The City Council of the City of Bellaire, Texas, met in Regular Session on Monday, August 15, 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 7:05 p.m. on Monday, August 15, 2011.

Also present were Mayor Pro Tem Phil Nauert, Councilmen Roman F. Reed, 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 members of City Council in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

D. PERSONAL/AUDIENCE COMMENTS:

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas, addressed City Council regarding meters for the City’s own use of municipal water. With the current drought conditions, it seemed to Ms. McBee that a much more meticulous method of measuring consumption by the City was warranted. She asked City Council to look into the cost of metering the City’s own water consumption.

Robert Riquelmy, 506 Winslow Lane, Bellaire, Texas, addressed City Council and read into the record a New York Times article from earlier in the
month. He asked City Council to think of the damage that was caused to the people who had been shot, their families, and the officers, themselves, and their families and what the elected officials in New Orleans, Louisiana, could have done to prevent the damage as he read the article. The headline of the article was “Officers Guilty of Shooting Six in New Orleans.” The article appeared in the August 5, 2011, edition of the *New York Times*, and referred to the shooting by officers of six citizens six years previously (just days after Hurricane Katrina hit New Orleans), as well as a cover-up of the incident that ensued. The article referred to the abuse of power by the officers involved in the incident.

**Susan Racciato, 4432 Oleander Street, Bellaire, Texas,** addressed City Council and asked them to reconsider the sidewalks slated to be constructed on Baldwin Avenue. She indicated that it was not reasonable to have any more cement along Baldwin Avenue. Baldwin Avenue was a “walking street,” with very little traffic. Secondly, driveways along Baldwin Avenue were so short that cars would extend and overlap the sidewalk rendering it unusable.

Ms. Racciato stated that it would behoove City Council to reconsider putting a sidewalk in that particular area.

**Mayor Siegel** referred next to written comments that were submitted to City Council and requested to be read into the record. Those comments have been summarized below as follows:

**Stuart Harris, 4400 Jonathan Street, Bellaire, Texas:**

Mr. Harris indicated that the addition of a sidewalk along Baldwin Avenue was of concern to him. He understood that the sidewalk was being added because it was city policy and had not been fully considered with regard to its impact to Bellaire residents. Mr. Harris outlined his concerns as follows:

1. The right-of-way along Baldwin Avenue was 50 feet wide, which was narrow for a street right-of-way. As a result of the narrow right-of-way and a ten-foot setback for homes abutting Baldwin Avenue, homes were closer to the roadway than most other homes in the community. Additionally, vehicles legally parked in driveways would span almost entirely from the garage to the roadway effectively blocking any sidewalk connecting from one side of the drive to the other and causing pedestrians to walk in the roadway.

2. Neighborhood lots in the area were approximately 5,000 square feet and those with corner lots used the side yard along Baldwin Avenue as a “backyard.” The addition of a sidewalk would reduce the amount of green space available for children to play.

3. The sidewalk would be less than 15 feet from Mr. Harris’ home and would severely and negatively impact his privacy.
4. Vehicular traffic on Baldwin Avenue was noted to be so light that a sidewalk would not be warranted by vehicular traffic alone.

5. A nice sidewalk already existed one block away on Newcastle Drive, therefore, a sidewalk along Baldwin Avenue would be redundant.

In closing, Mr. Harris asked City Council to exclude the new sidewalk and save residents considerable tax dollars. Excluding the sidewalk would also avoid a disruption of the quality of life for residents along Baldwin Avenue.

**Chris Canonico, 4321 Jonathan Street, Bellaire, Texas:**

Mr. Canonico indicated his support of the new storm drainage project for the Southdale area of Bellaire, but expressed a concern with the City’s policy of street reconstruction that would follow the drainage improvements. He referred to the narrow street right-of-way that would create challenges for implementation of a full width roadway and sidewalks. He mentioned that no other street in Bellaire would have sidewalks on a 50-foot right-of-way with building setbacks of less than ten feet.

Mr. Canonico noted further that each of the homes adjacent to Baldwin Avenue had driveways that would block the planned sidewalk in those instances when homeowners were parked in their driveways. He also cited the low traffic count on the roadway.

In closing, Mr. Canonico asked City Council to remove sidewalks from the planned Baldwin Avenue project. As an alternative, Mr. Canonico suggested that City Council consider a traffic warrant study and modification of all Baldwin Avenue intersections to four-way stops.

**Lindsay and Scott Aronstein, 4400 Jim West Street, Bellaire, Texas:**

Mr. and Ms. Aronstein cited their support of the Baldwin Avenue project for the Southdale area of Bellaire, but expressed their opposition to the addition of sidewalks along the roadway.

The Aronsteins mentioned their attendance at the City’s Neighborhood Meeting related to the project and noted that during the meeting it became apparent that Baldwin Avenue was not up to standard (i.e., a narrow roadway width) and would need to be widened. Widening the street and the addition of sidewalks would dramatically reduce the amount of green space each lot along Baldwin Avenue currently enjoyed.

It was also noted that the sidewalk would be blocked by cars parking in driveways rendering the sidewalk ineffective.
The Aronsteins urged City Council to consider alternatives to the current project proposal that would meet the City’s need for drainage and surface improvements while minimizing the intrusions to the residents and the green space adjacent to Baldwin Avenue.

Bryan A. Phillips, 4402 Lula Street, Bellaire, Texas:

Mr. Phillips stated that there was a great deal of opposition to the sidewalk issue along Baldwin Avenue. He indicated that the sidewalk, as proposed, would eliminate his attractive side yard and allow people to walk mere feet from his home. He asked City Council to consider placing the sidewalk closer to the roadway if it were an absolute necessity.

E. REPORTS:

1. CITY MANAGER’S REPORT regarding residential safety (police activity report), public infrastructure/utilities (projects update), cultural and recreational (end of summer reading program and end of summer camps), internal operations/productivity (water conservation update, water main leaks, and Labor Day Holiday), current issues/information (projected impact of the Standard & Poor’s downgrade of the U.S. sovereign debt rating to our local debt rating), and upcoming City Council meetings/events – Presented by City Manager Bernard M. Satterwhite, Jr.

City Manager Satterwhite presented the City Manager’s Report dated August 15, 2011, to City Council.

Residential Safety

With respect to the police activity report, 35 part 1 criminal offenses occurred during the month of July compared to 32 in July of 2010. There were 49 traffic accidents in July compared to 61 in July of 2010.

Patrol officers completed taser recertification training during the month of July, and Corporal Jimmie Norman was recognized as Officer of the Year by the Bellaire Optimist Club.

On Monday, August 8, 2011, a major accident occurred in the 5500 block of Loop 610 North, which tied up the freeway for approximately four hours. One of the victims died in the hospital two days following the accident. The accident was currently under investigation.

The trial of Nhut Nguyen, accused of attempting to murder a Bellaire resident, Yvonne Stern, began earlier in the day, and Bellaire was involved in the testimony.
On July 3, 2011, a suspect was arrested and charged with intoxicated assault with a vehicle.

One robbery incident occurred during the month of July, which remained under investigation. Nine assaults occurred during the month of July, four of which involved offenses of family violence. Charges were filed in three of the incidents.

No auto thefts occurred during the month of July. With respect to residential burglary, six (6) occurred during the month of July as compared to nine (9) in July of 2010. In all but one of the incidents, entry was gained by force.

The Community Resource Office handled one (1) residential security survey. Residents were encouraged to contact Bellaire Police Officer Tim Quimby for a residential security survey. Five (5) child safety seat inspections and installations were performed during the month of July.

Public Infrastructure/Utilities

The Rebuild Bellaire Program, Phase Three, was noted to be proceeding as planned. Holt Street and Oleander Street were completed. Work was currently underway on Englewood Street (concrete pavement and storm sewer installation were 100% completed) and Second Street (underground gas line relocations should be completed by the end of the week).

Problems were still occurring with the Rice Lift Station Project, and engineers and contractors were currently working on those problems.

With respect to the crosswalk on South Rice Avenue, underground conduits had been installed, the signal pole foundation on the west side of the street had been poured, the controller cabinet foundation had been poured, and a service pole and sidewalks and ramps on the west side of the street were installed and/or completed. Once AT&T repairs had been completed on the east side of the street, the signal pole foundation and sidewalks and ramps would be installed on the east side of the street. The expected completion date for the project was noted to be October of 2011.

Cultural and Recreational

The summer season had been busy in Bellaire at the Library and the Parks and Recreation Department. Summer camps and programs were noted to have been highly successful.

The Summer Reading Program at the Library concluded with a celebration on the previous Friday for all of those who had completed
reading at least ten books. There were a total of 1,092 participants, with 722 completing the required reading. The celebration was attended by 552 readers and parents. The Teen Summer Reading Program consisted of 124 participants, with 68 completing the required ten books.

Items circulated through the Library this summer totaled 58,087 as compared to 56,400 the previous summer.

**Internal Operations/Productivity**

With respect to water conservation, City Manager Satterwhite advised that the City had sent out an email to residents informing them that the City was not implementing mandatory or voluntary water restrictions at this point in time. The City was in a drought and residents needed to continue to be mindful. Water usage was down during the months of June and July as compared to previous years.

It was noted that Bellaire did have a contract with the City of Houston to purchase a certain amount of water each month. Houston had not indicated to any of its customers that they would allocate less water than that listed in the customers’ contracts. The City’s contract required that Bellaire take 45 million gallons from Houston per month. The contract required the City to pay for that much water, whether or not it was actually taken. The remaining 50% of the City’s water was obtained from groundwater wells.

City Manager Satterwhite noted that the City always experienced water leaks in a given period of time due to stress and strain on the underground pipes. Most of the leaks resulted from cracked pipes, and the City tried to get to and fix those leaks as quickly as possible. Many concerned residents had contacted the City regarding leaks, which was very much appreciated. Residents were advised that often it took several days for the City to repair some of the leaks. Prior to repairing a leak, the City had to contact other utilities to identify their lines before a leak could be repaired, which took some time.

