CITY OF BELLAIRE
CITY COUNCIL

Minutes of Meeting
Monday, March 19, 2007

REGULAR SESSION – 7:00 P.M.

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

Mayor Cindy Siegel called the City Council of the City of Bellaire, Texas, to order at 7:02 p.m. on Monday, March 19, 2007. The Bellaire City Council met at that time and on that date in Regular Session in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas. Mayor Siegel announced that a quorum was present consisting of herself and the following members of City Council:

- Councilman Will Hickman, Position No. 1;
- Mayor Pro Tem Peggy Faulk, Position No. 3;
- Councilman Pat McLaughlan, Position No. 5; and
- Councilman John Jeffery, Position No. 6.

Councilman John F. Monday, Position No. 2, and Councilwoman Debra Marz Davison, Position No. 4, were absent. Other officials present were City Manager Bernard M. Satterwhite, Jr., City Attorney Alan P. Petrov, and City Clerk Tracy L. Dutton.

B. INSPIRATIONAL READING AND/OR INVOCATION – Councilman Will Hickman.

Councilman Will Hickman referred to the fact that it was currently “March Madness” (i.e., basketball season) and advised that he wished to read several basketball quotes for his inspirational reading this evening. The first quote was from James Naismith, who was best known worldwide as the inventor of basketball. The invention came about when he had 14 days to create an indoor game that would provide an “athletic distraction” for a rowdy class through the brutal New England winter. He was quoted as saying:

Be strong in body, clean in mind, lofty in ideals.

Councilman Hickman read other quotations as follows:

The will to succeed is important, but what’s more important is the will to prepare.
You don’t play against opponents; you play against the game of basketball.

--Bobby Knight
Basketball Coach
Texas Tech University

Be more concerned with your character rather than your reputation, because your character is what you really are, while your reputation is merely what others think you are.

Don’t measure yourself by what you have accomplished, but by what you should have accomplished with your ability.

It isn’t what you do, but how you do it.

It’s what you learn after you know it all that counts.

Never mistake activity for achievement.

Things turn out best for the people who make the best of the way things turn out.

--John Wooden
“The Wizard of Westwood”
Former Head Basketball Coach
UCLA

My father gave me the greatest gift anyone could give another person, he believed in me.

No matter what business you’re in, you can’t run in place or someone will pass you by. It doesn’t matter how many games you’ve won.

--Jim Valvano
Head Coach
North Carolina State University

The truth is that many people set rules to keep from making decisions.

To me, teamwork is the beauty of our sport, where you have five acting as one. You become selfless.

Everybody wants to take responsibility when you win, but when you fail, all these fingers are pointing.

--Mike Krzyzewski
Head Basketball Coach
Duke University
If you fall into a puddle wearing a new suit, you can either whine for months about ruining your suit or check for fish.

--Jack Donohue
Canadian National Team Coach

We are not going to be looking past anyone. We know we’re going to have to prepare for a very good team. We’ll be prepared, and we’ll play as hard as we can. We’ve played really good basketball this year, but we haven’t yet reached our peak.

--Billy Gillispie
Head Basketball Coach
Texas A & M University

In closing, Councilman Will Hickman read the following quotation from Library Director Mary A. Alford:

Go Aggies!

C. PLEDGES TO THE FLAGS – Councilman Will Hickman.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

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

D. APPROVAL OR CORRECTION OF MINUTES:

APPROVAL of minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held Monday, March 5, 2007 – Action by Members of City Council (Item submitted by City Clerk Tracy L. Dutton).

MOTION TO APPROVE MINUTES:

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman Will Hickman to approve the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held Monday, March 5, 2007.
VOTE ON MOTION TO APPROVE MINUTES:

Motion carried unanimously on a 5-0 vote as follows:

FOR: Siegel, Cindy
     Hickman, Will
     Faulk, Peggy
     McLoughlin, Pat
     Jeffery, John

OPPOSED: None

ABSENT: Monday, John F.
         Davison, Debra Marz

E. PERSONAL/AUDIENCE COMMENTS.

Russ Pitman, 4908 Imperial Street, Bellaire, Texas:

Mr. Pitman addressed City Council and noted that he used Fournace Place on a weekly basis and was grateful that it was now open after being under construction for approximately one year. The street was constructed very well and had sidewalks on both sides—which were used by pedestrians.

On the south side of Fournace Place, the Episcopal High School had previously used a portion of the street right-of-way for overflow parking. This right-of-way could no longer be used as curbs and sidewalks had been installed. He hoped that the Parks & Recreation Department would work with the Episcopal High School to plant a row of trees along the area to soften it.

On the north side of the 4600 block of Fournace Place, all of the homes faced Pin Oak Drive (another street north of Fournace Place). The back fence line of those homes was the Fournace Place right-of-way. New homes had been constructed at 4601, 4603, 4605, and 4607. Another new home was currently under construction at 4609. When the homes were built at 4605 and 4607 a few years ago, both homes ended up with pools behind them that completely filled up the backyards.

On March 8, 2007 (a Thursday), Mr. Pitman observed the installation of fence posts at 4607, thereby enlarging the backyard into the Fournace Place right-of-way. When he arrived back at his own home at 5:00 p.m., he telephoned Director of Community Development Derhyl Hebert and told him that someone was constructing a fence on the right-of-way. On Saturday, March 10, 2007, Mr. Pitman noted that the new fence was completed at 4607. On Monday, March 12, 2007, Mr. Pitman telephoned Director Hebert to let him know that the fence had been completed. Director Hebert indicated that he had been out-of-town on Friday.
At 4:15 p.m. on Tuesday, March 13, 2007, Mr. Pitman observed that a sprinkler system truck and a landscaping truck were parked in the driveway at 4607 and workers were busily fixing up the new backyard. Apparently in Bellaire, it was open season on stealing the City’s rights-of-way.

Mr. Pitman noted that property owners did not have the right to enclose for their private use the City’s rights-of-way that were dedicated to the public in perpetuity. Some of the older homes on Pin Oak Drive did have chain link fencing that encroached in the City right-of-way. Those homes might be grandfathered in some way, however, grandfathering ended with new ownership. Each new home must move their fence to the property line. The new home under construction at 4609 must remove its encroaching chain link fence and put the new fence (if they chose to have a new fence) on the edge of the rear property line before a certificate of occupancy could be issued.

It was unfortunate that the City must be eternally vigilant to protect the rights of all its citizens and to preserve their quality of life in Bellaire. The citizens expected the City Council and City Staff to protect them from violators of the rules. The trespassing fence must be removed and the public green space restored.

Mr. Pitman concluded and advised that he did not expect to appear before City Council again so soon on the issue of public rights-of-way that people were taking from Bellaire. He noted that it was very upsetting to see people do things that they had no rights to. The City had to watch these things or people would walk all over the City.

**Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:**

Ms. McBee commended Russ Pitman for his observations, stating that the City did not need an Inspections Department as Mr. Pitman was performing those duties. She indicated that she was very grateful for his efforts.

She indicated further that she wished to use an analogy to describe what Bellaire was currently doing. Bellaire could be accused of playing a pyramid scheme. The City was in the season of hiring many, many consultants for many, many different things.

In November of 2006, the Bellaire City Council approved a contract with Kendig Keast Collaborative to perform duties related to a potential Comprehensive Plan Update. The methodology was to be outlined; the term of that contract was eight weeks; and the fee was $14,150. This evening, the City Council would consider another agenda item dealing with land planning. This item would consist of a proposal and project budget by Kendig Keast Collaborative as recommended by the Council’s Committee on Strategic Planning and Development in an amount not to exceed $50,000. The proposal and project budget for the recommended tasks (i.e., one through three) only added up to approximately $36,000-$37,000. Point one on the
proposal and project budget to come was why there was a discrepancy between the first three tasks and the maximum.

Secondly, the proposal did not set forth a timeline. Presumably, tasks one through three would be performed in conjunction with the first contract for the Comprehensive Plan Update. The amount recommended to City Council was now a total of $50,000.

Thirdly, yet to come and unknown would be the Comprehensive Plan Update itself. The City had not even prepared a “Request for Proposal” on the update, but was behind times on the schedule for the first contract the City entered into with Kendig Keast Collaborative, which was to be completed eight weeks from November 2006. She noted that she had spoken to Gary Mitchell, Principal with Kendig Keast Collaborative, about the fact that a contract was a “contract” and should be abided by. It should not be changed mid-stream because someone had suggested what they might like to have—whether that be the Chair of the Planning and Zoning Commission or a Council Committee, etc.

Fourthly, the Council Facilities Committee would be recommending another consultant for architectural space planning of all City facilities.

Ms. McBee suggested that the City prepare a chart delineating what had been signed off on, for what purpose, and when those contracts were due so that City Council could keep track of it. She knew that City Staff was keeping track of it. She was not sure that City Council knew between November and March what it had done given the array of choices and decisions that had to be made.

With respect to space planning and land use, City Council had a potential of four consultants, the total sum of which she was not sure. The most recent “Request for Proposals” (RFPs) that went out from the Facilities Committee did not ask the respondents for an estimated budget. She found that to be totally unconscionable. She understood that a governing body could not select a professional service based on dollars, but the governing body surely needed to know what the ballpark cost was. In this case, it was not even asked for. Now, the Facilities Committee (“Committee”) had finalists to review with no numbers or idea as to cost at all. Although cost could be negotiated, the Committee was going into the process without a vital piece of information.

She concluded with the suggestion that to understand Bellaire’s pyramid scheme, one merely needed to count the number of consultants.
F. REPORTS:

1. CITY MANAGER’S REPORT – City Manager Bernard M. Satterwhite, Jr.

City Manager Bernard M. Satterwhite, Jr., presented the City Manager’s Report to the Bellaire City Council. The report consisted of the “Residential Safety” Mission Area, as well as crime and building permit Indicators, Current Issues/Information, and Upcoming City Council Meetings/Events.

MISSION AREA(S):

Residential Safety

City Manager Satterwhite advised that there was not a great deal of police activity to report on for the month February. There were 33 Part I criminal offenses as compared to 27 in February of 2006. Traffic accidents in February of 2007 were approximately the same as compared to February of 2006.

It was noted that several robberies occurred during daylight hours in parking lots in the City of Bellaire in February. City Manager Satterwhite urged residents and others to be vigilant at all times. Additionally, there were 16 thefts during the month of February, two of which were identity thefts. He noted that identity theft seemed to be increasing and becoming more common. There were also a high number of thefts from motor vehicles (i.e., unlocked vehicles). He recommended that valuables be removed from vehicles. Even locked vehicles were easy for thieves to get into.

Fourteen child safety seat inspections were conducted during February and 33 free gunlocks were issued.

INDICATORS:

Crime

With respect to crime indicators, it was noted that individual crimes, with the exception of robbery, were either similar to or lower than the previous month. The crime index for February of 2007 was slightly higher than last February. Response times were still in the ballpark.

Building Permits

The year-to-date comparison of building permits to the same period for 2006 showed the number issued to be similar for both periods. It
was noted that there were no new commercial starts in fiscal year 2007. The issuance of residential building permits remained strong.

CURRENT ISSUES/INFORMATION:

May 12th Election

City Manager Satterwhite reminded everyone that there was a May 12, 2007, election related to state constitutional amendments, and Bellaire voters would have an opportunity to go to the polls. There would be two polling places in Bellaire. Three precincts would be consolidated at Condit Elementary School and two precincts would be consolidated at Horn Elementary School. City Manager Satterwhite referred to City Clerk Dutton at this time for the election-related information.

City Clerk Tracy L. Dutton stated that Precincts 128, 214, and 268 would be voting at Condit Elementary School. Precincts 182 and 215 would be voting at Horn Elementary School. She indicated that this was a tentative recommendation by the Harris County Elections Division Staff. The recommendation still had to be presented to the Harris County Commissioners’ Court for approval.

City Manager Satterwhite agreed, noting that this recommendation was not official yet; however, it was expected that the Harris County Commissioner’s Court would concur.

UPCOMING CITY COUNCIL MEETINGS/EVENTS:

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Type of Meeting</th>
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</thead>
<tbody>
<tr>
<td>March 26, 2007</td>
<td>6:30 p.m.</td>
<td>Facilities Committee</td>
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<tr>
<td>April 2, 2007</td>
<td>7:00 p.m.</td>
<td>City Council Regular Session</td>
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<tr>
<td>April 16, 2007</td>
<td>7:00 p.m.</td>
<td>City Council Regular Session</td>
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Mayor Cindy Siegel also noted that she was trying to set up a Centennial Committee Meeting for next Monday (i.e., March 26, 2007) in the Bellaire L.I.F.E. Center.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

{Legend:  A – Answer; C – Comment; Q – Question, R – Response}

Councilman John Jeffery

Q: Councilman Jeffery inquired as to where identity theft was tracked in the crime reports.
A: City Manager Satterwhite stated that identity theft was included with other types of theft under the heading “theft.”

C: Councilman Jeffery suggested that since it was a different type of theft and becoming more common that it be listed under its own heading.

R: City Manager Satterwhite agreed and advised that he would see if he could break out identity theft in future reports.

Councilman Pat McLaughlan

Q: Councilman McLaughlan asked if City Manager Satterwhite could clarify the concern expressed by Resident Russ Pitman. He inquired as to whether Mr. Pitman was referring to utility easements or the street right-of-way.

