I. SPECIAL SESSION (OFFICIAL CANVASS) – 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 6:08 p.m. on Monday, November 19, 2007. The Bellaire City Council met at that time and on that date in Special Session for the purpose of conducting the Official Canvass of the Bellaire General Election held November 6, 2007. Mayor Siegel announced that a quorum was present consisting of herself and the following members of City Council:

- Councilman Will Hickman, Position No. 1;
- Councilman John F. Monday, Position No. 2;
- Mayor Pro Tem Peggy Faulk, Position No. 3;
- Councilman Pat McLaughlan, Position No. 5; and
- Councilman John Jeffery, Position No. 6.

Councilman Will Hickman arrived early for this session, surpassing the arrival of all other members by at least one-half hour. Councilwoman Debra Marz Davison, Position No. 4, was absent. Other officials present were City Manager Bernard M. Satterwhite, Jr., City Attorney Alan P. Petrov, and City Clerk Tracy L. Dutton.

B. OFFICIAL CANVASS:

1. TABULATION of the total number of votes received in each precinct (128, 182, 214, 215, and 268) and the sum of the precinct totals cast in the City of Bellaire, Texas, General Election held on the 6th day of November, 2007, for the purpose of electing a Mayor, Councilman – Position No. 2, Councilman – Position No. 4, and Councilman – Position No. 6 (Texas Election Code, Sections 67.002-67.004) – Tabulation Read by City Clerk Tracy L. Dutton; Tabulation Prepared by the Harris County Clerk’s Office, Elections Division.

City Clerk Tracy L. Dutton advised that there were 329 votes cast during early voting in the Bellaire General Election held on November 6, 2007, as follows:
Office of Mayor

Candidate Cindy Siegel:

<table>
<thead>
<tr>
<th>Precinct 128</th>
<th>Precinct 182</th>
<th>Precinct 214</th>
<th>Precinct 215</th>
<th>Precinct 268</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>40</td>
<td>69</td>
<td>41</td>
<td>35</td>
<td>48</td>
<td>233</td>
</tr>
</tbody>
</table>

Candidate Robert Riquelmy:

<table>
<thead>
<tr>
<th>Precinct 128</th>
<th>Precinct 182</th>
<th>Precinct 214</th>
<th>Precinct 215</th>
<th>Precinct 268</th>
<th>Total</th>
</tr>
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<tbody>
<tr>
<td>15</td>
<td>20</td>
<td>12</td>
<td>19</td>
<td>8</td>
<td>74</td>
</tr>
</tbody>
</table>

Office of Councilman – Position No. 2

Candidate Kathryn M. Hardin:

<table>
<thead>
<tr>
<th>Precinct 128</th>
<th>Precinct 182</th>
<th>Precinct 214</th>
<th>Precinct 215</th>
<th>Precinct 268</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>22</td>
<td>21</td>
<td>15</td>
<td>19</td>
<td>86</td>
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</table>

Candidate Keith Bowers:

<table>
<thead>
<tr>
<th>Precinct 128</th>
<th>Precinct 182</th>
<th>Precinct 214</th>
<th>Precinct 215</th>
<th>Precinct 268</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>17</td>
<td>12</td>
<td>14</td>
<td>14</td>
<td>67</td>
</tr>
</tbody>
</table>

Candidate Jim Avioli, Sr.:

<table>
<thead>
<tr>
<th>Precinct 128</th>
<th>Precinct 182</th>
<th>Precinct 214</th>
<th>Precinct 215</th>
<th>Precinct 268</th>
<th>Total</th>
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<tbody>
<tr>
<td>34</td>
<td>40</td>
<td>17</td>
<td>17</td>
<td>22</td>
<td>130</td>
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</tbody>
</table>

Office of Councilman – Position No. 4

Candidate Phil Nauert:

<table>
<thead>
<tr>
<th>Precinct 128</th>
<th>Precinct 182</th>
<th>Precinct 214</th>
<th>Precinct 215</th>
<th>Precinct 268</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>38</td>
<td>58</td>
<td>35</td>
<td>28</td>
<td>34</td>
<td>193</td>
</tr>
</tbody>
</table>
Office of Councilman – Position No. 4 (cont.)

Candidate Fred Stow:

<table>
<thead>
<tr>
<th>Precinct 128</th>
<th>Precinct 182</th>
<th>Precinct 214</th>
<th>Precinct 215</th>
<th>Precinct 268</th>
<th>Total</th>
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<tbody>
<tr>
<td>17</td>
<td>24</td>
<td>15</td>
<td>20</td>
<td>16</td>
<td>92</td>
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Office of Councilman – Position No. 6

Candidate John Jeffery

<table>
<thead>
<tr>
<th>Precinct 128</th>
<th>Precinct 182</th>
<th>Precinct 214</th>
<th>Precinct 215</th>
<th>Precinct 268</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>42</td>
<td>64</td>
<td>40</td>
<td>34</td>
<td>45</td>
<td>225</td>
</tr>
</tbody>
</table>

City Clerk Dutton advised further that there were 2,113 votes cast on Election Day in the Bellaire General Election held on November 6, 2007, as follows:

Office of Mayor

Candidate Cindy Siegel:

<table>
<thead>
<tr>
<th>Precinct 128</th>
<th>Precinct 182</th>
<th>Precinct 214</th>
<th>Precinct 215</th>
<th>Precinct 268</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>365</td>
<td>494</td>
<td>203</td>
<td>305</td>
<td>317</td>
<td>1,684</td>
</tr>
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Candidate Robert Riquelmy:

<table>
<thead>
<tr>
<th>Precinct 128</th>
<th>Precinct 182</th>
<th>Precinct 214</th>
<th>Precinct 215</th>
<th>Precinct 268</th>
<th>Total</th>
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<tbody>
<tr>
<td>70</td>
<td>83</td>
<td>29</td>
<td>51</td>
<td>57</td>
<td>290</td>
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</table>

Office of Councilman – Position No. 2

Candidate Kathryn M. Hardin:

<table>
<thead>
<tr>
<th>Precinct 128</th>
<th>Precinct 182</th>
<th>Precinct 214</th>
<th>Precinct 215</th>
<th>Precinct 268</th>
<th>Total</th>
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<tbody>
<tr>
<td>77</td>
<td>88</td>
<td>45</td>
<td>102</td>
<td>100</td>
<td>412</td>
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Office of Councilman – Position No. 2 (cont.)

Candidate Keith Bowers:

<table>
<thead>
<tr>
<th>Precinct 128</th>
<th>Precinct 182</th>
<th>Precinct 214</th>
<th>Precinct 215</th>
<th>Precinct 268</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>46</td>
<td>62</td>
<td>22</td>
<td>34</td>
<td>60</td>
<td>224</td>
</tr>
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Candidate Jim Avioli, Sr.:

<table>
<thead>
<tr>
<th>Precinct 128</th>
<th>Precinct 182</th>
<th>Precinct 214</th>
<th>Precinct 215</th>
<th>Precinct 268</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>251</td>
<td>360</td>
<td>142</td>
<td>175</td>
<td>165</td>
<td>1,093</td>
</tr>
</tbody>
</table>

Office of Councilman – Position No. 4

Candidate Phil Nauert:

<table>
<thead>
<tr>
<th>Precinct 128</th>
<th>Precinct 182</th>
<th>Precinct 214</th>
<th>Precinct 215</th>
<th>Precinct 268</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>259</td>
<td>358</td>
<td>136</td>
<td>218</td>
<td>202</td>
<td>1,173</td>
</tr>
</tbody>
</table>

Candidate Fred Stow:

<table>
<thead>
<tr>
<th>Precinct 128</th>
<th>Precinct 182</th>
<th>Precinct 214</th>
<th>Precinct 215</th>
<th>Precinct 268</th>
<th>Total</th>
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<tbody>
<tr>
<td>120</td>
<td>137</td>
<td>63</td>
<td>94</td>
<td>109</td>
<td>523</td>
</tr>
</tbody>
</table>

Office of Councilman – Position No. 6

Candidate John Jeffery

<table>
<thead>
<tr>
<th>Precinct 128</th>
<th>Precinct 182</th>
<th>Precinct 214</th>
<th>Precinct 215</th>
<th>Precinct 268</th>
<th>Total</th>
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<tbody>
<tr>
<td>327</td>
<td>403</td>
<td>164</td>
<td>251</td>
<td>257</td>
<td>1,402</td>
</tr>
</tbody>
</table>

A total number of **2,442** ballots were cast during early voting and on Election Day in the Bellaire General Election as follows:

Office of Mayor

Candidate Cindy Siegel 1,917  
Candidate Robert Riquelmy 364  

Office of Councilman – Position No. 2

Candidate Kathryn M. Hardin 498
Office of Councilman – Position No. 2 (cont.)

Candidate Keith Bowers       291
Candidate Jim Avioli, Sr.    1,223

Office of Councilman – Position No. 4

Candidate Phil Nauert     1,366
Candidate Fred Stow        615

Office of Councilman – Position No. 6

Candidate John Jeffery     1,627

2. CONSIDERATION of and possible action on the adoption of an ordinance canvassing the returns and declaring the results of a General Election held on the 6th day of November, 2007, in 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 – Action by Members of City Council to Adopt Ordinance (Item submitted by City Clerk Tracy L. Dutton).

MOTION TO ADOPT ORDINANCE:

A joint motion was made by Mayor Pro Tem Peggy Faulk and Councilman John Jeffery and seconded by Councilman Pat McLaughlan to adopt an ordinance canvassing the returns and declaring the results of a General Election held on the 6th day of November, 2007, in 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.

VOTE ON MOTION TO ADOPT ORDINANCE:

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

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

OPPOSED:    None
C. CERTIFICATE OF ELECTION:

ISSUANCE of a Certificate of Election to each candidate elected to the office of Mayor, Councilman – Position No. 2, Councilman – Position No. 4, and Councilman – Position No. 6 – Mayor Cindy Siegel.

Mayor Cindy Siegel, as Presiding Officer of the Canvassing Authority, issued a Certificate of Election to each candidate elected to the office of Mayor, Councilman – Position No. 2, Councilman – Position No. 4, and Councilman – Position No. 6. Newly elected Mayor, Cindy Siegel, accepted her Certificate of Election, as did newly elected Councilman – Position No. 2, Jim Avioli, Sr., and newly reelected Councilman – Position No. 6, John Jeffery. Newly elected Councilman – Position No. 4, Phil Nauert, was not present to accept his Certificate of Election in person.

D. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Councilman Will Hickman and seconded by Mayor Pro Tem Peggy Faulk to adjourn the Special Session (Official Canvass) of the City Council of the City of Bellaire, Texas, at 6:17 p.m. on Monday, November 19, 2007.

VOTE ON MOTION TO ADJOURN:

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

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

OPPOSED: None

ABSENT: Davison, Debra Marz
II. SPECIAL SESSION (PUBLIC HEARING) – 6:15 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 6:17 p.m. on Monday, November 19, 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 City Council to hear 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 II, Definitions and Interpretations, and Article V, Zoning Regulations. Mayor Siegel announced that a quorum was present consisting of herself and the following members of City Council:

- Councilman Will Hickman, Position No. 1;
- Councilman John F. Monday, Position No. 2;
- Mayor Pro Tem Peggy Faulk, Position No. 3;
- Councilman Pat McLaughlan, Position No. 5; and
- Councilman John Jeffery, Position No. 6.