Another concern City Manager Satterwhite had heard from residents was their inability to reach anyone on the weekends. The City’s offices were primarily closed on the weekend. There were limited weekend hours at the Bellaire City Library and at the Parks and Recreation Department. Other than the Fire Department, the Police Department, and some on-call staff for the Public Works Department, voice mail handled other internal office telephones on the weekend. In order to alleviate some of the concerns, the main number at City Hall would now include a message that the City was closed on the weekend and would provide a number for the Bellaire Police Dispatch Office in the event residents needed to report an issue.
City Manager Satterwhite reminded City Council of the Labor Day Holiday on September 5, 2011, and indicated that there would be no trash pickup that day.

**Current Issues/Information**

It was noted that Standard & Poor’s (S&P) had affirmed the City’s AAA rating, despite its recent downgrade of the United States’ sovereign debt rating to AA+ with a negative outlook. It was noted that state and local governments that were not heavily reliant upon federal securities, federal financing, and federal investments would continue to be looked at by S&P based on their own individual finance plans.

**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>August 16, 2011</td>
<td>6:00 p.m.</td>
<td>Special Session (Executive Session)</td>
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<tr>
<td>August 16, 2011</td>
<td>7:00 p.m.</td>
<td>Special Session (Budget)</td>
</tr>
<tr>
<td>September 12, 2011</td>
<td>6:00 p.m.</td>
<td>Special Session (Public Hearing on Specific Use Permit Request from Community National Bank)</td>
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<tr>
<td>September 12, 2011</td>
<td>7:00 p.m.</td>
<td>Regular Session</td>
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<tr>
<td>September 19, 2011</td>
<td>7:00 p.m.</td>
<td>Regular Session</td>
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Following questions of City Manager Satterwhite regarding the City Manager’s Report, action was taken to accept the report into the record, as follows:

**COUNCIL ACTION (FINAL):**

Councilman Parker moved to accept the City Manager’s Report dated August 15, 2011, as presented by City Manager Bernard M. Satterwhite, Jr., into the record. Councilman Avioli seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

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

**OPPOSED:** None

**ABSENT:** None

2. **FINANCE REPORT** for the City of Bellaire, Texas, covering the period ended July 31, 2011, and including discussion of

Chief Financial Officer Symank presented the Finance Report for the City of Bellaire, Texas, covering the period ended July 31, 2011, to the City Council.

**Revenues**

Chief Financial Officer Symank indicated that the City’s overall revenues were doing very well. As of the end of July, several categories met or exceeded the appropriations for the year.

Sales tax in the General Fund continued with the trend seen in the past. Larger cities, such as Houston, were seeing increases whereas smaller cities continued to see less revenue than seen the previous year. Bellaire was down 12% for the month of July and 6% for the month of August.

Municipal court revenue had exceeded its annual projections. The revenue dropped off slightly in June and July, and there was also a decrease in the number of citations issued.

With respect to the Enterprise Fund, the water revenue was doing extremely well. Residential and sprinkler sales performed especially well during the month of July.

**Expenditures**

On the expenditure side, the City’s overall expenditures were within the appropriations. During the month of July, fuel, electricity, and maintenance line items continued to come in higher than anticipated. The City believed that the line items could be covered with savings in other areas and would not require a budget adjustment.

Chief Financial Officer Symank referred to a bond issuance proposal later on City Council’s agenda. If approved, bond issuance costs that the City needed to pay would require a subsequent budget amendment.

Following questions of Chief Financial Officer Symank regarding the Finance Report, action was taken to accept the report into the record, as follows:
COUNCIL ACTION (FINAL):

Councilman Parker moved to accept the Finance Report covering the period ended July 31, 2011, as presented by Chief Financial Officer Linda Symank into the record. Mayor Pro Tem Nauert seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

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

OPPOSED: None

ABSENT: None

Councilman Friedberg requested to move the Consent Agenda (F) after agenda item (H) and before agenda item (I). Mayor Siegel, after noting no objections from members of City Council, advised that agenda item (G) would be considered at this point in the meeting.

G. ADOPTION OF ORDINANCES:

Rebuild Bellaire Bond Program

1. CONSIDERATION of and possible action on a recommendation from Coastal Securities, Inc., to award Bid No. 11-011, Bid for Bonds, to the bidder offering a bid that conforms to the bid specifications contained within the Notice of Sale and Bidding Instructions on $6,500,000 City of Bellaire, Texas (Harris County, Texas), General Obligation Bonds, Series 2011, which produces the lowest true interest rate cost to the City of Bellaire, Texas, and on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the issuance of “$6,500,000 City of Bellaire General Obligation Bonds, Series 2011”; specifying the terms and features of said bonds; pledging the levy of a continuing annual ad valorem tax upon all taxable property within the City of the payment of the principal and interest on such bonds; enacting provisions incident and related to the issuance, delivery, payment of, and security for such bonds; approving and authorizing the distribution of an Official Statement; awarding sale of such bonds; and authorizing and approving a Paying Agent/Registrar Agreement – Item submitted by Chief Financial Officer Linda Symank; Presentation by James Gilley, Partner, Coastal Securities, and Alan P. Petrov, City Attorney and Bond Counsel.
SUMMARY

James Gilley, Partner, Coastal Securities, began by congratulating and commending the City on its AAA rating. He noted that the City received 12 competitive bids earlier in the day for its bank-qualified bonds. The best bid was 3.297888% submitted by Morgan Keegan & Co. The worst bid was 3.817%. The majority of the bids were clustered around the 3.5% range.

With respect to the Rebuild Bellaire Program, the City had sold, thus far, $29.5 million of the $50 million authorized by voters. The weighted average interest rate of all the sales was approximately 4.01%.

Following questions of James Gilley, Partner, Coastal Securities, and Alan P. Petrov, City Attorney and Bond Counsel, related to the bid for bonds, recommended award, and issuance, action was taken as follows:

COUNCIL ACTION (FINAL):

Councilman Parker moved to approve the award of Bid No. 11-011, Bid for Bonds, to Morgan Keegan & Co. at a true interest rate cost to the City of Bellaire, Texas, of 3.29% and to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the issuance of “$6,500,000 City of Bellaire General Obligation Bonds, Series 2011”; specifying the terms and features of said bonds; pledging the levy of a continuing annual ad valorem tax upon all taxable property within the City of the payment of the principal and interest on such bonds; enacting provisions incident and related to the issuance, delivery, payment of, and security for such bonds; approving and authorizing the distribution of an Official Statement; awarding sale of such bonds; and approving a Paying Agent/Registrar Agreement. Councilman Friedberg seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

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

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 11-063}
2. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, calling a General Election within the City of Bellaire, Texas, for the purpose of electing a Mayor, Councilman – Position No. 2, Councilman – Position No. 4, and Councilman – Position No. 6; establishing the date of the General Election on the uniform election date designated by the State of Texas as the first Tuesday after the first Monday in November or on November 8, 2011; establishing election precincts, polling places, and appointing election officials; and setting forth certain guidelines – Item submitted by City Clerk Tracy L. Dutton.

COUNCIL ACTION (FINAL):

Councilman Parker moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, calling a General Election within the City of Bellaire, Texas, for the purpose of electing a Mayor, Councilman – Position No. 2, Councilman – Position No. 4, and Councilman – Position No. 6; establishing the date of the General Election on the uniform election date designated by the State of Texas as the first Tuesday after the first Monday in November or on November 8, 2011; establishing election precincts, polling places, and appointing election officials; and setting forth certain guidelines. Mayor Pro Tem Nauert seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

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

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 11-064}

3. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, calling a Runoff Election, if the need should arise, within the City of Bellaire, Texas, to be held on Saturday, December 10, 2011, for the purpose of electing a Mayor, Councilman – Position No. 2, Councilman – Position No. 4, and Councilman – Position No. 6; establishing election precincts, a combined or consolidated polling place, and appointing election officials;
and setting forth certain guidelines – Item submitted by City Clerk Tracy L. Dutton.

COUNCIL ACTION (FINAL):

Councilman Parker moved to adopt an ordinance of the City Council of the City Council of the City of Bellaire, Texas, calling a Runoff Election, if the need should arise, within the City of Bellaire, Texas, to be held on Saturday, December 10, 2011, for the purpose of electing a Mayor, Councilman – Position No. 2, Councilman – Position No. 4, and Councilman – Position No. 6; establishing election precincts, a combined or consolidated polling place, and appointing election officials; and setting forth certain guidelines. Councilman Reed seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

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

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 11-065}

Temporary Code Suspension

4. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, temporarily suspending the application of Chapter 27, Streets, Sidewalks and Public Places, Article V, Public Parks, Section 27-95, Curfew Imposed, Subsection (a), of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of allowing the Bellaire High School Softball Boosters to host their 9th annual BBQ Fundraiser in the parking lot of Mulberry Park, 700 Mulberry Lane, Bellaire, Texas, from Wednesday, August 31, 2011, through Saturday, September 3, 2011, said suspension to commence at 11:00 p.m. and terminate at 5:00 a.m. on the evenings and early mornings of Wednesday, August 31, 2011, Thursday, September 1, 2011, and Friday, September 2, 2011 – Item submitted by Director of Parks and Recreation Jane L. Dembski on behalf of the Bellaire High School Softball Boosters.

