I. SPECIAL SESSION (PUBLIC HEARING) – 6:00 P.M.

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

Mayor Cindy Siegel called the City Council of the City of Bellaire, Texas, to order at 6:02 p.m. on Monday, May 19, 2008. The Bellaire City Council met at that time and on that date in Special Session for the purpose of holding a public hearing to hear any and all persons desiring to be heard on or in connection with an application and request submitted by Allegiance Bank for a specific use amendment and permit to construct and operate a drive-through banking facility. The Special Session (Public Hearing) was held 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 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.

Councilman Will Hickman, Position No. 1, arrived at 6:17 p.m. Other officials present were City Manager Bernard M. Satterwhite, Jr., City Attorney Alan P. Petrov, and City Clerk Tracy L. Dutton.

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

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

Notice is hereby given that the City Council of the City of Bellaire, Texas, has called, by Ordinance No. 08-022, a public hearing before the City Council of the City of Bellaire, Texas, on Monday, May 19, 2008, at 6:00 p.m. in the Council Chamber, First Floor of City Hall, Bellaire, Texas, at which time any and all persons desiring to be heard will be heard on or in connection with any matter or question involving the application and request submitted by Allegiance Bank for a specific use amendment and permit to construct and operate a drive-through banking facility.
banking facility to be located at 5410 Bellaire Boulevard in the CCD-2
Zoning District in the City of Bellaire, Texas.

City Clerk Dutton, in the interest of time, did not read the remainder
of the Notice of Public Hearing, but advised that copies were available
at City Hall and on the City’s website. For the record, the remainder of
the Notice of Public Hearing consisted of a legal description of the
property and instructions regarding how to review the application, if
desired. The remainder of the Notice of Public Hearing has been
included herein as follows:

Said property being legally described as:

FIELDNOTES FOR 1.3349 ACRES OF LAND BEING ALL OF LOT 54 AND
PART OF LOT 55, BLOCK 16 OF WESTMORELAND FARMS AMENDED
FIRST ADDITION, A SUBDIVISION IN HARRIS COUNTY, TEXAS,
ACCORDING TO THE MAP OR PLAT THEREOFRecorded in Volume
3, PAGE 60 OF THE MAP RECORDS OF HARRIS COUNTY, AND BEING
THE RESIDUE OF THAT CERTAIN TRACT OF LAND CONVEYED TO
STANDARD SOUTHERN CORPORATION BY DEED RECORDED IN
VOLUME 5872, PAGE 552 OF THE DEED RECORDS OF HARRIS
COUNTY, SAID 1.3349 ACRES OF LAND BEING MORE PARTICULARLY
DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A ½ INCH STEEL ROD FOUND IN THE NORTH LINE
OF BELLAIRE BOULEVARD, BASED ON A 120.00 FOOT RIGHT-OF-WAY,
AT ITS INTERSECTION WITH THE EAST LINE OF CHIMNEY ROCK
ROAD, BASED ON A 90.00 FOOT RIGHT-OF-WAY, SAID POINT BEING
THE SOUTHWEST CORNER OF CHIMNEY ROCK SE, THE MAP OR PLAT
OF SAME BEING RECORDED UNDER FILM COE NO. 423050 OF THE
SAID MAP RECORDS;

THENCE, EAST WITH THE NORTH LINE OF SAID BELLAIRE
BOULEVARD, AT 154.12 FEET PASSING A 3/8 INCH STEEL ROD FOUND
MARKING THE SOUTHEAST CORNER OF SAID CHIMNEY ROCK SE AND
THE SOUTHWEST CORNER OF THAT CERTAIN TRACT OF LAND
CONVEYED TO THE ACADEMIC INSTITUTE OF PATHOLOGY, INC., AS
DESCRIBED IN DEED RECORDED UNDER COUNTY CLERK’S FILE NO.
P954983 OF THE REAL PROPERTY RECORDS OF HARRIS COUNTY, AND
CONTINUING IN ALL, A TOTAL DISTANCE OF 239.12 FEET TO A 5/8
INCH STEEL ROD SET FOR THE SOUTHWEST CORNER OF SAID LOT 54
AND THE PLACE OF BEGINNING FOR THE HEREIN DESCRIBED
TRACT OF LAND, SAID POINT ALSO BEING THE SOUTHEAST CORNER
OF SAID LOT 53 AND THE SAID ACADEMIC INSTITUTE OF
PATHOLOGY, INC., TRACT;

THENCE, NORTH 00°06'43" WEST, 270.00 FEET (CALLED NORTH)
WITH THE COMMON LINE BETWEEN LOTS 53 AND 54 AND WITH THE
EAST LINE OF THE SAID ACADEMIC INSTITUTE OF PATHOLOGY, INC.,
TRACT TO A PK NAIL FOUND IN A 4 X 4 FENCE POST MARKING THE
NORTHWEST CORNER OF SAID LOT 54 AND THE HEREIN DESCRIBED
TRACT, SAID POINT ALSO BEING THE MOST NORTHERLY SOUTHEAST
CORNER OF THE AFORESAID CHIMNEY ROCK SE, SAID POINT ALSO
BEING THE SOUTHWEST CORNER OF LOT 45 AND THAT CERTAIN
TRACT OF LAND CONVEYED TO LAPALA CORPORATION AS DESCRIBED
INSTRUMENT RECORDED UNDER COUNTY CLERK’S FILE NO. U688385
OF THE SAID REAL PROPERTY RECORDS;

THENCE, EAST WITH THE COMMON LINE BETWEEN SAID LOTS 45
AND 54 AND WITH THE SOUTH LINE OF THE SAID LAPALA
CORPORATION TRACT, AT 100.00 FEET PASSING THE SOUTHEAST
CORNER OF THE SAID LAPALA CORPORATION TRACT AND THE
SOUTHWEST CORNER OF THAT CERTAIN 4.2609 ACRE TRACT OF
LAND CONVEYED TO THE UNITED STATES POSTAL SERVICE AS
DESCRIBED IN DEED RECORDED UNDER COUNTY CLERK’S FILE NO.
K889350 OF THE SAID REAL PROPERTY RECORDS, AND CONTINUING
WITH THE SOUTH LINE OF THE SAID 4.2609 ACRE TRACT, AT 132.00
FEET PASSING THE COMMON CORNER OF LOTS 45, 46, 55, AND 54,
AND CONTINUING WITH THE COMMON LINE BETWEEN SAID LOTS 46
AND 55 IN ALL, A TOTAL DISTANCE OF 195.00 FEET TO A 5/8 INCH
STEEL ROD SET BETWEEN SAID LOTS 46 AND 55 IN ALL, A TOTAL
DISTANCE OF 195.00 FEET TO A 5/8 INCH STEEL ROD SET MARKING
THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, SAID
POINT ALSO BEING THE NORTHWEST CORNER OF TRACT "C" IN DEED
TO NORMAN B. LOWENSTERN, TRUSTEE AS DESCRIBED IN DEED
RECORDED UNDER COUNTY CLERK’S FILE NO. G178925 OF THE SAID
REAL PROPERTY RECORDS;

THENCE, SOUTH 00°06’43” EAST, 170.00 FEET WITH THE WEST LINE
OF SAID TRACT "C" TO A 5/8 INCH STEEL ROD SET AT AN ELL
CORNER, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF
SAID TRACT "C";

THENCE, EAST 55.00 FEET WITH THE SOUTH LINE OF SAID TRACT "C"
TO AN "X" SET IN CONCRETE FOR THE MOST SOUTHERLY NORTHEAST
CORNER OF THE HEREIN DESCRIBED TRACT, SAID POINT ALSO
BEING THE NORTHWEST CORNER OF TRACT "B," A 0.226951 ACRE
TRACT AS DESCRIBED IN SAID LOWENSTERN DEED;

THENCE, SOUTH 00°06’43” EAST (CALLED SOUTH) WITH THE WEST LINE
OF SAID TRACT "B," AT 59.00 FEET PASSING THE MOST NORTHERLY SOUTHWEST CORNER OF SAID TRACT "B" AND THE NORTHWEST CORNER OF TRACT "A" OF THE SAID LOWENSTERN DEED, AND CONTINUING WITH THE WEST LINE OF TRACT "A" TO A
5/8 INCH STEEL ROD FOUND IN THE NORTH LINE OF SAID BELLAIRED
BOULEVARD MARKING THE SOUTHEAST CORNER OF THE HERELN
DESCRIBED TRACT, SAID POINT ALSO BEING THE SOUTHWEST
CORNER OF SAID TRACT "A";

THENCE, WEST 250.00 FEET WITH THE NORTH LINE OF SAID
BELLAIRE BOULEVARD TO THE PLACE OF BEGINNING AND
CONTAINING 1.3349 ACRES OR 58,150 SQUARE FEET OF LAND, MORE
OR LESS.

Prior to the public hearing, any person may review the application for
a specific use amendment and permit at the City of Bellaire’s Office of
Community Development, First Floor of City Hall, 7008 South Rice
Avenue, Bellaire, Texas, from 8:00 a.m. until 5:00 p.m., Monday
through Friday, except for holidays.

Dated this 21st day of April, 2008.

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

City Clerk Dutton advised that the Notice of Public Hearing was
mailed to real property owners of record within 200 feet of the site of
the requested specific use amendment and permit on Friday, April 25,
2008. The Notice of Public Hearing was posted on the City’s bulletin
board on Monday, April 28, 2008, and published in the legal notices
section of the Southwest News on Tuesday, April 29, 2008. A sign
notifying passersby of the public hearing was posted on the site of the
requested specific use amendment and permit by the Bellaire Public
Works Department on May 2, 2008.

C. SUMMARY OF PUBLIC HEARING PROCEDURE – City Manager
Bernard M. Satterwhite, Jr.

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

During this evening’s public hearing, a brief presentation will be given
regarding an application and request submitted by Allegiance Bank for
a specific use amendment and permit to construct and operate a drive-
through banking facility to be located at 5410 Bellaire Boulevard in the
CCD-2 Zoning District in the City of Bellaire, Texas. The presentation
will be limited to fifteen (15) minutes.

At the conclusion of the presentation and report, the Mayor and City
Council will have an opportunity to ask questions of the applicant
regarding the application.
At the conclusion of the question and answer session, the Mayor will recognize citizens or other interested parties who have completed the sign-in sheet prior to commencement of the meeting. Comments will be limited to four (4) minutes for each individual.

Following comments from citizens or other interested parties, the Mayor will close the public hearing. Public comment will not be received following the close of the public hearing. Written comments may be submitted to the City Council in care of the City Clerk prior to final deliberation on the matter. Final deliberation is anticipated to occur later this evening. Written comments must be submitted to City Council prior to deliberation on this matter in order to be considered for the record. The sign-in sheet and written comment sheets have been provided at the entrance to the Council Chamber.

D. PRESENTATION concerning an application and request submitted by Allegiance Bank for a specific use amendment and permit to operate a drive-through banking facility to be located at 5410 Bellaire Boulevard in the CCD-2 Zoning District in the City of Bellaire, Texas – Representative(s) of Allegiance Bank.

Reid Wilson, Attorney for Allegiance Bank, 2500 Fannin, Houston, Texas, began with an introduction of the team present this evening as follows:

Bob Neyland, President of Allegiance Bank;
Bob Orkin, Broker for Allegiance Bank;
David Lewis, Architect for Allegiance Bank;
Victor Frederickson, Traffic Engineer for Allegiance Bank;
Dimitri and Joana Tagaropoulos, Landlords for Allegiance Bank; and
Joe Melton, Architect for the Tagaropoulos’.

Mr. Wilson indicated that the Center in which Allegiance Bank would be located was a two-story, mixed-use project at 5410 Bellaire Boulevard and developed by the Tagaropoulos’ last year. Allegiance Bank had signed a lease, subject to receiving a specific use permit. The bank was a permitted use, but the drive-through facility required a specific use permit.

The Planning and Zoning Commission of the City of Bellaire, Texas, unanimously recommended the approval of the specific use permit in April of 2008. This project, with the drive-through facility, complied with all of the City’s requirements, specifically and including all parking requirements.

The issues for City Council’s consideration related to the fact that this was a zoning change and required a review and consideration by both
the Planning and Zoning Commission, which had already been done and was approved unanimously, as well as a notice, review, and consideration by the City Council. If the City Council denied the specific use amendment and permit, the applicant could not come back before City Council for two years. Specific use permits were the type of site-specific approvals that were required for certain uses that needed to be reviewed because of their particular characteristics and how they might impact a particular area.

The relevant considerations for this specific use permit started with whether or not it complied with the City’s Comprehensive Plan. Mr. Wilson advised that the facility did comply with the Comprehensive Plan and noted that there were already banking facilities located in the City Center Zoning District.

The second considerations related to adjacent properties (i.e., operational impact and impact on values). There was certainly no negative impact from this particular use on adjacent properties because Allegiance Bank could demonstrate that there was no negative traffic impact. There was certainly no negative impact in having a bank next to a property from a property value perspective. The value of this particular mixed-use facility probably increased as a result of having a desirable tenant, such as a bank.

Lastly, a consideration needed to be made as to whether there was any impact on public infrastructure as a result of the facility. The traffic engineer would provide information during the presentation that would indicate that there was no negative impact on Bellaire Boulevard.

Mr. Wilson advised that this was the third public hearing that the bank had been through in the City of Bellaire, two of which were held before the Planning and Zoning Commission of the City of Bellaire, Texas. There were no objections at all during those two hearings.

Mr. Wilson noted further that the bank had the financial capability to make the project an appropriate one for Bellaire. The facility had been properly designed by specialized bank architects and had been approved by City Staff and unanimously approved by the Planning and Zoning Commission of the City of Bellaire, Texas.

David Lewis, Architect, McCleary/German Architects, 2425 West Loop South, Houston, Texas, advised that his firm specialized in the design of financial institutions and had been doing so for the last 15 years. He advised that his firm had worked on 6-9 projects in Bellaire for various financial institutions.
Allegiance Bank planned to locate in the new two-story building at 5410 Bellaire Boulevard. The motor bank was planned in such a way that it would have the least impact on Bellaire Boulevard, as well as function well for the bank. This clientele for this particular bank were predominantly commercial rather than retail. For that reason, it was determined that a two-lane motor bank would work well. The motor bank was placed as far back in the corner of the property as possible. All of the parking spaces were removed from behind the motor bank and the first five spaces near the motor bank would be designated for bank employees only to minimize any congestion.

The flow from the motor bank onto Bellaire Boulevard would be fairly sporadic once drivers came through and left the bank. An Automated Teller Machine (ATM) and night drop box would be located for walk-up customers on the front of the building. This would further reduce any congestion at the rear of the building.

The motor bank tellers and the lobby tellers were placed in the same area so that if the motor bank were to fill up, the lobby tellers could step in and help handle any overflow.

Victor Frederickson, G & W Engineers, Inc., 205 West Live Oak, Port Lavaca, Texas, indicated that he was the traffic engineer hired by Allegiance Bank to look at the traffic issues involved with the facility. The basic traffic issues were the driveways, traffic going in and out of the building, circulation in the rear of the parking lot, queuing of the bank customers, and available parking.

Mr. Frederickson noted that it had already been stated that Allegiance Bank met all of the City’s requirements with respect to parking. The traffic going in and out of the facility would be metered as a result of the drive-through lanes and would have very little impact, if any, on Bellaire Boulevard.

