CITY OF BELLAIRE
CITY COUNCIL

Minutes of Meeting
Monday, September 17, 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 7:14 p.m. on Monday, September 17, 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;
- Mayor Pro Tem Peggy Faulk, Position No. 3;
- 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. 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 Pat McLaughlan.

Councilman Pat McLaughlan noted that September 17, 2007, was Citizenship Day and Constitution Day and that September 17-23, 2007, was Constitution Week. In honor of the Constitution, Councilman McLaughlan shared a Presidential Proclamation with the audience and City Council as follows:

On Constitution Day and Citizenship Day and during Constitution Week, we celebrate the anniversary of our Nation’s Constitution and honor the Framers who created the landmark document that continues to guide our Nation.

In the summer of 1787, delegates convened in Philadelphia to create "a more perfect Union" and craft the document that is the foundation of our country. With great diligence, they worked to develop a framework that would balance authority and inherent freedoms, Federal interests and State powers, individual rights and national unity. On September 17th of the same year, the delegates signed the Constitution of the United States.
Today, every American shares in this legacy of liberty, and we are grateful for the courage, conviction, and sacrifice of all those who have helped preserve and uphold the principles of a free society. As we remember the enduring important of the Constitution, we also recognize our responsibility as citizens to respect and defend the values of our founding and participate in the unfolding story of freedom.

--President George W. Bush

C. PLEDGES TO THE FLAGS – Councilman Pat McLaughlan.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

Councilman Pat McLaughlan 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 of the City Council of the City of Bellaire, Texas, held Tuesday, August 21, 2007 – Action by Members of City Council (Item submitted by City Clerk Tracy L. Dutton).

MOTION TO APPROVE MINUTES:

A motion was made by Councilman Pat McLaughlan and seconded jointly by Councilwoman Debra Marz Davison and Councilman John F. Monday to approve the minutes of the Special Session of the City Council of the City of Bellaire, Texas, held Tuesday, August 21, 2007.

VOTE ON MOTION TO APPROVE MINUTES:

Motion carried on a vote of 5-0-1 as follows:

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

OPPOSED: None

ABSENT: Hickman, Will
ABSTAIN: Faulk, Peggy*

*Maidor Pro Tem Peggy Faulk abstained from voting on the minutes of the Special Session of the City Council of the City of Bellaire, Texas, held on Tuesday, August 21, 2007, due to her absence from that meeting.

E. PERSONAL/AUDIENCE COMMENTS.

Robert Riquelmy, 506 Winslow Lane, Bellaire, Texas:

Mr. Riquelmy addressed City Council and noted that he was a candidate for Mayor this year. Although he would not ask for City Council’s vote, he would ask for their consideration. He recounted his experience with respect to signing up to run for the Office of Mayor. If anyone had any problems communicating with City Staff, it would step up their performance enormously if that person would run for public office. It put City Staff at a whole other level.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee addressed City Council on several items that were of interest to her and that also appeared on City Council’s agenda this evening. She had not reviewed the procedure on naming a subcommittee to evaluate a request that the Mayor was submitting to rename Bellaire Park as Zindler Park. Ms. McBee stated that the Zindler Family clearly deserved a place in Bellaire. Her dispute had to do with where that place was. Bellaire Park was the first park Bellaire built in the 1940s. She wished for it to remain a legacy and would hope that the subcommittee appointed would consider multiple opportunities to commemorate the Zindler Family other than Bellaire Park. She noted that if the subcommittee could consider more than one request, she would be willing to submit an alternate request for them to look at.

Secondly, City Council planned to consider a Comprehensive Plan Review this evening. She had sat through a number of meetings for almost a year with the Planning and Zoning Commission and their consultant, Gary Mitchell of Kendig Keast Collaborative. She thought it was healthy to do a review and was in order. She hoped that City Council would approve it so that the City could go out for Requests for Proposals (RFPs) in order to get started with a community dialog.

Thirdly, Ms. McBee presented City Council with a digital clock that was easier to read than the one currently in the Council Chamber. She indicated that it was donated with the same public mindedness as the “Robert’s Rules of Order” were donated.
F. REPORTS:

Reports were presented later in the evening. See pages 9-15 of these minutes for discussion related to the City Manager’s Report and the Financial Report.

G. NEW BUSINESS:

1. ITEMS FOR INDIVIDUAL CONSIDERATION:

Items for individual consideration were discussed later in the evening. See pages 15-31 of these minutes for discussion related to the Comprehensive Plan Review and pages 7-9 of these minutes for discussion related to the naming of City of Bellaire public property.

2. ADOPTION OF ORDINANCE:

Consideration of the adoption of an ordinance regarding a code amendment to Chapter 14, Food and Food Handlers, was considered later in the evening. See pages 31-32 of these minutes for the discussion.

Mayor Siegel asked for City Council’s consideration in moving up one item on the agenda. That item was identified as G. 3., Board Nomination for the Harris County Appraisal District. After noting no objections from City Council, agenda item G. 3. was considered at this point in time.

3. ADOPTION OF RESOLUTION:

Harris County Appraisal District – Board Nomination

CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, nominating a candidate for a position on the Board of Directors of the Harris County Appraisal District – Action by Members of City Council (Item submitted by City Clerk Tracy L. Dutton on behalf of the Chief Appraiser of the Harris County Appraisal District).

Mayor Cindy Siegel advised that the City of Bellaire, Texas, was supposed to adopt a resolution nominating a candidate for a position on the Board of Directors of the Harris County Appraisal District (HCAD). She understood that a ballot would be submitted to City Council later listing all of the nominees and a vote would be cast again at that time.
Mayor Siegel noted that Bellaire was blessed with two very good candidates that were interested in the nomination. One was Richard (Dick) Yehle and the other was Ed Heathcott. Dick Yehle was a former member of the West University Place City Council and Ed Heathcott was a former Mayor of Jersey Village.

Ed Heathcott, 16505 De Lozier Street, Houston, Texas:

Mr. Heathcott introduced himself, noting that he had been an elected official for eight years and went out of office in May of 2007, as he was term limited. He stated that he would like to be the small cities representative on the six-member board of the HCAD. He had served in the public arena in other ways as well.

Mr. Heathcott indicated that he had received support from other cities based on the leadership that he had provided. He strongly believed that the HCAD should carry out its charter and that all pieces of property should be placed on the books at fair market value. He did not believe that the HCAD should make any other differentiations in property value other than fair market value.