COUNCIL ACTION (FINAL):

Councilman Avioli moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, temporarily suspending the
application of Chapter 27, Streets, Sidewalks and Public Places, Article V, Public Parks, Section 27-95, Curfew Imposed, Subsection (a), of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of allowing the Bellaire High School Softball Boosters to host their 9th annual BBQ Fundraiser in the parking lot of Mulberry Park, 700 Mulberry Lane, Bellaire, Texas, from Wednesday, August 31, 2011, through Saturday, September 3, 2011, said suspension to commence at 11:00 p.m. and terminate at 5:00 a.m. on the evenings and early mornings of Wednesday, August 31, 2011, Thursday, September 1, 2011, and Friday, September 2, 2011. Councilman Parker seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

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

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 11-066}

H. ITEM FOR INDIVIDUAL CONSIDERATION:

BALDWIN AVENUE EXTREME EVENT STORM DRAINAGE SYSTEM PROJECT:

UPDATE regarding a Neighborhood Meeting held on July 12, 2011, to present the Baldwin Avenue Extreme Event Storm Drainage System Project (“Project”) to affected residents in the region of Bellaire commonly known as “Southdale,” and possible action to direct City Staff to revise portion(s) of the Project to mitigate concerns expressed during the referenced Neighborhood Meeting – Item submitted by City Manager Bernard M. Satterwhite, Jr.

[Note: Discussion related to this item, which resulted in several motions and actions, has been included in its entirety in these minutes.]

SUMMARY:

City Manager Satterwhite indicated that a summary from City Staff and HDR|Claunch & Miller had been included in City Council’s packet related to a Neighborhood Meeting held on July 12, 2011, on the Baldwin Avenue Extreme Event Storm Drainage System Project.
The street was engineered to achieve certain drainage objectives (extreme event storm sewer system) which included a large pipe. As stated throughout the Rebuild Bellaire Program, the project was designed to include a sidewalk, four (4) feet in width, on one side of the street while saving as many trees as possible.

The plan for the project was initially presented to City Council in December of 2010 at the 50% completion point in the engineering design phase. It was noted at that time that the project would be very complex and difficult from the standpoint of the City and the residents.

Sidewalks had been discussed in the past. In developing the project, City Staff followed policies adopted by the City. During the Neighborhood Meeting, concerns were expressed about sidewalks and traffic control. The City was amenable to traffic control, but strongly believed that traffic control was not specifically a part of this particular project. Traffic control could be addressed upon completion of the project and completion of a traffic study.

City Manager Satterwhite referred to concerns regarding traffic control along Newcastle Drive and noted that those concerns were addressed following the completion of the reconstruction project. The result for Newcastle Drive was the installation of solar-powered speed control signs. Upon an initial assessment of Baldwin Avenue, City Manager Satterwhite did not believe that a traffic study would ultimately indicate that four-way stops were necessary for all intersections along Baldwin Avenue.

It was noted that HDR|Claunch & Miller was present to answer any questions that City Council might have related to engineering for the project. Director Joe Keene, Public Works Department, was also present to answer questions.

Mayor Cindy Siegel noted that City Council might not be ready to make a motion at this point in time and suggested . . .

Councilman Corbett Daniel Parker indicated that he would make a motion to keep the project as it currently existed for purposes of discussion.

Mayor Siegel asked him to wait and allow members of City Council an opportunity to ask questions related to the project.

Councilman Andrew Friedberg interjected with a question for City Attorney Petrov. He noted that he was a resident in the Southdale area of Bellaire and asked if he should recuse himself from further discussions and/or action related to the project. He noted further that his residence was not located on a corner lot and was not close to Baldwin Avenue.

City Attorney Alan P. Petrov indicated that the only legal conflict would be if Councilman Friedberg’s particular property would be affected on a monetary
value different from anyone else’s property. He did not see that as being the case with respect to this project.

**Mayor Siegel** referred to Councilman Avioli’s son owning a property in the project area and asked if Councilman Avioli had a problem addressing the project.

**Councilman James P. Avioli, Sr.**, stated that his son’s property was on Verone Street and did not abut Baldwin Avenue. He indicated that he did not have a problem considering the project.

**Mayor Siegel** asked Consulting Engineer James Andrews, P.E., HDR|Claunch & Miller, if he could go over what would be done to Baldwin Avenue (such as, the width of the street, the width of the sidewalk, and the placement of the sidewalk).

**James Andrews, P.E., HDR|Claunch & Miller**, stated that there were three major components to the Baldwin Avenue project. First, the large sanitary sewer line that ran virtually down the middle of Baldwin Avenue was being rehabilitated with a very large diameter storm sewer system for purposes of draining the Southdale area and the southeast quadrant of Bellaire.

Secondly, the street was being reconstructed. The street was currently an asphalt roadway which varied from approximately 22 to 23 feet wide. The project included lowering the street and installing a concrete curb and gutter section 25 feet wide from the back of curb to the back of curb. This would allow for 24 feet of pavement. The road/travel-way was not being increased appreciably.

Additionally, a four (4) foot sidewalk had been proposed to be constructed on the west side of Baldwin Avenue between the back of the curb and the west right-of-way line.

**Mayor Siegel** inquired as to the distance of the sidewalk from the curb.

**Mr. Andrews** indicated that the distance would vary. As with any project, the engineers would work with the affected citizens as to where the sidewalk should be located. At times, the sidewalk would be installed against the curb or behind the curb to miss landscaping and trees.

**Mayor Siegel** referred to the issue of cars parked in driveways and hanging over the sidewalk causing pedestrians to have to walk into the street. She inquired as to whether all cars would be hanging over the sidewalk along Baldwin Avenue.

**Mr. Andrews** advised that cars parked in driveways along Baldwin Avenue would more than likely hang over the sidewalk. As had been stated, the right-of-way was very narrow at 50 feet. With a 20-foot back to back curb
and a ten-foot building line, a resident only had 22-½ feet from the garage to the street to park. This would accommodate most cars and large pickup trucks.

**Mayor Siegel** asked for confirmation that the vehicles would be in the driveway . . .

**Mr. Andrews** indicated that the vehicles would be in their driveway and out of the street, but would block the path of the sidewalk.

**City Manager Satterwhite** pointed out that this situation was typical with a 60-foot right-of-way. He indicated that he personally had a 90-foot right-of-way and if he parked on his driveway, his vehicle blocked the path of the sidewalk.

**Mayor Siegel** indicated that City Manager Satterwhite had made a good point. She referred to Ferris Street and Newcastle Drive (not the trail side) and noted that she had seen cars parked along those streets that blocked the sidewalk. She asked if Baldwin Avenue would be comparable or worse.

**Mr. Andrews** stated that, as was mentioned by City Manager Satterwhite, this situation was very common throughout the City.

**Mayor Siegel** inquired as to the cost of the sidewalk, noting that she understood that the City had not yet bid the project. She indicated that the City had learned from past experience that adding a sidewalk while a street was reconstructed was cost-effective.

**Mr. Andrews** advised that the stretch of sidewalk for Baldwin Avenue was long and that the cost was estimated to be approximately $200,000—this included all of the retaining walls involved, sprinkler system replacements and adjustments, and tree preservation and protection.

**Mayor Siegel** inquired as to how this compared to the removal and repair of sidewalk.

**Mr. Andrews** indicated that removal and repair was more costly. Since the projects were generally smaller, the unit costs ended up being more costly.

**Councilman James P. Avioli, Sr.,** asked for confirmation that the project, as it existed, currently had a sidewalk.

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

**Councilman Avioli** asked if the bid would be adversely impacted if City Council decided, after receipt of citizen input, to remove the sidewalk from the project.
Mr. Andrews stated that the sidewalk could be bid and change-ordered out of the project at a later time. The sidewalk was one of the last pieces of the infrastructure to be constructed.

Councilman Avioli asked for confirmation that the cost of the project would not be hurt by the later removal of the sidewalk portion.

Mr. Andrews advised that he did not believe so.

Councilman Friedberg asked if the sidewalk, hypothetically, was removed from the project and having just agreed on the awarding of the issuance of the general obligation bonds to support the project, if monies that would have been spent on the sidewalk could be spent on traffic controls. He indicated that he understood that traffic control was not a part of this project, per se, but as a next step afterwards. In other words, was there a restriction on the use of the funds?

City Attorney Petrov advised that the monies saved from the removal of the sidewalk from the project would have to be used for similar repair/rebuild projects. The traffic controls could be funded with those monies.

Mayor Siegel indicated that the funds could not be used for stop signs and speed limit controls as were installed on Newcastle Drive.

Councilman Friedberg asked for confirmation that the City did use bond funds for the traffic control devices installed subsequent to the Newcastle Drive rehabilitation project.

City Manager Satterwhite indicated that the funds probably could be used for traffic controls. The project would total well over $6.5 million on the roadway and drainage. The other funding for the project was coming from pay-as-you-go funds and not from bond monies. He indicated that the funding for the traffic controls would not be an issue.

Councilman Friedberg asked for clarification that City had different “baskets” of funds to be used on this project and the “bond fund basket” would be used in its entirety on the drainage and street reconstruction portions of the project, leaving funds available in one of the other “baskets” for traffic controls.

City Manager Satterwhite agreed that the funds used for traffic controls could come from the pay-as-you-go “basket” of funds.

Mayor Siegel stated that funds from METRO were given specifically for this particular project. She assumed that the METRO money would be used first so that the bond proceeds could be freed up to use on other streets.
City Manager Satterwhite advised that the $6.5 million in bonds and the $3.2 million from METRO would be used on Baldwin Avenue.

Mayor Siegel stated that Councilman Friedberg was asking if $200,000 was freed up, if that $200,000 could be used for traffic controls.

City Manager Satterwhite indicated that the City was putting $1 million of pay-as-you-go funds into the project in addition to the bond funds and the funds from METRO.

Councilman Friedberg stated that another way of asking his question was if traffic controls on Baldwin Avenue would count under the defined term “Baldwin” for purposes of the restrictions of these funds?

City Manager Satterwhite stated that it would count for the $11 million project.

COUNCIL MOTION (NO. 1):

Councilman Parker moved to proceed as the City had planned with sidewalk construction on the west side of Baldwin Avenue.

Mayor Pro Tem Phil Nauert asked for clarification that the motion was to accept the project without any changes at this point.

Councilman Parker advised that Mayor Pro Tem Nauert was correct.

Mayor Pro Tem Nauert seconded the motion.