The main issue and chief concern from the City’s perspective was the queuing of customers and whether that would impact traffic on Bellaire Boulevard or cause problems for other customers using the building’s parking lot.

In performing the traffic analysis, certain assumptions had to be made. Those assumptions were a trip generation entrance rate of 79 vehicles per hour (utilizing the bank’s expected peak hours of operation), with 50% of the arrivals using the drive-through facility. The arrival rate of the drive-through would, therefore, result in 40 vehicles per hour. With two-drive through lanes and a service rate of two and one-half minutes per customer, 48 customers could be served per hour. Based on the assumptions and using statistical analysis, the average expected queue during peak hours was four vehicles or two
vehicles per lane. This could easily be accommodated without impacting much of the parking lot, much less Bellaire Boulevard.

The expected amount of traffic going into and exiting the driveways were shown in the report at a very small number relative to the local traffic on Bellaire Boulevard. Additionally, both driveways were “right in, right out” only (i.e., no left turns allowed into or out of the driveways).

**Joana Tagaropulos, 820 Richmond Avenue, Houston, Texas,** stated that she and her husband were the owners of the building located at 5410 Bellaire Boulevard. She thanked City Council for taking the time to consider this matter, and advised that she and her husband supported Allegiance Bank’s application and felt that they would be a great addition to the City of Bellaire.

She also wished to let City Council know that the property was less than 50% leased and her family would not do anything to negatively impact the leasing of the facility or the City of Bellaire. She urged City Council to approve the permit.

**Bob Neyland, President of Allegiance Bank, 4543 Post Oak Place, Houston, Texas,** addressed City Council and noted that Allegiance Bank was in a temporary location at the present time and looking forward to coming to Bellaire. He stressed that Allegiance Bank served primarily commercial customers and the drive-through facilities were used about 20-25% of the time. Most of the more extensive banking was done through the lobby. Allegiance Bank would have approximately 10-11 employees, with four to five working strictly either the front line (i.e., the lobby teller area) or the drive-through. Allegiance Bank prided itself on service, and was looking forward to serving the community of Bellaire.

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

**Councilman James P. Avioli, Sr.,** stated that he had driven back behind the building in which the drive-through banking facility would be located and felt that the area would be very tight for vehicles entering and exiting the facility. He referred, also, to the fact that the Enterprise Rental Car facility would probably utilize several parking spaces for their vehicles.

**Joana Tagaropulos, Building Owner,** advised that the Enterprise Rental Car facility had a total of six-eight cars, including the cars of their employees. Enterprise would be assigned specific spaces, many of which might be located in the front of the building. The employees...
of Allegiance Bank would be assigned specific spaces to be located behind the drive-through facility.

**Councilman Avioli** advised that Bob Neyland, President of Allegiance Bank, might have answered his concern when he stated that only 20% of the bank’s business would utilize the drive-through facility. He assumed that appropriate signage would be installed once the facility was constructed to direct traffic through the drive-through facility.

**Ms. Tagaropulos** stated that she was starting to install signage, but had not completed that process. The parking lot also had to be repainted for the facility.

**Councilman Avioli** agreed that there was no impact to Bellaire Boulevard or the City as a result of this facility. He was merely making an observation that it appeared that the drive-through and parking lot could be tight.

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

**Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:**

**Ms. McBee** addressed City Council and read a statement from City Council’s Regular Session held on April 21, 2008, for inclusion in the record. She noted that this comment was made after the fifth try by City Council to get an answer on the issue, and read the statement as follows:

City Attorney Petrov stated that the Planning and Zoning Commission had looked at two different applications. The bank filed an application that went through the Planning and Zoning Commission hearing process. The Planning and Zoning Commission recommended denial of that application, so the bank withdrew it rather than take it forward to City Council (an application with a negative recommendation). Subsequently the bank made some design changes and filed a second application at the Planning and Zoning Commission level. The Planning and Zoning Commission then held a hearing on the second application and recommended approval of that application unanimously.

Ms. McBee stated that she and the City Attorney had debated this issue. Although the first application was withdrawn after a public hearing was held and a recommendation for denial prepared, it was not counted. She agreed this was a minor point, but commended City Council for trying to get an answer five times.
Ms. McBee advised that she believed the Planning and Zoning Commission mishandled the first application. The Commission should have placed conditions on Allegiance Bank’s first application for reduced area in the northwest corner and a reduction of parking spaces. As to the ultimate (and second) application, she had not problem with it. The path it took, however, was pathetic.

For any rear drive-through facility, the City did not know what the impacts were going to be. As a condition of granting this application, Ms. McBee hoped that City Council would require an annual monitoring of the traffic situation, as well as maintaining a record of any problems that might emerge either on the private property or on Bellaire Boulevard. This would allow for contingencies that City Council could not possibly predict.

Finally, as a request to the bank and to City Council and given the changing times for transportation, Ms. McBee hoped that the property owner or the bank would provide bicycle parking racks at the front of the site as a requirement of the specific use permit.

In closing, Ms. McBee supported the application as it now stood with the conditions she suggested.

{In Support of Application with Conditions}

**Mayor Cindy Siegel** advised that the City Council had received one written comment, which she read into the record as follows:

*Honorable City Council Members:*

*My name is Jamie Wright of the Wright Touch, 5455 Dashwood, Bellaire, Texas. I own the property immediately to the north and abutting 5410 Bellaire Boulevard, Bellaire, Texas.*

*The purpose of this letter is to show support for the project of Allegiance Bank at 5410 Bellaire Boulevard, Bellaire, Texas.*

*In my opinion, the Allegiance Bank project at this location will enhance the City of Bellaire. In addition, the drive through banking facility which is to be built in the back parking lot area of the building on this site will not in any way adversely impact me or any of the other neighbors surrounding 5410 Bellaire Boulevard, nor will it have any negative impact on the traffic on Bellaire Boulevard.*

*In summary, I am in favor of the Allegiance Bank project.*
If you have any questions, please feel free to call me.

Thank you for your kind attention to this matter.

Jamie Wright

{In Support of Application}

G. CLOSE OF PUBLIC HEARING – Mayor Cindy Siegel.

Mayor Cindy Siegel announced that the public hearing regarding an application and request submitted by Allegiance Bank to construct and operate a drive-through banking facility to be located at 5410 Bellaire Boulevard in the CCD-2 Zoning District in the City of Bellaire, Texas, was closed at 6:29 p.m. on Monday, May 19, 2008. Under the Rules of Procedure, 2008-2010, of the City Council of the City of Bellaire, Texas, revised and adopted February 4, 2008, Article 9, Rules Governing Public Hearings, Section I, Written Comments, oral comment concerning the application and request submitted by Allegiance Bank for a specific use amendment and permit would not be received following the close of the public hearing. Written comments could be submitted to the City Council in care of the City Clerk prior to final deliberation on this matter. Final deliberation was scheduled to occur later in the evening; so written comments could be submitted up until the item appeared on City Council’s agenda. Mayor Siegel anticipated that final deliberation would occur in approximately one and one-half hours from the close of the public hearing.

H. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Councilman Phil Nauert and seconded by Councilman James P. Avioli, Sr., to adjourn the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, at 6:30 p.m. on Monday, May 19, 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.
FOR (CONT.):  Faulk, Peggy  
Nauert, Phil  
McLaughlan, Pat  
Jeffery, John

OPPOSED:  None

ABSENT:  None

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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 7:02 p.m. on Monday, May 19, 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 John Jeffery.

Councilman John Jeffery referred to Memorial Day, which was coming up and noted that he had come across an article written by Columnist Darrell Huckaby of the Newton Citizen on April 29, 2008, that had touched him. He wished to read the article for his inspirational reading as follows:

So there I was, with my wife and two of my three children—the ones who are 22 and 16—enjoying a nice day at the beach. Actually, it was a day on the island, but give me a little leeway here, please.
It was a Saturday morning—a warm Saturday morning. There wasn’t a cloud in the sky and I really and truly shouldn’t have had a care in the world, but I have a tendency to create cares where none exist. I’m an old curmudgeon, in other words, A mulligruber. I don’t recall what my worries were on this glorious Saturday morning, but I’m sure there was something that didn’t suit me.

Perhaps my coffee had not been hot enough at breakfast. Perhaps our entourage had taken too long to get ready for our bike ride—which happened to be the only thing on our agenda for that day. Perhaps I wasn’t satisfied with the way the golf tournament was going in Augusta. The point is, I am sure I wasn’t enjoying the day as much as I should have, because that’s just the way I am lately.

I had stopped at the Sweet Shoppe in the Jekyll Island village. Not the one the millionaires built. The one regular folks can shop in, if they have enough money. I wanted a praline, and my oldest child wanted a turtle. The two of us walked out of the store with our treats and were greeted by the sight of a young family who seemed to be enjoying their day more than I was enjoying mine.

I couldn’t help but smile as I watched the young man in the Texas A&M baseball cap wipe melted chocolate ice cream off the face of his own daughter. The fresh-faced young father looked like he couldn’t possibly have been a day older than my daughter, the one standing beside me enjoying her turtle. The child with the ice cream on her face might have been 3 ½.

I took the beautiful brunette—the one with the 18-month-old in her arms—to be the young man’s wife and I felt like a voyeur as I stood for a minute or two and just watched them interact with one another and with their children. I could tell by the way they looked at one another that they were very much in love—with one another and with life itself.

I could no more have resisted speaking to them than I could have resisted eating the last bit of my fresh confectionery.

"Are you an Aggie?” I asked the young man, in reference to the baseball cap that covered his closely cropped blonde hair.

"I am,” he said proudly. Class of 2003.”

"Really?” I asked, surprised that he was so long out of college.

"What are y’all doing so far from College Station? Are you out here on vacation?”
"I’m stationed at Ft. Stewart," he told me, "and we just drove over to enjoy the day."
And then he added, "I just got back and we needed to spend some time together."

"I just got back," the Aggie told me. I didn’t have to ask from where, so I asked, "How was it over there?"

"About the same as the first time I was there," he answered.

The first time. A young man who looked to be no older than my daughter had already served two tours of duty in Iraq.

"Really?" I asked. "There is no change?"

And then he amended his response. "Oh, no, there is. Things are lots better from the Iraqi standpoint. They are beginning to take over and things are a lot calmer and everything will be OK soon, if we stay the course."

If we stay the course. His words. Not mine. Not George Bush’s. Not John McCain’s.

And then he said, "It just wasn’t any easier to be away from them," nodding at his young family. "That’s what I meant when I said things were about the same."

"Are you home for good?" I asked.

He smiled and said, "Yeah. Or until next time."

I didn’t learn the name of the young hero in the Texas A&M baseball cap and I didn’t want to steal any more of his time. I simply said, "Well God bless you all. Thank you for your service," and started on my way. His young wife, however, reached out and touched my arm.

"We knew what we signed on for," she told me, "and as hard as it is, it’s worth it. It has to be done."

I smiled and turned away because I hate for beautiful young brunettes to see tears forming in my eyes.

On April 19, 1775, the first American soldiers answered their country’s call to arms and for 223 years now brave men—and more lately, women—have been leaving their families to serve on our behalf.

I don’t know what kind of mood you are in today or what you have on your plate, but I know that each and every one of us can breathe free
because there are about a million-and-a-half men and women in uniform scattered across our country and around the globe, making sure that we are safe as we can be in a world gone crazy.

God bless them one and all.

Councilman Jeffery continued and noted that a week later Columnist Darrell Huckaby had written a follow-up article on April 27, 2008, that appeared in the Newton Citizen. He read a portion of that article as follows:

I tell you what. Those Aggies are really something!

I related a simple little story in this space last week . . . and I received hundreds of responses to my column. Hundreds. Every time I turned on my computer, dozens of new e-mails popped up on my screen. Some were short and to the point. "Thank you." "Well done." "We appreciate the kind words."

But others! Others were long epistles in which men and women poured out their hearts and bared their souls in an effort to explain how much they love and appreciate their school—and their country.

I heard from mothers and fathers who had lost sons in Iraq and Vietnam and other places around the globe. I heard from Aggies who had landed on beaches with names like Utah and Omaha—Aggies who had served on Iwo Jima and Okinawa and, well—you get the picture. I heard from men who are stationed in Baghdad right this minute; men who drove 20 miles through potentially deadly streets to be at Muster with their fellow Aggies. I heard from wives whose husbands are deployed, thanking me for putting their husband’s service and their own sacrifice in perspective.

Wives of deployed soldiers were thanking me. That is so backward!

All week, the e-mail came in from proud Aggies, each and every one full of heart-felt thanks for mentioning their Alma Mater. Hearing from all those wonderful folks made me want to get in my car and head for Texas and the A&M campus—one of the few places in this great land that I have never visited. Makes me wonder what a fellow has to do to become an honorary Aggie.

Well, I don’t know about that, but I know this. If the entire nation was as full of patriotism and pride and esprit de corps as the Texas A&M family, well—all of our country’s problems wouldn’t be solved—but we’d be a hell of a lot closer to solving them.
C. PLEDGES TO THE FLAGS – Councilman John Jeffery.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

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

D. APPROVAL OR CORRECTION OF MINUTES:

APPROVAL of minutes of the Special Session (Executive Session) and Regular Session of the City Council of the City of Bellaire, Texas, held Monday, May 5, 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 Mayor Pro Tem Peggy Faulk and seconded by Councilman James P. Avioli, Sr., to approve the minutes of the Special Session (Executive Session) and Regular Session of the City Council of the City of Bellaire, Texas, held Monday, May 5, 2008.

VOTE ON MOTION TO APPROVE MINUTES:

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

MOTION TO SUSPEND RULES:

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman John Jeffery to suspend the Rules of Procedure, 2008-2010, of the City Council of the City of Bellaire, Texas, as such rules pertained to the order of the agenda, in order to hear the presentation under agenda item F.3. at this point (i.e., plans for the
Newcastle Drive Reconstruction Project from Bellaire Boulevard to Beechnut Street), then to hear personal/audience comments under item E., and then to return to agenda item F.3. for discussion and possible action on the Newcastle Drive Reconstruction Project.

**VOTE ON MOTION TO SUSPEND RULES:**

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

**F. REPORTS:**

3. PRESENTATION regarding the plans for the Newcastle Drive Reconstruction Project, from Bellaire Boulevard to Beechnut Street, and discussion and possible action regarding those plans – *Presentation by City Manager Bernard M. Satterwhite, Jr.*

**PRESENTATION:**

City Manager Bernard M. Satterwhite, Jr., advised that the Newcastle Drive Reconstruction Project was originally a Bellaire Millennium Renewal Program Project. The City went to the Metropolitan Transit Authority of Harris County (METRO) to request funding and were successful in getting that funding. In doing so, the Newcastle Drive Reconstruction Project was delayed slightly, but it also allowed the City to free up money to reconstruct Ferris Street, which was recently completed. He then turned the presentation over to James Andrews, P.E., Claunch & Miller, Inc.

James Andrews, P.E., Claunch & Miller, Inc., advised that he was present this evening to discuss with City Council the proposed plan for the reconstruction of Newcastle Drive from Bellaire Boulevard to Cypress Ditch. The project had been designed and was ready to advertise for bids upon City Council’s approval.
As stated previously by City Manager Satterwhite, the reconstruction of Newcastle Drive was originally part of the Bellaire Millennium Renewal Program and the first phase of the project, north of Bellaire Boulevard to Bissonnet Street, was completed in fiscal year 2002. The second phase, from Bellaire Boulevard to Cypress Ditch, was scheduled to follow shortly thereafter, but delayed while the City approached METRO to participate in the funding of this particular section. METRO agreed to pay approximately $5.2 million for construction and engineering of the project. On May 15, 2006, City Council approved a funding agreement with METRO and subsequently authorized Claunch & Miller, Inc., to begin the design work.

