CITY COUNCIL MEETING MINUTES
TUESDAY, AUGUST 17, 2010

The City Council of the City of Bellaire, Texas, met in Special Session on Tuesday, August 17, 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 7:03 p.m. on Tuesday, August 17, 2010.

Also present were Mayor Pro Tem Phil Nauert, Councilmen James P. Avioli, Sr., Corbett Daniel Parker, and Andrew Friedberg, Councilwoman Mandy Nathan, City Manager Bernard M. Satterwhite, Jr., and City Clerk Tracy L. Dutton. Councilman Will Hickman arrived shortly after the meeting was called to order.

B. DISCUSSION and possible action regarding various items within the proposed budget for the City of Bellaire, Texas, for the fiscal year beginning October 1, 2010, and ending September 30, 2011 (FY2011 budget), including input received from citizens and/or other interested parties during the public hearing on the FY2011 budget scheduled to be held on August 16, 2010 – Members of City Council and City Staff.

City Staff Response to Input Received from Citizens and/or Other Interested Parties:

City Manager Satterwhite addressed some of the questions/comments raised during the public hearing held on the FY2011 budget the previous evening, Monday, August 16, 2010.

The general theme of the evening was whether or not the City would keep the Bellaire Family Aquatics Facility Pool open year-round. The proposed budget reflected that the Therapy Pool located at Evergreen Park remain open all year except for the period of time involved in re-plastering and making other repairs to the pool (i.e., approximately one-two months). The idea was to close the Therapy Pool during the least active period, which was generally the months of December and January. The budget reflected the closure of the Bellaire Family Aquatics Facility Pool for three months during the period of its least active participation.
City Manager Satterwhite next referred to a comment that the City consider job eliminations and pay cuts rather than closing one or both of pools for a period of time. He indicated that City Staff had looked at both job eliminations and pay cuts. From 2009-2010, eleven and one-half full-time positions were eliminated from the budget. With respect to pay cuts, City Staff would not receive a raise this year and would be paying a larger share of some of their benefit costs. In that respect, employees’ pay was going to be cut.

One comment was made with respect to the cost of operating a salt-water chlorinator at the Therapy Pool. Salt-water chlorinators were not inexpensive, but were more efficient in that fewer chemicals had to be used and less had to be stored.

The budget covered three separate and distinct funds. One fund was funded out of tax revenues, one fund was funded out of tax revenues and other revenues, and one fund was funded out of user fees (water, wastewater, and solid waste).

City Manager Satterwhite referred to another comment urging the City to cut garbage bags. He advised that garbage bags were paid for out of the Enterprise Fund. The Enterprise Fund was funded with user fees and not with property taxes. If the City cut $40,000 out of the funds to purchase garbage bags, that $40,000 could not be used to provide for expenses for the City's pools.

Another comment was made that there were too many employees in the Parks & Recreation Department. There were ten full-time employees in the Parks & Recreation Department to plan, organize, and control a multitude of programs and major citywide events that attracted up to 1,000 people, mostly children, per day. These employees hired, scheduled, and trained over 200 very young part-time seasonal employees; administered dozens of contracts; and provided maintenance for fourteen parks and several esplanades. City Manager Satterwhite did not believe ten full-time employees in the Parks & Recreation Department were too many.

With respect to the comment that solar heaters could provide a more cost-effective means for heating the pools, City Manager Satterwhite indicated that the City had looked into that option in the past. City Staff had not found solar heaters for pools the size of the Therapy Pool to be commercially effective. He suspected that solar heating was effective for smaller applications. He did advise that City Staff would look into that option again.

Comments were also made with respect to the City’s infrastructure planning. City Manager Satterwhite indicated that he believed the City was on target with all of the plans that had been instituted.
With respect to credit card surcharges as was mentioned the previous evening, City Manager Satterwhite stated that a City typically could not impose credit card surcharges.

With respect to the Communications Technology Services budget, a comment was made regarding the fact that technology for the Police Department was included in that budget. The Communications Technology Services Department provided support for all City departments and budgeted funds to provide that support. This practice had been in effect for approximately eight years. The desktop support in the Communications Technology Services Department had been cut significantly this year.

**City Staff Response to Questions Submitted by City Council:**

A member of City Council had asked for detail regarding the memberships and associations that the City and City Staff belonged to. City Manager Satterwhite provided an overview of many of the memberships as follows:

- Harris County Mayors’ & Councils’ Association - $650.00 (annual membership);
- Houston-Galveston Area Council – $630.00 (annual dues based on City population);
- International Institute of Municipal Clerks – professional association for City Clerk;
- Texas Municipal Clerks Association - $90.00 (annual dues);
- Local Chapter of the Texas Municipal Clerks Association – Salt Grass Chapter - $40 (annual dues);
- Texas Municipal League - $2,750.00 (annual dues based on population);
- Texas City Managers Association - $800.00 (City Manager, Assistant City Manager, and Director of Community Development);
- Local Chapter of the Texas City Managers Association – Region 6;
- National Information Officers Association (Assistant City Manager);
- Texas Municipal Human Resources Association (not included in the budget this year); and
- International Public Management (not included in the budget this year);
• Government Finance Officers Association; and
• American Planning Association.