Some of the levels of protests currently before the HCAD were due to the fact that the HCAD had not adequately addressed the issue of keeping fair market values current based on sales. Mr. Heathcott was used to dealing with difficult issues and all he asked was that the HCAD carry out their charge as set by the State of Texas.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Councilman Pat McLaughlan stated that he understood that residential properties were currently appraised at approximately 90% of their fair market value whereas commercial and industrial properties were appraised at 30-50% of their fair market value. He inquired as to whether Mr. Heathcott had noticed that and, if that were the case, if he had a method for which it might be corrected.

A: Mr. Heathcott advised that he did not have any firsthand knowledge with respect to commercial properties. The way he understood the charter from the State of Texas was that all properties (regardless of whether those properties were residential or commercial) should be valued at fair market value. A diligent effort needed to be made to capture the sales price at the time a sale occurred and then input that information into a database. Otherwise, there was no way that the books could remain current. He believed that this was the
primary area of deficiency and felt that the HCAD Board, which served as oversight, had the responsibility to make sure this was addressed.

Richard E. (Dick) Yehle, 6401 Rutgers, Houston, Texas:

Mr. Yehle introduced himself and echoed the comments made by Mr. Heathcott with respect to the way in which the appraisal system was supposed to work. He, too, would like to represent the small cities on the Board of the HCAD. The six-member Board consisted of a representative from the Conservation/Reclamation District, Harris County, School Districts, Houston Independent School District, City of Houston, and small cities other than Houston.

Mr. Yehle indicated that the Board was obviously going to do its best to enforce state law across the board. What an individual representative brought to the Board was to pay attention to the issues of interest of its constituency. With respect to the difference in valuations of residential and commercial properties, Mr. Yehle had observed the same situation that Councilman McLaughlan had, but he did not know what state law said about it. He felt that there was some work that could be done in looking at the commercial side. He understood that commercial property values were increased somewhat this past year.

Mr. Yehle closed and stated that he was interested in serving and was asked by the West University Place City Council to do so. He noted that he was very detail minded.

Mayor Siegel, after noting no further questions from City Council, thanked Mr. Heathcott and Mr. Yehle for coming to the City Council meeting this evening.

Nominations from the Floor:

Mayor Pro Tem Peggy Faulk nominated Richard E. (Dick) Yehle to serve as the City of Bellaire’s nominee to the Board of the HCAD.

Councilman John F. Monday nominated Ed Heathcott to serve as the City of Bellaire’s nominee to the Board of the HCAD.

Vote on Nominations from the Floor:

Five members of City Council voted for Richard E. (Dick) Yehle as Bellaire’s nominee to the Board of the HCAD as follows: Mayor Cindy Siegel, Councilman John F. Monday, Mayor Pro Tem Peggy Faulk, Councilman Pat McLaughlan, and Councilman John Jeffery. One
member of City Council voted for Ed Heathcott as follows: Councilwoman Debra Marz Davison.

**MOTION TO ADOPT RESOLUTION:**

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilwoman Debra Marz Davison to adopt a resolution of the City Council of the City of Bellaire, Texas, nominating Richard E. (Dick) Yehle for a position on the Board of Directors for the Harris County Appraisal District.

**VOTE ON MOTION TO ADOPT RESOLUTION:**

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

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

OPPOSED: None

ABSENT: Hickman, Will

{Resolution was subsequently numbered: 07-13}

Mayor Siegel asked for City Council’s consideration in moving up one additional item on the agenda. That item was identified as G. 1. b., Naming of City of Bellaire Public Property. After noting no objections from City Council, agenda item G. 1. b. was considered at this point in time.

1. **ITEMS FOR INDIVIDUAL CONSIDERATION:**

   b. APPOINTMENT of a subcommittee to evaluate and return to City Council with a recommendation regarding a request to rename the public property known as “Bellaire Park,” located between the Bellaire City Hall and the Bellaire Recreation Center, as “Zindler Park” in memory of the Zindler Family (i.e., in accordance with the policy and procedure for Naming of City of Bellaire Public Facilities and Properties) – Appointments to be made by Mayor Cindy Siegel (Item submitted by City Clerk Tracy L. Dutton on behalf of Mayor Cindy Siegel).
Mayor Cindy Siegel advised that she had submitted an official, written request to Bellaire’s City Manager in accordance with the City’s policy and procedure for naming public facilities and properties for consideration for the renaming of Bellaire Park as Zindler Park in honor of the Zindler Family.

Also in accordance with the referenced policy, the Mayor was authorized to appoint a subcommittee to evaluate the request and return to City Council with a recommendation.

Mayor Siegel stated that she wished to clear up some confusion with respect to the property. Bellaire Town Square encompassed two parks (Bellaire Park and Loftin Park), and many city facilities (including City Hall, the Recreation Center, Police and Municipal Court Building, Bellaire City Library, ball fields, Central Water Plant, and the Fire Station). The request was to consider renaming Bellaire Park, which was located within Bellaire Town Square, as Zindler Park in honor of the Zindler Family.

It was noted that Marvin Zindler had recently passed away and had made major contributions for the good of many people who had no advocate. Additionally, Marvin’s father served as Mayor of Bellaire over three different terms and was instrumental at a time when Bellaire was undergoing the implementation of zoning regulations. One of Marvin’s brothers lost his life during World War II and was recognized on a memorial monument located in Paseo Park along Bellaire Boulevard.

In closing, Mayor Siegel advised that the Zindler Family had made a tremendous contribution to Bellaire, as well as the Greater Houston area. She then introduced Marvin Zindler’s widow and son who were present at the meeting this evening.

Mayor Siegel made the following appointments to the subcommittee to evaluate the request for renaming Bellaire Park as Zindler Park in honor of the Zindler Family:

- Councilwoman Debra Marz Davison, Chair;
- Sharon Veldman, Chair of the Parks & Recreation Advisory Board;
- Tillie Wiedemann, Representative of the Bellaire Historical Society;
- Charlotte Aguilar, Citizen of Bellaire and initiator of the idea for renaming Bellaire Park; and
- Jane L. Dembski, Director of Parks & Recreation, representing City Staff.
Mayor Siegel suggested that if Ms. Lynn McBee wished to submit an alternate proposal that she do so through the City Manager. The alternate proposal would then be forwarded to this same subcommittee for consideration. She indicated that she would like to have a facility or property named after the Zindler Family before the Centennial Celebration.

Mayor Siegel advised that the Bellaire City Council would return to the agenda and consider the remainder in the order in which it was originally presented.

