I. SPECIAL SESSION (EXECUTIVE SESSION) – 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 6:15 p.m. on Monday, December 3, 2007. The Bellaire City Council met at that time and on that date in Special Session (Executive Session) under the Texas Government Code, Chapter 551, Open Meetings Act, Section 551.072, Deliberation Regarding Real Property, to discuss the possibility of a purchase of real property. The meeting was opened in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas. Mayor Siegel announced that a quorum was present consisting of herself and the following members of City Council:

- Councilman John F. Monday, Position No. 2;
- Mayor Pro Tem Peggy Faulk, Position No. 3;
- Councilwoman Debra Marz Davison, Position No. 4; and
- Councilman Pat McLaughlan, Position No. 5.

Councilman Will Hickman, Position No. 1, was absent. Councilman John Jeffery, Position No. 6, arrived at 6:30 p.m. and went directly into Executive Session. Other officials present were City Manager Bernard M. Satterwhite, Jr., City Attorney Alan P. Petrov, and City Clerk Tracy L. Dutton. City Clerk Dutton did not participate in the closed portions of the Special Session (Executive Session).

B. CONVENE in Executive Session (Closed Session to be held in the Council Conference Room) under the Texas Government Code, Chapter 551, Open Meetings Act, Section 551.072, Deliberation Regarding Real Property, to discuss the possibility of a purchase of real property – Members of City Council.

MOTION TO CONVENE IN EXECUTIVE SESSION:

A motion was made by Councilman John F. Monday and seconded by Councilman Pat McLaughlan to convene in Executive Session under the Texas Government Code, Chapter 551, Open Meetings Act, Section 551.072, Deliberation Regarding Real Property, to discuss the possibility of a purchase of real property.
VOTE ON MOTION TO CONVENE IN EXECUTIVE SESSION:

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

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

OPPOSED: None

ABSENT: Hickman, Will
        Jeffery, John*

*Councilman John Jeffery arrived at 6:30 p.m. and went directly into Executive Session.

At this point in the meeting, the Bellaire City Council convened in the Council Conference Room located directly behind the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas.

C. RECONVENE (Open Session to be held in the Council Chamber) and take action, if any, on item(s) discussed in Executive Session – Action by Members of City Council.

The Bellaire City Council reconvened in Special Session (open portion) in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas, at 7:10 p.m. on Monday, December 3, 2007.

Mayor Cindy Siegel advised that the City Council had met in Executive Session for the purpose of deliberating the possibility of a purchase of real property under the Texas Government Code, Chapter 551, Open Meetings Act, Section 551.072, Deliberation Regarding Real Property, and that no action would be taken at this time.

D. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman John Jeffery to adjourn the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, at 7:10 p.m. on Monday, December 3, 2007.
VOTE ON MOTION TO ADJOURN:

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

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

OPPOSED: None

ABSENT: Hickman, Will

II. REGULAR SESSION – 7:00 P.M.

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

Mayor Cindy Siegel called the City Council of the City of Bellaire, Texas, to order at 7:10 p.m. on Monday, December 3, 2007. The Bellaire City Council met at that time and on that date in Regular Session in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas. Mayor Siegel announced that a quorum was present consisting of herself and the following members of City Council:

Councilman John F. Monday, Position No. 2;
Mayor Pro Tem Peggy Faulk, Position No. 3;
Councilwoman Debra Marz Davison, Position No. 4;
Councilman Pat McLaughlan, Position No. 5; and
Councilman John Jeffery, Position No. 6.

Councilman Will Hickman, Position No. 1, was absent. Other officials present were City Manager Bernard M. Satterwhite, Jr., City Attorney Alan P. Petrov, and City Clerk Tracy L. Dutton.

B. INSPIRATIONAL READING AND/OR INVOCATION – Councilwoman Debra Marz Davison.

Councilwoman Debra Marz Davison showed the audience a book that she had just received entitled “Love Letters to Nicole,” which was written about a young lady who passed away, Katharine Nicole Suchowiecky. Her parents, through the Katharine Nicole Suchowiecky Foundation, donated funds to the City of Bellaire for an automatic external defibrillator (AED) to be placed in the Bellaire Family Aquatic
Center. Councilwoman Davison read an excerpt from the book, which was Nicole’s first poem, as follows:

*Traveled Very Well*

I have not lived enough to tell;  
So far it has traveled very well.  
Don’t ask me for my life’s blueprint  
I know nothing of what lies ahead.  
I do however know that I love life to death,  
Sun, sand, surf, and sky meet with breathtaking power  
High atop a windy tower, looking out with tiny eyes to see forever,  
Or alone at a window watching raindrops bead on glass,  
Dreaming of insignificance.  
I wish my life to be fruitful and worth the effort.  
I wish to be remembered and looked upon with smiles;  
I wish to live for the moment, instead of planning the future.  
I want to not be read like a book but to be unpredictable and clever.  
I want to look straight to equality, not up nor down my nose.  
I want, I want, I want; I want to get what I want,  
And not to just settle for less.  
Not poverty or riches, but well-being and happiness,  
Not only for myself but for the world as well.  
To stop hate, to stop crime, to stop fights and sneers.  
No more pain, no more weeping out of sorrow;  
I haven’t lived enough to tell,  
So far it has traveled very well.

--Nicole Suchowiecky  
*February 1998*

Councilwoman Davison noted further that Hannukah started in two days. It was a festival lasting eight days commemorating victory of Maccabees over Syrians in 165 B.C. and rededication of the Temple of Jerusalem. Hannukah would begin at sundown on December 4, 2007.

C. **PLEDGES TO THE FLAGS – Councilwoman Debra Marz Davison.**

1. **U.S. Pledge of Allegiance.**

2. **Pledge to the Texas Flag.**

**Councilwoman Debra Marz Davison** led the audience and City Council in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.
Mayor Cindy Siegel took an opportunity to welcome some members of Boy Scout Troop 740 who were present this evening to earn their “Citizenship in the Community” badge.

D. APPROVAL OR CORRECTION OF MINUTES:

APPROVAL of minutes of the Special Session (Official Canvass), Special Session (Public Hearing), and Regular Session of the City Council of the City of Bellaire, Texas, held Monday, November 19, 2007 – Action by Members of City Council to Adopt Minutes (Item submitted by City Clerk Tracy L. Dutton).

