I. SPECIAL SESSION (BUDGET PUBLIC HEARING) – 6:00 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 6:04 p.m. on Monday, August 20, 2007. The Bellaire City Council met at that time and on that date in Special Session for the purpose of holding a public hearing before the City Council of the City of Bellaire, Texas, on the proposed budget for the City of Bellaire, Texas, for the fiscal year beginning October 1, 2007, and ending September 30, 2008. The Special Session was held 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 John F. Monday, Position No. 1;
   Councilwoman Debra Marz Davison, Position No. 4;
   Councilman Pat McLaughlan, Position No. 5; and
   Councilman John Jeffery, Position No. 6.

Councilman Will Hickman, Position No. 1, was absent, but expected to arrive at 7:00 p.m. for the Regular Session. Mayor Pro Tem Peggy Faulk, Position No. 3, was absent. Other officials present were City Manager Bernard M. Satterwhite, Jr., City Attorney Alan P. Petrov, and City Clerk Tracy L. Dutton.

B. READING OF NOTICE OF PUBLIC HEARING - City Clerk Tracy L. Dutton.

City Clerk Tracy L. Dutton read the “Notice of Public Hearing” as follows:

Notice is hereby given that the City Council of the City of Bellaire, Texas (City), has called, by Ordinance No. 07-046, a public hearing before the City Council of the City of Bellaire, Texas, to receive written and oral comments on the City’s proposed budget for the fiscal year beginning October 1, 2007, and ending September 30, 2008 (i.e., FY 2008). Said hearing is scheduled for Monday, August 20, 2007, at 6:00 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas.
The FY 2008 proposed budget document is based on information available to the City at the time the FY 2008 proposed budget document was filed with the City Clerk’s Office on July 19, 2007.

The City estimates that it will raise more tax revenue than the previous year. The FY 2007 budget was projected to raise $11,415,049, and the FY 2008 proposed budget is estimated to raise $11,781,554. The amount of increase is, therefore, estimated to be $366,505 or a 3.2% increase.

The City will not receive final tax information until the fall of 2007. For this reason, the amount of the increase that will be raised from new property added to the tax roll is not available at this time.

The proposed budget document is available for review in the City Clerk’s Office and the Assistant City Manager’s Office, City Hall, 7008 South Rice Avenue, Bellaire, Texas, Monday through Friday from 8:00 a.m. until 5:00 p.m., except for holidays. A copy is also available for review in the Bellaire City Library, 5111 Jessamine Street, Bellaire, Texas. A budget summary will be inserted in the City’s local newspaper of general circulation, the Southwest News, on or about Tuesday, August 14, 2007, and will also be available on the City’s website at www.ci.bellaire.tx.us.

Written comments may be submitted to the City Clerk prior to the public hearing. Such comments should be addressed as follows: Tracy L. Dutton, City Clerk, City of Bellaire, 7008 South Rice Avenue, Bellaire, Texas 77401-4495.

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

City Clerk Dutton noted that the “Notice of Public Hearing” was posted on the City’s bulletin board located at City Hall on Tuesday, August 7, 2007, at 10:30 a.m. The “Notice of Public Hearing” was also published in the legal notices section of the Southwest News on Tuesday, August 7, 2007, and again on Tuesday, August 14, 2007. The budget summary was inserted in the Southwest News on Tuesday, August 14, 2007.

One written comment was received prior to this evening’s public hearing and was presented to Mayor Siegel to be read into the record.
C. SUMMARY OF PUBLIC HEARING PROCEDURE – City Manager Bernard M. Satterwhite, Jr.

City Manager Bernard M. Satterwhite, Jr., summarized the public hearing procedure as follows:

During this evening’s public hearing on the proposed budget for the City of Bellaire, Texas, for the 2008 fiscal year, a brief introduction and overview of the budget will be given by the City Manager. Following that overview, the Mayor will recognize members of the City Council of the City of Bellaire, Texas, regarding any questions they might have. Following that, the Mayor will recognize citizens or other interested parties who have completed the sign-in sheet prior to commencement of the hearing. Comments will be limited to four (4) minutes for each individual.

Following comments from citizens or other interested parties, the Mayor will close the public hearing. Public comment will not be received following the close of the public hearing. Written comments may be submitted to the City Council in care of the City Clerk prior to final deliberation on the matter. It is anticipated that final deliberation on the matter will occur on September 10, 2007, therefore, the City Clerk must receive written comments by noon on Thursday, September 6, 2007. The sign-in sheet and written comment sheets have been provided at the entrance to the Council Chamber.

D. PRESENTATION/OVERVIEW of the proposed budget for the City of Bellaire, Texas, for the fiscal year beginning October 1, 2007, and ending September 30, 2008 (i.e., fiscal year 2008) – City Manager Bernard M. Satterwhite, Jr.

City Manager Bernard M. Satterwhite, Jr. presented an overview of the proposed budget for the City of Bellaire, Texas, for the fiscal year beginning October 1, 2007, and ending September 30, 2008 (i.e., fiscal year 2008) as follows:

Budget Cover Page

Under state statute, if the proposed budget was expected to raise more total revenue from property taxes than was raised in the previous year, the proposed budget, all the way through to the final budget, must contain a statement on its cover page in 18-point type or larger giving notice of the tax increase, the amount, and percentage of the increase and the amount of the increase that will be raised from new property added to the tax roll. The fiscal year 2007 budget was projected to raise $11,415,049, and the fiscal year 2008 budget has been estimated to raise $11,781,554, resulting in an estimated increase of $366,505 or a 3.2% increase.
Budget Approval Process

The entire budget was presented to City Council on July 16, 2007, and submitted to the City Clerk on July 20, 2007. The budget public hearing was set and was being held on Monday August 20, 2007. The “Notice of the Budget Public Hearing” was published twice in the Southwest News, and the Budget Summary was also published in the Southwest News. The entire proposed budget was available on the City’s website and at the Bellaire City Library.

After the evening’s public hearing, there was a Special Session scheduled before City Council to discuss and/or debate items brought up during the public hearing. There would also be an opportunity to discuss and/or debate individual budget items and, at that time, City Council could actually vote to add, remove, or tag individual items in the budget.

From August 22 to September 6, 2007, City Staff would incorporate changes to the budget, as necessary. The City planned to present the budget to City Council for approval on September 10, 2007.

Budget Considerations

Considerations taken into account in preparing the City’s fiscal year 2008 budget were noted as follows:

- City Council Goals and Objectives;
- Facilities Maintenance (routine, preventative, and project-based maintenance);
- Audit Management Letter;
- Emergency Management;
- Rebuild Bellaire/Bellaire Town Square;
- Expectations/Service Levels;
- Budget Resolution; and
- Tax Base Growth.

Tax Base

In tax year 2006, the City’s taxable value was $2,676,813,790. In tax year 2007, the estimated taxable value was noted to be $2,847,849,559, or a 6.39% increase.

Budgeting Process

- Budget Resolution;
- Revenue Forecasting;
- Expectations;
- Department Needs;
• Department Deliberations (Departments and Budget Director and City Manager);
• Future Capital Improvement Program Requirements;
• Future Vehicle, Equipment, and Technology Requirements; and
• Fine Tuning.

**Tax Rate Impacts**

It was noted that the tax rate was divided into two portions—the Debt Service Fund and the General Fund. The tax rate apportioned to the Debt Service Fund would be used to meet current and future debt obligations. Approximately 98% of the funds used to pay Debt Service would come from property taxes.

In the General Fund, approximately 50% of the funds would come from property taxes. The General Fund was used for operational expenditures and for reserves for future capital improvements. A fund balance consisting of two months of operating expenditures would also be maintained in the General Fund.

The fiscal year 2006 tax rate allocations were noted to be $0.165 per $100 valuation for the Debt Service Fund, and $0.305 per $100 valuation for the General Fund.

The fiscal year 2007 tax rate allocations were noted to be $0.15 per $100 valuation for the Debt Service Fund, and $0.29 per $100 valuation for the General Fund.

The proposed tax rate allocations for fiscal year 2008 were noted to be $0.14 per $100 valuation for the Debt Service Fund, and $0.28 per $100 valuation for the General Fund.

Within the Debt Service Fund, City Manager Satterwhite indicated that there was limited flexibility given future debt service requirements. He advised that the City did have a healthy fund balance in the Debt Service Fund under the proposed budget. If bonds continued to be issued on the schedule anticipated at the beginning of the Rebuild Bellaire Program, the debt service requirements would increase by nearly $1,000,000 per year. Keeping a fairly robust fund balance in the Debt Service Fund now would prevent the City from having to make upward adjustments in the tax rate in the future.

