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 6:00 p.m. on Monday, May 5, 2008. 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 for future use by the City of Bellaire, Texas. The open portions of the Special Session (Executive Session) were held in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401. The closed portions of the Special Session (Executive Session) were held in the Council Conference Room located directly behind the Council Chamber. 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 James P. Avioli, Sr., Position No. 2;
   Mayor Pro Tem Peggy Faulk, Position No. 3;
   Councilman Phil Nauert, Position No. 4; and
   Councilman Pat McLaughlan, Position No. 5.

Councilman John Jeffery, Position No. 6, arrived at 6:08 p.m. Other officials present were City Manager Bernard M. Satterwhite, Jr., City Attorney Alan P. Petrov, and City Clerk Tracy L. Dutton. City Clerk Tracy L. 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 for future use by the City of Bellaire, Texas.

MOTION TO CONVENE IN EXECUTIVE SESSION:

A motion was made by Mayor Pro Tem Peggy Faulk and seconded jointly by Councilman Phil Nauert and 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 for future use by the City of Bellaire, Texas.

VOTE ON MOTION TO CONVENE IN EXECUTIVE SESSION:

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

FOR: Siegel, Cindy
     Hickman, Will
     Avioli, James P., Sr.
     Faulk, Peggy
     Nauert, Phil
     McLaughlan, Pat

OPPOSED: None

ABSENT: Jeffery, John*

*Councilman John Jeffery arrived at 6:08 p.m. and went directly into Executive Session.

The Bellaire City Council convened in Executive Session in the Council Conference Room, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, at 6:00 p.m. on Monday, May 5, 2008.

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 open session in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, at 6:59 p.m. on Monday, May 5, 2008.

Mayor Cindy Siegel advised that that the Bellaire City Council had met in Executive Session under the Texas Government Code, Chapter 551, Open Meetings Act, Section 551.072, Deliberation Regarding Real Property, to discuss possible land acquisitions. She advised that no action would be taken this evening in this matter.
D. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Councilman Pat McLaughlan and seconded by Councilman Will Hickman to adjourn the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, at 6:59 p.m. on Monday, May 5, 2008.

VOTE ON MOTION TO ADJOURN:

Motion carried unanimously on a 7-0 vote as follows:

FOR: Siegel, Cindy
     Hickman, Will
     Avioli, James P., Sr.
     Faulk, Peggy
     Nauert, Phil
     McLaughlan, Pat
     Jeffery, John

OPPOSED: None

ABSENT: None

II. REGULAR SESSION – 7:00 P.M.

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

Mayor Cindy Siegel called the City Council of the City of Bellaire, Texas, to order at 7:00 p.m. on Monday, May 5, 2008. 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 James P. Avioli, Sr., Position No. 2;
   Mayor Pro Tem Peggy Faulk, Position No. 3;
   Councilman Phil Nauert, Position No. 4;
   Councilman Pat McLaughlan, Position No. 5; and
   Councilman John Jeffery, Position No. 6.

Other officials present were City Manager Bernard M. Satterwhite, Jr., City Attorney Alan P. Petrov, and City Clerk Tracy L. Dutton.
B. INSPIRATIONAL READING AND/OR INVOCATION – Councilman Pat McLaughlan.

Councilman Pat McLaughlan stated that Mother’s Day would be celebrated this year on May 11th. He provided a history of how and why Mother’s Day was celebrated as follows:

Mother’s Day was first observed in 1907 at the request of Anna Jarvis of Philadelphia, Pennsylvania, who asked her church to hold a service in memory of all mothers on the anniversary of her mother’s death. In 1909, two years after her mother’s death, Jarvis and friends began a letter-writing campaign to create a Mother’s Day observance. Congress passed legislation in 1914 designating the second Sunday in May as Mother’s Day. A Presidential Proclamation was issued.

We celebrate Mother’s Day to show honor and respect to one of the most influential persons in our lives. We all have spent most formative years of our lives with our mothers and shared all joys and sorrows. There are a few things, which are common to all the mothers around the world. Apart from showering love and affection, mothers make it a point to keep an eye on every activity of their children—this, of course, arises as a result of her being too caring about her child so that he/she is always unhurt. Here are some of the most common advices by mothers to their children:

- Make sure to change your underwear always; you never know when you’ll have an accident;
- Don’t make that face or it’ll solidify in that position;
- Be careful or else you’ll put your eye out;
- What if everyone jumped into a well? Would you do it, too?
- You have enough filth behind those ears to grow potatoes!
- C’mon close that door! Were you born in a barn?
- If you don’t have something nice to say, don’t say anything at all.
- Don’t put that thing in your mouth; you don’t know where it’s been!

Councilman McLaughlan next shared some quotations regarding mothers as follows:
A man loves his sweetheart the most, his wife the best, but his mother the longest.

--Irish Proverb

My mother had a great deal of trouble with me, but I think she enjoyed it.

--Mark Twain

The mother of three notoriously unruly youngsters was asked whether or not she’d have children if she had it to do over again. “Yes,” she replied. “But not the same ones.”

--David Finkelstein

C. ПLEDGES TO THE FLAGS – Councilman Pat McLaughlan.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

Councilman Pat McLaughlan led the audience and City Council in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

D. APPROVAL OR CORRECTION OF MINUTES:

APPROVAL of minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held Monday, April 21, 2008 – 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 John Jeffery and seconded by Councilman Will Hickman to approve the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held Monday, April 21, 2008.

Councilman Will Hickman noted that a correction should be made on page 17, line 768, of the minutes as follows: the word “was” should be inserted after the phrase “whether the City.”
VOTE ON MOTION TO APPROVE MINUTES, AS CORRECTED:

Motion carried unanimously to approve the minutes as corrected by Councilman Will Hickman on a vote of 7-0 as follows:

FOR: Siegel, Cindy
     Hickman, Will
     Avioli, James P., Sr.
     Faulk, Peggy
     Nauert, Phil
     McLaughlan, Pat
     Jeffery, John

OPPOSED: None

ABSENT: None

E. PERSONAL/AUDIENCE COMMENTS.

Margaret Vinson, 4441 Dorothy Street, Bellaire, Texas:

Ms. Vinson addressed City Council regarding plans for the reconstruction of Newcastle Drive and respectfully requested that City Council not move forward with the current plans, but rather to create a community-centered plan that incorporated community interests and supported the “City of Homes” reputation that Bellaire had.

Ms. Vinson stated that she was extremely concerned with the speed and cut-through traffic on Newcastle Drive, both of which were already a major issue on the current narrow street and would only get worse on the new, widened street. This was not only a concern of Ms. Vinson’s, but also a concern of most people in the neighborhood. Over the last week Ms. Vinson visited with more than 130 people, and she created a petition that read “I agree that Newcastle speeds are an issue and I want the City of Bellaire to take action to deter speeds and cut-through traffic on the street.” Over 130 people so far had signed the petition. Two people declined as both were concerned about speed humps.

Ms. Vinson concluded that approximately 98% of the people in the neighborhood believed that speed and cut-through traffic was already an issue, and they believed that a wider street would make it worse and wanted speed deterrents in place.

The proposed solution included such measures as permanent speed indicators at each end of the street that flashed when a driver was exceeding the speed limit or flashed “slow” in red, increased police patrol, and additional stop signs.
Ms. Vinson advised that she had spoken with the City Manager for the City of West University Place, Texas, who told her that they had great success with speed indicators and had seen a highly positive correlation between speed and the display signs. The combination of the speed indicator plus the reputation of the West University Place police force made people slow down. Fortunately, Bellaire had a police force with a strong reputation for enforcement. Now, all Bellaire needed was the warning lights to show people that Bellaire expected them to use the speed limit when in Bellaire. It was noted that the cost for speed indicators was approximately $3,000-$4,000.

Although Ms. Vinson’s petition was centered on speed deterrents, the discussions went beyond speed and she found that the community had several concerns regarding the proposed changes as follows:

1. Most people did not want the change at all. People liked the street the way it was, as it represented a small-town community feel;

2. Pedestrian crossing on Newcastle Drive was a challenge. A wider street without speed deterrents would make crossing worse;

3. Southdale wanted sidewalks and speed humps. Everyone Ms. Vinson spoke with in Southdale was especially concerned with the speed of Newcastle Drive;

4. Reduction of green space. Current plans resulted in approximately a 40% reduction of green space. Suggestions for compensating for the reduction included lining the new street with trees, replacing some of the trash trees (in the Southdale area), and landscaping along the path;

5. The proposal for the jogging path was to make it concrete, which did not make much sense. Not only was it unattractive, but also it was also bad for walking and jogging. Crushed granite would be an ideal material for the path;

6. The proposed changes would result in encroachment into Evergreen and Russ Pitman Parks and have extremely negative effects on the City’s prized nature center and reduce the beauty of those parks; and

7. Everyone believed that improvement of drainage would be a benefit; however, from attending the neighborhood meeting held regarding the Newcastle project, the citizens knew that drainage benefits could be achieved through other means.
In conclusion, Ms. Vinson, on behalf of 98% of the neighborhood, respectfully requested that City Council analyze and address each of the aforementioned as legitimate concerns and not move forward with the current plans, but rather create a community-centered plan that incorporated community interests and supported the “City of Homes” reputation.

Ben Cowan, 4409 Jim West Street, Bellaire, Texas:

Mr. Cowan addressed City Council regarding plans for the reconstruction of Newcastle Drive and noted that he had attended the neighborhood meeting regarding the project. He understood the drainage improvements and felt that most people understood the need to lower the street for drainage purposes. The universal concern was that engineers designed the plan and neighborhood considerations were not accounted for.