Councilwoman Debra Marz Davison, Position No. 4, 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 a portion of the “Notice of Public Hearing” as follows:

Notice is hereby given that the City Council of the City of Bellaire, Texas, has called and will hold a public hearing on the 19th day of November, 2007, at 6:15 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas, at which time and place any and all persons may appear and be heard on or in connection with any matter or question involving all property located within the corporate limits of the City of Bellaire, Texas, that may be affected by the proposed revisions of 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 II, Definitions and Interpretations, Article V, Zoning Regulations, for the purpose of adding a definition for the term “through lot” and prohibiting same and for the purpose of revising side yard setbacks for the R-3, R-4, and R-5 Residential Zoning Districts.
and for the purpose of modifying area or lot coverage in the R-4 Residential Zoning District to provide consistency and uniformity.

City Clerk Dutton noted that in the interest of time the entire notice would not be read, but was available at the entrance to the Council Chamber. It was also noted that the “Notice of Public Hearing” was published in the legal notices section of the Southwest News on Tuesday, October 30, 2007, and posted on the City’s bulletin board and website on November 2, 2007. Signs advertising the public hearing were installed by the Bellaire Public Works Department at the intersection of South Rice Avenue and Bellaire Boulevard and the intersection of Newcastle Drive and Bellaire Boulevard.

For purposes of the record, the remainder of the “Notice of Public Hearing” has been included herein as follows:

Specifically, revisions have been proposed by the Planning and Zoning Commission of the City of Bellaire, Texas, to amend Chapter 24, Planning and Zoning Regulations, Article II, Definitions and Interpretations, Section 24-202, Definitions, by adding a definition for the term “through lot” that will read as follows:

Sec. 24-202. Definitions.

Definition to be added:

Through lot. Any lot that connects two generally parallel streets and is adjacent to more than one interior lot on the same side.

Revisions have also been proposed to Chapter 24, Planning and Zoning Regulations, Article V, Zoning Regulations, Division 1, Zoning Districts and Regulations of General Applicability, by adding a new Section 24-523, Through lots prohibited, for the purpose of prohibiting through lots to read as follows:

Sec. 24-523. Through lots prohibited.

No plat, replat or amending plat shall be approved if such approval results in the creation of a through lot. Through lots in existence as of [insert date] may continue.

Revisions proposed for side yard setbacks in the R-3, R-4, and R-5 Residential Zoning Districts result in amendments to Chapter 24, Planning and Zoning Regulations, Article V, Zoning Regulations,
Division 2, Zoning District Regulations, Section 24-532, R-3 Residential District, Section 24-533, R-4 Residential District, and Section 24-534, R-5 Residential District, of the Code of Ordinances of the City of Bellaire, Texas, and shall read as follows (revisions appear in bold print and are underscored):

**Sec. 24-532. R-3 Residential District.**

C. Standard regulations.

(1) Residential structures.

   a) Size and area:

      6) Minimum required yards:

      b. Side yard: **Eight (8) feet for lots having a width greater than ninety (90) feet and six (6) feet for lots having a width less than or equal to ninety (90) feet,** provided that on a corner lot, both street exposures shall be treated as front yards on all lots platted after the date of enactment of this chapter, except that where one street exposure is designated as a side yard by a building line shown on a plat approved by the Planning and Zoning Commission, containing a side yard of ten (10) feet or more, the building line provisions on the plat shall be observed. On lots which were official corner lots of record prior to the date of enactment of this chapter, the minimum side yard adjacent to the side street shall be ten (10) feet;

      For any accessory structure, there shall be a side yard of not less than three (3) feet from any interior side lot line when such accessory structure is located in the rear of the lot (which is to the rear of a line connecting the midpoints of the two opposite side lot lines). When any part of an accessory structure is located in front of the line connecting the two midpoints of the two opposite side lot lines, then the same side yard as specified for the main building is required; (Ord. No. 81-006,
§ 6, 2-23-1981; Ord. No. 89-009, § 1, 3-6-1989)

Architectural features: the outermost point of architectural features (roof eaves, fireplaces and/or chimneys or bay windows, excluding fireplaces which are attached to the ground) projecting from the side building line shall be a minimum of three (3) feet from the side property line. No other projection from the side building line shall be permitted; and (Ord. No. 91-012, § 18, 3-4-1991)

Sec. 24-532. R-3 Residential District.

C. Standard regulations.

(2) Nonresidential structures.

a) Churches.

1) Size and area:

   f. Minimum required yards:

   2. Side Yard: Eight (8) feet for lots having a width greater than ninety (90) feet and six (6) feet for lots having a width less than or equal to ninety (90) feet, provided that on a corner lot, both street exposures shall be treated as front yards on all lots platted after the date of enactment of this chapter, except that where one street exposure is designated as a side yard by a building line shown on a plat approved by the Planning and Zoning Commission, containing a side yard of ten (10) feet or more, the building line provisions on the plat shall be observed. On lots which were official corner lots of record prior to the date of enactment of this chapter, the minimum side yard
adjacent to the side street shall be ten (10) feet.

Sec. 24-532.  R-3 Residential District.

C.  Standard regulations.

   (2)  Nonresidential structures.

      b)  Schools.

      1)  Size and area:

         f.  Minimum required yards:

            2.  Side Yard:  *Eight (8) feet for lots having a width greater than ninety (90) feet and six (6) feet for lots having a width less than or equal to ninety (90) feet*, provided that on a corner lot, both street exposures shall be treated as front yards on all lots platted after the date of enactment of this chapter, except that where one street exposure is designated as a side yard by a building line shown on a plat approved by the Planning and Zoning Commission, containing a side yard of ten (10) feet or more, the building line provisions on the plat shall be observed. On lots which were official corner lots of record prior to the date of enactment of this chapter, the minimum side yard adjacent to the side street shall be ten (10) feet.

Sec. 24-533.  R-4 Residential District.

C.  Standard regulations.

   (1)  Residential structures.

      a)  Size and area:
6) Minimum required yards:

b. Side yard: **Eight (8) feet for lots having a width greater than ninety (90) feet and six (6) feet for lots having a width greater than seventy (70) feet and equal to or less than ninety (90) feet and five (5) feet for lots having a width less than seventy (70) feet**, provided that on a corner lot, both street exposures shall be treated as front yards on all lots platted after the date of enactment of this chapter, except that where one street exposure is designated as a side yard by a building line shown on a plat approved by the Planning and Zoning Commission, containing a side yard of ten (10) feet or more, the building line provisions on the plat shall be observed. On lots which were official corner lots of record prior to the date of enactment of this chapter, the minimum side yard adjacent to the side street shall be ten (10) feet.

For any accessory structure, there shall be a side yard of not less than three (3) feet from any interior side lot line which such accessory structure is located in the rear of the lot (which is to the rear of a line connecting the midpoints of the two opposite side lot lines). When any part of an accessory structure is located in front of the line connecting the two midpoints of the two opposite side lot lines, then the same side yard as specified for the main building is required; (Ord. No. 81-006, § 6, 2-23-1981; Ord. No. 89-009, § 1, 3-6-1989)

**Sec. 24-533. R-4 Residential District.**

C. Standard regulations.

(2) Nonresidential structures.

a) Churches.

1) Size and area:
f. Minimum required yards:

2. **Side Yard:** *Eight (8) feet for lots having a width greater than ninety (90) feet and six (6) feet for lots having a width greater than seventy (70) feet and equal to or less than ninety (90) feet and five (5) feet for lots having a width of less than seventy (70) feet*, provided that on a corner lot, both street exposures shall be treated as front yards on all lots platted after the date of enactment of this chapter, except that where one street exposure is designated as a side yard by a building line shown on a plat approved by the Planning and Zoning Commission, containing a side yard of ten (10) feet or more, the building line provisions on the plat shall be observed. On lots which were official corner lots of record prior to the date of enactment of this chapter, the minimum side yard adjacent to the side street shall be ten (10) feet.

**Sec. 24-533. R-4 Residential District.**

C. **Standard regulations.**

(2) **Nonresidential structures.**

b) **Schools.**

1) **Size and area:**

f. Minimum required yards:

2. **Side Yard:** *Eight (8) feet for lots having a width greater than ninety (90) feet and six (6) feet for lots having a width greater than seventy (70) feet and equal to or less than ninety (90) feet and five (5) feet for lots having a width of less than seventy (70) feet*. 
(90) feet and five (5) feet for lots having a width less than seventy (70) feet, provided that on a corner lot, both street exposures shall be treated as front yards on all lots platted after the date of enactment of this chapter, except that where one street exposure is designated as a side yard by a building line shown on a plat approved by the Planning and Zoning Commission, containing a side yard of ten (10) feet or more, the building line provisions on the plat shall be observed. On lots which were official corner lots of record prior to the date of enactment of this chapter, the minimum side yard adjacent to the side street shall be ten (10) feet.

Sec. 24-534. R-5 Residential District.

C. Standard regulations.

(1) Residential structures.

   a) Size and area:

    6) Minimum required yards:

    b. Side yard: Eight (8) feet for lots having a width greater than ninety (90) feet and six (6) feet for lots having a width greater than seventy (70) feet and equal to or less than ninety (90) feet and five (5) feet for lots having a width of less than seventy (70) feet, provided that on a corner lot, both street exposures shall be treated as front yards on all lots platted after the date of enactment of this chapter, except that where one street exposure is designated as a side yard by a building line shown on a plat approved by the Planning and Zoning Commission, containing a side yard of ten (10) feet or more, the building line provisions on the plat shall be observed. On lots which were official corner lots of record prior to the date of enactment of this chapter, the minimum side
yard adjacent to the side street shall be ten (10) feet.

For any accessory structure, there shall be a side yard of not less than three (3) feet from any interior side lot line when such accessory structure is located in the rear of the lot (which is to the rear of a line connecting the midpoints of the two opposite side lot lines). When any part of an accessory structure is located in front of the line connecting the two midpoints of the two opposite side lot lines, then the same side yard as specified for the main building is required; (Ord. No. 81-006, § 6, 2-23-1981; Ord. No. 89-009, § 1, 3-6-1989).

Sec. 24-534. R-5 Residential District.

C. Standard regulations.

(2) Nonresidential structures.

a) Churches.

1) Size and area:

   f. Minimum required yards:

   2. Side Yard: Eight (8) feet for lots having a width greater than ninety (90) feet and six (6) feet for lots having a width greater than seventy (70) feet and equal to or less than ninety (90) feet and five (5) feet for lots having a width less than seventy (70) feet, provided that on a corner lot, both street exposures shall be treated as front yards on all lots platted after the date of enactment of this chapter, except that where one street exposure is designated as a side yard by the building line shown on a plat approved by the Planning and Zoning Commission, containing a side yard of ten (10) feet or more, the building line provisions on the plat shall be observed. On lots which were official corner lots of record prior to the date of enactment of this chapter, the
minimum side yard adjacent to the side street shall be ten (10) feet.

Sec. 24-534. R-5 Residential District.

C. Standard regulations.

(2) Nonresidential structures.

b) Schools.

1) Size and area:

f. Minimum required yards:

2. Side Yard: Eight (8) feet for lots having a width greater than ninety (90) feet and six (6) feet for lots having a width greater than seventy (70) feet and equal to or less than ninety (90) feet and five (5) feet for lots having a width less than seventy (70) feet, provided that on a corner lot, both street exposures shall be treated as front yards on all lots platted after the date of enactment of this chapter, except that where one street exposure is designated as a side yard by a building line shown on a plat approved by the Planning and Zoning Commission, containing a side yard of ten (10) feet or more, the building line provisions on the plat shall be observed. On lots which were official corner lots of record prior to the date of enactment of this chapter, the minimum side yard adjacent to the side street shall be ten (10) feet.