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 City Council. The City Manager’s Report consisted of Mission Areas (Residential Safety, Residential Mobility, and Internal Operations/Productivity), Indicators (Crime and Building Permits), and Upcoming City Council Meetings/Events.

MISSION AREAS:

Residential Safety

City Manager Satterwhite advised that he wished to go over the monthly police activity summary. He noted that in reporting crime statistics, such statistics were only meant to serve as a reporting mechanism and to raise awareness of City Council and the audience. The Bellaire Police Department was well staffed, but there was still crime in the area.

For the calendar year through the end of the month, crime was down. Part I crimes were down 25% over the previous year. Even though overall crime was down, robberies were still a concern. Three robberies occurred in August of 2007. One occurred at the Shell Station (Loop 610 and Fournace Place). Another robbery occurred in the parking lot outside of Domino’s Pizza, and the third occurred at Taqueria on Bissonnet Street.

Burglary and theft of motor vehicles continued to be a high area of crime, as well as identity thefts. City Manager Satterwhite urged residents not to leave items in view inside their vehicles. He noted further that Community Resource Officer Tim Quimby was available to help those victims of identity theft, as well as to assist others who needed ideas on how to prevent identity theft.
Residential Mobility

City Manager Satterwhite indicated that approximately one year ago, several residents had given the City the idea of planting native wildflowers on the Loop 610 right-of-way from Bellaire Boulevard north. The Bellaire Public Works Department, in conjunction with the Bellaire Parks & Recreation Department, had planted native wildflowers in the area as suggested. The City would not be able to mow that area between December and May. In two years, there could be some interesting landscaping in that area. If the planting did not work, the City would try some other type of foliage. Landscaping for the right-of-way area of Loop 610 from Fournace Place to Westpark Road had been bid by the Texas Department of Transportation (TxDOT) and should be under construction within the next two months. Wildflowers would also be planted in that area.

Internal Operations/Productivity

It was noted that the certified tax rolls for tax year 2007 were delivered late last week. The taxable value for the City was slightly below that which the City had considered and calculated the budget on; however, City Manager Satterwhite did not believe that the difference was material enough to require any adjustments to the General Fund budget. The City was still looking at the Debt Service Fund and the Truth-in-Taxation calculations, which would be presented to City Council at the October 1st meeting. If public hearings were required on the tax rate, City Manager Satterwhite had planned those two hearings on October 9th and October 15th. The tax rate would then be approved in a special meeting on October 22nd. Public hearings would be required if the proposed tax rate were above the effective tax rate.

INDICATORS:

Crime

Total crime year-to-date was approximately 21% below the previous five-year average. With respect to individual crimes, robbery caused the greatest concern and was the only one that was significantly higher than the previous year. Theft was down this year versus the previous year.

Response times remained as expected.
Building Permits

This year was tracking closely to last year with respect to the issuance of building permits. Although the City was slightly below in number of units as compared to last year, the trend was still up.

UPCOMING CITY COUNCIL MEETINGS/EVENTS:

City Manager Satterwhite apprised City Council and the audience of the following upcoming City Council meetings/events:

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Type of Meeting</th>
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<tbody>
<tr>
<td>09/18/2007</td>
<td>7:00 p.m.</td>
<td>Centennial Planning Committee</td>
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<tr>
<td>09/19/2007</td>
<td>6:30 p.m.</td>
<td>Strategic Planning and Development Committee</td>
</tr>
<tr>
<td>09/22/2007</td>
<td>9:00 a.m.</td>
<td>Facilities Committee</td>
</tr>
<tr>
<td>09/24/2007</td>
<td>7:00 p.m.</td>
<td>Joint Workshop Session with City Council and Facilities Committee</td>
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<tr>
<td>10/01/2007</td>
<td>7:00 p.m.</td>
<td>Regular Session of City Council</td>
</tr>
<tr>
<td>10/08/2007</td>
<td>7:00 p.m.</td>
<td>Joint Workshop Session with City Council and Planning and Zoning Commission on Lot Coverage and RDD Zoning District</td>
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QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Ruffino Hills Development

Q: Councilman John Jeffery inquired as to whether the City Manager had attended any meetings with respect to development of the Ruffino Hills landfill.

R: City Manager Satterwhite advised that he had met with some representatives from the City of Houston for purposes of gathering and sharing information. The City of Houston would like for Bellaire to provide them with information related to what was at the Ruffino Hills property (i.e., the history). He believed that the City of Houston had an interest in the property for possible parkland development, but he did not know what the value of that interest was. Bellaire had an interest in other property that Houston had for possible offsite detention uses, so there might be value versus value. He thought it was a very good first discussion. The next step was for Bellaire to provide Houston with information regarding the Ruffino Hills site.
Possible Fence Encroachment

Q: Mayor Pro Tem Peggy Faulk inquired as to whether another homeowner along Fournace Place had continued to install their fence on what appeared to be City right-of-way.

A: City Manager Satterwhite advised that he had not checked into it specifically. A meeting had been scheduled this Friday with the homeowner that was initially contacted regarding a possible encroachment into the City right-of-way. A letter would be sent to the other homeowners as well as prescribed by the City’s Code of Ordinances.

MOTION TO ACCEPT REPORT INTO THE RECORD:

A joint motion was made by Councilman Pat McLaughlan and Mayor Pro Tem Peggy Faulk and seconded by 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  
     Monday, John F.  
     Faulk, Peggy  
     Davison, Debra Marz  
     McLaughlan, Pat  
     Jeffery, John

OPPOSED: None

ABSENT: Hickman, Will

2. FINANCIAL REPORT – Chief Financial Officer Donna Todd.

Chief Financial Officer Donna Todd presented the Financial Report to the City Council for the eleven months ended August 31, 2007.

Revenues

Chief Financial Officer Todd advised that the General Fund revenues of $14.5 million were about $573,000 higher than the previous year (i.e., due to higher property and franchise taxes). The Debt Service Fund revenues of $4.0 million were almost equal to last year and were $39,000 higher (i.e., due to higher property taxes). The Enterprise
Fund revenues of $5.3 million for the eleven months ended August 31, 2007, were approximately $507,000 higher than the previous year.

**Curbside Recycling Program**

With respect to the City’s Curbside Recycling Program, year-to-date revenues were approximately $147,000. For the first year, expenses totaled approximately $143,000. Of the total expenses, $44,000 represented an initial cost for the purchase and distribution of bins and educational materials. In subsequent years of the program, expenses should drop to about $100,000. However, one thing that could change to the tune of approximately $28,000 per year was the cost of tipping fees. Under the City’s current contract, there were no tipping fees. If the current contract had to be renegotiated, it was possible that the City could incur tipping fees.