DISCUSSION ON MOTION NO. 1:

Mayor Siegel opened the floor for discussion. She advised that she wished to briefly go over the process. She noted that City Council had gone around and around with respect to the process for City projects. The City used to let the bid, meaning that a contractor would be hired. Following the letting of the bid, the Public Works Department and Consulting Engineers, HDR|Claunch & Miller, would meet with the residents in a Neighborhood Meeting and discuss the project. Residents often returned to City Council requesting changes to the project.

The process was subsequently changed. She disagreed with citizen comments made regarding the process. Having sat on City Council for a long time, the process was much better starting with a preliminary design versus having no preliminary design and nothing to present to citizens at a meeting. The bid was not let until after a meeting had been held so that people had an opportunity to speak before City Council. Requesting a preliminary design prior to a meeting was by no means meant to shortcut the process or cut anyone out of the process.
City Staff was implementing City Council’s policy. The City Council was the correct body to address any complaints regarding that policy.

**Mayor Pro Tem Nauert** advised that he was pleased to see that the City had a public meeting and that people expressed an opinion on the project. He was surprised at the relatively light objection to the sidewalk.

The Mayor and Mayor Pro Tem Nauert had seen the Council Chamber filled up with citizens objecting to sidewalks (such as, the Jessamine Street project). He was concerned that a car in the driveway would obstruct the sidewalk, which would deter people from using the sidewalk. He would probably be more inclined to walk in the street if he, too, kept having to go around a bunch of cars.

As had been pointed out, having to go around cars in driveways was not unusual in other parts of the City. It was not that way where the sidewalk was in residents’ front yards because the setback was greater. A ten-foot side-yard setback was not unusual for Bellaire.

Mayor Pro Tem Nauert reiterated that this was a very surprising light pushback to sidewalks. He was inclined to support continuing on with the project just as presented. He could appreciate the concerns expressed by the seven-nine people that did not want the sidewalks and, to some extent, he agreed with them; however, he did not believe that seven-nine people should change an entire project.

**Councilman Friedberg** stated that zero homes fronted on Baldwin Avenue, which might explain what was perceived as a relatively low number of residents expressing an objection to the sidewalk. He offered a formal amendment to the motion at this point in time.

**COUNCIL AMENDMENT (TO MOTION NO. 1):**

Councilman **Friedberg** amended the motion made to remove sidewalks from the Baldwin Avenue project. Councilman **Reed** seconded the motion.

**DISCUSSION ON AMENDMENT TO MOTION NO. 1:**

Councilman **Friedberg** indicated that it was not his intention to reopen the broader sidewalks debate or revisit the policy being implemented in this plan that Staff and the City’s Engineers had simply followed. He was looking for a very limited exception to the general rule in recognition of Baldwin Avenue’s unique characteristics that had been discussed and were stated in the public comments received by City Council.

He felt that City Council needed to keep the way the existing street was used and the unique character of the street at the forefront of the discussion. For
starters, Baldwin Avenue was not a through street. No one was driving down Baldwin Avenue to get to Bellaire Boulevard or Beechnut Street or vice versa. Personally, Councilman Friedberg pushed a stroller down Baldwin Avenue every day as did so many neighbors in the area. Adding a sidewalk, in his opinion, would not change that. People would still be using Baldwin Avenue itself as a “sidewalk.”

One might occasionally see a few cars per hour traveling at a slow rate of speed. One of the reasons that cars did not speed down Baldwin Avenue was that the current condition of the street was bumpy. He agreed that once the street was reconstructed and smooth, traffic controls related to speeding, needed to be reviewed carefully.

Councilman Friedberg closed by stating that the character of the street should drive the discussion as to whether a sidewalk should be constructed. No one had argued the point that the storm drainage portion of the project was much needed, but it was hoped that the historical character of the street would remain unchanged.

Councilman Roman Reed indicated that he had gone up and down Baldwin Avenue many times to visit friends living in that area. He stated that the description Councilman Friedberg had provided was very accurate—the usage of the street as a walkway was a way of life for residents in that area. He did not believe that sidewalks would be used on that street. He stated that he would definitely like to see City Council’s support in opposing sidewalks on that street.

Councilwoman Mandy Nathan stated that she believed that there were unique aspects to Baldwin Avenue. Overall, she was firmly in favor of the sidewalk policy that the City had. The area was a little unique, in part, because they were so far removed. The people walking on that street were the people that lived nearby. The people desiring to walk in a larger loop were probably walking along the Newcastle Trail.

That having been said, Councilwoman Nathan joined Mayor Pro Tem Nauert in being underwhelmed at the comments City Council received regarding sidewalks. She was glad Councilman Avioli asked the question regarding timing and whether or not the City Council had to make such a decision right now. She suggested that the sidewalk be left in the project for now for the purpose of getting a bid on that portion of the project. She would be willing and in favor of, perhaps, delivering one final notice to people in the Baldwin Avenue area saying, “We did not get enough comments. We would like to take into account what this part of the City wants for this area. If you do not respond to this, we are going to assume you do not care. But, if you really want a sidewalk or really do not want a sidewalk, then let us know or live with the consequences.”
Councilman Avioli agreed that there were not a great deal of comments against sidewalks; however, comments related to sidewalks were the largest number/type the City received. He was somewhat familiar with Baldwin Avenue and felt that City Council needed to respond to the citizen input received. He advised that he would support the amendment that Councilman Friedberg proposed to withdraw the sidewalks from the project.

Councilman Parker agreed that seven-nine objections was not a large number of objections, but he had spoken with many people in the area regarding the issue that, unfortunately, did not provide written or oral comments to City Council. He indicated that several citizens at the meeting indicated that they did want a sidewalk along Baldwin Avenue.

He, too, was very glad that Councilman Avioli had asked the question as to whether or not the project could be bid with the sidewalk and then removed without affecting pricing. Councilman Parker indicated that he wished to discuss the issue further with residents and was glad that he did not have to make a decision regarding the sidewalk this evening.

He indicated that he would vote to keep the sidewalk as part of the project not because he had decided that the sidewalk should remain, but because he felt that taking it out would deprive the City of the opportunity to continue to seek residential feedback. He liked Councilwoman Nathan’s idea of continuing to go back to the residents to see if City Council could get them to continue to communicate with the City.

While Councilman Parker was neither for nor against sidewalks at this point, he was for keeping them in since there was no penalty to the City for bidding them that way.

Mayor Siegel stated that she used to call herself the “sidewalk” queen since she had heard about this issue so often. She noted that the idea was for the City to have a network of sidewalks.

The City had gone through so many variations with sidewalks. When she first served the City, there was a fund that residents could pay into in lieu of installing a sidewalk in front of their own home. She respectfully disagreed with Councilman Friedberg in that Baldwin Avenue was no more unique than Ferris Street or Evergreen Street.

Mayor Siegel indicated that she walked on Newcastle Drive on one week and then on Ferris Street on alternate weeks. She and a friend stepped around cars that were hanging over on the sidewalk. Many people indicated that they wanted sidewalks, but not on their side of the street. Bellaire was a community—a “city of homes.” She heard the same things with respect to Ferris Street and Evergreen Street—no one would walk on the sidewalk. Although there were people not using the sidewalk, other people were using the sidewalk.
Mayor Siegel referred to City Council minutes from 1998 wherein some residents abutting a portion of Baldwin Avenue submitted a petition for speed humps. One of the women advised City Council that Baldwin Avenue was used as a pedestrian-type mall. People walked down Baldwin Avenue, rode bicycles, skated, and rollerbladed on Baldwin Avenue. The woman advised further that speeding was a problem on Baldwin Avenue, noting that cars had been clocked by the Bellaire Police Department at rates exceeding 30 miles per hour. A neighbor reported a child had been hit at an intersection of Baldwin Avenue. Another neighbor advised that safety was important and read an article wherein a boy was killed by a car traveling 30 miles per hour (not on Baldwin Avenue).

Mayor Siegel advised that the City could not force people to use sidewalks, but felt that if one existed, it would be used. Once again, she reiterated that the purpose of sidewalks was to create a network around the City so that residents did not have to walk down the middle of a street.

She suggested that pushing the sidewalk as close to the street as possible might be another alternative that would mitigate some of the concerns of the residents. Although this might not be the perfect solution, the City had to start somewhere to build the network. What she heard this evening from Mr. Andrews in terms of cars hanging over the sidewalk was no different than the situation that existed on Ferris Street or Newcastle Drive (the sidewalk side versus the trail side). Sidewalks were important for the safety of the citizens. She advised that safety was more important than all of the excuses cited for not having a sidewalk.

Councilman Parker asked a question of the three members of City Council that were in favor of removing the sidewalk from the project this evening. He asked if he were missing something as to the downside of keeping the sidewalk in the project for bidding purposes, while continuing to seek input from residents in the area.

Councilman Avioli stated that it worked both ways. Once public input had been received to indicate that sidewalks were desired, the City could then bid the sidewalks. He stated that he was basing his judgment on the nine responses City Council received as opposed to the two that were in favor of the sidewalks. He advised that he did not attend the Neighborhood Meeting; however, from the tone of the conversation this evening, it seemed that more residents were opposed to sidewalks than were for sidewalks.

Councilman Friedberg noted that he might not have heard all comments expressed during the Neighborhood Meeting, but did not personally hear anyone standing up and indicating that they did want sidewalks. Councilman Avioli’s points were well-taken. The City Council had the opposing comments before them this evening. He noted that immediately following the Neighborhood Meeting, he had emailed the City Manager and members of City Council requesting a meeting to discuss the project (i.e., in July). The City
was just now having that meeting. Since that time, emails had been received by members of City Council. Councilman Friedberg indicated that members of City Council had hopefully been doing their job by talking with people.