Increases in the tax rate could fund operations, future capital improvement projects, or accelerated debt payments. City Staff did desire to look at the Debt Service fund balance in order to consider accelerating debt payments, if possible.
Decreases in the tax rate impacted the General Fund only with respect to operations and/or capital improvement projects.

It was noted that a one cent adjustment (up or down) equated to $280,000. The fiscal year 2008 tax rate allocations decreased the Debt Service Fund portion by $0.01 per $100 valuation and decreased the General Fund portion by $0.01 per $100 valuation, or a total of $0.02 per $100 valuation.

**Budget Resolution Review**

Tax Rate of $0.42 per $100 valuation
- Allocation of $0.14 to Debt Service Fund: $3,927,185
- Allocation of $0.28 to General Fund: $7,854,369

General Fund Balance (unreserved): $2,246,183
Capital Improvement Program Reserve: $2,000,000
Vehicle, Equipment, and Technology Reserve: $1,000,000

**General Fund:**
- Revenues: $14,959,876
- Expenditures: $14,450,706
- Over/Under: $509,170

It was noted further that the non-personnel expenditure growth would not exceed the Municipal Cost Index, which was 3.37% for the period beginning June 2005 and ending June 2006. The Employee Cost Index was noted to be 4.6%. The total operational expenditure increase for the City for fiscal year 2008, excluding the Centennial Celebration was 2.07%. If the Centennial Celebration were included (i.e., approximately $156,000), the total increase for operational expenditures would be approximately 3.18%.

**Enterprise Fund**

Revenues for fiscal year 2008 included a full year of new water rates. The City was still committed to making a transfer from the Enterprise Fund to the Debt Service Fund of $950,000.

It was also noted that there were no new water system projects included in the fiscal year 2008 budget. There were approximately $8 million of water and wastewater projects planned over the next five years; however, the City wished to analyze the projects to determine which ones should be done, as well as the best method of financing the projects.

Water sales comprised approximately 46% of the Enterprise Fund revenues. Due to the rainfall the City had experienced in 2007 to
date, the revenues were down. Expenses in the Enterprise Fund were fairly even, with solid waste listed as the largest expense in that Fund.

**Debt Service Fund**

City Manager Satterwhite reiterated the fact that approximately $950,000 in additional debt would be coming online in the next two-three years due to projected bond issuances. Although there was a $1.6 million fund balance in the Debt Service Fund, City Manager Satterwhite hoped to fund the debt that would be coming online in the next three years with that fund balance so that the tax rate would not have to be increased. If the tax base continued to grow, it was possible for the tax rate to be decreased.

**Vehicle, Equipment, and Technology (VET) Fund**

The VET Fund was funded from previous years’ revenues and consisted of purchases of vehicles, heavy equipment, and technology (such as computers, printers, software, etc.).

**Capital Improvement Program (CIP) Fund**

City Manager Satterwhite indicated that the City had a five-year Capital Improvement Program plan in place. Most of the plan was derived from the various Master Plans that City Council had adopted over the last five years. Among the Master Plans included were the Parks Master Plan, water and wastewater studies, Rebuild Bellaire Program, Bellaire Town Square, Congestion Mitigation Air Quality Program (traffic signal improvements), and the Sidewalk Program. He noted that the Comprehensive Plan review had been added to the proposed budget based on discussions with City Council in July.

**Summary of Significant Items**

In summary, City Manager Satterwhite listed the following significant items that were included in the proposed fiscal year 2008 budget:

- Continued development of facilities management and maintenance programs;
- Water rates;
- Aquatics Facility/Bellaire Town Square;
- Finalization of plans and funding for major water/wastewater capitalization or disestablishment;
- Rebuild Bellaire facilities construction (i.e., it was noted that facilities construction had already begun); and
- Pay plan review.
Budget Summary (including transfers)

<table>
<thead>
<tr>
<th></th>
<th>Fiscal Year 2007</th>
<th>Fiscal Year 2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$15,004,911</td>
<td>$17,510,706</td>
</tr>
<tr>
<td>Debt Service Fund</td>
<td>$4,853,988</td>
<td>$4,864,095</td>
</tr>
<tr>
<td>Enterprise Fund</td>
<td>$6,406,952</td>
<td>$6,567,557</td>
</tr>
<tr>
<td>Total Budget</td>
<td>$26,265,851</td>
<td>$28,942,358</td>
</tr>
</tbody>
</table>

In order to provide a better comparison of operating expenditures between fiscal year 2007 and fiscal year 2008, City Manager Satterwhite presented the same budget summary without the transfers as follows:

Budget Summary (not including transfers)

<table>
<thead>
<tr>
<th></th>
<th>Fiscal Year 2007</th>
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<td>$25,882,358</td>
</tr>
</tbody>
</table>

Using the summary set forth above (excluding transfers), the budget increased by 2.44%.

E. QUESTIONS FROM THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS – Mayor Cindy Siegel.

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

Mayor Cindy Siegel

Q: Mayor Siegel asked for clarification that the $500,000 “surplus” left in the General Fund would, in part, help fund the Rebuild Bellaire Program pay-as-you-go component.

A: City Manager Satterwhite advised that Mayor Siegel was correct.

Q: Mayor Siegel referred to the expenditures for the Centennial Celebration in 2008, noting that those expenditures increased operating expenditures in the General Fund by a little more than 1%. She inquired as to whether any expected revenues for the Centennial Celebration were factored in or netted against those expenditures.

A: City Manager Satterwhite stated that the expenditures were not netted against any expected revenues.
F. RECOGNITION OF CITIZENS AND/OR INTERESTED PARTIES –
Mayor Cindy Siegel.

Carol Phillips, 540 South Second Street, Bellaire, Texas:

Ms. Phillips addressed City Council and asked them to consider the following before approving the proposed budget:

- $9 Million Facilities Bond

With respect to the $9 million facilities bond, Ms. Phillips asked City Council to provide taxpayers with a simple, clear description of how the $9 million facilities bond money had been spent and budgeted so far. She indicated that prior to the November 2005 Bond Election, voters were bombarded with promises that $7.5 million from the bonds would be reserved only for police, fire, and court facilities. All of the remaining $1.5 million was soon spent on the aquatics facility. The minutes from the last City Council meeting indicated that another $1 million in bond debt was approved and only about $5.8 million remained available (i.e., page 28 of the minutes dated August 6, 2007). Ms. Phillips inquired as to how much of the $1.7 million difference between the $7.5 million promised and the $5.8 million remaining had been budgeted and spent. She inquired further as to whether it was all going to police, fire, and court facilities as promised.

Ms. Phillips noted additionally that she was presenting City Council with a flyer published in the local newspaper, shown on the City’s website, and distributed at a public meeting regarding the bonds. She advised that this was the source she was referring to when addressing the promised $7.5 million.

She indicated further that she was afraid that Bellaire Town Square and a possible replacement of City Hall would take precedence over replacing the fire station or expanding the police station. She was afraid that City Hall costs would spiral out of control like the citizens saw with a simple pool house that evolved into the grandiose structure that could be seen now in Bellaire Park. She was also afraid that the police would continue to work at desks in the halls, and the fire station would collapse.

- Money for the Bellaire Arts Commission and Proposed History Walk

Secondly, Ms. Phillips addressed money for the Bellaire Arts Commission and the proposed History Walk. She stated that
the Bellaire Arts Commission had been discussing the possibility of moving the 1907 gateway monument from its historic location at the original entry to Bellaire (i.e., on the esplanade near the railroad tracks). She did not know their latest plans, but encouraged City Council not to authorize funds for a project that diminished the significance of the oldest, authentic piece of Bellaire history by moving it elsewhere or by placing a big, modern entry gateway right in front of it.

• Credit Card Fees

Thirdly, Ms. Phillips indicated that several thousands of dollars were budgeted for credit card fees. She urged City Council to have credit card users pay a small surcharge for the convenience of using a credit card rather than forcing taxpayers to subsidize the credit card users.

• Arborist Assistance in the Inspection Department

In closing, Ms. Phillips urged City Council to provide funding to hire a trained arborist to help the Inspection and Permit Departments, as those departments were overwhelmed with work. The departments did not have the time needed to assure that contractors followed Bellaire’s tree ordinance. As a result, it was hard to find a construction site that was in compliance with the ordinance.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee addressed City Council and advised that when the City Manager was running through his latest slide presentation, the numbers shown there did not seem to match the numbers on the “blue” budget insert insofar as the budget comparison expenditures in the operating funds. She advised that there was a difference of approximately $1 million and she did not understand why.