Other memberships canceled in previous years included:

• International Institute of City Managers’ Association;
• Government Finance Officers’ Association (for Assistant City Manager);
• Greater Houston Partnership;
• Texas Library Association;
• American Library Association;
• National Recreation and Parks Association (for Facilities Director); and
• Texas Recreation and Parks Society (for Facilities Director).

It was noted that most of the Police associations and Fire associations were mandatory memberships for certification purposes, as were the Public Works associations.

Councilman Parker mentioned that Rotary Club dues payable by the City of Bellaire were included in the City Manager’s contract with the City. He inquired as to the reason that Rotary Club dues had not been budgeted this year.

City Manager Satterwhite agreed that he did ask for those dues to be paid as part of his employment agreement. It was not budgeted for this year as a cost-cutting measure.

With respect to the pools, data had been gathered in answer to most of City Council’s questions. City Manager Satterwhite presented the data at this point in the meeting.

He noted that area pools typically open in the winter were the West University Place Recreation Center Pool, 24 Hour Fitness (on Beechnut Street), and the JCC Indoor Pool. In addition, the Memorial Hermann Wellness Center and the Houstonian had indoor pools and were open year-round. The monthly cost of a membership at the Memorial Hermann Wellness Center for two adults was noted to be $107.00. For $75 per day, a non-member could use the pool at the Houstonian.

The Colonial Pool at the City of West University Place would not be open in the winter. The West University Place Recreation Center Pool would be open, but attendees had to be members (i.e., a West University Place resident) or a
guest of a member. The membership fee was $300.00 per year for the use of all of the city facilities.

With respect to costs to operate Bellaire’s pools, it was noted that for the months of November, December, and January, the gas costs to heat the pools was $4,000 for the Bellaire Family Aquatic Center and $1,200 for the Therapy Pool.

Another question posed by City Council related to the City’s bond rating. If the $6,000,000 issuance the City approved in June of 2010 had been issued with a bond rating of AA instead of AAA, the increase in interest cost over the life of the bond issuance for interest would have been an additional $2,000,000. If the bonds had been issued at a lower bond rating plus required bond insurance, the interest cost would have increased by approximately $6,500,000.

It was noted that the City still needed to issue $23,000,000 in bonds under the Rebuild Bellaire Program. If those bonds were issued at a lower rate, the cost would probably equal an additional increase in the tax rate per year by one cent.

**Budget Discussion by City Council:**

**Amendment No. 1:**

Mayor Siegel moved to amend the proposed budget for FY2011 by eliminating the funds budgeted for City Council compensation and meals in the amount of $2,900 and $1,100, respectively. Councilman Parker seconded the motion.

Councilman Hickman referred to some other City Council budget items and inquired as to whether the City utilized the Houston-Galveston Area Council (H-GAC) Buy Board and if membership in the H-GAC was required to utilize the Buy Board. City Manager Satterwhite advised that the City did utilize the H-GAC Buy Board, but did not have to be a member to do so.

Councilman Hickman next referred to the Texas Municipal League (TML) membership and inquired as to whether membership was required in order to purchase insurance from TML. City Manager Satterwhite advised that membership was not required to purchase insurance.

The amendment (No. 1) by Mayor Siegel and second by Councilman Parker to eliminate City Council compensation and meals from the FY2011 budget 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 Parker asked what the general philosophy was among members of City Council with respect to the proposed tax rate (i.e., lowering the rate and lowering service levels, increasing the rate to cover Debt Service principal and interest while maintaining services, etc.). He indicated that the general philosophy might drive some of the budget amendments he was considering making.

Councilman Hickman stated that the citizens wanted the City to tighten its belt. Personally, he felt that many residents had made cuts to their household budget, as had many businesses. He noted that the City Manager and City Staff had made a number of cuts already, but he felt there were a few other areas that could be cut.

Councilwoman Nathan indicated that she was comfortable with the overall proposal that had been made. As City Council looked forward to the next two years, she felt that City Council would need to get with residents to see how many cuts in services they were willing to take. For this year, however, she was comfortable with the proposed tax rate.

Councilman Friedberg referred to a presentation received the previous evening that showed the impact on the bottom line of homeowners with properties at various levels and assuming various changes in their appraised value. Taking the average across the board of a 2.5% decrease in appraised values offset where the City Council was going with the proposed tax rate, which was a modest increase. He, too, was comfortable with the proposed tax rate.

Mayor Pro Tem Nauert advised that he was very comfortable with the proposed budget as it stood being mindful of the economic climate and challenges that the City faced. He felt that what City Council had heard from its citizens was that they still expected a high level of service and would continue to expect that. He stated that the City really had not seen a tax revolt. If anything, people had complimented staff and services. It was important that the City continued to provide the level of services it currently provided. It was not time yet for any kind of draconian cut.