A: City Manager Satterwhite indicated that Mr. Pitman was referring to the street right-of-way.

C: Councilman McLaughlan stated that to the best of his knowledge, street rights-of-way were not fenced.

R: City Manager Satterwhite advised that Councilman McLaughlan was correct.

Q: Councilman McLaughlan inquired as to whether City Manager Satterwhite had any thoughts as to the follow up action that the City would take.

A: City Manager Satterwhite advised that the City had been in contact with the property owner, and the property owner was given an opportunity to comply or be cited.

Councilman Will Hickman

Q: Councilman Hickman inquired as to whether there were any reports of flooding or flash flooding during the previous week.

A: City Manager Satterwhite advised that he received one report of water in one home located on Pine Street. He received that notification in an email from Mayor Siegel. Other than that, he had heard no reports of flooding.

Mayor Pro Tem Peggy Faulk

Q: Mayor Pro Tem Faulk noted that City Manager Satterwhite provided the City Council with updates on the swimming pool
construction, but asked if he would give an update for the public.

A: City Manager Satterwhite stated that due to rains, the previous week was not a good one. The subcontractor did get the sides of the lap pool poured. The foundation for the bath house/community center was completed prior to the rains. The masonry work on the pools was expected to begin this week. It was too early to tell at this point when the Aquatic Facility would be ready, but construction was progressing.

MOTION TO ACCEPT REPORT INTO THE RECORD:

A motion was made by Councilman John Jeffery and seconded by Councilman Pat McLaughlan to accept the City Manager’s Report as presented by City Manager Bernard M. Satterwhite, Jr., into the record.

VOTE ON MOTION TO ACCEPT REPORT INTO THE RECORD:

Motion carried unanimously on a 5-0 vote as follows:

FOR: Siegel, Cindy
      Hickman, Will
      Faulk, Peggy
      McLaughlan, Pat
      Jeffery, John

OPPOSED: None

ABSENT: Monday, John F.
        Davison, Debra Marz

2. FINANCIAL REPORT – Interim Chief Financial Officer Vickey O’Donnell.

Interim Chief Financial Officer Vickey O’Donnell presented the Financial Report to the Bellaire City Council. She noted that the City of Bellaire was at the five-month period for the fiscal year and overall revenues and expenditures were on target. Revenues were down in recreation; however, recreation was not yet at its peak period.

Interim Chief Financial Officer O’Donnell referred to a question asked by Mayor Pro Tem Faulk during the last City Council Meeting regarding curbside recycling. It was noted that 523 customers had opted out of the curbside recycling program, and 5,616 customers were participating in the curbside recycling program.
In closing, it was noted that the first winter averaging billing was sent out recently.

**QUESTIONS/COMMENTS FROM CITY COUNCIL:**

**Legend: A – Answer; C – Comment; Q – Question, R – Response**

**Councilman Will Hickman**

**Q:** Councilman Hickman referred to page 12 of the financial report and noted that year-to-date and budgeted expenditures were greater than revenues for water and wastewater. He asked if City Council could be provided with a general update as to how the new water and wastewater rates might cover the expenditures.

**A:** Interim Chief Financial Officer O’Donnell advised that the new water rates had gone into effect. However, the City was not in its peak period for water consumption. She stated that the City would have to wait and see what the consumption might be for spring and summer months. She noted that the new rates had only been in effect for two months.

**Q:** Mayor Cindy Siegel asked if the City had budgeted for a shortage in these accounts for this fiscal year.

**A:** City Manager Bernard M. Satterwhite, Jr., advised that the City did not budget for a shortage as the water rate increase was anticipated.

**C:** Councilman Hickman noted that he might have read the report incorrectly. It appeared that the City was short on actual year-to-date revenues versus expenditures, but would be ahead by $1 million with respect to budgeted revenues versus expenditures.

**R:** City Manager Satterwhite agreed with Councilman Hickman. He added that the City of Bellaire would receive a water rate increase from the City of Houston during the month of April. The increased rate would be $1.47 per 1,000 gallons versus $1.43 per 1,000 gallons (i.e., an approximate 3% increase per year).

**Q:** Mayor Siegel inquired as to whether this increase was budgeted for.

**A:** City Manager Satterwhite advised that it was budgeted for.
**Councilman John Jeffery**

**C:** Councilman Jeffery noted that when looking at salaries, it was difficult to know whether each of the departments had full headcounts or not.

**R:** City Manager Satterwhite agreed with Councilman Jeffery and stated that it was a management issue. Management was trying to ensure that the budgeted positions were filled at all times, if possible. An update would be given to City Council during the mid-year review, expected to occur during the second April meeting of City Council.

**Mayor Cindy Siegel**

**Q:** Mayor Siegel referred to page 4 of the financial report and inquired as to whether Bellaire’s collections were low as compared to previous years.

**A:** Interim Chief Financial Officer O’Donnell advised that the budget for property tax revenues was larger than the previous year and it appeared to be low. Taxes were coming in as usual.

**Q:** Mayor Siegel asked for confirmation that the City was still tracking historically with respect to property tax revenues.

**A:** Interim Chief Financial Officer O’Donnell advised that Mayor Siegel was correct.

City Manager Satterwhite noted that tax bills went out late this year, so receipts were skewed approximately one month at this point.

City Attorney Alan P. Petrov pointed out that the previous year was a record year for valuation protests before the Harris County Appraisal Board. Therefore, there were an even higher percentage of properties that still needed to go through the protest process.

**MOTION TO ACCEPT REPORT INTO THE RECORD:**

A motion was made by Councilman Pat McLaughlan and seconded by Councilman John Jeffery to accept the **Financial Report** as presented by Interim Chief Financial Officer Vickey O’Donnell into the record.
VOTE ON MOTION TO ACCEPT REPORT INTO THE RECORD:

Motion **carried** unanimously on a **5-0** vote as follows:

**FOR:** Siegel, Cindy  
Hickman, Will  
Faulk, Peggy  
McLaughlan, Pat  
Jeffery, John

**OPPOSED:** None

**ABSENT:** Monday, John F.  
Davison, Debra Marz

G. NEW BUSINESS:

1. ADOPTION OF ORDINANCES:

   **Code Suspension**

   a. **CONSIDERATION of and possible action on the adoption of an ordinance temporarily suspending the application of Chapter 22, Offenses—Miscellaneous, Article I, In General, Section 22-17, Discharge of firearms within the city, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of allowing the Fort Bend Museum Association, through their Texian Time Machine Program, to fire a non-projectile musket and rifle during Horn Elementary School's (“Horn”) Pioneer Day scheduled on March 28, 2007, from 9:00 a.m. until 2:30 p.m. in the field located next to Horn, 4535 Pine Street, Bellaire, Texas** – **Action by Members of City Council (Item submitted by City Clerk Tracy L. Dutton on behalf of City Manager Bernard M. Satterwhite, Jr.).**