He neglected to mention earlier that in addition to what had been heard and what had been included in the agenda packet, Councilman Friedberg had received a great deal of feedback in talking with people in the neighborhood. What he felt City Council would find was that many people who lived in the area and used Baldwin Avenue on a daily basis, if not multiple times daily, generally speaking, expressed the feeling that while a sidewalk did not necessarily affect their land specifically, the way they used Baldwin might suggest that the City did not need to impose on those neighbors who did have a direct interest (i.e., the seven or nine who did take the time to address City Council with their opposition).

For the colleagues who did not feel ready to vote on the issue one way or the other, Councilman Friedberg urged them to do their jobs and go talk to and hear people in the area. He felt that City Council would then quickly come to an understanding as to what the community wanted.

Councilwoman Nathan stated that she would feel more comfortable if City Council postponed action on this agenda item and received additional comments. She indicated that she was hesitant to rely on anecdotal comments of whomever City Council happened to speak to instead of formally requesting comments.

Councilwoman Nathan advised that she would like to be responsive to what the residents in that area wanted. She was concerned that she sincerely did not know what the residents wanted. It was certainly true that the majority of the people City Council had heard from did not want sidewalks. She felt that this was probably the consensus. If she lived on Baldwin Avenue, that would be her opinion.

The situation that the City had was that all of the residents in the area were given a plan that included sidewalks. The people that City Council had heard from were those that did not like what they saw. If she were in favor of the sidewalk, she would not necessarily have written to City Council and stated that she really liked the sidewalks.

In summary, Councilwoman Nathan indicated that she would like to do what the residents in the area wanted, but she needed to be assured that more than those seven people were opposed to sidewalks. She would be in favor of considering the sidewalks for bid purposes, with the statement that once the bids were returned to City Council for action, City Council would like to have received some notices that the City had sent out with people’s opinions. Then, live with it.
Councilman Reed asked if City Council expected for every seat in the Council Chamber to be filled and the lobby too in order to take notice. Councilman Reed stated that he wished to follow Councilman Avioli’s suggestion to take the sidewalk out. The best thing that could happen was a savings of $200,000 to use elsewhere. He felt that City Council could take action now to approve the project and leave the sidewalk issue out. If City Council wanted to seek more input from citizens, that was great. He inquired as to whether there were a significant number of responses that City Council was looking for.

Mayor Siegel referred to the comment that Baldwin was “different” and inquired as what City Council’s answer would be to the next street that felt their street was “different” and, therefore, opposed sidewalks. She indicated that City Council heard opposition to sidewalks whether the sidewalks were in the front yard or side-yard. The same comments in opposition to sidewalks were stated when City Council was considering the reconstruction of Evergreen Street. Everyone had a reason for “it being someone else’s problem.”

She stated that City Council needed to be consistent in its goal to either have a network of sidewalks or not. She believed the City had a good plan currently and, for the most part, it worked. The sidewalks had been narrowed from five (5) feet in width to four (4) feet in width. The City had sidewalks now that did not exist 14 years ago down similar streets that people walked on all of the time.

Councilman Parker asked if he could bring Mr. Andrews to the podium again. He asked the inverse of Councilman Avioli’s question—which was, if the sidewalks were removed from the bidding process and then City Council decided to add the sidewalks back in later, how the subsequent addition of sidewalks would affect the bidding process.

Mr. Andrews indicated that it could be change-ordered back into the project. He would suggest, and it would be easiest, to include the sidewalk as an add alternate. In other words, have the sidewalk in the project plans as an add alternate. Upon receipt of bids, the bid would be brought back to City Council for consideration. City Council could then chose to either let the base bid plus the add alternate or just the base bid without the sidewalk.

Councilman Parker asked if the types of bids received would be affected by having the sidewalk as an add alternate. For example, some contractors might have a larger profit margin on the “sidewalk” portion of the project, whereas other might have a larger profit margin on the “base bid” portion of the project.

Mr. Andrews advised that the project included plenty of concrete to drive the price down with respect to concrete. He did not really think the bid would be affected either way.
City Manager Satterwhite stated that the cost of the sidewalk would depend on whoever got the overall bid. It was difficult to estimate the cost of the sidewalk prior to bidding the project. The project included so much concrete that the cost of the sidewalk would be so small in comparison to the remainder of the project. If City Council did not really want to decide at this point in time whether or not to include a sidewalk, then the suggestion made by Mr. Andrews to include the sidewalk as an add alternate was the way to go.

Councilman Parker advised that his only question was whether the City could get a different bid. For example, someone might be willing to bid $10 million if the sidewalk was part of the project or $9.5 million without the sidewalk. In other words, was there some way that the City would not get a best bid as a result of bidding the sidewalk as an add alternate?

Mr. Andrews indicated that we really did not know. As City Manager Satterwhite mentioned, there were contractors that would put more money into constructing a sidewalk because it was a laborious project. Others might feel that the construction of a sidewalk was an ancillary part and put their money upfront in the street construction and drainage portions of the project that went in first.

Councilman Parker stated that he had no more questions, but had a comment.

Councilman Friedberg indicated that he would like to respond to the Mayor’s concerns. Before doing so, he had a question for Mr. Andrews. He stated that in many parts of the plan, the sidewalk was called for within the right-of-way, but seven feet back from the curb. His understanding (in looking at some of the pictures and from personal experience) was that there was an easement that ran all the way down the right-of-way with utility poles located on it. Was it possible along the entire length of Baldwin Avenue to install the sidewalk at the very extreme edges—right on the curb?

Mr. Andrews advised that he would have to look at the plans, but, he could certainly look at Councilman Friedberg’s suggestion. He noted further that, in many cases, his firm worked with the homeowner and if that homeowner wanted the sidewalk installed adjacent to the curb, then it would be, if at all possible.

Councilman Friedberg asked if the City Council could simply direct . . .

Mr. Andrews noted that there could be instances of a tree or landscaping that the homeowner might wish the City to avoid by curving the sidewalk around it.

Councilman Friedberg stated that this was fair enough in those instances. What he was asking was if the utility poles prevented the City from putting a
sidewalk, generally speaking, against a curb as opposed to what he appreciated to be basically the extreme end of the right-of-way away from the street as opposed to as near to the street as possible.

Some of the opposition he heard would be ameliorated quite a bit by placing the sidewalk closer to the street or at the street.

Mr. Andrews asked for confirmation that Councilman Friedberg was suggesting giving direction to his firm to put the sidewalk as close to the street as possible in each case.

Councilman Friedberg asked if his firm would come back with what we had now—seven feet from the curb or . . . he was trying to ask very directly if the line of power poles . . .

Mr. Andrews indicated that the power poles directly affected where the construction was going to occur.

Mayor Siegel stated that she believed that what Councilman Friedberg was asking was whether the utility poles would prevent the City from installing sidewalks close to the street.

Mr. Andrews advised that the utility poles would not prevent the installation of sidewalks close to the street. He might have to pull back out and move away from a pole in some cases, but he thought the majority of the sidewalk could be installed against the curb.

Councilman Friedberg stated that it was safe to say that those poles were not going anywhere. So, it was a question engineering-wise. He had not been out there with a tape measure, but, generally speaking, the sidewalk could be installed much closer to the curb. He would certainly suggest to his colleagues that as they went out and talked with people, assuming that City Council was going to give themselves the leeway to do that, to inquire whether putting the sidewalk closer to the street as opposed to the residences might satisfy some people’s concerns.

Mayor Siegel asked if any other members of City Council had questions for Mr. Andrews. After noting no further questions, the floor was turned back over to Councilman Friedberg.

Councilman Friedberg indicated that to address the Mayor’s concerns as to what made Baldwin Avenue unique or different was hearing all of the residents out. As Mayor Pro Tem Nauert stated earlier, this was a very densely, if not the most densely, packed neighborhood in the City. So one could conceivably distinguish a future debate over sidewalks just by that metric alone—that we were talking about 5,000 square foot lots with 60% lot coverage as opposed to other residential districts around the City.
One could also distinguish the project from others based on the challenges that Mr. Andrews mentioned in terms of the proximity to various landscaping, tree issues, utility poles, etc.; the fact that Baldwin Avenue was not a through street and really served only that neighborhood; the fact that homes did not front on Baldwin Avenue; and the fact that whether, as a network of sidewalks, Baldwin would realistically feed into that network as opposed to simply being extra concrete poured for a street that was underutilized, particularly given the historical usage of the street. Councilman Friedberg indicated that he could go on and on, but the point was, in the future and if he were still on City Council when someone else came forward, the situation be viewed with a fresh pair of eyes to see if there were ways that another street could be distinguished from Baldwin Avenue. He believed that each case was different.

Mayor Siegel advised that she would counter, but then would not go into it beyond that. Ferris Street was a street that only served a neighborhood. It ended within that neighborhood. The City heard the same thing about Newcastle Drive—City Council was asked why a sidewalk was needed on the opposite side of the street from the Newcastle Trail and was told that the City was just duplicating what was already there. City Council actually heard from residents that people really did walk along Baldwin Avenue—it was already used as a pedestrian street. If it were a pedestrian street and there were no garages, then City Council could put in the drainage and make the area a large walkway without using it for vehicles.

She indicated that her point was everyone that the City had heard from over the last 14 years had had reasons why their situation was unique. She had heard “someone will see me eating my breakfast in my breakfast area.” She had heard about backing out because now I have to watch for kids walking in the street. She assumed that drivers were already watching when they backed out, but . . . . Everyone—Ferris Street, Evergreen Street—everyone thought their street was unique. If she was going to “crystal ball it” she was going to say that there would always be people that came forward to state that their street was unique and should not have a sidewalk. She believed that the City was setting a precedent if a sidewalk was not required on Baldwin Avenue. It was up to City Council to decide. She thought that putting the sidewalk next to the street made sense. She did think sidewalks were important, and the City was trying to create a network. She had people tell her that their children had to learn to ride a tricycle by going in the street.