MOTION TO APPROVE MINUTES:

A motion was made by Councilman Pat McLaughlan and seconded by Mayor Pro Tem Peggy Faulk to approve the minutes of the Special Session (Official Canvass), Special Session (Public Hearing), and Regular Session of the City Council of the City of Bellaire, Texas, held Monday, November 19, 2007.

VOTE ON MOTION TO APPROVE MINUTES:

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

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

OPPOSED: None

ABSENT: Hickman, Will

E. PERSONAL/AUDIENCE COMMENTS.

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

Ms. Phillips addressed City Council and asked them not to award the contract for the design of Bellaire Town Square to Clark Condon Associates. One of the most important thing that a designer did was to help clients make informed decisions and to help them identify potential problems early while on paper rather than with bulldozers and chainsaws later on. Clark Condon Associates failed to recognize obvious problems even when citizens pointed them out during public forums. Clark Condon Associates also failed to provide the City with adequate information to make good decisions.
Ms. Phillips noted that she had looked back at the April 2004 document summarizing the master planning process for the park and was reminded of several problems. The drawings were not realistic enough to make informed decisions. Even in early stages of design, drawings should be reasonable enough to identify potential problems. The pool facility was drawn unrealistically small. Although the City did not know what the Aquatic Facility would include during the early stages, it was obvious that the City intended for it to be larger than the old facility. Yet, Clark Condon Associates drew it smaller and ignored Ms. Phillips’ letter warning them that when drawn realistically it would overrun the great lawn and parking.

Clark Condon Associates further ignored several citizens’ requests to protect trees. Although the survey map showing the locations of all of the trees was available in December of 2003, Clark Condon Associates ignored Ms. Phillips’ letter asking that the nicest trees be shown on the drawings so that the trees could be considered when deciding between alternatives. Instead, Clark Condon Associates simply erased trees that were inconveniently located and drew in new trees to make the drawings look nice. In summary, existing trees played absolutely no role in decision making.

Proof that one could not just “work around” a huge oak in a crowded park later on was out by the new water slide. That beautiful 25” live oak had almost one-half of its canopy cut off because it was never correctly shown on the drawings and the slide was built too close to it. More valuable trees would probably be lost when the parking lots and other facilities were built.

Additionally, underground utilities were never shown on the drawings and were not considered in evaluating alternatives even though they appeared on the 2003 survey. The City spent over $300,000 rerouting existing major utility lines. This money was not even included in the estimates provided by Clark Condon Associates. Their utility estimates were for some onsite utility work for the park and pool.

Clark Condon Associates never showed that their plans could provide workable parking. The parking lots were drawn smaller than the City’s Code allowed. Ms. Phillips’ also provided Clark Condon Associates with a letter and a copy of Bellaire’s Code and warned them that when they drew the lot wide enough and showed the valuable trees, they would learn that they would lose too many spaces. Yet, their drawings were never corrected.

The out of scale sketches provided by Clark Condon Associates gave the illusion that the great lawn was much bigger than it was because trees and the pool were drawn very small and the pavement was unreasonably narrow. Another engineer aptly referred to the drawings
as “cartoon sketches” and warned that they were misleading and inadequate for decision making even for the earliest stage of design.

In addition, too little guidance was provided in decision making. Lists of pros and cons should have accompanied each alternative, including things that might not be obvious to City leaders, such as:

- Not enough area for a larger pool;
- Pavilion forced audience to face the setting sun;
- No vehicle access for the pavilion;
- Location for pavilion was too far from the playground to double as a picnic and party shelter;
- Parking would be difficult;
- Parking lot locations were inconvenient to double as an activity area during major events, such as Holiday in the Park;
- Major utilities needed to be relocated; and
- Valuable trees would be destroyed.

If the pros and cons of each alternative had been better understood, Ms. Phillips felt that a better pool location would have been selected further south. The area left behind City Hall would be difficult to develop and the cost would be high. The great lawn would not work well for large crowds, and there was not a good place to put the pavilion. Also, valuable trees would be lost. The City spent a fortune relocating utilities. There had been no good solution for parking, and many of the other goals would not be achieved. A number of people had even suggested that City Hall needed to be moved to make Bellaire Town Square work.

Ms. Phillips advised further that the most important thing that a design consultant could do was to foresee potential problems and provide adequate information to make good decisions. Clark Condon Associates did not do so. This was not a case of “hindsight being 20-20,” and the problems were not related to the expansion of the pool. It was a matter of ignoring available information and warnings and not providing information the City needed to make good decisions. Although she did not have any suggestions for other designers, but felt that the City should carefully evaluate other possibilities.

[Ms. Phillips provided her copy of the Master Plan (tabbed to indicate problems she had identified) for City Council to review this evening]
Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee addressed City Council and commented on how great it was for the City to have such involved citizens coming to the meetings and pointing out, in a responsible way, the research they conducted on their own time. She was very proud of citizen Carol Phillips this evening because the facts that she reported were traceable, trackable, auditable, etc. City Council could brush off citizen comments, and often did, because many citizens did not take the time to do the research. Whether City Council agreed or disagreed with these citizens, Ms. McBee suggested that City Council have a day of recognition for those citizens and let them know that this type of support from the community was appreciated.

Ms. McBee continued and stated that her only comment this evening had to do with the Clark Condon Associates proposal on the agenda insofar as the reference for the payment of that contract (i.e., source of funding) simply read “2008 CIP.” It would be nice if City Staff added to that the particular allocation that was in the CIP Fund for this expenditure and the total amount allocated for the purpose that the proposal would draw from.

Secondly, the Clark Condon Associates proposal particularly exempted certain kinds of costs. Those costs had to do with surveying, a fountain consultant, environmental graphics, and construction documents and were going to cost a great deal. In reviewing the professional development contract that was noncompetitive and being awarded to the same person who drew up the conceptual plan, the $135,500.00 contract was only the tip of the iceberg with respect to development costs for Bellaire Town Square (“BTS”). Ms. McBee stated that there needed to be a report to the community on the entire BTS project. She urged City Council to keep monitoring this, noting that it was running into the third year and the costs were well over $4 million.

Finally, in deference to tax season, she had done a quick check on the percentage increase that Harris County was kind enough to provide to her and while her Bellaire taxes did increase in spite of the reduction, Bellaire was nowhere near the top of the list. At the top in terms of percentage increase was the Port Authority of Houston (up 55% for Ms. McBee’s property). Harris County ran a good second (30% range). The Houston Independent School District was a reduction by 20%.