Revisions proposed for modification of area or lot coverage in the R-4 Residential Zoning District result in an amendment to Chapter 24, Planning and Zoning Regulations, Article V, Zoning Regulations, Division 2, Zoning District Regulations, Section 24-533, R-4 Residential
Section 24-533. R-4 Residential District.

C. Standard regulations.

(1) Residential structures.

a) Size and area:

1) Maximum lot coverage for lots having an area equal to or less than 7,000 square feet: 60 percent of lot area. Maximum lot coverage for lots having an area greater than 7,000 square feet: the greater of 4,200 square feet or 55% of lot area. (Ord. No. 89-009, § 1, 3-6-1989)

The proposed revisions would be generally applicable to all properties within the City of Bellaire, Texas. Any persons requesting additional information regarding the subject of this hearing may contact the City of Bellaire, Texas, Department of Community Development, 7008 South Rice Avenue, Bellaire, Texas, during normal business hours prior to the hearing.

Dated at Bellaire, Texas, this 15th day of October, 2007.

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

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, a brief presentation will be given by Former Chair Bruce Volkert of the Bellaire Planning and Zoning Commission (“Commission”), regarding revisions proposed by the Commission to the Code of Ordinances of the City of Bellaire, Texas, Chapter 24, Planning and Zoning Regulations, Article II, Definitions and Interpretations, and Article V, Zoning Regulations, for the purpose of adding a definition for the term “through lot” and prohibiting same and for the purpose of revising side yard setbacks for the R-3, R-4, and R-5 Residential Zoning Districts, and for the purpose of modifying area or lot coverage requirements in
the R-4 Residential Zoning District to provide for consistency and uniformity. The presentation will be limited to fifteen (15) minutes.

At the conclusion of the presentation, the Mayor and City Council will have an opportunity to ask questions of Former Chair Volkert regarding the proposed revisions. At the conclusion of the question and answer session, the Mayor will recognize citizens or other interested parties who have completed the sign-in sheet prior to commencement of the meeting. 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. 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 Monday, December 3, 2007. Written comments must be submitted by noon on Thursday, November 29, 2007, in order to be considered for the record. The sign-in sheet and written comment sheets have been provided at the entrance to the Council Chamber.


Former Chair Bruce Volkert, Commission, presented the revisions proposed by the Commission to Chapter 24, Planning and Zoning Regulations, Article II, Definitions and Interpretations, and Article V, Zoning Regulations, of the Code of Ordinances of the City of Bellaire, Texas.

The three revisions proposed and under consideration were summarized as follows:

- To prohibit through lots in Residential Districts (R-1, R-3, R-4, and R-5);
• To normalize lot coverage for large lots in the R-4 Residential District; and

• To normalize side setbacks for large lots in the R-3, R-4, and R-5 Residential Districts.

Through Lots

With respect to through lots, Former Chair Volkert advised that through lots produced trouble and caused problems for neighborhoods. “Front” yards effectively became used as “back” yards, which was contrary to the reasonable expectations of the neighbors. Through lots were likely to strain relationships among neighbors.

The Commission strongly recommended that through lots be prohibited. Land use professionals were in general agreement that through lots should be avoided. The Commission believed that once a through lot was created, the uses of the “back” yard that were not agreeable to the neighbors could not be effectively controlled. No rational argument could be found for continuing to allow through lots once their potential for trouble had been identified. Prohibiting through lots effectively protected neighborhoods.

At this point in the presentation Former Chair Volkert showed several slides to City Council of a through lot currently in existence in Bellaire on Pocahontas Street.

The Commission had recommended a definition for the term “through lot,” which was read by Former Chair Volkert as follows:

*Through lot shall be defined as any lot that connects two generally parallel streets and is adjacent to more than one interior or corner lot on the same side.*

Former Chair Volkert noted that existing through lots that were currently platted should be grandfathered, but should otherwise conform to setback and other requirements as required by ordinances.

In closing on through lots, Former Chair Volkert advised that through lot owners had a tendency not to identify with the owners adjacent to their back fence. Their use and maintenance of the property outside their back fence was not likely to be conventional front yard usage. It was the belief of the Commission that people did not want to live across the street from, or adjacent to, the back of a through lot, particularly if it was not there when they purchased their property.
Normalizing Lot Coverage for Large Lots (R-4 Residential District)

Former Chair Volkert indicated that the R-4 Residential District currently allowed coverage that was greater than all other districts. All residential districts, with the exception of R-4, limited lot coverage to 55%. Allowing coverage of 60% in the R-4 Residential District appeared to be a reasonable concession to the smaller lot sizes in the R-4 Residential District.

As a matter of comparison, the R-3 Residential District had a minimum lot size of 7,400 square feet. The Commission could find no apparent justification for 60% lot coverage in the R-4 Residential District when lots exceeded 7,400 square feet. The property owners in the R-3 Residential District were living with that coverage limitation, so those in the R-4 Residential District with large lots could live with the same limitation.

The Commission believed that large lots should play by large lot rules. Approximately 20% of the lots in the R-4 Residential District, or 342 lots, were larger than 7,400 square feet. Those lots did not need the concession to coverage that was needed by the smaller lots.

The Commission’s specific proposal was to recommend that maximum lot coverage in the R-4 Residential District be normalized to 55% for large lots as follows:

For lots having an area below 7,000 square feet, the lot coverage would be 60% (i.e., this recommendation did not represent a change in the City’s Code). Former Chair Volkert noted that there were 1,246 lots having an area below 7,000 square feet in the R-4 Residential District. For lots having an area above 7,000 square feet, the lot coverage would be the greater of 4,200 square feet or 55% of lot area.

Former Chair Volkert stated that all residential districts, except the R-4 Residential District, conformed to 55% lot coverage. Those in the R-4 Residential District were allowed to have increased coverage of 60% throughout the entire district. The Commission’s proposal simply adjusted the lot coverage above 7,000 square feet to a constant of 4,200 square feet, then it joined the 55% coverage that all other lots in residential districts adhered to. The Commission believed that this was a fair thing to do and recognized that the large lots really did not need the coverage limitation increased to 60%.

Former Chair Volkert presented a graph to City Council that contrasted the R-4 Residential District against the R-3 Residential District. In general, very few lots in the R-4 Residential District would be affected by the proposed revisions. There were 1,649 lots in the R-4
Residential District and 76% of those lots would be unaffected (1,246 lots) by the proposed revisions. Sixty-one lots were in the transition range to go from 60% lot coverage to 55% lot coverage, and 342 lots would be reduced from 60% to 55% lot coverage. The proposed revisions effectively added about 200,000 square feet of green space to the R-4 Residential District. New construction in the R-4 Residential District would be affected, but existing structures would be unaffected.

Former Chair Volkert continued and referred to normalizing side setbacks for large lots in the R-3 Residential District. He advised that side setbacks produced benefits, such as airflow and light between structures, vegetation, access to backyards for maintenance, and a marginal increase for drainage from backyards to the streets. Additionally, side yard setbacks had a positive impact on privacy.

The City’s current setback requirements were noted as follows:

- R-1 Residential District: Eight Feet
- R-3 Residential District: Six Feet
- R-4 Residential District: Five Feet
- R-5 Residential District: Five Feet

As an aside, Former Chair Volkert indicated that the minimum lot width in the residential districts ranged from 80 feet in the R-1 Residential District to 50 feet in the R-4 and R-5 Residential Districts.

The Commission’s proposal with respect to side yard setbacks was noted as follows:

- R-1 Residential District would remain at eight feet;
- R-3 Residential District would increase from six feet to eight feet when lot width exceeded 90 feet, or a change of two feet;
- R-4 and R-5 Residential Districts would remain at five feet when the lot width was less than 70 feet. Lot widths between 70 and 90 feet would have a side yard setback of six feet. Lot widths greater than 90 feet would have a side yard setback of eight feet.

Former Chair Volkert showed another chart to City Council that depicted the number of lots affected by the proposed side yard setback revisions. He noted that the great bulk of the lots in Bellaire would be unaffected by the proposed revisions. For example, 93% of the lots were unaffected. Two percent of the lots would have a setback increase of one foot; three percent of the lots would have a setback increase of two feet; and two percent of the lots would have a setback increase of three feet.
Next Steps by City Council:

Former Chair Volkert indicated that the next steps to be taken by City Council with respect to the proposed revisions involved completion of this evening’s public hearing, discussion and decision on the revisions as warranted by City Council, and a vote to revise the City’s Code.

In summary, the changes being considered included prohibiting through lots, normalizing lot coverage for lots in the R-4 Residential District, and normalizing side yard setbacks for large lots.

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

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

Q: Councilman Will Hickman referred to through lots and inquired as to whether two corner lots could still be combined.

A: Former Chair Volkert advised that a combination of two corner lots would be prohibited. He read the definition of “through lot” for clarification as follows: any lot that connects two generally parallel streets adjacent to more than one interior or corner lot on the same side. He noted that the problem with through lots came into being when one person’s backyard was adjacent to someone else’s front yard. Effectively, the through lot owner tended to treat the street opposite their back fence as an alley.

Q: Councilman Hickman referred to a situation wherein a property owner purchased the lot directly behind him or her and then chose not to replat the two lots as one lot. He inquired as to whether that property owner could remove an existing fence between the two lots and reinstall that fence further back on the adjoining lot.

A: Former Chair Volkert stated that a property owner could buy two interior lots. That property owner would not be able to recombine the two lots and his or her primary structure would have to abide by the limitations and coverage requirements of the primary lot on which that structure were built.

City Attorney Alan P. Petrov noted that the property owner would be limited as to what could be placed on the second lot. It could certainly be used for open green space. An accessory structure would not be allowed on the adjoining lot, however, because by definition an accessory structure had to go with a primary structure.
Q: Councilman Hickman asked if the situation he described “fixed” the problem.

A: Former Chair Volkert stated that it did not fix the problem, but it did assure that at some time the process could reverse itself when the homeowner sold the home or moved on. In other words, there would still be a conforming lot on the back half of his or her “complex of property” that could be sold and developed as a single home.

He stated further that the proposed revision for through lot and the prohibition of through lots would not eliminate the problem, but went a long way toward eliminating the problem, which Former Chair Volkert believed was a serious one.

Q: Councilman Hickman referred to the side yard setbacks and advised that he did not see a reference to nonconforming lots with a width less than the minimum.

A: Former Chair Volkert stated that the Commission did not want to relax setback requirements. The Commission wanted to preserve them.

Q: Councilman John Jeffery referred to through lots and the situation referred to earlier by Councilman Hickman. He inquired as to the point a property owner could relocate their fence if they owned two lots back to back.

A: Former Chair Volkert stated that the fence could not come any closer to the street than the front building line of the “back” lot.

C: Councilman Jeffery referred to side setbacks and the number of homes affected in the R-3 Residential District, noting that the side yard setback increased from six feet to eight feet.

R: Former Chair Volkert stated that the increase in side yard setback only affected the lots that were wide in that particular residential district.

Q: Councilman Jeffery asked for confirmation that only 3% of the properties in the R-3 Residential District would be affected by the proposed revisions.

A: Former Chair Volkert advised that Councilman Jeffery was correct--the percentage of properties affected was 3% or 149
homes in the R-3 Residential District. He noted further that only future construction was affected.

Q: **Councilman Jeffery** inquired as to whether the percentage (3%) represented all of the homes in Bellaire or just the homes in the R-3 Residential District.

A: **Former Chair Volkert** indicated that he believed the percentage was based on all of the homes in Bellaire.