   **MOTION TO ADOPT ORDINANCE:**

   A **motion** was made by Mayor Pro Tem Peggy **Faulk** and **seconded** by Councilman Pat **McLaughlan** to adopt an ordinance temporarily suspending the application of Chapter 22, Offenses—Miscellaneous, Article I, In General, Section 22-17, Discharge of firearms within the city, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of allowing the Fort Bend Museum Association, through their Texian Time Machine Program, to fire a non-projectile musket and rifle during Horn Elementary School’s (“Horn”) Pioneer Day scheduled on
March 28, 2007, from 9:00 a.m. until 2:30 p.m. in the field located next to Horn, 4535 Pine Street, Bellaire, Texas.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

{Legend:  A – Answer;  C – Comment;  Q – Question,  R – Response}

Councilman Will Hickman

Q:  Councilman Hickman inquired as to whether Horn Elementary School and/or the exhibitors had insurance to cover this event.

A:  City Manager Satterwhite stated that Horn Elementary School had insurance and the event would be held on their property. Any liability would be theirs.

Mayor Cindy Siegel

Q:  Mayor Siegel inquired as to whether the Pioneer Day event would be open to the public.

A:  Courtney Stiles, 4th Grade Social Studies Teacher, Horn Elementary School, advised that the Pioneer Day event would only be open to the Horn Elementary School 4th Grade students.

VOTE ON MOTION TO ADOPT ORDINANCE:

Motion carried unanimously on a 5-0 vote as follows:

FOR:  Siegel, Cindy, Hickman, Will, Faulk, Peggy, McLauhlan, Pat, Jeffery, John

OPPOSED:  None

ABSENT:  Monday, John F. Davis, Debra Marz

{Ordinance was subsequently numbered:  07-013}

Contracts and Agreements

b. CONSIDERATION of and possible action on the adoption of an ordinance authorizing the Mayor of the City of
Bellaire, Texas, to execute, on behalf of the City of Bellaire, Texas ("Bellaire"), a **Compromise and Settlement Agreement** with Travelers Casualty and Surety Company of America ("Travelers") for the purpose of settling all disputes between Bellaire and Travelers related to the projects known as Bellaire Millennium Renewal Program, Phase Two, Contract Two, Street Reconstruction Project, and Bellaire Millennium Renewal Program, Phase Four, Paving and Drainage Improvements Project – **Action by Members of City Council** (Item submitted by City Clerk Tracy L. Dutton on behalf of City Attorney Alan P. Petrov).

**MOTION TO ADOPT ORDINANCE:**

A motion was made by Councilman Pat McLaughlan and seconded by Councilman John Jeffery to adopt an ordinance authorizing the Mayor of the City of Bellaire, Texas, to execute, on behalf of the City of Bellaire, Texas ("Bellaire"), a **Compromise and Settlement Agreement** with Travelers Casualty and Surety Company of America ("Travelers") for the purpose of settling all disputes between Bellaire and Travelers related to the projects known as Bellaire Millennium Renewal Program, Phase Two, Contract Two, Street Reconstruction Project, and Bellaire Millennium Renewal Program, Phase Four, Paving and Drainage Improvements Project.

**SUMMARY:**

City Attorney Alan P. Petrov summarized the agenda item before City Council. He noted that the **Compromise and Settlement Agreement** related back to a contract with Contractor Technology, Ltd. ("CTL"), one of the City’s contractors that went into bankruptcy a few years ago. The bankruptcy occurred right at the tail end of the Bellaire Millennium Renewal Program, Phase Four, Paving and Drainage Improvements Project.

The City had been going back and forth with Travelers Casualty and Surety Company of America ("Travelers"), the bonding company for CTL, to get the project finished. The items remaining on the project were punch list items. Because of the nature of the situation with CTL, which involved a number of construction projects throughout the Houston area (i.e., projects were ongoing with West University Place, Houston, Harris County, etc.), Bellaire’s project was considered a "low priority" because it was essentially completed. Some of the
projects in other areas of Houston were left with streets completely dug up. The bankruptcy court was, therefore, dealing with those projects first.

The City of Bellaire believed that the project could be finished up with the retainage the City had on-hand. The referenced agreement would get the City out of the bankruptcy proceedings and allow the City to finish the project on its own. The retainage on-hand would be tacked onto another project so that the punch list items could be taken care of.

City Attorney Petrov noted that the agreement referenced the Bellaire Millennium Renewal Program, Phase Two, Contract Two, Street Reconstruction Project, as well. This project was actually completed a long time ago and those bonds had been released. In drafting the agreement, Travelers wished to cover every CTL project that the City of Bellaire was involved in.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

{Legend:  A – Answer; C – Comment; Q – Question, R – Response}

Councilman Pat McLaughlan

C: **Councilman McLaughlan** advised that he was confused by some of the terminology in the agreement document itself. The agreement referenced a “compromise” and “claims asserted against the City of Bellaire.” If he was reading the agreement correctly, it appeared that Bellaire was levying some claims against Travelers and Travelers was levying some claims against Bellaire.

R: **City Attorney Petrov** advised that Councilman McLaughlan’s interpretation was correct.

Q: **Councilman McLaughlan** inquired as to what the City of Bellaire had done wrong.

A: **City Attorney Petrov** stated that Bellaire did not believe that it had done anything wrong. Bellaire made claims to the bonding company (i.e., Travelers) that the project needed to be taken over and completed. Travelers made claims that Bellaire should have the retainage on-hand to complete the project, and Travelers should not have to do anything. Both parties were arguing over what needed to be done and what did not get done.
Claunch & Miller, Inc., had gone through all of the streets and had spent a great deal of time detailing items that we did not feel were completed properly and detailing what needed to be done to satisfy those items. Bellaire was confident that the project could be completed satisfactorily with the retainage on-hand.

The terminology in the agreement was typical for a settlement agreement. Both sides were making claims and agreeing to release all claims against the other.

**Q:** Councilman McLaughlan referred to the “punch list” items and asked if any of those items were causing a deterioration of the existing completed work or presenting a safety hazard. In other words, was time of the essence?

**A:** City Attorney Petrov stated that the discussions between the parties had been ongoing for some time.

City Manager Satterwhite indicated that time was not of the essence.

City Attorney Petrov advised that Bellaire would like to get the project finished out. He noted that there would still be a warranty on the project.

**Councilman John Jeffery**

**Q:** Councilman Jeffery inquired as to the meaning of “retainage” as referenced numerous times throughout the agreement.