In closing, she stated that more appreciation from the City Council table would be nice.
Bill Thorogood, 4507 Merrie Lane Drive, Bellaire, Texas:

Mr. Thorogood addressed City Council and advised that he was present this evening on a matter related to the Texas Open Meetings Act. City Council had three items on their agenda this evening that the Planning and Zoning Commission of the City of Bellaire, Texas (“Commission”), had worked on for a long time, and he appreciated City Council placing those items on the agenda. There were only three Commission members in the audience this evening. If one more were present, there would be a quorum. If there were a quorum, the meeting could not take place. The Commission had been advised by City Council that they could only have three members of the Commission present.

Mr. Thorogood had spoken earlier in the day with several other Commission members who advised that they were upset that they could not attend the City Council meeting this evening. He asked and encouraged City Council to look hard at the Texas Open Meetings Act and the way in which the City of Bellaire interpreted it. It seemed unfair to him that there were citizens that contributed a great deal of their time and efforts to bring big agenda items to City Council and could not be present to hear City Council address those items.

F. REPORT:

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.

MISSION AREAS:

Residential Mobility

City Manager Satterwhite referred to work being done on South Rice Avenue at its intersection with Bellaire Boulevard. He noted that City Staff was repairing a water leak that had been there for quite some time. Delays were due to various things, one of which was a determination as to the cause of the leak. The repairs occurred over the weekend in order to cause the least amount of disruption for Condit Elementary School, as well as and part of a church located at the intersection.
Construction was due to begin this week on the 4500 block of Evergreen Street as part of the Rebuild Bellaire Program, Phase One. This block of Evergreen Street was slated for complete reconstruction with new storm sewer, curb and gutter, and sidewalks, and notices regarding the project were mailed to residents in the area.

**Residential Quality of Life**

City Manager Satterwhite noted that the Holiday in the Park celebration held on Thursday, November 29, 2007, was a great success. He congratulated the Parks & Recreation Department for all of their efforts and hard work. Also to be congratulated were volunteers from other City Departments, such as Library, Police, Fire, and Public Works.

**Internal Operations/Productivity**

City Manager Satterwhite expressed his congratulations to Rita Duarte of the Bellaire City Library who was awarded “Employee of the Quarter” for the last quarter of 2007. He advised that the Employee of the Year award would be presented during the Employee Holiday Luncheon scheduled on December 19, 2007, to be held in the Bellaire Recreation Center.

With respect to the Bellaire Civic Center, the City had started making improvements to the Civic Center that these improvements were primarily aesthetic in nature, consisting of floor leveling in the meeting rooms and painting. In addition, the City Hall Lobby was scheduled to be “deep cleaned” for the first time in many, many years. He indicated that he was looking forward to the results of the improvements and cleaning. In the interim, everything that was scheduled in the Civic Center had been moved to the Recreation Center.

Also of note was a walk-through of the Family Aquatic Center that was performed last Tuesday. There were still some items that City Staff felt needed to be dealt with, and the contractors were on board with those items as well. City Manager Satterwhite had hoped to bring the final closeout and final payment on the project during the December 17, 2007, meeting, but was not certain that the closeout would occur by that time. The pool functioned very well and was spectacular to see with all of the water jets going; however, City Staff wanted to get their concerns taken care of now before the facility opened.

The investigation and assessment by engineers related to the Trolley Pavilion in Paseo Park had been completed. A report would be presented to City Council on December 17, 2007. The next step after
that would be to go out for bids to do the repairs. The engineers had come up with a repair plan and an estimate to put that plan into effect.

UPCOMING MEETINGS/EVENTS:

City Manager Satterwhite noted the following upcoming meetings/events for the month of December:

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Type of Meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/05/2007</td>
<td>7:00 p.m.</td>
<td>Centennial Planning Committee Meeting</td>
</tr>
<tr>
<td>12/17/2007</td>
<td>6:00 p.m.</td>
<td>Public Hearing on Traffic Control Devices installed on Maple Street</td>
</tr>
<tr>
<td>12/17/2007</td>
<td>7:00 p.m.</td>
<td>Regular Session</td>
</tr>
<tr>
<td>12/24/2007</td>
<td>All Day</td>
<td>Christmas Holiday</td>
</tr>
<tr>
<td>12/25/2007</td>
<td>All Day</td>
<td>Christmas Holiday</td>
</tr>
<tr>
<td>12/31/2007</td>
<td>All Day</td>
<td>New Year Holiday</td>
</tr>
</tbody>
</table>

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

There were no questions or comments from City Council regarding the City Manager’s Report.

MOTION TO ACCEPT REPORT INTO THE RECORD:

A motion was made by Councilman Pat McLaughlan and seconded jointly by Councilman John F. Monday and Councilwoman Debra Marz Davison to accept the City Manager’s Report as presented by City Manager Bernard M. Satterwhite, Jr., into the record.

VOTE ON MOTION TO ACCEPT REPORT INTO THE RECORD:

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

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

OPPOSED: None

ABSENT: Hickman, Will
G. NEW BUSINESS:

1. CONSENT AGENDA:

   a. CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, accepting a donation from the Bellaire Lions Club of a meat scale and warming table that has been housed in the Bellaire Civic Center for a number of years (Item submitted by Director of Facilities Management Karl Miller).

   b. CONSIDERATION of and possible action on a request from Finance, Fire, Parks & Recreation, Public Works, and Organizational Services Departments to discard, auction, and/or store for future use surplus City property (Item submitted for various City Departments by Director of Facilities Management Karl Miller).

Mayor Cindy Siegel advised that the items listed under the Consent Agenda would be voted in one motion by the Bellaire City Council unless separate discussion was requested. After noting that none of the members wished to discuss either item separately, she called for a motion on the Consent Agenda.

MOTION TO APPROVE CONSENT AGENDA:

A motion was made by Councilman John F. Monday and seconded by Mayor Pro Tem Peggy Faulk to approve the Consent Agenda dated December 3, 2007, consisting of the following items:

- Adoption of resolution accepting a donation from the Bellaire Lions Club of a meat scale and warming table that had been housed in the Bellaire Civic Center for a number of years; and

- Approval of a request from Finance, Fire, Parks & Recreation, Public Works, and Organizational Services Departments to discard, auction, and/or store for future use surplus City property.
VOTE ON MOTION TO APPROVE CONSENT AGENDA:

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

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

OPPOSED:   None

ABSENT:    Hickman, Will

{Resolution was subsequently numbered: 07-17}

2. ADOPTION OF ORDINANCES:

Agreements and Contracts

a. CONSIDERATION of and possible action on the adoption of an ordinance authorizing the Mayor of the City of Bellaire, Texas, to accept a proposal for professional services from Clark Condon Associates for the preparation of design development plans for the “Bellaire Town Square Project,” elements of which would include a skate park, playground, great lawn, pathways, pavilion, planting design, irrigation system, site furniture, donor wall, and fountain plaza, in an amount not to exceed $135,500.00 and reimbursable expenses not to exceed $5,500.00 – Action by Members of City Council to Adopt Ordinance (Item submitted by Director of Parks & Recreation Jane L. Dembski).