Q: **Councilman John F. Monday** advised that he understood the net effect of what the Commission was trying to accomplish. He referred to the proposal to normalize the lot coverage for large lots in the R-4 Residential District. According to the presentation materials, the statement was made that the Commission’s proposal fairly recovered the benefits of coverage limitation and green space where lots were large. He inquired as to whom the proposal was fair for. If the intent were to recover green space for the benefit of the neighborhood, then the Commission was asking the City Council to recover that from a future homeowner.

A: **Former Chair Volkert** advised that the important thing to keep in mind was that when looking at the coverage limitations, all of the other residential districts lived with 55% coverage limitations, except those in the R-4 Residential District. There was clearly a concession made to the fact that the lots in that district were small. The proposed revision would not take anything from the small lots. What was being said to those lot owners with 15,000 square feet was that there was no reason for that lot to have a concession. The Commission believed that the concession of 60% for the small lots in the R-4 Residential District was put in place to give those property owners something they needed. The Commission was merely observing that not all of the property owners needed it.

**Chair Bill Thorogood, Planning and Zoning Commission,** stated that when property owners were allowed to start buying the alleyways behind and beside their property, lots started to become much larger in the R-4 Residential District.

C: **Councilman Monday** stated that the proposed revision, in reality, impacted all of the homes that extended beyond 90 feet in width. It was merely a question as to when the homes on those lots would be rebuilt.
R: **Former Chair Volkert** agreed with Councilman Monday, but noted that the 3% of affected homes related to setbacks and not lot coverage.

C: **Councilman Pat McLaughlan** referred to a situation wherein a property owner could purchase two lots that were 50 feet wide in the R-4 Residential District (i.e., such as the small lots located off of Newcastle Drive). Under the City’s current zoning regulations, the City would have lost the green space where the two lots joined together and there was no requirement that a property owner reclaim the lost green space by any expansion on size.

R: **Former Chair Volkert** advised that Councilman McLaughlan was correct. For example, if there were two lots side by side in the R-4 Residential District, each with a five-foot setback, Lot A would have five feet on the left and five on the right, or ten setback feet. The other lot, Lot B, would also have five feet on the left and five on the right, or ten setback feet. Therefore, there were 20 feet of lot width devoted to setback. After the combination, there was only ten feet required for setback. The Commission’s proposal would say that the one lot (100 feet wide) would now be required to have an eight-foot setback (eight feet on the left and eight feet on the right), for a total of 16 setback feet. The street would lose four setback feet rather than ten setback feet.

Q: **Mayor Pro Tem Peggy Faulk** referred to the 149 affected lots in the R-3 Residential District. If someone had an existing, newer home on a lot with a side setback of six feet that was damaged but had a foundation in good condition, would that homeowner be grandfathered so that he or she could rebuild that home on the existing foundation (with a six-foot setback versus the proposed eight-foot setback)?

A: **Former Chair Volkert** advised that it was his understanding that if a home was damaged by more than 50%, then the property owner would have to comply with the new rules. However, there was a variance process and the property owner could appear and request a variance to allow them to use the existing foundation.

Q: **Mayor Pro Tem Faulk** inquired as to whether the 50% damage represented value of the home.

A: **Former Chair Volkert** advised that Mayor Pro Tem Faulk was correct. He noted that the situation she described would clearly be a good case for a variance.
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City Attorney Alan P. Petrov stated that he did not necessarily agree that such a property owner would automatically qualify for a variance as such variances were considered on a case by case basis. Former Chair Volkert correctly stated the rule in that if a home were damaged by more than 50% in value, the property owner would have to comply with the then current regulations.

F. RECOGNITION OF CITIZENS AND/OR OTHER INTERESTED PARTIES – Mayor Cindy Siegel.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee addressed City Council and advised that the City had been playing “tennis” with side setbacks for the last 40-50 years and would probably continue to do so for the next 40-50 years.

As to the number of changes, Ms. McBee advised that she supported the prohibition on through lots (back and front). She noted that the proposed revisions did not address any prohibition on adjacent lots (side by side) which were becoming more commonplace. In many instances, the adjacent lot had a pool on it versus a house. She urged City Council to direct the Commission to look into that as well.

With respect to the lot coverage in the R-4 Residential District, the revisions were cumbersome, although Ms. McBee did not object to the revisions. She noted that recordkeeping as to which lots were conforming and/or nonconforming, etc., would be extremely cumbersome. She suggested leaving it alone until the Comprehensive Plan review was completed. On the other hand, Ms. McBee knew how hard the Commission had worked on these revisions and did not wish to stop them from moving forward.

Of concern to Ms. McBee was the fact that commercial areas were not addressed at all and were allowed 100% lot coverage. She felt that it was short-sighted to go for the residences and not the commercial.

In closing, she advised that she supported all of the proposed revisions.

Lou Waters, 4526 Teas Street, Bellaire, Texas:

Mr. Waters addressed City Council and advised that the revisions seemed to focus on a relatively small amount of land in relation to lot size. The revisions would remove something from people who
combined lots rather than controlling someone who wanted to split lots and build more homes on what used to be one lot. In his view, Bellaire needed more combined lots. There were many examples of developers taking one large lot and chopping it into two lots to build two very tall homes on them.

Mr. Waters continued and stated that he did not believe that the City needed to penalize someone who wanted to take two lots and put them together. This was one of the few things that people would like to see more of in Bellaire—a lot with more green space.

G. CLOSE OF PUBLIC HEARING – Mayor Cindy Siegel.

Mayor Cindy Siegel, after noting no further public comment, closed the public hearing at 6:59 p.m. on Monday, November 19, 2007. Mayor Siegel advised that oral 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 matter. It was anticipated that final deliberation would occur on Monday, December 3, 2007; therefore, written comments should be submitted by noon on Thursday, November 29, 2007, in order to be considered for the public record.

H. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Councilman Pat McLaughlan and seconded by Councilman John F. Monday to adjourn the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, at 7:00 p.m. on Monday, November 19, 2007.

VOTE ON MOTION TO ADJOURN:

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

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

OPPOSED:    None

ABSENT:     Davison, Debra Marz
III.  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 7:07 p.m. on Monday, November 19, 2007. The Bellaire City Council met at that time and on that date in Regular Session in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401. Mayor Siegel announced that a quorum was present consisting of herself and the following members of City Council:

Councilman Will Hickman, Position No. 1;
Councilman John F. Monday, Position No. 2;
Mayor Pro Tem Peggy Faulk, Position No. 3;
Councilman Pat McLaughlan, Position No. 5; and
Councilman John Jeffery, Position No. 6.

Councilwoman Debra Marz Davison, Position No. 4, 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 Pro Tem Peggy Faulk.

Mayor Pro Tem Peggy Faulk read a Thanksgiving Proclamation issued by President George W. Bush for her inspirational reading as follows:

Americans are a grateful people, ever mindful of the many ways we have been blessed. On Thanksgiving Day, we lift our hearts in gratitude for the freedoms we enjoy, the people we love and the gifts of our prosperous land.

Our country was founded by men and women who realized their dependence on God and were humbled by His providence and grace. The early explorers and settlers who arrived in this land gave thanks for God’s protection and for the extraordinary abundance they found. Since the first National Day of Thanksgiving was proclaimed by President George Washington, Americans have come together to offer thanks for our many blessings. We recall the great privilege it is to live in a land where freedom is the right of every person and where all can pursue their dreams. We express our deep appreciation for the sacrifices of the honorable men and women in uniform who defend liberty. As they work to advance the cause of freedom, our Nation keeps these brave individuals and their families in our thoughts, and we pray for their safe return.
While Thanksgiving is a time to gather in the spirit of gratitude with family, friends and neighbors, it is also an opportunity to serve others and to share our blessings with those in need. By answering the universal call to love a neighbor as we want to be loved ourselves, we make our Nation a more hopeful and caring place.

This Thanksgiving, may we reflect upon the past year with gratefulness and look toward the future with hope. Let us give thanks for all we have been given and ask God to continue to bless our families and our Nation.

Now, therefore, I, George W. Bush, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Thursday, November 22, 2007, as a National Day of Thanksgiving. I encourage all Americans to gather together in their homes and places of worship with family, friends, and loved ones to reinforce the ties that bind us and give thanks for the freedoms and many blessings we enjoy.

In witness whereof, I have hereunto set my hand this fifteenth day of November, in the year of our Lord two thousand seven, and of the Independence of the United States of America the two hundred and thirty-second.

--George W. Bush

C. PLEDGES TO THE FLAGS – Mayor Pro Tem Peggy Faulk.

1. **U.S. PLEDGE OF ALLEGIANCE.**

2. **PLEDGE TO THE TEXAS FLAG.**

   Mayor Pro Tem Peggy Faulk 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:

1. **APPROVAL of minutes of the Special (Executive Session) and Regular Sessions of the City Council of the City of Bellaire, Texas, held Monday, November 5, 2007 – Action by Members of City Council to Adopt Minutes (Item submitted by City Clerk Tracy L. Dutton).**
MOTION TO ADOPT MINUTES:

A motion was made by Councilman Will Hickman and seconded by Councilman John Jeffery to approve the minutes of the Special (Executive Session) and Regular Sessions of the City Council of the City of Bellaire, Texas, held November 5, 2007.

VOTE ON MOTION TO ADOPT MINUTES:

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

FOR:   Siegel, Cindy
       Hickman, Will
       Monday, John F.
       Faulk, Peggy
       McLaughlin, Pat
       Jeffery, John

OPPOSED:  None

ABSENT:  Davison, Debra Marz

2. APPROVAL of minutes of the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, held Monday, November 12, 2007 – Action by Members of City Council to Adopt Minutes (Item submitted by City Clerk Tracy L. Dutton).

MOTION TO ADOPT MINUTES:

A motion was made by Councilman Will Hickman and seconded by Councilman John Jeffery to approve the minutes of the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, held November 12, 2007.

VOTE ON MOTION TO ADOPT MINUTES:

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

FOR:   Siegel, Cindy
       Hickman, Will
       Monday, John F.
       Faulk, Peggy
       McLaughlin, Pat
       Jeffery, John
OPPOSED: None
ABSENT: Davison, Debra Marz

E. PERSONAL/AUDIENCE COMMENTS.

Robert Riquelmy, 506 Winslow Lane, Bellaire, Texas:

Mr. Riquelmy addressed City Council and thanked the hundreds of people who voted for him in the last election for Mayor. He stated that it was a kind and courageous thing to do. Those voters had demonstrated that someone who was personable, energetic, and well financed could make a serious attempt at running for Mayor. This was done by drawing 1/6 of the vote with a total expense of $8.59. Any personable and energetic people should be thinking about running for Mayor. Money could be found for a good candidate.

Craig Bello, 15 Alpine Court, Bellaire, Texas:

Mr. Bello addressed City Council and stated that his first comment was related to a potential change to the tennis program in Bellaire. It had come to Mr. Bello’s attention that the Bellaire Parks & Recreation Department was deciding to dismiss one of its tennis pros named Gary Sweetnam. Gary was one of three pros under contract with the City. Recently there had been some discussion about a possible negotiated contract. However, since a contract was not in place yet and Gary’s current contract expired at the end of the month, Mr. Bello thought it necessary to bring up the matter to City Council and the City Manager and to offer his support for Gary.

Mr. Bello stated that he had been playing tennis for 25 years and had studied under a number of coaches and tennis pros. Without a doubt, Mr. Bello submitted that Gary was the best he had worked with. To have Gary’s skill and coaching available to the residents of Bellaire reinforced the excellence of service that the City aspired to provide. Not only did Gary offer the traditional group and private lessons, he also offered a “drop-in” group session for many of the adult tennis players. This showed his commitment to the adult tennis community, and there would be a great void if Gary were to leave Bellaire.