The citizens were very concerned about the impact to safety, as well as aesthetics. As Ms. Vinson stated, the speeds on Newcastle Drive were of a significant concern, particularly as cars turned off of Newcastle Drive at a high rate of speed onto small streets. Jim West Street was used frequently as a cut-through because of the light people wanted to avoid at Evergreen Street. Without sidewalks on either side of the street and cars parked on both sides of the street, children were always in the street. Many of the residents had purchased “slow” signs on their own to try to get traffic to stop. He understood that the radius of the corners would be increased and with a wider street (i.e., Newcastle Drive), there was an even greater safety concern.

Mr. Cowan understood that 28 feet was the standard width being used for new street construction. He did not believe this was necessary, and referred to the current width of Newcastle Drive, which was four to five feet less. The added width, as he understood it, was to take care of big storm events. Given the frequency of storm events versus the frequency of children crossing the street and pedestrians accessing the street, residents would much prefer to have a narrower than standard street. It was clearly adequate for traffic at its current width, and it made sense to retain the neighborhood characteristics and safety.

Also, the loss of green space was a significant concern. The wide green swath on the west side of Newcastle Drive was part of the reason that the area along Newcastle Drive and the Southdale area were appealing. The jogging path being widened to ten feet from its
current width of four to five feet was a concern. Mr. Cowan indicated that he used the jogging path all of the time and loved it. A concrete jogging path would kill his knees many years earlier. He also did not believe that the path needed to be that wide.

The concrete parking lots planned at Russ Pitman Park in front of The Nature Discovery Center would seriously detract from the more rural feel of that area. He urged City Council to consider these concerns on an agenda at an upcoming meeting prior to putting the project out for bid and prior to taking any steps that might further limit the ability to revise the plan.

Mr. Cowan advised that the community would be happy to attend another meeting and do whatever it took to provide more specific suggestions and express their concerns. People understood that the project needed to happen in some form. Residents were simply hoping that the project could be modified a little bit to preserve the characteristics of the community.

**Mark Marmon, 4441 Verone Street, Bellaire, Texas:**

**Mr. Marmon** addressed City Council regarding plans for the reconstruction of Newcastle Drive and noted that he, too, had attended the neighborhood meeting. Some disturbing things that came up during the meeting were the fact that there were no design specifics in this project as far as what was given to the residents on widths, standards, construction materials, etc. All of the information came up only after the residents asked questions.

Mr. Marmon’s wife did research City Council minutes and found that there had not been any design specifics recorded from City Council meetings previously. Back in 2006 (May 15th), $4 million (increased later to $8.5 million) was requested from the Metropolitan Transit Authority of Harris County (METRO). On June 19, 2006, the METRO funding was approved and on June 4, 2007, the Baldwin report was approved.

At the recent public meeting the residents learned that Newcastle Drive would be lowered 18 inches, which would make it a sluice for floodwater, and that Cypress Ditch near Beechnut Street would facilitate all the Avenue B drainage, as well as new drainage projects for Newcastle Drive and Baldwin Avenue. He had asked if the Harris County Flood Control District had signed off on these projects and whether Cypress Ditch could adequately handle the new flow. One of the engineers commented that there would be no new water.
Mr. Marmon begged to differ, as any time one covered up green space with concrete, there was less water going into the soil. Mr. Marmon had a big fear that if someone had trash in one of the catch basins along Newcastle Drive, and Cypress Ditch was already backed up from flows coming out of Meyerland or the west side of Bellaire, the waters could not be handled and the residents along Newcastle Drive would have a 28 foot pool the length of the street.

The residents also learned during the public meeting of the encroachment into Evergreen Park and The Nature Discovery Center of approximately seven feet into the green space. The park had already been distinguished as a federal birding site, and, Mr. Marmon believed, there were matching state funds to keep the park going. Mr. Marmon did not know what the City was planning on doing to facilitate that relationship with the federal or state park systems. He felt this issue needed to be looked into.

Mr. Marmon advised that before the neighborhood meeting, his biggest concern was encroachment upon his property. He and his wife built a new home on Verone and went through the procedure to get a through lot approved. With the approval of Mr. Keene, the Marmons made sure that the sidewalk allowed the water to shed off onto either Verone or Mildred Streets. A lip also had to be built up on their driveway. Even in the best-case scenario, if the sidewalk the Marmons just paid for were ripped out, he would have to make sure the contractor repaired it as it was designed. The City’s engineers told Mr. Marmon that the street would be 18 inches lower and he would not have to worry about his yard flooding. If, however, it rained more than two to three inches at a time, it would not matter how low Newcastle Drive was, the Marmons would still experience flooding in their yard.

Mr. Marmon hoped that City Council would place an item on the agenda to reconsider some of the plans for the Newcastle project before bids were let. He urged City Council to walk up and down the street and visit with some of the residents on Newcastle Drive to get an idea of their feelings before the road was torn up.

Andrew Guttman, 7010 Newcastle Drive, Bellaire, Texas:

Mr. Guttman addressed City Council regarding plans for the reconstruction of Newcastle Drive and noted that he also attended the neighborhood meeting. He mentioned that the residents raised numerous concerns and he was surprised that very few of the concerns were addressed at that meeting.
While there appeared to be a need to upgrade the drainage system along Newcastle, there were valid concerns that did not appear to have been addressed in the project plan. While he understood that it might be impractical to make additional changes during construction, the additions should not be put ahead of safety issues or reduction of green space.

In addition, the reconstruction would have to affect the quality of residents' lives, as well as the value of their homes. It behooved the residents and the City to have strict parameters set in the language of the construction contract so that it would be clear to a prospective contractor what was expected and what would occur if the expectations were not met. The City’s experience with existing and past contractors gave the City an abundance of issues that could be addressed and formulated in the language of a contract. This would also make it easier for the Bellaire Public Works Department to manage the project.

Mr. Guttman was sure that the intention of the project was to improve the City while retaining its uniqueness. Therefore, he respectively suggested, as his neighbors had, that the City not move forward with the bidding process until it was able to address the valid concerns brought forward.

Kellie Jenks, 4313 Darsey Street, Bellaire, Texas:

Ms. Jenks addressed City Council regarding plans for the reconstruction of Newcastle Drive and advised that she was present as a new resident that loved her neighborhood and would hate to see the things that made it special change.

By education Ms. Jenks was an engineer. She was an investor by profession. As an investor, she knew that what made something special, valuable, and desirable was sometimes fragile and difficult to put your finger on. If it were a company, it could be their special brand of marketing or their customer service. In this instance, it was the characteristics in the neighborhood, such as green space, the narrowness of the street, and the life given to it by the running trail. The life south of Bellaire along the running trail was far more substantial than it was north of Bellaire Boulevard.

Ms. Jenks did not know what the right solution was. She was all for a drainage solution, as Bellaire obviously had water issues. She indicated that she would love to form a committee with some concerned residents to try and put their finger on what made their
area so special and if there was a way to provide a solution that accomplished the drainage goals, yet retained the green space and the narrowness of the street.

Robert Riquelmy, 506 Winslow Lane, Bellaire, Texas:

Mr. Riquelmy addressed City Council regarding a recent engineering contract considered by City Council. He advised that two weeks ago many people at home did not get to see City Council because the cable channel was down. Those people missed an impressive performance. Mr. Riquelmy commended City Council for asking intelligent, purposeful questions of that engineering contract. Although it was a small engineering contract, it was the first time ever that he had seen such good, important questions asked.

Mr. Riquelmy advised further that he had seen previous City Councils rag park benches to death and then pass an engineering contract of more than $600,000 without any discussion at all. He appreciated City Council tending to business and understanding what their business was.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee addressed City Council regarding four items. First, she referred to City Council’s packets, noting that the packets were prepared both electronically and in print. In talking to the City Clerk, she understood that over the last four years, using the wonderful “Laserfiche Scanner,” the City Clerk had produced 98,000 pages electronically. Ms. McBee had been tracking this, as she was particularly interested in researching City documents. Of those 98,000 pages, a good portion covered all of the minutes from 1918 to date and all of the City ordinances during that period of time and continuing. Ms. McBee asked the City Council, as a matter of policy, to commemorate City history by digitizing for public access on the web all of that wonderful work that had been done. She advised that many cities had historical documents on their websites. The only thing involved would be converting the existing, electronic digital material into a construct done by Communications Technology Services Director Larry Parks that would be searchable. LaserFiche or Municipal Code Corporation could do that. Ms. McBee advised that it was not sufficient for the City to have the capability, but not have it accessible. She had knocked on the City Clerk’s door too many times for
documents that the City Clerk would not have to pull if the documents were available to search via the website.

Secondly, with respect to the evening’s proposed contract with Kendig Keast Collaborative, the City’s newest City planner, she thought the artful design of the current, proposed contract was great. She had only one suggested change and referred to page 8 of 9, which called for an option for a pool of undesignated hours from which the Kendig Keast principals could draw as authorized by the City Manager. A Comprehensive Plan was a policy document and always had been and would be for a long time to come. Ms. McBee stated that City Council was planning to spend close to $100,000 on the contract as a policy decision of the City Council. Therefore, Ms. McBee asked that the pool of undesignated hours be viewed as an oversight item and permission given by the City Council, not by the City Manager. This was not a bridge or a street, but rather a community undertaking. She advised that City Council needed to be watching the project.

Thirdly, on The Nature Discovery Center item that City Council would consider later this evening, Ms. McBee personally extended her appreciation and thanks to Commissioner Radack from the Harris County Commissioners Court for increasing last year’s $50,000 donation to $100,000 for The Nature Discovery Center, the green crown jewel of Bellaire. Commissioner Radack recognized it and was funding it. In addition to funding the Center, the Interlocal Agreement read, among other things, that “the Center and their facilities shall be open to all residents of the County on the same basis as residents of the City,” just as the county courts were.