Mayor Siegel reminded City Council that there was an amendment on the floor to direct City Staff to delete the sidewalk from the project. City Council could vote on that amendment or postpone the whole discussion and direct City Staff to bid the project with the sidewalk as an add alternate and make a final decision on the sidewalk when it was time to let the bid. Otherwise, the vote on the amendment, if it failed, could not be brought back up again without a vote of five members of City Council to suspend the rules.
Councilman Friedberg asked as a point of order if the City Council could not vote on the amendment as it was. If it did fail, then he would offer a different amendment to make the sidewalk an add alternate.

Mayor Siegel stated that if the sidewalk were removed and it failed, City Council could not change their mind regarding the sidewalk without suspending their rules and obtaining five votes to reconsider it or bring it back as an add alternate.

City Attorney Petrov advised that if the vote failed to take the sidewalk out now, then City Council could not vote again on that same issue to take it out later.

Councilman Parker asked if he could make a point while everyone was considering the best way to vote. He indicated that he would vote to move the bid forward one way or the other. He was torn between the argument of staying committed to the network of sidewalks and that Baldwin Avenue was unique. This was kind of where his youthfulness did not give him the benefit of hearing firsthand whether or not this was truly unique or if it was just like the previous arguments. He advised that during his campaign and on the first block walk, the first seven people he asked about sidewalks gave him seven different responses—whether they were against it or for it. So, he did believe it was worth the time to invest and figure out what the residents on Baldwin Avenue wanted and whether or not it was unique or not.

He noted further that, in response to Councilman Friedberg’s plea to City Council to do their jobs, he had been doing so. He talked with a number of residents and had been proactive. The problem was not a matter of having seven, nine, or 20 people before City Council—it was a problem that some people had stated, in fact, that they did not want the sidewalks, while others had stated that they did want sidewalks. He was still trying to determine what the best decision was. He did not see the downside of keeping the sidewalks in—and allowing City Council to then use a change order to take the sidewalks back out. Councilman Parker advised that he would vote to move the bid forward with the sidewalks in—not because he was committed to keeping the sidewalk—because he did not believe there was any detriment in keeping it in, while allowing members of City Council to continue to have a dialog regarding sidewalks with the residents in the area.

Mayor Siegel suggested that City Council postpone the item until City Staff could bring back a bid to City Council with the sidewalk as an add alternate. City Council could then make a decision as to whether or not to delete the sidewalk.

Councilman Friedberg asked for another point of order, which would take what Mayor Siegel just proposed and stipulate that if sidewalks were ultimately included that the plan would call for, in all cases as nearly as practicable, the sidewalk to be installed along the edge of the street as
opposed to the opposite extreme of the right-of-way. He asked if this was something City Council could resolve this evening. Or, at least, direct . . .

City Attorney Petrov advised that this was certainly a different issue. City Council could make that suggestion as an amendment to the proposal, and asked if it affected the bid specifications at all.

Mayor Siegel asked if it could be taken up when the bid was addressed. She stated that she agreed with Councilman Friedberg on that. She was thinking that if it were a function of directing staff to shift it . . . she was not sure if it got the City any further to do so this evening or to just wait.

Councilman Friedberg advised that he might have sufficiently made the point in terms of whether it be done formally this evening or not—he sure hoped the seven members of City Council, when they went out—he planned to follow up with several people he had heard from and ask if they could support the sidewalk if it were moved to the street. This could be the common ground that he could live with if people were generally happy with that as a compromise.

Mayor Siegel advised that she could not see any reason not to say that City Council wanted to hear about that.

Councilman Friedberg agreed and indicated that City Council might not have to make that decision formally this evening if everyone stated they could go and find out what people thought about placing the curb close to the street as a possible solution—one that he thought was worth exploring.

Councilman Avioli indicated that City Council had spent a great deal of time discussing this issue and whether the sidewalks were installed close to the street or away from the street and the issue was getting pretty complicated. He realized that City Council had not heard from all of the residents over there. He was concerned about City Council getting into a situation of “over-regulating.” He agreed with the Mayor 100% regarding the safety of sidewalks. There was no question that sidewalks were the safe way to go. On the other hand, if there were people in an area that thought they could uphold their safety without a sidewalk and the City could save $200,000 by not putting them in, then the City should not over-regulate. He noted that we saw enough over-regulation in our lives—not necessarily, by the City of Bellaire. He did not want to fall into that trap.

Mayor Siegel asked what City Council should tell the people on Evergreen Street who were required to have a sidewalk, noting that both she and Councilman Avioli had voted to require those very sidewalks on Evergreen Street.

Councilman Avioli advised that City Council listened to the people on Evergreen Street and came up with what he thought was a solution that
satisfied the safety and the people with concerns. For example, the City saved trees for the people that had concerns about trees. He thought each situation was unique. The easiest thing to do was to install sidewalks everywhere—that was regulation to him and that was fine if City Council wanted to over-regulate.

**Councilman Friedberg** stated that he wished to ask a question about Evergreen Street. He referred to City Attorney Petrov and indicated that he understood the City’s Code defined streets by categories—thoroughfares, collector streets, residential streets—and asked those “categories” helped City Council out in terms of Evergreen Street being different from Baldwin Avenue.

**Mayor Siegel** advised that she brought up Evergreen Street because Councilman Avioli voted for the sidewalks on that street.

**Councilman Avioli** indicated that he was on City Council when Ferris Street was decided, but was not certain about Evergreen Street.

**Councilman Friedberg** advised that the Mayor’s point as to how to distinguish Baldwin Street from other streets led him to think about other streets and categories of streets in advance of the meeting this evening (i.e., whether the categories of streets helped in making a decision about Baldwin Avenue).

**Mayor Siegel** stated that City Council needed to decide how to move forward. She asked Councilwoman Nathan if she wanted to offer a motion to postpone and direct the project to be bid with the sidewalk as a separate item. Or, if City Council wanted to vote, a vote could be taken.

**Mayor Pro Tem Nauert** asked if there were not a motion on the table.

**Mayor Siegel** advised that there was a motion on the floor, but a motion to postpone . . .

**Councilman Parker** indicated that he had a question for the City Attorney. He asked whether the issues were two different issues. For example, voting tonight as to whether or not City Council wanted to have the sidewalk included in the bid was a completely different vote, in his mind, than voting at the end as to whether or not to accept a bid that had sidewalks in it. So, City Council could reject the amendment on the floor to take the sidewalks out and then include a final bid that had the sidewalks out. He asked if he were wrong in thinking that the way City Council would proceed with a bid was different than the way City Council would proceed in accepting the bid.

**City Attorney Petrov** indicated that City Manager Satterwhite had “side-barred” with him a little bit and they had talked about the difference of directing the bidding versus whether or not it was in the project or out of the project and whether or not it was an add alternate or not. He was coming
around to agree with the fact that these were two separate issues. City Council could vote not to take the sidewalks out and have them as an add alternate and later still vote not to or to include the add alternate.

**Mayor Siegel** asked for confirmation that a second vote would not be a reconsideration.

**Mayor Pro Tem Nauert** advised that Mayor Siegel was correct.

**Councilman Parker** stated that they were two different issues.

**City Attorney Petrov** agreed with Councilman Parker.

**Mayor Siegel** asked for confirmation of the original motion.

**Councilman Parker** and **City Clerk Dutton** advised that the original motion was to keep the project as it was currently presented (with the sidewalk included). His motion was seconded by Mayor Pro Tem Nauert. Councilman Friedberg made an amendment to the motion to remove the sidewalk. The amendment was seconded by Councilman Reed.

**Mayor Siegel** called for a vote on the amendment to the motion.

**COUNCIL ACTION ON AMENDMENT TO MOTION NO. 1:**

A vote was taken on the amendment to Motion No. 1, which failed on a 3-4 vote as follows:

**FOR:** Councilmen **Reed**, **Avioli**, and **Friedberg**

**OPPOSED:** Mayor **Siegel**, Mayor Pro Tem **Nauert**, Councilman **Parker**, and Councilwoman **Nathan**

**ABSENT:** None

**Mayor Siegel** indicated that City Council was back on discussion on the original motion, which was to proceed with the project with the sidewalks included. She asked Councilwoman Nathan if she wished to offer a motion related to the bid.

**COUNCIL AMENDMENT (TO MOTION NO. 1):**

Councilwoman **Nathan** moved to amend the motion to include the sidewalk as an add alternate in the bid and that City Council reconsider the sidewalk issue at the time City Council considered the bid. **Mayor Pro Tem Nauert** seconded the amendment.
DISCUSSION ON COUNCIL AMENDMENT:

Councilman Parker advised that he agreed—this was exactly what he wanted to do. He did not see any harm in having sidewalks in or sidewalks out by going this way. He would be voting for the amendment.

Mayor Siegel, after noting no further discussion, called for a vote on the amendment.

COUNCIL ACTION ON AMENDMENT TO MOTION NO. 1:

A vote was taken on the amendment to Motion No. 1, which carried on a 5-1 vote as follows:

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

**OPPOSED:** Councilman Friedberg

**ABSENT:** None

COUNCIL ACTION ON MOTION NO. 1, AS AMENDED:

A vote was taken on the original motion (no. 1), as amended, which carried on a 5-1 vote as follows:

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

**OPPOSED:** Councilman Friedberg

**ABSENT:** None

Councilwoman Nathan asked if she could make a motion to throw out for discussion related to the project. She indicated that she would much rather have the City send out a notice to the 870 homes in the project area asking them to speak now or forever hold their peace. She asked if members of City Council were really comfortable in asking the residents they knew in the area what they thought about sidewalks. She indicated that she would like to know what the neighborhood wanted, but . . .

Councilman Reed indicated that he would second such a motion.

NOTE: the full language for the motion set forth below was crafted in its “final form” after taking into account additional City Council discussion (also set forth on below).
COUNCIL MOTION (NO. 2):

Councilwoman Nathan moved to direct City Staff to deliver notices door-to-door to homeowners in the area affected by the Baldwin Avenue project indicating what the plans were for the project, which currently included sidewalks on the west side of the street to be installed as close to the curb wherever possible, and asking homeowners to respond by indicating whether or not they supported a sidewalk along Baldwin Avenue. Responses would be needed within the next six weeks. Councilman Reed seconded the motion.