In the referenced “drop in” sessions, an interested party could chose between beginner, intermediate, or advanced and simply drop in on the right night. These sessions were convenient for those who could not commit to a certain day and time each week and offered the
flexibility to pay as you go. Without that flexibility, many adults would not take up or get back into tennis after a layoff.

Despite the fact that Gary was not a resident of Bellaire, he seemed to “live” at the Mulberry tennis courts and had repeatedly treated those courts, surrounding park area, and the neighbors as his own “neighborhood.” He cared for the area and neighbors and had broken up groups of people that seemed to be up to no good, as well as brought in law enforcement when necessary. Gary had voluntarily put his own safety and security in jeopardy for the City when many might turn a blind eye to such a situation.

Mr. Bello’s own personal observations regarding the use of the Mulberry Park tennis courts were that the courts were used rarely during the week, especially in the evenings. In the two months that Mr. Bello had been playing on the courts and taking lessons from Gary, he had only seen the three courts all in use one time. There was never anyone waiting for a court. Mr. Bello did feel that there was time and space for Gary to be there.

Mr. Bello’s fear was that Gary’s contract was in question because he was not earning enough money for the City through his teaching of group lessons from which the City got a percentage. Mr. Bello had to admire Gary’s dedication to the private and semi-private lessons which were, in Mr. Bello’s opinion, far more valuable since the customer could make rapid and more consistent progress with his or her game. Gary could probably make more money for himself as well if he focused on regular, scheduled group lessons; however, there was limited value to the people who partook of that.

Gary’s dedication to teaching the game needed to be noted in a City where the City Council continued to lower the residents’ tax rates. Mr. Bello would hate to see the City lose quality in this program over a small stream of money. With Gary Sweetnam Bellaire had made a high quality tennis pro easily accessible to its residents. Gary had great skills as an instructor, a strong commitment to the game of tennis, and was dedicated to the adult tennis community. If Gary were to leave, Mr. Bello was convinced that his customers would follow him to his new location, noting that he certainly would.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee addressed City Council and stated that there were two items on the agenda that she wished to briefly address. One item related to contracts, specifically the award of a contract to PGAL, who
had served the City very well and for a long time under the helmmsmanship of Councilman John Monday. Ms. McBee had no quarrel with the selection of PGAL as the firm to do the work City Council was ordering. She had a little concern in that the entire City voted the bond money to pay for improvements to City facilities, but that nothing regarding the improvements had come back to the City for a vote.

When looking at the contract, Ms. McBee advised that she saw a fire station that was authorized funding, along with land purchase dollars, only to be preliminarily designed for an in-place site where it was located currently. Ms. McBee was not sure that this was the best location for the fire station. While the City had PGAL under contract, Ms. McBee suggested that City Council authorize PGAL to consider options that they had already looked at for other locations and combinations. Apparently, to leave the fire station in place was a decision that got made, but did not get made. She advised that City Council did not take a vote on the location for the fire station and certainly did not attempt to get public input on the location. She had a problem with the rigidity of the location of the fire station on this contract.

Ms. McBee also had a problem with the agenda item that would authorize the Mayor and City Manager to engage in discussions with METRO. After the last discussions with METRO, Bellaire got a bus barn on Bellaire Boulevard. Ms. McBee stated that placing a rail station in the RDD District was similar to the placement of the bus barn on Bellaire Boulevard. She had no problem with the METRO rail line or with their need for a station. The question was whether the City should offer land tax free, noting that METRO was a tax-exempt entity, in the middle of an RDD District, which was desperately needing redevelopment according to the Planning and Zoning Commission Chair Bill Thorogood. She suggested that the City talk with the property owners in the RDD District before talking to METRO. Those property owners might not look kindly on having a rail station in that particular location. She also referred to the fact that the RDD District was not easily accessible for those wishing to ride on the rail line.

**Mayor Cindy Siegel** asked City Council to consider taking action on an agenda item regarding the renaming of public property at this time. After noting no objections from City Council, agenda item G. 1. a. was considered at this point in the meeting.
G. NEW BUSINESS:

1. ADOPTION OF ORDINANCES:

   Renaming Public Property

   a. CONSIDERATION of and possible action on a recommendation from the City Facility Naming Committee to rename Bellaire Park, located between City Hall and the Bellaire Recreation Center, as “Bellaire Zindler Park,” in memory of the Zindler Family and adoption of an ordinance of the City Council of the City of Bellaire, Texas, renaming Bellaire Park, located between City Hall and the Bellaire Recreation Center, as “Bellaire Zindler Park” – Action by Members of City Council to Adopt Ordinance (Presentation by Councilwoman Debra Marz Davison, Facilitator; Item submitted by City Manager Bernard M. Satterwhite, Jr., on behalf of the City Facility Naming Committee).

SUMMARY:

Mayor Cindy Siegel noted that she had submitted a recommendation to rename Bellaire Park under the City’s policy for naming public property. In accordance with that policy, a committee was appointed to look into the recommendation (i.e., City Facility Naming Committee). The suggestion from the City Facility Naming Committee was to rename Bellaire Park as Bellaire Zindler Park. Mayor Siegel advised that this recommendation was not to rename “Bellaire Town Square,” which encompassed Bellaire Park and Loftin Park, as well as some other City facilities.

MOTION TO ADOPT ORDINANCE:

A motion was made by Councilman Will Hickman and seconded by Councilman Pat McLaughlan to approve a recommendation from the City Facility Naming Committee to rename Bellaire Park, located between City Hall and the Bellaire Recreation Center, as “Bellaire Zindler Park,” in memory of the Zindler Family and to adopt an ordinance of the City Council of the City of Bellaire, Texas, renaming Bellaire Park, located between City Hall and the Bellaire Recreation Center, as “Bellaire Zindler Park.”
City of Bellaire  
City Council  
Minutes of Meeting  
Monday, November 19, 2007  

AMENDMENT (NO. 1) TO MOTION TO ADOPT ORDNANCE:

An amendment (no. 1) was made by Councilman Will Hickman and seconded by Mayor Pro Tem Peggy Faulk to consider renaming Bellaire Park as Zindler Park.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Councilman John Jeffery inquired as to the reason that the City Facility Naming Committee recommended the name “Bellaire Zindler Park” rather than “Zindler Park.”

A: City Manager Bernard M. Satterwhite, Jr., indicated that it was his understanding that there were concerns about losing the name “Bellaire Park.” He believed that Tillie Wiedemann came up with the name “Bellaire Zindler Park” as a compromise.

Mayor Siegel noted that Bellaire Park was one of the City’s first or original parks. Bellaire Zindler Park was suggested to recognize the contributions that the Zindler Family had made to the area, as well as to keep the identity of Bellaire Park. She noted that Tillie Wiedemann represented the Bellaire Historical Society on the City Facility Naming Committee.

VOTE ON AMENDMENT (NO. 1) TO MOTION TO ADOPT ORDNANCE:

Motion failed on a 0-6 vote as follows:

FOR: None

OPPOSED: Siegel, Cindy  
Hickman, Will  
Monday, John F.  
Faulk, Peggy  
McLaughlan, Pat  
Jeffery, John
VOTE ON ORIGINAL MOTION TO ADOPT ORDINANCE:

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

FOR:
Siegel, Cindy
Hickman, Will
Monday, John F.
Faulk, Peggy
McLaughlin, Pat
Jeffery, John

OPPOSED: None

ABSENT: Davison, Debra Marz

{Ordinance was subsequently numbered: 07-065}

Note: The Bellaire City Council considered the remainder of the agenda in the order in which it was written.

F. REPORTS:

1. CITY MANAGER’S REPORT – City Manager Bernard M. Satterwhite, Jr. – Action by Members of City Council to Accept Report into the Record.

City Manager Bernard M. Satterwhite, Jr., presented the City Manager’s Report to City Council. The City Manager’s Report consisted of the following Mission Areas: Residential Safety, Residential Mobility, and Residential Quality of Life. Also included in the report were Crime and Building Indicators, as well as Upcoming Meetings.

MISSION AREAS:

Residential Safety

City Manager Satterwhite indicated that the monthly police activity for October was typical as compared to past months. There were two robbery incidents that occurred during the month. The first incident occurred at Guaranty Bank, 5315 Bellaire Boulevard, wherein a teller was robbed. The suspect fled in a vehicle and was detained by an off-duty police officer who happened to be in the area, and the stolen funds were
recovered. The second incident was a robbery of an individual (i.e., cell phone and personal property). Burglary and theft of motor vehicles still occurred. Reportable offenses were down 59 from this time last year, which was fairly significant.

The Community Resource Office was also busy during the month. One residential security survey and inspection was done. Presentations included “Stranger Danger” for pre-K students, personal safety to the Bellaire Young Mothers group, personal safety to 50 children at Faith Lutheran Day School, and Internet safety to a Boy Scout Troop. Additionally, ten child safety seat inspections were performed, and 47 gunlocks were distributed (free of charge).

**Residential Mobility**

Road construction projects in Bellaire were progressing well. The City was now north of Evergreen Street on Ferris Street with respect to storm sewer installation. Most of the cross-streets along Ferris Street were closed all the way to Grand Lake Street. The cross-streets would start opening up as the storm sewer installation progressed. The City did not anticipate the massive streetlight outages that had occurred along the southern part of Ferris Street.

The 4500 block of Elm Street and the 5100 block of Chestnut Street reconstruction projects were progressing as well. The storm sewer was in on Chestnut Street and paving would begin shortly.

In approximately two months (estimated completion for Chestnut Street), the reconstruction project on Fifth Street would begin. Fifth Street was scheduled for reconstruction from Elm Street all the way to Spruce Street with a sidewalk on the west side of the street.

Resurfacing projects were ongoing and continued to progress.

**Residential Quality of Life**

With respect to residential quality of life, City Manager Satterwhite reminded everyone of the upcoming Holiday in the Park celebration (Thursday, November 29, 2007). The celebration would take place primarily on the Condit Elementary School side of South Rice Avenue.
INDICATORS:

Crime

The crime rate for October of 2007 was the lowest of the previous five years. Individual crimes, with the exception of robbery and motor vehicle theft, were running below the previous year. Response times remained as expected.

Building

Building permits issued in October of this year were down as compared to the previous year. The trend for the past three years with respect to residential building permits had gone down slightly, and the City would keep an eye on that.

City Manager Satterwhite advised that the City did not have a good handle on real estate turnovers. He had spoken with several real estate professionals in Bellaire, all of which indicated that business was slow as it was in other parts of the area.

The value of the home construction for which permits were issued during the month of October was over $7 million, which was still very strong.

UPCOMING MEETINGS/EVENTS:

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Type of Meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/22-23/07</td>
<td>All Day</td>
<td>Offices Closed for Thanksgiving Holiday</td>
</tr>
<tr>
<td>12/03/07</td>
<td>7:00 p.m.</td>
<td>Regular Session</td>
</tr>
<tr>
<td>12/05/07</td>
<td>7:00 p.m.</td>
<td>Centennial Planning Committee</td>
</tr>
</tbody>
</table>

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Councilman John Jeffery inquired as to the update on the swimming pool under construction in Bellaire Town Square.

A: City Manager Satterwhite indicated that the final walkthrough for the project was scheduled for the next week (i.e., November 27 and 28, 2007). He advised that he was skeptical that this would be the “final” walkthrough. Punch list items were underway currently. With the holidays coming up and the training
requirements necessary for City Staff, City Manager Satterwhite estimated that the opening would occur after the first of the year, and the Grand Opening would occur sometime in the spring.