SUMMARY:

City Manager Bernard M. Satterwhite, Jr., advised that the proposal from Clark Condon Associates for the Bellaire Town Square Project was somewhat similar to the proposal that PGAL had provided for City facilities. Clark Condon Associates would take each element identified in the Master Plan and develop a distinctive design for those elements.
As was mentioned earlier, the proposal did not include final design and construction and bid documents. Those items would involve a separate engagement. At the conclusion of this stage, City Council would be able to determine how to move forward with each individual element.

**MOTION TO ADOPT ORDINANCE:**

A motion was made by Councilman John Jeffery and seconded by Mayor Pro Tem Peggy Faulk to adopt an ordinance authorizing the Mayor of the City of Bellaire, Texas, to accept a proposal for professional services from Clark Condon Associates for the preparation of design development plans for the “Bellaire Town Square Project,” elements of which would include a skate park, playground, great lawn, pathways, pavilion, planting design, irrigation system, site furniture, donor wall, and fountain plaza, in an amount not to exceed $135,500.00 and reimbursable expenses not to exceed $5,500.00.

**QUESTIONS/COMMENTS FROM CITY COUNCIL:**

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

Q: Councilman John Jeffery referred to the total cost of the project of $141,000, and inquired as to the amount budgeted for this project.

A: City Manager Satterwhite advised that there was $250,000 in the Capital Improvement Program Fund for Bellaire Town Square.

Q: Mayor Cindy Siegel referred to the conceptual plan process that had already been completed by Clark Condon Associates. She advised that it was her understanding that the proposal before City Council this evening would provide preliminary design plans for remaining elements in Bellaire Town Square, such as the playground, lighting, etc. She asked how this process differed from the conceptual plan process, noting that her biggest concern related to the numbers. She agreed with Ms. Phillips that the costs for the Aquatic Facility were much greater than the conceptual plan, although she did realize that the
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City had increased the size of the pool. Mayor Siegel advised that she wanted to ensure that the costs provided under this proposal were really good and as close as possible.

A: Sheila Condon, President and CEO, Clark Condon Associates, advised that a master plan was broad-brushed and contained many elements. If the City Council recalled, 10-12 different gyrations were initially provided in order to get the elements and the program down. The purpose of the master plan was to tie down the “program” and where the various elements would go. That plan did not provide a tremendous amount of detail and was not intended to do so. She agreed that the pool grew significantly after the master plan was initially completed; however, this was City Council’s choice. The pool was still located in the general area in which the City had wanted it to be.

Ms. Condon stated that City Council should challenge the program a little to see if all of the elements still made sense, noting that a great deal of time had elapsed since the development of the master plan.

From this point forward, the plan would be reviewed in greater detail. One of two tasked in this proposal would take the master plan to preliminary design. The other task would take the preliminary design to design development. The preliminary design would be done using the City’s most current survey, coupled with the new information from the pool. Ms. Condon noted that Claunch & Miller, Inc. (“CMI”), was included as part of the proposal within Clark Condon Associates’ fee to pay them to help “marry” things together. She noted that CMI was the engineer for the street utilities and pool utilities. This would give Clark Condon Associates one database to work from so that everything was as accurate as possible.

Clark Condon Associates would then look at everything with the pool layered in and test some of the elements to see what made sense. One thing included in this proposal that was not part
of the original scope was the materials to be used, colors, lights, and character or theme.

The preliminary phase would tie the global ideas down and give some choices and directions for material. Design development would look like construction document pages. It would consist of a booklet in CAD. Mechanical and electrical consultants would work with Clark Condon Associates as well on the MEP sides through design development.

At the end of design development, the City would have budgets based on design development on design decisions that were made. For example, the number of benches, square footage of concrete needed, and number of lights would be provided. The item that would be left after design development would be the actual bid document; however, the way drawings were done now, design development came close to providing the needed specifications.

Q: Mayor Siegel noted that when the City adjusted for the pool that was built, the cost for Bellaire Town Square became approximately $5 million. She inquired as to assurances that the City might have that the final total project would not end up costing $7 million.

A: Ms. Condon stated that they could not come up with a design greater than what the budget would provide. There would be a time when there were more things on the list than the City could afford. Clark Condon Associates would then advise the City that those things were outside of the budget. The job of Clark Condon Associates was to design toward that budget.

Q: Mayor Siegel referred to the pavilion and noted that the assumption was for a pre-fabricated structure. She inquired as to the reason that a pre-fabricated structure would be recommended.

A: Ms. Condon stated that part of the reason for the recommendation was to be cost-effective both on the construction side, as well as the consulting side. She had originally proposed that
an architect be involved and a custom structure designed. However, this seemed like one more expense that the City did not need to do. Additionally, the Parks & Recreation Advisory Board had looked at some pre-fabricated structures that they were pretty happy with.

Ms. Condon indicated that there were a number of pre-engineered structures that were very handsome that could still be customized a bit.

Q: Mayor Siegel asked if Clark Condon Associates would take into account the assessment the City had performed by an arborist with respect to its trees.

A: Ms. Condon advised that they would need to look at that assessment and would take it into account.

C/Q: Councilman Pat McLaughlan indicated that he appreciated the cost conscious efforts Clark Condon Associates would take with respect to the pavilion, but expressed concern over the "pre-fabricated" structure. For him, the pavilion could be an icon of the City and an architecturally significant structure, reflecting the nature and quality of Bellaire. For that reason, he was worried about using a pre-fabricated structure. He hoped that Clark Condon Associates, City Staff, and the Parks & Recreation Advisory Board could re-evaluate that decision.

In terms of cost, he noted that many things were not included in the proposal, and he asked if Ms. Condon could give the City an idea as to what the total design cost, including surveying, environmental graphics, construction documents, and site and topographical surveys would be.