A component of the Bellaire Millennium Renewal Program was to construct major drainage improvements throughout the City. Unfortunately, the new systems were not in place in time for Tropical Storm Allison, which hit in July of 2001 and flooded over 420 homes in the southeast quadrant of the City alone.

The new drainage systems in place today included doubling the capacity of the Loop 610 box culverts installed by the Texas Department of Transportation, and major drainage improvements along Avenue B, Willow Street, Braeburn Drive, and Valerie Street. The reconstruction project on Newcastle Drive south of Bellaire Boulevard would include new inlets and storm sewers for that particular reach. There were also future plans to construct an extreme event storm sewer system in the Southdale area along Baldwin Avenue. This system would also require a detention facility located south of the Bellaire Wastewater Treatment Plant.

Mr. Andrews advised that with respect to the Newcastle Reconstruction Project under discussion this evening, the right-of-way was 75 feet wide and the east back of curb would be approximately 15-16 feet from the right-of-way. It was planned at the same location as the existing edge of the east asphalt roadway. The sidewalk on the east side was proposed to be five feet wide, five feet from the curb, and five to six feet from the right-of-way line. The west curb was approximately 31 feet from the right-of-way, and the trail on the west side was proposed to be nine feet wide and in the same location as the existing trail in most areas. The proposed trail was ten feet to 15 feet from the proposed west curb and seven to 12 feet from the right-of-way.

The 28-foot proposed pavement width allowed for approximately five feet between cars traveling in opposite directions and approximately three feet between the car and
the curb. This would also allow for storm water to run against the curb during rain events and would allow cars to pass a bicyclist without encroaching in the lane of oncoming traffic.

Mr. Andrews presented a slide showing the wheel path of an average vehicle making a turning movement from a side street onto Newcastle Drive. Most drivers could negotiate the type of turning movement shown without crossing the centerline into oncoming traffic. It was noted that the turns used in Bellaire were a 20-foot radius and less than what the City of Houston required. The reason Bellaire allowed a tighter radius was to minimize disruption to the right-of-way due to extensive landscaping and trees that often existed in the right-of-way.

A second slide was shown that indicated that delivery trucks might have a bit of difficulty with the turning radius from a side street onto Newcastle Drive without encroaching into oncoming traffic. It was noted that the narrower the roadway, the higher the likelihood of turning movement conflicts. Other slides were shown depicting portions of the newly reconstructed roadway and the trail.

With respect to the trail, Mr. Andrews indicated that plans were to replace the nine-foot trail with reinforced concrete. Although concrete was currently proposed for the trail, it could be constructed of virtually any material that the City deemed appropriate.

The existing four-foot sidewalk on the east side was planned to be replaced with a five-foot wide sidewalk in accordance with the City’s policy for major collector streets.

In addition, the City directed its traffic engineers to address the possibility of off-street parking in a few locations. A slide depicting four proposed parking spaces at Evergreen Park was shown to City Council. It was noted that constructing the parking spaces at this location moved the trail approximately five feet further to the west and would require the relocation of some of the fencing at the park.

Another slide depicting 17 proposed parking spaces in front of Russ Pitman Park and The Nature Discovery Center was shown. These spaces were noted to be located in the general area of Jim West and Betty Streets. The parking configuration would push the trail approximately two to five feet west and would require removal of some underbrush and mature trees in the area.
With the current asphalt roadway, vehicles simply drove off of the pavement and parked on the grass or on the trail itself when the parking in the area was at overflow conditions. When reconstructing Newcastle Drive, there would be a six-inch high curb that would prohibit that type of off-street parking.

City Manager Satterwhite provided background on how the parking came about. He indicated that City Staff had observed cars parking on the grassy area from time to time. It presented a problem for several reasons—safety and the fact that it was against the City Code to park on the grass on the right-of-way. City Staff did not want to go out and issue tickets to those cars, but they were parked illegally.

City Manager Satterwhite talked with the Director of Public Works regarding the possibility of off-street parking in the area, and this was why the traffic engineers were approached to see if this was doable within the project and what type of parking could be facilitated. It was also thought that more visitors might be attracted to The Nature Discovery Center if there were places to park. City Staff had observed cars parked on the grassy areas even when there were no major events going on. The trail would have to be moved in order to achieve the amount of length needed for high angle parking, as well as safety with the trail. The Parks & Recreation Department was involved in this process and agreed that it might work.

The proposed parking had always been planned as an option and was an add alternate to the bid. If this were not needed by the patrons of The Nature Discovery Center and the City did not want it, then it would be very easy to remove from the project.

Mr. Andrews continued and noted that the parking was designed with a fairly steep angle (22 degrees) and the existing trail would have to be moved back approximately two to five feet to accommodate the parking.

The construction phasing of the project as designed was shown next. Mr. Andrews indicated that his firm was concerned with the phasing along Holly, Valerie, and Pine Streets due to Horn Elementary School. Basically, the sequencing was to start at Bellaire Boulevard and move south.

On May 1, 2008, a neighborhood meeting was held to inform the residents in the area that the project was soon to be under construction. The residents were presented with an overview of the project. Detailed construction plans were located around the perimeter of the room. After the general question and
answer session, the group was broken down further so that very specific questions could be addressed with individual homeowners.

Some of the residents expressed concerns about certain components of the project as it was currently designed. Each citizen was asked to record his or her comments and questions on an “Action Form.” Those forms were turned in that night or later to City Hall or the Public Works Department. Thirteen hundred homes were invited to attend the public meeting. Forty-four people attended the meeting (i.e., 2% of those invited) and twenty-six people completed Action Forms.

Claunch & Miller, Inc., summarized comments or concerns received through the Action Forms as follows:

- Alternate Material for the Trail (rather than concrete) 7
- Width of Roadway (28’ being too wide) 9
- Width of Sidewalk (5’ being too wide) 5
- Parking Spaces Unnecessary 5
- Underbrush and Trees Should Not Be Impacted 5
- Concrete Pavement Noise (Too noisy) 2
- Move Street Further to West 1
- Cancel the Project 3
- Hurry and Complete the Project as Designed 6
- Speed Along Newcastle 9

There were eleven other concerns, most of which involved critical care patients and how to deal with ingress and egress during construction. Mr. Andrews noted that these concerns were expressed often, and his firm made efforts to ensure that the contractor was aware of these concerns and could move the patients in and out of the area quickly, if necessary.

With regard to traffic concerns, traffic engineers determined that there were approximately 1,000 lots that contributed to local traffic on the section of Newcastle Drive proposed for reconstruction. The area would generate approximately 9,000 vehicles per day based on four and one-half round trips per household. The traffic engineers performed actual counts in May and June of 2006 and it showed only 4,500 to 5,000 cars per day, indicating very little cut-through traffic on Newcastle Drive.
QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Councilman Will Hickman referred to the sidewalk to be constructed on the east side of Newcastle Drive. He inquired as to whether the sidewalk was currently four feet in width and was proposed to be five feet in width.

A: Mr. Andrews advised that Councilman Hickman was correct.

Q: Councilman James P. Avioli, Sr., referred to the eight-foot green belt on the west side of Newcastle Drive.

A: Mr. Andrews advised that the green belt was actually 16-19 feet in width.

Q: Councilman Avioli asked how much of the green belt would go away as a result of the proposed Newcastle Drive Reconstruction Project.

A: Mr. Andrews stated that the green belt would be reduced to 10-15 feet depending on the area. He noted that the new curb would be at the same location as the east edge of the pavement. The 28-foot street would be built from the east edge to the west, therefore, reducing somewhat the green space, but keeping the trail and the distance to the right-of-way about the same.

City Manager Satterwhite added that the right-of-way for Newcastle Drive was 75 feet, whereas most streets in Bellaire had 60-foot right-of-ways. This was the reason that Newcastle Drive had a larger green space as compared to other streets in Bellaire.

Q: Mayor Pro Tem Peggy Faulk asked if there was a slide that showed the layout in front of The Nature Discovery Center as it currently existed, as well as overlays to depict what would happen under the proposed project. She advised that she was specifically interested in knowing how many trees were going to be removed.

A: Mr. Andrews showed a slide depicting the location of the existing trail and indicated where the new trail would be located in relation to the existing trail.
Q: Mayor Pro Tem Faulk asked how far over the new trail would be with respect to the existing trail.

A: Mr. Andrews stated that the new trail would be moved over by two to five feet. In some cases, the brush and shrubbery encroached onto the existing trail.

Q: Mayor Pro Tem Faulk asked for confirmation that the trail could be moved to the west as much as five feet.

A: Mr. Andrews advised that Mayor Pro Tem Faulk was correct.

Q: Mayor Pro Tem Faulk inquired as to the number of trees that would have to be removed in order to move the trail.

A: Mr. Andrews estimated that 10-12 trees would have to be removed in order to move the trail.

Q: Mayor Pro Tem Faulk inquired as to the types of trees that would be removed.

A: Mr. Andrews stated that before anything was done, the improvements would be discussed with the City’s urban forester. He did not recall the exact type of trees that were proposed to be removed.

Q: Councilman John Jeffery referred to the trail north of Bellaire Boulevard and inquired as to whether the material of the trail was asphalt.

A: Mr. Andrews advised that Councilman Jeffery was correct.

Q: Councilman Phil Nauert inquired as to whether the street width of Newcastle Drive north of Bellaire Boulevard was 28 feet.

A: Mr. Andrews advised that Councilman Nauert was correct.

Q: Councilman Nauert inquired as to the street width of newly reconstructed Avenue B and Ferris Street.

A: Mr. Andrews advised that Avenue B and Ferris Street were reconstructed to a width of 28 feet.
Q: Mayor Cindy Siegel inquired as to the width of other streets, such as Willow Street.

A: Mr. Andrews advised that Willow Street was reconstructed to a width of 28 feet.

Q: Mayor Siegel asked for confirmation that all of the newly reconstructed streets were 28 feet in width.

A: Mr. Andrews advised that there were instances where jogs in the road were included to avoid extremely mature oak trees. Those jogs were less than 28 feet in width.

City Manager Satterwhite stated that Jessamine Street from Third Street to Loop 610 was slightly narrower than 28 feet. The reason for this was due to the driveways that backed out onto Jessamine Street from houses facing Willow Street. The slightly narrower street provided more safety for those residents backing out onto the street. This was the only exception that he could recall being made in the last eight years of reconstruction.

Q: Mayor Siegel asked what was meant by “slightly narrower.”

A: City Manager Satterwhite stated that Jessamine Street was reconstructed to a width of 26 feet versus 28 feet.

Q: Councilman Pat McLaughlan asked if there were a layout of the high angle parallel parking proposed in front of The Nature Discovery Center. He also asked how many parking spaces would be provided and what the impact might be.

A: Mr. Andrews indicated that there would be 14 spaces for parallel parking.

Q: Councilman McLaughlan referred to the four parking spaces proposed for the area in front of Evergreen Park. He advised that there appeared to be more space in the area and asked if four were the maximum number that could park in that particular area.

A: Mr. Andrews stated that there was a swing set in the southeast corner of Evergreen Park bounded by a fence.
The City did not desire to move the fence further into the playground area in order to provide additional parking.

Q: **Councilman McLaughlan** asked if more parking could be provided if the swing set were moved a little bit.

A: **Mr. Andrews** advised that this was possible.

Q: **Mayor Siegel** inquired as to the number of existing parking spaces at Evergreen Park and Russ Pitman Park.

A: **Mr. Andrews** advised that he did not have that information available.

Q: **Councilman Will Hickman** inquired as to the proposed and the current width of the trail.

A: **Mr. Andrews** stated that the current width and the proposed width of the trail were nine feet.

Q: **Mayor Siegel** advised that the trail seemed to be narrower than nine feet.

A: **Mr. Andrews** stated that some people had built a concrete sidewalk in front of their property, necking that sidewalk down to four feet. Grass was also growing on the edge of the asphalt in many places. In general, the trail was nine feet wide.

Q: **Councilman Hickman** asked for confirmation that the trail would only have to be moved from its existing location if parking were added.

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

Q: **Councilman Hickman** noted that the proposed material for the trail was concrete. He asked if Claunch & Miller, Inc., had looked into the additional cost of an asphalt overlay and if that would be something that Mr. Andrews would recommend.

A: **Mr. Andrews** indicated that Claunch & Miller, Inc., had looked at a material similar to that used on a running track at a high school. This material was approximately $20.00 per square yard. It was a very comfortable surface, but maintenance in the future would be more
costly. An asphalt overlay would also break apart and would have to be maintained.

Q: **Mayor Siegel** inquired as to whether crushed granite had been considered.

A: **Mr. Andrews** stated that his firm could easily get City Council a cost for crushed granite. Since the City would also be dealing with so much concrete for the roadway, there was an economy of scale or a price break on the cost of concrete for the trail. A different material would be more labor intensive.

**City Manager Satterwhite** referred to the fact that the trail was a multi-use trail. Joggers, people with strollers, pets, etc., used the trail. Crushed granite was a less desirable surface for strollers. A semi-hard surface was more desirable given the multiple uses of the trail.

E. PERSONAL/AUDIENCE COMMENTS.

**Mary Ann Beauchamp, 5406 Pine Street, Bellaire, Texas:**

**Ms. Beauchamp** addressed City Council regarding the Newcastle Drive Reconstruction Project. She advised that she worked at The Nature Discovery Center and had worked there for 20 years. She stated that she and her husband moved to Bellaire because it was a green, healthy City. She noted further that she was a biologist with a master’s degree in Environmental Education.

Ms. Beauchamp indicated that, during her tenure with The Nature Discovery Center, she had led thousands of school children through programs at The Nature Discovery Center. Children were taught to be “scientists” while they were at The Nature Discovery Center, and learned what it took to make a habitat, what biodiversity was, and what plant and animal communities were. She also led bird walks every spring and fall for adults and young teens.

Ms. Beauchamp stated that it was very thoughtful of the City to think of adding additional parking for The Nature Discovery Center. She did not think that anyone had actually predicted what the impact of that would be until the engineers had completed their plans and saw the cost to remove the row of trees and shrubs along the west side of the trail. This row of trees and shrubs separated The Nature Discovery Center from the noise, distraction, and busyness of the City. She noted further that the Public Works Department had indicated that the trail would have to be moved five to seven feet. When measured, it
was discovered that over 100 trees would have to be removed, one of which was a very mature oak tree that provided shade for the park, as well as the trail.

Although overflow parking had occurred and had been an issue, Ms. Beauchamp indicated that there were some simple things that could be done to alleviate those issues. For example, signage could be installed near Henshaw House to alert visitors that additional parking could be found on Evergreen Street.

Russ Pitman Park was Stop #92 on the Texas Parks & Wildlife Upper Texas Coast Birding Trail. Many birds from around the country could be seen in Russ Pitman Park. Ms. Beauchamp offered to give City Council a tour of the park, noting that she would love to show them the essence of the park. She also wanted them to see what the park would be like if the line of the trees and shrubs were removed.

{The speaker’s allotted time ended at this point in the meeting}

Jennifer Gillespie-Malone, 12987 Trail Hollow, Houston, Texas:

Ms. Malone addressed City Council regarding the Newcastle Drive Reconstruction Project. She advised that she was the Executive Director of The Nature Discovery Center.

