item. See pages 14-15 of these minutes for discussion and action related to this item.

4. INVESTMENT POLICY REVIEW:

CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas ("City Council"), verifying and acknowledging that the City Council has performed its annual review of the City of Bellaire Investment Policy and Investment Strategies – *Item submitted by Chief Financial Officer Donna Todd.*

MOTION TO ADOPT AN ORDINANCE RELATED TO THE ANNUAL REVIEW OF THE CITY’S INVESTMENT POLICY:

A motion was made by Councilman Corbett Daniel Parker and Councilman Will Hickman to adopt an ordinance of the City Council of the City of Bellaire, Texas ("City Council"), verifying and acknowledging that the City Council has performed its annual review of the City of Bellaire Investment Policy and Investment Strategies.

DISCUSSION ON MOTION TO ADOPT AN ORDINANCE RELATED TO THE ANNUAL REVIEW OF THE CITY’S INVESTMENT POLICY:

Councilman Will Hickman inquired as to whether there had been any changes from last year’s policy.

City Manager Bernard M. Satterwhite, Jr., indicated that there had been no changes.
VOTE ON MOTION TO ADOPT AN ORDINANCE RELATED TO THE ANNUAL REVIEW OF THE CITY’S INVESTMENT POLICY:

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

FOR:  Siegel, Cindy  
Hickman, Will  
Avioli, James P., Sr.  
Parker, Corbett Daniel  
Nauert, Phil  
Friedberg, Andrew  
Nathan, Mandy  

OPPOSED:  None  

ABSENT:  None  

{Ordinance was subsequently numbered: 10-009}

5. JOINT PUBLIC HEARINGS:

a. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas ("City Council"), calling a joint public hearing before the City Council and the Planning and Zoning Commission of the City of Bellaire, Texas ("Planning and Zoning Commission"), on Monday, March 15, 2010, at 6:00 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas, for the purpose of hearing any and all persons desiring to be heard on or in connection with revisions proposed to the Code of Ordinances of the City of Bellaire, Texas ("Code"), Chapter 24, Planning and Zoning, Article V, Zoning Regulations, Division 1, Zoning Districts and Regulations of General Applicability, Section 24-510, Accessory Uses and Structures, to allow the use of commercial garages and parking lots in planned developments; Code, Chapter 24, Planning and Zoning, Article V, Zoning Regulations, Division 2, Zoning District Regulations, Section 24-547, Research, Development and Distribution District, to rename the Section, delete references to permitted and specific uses and to amend the requirements for planned developments; Code, Chapter 24, Planning and Zoning, Article IV, Planning Documents and Official Map, Section 24-403, Official Zoning District Map, to include specific revisions to said sections in order to update the zoning regulations in accordance with the intent of the Comprehensive Plan approved and adopted by the
Bellaire City Council on November 15, 2009; and Code, Article X, Signs, by replacing any and all occurrences of the phrase “RDD” with the phrase “UV-T” – Item submitted by Director of Community Development John McDonald.

MOTION TO ADOPT ORDINANCE CALLING A JOINT PUBLIC HEARING REGARDING PROPOSED REVISIONS TO THE ZONING CODE:

A motion was made by Councilman Andrew Friedberg and seconded by Councilwoman Mandy Nathan to adopt an ordinance of the City Council of the City of Bellaire, Texas (“City Council”), calling a joint public hearing before the City Council and the Planning and Zoning Commission of the City of Bellaire, Texas (“Planning and Zoning Commission”), on Monday, March 15, 2010, at 6:00 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas, for the purpose of hearing any and all persons desiring to be heard on or in connection with revisions proposed to the Code of Ordinances of the City of Bellaire, Texas (“Code”), Chapter 24, Planning and Zoning, Article V, Zoning Regulations, Division 1, Zoning Districts and Regulations of General Applicability, Section 24-510, Accessory Uses and Structures, to allow the use of commercial garages and parking lots in planned developments; Code, Chapter 24, Planning and Zoning, Article V, Zoning Regulations, Division 2, Zoning District Regulations, Section 24-547, Research, Development and Distribution District, to rename the Section, delete references to permitted and specific uses and to amend the requirements for planned developments; Code, Chapter 24, Planning and Zoning, Article IV, Planning Documents and Official Map, Section 24-403, Official Zoning District Map, to include specific revisions to said sections in order to update the zoning regulations in accordance with the intent of the Comprehensive Plan approved and adopted by the Bellaire City Council on November 15, 2009; and Code, Article X, Signs, by replacing any and all occurrences of the phrase “RDD” with the phrase “UV-T.”

DISCUSSION ON MOTION TO ADOPT ORDINANCE CALLING A JOINT PUBLIC HEARING REGARDING PROPOSED REVISIONS TO THE ZONING CODE:

Mayor Cindy Siegel noted that March 15, 2010, was the beginning of Spring Break for the schools in the area. Several
of the members of City Council would be gone during that week. She advised that this particular agenda item and the next one would need to be amended to change the date of the joint public hearing to March 22, 2010.

Mayor Siegel noted further that there were many residents living close to the RDD Zoning District and she wished to make sure everyone was clear on the purpose of the joint public hearing. It was her understanding from conversations with City Manager Bernard M. Satterwhite, Jr., and Director of Community Development John McDonald that the purpose of the proposed revisions to the Zoning Code was to delete what was currently in the RDD Zoning District statute for permitted uses and specific uses, as well as some other items. The planned developments were modified a bit as well. Basically, more control over the uses were placed in the City’s hands while the Planning and Zoning Commission was going through the process of getting community input on what the City wanted the final ordinance to be. Community Development Director McDonald suggested the proposed revisions as a “temporary fix.” Examples of current permitted uses and specific uses were car lots, athletic stadiums, etc.

**AMENDMENT (NO. 1) TO MOTION TO ADOPT ORDINANCE CALLING A JOINT PUBLIC HEARING REGARDING PROPOSED REVISIONS TO THE ZONING CODE:**

An Amendment (No. 1) to the motion to adopt an ordinance calling a joint public hearing regarding proposed revisions to the Zoning Code to change the date of the Joint Public Hearing from March 15, 2010, to March 22, 2010, was made by Mayor Pro Tem Phil Nauert. Councilman Corbett Daniel Parker seconded Amendment (No. 1).

**VOTE ON AMENDMENT (NO. 1) TO MOTION TO ADOPT ORDINANCE CALLING A JOINT PUBLIC HEARING REGARDING PROPOSED REVISIONS TO THE ZONING CODE:**

Amendment (No. 1) to motion carried unanimously on a 7-0 vote as follows:

**FOR:** Siegel, Cindy  
Hickman, Will  
Avioli, James P., Sr.  
Parker, Corbett Daniel  
Nauert, Phil  
Friedberg, Andrew
FOR (CONT.): Nathan, Mandy

OPPOSED: None

ABSENT: None

DISCUSSION ON MOTION TO ADOPT ORDINANCE CALLING A JOINT PUBLIC HEARING REGARDING PROPOSED REVISIONS TO THE ZONING CODE, AS AMENDED:

Councilman Will Hickman inquired as to the process if the revisions were approved. In other words, if a developer wanted to do something in the RDD Zoning District going forward, what would the process be?