Mayor Pro Tem Nauert asked if such a motion would be considered part of the agenda.

Mayor Siegel stated that she believed it was still under . . . in other words, City Council left it wide open in terms of what they could do.

Mayor Pro Tem Nauert asked City Attorney Petrov if such a motion could be considered.

City Attorney Petrov agreed that the agenda item was broad.

Councilman Friedberg advised that one of his concerns was what the notice would say. If the notice contained a very bland statement--check here if you like sidewalks and check here if you do not--then he was going to check that he liked sidewalks. There was so much more context that he hesitated, unless he knew . . . He next asked if City Council was talking about “notice” in the form of a formal survey, although he was not sure if that was the intention . . .

Councilman Reed indicated that he would suggest that the notice be very plain and ask residents if they wanted sidewalks on Baldwin Avenue—yes or no.

Mayor Siegel suggested that the resident be requested to come forward and speak before City Council or contact a City Council member.

Councilman Reed reiterated that the notice needed to be very, very specific.

Mayor Pro Tem Nauert agreed with Councilman Reed. The notice should state that the plans are thus--and it includes a sidewalk on the west side. Some people were not even going to know whether the sidewalk was proposed on the west side or the east side. He agreed with a question to the resident as to whether or not they supported a sidewalk.

Mayor Pro Tem Nauert noted further that he entirely agreed with Councilwoman Nathan—at some point you had to fish or cut bait.
Councilwoman Nathan advised that she was in favor of including a statement in the notice that if a resident did not respond, the City would assume that the resident did not care.

Mayor Pro Tem Nauert indicated his agreement. He asked if the notice would consist of a survey in the water bill or if it would be handled in a public meeting. In other words, how would the question be brought forward? He noted that if the survey/notice were mailed, there would be a cost to the City for postage.

City Manager Satterwhite indicated that the City would deliver the notice door-to-door.

Councilwoman Nathan asked if this was what the City did for the other three notices sent out on this project.

City Manager Satterwhite indicated that it was.

Mayor Pro Tem Nauert agreed that this was probably the most effective way to deliver such a notice. He suggested the notice tell people in unbiased language what the proposed project was about and that it included a sidewalk on the west side of the street keeping as close to the curb wherever possible. Then the resident could be asked if they supported or did not support a sidewalk. This would give City Council an answer.

Councilman Parker asked what the cost would be.

City Manager Satterwhite advised that did not know the exact cost.

Councilman Friedberg stated that he was in favor of public input. As Councilman Avioli mentioned earlier, this issue was getting a little more complex than a simple “yes” or “no.” His hope was that City Council would get meaningful feedback as opposed to people’s reactions without more background.

Councilman Avioli asked if he could have a moment to clarify something. He mentioned that Mayor Siegel was correct as to the Evergreen situation. The reason he supported sidewalks on Evergreen Street was because of children walking to The Nature Discovery Center and Evergreen Pool. This was reason he voted strongly for the sidewalks in spite of the fact that he got a lot of heat over it.

Mayor Siegel noted that her point was merely that everyone thought their situation was something different or special.

Councilman Avioli agreed and noted that the residents on Evergreen Street did feel that they had a special situation.
Mayor Siegel asked where City Council would draw the line. If, for example, 80 people appeared before City Council with comments—what about the other 500? She asked City Council to be aware of that. Residents needed to be listened to and their comments balanced when City Council made a decision as to what the ultimate solution should be. She asked for a vote on Councilwoman Nathan’s motion.

Councilman Parker asked when the deadline would be for responses from residents.

Mayor Siegel suggested that the responses were needed by the time the bids were brought back to City Council for consideration.

City Manager Satterwhite indicated that the responses would be needed in about six weeks.

Councilman Friedberg thanked his colleagues and noted that he had implored them to pay attention to this issue and talk to people and give it fair consideration. He stated that this had been one of City Council’s more civil debates on an issue that had a potential to be very hot.

Discussion continued regarding what the notice should state and whether or not City Staff understood what to put in the notice. City Manager Satterwhite indicated that City Staff understood what to put in the notice.

Mayor Siegel called for a vote on the motion.

**COUNCIL ACTION ON MOTION NO. 2:**

A vote was taken on the motion, which carried unanimously on a 7-0 vote as follows:

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

**OPPOSED:** None

**ABSENT:** None

At this point in the meeting, City Council returned to and considered the Consent Agenda (F).
F. 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, July 18, 2011 – Item submitted by City Clerk Tracy L. Dutton.
   b. 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, August 1, 2011 – Item submitted by City Clerk Tracy L. Dutton.

2. APPROVAL OF BID AWARDS:
   a. CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department and Consulting Engineers, HDR|Claunch & Miller, to award Bid No. 11-007, Bellaire FY 2011 Paving Rehabilitation Project, to AAA Asphalt Paving, Inc., in an amount not to exceed $290,795.00 and authorization for the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with AAA Asphalt Paving, Inc., for the provision of all applicable labor, services, materials, and equipment necessary for the milling of existing asphalt pavement, hot rubber asphalt crack sealing, concrete pavement point repairs, concrete curb and gutter replacement, the placement of asphalt overlay over concrete pavement, and placement of storm sewer within the City of Bellaire, Texas, in an amount not to exceed $290,795.00 – Item submitted by Director of Public Works Joe Keene.
   b. CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department and Consulting Engineers, HDR|Claunch & Miller, to award Bid No. 11-009, Bellaire FY 2011 Sidewalk Repair/Maintenance Project, to Teamwork Construction Services in an amount not to exceed $409,861.00 and authorization for the Mayor and City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with Teamwork Construction Services for the provision of all applicable labor, services, materials, and equipment necessary for
the replacement of existing sidewalks with reinforced concrete sidewalk, wheelchair ramps, and miscellaneous associated items in all areas of the City of Bellaire, Texas, in an amount not to exceed $409,861.00 – Item submitted by Director of Public Works Joe Keene.

c. CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department and Consulting Engineers, Traffic Engineers, Inc., to award Bid No. 11-010, On-Street Pavement Markings, to Durham Traffic Signs, Inc., in an amount not to exceed $73,750.00 and authorization for the Mayor and City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with Durham Traffic Signs, Inc., for the provision of all applicable labor, services, materials, equipment, and/or installation necessary for on-street pavement markings within the corporate limits of Bellaire, Texas, in an amount not to exceed $73,750.00 – Item submitted by Director of Public Works Joe Keene.

Councilman Friedberg requested separate consideration of Consent Agenda items F1b and F2a. Councilman Avioli requested separate consideration of Consent Agenda items F2a, F2b, and F2c. Mayor Pro Tem Nauert requested separate consideration of Consent Agenda item F1a. As a result of these requests, the entire Consent Agenda was considered on an item by item basis.

Separate Consideration of Consent Agenda Item F1a:

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, July 18, 2011.

COUNCIL MOTION/ACTION (FINAL):

Councilman Friedberg moved to adopt the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, July 18, 2011. Councilwoman Nathan seconded the motion.

Mayor Pro Tem Nauert indicated that he would abstain from voting on the minutes due to his absence from the meeting.
The motion carried on a 5-0-1 vote as follows:

FOR: Mayor Siegel, Councilmen Reed, Avioli, Parker, and Friedberg, and Councilwoman Nathan

OPPOSED: None

ABSENT: None

ABSTAIN: Mayor Pro Tem Nauert*

*As noted above, Mayor Pro Tem Nauert abstained from voting on the minutes of the City Council dated July 18, 2011, due to his absence from that Regular Session.

Separate Consideration of Consent Agenda Item F1b:

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, August 1, 2011.

City Clerk Dutton noted that Councilman Friedberg had provided a blacklined copy of changes that he wished to make to the minutes dated August 1, 2011. She passed copies of those changes to members of City Council.

Mayor Pro Tem Nauert indicated that he would also abstain from voting on the minutes of the City Council Regular Session held on August 1, 2011, due to his absence from that meeting.

COUNCIL MOTION:

Councilwoman Nathan moved to adopt the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, August 1, 2011. Councilman Reed seconded the motion.

Mayor Siegel suggested that, in light of the substantial recommended changes made by Councilman Friedberg, she would like to see this item postponed to allow members of City Council an opportunity to compare the changes to the videotape of the meeting.
COUNCIL MOTION TO POSTPONE:

Councilman Parker moved to postpone consideration of the adoption of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, August 1, 2011, until the next Regular Session of City Council to allow members of City Council an opportunity to review the changes and compare them to the videotape of the meeting. Councilwoman Nathan seconded the motion.

DISCUSSION REGARDING THE MOTION TO POSTPONE:

Councilman Friedberg, by way of background, indicated that he truly outdid himself this time, which was not necessarily something he was proud of. He felt the circumstances of the meeting, to his mind, called for it and, as he told the City Clerk, generally the suggestions were in nature of clarifications or expansions of the minutes, just as City Council had done often with heated discussions. Any Council Member could request that some items be taken down more expansively. These were not intended as a commentary on the quality of the minutes, but rather were reflective of what he thought was a difficult meeting.

Councilman Friedberg stated that he would appreciate City Council’s consideration of the changes. Again, it was not his intention to rewrite the minutes. Hopefully, City Council would agree that the changes were substantively important.

COUNCIL ACTION ON MOTION TO POSTPONE:

The motion to postpone carried unanimously on a 7-0 vote as follows:

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

OPPOSED: None

ABSENT: None

Separate Consideration of Consent Agenda Item F2a:

CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department and Consulting Engineers, HDR|Claunch &
Miller, to award Bid No. 11-007, Bellaire FY 2011 Paving Rehabilitation Project, to AAA Asphalt Paving, Inc., in an amount not to exceed $290,795.00 and authorization for the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a *Standard Form of Agreement* with AAA Asphalt Paving, Inc., for the provision of all applicable labor, services, materials, and equipment necessary for the milling of existing asphalt pavement, hot rubber asphalt crack sealing, concrete pavement point repairs, concrete curb and gutter replacement, the placement of asphalt overlay over concrete pavement, and placement of storm sewer within the City of Bellaire, Texas, in an amount not to exceed $290,795.00.