Councilman Avioli indicated that City Council had received 26 opinions during the previous evening’s public hearing on the proposed budget. About 24 of those commenting indicated that the pools needed to remain open year-round. Three indicated that City Council should raise taxes, and one
individual did not like the budget at all. He believed that City Council needed to address the concerns expressed regarding the pools and hours of operation for those pools.

The Therapy Pool was a no-brainer and needed to be closed for two months while it was under repair. Councilman Avioli stated that City Council needed to study whether or not one of the other pools should be opened.

With respect to the budget in general, Councilman Avioli advised that the City was looking at a 2.5% tax base reduction. The budgeting process this year brought all of the department heads in to explain their needs and concerns, which was an expression of accountability. The department heads had gone back and there had been a reduction from the 2010 projected expenditures of 3.1% or $643,000. This was accountability.

Since 76% of the budget was personnel, there was an incentive for the City to abide by the budget. The concern to Councilman Avioli was how the City would handle the concerns regarding the pools. He noted that he was very comfortable with the budget and those who had put the budget together. As far as the tax rate was concerned, he did not see any reason to raise the tax rate right now other than what was needed for the debt service requirements.

Mayor Siegel advised that City Staff had done a tremendous job in what everyone knew would be a difficult year. The City had eliminated eleven and one-half equivalent positions. If the City started eliminating more positions, services would have to be eliminated. Everyone was sharing the burden with the proposed budget—from the City Council to the citizens to the City Staff.

Mayor Siegel indicated that when the bond propositions were presented to the voters, it was noted that the tax rate to pay those bonds might increase as much as five cents. The reality was that the City needed to increase the tax rate to pay for the bonds.

In closing, Mayor Siegel stated that she was comfortable with the proposed budget and what would be the proposed tax rate to be voted on at a later date.

Mayor Pro Tem Nauert advised that in the past City Council had been well served by the mid-year review provided by City Staff. He inquired of City Manager Satterwhite as to whether that review would continue to be provided.

City Manager Satterwhite stated that he would continue that review and noted that this year would be the most important one that the City had done.

Mayor Pro Tem Nauert asked if it would be prudent to consider a four-month review.
City Manager Satterwhite noted that the City provided monthly financial reports and would continue to do so. If things did not materialize as City Staff expected, then he would certainly bring a review forward to City Council.

Mayor Siegel gave Councilman Parker the opportunity to express his opinion regarding the proposed tax rate.

Councilman Parker thanked members of City Council for letting him know where they stood at this point. He agreed that the City needed to tighten its belt, but was thankful that the City was in a favorable position compared to most other municipalities. On the other hand, downturns presented an opportunity to plan for the future. He did not wish to see City Council sit on their hands with respect to certain items, such as the Comprehensive Plan.

Amendment No. 2:

Councilman Friedberg moved to amend the proposed budget for FY2011 by adding funding for the necessary rewrites to the Code of Ordinances of the City of Bellaire, Texas, to reflect the vision included in the Comprehensive Plan adopted by the City Council of the City of Bellaire, Texas, on November 16, 2009. Councilman Parker seconded the motion.

Director of Community Development John McDonald was asked if he could provide an approximate cost for the rewrites. He indicated that the cost to provide rewrites of the Comprehensive Plan to address the Research, Development and Distribution District/Urban Village (TOD) District (RDD/UV-T) section of the Code of Ordinances of the City of Bellaire, Texas ("City Code"), would be approximately $45,000-$46,000. He believed that the process would take more than one fiscal year to complete; therefore, City Council might be able to budget less in the upcoming fiscal year.

Councilman Friedberg asked if there had been other discussions regarding rewrites to address, for example, the City Center Zoning Districts (CCD-1 and CCD-2).

Director of Community Development McDonald indicated that the direction that came forward from the Planning and Zoning Commission was to focus primarily on the RDD/UV-T area of town first versus focusing on a comprehensive rewrite of the zoning chapter of the City Code.

Councilman Friedberg stated that it was his desire to focus on a great deal more than simply RDD/UV-T.

Director of Community Development McDonald indicated that rewriting the zoning chapter of the City Code on a piecemeal basis would cost more in the long run. However, the recommendation from the Planning and Zoning
Commission, based on the scope of work previously approved by City Council, was to focus on the RDD/UV-T section of the zoning chapter.

Councilman Parker asked what the scope of work would look like for the entire Comprehensive Plan. In other words, what might the cost be to address the entire plan?

Director of Community Development McDonald advised that he would have to go back to Kendig Keast Collaborative to get an idea of cost from them. If the funding were available, then the best way to look at the necessary rewrites would be comprehensively.