• Tax Rate Decrease

As always, the budget tended to get increasingly complex. The $0.02 decrease could be probably be increased to $0.03 given that the City seemed to have lots of money most of the time. One of the slides referred to a penny equaling $280,000. The promotion of the budget indicated that the City would see an increase in revenues of $366,000. Clearly, Ms. McBee felt that
the increase of revenues could accommodate another $0.01 reduction in the tax rate.

- **Senior Over 65 and Disabled Homestead Exemption**

  Ms. McBee noted that there had been no mention of reviewing the senior over 65 and disabled homestead exemption, which was currently $90,000. She stated that the exemption might be worth looking into. She noted that this would be of the most benefit to the citizens in that particular group.

- **Centennial Celebration**

  With respect to the Centennial Celebration expenditure of $156,000, Ms. McBee felt that this could clearly be trimmed by a large amount. She noted that City Council should not consider hiring a promotion media coordinator for the event, especially in light of the fact that City Council would not hire additional staff to help perform daily functions.

- **Comprehensive Plan**

  Ms. McBee noted that City Staff made a statement that they did not know how much was budgeted for the Comprehensive Plan and inquired as to the reason the amount was not known.

- **Bellaire Town Square**

  The Bellaire Town Square projects combined with parks projects combined with aquatics facilities totaled approximately $3 million. Ms. McBee noted that she could not swear to the dollar amount, as she could not figure it out. She felt like this was a great deal of money to spend on recreation. She thought some referenda should be considered as to what portion of the income and expenses should be applied to which functions, such as infrastructure.

- **Downtown Redevelopment**

  With respect to downtown redevelopment, the budget included $150,000 in expenditures. Ms. McBee advised that the City just bought a next to useless market study, which the property owners should have bought themselves. The City paid for this study, which told those property owners what they could build on their property downtown. She urged City Council to recoup that expenditure through assessments.
• Bellaire Arts Commission

Ms. McBee advised that the Bellaire Arts Commission had modestly suggested that a 1% fee be applied to all construction projects and diverted toward art. It would make Bellaire look much better than it currently looked, and Ms. McBee felt that such a fee could certainly be diverted for this purpose.

• Surface Water

It was noted that City Council had mentioned appealing the surface water rates that the City of Houston was charging Bellaire. She was not sure if City Council was still considering this or not. If the idea had been given up, it had certainly not been announced.

• Compensation Study

Ms. McBee stated that the biggest need she saw was certainly the compensation study. Also included in that review should be an evaluation of the workload. She noted that she believed the workload had increased for most of the employees due to added technology, functions in reporting, and tasks. However, the City had not helped its employees with that workload, which included additional staff, work quarters, and needed equipment.

Mayor Cindy Siegel advised that the City had received one written comment to be read into the record this evening. She read the written comment as follows:

Richard Franke, 1104 Howard Lane, Bellaire, Texas:

Thank you again for your dedicated service to the City of Bellaire. A few comments and suggestions concerning the budget follow:

1. Before approving a decrease in the tax rate should we not first consider the substantial amount of infrastructure and facilities work facing the City? It is recommended that the current rate be maintained or increased after evaluation of the infrastructure needs to determine what level of reconstruction (not rehabilitation) of infrastructure is feasible.

2. In addition to infrastructure, special studies to substantially revise the current Comprehensive Plan may soon be proposed.
that will require funding. Other special projects to study permeable drainage and revision of the Planning and Zoning approach to lot coverage and residential home size are also worthy of consideration.

3. What changes in terms and cost for employee health care and retirement funding are included in the budget? What is the unfunded amount of retirement and post-retirement health care (if any) commitments?

4. There apparently has been no major adjustment in the budget presentation relative to recent years. How are major activities, such as individual Parks and Recreation programs, the Therapy Pool, and water and sewage rates evaluated? How frequently are recreation program fees adjusted? The recent adjustment to water and sewer rates should be reopened as discussed below.

5. It is suggested that there be no further increase in senior citizen exemptions pending reassessment of infrastructure needs. This taxpayer is only a few years away from qualifying for that exemption, but the risk of unfunded reconstruction of infrastructure to property valuations must receive first priority. We would do well to compare the state of Bellaire's infrastructure with neighborhoods in Houston, such as Braeswood Place and Afton Oaks and West University, when considering our tax rates, homestead exemption and other aspects of our budget.

6. It is further suggested that the justification for continuation of the homestead exemption be discussed. West University had fewer street miles to reconstruct but did so without a homestead exemption and a clear commitment to completely reconstruct the entire city so no neighborhood could be denied in future administrations.

7. What are the plans for future bond offerings to complete reconstruction and should our tax rate affect those plans? Financial advisers and accountants may recommend a low debt ratio, but they must realize that the taxpayers on streets in need of reconstruction are bearing a disproportionate risk of property valuation decline and flooding.

8. Finally, did the Finance Office ever receive data from Harris County to update the ten-year historical analysis of property valuations and financial effect of homestead, senior and non-taxable exemptions? This was available several years ago and provides a basis for evaluating the effect of tax rates and
exemptions in relation to changes in appraised values that can be related to budget discussions.

Thank you again.

G. CLOSE OF PUBLIC HEARING – Mayor Cindy Siegel.

Mayor Cindy Siegel announced that the public hearing before the City Council of the City of Bellaire, Texas, related to the proposed budget for the City of Bellaire, Texas, for the fiscal year beginning October 1, 2007, and ending September 30, 2008, was closed at 6:40 p.m. on Monday, August 20, 2007. She advised that oral, public comment would not be received following the close of the public hearing. Written comments could be submitted to the City Council in care of the City Clerk prior to final deliberation on the adoption of the budget. Final deliberation was expected to occur on Monday, September 10, 2007. Written comments should be submitted by noon on September 6, 2007, to be considered for the public record.

Mayor Siegel also noted that the Bellaire City Council would meet on Tuesday, August 21, 2007, to further discuss the budget and public comment received this evening.

H. CONSIDERATION of and possible action to direct the City Clerk of the City of Bellaire, Texas, to place the proposed budget for the City of Bellaire, Texas, for the fiscal year beginning October 1, 2007, and ending September 30, 2008, on the agenda for City Council consideration during the Regular Session scheduled on September 10, 2007 (Texas Local Government Code, Section 102.007, Adoption of Budget, Subsection (a). At the conclusion of the public hearing, the governing body of the municipality shall take action on the proposed budget).

MOTION TO DIRECT CITY CLERK REGARDING THE PROPOSED BUDGET:

A motion was made by Councilman John Jeffery and seconded by Councilman Pat McLaughlan to direct the City Clerk of the City of Bellaire, Texas, to place the proposed budget for the City of Bellaire, Texas, for the fiscal year beginning October 1, 2007, and ending September 30, 2008, on the agenda for City Council consideration during the Regular Session scheduled on September 10, 2007.
VOTE ON MOTION TO DIRECT CITY CLERK REGARDING THE PROPOSED BUDGET:

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

FOR:        Siegel, Cindy
            Monday, John F.
            Davison, Debra Marz
            McLaughlan, Pat
            Jeffery, John

OPPOSED:    None

ABSENT:     Hickman, Will
            Faulk, Peggy

I. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Councilman Pat McLaughlan and seconded by Councilman John F. Monday to adjourn the Special Session (Budget Public Hearing) of the City Council of the City of Bellaire, Texas, at 6:41 p.m. on Monday, August 20, 2007.

VOTE ON MOTION TO ADJOURN:

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

FOR:        Siegel, Cindy
            Monday, John F.
            Davison, Debra Marz
            McLaughlan, Pat
            Jeffery, John

OPPOSED:    None

ABSENT:     Hickman, Will
            Faulk, Peggy

II. 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 7:00 p.m. on Monday, August 20, 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 John F. Monday, Position No. 2;
- Councilwoman Debra Marz Davison, Position No. 4;
- Councilman Pat McLaughlan, Position No. 5; and
- Councilman John Jeffery, Position No. 6.

Councilman Will Hickman, Position No. 1, arrived during the Personal/Audience Comments portion of the meeting. Mayor Pro Tem Peggy Faulk, Position No. 3, was 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 – Mayor Cindy Siegel.**

In light of the hurricane and storm season we were currently in, **Mayor Cindy Siegel** presented a “hurricane” refresher course, some of which was provided by Librarian Mary Alford and some of which came from the City’s website, for her inspirational reading as follows:

_Hurricane Anniversaries:

- August 29, 2005 – Hurricane Katrina;
- September 24, 2005 – Hurricane Rita; and
- September 11, 1961 – Hurricane Carla._

History teaches that a lack of hurricane awareness and preparation are common threads among all major hurricane disasters. By knowing your vulnerability and what actions you should take, you can reduce the effects of a hurricane disaster.