City Attorney Alan P. Petrov indicated that a developer would apply for a planned development. A planned development would require a public hearing before the Planning and Zoning Commission. The Planning and Zoning Commission would then prepare a recommendation to City Council and City Council would hold its own public hearing.

VOTE ON MOTION TO ADOPT ORDINANCE CALLING A JOINT PUBLIC HEARING REGARDING PROPOSED REVISIONS TO THE ZONING CODE, AS AMENDED:

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

FOR: Siegel, Cindy
Hickman, Will
Avioli, James P., Sr.
Parker, Corbett Daniel
Nauert, Phil
Friedberg, Andrew
Nathan, Mandy

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 10-010}

b. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, calling a joint public hearing before the City Council of the City of Bellaire, Texas, and the Planning
and Zoning Commission of the City of Bellaire, Texas, on Monday, March 15, 2010, at 6:15 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas, for the purpose of hearing any and all persons desiring to be heard on or in connection with an application and request submitted by Dr. Mario Quintanilla for an amendment to Specific Use Amendment and Permit S-73 to allow an increase to the square footage of the project area of the proposed urgent care center approved for 5300 Bellaire Boulevard (i.e., north side of Bellaire Boulevard west of Ferris Street) in the CCD-2 Zoning District – Item submitted by Director of Community Development John McDonald.

MOTION TO ADOPT AN ORDINANCE CALLING A JOINT PUBLIC HEARING REGARDING AN AMENDMENT TO SPECIFIC USE PERMIT S-73:

A motion was made by Councilman Corbett Daniel Parker and seconded by Councilman Will Hickman to adopt an ordinance of the City Council of the City of Bellaire, Texas, calling a joint public hearing before the City Council of the City of Bellaire, Texas, and the Planning and Zoning Commission of the City of Bellaire, Texas, on Monday, March 15, 2010, at 6:15 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas, for the purpose of hearing any and all persons desiring to be heard on or in connection with an application and request submitted by Dr. Mario Quintanilla for an amendment to Specific Use Amendment and Permit S-73 to allow an increase to the square footage of the project area of the proposed urgent care center approved for 5300 Bellaire Boulevard (i.e., north side of Bellaire Boulevard west of Ferris Street) in the CCD-2 Zoning District.

AMENDMENT (NO. 1) TO MOTION TO ADOPT AN ORDINANCE CALLING A JOINT PUBLIC HEARING REGARDING AN AMENDMENT TO SPECIFIC USE PERMIT S-73:

An Amendment (No. 1) to the motion to adopt an ordinance calling a joint public hearing regarding an amendment to Specific Use Permit S-73 to change the date of the Joint Public Hearing from March 15, 2010, to March 22, 2010, was made by Council Will Hickman. Mayor Pro Tem Phil Nauert seconded Amendment (No. 1).
VOTE ON AMENDMENT (NO. 1) TO MOTION TO ADOPT AN ORDINANCE CALLING A JOINT PUBLIC HEARING REGARDING AN AMENDMENT TO SPECIFIC USE PERMIT S-73:

Amendment (No. 1) to motion carried unanimously on a 7-0 vote as follows:

FOR: Siegel, Cindy
     Hickman, Will
     Avioli, James P., Sr.
     Parker, Corbett Daniel
     Nauert, Phil
     Friedberg, Andrew
     Nathan, Mandy

OPPOSED: None

ABSENT: None

VOTE ON MOTION TO ADOPT AN ORDINANCE CALLING A JOINT PUBLIC HEARING REGARDING AN AMENDMENT TO SPECIFIC USE PERMIT S-73, AS AMENDED:

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

FOR: Siegel, Cindy
     Hickman, Will
     Avioli, James P., Sr.
     Parker, Corbett Daniel
     Nauert, Phil
     Friedberg, Andrew
     Nathan, Mandy

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 10-011}

G. ADOPTION OF ORDINANCES:

   Bonds

1. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the issuance of “City of Bellaire, Texas, General
Obligation Refunding Bonds, Series 2010” in an amount not to exceed $18,000,000; specifying the terms and features of said bonds; establishing certain parameters for the sale of said bonds; and enacting provisions incident and related to the issuance, delivery, payment of and security for such bonds – 

Presentation by James Gilley, Partner, Coastal Securities Inc.; Item submitted by Chief Financial Officer Donna Todd.

SUMMARY:

City Manager Bernard M. Satterwhite, Jr., advised that the City saw an opportunity to do a refunding of callable bonds. James (Jim) Gilley, Partner, Coastal Securities, Inc., was present this evening to explain the program and answer any questions that City Council might have.

MOTION TO ADOPT AN ORDINANCE AUTHORIZING ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS:

A motion was made by Councilman Corbett Daniel Parker and seconded by Councilwoman Mandy Nathan to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the issuance of “City of Bellaire, Texas, General Obligation Refunding Bonds, Series 2010” in an amount not to exceed $18,000,000; specifying the terms and features of said bonds; establishing certain parameters for the sale of said bonds; and enacting provisions incident and related to the issuance, delivery, payment of and security for such bonds.

DISCUSSION ON MOTION TO ADOPT AN ORDINANCE AUTHORIZING ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS:

Mayor Cindy Siegel mentioned that the City had identified that there would be a minimum desired level of present value savings of $500,000 for the refunding.

James (Jim) Gilley, Partner, Coastal Securities Inc., stated that the City had about $16,375,000 of its Series 2002, 2002-A, and 2003 bonds that were callable and had an average interest rate of about 4.81%. Under current market conditions, those bonds could be refinanced with an average rate of just under 3.5%, which would produce about $1.2 million of actual savings between now and 2028. On a present value basis, the savings was about $970,000 (after all financing costs and all expenses were taken into account). This refunding opportunity was, therefore, very attractive. Mr. Gilley advised that the annual savings under current market conditions were about $65,000 per year through 2028.
The ordinance that City Council was being asked to consider this evening was called a “parameter sale” ordinance authorizing the sale of refunding bonds within certain parameters. The purpose of the ordinance was to give flexibility and optimize market timing. The objective would be to obtain as high a present value savings as possible. The ordinance adopted a Pricing Committee consisting of the Mayor and the City Manager, who would be authorized to sign the Bond Purchase Agreement.

If City Council approved the ordinance this evening, his firm still had some preparations to do. Once those preparations were completed, Mr. Gilley’s firm would monitor the market daily and report to the City Manager and Chief Financial Officer and make a recommendation as to when pricing should move forward. If they concurred, Mr. Gilley’s firm would release the underwriters to effect the pricing and those rates would be locked in. By doing so, Mr. Gilley’s firm could recommend getting into the market if they saw a good opportunity or avoid some adverse circumstances.