Ms. Malone advised further that she was present to abdicate that in whatever decision City Council made about Newcastle Drive, that the decision maintain the integrity of Russ Pitman Park, both as an oasis for people and for the wildlife.

The trees, bushes, and ground cover that surrounded the park on all sides was an integral part of the habitat and the making of the oasis, providing both visual and audio barriers with the street next to it, and shade both for people in the park and along the jogging trail.

The park was an important asset to the whole City of Bellaire, not just the surrounding community. She hoped that it would be maintained in its completeness.

As for parking concerns, Ms. Malone stated that she believed The Nature Discovery Center could make better use of the existing parking for small events and, perhaps, renew and continue their relationship with Bellaire Methodist Church in using their parking lot and providing shuttles for major events at The Nature Discovery Parking which,
before now, had led to parking along the side of the street where it was actually not legal.

The Nature Discovery Center would certainly continue to communicate as well as they could with all of their neighbors when there might be an event that would result in side of the street parking on their streets so that they were not negatively impacted by events in the park.

Hana Ginzbarg, 4520 Oleander Street, Bellaire, Texas:

Ms. Ginzbarg addressed City Council regarding the Newcastle Drive Reconstruction Project. She referred City Council back to 1986 when the City was building the parking lot just north of the Henshaw House. There was not much room and the parking lot had to be constructed very close to some trees. Many experts were contacted regarding the parking lot. One conservationist advised that the City needed to ensure that the grade of the natural ground under the trees was changed as little as possible. The tree root system was very delicate and was used to obtaining water, air, and nutrients from the ground to survive. The City was very careful to ensure that the soil was not compacted.

The City had given The Nature Discovery Center permission to park on the grassy area in front of The Nature Discovery Center, and no one told them that it was illegal.

With respect to the existing parking lot, the material ultimately chosen was known as “geoweb.” Ms. Ginzbarg described the various materials used to construct the natural parking lot at The Nature Discovery Center. She suggested that a mountable curb be constructed in the area in front of The Nature Discovery Center for parallel parking so that the trail would not have to be moved.

Ms. Ginzbarg advised that she had previously lived in Holland, which was a very dense country. There were beautiful parks in the middle of the city surrounded by hedges and trees. This was what had attracted her to Russ Pitman Park—the fact that one could not see the street or parking lots or hear the noise of the city.

Once the trees were removed to move the trail, those trees would be gone. She closed by stressing the beauty of the existing park.
Eileen Glaser, 4211 Albans Street, Houston, Texas:

Ms. Glaser addressed City Council regarding the Newcastle Drive Reconstruction Project. She advised that she was a “birder,” and was present to talk about the hot spot Bellaire had known as The Nature Discovery Center at Russ Pitman Park.

She noted that City Council had already heard that Russ Pitman Park was Stop #92 on the Great Texas Coastal Birding Trail, which was important to many people.

Ms. Glaser stated that she had been coming to Russ Pitman Park since 1995, noting that Bellaire purchased the park in 1984. Removal of the trees and shrubs to move the trail and allow for parking in front of The Nature Discovery Center would ruin the entire ecology. She was not sure why the City wanted to build more parking, as Evergreen Park always seemed empty.

She reminded City Council that Russ Pitman Park was an urban oasis for adults, birders, businesspeople, etc. The park was so special and unique and afforded peace to the urbanites in a place of solidarity with the birds and the rest of the creatures. It also afforded relief from the frustrations of traffic, noise, and pollution.

Andrew Guttman, 7010 Newcastle Drive, Bellaire, Texas:

Mr. Guttman addressed City Council regarding the Newcastle Drive Reconstruction Project. He noted that while there appeared to be a need to upgrade the drainage system along Newcastle Drive, there were valid concerns with respect to safety and loss of green space that did not appear to have been addressed in the project plan.

The main goal of the reconstruction project as Mr. Guttman understood it was to improve the drainage. The project also proposed to increase the street width over six feet, increase the sidewalk/jogging path up to six feet on the west side in places, increase the sidewalk on the east side up to one foot, and add concrete parking spaces that reduced the natural drainage that the existing green space provided.

City Manager Satterwhite suggested that there was no reason to reconstruct Newcastle Drive narrower than some of the existing new construction. Side streets had less traffic, as well as curb parking, which effectively narrowed the street, thereby slowing traffic. Community planners had used narrower streets and smaller radius
corners to slow traffic speeds with great success. Without keeping Newcastle Drive narrow and adding stop signs and crosswalks, the already excessive speeds would increase.

A friend of Mr. Guttman’s who resided on Darsey Street was actually hit by a car on the sidewalk several years ago. With The Nature Discovery Center, parks, and swimming pool, there were many children in the area. The City should not wait until a tragedy occurred before addressing the issue.

The present jogging/walking path varied from four feet to eight feet with no apparent foot traffic problem. Mr. Guttman indicated that he was on the path every day. No one seemed to be bumping into each other, even in the four to six foot areas. By changing the trail up to six feet in places, pedestrians would be brought closer to traffic, the beauty of the green space would be lost, and the natural drainage would be adversely affected.

In addition, the Public Works Department had told Mr. Guttman that there were numerous issues keeping past and present contractors focused on completing jobs in a timely manner. Since the reconstruction would affect the quality of residents’ lives, it was necessary to craft a contract with concise parameters so that it was clear to a prospective contractor what was expected and what would occur if expectations were not met. This would give the City of Bellaire the muscle to manage the contractor and minimize any negative effect on residents during the construction process.

Since both the construction process and its outcome would affect the quality of residents’ lives, Mr. Guttman respectfully urged City Council to not make a final decision on the project this evening, but instead establish a process by which City Council could address issues of concern before the project was sent out to bid. This process would allow the City to facilitate the drainage improvements without causing safety issues or altering the uniqueness of Bellaire.

Margaret Vinson, 4441 Dorothy Street, Bellaire, Texas:

Ms. Vinson addressed City Council regarding the Newcastle Drive Reconstruction Project. She noted that she was present this evening to express her concerns regarding the construction plans for Newcastle Drive and to respectfully request that City Council 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 that Bellaire was known for.
Ms. Vinson advised that she had heard a great deal about trees, grass, trails, and slow speeds, which were essential elements that made Bellaire a “City of Homes.” Trading that in for wider streets when drainage benefits could be achieved in other ways did not make sense to her.

She continued and advised that she was extremely concerned about the speed and cut-through traffic. She believed these issues would worsen with a wider street. Consulting Engineer Andrews indicated earlier that nine people cited concern for speed during the neighborhood meeting on this project. Ms. Vinson had prepared a petition and well over 100 people expressed concern for the wider street. The petition read as follows: 

*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 100 people or 98% of the people in the neighborhood, a statistically relevant sample size, were concerned about speed and cut-through. Ms. Vinson stated that a better question might have been “Who was not concerned about speeding?”

Ms. Vinson advised that she had provided City Council with some suggested solutions during the May 5, 2008, meeting, one of which was the installation of permanent speed indicators. The City of West University Place, Texas, had good results with the indicators they had installed. Other suggestions included increased police control and additional stop signs.

During meetings with neighbors, it became very clear to Ms. Vinson that the City had created a very engineer-centered plan that was really not very community-centric. People liked Newcastle Drive the way it was because it presented a small-town, community feel. Ms. Vinson indicated that she moved to Southdale, as she liked the uniqueness of the area. Now, it would be like any other big city Houston street. Ms. Vinson’s question to the engineers was whether it was possible to improve the drainage without disrupting the unique, community feel in the area.

With increased speed, pedestrian crossing from Southdale to enjoy the path and parks would become more challenging. There were no sidewalks in Southdale and traffic was zipping around the corners at alarming speeds. Ms. Vinson measured the area and calculated that there would be a 40% reduction in green space due to this project. In closing, Ms. Vinson was hoping that City Council would work with the community to try to find a solution to keep the green space, and that City Council planned to add some additional landscaping to the trail. She urged City Council to develop a community-centric plan.
Joan Strasman, 4508 Birch Street, Bellaire, Texas:

**Ms. Strasman** addressed City Council regarding the Newcastle Drive Reconstruction Project. She advised that she walked down the Newcastle trail twice each day, over 5,000 times in the 18 years that she had lived in Bellaire. She and her husband chose to raise their three children in Bellaire because of the trail and the parks. Ms. Strasman advised further that she taught animal behavior and bird biology at Rice University, where she chaired the Department of Ecology and Evolutionary Biology.

Ms. Strasman was strongly opposed to any plan that increased land area covered in pavement along Newcastle Drive. Preserving the green space made sense for flood control, for peaceful walking, for child safety, and to preserve critical migratory bird habitat in Russ Pitman Park. Further, any flood control project should have a clear demonstration that was likely to be effective. During Tropical Storm Allison and other heavy rains, water had flown from the Bayou and surged up the storm sewer into her front yard coming all the way to the door. She asked if larger conduits would simply make it easier for Brays Bayou to get into her front yard. She stated that she would like to see a careful flood control study.

Ms. Strasman advised that she did not need any further information to know that increased pavement was a terrible idea. As it now stood, there was a buffer between the trail and the street of 18 feet of grass. Any encroachment into that space would threaten the trail.

Additionally, the street was wide enough; the sidewalk and trails were wide enough; and the green space between the street and the sidewalk was wonderful. The parks were tiny enough as it was. Any reduction in their space or their cover would greatly cut back on their attractiveness to migrating birds and to those that enjoyed the birds. In particular, any reduction of park space would be a tragedy if it involved cutting down trees and destroying the vital thicket habitat, which was so essential in this part of Texas. The park needed the buffer thicket and it had been shown in many studies to be absolutely critical to birds. The buffer thicket also provided a sight and sound barrier from the busy city and traffic on Newcastle Drive.

Finally, it was noted that the existing parking was almost never full. Ms. Strasman strongly urged City Council to leave the precious green space. More parks were needed—not more parking.
Byron Bohnn, 4501 Magnolia Street, Bellaire, Texas:

**Mr. Bohnn** addressed City Council regarding the Newcastle Drive Reconstruction Project. He advised that he was a physician (biology major) and was present to speak against the widening of the street and trail based on the standards of safety and the integrity of The Nature Discovery Center. He believed that Newcastle Drive between Beechnut Street and Bellaire Boulevard was unique and different from the other streets discussed this evening that had been widened to 28 feet.

Mothers with earphones, pushing their children along, often used the trail and the green barrier was very important. Removing the green space would increase traffic, as it was a natural barrier to speeding. Mr. Bohnn was concerned that widening the street might result in a tragedy. The green barrier between Bellaire Boulevard and Bissonnet Street was narrow in some areas. A car swerving into some of those narrow areas could cause a tragedy.

In a time of global warming, doing away with trees and green space was not a very thoughtful plan. Mr. Bohnn closed and advised that he was against the widening of the street, but for drainage improvements. He urged City Council to treat this portion of Newcastle Drive differently from Avenue B and other streets that did not have parks and a jogging trail.

Mark Marmon, 4441 Verone Street, Bellaire, Texas:

**Mr. Marmon** addressed City Council regarding the Newcastle Drive Reconstruction Project. He advised that he strongly supported his predecessors’ comments on green space reduction and traffic concerns.

He honestly believed that the City Council at present had been misled by some information. Immediately after the last City Council meeting he talked personally to Harris County Commissioner Steve Radack, who just granted the City of Bellaire $100,000, along with Harris County Judge Ed Emmett, to help enhance The Nature Discovery Center. Commissioner Radack advised that he knew Bellaire was working on something along Newcastle Drive, but he really did not have the details. Mr. Marmon urged Commissioner Radack to look into Bellaire’s plans.

Mr. Marmon then talked with a representative of the Brays Bayou Project, who assured him that Claunch & Miller, Inc., had an
impeccable reputation and that as engineers they knew exactly what they were doing. He reminded City Council that the City also had engineers that worked on the Trolley Pavilion that was falling apart right now. Mr. Marmon also talked to representatives from Harris County Storm Water Quality and City of Houston Storm Water Quality. The most disturbing thing Mr. Marmon found, which he also realized from Councilmen Avioli and McLaughlan, was that they did not know what was going on, as no one had the details. Granted, Claunch & Miller, Inc., gave City Council a beautiful presentation earlier, but City Council has being misled. The citizens put in the beautiful landscaping across from Teas Nursery. It was not Claunch & Miller, Inc., or the contractor.

City Manager Satterwhite kept presuming that all of the distances were variable. At the public forum, the citizens were told that the trail would encroach seven feet into The Nature Discovery Center and be ten feet wide and that nothing would be impacted past the east side of Newcastle Drive. As he mentioned previously, he and his wife had installed extensive landscaping and personally paid for sidewalks along their property to alleviate drainage between Verone and Mildred Streets. He was concerned that the sidewalks would be removed or completely wasted once the reconstruction project went through.

When Mr. Marmon contacted the Harris County Flood Control District, it was painfully obvious that more concrete meant less watershed and increased watershed with respect to water collecting. In talking with the engineers after the public forum on this project, he still was not satisfied that the project would do what it was proposed to do. If it rained on the west side of Harris County, Brays Bayou filled up on the Bellaire side before Bellaire even got a drop of rain. This was easily illustrated every time there was a severe rain. The Texas Department of Transportation had drained Highway 610 into Cypress Ditch and Bellaire was draining Avenue B into Cypress Ditch now. Cypress Ditch could not handle the storm water from Newcastle Drive and Southdale or Baldwin Avenue. This had not been addressed and would not be by the Harris County Flood Control District until after flooding occurred.

Mr. Marmon encouraged the City Council to look at alternatives. He did not believe that it was a good idea to lower Newcastle Drive. When he built his home he was not allowed to build any higher than the crest of the street because of flooding concerns.

He agreed with his neighbor Joan Strasman that if the water was now purging back when there was a hard rain, then lowering Newcastle Drive simply meant that Mr. Marmon would either be stranded in or out of his home. Ultimately, the unanswered question was who was going to be responsible for the flooding when it happened. No one had been able to answer that question for him.
Mark Cypert, 403 Mulberry Lane, Bellaire, Texas:

Mr. Cypert addressed City Council regarding a construction project by St. Mark’s Coptic Church. He advised that he was present this evening on behalf of his mother, Mary Cypert, who lived at 403 Mulberry Lane, Bellaire, Texas.

Mr. Cypert noted that many of the neighbors were very concerned with the construction project that St. Mark’s Coptic Church had going on Mulberry Lane. He indicated that there was a public hearing on the project in 2003, and the City granted some type of permit for the project. He indicated further that he was an attorney and had a mechanical engineering degree and advised City Council that the construction project was huge and in the midst of a residential neighborhood.

As a former property owner of 20 years in Bellaire (i.e., on Jim West Street), Mr. Cypert stated that from his experience the City of Bellaire did not allow people to just do whatever they wanted. He could only assume that because this was a church there was some concern over their religious land use rights under federal statutes. He urged City Council to stand firm with the church because they were building a huge commercial structure in the middle of a residential area.

Mr. Cypert stated that his mother was currently living in Brighton Gardens and that there were other residents, some of which were present this evening, with the same concerns. He named the other residents as follows: Mrs. L. B. Nesbitt, 503 Mulberry Lane; Sherry Noblett, 608 Mulberry Lane; Dr. David Marrack, 420 Mulberry Lane; Dr. Jacob Agris, 400 Mulberry Lane; and Mary Ruth White, 422 Mulberry Lane. The older homes, such as the ones owned by his mother, the Nesbitts, and Dr. Marrack, would be flooded as a result of the project.