**Expenditures**

Chief Financial Officer Todd noted that expenditures in the General Fund were higher than last year by approximately 10%. The total expenditures through August 31, 2007, were $11.9 million.

Enterprise Fund expenses were also up from the previous year by 13%, for a total through August 31, 2007, of $4.0 million.

The Vehicle, Equipment and Technology Fund expenditures were at $638,000 (which was lower than the previous year). Capital Improvement Fund expenditures were at $1.8 million, which was higher than last year.

**Budget Comparisons**

Comparing actual expenditures to budgeted expenditures, it was noted that overall expenditures were not out of line with eleven months of the budget completed. Expenditures year-to-date ranged anywhere from 76-88% departmentally.

Property taxes in the General Fund were basically on par with what had been budgeted for the fiscal year. Sales taxes, however, were below budget at 97% through August. Although sales taxes would end the year higher than budget, sales taxes would be slightly lower than the previous year.

Property taxes in the Debt Service Fund of $3.9 million were on par with the budget through August 31, 2007. During the month of August 2007, a semi-annual payment of $1.3 million was made for interest.
With respect to the Capital Improvement Program Fund, one item budgeted was $1.0 million from the Patrons for Bellaire Parks, Inc. Chief Financial Officer Todd had been advised that the City would receive that payment on September 28, 2007. Spending in the Capital Improvement Program was at 63% and included both spending and encumbrances.

**Rental Properties – Housing Statistics**

Chief Financial Officer Todd indicated that Councilman Hickman had previously inquired as to the number of rental properties in Bellaire. She was able to get this information from a realtor through the MLS Service, which represented a real-time number. On August 31, 2007, there were 20 single-family units available for rent. This number did not include those properties for rent by an individual—just those listed with a realtor.

**QUESTIONS/COMMENTS FROM CITY COUNCIL:**

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

**Q:** Councilman John Jeffery inquired as to the City’s General Fund balance.

**A:** Chief Financial Officer Todd indicated that the General Fund balance as of August 31, 2007, was $7.3 million.

**Q:** Councilman Pat McLaughlan stated that he was interested in the number of rental units in Bellaire, noting that Chief Financial Officer Todd’s information indicated that there were 20 rental units. He felt that this number was very low, and did not feel it should be used for any type of analysis or action.

**A:** Chief Financial Officer Todd advised that she was not sure why the question was asked, although it might represent an interesting trend if there were certain economic impacts in the area (i.e., sudden spike in rentals).

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

A motion was made by Councilman Pat McLaughlan and seconded by Councilwoman Debra Marz Davison to accept the Financial Report for the eleven months ended August 31, 2007, 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  
     Monday, John F.  
     Faulk, Peggy  
     Davison, Debra Marz  
     McLaughlan, Pat  
     Jeffery, John

OPPOSED: None

ABSENT: Hickman, Will

G. NEW BUSINESS:

1. ITEMS FOR INDIVIDUAL CONSIDERATION:

Comprehensive Plan Review

a. PRESENTATION, CONSIDERATION, and possible action on a request from the Planning and Zoning Commission of the City of Bellaire, Texas, for City Council’s acceptance and approval of a report issued by Kendig Keast Collaborative recommending a revision of the City of Bellaire’s Comprehensive Plan, and authorization to City Staff to issue a Request for Proposal (RFP), as prepared by Kendig Keast Collaborative, to invite responses from qualified consulting firms and/or teams interested in providing professional services needed for said revisions of the Comprehensive Plan – Action by Members of City Council (Presentation by Chair Bill Thorogood, Planning and Zoning Commission of the City of Bellaire, Texas; Item submitted by Director of Community Development Derhyl Hebert).

Note: Mayor Pro Tem Peggy Faulk left the Council table at this point in the meeting and did not return.

Chair Bill Thorogood, Planning and Zoning Commission of the City of Bellaire, Texas, advised that he was present this evening as a representative of the Planning and Zoning Commission of the City of Bellaire, Texas, to recommend and request that a Comprehensive Plan Review be undertaken.

He thanked the current and previous Planning and Zoning Commission and City Staff for all the work that had gone into
the planning and consideration of a Comprehensive Plan. Additionally, resident Lynn McBee had gathered a great deal of information and documentation for the Planning and Zoning Commission and he appreciated her efforts and support.

**Comprehensive Plan Study Results**

City Council authorized and provided $13,000 to the Planning and Zoning Commission for the purpose of studying why the City needed a Comprehensive Plan and whether or not the current Comprehensive Plan was adequate.

Kendig Keast Collaborative was employed to assist the Planning and Zoning Commission with their effort. After some study and review, it was determined that the City’s 1997 Comprehensive Plan did not meet the City’s current needs. Chair Thorogood advised the he felt that Kendig Keast Collaborative had satisfactorily completed their charge and did so for $12,000.

**City Council Goals and Objectives, 2006-2008**

City Council goals and objectives adopted for the period 2006-2008, as such goals were related to the Comprehensive Plan, essentially said that the following were desired:

- Long-term vision for Bellaire looking forward 20+ years;
- Provision for residential development that would accommodate seniors and others wishing to downsize;
- Visual uniformity and architectural and commercial area standards;
- Incorporation of City’s Master Plans (Parks Master Plan, Capital Improvement Program, Rebuild Bellaire Program, Master Art Plan, City facilities, infrastructure, and commercial redevelopment) into the Comprehensive Plan;
- Consider a “branding” of Bellaire’s image for redevelopment purposes;
- Encouragement of commercial redevelopment, including mixed-use residential with connection to other surrounding urban areas, and creation of development opportunities;
• Mitigation of flooding, especially with respect to the redevelopment of commercial sectors;

• Establishment of better involvement with other governmental agencies (i.e., Metropolitan Transit Authority of Harris County, Texas (METRO), Harris County, City of Houston, Houston-Galveston Area Council (H-GAC), Harris County Toll Road Authority, etc.);

• Consideration toward moving certain City facilities into the commercial district so that City property in residential areas could be reclaimed for other purposes; and

• Consideration of the purchase of land that would meet City objectives for facilities and plans for future development of Bellaire.

1997 Comprehensive Plan – Does Not Meet Current Needs

Chair Thorogood reviewed successes and failures of the 1997 Comprehensive Plan, as well as reasons that it did not meet the City’s current needs.