The traditional method (versus the parameter sale method) would set a pricing date that would coincide with a City Council meeting and then try to price the bonds at that time. This limited the City’s flexibility.

Councilman Will Hickman asked Mr. Gilley what he estimated the underwriting costs would be for this refinancing.

Mr. Gilley indicated that the entire financing costs (including underwriting costs) would be between 1.5% and 2% for the transaction.

Councilman Hickman asked if a 1.3% reduction represented a one to two year payback.

Mr. Gilley advised that Councilman Hickman was probably correct.

Councilman Hickman asked if the bonds contemplated for refunding were the same bonds the City had refinanced earlier.

Mr. Gilley advised these bonds had not been refinanced earlier. There were two issuances from 2002 and one issuance from 2003.

Councilman Hickman referred to the conflict of interest statutes. He indicated that he personally owned some Bellaire bonds and inquired as to whether he should vote on this agenda item.

City Attorney Alan P. Petrov indicated that it would not be a conflict of interest and Councilman Hickman could vote on this agenda item.
Councilman James P. Avioli, Sr., stated that the ordinance indicated that the City would not issue more than $18,000,000 in refunding bonds. The issuances Mr. Gilley referred to were approximately $16,400,000 in total. He inquired as to whether there was a plan for the other $1,600,000.

Mr. Gilley stated that the $18,000,000 was an upper limit to give flexibility to set the actual pricing. Two of the three issues to be refunded were advance-refunding issues. Federal tax law drove the issue size and the calculations prescribed in that law for an advance refunding. The issue today under current market conditions would be approximately $17,000,000. The City put a cushion in the ordinance in the event that more were needed. Mr. Gilley indicated further that the lower the interest rate, the greater the amount of bonds issued and the greater the savings.

Councilman Avioli asked for confirmation that the amount to be reissued would more than likely be higher than $16,400,000.

Mr. Gilley advised that Councilman Avioli was correct.

City Attorney Petrov advised that the difference here, as opposed to an issuance of new money bonds for new construction wherein competitive bids were sought, was that interest rates fluctuated daily on a parameter sale of a fixed amount.

Mayor Pro Tem Phil Nauert stated that one of the parameters set out in the ordinance was a net savings of $500,000 for the refunding. He asked if there was a component to indicate that the sale would occur with one issuance or could the City ostensibly allow for two separate refundings in smaller amounts?

City Attorney Petrov advised that there would be one issuance.

Mayor Pro Tem Nauert noted that the larger issuance, the more efficient it was for the City with respect to bond counsel fees as Mr. Petrov’s firm gave the City a break for quantity.

City Attorney Petrov advised that Mayor Pro Tem Nauert was correct.

Councilwoman Mandy Nathan asked Mr. Gilley, based on what he had been observing in the market, if he anticipated that the issuance would occur within the next six months.

Mr. Gilley stated that hopefully the issuance would occur within the next 3-4 weeks. There was still a little bit of preparation to do. Once that was done, his firm would try to get in as soon as they could. He
inquired of City Attorney Petrov as to whether there was a limitation in the ordinance as to when the issuance had to be effected.

**City Attorney Petrov** stated that a limitation was not built into this ordinance; however, a limitation could be easily added.

**Councilman Andrew Friedberg** advised that in the presentation, the net present value of savings shown was nearly double the minimum threshold. He inquired as to what discount rate had been used to get to the net present value of savings.

**Mr. Gilley** indicated that the actual yield based on a market estimate on the refunding bonds was 3.3788. That range would change.

**Councilman Friedberg** asked for confirmation that the threshold built into the ordinance was net of all costs.

**City Attorney Petrov** advised that Councilman Friedberg was correct.

**Councilman Friedberg** referred to section 5a of the ordinance and asked for confirmation that the dates for the maturities were left deliberately blank to allow for flexibility.

**City Attorney Petrov** advised that Councilman Friedberg was correct.

**VOTE ON MOTION TO ADOPT AN ORDINANCE AUTHORIZING ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS:**

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

FOR: Siegel, Cindy
    Hickman, Will
    Avioli, James P., Sr.
    Parker, Corbett Daniel
    Nauert, Phil
    Friedman, Andrew
    Nathan, Mandy

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 10-013}

**Partnership with Harris County Flood Control District**

2. **CONSIDERATION** of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas,
authorizing the Mayor of the City of Bellaire, Texas, to execute a Memorandum of Understanding to the Harris County Flood Control District (HCFCD) evidencing the City of Bellaire’s intent to enter into a partnership with the HCFCD and participate in mapping and Activity Statement No. 14, executed in September 2009 by the Federal Emergency Management Agency (FEMA) and the HCFCD which grants permission to the HCFCD to be the custodian of the master computer model sets and supporting data for Harris County, Texas – Item submitted by Director of Community Development John McDonald.

MOTION TO ADOPT ORDINANCE AUTHORIZING EXECUTION OF MEMORANDUM OF UNDERSTANDING WITH THE HCFCD:

A motion was made by Councilman Andrew Friedberg and seconded jointly by Councilman Will Hickman and Councilman Corbett Daniel Parker 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 Memorandum of Understanding to the Harris County Flood Control District (HCFCD) evidencing the City of Bellaire’s intent to enter into a partnership with the HCFCD and participate in mapping and Activity Statement No. 14, executed in September 2009 by the Federal Emergency Management Agency (FEMA) and the HCFCD which grants permission to the HCFCD to be the custodian of the master computer model sets and supporting data for Harris County, Texas.

SUMMARY:

Director of Community Development John McDonald indicated that the Federal Emergency Management Agency (FEMA) had contracted with the Harris County Flood Control District (HCFCD) to govern the hydraulic and hydrological data calculations for Harris County due to the high amount of flooding of streams and creeks in the area. The Memorandum of Understanding basically stated that Bellaire, as a City, would go to the HCFCD (the holder of the data) and use their models and their methods when Bellaire accepted requests for a map revision from a property owner(s) in the City.

DISCUSSION ON MOTION TO ADOPT ORDINANCE AUTHORIZING EXECUTION OF MEMORANDUM OF UNDERSTANDING WITH THE HCFCD:

Councilman Andrew Friedberg stated that he would assume that under the Memorandum of Understanding, the City would have better access to those requests.
**Director McDonald** advised that the actual decision to approve a revision to a map would still be at the federal level; however, it would go through the HCFCD initially. He advised that the process would be easier, but he would not say that it would be easier to actually get a revision.

**Councilman Friedberg** asked if currently a resident would have to apply through FEMA for a map revision.

**Director McDonald** advised that the Bellaire resident would come to the City. The City would review the application and forward the information to FEMA. With the Memorandum of Understanding to be considered this evening, the application would go through the HCFCD.