**A:** City Attorney Petrov stated that the retainage consisted of contract funds that the City retained. In the process of entering into a construction project, the contractor was not paid upfront. The contractor was usually required to submit pay estimates as the project was underway. The retainage was an amount that was kept at all times until completion. The City had approximately 5% or less on-hand for this project or approximately $108,000. Had CTL completed the project, this retainage would have been payable to CTL.

Since the project was not completed, the City would use that retainage to pay another contractor to finish up the work.
Q: Mayor Siegel asked for confirmation that the dispute was actually over the retainage.

A: City Attorney Petrov advised that Mayor Siegel was correct. Travelers asserted that the contract was completed and that the retainage was owed to the contractor (or them as bonding company).

Q: Councilman Jeffery inquired as to City Attorney Petrov’s recommendation with respect to this agenda item.

A: City Attorney Petrov recommended that City Council approve the agreement.

Mayor Pro Tem Peggy Faulk

Q: Mayor Pro Tem Faulk referred to City Attorney Petrov’s earlier statement that the City of Bellaire would still have a warranty on the project. She inquired as to who would provide that warranty to the City?

A: City Attorney Petrov advised that Travelers would provide the warranty. The City was not releasing the “Payment Bonds.” The City was releasing the “Performance Bonds,” which indicated that CTL had performed under the contract.

Q: Mayor Pro Tem Faulk inquired as to the dollar amount associated with the Payment Bond.

A: City Attorney Petrov advised that it was the amount of the contract.

Q: Mayor Pro Tem Faulk asked for confirmation that if anything went wrong with any of the work, Travelers would be responsible to find someone to make the necessary repairs.

A: City Attorney Petrov advised that Mayor Pro Tem Faulk was correct.

Councilman Will Hickman

Q: Councilman Hickman inquired as to the estimated cost to finish this project.
A: City Attorney Petrov advised that the City believed that the project could be finished for $90,000+.

Q: Councilman Hickman inquired as to whether the Bankruptcy Court needed to approve this agreement.

A: City Attorney Petrov advised that it did not.

C: Councilman Hickman noted that this would be an asset of the bankrupt company.

R: City Attorney Petrov stated that he was not sure. He would check on it. He advised that Councilman Hickman had made a good point and if the City needed Bankruptcy Court approval, that approval would be sought.

Mayor Cindy Siegel

Q: Mayor Siegel inquired as to whether the City would tack the remaining items on the Bellaire Millennium Renewal Program, Phase Four, Paving and Drainage Improvements Project, onto a current, existing contract or a future one.

A: City Manager Satterwhite stated that it could be done either way. The City would be opening bids for a new phase shortly and it could be tacked onto a new project.

VOTE ON MOTION TO ADOPT ORDINANCE:

Motion carried unanimously on a 5-0 vote as follows:

FOR: Siegel, Cindy
     Hickman, Will
     Faulk, Peggy
     McLoughlan, Pat
     Jeffery, John

OPPOSED: None

ABSENT: Monday, John F.
        Davison, Debra Marz

{Ordinance was subsequently numbered: 07-014}

c. CONSIDERATION of and possible action on a recommendation from the Bellaire Strategic Planning and
Development Committee for City Council to adopt an ordinance authorizing the Mayor of the City of Bellaire, Texas, to execute, on behalf of the City of Bellaire, Texas, a Proposal with Kendig Keast Collaborative for the purpose of conducting a strategic analysis of the City of Bellaire’s downtown commercial zoning districts, CCD-1 and CCD-2, and making recommendations to encourage and enhance commercial development and to optimize land use in an amount not to exceed $50,000 – Action by Members of City Council (Item submitted by Members of the Bellaire Strategic Planning and Development Committee).

SUMMARY:

Mayor Pro Tem Peggy Faulk summarized the agenda item before City Council. She began that summary by noting that one of the goals of the Bellaire City Council was to take a proactive role in the long-term development of commercial and residential areas to make Bellaire the most desirable city in Harris County.

She then read an excerpt from a study conducted for the City of Bellaire, Texas, by the Rice University MBA Program as follows: The future of Bellaire’s City Center District represents the unique challenge against achievable desired growth. Without intervention, City leadership should not expect significant improvement in the City Center District property values or desirability as a City business district with Bellaire residents. In fact, the City Center District could very well continue into decline.

The total property value in Bellaire was noted to be $2.5 billion. The value of property in the City Center District (CCD-1 and CCD-2 zoning districts) was noted to be $43 million, with tax revenues of $185,000. Mayor Pro Tem Faulk indicated that there had been a large tax decline in the City Center District.

On the other hand, development was occurring in the City Center District. For example, a new Burger King, Enterprise Office Building, Advance Auto Parts, and banks were either under development, had completed development, or would be under development in the near future.

The Strategic Planning and Development Committee (“SPDC”) was formed by City Council to address the City Council goal stated previously. The members consisted of Mayor Pro Tem Peggy Faulk, Mayor Cindy Siegel, and Councilman Will
Hickman. The initial focus of the SPDC was on the City Center District (CCD-1 and CCD-2). The SPDC had been working in conjunction with the Bellaire Planning and Zoning Commission's review and possible update of the City's Comprehensive Plan. It was noted that the review/update of the City's Comprehensive Plan could take two or more years to complete, and the City Center District needed to be addressed sooner than that.

The first meeting of the SPDC was held in July of 2006. Two members of the Bellaire Planning and Zoning Commission ("Commission") were invited to become members of the SPDC. The Commission appointed two of its members as follows: Chair Bruce Volkert and Vice Chair Bill Thorogood.

The SPDC subsequently spent time reviewing past studies and reports related to efforts to improve or analyze the City Center District. However, the SPDC needed to know what could be done in 2007.

Additionally, the SPDC spent a great deal of time trying to develop a vision for the City Center District. One of the ideas for a vision included the development of an area that citizens would want to congregate in. Other ideas included better pedestrian mobility, better traffic flow, increased parking, greater quality of life in Bellaire, improved streetscaping, better lighting, identity or branding, possible mixed use consisting of residential and commercial, and connectivity to Bellaire Town Square.

Although there were commonalities between ideas that were shared, there was not one specific, doable vision that could be vocalized. It became clear that the SPDC needed urban planning professional assistance. The SPDC asked City Staff to look into that possibility for them. Since City Staff and the Commission had recently undergone a thorough, systematic approach to select a consultant to conduct a review of the Comprehensive Plan, City Staff recommended that same consultant, Kendig Keast Collaborative, to provide the assistance that the SPDC needed.

Kendig Keast Collaborative subsequently made a presentation to the SPDC and presented a proposal. The proposal consisted of five tasks as follows:

Task One: Leadership and Stakeholder Involvement, such as focus groups and things of that nature;
Task Two: Existing Conditions (evaluation of existing conditions);

Task Three: Context Study;

Task Four: Assessment of “Tool Kit,” which was identified as resources City Staff could have available to assist them in working with business owners; and

Task Five: Plan of Action.

