CITY COUNCIL MEETING MINUTES
MONDAY, JUNE 6, 2011

The City Council of the City of Bellaire, Texas, met in Regular Session on Monday, June 6, 2011, 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 7:21 p.m. on Monday, June 6, 2011.

Also present were Mayor Pro Tem Phil Nauert, Councilmen James P. Avioli, Sr., Corbett Daniel Parker, and Andrew Friedberg, Councilwoman Mandy Nathan, and City Clerk Tracy L. Dutton. Councilman Will Hickman was absent.

B. INSPIRATIONAL READING AND/OR INVOCATION – Mayor Cindy Siegel.

Mayor Siegel provided the inspirational reading for the evening.

C. PLEDGES TO THE FLAGS – Mayor Cindy Siegel.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

Mayor Siegel led the audience and members of the City Council in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

D. PERSONAL/AUDIENCE COMMENTS.

Roman Reed, 4710 Willow Street, Bellaire, Texas, addressed City Council and respectfully urged residents to vote in Bellaire’s Runoff Election. He shared an email he received from a very close friend that served in the military and had spent a significant amount of time in Afghanistan related to his observance of the first free elections and the strong emotions felt by the people as they cast their ballots.
While on the campaign trail, he noted how emotional residents were about controlling spending, balancing the budget, and ensuring no tax increases to fund shortfalls.

Kyle Simpson, 4320 Ione Street, Bellaire, Texas, addressed City Council and stated that he wished to vocalize his support for the Baldwin Avenue Project. Mr. Simpson indicated that Southdale had an existing drainage issue that needed to be addressed. Second, with respect to property tax values and the community’s tax base, he felt that the Baldwin Avenue Project would help to increase those values in the Southdale area. Third, it did not make sense to make cosmetic changes to Baldwin Avenue without accurately and correctly fixing the problem at hand.

In closing, Mr. Simpson stated that he hoped that the City wanted to do the project and recognized the need for it, as it was an important problem to address now, as costs were low. The longer that the City waited, the more the City opened the door for another event, such as Tropical Storm Allison.

Robert Riquelmy, 506 Winslow Lane, Bellaire, Texas, addressed City Council and referred to the Sunset Review Committee. At the last meeting of the Committee, Bellaire resident Melvin Richardson presented a written statement to the Committee in support of a Citizen Advisory Board for the Bellaire Police Department. Mr. Riquelmy advised that Mr. Richardson was formerly a member of the Dallas Police Department’s Training Advisory Panel, a goal of which was to bring accountability to the Police Department.

In closing, Mr. Riquelmy urged City Council to attend meetings of the Sunset Review Committee.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas, addressed City Council and reported the status of the early voting in “Phase Two.” She noted that 400 had voted thus far, with one day of early voting remaining. This number exceeded the early voting of seven days in “Phase One” of 394. Ms. McBee urged residents to either vote early (tomorrow from 7:00 a.m. until 7:00 p.m.) or on Election Day, June 11, 2011, from 7:00 a.m. until 7:00 p.m., at the CenterPoint Community Center (above the Bellaire Family Aquatic Center).

Ms. McBee indicated that she was in support of the Baldwin Avenue Project, noting that the Southdale area of Bellaire deserved to be renovated.

E. REPORT:

CITY MANAGER’S REPORT regarding residential safety (police activity report and hurricane season), public infrastructure/utilities (Rebuild Bellaire Program update and projects update), cultural and recreational (Library and Parks summer activities), and upcoming
City Council meetings/events – Presented by City Manager Bernard M. Satterwhite, Jr.

City Manager Satterwhite presented the City Manager’s Report dated June 6, 2011, to City Council.

Residential Safety

City Manager Satterwhite referred to a recent article regarding crime in Bellaire headlined as follows: “Robbers Targeting Housekeepers.” Bellaire did have a robbery on May 25 involving a housekeeper; however, this was the only known incident involving housekeepers that the City and Police Department were aware of. A more correct statement would have been that robbers had targeted a housekeeper in the Bellaire area.

Although the article contained that error, robbery, burglary of a motor vehicle, and theft were common crimes in the area because those crimes were crimes of opportunity and very little risk. City Manager Satterwhite urged residents to be aware of their surroundings.

Hurricane season started officially in the prior week, and the City had placed some information on the website related to preparations residents needed to take for a hurricane.

