The City Council of the City of Bellaire, Texas, met in Regular Session on Monday, July 12, 2010, in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, for the following purpose(s):

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

Mayor Siegel called the City Council of the City of Bellaire, Texas, to order at 7:02 p.m. on Monday, July 12, 2010.

Also present were Mayor Pro Tem Phil Nauert, Councilmen Will Hickman, James P. Avioli, Sr., Corbett Daniel Parker, and Andrew Friedberg, Councilwoman Mandy Nathan, City Manager Bernard M. Satterwhite, Jr., City Attorney Alan P. Petrov, and City Clerk Tracy L. Dutton.

B. INSPIRATIONAL READING AND/OR INVOCATION – Councilman James P. Avioli, Sr.

Councilman Avioli provided the inspirational reading for the evening.

C. PLEDGES TO THE FLAGS – Councilman James P. Avioli, Sr.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

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

D. PERSONAL/AUDIENCE COMMENTS.

Robert Riquelmy, 506 Winslow Lane, Bellaire, Texas:

Mr. Riquelmy asked City Council for an evaluation of the Bellaire Police Department from top to bottom. He asked that the evaluation be conducted by an out of state contractor and range from the residents of Bellaire through elected bodies and down to each office.
Pat Hughes, 4524 Magnolia Street, Bellaire, Texas:

Mr. Hughes referred to agenda item I and advised that he had read that the engineering plan recommended pushing the trolley to a new location. He asked City Council to carefully consider a decision to move the trolley. The trolley, which weighed 32,000 pounds, had been sitting in its current location since 1985. The wheels had never been greased, the bearings were shot, and Mr. Hughes did not believe the trolley could survive a move on its existing wheels.

Additionally, the existing six-foot fence surrounding the trolley prevented children from getting in or near the trolley. The engineering plan called for a much lower fence. He did not believe that it would be wise to allow a lower fence that would not provide the same security as the one currently in place.

Kay Hieronymus, 4626 Evergreen Street, Bellaire, Texas:

Ms. Hieronymus affirmed Mr. Hughes’ comments regarding leaving the trolley in its current location and keeping it covered for its own protection.

She urged City Council to listen carefully to the Parks & Recreation Advisory Board’s proposal, known as the Paseo Park Redesign Plan, and to spend a little money to turn the small piece of real estate at the end of Paseo Park (corner of Bellaire Boulevard and South Rice Avenue) into a real showpiece for Bellaire.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee stated that in December of 2009, City Council agreed to pay Clark Condon Associates up to $8,000 to update a portion of the City’s Master Plan for Bellaire Boulevard that included the western end of Paseo Park from South Rice Avenue to Third Street. Ms. McBee expressed concern that City Council’s packet only contained a conceptual, preliminary plan with no detail or costs from which City Council could base a decision on.

Ms. McBee suggested that the City consider landscaping with natural plantings rather than the installing the extra hardscape prescribed within the preliminary plan.

E. REPORT:

CITY MANAGER’S REPORT regarding residential safety (police activity report), public infrastructure/utilities (street and drainage projects update and facilities update), cultural and recreational (Fourth of July Parade and Festival and Library activity), quarterly indicators (crime and building permits), and upcoming City Council meetings/events – Presented by City Manager Bernard M. Satterwhite, Jr.
City Manager Satterwhite presented the City Manager’s Report to City Council as set forth below.

Street and Drainage Projects

Rebuild Bellaire, Phase Three: Bids to be received during the month of August.

Baldwin Avenue: Still in design phase.

Rice Lift Station: Force main, water valve, and water line had been installed.

Feld Park Water Plant: Almost ready to bid.

Senate Bill 361 (SB 361) was referred to next. It was noted that this bill required cities to ensure a continuous water supply in the event of a power failure. In order to comply with SB 361, the City’s best option was to provide backup power at the Central Water Plant and Wastewater Treatment Plant. Plans to meet the requirement of SB 361 were to be submitted to the Texas Commission on Environmental Quality (TCEQ). The City requested and received two extensions from the TCEQ regarding its plans. Monies to be received by the City in the form of a grant from the Texas Department of Rural Affairs would be utilized to purchase backup generators for both plants.