The proposed budget associated with the completion of all five tasks totaled $83,000. The SPDC unanimously voted to seek City Council approval to do tasks one through three so that the SPDC could evaluate how viable and/or worthwhile it would be to go forward with tasks four and five. The total budget for tasks one through three was approximately $39,000. The SPDC decided to ask for $50,000 in the event that focus group meetings were desired.

After tasks one through three were completed, the SPDC would make an evaluation and return to City Council if it were viable to continue with tasks four and five. There were also optional tasks that might be of interest to the City, such as the development of a 3-D model of the City Center District ($8,000 to $12,000 in cost) and/or color renderings to depict the potential improvements ($600 to $750).

Mayor Pro Tem Faulk noted that Gary Mitchell, Principal, Kendig Keast Collaborative, was present this evening and could answer any questions related to the proposal.

**MOTION TO ADOPT ORDINANCE:**

A motion was made by Councilman Will Hickman and seconded by Mayor Pro Tem Peggy Faulk to adopt an ordinance authorizing the Mayor of the City of Bellaire, Texas, to execute, on behalf of the City of Bellaire, Texas, a Proposal with Kendig Keast Collaborative for the purpose of conducting a strategic analysis of the City of Bellaire’s downtown commercial zoning districts, CCD-1 and CCD-2, and making recommendations to encourage and enhance commercial development and to optimize land use in an amount not to exceed $50,000.
QUESTIONS/COMMENTS FROM CITY COUNCIL:

{Legend:  A – Answer; C – Comment; Q – Question, R – Response}

Mayor Pro Tem Peggy Faulk

Q: **Mayor Pro Tem Faulk** noted that the SPDC had not discussed a timeline, but asked Gary Mitchell if he could address that and if a timeline could be added to the proposal.

A: **Gary Mitchell, Principal, Kendig Keast Collaborative**, advised he had spoken with the Director of Community Development, Derhyl Hebert, after the last meeting of the SPDC and indicated that three months would be needed for the completion of tasks one through three.

**City Manager Bernard M. Satterwhite, Jr.**, noted that the timeline was an estimate and not necessarily a contractual issue.

Councilman John Jeffery

Q: **Councilman Jeffery** inquired as to whether there was a vote of the SPDC to bring the proposal forward to City Council.

A: **Mayor Pro Tem Peggy Faulk** advised that there was a unanimous vote of all five members of the SPDC to bring the proposal forward to City Council.

Q: **Councilman Jeffery** asked if, at the end of the work on tasks one through three, the SPDC would have an idea as to how to improve traffic flow, pedestrian mobility, lighting, trees/landscaping, crosswalks, etc.

A: **Mayor Cindy Siegel** stated that if all five tasks were completed, the City would have a tool kit and a plan of action as to what the City could do in terms of infrastructure, landscaping, a vision for the City, mobility, etc.

**Mr. Mitchell** referred City Council to task five, which included a list of specific items that Kendig Keast Collaborative would make recommendations on. Mr. Mitchell clarified the traffic study mentioned earlier and noted that his firm would not perform an
engineering-level traffic study with data collection, but would certainly look at the traffic issues in the area.

Q: **Mayor Pro Tem Faulk** asked if such a study of traffic issues might determine that certain City streets be closed (i.e., if underutilized and/or could be better utilized, etc.).

A: **Mr. Mitchell** stated that Mayor Pro Tem Faulk was correct. The focus would be on the property ownership and the potential use of the space.

**Mayor Siegel** noted that there were many small streets in Bellaire that did not go anywhere.

Q: **Councilman Jeffery** was not sure what performing tasks one through three would give the City. He was also not certain what City Council and/or City Staff had the authority to make changes, especially in areas where the property was privately owned.

A: **Mayor Siegel** noted that the amount required for the entire proposal was a great deal of money. Once Kendig Keast Collaborative got started on their proposal and if they determined that there was no viable solution, the City could stop the process before spending the entire $83,000.

Q: **Councilman Jeffery** advised that he could understand the City wishing to contract with Kendig Keast Collaborative for the purpose of showing the City how to enhance its rights-of-way or how to market and attract businesses to the City. The City did not have eminent domain to go in and take property or the authority to state that the City did not want any more banks in Bellaire.

A: **Mayor Pro Tem Faulk** stated that types of businesses and locations for those businesses could be part of a City’s Comprehensive Plan.

C: **Councilman Jeffery** agreed with Mayor Pro Tem Faulk, but was concerned with free enterprise and property rights.

A: **Mayor Pro Tem Faulk** felt that the City would learn what its role could be as a result of this proposal. She did not believe that any of the members of City Council
were in favor of using the City’s eminent domain powers for economic development purposes.

C: **Councilman Jeffery** stated that it was important for the City to understand why businesses did not want to come to Bellaire. He could not tell whether that question would be answered by this proposal. For example, was there a problem with planning or permitting or an image issue? He felt that a City planner could fix some of those issues.

A: **Mayor Pro Tem Faulk** indicated that the SPDC had held discussions along those lines and would like to have it pursued further.

A: **Mr. Mitchell** noted that, highlighted within the proposal, were three things the City could do as follows: 1) zoning regulation (more or less), 2) physical improvements, and 3) marketing, image, streetscape, etc. One thing Mr. Mitchell lobbied for strongly was a market study component. If the City did nothing at all, he felt that the area would continue to decline.

C/Q: **Councilman Jeffery** referred to the fact that Bellaire was a landlocked city with only so much space that was owned by the City; Bellaire was older with established businesses in place; and ownership of private property in the City Center District was fragmented. He was not sure what Kendig Keast Collaborative could tell the City after completing tasks one through three that the City did not already know. Without task five, what would the City have to move forward with? Would the SPDC come back to City Council and make recommendations as to what should be done, such as new street lighting, additional green space, etc.?

A: **Mayor Siegel** noted that one of the solutions could be to do nothing. The area was currently developing. Many residents had already expressed their opinion regarding additional banks in Bellaire. She was not certain as to whether the City wanted to change its zoning regulations to address that or not. If the City were not helping to do its part, the City Center District would continue to decline or continue to develop in a hodge-podge fashion.

A: **Mayor Pro Tem Faulk** advised that many of the existing business owners had stated that they would
welcome improved design standards and would be happy to participate in signage to improve the identity of Bellaire. These changes would be good for their businesses as well.

**Councilman Will Hickman**

Q: **Councilman Hickman** asked what Kendig Keast Collaborative would provide as a spectrum of possible things the City could do at the end of tasks one through three. In other words, what were the extremes and what was the average?