**Councilman James P. Avioli, Sr.**, stated that he did not see any dollar amounts in the supporting documentation. He asked if it were correct to assume that there was no cost associated with the action on this agenda item.

**Director McDonald** advised that there was no cost to the City.

**Councilman Avioli** inquired as to the cost for re-mapping.

**Director McDonald** indicated that the re-mapping would be funded through the federal government. The HCFCD had not fully funded this project. So, as part of the agreement, if the funding fell through, Bellaire would be allowed to withdraw from the agreement with a 30-day notice and move back to the process that we have used to date.

**Councilman Will Hickman** inquired as to whether the proposed process would be an easier process for accessing data.

**Director McDonald** advised that it was. The HCFCD would be putting more information on their website with regard to the modeling.

**City Manager Bernard M. Satterwhite, Jr.** went back to an earlier comment by Councilman Friedberg and noted that the whole idea was to make the information easier to transmit back and forth and, perhaps, more transparent and more readily available.

**Councilman Friedberg** asked if Harris County requested the ability to do this from FEMA.

**Director McDonald** stated that the idea was to have continuous updating. Centralizing with the HCFCD would make it easier for Harris County and municipalities within Harris County.
Councilman Friedberg inquired as to whether other counties could also apply for a centralized system.

Director McDonald stated that he believed other counties could.

**VOTE ON MOTION TO ADOPT ORDINANCE AUTHORIZING EXECUTION OF MEMORANDUM OF UNDERSTANDING WITH THE HCFCD:**

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

**FOR:**  
Siegel, Cindy  
Hickman, Will  
Avioli, James P., Sr.  
Parker, Corbett Daniel  
Nauert, Phil  
Friedberg, Andrew  
Nathan, Mandy

**OPPOSED:**  None

**ABSENT:**  None

{Ordinance was subsequently numbered: 10-012}

**H. ADOPTION OF RESOLUTION:**

CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, requesting that the Houston Dynamo organization, City of Houston, Texas, and Harris County, Texas, approve the originally proposed East Houston location for a new stadium for the Houston Dynamo team and not support the proposed Midway Companies site – **Item submitted by Mayor Cindy Siegel.**

**SUMMARY:**

Mayor Cindy Siegel advised that she thought everyone was aware of the proposal to construct a Houston Dynamo stadium at South Rice Avenue. She indicated that the Chief Executive Officer of the Midway Companies had asked her to meet with them on January 29, 2010. The only thing she was told about the meeting was that it was in reference to their property site near Bellaire.

At that time, the Midway Companies presented the Houston Dynamo stadium proposal as an option for that site. She inquired of them as to the timeframe for the project. The Midway Companies indicated that the project would move fairly quickly. The next week, Mayor Siegel wrote a letter to Brad Frels
stating her conversation with them. In that letter, she tried to bring up concerns she thought the residents would have related to a stadium.

It was true that the City Council adopted a vision plan in conjunction with the Midway Companies, Thomson & Hanson, and the Metropolitan Transit Authority of Harris County, Texas (METRO). Even though the vision included the term “entertainment,” the definition of “entertainment” was a movie theater and not a stadium.

Mayor Siegel wished to carry the resolution forward and was asking for support in favor of the resolution from members of City Council. She indicated that this was not an issue of whether or not the Houston Dynamos were good or bad. She personally felt that the Houston Dynamos were a great corporate citizen. She had two daughters who were active in soccer. This issue was also not about the Midway Companies in terms of whether the City thought they were a great company or not. The Midway Companies put in a wonderful development at the Town & Country City Center.

The issue was the fact that the construction of a stadium impacted directly Bellaire and Houston single-family residential homes. Bellaire was not the only one that was blindsided by this decision. Mayor Siegel met this last week with the East Houston Economic Development Director and the Director of the East Houston Chamber of Commerce. They had been working actively for two-three years to get a Houston Dynamo stadium. The land had been cleared and development was ongoing around the site. There were no single-family residential neighborhoods that would be impacted by their site. Both Directors asked Mayor Siegel to bring the message forward that they would like to have Bellaire’s support of their proposal for the stadium. They, too, were blindsided.

Mayor Siegel stated that after she had learned about the possibility of a stadium on a Friday, she started received calls from the press on a Wednesday due to the fact that Harris County Commissioner Steve Radack had announced the South Rice Avenue site during a Harris County Commissioner’s Court meeting.

Mayor Siegel respectfully disagreed with resident Lynn McBee. Mayor Siegel advised that she and the members of City Council were elected to represent the interests of Bellaire. The South Rice Avenue location, in Mayor Siegel’s opinion, was not the right location for a stadium due to traffic congestion, noise, the impact to the immediate area, etc. One of City Council’s objectives in terms of their goals was to enhance Bellaire’s quality of life. To ignore the issue and not speak up for the residents would be the wrong thing to do. Resident and the Planning and Zoning Commission Chair Bill Thorogood mentioned that almost 50 years ago Loop 610 came through Bellaire and was very detrimental to the City. People were still talking about the impact of Loop 610 today. For her, if City Council did not advocate for the Bellaire residents, then she did not know who would.
MOTION TO ADOPT RESOLUTION REGARDING THE LOCATION OF THE PROPOSED HOUSTON DYNAMO STADIUM:

A motion was made by Mayor Pro Tem Phil Nauert and seconded jointly by Councilwoman Mandy Nathan and Councilman James P. Avioli, Sr., to adopt a resolution of the City Council of the City of Bellaire, Texas, requesting that the Houston Dynamo organization, City of Houston, Texas, and Harris County, Texas, approve the originally proposed East Houston location for a new stadium for the Houston Dynamo team and not support the proposed Midway Companies site.

DISCUSSION ON MOTION TO ADOPT RESOLUTION REGARDING THE LOCATION OF THE PROPOSED HOUSTON DYNAMO STADIUM:

Councilwoman Mandy Nathan stated that she felt that she was sitting at the Council dais because she was asked to exercise her judgment and to do what was best for the City of Bellaire in her opinion and as voiced to her by residents of Bellaire. She had heard all of the comments that had been made at the meeting this evening and the previous meeting, as well as telephone calls and emails from others who had not made their comments public. Other than the two comments read from people who were in favor of the South Rice Avenue location for a stadium, she had only heard from one other resident who was in favor of the stadium. The vast majority of comments she had heard and/or received were from residents opposed to the stadium.

Councilwoman Nathan stated that she believed Bellaire’s voices were entitled to be heard whether or not the actual location was in Bellaire. The stadium would impact the residents and she would be voting in favor of the resolution.

Councilman Andrew Friedberg agreed with Councilwoman Nathan’s statements. He, too, was in favor of the resolution. He noted that we always heard the original site referred to as the “East Downtown” location and wondered if Bellaire’s resolution might be more specific by including the words “East Downtown” location.