Cultural and Recreational

The Fourth of July Parade and Festival went well despite weather concerns. Congratulations were expressed to Director of Parks & Recreation Jane L. Dembski and her Staff for their efforts and flexibility.

The Bellaire City Library previously set a circulation record in June of 2004 of 28,769 items. This past June (2010), a new circulation record was set of 33,525 items.

It was noted that residents could now pay their utility bills by credit card. The three ways in which credit cards could be used were in person, online, or by telephone. The same means could also be used to pay fines in Municipal Court.

Upcoming Meetings/Events

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Type of Meeting</th>
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<tbody>
<tr>
<td>07/19/2010</td>
<td>6:00 p.m.</td>
<td>Special Session – Public Hearing on Episcopal High School Specific Use Permit Amendment</td>
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Members of City Council asked questions of City Manager Satterwhite regarding his City Manager’s Report.

At the conclusion of questions regarding the City Manager’s Report by members of City Council, **Councilwoman Nathan moved to accept the City Manager’s Report** as presented by City Manager Satterwhite into the record. **Councilman Hickman seconded the motion.** The motion carried unanimously on a 7-0 vote as follows:

**FOR:** Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg, and Councilwoman Nathan

**OPPOSED:** None

**ABSENT:** None

**F. CONSENT AGENDA:**

1. **APPROVAL/CORRECTION OF MINUTES:**

   **APPROVAL of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, May 3, 2010 – Item submitted by City Clerk Tracy L. Dutton**

2. **APPROVAL OF CONTRACTS:**

   a. **CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, repealing Resolution No. 06-07, previously approved and adopted on July 10, 2006, for the purpose of adopting the Federal Emergency Management Agency (FEMA)-approved “Harris County All Hazard Mitigation Plan” and adopting a newly addended FEMA-approved countywide, multi-jurisdictional “Harris County All Hazard Mitigation Plan,” developed for the purpose of meeting federal requirements under the Disaster Mitigation Act of 2000 – Item submitted by Fire Chief Darryl Anderson.**
b. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Cooperative Purchasing Agreement, Professional Planning and Consulting Services, with Beck Disaster Recovery, Inc., for the performance of services associated with disaster preparedness and emergency response and recovery – Item submitted by Director of Public Works Joe Keene.

3. FINAL PAYMENT ON CONTRACT:

CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department to make the final payment on a contract with R+B Group, Inc., for the Solids Handling Improvements project and on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute a Final Change Order (No. 1) with R+B Group, Inc., on said project consisting of a net decrease in said contract of $5,382.06 and approval for the City of Bellaire, Texas, to make the final payment to R+B Group, Inc., on said contract in the amount of $45,696.90 – Item submitted by Director of Public Works Joe Keene.

4. SURPLUS PROPERTY DISPOSITION REQUEST:

CONSIDERATION of and possible action on a request from the Bellaire Police Department and Bellaire City Library for City Council approval to dispose of surplus property in accordance with schedules and recommendations provided by said departments – Item submitted by Chief of Police Randall C. Mack on behalf of the Bellaire Police Department and Bellaire City Library.

Councilman Friedberg requested separate consideration of Consent Agenda items F2a, F2b, and F3. Councilman Avioli requested separate consideration of Consent Agenda item F1. Motions and votes were taken on all items on the Consent Agenda as follows:

Mayor Pro Tem Nauert moved to approve the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held Monday, May 3, 2010. Councilman Hickman seconded the motion. The motion carried on a majority vote of 6-0-1 as follows:
FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Parker, and Friedberg, and Councilwoman Nathan

OPPOSED: None

ABSENT: None

ABSTAIN: Councilman Avioli*

*Councilman Avioli abstained from voting on the minutes of the City Council Regular Session held on Monday, May 3, 2010, due to his absence from that meeting.