A: **Mr. Mitchell** stated that the focus of tasks one through three was study, but over one-half of the total budget proposed was for strategy and implementation and not for study. He noted that his firm specialized in the creation of development ordinances. The issue might not be whether or not the City wanted a certain type of business, such as a bank, but rather whether or not the City wanted a “drive-in” look. Design guidelines had also been mentioned. He did not wish to get caught up in property uses necessarily, but rather the design outcomes.

At the end of tasks one through three, Kendig Keast Collaborative would have a definite idea of the strategies that should be focused on in tasks four and five.

C: **Mayor Siegel** noted that when Burger King met with the City, one of their first questions was related to the City’s design criteria. The City did not have any. If the City did not take a leadership role, the development would continue to occur in a hodge-podge fashion or, perhaps, not at all.

R: **Mr. Mitchell** noted a large part of the first task was community involvement. This would include meetings with City Council, City boards, business owners, and others in the community to determine where everyone was on the “page.” When the phasing was proposed to stop at tasks one through three, Kendig Keast Collaborative also went back and looked at their budget. The number he had for tasks one through three totaled $37,500. He understood the idea of having some buffer beyond that.
R: **Mayor Pro Tem Faulk** stated that she believed the additional funding was also for travel-related expenses and reproduction costs.

R: **Councilman Hickman** noted that the SPDC had also discussed having a public forum, which might involve additional costs.

C: **Mr. Mitchell** indicated that included in tasks one through three was a workshop session with City Council and an open house-style public meeting.

C: **Mayor Siegel** referred to the current proposal for tasks one through three and the other proposal Kendig Keast Collaborative was involved with regarding a review of the City’s Comprehensive Plan. The thought process was that this proposal would flow into the Comprehensive Plan review. She noted that during the City’s last review of the Comprehensive Plan, four-five years passed before the City was in a position to consider the adoption of ordinances. If the City were to wait four-five years from now, who knew what would happen to the City Center District?

R: **Mr. Mitchell** stated that it might take 2-5 years in Bellaire, but it should not take more than 18 months to review and update a Comprehensive Plan. Kendig Keast Collaborative updated Comprehensive Plans for cities much larger and much smaller than Bellaire in one year. The previous situation Mayor Siegel referred to was a process problem.

C: **Councilman Jeffery** noted that the City had already moved ahead with some of the issues, such as City planning and the Bellaire Arts Commission.

R: **Mayor Siegel** advised that the SPDC had heard many different ideas as to how the City Center District could develop. There was a suggestion that City facilities be moved to the City Center District. She, herself, had thrown out the possibility of closing some of the City’s underutilized streets for other uses. The City Center District was not pedestrian-friendly and parking was difficult in the area. The tax revenues in the City Center District had declined as compared to the residential districts.
If the City did not try to do something to the City Center District, such as beautification, economic revitalization, etc., it would mean that the residential property owners would continue to pay a bigger part of the overall tax burden.

R: **Councilman Hickman** noted that another point of discussion was whether or not there needed to be a City Center District or “downtown,” especially in light of the fact that The Galleria and Meyerland were so close in proximity to Bellaire. A better economic use of the property might be residential. Everyone had different visions. Part of Kendig Keast Collaborative’s proposal would be to tell the City what was and was not possible and what was realistic.

R: **Mr. Mitchell** stated that his firm worked every day (literally) with cities that were doing good things and taking different initiatives that were scatter-shot. His firm’s approach would be to provide tangible outcomes.

R: **Mayor Siegel** noted that the SPDC wanted a successful plan—not a Sugar Land. The SPDC was interested in what other enclave cities similar to Bellaire had done and what Bellaire could do given its facts and circumstances. She referred to the Rice University MBA Study, which suggested that a focus group be formed and a vision developed.

**Councilman Pat McLaughlan**

C: **Councilman McLaughlan** advised that he planned to support this agenda item, but had some questions and concerns related to it. He stated that he had lived in Bellaire since 1975. Every few years, Bellaire had a study conducted of the downtown or City Center District area. He had never seen any of the studies make any difference. Anything that had occurred in the City Center District did so due to free enterprise economic development.

He noted that one of the most important things about a Comprehensive Plan was whether or not City Council would accept the recommendations and implement those recommendations into ordinances.

Councilman McLaughlan referred further to many mobility committees established through the Planning
and Zoning Commission over the years for the purpose of making recommendations as to pedestrian mobility and sidewalks. City Council actions had not necessarily been in harmony with those recommendations by the committees of the Planning and Zoning Commission.

If the City was going to spend a great deal of time and money engaging in these proposals, then City Council needed to accept the professional recommendations that came forth.

With respect to focus groups, Councilman McLaughlan stated that such groups ate up a great deal of time and brought about such varied input. He agreed that the City must rely on professional expertise. He disagreed that Bellaire’s “downtown” area was in decline. In spite of the City, the “downtown” area was doing great. He referred to the Burger King, office development, Amegy Bank, etc.

R: Mayor Siegel noted that the comment regarding the declining “downtown” area was taken from the Rice University MBA Study. When that study was performed, the current development had not occurred.

C: Councilman McLaughlan advised that the Magpie’s and Walgreen’s developments had occurred when the Rice University MBA Study was undertaken.

R: Councilman Hickman noted that the tax values in the City’s downtown area were decreasing.

C: Councilman McLaughlan advised that the business owners might be more skillful in protesting their property values.

Regardless, he noted that redevelopment was taking place. The type of businesses the City wanted was not the business of City Council. As long as the business were not producing some type of harmful effect or causing some type of traffic situation, etc., then he did not believe that it was in the scope of City Council’s activities to tell a property owner what type of business he or she could conduct.

Something the City certainly did need to do was to define what obstacles Bellaire had to development right now. One such obstacle, as mentioned by Councilman
Jeffery, was fragmented ownership. The City could help its image with developers. In terms of infrastructure, the City could address street design, mobility, sidewalks, etc. There might be areas within the City’s zoning regulations that could be modified—such as building height or allowing higher density residential in the commercial area.

R: Mayor Pro Tem Faulk stated that she believed that the CCD-1 Zoning District allowed structures that were six stories in height whereas the CCD-2 Zoning District allowed structures that were three stories in height.

C: Councilman McLaughlan continued and noted that the City was in a redevelopment mode right now. Whatever the City was going to do to make a difference needed to be done quickly. In his opinion, the type of Comprehensive Plan the City needed would address very specific things, such as the Research, Distribution and Development Zoning District, the City Center District, and the Bissonnet Street business corridor. He felt that the work necessary to address those specific areas could be done within six months. Another six months could be allowed for City Council review and implementation. The Comprehensive Plan had to be done quickly if it were going to be effective.