Finally, on the residents’ comments about the Newcastle proposed construction, Ms. McBee was not at the meeting but had talked with Director of Public Works Joe Keene a little about the project. She wished to make two corrections to the comments, one of which was related to the width of the street. A 28-foot street was the standard fifty years ago when street standards were devised in the 1940s and 1950s. Secondly, the trail that ran on the west side of Newcastle Drive was a compromise multi-use path asphalted by the County and City maintained. It was intended for pedestrians, bikers, and other wheeled vehicles. It was not a jogging trail and was not designed to be one.

{The speaker’s allotted time ended at this point}
F. REPORT:

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

City Manager Bernard M. Satterwhite, Jr., presented the City Manager’s Report to City Council. The report consisted of the following Mission Areas: Residential Mobility and Residential Quality of Life, as well as Current Issues/Information and Upcoming City Council Meetings/Events.

MISSION AREAS:

Residential Mobility

City Manager Satterwhite noted that there was a neighborhood meeting held the previous week regarding the Newcastle Reconstruction Project. He was going to inform City Council as to what the primary concerns were from the residents at that meeting. The concerns were primarily related to the 28-foot curb and gutter street. Newcastle Drive, south of Bellaire Boulevard was not curb and gutter at the present time. The street width averaged approximately 24 feet. The width would increase under the project approximately two feet on each side.

Another concern was the fact that there were plans to create a parking lot on the west side of Newcastle Drive in the vicinity of The Nature Discovery Center. Currently, cars were parking on the grass along The Nature Discovery Center property during events, and it was illegal to do so, as well as dangerous. The engineers had designed a parking lot in that area with high angle head-in parking for patrons of The Nature Discovery Center. The parking would be included in the contract as an “add alternate,” which meant that it could be removed if that were the desire of City Council. The same situation would occur near Evergreen Park.

Concerns were also expressed regarding lowering Newcastle Drive. This project had been in the planning stages for nearly four years when the City approached the Metropolitan Transit Authority of Harris County (METRO), and requested funding for it. Most of the items (with the exception of the parking lots) were in the proposal at the time that funding was requested.

Residents expressing their concerns during and after that meeting completed forms. City Manager Satterwhite advised that he would make sure City Council received the information from the forms so that they were aware of what the residents had expressed concerns over.
City Manager Satterwhite advised further that the purpose of the neighborhood meeting was to provide information to the residents with regard to what was going on. There was certainly no great engineering detail provided at that particular meeting, but the residents were given an understanding with respect to what the City planned to do in those projects.

Approximately a year ago, the City changed its neighborhood meeting/bid process for the Ferris Street reconstruction project. Prior to that project, the neighborhood meeting was held after City Council had already approved a bid award and before the start of construction. The City realized that many comments were received from residents with respect to the projects, and it was decided that the neighborhood meeting should be held prior to the bid award.

City Manager Satterwhite advised that this particular project (i.e., the Newcastle reconstruction project) would not come back to City Council for approximately one month as it needed to be bid and evaluated and a recommendation made.

The residents that had spoken to City Council this evening did a good job of expressing the concerns that were generally brought up at that neighborhood meeting.

**Residential Quality of Life**

City Manager Satterwhite referred to the Family Aquatic Center Grand Opening that had occurred on Saturday. It was noted that approximately 800 people had attended throughout the day, and that it was a great success. A lively crowd attended the Family Aquatic Center on Sunday as well.

The Centennial Tree Planting was held the weekend before last and a Red Maple was planted at that time.

Emergency Medical Services Day was scheduled for May 17, 2008, at the Bellaire Civic Center.

**CURRENT ISSUES/INFORMATION:**

City Manager Satterwhite advised that board, commission, and committee applications would be accepted for another two weeks through the middle of May. The City needed to receive applications from those interested in serving. It was noted that interviews would start around the first of June.
UPCOMING CITY COUNCIL MEETINGS/EVENTS:

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Type of Meeting</th>
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<tbody>
<tr>
<td>05/12/2008</td>
<td>7:00 p.m.</td>
<td>Workshop Session (Proposals for Changes to the Building Code by the Building and Standards Commission)</td>
</tr>
<tr>
<td>05/19/2008</td>
<td>6:00 p.m.</td>
<td>Special Session (Public Hearing) on Specific Use Amendment Request from Allegiance Bank</td>
</tr>
<tr>
<td>05/19/2008</td>
<td>7:00 p.m.</td>
<td>Regular Session</td>
</tr>
<tr>
<td>05/26/2008</td>
<td>All Day</td>
<td>City Offices Closed in Observance of Memorial Day</td>
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QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: **Mayor Cindy Siegel** asked for confirmation regarding her understanding of the City’s new process for handling reconstruction projects. She noted that neighborhood meetings were held prior to letting a bid, and City Council could make changes to the project at the time the bid was brought forward to City Council for award.

A: **City Manager Satterwhite** advised that the process could be handled one of two ways. City Council could either place an item on the agenda to address the concerns prior to bidding, or the concerns could be addressed when the bid was brought forward to City Council for award.

Q: **Mayor Siegel** stated that a resident had mentioned that a segment of sidewalk was missing at Pamellia Street at Newcastle Drive. This particular resident was handicapped, and Mayor Siegel inquired as to whether that segment could be addressed as part of the City’s sidewalk repair/maintenance program.

A: **City Manager Satterwhite** indicated that it could be addressed.

Q: **Mayor Siegel** referred to the Bellaire Town Square plan and asked if a sidewalk could be constructed to connect the pool facility to the sidewalk at the edge of City Hall.

A: **City Manager Satterwhite** stated that a sidewalk could not be constructed until the remainder of the amenities were planned and approved, as City Staff did not know what the grounds would look like.
Q: **Mayor Siegel** asked if City Manager Satterwhite knew if City Council would be hearing back from the Parks & Recreation Advisory Board on those plans soon.

A: **City Manager Satterwhite** stated that he hoped that could be addressed in the near future.

Q: **Mayor Siegel** noted that the budget process would be starting soon and asked that more bike stands be included in the budget for the Family Aquatic Center.

A: **City Manager Satterwhite** agreed.

C/Q: **Councilman Pat McLaughlan** echoed Mayor Siegel’s comments with respect to the bike stands. It appeared that the stands would be used a great deal at the new Family Aquatic Center.

He next referred to the City’s process for the award of bids for street work. He asked for confirmation that if the City Council did nothing that the bids would go out with the engineering as currently drawn. If City Council wanted to revisit any of the items in the bid, those items would be revisited after the contractors went through the bid process and the City went through a bid opening and bid evaluation process. He asked if there were an alternate mechanism City Council could undertake if City Council desired to better understand some of the Newcastle Drive Reconstruction Project issues.

A: **City Manager Satterwhite** advised that any member of City Council could request to place an item on any agenda, and City Staff would certainly facilitate that request. Obviously, City Staff was missing the boat somewhere as Newcastle Drive had always been planned to be a 28-foot curb and gutter street. Those plans had not changed from day one. The parking lots at the parks were put into the project because there were problems with parking at The Nature Discovery Center. Those parking lots were add alternates to the contract and could be removed. There was not a great deal of room between the street and the trail; therefore, the parking would be high angle head-in.

He advised further that all of the City’s reconstructed streets, whether under the Bellaire Millennium Renewal Program or the Rebuild Bellaire Program, had been lowered significantly.
C: Councilman McLaughlan stated that this was an unusual situation, as most people wanted a new concrete street.

Q: Mayor Siegel inquired as to whether the trail would be reconstructed in concrete and, if so, if it were an add alternate to the contract.

A: City Manager Satterwhite stated that the trail would be reconstructed in concrete, and it was not an add alternate to the contract.

C: Councilman John Jeffery advised that he had received some citizen comments that street lights at Pocahontas Street west of Ferris Street and Chimney Rock Road at Patrick Henry Street were out.

R: City Manager Satterwhite indicated that some of the street lights in that area were going to be moved, so some of the lights would be out until those light poles could be moved (approximately four of them).

C: Mayor Siegel noted that some of the lights were off as a result of the reconstruction project along Ferris Street. She understood that those lights would be back on within the next three weeks.

R: Councilman Jeffery stated that the lights were on around Braeburn Drive, but he had not walked further south.

Director of Public Works Joe Keene indicated that the lights should all be on from Braeburn Drive to the south.

Q: Councilman James P. Avioli, Sr., stated that he had heard the concerns of the neighbors living on or near Newcastle Drive and had seen some of the email correspondence that had been directed to City Council, but as a new member of City Council he was not aware of the City’s processes. He reiterated Councilman McLaughlan’s position that the City Council could be more efficient if they could see the project and comment and listen before actually going out for bid.

A: Mayor Siegel stated that it would have to be an item on the agenda and any member of City Council could put an item on the agenda for that purpose.

Q: Mayor Pro Tem Peggy Faulk referred to the Newcastle Drive Reconstruction Project and inquired as to whether the City had
received all of the necessary approvals from the Harris County Flood Control District.

A: **City Manager Satterwhite** indicated that the City did not need approval from the Harris County Flood Control District on this project as it was designed for a two-year storm. If a project were designed for a storm higher than a two-year storm, approvals would be necessary from the Harris County Flood Control District. The City did not need approvals for outfalls outside of the City, and those approvals were obtained through the engineering process.

Q: **Mayor Pro Tem Faulk** referred to the fences that faced Fournace Place behind homes fronting Pin Oak Street. She inquired as to whether the City had resolved the issue of right-of-way with respect to the fences.