Mayor Siegel indicated that she did not have a problem addressing the rewrites by looking first to the RDD/UV-T portion of the zoning chapter. She believed the City would learn from addressing the RDD/UV-T portion first. The downtown area of Bellaire had many different owners. In order for someone to consider a large development in the downtown area, that person would have to coordinate with many different property owners, some of which were out of state. A development did not seem to be as difficult in the RDD/UV-T area of town. She believed the City had some time to address the downtown portion of Bellaire.

Councilman Hickman advised that his understanding from attending the Planning and Zoning Commission ("Commission") meeting was that the RDD/UV-T portion of town could be addressed faster than the other areas of town, so a decision was made to address that area first. It was important to address that area timely with the possibility of light rail coming through the area.

Councilman Friedberg advised that he was not suggesting changing the course of the Commission’s plan for the rewrites, but wanted City Council to keep in mind that funding needed to be provided for that purpose. He inquired as to whether the $46,000 funding necessary could be taken from the fund balance.

City Manager Satterwhite stated that there was room in the fund balance. He noted, too, that City Council had removed some funding from the budget this evening. He noted that the full amount might be made up this evening as City Council continued with their budget discussions.

Councilman Avioli indicated that he believed Councilman Friedberg’s motion had merit. He was concerned about adding $45,000 to the budget this evening. He made the statement that he was comfortable with the budget as it currently stood. He suggested that City Council look into funding the rewrite during the mid-year review.

Councilwoman Nathan stated that she, too, would like to see how the rest of the budget discussions went before voting to add monies for the
Comprehensive Plan rewrites. She advised that she was interested in trying to find the funding for the rewrites and did not wish to lose the momentum the City currently had going with it.

Councilman Hickman asked for confirmation that the process might take more than one fiscal year. After determining that it might, he asked if it were appropriate to put a lesser amount in this budget.

City Manager Satterwhite advised that if City Council were going to fund the process, he would rather see the entire amount funded (i.e., $45,000) rather than a portion of it.

**Amendment No. 2 – Motion to Postpone:**

Councilman Hickman moved to postpone taking action to amend the proposed budget for FY2011 by adding funding for the necessary rewrites to the Code of Ordinances of the City of Bellaire, Texas, to reflect the vision included in the Comprehensive Plan adopted by the City Council of the City of Bellaire, Texas, on November 16, 2009, until later in the evening. Councilwoman Nathan seconded the motion.

Councilman Hickman stated that he did believe that this was an important item, but wanted to see what else was done with the proposed budget before making a decision on it.

The motion to postpone action on Amendment No. 2 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

**Amendment No. 3:**

Councilman Hickman moved to remove/eliminate the streaming video line item from the FY2011 proposed budget (page 84) in the amount of $13,000.

Councilman Hickman stated that he had done a quick survey on this line item and 70% of those surveyed were opposed to this expenditure. He believed this was an item worthy of consideration, but the timing was not right with respect to the current economic climate.
Councilman Friedberg seconded the motion to remove/eliminate the streaming video line item from the FY2011 proposed budget for discussion purposes.

Councilwoman Nathan stated that she would like for the residents to be able to see what City Council and other City boards were doing in their meetings. City Council had seen that the very detailed minutes were not very cost-effective. The streaming video was a one-time expense. She noted, also, that many people in Bellaire did not subscribe to Comcast and were not able to view meetings over a cable channel.

Councilman Friedberg noted that he had previously inquired as to other means for delivery of City Council and board meetings, such as other television options (i.e., AT&T U-Verse). He stated that he wished to know the alternatives for streams besides Internet.

City Manager Satterwhite indicated that the City did not have a great of information on other broadcast options. There was no cost to use Channel 16 (Comcast), so there would be no savings to eliminate the use of that channel or venue. There would be a cost to join multiple broadcasts, although the amount was not known at this time.

Councilman Friedberg stated that during the City’s fiber optic network project, it was his understanding that the City would be eligible for delivery across a non-CATV system through that network. He noted that he was able to see the City of Pearland’s meetings on AT&T U-Verse. He suggested that if the Comcast broadcast was free, then perhaps the AT&T broadcast might be free.

City Manager Satterwhite stated that City Staff did not really understand the connectivity of the systems at this point in time. The advantage of the video-streaming alternative was the ease of archiving and retrieval of broadcasts. Comcast was free to Bellaire because they were exclusive to Bellaire. If they were no longer exclusive, the broadcast might not be free.

Councilman Parker asked if the proposed video-streaming system was similar to the system that Cedar Park had.

City Manager Satterwhite indicated that the system the City was looking at was much cheaper than the one used by Cedar Park, but that it would be similar.

Councilman Parker asked if the City could provide some additional information about the system and/or let the City Council know who the proposed vendor was.

Director of Communications Technology Services Larry Parks advised that City Staff had looked at several different options. The concept was to have
streaming video attached to a written agenda delivered over the website at an inexpensive cost. There were two cost models available for this type of delivery—one was a charge per stream and the second was a charge per population. Currently, the charge per population was the most cost-effective model.