Councilman Andrew Friedberg made a friendly amendment to the original motion to approve the referenced resolution by including the words “East Downtown” location throughout the resolution, as appropriate. Mayor Pro Tem Phil Nauert, who made the original motion, and Councilman Mandy Nathan and Councilman James P. Avioli, Sr., who seconded the original motion jointly, accepted the friendly amendment.

Mayor Pro Tem Phil Nauert noted that statements had been made to the effect that since the proposed location was not in the City of Bellaire, but in the City of Houston, that Bellaire should not comment. He advised that not everything that affected Bellaire happened in the City of Bellaire. To the extent that things happening outside of Bellaire did affect Bellaire, that
Bellaire could not only comment on them, but should if City Council were going to represent the citizens effectively. He, too, was in support of the resolution.

**Councilman James P. Avioli, Sr.,** indicated that Councilwoman Nathan had said it well. He was here to represent the people. The people he had heard from did not want the stadium. He supported what the residents had said and noted that he did not want the stadium either.

**Councilman Will Hickman** advised that he had surveyed approximately 110 residents and only 11% responded in favor of the proposed location of the stadium at South Rice Avenue and Westpark Drive. Many of the comments were related to the fact that infrastructure was not in place to handle traffic and parking. He agreed with that as well.

Bellaire had conducted a study with METRO and several other partners as Mayor Siegel mentioned earlier, and the outcome and point of the study was to create ridership for the rail lines that would be coming through the area on a daily basis with residences, offices, and retail space. In contrast, a stadium usually sat empty, with a few special occasions. He did not believe that the stadium would create the type of ridership that METRO was looking for.

In addition, Councilman Hickman stated that a stadium at that location would add additional strain on the Loop 610-Highway 59 interchange, which was the second busiest interchange in the country. A stadium did not make sense next to adjacent to the residential neighborhoods in Bellaire and Houston. Lastly, the East Downtown Group had been actively courting this stadium for their location. They based their development plans in the area on the East Downtown stadium location. He, too, would support the resolution.

**Councilman Corbett Daniel Parker** indicated that he would abstain from voting on the resolution, as his perceived conflict of interest had been more than well documented.

**VOTE ON MOTION TO ADOPT RESOLUTION, AS AMENDED, REGARDING THE LOCATION OF THE PROPOSED HOUSTON DYNAMO STADIUM:**

Motion carried on a 6-0-1 vote as follows:

**FOR:** Siegel, Cindy  
Hickman, Will  
Avioli, James P., Sr.  
Nauert, Phil  
Friedberg, Andrew  
Nathan, Mandy

**OPPOSED:** None
ABSENT: None

ABSTAIN: Parker, Corbett Daniel

{Resolution was subsequently numbered: 10-05}

I. ITEMS FOR INDIVIDUAL CONSIDERATION:

Paving and Drainage Improvements

1. CONSIDERATION of and possible action on the approval of a recommendation from the Bellaire Public Works Department and Consulting Engineers, HDR|Claunch & Miller, of a project for the installation of paving and drainage improvements on Baldwin Avenue – Presentation by James Andrews, P.E., HDR|Claunch & Miller; Item submitted by Director of Public Works Joe Keene.

SUMMARY:

City Manager Bernard M. Satterwhite, Jr., advised that when the Rebuild Bellaire Program was developed, the Baldwin Avenue project was envisioned. He stated that James Andrews, P.E., HDR|Claunch & Miller, would give City Council an update regarding this project, which would consist of an extreme event storm sewer system that would help mitigate the amount of water being placed into the flood basin. The desire at the end of the discussion was to have City Council approve the project preliminarily so that City Staff could go forward with developing more detail and an engineering proposal for future City Council consideration.

James Andrews, P.E., HDR|Claunch & Miller, addressed City Council and advised that in November of 2005, the citizens of Bellaire approved $41 million in General Obligation Bonds as part of the Rebuild Bellaire Program for street and drainage work. A major component of the Rebuild Bellaire Program was to provide drainage relief for an area of the City that was commonly referred to as “Southdale.” This particular area of the City was the lowest area of the City and was located in the southeastern corner of the City. The area had experienced flooding on several occasions over the years.

During Tropical Storm Allison over 350 homes were flooded in the Southdale area alone. Consequently over the past several years, the City, as well as HDR|Claunch & Miller, had investigated different alternatives to provide drainage relief for the area while focusing on constructability, cost, and major flood relief for the area.
Some of the drainage alternatives included capturing floodwaters within the City of Bellaire and directing them to a ditch owned by the City of West University Place (Kilmarnock Ditch) located on the east side of the CenterPoint Energy property. Another alternative was directing storm water to the CenterPoint Energy property where the City had proposed a linear detention facility along that piece of property. Also considered were various combinations of underground systems, overland flow conveyances, and detention systems that were to be constructed within the City of Bellaire’s city limits.

West University Place and CenterPoint Energy were not amenable to other entities, in particular Bellaire, utilizing their right-of-way or their facilities. Therefore, HDR|Claunch & Miller focused on the third alternative for Bellaire, which was to construct improvements and detain water all within the city limits of Bellaire so as to not be subservient to other entities.

City Council directed HDR|Claunch & Miller to propose paving and drainage improvements that were cost-effective, constructible, and that would keep water out of homes during an extreme event storm that occurred in the Southdale area. Mr. Andrews advised that he was present to provide his firm’s recommendation for that project and to get City Council’s concurrence in moving forward to develop an engineering design proposal.

{See Appendix A for the report and presentation provided by HDR|Claunch & Miller to City Council}

QUESTIONS FROM CITY COUNCIL:

Councilman Corbett Daniel Parker asked if the design would change if the City were able to use the property where the Recycling Center was currently located for detention.

Mr. Andrews indicated that the design would not change. The City had available area behind the Wastewater Treatment Plant that was already owned by the City of Bellaire. His firm was able to put the necessary depth on that property to hold the storm water.

Councilman Parker inquired as to whether the $3.2 million the City received from METRO for this project was outside of the funding the City received each year from METRO.

City Manager Satterwhite advised that the $3.2 million was outside of the funding the City received each year from METRO. The small cities within Harris County were allowed to petition for money for mobility projects and Bellaire got $5.5 million for the reconstruction of Newcastle Drive and $3.2 million for Baldwin Avenue. The only part of
the project on Baldwin that the METRO money could cover was the road surface. The drainage was not included as a part of the mobility funding.

**Councilman Parker** inquired as to how the City normally communicated the timetable for a project to the residents. He noted that he had received comments that previous notifications were excellent and others that felt more notification could have been given. He also inquired as to how changes in the timetable were subsequently communicated to residents.

**Mr. Andrews** indicated that the City held neighborhood meetings in conjunction with the engineers. The one for this project would include the entire Southdale area and surrounding areas. Meetings were held during the design process and input accepted prior to completion of design. Oftentimes citizens had great input or advice that was incorporated into the design. Action forms were presented at each meeting for citizens to indicate their concerns, name, address, comments, etc. The engineers would then assign a person to that particular concern.