A: **City Attorney Alan P. Petrov** advised that the residents were supposed to present a proposal to the City, but he needed to follow up on that.

Q: **Mayor Pro Tem Faulk** inquired as to the deadline for presenting that proposal.

A: **City Attorney Petrov** advised that approximately two month had passed since he was advised that one would be forthcoming. The City had not given them a formal deadline.

Q: **Mayor Pro Tem Faulk** inquired as to whether a determination had been made as to whether those fences were on the City right-of-way.

A: **City Attorney Petrov** indicated that the plat documents were ambiguous with respect to a portion of that area. The City felt that it was in a pretty good position and that a determination could be made in the City’s favor. Without a court review, the determination would not be definitive, and City might be heading down that path.

Q: **Mayor Siegel** asked where the City needed to go from here.

A: **City Attorney Petrov** advised that the City Council might have to have an Executive Session in the near future to talk about whether or not the City wanted to seek a declaratory judgment in this regard.
Q: Councilman Will Hickman asked for confirmation that the jogging path would be constructed of concrete and if the reconstructed path would be wider than the existing path.

A: City Manager Satterwhite stated that the reconstructed path would be concrete and the same width.

Q: Councilman Hickman inquired as to whether the boundaries of The Nature Discovery Center and Russ Pitman Park would remain the same.

A: City Manager Satterwhite stated that the fence would have to be moved back a bit, however, it would still remain on City right-of-way.

Q: Councilman Hickman referred the Family Aquatic Center and the Mayor’s mention of the need for a sidewalk. He understood the reason for not constructing one at this time, but asked if one could be constructed on the north side of the facility.

A: City Manager Satterwhite stated that any installation of concrete on the north side was stopped at the line marking the beginning of Loftin Park.

Q: Councilman Hickman inquired as to whether the long-term plan included the construction of a sidewalk on the south side of the Family Aquatic Center.

A: City Manager Satterwhite stated that it depended on the final orientation of the elements of Bellaire Town Square. Until the orientation was determined, he would hesitate on spending a great deal of money to construct a sidewalk in the area. The north side would include a playground and some trails. Without knowing how everything would be integrated, he would hate to put a sidewalk in.

MOTION TO ACCEPT REPORT INTO THE RECORD:

A motion was made by Councilman Phil Nauert and seconded by Councilman James P. Avioli, Sr., 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 7-0 vote as follows:

FOR: Siegel, Cindy
FOR (CONT.): Hickman, Will
Avioli, James P., Sr.
Faulk, Peggy
Nauert, Phil
McLaughlan, Pat
Jeffery, John

OPPOSED: None
ABSENT: None

G. NEW BUSINESS:

1. PROCLAMATION:

Emergency Medical Services Week

PROCLAMATION issued by Mayor Cynthia Siegel for the Bellaire Fire Department Emergency Medical Services designating the week of May 18-24, 2008, as Emergency Medical Services Week in the City of Bellaire, Texas, and encouraging the community to commend and congratulate the Bellaire Fire Department and other Texas Emergency Medical Service and Trauma System personnel for outstanding, dedicated pre-hospital and medical care to the citizens of Bellaire – No Action Required (Item submitted by City Clerk Tracy L. Dutton on behalf of the Bellaire Fire Department Emergency Medical Services).

Mayor Cindy Siegel read the proclamation she issued on behalf of the Bellaire Fire Department Emergency Medical Services in its entirety as follows:

Whereas, the City of Bellaire, Texas, recognizes, honors and promotes the value of the contributions of emergency medical responders in public health and safety for the citizens of Bellaire; and

Whereas, emergency medical services is a vital public service in Texas; and

Whereas, each year in Texas, trauma is a major cause of death and disability; and

Whereas, volunteer and paid emergency medical services teams, in concert with a developed network of designated
trauma care hospitals across Texas, provide lifesaving care in Texas 24 hours a day, seven days a week; and

**Whereas,** access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

**Whereas,** the Texas trauma system, one component of Texas’ emergency response system, is organized to provide timely, appropriate access to quality emergency medical care for injured or ill persons; and

**Whereas,** Texas emergency personnel also care for the community by teaching citizens first aid and the actions to take before emergency response personnel arrive at the scene; and

**Whereas,** Texas emergency responders will be the first to respond to terrorist events and are constantly training to respond to any possible occurrences with potential weapons of mass destruction; and

**Whereas,** the people of Texas benefit daily from the knowledge and skills of these highly trained individuals and from the availability of the Texas trauma system;

**Now, therefore, I, Cynthia Siegel, Mayor of the City of Bellaire, Texas,** in appreciation of your valuable contributions to the City of Bellaire, Texas, commend and congratulate the Bellaire Fire Department and other Texas EMS and Trauma System personnel for outstanding, dedicated pre-hospital and medical care to the people of Bellaire, Texas, and designate the **month of May** as **Trauma Awareness Month** and in designating **May 18-24, 2008,** as **Emergency Medical Services Week.**

**In Witness Whereof,** I have hereunto set my hand and caused the seal of the City of Bellaire, Texas, to be affixed this 5th day of May, 2008.

Cynthia Siegel, Mayor
City of Bellaire, Texas

Mayor Cindy Siegel presented the proclamation to Fire Chief Darryl Anderson.

Fire Chief Darryl Anderson accepted the proclamation and thanked Mayor Siegel. He invited everyone to attend and enjoy
Emergency Medical Services Day (EMS Day) scheduled at the Bellaire Civic Center on May 17, 2008.

2. CONSENT AGENDA:

   NOTE: The item listed under the Consent Agenda will be voted in one motion by the Bellaire City Council unless separate discussion is requested by a member of the Bellaire City Council.

Bid Rejection

CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department to reject the bid received under Bid No. 08-007, Aeration Basin Rehabilitation, and authorization for the Bellaire Public Works Department to re-bid this project – Action by Members of City Council to Approve Recommendation, Reject Bid, and Authorize Re-Bid (Item submitted by Director of Public Works Joe Keene).

MOTION TO APPROVE CONSENT AGENDA:

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman Pat McLaughlan to approve the Consent Agenda dated May 5, 2008, consisting of the following item:

- Recommendation from the Bellaire Public Works Department to reject the bid received under Bid No. 08-007, Aeration Basin Rehabilitation, and authorization for the Bellaire Public Works Department to re-bid this project.

VOTE ON MOTION TO APPROVE CONSENT AGENDA:

Motion carried unanimously on a 7-0 vote as follows:

FOR:       Siegel, Cindy
           Hickman, Will
           Avioli, James P., Sr.
           Faulk, Peggy
           Nauert, Phil
           McLaughlan, Pat
           Jeffery, John

OPPOSED:   None
ABSENT: None

3. ADOPTION OF ORDINANCES:

Agreements and Contracts

a. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a Standard Form of Agreement with Kendig Keast Collaborative for the provision of consulting services necessary to assist the City of Bellaire, Texas, in its preparation of an updated Comprehensive Plan for guiding the long-range development, redevelopment, and enhancement of the community in the amount of $89,086.00 – Action by members of City Council to Adopt Ordinance (Item submitted by City Manager Bernard M. Satterwhite, Jr., and Director of Community Development Derhy L. Hebert at the direction of City Council).

MOTION TO ADOPT ORDINANCE:

A motion was made by Councilman Phil Nauert and seconded by Mayor Pro Tem Peggy Faulk to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a Standard Form of Agreement with Kendig Keast Collaborative for the provision of consulting services necessary to assist the City of Bellaire, Texas, in its preparation of an updated Comprehensive Plan for guiding the long-range development, redevelopment, and enhancement of the community in the amount of $89,086.00.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

Q: Councilman Pat McLaughlan inquired as to the period of performance or length of time allowed for Kendig Keast Collaborative to complete this task.
A: Michael Doyle, Vice Chair, Planning and Zoning Commission of the City of Bellaire, Texas, advised that the intent was to have the task completed within one year.

City Manager Bernard M. Satterwhite, Jr., agreed, but noted that the timeframe for the task was not a hard deadline.

Q: Councilman McLaughlan inquired as to the impact to the effort if the length of time to complete the task were shortened and given a hard, definitive completion date. He noted that he raised the question because time was of the essence.

The City was moving forward with new businesses, and there were some examples of redevelopment within the City. He felt that it was so critical that the City get a Comprehensive Plan done promptly. If the Comprehensive Plan failed to have a firm completion date, he feared that it would extend for a number of years.

In closing, he inquired as to whether a six-month completion date was possible.

A: City Manager Satterwhite stated that he did not believe that the Comprehensive Plan update could be completed in six months. He had spoken at some length with Gary Mitchell of Kendig Keast Collaborative regarding the update. Based on the scope of work, City Manager Satterwhite was skeptical that the update could be done within one year. He stated that he would let Gary Mitchell speak to the timeline, but noted that it really hinged on meeting dates and the ability to get everyone together for the group sessions that would be involved in the process. If the timeline were cut down to six months, the scope would need to be adjusted.

Gary Mitchell, Principal and Project Manager, Kendig Keast Collaborative, stated that if there was not a set deadline in the contract, that it was an oversight as time was of the essence to his firm as well.
These projects were typically completed within a one-year period and he respectfully asked cities to set the contract for about 15 months to allow for difficulties in meeting schedules. He believed that the last Comprehensive Plan process in Bellaire stretched for more than four years. If it took that long, Gary Mitchell guaranteed that he would not be here, as it would have been a failed process. If the process could not be completed within one to one and one-half years, he did not think it would ever be done.

C: **Councilman McLaughlan** stated that if the process were going to take one to one and one-half years, then he did not believe there was any point in going through the process. The freight train in Bellaire was rolling right now with respect to new construction and redevelopment of the downtown area. A high density residential area was currently in the planning stages, and there were other things in the pipeline.