Councilman Parker advised that he was clearly in favor of adding a video-streaming option to the City’s website for the residents. Transparency and accountability were very important. He would vote against the amendment.

Mayor Pro Tem Nauert indicated that video streaming presented a tremendous opportunity for the City to increase the availability of what City Council and City boards did to anyone who was interested. He was particularly intrigued by the ability of the system to allow City Staff to index a meeting and zone in on one issue and/or one discussion. He suggested that the cost might be offset by some of the time the City Clerk would save by not providing exhaustive, comprehensive minutes. He would support the item and vote against the amendment.

Councilman Hickman noted that each $250,000 home in Bellaire generated $1,000 in tax revenue. This item required thirteen (13) $250,000 homes to pay for it or one-half of a block. He had heard many comments from residents regarding this issue. Many questioned what was wrong with Comcast. Other comments related to who was interested in the video-streaming option. City Council heard from a fair number of people during the public hearing who were interested in the pool. He had not heard a single person, other than City Council, interested in having more of the City Council on the Internet. He had watched DVDs of City Council meetings twice and it was personally painful. He felt the minutes combined with a DVD combined with Comcast was plenty of transparency, as well as the option of sitting in the audience, sending City Council emails, and reporting by the newspapers.

Councilman Friedberg stated that regardless of the method of delivery, he was pleased to learn as a candidate the number of people who did watch the meetings on the cable channel.

Councilman Avioli advised that people were interested in services provided by the City. He agreed with Councilman Hickman that people could inform themselves by attending meetings, watching the meetings on cable television, and/or reading the newspapers. For that reason, he would support Councilman Hickman’s amendment to remove the item from the budget.

Councilman Friedberg noted that if the video-streaming option were eliminated, the funds would remain in the Vehicle, Equipment, and Technology Fund (VET Fund) and not redistributed to the General Fund.
City Manager Satterwhite agreed with Councilman Friedberg. The money in the VET Fund was originally funded from the General Fund. City Council could choose to transfer funds from the VET Fund to the General Fund.

The amendment (No. 3) by Councilman Hickman and second by Councilman Friedberg to remove/eliminate the streaming video line item from the FY2011 proposed budget (page 84) in the amount of $13,000 failed on a 2-5 vote as follows:

FOR: Councilmen Hickman and Avioli
OPPOSED: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Parker and Friedberg and Councilwoman Nathan
ABSENT: None

Amendment No. 4:

Councilman Hickman moved to remove the City’s membership to TML (Texas Municipal League), Harris County Mayors’ & Councils Association (HCMCA), and the Houston-Galveston Area Council (H-GAC) from the proposed FY2011 budget, which totaled $4,030.

Amendment No. 4 failed due to the lack of a second.

Mayor Siegel referred to the Texas Municipal League membership and noted that the City received information from them regarding legislative matters before the Texas State Legislature affecting cities. She inquired as to whether the receipt of that information was tied to the membership.

City Manager Satterwhite advised that Mayor Siegel was correct.

Councilman Hickman referred to the Harris County Mayors’ & Councils’ Association membership and inquired as to whether the $650 membership fee included the time of the City Clerk’s assistance with the Association.

City Manager Satterwhite advised that it did not.

Councilman Hickman inquired as to how much time was involved.

City Clerk Dutton indicated that Mayor Pro Tem Nauert, Secretary of the Association this year, had done much of the legwork, so she really had not had to spend too much time on it.
Amendment No. 5:

Councilman Hickman moved to remove the City’s membership to the Harris County Mayors’ & Councils’ Association (HCMCA) from the proposed FY2011 budget, which totaled $650.

Amendment No. 5 failed due to the lack of a second.

Councilman Hickman referred to the swimming pools issue and noted that City Staff had recommended Option A. He asked if this option was currently in the budget and if any other option would require funding.

City Manager Satterwhite indicated that Councilman Hickman was correct.

Councilwoman Nathan also referred to the swimming pools issue and the options presented by City Staff as Option A and Option C. She noted that Option A closed both pools from November 22nd to January 31st. Option C closed both pools during the months of December and January. She wondered why there was a $10,000 difference when the closure was only for one week less under Option C versus Option A.

City Manager Satterwhite advised that Director Dembski indicated that this was the way it worked out. The numbers were not exact numbers. He believed that the additional cost was related to the purchase of gas to heat the pools.

Councilwoman Nathan indicated that there seemed to be a slight increase in salaries although it was noted that there would be no salary increases in the upcoming budget.

Assistant City Manager Diane White advised that employees received their step increases during different times of the year (based on their anniversary date). In other words, you would not see the full effect on salaries for another year.

Amendment No. 6:

Councilwoman Nathan moved to amend the proposed budget for FY2011 to reduce the amount expended on garbage bags by $39,000. Councilman Friedberg seconded the motion.