Successes related to the 1997 Comprehensive Plan were noted to be the identification and subsequent receipt of a new school (i.e., Pin Oak Middle School); identification and mitigation of railroad noise through the use of barriers; additional parkland; sound walls and landscaping along Loop 610.

Failures related to the 1997 Comprehensive Plan were noted as follows: Newcastle/Bissonnet/Mulberry raw land had not yet been developed (i.e., 4-1/2 acres) and was not contributing to the tax base; a citywide bike trail did not come to fruition; a pocket park for the southwest section of town was not developed; and the Research, Development and Distribution District (RDD) was not developed. The failures occurred because there were no sponsors, no action plans, and no way to cultivate the business redevelopment.

The 1997 Comprehensive Plan did not meet current needs for the following reasons:

• All prominent current and near-term future issues were not identified. The City knew that there were transitions coming when the 1997 Comprehensive Plan was
developed. The City could have projected the 42% changeover in the residential population in terms of new homes being rebuilt in Bellaire;

- Vision, goals, and strategies were not based upon the most current data and focused on the future;

- Realistic and attainable solutions were not offered and tied to action plans. For example, if zoning changes were required, those changes should have been introduced and implemented;

- Corridor redevelopment needed to be coordinated with the greater community, and developed as desired by Bellaire;

- Various housing alternatives needed to have community support;

- Transportation and mobility elements needed to be coordinated and linked with Harris County, Houston, Houston-Galveston Area Council, and METRO;

- The enclave city concept needed to be developed as a core value;

- Institutional forecasts and needs should have been considered as part of the Comprehensive Plan;

- External pressures and factors should have been identified and redirected to benefit Bellaire or to mitigate outcomes;

- Impact of current and future area redevelopment must be identified;

- Commercial redevelopment’s primary focus needed to support the lifestyle of Bellaire residents; and

- The 1997 Comprehensive Plan goals of “protecting all residential neighborhoods,” “quality of life,” and “business development” needed to be expanded to include the development of strategies, tactics, and tools.

As a result of the review of the 1997 Comprehensive Plan, the Planning and Zoning Commission and Kendig Keast Collaborative identified several components that should be
included in a Comprehensive Plan Update. Chair Thorogood reviewed those components as follows:

- Typical plan elements modified to include an implementation element and a roll-in concept for current City plans;

- Current initiatives of the City Council and Planning and Zoning Commission should be captured and connected;

- Requirement that the selected consultant be able to demonstrate consensus building skills and experience unique to enclave cities;

- Emphasis to be placed on the redevelopment of commercial areas in support of current and forecasted residential lifestyles;

- Infrastructure components developed with the capacity necessary for any proposed redevelopment;

- Land use planning should be linked with floodplain and drainage issues;

- Ability to fast track certain plan elements, if desired;

- Focus should be placed on enclave city and "City of Homes" concepts;

- Components should be jointly developed and unanimously approved by the Planning and Zoning Commission and Director of Community Development, and Kendig Keast Collaborative;

- Timeline for plan, excluding front or back end work by the City Council and/or Planning and Zoning Commission, such as public hearings, should be twelve months;

- An implementation strategy with emphasis on redevelopment of related codes and amendments should be included;

- An expectation for the consultant to be innovative and provide creative solutions applicable to Bellaire should be included.
**Sample Budget for Comprehensive Plan Update**

Chair Thorogood provided a sample budget for various components of the Comprehensive Plan Update, as well as some cost-saving options. The sample budget has been included below.

<table>
<thead>
<tr>
<th>Component</th>
<th>Estimated Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public involvement activities</td>
<td>$10,000</td>
</tr>
<tr>
<td>Fact gathering and base inventory</td>
<td>9,000</td>
</tr>
<tr>
<td>Land use (Master Plans rolled in, RDD District, housing alternatives,</td>
<td>18,000</td>
</tr>
<tr>
<td>economic redevelopment, aesthetics, etc.)</td>
<td></td>
</tr>
<tr>
<td>Mobility and corridors (RM/610 Districts)</td>
<td>15,000</td>
</tr>
<tr>
<td>Public infrastructure (facilities rolled in, flood prevention/drainage,</td>
<td>10,000</td>
</tr>
<tr>
<td>government activities)</td>
<td></td>
</tr>
<tr>
<td>City Center District</td>
<td>5,000</td>
</tr>
<tr>
<td>Implementation (Code critique, review, and amendment process)</td>
<td>9,000</td>
</tr>
<tr>
<td>Expenses (travel, direct out-of-pocket)</td>
<td>10,000</td>
</tr>
<tr>
<td>Other consultant costs</td>
<td>10,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$86,000</strong></td>
</tr>
</tbody>
</table>

Chair Thorogood identified cost-saving options. He noted that some fact gathering work had already been completed. Certain Planning and Zoning Commission initiative projects were already underway (i.e., the RDD District was at least one-half completed), and the plans to be rolled in might be easier to address than anticipated.

**Summary**

In summary, Chair Thorogood advised that the City needed professional integration and coordination of all of the City’s related plans and initiatives. Assumptions needed to be reconfirmed and an effort to forecast the future needed to be undertaken. The City’s major initiatives needed to be identified and linked with related governmental agencies (METRO, TXDOT, Harris County, Houston, etc).

The City must also focus on the redevelopment of the underdeveloped commercial areas to support ongoing residential redevelopment and residential lifestyle. Development of community-supported lifecycle housing alternatives was needed along with an implementation strategy.
The existing City Codes must be critiqued to ensure that those Codes were development oriented. Nonresidential aesthetic standards needed to be added citywide. Finally, implementation considerations, techniques, and options should focus on the next step and short-term strategies so that the City could accomplish some things.

**Recommendation**

Chair Thorogood advised City Council that the Planning and Zoning Commission fully supported and unanimously recommended acceptance of the report on the Comprehensive Plan Review offered by Kendig Keast Collaborative. It was also recommended that City Council, at their discretion, begin the process to undertake an update of the City’s current Comprehensive Plan.

**Gary Mitchell, Planning Consultant, Kendig Keast Collaborative,** provided an overview of the Comprehensive Plan Update Strategy that had been developed for the City of Bellaire.

**Purpose**

The three key questions that Kendig Keast Collaborative was asked to help the City determine were why the City needed a Comprehensive Plan Update; what it would take; and how such an update would help the City leaders and community.

**Key Question 1 – Why Do It?**

Mr. Mitchell advised that his first assignment was to look at the City’s current 1997 Comprehensive Plan. After a quick look, it became immediately clear to him why the plan was not being used. For example, the assumptions behind the plan were from the 1990 Census. The public involvement included in the plan was from the mid-1990s. The plan talked about the West Loop reconstruction in future tense. Additionally, the plan was silent on some of today’s major issues.