Q: Councilman Will Hickman referred to comments made at a previous Council meeting by Paul Simmons and comments made this evening by Craig Bello regarding the City’s tennis coach. He inquired as to whether there was an update on the status of the tennis coach.

A: City Manager Satterwhite advised that there were many management challenges in the City and managing the City’s contractors was a challenge at times. There were some issues that he would rather not go into this evening, as he did not believe it was appropriate or fair to Mr. Sweetnam. He could certainly provide information to City Council. The latest he had heard was that the contract situation between the City and Mr. Sweetnam could be worked out and he would still be on as a contractor.

Q: Councilman Pat McLaughlan referred to the 5100 block of Braeburn Drive and noted that the block was still without streetlights.

A: City Manager Satterwhite stated that he would look into it.

C: Mayor Cindy Siegel advised that she understood that Maple Street was without streetlights as well.

R: City Manager Satterwhite advised that he would check into it, but noted that the streetlights on Maple Street were on a few days ago.

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

A motion was made by Councilman Pat McLaughlan and seconded by Councilman Will Hickman 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.
      Faulk, Peggy
      McLaughlin, Pat
      Jeffery, John

OPPOSED: None

ABSENT: Davison, Debra Marz

2. FINANCIAL REPORT – Chief Financial Officer Donna Todd – Action by Members of City Council to Accept Report into the Record.

Chief Financial Officer Donna Todd presented the Financial Report for the City of Bellaire, Texas, to City Council. She noted that it was early in the fiscal year to make any predictions with respect to amounts budgeted. The beginning fund balances were approximately $718,000 higher than last year’s beginning balances. Those balances represented the fiscal year 2007 excess revenues over expenses, and were unaudited as yet.

In comparing the last two fiscal years, there were reserves reported in the General Fund, Vehicle, Equipment and Technology Fund, and the Capital Improvement Program Fund this year, whereas last year all reserves were reported in the General Fund.

The General Fund revenues for this fiscal year were approximately $236,000 lower than last year, primarily due to timing differences in franchise fees. Franchise fees for Reliant Energy were paid quarterly until last October, when Reliant Energy converted to payment on a monthly basis. The gas, telephone, and cable franchise fees were received in November.

Sales taxes increased by $32,000 (i.e., sales taxes for the month of August). Chief Financial Officer Todd advised that she found this noteworthy because August had a sales tax holiday. Despite those few days of missing some sales tax on items that qualified for no tax, the City still had a healthy sales tax revenue for that month.
In the Debt Service Fund, the revenues were approximately $16,000 higher due to accrued interest and bond premium from the series 2007 bonds that we closed on October 10.

The Enterprise Fund revenues were also higher than last year by about $25,000. What was significant in the Enterprise Fund was the fact that the City had new service meters for water of $13,000 and new sewer taps for $8,000 (double what was put in the previous year on sewer taps).

The Capital Improvement Program Fund included a $15,000 contribution from the Patrons for Bellaire Parks, Inc., to be utilized for park benches.

On the expenditure side, there were also some significant timing differences. For example, in the General Fund the electricity expenditure for Organizational Services and Facilities Management was paid last year in November, but paid this year in October.

In the Enterprise Fund, a significant variance occurred under surface water for groundwater credits. The City increased its permit from 1.0 billion gallons to 1.4 billion gallons this year. The City was required to purchase 30% of the gallons as credit. This expenditure was higher than last year by $51,000.

Another significant difference was in the interfund transfers. Last year, the Enterprise Fund transferred $950,000 to the Debt Service Fund in one lump sum at the beginning of the year. This year, the City had opted to use the more traditional approach that was used prior to last year which was to make the transfer on a monthly basis to allow for better matching against cash flows through the fiscal year.

On the housing side, an extra report was included in the financial report document. Excluding sales by owner and leases by owner, Bellaire had 166 residential properties for sale and 26 properties for lease. Statistics were showing that through October of 2007, Bellaire had housing units of approximately 136, which was down 21% from the same time last calendar year.

Chief Financial Officer Todd mentioned again that the fiscal year 2007 numbers were unaudited for the end of the fiscal year. The Finance Department was continuing to work toward the close of the fiscal year, and the auditors were expected to arrive in January to begin their work.
QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: **Councilman John Jeffery** referred to the Enterprise Fund and revenues versus expenditures in that fund. He noted that there was a 30% upfront fee for water credits, but he did not see an increase in revenues (i.e., noting that a revenue increase had been implemented).

A: **Chief Financial Officer Todd** stated that the credits referred to by Councilman Jeffery represented an annual payment and not the amount of monthly water usage.

Q: **Councilman Jeffery** noted that there was $176,000 in revenue in the Enterprise Fund and $400,000 in expenditures. The goal was to cover expenditures by increasing water rates.

A: **City Manager Satterwhite** agreed with Councilman Jeffery, but noted that what he was seeing was timing differences in expenditures versus revenues, which were not linear from month to month. He felt confident that the revenues and expenditures would not trend this way all year.

Q: **Councilman Jeffery** asked for confirmation that six months down the road, the City should be in better shape.

A: **City Manager Satterwhite** advised that Councilman Jeffery was correct.

Q: **Councilman Will Hickman** asked if the housing report would be included in the financial report in future months, noting that he found it useful.

A: **Chief Financial Officer Todd** advised that the housing report would be included every month.

Q: **Mayor Cindy Siegel** inquired as to how the City monitored the impact of the subprime market. In other words, would municipalities be impacted if agencies that guaranteed governmental loans had problems? She asked if the City’s financial advisors, Coastal Securities, had looked into the situation and reported back to the City.
A: **Chief Financial Officer Todd** indicated that she had sent Jim Gilley, Partner with Coastal Securities, an email last week based on a report she had received from one of the brokers. The report discussed bond insurance companies and the fact that the ratings on some insurance companies had been downgraded, which could affect the credit for municipals.

In terms of the City’s investment programs, the City did not make direct investments in government securities.

Q: **Mayor Siegel** asked if the City would be hurt in terms of going out for future debt issuances.

A: **Chief Financial Officer Todd** stated that if the City could no longer get a AAA credit, then the City might have to pay higher interest rates. She did not know how real such a risk was for the City or other municipalities. She did not recall what the difference in basis points or dollars were on the interest rate if the City were to issue under its own AA credit versus an insurance backed AAA credit. It did not seem to be a large difference.

In terms of the subprime market in general, there was probably a slowing down in the market. Since the City did not have an industry at risk, such as in the 1980s with the oil and gas industry, the City would see some decline, but not a severe, quick drop as occurred in the 1980s.

Q: **Councilman Hickman** inquired as to when the City planned to issue more bonds. In other words, was another issuance planned in the short-term?

A: **Chief Financial Officer Todd** indicated that the issuance schedule the City had been operating under was an annual issuance in the August-September time period. The next issuance would likely be next fall.

**City Manager Satterwhite** indicated that the annual issuance schedule could change slightly over the next three years depending on where the City went with street and facility projects simultaneously. The City would like to stick with the annual schedule for planning purposes and would try to stay on that as much as possible.
MOTION TO ACCEPT REPORT INTO THE RECORD:

A motion was made by Councilman John Jeffery and seconded by Councilman John F. Monday to accept the Financial Report 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.
Faulk, Peggy
McLaughlan, Pat
Jeffery, John

OPPOSED: None

ABSENT: Davison, Debra Marz

3. CITY ATTORNEY’S REPORT – City Attorney Alan P. Petrov – Action by Members of City Council to Accept Report into the Record.

City Attorney Alan P. Petrov presented the City Attorney’s Report to City Council. City Attorney Petrov noted that he and the City Manager had discussed the City Attorney’s Report and decided that a legislative update would be most appropriate at this point in time. In preparing for the report, City Attorney Petrov looked at a number of municipal newsletters that he subscribed to and found that the best summary of municipal legislation was contained within the Texas Municipal League’s Legislative Update for the Eightieth Texas Legislature. As the referenced summary illustrated, there were more than 6,000 bills filed, 1,200 of which were city-related. Of the 1,500 bills that passed, 120+ had some direct impact on municipalities or municipal operations.

City Attorney Petrov noted that the summary contained a briefing of the 120+ bills and was 30 pages in length. He opted to point out a few that were interesting and had some direct impact on Bellaire.

The first bill of interest to City Attorney Petrov was House Bill 621 (H.B. 621) related to property taxes (i.e., sometimes called
the “super freeport” property tax exemption). Currently, there was a freeport exemption for goods being shipped out of state. Under H.B. 621, an exemption would be put into effect for goods held in inventory that were going to be shipped within the state that would exempt certain goods in warehouses in cities or counties from taxation. He was not certain whether or not Bellaire had any of those types of warehouses, but there was the option to opt out of the exemption. If there were a negative impact on a governing body's tax rate, then a governing body could opt out for the following year by December 31st of a given year. If Bellaire chose to opt out this year by December 31st, those goods in inventory would not be exempt in the 2008 tax year.

Another bill of interest was House Bill 3195 (H.B. 3195) which created some new public notices that were required with respect to tax rates and tax impacts when budgets were adopted. House Bill 3495 (H.B. 3495) would require some additional notice provisions that would become effective in 2008.

A bill that might actually benefit Bellaire was Senate Bill 1405 (S.B. 1405), which required appraisal districts to give early notice of estimated property values to aid cities in setting their budgets for budgetary purposes. Since Harris County was notoriously slow in providing data for the budgetary process, this bill might give the appraisal district some impetus in getting information out faster.

House Bill 1491 (H.B. 1491) made numerous changes to the 2005 conflicts disclosure enactment. This bill would require additional disclosure statements to be filed by officers of municipalities, as well as vendors doing business with municipalities. The original bill was not very specific in its requirements, and the author of the bill actually submitted a request to the Attorney General’s Office asking them to render an opinion as to what the bill meant. The Attorney General’s Office prepared a fairly lengthy opinion, which basically stated that the bill meant what it said. The opinion was not particularly helpful either.

H.B. 1491 was helpful in that it provided detail that was lacking in the prior legislation relating to when someone was required to file a disclosure statement and what that person was required to file disclosure statements about.

Another bill that had a potential impact on the City was noted to be Senate Bill 1765 (S.B. 1765), which was related to
City Attorney Petrov also referred to the fact that there were a number of technical requirements to the Texas Public Information Act and the Texas Open Meetings Act. One bill that might be helpful was Senate Bill 1306 (S.B. 1306), which specifically excluded from the definition of a “meeting” the gathering of a quorum of a governmental body at a ceremonial event or press conference if formal action was not taken. City Attorney Petrov noted that it was always an issue as to whether or not a governmental body was violating the Texas Open Meetings Act if the body was meeting in numbers of a quorum or more and discussing city business even at a ceremonial function. S.B. 1306 would allow limited discussion as long as no formal action was being taken.

One of the bills that the City’s auditors would like was House Bill 1456 (H.B. 1456), which increased the time period in which the auditors had to prepare the City’s Comprehensive Annual Financial Report (CAFR) and get that on file with the City Clerk. The time period was increased from 120 days to 180 days.

Eminent domain was a hot topic during the Eightieth Legislature as it had been during the last few sessions. House Bill 2006 (H.B. 2006) implemented a number of changes to eminent domain laws. This bill ended up being vetoed by the Governor due to the impact of some of those changes on the cost of doing business.