**Councilman Parker** noted that this seemed to be a great time to take on this project since the numbers of new home construction was down. He referred to the difficulty that someone trying to build a new home might encounter during this particular project.

**City Manager Satterwhite** stated that perhaps it was a great time. He did not know that Councilman Parker's specific concern as to new home construction had been considered specifically. He noted that it would take awhile to get an engineering proposal prepared for City Council consideration. Once that was approved, it would take additional time to performing the engineering design and bid phase. The project itself would not start until sometime in 2011.

**Mr. Andrews** stated that if an engineering proposal were approved this evening, it would still probably be three years from today before the Baldwin Avenue project was ready to go.

**Councilman Andrew Friedberg** referred to the detention area located on property Bellaire already owned. He inquired as to whether that area was inside the brick fence line that ran along Beechnut Street.

**Mr. Andrews** advised that Councilman Friedberg was correct.

**Councilman Friedberg** asked if Baldwin Avenue (the street itself) would be lowered in this project.
Mr. Andrews advised that Councilman Friedberg was correct.

Councilman Friedberg inquired as to the diameter of the storm sewer.

Mr. Andrews advised that the storm sewer was 84” all the way from Cypress Ditch to Jonathan Street. It would provide storage as well as capacity.

Councilman Friedberg inquired as to whether there were other streets in Bellaire with 84” storm sewers.

Mr. Andrews stated that Newcastle Drive had two 8’ X 7’ boxes, which were much larger. The 4400 blocks of Southdale currently dead-ended into Newcastle Drive. This project would take water off of that box to free up capacity on Newcastle Drive.

Councilman Friedberg asked for confirmation that the larger storm sewer combined with detention allowed the City not to flow too much water too fast to the receiving area.

Mr. Andrews advised that Councilman Friedberg was correct.

Mayor Pro Tem Phil Nauert referred to the design that the City hoped to go forward with and asked for confirmation that it would accomplish all of the City’s drainage objectives without having to participate in any offsite retention or detention.

Mr. Andrews advised that Mayor Pro Tem Nauert was correct.

Mayor Pro Tem Nauert referred to the detention pond itself and noted that Mr. Andrews had indicated that the pond should ordinarily be a dry basin. He inquired as to whether the basin would be lined with concrete or grass or some other material.

Mr. Andrews stated that the basin would be 6-7’ deep, lined with grass, and easily maintainable. If Cypress Ditch got up to that level, then there would be water in the detention pond.

Councilman James P. Avioli, Sr., noted that City Council had a lot of discussion about Newcastle Drive when that project was planned and under construction. He advised that Newcastle Drive was just beautiful now. He referred to Mayor Pro Tem Nauert’s questions with respect to the detention pond, advising that he was concerned about it as well. He stated that the detention pond seemed to be an integral part of the entire storm sewer project. In other words, it would not work without the detention pond.
Mr. Andrews stated that the downstream property owners would come unglued if the City moved its water down and affected the surfaces in the receiving streams. In other words, the City would not be able to do the project without detention.

Councilman Avioli asked if it would be necessary to have pumps in the detention pond.

Mr. Andrews indicated that the pond would be gravity drained. The lowest elevation of the pond would be higher than the flow line of Cypress Ditch. It would drain back into the 84” pipe and then back into Cypress Ditch.

Councilman Avioli asked if the potential 7’ depth of the pond would be protected from the community.

Mr. Andrews stated that the pond would be fenced and protected and secured from the public.

Councilman Will Hickman advised that he recalled that there were different sized pipes and boxes when this project was discussed a few years ago.

Mr. Andrews stated that he had presented several different alternatives and actually looked at detention offsite, such as at the Meyer tract when the project was initially discussed. The City could actually entertain purchasing some property from the City of Houston if it desired to do so. With respect to timing and getting approvals from various entities, it seemed easier to go back to the drawing board and handle all aspects of the project internally so as not to be subservient to other entities.

Councilman Hickman asked for confirmation that handling the project internally resulted in the use of a smaller-sized pipe than some of the other options with more detention.

Mr. Andrews indicated that the sizes of pipes and boxes for the project proposed this evening were smaller than some of the options, but were also extended further up Baldwin Avenue for more additional storage. The City was allowing water to pond during a localized 100-year event to a certain elevation in the street.

Councilman Hickman inquired as to the elevation change between the existing street and the proposed street.

Mr. Andrews stated that the elevation would stay the same at the intersections. The mid-block elevations of Baldwin Avenue were currently very high. This project would cut down those mid-block
elevations considerably and water would be stored in those areas. The street would be graded so that the water would flow out to the pond.

Councilman Hickman referred to some of the previous designs shown and noted that those tied back into Newcastle Drive. He inquired as to whether this project did that as well.

Mr. Andrews advised that some of the intersecting pipes at the intersections would be tied together. It was not anticipated that those would be cut off of the Newcastle Drive box. The design was really a separation of the drainage area for Southdale and for Newcastle. The goal was to free up capacity in the Newcastle Drive box.

Councilman Hickman referred to the far north end and asked if it would increase the capacity of the Newcastle system.

Mr. Andrews stated that if you had an equalizer pipe, that pipe would allow water to flow from Newcastle Drive into the Baldwin Avenue system. The City really did not want that to happen. The City wanted the systems to be stand-alone systems.

Councilman Hickman inquired as to the existing road width versus the proposed road width.

Mr. Andrews advised that the existing road was asphalt and 22’ wide. The normal standard roadway width was 27’ face to face with curbs or 28’ total. The City expected to construct a sidewalk on one side of Baldwin Avenue. The City had discussed coming back to City Council to discuss whether that width was needed.

City Manager Satterwhite stated that based on the right-of-way, City Staff had talked about possibly having a more optimal width for that street than the City normally had to achieve the drainage objectives. He noted that the City was working with a smaller right-of-way on Baldwin Avenue.

Councilman Hickman inquired as to whether a check valve could be installed on the pipe.

Mr. Andrews indicated that a check valve could be installed, but the detention system was necessary to allow the City to more efficiently get water out of the system. A check valve or flat valve on the pipe was a maintenance headache.

Councilman Hickman advised that he was considering a check valve upstream of the detention to keep the water from backing up into the neighborhood.
Mr. Andrews stated that this could be done, but he was not sure it would do any good. Water was going to seek its own elevation. Once it came out of the banks of Cypress Ditch it would come back up to the Southdale Ditch or wherever it could.

Councilwoman Mandy Nathan inquired as to whether City Council could get a copy of the presentation.

City Manager Satterwhite advised that he was not aware that City Council did not have a copy, but could provide one.

Councilwoman Nathan inquired as to whether the residents had gotten any communication regarding this project yet.