As a professional planner, Mr. Mitchell naturally felt that every city needed to have a plan. In this case, Mr. Mitchell was reviewing the specific situation for Bellaire.

A question that arose during his review of the City’s plan was whether there were any adverse effects on the City from having an outdated plan. Cities in Texas were not required to have a
Comprehensive Plan. Other states required cities to have plans. If a city had development regulations, especially zoning, it was a good idea to have a comprehensive plan standing behind those regulations as a public policy. If a city did have zoning and a comprehensive plan, those two sets of regulations must be lined up and consistent from a legal liability standpoint.

Many cities that Kendig Keast Collaborative worked with continued to tweak their ordinances and adopt new ones, however, the comprehensive plan did not get updated and showed its age.

Infrastructure considerations were not detailed in the City’s current Comprehensive Plan. Mr. Mitchell found one sentence that he read as follows: Development should not unduly burden essential public facilities and services. The plan did not tell a person what to do or where to go next. It was very important for a city to know what its capacity was in order to redevelop.

Key Question 2 – What Will It Take?

One of the critical issues mentioned was cost. Mr. Mitchell’s recommendation was to consider a minimum cost of $75,000. This happened to be the amount spent in the previous Comprehensive Plan Update conducted in 1997. There was no correlation between how much a city spent on its comprehensive plan and its size. Mr. Mitchell had prepared a plan for a city of 100,000 in population for $100,000. He had prepared a $200,000 plan for a city of 18,000 in population. The largest one Kendig Keast Collaborative had prepared was for a combined city and parish in Louisiana. They spent over $500,000 and had not updated their existing plan since the 1950s. The smallest plan he had prepared cost $55,000 for a small city in Arkansas.

Bellaire was not starting from scratch. Many of the initiatives and plans under way could be easily integrated in the comprehensive plan update. A one-year process tended to work in most communities. If the process occurred faster, people felt rushed and many important decisions could not be hashed out. If the process took much longer, the momentum could be lost, as well as the people a community was trying to involve in the process.

Another question asked was whether or not a consultant was necessary for the update. In Mr. Mitchell’s opinion, knowing
the demands on Bellaire’s staff and the size of the city and staff, he did not feel that Bellaire could get it done with in-house staff. Additionally, an independent perspective was obtained when using a consultant. A large part of the process was education. For example, options to be considered and ideas as to what were other cities were doing could be obtained from an independent consultant.

If Kendig Keast Collaborative were selected to perform the Comprehensive Plan Update, they would advise as to where the process could be streamlined in order to save the City costs. It was noted further that the consultants needed to have some idea of the potential budget available for such a review. This would allow the consultants to customize a work program to that budget.

**Key Question 3 – How Will It Help City Leaders?**

Mr. Mitchell often found communities trying to do the right thing, but in a scattershot manner. He presented a diagram that the City Manager of Baytown had used in their planning efforts (i.e., a solar system look). The comprehensive plan represented a city’s overall vision for the next twenty years and beyond. It should help a city council in their role as a member of the “Board of Directors” in setting policy, setting direction for staff, and sending a signal to residents and private development the City’s priorities. The goals and objectives adopted by the Bellaire City Council were a great start, but only went so far. Strategies and specifics were also missing from the 1997 Comprehensive Plan.

Mr. Mitchell continued by addressing how a replay of the 1997 Comprehensive Plan problems could be avoided. He suggested that the first focus be on the long range, “big picture” before focusing on implementation specifics. He suggested that the plan be developed in pieces, with many checkpoints along the way. This would ensure that City Council was on board and could “buy in” on the plan.

The Request for Proposal (RFP) included some specific qualities that the City should look for in a consultant.

In closing, Mr. Mitchell advised that the process was just as important as the final product or plan. The dialog with citizens in forums would be very important.
QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Councilman Pat McLaughlan referred to the fact that things seemed to move slowly in Bellaire. For example, the City had spent 2-1/2 years on the sign ordinance. By the time the City completed this Comprehensive Plan Update, two years might very well have passed. What method could be proposed such that as the Comprehensive Plan work was underway, the Planning and Zoning Commission, City Council, City Staff, and all other players were proactive during the Comprehensive Plan period?

A: Chair Thorogood noted that the Planning and Zoning Commission had several initiatives under study, one of which was the alternative housing initiative. The Committee studying it had taken one piece of property to determine why it had not redeveloped (i.e., Larch Lane). There was now an understanding as to why redevelopment had not occurred there, which was ordinance-driven. As ordinances needed to change, then those changes should be brought forward. In other words, one should quickly identify a problem and then quickly identify a process to solve that problem.

Mr. Mitchell advised that he felt that people were looking to him for a textbook model on how a Comprehensive Plan Update should be accomplished. He advised that there was not one. Some cities insisted on working on the plan and ordinances simultaneously and other cities would not work on ordinance issues until the plan was worked out. There were projects his firm had worked on which included writing ordinances on day one of a particular project. In Bellaire’s case, the City Council and Planning and Zoning Commission might wish for action to occur while the update was underway.

Q: Councilman McLaughlan advised that there was always a bit of a risk that City Council might not buy in to the suggestions provided by a consultant. He inquired as to Mr. Mitchell’s and the Planning and Zoning Commission’s suggestion as to how City Council and the Comprehensive Plan Team could be better integrated so that the process occurred in a hand-in-hand manner. In other words, City Council could be “on board” with the process by the time it concluded.
A: Chair Thorogood agreed with Councilman McLaughlan in that the way to get a consensus was to go down the track together. As a team, this update could happen.

Mr. Mitchell stated that in every city that his firm had worked with, they requested that there be several City Council liaisons on some type of advisory committee. In other cases, it was members of the Planning and Zoning Commission and members of City Council meeting in workshops. He believed that a consultant could be working with both bodies on a regular basis.

If a consensus could not be reached on a certain point, then they would move on to another point. It was important to get things in the plan that were actionable so that the City could keep moving forward. If the City tried to create the perfect plan, the process would take three years. In the case of Bellaire where there were not empty spaces, it might make more sense to develop a strategic plan looking forward two-three years. In other words, an ongoing process could be created so that the plan did not sit for ten years at a time.

Chair Thorogood advised that the Planning and Zoning Commission had taken initiatives to be more proactive rather than reactive. They were looking at the RDD, CCD, Larch Lane, etc., and were forcing City Council to see the issues on the table.