Councilman Hickman expressed concern that this was one service that residents really did not want reduced. Mayor Pro Tem Nauert felt that as long as garbage bags were available for purchase, the residents would be acceptable to a reduction.

The amendment (no. 6) by Councilwoman Nathan and second by Councilman Friedberg to amend the proposed budget for FY2011 by
reducing the amount expended on garbage bags by $39,000 carried unanimously on a 6-1 vote as follows:

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

OPPOSED: Councilman Hickman

ABSENT: None

Amendment No. 7:

Councilman Avioli moved to amend the proposed budget for FY2011 by approving the funding necessary to keep the Therapy Pool and the Bellaire Family Aquatic Facility open during the holiday months, which would result in an increase to the budget of $10,000. Councilman Parker seconded the motion for discussion purposes.

Councilman Hickman advised that he preferred Option D. He noted that a majority of the residents that had spoken to City Council during the public hearing were in favor of keeping the Therapy Pool open year-round, which tracked with the attendance per month and revenue figures provided by City Staff. Option D would close the Bellaire Family Aquatic Center for the winter.

Councilman Avioli noted that the Therapy Pool would need to be closed for two months for necessary repairs. He did believe the Therapy Pool should be open year-round.

Councilwoman Nathan stated that the only thing that Option C gave the residents over Option A was eight additional days at a cost of $10,000.

Mayor Pro Tem Nauert asked whether the City Manager could be reasonably confident that the Therapy Pool would be re-plastered during the holiday months if City Council accepted Option C.

Mayor Siegel asked when the Therapy Pool would be repaired if City Council selected Option D.

Director of Parks & Recreation Jane Dembski advised that Option D would provide some cost savings if the Therapy Pool were closed for two months for repairs.

Mayor Siegel stated that the Therapy Pool would have to be closed anyway. There would be a cost savings regardless under each option.
Amendment to Amendment No. 7:

Councilman Hickman moved to amend Amendment No. 7 by approving the funding necessary to keep the Therapy Pool open year-round (Option D) except for the closure necessary for repairs. Councilman Parker seconded the amendment to Amendment No. 7.

Councilman Friedberg indicated that Option D did not take into account the closure of the Therapy Pool for two months for repairs. The best time to repair the pool would be during the months in which the pool was utilized the least, which happened to be the holiday months. In other words, what would Option D look like if the two months of closure were shown?

Mayor Siegel asked if there were an option that would allow for one pool to be open during the two months that the Therapy Pool was under repair.

City Manager Satterwhite advised that there was not such an option.

Director of Parks & Recreation Dembski advised that Option D had the Bellaire Family Aquatic Center closed completely during the winter. The Therapy Pool would be open the whole time, but would need to be closed for two months at some point during the year.

Mayor Siegel asked for confirmation that there was no option that would allow for one pool to be open during the time in which the Therapy Pool was being repaired.

Director Dembski advised that Mayor Siegel was correct.

Councilman Hickman indicated that the reason he supported Option D was because both the City Manager and Director of Parks & Recreation had told City Council that they could not guarantee that the repairs could be done in December and January or for Option A between November 22nd and January 31st. With Option D, the Therapy Pool would be open except for the time when the pool was under repair.

Councilwoman Nathan advised that she was not in favor of closing the Therapy Pool at all. She acknowledged that it had to be closed for a period of time for repairs.

City Manager Satterwhite advised that the closure of the Therapy Pool did not have to be in December and January. It could be re-plastered in April and May. In that case, the Bellaire Family Aquatic Center could be open during those months.

Mayor Siegel noted that Option D would save the City $8,000.
Councilwoman **Nathan** stated she was comfortable for this year to close the Therapy Pool for two months for repair. She did not care which two months it had to be closed.

Mayor **Siegel** advised that she thought it would be great if the repairs could be done after the Bellaire Family Aquatic Center opened so that the City effectively had one pool open year-round.

Councilman **Parker** asked City Manager Satterwhite if he had an opportunity to review resident Hana Ginzbarg’s comments related to solar water heating.

City Manager **Satterwhite** had looked at solar water heating cursorily. It could not happen in the near term and would be expensive to install. He suspected that it worked well for smaller applications rather than larger applications. From the research performed in the past, City Staff had not found a cost-effective solar heating method to augment a commercial pool.

Councilman **Parker** referred to comments made about overstaffing at the Bellaire pools and whether lifeguards were necessary if only adults were swimming. He asked if City Manager Satterwhite had addressed those comments.

City Manager **Satterwhite** indicated that the City of West University Place did not staff for adult swimmers, but the City of Bellaire, Texas, did so and felt it was a better practice. He noted that most pools staffed for adult swimmers. He noted, too, that City Staff felt that the pools were properly staffed in accordance with Red Cross guidelines.

Councilman **Avioli** mentioned that Councilwoman **Nathan** made a good point and he, too, would like to see the Therapy Pool open year-round. He indicated that his experience had been that a pool could be re-plastered in a week. He realized that the Therapy Pool was a larger pool than he had experience with. He asked if Director Dembski felt that it would really take two months.