He closed by letting City Council know that this was a concern of the Mulberry residents. Rather than everyone coming forward to speak, it was agreed that he and Dr. Marrack would address City Council on behalf of the other residents. He urged City Council to take another look at this project.
Dr. David Marrack, 420 Mulberry Lane, Bellaire, Texas:

Dr. Marrack addressed City Council regarding a construction project by St. Mark’s Coptic Church. Dr. Marrack stated that the City, in its great wisdom, agreed that there should be a “no net fill.” The lot immediately north of the St. Mark’s Coptic Church recently constructed a home and built it up above the land on a frame with no fill. This was what the homeowner was told he had to do. Across the street was another new home in exactly the same situation. In contrast, St. Mark’s Coptic Church had covered their property, consisting of approximately three acres, with some five to seven inches of fill quite contrary to “no net fill.” They had also built a platform for what appeared to be their new sanctuary, which was some 15 inches above the rest of the fill. The consequence of this would be storm water runoff onto the neighbors.

Additionally, storm water would run off of the property south and increase the probability of home flooding on Evergreen Street and the residents south to Beechnut Street. Dr. Marrack submitted that this was not a very Christian act and did not comply with Christian ethics. He advised further that there was an overriding interest of the City and Harris County to protect residents from increased flooding, and this project did not allow for that interest.

Dr. Marrack advised that it was important to maintain the credibility and enforceability of the City’s zoning ordinances in order to maintain the high property values of the homes in Bellaire. This was destroyed when the City purposely changed the practices on three residential lots. The hearing in 2003 was about variances from the construction on residential lots, including the height of the cross, and the City was not following that.

The plat presented to the City Council at the time of the hearing depicted two detention ponds on the property. One of the detention ponds next to the new sanctuary had been filled in; therefore, detention capacity had been lost. Dr. Marrack advised that this was gross discrimination against the two people that recently had to build their homes up and were told they could not fill. Yet, the church was allowed to cover three lots substantially.

In closing, Dr. Marrack stated that the City had a major problem to maintain the zoning ordinance credibility and enforceability and overriding interest to prevent flooding, which was well demonstrated by the earlier presentation regarding changing some of the drainage on Newcastle Drive. The proposal, as it stood for this church, was not compatible for the City’s interests, property values, and the County’s interests. It would increase flooding for the people on the other side.
of Brays Bayou. Dr. Marrack urged City Council to look at this project very carefully and to rethink what was going on.

Robert Riquelmy, 506 Winslow Lane, Bellaire, Texas:

Mr. Riquelmy addressed City Council regarding a zoning change request by Episcopal High School and the Bellaire Trolley Pavilion. He stated that the people from Episcopal High School did not live in Bellaire, did not vote in Bellaire, did not pay taxes in Bellaire, and, on their own admission, were bad neighbors on occasion. The most disturbing thing about a recent hearing on Episcopal High School at the Planning and Zoning Commission level was the action of City officials (i.e., members of the Board and employees of the City). There was a couple in attendance at the meeting who were not solicited for their views. Some City officials gathered and swarmed around the numerous presenters in what could only be described as a very unseemly thing. It was almost as though they could smell $50 million and they were going to get a cut of that $50 million one way or another in City fees, work for their firms, etc.

Secondly, Mr. Riquelmy referred to the Bellaire Trolley Pavilion. He advised that Bellaire was a step up on the Chinese, as we did not need an earthquake to bring our buildings down. We could rely on modern engineering and Bellaire builders to ensure that we recycled buildings through Bellaire faster and faster than ever. The Bellaire Trolley Pavilion was a trivial building and was unused. To waste City money on the structure was unconscionable. The structure should be demolished and turned into green space. He suggested that the outline of the old Trolley Pavilion could be installed at that location.

Thirdly, Mr. Riquelmy advised that his wife had recently been crying, as she feared retribution from the City as a result of Mr. Riquelmy’s public comments before City Council. He did his best to assuage her fears, but he did not feel he was successful in doing so.

In closing, Mr. Riquelmy indicated that he was no longer a scrivener, but the attorney who presented a version of a law that he wanted to the City to pass with respect to Episcopal High School the other night cited numerous scrivener errors, which was a cover-up for shabby work and inattention to detail. Mr. Riquelmy urged City Council to watch out for anything to do with the Episcopal High School.
Carol Phillips, 540 South Second Street, Bellaire, Texas:

**Ms. Phillips** addressed City Council regarding Evergreen Pool and the Newcastle Drive Reconstruction Project. She advised that Bellaire’s Evergreen Pool hours had been cut back since the new Bellaire Family Aquatics Center opened requiring residents to pay approximately $200 this year as compared to $100 last year for a season of swimming. In the past, the $100 Evergreen Pool pass was good for five months and the pool was open until 8:30 p.m. on Monday through Friday, and 8:00 p.m. on weekends. Now the same $100 Evergreen Pool pass was good for three months instead of five months, and the pool closed earlier at 7:00 p.m. Monday through Saturday. Those who could not come to the pool until after dinner or wanted to swim the entire season would spend twice as much for the $200 Bellaire Family Aquatics Center pass.

The 20 swim passes were also twice as expensive for the new pool, and the daily admission was double for children and seniors and 67% more for adults. It was even worse for nonresidents. At the Evergreen Pool, nonresidents paid the same rates as residents because Harris County money was used there. When Evergreen Pool was closed, the nonresidents would pay about four times as much for the new pool than they would have at Evergreen Pool had Evergreen Pool kept its old hours.

Many swimmers did not care about the extra bells and whistles the new pool provided. Many even preferred Evergreen Pool because it was easier to keep track of your children, the lap lanes were shallow enough to do water aerobics, and for one-half of the City, it was an easier walk or bike ride. Bellaire needed to keep the Evergreen Pool open for the same hours as last year or at least honor Evergreen prices at the new pool during the hours that had been cut.

Ms. Phillips advised that she was a civil and environmental engineer and the angled parking suggested for the front of The Nature Discovery Center was very inefficient. She felt that the best thing to do was to follow Hana Ginzburg’s suggestions. Ms. Phillips suggested installing no parking signs in the area, but allowing special permission to park on the grass for a few very limited events. The curb could be the type that could be driven over as mentioned by Ms. Ginzburg. Ms. Phillips noted further that these curbs were very common in The Woodlands.

Ms. Phillips continued and referred to a general ordinance prohibiting parking on the grass, however, that ordinance could be modified to exempt this particular location at certain times approved by the City. She noted that the City recently modified the alcohol ordinance in a similar manner to facilitate the serving of alcohol at the CenterPoint...
Energy Community Center, so a similar modification should not be a problem.

With respect to the angled parking spaces, Ms. Phillips advised that such spaces were inefficient. The fact that many of the cars that used to park in area were now at the Bellaire Family Aquatic Center, the neighbors in the area should be thrilled to only have about six events at The Nature Discovery Center each year that might result in overflow parking on the streets.

Ms. Phillips expressed concerns regarding statements related to how far the trail would be moved. At one time she had heard five to seven feet. Mr. Andrews advised that the trail would move two to five feet in this particular location. This made her believe that in other areas of the trail, the movement would be five to seven feet or more. The drawing depicted the existing street (Newcastle Drive) as 22 to 24 feet in width, and the new street as 28 feet. Ms. Phillips suggested that there needed to be a buffer between the cars and the bike path so that car bumpers would not be hanging over the path. This would require even more distance. She noted that she was measuring randomly along the trail yesterday and found places where the green space measured 16 feet, but never 19 feet as reported earlier. The angled parking alone would wipe out almost all of the grass. The trail would also come very close to a mature oak tree and many nice pecan trees.

{The allotted time for the speaker ended at this point}

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**Jocelyn Ellis, 4521 Maple Street, Bellaire, Texas:**

Ms. Ellis addressed City Council regarding the Newcastle Drive Reconstruction Project. She noted that she had not heard one person stand up in favor of the concrete parking lot. She advised that she was present to speak against the parking lot and for the trees. She urged City Council to not move the edge of the trail any further west than it currently was.

Ms. Ellis stated that she liked the idea of the solar-powered signs that indicated a driver’s speed. Whether City Council kept the road narrow or made it wider, she urged them to put in something to make people aware of how fast they were going.
Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee addressed City Council regarding the Newcastle Drive Reconstruction Project. She advised that people spoke out resoundingly, intelligently, and well-informed years ago to a sitting City Council who was so out of touch they did not know what they heard. People did know what was important, and parking was not it. She noted that people would still complain about not being able to get a parking space.

Ms. McBee advised that she had headed a Bellaire Bicycling Committee in 1976, which recommended the shared path on Newcastle Drive. It was designed the way it was because the then City Council did not think it was very important to construct it using design standards. Now, there was an opportunity to turn the asphalt, shared path into a concrete covered, curved multiple use pathway which protected the users a bit more from the vehicular traffic running beside it. Ms. McBee did not have a problem with concrete as a material because it was longer lasting and cheaper to maintain. She agreed with the engineers on that piece of this project.

Ms. McBee did not agree with added parking. The City did need to think ahead of the crowd by staying a step ahead of what was happening. She referred to the use of alternative building materials, recycling, alternative mobility, and alternative zoning to reflect future trends. The people City Council had hired were hired to deliver efficiency, cost-effective kinds of projects. They were not hired to understand a community filled with intelligent people, good views, and relevancy. This was tuned out until a mistake was made like this evening. Even managers drew engineering plans and tuned out what people thought and what cost more than they wanted to spend. The lesson tonight was to keep the project as close as possible under current drainage plans, which meant not widening the street.

In addition, concrete should be used on the path, and some signs should be put up calling it what it was—a shared path. The joggers did not have any greater right to the path than the moms with strollers. A second traffic light should be considered along Newcastle Drive between Bellaire Boulevard and Evergreen Street as a way to affect speed. The message to the community was that it was time to get back to walking, whether for fitness or for economy. Ms. McBee pleaded with City Council to use this opportunity to demonstrate that they truly could hear the message that was spoken to them.
Mayor Cindy Siegel read a written comment that was received by the City Clerk and requested to be read into the record as follows:

Ms. Dutton: I will probably not be able to attend the meeting this evening. Please refer these points to the Mayor, City Council and City Manager in connection with certain regular agenda items for the May 19, 2008, meeting. Please extend our appreciation for their dedication and hard work:

1. Agenda Item: Newcastle reconstruction from Bellaire to Beechnut:
Local press reports are the only basis for this comment and it may not fully consider all factors.

Point: This taxpayer agrees with the plan to expand Newcastle to a width of 28 feet and reconstruct the hike/bike trail on the west side and add a sidewalk on the east side. Traffic safety barriers may be appropriate along both sides of the street, particularly adjacent to Evergreen Park and the Nature Center.

Is it not correct to state that the subterranean drainage afforded by this reconstruction will reduce flood risk along the entire length of Newcastle? The Allison experience in 2001 that backed up water two miles to the north along Bissonnet demonstrated the need for improved drainage for Southdale and all neighborhoods along Newcastle. We are all concerned about pedestrian and child safety but we cannot be held to 1955 standards.

2. Council’s Budget Instructions to City Manager:

Points:

a. The water and wastewater treatment capital issues and the long standing infrastructure, traffic control and facility issues emphasize the need to expand the scope of the normal operating budget with a comprehensive capital budget. Complete and reasonably accurate capital needs are essential to assist Council in establishing tax rates, evaluating anticipated requests to increase the senior tax exemption and other taxpayer requests. This information is essential for current and prospective taxpayers to evaluate investments in Bellaire real estate. Our tax appraisals are likely overstated.

b. Defer all requests for increases in the senior tax exemption, preferential water rates and preferential fees for any group of citizens until a capital budget evaluation is presented, discussed by consulting engineers and facility planners, evaluated by City Officials and subjected to citizen
The tax rate for fiscal 2008-2009 should be specifically evaluated in consideration of capital needs and the need for additional municipal bond issues to fund those needs. Appropriate risk scenarios should be considered in the event tax appraisals decrease by 10, 15 or 20 percent or more.

c. With respect to infrastructure, the objective of the capital budget should be to disclose the cost of completing reconstruction of all streets within seven to ten years to provide concrete surfaces, storm drains, water lines, sewage lines, sidewalks (which many new homeowners have already paid for) and effective street lighting.

d. Question for City Manager and Finance Director: Is continuation of the Homestead Exemption justified in light of the aforementioned capital budget?

e. Parks recommended for the southwest and northeast sections of Bellaire several years ago should be considered and budgeted.

f. Provide a list of traffic control issues throughout Bellaire. The intersection of Newcastle and Bissonnet has been previously referred to Council and the City Manager to alleviate cut-through traffic on Mulberry and Howard lanes but has never been addressed.

g. Funding to evaluate the effect of the prospective Newcastle Light Rail Line planned by METRO on traffic levels on Newcastle and the risk of additional cut-through traffic through the streets previously noted. It is recommended that the City of Bellaire request METRO to continue the elevated light rail line across US 59 to Weslayan and Newcastle to minimize traffic delays and the risk of vehicle and train accidents.

Thank you for your consideration of these points.

R. E. Franke  
1104 Howard Lane  
Bellaire, Texas 77401
F. REPORTS:

3. PRESENTATION regarding the plans for the Newcastle Drive Reconstruction Project, from Bellaire Boulevard to Beechnut Street, and discussion and possible action regarding those plans – Presentation by City Manager Bernard M. Satterwhite, Jr.

The “Presentation” portion of this agenda item was delivered to City Council prior to the Personal/Audience Comments. City Council returned to this agenda item at this point in the meeting for the purpose of discussing the Newcastle Drive Reconstruction Project plans and considering whether any action should be taken with respect to those plans.

DISCUSSION:

Mayor Cindy Siegel noted, in response and clarification of some of the public comment received this evening that the City had changed its process with respect to reconstruction projects under the Rebuild Bellaire Program to be able to hold neighborhood meetings and incorporate public comment received from those meetings prior to bidding projects. Previously, the City used to bid projects and then present the projects to affected citizens via neighborhood meetings.

MOTION TO AMEND THE PLANS FOR THE NEWCASTLE DRIVE RECONSTRUCTION PROJECT (PARKING/TRAIL):

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman Phil Nauert to allow parallel parking at The Nature Discovery Center and the Evergreen Park sites via drivable curbs, but to leave the western boundary of the jogging trail in its existing location in front of both The Nature Discovery Center and Evergreen Park.

AMENDMENT (NO. 1) TO MOTION TO AMEND THE PLANS FOR THE NEWCASTLE DRIVE RECONSTRUCTION PROJECT:

An amendment (no. 1) to the main motion was made by Councilman John Jeffery and seconded by Councilman Will Hickman that the parallel parking surfaces in front of The Nature Discovery Center and Evergreen Park sites be constructed of alternative materials that would maintain the existing green space.
Councilman Pat McLaughlan stated that City Council needed to discuss the entire Newcastle Drive Reconstruction Project, but were starting the discussion with an amendment that related specifically to one very local area. He asked if there was consensus among the group to discuss the Newcastle Drive Reconstruction Project in a total sense rather than specifically limiting the discussion to one detailed aspect.

Mayor Siegel advised that at this point there was an amendment and motion on the floor relating to some specific aspects of the project.