Q: Councilman John Jeffery referred to various Council Committee and/or Council-appointed committees that were working on many issues (Facilities Committee, Strategic Planning and Development Committee, Planning and Zoning Commission, infrastructure projects, etc.). He noted that with the number of things going on, it had become quite overwhelming. He also noted that City Council’s goals and objectives were developed to cover a two-year period of time. He inquired as to how the City could make the Comprehensive Plan a “living document.”

A: Mr. Mitchell stated that the example he had shown from the City of Baytown (solar system) involved similar issues and processes that were ongoing for Bellaire. Within four-five years, Baytown felt themselves drifting from the big picture. At that time, Baytown did a five-year update of their comprehensive plan, which involved revisiting the big picture.
The Comprehensive Plan for Bellaire would basically consist of a statement as to where Bellaire was going twenty years from now.

Chair Thorogood noted that the City had an outstanding Community Development Director now, Derhyl Hebert. The Planning and Zoning Commission was able to sit down with Director Hebert and review the ordinances. Many of the initiatives currently underway by the Planning and Zoning Commission and City Council would go straight into the Comprehensive Plan and would go away.

Mr. Mitchell presented Councilman Jeffery with an example. He had attended a Facilities Committee meeting and referred to a list of criteria that were used to decide between alternatives. One of those criteria was “supports economic development.” He advised that he wished the criteria had been “supports Bellaire’s economic development goals,” because he had been working with Bellaire for more than one year, and he did not know what those were. He would push Bellaire into stating what those were and learning how to get there.

Q: Councilman John F. Monday responded by noting that Bellaire did not know what it wanted to be when it grew up. This was truly a struggle. He asked what differentiated those communities that put together plans and executed them and a community that could put a plan together but was not able to execute it.

A: Mr. Mitchell agreed that many cities went through the planning by going through the motions and then placing it on a shelf until it was time to review five years later. The city he had seen that most predominantly used their plan was the City of Bryan. Their comprehensive plan was displayed on the walls of the Council Chamber. During the meeting, members of City Council, the City Manager, City Staff, and citizens were constantly pointing to the plan. Future land use and planning maps were on the walls of the Council Chamber and referred to when ordinances were under consideration and adopted.

Even if Bellaire’s vision was to stay the same, it still required action. With all the forces moving around Bellaire, if Bellaire did not have a strategy for staying the way it was, things would change.
Q: **Councilman Monday** noted that what was offered in both presentations was an integration and coordination effort. This was a valuable component. In order to make it an actionable plan, how many action items were envisioned or precipitated for Bellaire’s Comprehensive Plan?

A: **Chair Thorogood** stated that he believed that as the team started going through the plan, options could be developed and the zoning ordinance could simultaneously be reviewed to ensure that the options were not prohibited. The top three items to address in his opinion, were land use options, protection of borders, and doing something with aesthetics in the City’s corridors.

Q: **Councilman Monday** inquired as to whether the City would be subject to the accusation that the plan was not truly a “comprehensive plan” if all things outlined by Chair Thorogood were accomplished.

A: **Chair Thorogood** advised that he felt that those were the major elements or components of the comprehensive plan.

Q: **Councilman Monday** suggested that City Council needed to decide specifically what the RFP should call for. His concern was that the charge was broad when the desire was for something specific.

A: **Mr. Mitchell** stated that he just had a city council adopt a comprehensive plan. Most twenty-year plans contained approximately 100 action items, but this city council agreed on three items to deal with in year one. Those items were to fix their downtown zoning ordinance, develop and implement a hike and bike plan, and to address their water supply. At the end of the process, priorities could be set.

**Chair Thorogood** noted that there were seven statements in the RFP. The first two, public involvement and base inventory were at one end and at the other end was implementation. If those three were removed, the City was left with four.
**DISCUSSION:**

**Mayor Cindy Siegel** noted that she had held several discussions with the City Manager, Mayor Pro Tem Faulk, and Chair Bill Thorogood. She referred to the timing issue, noting that sometimes it was good for governments to move slowly. It was important to ensure public involvement and community buy-in of the plan. The idea of prioritizing what City Council wanted to accomplish and address then working on ordinances to address those priorities along the way was probably a much better way than thinking one could create a perfect plan and then develop ordinances.

She continued and noted that City Council and the Planning and Zoning Commission had a great deal on their plates right now. She advised that the Planning and Zoning Commission had twelve subcommittees looking at various initiatives. Joint workshop sessions were scheduled for the near future between City Council and the Planning and Zoning Commission.

Mayor Siegel supported the idea of starting the Comprehensive Plan Review. She felt that City Council needed to make some decisions in other areas, such as City facilities and the Research, Development and Distribution (RDD) District. Mayor Siegel suggested that the discovery work and due diligence currently underway be allowed to continue.

She suggested further that City Council accept the report and authorize City Staff, after the beginning of the year, to send out the RFP for a Comprehensive Plan Review. She also noted that there would be new City Council members sitting at the Council table.

**Councilman John Jeffery** agreed with the suggestion made by Mayor Siegel.

**Councilman John F. Monday** stated that, in addition to an RFP, the City needed someone to inject themselves into the multitude of processes underway to coordinate and bring together a consolidated effort in the next year. He appreciated letting another City Council get involved, but felt that the current City Council needed to set the wheels in motion.

**Mayor Siegel** advised that City Staff had a great deal on their plate right now. She felt that the work started on various subcommittees needed to come forward to City Council. Then, the next step would be the Comprehensive Plan.
MOTION TO ACCEPT REPORT AND PROVIDE DIRECTION TO STAFF:

A motion was made by Mayor Cindy Siegel and seconded by Councilwoman Debra Marz Davison to accept the report issued by Kendig Keast Collaborative recommending a revision of the City of Bellaire’s Comprehensive Plan, and to authorize City Staff to issue a Request for Proposal (RFP) no later than January of 2008 to invite responses from qualified consulting firms and/or teams interested in providing professional services needed for said revisions of the Comprehensive Plan.

DISCUSSION (CONT.):

Councilman Pat McLaughlan echoed what Councilman Monday had stated. He felt that the City was in a stage with its Strategic Planning and Development Committee, Facilities Committee, and Planning and Zoning Commission subcommittees, and Building and Standards Commission subcommittees, that it was critical to start the process and move forward now. If this were deferred until 2008, then it would take several months of 2008 before the update was kicked off. He truly felt that in order to move forward, the City needed some outside help.