Councilman Hickman moved to approve a request from the Bellaire Police Department and Bellaire City Library to dispose of surplus property in accordance with schedules and recommendations provided by said departments. Councilwoman Nathan seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg, and Councilwoman Nathan

OPPOSED: None

ABSENT: None

Councilman Hickman moved to adopt a resolution repealing Resolution No. 06-07, previously approved for the purpose of adopting of the FEMA-approved “Harris County All Hazard Mitigation Plan,” and adopting a newly addended FEMA-approved countywide, multi-jurisdictional “Harris County All Hazard Mitigation Plan,” developed for the purpose of meeting federal requirements under the Disaster Mitigation Act of 2000. Councilwoman Nathan seconded the motion.

Councilman Friedberg moved to amend the resolution before City Council as follows: 1) renumber the items on pages 2 of 3 and 3 of 3 as “1” through “5”; 2) restate number “2” to read as follows: The City Council hereby adopts this resolution evidencing adoption and approval of the newly addended Harris County All Hazard Mitigation Plan as attached hereto as Exhibit "A"; and 3) the item renumbered as “5” on page 3 of 3 should read as follows: That the City of Bellaire, Texas, agrees to take such other official action as it may be reasonably necessary to carry out the objectives of the Harris County All Hazard
Mitigation Plan. Councilman Avioli seconded the amendment. The amendment carried unanimously on a 7-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg, and Councilwoman Nathan

OPPOSED: None

ABSENT: None

The original motion, as amended, carried unanimously on a 7-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg, and Councilwoman Nathan

OPPOSED: None

ABSENT: None

{Resolution was subsequently numbered: 10-09}

Councilwoman Nathan moved to adopt an ordinance authorizing the Mayor and the City Clerk to execute and attest, respectively, a Cooperative Purchasing Agreement, Professional Planning and Consulting Services, with Beck Disaster Recovery, Inc., for the performance of services associated with disaster preparedness and emergency response and recovery. Councilman Hickman seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg, and Councilwoman Nathan

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 10-048}

Councilman Avioli moved to adopt an ordinance authorizing the Mayor to execute a Final Change Order (No. 1) with R + B Group, Inc., on a contract for the Solids Handling Improvements project consisting of a net decrease of
$5,382.06 and approval for the City of Bellaire make the final payment to R + B Group, Inc., on said contract in the amount of $45,696.90. Councilwoman Nathan and Councilman Hickman jointly seconded the motion. The motion carried on a 7-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg, and Councilwoman Nathan

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 10-049}

G. ADOPTION OF ORDINANCES:

Rate Change – CenterPoint Energy Houston Electric, LLC

1. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, declining to approve the change in rates requested by CenterPoint Energy Houston Electric, LLC, on June 30, 2010; and finding and determining that the meeting at which this Ordinance was considered was open to the public and in accordance with Texas law – Item submitted by City Manager Bernard M. Satterwhite, Jr.

City Manager Bernard M. Satterwhite, Jr., stated that CenterPoint Energy Houston Electric, LLC, was submitting a rate case to area cities, of which Bellaire was one, that prescribed an increase in residential and commercial rates for various reasons. Basically, Bellaire’s options were to accept the rate increase (which would be applied to commercial entities, residents, and the City in August of this year) or decline the rate increase (which procedurally would send the rate case back to the Public Utility Commission).

City Staff recommended that the City decline to approve the rate increase and let the rate case go through the Public Utility Commission for hearing and due process.

Mayor Pro Tem Nauert moved to adopt an ordinance declining to approve the change in rates requested by CenterPoint Energy Houston Electric, LLC, on June 30, 2010; and finding and determining that the meeting at which this Ordinance was considered was open to the public and in accordance with Texas Law. Councilman Avioli seconded the motion.
Members of City Council asked questions of City Manager Satterwhite and Service Area Director Diane Hasell of CenterPoint Energy’s Bellaire Service Center regarding the process followed by the Texas Public Utility Commission in reviewing rate filings submitted by utility providers. In answer to a question regarding the amount of increase for the average residential customer, it was noted that the requested rate increase would represent a 5% or a $5.53 per month increase (assuming a usage of 1,000 kilowatts per month at a rate of $0.1115 per kilowatt hour).