If it took so long to address the planning process, then it was not valuable for the City or the taxpayers.

C: **Mayor Cindy Siegel** advised that she had numerous conversations with Chair Bill Thorogood of the Planning and Zoning Commission of the City of Bellaire, Texas (“Commission”), regarding coordination of this process. She had the same concerns that Councilman McLaughlan had with respect to the timing of the process.

As Kendig Keast Collaborative completed a part of the process (i.e., such as the downtown area), that part would be shifted to the Commission and City Council. In the previous process, City Council did not see the work product until it was fully completed. There was a change in City Council between the time the process started and the time it was completed.

She believed that coordination could be accomplished so that twelve months did not go by before City Council saw any of the work that had been done by Kendig Keast Collaborative.
R: Mr. Mitchell agreed with Mayor Siegel and stated that portions of the work product would be reviewed on a month-by-month basis and ordinances could be adopted related to those portions.

Typically, an overview or community chapter would be completed first consisting of demographics and the market situation. The land use development chapter would be addressed secondly. So, within the first quarter of the process, Kendig Keast Collaborative would be looking at the City’s development issues.

C: Councilman Phil Nauert stated that the City had the right person in place to shepherd the process through—in Commission Chair Bill Thorogood. Chair Thorogood was extremely aware of many issues in Bellaire that were unsettled. Councilman Nauert had a great deal of confidence that Commission Chair Thorogood would keep the process moving.

Vice Chair Doyle noted that within the process, Kendig Keast Collaborative had set up a framework for an advisory committee as well. The Commission would be involved as much as the City needed and wanted them to be. The Commission left the decision for outlining the needs and tasks of the advisory committee to Kendig Keast Collaborative. In other words, there would be others involved in the process, as well as the Commission.

Mr. Mitchell agreed with Vice Chair Doyle and noted that there would be at least one member of City Council and one member of the Commission on the advisory committee.

C: Mayor Siegel stated, with respect to the comments made earlier by Councilman McLaughlan, that she believed the holdup was sometimes the City or City Council.

R: Mr. Mitchell advised that within three months and again in six months he could give the City some answers and hunches with respect to development and redevelopment. The whole
point of the Comprehensive Plan was how development affected drainage, parks, traffic, etc. His firm could not get through all of those pieces in six months.

C/Q: Councilman McLaughlan referred to a comment by Mr. Mitchell that his firm would start out studying the demographics of the City. The City demographics had been studied and restudied, and he did not know if the City needed another study of demographics.

As he understood the process, Kendig Keast Collaborative planned to work through the process in compartments, so that issues of key interest could possibly be identified and completed and presented to the Commission and City Council for action prior to the completion of the entire effort.

In closing, Councilman McLaughlan asked if Kendig Keast Collaborative could possibly complete the effort in nine months.

R: Mr. Mitchell advised that the City Council could be given pieces of the process to be considered, but those pieces would be out of context—the whole picture would not be there. The only City that Mr. Mitchell had done a Comprehensive Plan for in six months had no community involvement, and he did not like to do projects in that manner. This was Bellaire’s community plan. If it were done in six months, there would not be much discussion or debate.

Q: Councilman McLaughlan inquired as to whether the Comprehensive Plan would be structured in such a way that if some issue came up regarding land use that was not on the City’s plate currently, there was enough flexibility within the number of hours approved that a renegotiation could occur midstream to include a modification of scope.

A: Mr. Mitchell advised that there was room for renegotiation and a modification of scope. He referred to some issues that had occurred when performing this task for other cities, such as the
Trans-Texas Corridor, a downtown store in a small Texas town closing, and a hospital closing in a downtown area.

Q: Councilman Will Hickman inquired as to the definition of a Comprehensive Plan and whether or not the City had to have one. He also inquired as to how a Comprehensive Plan related to other inconsistent City ordinances, and which took precedence. Finally, he asked what would happen if the City did not adopt a new Comprehensive Plan, and why time was of the essence.

A: Mr. Mitchell advised that a Comprehensive Plan was meant to be a policy statement of where the City saw itself in the future. The Plan should include some aspiration. It was meant to be a 20-year plan. The Plan should not be linked to any member of City Council, as it was the “Community’s Plan.”

The Comprehensive Plan needed to be updated because the Plan was the basis for the City’s development regulations. Such a Plan was not required in Texas. If an entity had zoning, it better have an up-to-date Comprehensive Plan because a good attorney would make sure that the entity was regulating private property rights based on some policy and some plan.

To the extent that zoning changes were being made month-to-month, that new development was happening, and that an entity was being challenged by very basic things, such as whether a property downtown could be developed due to setbacks and parking requirements, that Plan needed to reflect those changes.

Part of the reason for a Comprehensive Plan was to show the City’s intention for capital investment, regulating development, etc., so an entity needed to be as close as possible to today’s market.

Vice Chair Doyle noted that the criteria for the Commission’s evaluation of a specific use amendment or planned development amendment
were whether or not it met the intent of the Comprehensive Plan. This was very difficult for the Commission right now, as the current Comprehensive Plan did not give one a good feel as to the intent of the City.

Q: **Councilman Hickman** asked if City Attorney Petrov could advise as to how City ordinances related to the Comprehensive Plan.

A: **City Attorney Alan P. Petrov** stated that the City’s zoning ordinances were supposed to be in conformance with the Comprehensive Plan. Zoning in Texas was a two-step process. First, one formulated their Comprehensive Plan. Then, zoning regulations were established that would move one toward that Comprehensive Plan. It was recognized that one could not change the character of a community overnight by changing the zoning regulations with existing nonconforming structures that were allowed to remain for many years. As properties were redeveloped, those properties would come into compliance with the City’s new zoning regulations.

The zoning ordinance controlled, although it was subject to challenge due to inconsistencies between it and a Comprehensive Plan. Once the City adopted a new Comprehensive Plan, the City needed to move swiftly to update its zoning ordinances to come into compliance with the Comprehensive Plan.

The last time a Comprehensive Plan update occurred, the Plan was adopted just before a change in City Council occurred. Then there was resistance to changing the City’s zoning ordinances to come into compliance with the Comprehensive Plan due to some philosophical differences.

C: **Mayor Siegel** noted that the City ended up in a lawsuit because the Comprehensive Plan was adopted by ordinance and ordinances had not been adopted to change the City’s zoning ordinances.
R: City Attorney Petrov noted that with respect to the Comprehensive Plan and zoning ordinances, one flowed from the other, but both were essential.

C: City Manager Satterwhite advised that the ordinance approved a contract amount of approximately $89,000, which did not include the $10,000 option mentioned in the contract. City Staff was not recommending the $10,000 option at the discretion of the City Manager for the reason that if there were some action that needed to be taken, there was still budgeted money within the Comprehensive Plan budget. As long as City Council approved the action, the money could be expended at the time it was needed. He felt this was already in place under the City’s own budgeting process, so City Staff did not feel that it needed to be a part of the engagement.

VOTE ON MOTION TO ADOPT ORDINANCE:

Motion carried unanimously on a 7-0 vote as follows:

FOR: Siegel, Cindy  
    Hickman, Will  
    Avioli, James P., Sr.  
    Faulk, Peggy  
    Nauert, Phil  
    McLaughlan, Pat  
    Jeffery, John

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 08-023}

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 and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, and the Chief Financial Officer and the City Attorney of the City of Bellaire, Texas, to countersign and approve as to form, respectively, on behalf of the City of Bellaire, Texas, an Interlocal Agreement with
Harris County, Texas, for the purpose of receiving a one-time, lump sum payment of $100,000.00 for the operation and maintenance of The Nature Discovery Center, Inc., located at Russ Pitman Park, 7112 Newcastle Drive, Bellaire, Texas – Action by Members of City Council to Adopt Ordinance (Item submitted by City Clerk Tracy L. Dutton on behalf of Director of Parks & Recreation Jane L. Dembski).

SUMMARY:

City Manager Bernard M. Satterwhite, Jr., noted that at one time there was an infusion of money by Harris County, Texas, to Bellaire for the operation and maintenance of The Nature Discovery Center in the amount of $10,000 per year. Last year, Harris County provided Bellaire with a one-time, lump sum amount of $50,000. This year, Harris County would provide Bellaire with a one-time, lump sum amount of $100,000.

City Staff, prior to distributing the money to The Nature Discovery Center, needed to look at the City’s agreement with The Nature Discovery Center in order to figure out exactly what the funds would be used for.

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, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, and the Chief Financial Officer and the City Attorney of the City of Bellaire, Texas, to countersign and approve as to form, respectively, on behalf of the City of Bellaire, Texas, an Interlocal Agreement with Harris County, Texas, for the purpose of receiving a one-time, lump sum payment of $100,000.00 for the operation and maintenance of The Nature Discovery Center, Inc., located at Russ Pitman Park, 7112 Newcastle Drive, Bellaire, Texas.
QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Councilman Phil Nauert stated that one of stipulations for the receipt of the funds was that the City of Bellaire make no difference between Bellaire residents and any other residents of Harris County, Texas. The other stipulation was that the City would install a sign acknowledging the funds and participation by the Harris County Commissioner of Precinct 3. He inquired as to whether the City encountered any undue burden in having to uniformly apply the money to both City and County residents. Also, if there were such a sign and if it would it be onerous.

A: City Manager Satterwhite stated that these stipulations were fairly typically with Harris County agreements. The City had been accepting money for The Nature Discovery Center for many years, so the City already complied with those stipulations. The same stipulations were in effect in many of the City’s facilities, except for the Family Aquatic Center. Additionally, the sign requirement was not onerous.