_Hurricane hazards come in many forms: storm surge, high winds, tornadoes, and flooding. This means it is important for your family to have a plan that includes all of these hazards. Look carefully at the safety actions associated with each type of hurricane hazard and prepare your family disaster plan accordingly. But remember this is only a guide. The first and most important thing anyone should do when facing a hurricane threat is to use common sense._

You should be able to answer the following questions before a hurricane threatens:

_What are the hurricane hazards?_
What does it mean to you? 
What actions should you take to be prepared?

The City of Bellaire had a disaster plan in place to prepare and respond to natural and man-made disasters. As part of our plan, the City of Bellaire participates with Harris County and the State of Texas and receives current information regarding pending hurricanes or floods that might harm Bellaire residents or their property.

The City Manager and emergency personnel started monitoring the statewide conference calls last week as soon as it looked like Hurricane Dean might be approaching the Texas coast. Although staff does a great deal to prepare for emergencies, we are all our own family’s first line of defense and first responders in the case of any hurricane or flood. Your preparations should include whether or not you are sheltering in your home or evacuating to a safer place prior to the hurricane.

The City or the Red Cross will not have shelters open during a hurricane or flood event. However, if you are forced out of your home due to serious wind or water damage, the City will provide you shelter until the Red Cross has an area shelter open or other shelter is found. Emergency experts believe you are safer in a smaller structure like your home, rather than in a large building with a wide roof expanse (like City Hall or the Recreation Center) that might not hold up under high winds.

Information and any instructions regarding an approaching hurricane or flood will be communicated to Bellaire residents through a variety of avenues. First, information is communicated using Channel 16 and the City webpage at www.ci.bellaire.tx.us. Secondly, public announcements are sent through the emergency alert system to the local TV and radio stations for broadcasting. Third, the City may use the reverse 911 system to call residents with emergency instructions.

Lastly, the Mayor encouraged those with special needs or those that knew of others in the community with special needs, to please call 211 to register (state program).

C. PLEDGES TO THE FLAGS – Mayor Cindy Siegel.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

Mayor Cindy Siegel led the audience and 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 Special Session (Public Hearing) and Regular Session of the City Council of the City of Bellaire, Texas, held Monday, August 6, 2007 – Action by Members of City Council (Item submitted by City Clerk Tracy L. Dutton).

MOTION TO APPROVE MINUTES:

A motion was made by Councilwoman Debra Marz Davison and seconded by Councilman Pat McLaughlan to approve the minutes of the Special Session (Public Hearing) and Regular Session of the City Council of the City of Bellaire, Texas, held Monday, August 6, 2007.

VOTE ON MOTION TO APPROVE MINUTES:

Motion carried on a vote of 4-0-1 as follows:

FOR: Siegel, Cindy Davison, Debra Marz McLaughlan, Pat Jeffery, John

OPPOSED: None

ABSENT: Hickman, Will Faulk, Peggy

ABSTAIN: Monday, John F.*

*Councilman John F. Monday abstained from voting on the City Council minutes of the Special Session (Public Hearing) and Regular Session held on Monday, August 6, 2007, due to his absence from that meeting.

E. PERSONAL/AUDIENCE COMMENTS.

Note: Councilman Will Hickman arrived during the Personal/Audience Comments portion of the meeting and began his participation at that time.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee addressed City Council and noted that it was 30 years ago this month, in 1977, that 4,619 Bellaire voters at a Special Recall Election called by Initiative Referendum succeeded in recalling from elected office four of the five members of City Council. Removed were
Mayor Joe Poindexter and Councilmen Jack Gurwell, Jim Hagood, and Edwin Milwee. Councilman David Dewhitt survived the effort. Remaining on the Council with Dewhitt were Rod Rethwisch and Louise Ware.

The issue revolved around land use and density of development along Interstate Highway 610 (Loop 610). In the fall of 1976, a straw vote on density was conducted. Of 4,623 ballots cast, 79% voted for reduction in the 610 corridor for other than commercial. The straw vote was presented to the City Council and ignored. Again, when a moratorium on building permits was called for to allow for pending action on a revised comprehensive plan that might lower density of commercial development, the then Council in 1977 voted 2-5 to reject the moratorium. This and more occurred over a period of months.

Following repeated refusals by the Council majority to heed the tidal wave of pleas by the citizens to slow down development, the Bellaire Civic Action Club (BCAC) was formed, headed by residents Taylor Hicks, an attorney, and Tom Teer, a physicist, to lead the citywide effort to reduce commercial development density involving lot coverage and building height. The BCAC, in the face of Council ignoring the outcry by the community, mounted an initiative petition, which was allowed by the City’s Charter, calling for the recall of five members of City Council who had voted against the moratorium on development building. Intense campaigning followed with the Special Recall Election held on August 1, 1977, leading to the mandated removal of the above-referenced Mayor and four members of City Council. On August 15, 1977, the final meeting of the City Council was held to certify a recount of the Special Recall Election vote. Surviving Councilmen Dewhitt, Ware, and Rethwisch traveled to the State Capitol to ask the Governor to approve a Special Election to replace the recalled four members of City Council. With the Governor’s approval, a date of October 1, 1977, was set for the Special Election to fill the four vacancies.

The Special October 1977 Replacement Election resulted in the election of Rod Rethwisch for Mayor and Councilmen Carol Schum, Bill Berryhill, and Tom Kilbey. Louise Ware and David DeWhitt remained. The vacancy created in Rod Rethwisch’s prior City Council seat was filled by appointment by the new City Council of Taylor Hicks.

For thirty years, the lesson learned was “don’t ignore an aroused community” and “don’t try to overbuild against the will of the people.” The lack of response to the community by its representatives has not been repeated with such blatant disregard since those events thirty years ago this month. These lessons in our community preserved the residential rebirth of the City, as the citizens of the 1930s, 1940s, 1950s, 1960s, and 1970s had expressed many times and in many
ways. It reasserted that elected officials represent, but the citizenry direct.

Long-Term Results:

- Zoning has been focused upon the 20-year residential resurgence and replacement of Bellaire housing stock—far exceeding any appraised value of commercial development.

- The Bellaire Chamber of Commerce became the Southwest Houston Chamber of Commerce, was no longer openly involved in local Bellaire elections and commercial rezoning endorsements.

- Density of development was capped with a building height maximum of six stories.

- Open green space, water detention, parks development, and continued non-partisan local elections have been preserved. Bellaire was a lesson to developers throughout the area.

- There was always the possibility that the lesson might need to be repeated should there again be a non-responsive, runaway Council in office. The initiative petition process remained as an option of the people of Bellaire as authorized by the City Charter.

In closing, Ms. McBee reminded that the City of Homes continued after 100 years of such lessons.

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**Linda Norris, 5117 Grand Lake Street, Bellaire, Texas:**

**Ms. Norris** addressed City Council and advised that she was one of the old members of the Bellaire Civic Action Club (BCAC). She read an article in the *Bellaire Examiner* several weeks ago that listed ways under consideration for the development of Bellaire’s downtown area. Going back to the BCAC era, the citizens were told that the City Hall was falling down and it needed to be replaced. She knew that City Council had decided to try to repair what the City already had. She hoped that this time around the City had better building standards and/or inspected it better than it was before. She expressed concern related to having the same problem occur over and over again.

With respect to the downtown area, she was uncertain as to how many different studies the City had commissioned for that area. In the most
recent study, the consultant had recommended “corporate welfare” that needed to be done for developers to reduce their risk. One of the recommendations was a Tax Increment Financing District. The City had done this before as well. Another recommendation was for a Management District on Bellaire Boulevard all the way down to the Loop. She did not know what was meant by “Management District,” but assumed it had something to do with retail development.

In closing, Ms. Norris urged City Council to read their history before going anywhere near a Tax Increment Financing District or a Management District. This was just exactly the sort of thing that made Bellaire erupt 30 years ago.

Lee Norris, 5117 Grand Lake Street, Bellaire, Texas:

Mr. Norris addressed City Council and advised that he wished to honor an early member of the Bellaire Civic Action Club (BCAC) who could not be present this evening—Hana Ginzbarg. He advised that Hana was one of the movers and shakers in the early days of the BCAC and deserved accolades.

Mr. Norris advised that he would like to reminisce a little about things that both Lynn McBee and Linda Norris had said as anniversaries tended to present opportunities for remembrance and reflection. When Mr. Norris and his wife, Linda, moved to Bellaire in 1977, it was a very different time. The residential housing stock was in a period of stasis. People were actually moving further out of the area. On the other side, commercial development was frenetic and there was a move to have the Galleria march southward down Loop 610 to the consternation of many of the local residents.