House Bill 2281 (H.B. 2281) provided some additional authority related to replatting and might be helpful to Bellaire. Many of the lots in Bellaire were sold in various combinations (i.e., one-half of one lot plus one-half of another lot) as opposed to whole lots. As a result, the City often had to have builders and property owners come in and replat the lot into one new lot so they could draw the boundaries for their setbacks. H.B. 2281 allowed a city to delegate that to its employees versus taking all replats through to the Planning and Zoning Commission.

Another interesting bill on eminent domain was House Joint Resolution 30 (H.J.R. 30), which provided that if a municipality acquired a property through eminent domain proceedings and then decided that the project for which the property was acquired would not be carried through, the municipality could sell back to the original property owner at the same price for which they acquired the property. Under prior law, the
municipality was required to put the property up for bid and go through a bid process to get the best price, which might not be from the original property owner.

House Bill 1355 (H.B. 1355) on dangerous dogs got a great deal of play in the Houston Chronicle back in September. A more important bill in City Attorney Petrov’s opinion, however, was House Bill 1471 (H.B. 1471), which was related to mutual aid and emergency preparedness. H.B. 1471 was an outgrowth of some of the activity related to Hurricanes Katrina and Rita. It provided a clarification of the chain of command. In an emergency, the mayor of a city was actually the emergency management director for the city. Emergency management coordinators could be designated to assist the mayor.

House Bill 2151 (H.B. 2151) was related to graffiti, which City Attorney Petrov advised might not be much of a problem in Bellaire, and allowed a court to require a person convicted of placing graffiti on a city’s property to go out and either make restitution to the city or clean up the graffiti.

A few more bills worth noting were discussed by City Attorney Petrov as follows: House Bill 3693 (H.B. 3693) was related to energy conservation and continued some of the work done in the 2005 Legislative Session. He noted that Bellaire had implemented many energy saving techniques with respect to lighting, etc., in accordance with the 2005 Legislative Session mandate. H.B. 3693 continued the requirement to reduce electric consumption and also added a new requirement to post on a city’s website the amount that the City was spending on energy consumption, as well as water.

Also with respect to water, Senate Bill 3 (S.B. 3) was part of an omnibus water bill. One of the requirements in S.B. 3 that was going to affect the City related to water conservation plans. Bellaire adopted a Water Conservation Plan several years ago, however, this bill would add some requirements and require more specific targets. It was City Attorney Petrov’s understanding that the Texas Water Development Board was supposed to adopt regulations to assist cities in developing such plans.
QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Councilman Will Hickman asked City Attorney Petrov if he knew off of the top of his head whether all of the constitutional amendments had passed.

A: City Attorney Petrov advised that he did not remember for certain.

MOTION TO ACCEPT REPORT INTO THE RECORD:

A joint motion was made by Councilman John Jeffery and Mayor Pro Tem Peggy Faulk and seconded by Councilman Pat McLaughlan to accept the City Attorney’s Report as presented by City Attorney Alan P. Petrov 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.
    Faulk, Peggy
    McLaughlan, Pat
    Jeffery, John

OPPOSED: None

ABSENT: Davison, Debra Marz

G. NEW BUSINESS:

1. ADOPTION OF ORDINANCES:

Renaming Public Property

a. CONSIDERATION of and possible action on a recommendation from the City Facility Naming Committee to rename Bellaire Park, located between City Hall and the Bellaire Recreation Center, as “Bellaire Zindler Park,” in memory of the Zindler Family and adoption of an ordinance of the City Council of the City of Bellaire, Texas, renaming Bellaire Park, located between City Hall
and the Bellaire Recreation Center, as “Bellaire Zindler Park” – Action by Members of City Council to Adopt Ordinance (Presentation by Councilwoman Debra Marz Davison, Facilitator; Item submitted by City Manager Bernard M. Satterwhite, Jr., on behalf of the City Facility Naming Committee).

Note: This item was considered earlier in the meeting. See pages 34-36 of these minutes for the discussion and action related to the item.

Agreements and Contracts

b. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to accept a proposal from Pierce Goodwin Alexander & Linville (PGAL) for the preliminary design and bond expenditure project definition phase for the construction of a new fire station and for the renovation of the Bellaire City Library and the Police and Municipal Court Building in a base amount not to exceed $24,000 and reimbursable expenditures not to exceed $1,000 – Action by Members of City Council to Adopt Ordinance (Item submitted by Director of Facilities Management Karl Miller).

MOTION TO ADOPT ORDINANCE:

A motion was made by Councilman Pat McLaughlan and seconded by Councilman John F. Monday to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to accept a proposal from Pierce Goodwin Alexander & Linville (PGAL) for the preliminary design and bond expenditure project definition phase for the construction of a new fire station and for the renovation of the Bellaire City Library and the Police and Municipal Court Building in a base amount not to exceed $24,000 and reimbursable expenditures not to exceed $1,000.

SUMMARY:

City Manager Bernard M. Satterwhite, Jr., noted that a few meetings ago City Council authorized City
Staff to move forward with the engagement of an architectural firm to do programming and preliminary conceptual design development for the Fire Station on its current location, as well as the Library and Police and Municipal Court Building. This did not necessarily mean that the Fire Station had to remain on its current location. A question was asked during the initial discussion if the conceptual design could be used on another piece of property in town if such property were to become available. City Manager Satterwhite indicated at that time that the conceptual design, programming, space requirements, and elevations could be transferred fairly easily. He checked with PGAL to ensure that his understanding was correct, and PGAL had agreed.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Councilman Pat McLaughlan referred to the item summary, which read “Fire Station to be located on the site of the current Fire Station.” He asked City Attorney Petrov if some flexibility needed to be added, such as “the approximate site.”

A: City Manager Satterwhite indicated that the design was to use the existing site. He did not believe that the City was bound into a corner. City Council could always take subsequent action to do something differently.

City Attorney Petrov agreed with City Manager Satterwhite. He added that the contract and proposal, as both were written, indicated that the design work would be done using the existing site. However, the City was not bound to build on that particular site nor was the City bound to accept the design proposed by PGAL.

Q: Councilman Will Hickman advised that it sounded as if the contractor would be starting with a blank sheet of paper. If a contractor were designing a house, the property owner would typically give the contractor an idea of what was expected. Since each member of City Council
might have a different vision as to how the fire station should look, how would the contractor turn the blank sheet of paper into a design?

**Q:** Councilman Hickman noted that the range might consist of a conceptual design of the fire station as it looked currently, a design to make it match the Police and Municipal Court Building, or start a whole new branding image or look for the City facilities. He asked if this were an example of how PGAL would go about it or if they would start with something entirely different.

**A:** Mr. Gerber stated that Councilman Hickman was correct. He felt that during the discussion and discovery portions of their work they would get an idea of the appropriate direction that the City might want to explore.

**City Manager Satterwhite** advised that City Staff was counting on PGAL’s professional expertise with regard to design development at this point in time. He referred to the similar approach that was taken with the swimming pool complex in Bellaire Town Square.

**Q:** Councilman Hickman referred to the process and asked if PGAL would come back with some sketches and allow the City to decide among those sketches which portions were desirable.

**A:** Mr. Gerber advised that Councilman Hickman was correct.

**Q:** Mayor Cindy Siegel asked for confirmation that the Bellaire Fire Department Staff would be heavily involved in the process.

**A:** Mr. Gerber stated that they would interface with the Bellaire Fire Department and other staff a great deal during the process to try to get the size of the building correct and to make sure it
flowed and functioned the way the staff would like.

C/Q: **Councilman Pat McLaughlan** noted that PGAL had a significant level of experience in fire stations. That experience included looking at fire stations from statewide and national standards. He asked for confirmation that PGAL had done one or more of the fire stations for the City of Houston and surrounding areas. In other words, PGAL was not really starting with a blank sheet of paper.

A: **Mr. Gerber** advised that Councilman McLaughlan was correct. PGAL was currently working on Fire Station 24 for the City of Houston. PGAL had also done a number of fire stations locally. In the last five years, PGAL had done approximately a dozen fire stations.

Q: **Councilman John Jeffery** inquired as to the timeframe involved in getting through the process under the proposal, noting that he was primarily interested in the length of time that would be needed for the fire station.

A: **Mr. Gerber** indicated that he believed that PGAL would be finished, including going through the options and getting a final, by February 15th.

**VOTE ON MOTION TO ADOPT ORDINANCE:**

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

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

**OPPOSED:** None

**ABSENT:** Davison, Debra Marz

{Ordinance was subsequently numbered: 07-066}
c. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the City Manager of the City of Bellaire, Texas, to execute, as Grantee for and on behalf of the City of Bellaire, Texas, a contract and other applicable forms with the Texas State Library and Archives Commission for the Loan Star Libraries Grant, Grant Number 442-08038, in the amount of $8,918.00 – Action by Members of City Council to Adopt Ordinance (Item submitted by Director of Library Mary A. Alford).

MOTION TO ADOPT ORDINANCE:

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman John F. Monday to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the City Manager of the City of Bellaire, Texas, to execute, as Grantee for and on behalf of the City of Bellaire, Texas, a contract and other applicable forms with the Texas State Library and Archives Commission for the Loan Star Libraries Grant, Grant Number 442-08038, in the amount of $8,918.00.

VOTE ON MOTION TO ADOPT ORDINANCE:

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

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

OPPOSED: None

ABSENT: Davison, Debra Marz

{Ordinance was subsequently numbered: 07-067}

Code Amendment

d. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 31,
Utilities, Article II, Rates and Charges, Section 31-42, Sewer Service Rates, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of amending the winter averaging computation for sewer rates for residential customers in the City of Bellaire, Texas – Action by Members of City Council to Adopt Ordinance (Item submitted by City Manager Bernard M. Satterwhite, Jr.).

SUMMARY:

City Manager Bernard M. Satterwhite, Jr., advised that the winter averaging computation in the original ordinance was based on the average of November, January, and February water consumption. Unfortunately, the City’s finance software program did not allow dropping one month. The consultants that recommended the winter averaging had selected the month of December as the month to drop as it was typically a low month for consumption. December was not necessarily the “low” month for everyone. Some were penalized and others were rewarded. The City’s finance software program did allow dropping the low or high month from the four months selected as follows: November, December, January, and February. The amendment proposed in the ordinance before City Council this evening proposed to drop the low month of the four, average the remaining three, and the result would become the winter average.

MOTION TO ADOPT ORDINANCE:

A motion was made by Councilman John Jeffery and seconded jointly by Councilman Pat McLaughlan and Mayor Pro Tem Peggy Faulk to adopt an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 31, Utilities, Article II, Rates and Charges, Section 31-42, Sewer Service Rates, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of amending the winter averaging computation for sewer rates for residential customers in the City of Bellaire, Texas.
QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Councilman Will Hickman inquired as to the reasoning behind the winter averaging computation and how it worked in general.

A: City Manager Bernard M. Satterwhite, Jr., advised that the winter averaging computation based a person’s sewer rates on what was used in the winter time when lawns were not normally watered a great deal. This “average” closely estimated what would be used in the summer if a person were not watering their lawn. The water placed on a lawn was not going into the sewer system; therefore, such a computation more accurately estimated the amount of water going into the sewer in the summer based on winter usages.

VOTE ON MOTION TO ADOPT ORDINANCE:

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

FOR: Siegel, Cindy
     Hickman, Will
     Monday, John F.
     McLaughian, Pat
     Jeffery, John

OPPOSED: None

ABSENT: Faulk, Peggy*
        Davison, Debra Marz

*Mayor Pro Tem Peggy Faulk left the Council table temporarily and did not participate in the vote on this agenda item.