Public Infrastructure/Utilities

Rebuild Bellaire Program

With respect to the Rebuild Bellaire Program, the 4500 block of Oleander Street was completed. Traffic was traveling one-way westbound in the 4700-5000 blocks of Holt Street. The north side of Holt Street was completed, while the south side of the street was 50% completed. Traffic was traveling one-way northbound on Englewood Street, and the storm sewer was 95% completed, with concrete pavement 37% completed. The east side of Englewood Street from Holt Street to Pine Street was completed.

It was noted that after Englewood Street was completed, the 7500-7900 blocks of Second Street would be addressed under the Rebuild Bellaire Program.

Feld Park Water Plant Rehabilitation

The Feld Park Water Plant Rehabilitation was progressing well. Pumps and motors had been set and the building foundation was being prepared for forms.
Street Management Project

The Bellaire Millennium Renewal Follow-Up Project had been approved in the budget, and the engineering was 100% completed. Bids were sought for the project; however, only two bids were received. Both bids were well over the project estimate, so City Staff was reworking that project.

Wastewater Treatment Plant Odor Control Project

Data gathering for the Wastewater Treatment Plant Odor Control Project was completed and a report should be presented to City Council by the end of July.

Bellaire City Library Renovation Project

The renovation project for the Bellaire City Library was almost completed. Installation for the deck supports was occurring at the present time. The Bellaire City Library was noted to be fully operational.

Cultural and Recreational

Summer activities were in full swing in the Parks and Recreation Department. It was noted that the pools were packed with patrons over the weekend, and that summer camp had started this week.

The first week of the Bellaire City Library Summer Reading Program had ended without exceeding the record set the previous year. The City expected those numbers to increase in the near future, especially in light of the closure of the Stella Link Library for the next few months.

Thirty-nine attended infant time at the Bellaire City Library, with 124 in attendance for toddler time (72 children and 52 adults). The dinosaur craft had 56 attendees.

City Manager Satterwhite next referred to the new Conference Meeting Room located on the second floor of the Bellaire City Library. Two meetings had been held in that room, and other groups had shown interest in booking the area.

Upcoming City Council Meetings/Events

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Type of Meeting</th>
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<tbody>
<tr>
<td>June 15, 2011</td>
<td>6:00 p.m.</td>
<td>Special Session (Interviews for Boards)</td>
</tr>
<tr>
<td>June 20, 2011</td>
<td>6:30 p.m.</td>
<td>Special Session (Interviews for Boards)</td>
</tr>
<tr>
<td>June 20, 2011</td>
<td>7:00 p.m.</td>
<td>Regular Session</td>
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<tr>
<td>June 27, 2011</td>
<td>7:00 p.m.</td>
<td>Workshop Session (Pre-Budget)</td>
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Following questions of City Manager Satterwhite regarding the City Manager’s Report, Mayor Pro Tem Nauert moved to accept the City Manager’s Report dated June 6, 2011, as presented by City Manager Bernard M. Satterwhite, Jr., into the record. Councilman Parker seconded the motion. The motion carried unanimously on a 6-0 vote as follows:

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

OPPOSED: None

ABSENT: Councilman Hickman

F. PROCLAMATION – issuance of a proclamation by Mayor Cynthia Siegel recognizing Bellaire residents and sisters Michelle, Brittney, and Erin Sheena for their accomplishments for many years as Scholastic News Kid Reporters reporting on local, national, and international events, their efforts of which have benefited many children and allowed children globally to learn about many newsworthy events – Item submitted by City Clerk Tracy L. Dutton.

Mayor Siegel read the proclamation she issued in recognition of Michelle, Brittney, and Erin Sheena in its entirety. All three sisters were present and accepted their personal copy of the proclamation from Mayor Siegel.

G. PRESENTATION and request for acceptance by the City Council of the City of Bellaire, Texas, of the revised 2008-2012 Master Plan of the Bellaire Cultural Arts Commission – Item submitted by City Manager Bernard M. Satterwhite, Jr.

Co-Chair Ed Dumont, Bellaire Cultural Arts Commission, presented the revised 2008-2012 Master Plan for the Bellaire Cultural Arts Commission to City Council. Co-Chair Dumont indicated that the revisions proposed by the Bellaire Cultural Arts Commission to the Master Plan adopted by City Council in 2007 were minor updates. The updates included a change in the name of the Commission from “Bellaire Arts Commission” to “Bellaire Cultural Arts Commission,” as well as an update of the names of members of the Commission and members of City Council.

The most significant updates were to the timeline for 2009, 2010, and 2011 on pages 14 and 15, to reflect the projects completed and/or currently under consideration by the Bellaire Cultural Arts Commission. Lastly, Appendix B, the Bellaire Public Art Inventory, was updated to include all of the art owned by and located throughout the City.
Co-Chair Dumont asked for City Council’s favorable acceptance of the revisions he outlined for the Bellaire Cultural Arts Commission 2008-2012 Master Plan.