Mayor Siegel summarized the streets involved in this project as follows: Acacia, Spruce, and Cedar Oaks inside the Loop.

**COUNCIL MOTION:**

Councilman Parker moved to approve recommendation from the Bellaire Public Works Department and Consulting Engineers, HDR|Claunch & Miller, to award Bid No. 11-007, Bellaire FY 2011 Paving Rehabilitation Project, to AAA Asphalt Paving, Inc., in an amount not to exceed $290,795.00 and to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a *Standard Form of Agreement* with AAA Asphalt Paving, Inc., for the provision of all applicable labor, services, materials, and equipment necessary for the milling of existing asphalt pavement, hot rubber asphalt crack sealing, concrete pavement point repairs, concrete curb and gutter replacement, the placement of asphalt overlay over concrete pavement, and placement of storm sewer within the City of Bellaire, Texas, in an amount not to exceed $290,795.00. Councilman Avioli seconded the motion.

Councilman Avioli indicated that he had requested to remove this item from the Consent Agenda so that he could ask a question of Consulting Engineers HDR|Claunch & Miller. He inquired as to whether this was the project that had to be re-bid. Upon confirmation that it was, he asked if the bid was more in line with what we thought it should be.
James Andrews, P.E., HDR|Claunch & Miller, indicated that the bids received this second time were much better bids.

Councilman Avioli inquired as to the original bid and asked if it had come in at approximately $400,000.

Mr. Andrews advised that the original bid was considerably more--$700,000.

Councilman Friedberg stated that he was unsure as to how the scope of work was defined. Specifically, with the prolonged drought the City had experienced, it seemed to him that this could be somewhat of a moving target for the contractor. He inquired as to how we would know what we were getting and as to how all parties would know when the project was completed. For example, what if something else sprung up while the contractor was working on the streets?

Mr. Andrews stated that his firm would be in the field working with the contractor on each particular street and directing them as to which repairs needed to be done.

Councilman Friedberg stated that he got the sense that some of what the contractor was doing could continue . . . .

City Manager Satterwhite indicated that some of what the City might have planned to do both this year and next year might change based on the drought. For example, he knew there were some significant problems along South Rice Avenue that the City had planned to deal with. He believed that the streets in this project would be handled correctly and within the scope of the individual streets, it was not really a moving target as the scope of the whole thing.

It was noted that the project before City Council was a much smaller project than presented initially. He recommended that the City just focus on a smaller project this year and repackage the following year as things changed.

Councilman Friedberg indicated that he was surprised to see that only three streets were being addressed.

City Manager Satterwhite suggested that since the City was so near to the end of the year, he had recommended handling a smaller project and moving on to a larger one in the next budget year.
Councilman Friedberg commented, for the record, that the add alternates totaling $1 million were for streets other than the three cited by Mayor Siegel.

City Manager Satterwhite advised that Councilman Friedberg was correct.

Councilman Friedberg referred to Mr. Andrews’ comments that the initial bid was in excess of $700,000. He asked if that bid only covered the three streets cited this evening.

Mr. Andrews indicated that there were additional streets in that base bid. He noted further that the City received better unit prices in the bid under consideration this evening than were received in the first bid.

Councilman Friedberg asked if the unit bid prices received this time were as good as the City could get given current conditions.

Mr. Andrews stated that he believed so.

Mayor Siegel called for a vote on the motion.

COUNCIL ACTION (FINAL):

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

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

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 11-060}

Separate Consideration of Consent Agenda Item F2b:

CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department and Consulting Engineers, HDR|Claunch & Miller, to award Bid No. 11-009, Bellaire FY 2011 Sidewalk Repair/Maintenance Project, to Teamwork Construction Services in an amount not to exceed $409,861.00 and authorization for the Mayor and City Clerk of the City of Bellaire, Texas, to execute and attest,
respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with Teamwork Construction Services for the provision of all applicable labor, services, materials, and equipment necessary for the replacement of existing sidewalks with reinforced concrete sidewalk, wheelchair ramps, and miscellaneous associated items in all areas of the City of Bellaire, Texas, in an amount not to exceed $409,861.00.

COUNCIL MOTION:

Councilman Friedberg moved to approve a recommendation from the Bellaire Public Works Department and Consulting Engineers, HDR|Claunch & Miller, to award Bid No. 11-009, Bellaire FY 2011 Sidewalk Repair/Maintenance Project, to Teamwork Construction Services in an amount not to exceed $409,861.00 and to adopt an ordinance authorizing the Mayor and City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with Teamwork Construction Services for the provision of all applicable labor, services, materials, and equipment necessary for the replacement of existing sidewalks with reinforced concrete sidewalk, wheelchair ramps, and miscellaneous associated items in all areas of the City of Bellaire, Texas, in an amount not to exceed $409,861.00. Councilman Reed seconded the motion.

Mayor Siegel advised that the sidewalks to be addressed in this project were located on the following streets: Mayfair, Oakdale, Pin Oak, Compton, Lamont, Lampton, Cedar outside the Loop, Ione, Betty inside the Loop, Mimosa inside the Loop, Cascade, Huisache outside the Loop, part of Patrick Henry, Whitehaven, Woodstock, Atwell, and Carol.

Councilman Avioli asked for confirmation that this project addressed sidewalk maintenance and repair as opposed to the construction of sidewalks.

James Andrews, P.E., HDR|Claunch & Miller, indicated that sidewalk construction was involved, but noted that the sidewalks to be addressed were existing sidewalks that were in disrepair. Those sidewalks would be removed and replaced.

Councilman Avioli advised that he thought when the City installed new sidewalks that the cost was $37.00 per linear feet (previously). He asked if that number was still correct.
Mr. Andrews indicated that the number was about right.

Councilman Avioli noted that the cost in the bid was $15.12 per linear foot. This was the reason for his inquiry. The bid referred to 27,100 linear feet for $409,000.

Mr. Andrews advised that he had arrived at an estimate of $36.00 per foot. The sidewalk was four feet in width. The bid was not by linear foot but rather by square foot. There were also ancillary items in the bid, such as retaining walls, drains constructed beneath the sidewalk, sprinkler system repairs, etc.

Councilman Avioli asked if Mr. Andrews could elaborate as to the last sentence in the item summary, which he read as follows: the scope of services has been prepared with the understanding that removal and replacement of deteriorated portions of the sidewalk would be performed as sidewalk maintenance.

Mr. Andrews advised that the program was considered a sidewalk maintenance program in that the City was not constructing new sidewalks per se. If the City was repairing an existing sidewalk, that repair was considered “maintenance.”

Councilman Avioli thanked Mr. Andrews for his explanations.

Mayor Siegel called for a vote on the motion.

COUNCIL ACTION (FINAL):

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

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

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 11-061}

Separate Consideration of Consent Agenda Item F2c:

CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department and Consulting Engineers, Traffic Engineers, Inc., to award Bid No. 11-010, On-Street Pavement
Markings, to Durham Traffic Signs, Inc., in an amount not to exceed $73,750.00 and authorization for the Mayor and City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with Durham Traffic Signs, Inc., for the provision of all applicable labor, services, materials, equipment, and/or installation necessary for on-street pavement markings within the corporate limits of Bellaire, Texas, in an amount not to exceed $73,750.00.

COUNCIL MOTION:

Mayor Pro Tem Nauert moved to approve a recommendation from the Bellaire Public Works Department and Consulting Engineers, Traffic Engineers, Inc., to award Bid No. 11-010, On-Street Pavement Markings, to Durham Traffic Signs, Inc., in an amount not to exceed $73,750.00 and to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with Durham Traffic Signs, Inc., for the provision of all applicable labor, services, materials, equipment, and/or installation necessary for on-street pavement markings within the corporate limits of Bellaire, Texas, in an amount not to exceed $73,750.00. Councilman Reed seconded the motion.

Councilman Avioli indicated that he noted that the bid was reviewed by Traffic Engineers when most bids were generally reviewed by HDR|Claunch & Miller. He inquired as to the difference.

Director of Public Works Joe Keene indicated that Traffic Engineers, Inc., and HDR|Claunch & Miller were two different engineering companies.

City Manager Satterwhite advised that Traffic Engineers, Inc., reviewed all of the City’s street markings and traffic signs. HDR|Claunch & Miller reviewed the City’s civil infrastructure.

Councilman Avioli asked if the cost associated with bid evaluations was ensconced in the engineering services cost.

Director Keene advised that Councilman Avioli was correct.
Mayor Siegel called for a vote on the motion.

COUNCIL ACTION (FINAL):

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

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

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 11-062}

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

Community interest items from the Mayor and City Council included an invitation to the City’s dive-in feature of the movie “Jaws” on Thursday evening at the Bellaire Family Aquatic Center; an announcement and congratulations to Councilman Friedberg who was expecting a daughter in January; an announcement that The Nature Discovery Center would be having their annual gala in November; congratulations to Library Director Mary Cohrs and her staff for the celebration they provided in recognition of their successful Summer Reading Program; a welcome to students returning to school, with a special mention of the opening of the new Horn Elementary School; reminder that the deadline for applying for a position on the Bellaire City Council ballot in November was September 7, 2011; a reminder that City Council would be meeting on August 16, 2011, for a budget Special Session, which would be preceded by an Executive Session related to a home slated for condemnation; and announcement of a recent focus group held by the Evelyn’s Park Conservancy to receive input from Camp Paseo participants, which included a putting green and fields.

J. ADJOURNMENT.

Councilman Friedberg moved to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:37 p.m. on Monday, August 15, 2011. Councilman Reed seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Reed, 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