{Ordinance was subsequently numbered: 07-068}
before the City Council of the City of Bellaire, Texas, on Monday, December 17, 2007, at 6:00 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, for the purpose of hearing any and all persons desiring to be heard on or in connection with the installation of traffic control device(s) (speed humps) along the 4500 block of Maple Street between Avenue B and Newcastle Drive, Bellaire, Texas – Action by Members of City Council to Adopt Ordinance (Item submitted by Director of Public Works Joe Keene and City Clerk Tracy L. Dutton).

SUMMARY:

Mayor Cindy Siegel advised that the speed humps referenced were already installed and this public hearing represented a second one that was required under the City’s procedures outlined in the “Neighborhood Traffic Improvement Program” to be held before City Council decided whether or not the installed speed humps were to be considered a permanent traffic control device.

Mayor Siegel asked City Manager Satterwhite for confirmation that the necessary traffic studies had been performed and would be presented during the public hearing. City Manager Satterwhite indicated that Mayor Siegel was correct.

MOTION TO ADOPT ORDINANCE:

A motion was made by Councilman John Jeffery and seconded by Councilman Will Hickman to adopt an ordinance of the City Council of the City of Bellaire, Texas, calling a public hearing before the City Council of the City of Bellaire, Texas, on Monday, December 17, 2007, at 6:00 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, for the purpose of hearing any and all persons desiring to be heard on or in connection with the installation of traffic control device(s) (speed humps) along the 4500 block of Maple Street between Avenue B and Newcastle Drive, Bellaire, Texas.
VOTE ON MOTION TO ADOPT ORDINANCE:

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

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

OPPOSED: None

ABSENT: Davison, Debra Marz

{Ordinance was subsequently numbered: 07-069}

Appointment

f. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Ordinance No. 06-092 previously adopted by the City Council of the City of Bellaire, Texas, appointing Tracy L. Dutton as City Clerk of the City of Bellaire, Texas, and providing for the terms and provisions of such appointment, including the duties of said City Clerk, compensation, and payment of benefits for said City Clerk – Action by Members of City Council (Item submitted by City Clerk Tracy L. Dutton at the direction of City Council).

SUMMARY:

Mayor Cindy Siegel advised that the City Council held an Executive Session on November 12, 2007, for the purpose of giving the City Clerk and the City Manager their annual review. During that Executive Session, City Council proposed an amendment to the City Clerk’s salary in the amount of $90,673.03 effective on November 6, 2007.

MOTION TO ADOPT ORDINANCE:

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman Pat McLaughlan to adopt an ordinance of the City Council of the City of Bellaire, Texas, amending Ordinance No. 06-092
previously adopted by the City Council of the City of Bellaire, Texas, appointing Tracy L. Dutton as City Clerk of the City of Bellaire, Texas, and providing for the terms and provisions of such appointment, including the duties of said City Clerk, compensation, and payment of benefits for said City Clerk.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Councilman Will Hickman noted that the duties of the City Clerk were discussed during the Executive Session, however, the duties set forth in the ordinance were very broad. He inquired as to whether City Council needed to make any specific notations regarding duties in the ordinance.

C: Mayor Siegel noted that Councilman Hickman was referring to some of the items that City Council had asked the City Manager to look into in terms of shifting some functions over.

R: City Manager Bernard M. Satterwhite, Jr., advised that he needed some time to shift some of those functions and suggested leaving the ordinance as it was written.

VOTE ON MOTION TO ADOPT ORDINANCE:

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

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

OPPOSED: None

ABSENT: Davison, Debra Marz

{Ordinance was subsequently numbered: 07-070}
2. **ITEM FOR INDIVIDUAL CONSIDERATION:**

**DISCUSSION** and possible action to authorize the Mayor and the City Manager of the City of Bellaire, Texas, to engage in discussions with the Metropolitan Transit Authority of Harris County, Texas (METRO), regarding the possibility of locating a future University Line light rail station in the Research, Development and Distribution District (RDD) within the city limits of the City of Bellaire, Texas – **Action by Members of City Council to Authorize Discussions.**

**SUMMARY:**

Mayor Cindy Siegel advised that the Chair of the Planning and Zoning Commission, Bill Thorogood, had made a presentation to City Council several weeks ago regarding possible future development of the Research, Development and Distribution District (RDD). Mayor Siegel confirmed with the Multi-Cities Director for the Metropolitan Transit Authority of Harris County, Texas (METRO), Burt Ballanfant, METRO’s plans to go forward with the University Line light rail. METRO was going to start the design work on the line sometime after the first of the year. Bellaire had been told that if they wanted to have discussions with METRO regarding the light rail line, those discussions needed to happen now. After the discussions were held, information would be brought back to City Council for a vote and there would be an opportunity for public input.

Mayor Siegel stated that METRO had the ability to place a station in the RDD District or near the Sam’s Club at the intersection of Westpark Drive and South Rice Avenue. It was important for the City of Bellaire to have some type of ongoing dialog with METRO so that City Council could be aware of METRO’s plans.

Councilman Pat McLaughlan advised that the Houston-Galveston Area Council (H-GAC) Transportation Policy Council gave their approval to all of METRO’s plans for the area. Funding for preliminary engineering of the University Rail line would be sought in December. As Mayor Siegel had just indicated, the University Rail line would be going in. It was important for the City of Bellaire to establish a relationship with METRO such that the line would be a benefit to the City of Bellaire.
Mayor Siegel indicated that she was concerned with protecting the residential neighborhood that was already in the vicinity of this proposed rail line.

MOTION TO AUTHORIZE THE MAYOR AND CITY MANAGER TO ENGAGE IN DISCUSSIONS WITH METRO:

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman John Jeffery to authorize the Mayor and the City Manager of the City of Bellaire, Texas, to engage in discussions with the Metropolitan Transit Authority of Harris County, Texas (METRO), regarding the possibility of locating a future University Line light rail station in the Research, Development and Distribution District (RDD) within the city limits of the City of Bellaire, Texas.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

C: Councilman Will Hickman stated that it made more sense to him from a ridership perspective for the rail station to be located adjacent to Sam’s Club and by the proposed Wal-Mart Center (i.e., Westpark Drive and South Rice Avenue) rather than adjacent to the RDD District. He did not see a great deal of ridership coming out of the RDD, but could see ridership generated by the Sam’s Club and Wal-Mart Center.

R: Mayor Siegel referred to the possibility in the future that the RDD District might develop into more residential, noting this had been discussed by both the Planning and Zoning Commission and the Strategic Planning and Development Committee recently.

C: Councilman Hickman advised that even if the RDD District were to be developed into residential, his concern was the length of time it might take for a rider to get downtown on the rail line. He referred to the fact that there was a METRO bus line near his home. He had taken the bus to work before and it took him 45 minutes to get downtown versus driving his personal car and reaching downtown in 15 minutes.

In addition, Councilman Hickman advised that there appeared to be a change in trains before reaching downtown, which would not be very efficient. The station would not be convenient for the far north
reaches, and the train itself was not fast. For these reasons, he did not see many Bellaire residents taking the train downtown.

R: Mayor Siegel advised that she was not saying that the residents wanted a rail station in Bellaire. Her concern was that if the City was not having a dialog with METRO, the location of the station could impact the City and the City would have no idea as to what METRO’s plans might be. She was not comfortable having discussions with METRO without some kind of direction or approval from City Council.

AMENDMENT NO. 1 TO MOTION TO AUTHORIZE THE MAYOR AND CITY MANAGER TO ENGAGE IN DISCUSSIONS WITH METRO:

An amendment (no. 1) was made by Councilman John F. Monday and seconded by Mayor Pro Tem Peggy Faulk as follows: to authorize the Mayor and the City Manager of the City of Bellaire, Texas, to engage in discussions with the Metropolitan Transit Authority of Harris County, Texas (METRO), regarding the possibility of locating a future University Line light rail station in the Research, Development and Distribution District (RDD) within the city limits of the City of Bellaire, Texas, and to summarize the discussion points to City Council within thirty (30) days of the initial meeting.

VOTE ON AMENDMENT NO. 1 TO MOTION TO AUTHORIZE THE MAYOR AND CITY MANAGER TO ENGAGE IN DISCUSSIONS WITH METRO:

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

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

OPPOSED: None

ABSTAIN: Hickman, Will

ABSENT: Davison, Debra Marz
QUESTIONS/COMMENTS FROM CITY COUNCIL (CONT.):

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

C: **Councilman Pat McLaughlan** stated that the University Rail Line was a done deal. He pointed out that the RDD District would be in a state of change in the years to come. The level of change would be dependent upon modifications in the zoning ordinances allowed by City Council. The current preliminary METRO maps showed the junction of the University Rail Line and the Uptown Line basically where the Bridal Mart was located (intersection of the West Service Road at Loop 610 and Westpark Drive). Bellaire was dealing with the University Rail Line and the Uptown Rail Line. The Uptown Rail Line would run north from the approximate intersection of Westpark Drive and the West Service Road at Loop 610 through the Galleria area either adjacent to or in the center of Loop 610 north to Highway 290. He was unsure of the continuation past Highway 290, noting that there was a transit center in that area.

C/Q: **Councilman Hickman** advised that he was confused with respect to City Council’s action. The agenda statement discussed “desires” in three different places, such as the desire of City Council with respect to the location of a rail station, the desirability of locating a station within the Bellaire city limits, and the authorization for the Mayor and City Manager to discuss City Council’s desires with METRO. He asked if City Council would be voting on their desire to have a station in the City of Bellaire.

R: **Mayor Siegel** stated that the intent of the agenda statement was to allow the Mayor and City Manager to find out what METRO was intending in terms of placing a rail station in the City of Bellaire.

R: **Councilman Hickman** advised that his one vote for the City did not desire a station to be located within the city limits. He was not disputing or arguing the relevance or the inevitability of having such a line, but if the City Council was discussing whether or not to have a station within the City of Bellaire, then he would vote “no.”

R: **Mayor Siegel** stated that this was not her intent. The City needed to find out what METRO’s plans were.
C: Councilman Hickman referred to a statement made by Bill Thorogood that METRO would place a rail station in the RDD District if the City desired one there; otherwise there would not be one at that location.

R: Mayor Siegel stated that her understanding was that there would be a station along Westpark Drive either near the Sam’s Club location or in the City’s RDD District. There would then be another station near Hillcroft.

R: Councilman McLaughlan advised that it was his understanding that there was some competition to achieve stations from an economic standpoint.

C: Councilman John Jeffery stated that he would support the agenda item because he believed the Mayor and City Manager needed to get the facts to present to City Council.

CALL OF QUESTION:

Councilman John Jeffery called the question. The call was seconded jointly by Mayor Pro Tem Peggy Faulk and Councilman John F. Monday.

VOTE ON CALLING THE QUESTION:

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

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

OPPOSED: Hickman, Will

ABSENT: Davison, Debra Marz

VOTE ON ORIGINAL MOTION, AS AMENDED:

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

FOR: Siegel, Cindy
     Monday, John F.
     Faulk, Peggy
     McLaughlan, Pat
FOR (CONT.): Jeffery, John

OPPOSED: Hickman, Will

ABSENT: Davison, Debra Marz

H. COUNCIL CORRESPONDENCE AND COMMENTS.

Discussion only.

I. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman John Jeffery to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 8:39 p.m. on Monday, November 19, 2007.

VOTE ON MOTION TO ADJOURN:

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

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

OPPOSED: None

ABSENT: Davison, Debra Marz

Respectfully submitted,

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

______________________________
Cynthia Siegel, Mayor
City of Bellaire, Texas