Councilman James P. Avioli, Sr., proposed that City Council eliminate parking altogether at The Nature Discovery Center site.

Mayor Siegel stated that she felt the appropriate action by Councilman Avioli would be to vote against the amendment and motion, both of which allowed parallel parking.

Mayor Pro Tem Faulk advised that she would support the amendment made by Councilman Jeffery, as it was her understanding that people were already parking on the green space in front of The Nature Discovery Center. She was not in support of creating new parking, but rather to provide for something that was already being used for parking for special occasions in a “green space” method.

Councilman Nauert stated that he believed City Council was creating new parking. It was green parking, but it was still parking. He stated he was confused by the way in which City Council was looking at the project. He had hoped that City Council would look at the whole project and approve it as it was proposed, and then consider modifications.

He suggested that City Council clear the table. The situation as it currently stood was upside down. He urged that City Council defeat what was currently on the table, approve the project as it stood, and amend the project, as appropriate.

Mayor Siegel stated that she agreed in theory. However, there was currently an amendment on the table related to alternative materials for the green space to be used for parking in front of The Nature Discovery Center and Evergreen Park sites.

Councilman Hickman referred to the current picture of the drive in front of the Henshaw House located in The Nature
Discovery Center. He advised that there was approximately 80 feet of different materials that had been used. He asked Councilman Jeffery if he was proposing to extend those materials for additional length. If so, he inquired as to how many additional feet of materials would be required.

**Councilman Jeffery** advised that he proposed for the materials to cover the recommended parking areas. He also noted that he intended for the parking to be allowed for special events only.

**Councilman Hickman** asked for confirmation that Councilman Jeffery’s motion was to replace the high angled parking with parallel parking on the grass on existing materials and to install some additional materials to get the required length, to the extent necessary.

**Councilman Jeffery** stated that he would propose using existing materials, if those materials could be used. Otherwise, he would propose that new materials be installed to the extent necessary.

**Councilman Nauert** noted that City Council was talking about the materials to be used for parking before City Council had decided whether or not they were for parking. If City Council were for parking, in what area--four spaces, 16 spaces, etc.?

**Councilman Avioli** stated that he certainly agreed with Councilman Nauert. City Council had three issues to consider this evening—drainage, speed, and The Nature Discovery Center. City Council was merely considering these issues on a piecemeal basis at the present time.

**Mayor Siegel** stated that if this were the way that City Council felt then the amendment needed to be voted down and the motion withdrawn.

**VOTE ON AMENDMENT (NO. 1) TO MOTION TO AMEND THE PLANS FOR THE NEWCASTLE DRIVE RECONSTRUCTION PROJECT:**

Amendment No. 1 to the main motion **failed** on a **3-4** vote as follows:

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

ABSENT:  None  

AMENDMENT (NO. 2) TO MOTION TO AMEND THE PLANS FOR THE NEWCASTLE DRIVE RECONSTRUCTION PROJECT:  

An amendment (No. 2) to the main motion was made by Councilman Will Hickman and seconded by Mayor Pro Tem Peggy Faulk to remove parallel parking from the main motion.  

[Note: The main motion would then read as follows: To leave the western boundary of the jogging trail in its existing location in front of both The Nature Discovery Center and Evergreen Park.]  

Mayor Pro Tem Faulk inquired as to whether anyone parking on the grass in front of The Nature Discovery Center and Evergreen Park would be towed or ticketed and if the City would enforce the "no parking" restriction.  

City Manager Bernard M. Satterwhite, Jr., stated that he would have to look into it. He did not know at this time.  

Councilman McLaughlan stated that he was confused as to why the current amendment was on the table. If he remembered correctly, the engineers told the City that parallel parking could be utilized in that area without any movement of the trail.  

James Andrews, P.E., Claunch & Miller, Inc., advised that the trail would not have to be moved in order to allow for parallel parking.  

Councilman McLaughlan stated that if parallel parking was a desirable thing and the trail did not have to be impacted in any way, then City Council was essentially stating that things would be left as they were.  

Mayor Siegel agreed that this was a roundabout way of stating that things would be left as they were.
Councilman Jeffery advised that the current amendment on the table did not address parking.

Councilman Hickman advised that the reason that he had proposed the amendment was that City Council had heard during the presentation that the western boundary of the trail would move anywhere from two to five feet or seven to eight feet depending on the person’s perspective. This amendment would keep the boundary at its existing location and not disturb the trees and shrubs to the west of the trail.

VOTE ON AMENDMENT (NO. 2) TO MOTION TO AMEND THE PLANS FOR THE NEWCASTLE DRIVE RECONSTRUCTION PROJECT:

Amendment No. 2 to the main 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

VOTE ON MAIN MOTION:

Main 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
MOTION TO AMEND THE PLANS FOR THE NEWCASTLE DRIVE RECONSTRUCTION PROJECT (STREET WIDTH):

A motion was made by Councilman Phil Nauert that the proposed engineering for the street width of 28 feet and in all other regards be accepted except those regards that City Council had amended.

Councilman Hickman made a point of order, noting that if City Council did nothing else, the project would remain as proposed by the engineers.

City Attorney Alan P. Petrov advised that Councilman Hickman was correct. City Staff did not need City Council’s approval to go out for bids on the engineering plans.

Councilman Hickman inquired, from a procedural standpoint, if it were necessary to approve the street as it was proposed.

City Attorney Petrov stated that he did not believe it was necessary.

Councilman Nauert advised that he felt it was a good statement to make.

Mayor Siegel asked Councilman Nauert if his motion were directing City Staff to continue with the bid as it was other than what City Council had discussed.

Councilman Nauert advised that Mayor Siegel was correct. He felt that it was a statement that City Council needed to make.

Mayor Pro Tem Faulk stated that she was confused. She was willing to make the statement that a street width of 28 feet was fine, but did not feel that City Council had to make an amendment to do so.

Motion failed due to lack of a second.

MOTION TO AMEND THE PLANS FOR THE NEWCASTLE DRIVE RECONSTRUCTION PROJECT (DELETION OF PROJECT):

A motion was made by Councilman Pat McLaughlan to delete the proposed Newcastle Drive Reconstruction Project and ask the City’s consulting engineers, Claunch & Miller, Inc., to define an alternate drainage plan that
was not dependent upon the Newcastle Drive Reconstruction Project.

Councilman McLaughlan added that the City Manager could be asked to negotiate with METRO the expenditure of the $5.2 million in some other location in the City of Bellaire.

Motion failed due to lack of a second.

MOTION TO AMEND THE PLANS FOR THE NEWCASTLE DRIVE RECONSTRUCTION PROJECT (MATERIALS FOR TRAIL):

A motion was made by Councilman John Jeffery and seconded by Councilman Will Hickman to bid alternative materials for the reconstruction of the trail along Newcastle Drive at its current width, such as concrete, asphalt, crushed granite, rubberized material used for college and high school tracks, etc.

{The alternate material of rubberized material used for college and high school tracks was added by Councilman Pat McLaughlan and accepted by Councilman John Jeffery and Councilman Will Hickman}

Mayor Pro Tem Faulk inquired as to what would happen to the portions of the trail that were already concrete. In other words, would those portions be reconstructed out of the proposed alternative material?

City Manager Satterwhite stated that the plan included a nine-foot trail. Where the trail crossed driveways, the trail would be widened back out.

Councilman Avioli asked for confirmation that the parking lots were eliminated by City Council.

Mayor Siegel advised that the parking lots were eliminated.

VOTE ON MOTION TO AMEND THE PLANS FOR THE NEWCASTLE DRIVE RECONSTRUCTION PROJECT (MATERIALS FOR TRAIL):

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

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

OPPOSED: None

ABSENT: None

In order to ensure clarification with respect to the proposed parking lots along Newcastle Drive (i.e., The Nature Discovery Center and Evergreen Park), Mayor Siegel made the motion set forth below.

**MOTION TO AMEND THE PLANS FOR THE NEWCASTLE DRIVE RECONSTRUCTION PROJECT (REMOVAL OF PARKING LOTS):**

A motion was made by Mayor Cindy Siegel and seconded jointly by Councilman James P. Avioli, Sr., and Mayor Pro Tem Peggy Faulk to eliminate the proposed parallel parking along Newcastle Drive in front of The Nature Discovery Center and Evergreen Park.

Councilman McLaughlan referred to the fact that the trail would not be moved. The grassy parking area already existed in front of The Nature Discovery Center and Evergreen Park. If the engineers installed a less than full height curb at those locations, then City Staff had a future option to allow them to address whether or not parallel parking could be used for limited special events to relieve peak parking situations for surrounding residential streets.

If City Council did nothing at this point, there would be a natural grassy area between Newcastle Drive and the trail. The trail would be in the same spot and the trees and shrubs would be protected. City Staff would then have the option of working with The Nature Discovery Center to allow limited special occasion parallel parking on the grassy area.

Mayor Siegel asked if City Council were required to take action to direct City Staff to allow parking in the area for special occasions. If not, could that decision be made by the City Manager?

City Attorney Petrov advised that it would not take City Council action.
Mayor Siegel stated that she did not believe the grassy area would be needed for parking 99% of the time, especially since the swim meets had been moved to Bellaire Town Square.

Councilman Hickman stated that he would propose a friendly amendment to the motion as follows: to remove the proposed high angle parking on Newcastle Drive between the street and the trail.

Mayor Siegel advised that she would accept the friendly amendment. Councilman Avioli and Mayor Pro Tem Faulk accepted the friendly amendment as well.

MOTION, AS RESTATED:

To eliminate the proposed high angle parallel parking along Newcastle Drive in front of The Nature Discovery Center and Evergreen Park between the street and the trail.

Councilman Jeffery stated that the area was needed for special event parking.

Mayor Siegel noted that City Attorney Petrov advised that City Staff could still allow for special event parking without City Council action.

Councilman Jeffery advised that he had an issue with allowing for parking and not preparing the subsurface for parking.

Mayor Siegel stated that parking was not being extended, but rather eliminated.

Councilman Jeffery noted that Mayor Siegel indicated that City Staff could allow for parking in special circumstances. If parking were allowed in special circumstances, the subsurface would still not have been prepared for parking.

City Manager Satterwhite advised that if the low curbs were not installed, people would not be able to safely park in the grassy areas anyway.

Councilman Nauert asked if parallel parking would still be allowed under the current motion on the floor. He felt that Councilman Avioli’s intent was to eliminate parking altogether. He needed some clarification as to what the current motion
meant. He asked if City Attorney Petrov could advise as to the ramifications of what had been stated so far.

City Attorney Petrov advised that he understood the addition of the high angle parking to be specific to the way the parking was currently engineered. This would not prohibit some other form of parking.

Councilman Nauert stated that if the intent were to eliminate parallel parking, then City Council would not have to address the subsurface and would not need a drivable curb.

Mayor Siegel advised that it was her understanding that the motion before City Council would eliminate the parking, as it currently existed in the engineering design plans.

Councilman Nauert advised that the drivable curb implied that there would be parallel parking in the area.

Councilman Hickman suggested that City Council vote first on whether or not to keep or remove the high angle parking and then discuss whether or not parallel parking and drivable curbs was desired.

MOTION TO AMEND THE PLANS FOR THE NEWCASTLE DRIVE RECONSTRUCTION PROJECT (REMOVAL OF HIGH ANGLE PARALLEL PARKING):

Motion carried on a majority vote of 6-1 as follows:

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

OPPOSED: McLaughlan, Pat

ABSENT: None

MOTION TO AMEND THE PLANS FOR THE NEWCASTLE DRIVE RECONSTRUCTION PROJECT (PARALLEL PARKING DURING SPECIAL EVENTS):

A motion was made by Councilman John Jeffery and seconded by Councilman Phil Nauert to allow for parallel parking during special events at the discretion of the City
while preserving the existing green space and material beneath the grassy areas in front of The Nature Discovery Center and Evergreen Park, said motion to include the installation of drivable curbs.

Councilman Hickman suggested that drivable curbs be installed at The Nature Discovery Center and Evergreen Park, but the leave the remainder to City Staff.

Councilman Jeffery noted that signage might have to be installed indicating that the area could be used for special event parking.

Mayor Siegel inquired as to whether signage was needed.

City Attorney Petrov advised that City Staff was obviously going to have to exercise some discretion on many aspects, such as the type of special events that qualified for parking on the grassy areas. He felt that what City Council really wanted to do was to talk about the engineering plan and engineering features City Council wanted and not the management of the facility after construction.

Councilman Jeffery asked for confirmation that City Attorney Petrov was suggesting that City Council decide on an alternative solution for parking.

City Attorney Petrov advised that he was suggesting that City Council decide whether or not to install a low curb. City Staff could then decide when to allow parking in the area.

Councilman McLaughlan noted that people had been parking on the grassy areas under consideration for 20 years during special events. The only change that City Council was now considering was whether or not to install a drivable curb adjacent to The Nature Discovery Center and Evergreen Park so that people could parallel park in the area, if necessary. Beyond that, people could decide what was appropriate.

Mayor Siegel agreed with Councilman McLaughlan.

Councilman Avioli asked for confirmation that the motion would include the installation of a drivable curb that would allow citizens to park on the grass.

Mayor Siegel advised that Councilman Avioli was correct and that the parking would be allowed during special events only at the discretion of the City.
VOTE ON MOTION TO AMEND THE PLANS FOR THE NEWCASTLE DRIVE RECONSTRUCTION PROJECT (PARALLEL PARKING DURING SPECIAL EVENTS):

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

MOTION TO AMEND THE PLANS FOR NEWCASTLE DRIVE RECONSTRUCTION PROJECT (ADDITION OF ADD ALTERNATE FOR DIGITAL SPEED READOUTS):

A motion was made by Councilman John Jeffery to consider an add alternate to the Newcastle Drive Reconstruction Project for the installation of digital speed readouts along Newcastle Drive.

Mayor Siegel asked if this were something that would be done as part of this project. In other words, she assumed that this was separate and apart from the reconstruction of a street.

City Manager Satterwhite indicated that he was not sure how it could be worked in. It would take more than one year for the project to be completed. He had no problem with the installation of readouts, but would like an opportunity to make that assessment separate and apart from the reconstruction project.

Mayor Siegel advised that she was in agreement with Councilman Jeffery but wondered if it made sense to direct City Staff to look into the installation once the project was completed or nearing completion.

Councilman Jeffery advised that he would withdraw the motion, but wished to direct City Staff to bring digital speed readouts back after the completion of the reconstruction project.
MOTION TO DIRECT CITY STAFF:

A motion was made by Councilman John Jeffery and seconded by Councilman James P. Avioli, Sr., to direct City Staff to consider the option of digital speed readouts, operated by solar and/or other means, to be installed along Newcastle Drive and return to City Council with a recommendation prior to the completion of the Newcastle Drive Reconstruction Project.

Councilman McLaughlan advised that he would like for City Staff to bring back some hard figures as to the actual speed that may or may not be experienced along Newcastle Drive. He understood that there was a perception of speeding. Oftentimes when the City actually performed a traffic study in areas, the speeding was not as great as perceived. If the City were looking at spending money on a readout device, he would like to understand the hard data with respect to speed. He inquired as to whether a motion needed to be made for his request as well.

Mayor Siegel suggested that City Council consider expanding the request to investigate speeding impacts, as well as the possibility of other deterrents, such as stop signs.

Councilman Jeffery agreed that an amendment could be made for City Staff to look at the best options with respect to speed deterrents.