As Ms. McBee indicated, the disenchantment with the then Council arose as a feeling that they were being blatantly non-representative to residential interests. This political instability lasted for several years.

Presently, things were different and things were stable. He believed this was a result, in part, of that revolution and the commercial development that did not happen. Bellaire was viewed as a desirable residential community and the housing stock had been generating so rapidly that it had actually become something of a problem. It was, however, certainly good for tax revenues.

Mr. Norris stated that the developers would always be more articulate and better organized than the citizens, at least in the early stages because developers did this for a living. Citizens did not want to be at
meetings, but would rather be at home. If citizens were sufficiently motivated, however, things could happen. He advised that the current Council was certainly orders of magnitude more responsive to the citizenry than their counterparts of three decades ago.

The plea of Mr. Norris’ reflection was for City Council not to completely forget that the developers looked good, sounded good, were beguiling, and were easy to believe, but might be contrary to the interests of the citizenry which, if pushed far enough, would eventually strike back.

F. REPORTS:

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

MISSION AREA:

Residential Safety

With respect to Residential Safety, City Manager Satterwhite referred to the recent tropical storm that hit the Bellaire area (Tropical Storm Erin), noting that rainfall had occurred for approximately one hour at a rate of 3-4 inches per hour.

City Staff met regarding Hurricane Dean on Friday. It was noted that the storm was originally forecast to hit the Texas coast, however, as the weekend progressed, it appeared that the storm would not threaten the Texas coast. City Staff would continue to monitor that storm.

The audience and City Council were directed to visit the City’s website for hurricane preparation information.

INDICATORS:

Crime

City Manager Satterwhite indicated that crime was slightly up from this point last year, but well below the five-year trend line. The only individual crimes higher than last year were robbery and motor vehicle theft. The robberies occurred at night, as well as during the daytime in private parking lots and driveways. Citizens were urged to be cautious. Overall, individual crimes were down from the previous year.
Building Permits

The number of permits issued in June was slightly higher than June of the previous year, and were approximately the same for July of this year and the previous year.

The value of permits was running strong and trended upward over the last five years.

CURRENT ISSUES:

Trolley Pavilion

With respect to the Trolley Pavilion, it was noted that an engineer had been contacted to look at the Trolley Pavilion and assist the City to put together a project to preserve the structure on its present site. Repair costs were included in the 2008 Capital Improvements Program budget.

Bond Sale – Rebuild Bellaire Program

City Manager Satterwhite indicated that the next bond sale for the Rebuild Bellaire Program was supposed to have occurred on August 20, 2007. City Staff put it off until September 10, 2007, due to difficulties with notifications.

UPCOMING MEETINGS:

<table>
<thead>
<tr>
<th>Date</th>
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<tbody>
<tr>
<td>08/21/2007</td>
<td>7:00 p.m.</td>
<td>Special Session (Budget Discussions)</td>
</tr>
<tr>
<td>08/22/2007</td>
<td>6:30 p.m.</td>
<td>Facilities Committee</td>
</tr>
<tr>
<td>08/27/2007</td>
<td>7:00 p.m.</td>
<td>Centennial Planning Committee</td>
</tr>
<tr>
<td>09/06/2007</td>
<td>6:30 p.m.</td>
<td>Strategic Planning Development Committee</td>
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<tr>
<td>09/10/2007</td>
<td>7:00 p.m.</td>
<td>Regular Session</td>
</tr>
<tr>
<td>09/17/2007</td>
<td>7:00 p.m.</td>
<td>Regular Session</td>
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QUESTIONS/COMMENTS FROM CITY COUNCIL:

South Rice Avenue Resurfacing

Councilman Pat McLaughlan referred to the South Rice Avenue resurfacing project and inquired as to whether the project could be deferred until sometime after Condit
Elementary School had opened or, possibly, until the following summer.

City Manager Satterwhite indicated that the project would be deferred as long as possible until or just before the Christmas school break. Since this project was part of another ongoing project, it could not be deferred until next summer.

**Ferris Street Reconstruction**

Councilman McLaughlan inquired as to whether the portion of the Ferris Street reconstruction project between Maple and Valerie Streets would be completed before or by the time that Bellaire High School opened. Also of concern was the lack of a drainage system along the Ferris Street corridor, notably during this time of tropical storm/hurricane season.

City Manager Satterwhite indicated that the referenced project would be substantially complete. City Staff had discussed and would work with the contractor on Ferris Street to ensure overland flows of water in the event of a storm.

**Printing of Agenda in English, Spanish, and Vietnamese**

Mayor Cindy Siegel referred to the fact that portions of this evening’s agenda were printed in English, Spanish, and Vietnamese and asked if an explanation could be provided for that.

City Attorney Alan P. Petrov advised that the U.S. Department of Justice, under the federal Voting Rights Act, required governmental entities providing notice of an election to provide that notice in English, Spanish, and Vietnamese. Since the City of Bellaire was calling its General Election on this agenda, it was necessary to provide the notice in all three referenced languages.

**Rebuild Bellaire Program**

Mayor Siegel referred to comments received from citizens related to the City’s expenditure of bonds issued under the Rebuild Bellaire Program and asked that a summary be provided during City Council’s Special Session scheduled for Tuesday, August 21, 2007.

City Manager Satterwhite advised that he would prepare such a summary.
Historical Marker on Bellaire Boulevard at Railroad Track

Councilwoman Debra Marz Davison, Council Liaison to the Bellaire Arts Commission, noted that she was not aware of any plans by the Bellaire Arts Commission to move the historical marker currently located on Bellaire Boulevard at the railroad track. She inquired as to whether the City had a different understanding.

City Manager Satterwhite indicated that he had spoken with Former Chair Cindy Cozewith of the Bellaire Arts Commission, about the new gateway markers earlier in the day. Ms. Cozewith indicated that the specific site for the gateway markers had not been approved by City Council yet. He was not aware of any specific plans to move the referenced historical marker.

MOTION TO ACCEPT REPORT INTO THE RECORD:

A motion was made by Councilman Pat McLaughlan and seconded jointly by Councilman John Jeffery and Councilwoman Debra Marz Davison 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 6-0 vote as follows:

FOR:  Siegel, Cindy
       Hickman, Will
       Monday, John F.
       Davison, Debra Marz
       McLaughlan, Pat
       Jeffery, John

OPPOSED:  None

ABSENT:  Faulk, Peggy

2. FINANCIAL REPORT – Chief Financial Officer Donna Todd.

Chief Financial Officer Donna Todd presented the Financial Report for the City of Bellaire, Texas, for the ten months ended July 31, 2007, to City Council.
She noted that the summary page had been redesigned for the purpose of condensing the information on a single sheet of paper so that City Council could see a snapshot from the current fiscal year to the previous fiscal year. Following that was a summary of revenues by fund and expenditures by department. A second purpose for the redesign was to segue way into a comparison of fiscal year to date to budget.

REVENUES:

General Fund

It was noted that revenues were higher this year as compared to the previous year. The increase was attributable to property and franchise taxes.

Debt Service Fund

The property taxes in the Debt Service Fund were also noted to be higher than the previous year.

Enterprise Fund

With respect to the Enterprise Fund, it was noted that all of the utility operations were higher than the previous year. Chief Financial Officer Todd referred to the implementation of a curbside recycling program in late 2006, noting that it had generated $133,000 for the City this fiscal year.

EXPENDITURES:

General Fund

The General Fund was up approximately 10½% over the previous year, with expenditures higher in all departments with the exception of Facilities.

Enterprise Fund

The Enterprise Fund was also higher than the previous year, with some high expenses for trash hauling, contract labor, and maintenance on the City’s lift stations and wastewater treatment plant, as well as the cost of wastewater treatment chemicals.
Vehicle, Equipment, and Technology (VET) Fund and Capital Improvement Program (CIP) Fund

The VET Fund and the CIP Fund were comparisons of year-to-year spending. This fiscal year, the CIP Fund expenditures were primarily for the Bellaire Town Square swimming pool.

**ACTUAL VERSUS BUDGET:**

Chief Financial Officer Todd indicated that overall the General Fund expenditures did not appear to be out of line with the budget. The year-to-date expenditures were between 72% and 80% of the budget for the fiscal year. The Finance Department had the lowest percentage of expenditures at 68% due primarily to the absence of a Chief Financial Officer for the majority of this fiscal year.

Property taxes were at 99% of the budget and were expected to meet or exceed the budget within the next two months. Delinquent taxes were higher than budget by approximately $19,000.

Sales taxes were at 86% of the annual projection, and permits were at 70% of the annual projection.