Councilman Friedberg moved to amend the ordinance by adding a second clause to read as follows: That the City Council officially finds, determines, and declares that sufficient written notice of the date, hour, place, and subject of the meeting at which this Ordinance was discussed, considered, or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that such meeting has been open to the public as required by law at all times during such discussion, consideration, and action. The City Council ratifies, approves, and confirms such notice and the contents and posting thereof. Councilman Parker seconded the amendment. The amendment carried unanimously on a 7-0 vote as follows:

FOR:   Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg, and Councilwoman Nathan

OPPOSED:  None

ABSENT:  None

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

FOR:   Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg, and Councilwoman Nathan

OPPOSED:  None

ABSENT:  None

{Ordinance was subsequently numbered: 10-050}

Approval of Contracts

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 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, an Agreement Between City of Bellaire, Texas, and Revenue Rescue, Inc., for Fire Billing and Related Services with Revenue Rescue, Inc., for the provision of services necessary to collect fees for certain emergency response services for the City of Bellaire Fire Department for a term of one (1) year commencing July 12, 2010, and continuing for four (4) additional one (1) year periods thereafter until terminated by one of the parties – Item submitted by Fire Chief Darryl Anderson.

Councilman Parker moved to adopt an ordinance authorizing the Mayor and the City Clerk to execute and attest, respectively, an Agreement Between City of Bellaire, Texas, and Revenue Rescue, Inc., for Fire Billing and Related Services with Revenue Rescue, Inc., for the provision of services necessary to collect fees for certain emergency response services for the City of Bellaire Fire Department for a term of one (1) year commencing July 12, 2010, and continuing for four (4) additional one (1) year periods thereafter until terminated by one of the parties. Councilman Hickman seconded the motion.

Members of City Council asked questions of Fire Chief Darryl Anderson regarding the billing process, expected annual revenue, and fees payable to the billing service provider.

Councilman Hickman moved to amend the ordinance by adding a second clause to read as follows: That City Staff is hereby directed to provide a report on billing and collection services provided by Revenue Rescue, Inc., for the approximately nine months ended January 31, 2011, as well as a report related to any complaints and/or positive comments received as such relate to the billing and collection for emergency response services provided by the Bellaire Fire Department. Councilman Parker seconded the amendment. The amendment carried unanimously on a 7-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg, and Councilwoman Nathan

OPPOSED: None

ABSENT: None
The motion, as amended, carried unanimously on a 7-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg, and Councilwoman Nathan

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 10-051}

3. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Chief Financial Officer of the City of Bellaire, Texas, to execute, for and on behalf of the City of Bellaire, Texas, a contract with the Texas Department of Rural Affairs under the Disaster Recovery Texas Community Development Block Grant Program, commencing on August 1, 2010, and terminating on July 31, 2012 – Item submitted by Chief Financial Officer Donna Todd.

Mayor Pro Tem Nauert moved to adopt an ordinance authorizing the Chief Financial Officer to execute a contract with the Texas Department of Rural Affairs under the Disaster Recovery Texas Community Development Block Grant Program, commencing on August 1, 2010, and terminating on July 31, 2012. Councilman Friedberg seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg, and Councilwoman Nathan

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 10-052}

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, declaring the City’s local funding commitment of $255,486.00 for completion of the “Water Facilities, Sewer Facilities” project to be funded in the amount of $2,268,944.00 under a contract with the Texas Department
of Rural Affairs under the Disaster Recovery Texas Community Development Block Grant Program – Item submitted by Chief Financial Officer Donna Todd.