Mr. Andrews stated that his firm had presented proposals to City Council in the past, which was a means of communicating to the residents. There would be another opportunity when the engineering proposal was brought forward. Once his firm got into the engineering design process, neighborhood meetings would be called for the purpose of informing the residents about the project and to receive their input and concerns regarding the project.

City Manager Satterwhite noted that the City sought input from the residents earlier in the process than the City used. Previously the engineering process was completed and bids received before neighborhood meetings were held. It was a little too late in the process to change things when that occurred.

He noted that he had gotten some inquiries from residents wondering when this project was going to come about.

Councilwoman Nathan noted that people occasionally contacted her as well. In terms of parking, she asked if one side of the street would be constructed first so that cars could park on the opposite side.

Mr. Andrews stated that there would not be a great deal of parking on Baldwin Avenue while the project was occurring. The storm sewer and sanitary sewer had to be constructed across each intersecting street. There would be a period during the day when cars could not get through. If a citizen had to get through, the excavation would be covered and barricaded and a citizen would be provided access.

Some of the garages that that opened onto Baldwin Avenue would not have access for longer periods of time.

Councilwoman Nathan referred to the Brays Project and indicated that she would be interested in receiving occasional updates as to what was being done with respect to that project.
Mr. Andrews stated that he could provide that information.

Mayor Pro Tem Nauert stated that the wheel would probably be reinvented a few times as the City moved forward with this project and after the project people would still call and advise the City that their street was flooding. He noted that the City would have to educate people as to the fact that their street was part of the storm drainage system.

He referred to the "ponding-type" flooding that occurred because the intensity of a storm event overwhelmed the capacity of the drainage system to handle it. He inquired as to how quickly the streets would be engineered to clear once the storm event was over.

Mayor Pro Tem Nauert asked how quickly the streets would clear assuming there was capacity in the outfall.

Mr. Andrews estimated that the streets would clear within one-two hours if the outfall were free.

City Manager Satterwhite noted that this particular street would be dry during a normal rainfall once the project was completed. The Tropical Allison Storm event level would cause Baldwin Avenue to start storing water.

Mayor Pro Tem Nauert asked for confirmation that assuming available outfall downstream, this street would be designed to empty out quickly.

Mr. Andrews advised that Mayor Pro Tem Nauert was correct.

Councilman Friedberg referred to possible inconveniences to residents and understood that parts of Baldwin Avenue might not be accessible at all times. He inquired as to those residents trying to get across Baldwin Avenue.

Mr. Andrews stated that providing access at all times would increase the total duration of the project.

Councilman Friedberg stated he understood that, but was concerned about access for the residents. He inquired as to whether non-access would be for a period of time while a truck was in the way, for example.

Mr. Andrews stated that this would also refer to an excavation. Even if a crew were working on one-half of an intersection at a time, the
hole would be very large for purposes of installing an 84” line. A resident could not quickly get over that hole.

Councilman Friedberg asked if the barricades would be in place during the entire duration that there were holes on the other half of the intersection. For example, if a resident really needed to get through during the daytime, would that person have to wait 20 minutes before getting through the intersection?

Mr. Andrews stated that it was a matter of moving the equipment, backing up, and allowing a resident to get through.

Mayor Cindy Siegel noted that this project was the backbone of the Rebuild Bellaire Program. Many residents in that area had been waiting for this project. Money-wise, would the dollar amounts needed for this project fit in with the overall bond program?

City Manager Satterwhite indicated that the project was right at the upper limit, if not over. He suggested getting the project engineered and then seeing what the construction market was at that time. He believed that the City had set aside $8 million for this project. This particular project was probably just above that amount.

Mayor Siegel noted that this project was critical and many of the neighbors wanted it. She noted that this system would handle a 100-year storm event. She inquired as to what type of event Tropical Storm Allison was.

Mr. Andrews indicated that Tropical Storm Allison was a 200-year event during the three-hour period (i.e., 8-9” of water).

Mayor Siegel asked for confirmation that the drainage situation would be much better after this project was complete. She reiterated what Mayor Pro Tem Nauert stated earlier—all of Bellaire’s streets were designed to hold water.

Mr. Andrews advised that Mayor Siegel was correct. The streets were part of the drainage system. The City would rather see water in the streets than in people’s homes.

MOTION TO ACCEPT RECOMMENDATION AND DIRECT ENGINEERS TO MOVE FORWARD:

A motion was made by Councilman Corbett Daniel Parker and seconded jointly by Councilman James P. Avioli, Sr., and Councilman Andrew Friedberg to approve the recommendation from the Bellaire Public Works Department and Consulting Engineers, HDR|Claunch & Miller, of a project for the
installation of paving and drainage improvements on Baldwin Avenue and to direct HDR|Claunch & Miller to move forward on an engineering proposal for the project to be presented to City Council for consideration.

**VOTE ON MOTION TO ACCEPT RECOMMENDATION AND DIRECT ENGINEERS TO MOVE FORWARD:**

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

**FOR:** Siegel, Cindy  
Hickman, Will  
Avioli, James P., Sr.  
Parker, Corbett Daniel  
Nauert, Phil  
Friedberg, Andrew  
Nathan, Mandy

**OPPOSED:** None

**ABSENT:** None

**Traffic Control Devices**

2. **CONSIDERATION** of and possible action on the approval of a recommendation from the Bellaire Public Works Department of the installation of Pedestrian Hybrid Beacons on South Rice Avenue at the entrance to the north City Hall parking lot on Bellaire Town Square – *Item submitted by Director of Public Works Joe Keene.*

**SUMMARY:**

City Manager Bernard M. Satterwhite, Jr., indicated that City Council had been talking about this type of project for some time now. This proposal would work well in the near-term, making it safe to cross South Rice Avenue. The system consisted of pedestrian hybrid beacons. This particular system had been used in one-two places in the City of Houston for well over one year with success. The system assisted pedestrians in crossing wider, high-speed streets. The system also minimized vehicle delay because the traffic only stopped when pedestrians actually implemented the system as a crosswalk.

The system was also energy efficient because the vehicle signal heads remained dark unless someone was crossing the road. This type of system was justified when a traffic control signal was not justified. In this case, a regular traffic control signal was not justified, as this intersection was too close to the traffic control signals at South Rice
Avenue and Bellaire Boulevard and South Rice Avenue and Jessamine Street.

City Manager Satterwhite showed City Council several slides that depicted how the system would work and what it would look like.

Basically under this system, traffic was moving when there were no pedestrians and stopped when there were pedestrians.

City Manager Satterwhite advised that the cost for the pedestrian hybrid beacons was $150,000 and the monies would be taken from unused Bellaire Millennium Renewal Program funds because it was for the mobility of South Rice Avenue, which was part of the Bellaire Millennium Renewal Program.

**QUESTIONS FROM CITY COUNCIL:**

**Councilman Andrew Friedberg** referred to a statement made by City Manager Satterwhite during his summary that Texas would have two years to revise the Texas Manual for this type of system. He inquired as to whether Bellaire had to wait until that had been done.