Contributions included furniture and electronics from the Bellaire Volunteer Fire Department to the Bellaire Fire Department and $50,000 from Harris County for maintenance and operations of the City’s Nature Discovery Center in Russ Pitman Park.

In the Enterprise Fund, revenues were at 71% of the annual budget and water usage was down as a result of the excessive rainfall in the last few months. It was noted that there were over 11 inches of rainfall during the month of July. There were also fewer sales of new water service meters during the month.

**QUESTIONS/COMMENTS FROM CITY COUNCIL:**

**Home Sales/Rentals**

Councilman Will Hickman referred to page 34 of the Financial Report, noting that the City currently tracked the number of homes for sale. He inquired as to the possibility of tracking the number of homes for rent.

Chief Financial Officer Todd stated that she would see what she could find out. She felt that she could obtain the
information from realtors, but might not be able to get a good representation due to the difficulty of finding out individual listings.

**Curbside Recycling Program**

Councilman Hickman inquired as to the ability to obtain a comparison of curbside recycling program revenues to expenses.

Chief Financial Officer Todd advised that she would look into it and report back.

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

A motion was made by Councilman Pat McLaughlan and seconded by Councilman Will Hickman to accept the Financial Report for the City of Bellaire, Texas, as presented by Chief Financial Officer Donna Todd into the record.

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

Motion carried unanimously on a 6-0 vote as follows:

**FOR:** Siegel, Cindy
Hickman, Will
Monday, John F.
Davison, Debra Marz
McLaughlan, Pat
Jeffery, John

**OPPOSED:** None

**ABSENT:** Faulk, Peggy

3. **PRESENTATION, DISCUSSION, and possible approval of a plan for parking for the Aquatics Facility located in Bellaire Town Square and a plan to enhance safety for pedestrians crossing South Rice Avenue in the vicinity of Condit Elementary School and Bellaire Town Square – Discussion and possible action by Members of City Council (Item presented by City Manager Bernard M. Satterwhite, Jr.; Item submitted by Director of Public Works Joe Keene). Note: This item was placed on the August 6, 2007, agenda, but removed at the request of City Manager Bernard M. Satterwhite, Jr., until more members of City Council could be present.
City Manager Bernard M. Satterwhite, Jr., advised that the purpose of the presentation this evening was related to safety for those trying to park along South Rice Avenue, as well as pedestrians trying to cross South Rice Avenue where Laurel Street used to be located coming either from the parking lot on the east side of the street at Condit Elementary School or coming from the residences on the east side of South Rice Avenue. The recommendations to be made this evening were also in anticipation of the development of Bellaire Town Square over the next several years.

The Bellaire Town Square Master Plan called for two fairly large, well-lit parking lots. City Staff was not ready to construct those two parking lots at this time due to the uncertainties regarding construction sequencing of other elements of Bellaire Town Square, as well as the Facilities Committee’s current review and evaluation of other City facilities. City Staff did not wish to spend a great deal of money on permanent parking lots that might not fit in with other plans under development now.

In summary, City Staff recommended that the existing parking lots be regraded, resurfaced with asphalt, and restriped to ensure that the maximum number of parking spaces was provided, while maintaining safety. The permanent parking lots could then be constructed once Bellaire Town Square was finalized.

With respect to pedestrians crossing South Rice Avenue, two alternatives for the area between Bellaire Boulevard and Jessamine Street were presented for City Council consideration as follows:

- Plan 1 (One Lane – High Angle Head-In Parking) would condense the existing two lanes of traffic flowing south from Bellaire Boulevard to one lane at Linden Street on the east and west sides of South Rice Avenue to Jessamine Street. In addition, high angle head-in parking would exist on the west side and parallel parking would exist on the east side of South Rice Avenue. Crosswalks for South Rice Avenue were recommended to be constructed where Laurel Street used to be and at Jessamine Street. This plan did not provide for left turns into the Aquatics Facility parking lot or the Condit Elementary School parking lot. The center esplanade would be painted on the pavement initially in order to allow an opportunity for change if problems existed.
Traffic flowing from the north would transition into one lane with the far right lane being a “right turn only” lane, the center lane being a through only, and the left lane being a “left turn only.”

- Plan 2 (Two Lanes – Parallel Parking) – would consist of two lanes of traffic heading north and south with a dedicated left turn into Linden Street and dedicated turns at Jessamine Street. This plan would necessitate parallel parking on both sides of the street. The parking spaces would be striped. The crosswalk areas would be the same.

Signage regarding the crosswalks was shown to City Council by means of PowerPoint presentation slides.

**QUESTIONS/COMMENTS FROM CITY COUNCIL:**

**High Angle Head-In Parking**

_Councilman John F. Monday_ inquired as to the number of parking spaces to be gained with high angle head-in parking along South Rice Avenue.

_Dan Lynch, P.E., Traffic Engineers, Inc._, advised that it was impossible to accurately reflect the number of parking spaces to be gained as the City currently had no markings for its parallel parking spaces. He advised that the parallel parking and the angled parking would be virtually the same.

_City Manager Bernard M. Satterwhite, Jr._, advised that, in practice, there would be a few more spaces with the head-in parking.

**Crosswalk Concerns/Issues**

_LED (Light Emitting Diode) In-Pavement Lighting for Crosswalk**

_Councilman John F. Monday_ inquired as to _Engineer Lynch’s_ opinion, based on experience, of the effectiveness of the LED in-pavement lighting.

_Engineer Lynch_ advised that the early versions of LED in-pavement lighting were not very good. The newer versions had improved.
**Yield to Pedestrians**

Councilman Will Hickman expressed concerns that drivers might not yield to pedestrians at the crosswalk and inquired as to the possibility of a stoplight for the crosswalk.

Engineer Lynch advised that a stoplight was not recommended.

City Manager Satterwhite noted that one of the problems with a stoplight for pedestrians was that vehicles adhered to the red light, but pedestrians did not necessarily adhere to it. An example was the stoplight at Post Oak Road and The Galleria in Houston.

Councilman Pat McLaughlan referred to the proposed “yield to pedestrians” sign. He felt that pedestrians might have a false sense of security that cars would yield to them.

**Esplanade Concerns/Issues**

Councilman Hickman expressed concerns with a painted esplanade, advising that he felt drivers would drive over it either on purpose or negligently. He suggested bumps or a curb.

Engineer Lynch stated that ceramic markers could be added in at the esplanade. If problems were to occur shortly after one of the plans were implemented, the paint could more easily be removed. The esplanade would ultimately consist of raised concrete and trees or shrubbery would be planted on it.

Councilman Hickman asked if it were possible for a raised median to be in place before the next swimming season.

Engineer Lynch advised that he did not believe it would be possible. In his view, the area between Bellaire Boulevard and Jessamine Street was about pedestrians.

City Manager Satterwhite agreed that it was important to construct an esplanade initially with the use of painted markings.

Councilman McLaughlan agreed with Councilman Hickman with respect to a raised median. He suggested that a trial period would not be necessary and City Council should make a decision to construct a raised median that would serve as a
“safety zone” for pedestrians. The best fallback position would be the bumps as mentioned by Councilman Hickman.

**City Manager Satterwhite** referred to the possibility of constructing crossing islands in the center of South Rice Avenue for the purpose of creating a "safety zone."

**Engineer Lynch** stated that if City Council elected to go with a wider median (18 feet) as opposed to a smaller median (10 feet), then there was a chance that the traffic congestion might be such that City Council would want to back off of the wider median. He believed that the 18-foot median was better for the pedestrians.

**Councilman Monday** stated that he liked the idea of a safety island, and noted that he had seen many such islands that were small in his travels. He noted that those islands worked well.

**Engineer Lynch** agreed that adults could do well with a small island. His concern was families with children as he felt these were the types of pedestrians that might use the crosswalk more.

**Conclusion**

**Councilman Monday** stated his preference would be the parallel parking design in order to maintain the through traffic on two lanes.

**Councilman Hickman** referred to those situations with “yield to pedestrian signs” and two-lanes of traffic. Oftentimes, only one of the two lanes of traffic would let a pedestrian pass. He felt the two lanes of traffic might be hazardous to the pedestrians, and asked if there could be a narrower median and low angle head-in parking to accommodate more cars.

**Engineer Lynch** stated that the advantage to high angle parking was protection of the passenger side of vehicles that were parking. In other words, none of the doors of the vehicles would open into each other. High angle also allowed for greater visibility for those backing out of a space.

**Councilman Hickman** asked if a single lane of traffic on each side of South Rice Avenue, with a ten-foot median, and head-in parking at a 45 degree angle, would provide more parking spaces.
Engineer Lynch stated that before he could give an answer, he would need to look at the operation of the 45-degree angle with respect to everything else on South Rice Avenue. His first inclination would be not to recommend it.