A: Ms. Condon advised that she did not bring those kinds of estimates with her this evening. Hopefully, the City would not need any additional surveys, but she included those items so that everyone would know what was possible with respect to work needed.
Q: **Councilman McLaughlan** indicated that the proposal required the client to provide all the necessary site and topographical surveys in CAD format. He hoped that the information already existed in the City.

A: **Ms. Condon** stated that her firm had to have a starting place. They thought that the information existed.

Q: **Mayor Siegel** asked City Manager Satterwhite if the information was available.

A: **City Manager Satterwhite** stated that the City did have the information.

Q: **Councilman McLaughlan** asked for confirmation that the City would not have to spend any more money to provide the information that Clark Condon Associates needed.

A: **City Manager Satterwhite** stated that if it were necessary to spend any more money to get the necessary information to Clark Condon Associates that he would report back to City Council.

Q: **Councilman McLaughlan** inquired as to whether Clark Condon Associates had built adequate time into their proposal to involve the Parks & Recreation Advisory Board.

A: **Ms. Condon** stated that her firm would start with the Parks & Recreation Advisory Board.

C: **Councilman McLaughlan** pointed out that the proposal limited the involvement of the Parks & Recreation Advisory Board to two weeks.

R: **Ms. Condon** stated that the first two weeks represented the project “kickoff.” If her firm needed to go back to the Parks & Recreation Advisory Board several more times that would not be a problem.

Q: **Councilman McLaughlan** stated that there was no reference made to storm water management in the proposal. He advised that the City wanted
to ensure that it did not contribute to the expansion of the floodplain. He inquired as to whether storm water management would be a part of the scope of design development.

A: Ms. Condon stated that the final storm water management plan would come with the construction documents. However, the preparation for that would be done in design development and that would be part of CMI’s scope through Clark Condon Associates.

Q: Councilman McLaughlan asked for confirmation that the City could consider storm water management planning as part of the design development process.

A: Ms. Condon advised that Councilman McLaughlan was correct.

Q: Councilman John F. Monday referred to the proposal and noted that the scope included working closely with the Parks & Recreation Department and the Parks & Recreation Advisory Board. He inquired as to the point where the City Manager would be involved in this process.

A: City Manager Satterwhite stated that he had been engaged with the project since day one. He and Director of Parks & Recreation Jane L. Dembski had sat down with Clark Condon Associates months ago and talked about what the next phase should be. Although it was Director Dembski’s management task, she reported to him and did so on a very regular basis. He would meet with Clark Condon and be closely involved on a routine basis.

Q: Councilman John Jeffery inquired as whether or not the City was required to bid out this part of the process. He assumed that it was a given that the City would go with Clark Condon Associates since they had worked on the initial phase for Bellaire Town Square.

A: City Manager Satterwhite stated that it was not a given. City Staff was recommending that the City use Clark Condon Associates. The City
was not able to bid out professional services under state law; however, the City could request proposals and look at various qualifications.

Since the City already had a working relationship with Clark Condon Associates, City Staff chose not to request proposals from various design firms.

Q: Councilman Jeffery inquired as to the cost for the original phase or the master plan.

A: Mayor Siegel advised that she believed that the cost for the original phase was $50,000.

City Manager Satterwhite noted that the cost to design the Aquatic Facility and pool was $250,000 and was paid to Kimley-Horn and Associates, Inc.

VOTE ON MOTION TO ADOPT ORDINANCE:

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

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

OPPOSED: None

ABSENT: Hickman, Will

{Ordinance was subsequently numbered: 07-071}

Code Amendments

b. CONSIDERATION of and possible action on the adoption of an ordinance amending the Code of Ordinances of the City of Bellaire, Texas, Chapter 24, Planning and Zoning Regulations, Article X, Signs, for the purpose of adding new provisions and providing clarification – Action by Members of City Council (Item submitted by City Clerk Tracy L. Dutton on behalf of the Planning and Zoning Commission).
MOTION TO ADOPT ORDINANCE:

A motion was made by Councilwoman Debra Marz Davison and seconded by Councilman Pat McLaughlan to adopt an ordinance amending the Code of Ordinances of the City of Bellaire, Texas, Chapter 24, Planning and Zoning Regulations, Article X, Signs, for the purpose of adding new provisions and providing clarification.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Mayor Pro Tem Peggy Faulk referred to portable signs and inquired as to whether trucks with advertisement on them were considered “portable signs.”

A: City Manager Bernard M. Satterwhite, Jr., indicated that the markings on trucks were not considered advertising, but rather vehicle markings.

City Attorney Alan P. Petrov stated that the portable signs referred to in the City’s Code were the type that were usually affixed to a trailer and could be relocated from time to time.

Q: Mayor Pro Tem Faulk referred to the prohibition on certain types of flags and inquired as to whether a flag of a university, such as Texas A & M University or the University of Texas, would be in violation of the City’s Code.

A: City Attorney Petrov advised that theoretically a flag of a university would be in violation of the City’s Code; however, he could not see the City regulating to that degree.

Q: Mayor Pro Tem Faulk inquired as to whether this was a change from what currently existed.

A: City Attorney Petrov stated that it was not a change. The type of flags referred to by Mayor Pro Tem Faulk simply were not addressed one way or the other as “permitted signs.”
Q: Mayor Pro Tem Faulk stated that she was not clear as to portable signs, noting that the definition was a “sign that was not permanently anchored.”

A: City Attorney Petrov noted that portable signs often had flashing lights and arrows on them and were mounted on a trailer. For example, if he rented a trailer-mounted sign and placed it in front of his business in the parking lot advertising “Sale – 50% Off,” and that sign remained for more than 30 days, it would be a portable sign in violation of the City’s Code.

Q: Mayor Pro Tem Faulk suggested that some language be added to ensure that portable signs in violation were those signs related to advertising.

A: City Attorney Petrov noted that sign ordinances, such as the one before City Council, were typically not static documents. Sign regulations were often changed, in part because of technological changes.

City Manager Satterwhite stated that the Bellaire Planning and Zoning Commission (“Commission”) had worked very hard for several years to try to make some changes that they felt needed to be made. He felt that the City needed to focus on what the Commission had done for the City and try to move forward. If other things were identified in the future, those things could certainly be incorporated at that time.

C: Mayor Pro Tem Faulk stated that she appreciated all of the hard work that the Commission had put into this revision.