City Manager Satterwhite stated that he had not seen a traffic study yet where some people were not going in excess of 50 miles per hour.

Councilman Jeffery restated the motion, taking into account other comments by City Council, with the agreement of Councilman Avioli who seconded the motion, as follows:

MOTION TO DIRECT CITY STAFF:

To direct City Staff to explore the best speed control device for Newcastle Drive, from Bellaire Boulevard to Beechnut Street.

City Manager Satterwhite stated that he believed that this was a fine motion and City Staff would be happy to accept that directive, but in the context of this agenda item, he was having a hard time with it. Speed control devices were not a part of this project or any other reconstruction project.
City Attorney Petrov advised that he agreed with City Manager Satterwhite. City Council was getting beyond what should be approved with respect to engineering. He felt that City Staff could take the proposed motion as a directive and bring a recommendation back to City Council.

Mayor Siegel asked Councilman Jeffery to consider putting his motion in the form of an agenda item on the next agenda.

Councilman Jeffery agreed that he could do so, and withdrew his motion. Councilman Avioli agreed as well.

Mayor Siegel recapped the action taken by City Council with respect to the Newcastle Drive Reconstruction Project, as follows:

The City would allow for a drivable curb along Newcastle Drive at The Nature Discovery Center and Evergreen Park. The trail at its existing western boundary would be maintained at The Nature Discovery Center and Evergreen Park. The concrete angled parking at The Nature Discovery Center and Evergreen Park was eliminated from the current engineering plan. City Staff was directed to consider alternative materials as an add alternate for the trail (i.e., asphalt, crushed granite, and rubberized material used by schools and colleges).

Mayor Siegel suggested moving the agenda item regarding a request for a specific use amendment and permit by Allegiance Bank up at this point in the meeting. There was no objection from City Council.

G. NEW BUSINESS:

1. ADOPTION OF ORDINANCES:

Specific Use Amendment and Permit

a. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, granting a Specific Use Amendment and Permit S-70 to Allegiance Bank to construct and operate a drive-through banking facility to be located at 5410 Bellaire Boulevard in the CCD-2 Zoning District in the City of Bellaire, Texas – Action by Members of City Council to Adopt Ordinance (Item submitted by City Clerk Tracy L. Dutton at the direction of City Council).
MOTION TO ADOPT ORDINANCE:

A motion was made by Councilman John Jeffery and seconded jointly by Councilman Pat McLaughlan and Councilman Phil Nauert to adopt an ordinance of the City Council of the City of Bellaire, Texas, granting a Specific Use Amendment and Permit S-70 to Allegiance Bank to construct and operate a drive-through banking facility to be located at 5410 Bellaire Boulevard in the CCD-2 Zoning District in the City of Bellaire, Texas.

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: 08-025}

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

F. REPORTS:

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

City Manager Bernard M. Satterwhite, Jr., presented the City Manager’s Report to City Council. The City Manager’s Report consisted of the following Mission Areas: Residential Mobility, Residential Quality of Life, and Internal Operations/Productivity, as well as Upcoming City Council Meetings/Events.
MISSION AREAS:

Residential Mobility

It was noted that the reconstruction of Fifth Street was underway. Traffic patterns would change quite often in the area as a result of this reconstruction.

Residential Quality of Life

The next Bellaire Centennial event, a Memorial Day Service, would occur Saturday, May 24, 2008, at 11:00 a.m. at the War Memorial in Paseo Park. The City of Bellaire was partnering with the Veterans of Foreign Wars on this event.

Internal Operations/Productivity

City Manager Satterwhite advised that National Incident Management System (NIMS) training would be ongoing this week for most of City Staff.

UPCOMING CITY COUNCIL MEETINGS/EVENTS:

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Type of Meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td>05/26/2008</td>
<td>All Day</td>
<td>Memorial Day Holiday – City Offices Closed</td>
</tr>
<tr>
<td>06/02/2008</td>
<td>7:00 p.m.</td>
<td>Regular Session</td>
</tr>
<tr>
<td>06/16/2008</td>
<td>7:00 p.m.</td>
<td>Regular Session</td>
</tr>
</tbody>
</table>

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: **Councilman Will Hickman** asked City Manager Satterwhite if he could provide an update to City Council at the next Regular Session regarding the St. Mark’s Coptic Church construction on Mulberry Lane.

A: **City Manager Satterwhite** indicated that St. Mark’s Coptic Church was already complying with all of the City’s zoning and drainage regulations in place. The drainage regulations were part of the Building Code, not the Zoning Code. Even though the church was in a residential area, it was still considered a commercial structure. Commercial drainage requirements were, therefore, being applied to the church in terms of fill and the drainage plan itself.
The height of the structure was a zoning issue and would have to comply with the residentially zoned area. The church was granted a specific use permit approximately 4-5 years ago. The church was building the structure in accordance with the plans that were presented at that time.

The City did not see any deviations from that plan in terms of any of the zoning regulations or the building regulations at this point.

Q: Mayor Siegel noted that the “no net fill” regulations City Council adopted applied to residential structures. She stated that she had a problem with the idea that the structure was “commercial,” noting that Episcopal High School was told that they had to comply with the height requirements of the zone they were located in.

A: City Attorney Alan P. Petrov stated that the church went through the same process that Episcopal High School was now going through with respect to the specific use permit and the same zoning process.

Q: Mayor Siegel inquired as to whether these types of permits could be outstanding forever.

A: City Attorney Petrov advised that the permits could be outstanding unless the City placed a specific time requirement on the permit. A time requirement could be made a condition to the permit.

Q: Mayor Siegel referred to a letter sent to former Mayor Mary Ann Goode and City Council at the time of the application for a specific use amendment indicating that there would be retention ponds on the property. She asked if the church was complying with the letter.

A: City Manager Satterwhite advised that he could not tell City Council at this time what the drainage plan specifically was.

City Attorney Petrov noted that a retention pond was designated on the specific use permit application.

Q: Mayor Siegel asked City Manager Satterwhite if he would report on the church construction project at the next Regular Session.
A: City Manager Satterwhite advised that he would do so.

Q: Councilman James P. Avioli, Sr., noted that there had been comments regarding the construction project related to the number of trees that were being removed. He inquired as to whether that was in compliance with City Code.

A: City Manager Satterwhite indicated that it was.

Mayor Siegel advised that the City Code did not stop anyone from clearing all of the trees from their property.

City Manager Satterwhite agreed, but indicated that for every tree that was removed, a certain number had to be replaced. The church did have an approved Tree Disposition Plan.

Q: Councilman Pat McLaughlan advised that he was having a difficult time with the Mulberry Lane “fill” situation. He asked for confirmation that the City’s position was that although the church was located in a residential area and there was never any zoning change to change the area from residential to commercial, the zoning change was a special use amendment that allowed a church to be constructed in a residential area. He asked why the church got away with violating the City’s flood control objectives that the surrounding neighbors were forced to adhere to.

A: City Attorney Petrov stated that the “no net fill” ordinance was specific to residential construction. The same thing could be said for homes that abutted commercial sites. Commercial structures did not have to follow the same regulations.

Q: Councilman McLaughlan stated that if a home backed up to a commercial site, then that particular site was zoned commercial.

A: City Manager Satterwhite indicated that this was the purpose of the specific use permit process. In a residentially zoned area there were two types of nonresidential structures allowed—churches and schools. City Council could have made “no net fill” a part of the specific use permit at that time, but the City did not do that.
City Attorney Petrov noted that the City still required the retention ponds and there were drainage requirements imposed on the church.

City Manager Satterwhite agreed and advised that there were more extensive drainage requirements on that parcel than there would have been if it were a residence.

Q: Councilman McLaughlan stated that it certainly was not apparent.

A: City Manager Satterwhite and City Attorney Petrov agreed that it was not apparent at this point in time.

C: Councilman McLaughlan stated that he needed to better understand this because he was having a major problem with the fact that the City had made some good moves toward not expanding the floodplain in a residential area. After receiving several calls from residents, Councilman McLaughlan drove over to the site and the amount of dirt added to the lot was tremendous. The structure was raised above the floodplain by adding the dirt to the lot. The City absolutely prohibited this with respect to residential construction. There seemed to be something terribly inappropriate about this situation.

Councilman McLaughlan referred to some commercial construction in Houston very near to Bellaire wherein extensive underground retention systems had been installed. If the church were planning to accomplish a no net increase in fill by having underground detention to compensate for the dirt brought in, then that would be fine. He concluded by advising that he wanted to better understand what the overall plans were.

Q: Mayor Siegel asked City Manager Satterwhite to report on this issue at the next meeting.

A: City Attorney Petrov stated that he and the City Manager could report on the issue. He agreed with Councilman McLaughlan, but noted that regardless of when the permit was obtained, the church should not be impacting any of the neighborhood drainage.

Q: Councilman James P. Avioli, Sr., referred to repairs that were ongoing on South Rice Avenue between
Evergreen Street and Grand Lake Street. He noted that after the repairs were completed, there was a two-inch lip between the road surface and the sidewalk. He asked if this meant that the road would be resurfaced.

A: City Manager Satterwhite indicated that the repairs were not finished to his knowledge.

C: Mayor Siegel asked City Manager Satterwhite if he could respond by electronic mail (email) to Councilman Avioli with respect to those repairs.

R: City Manager Satterwhite advised that he would do so.

MOTION TO ACCEPT REPORT INTO THE RECORD:

A motion was made by Councilman Phil Nauert and seconded by Councilman Pat McLaughlan to accept the City Manager’s Report as presented by City Manager Bernard M. Satterwhite, Jr., into the record.

VOTE ON MOTION TO ACCEPT REPORT INTO THE RECORD:

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

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

OPPOSED: None

ABSENT: Faulk, Peggy*

*Mayor Pro Tem Peggy Faulk temporarily stepped away from the Council table and did not participate in the vote on the receipt of the City Manager’s Report into the record.

2. FINANCE REPORT – Chief Financial Officer Donna Todd.

In the interest of time, an oral Finance Report was not given during the May 19, 2008, Regular Session of City Council.
QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Councilman Will Hickman asked where the balance of the Debt Service Fund was in the Finance Report and how much the budgeted expenditures were.

A: Chief Financial Officer Donna Todd indicated that the actual fund balance in the Debt Service Fund as of April 30, 2008, was $2.2 million. This compared to $2.6 million in the previous year. Expenditures were $3.5 million. The Debt Service Fund budgeted expenditures for fiscal year 2008 were $4.9 million and the ending fund balance was budgeted at $1.7 million.

Q: Councilman Hickman asked for confirmation that five months in Debt Service Fund expenditures could be paid out of the $2.2 million if no more money was taken in.

A: Chief Financial Officer Todd indicated that she agreed with Councilman Hickman.

Q: Councilman James P. Avioli, Sr., referred to the franchise fees listed in the Finance Report. The year 2007 stuck out as an anomaly compared to the other costs. It appeared that 2008 would come in consistent with prior years. He asked what was different in 2007.

A: Chief Financial Officer Todd advised that during 2007 the accrual was not reversed until September 2007, so there was a little bit of a mismatch. If the reversal had been booked in that quarter, it would have been more consistent with 2008.

Q: Councilman Avioli asked for confirmation that 2008 would be more in line with 2006, 2005, etc.

A: Chief Financial Officer Todd stated that she believed it would.

MOTION TO ACCEPT REPORT INTO THE RECORD:

A motion was made by Councilman John Jeffery and seconded by Councilman James P. Avioli, Sr., to accept the Finance Report, as presented in written form in the City Council packet by Chief Financial Officer Donna Todd, 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
Hickman, Will
Avioli, James P., Sr.
Faulk, Peggy
Nauert, Phil
McLaughlin, Pat
Jeffery, John

OPPOSED: None

ABSENT: None

3. PRESENTATION regarding the plans for the Newcastle Drive Reconstruction Project, from Bellaire Boulevard to Beechnut Street, and discussion and possible action regarding those plans – Presentation by City Manager Bernard M. Satterwhite, Jr.

Note: This agenda item was considered earlier in the meeting. See pages 17-26 and 43-56 of these minutes for the presentation, discussion, and action taken.

G. NEW BUSINESS:

1. ADOPTION OF ORDINANCES:

Specific Use Amendment and Permit

a. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, granting a Specific Use Amendment and Permit S-70 to Allegiance Bank to construct and operate a drive-through banking facility to be located at 5410 Bellaire Boulevard in the CCD-2 Zoning District in the City of Bellaire, Texas – Action by Members of City Council to Adopt Ordinance (Item submitted by City Clerk Tracy L. Dutton at the direction of City Council).

Note: This agenda item was considered earlier in the meeting. See pages 56-57 of these minutes for the discussion and action taken.
Agreements and Contracts

b. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, an Interlocal Agreement with Harris County, Texas, for the administration and implementation by Harris County, Texas, of a regional watershed protection education program on storm water impacts in the amount of $8,290.26 for a term of one year commencing upon the execution of said agreement by Harris County, Texas – Action by Members of City Council to Adopt Ordinance (Item submitted by City Clerk Tracy L. Dutton on behalf of the Harris County Public Infrastructure Department, Watershed Protection Group).

MOTION TO ADOPT ORDINANCE:

A motion was made by Mayor Pro Tem Peggy Faulk and seconded jointly by Councilman Will Hickman and Councilman Phil Nauert 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, an Interlocal Agreement with Harris County, Texas, for the administration and implementation by Harris County, Texas, of a regional watershed protection education program on storm water impacts in the amount of $8,290.26 for a term of one year commencing upon the execution of said agreement by Harris County, Texas.

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: 08-026}

c. 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, an Interlocal Agreement with the Metropolitan Transit Authority of Harris County (METRO) for the purpose of setting forth the parties’ agreement to foster a beneficial relationship regarding conceptual design of certain transit oriented facilities in an amount not to exceed $11,250.00 for architect’s fees and in an amount not to exceed $2,500.00 for reimbursable expenses of the architect – Action by Members of City Council to Adopt Ordinance (Item submitted by City Manager Bernard M. Satterwhite, Jr., at the direction of City Council).

MOTION TO ADOPT ORDINANCE:

A motion was made by Councilman John Jeffery 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, an Interlocal Agreement with the Metropolitan Transit Authority of Harris County (METRO) for the purpose of setting forth the parties’ agreement to foster a beneficial relationship regarding conceptual design of certain transit oriented facilities in an amount not to exceed $11,250.00 for architect’s fees and in an amount not to exceed $2,500.00 for reimbursable expenses of the architect.

MOTION TO POSTPONE ACTION ON ADOPTION OF ORDINANCE:

A motion was made by Councilman Will Hickman to postpone 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, an Interlocal Agreement with the
Metropolitan Transit Authority of Harris County (METRO) for the purpose of setting forth the parties’ agreement to foster a beneficial relationship regarding conceptual design of certain transit oriented facilities in an amount not to exceed $11,250.00 for architect’s fees and in an amount not to exceed $2,500.00 for reimbursable expenses of the architect until the next Regular Session of City Council.

Motion failed due to the lack of a second.

DISCUSSION:

Councilman Will Hickman advised that he had attended a talk recently about light rail transportation, and the main problem with METRO’s light rail was population density. For example, cities like Chicago, New York City, and Washington, D.C., all of which had great transit systems, had four to five times the population density of Houston. Another difference was Houston’s light rail would be constructed at grade and would compete with traffic, while the systems in other cities were above or below grade.