Q: Councilman Pat McLaughlan referred to the sign and asked if there were a requirement as to how long the sign must remain on site. He referred to the fact that many years ago the Commissioner of Precinct 3 was gracious enough to give Bellaire some of its tax monies back for the beautification of the esplanade at First Street and Bellaire Boulevard. That sign had been in place for several decades.

A: City Manager Satterwhite noted that signs were frequently installed and forgotten about. The sign on the esplanade had been discussed. The situation just described by Councilman McLaughlan was probably in the process of being changed.

City Attorney Alan P. Petrov noted that the agreement before City Council did not have a specific time period in it.
Q: Councilman McLaughlan inquired as to whether the sign could be left or removed at one’s discretion.

A: City Attorney Petrov stated that he would presume that the County would expect the sign to remain for the term of this agreement or one year.

Q: Councilman Will Hickman noted that The Nature Discovery Center, Inc., was a separate, arms-length organization. He asked if the City funded any of the budget for the Center, and what the total amount of the Center’s budget was.

A: City Manager Satterwhite advised that the City provided funds for maintenance of the grounds, upkeep, etc. Last year, the City provided funding from the Parks & Recreation Department budget of $10,000. City Staff would like to change that a bit so that it would not be a “bump” on the Parks & Recreation Department budget per se, unless it had something to do specifically with the park. The Center had done work on its own on the Henshaw House with receipts from donors. The City was obligated to fund a certain amount for maintenance in its agreement with the Center, but the City exceeded the required amount. He noted also that the agreement was about 16-17 years old.

Q: Councilman Hickman inquired as to The Nature Discovery Center’s total budget.

A: Chief Financial Officer Donna Todd indicated that the budget was approximately $418,000.

VOTE ON MOTION TO ADOPT ORDINANCE:

Motion carried unanimously on a 7-0 vote as follows:

FOR: Siegel, Cindy
Hickman, Will
Avioli, James P., Sr.
Faulk, Peggy
Nauert, Phil
McLaughlan, Pat
FOR (CONT.): Jeffery, John

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 08-024}

4. ITEMS FOR INDIVIDUAL CONSIDERATION:

a. CONSIDERATION of and possible action regarding a recommendation by City Staff to accept the following preliminary design proposals as presented by Pierce Goodwin Alexander & Linville (PGAL) at the April 14, 2008, City Council Workshop Session on facilities: (1) New Fire Station, Option B1.D.Alt3, consisting of six, 17-foot wide bays and approximately 16,219 square feet of floor space; (2) Public Library Renovations, Option 1, consisting of certain Americans with Disabilities Act (ADA) and programming improvements; (3) Police Station Renovations, consisting of expansion of the police station floor space into the area currently occupied by the Bellaire Municipal Court, and direction to City Staff to proceed with the process for engagement of an architectural firm to perform the final design services for same – Action by City Council to Approve Recommendation and Direct City Staff to Proceed with Engagement of Architectural Firm (Item submitted by City Manager Bernard M. Satterwhite, Jr., at the direction of City Council).

SUMMARY:

Mayor Cindy Siegel noted that four years ago City Council engaged 3D International to perform an assessment on every City facility. From that assessment, a Capital Improvement Plan was designed and a bond referendum presented to the citizens of Bellaire for the improvements. The voters overwhelmingly approved the bond referendum in 2005. The voters voted on a new fire station, a remodel of the Bellaire City Library, move Municipal Court out of the Police and Municipal Court Building, and expansion of the police department into the space vacated by Municipal Court. The voters were advised that a new Municipal Court would either be built, added onto an
existing facility, or space would be leased for the Municipal Court. Those plans were not actually defined at the time of the referendum. The bond referendum also included $1.5 million for the Family Aquatic Center, and a remodel of City Hall.

To date, the City had opened the new Family Aquatic Center and completed a majority of the remodel of City Hall. The new fire station, Bellaire City Library remodel, Police and Municipal Court Building remodel, and movement of the Municipal Court remained.

After the bond referendum was approved, the City Council appointed a Facilities Committee of several members of City Council, as well as members from the Planning and Zoning Commission and the Building and Standards Commission. PGAL was engaged to prepare preliminary design proposals, and three scenarios were presented to City Council. PGAL was later engaged to prepare a conceptual plan, based upon the bond referendum, for a new fire station, Bellaire City Library remodel, and Police and Municipal Court Building remodel (to depict the police department utilizing the entire building).

Tonight, the discussion before City Council would include picking a lane and allowing the City to move forward with these facilities projects.

City Manager Bernard M. Satterwhite, Jr., clarified the option for the Fire Station, noting that it should be Option B1.D.Alt1 rather than Option B.1.D.Alt3.

MOTION TO APPROVE RECOMMENDATION AND DIRECT CITY STAFF TO PROCEED:

A motion was made by Councilman John Jeffery and seconded by Councilman James P. Avioli, Sr., to approve a recommendation by City Staff to accept the following preliminary design proposals as presented by Pierce Goodwin Alexander & Linville (PGAL) at the April 14, 2008, City Council Workshop Session on facilities: (1) New Fire Station, Option B1.D.Alt1, consisting of six, 17-foot wide bays and approximately 16,219 square feet of floor space; (2) Public Library Renovations, Option 1, consisting of certain Americans with Disabilities Act (ADA) and programming improvements; (3) Police Station
Renovations, consisting of expansion of the police station floor space into the area currently occupied by the Bellaire Municipal Court, and direction to City Staff to proceed with the process for engagement of an architectural firm to perform the final design services for same.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Councilman Will Hickman inquired as to how the City decided on its recommendation for six, 17-foot wide bays for the new fire station.

A: City Manager Satterwhite advised that it was one of the alternatives given to maximize the needs, but minimize the footprint. He noted that Jeff Gerber of PGAL had noted that the standard width for bays was 20 feet. City Staff recommended shrinking five of the bays to 17 feet and leaving the first bay at 20 feet.

Mayor Siegel noted that several scenarios were reviewed by City Council. What City Council had before them this evening was City Staff’s recommendations based upon the alternatives or scenarios previously presented to City Council.

City Manager Satterwhite noted further that the action this evening was for the approval of preliminary or conceptual design proposals. There would be many meetings regarding exact spacing, etc. The full process would take a great deal of time.

Q: Councilman Hickman referred to one of the designs for the new fire station reflecting a Municipal Court expansion. He inquired as to what was underneath the footprint. In other words, what would be there if the Municipal Court was not added to the design? He also inquired as to the additional cost of adding the Municipal Court to the fire station.

A: Jeff Gerber, PGAL, advised that an order of magnitude number was prepared for that
addition, but he did not have it with him this evening. If City Council chose at some point to add the Municipal Court to the fire station, he wanted to show how big the footprint would be and how it would sit in terms of existing parking.

Q: **Councilman Hickman** asked for confirmation that parking would have to be removed to add the Municipal Court to the new fire station.

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

Q: **Mayor Siegel** inquired as to the number of parking spaces at the fire station—noting she believed there appeared to be four spaces.

A: **City Manager Satterwhite** stated that there were about five to six parking spaces at the fire station, and six more would be added at the front on the Jessamine Street side near South Rice Avenue.

Q: **Mayor Siegel** inquired as to the net loss of parking spaces as a result of adding the Municipal Court to the Fire Station.

A: **City Manager Satterwhite** advised that there would be no net loss of parking spaces.

Q: **Councilman Hickman** inquired as to whether the entire structure could be shifted east toward the trees.

A: **City Manager Satterwhite** advised that it could not be shifted and still meet the building line requirements.

Q: **Councilman James P. Avioli, Sr.**, referred to the fact that there were three options. He inquired as to whether, based on cost, City Staff was recommending the middle option or the high option.

A: **City Manager Satterwhite** stated that City Staff was recommending the highest option.
Q: Councilman Avioli asked if this recommendation met the Fire Chief’s needs.

A: City Manager Satterwhite advised that it did.

Q: Councilman Pat McLaughlan referred to a prior Workshop Session and noted that there were several items yet to be resolved. As he recalled, there was some discussion related to the fact that the City needed an integrated plan for this entire effort. An integrated plan would show the requirements, the interim facility for the fire station, where it would be located, and what it would cost. He did not know why this did not come forth. In the business world, a board would certainly demand an integrated plan, process, flow sheet, funding, base requirements, etc.

Councilman McLaughlan continued and referred to the need for an expanded library. It was his opinion that the money was available through the bond issue, as well as the authority. The library was a very heavily used facility. The City was missing the boat by doing very minimal restroom and ADA accessibility upgrades. The library was a major public facility that was overcrowded and lacked storage space. He stated that he would like to see the City consider an expansion for the library.

Also, the Municipal Court plans were ill defined. The City's Senior Municipal Court Judge strongly recommended that the Court remain attached to the Police Station, and she had some very valid reasons for that. He encouraged City Council to, in some way, have her share those reasons with them. Additionally, the Court Clerks handle up to $20,000 in cash per day. He questioned if there would be a security issue if the Municipal Court were built by the new fire station. He noted further that the Court Clerks, on many occasions, assisted the Police Dispatch Office in terms of Spanish language translation. Councilman McLaughlan suggested expanding the Police and Municipal Court Building at its current location, and he stated that he would like to pursue that option further with the City Manager.
The new fire station at 16,000 square feet was oversized. The current fire station was 10,000 square feet. The proposal represented a 60% increase in the size of the fire station. The City’s rate of fire calls had not increased. To the best of his knowledge, the City’s incidents of fire had not increased. In fact, over a long period of time, the incidents of fires had gone down. The City had no increase in personnel, yet was proposing to spend tax dollars on a 60% increase. He thought this was too much of an increase in square footage.