Councilwoman Nathan moved to adopt a resolution declaring the City’s local funding commitment of $255,486.00 for completion of the “Water Facilities, Sewer Facilities” project to be funded in the amount of $2,268,944.00 under a contract with the Texas Department of Rural Affairs under the Disaster Recovery Texas Community Development Block Grant Program. Councilman Avioli seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg, and Councilwoman Nathan

OPPOSED: None

ABSENT: None

{Resolution was subsequently numbered: 10-10}

I. ITEM FOR INDIVIDUAL CONSIDERATION:

CONSIDERATION of and possible action on the approval of a recommendation from the Parks & Recreation Advisory Board of the City of Bellaire, Texas, of a preliminary design plan for Paseo Park as submitted by Clark Condon Associates, Inc., Landscape Architects – Item submitted by City Manager Bernard M. Satterwhite, Jr.; Presentation of recommendation by Leslie Little, Chair, Bellaire Parks & Recreation Advisory Board; Presentation of preliminary design plan by Sheila Condon, Clark Condon Associates, Inc., Landscape Architects.

Leslie Little, Chair, Parks & Recreation Advisory Board, addressed City Council regarding a recommendation from the Parks & Recreation Advisory Board (“Board”) of a preliminary design plan for Paseo Park. The Board had to learn about the trolley when confronted by the Bellaire Historical Society and citizens related to concerns involved in moving the trolley. An expert was contacted regarding the trolley and several contingencies were developed as a result. At some point the City Council would have to address the trolley contingencies; however, the focus this evening was the footprint of the design plan itself.

Sheila Condon, Clark Condon Associates, Inc., Landscape Architects, advised that her firm presented five or six different plans to the Board and City Staff. Upon an initial review, the plans were narrowed to three. Upon a second review, another iteration was developed resulting in the preliminary
plan before City Council this evening. The preliminary plan could work with the trolley in its current location. Ms. Condon next walked City Council through the preliminary plan.

Members of City Council asked questions of Ms. Condon and Ms. Little regarding the preliminary design plan.

Councilman Parker moved to approve a recommendation from the Parks & Recreation Advisory Board of the City of Bellaire, Texas, of a preliminary design plan for Paseo Park as submitted by Clark Condon Associates, Inc., Landscape Architects. Councilwoman Mandy Nathan seconded the motion.

Members of City Council continued asking questions of Ms. Condon and Ms. Little regarding the preliminary design plan.

Councilman Hickman moved to amend the motion to “accept” a recommendation from the Parks & Recreation Advisory Board of the City of Bellaire, Texas, of a preliminary design plan for Paseo Park as submitted by Clark Condon Associates, Inc., Landscape Architects, rather than “to approve.” Councilman Friedberg seconded the amendment. The amendment carried unanimously on a 7-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg, and Councilwoman Nathan

OPPOSED: None

ABSENT: None

Members of City Council continued discussions regarding the motion, as amended, to accept the preliminary plan for a portion of Paseo Park, as presented.

Councilman Parker moved to amend the motion to additionally direct City Staff to place the preliminary plan on the City’s website and request input from citizens in the form of email responses. The amendment failed due to the lack of a second.

The original motion, as amended, carried unanimously on a 7-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg, and Councilwoman Nathan
J. COMMUNITY INTEREST ITEMS FROM THE MAYOR AND CITY COUNCIL.

Community interest items mentioned by members of City Council included a reminder that the City Council Regular Session and Workshop Session to be held on Monday, July 19, 2010, and Tuesday, July 20, 2010, would focus on the City’s proposed budget for the 2011 fiscal year; that applicants for two City boards would be interviewed on August 2, 2010; appreciation was expressed to City Manager Satterwhite and Director of Communications Technology Services Parks for the implementation of the credit card system in utility billing; thanks were expressed to the Parks & Recreation Department for the wonderful Fourth of July parade and festival; and congratulations were given to Johnny and Linda Dyson on the celebration of their 65th anniversary.

K. ADJOURNMENT.

Councilmen Parker and Avioli jointly moved to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:35 p.m. on Monday, July 12, 2010. Councilman Hickman seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg, and Councilwoman Nathan

OPPOSED: None

ABSENT: None

Respectfully submitted,

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

_______________________________
Cynthia Siegel, Mayor
City of Bellaire, Texas