R: Mr. Mitchell agreed completely with Councilman McLaughlan with respect to the comments he made related to studies. Mr. Mitchell’s background, before he got into planning, was in free market economics. People in the marketplace were making individual decisions on a daily basis. Kendig Keast Collaborative would look at the context in which individuals were making those decisions.

If the City decided that they would not follow through with a recommendation, then that recommendation would not go into the City’s plan document as there would be no point to it.

With respect to zoning and land use, it was important to have a residential component in the downtown area. The only way to bring in customers was to have them located nearby and accessible by foot.

With respect to focus groups, those groups were mainly for Kendig Keast Collaborative. The groups helped to
educate the firm as to what was on people’s minds and what was possible.

On the issue of decline, investment was occurring and things were happening in the City Center District. However, there was an “opportunity cost” that was not occurring. For example, there were more than ten developments going in around Houston that were mixed-use, large-scale, and had a residential component. Bellaire was not getting that--Bellaire was getting a Burger King. Although Bellaire was getting some investment, what was Bellaire giving up or not getting in the process?

Mr. Mitchell agreed with Councilman McLaughlan that the type of businesses that should be in Bellaire was not the City’s role. With respect to fragmented ownership, the City could show those individual property owners the advantages of assembling property in Bellaire and what was possible. If zoning were an obstacle, Kendig Keast Collaborative would deal with that in their study.

On infrastructure, Kendig Keast Collaborative had worked side-by-side with Claunch & Miller, Inc., on improvements to West University Place regarding streetscape work. Technical issues, such as those, would be referred to Claunch & Miller, Inc., as Bellaire’s City Engineer (i.e., things that needed more attention or study from an engineering perspective).

Finally, Mr. Mitchell agreed that Bellaire might be a place where the traditional “Comprehensive Plan” would not fit. Bellaire might need a more strategic, detailed, focused plan versus a “motherhood and apple pie” plan. He had worked with other cities, like Bellaire, with large residential populations.

C: Councilman McLaughlan thanked Mr. Mitchell for his comments. He referred to the Comprehensive Plan study, the proposal before City Council this evening related to the City Center District, and the project under review by the Facilities Committee related to the redevelopment of City facilities. In terms of planning and costing the work by Kendig Keast Collaborative, he felt that it would be appropriate for Mr. Mitchell or one of his representatives to spend some time with the Facilities Committee. He noted that the study under review by the Facilities Committee was for a conceptual
design study for City facilities (i.e., square footage needed, footprint design, possible locations or relocations within the City).

R: Mr. Mitchell agreed and thanked Councilman McLaughlan.

C: Mayor Siegel clarified that by no means was the City seeing this as a way for eminent domain or to restrict certain types of businesses. She did believe that there was a way for the City to encourage development in the City Center District. She noted further that there were many concerns regarding aesthetics in the business area, as well as mobility issues. She felt that having a strong business area was good for Bellaire.

C: Mayor Pro Tem Faulk agreed with the comments made by Mayor Siegel.

C: Councilman Hickman agreed with the Facilities Committee in that everything was on the table and the City needed to know what the “tool kit” was and what resources were available to the City.

C: Councilman Jeffery stated that the Facilities Committee was talking about City property, City buildings, and City functions. This was separate from what free enterprise had to offer.

He stated that he would feel more comfortable if the SPDC was approaching City Council to spend $20,000 to interview the top developers in Houston and ask them why businesses were not locating in Bellaire. Was there an image issue? Was there a permitting issue?

R: Mayor Siegel noted that the SPDC had talked with developers, large business owners, small business owners, and property owners in the City Center District.

C: Councilman Jeffery stated that he was referring to independent, large developers. In concept, he liked the discussion that had occurred this evening. He could not justify spending $50,000 on consulting fees. The City had already agreed to a review of the Comprehensive Plan and was now tacking another project onto that.
He had an idea of what the results could be, but had no way of knowing what the execution plan would be or if the City Council would take action on the plan.

R: Mr. Mitchell noted that CDS Market Research would perform the market study for this project. One of CDS Market Research’s tasks was to interview brokers and developers in the Houston area. They would talk to some of the principal players and property owners in Bellaire. It was important to talk with those people on a one-to-one basis, as those people would not discuss details in groups.

**VOTE ON MOTION TO ADOPT ORDINANCE:**

Motion carried on a vote of **4-1** as follows:

**FOR:** Siegel, Cindy  
Hickman, Will  
Faulk, Peggy  
McLaughlan, Pat

**OPPOSED:** Jeffery, John

**ABSENT:** Monday, John F.  
Davison, Debra Marz

{Ordinance was subsequently numbered: 07-015}

2. **ITEM FOR INDIVIDUAL CONSIDERATION:**

CONSIDERATION of and possible action on a request from the Bellaire Fire Department for authorization for the Mayor of the City of Bellaire, Texas, to execute a *Life Flight Release from Liability* agreement for the purpose of Life Flight’s participation in the City of Bellaire’s annual Emergency Medical Services Day (EMS Day) to be held on Saturday, May 12, 2007 – Action by Members of City Council (Item submitted by Fire Chief Darryl Anderson).

**MOTION TO APPROVE REQUEST AND AUTHORIZATION FOR MAYOR TO EXECUTE RELEASE:**

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman Pat McLaughlan to approve a request from the Bellaire Fire Department to authorize the Mayor of the City of Bellaire, Texas, to execute a *Life Flight Release from Liability* agreement for the purpose of Life Flight’s participation in the
City of Bellaire’s annual Emergency Medical Services Day (EMS Day) to be held on Saturday, May 12, 2007.

**VOTE ON MOTION TO APPROVE REQUEST AND AUTHORIZATION FOR MAYOR TO EXECUTE RELEASE:**

Motion **carried** unanimously on a **5-0** vote as follows:

**FOR:** Siegel, Cindy
Hickman, Will
Faulk, Peggy
McLaughlan, Pat
Jeffery, John

**OPPOSED:** None

**ABSENT:** Monday, John F.
Debra Marz

**H. COUNCIL CORRESPONDENCE AND COMMENTS.**

Discussion only.

**I. ADJOURNMENT.**

**MOTION TO ADJOURN:**

A **motion** was made by Councilman Will **Hickman** and **seconded** by Mayor Pro Tem Peggy **Faulk** to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at **8:41 p.m.** on **Monday, March 19, 2007**.

**VOTE ON MOTION TO ADJOURN:**

Motion **carried** unanimously on a **5-0** vote as follows:

**FOR:** Siegel, Cindy
Hickman, Will
Faulk, Peggy
McLaughlan, Pat
Jeffery, John

**OPPOSED:** None
ABSENT:  Monday, John F. Davison, Debra Marz

Respectfully submitted,

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

Approved:

Cynthia Siegel, Mayor
City of Bellaire, Texas