**City Manager Satterwhite** stated that Bellaire did not have to wait until that time. Texas would have two years to formally adopt it.

**Councilman Friedberg** asked if Texas was required to adopt it.

**City Manager Satterwhite** stated that Texas was not required to adopt it, but Bellaire could still use it.

**Councilman Friedberg** inquired as to the purpose of the Uniform Traffic Control Device Manual, noting that he believed each of the states in the United States had adopted one and then there was a National Manual as well.

**City Manager Satterwhite** stated that he did not know that each of the 50 states had adopted such a manual, but supposed they might have. Texas had one and cities could choose to deviate from it with City Council approval if the appropriate traffic study had been done.

**Councilman Friedberg** indicated that he was asking the questions because he had not seen this type of system before and wondered how many average drivers had seen one. He wondered how it would be enforced if drivers had not seen this type of system and were unclear as to how it worked.
City Manager Satterwhite stated that the beauty of the system was that the lights still meant what traffic control signal lights meant—red and flashing red lights meant to stop.

Councilman Friedberg asked if the City had considered installing a pillar with signage in the middle of the crosswalk as an inexpensive alternative method.

City Manager Satterwhite stated that there was a concern that the City needed more than just a crosswalk. Pedestrians always had the right-of-way at a crosswalk.

Mayor Siegel advised that the City’s problem with this particular crosswalk was the number of seniors, as well as families with children, that had difficulty getting across the street when they parked at the Condit Elementary School for events at the Civic Center and Bellaire Town Square.

City Manager Satterwhite stated that there was a desire to create something beyond a crosswalk—some type of signalized crosswalk.

Councilman Friedberg indicated that he certainly appreciated the problem and certainly wanted to find the right solution. He just wanted to hear what had been considered.

City Manager Satterwhite advised that the in-ground LED lights were probably a cheaper alternative, but would be less effective on real wide streets with a stop in the middle.

Councilwoman Mandy Nathan stated that she had never seen this type of system before, but felt that this was probably the best type of system for this spot. She wanted to make certain that the City monitored it initially as Councilman Friedberg mentioned, because many drivers had probably not seen this type of system either. She asked also if the City would be able to decide how long the lights would flash red for the pedestrians.

City Manager Satterwhite advised that the City would be able to set the timers for any amount of time.

Councilwoman Nathan noted that the City might want to give Condit Elementary School a heads up about this system. They insisted that their students cross South Rice Avenue at Jessamine Street. They would probably want to forewarn parents that this system was forthcoming, but that the students should cross at South Rice Avenue and Jessamine Street.
Mayor Pro Tem Phil Nauert stated that he felt this was an exciting solution for a real problem at South Rice Avenue and Bellaire Town Square. It would not be without some growing pains. He felt that one of the reasons that the train downtown was crunching so many cars was that people had no clue what all of the signs meant. He inquired as to whether this system would be accompanied by some type of public education effort.

City Manager Satterwhite stated that the City could do that.

Mayor Pro Tem Nauert asked if there were audible tones with this system as well.

City Manager Satterwhite advised that there were no audible tones.

Councilman Will Hickman inquired as to the fund balance for the Bellaire Millennium Renewal Program.

City Manager Satterwhite advised that the fund balance for the Bellaire Millennium Renewal Program was just under $1 million.

Councilman Will Hickman asked if the City had looked into what the cost would be to put an island in the middle of the crosswalk, noting that it was nerve wracking to be crossing a wide street with a stroller.

City Manager Satterwhite stated that he had looked at it in the past, but did not have cost figures with him.

Councilman Hickman advised that he felt putting an island in the middle with another button would be an improvement to this system.

City Manager Satterwhite noted that City Staff could but an add alternate in the project for costing when City Staff returned to City Council for approval. He noted that the approval given by City Council this evening would be to approve the concept.

Councilman James P. Avioli, Sr., indicated that he thought the system was a great idea and that the City should do it. He inquired as to how the City was going to pay for it. He recalled that the City was going to apply for $50,000 in stimulus funding for some type of energy project. He asked if we could be creative enough to use that money for this project.

City Manager Satterwhite stated that City Staff could look into that, but did not believe it would be possible.
MOTION TO APPROVE THE RECOMMENDATION FOR PEDESTRIAN HYBRID BEACONS ON SOUTH RICE AVENUE AND DIRECT CITY STAFF TO MOVE FORWARD:

A motion was made by Councilman Corbett Daniel Parker and seconded by Councilman Andrew Friedberg to approve a recommendation from the Bellaire Public Works Department of the installation of Pedestrian Hybrid Beacons on South Rice Avenue at the entrance to the north City Hall parking lot on Bellaire Town Square and to direct City Staff to move forward with a proposal for City Council consideration.

VOTE ON MOTION TO APPROVE THE RECOMMENDATION FOR PEDESTRIAN HYBRID BEACONS ON SOUTH RICE AVENUE AND DIRECT CITY STAFF TO MOVE FORWARD:

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

FOR: Siegel, Cindy  
Hickman, Will  
Avioli, James P., Sr.  
Parker, Corbett Daniel  
Nauert, Phil  
Friedberg, Andrew  
Nathan, Mandy

OPPOSED: None

ABSENT: None

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

Mayor Cindy Siegel noted that the first speaker this evening had passed out several pieces of information that were copyrighted and the speaker wished to have those returned to her this evening.

Councilman Corbett Daniel Parker asked City Staff to follow up on allegations that someone was operating without the proper license. He noted that Bellaire High School student Li Boynton would be honored by proclamation at the next City Council meeting to celebrate her work. He noted further that Ms. Boynton was a guest of First Lady Michelle Obama at the State of the Union Address in January.

Councilman James P. Avioli, Sr., encouraged everyone to attend the next City Council meeting (March 1st) and the one following, which would be held on March 22nd. He noted that the Houston Dynamo stadium was obviously a hot topic and City Council needed to hear from its citizens.
Councilman Will Hickman stated that he had been overseas working, but noted that it was great to be back home.

Councilwoman Mandy Nathan thanked the Friends of the Bellaire Library for their donation to the Bellaire City Library. She also reminded everyone to vote early for the Primary Election.

Councilman Andrew Friedberg advised that he did not have any community interest items this evening.

Mayor Pro Tem Phil Nauert advised that he did not have any community interest items this evening.

K. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Councilman James P. Avioli, Sr., and seconded by Councilman Corbett Daniel Parker to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:50 p.m. on Monday, February 15, 2010.

VOTE ON MOTION TO ADJOURN:

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

FOR: Siegel, Cindy
     Hickman, Will
     Avioli, James P., Sr.
     Parker, Corbett Daniel
     Nauert, Phil
     Friedberg, Andrew
     Nathan, Mandy

OPPOSED: None

ABSENT: None

Respectfully submitted,

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

_____________________________
Cynthia Siegel, Mayor
City of Bellaire, Texas