City Manager Satterwhite advised that he did not believe there was enough space for a 45-degree angle, adding that there would be a gain of only four feet on each side (i.e., going from an 18-foot median to a 10-foot median).

Mayor Cindy Siegel inquired of Engineer Lynch as to his opinion on the safer option from a pedestrian standpoint.

Engineer Lynch stated that he would recommend single lanes of traffic with a wider median from a pedestrian safety standpoint.

Mayor Siegel asked if there would be problems for Condit Elementary School if the City reduced the number of through traffic lanes down South Rice Avenue to single lanes.

City Manager Satterwhite advised that the drop-off lane for the school would remain as it was.

Mayor Siegel asked if the lights at Jessamine would have a left turn arrow.

Engineer Lynch advised that there were no plans to put left turn phasing into the light at Jessamine Street. The advantage at that intersection would be a left turn pocket, which did not currently exist.

Mayor Siegel advised that she would lean toward the angled parking and single lanes of traffic. She was hoping that these improvements could be place by January for the beginning of the Centennial Celebrations.

Councilwoman Debra Marz Davison referred to the light at Bellaire Boulevard and South Rice Avenue, noting that there was very little distance between that light and the targeted crosswalk. She expressed concerns about that.

Engineer Lynch agreed and advised that it was not known how it would work at this point in time.

Councilwoman Davison agreed with the wider median, angled parking, and dedicated right-hand turn off of South Rice Avenue. She would also like to see the crossing islands.
Councilman McLaughlan referred to support of the emergency services response to incidents. An emergency response vehicle with only one lane of traffic and being hemmed in by a curbed esplanade would have great difficulty getting through that stretch of South Rice Avenue. With two lanes of traffic, vehicles could generally move to allow the emergency response vehicle to get by. If there were only one lane and a striped median, the emergency vehicle could still get by over the striped median. He felt this should be a consideration in making the determination as to which plan to go with.

Mayor Siegel asked City Manager Satterwhite if he were looking for direction this evening or if he wished to investigate the issue further and provide a recommendation at a later date.

City Manager Satterwhite stated that he would like to take the issues and concerns addressed this evening into consideration and return with a proposal to City Council at a later date.

G. NEW BUSINESS:

1. CONSENT AGENDA:

CONSIDERATION of and possible action on a request from the Community Development, Finance, Fire, Library, Organizational Services, and Public Works Departments to discard, auction, and/or store for future use surplus City property.

MOTION TO APPROVE CONSENT AGENDA:

A motion was made by Councilman John Jeffery and seconded by Councilwoman Debra Marz Davison to approve the Consent Agenda dated August 20, 2007, consisting of a request from the Community Development, Finance, Fire, Library, Organizational Services, and Public Works Departments to discard, auction, and/or store for future use surplus City property.

VOTE ON MOTION TO APPROVE CONSENT AGENDA:

Motion carried unanimously on a 6-0 vote as follows:

FOR: Siegel, Cindy
     Hickman, Will
     Monday, John F.
FOR (CONT.): Davison, Debra Marz  
McLaughlan, Pat  
Jeffery, John

OPPOSED: None

ABSENT: Faulk, Peggy

2. ADOPTION OF ORDINANCES:

Code Amendment

a. CONSIDERATION of and possible action on the adoption of an ordinance amending the Code of Ordinances of the City of Bellaire, Texas, Chapter 24, Planning and Zoning Regulations, Article II, Definitions and Interpretations, Section 24-202, Definitions, for the purpose of deleting and replacing certain definitions therein as such definitions relate to surface and lot coverage – 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 John Jeffery and seconded by Councilman Pat McLaughlan to adopt an ordinance amending the Code of Ordinances of the City of Bellaire, Texas, Chapter 24, Planning and Zoning Regulations, Article II, Definitions and Interpretations, Section 24-202, Definitions, for the purpose of deleting and replacing certain definitions therein as such definitions relate to surface and lot coverage.

DISCUSSION:

Councilman Pat McLaughlan noted that he felt that the agenda item should be deferred to a Workshop Session to include the Planning and Zoning Commission of the City of Bellaire, Texas. He advised that only four of the seven members of City Council were present for the public hearing, and the subject was rather complex. He felt that the subject could be more effectively evaluated if both bodies convened in a Workshop Session.
MOTION TO POSTPONE ACTION TO ADOPT ORDINANCE:

A motion was made by Councilman Pat McLaughlan and seconded by Councilman Will Hickman to postpone action to adopt an ordinance amending the Code of Ordinances of the City of Bellaire, Texas, Chapter 24, Planning and Zoning Regulations, Article II, Definitions and Interpretations, Section 24-202, Definitions, for the purpose of deleting and replacing certain definitions therein as such definitions relate to surface and lot coverage until a Joint Workshop Session could be scheduled and held between the City Council of the City of Bellaire, Texas, and the Planning and Zoning Commission of the City of Bellaire, Texas.

DISCUSSION ON MOTION TO POSTPONE:

Councilman Will Hickman advised that the reason he wished to postpone action until such time as a Joint Workshop Session could be scheduled and held was due to the fact that there were enormous exceptions in place related to swimming pools, decks, and graveled walkways. Therefore, he did not see how the recommendation closed any loophole as such loophole related to green space. He felt that a Joint Workshop Session would allow City Council to look at the regulations from a broader perspective in order to solve the green space issue.

Mayor Cindy Siegel agreed with the motion. She wished to review Resident Carol Phillips’ comments and paperwork from the public hearing, as well as to look at the Levine’s paving system.

Councilman McLaughlan advised that he felt that some boundaries should be put in place with respect to what City Council expected the Planning and Zoning Commission to do when they returned to City Council. The presentation and subsequent recommendation from the Planning and Zoning Commission dealt with permeable paving systems. Swimming pools and decks were specifically excluded. Although Councilman McLaughlan agreed that those issues were valid and should be considered, he felt that in order to keep the process flowing, the intent of his motion was for the Planning and Zoning Commission to come back to
discuss the porous paving system. City Council could always suggest that the Planning and Zoning Commission subsequently investigate other factors affecting lot coverage.

**Mayor Siegel** stated that the Joint Workshop Session would cover the porous paving system. She felt that there was confusion during the hearing as some people thought the issue was related to green space and others thought it was related to drainage. She felt that further direction to the Planning and Zoning Commission would come as a result of the Joint Workshop Session.

**Councilman McLaughlan** stated that it was important to arrive at a resolution on the recommendation that the Planning and Zoning Commission presented to City Council. He was concerned that City Council would lose the protection of the public hearing process. For example, if City Council became too expansive, the public hearing process might have to start again.

**City Attorney Alan P. Petrov** noted that the Planning and Zoning Commission and City Council had held public hearings on the proposal before City Council. Modifications could be made to the proposal based on comments received or discussions regarding the proposal, however, if City Council went too far in making modifications, a second public hearing would be necessary. At some point, the public needed to know what City Council was acting on. If City Council went beyond what had already been noticed, then another public hearing would be required.

**Mayor Siegel** stated that she wanted to hold the Joint Workshop Session to be able to receive clarification from the Planning and Zoning Commission regarding other issues that arose.

**Councilwoman Debra Marz Davison** advised that she was not against addressing some of the issues that Councilman Hickman referred to, but agreed with Councilman McLaughlan with respect to the fact that City Council needed to address the recommendation currently before them.

**Mayor Siegel** stated that City Council could workshop anything; however, when this item came back for a
vote, the item before City Council this evening would still be the same item to be voted upon.

**Councilman Hickman** asked if City Council should hold a Special Session rather than a Workshop Session so that a vote could occur that evening.

**Mayor Siegel** advised that City Council could schedule a Special Session after the Workshop Session in order for the recommendation to be addressed that same evening.

**Councilman McLaughlan** stated that the normal process was to hold a Workshop Session for the purpose of collecting information and allowing City Council the opportunity to think about the information that was collected. The recommendation could then be placed on the next regular City Council agenda. Although this was a bit of a pressing issue, he did not believe that it was a critical issue.

**AMENDMENT (NO. 1) TO MOTION TO POSTPONE ACTION TO ADOPT ORDINANCE:**

An amendment (no. 1) to the motion to postpone action to adopt ordinance was made by Councilman Will Hickman to schedule a Special Session after the Joint Workshop Session for the purpose of taking action on the recommendation from the Planning and Zoning Commission the same evening.

Amended motion failed due to lack of a second.