When he served on the Strategic Planning and Development Committee for the City, a much more measured approach was taken with respect to looking first at the market of the area, such as what the market would support in terms of redevelopment. In this case, the City was jumping straight to paying an architect to design something to build in the area.

The other major problem he saw was land use, particularly with the Kelo case recently. He inquired as to whether the City or METRO was deciding a better use for the land than the current landowners. He had not seen any input indicating that the landowners were interested in this type of development. Did the landowners want to sell or lease or was the City discussing eminent domain?

First, Councilman Hickman urged City Council to consider the land use. Secondly, City Council should consider a market study consisting of potential buyers or lessors, types of tenants that would operate in the area, types of customers, and whether or not the buyers and lessors would be riding light rail to and from the area.
Lastly, someone knowledgeable about the area needed to determine whether such redevelopment would work and should conduct a feasibility study. He was not ready to commit $14-15,000 in fees to an architect to design something that he was not sure was needed.

**Mayor Cindy Siegel** responded to a few of the points that Councilman Hickman had made. She indicated that eminent domain would not work in this case because, from the City’s point, eminent domain would be in opposition to the City’s *Charter*.

Mayor Siegel was not certain if the light rail line would go in or not, but the City was informed that it would go in. The thought was to try to influence the City’s destiny. Close to 50 years ago, the Texas Department of Transportation (TXDOT) came into Bellaire and removed many homes to build a freeway. There were other examples of the City working with various agencies, including TXDOT, to try to improve on projects around Bellaire. If METRO ended up installing the light rail on the edge of Bellaire’s Research, Distribution, and Development District (RDD Zoning District), then the City would have worked with them to come up with something more positive for Bellaire than a rail yard.

The City had an opportunity to work with landowners in the area and to protect the residential neighborhood, while influencing the City’s destiny as much as possible. She believed that the redevelopment of the area would flow into the Comprehensive Plan review that the City was currently undertaking.

**Councilman Pat McLaughlan** agreed with Councilman Hickman in that Houston was not as dense as some of the other cities he mentioned. The mass transit systems of those cities were constructed years and years ago and functioned extremely well for those cities.

In Houston, METRO was what it was and what it was going to be. This year, Bellaire had the option to get on METRO’s train or get left behind and suffer the consequences. The proposed expenditure of money was small and could have great and wonderful consequences for the community. He advised that he would certainly support the expenditure.
VOTE ON MOTION TO ADOPT ORDINANCE:

Motion carried on a majority vote of 6-1 as follows:

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

OPPOSED:  Hickman, Will

ABSENT:  None

{Ordinance was subsequently numbered: 08-027}

2. ADOPTION OF RESOLUTION:

Budget Guidelines and Parameters

CONSIDERATION of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, establishing guidelines and parameters for City Staff for the budget for the City of Bellaire, Texas, for the fiscal year commencing October 1, 2008, and ending September 30, 2009 (fiscal year 2009) – Action by Members of City Council to Adopt Resolution (Item submitted by City Manager Bernard M. Satterwhite, Jr.).

MOTION TO ADOPT RESOLUTION:

A motion was made by Councilman Phil Nauert and seconded jointly by Councilman John Jeffery and Mayor Pro Tem Peggy Faulk to adopt a resolution of the City Council of the City of Bellaire, Texas, establishing guidelines and parameters for City Staff for the budget for the City of Bellaire, Texas, for the fiscal year commencing October 1, 2008, and ending September 30, 2009 (fiscal year 2009).

SUMMARY:

City Manager Bernard M. Satterwhite, Jr., summarized the changes that City Staff made to the proposed resolution establishing guidelines and parameters for the development of the fiscal year 2009 budget.
With respect to the General Fund, the first bullet point had not changed (i.e., maintain a minimum fund balance of two months of working capital). The second bullet point, limit non-personnel operational expenditures increases to a rate not to exceed the Municipal Price Index (MPI) applied to FY2008 forecasted expenditures, was a little different. The City had used the MPI for the last few years as a growth limit, but City Staff had clarified what the MPI would be applied to. The City would not know what fiscal year 2008 actual expenditures were before the budget needed to be prepared, so that figure would have to be forecasted out. In the last few years, the City had under-spent and expected that this year would be no different. Instead of comparing budget to budget, City Staff thought it was more appropriate to compare actual to budget because that was an indicator of real growth. The actual numbers should be lower than the budgeted numbers and would be a more appropriate growth limitation on the General Fund operating budget. The third bullet, provide for the employee compensation plan and associated personnel benefit costs, was included and was a priority for City Staff.

With respect to the Debt Service Fund, the tax rate would be based on the following parameters:

- Sufficient to pay the annual principal and interest charges of the City of Bellaire’s long-term debt plus associated costs; and

- Maintain a minimum fund balance of two months of working capital, taking into account the annual transfer of $950,000.00 to the Debt Service Fund from the Enterprise Fund.

City Manager Satterwhite advised that City Staff was working on pulling down the fund balance over the next several years in the Debt Service Fund. City Staff was working on a seven-year cash flow projection that City Council would see prior to or as the budget was presented. Based on a conservative growth, the City would be in a deficit mode in the Debt Service Fund in about three years with the added debt that would be incurred from the Rebuild Bellaire Program. The City wanted to make sure that there was not too much of a fund balance, but also wanted to ease into bringing the fund balance down over the next several years. City Staff was committed to maintain sufficient funds in the Debt Service Fund for the next few years as more debt was issued.
In the past, City Staff had recommended reserving $2.0 million for the Capital Improvement Program Fund (CIP) and $1.0 million for the Vehicle, Equipment, and Technology Fund (VET). Those numbers were arbitrary based on not really understanding what the CIP and VET would cost over time. This year City Staff was committing to reserve sufficient funds to fund the five-year CIP to be approved by City Council. Before City Council approved the budget this year, City Council would have approved a five-year CIP and a five-year VET. The funds to be reserved would be sufficient to fund those programs over the five-year period. A cash flow model would be prepared as well.

With respect to the Enterprise Fund, City Staff had chosen to leave the transfer of $950,000.00 from the Enterprise Fund to the Debt Service Fund in the resolution for several reasons. First, the City was still paying for Enterprise Fund projects that debt was issued for in the Debt Service Fund; therefore, City Staff determined that it was appropriate to continue the transfer. Second, City Staff was not certain as to the final outcome of the water/wastewater infrastructure and how that would be financed. If the determination was made over the next several months to finance the necessary water and wastewater improvements some other way, such as revenue bonds, then the $950,000.00 transfer could go away.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q:  Councilman Phil Nauert referred to the Capital Improvements Project Fund and the objective to reserve sufficient funds to fund a five-year Capital Improvement Program and a five-year Vehicle, Equipment, and Technology Program. He stated that he wanted to ensure that adopting the programs would not be in conflict with City Council’s prohibition against encumbering future City Councils and future budgets.

A:  City Attorney Alan P. Petrov advised that the budget parameters really applied to the budget for this coming fiscal year. Obviously future City Councils could certainly change that. The action City Council might take with respect to the programs would not be in conflict with any prohibitions, but would also not be a binding action on any future City Council.
City Manager Satterwhite added that the Capital Improvement Program was a plan and could certainly be deviated from and probably would be. The City had been reserving an amount of money for that plan, but the plan had never really been fleshed out. It would be now.

Q: Councilman Pat McLaughlan asked if there were a desire to increase the General Fund allocation to support an accelerated development of Bellaire Town Square, how City Council would communicate those desires to City Staff.

A: City Manager Satterwhite stated that future plans for Bellaire Town Square would be included in the five-year Capital Improvement Program. The Master Park Plan would be used in the development of the Capital Improvement Program. Input would be taken from the Parks & Recreation Advisory Board and City Council as City Staff went through this process. If City Council desired to put more toward Bellaire Town Square in the early years of the program, then City Council could certainly make that consideration when approving the Capital Improvement Program.

Q: Mayor Cindy Siegel asked for confirmation that City Council would consider those desires during the Budget Workshop Session.

A: City Manager Satterwhite advised that City Staff and City Council would have to hash out the Capital Improvement Program a little differently this year. That might occur before the Budget Workshop Session or concurrently with the Budget Workshop Session. The Capital Improvement Program was not a budget, but a plan that had to be budgeted for. Part of the plan would be financed through this year’s dollars.

Q: Councilman McLaughlan inquired as to when discussion regarding capital improvements might occur.

A: City Manager Satterwhite stated that the discussions would occur very soon—in June or July.

Q: Councilman James P. Avioli, Sr., inquired as to employee compensation and asked if upgrades were based strictly on merit or percentage parameters, etc.
A: City Manager Satterwhite advised that the City had a compensation plan which had been in effect for almost eight years. The plan was a "step plan" consisting of ten steps. Employees received a step increase each year for a period of ten years if the employees met a minimum acceptable performance level. In addition to that step, there was a pay range adjustment to ensure the City’s pay ranges remained competitive with the job market. Every employee received that pay range adjustment.

In other words, there was an automatic increase for each employee that met a minimum standard up to ten years. Once the employee reached ten years of employment, that employee was topped out. Approximately 40% of the employees were topped out currently.

Q: Councilman Avioli asked for confirmation that there was a structured plan in place and, in general, what the percentage increase might be for the employees.

A: City Manager Satterwhite indicated that there was a structured plan and if the employee were not topped out, he or she would receive a 4-1/2 to 5% increase.

Mayor Siegel noted that if the employee were topped out, that employee would still receive the pay range adjustment.

City Manager Satterwhite advised that Mayor Siegel was correct. The employee that was topped out would receive a cost of living adjustment of approximately 1-1/2 to 2-1/2%.

Q: Mayor Siegel asked for confirmation that there would be a compensation review this year (i.e., included in the current budget).

A: City Manager Satterwhite advised that Mayor Siegel was correct and that the review would start shortly. He hoped to have the results from that review that he could roll into the fiscal year 2009 budget and make some recommendations. The review consisted of recruitment, retention, and pay overall. Bellaire was partnering with the City of West University Place on the review and would save approximately $20,000 in consultant fees.
Q: Councilman Will Hickman referred to the Enterprise Fund and the water/wastewater improvements. He inquired as to whether there had been any proposals for Houston water rates to increase.

A: City Manager Satterwhite advised that the standard Consumer Price Index (CPI) increase occurred each April with respect to the Houston water rates.

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

An amendment (no. 1) to the main motion was made by Councilman Will Hickman and seconded by Councilman Phil Nauert to remove the word “non-personnel” from the second bullet point under General Fund in the proposed resolution.

The second bullet point, if amended, would read as follows: Limit operational expenditures increases to a rate not to exceed the Municipal Price Index (MPI) applied to FY2008 forecasted expenditures; and

**DISCUSSION:**

Councilman McLaughlan inquired as to the MPI.

City Manager Satterwhite advised that presently the MPI was 4.8%.

Mayor Siegel advised that she would be voting against the amendment at this point, as her concern was retention of employees. City Council did not yet know what the results of the compensation plan review would be. Her concern was that the City Council might tie their hands and risk losing employees if this amendment were approved.

Councilman Hickman advised that his intent was not to look at each individual line item and each individual employee to apply the rule. The rule would be applied on a budget basis for the entire pot of money. So, within that pot of money, you had to limit the increase to the MPI.

Mayor Siegel agreed in theory, but noted that after the last compensation review, the City had to come up with a significant amount of money to pay employees, which was spread out over two years.
Councilman Nauert noted that this was a management-intensive issue and he wished to know what the City Manager’s thoughts were with respect to this amendment.

City Manager Satterwhite stated that the MPI applied to items that were increasing, such as steel, fuel, asphalt, and electricity. The City had control over some of those costs and little or no control over other costs. Certainly it was his objective to limit the amount of increase to as small a number as possible, but he also did not want to tie his hands too much.

He continued and advised that he believed the total number was going to be less in the General Fund budget than it was last year.

Councilman Avioli advised that he agreed with the Mayor’s comments, as well as the City Manager’s comments. He struggled a little bit with tying specifically to an index and eliminating or prohibiting management control. He would, therefore, vote against the amendment.

Mayor Siegel noted that City Council was establishing parameters and if City Council felt that the budget was too high, then it could be amended. She referred to the fact that the City was having difficulty getting applicants for certain positions, especially police officers. Bellaire was competing with outlying cities that could offer competitive salaries and the employees did not have to drive as far to work resulting in a fuel cost savings. Within the General Fund, personnel costs were approximately 79% of that budget.

VOTE ON AMENDMENT (NO. 1) TO MAIN MOTION:

Motion failed on a 1-5 vote as follows:

FOR: Hickman, Will

OPPOSED: Siegel, Cindy
Avioli, James P., Sr.
Nauert, Phil
McLaughlan, Pat
Jeffery, John

ABSENT: Faulk, Peggy*

*Mayor Pro Tem Peggy Faulk temporarily stepped away from the Council table and did not participate in the vote on the amendment to the main motion.
VOTE ON MAIN MOTION:

Main motion carried unanimously on a 6-0 vote as follows:

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

OPPOSED: None

ABSENT: Faulk, Peggy*

*Mayor Pro Tem Peggy Faulk temporarily stepped away from the Council table and did not participate in the vote on the resolution setting budget guidelines and parameters.

{Resolution was subsequently numbered: 08-04}

3. ITEM FOR INDIVIDUAL CONSIDERATION:

Bellaire Trolley Pavilion Renovation

a. CONSIDERATION of and possible action on a recommendation from the City Manager and the Director of Facilities Management Department to reject a bid received under Bid No. 08-008, Bellaire Trolley Pavilion Renovation – Action by Members of City Council to Accept Recommendation and Reject Bid (Item submitted by Director of Facilities Management Karl Miller).

SUMMARY:

City Manager Bernard M. Satterwhite, Jr., advised that he and the Director of Facilities Management were recommending rejection of the bid since the City only received one bid. City Staff really did not know if the amount bid of $185,000.00, represented how much it would really cost to fix it. City Staff did not feel that it was prudent to accept the one bid.

MOTION TO REJECT BID:

A motion was made by Councilman John Jeffery and seconded by Councilman Phil Nauert to approve a
recommendation from the City Manager and the Director of Facilities Management Department to reject a bid received under Bid No. 08-008, Bellaire Trolley Pavilion Renovation.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Councilman Pat McLaughlan asked what City Staff’s obligation would be if City Council rejected the bid. In other words, would City Staff go out and re-bid the project?

A: Mayor Siegel advised that City Staff’s obligation would be decided by City Council during the next agenda item. Mayor Siegel advised further that she would recommend a motion to postpone discussion of City Staff’s obligation until the next Regular Session due to the lateness of the hour.

VOTE ON MOTION TO REJECT BID:

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

b. DISCUSSION and possible action regarding the status of the Bellaire Trolley Pavilion and future considerations to be undertaken by City Staff at the direction of City Council – Action by Members of City Council (Item submitted by Director of Facilities Management Karl Miller).
MOTION TO POSTPONED AGENDA ITEM:

A motion was made by Councilman Phil Nauert and seconded by Mayor Pro Tem Peggy Faulk to postpone discussion and possible action regarding the status of the Bellaire Trolley Pavilion and future considerations to be undertaken by City Staff at the direction of City Council until a future session of City Council.

VOTE ON MOTION TO POSTPONE AGENDA ITEM:

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

H. COUNCIL CORRESPONDENCE AND COMMENTS.

Discussion only.

I. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Councilman Will Hickman and seconded by Councilman John Jeffery to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 10:35 p.m. on Monday, May 19, 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
FOR (CONT.): 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