R: City Manager Satterwhite reminded City Council that there had been two public hearings held before City Council on these particular revisions. After the first public hearing, the revisions changed to the point that another public hearing was required. Some changes had been made since the second public hearing, but those changes were mostly changes in form, rather than substance. He noted further that City Staff
worked with the Commission on the revisions and felt that the proposed revisions were enforceable.

Q: **Councilman John Jeffery** referred to scoreboards and inquired as to the lighting of those scoreboards. The revisions indicated that the scoreboard could be lit a little before and a little after the games.

A: **City Manager Satterwhite** agreed that the exact amount of time was not clear and he would probably not be around to see how long before and after a game the scoreboards were lit.

Q: **Councilman Jeffery** referred to the provision for an electronic message display, noting that the display could be changed no more than once in an hour, rather than once in 24 hours to accommodate commercial activities. He asked if a commercial activity would include a church.

A: **City Attorney Petrov** indicated that the reference was intended to address the commercial application of an electronic message display. For example, with any type of changeable copy sign, there might be a need to change the copy more than once in a 24-hour period. The Commission discussed and debated this provision fairly extensively. The conclusion of the discussion was that a change in such a sign once an hour would not be offensive. The idea was to keep the copy from constantly moving.

He noted further that there were two types of changeable copy signs—electronic and the type that required a physical change (i.e., those with plastic or stick on letters).

This provision was different from what was currently in the City’s *Code*.

Q: **Councilman Jeffery** asked if the type of sign could be changed. For example, could Condit Elementary School change from a manual or physical changeable copy sign to an electronic sign?
A: City Attorney Petrov stated that they could not change the type of sign. They, could, however, manually change their message once an hour versus once a day.

Q: Councilman John F. Monday asked if the once per hour changeable copy provision was by ordinance or by policy.

A: City Attorney Petrov indicated that the provision was a policy right now. The policy was that the changeable message would not be changed more than once in a 24-hour period.

Q: Councilman Monday inquired as to the reason that provision would be a “policy” rather than part of an “ordinance.”

A: City Attorney Petrov stated that it was never included in the ordinance originally and first came up when electronic message signs started being permitted. Objections received from the public were related to the “scrolling” type of message. City Staff worked out written agreements with the owners of the electronic message signs, specifically Crosspoint Church and Pin Oak Middle School, that those signs would only be changed once every 24 hours.

Q: Councilman Monday asked why the City would not want to have that provision incorporated into the text of an ordinance.

A: City Attorney Petrov stated that he had incorporated the language into a proposed ordinance; however, the Commission looked at it, discussed it, and felt that once an hour was as good as once every 24 hours. Their recommendation was once an hour being the limitation rather than once every 24 hours. City Attorney Petrov advised Councilman Monday of the area that it appeared in the Code.

Q: Mayor Cindy Siegel referred to the proposed revisions regarding “removal required without compensation to the owner” and “removal required with compensation to the owner.” She noted that the revisions indicated that the owner
of an unlawful sign could be forced by the City to remove the sign without compensation. The revisions further indicated that compensation was required if the sign to be removed was nonconforming. She inquired as to the difference between an “unlawful” sign and a “nonconforming” sign.

A: City Manager Satterwhite indicated that a sign that was erected under a Code or a lack of a Code and another Code superseded that Code, the sign would become nonconforming—not unlawful.

Q: Mayor Siegel asked where that was defined.

A: Commissioner Deborah Sharp led Mayor Siegel to the definitions she was requesting.

Q: Mayor Siegel asked if a grandfathered sign was requested to be removed if the City had to compensate the owner of that sign.

A: City Attorney Petrov advised that Mayor Siegel was correct.

Q: Mayor Siegel next referred to the variance process and inquired as to whether a person could go before the Board of Adjustment and present a case in order to construct a nonconforming sign.

A: City Attorney Petrov advised that a person could go before the Board of Adjustment and try to make a case to construct a nonconforming sign.

Q: Mayor Siegel asked if there had been a great deal of complaints regarding the electronic message signs.

A: City Manager Satterwhite stated that there were many complaints when the Crosspoint Church sign was initially constructed, but none regarding the Pin Oak Middle School sign.

C: Mayor Siegel advised that she did not personally have a problem with the sign in front
of Crosspoint Church. The reality of the City going in and paying to remove that sign was very small. She asked for feedback from the rest of City Council.

A: City Attorney Petrov indicated that the whole section, “removal required with compensation to an owner,” was suggested simply to make that option available to the City as it was currently contained in state law. If a City wanted to have the ability to remove nonconforming signs, it was required to go through a certain process. The Commission never discussed the need to do that with respect to any sign. Their discussion was only the idea of providing the opportunity to the City knowing full well that none of it would even happen if the City Council did not then go through the next few steps, such as appointing a commission and budgeting funds for the cost that it would take.

C: Mayor Siegel advised that she believed that the provision was a good one. In terms of the electronic signs, she was not certain that such signs devalued the neighborhood.

C: Councilman Monday stated that he liked the electronic message signs and was not offended by them, indicating that the Crosspoint Church sign was a nice example of such a sign. There were, however, similar signs in other areas of Houston that were highly offensive, with respect to the size, intensity of lights, color of lights, constant scrolling, etc. If he were to do anything to change this provision to control that component, he would moderate the colors that were used. The yellow lighting used by Crosspoint Church was unobjectionable.

Q: Mayor Siegel inquired as to whether Councilman Monday would be bothered if such a sign were close to his residence.

A: Councilman Monday noted that he did live on the corner of Pine Street and South Rice Avenue and was six houses down from a church. This was something that he could accept in his community.
R: Mayor Siegel noted that there was one near the City Hall in West University Place.

C: Councilman Jeffery stated that he did not have any problems with the electronic message display signs. As a parent of a student in school, he found the signs to be helpful. He agreed with Councilman Monday regarding the intensity and color of the lights on some signs located in the Houston area.

R/Q: Mayor Siegel referred to the church that was on Mulberry Lane and Horn Elementary School that were completely surrounded by a residential neighborhood, and inquired as to whether others would be bothered in that instance.

C: Councilman Jeffery stated that he would not be bothered, noting that the backlit signs were less offensive than the front lit signs.

C: Councilman Pat McLaughlan stated that he was reluctant to make any changes to the proposed ordinance from the Commission. He did not wish to modify something that had been given a great deal of thought over a two-year period.