Councilman McLaughlan referred to a series of recent fire stations constructed in the Dallas, Texas, area in the 12,000 square foot range. Those fire stations had a higher rate of fire calls and more firefighters and paramedics assigned to the stations. The current fire station included a media room with theater-type seating ramped up, as well as an 800 square foot conference room. The City already had five conference rooms. Those five conference rooms ranged in size from 500 square feet to 3,000 square feet. He did not see a need for an additional 800 square foot conference room.

The plan also showed a 1,200 square foot exercise room. The exercise room in the Recreation Center was only 650 square feet for 16,000 residents.

Six bays for fire apparatus was absolutely not needed. The reserve apparatus could simply be parked behind the primary apparatus with an adequate depth to the bay. One of the six bays would be dedicated to one of the City’s two ambulances. Unfortunately, the second ambulance was not certified by the State to function as an ambulance. It was simply going to sit in one of the six bays. The City had to keep the second ambulance in the event that the primary ambulance was out of service. It would then be used to store all of the medical supplies and equipment from the primary ambulance until it could be placed back in service. The City also had the weapons of mass destruction vehicle that would be parked behind some other vehicles.
In conclusion, he considered the new fire station to be tremendously oversized, and if there were a consensus from the table, he would suggest that the issue be tabled so that the oversized fire station, library, lack of definition for the Municipal Court, and lack of an integrated program plan could be addressed.

Q: Councilman John Jeffery asked if Councilman McLaughlan were looking for an overall view as to where the City should go and how it should go about doing it or if he wanted to pick apart each of the separate facilities.

A: Mayor Siegel advised that the action this evening would include accepting City Staff’s recommendation and to engage an architectural firm to start the final design services for these projects. Mayor Siegel reiterated that the plans presented this evening were conceptual.

C: Councilman Jeffery stated that he respected many of the issues brought forward by Councilman McLaughlan. Although he had not personally served as a volunteer firefighter, he did know that times had changed in terms of the needs of fire stations with respect to storage of apparatus and supplies, as well as the opportunities that were needed for training, and the intangible of recruitment and retaining firefighters. They needed a nice facility with which it live one-half of their lives, so to speak. He stated that the City should move forward with the final design phase for the new fire station, noting that changes could be made if desired.

Secondly, it was City Staff’s recommendation to move forward with renovation of the Bellaire City Library. It was studied with City Staff and in many Workshop Sessions. He felt that the City should move forward with the renovation plans as well.

The item that he did not have clarity on was the Police and Municipal Court Building. In other words, where would the Municipal Court go and how would the City go about it? It made sense
for the police to expand into the entire Police and Municipal Court Building, but the City did not have a game plan for the Municipal Court yet. That process could be developed once the fire station and library renovations were going. He did not feel that all three had to be done in conjunction with each other. The City should at least get one side of the block going.

C: Councilman Phil Nauert stated that he appreciated all of the comments made by Councilman McLaughlan and Councilman Jeffery. He stated that these projects did not drop uninvited from the sky. They were part of a long process, one in which he was not a part of for some time. The City Manager was kind enough to discuss how City Council had arrived at this point in the process.

City Council had been given the opportunity to fine-tune the process. As he understood it, the action this evening was another step in the process. The engagement of an architectural firm would further sharpen the point. He believed this was the proper place to be in the process, and not to just stop, drop our luggage, and take another direction.

No process was going to be perfect. As Councilman Nauert understood it, the City Council was not making any final decisions this evening.

**AMENDMENT (NO. 1) TO ORIGINAL MOTION:**

Councilman Will Hickman proposed that City Council proceed with Option 5, a residential look, for the elevation of the new Fire Station. Councilman Phil Nauert seconded the amendment.

C: City Manager Satterwhite advised that the City was not designing anything at all. Even Option 5 was a conceptual footprint. The engagement this evening was designed to establish footprints, space needs, and a budget regarding cost. There would still be ample opportunity to discuss architectural styles for elevations.
Mr. Gerber stated the elevation options merely demonstrated that the same footprint could look many different ways. The City Council would still have an opportunity to decide on the architecture and that would not really be dependent on the footprint.

Q: Mayor Siegel inquired as to whether this really needed to be decided now.

A: Councilman Hickman advised that he thought the agenda item before City Council was to hire an architect to design the structure. Part of that design would include the elevation.

C: City Manager Satterwhite cautioned City Council that they had not seen all possible alternatives.

A: Councilman Hickman agreed and noted that he was just trying to express his desire for the building to have a residential look as opposed to a modern or industrial-commercial look.

C: Mayor Siegel stated that she was not opposed to Councilman Hickman’s desire. Her thought was that the architect could be directed by City Council at that point to design something with a residential character and feel.

Q: Councilman Hickman advised that he was confused. He thought that the item was for the purpose of hiring an architect.

R: Mayor Siegel stated that City Staff was directed to begin the process to select an architect. Their recommendation would then be brought forward to City Council for action.

Councilman Will Hickman and Councilman Phil Nauert withdrew their amendment and second.

Q: Councilman Hickman referred to the footprint showing a future Municipal Court wing. He inquired as to whether it could be added on at a later date.
A: Mr. Gerber advised that Councilman Hickman was correct. It could be added at a later date.

C: Councilman Hickman stated that his feeling with the future Municipal Court was that he did not see any synergy with the fire station and the Municipal Court. If the two were put together, he would like to see some sort of mixed use. For example, of the training room/operations center and Municipal Court could be combined into one larger space. Right now, it appeared that a “block” would be added to the side of the fire station for Municipal Court. It did not fit together in an operational sense.

R: Mr. Gerber indicated that original discussions were held as to whether the Municipal Court would be the corner piece versus the fire station. The Chief of Police pointed out that the City would not want all of the people going to court to pass in front of the apparatus bays of the fire station for safety reasons.

C: Councilman Hickman agreed that the City did need to solve the problem as to where the Municipal Court would best be located. He did not believe locating it beside the fire station was a good idea.

**AMENDMENT (NO. 2) TO THE ORIGINAL MOTION:**

Councilman Will Hickman made a **motion to remove item C as an option**, noting that item C was referenced in the agenda statement for this agenda item.

C: Mayor Siegel stated that the portion of the agenda statement referred to by Councilman Hickman was a summary of PGAL’s current engagement. The recommendation this evening was to go forward with the new fire station, library renovation, and police station renovations. It did not address building a Municipal Court building.

Q: Councilman Hickman asked for clarification that the $16,219 did not include the Municipal Court.
A: Mayor Siegel and City Manager Satterwhite advised that Councilman Hickman was correct.

Q: Councilman Hickman withdrew his amendment and referred to the library renovations. He noted that City Staff was recommending Option 1. He asked if someone could refresh his memory as to other options.

A: Mr. Gerber advised that the City had looked at a wide scope of enhancements some of which were really addressing things that needed to be done regardless of the City’s long-term vision for the library. The second option was more comprehensive.

City Manager Satterwhite advised that the only big difference in the two options was the movement of the office of the children’s librarian. Based on the cost to do that and the fact that there was little benefit to doing so, City Staff was not recommending that option.

C: Councilman Avioli stated that his comments and concerns had been addressed, and he proposed that City Council vote on the original motion.

C: Mayor Siegel respectfully disagreed with Councilman McLaughlan on some of his comments related to the fire station. Many cities had main fire stations and substations. Bellaire’s one fire station would be built to today’s standards. The City Council had adopted a goal to be “the premier” city in all of Harris County. She felt that it was important to attract personnel. The training facility would also serve as the City’s Emergency Operations Center.

The City was not addressing building the Municipal Court at this time, and she knew what the Judges had said before. People did not like to be moved outside of their comfort zone. The Police Chief stated that there was not a security issue, as the Municipal Court would have a bailiff on site.
Mayor Siegel agreed that Municipal Court should not be a part of the fire station. She would like to see it moved so that there would not be parking problems on Jessamine.

Mayor Siegel was also not convinced that the City could not have lease space forever or for a period of time.

In closing, she noted that further delays caused the costs of construction to rise. City Council made a commitment to the voters for a new fire station and a remodel of the library for ADA purposes and programming needs. The City discussed moving the Municipal Court out, with the possibility of a new Municipal Court or lease space. Municipal Court was to be moved out so that the Police Department could utilize the entire building.

C: Councilman Hickman made a point of order, stating that he believed that Councilman Avioli had previously made a motion to close the debate.

R: Councilman Avioli stated that it was his intent to close the debate, but perhaps he did not procedurally do it correctly.

MOTION TO CALL THE QUESTION:

Councilman James P. Avioli, Sr., made a motion to call the question. Mayor Pro Tem Peggy Faulk seconded the motion.

VOTE ON MOTION TO CALL THE QUESTION:

Motion carried on a 5-1-1 as follows:

FOR: Siegel, Cindy
     Hickman, Will
     Avioli, James P., Sr.
     Faulk, Peggy
     Nauert, Phil

OPPOSED: McLaughlan, Pat

ABSTAIN: Jeffery, John
VOTE ON ORIGINAL MOTION:

Original motion carried on a 6-1 vote as follows:

FOR: Siegel, Cindy
     Hickman, Will
     Avioli, James, Sr.
     Faulk, Peggy
     Nauert, Phil
     Jeffery, John

OPPOSED: McLaughlan, Pat

ABSENT: None

SUMMARY:

Mayor Cindy Siegel stated that in December of 2007 City Council authorized the City Manager and Mayor to have discussions with METRO to find out what they were doing with the proposed rail lines and to open up a dialog with them.

She and City Manager Satterwhite had met with numerous employee of METRO, such as their Project Engineer, Government Relations Employee, and the Right-Hand Person to the Chief Executive Officer. Mayor Siegel also had a few meetings with the Multi-Cities
Directors on METRO’s Board, Burt Ballanfant and Jimmy Stewart.