Mayor Siegel indicated that she did not believe that the City could physically get this done before January. The work underway right now needed to be finished before undertaking such an update.

Councilman McLaughlan noted that the Facilities Committee’s work would be completed by Monday and a Fire Station recommendation would be made, as well as recommendations regarding the location of other facilities. His thought was that the consultant would serve as a facilitator or integrator, which would simplify things. He believed that if structured properly, the workload would decrease.

Councilman John Jeffery called the question. Councilwoman Debra Marz Davison seconded the call.

VOTE ON CALLING THE QUESTION:

Motion failed on a 3-2 vote as follows:

FOR: Siegel, Cindy
FOR (CONT.): Davison, Debra Marz
Jeffery, John

OPPOSED: Monday, John M.
McLaughlan, Pat

ABSENT: Hickman, Will
Faulk, Peggy

DISCUSSION (CONT.):

Councilman Monday stated that by issuing an RFP in January of 2008 all City Council had done was extend the process an extra 60-90 days. He did not believe there was any harm in finding someone to help the City coordinate this process now.

Mayor Siegel felt that if City Council completed the processes currently underway earlier, the motion would allow City Staff to issue the RFP sooner. She noted that the City was two years into a bond referendum and had no plans on the table for any of the facilities other than the Aquatic Facility. The Aquatic Facility had already been decided before the bond referendum went out. She knew that everyone had been moving as fast as they could and many things were coming forward now.

Last week Mayor Siegel sat down with the City Manager to review the meeting schedule for the next three months. One Monday was kept open to deal with a possible tax rate hearing. Other than that, the City was running out of days to meet.

City Manager Satterwhite stated that the calendar contained meetings that involved City Council and other posted meetings. It provided a good picture of what was currently underway for the City. To get the RFP and scope together for an update would take some time.

Mayor Siegel inquired as to the number of hours of staff time that would be involved in the update process.

Chair Thorogood advised that approximately 250 staff hours would be needed.

Mayor Siegel advised that City Council, the Planning and Zoning Commission, and City Staff would all be involved in this process. She believed that this was a very critical need, but still suggested that the City consider issuing the RFP in January of 2008.
MOTION TO POSTPONE ACTION ON ACCEPTANCE OF REPORT AND AUTHORIZATION TO CITY STAFF TO ISSUE AN RFP FOR REVISIONS TO THE CITY'S COMPREHENSIVE PLAN:

A motion was made by Mayor Cindy Siegel and seconded by Councilman John F. Monday to postpone action on the acceptance of a report from Kendig Keast Collaborative regarding the City’s Comprehensive Plan and authorization to City Staff to issue an RFP for revisions to the City’s Comprehensive Plan until the next Regular Session of City Council scheduled for October 1, 2007.

VOTE ON MOTION TO POSTPONE:

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

Naming of City of Bellaire Public Property

b.  APPOINTMENT of a subcommittee to evaluate and return to City Council with a recommendation regarding a request to rename the public property known as “Bellaire Park,” located between the Bellaire City Hall and the Bellaire Recreation Center, as “Zindler Park” in memory of the Zindler Family (i.e., in accordance with the policy and procedure for Naming of City of Bellaire Public Facilities and Properties) – Appointments to be made by Mayor Cindy Siegel (Item submitted by City Clerk Tracy L. Dutton on behalf of Mayor Cindy Siegel).

This item was considered earlier in the meeting. See pages 7-9 of these minutes for discussion related to this agenda item.
2. ADOPTION OF ORDINANCE:

Code Amendment

CONSIDERATION of and possible action on the adoption of an ordinance amending Chapter 14, Food and Food Handlers, Article I, In General, Section 14-1, Texas Department of Health, Division of Food and Drugs, “Rules on Food Service Sanitation 307.73.11.001-301.73.11.011, adopted”; Article II, Permits, Licenses or Certificate, Section 14-11, Required, Section 14-12, Issuance of permit, license, or certificate; and Article III, Inspections and Enforcement, Section 14-27, Report of inspections, Section 14-32, Disease control, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of bringing such sections into conformity with changes to the laws of the State of Texas; and providing for severability – Action by Members of City Council (Item submitted by Assistant Director of Community Development Chris Magisano).

SUMMARY:

City Attorney Alan P. Petrov advised that the Texas Department of Health set forth regulations for food handlers and food establishments (i.e., restaurants), which were enforced by the City’s health inspectors. For several years, the inspectors had been following the state regulations. The City discovered fairly recently that the Code of Ordinances of the City of Bellaire, Texas ("Code"), that was adopted to mirror the state regulations had not been updated as the state regulations had changed. The ordinance before City Council this evening was an attempt to clean up and match the Code to the existing state regulations, which were the regulations the City had to follow anyway with respect to food handlers and establishments.

Changes ranged from changing the name of the state agency referenced in the Code to changing some of the scoring systems set out to match state requirements.

MOTION TO ADOPT ORDINANCE:

A motion was made by Councilman John Jeffery and seconded by Councilman John F. Monday to adopt an ordinance amending Chapter 14, Food and Food Handlers, Article I, In General, Section 14-1, Texas Department of Health, Division of Food and Drugs, “Rules on Food Service Sanitation 307.73.11.001-301.73.11.011, adopted”; Article II, Permits, Licenses or Certificate, Section 14-11, Required, Section 14-12, Issuance of permit, license, or certificate; and Article III, Inspections and Enforcement, Section 14-27, Report of inspections, Section 14-
32. Disease control, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of bringing such sections into conformity with changes to the laws of the State of Texas; and providing for severability.

VOTE ON MOTION TO ADOPT ORDINANCE:

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

{Ordinance was subsequently numbered: 07-055}

3. ADOPTION OF RESOLUTION:

Harris County Appraisal District – Board Nomination

CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, nominating a candidate for a position on the Board of Directors of the Harris County Appraisal District – Action by Members of City Council (Item submitted by City Clerk Tracy L. Dutton on behalf of the Chief Appraiser of the Harris County Appraisal District).

This item was considered earlier in the meeting. See pages 4-7 of these minutes for discussion related to this agenda item.

H. COUNCIL CORRESPONDENCE AND COMMENTS.

Discussion only.

I. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Councilman Pat McLaughlan and seconded by Councilman John F. Monday to adjourn the Regular Session of the City
Council of the City of Bellaire, Texas, at 9:39 p.m. on Monday, September 17, 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

Respectfully submitted,

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

Approved:

________________________________________
Cynthia Siegel, Mayor
City of Bellaire, Texas