Following questions of Co-Chair Dumont and comments from members of City Council, Councilwoman Nathan moved to accept the revised 2008-2012 Master Plan of the Bellaire Cultural Arts Commission, as presented by Co-Chair Ed Dumont, into the record. Councilman Parker seconded the motion. The motion carried unanimously on a 6-0 vote as follows:

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

OPPOSED: None

ABSENT: Councilman Hickman

H. CONSENT AGENDA:

1. APPROVAL/CORRECTION OF MINUTES:
   a. CONSIDERATION of and possible action on the adoption of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, May 2, 2011 – Item submitted by City Clerk Tracy L. Dutton.
   b. CONSIDERATION of and possible action on the adoption of the minutes of the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, held on Monday, May 16, 2011 – Item submitted by City Clerk Tracy L. Dutton.

2. FINAL PAYMENT ON CONTRACT:

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 Final Change Order (No. 4) with Gilbane Building Company to a contract and agreement for preconstruction and construction services for the Bellaire Fire Station located at 5101 Jessamine Street, Bellaire, Texas, consisting of a net decrease in the amount of $104,281.61, and approval for the City of Bellaire, Texas, to make the final payment to Gilbane Building Company on said contract and agreement in an amount not to exceed $228,083.12 – Item submitted by Director of Facilities Maintenance Karl Miller.
Councilman **Parker** requested separate consideration of Consent Agenda item 2. Councilman **Friedberg** requested separate consideration of Consent Agenda item 1. a.

As there were only three items on the Consent Agenda, all three were considered separately as set forth below.

**Separate consideration of Consent Agenda item 1. a.:**

CONSIDERATION of and possible action on the adoption of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, May 2, 2011 – *Item submitted by City Clerk Tracy L. Dutton.*

Mayor Pro Tem **Nauert** moved to adopt the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, May 2, 2011. Councilman **Parker** seconded the motion.

Councilman **Friedberg** moved to amend page 5 of 10, line 241, to read as follows: *In paragraph one, the phrase “be deemed to” should be struck and a comma inserted after the phrase “upon private property.” The phrase “and shall control the construction of such areas in all zoned districts” at the end of the paragraph should be struck, and the phrase “in all zoned districts,” should be moved immediately following the newly-added comma and before the phrase “for the ingress and egress.” Lines 254 and 255 should be amended to read as follows: At the end of subsection (a), the phrase “as herein provided,” should be struck and replaced by the phrase “as follows.”* Councilman **Parker** seconded the amendments. A vote was taken on the amendments, which carried unanimously (6-0) as follows:

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

**OPPOSED:** None

**ABSENT:** Councilman **Hickman**

After noting no further discussion, Mayor Siegel called for a vote on the motion, as amended, which carried unanimously (6-0) as follows:
FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Avioli, Parker, and Friedberg and Councilwoman Nathan

OPPOSED: None

ABSENT: Councilman Hickman

Separate consideration of Consent Agenda item 1. b.: CONSIDERATION of and possible action on the adoption of the minutes of the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, held on Monday, May 16, 2011 – Item submitted by City Clerk Tracy L. Dutton.

Mayor Pro Tem Nauert moved to adopt the minutes of the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, held on Monday, May 16, 2011. Councilman Friedberg seconded the motion. The motion carried unanimously on a 6-0 vote as follows:

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

OPPOSED: None

ABSENT: Councilman Hickman

Separate consideration of Consent Agenda item 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 Final Change Order (No. 4) with Gilbane Building Company to a contract and agreement for preconstruction and construction services for the Bellaire Fire Station located at 5101 Jessamine Street, Bellaire, Texas, consisting of a net decrease in the amount of $104,281.61, and approval for the City of Bellaire, Texas, to make the final payment to Gilbane Building Company on said contract and agreement in an amount not to exceed $228,083.12 – Item submitted by Director of Facilities Maintenance Karl Miller.

Councilman Friedberg moved to adopt an ordinance of the City Council 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. 4) with Gilbane Building Company to a
contract and agreement for preconstruction and construction services for the Bellaire Fire Station located at 5101 Jessamine Street, Bellaire, Texas, consisting of a net decrease in the amount of $104,281.61, and approval for the City of Bellaire, Texas, to make the final payment to Gilbane Building Company on said contract and agreement in an amount not to exceed $228,083.12. Councilman Parker seconded the motion.