Director **Dembski** agreed with Councilman Avioli if one were just re-plastering a pool. The Therapy Pool had a number of major cracks that had to be filled in. The pool would be re-tiled as well.

Councilman **Hickman** advised that under Options A and C, the Therapy Pool would be closed for more than two months.

Councilman **Friedberg** indicated that he liked the point Mayor Siegel made with respect to trying to have one of the pools open at all times. He asked if there were any differences from a budgetary perspective.

City Manager **Satterwhite** indicated the budget amount would not change materially.
Councilwoman Nathan asked how many people could lap swim in the Therapy Pool at one time.

Director Dembski advised that there were two lanes in the Therapy Pool and approximately 4 people could swim in each lane, or 8 people could lap swim at one time.

Councilwoman Nathan asked for confirmation that those people using the Therapy Pool might be swimming laps and/or sitting in the warm water and/or exercising.

Director Dembski advised that some people were using weights, some were water walking, and some were sitting on benches and doing leg exercises.

Councilwoman Nathan asked if some people could be sitting on the bench while 8 people were lap swimming.

Director Dembski advised that in order to use the pool strictly for lap swimming, hours would have to be set for strictly lap swimming.

Councilman Parker inquired as to whether the savings gained from shutting the Therapy Pool for two+ months would be eaten up by having to reopen it (i.e., shut down-start up costs as compared to savings).

Director Dembski stated that the cost to get a plumber out to flip a switch to start up the pool was approximately $250. The same amount would be charged to shut the pool down.

Mayor Pro Tem Nauert agreed that this was an important issue, but City Council needed to separate operational issues from budgetary issues. City Council had the latitude and responsibility to decide the budgetary issues, but he desired to leave the operational issues where the Charter said they were—with the City Manager.

Mayor Pro Tem Nauert stated that he did like Option D, but would meld into it, without dictating by ordinance, the Mayor’s desire that at any one point in time the Bellaire residents had access to a pool.

Councilman Avioli agreed with comments made by members of City Council regarding Option D and advised that he wished to withdraw his recommendation on Option C.

Councilman Friedberg advised that if Councilman Hickman would adopt what Mayor Pro Tem Nauert suggested (i.e., access to a pool by residents at any one point in time), then he was prepared to vote it.
Councilman Hickman accepted the suggestion as a friendly amendment. Councilman Parker, who seconded Councilman Hickman’s original amendment, accepted the friendly amendment as well.

Councilwoman Nathan stated that her concern with Option D was that the City would be opening the Bellaire Family Aquatic Center for five months (i.e., closing it for seven months) for $10,000.

City Manager Satterwhite indicated that the savings for closing the Therapy Pool for two months while it was under repair were not included in Option D. There would be less savings if it opened in April or May as the heaters would not be run as much during that period of time.

Councilwoman Nathan stated that she would vote against the amendment. Her preference would be an iteration of Option A, which was indicated at that time to be the option recommended by Staff, in that the Therapy Pool would be open year-round and the Bellaire Family Aquatic Center would be closed only from November 22nd to January 31st. She did not desire to see the Bellaire Family Aquatic Center shut down for seven months. The community spent a great deal of money on the Bellaire Family Aquatic Center pool to have it shut down for seven months.

The amendment to the amendment (No. 7) made by Councilman Hickman and seconded by Councilman Parker, with a friendly amendment by Mayor Pro Tem Nauert to approve the funding necessary to keep the Therapy Pool open year-round except for the closure necessary for repairs (Option D) with the stipulation that at least one of the City’s pools would be available to Bellaire residents at any one time during the fiscal year carried on a majority vote of 6-1 as follows:

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

OPPOSED: Councilwoman Nathan

ABSENT: None

The amendment (No. 7) made by Councilman Avioli and seconded by Councilman Parker, the net result of which would be to approve the funding necessary to keep the Therapy Pool open year-round except for the closure necessary for repairs (Option D) with the stipulation that at least one of the City’s pools would be available to Bellaire residents at any one time during the fiscal year, carried on a majority vote of 6-1 as follows:

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

ABSENT: None

Councilman Hickman asked the City Manager for a revised budgetary figure for Option D at some point in the future.

Councilman Parker asked what the budgetary impact would be if City Council reversed an action taken in March to reserve $500,000 for parkland acquisitions.

City Manager Satterwhite indicated that the General Fund bottom line would be increased by the amount of funds that were unrestricted from the parkland acquisitions line item.

Amendment No. 8:

Councilman Parker moved to remove the restriction from the parkland acquisitions line item and move those funds back into the General Fund.

Councilman Hickman raised a point of order and advised that Councilman Parker would have to present that item to City Council for a vote in order to reverse the ordinance.

Mayor Siegel also noted that in order to review it again, City Council’s Rules of Procedure would have to be suspended, which would take six favorable votes.