**VOTE ON MOTION TO POSTPONE ACTION TO ADOPT ORDINANCE:**

Motion carried unanimously on a **6-0** vote as follows:

**FOR:** Siegel, Cindy  
Hickman, Will  
Monday, John F.  
Davison, Debra Marz  
McLaughlan, Pat  
Jeffery, John

**OPPOSED:** None

**ABSENT:** Faulk, Peggy
Public Hearing

b. CONSIDERATION of and possible action on the adoption of an ordinance calling a joint public hearing before the City Council of the City of Bellaire, Texas, and the Planning and Zoning Commission of the City of Bellaire, Texas, on Monday, September 17, 2007, at 6:00 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas, for the purpose of hearing any and all persons desiring to be heard on or in connection with revisions proposed by the Planning and Zoning Commission of the City of Bellaire, Texas, to the Code of Ordinances of the City of Bellaire, Texas, Chapter 24, Planning and Zoning Regulations, Article X, Signs, for the purpose of adding new provisions and providing clarification – Action by Members of City Council (Item submitted by Director of Community Development Derhyl Hebert on behalf of Chair Bill Thorogood, Planning and Zoning Commission of the City of Bellaire, Texas).

DISCUSSION:

Discussion ensued among members of City Council (McLaughlan and Hickman) regarding the desirability of a single-page Executive Summary for the benefit of the citizens. The suggested summary would provide a vision of what Bellaire would look like if the recommended revisions were implemented.

Further suggestions included providing City Council with a copy of the original ordinance so that a side-by-side comparison could be made.

MOTION TO ADOPT ORDINANCE:

A motion was made by Councilman Pat McLaughlan and seconded by Councilwoman Debra Marz Davison to adopt an ordinance calling a joint public hearing before the City Council of the City of Bellaire, Texas, and the Planning and Zoning Commission of the City of Bellaire, Texas, on Monday, September 17, 2007, at 6:00 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas, for the purpose of hearing any and all persons desiring to be heard on or in connection with
revisions proposed by the Planning and Zoning Commission of the City of Bellaire, Texas, to the Code of Ordinances of the City of Bellaire, Texas, Chapter 24, Planning and Zoning Regulations, Article X, Signs, for the purpose of adding new provisions and providing clarification.

VOTE ON MOTION TO ADOPT ORDINANCE:

Motion carried unanimously on a 6-0 vote as follows:

FOR: Siegel, Cindy
      Hickman, Will
      Monday, John F.
      Davison, Debra Marz
      McLaughlan, Pat
      Jeffery, John

OPPOSED: None

ABSENT: Faulk, Peggy

{Ordinance was subsequently numbered: 07-049}

General Election

c. CONSIDERATION of and possible action on the adoption of an ordinance 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 for the City Council; providing a runoff election, if necessary; establishing the date of the election, election precincts, polling places, appointing election officials; and setting forth certain guidelines – Action by Members of City Council (Item submitted by City Clerk Tracy L. Dutton).

MOTION TO ADOPT ORDINANCE:

A motion was made by Councilman Will Hickman and seconded by Councilman John F. Monday to adopt an ordinance 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 for the City Council; providing a runoff election, if
necessary; establishing the date of the election, election precincts, polling places, appointing election officials; and setting forth certain guidelines.

**VOTE ON MOTION TO ADOPT ORDINANCE:**

Motion **carried** unanimously on a **6-0** vote as follows:

FOR: Siegel, Cindy  
Hickman, Will  
Monday, John F.  
Davison, Debra Marz  
McLaughlan, Pat  
Jeffery, John

OPPOSED: None

ABSENT: Faulk, Peggy

{Ordinance was subsequently numbered: 07-050}

3. **ADOPTION OF RESOLUTIONS:**

a. **CONSIDERATION** of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, amending the authorized representatives for the City of Bellaire, Texas, for purposes of transmitting funds for investment in the Texas Local Government Investment Pool (TexPool), withdrawing funds from TexPool, issuing letters of instruction, and taking all other actions deemed necessary or appropriate for the investment of local funds – **Action by Members of City Council (Item submitted by City Manager Bernard M. Satterwhite, Jr.).**

**Purpose of Item:** To include newly employed Chief Financial Officer Donna Todd as an authorized representative. Other representatives continuing: City Manager Bernard M. Satterwhite, Jr., and General Accountant Vickey O’Donnell.

**MOTION TO ADOPT RESOLUTION:**

A **joint motion** was made by Councilman John F. Monday and Councilwoman Debra Marz Davison and **seconded** by Councilman Pat McLaughlan to adopt a resolution of the City Council of the City of Bellaire,
Texas, amending the authorized representatives for the City of Bellaire, Texas, for purposes of transmitting funds for investment in the Texas Local Government Investment Pool (TexPool), withdrawing funds from TexPool, issuing letters of instruction, and taking all other actions deemed necessary or appropriate for the investment of local funds.

VOTE ON MOTION TO ADOPT RESOLUTION:

Motion carried unanimously on a 6-0 vote as follows:

FOR: Siegel, Cindy  
     Hickman, Will  
     Monday, John F.  
     Davison, Debra Marz  
     McLaughlan, Pat  
     Jeffery, John

OPPOSED: None

ABSENT: Faulk, Peggy

{Resolution was subsequently numbered: 07-09}

b. CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, amending the authorized representatives for the City of Bellaire, Texas, for purposes of transmitting funds for investment in the TexasTERM Local Government Investment Pool (TexasTERM), withdrawing funds from TexasTERM, issuing letters of instruction, and taking all other actions deemed necessary or appropriate for the investment of local funds – Action by Members of City Council (Item submitted by City Manager Bernard M. Satterwhite, Jr.).

Purpose of Item: To include newly employed Chief Financial Officer Donna Todd as an authorized representative. Other representatives continuing: City Manager Bernard M. Satterwhite, Jr., and General Accountant Vickey O'Donnell.
MOTION TO ADOPT RESOLUTION:

A motion was made by Councilwoman Debra Marz Davison and seconded by Councilman Pat McLaughlan to adopt a resolution of the City Council of the City of Bellaire, Texas, amending the authorized representatives for the City of Bellaire, Texas, for purposes of transmitting funds for investment in the TexasTERM Local Government Investment Pool (TexasTERM), withdrawing funds from TexasTERM, issuing letters of instruction, and taking all other actions deemed necessary or appropriate for the investment of local funds.

VOTE ON MOTION TO ADOPT RESOLUTION:

Motion carried unanimously on a 6-0 vote as follows:

FOR: Siegel, Cindy
     Hickman, Will
     Monday, John F.
     Davison, Debra Marz
     McLaughlan, Pat
     Jeffery, John

OPPOSED: None

ABSENT: Faulk, Peggy

{Resolution was subsequently numbered: 07-10}

c. CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, amending the authorized representatives for the City of Bellaire, Texas, for purposes of transmitting funds for investment in the TexSTAR Local Government Investment Pool (TexSTAR), withdrawing funds from TexSTAR, issuing letters of instruction, and taking all other actions deemed necessary or appropriate for the investment of local funds.

Purpose of Item: To include newly employed Chief Financial Officer Donna Todd as an authorized representative. Other representatives continuing: City Manager Bernard M. Satterwhite, Jr., and General Accountant Vickey O'Donnell.
MOTION TO ADOPT RESOLUTION:

A motion was made by Councilman Will Hickman and seconded jointly by Councilman Pat McLaughlan and Councilwoman Debra Marz Davison to adopt a resolution of the City Council of the City of Bellaire, Texas, amending the authorized representatives for the City of Bellaire, Texas, for purposes of transmitting funds for investment in the TexSTAR Local Government Investment Pool (TexSTAR), withdrawing funds from TexSTAR, issuing letters of instruction, and taking all other actions deemed necessary or appropriate for the investment of local funds.

VOTE ON MOTION TO ADOPT RESOLUTION:

Motion carried unanimously on a 6-0 vote as follows:

FOR: Siegel, Cindy
Hickman, Will
Monday, John F.
Davison, Debra Marz
McLaughlan, Pat
Jeffery, John

OPPOSED: None

ABSENT: Faulk, Peggy

{Resolution was subsequently numbered: 07-11}

G. COUNCIL CORRESPONDENCE AND COMMENTS.

Discussion only.

H. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Councilwoman Debra Marz Davison and seconded by Councilman Will Hickman to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:05 p.m. on Monday, August 20, 2007.
VOTE ON MOTION TO ADJOURN:

Motion carried unanimously on a 6-0 vote as follows:

FOR:  
Siegel, Cindy  
Hickman, Will  
Monday, John F.  
Davison, Debra Marz  
McLaughlan, Pat  
Jeffery, John

OPPOSED:  
None

ABSENT:  
Faulk, Peggy

Respectfully submitted,

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

Approved:

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Cynthia Siegel, Mayor
City of Bellaire, Texas