In terms of the specific provisions under discussion currently, City Attorney Petrov had indicated that this type of document was an ever-changing document. Regardless of the actions of City Council this evening, it was always possible to task a board or commission to look at a specific area in greater detail and come back with a near-term recommendation.

Regarding Bellaire Boulevard, Councilman McLaughlan reminded City Council that Bellaire Boulevard was a specific zoning district, called the Bellaire Boulevard Overlay Estate District. Some years ago, City Council made a very specific zoning change to identify that Bellaire Boulevard Overlay Estate District as a specific residential area, the purpose of which was to ensure that the particular section of Bellaire Boulevard was a residential area and a grand entry to the City (a boulevard of fine homes).
Zoning had been enforced to maintain that overlay district. Personally, Councilman McLaughlan was reluctant to suggest any changes that would allow additional, lighted moving signs in an area that was specifically defined as a Bellaire Boulevard Overlay Estate District.

Q: Mayor Siegel asked for confirmation that the prohibition against electronic message displays or signs animated by means of flashing, traveling, or blinking lights applied to the Crosspoint Church sign.

A: City Attorney Petrov indicated that the specific type of sign in front of Crosspoint Church would be prohibited.

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

An amendment (no. 1) was made by Mayor Cindy Siegel and seconded by Councilman John F. Monday to delete the words “electronic message displays and” from Section 24-1008, Subsection (C), to read as follows: (C) Signs which are animated by means of flashing, traveling or blinking lights, or other means not providing constant illumination;” and modify Section 24-1007, (B), Institutions in Residential Districts, to read as follows: ’Monument and Wall Signs for Institutions located in residential only districts may be internally or externally-illuminated.”

C: Councilman McLaughlan stated that he did not want to be a part of a change that put an electronic sign out on Pine Street where the current Horn Academy sign was located, or in front of Gordon Elementary School, Condit Elementary School, Bellaire High School, etc. The reason that Pin Oak Middle School was able to get an electronic sign was because it was not located in a residential area. The street was on the boundary of the City and the sign was basically in a commercial area.

C: Councilman Monday asked if a regulation requiring lights to be extinguished after a certain
hour at night would make the allowance for such signs more palatable in residential districts.

Q: Councilman Jeffery inquired as to whether the commercial areas could be brighter with respect to illumination than the residential areas.

R: Mayor Siegel advised that this was certainly an area that should be addressed, but noted that the City did not have that specific information at this time.

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

Amendment failed on a vote of 3-3 as follows:

FOR: Siegel, Cindy
     Monday, John F.
     Jeffery, John

OPPOSED: Faulk, Peggy
         Davison, Debra Marz
         McLaughlan, Pat

ABSENT: Hickman, Will

VOTE ON ORIGINAL MOTION TO ADOPT ORDINANCE:

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

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

OPPOSED: None

ABSENT: Hickman, Will

{Ordinance was subsequently numbered: 07-072}

c. CONSIDERATION of and possible action on the adoption of an ordinance amending the Code of Ordinances of the City of Bellaire, Texas, Chapter
24, Planning and Zoning Regulations, Article II, Definitions and Interpretations, Section 24-202, Definitions, consisting of the deletion and replacement of certain definitions related to surface and lot coverage – Action by Members of City Council to Adopt Ordinance (Item submitted by City Clerk Tracy L. Dutton on behalf of City Attorney Alan P. Petrov).

MOTION TO ADOPT ORDINANCE:

A motion was made by Councilwoman Debra Marz Davison and seconded by Councilman Pat McLaughlan to adopt an ordinance amending the Code of Ordinances of the City of Bellaire, Texas, Chapter 24, Planning and Zoning Regulations, Article II, Definitions and Interpretations, Section 24-202, Definitions, consisting of the deletion and replacement of certain definitions related to surface and lot coverage.

SUMMARY:

City Manager Bernard M. Satterwhite, Jr., noted that Commissioner James P. Avioli, Jr., Planning and Zoning Commission of the City of Bellaire, Texas (“Commission”), had done a great job summarizing the revisions proposed by the Commission to Chapter 24, Planning and Zoning Regulations, Article II, Definitions and Interpretations, Section 24-202, Definitions, of the Code of Ordinances of the City of Bellaire, Texas (“Code”), during a Joint Workshop Session between City Council and the Commission. City Manager Satterwhite advised that he wished to go over City Staff’s interpretation and to clarify what City Staff had been doing and was still doing with respect to surface and lot coverage.

He noted that there were three definitions in the City Code as follows: impervious surfaces, lot coverage, and lot coverage ratio. The area of a particular lot or tract covered with buildings or other impervious (or nonporous) surfaces was lot coverage, and the lot coverage ratio was the ratio of the buildings and other impervious surfaces to the total lot area. The maximum lot coverage ratio depended on the district a home was in. For example, in the R-1 Residential Zoning District, the lot coverage ratio was 55%.
Several problems had arisen because the term “impervious” was somewhat misleading. There was really no surface out there that was impervious (i.e., other than aluminum or steel). Almost every surface available had permeability. City Staff had interpreted the term “impervious” to mean hard, manmade surfaces. Cement and pavers had a certain amount of permeability, but City Staff had not attempted to ascertain the degree of permeability of those surfaces. For example, if a person had five one-foot by one-foot concrete blocks sitting in their yard five feet apart, that person had five square feet of impervious coverage in accordance with the definition in the Code. It did not matter what was around or under the blocks, the interpretation was that this person had five square feet of impervious surfaces.

The issue had come forth that manmade surface paving systems were now available, which were designated by the manufacturer as “permeable.” The actual porosity of the hard surface paver system was dependent on the spacing between the pavers, the subgrade, water collection design, maintenance of the system to remove silt and debris, etc.

Since the systems were advertised to be permeable, some believed that the systems satisfied the permeable coverage requirement as outlined in the Code. However, the Code only addressed impervious surfaces and did not address what was around or under the impervious surfaces. It did not address the permeability or porosity of the overall system nor did it address drainage or water collection. Therefore, it seemed to City Staff that the intent of the ordinance was to limit the amount of hard nonporous surfaces in order to preserve a certain amount of natural soils and green space. In that context, so called “permeable paving systems” did not satisfy the intent of lot coverage. Such systems could potentially increase the coverage of hard surfaces and reduce natural soils and green space. For example, one might have a permeable paving system that water certainly could fall off of and underneath to a collection system. If 90% of that permeable paving system was made up of impervious surfaces, then City Staff interpreted this as 450 square feet of lot coverage.