During some of those discussions, she and City Manager Satterwhite learned that property proposed for a Wal-Mart would not longer have a Wal-Mart on it. The property next to the proposed Wal-Mart was a wholesale nursery. Mayor Siegel and City Manager Satterwhite attended several meetings with the two property owners regarding the possibility of working with the City to provide a means of ingress and egress to the City’s Research, Distribution, and Development District (RDD District). She noted that this would help the Bellaire neighborhoods with cut-through traffic.

METRO had their architect provide a presentation to Bellaire and the Houston property owners regarding some of the facilities they had developed for METRO. METRO was interested and willing to work with Bellaire and the Houston property owners to try to come up with something that would be wonderful for that area.

She stated that in every meeting that Bellaire had attended with METRO and the Houston property owners, Bellaire had stressed its desire to protect the residential neighborhood to the south and to protect the investment of the existing property owners in the RDD Zoning District.

Bellaire had heard from METRO that a rail line was going in along Westpark. There was a possibility of a rail station to be located in Bellaire’s RDD Zoning District, on one of the Houston properties, or at Newcastle Drive. There was also a consideration by METRO to put a rail yard in Bellaire in the RDD Zoning District. Subsequently, METRO assured the Mayor and City Manager Satterwhite that the rail yard had been taken off of the plan. This was one of the reasons that it was important for the City to have discussions with METRO. A rail yard was nontaxable and would probably have remained at that location forever.

Basically, the RDD Zoning District could be used for governmental facilities (which would include METRO), utilities, financial institutions, auto sales, retail, and limited residential (such as lofts associated with retail businesses).
Transit Oriented Development

Mayor Siegel defined a Transit Oriented Development ("TOD") as a fast growing national trend to incorporate new train systems in combination with building "walkable" towns to create a more livable, sustainable community. A TOD was also defined as compact, livable, and walkable communities centered around high quality train systems (including mixed-use development). A TOD encouraged people to ride transit more often and embraced such goals related to neighborhood cohesion, public safety, and community revitalization.

Factors Driving the Trend Toward TOD

The factors driving the trend toward TODs were noted as follows:

- Rapidly growing, mind-numbing traffic congestion nationwide;
- Growing distaste for suburbs and strip development;
- Growing desire for a quality urban lifestyle;
- Growing desire for more walkable lifestyles away from traffic; and
- Changes in family structures (i.e., more singles, empty-nesters, etc.).

Components of a TOD

The components of a TOD were noted as follows:

- Walkable design with pedestrians as the highest priority;
- Train station as a prominent feature of the "town center";
- A regional node containing a mixture of uses in close proximity, including office, residential, retail, and civic uses;
• Collector support transit systems, including light rail and buses;

• Designed to include the easy uses of bicycles, scooters, and rollerblades as daily support transportation systems; and

• Reduced and managed parking inside a 10-minute walk circle around the train station.

Mayor Siegel advised that the proposal this evening was to authorize City Staff to prepare an Interlocal Agreement with METRO. METRO, Midway (one of the Houston property owners), Thompson (one of the Houston property owners), and Bellaire would engage an architect (METRO’s architect—EE&K) to come up with a conceptual design for a TOD, which would hook into the METRO Rail Line, which was going to go in. This line would affect the Houston properties, as well as Bellaire’s RDD Zoning District.

Mayor Siegel showed a number of slides of existing TODs, including The Mockingbird Station (in Dallas, Texas), one in Arlington, Virginia, and the Houston Main Street Square (in Houston, Texas).

Possible Benefits of a TOD

Mayor Siegel identified the following possible benefits of a TOD:

• Higher quality of life;

• Better places to live, work, and play;

• Increased transit ridership;

• Reduced traffic congestion and driving;

• Higher, more stable property values;

• Protection of adjacent residential neighborhood;

• Improved access to the RDD Zoning District; and

• Possible Single-Family Housing for retirees, empty nesters, and/or single residents.
Outcome

Mayor Siegel advised that the outcome would be to direct City Staff to go forward and prepare an Interlocal Agreement with METRO. The City, along with its two Houston neighbors, and METRO would share the cost for a conceptual plan for a TOD to be located at the intersection of the METRO University and Uptown Rail Lines (adjacent to the Houston properties and the Bellaire RDD Zoning District).

The conceptual plan could then be incorporated into the Comprehensive Plan process, including public input and hearings.

Estimated Costs

The architect had advised that the cost of a conceptual plan for both areas would be $45,000. Bellaire’s share would be one-fourth or $11,250. Reimbursable costs for the architect would be up to $11,000. Bellaire’s share would be one-fourth or $2,750. Bellaire’s share of the total cost would, therefore, range from $11,250 to $14,000. METRO would oversee and supervise the project.

Mayor Siegel concluded and showed City Council a slide of an existing METRO rail yard, which was what could have been in the RDD Zoning District.

MOTION TO ENTER INTO PARTNERSHIP AND DIRECTION TO STAFF:

A motion was made by Councilman Phil Nauert and seconded by Mayor Pro Tem Peggy Faulk to direct City Staff to negotiate and develop an Interlocal Agreement by and between the City of Bellaire, Texas, and METRO for architectural services necessary to prepare a conceptual design for a transit-oriented development along the METRO University Rail Line in the northern portion of the City of Bellaire, Texas, said agreement to be presented to City Council for future consideration.
QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

C: **Mayor Pro Tem Peggy Faulk** advised that she thought it was a great opportunity and that the City should move forward.

C: **Councilman Will Hickman** stated that any change to the RDD Zoning District would be an improvement. However, some of the same arguments just made in favor of a TOD might have been made at the same time the Transit Center was proposed for Bellaire Boulevard. He stated that he would like to see if the two could be tied together. The agreement made with METRO to get the street reconstruction for Bellaire Boulevard and Bissonnet Street had no termination date. METRO could use the Transit Center in the middle of town forever. He wondered if Bellaire could offer an exchange of an equivalent street right-of-way or piece of land in the RDD Zoning District that the City owned in exchange for closing the Transit Center. He did not believe that there was much origin or destination traffic coming to Bellaire. It was merely a transit change point that just happened to be located in Bellaire.

**AMENDMENT (NO. 1) TO MOTION TO ENTER INTO PARTNERSHIP AND DIRECTION TO STAFF:**

Councilman Will **Hickman** made an amended motion to add to the agreement with METRO to put in a transit-oriented development only to the extent that METRO abandoned the easement or lease for the Transit Center on Bellaire Boulevard.

Amended motion failed due to lack of a second.

C: **Mayor Siegel** advised that she asked about the Transit Center at one of the earlier meetings with METRO. She stated that the Transit Center was a critical component to METRO’s overall bus network. What METRO had done was to place METRO police officers at the Transit Center around the clock for added security.
Q: Councilman John Jeffery inquired as to how flexible METRO would be with respect to the design.

A: City Manager Satterwhite stated that the idea was to get a visualization of what it could be. It was not a real design of anything. The architectural firm had taken some areas that were a lot worse than the City’s RDD Zoning District and turned them into blooming flowers around the country. It was not something that METRO was going to do or the City was going to do. It would take developers working hand in hand with METRO. There would be a station somewhere up there.

Mayor Siegel stated that METRO had not solved the problem of connecting the University Rail Line and the Uptown Rail Line.

City Manager Satterwhite agreed, noting that engineering issues were involved. The engineers wanted to make a tall circle over Interstate Highway 59 heading to the east that would transfer at the Newcastle Drive station. He stated that the higher ups at METRO wanted to come up with a better solution.

C: Councilman McLaughlan noted that he had taken the opportunity to ride Dallas’ rail line recently. He advised that each of the stations were different in some way and had their own architectural character. Lots of good things were located around the stations.

The City had a great opportunity to work with METRO on this project. The City’s RDD Zoning District was located at essentially the intersection of the University Rail Line and the Uptown Rail Line. It was time for the City to get on board the train and try to position itself to get the maximum benefit for the City and its citizens.

C: Mayor Siegel noted that she had conversations with CenterPoint Energy, Texas Foods, and the Hospital regarding the plans for a possible TOD in the area. None of them had a problem with it. There were at least ten other property owners in
the area that she had not discussed this with. If the item were passed this evening, she suggested that letters be sent to the other property owners to make them aware of the City’s agreement with METRO for a conceptual design.

**VOTE ON MOTION TO ENTER INTO PARTNERSHIP AND DIRECTION TO STAFF:**

Motion carried on a 6-1 vote as follows:

**FOR:** Siegel, Cindy  
Avioli, James P., Sr.  
Faulk, Peggy  
Nauert, Phil  
McLaughlan, Pat  
Jeffery, John

**OPPOSED:** Hickman, Will

**ABSENT:** None

**H. COUNCIL CORRESPONDENCE AND COMMENTS.**

Discussion only.

**I. ADJOURNMENT.**

**MOTION TO ADJOURN:**

A motion was made by Councilman Will Hickman and seconded jointly by Councilman James P. Avioli, Sr., and Mayor Pro Tem Peggy Faulk to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:46 p.m. on Monday, May 5, 2008.

**VOTE ON MOTION TO ADJOURN:**

Motion carried unanimously on a 7-0 vote as follows:

**FOR:** Siegel, Cindy  
Hickman, Will  
Avioli, James P., Sr.  
Faulk, Peggy  
Nauert, Phil  
McLaughlan, Pat  
Jeffery, John
OPPOSED: None
ABSENT: None

Respectfully submitted,

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

Approved:

____________________________
Cynthia Siegel, Mayor
City of Bellaire, Texas