Following questions of Director of Facilities Management Karl Miller related to the cost savings that resulted in a net decrease in the contract, a vote was taken on the motion, which carried unanimously (6-0) as follows:

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

OPPOSED: None

ABSENT: Councilman Hickman

{Ordinance was subsequently numbered: 11-044}

I. ITEMS FOR INDIVIDUAL CONSIDERATION:

Baldwin Avenue Extreme Event Storm Drainage System Project

1. DISCUSSION of and possible direction to City Staff to continue the process for issuing General Obligation Bonds as outlined in the Rebuild Bellaire Financing Plan presented to the City Council of the City of Bellaire, Texas (“City Council”), on March 7, 2011, pursuant to the 2005 Rebuild Bellaire Program bond authorization, for the financing of the Baldwin Avenue Extreme Event Storm Drainage System Project and associated street improvements – Item submitted by City Manager Bernard M. Satterwhite, Jr.

City Manager Satterwhite noted that City Council had looked at the Baldwin Avenue Extreme Event Storm Drainage System Project in March and approved a Preliminary Official Statement and timeline for the issuance of bonds. He indicated that City Staff needed direction as to whether or not to move forward with the project. The engineering for the project was essentially completed and all of the approvals had been obtained (Harris County Flood Control District).

Councilman Friedberg moved that the City move forward with the Baldwin Avenue Extreme Event Storm Drainage System Project. Mayor Pro Tem Nauert seconded the motion.
Following questions by members of City Council related to the project, construction costs, possible impacts to the budget and tax rate, as well as the effects of the bond market of City Manager Satterwhite, Partner Jim Gilley of Coastal Securities, and Vice President James Andrews of HDR|Claunch & Miller, a vote was taken on the motion, which carried unanimously (6-0) as follows:

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

OPPOSED: None

ABSENT: Councilman Hickman

2. CONSIDERATION of and possible action on a request from City Staff to proceed with the development of a formal Interlocal Agreement with the City of Houston, Texas (“Houston”), to accept Houston’s preliminary offer to allow the City of Bellaire, Texas, to purchase four (4) acre feet of detention capacity in the Brays Bayou Detention Basin (Meyer Tract) for a price of $91,750.00 per acre foot to fulfill the detention requirements posed by the construction of the Baldwin Avenue Extreme Storm Drainage System Project in the City of Bellaire, Texas – Item submitted by City Manager Bernard M. Satterwhite, Jr.

City Manager Satterwhite indicated that the price set per acre foot of detention capacity in the Brays Bayou Detention Basin (Meyer Tract) was set by a Memorandum of Understanding between the City of Houston and the Harris County Flood Control District. Purchasing detention capacity was less expensive than constructing detention in Bellaire. Additionally, the City would not have to participate in ongoing maintenance with respect to the Brays Bayou Detention Basin.

Following questions of City Manager Satterwhite and Vice President James Andrews of HDR|Claunch & Miller, Mayor Pro Tem Nauert moved to approve a request from City Staff to proceed with the development of a formal Interlocal Agreement with the City of Houston, Texas (“Houston”), to accept Houston’s preliminary offer to allow the City of Bellaire, Texas, to purchase four (4) acre feet of detention capacity in the Brays Bayou Detention Basin (Meyer Tract) for a price of $91,750.00 per acre foot to fulfill the detention requirements posed by the construction of the Baldwin Avenue Extreme Storm Drainage System Project in the City of Bellaire, Texas. Councilman Friedberg seconded the
motion. The motion carried unanimously on a 6-0 vote as follows:

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

OPPOSED: None

ABSENT: Councilman Hickman

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

Community interest items from the Mayor and City Council included a request for members of the community to let City Council know of their wants and desires for the next budget; encouragement for residents to vote; congratulations to the Sheena sisters who were awarded a proclamation by the Mayor as Outstanding Citizens of Bellaire; congratulations to Michael Clark, who was named the Houston Independent School District’s Secondary School Teacher of the Year; thanks for those who had served and are serving in the military for their service; and excellent email comments received by the Mayor regarding the services provided to residents by the Bellaire Police Department and Bellaire Public Works Department were noted for the record.

K. ADJOURNMENT.

Councilman Avioli moved to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:26 p.m. on Monday, June 6, 2011. Councilwoman Nathan seconded the motion. The motion carried unanimously on a 6-0 vote as follows:

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

OPPOSED: None

ABSENT: Councilman Hickman

Respectfully submitted,

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

__________________________________________
Cynthia Siegel, Mayor
City of Bellaire, Texas