The problem was the “permeable paving systems.” If City Staff allowed 90% of the permeable paving system
to make the entire system permeable to satisfy lot coverage, then a person could cover their entire yard in a permeable paving system and have 90% of their yard covered in hard surface. If this was what the City wanted, City Manager Satterwhite did not have a problem with it, but City Staff did not believe this was what the ordinance implied.

Again, the problem was that the term “impervious” in the ordinance seemed to imply some amount of drainage desirability or water collection when, in fact, the term really referred to impervious surfaces. For example, if a person had a three foot wide, forty foot long sidewalk from the front of their home to the street, that person had 45 square feet of impervious coverage. Certainly the water could land on the sidewalk and flow off into the dirt around it, but there was still 45 square feet of impervious surface.

In order to close the loophole, City Staff agreed with the Planning and Zoning Commission that the word “impervious” needed to be removed and the term “other surfaces” needed to be included and defined.

With respect to swimming pools, the ordinance excluded the surface or water area. This was so that people in Bellaire could have swimming pools. Without that exclusion, most people in Bellaire (with small lots) would not be able to have a swimming pool. This was not an inconsistency because it was a specific exclusion made for a specific purpose.

In summary, adoption of these revisions proposed by the Commission would allow City Staff to continue to enforce the lot coverage as City Staff had in the past.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Councilman John Jeffery asked if the regulations regarding swimming pools would change as a result of the proposed revisions.

A: City Manager Satterwhite stated that the regulations regarding swimming pools would not change.
Q: Councilman Jeffery asked for confirmation that City Staff had been enforcing permeable surfaces in line with the proposed recommendation from the Commission.

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

Q: Councilman Jeffery asked for confirmation that the City wanted to encourage residents to put in permeable paving systems for retention purposes, and if adoption of the proposed revisions would discourage residents from installing such systems.

A: City Manager Satterwhite stated that he did not believe the revisions would discourage residents from installing such systems nor would it encourage residents to do so. He did not know that residents would want to spend the money to put in a detention system underneath their yard. He personally could not afford to do so. Without the loophole, he did not know if that many people would have installed one of the systems in the first place.

C: Councilman John F. Monday stated that the Commission had made a good catch and that this was a good loophole to close. What was more significant was that the revisions reinforced the City’s statement regarding its interest in green space.

C: Mayor Cindy Siegel noted that City Council could not legislate after the fact. If City Council did not close the loophole, someone would decide that they were tired of mowing their grass and would install a permeable paving system throughout their entire front yard.

C: Councilman Pat McLaughlan thanked the Commission for closing this loophole and felt that the revisions went a long way toward preserving the City’s green space.
VOTE ON MOTION TO ADOPT ORDINANCE:

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

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

OPPOSED: None

ABSENT: Hickman, Will

{Ordinance was subsequently numbered: 07-073}

d. CONSIDERATION of and possible action on the adoption of an ordinance amending the Code of Ordinances of the City of Bellaire, Texas, Chapter 24, Planning and Zoning Regulations, Article II, Definitions and Interpretations, 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 in the R-4 Residential Zoning District to provide for consistency and uniformity – Action by Members of City Council to Adopt Ordinance (Item submitted by City Clerk Tracy L. Dutton on behalf of City Council).

MOTION TO ADOPT ORDINANCE:

A motion was made by Councilman Pat McLaughlan and seconded by Mayor Pro Tem Peggy Faulk to adopt an ordinance amending the Code of Ordinances of the City of Bellaire, Texas, Chapter 24, Planning and Zoning Regulations, Article II, Definitions and Interpretations, 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 in the R-4 Residential
Zoning District to provide for consistency and uniformity.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

C: Mayor Cindy Siegel advised that she did not see a problem with through lots. She understood the reasoning for the remainder of the recommendations, such as large lots complying with the rules for other large lots in the City. She felt that 99% of the time, people buying the lot behind them were doing so to expand their green space.

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

An amendment (no. 1) was made by Mayor Cindy Siegel and seconded by Councilman John Jeffery to delete the definition of “through lot” and Section 24-523, Through Lots Prohibited, from the revisions proposed by the Planning and Zoning Commission of the City of Bellaire, Texas.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

C: Councilman Pat McLaughlan stated that he believed that through lots were a disaster for the City and that the City would see more and more of them without a prohibition. He agreed that some residents would treat their neighbors on adjacent streets well in terms of aesthetics. He worried that some development situations would arise wherein a front yard would be on Patrick Henry Street, for example, and a backyard on Pocahontas Street thereby upsetting the aesthetics of the neighborhood on Pocahontas Street.

Councilman McLaughlan continued and noted that he understood that planners almost universally opposed through lots. The zoning ordinances of many high-end, new developing communities,
such as the ones north of Dallas and Fort Worth, opposed through lots.

If someone wanted to expand their residential land, that person had the option of purchasing side by side lots.

C: Councilman John Jeffery stated that between Fifth and Pocahontas Streets and South Rice Avenue there were two homes on side by side lots and he did not generally see any difference on back to back lots versus side to side lots. He would, therefore, support the amendment.

R: Councilman McLaughlan stated that there was a difference in the two situations outlined by Councilman Jeffery when an accessory structure was involved. With a through lot, someone could put their accessory structure or garage in the “backyard.” That person’s backyard was another neighbor’s front yard. It was not the right thing to do with respect to beauty, aesthetics, and value of a given neighborhood.

R: Mayor Siegel advised that when she looked out from her front yard, she looked at the garage of the neighbor across the street. She still believed that nine out of ten times, the resident purchasing a rear lot was trying to add green space.

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

Amendment failed on a 2-4 vote as follows:

FOR: Siegel, Cindy
       Jeffery, John

OPPOSED: Monday, John F.
          Faulk, Peggy
          Davison, Debra Marz
          McLaughlan, Pat

ABSENT: Hickman, Will
VOTE ON ORIGINAL MOTION TO ADOPT ORDNANCE:

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

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

OPPOSED: Siegel, Cindy

ABSENT: Hickman, Will

{Ordinance was subsequently numbered: 07-074}

G. COUNCIL CORRESPONDENCE AND COMMENTS.

Discussion only.

H. 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 9:29 p.m. on Monday, December 3, 2007.

VOTE ON MOTION TO ADJOURN:

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

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

OPPOSED: None
ABSENT: Hickman, Will

Respectfully submitted,

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

Approved:

____________________________
Cynthia Siegel, Mayor
City of Bellaire, Texas