Motion to Suspend City Council’s Rules of Procedure:

Councilman Parker moved to suspend City Council’s Rules of Procedure in order to discuss funds restricted in a parkland acquisitions line item as previously approved by City Council in a separate action (i.e., by resolution).

Councilman Hickman raised a point of order noting that the discussion had not been placed on the agenda and suggested that Councilman Parker include it on a future agenda for discussion.

Councilman Parker inquired as to whether there were any potential parkland acquisitions under consideration by the City currently.

Mayor Siegel advised that there were not.

Councilman Hickman advised that City Council had discussed possible parkland acquisitions as a part of the goal-setting process.
Councilwoman Nathan referred to a supplemental packet that City Council had been given the previous evening. She noted that five items were highlighted under the detail for office supplies and inquired as to the reason behind that.

Assistant City Manager White indicated that the Mayor had asked for specifics as it applied to City Council with regard to items that were purchased for City Council specifically, such as notepads and calendars for the dais, notebooks for Board, Commission, and Committee applications, paper, etc.

Mayor Siegel opened Amendment No. 2 back up for discussion at this point in the meeting. For the record, Amendment No. 2 has been restated below.

**Amendment No. 2:**

Councilman Friedberg moved to amend the proposed budget for FY2011 by adding funding for the necessary rewrites to the Code of Ordinances of the City of Bellaire, Texas, to reflect the vision included in the Comprehensive Plan adopted by the City Council of the City of Bellaire, Texas, on November 16, 2009, in the amount of $45,000. Councilman Parker seconded the motion.

Mayor Pro Tem Nauert indicated that times would get better. The City had a unique opportunity now to sequence things properly and end up with what the City wanted in the long-term for the RDD/UV-T section of town. He felt it was coincidental that the savings on garbage bags, although those savings could not be transferred to the General Fund, were close to the amount needed to fund the re-writes. He indicated that he would support the item.

Mayor Siegel advised that she, too, would support the agenda item. It was an investment in the City’s future. If for no other reason, the City was involved in a previous lawsuit due to a disparity between the Comprehensive Plan and ordinances that were never changed. This was a lawsuit that the City legally had to pay for. She believed that this was money well spent.

Councilman Parker inquired as to whether this item could be accomplished independent of hiring an economic development consultant.

In response, other City Council members advised that it could be accomplished independent of hiring an economic development consultant.

Councilman Avioli noted that this was an addition to the budget in the amount of $45,000. He asked if anyone had kept track of how much City Council had cut from the budget this evening.

Mayor Siegel advised that there had been approximately $13,000 cut from the budget. The difference was approximately $23,000 to be added.
Councilman Hickman inquired as to the status of discussions and/or action on the Comprehensive Plan between the Community Development Department, the Planning and Zoning Commission, and consultant(s) with respect to the process.

Director of Community Development McDonald advised that once City Council had approved the scope of work or focus on the RDD/UV-T area of town, he began discussions with Kendig Keast Collaborative (the firm that prepared the Comprehensive Plan). Kendig Keast Collaborative started working on a proposal to bring forward to City Council. However, based on the budget submitted, the development of a proposal was placed on hold.

Councilman Hickman asked if the process would get picked back up if City Council added the funds to the budget.

Director McDonald advised that once the budget was approved, then City Staff could finalize a contract with Kendig Keast Collaborative.

Councilman Hickman indicated that he would support the agenda item and noted that it was one of City Council’s recently adopted goals and objectives.

Councilman Avioli asked Director McDonald if there was any other option other than outsourcing the rewrites.

Director McDonald believed that, with current staffing levels, the City did not have the manpower in-house to focus on such a project at the level it needed.

The amendment (no. 2) made by Councilman Friedberg and seconded by Councilman Parker to amend the proposed budget for FY2011 by adding funding for the necessary rewrites to the Code of Ordinances of the City of Bellaire, Texas, to reflect the vision included in the Comprehensive Plan adopted by the City Council of the City of Bellaire, Texas, on November 16, 2009, in the amount of $45,000 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 Parker stated that one of the residents had asked him if a particular group had prompted him to propose outsourcing of sanitation. Councilman Parker clarified that he was looking at things that could affect the budget that went beyond this year. He had no plans to recommend
outsourcing and no group or groups had asked him to recommend outsourcing sanitation services.

Mayor Siegel concurred and advised that the current budget contained funding for the City to continue picking up garbage with its own staff. Mayor Siegel added that the deadline for receipt of written comments was noon on September 16, 2010. The budget, itself, would be voted on by City Council on September 20, 2010.

C. ADJOURNMENT.

Councilman Parker moved to adjourn the Special Session of the City Council of the City of Bellaire, Texas, at 9:43 p.m. on Tuesday, August 17, 2010. 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

Respectfully submitted,

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

Approved:

______________________________
Cynthia Siegel, Mayor
City of Bellaire, Texas