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 6:07 p.m. on Monday, June 2, 2008. The Bellaire City Council met at that time and on that date in Special Session for the purpose of interviewing, discussing, and evaluating applicants for various City boards, commissions, and committees. The Special Session was held in the Council Conference Room, 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 Phil Nauert, Position No. 4;
Councilman Pat McLaughlan, Position No. 5; and
Councilman John Jeffery, Position No. 6.

Councilman Will Hickman, Position No. 1, and Councilman James P. Avioli, Sr., Position No. 2, were absent. Mayor Pro Tem Peggy Faulk, Position No. 3, arrived at 6:15 p.m. City Clerk Tracy L. Dutton was also present.

INTERVIEW, discussion, and evaluation of applicants for the following City of Bellaire boards, commissions, and committees:

- Bellaire Arts Commission;
- Bellaire L.I.F.E. Advisory Board;
- Board of Adjustment;
- Building and Standards Commission;
- Planning and Zoning Commission; and
- Recycling Committee.

The following applicants were interviewed by City Council on Monday, June 2, 2008:

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Board, Commission, Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kathy Biddle</td>
<td>Bellaire Arts Commission</td>
</tr>
<tr>
<td>Kristin Schuster</td>
<td>Building and Standards Commission and Recycling Committee</td>
</tr>
</tbody>
</table>
C. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Councilman John Jeffery and seconded by Councilman Phil Nauert to adjourn the Special Session of the City Council of the City of Bellaire, Texas, at 7:03 p.m. on Monday, June 2, 2008.

VOTE ON MOTION TO ADJOURN:

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

FOR: Siegel, Cindy  
Faulk, Peggy  
Nauert, Phil  
McLaughlan, Pat  
Jeffery, John

OPPOSED: None

ABSENT: Hickman, Will  
Avioli, James P., Sr.

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 7:04 p.m. on Monday, June 2, 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:

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, and Councilman James P. Avioli, Sr., Position No. 2, were absent. Other officials present were City Manager Bernard M. Satterwhite, Jr., City Attorney Alan P. Petrov, and City Clerk Tracy L. Dutton.

B. INSPIRATIONAL READING AND/OR INVOCATION – Councilman Will Hickman.

Due to the absence of Councilman Will Hickman, an inspirational reading was not given.

C. PLEDGES TO THE FLAGS – Councilman Will Hickman.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

Mayor Pro Tem Peggy Faulk led the audience and City Council in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag on behalf of Councilman Will Hickman.

D. APPROVAL OR CORRECTION OF MINUTES:

APPROVAL of minutes of the Special Session (Public Hearing) and Regular Session of the City Council of the City of Bellaire, Texas, held Monday, May 19, 2008 - Item submitted by City Clerk Tracy L. Dutton.

MOTION TO APPROVE MINUTES:

A motion was made by Councilman John Jeffery and seconded by Mayor Pro Tem Peggy Faulk to approve the minutes of the Special Session (Public Hearing) and Regular Session of the City Council of the City of Bellaire, Texas, held Monday, May 19, 2008.

VOTE ON MOTION TO APPROVE MINUTES:

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

FOR:  
Siegel, Cindy  
Faulk, Peggy  
Nauert, Phil  
McLaughlan, Pat  
Jeffery, John

OPPOSED:  
None
ABSENT: Hickman, Will
Avioli, James P., Sr.

E. PERSONAL/AUDIENCE COMMENTS.

Robert Riquelmy, 506 Winslow Lane, Bellaire, Texas:

Mr. Riquelmy addressed City Council and advised that he had been attending meetings of City Council for a long time and had come to a few conclusions that he wished to share.

Mr. Riquelmy continued and advised that he felt that it would be beneficial to the City to bring some services in-house, such as engineering services. He felt that it would be very helpful to the public if the City had an engineer on staff to answer their questions, which came up in huge volumes when projects were undertaken. The City did not currently have such a person available on staff.

The same situation existed with respect to legal services. The City did a tremendous amount of legal business and it would not be amiss to have a City Attorney full-time on staff.

Mr. Riquelmy understood that it was more expensive to have these professionals on staff, but had yet to hear to anyone complain about paying taxes in Bellaire. The citizens felt that they got good value for their money. He urged City Council to heed the City’s Mission Statement: outstanding quality of services.

In closing, Mr. Riquelmy advised that the citizens were looking for some outstanding quality in Bellaire and did not really care that it cost a little bit more.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee addressed City Council and stated that she wanted to share her delightful experience, along with Mayor Pro Tem Peggy Faulk, on Memorial Day on the esplanade in Paseo Park. She advised that she had never attended one of the Memorial Day ceremonies in Bellaire before, and indicated that City Manager Bernie Satterwhite presented some remarks that moved her. She knew that the remarks were from his heart, very sincere, and extremely well crafted. Mayor Pro Tem Faulk also spoke of family members with some sentiment and did the City proud.
Ms. McBee referred to a picture that the *Bellaire Examiner* took of Mayor Pro Tem Faulk and City Manager Satterwhite that day. The picture was so extraordinary that she asked City Council to have it blown up and added to the City’s picture gallery. The performance was beautiful and moving, and Mayor Pro Tem Faulk and City Manager Satterwhite did the City proud. This type of commemoration would be an enhancement to the City’s collection. She thanked both for doing such a wonderful job.

Secondly, in the middle of doing research from the 1960s for an article Ms. McBee would be writing for the *Bellaire Examiner*, she came across a series of joint public hearings that were held shortly after Loop 610 officially opened, the first of which was an application by Marvin Zindler on behalf of the Zindler heirs to rezone the old Zindler property (now on the west side of Loop 610) to commercial, office, and motel. There were 50 people who spoke at the joint public hearing. This was the genesis of commercial development along Loop 610. It happened as fast as possible after Loop 610 opened. This told one that whenever something was done to traffic in Bellaire, someone would come out very quickly to see how they could utilize it for their own “vision.”

Ms. McBee advised further that she was particularly taken by the fact that it was also the era when townhouses were introduced to Bellaire. This was a very big deal. Bellaire had committees of petitioners who opposed these kinds of zoning without planning. It was through their efforts that the second planner for Bellaire, Marvin Springer of Dallas, was hired and produced the second zoning ordinance after the incorporation of the City.

In closing, Ms. McBee stated that she was having lots of fun discovering as well as remembering Bellaire’s history. She hoped that everyone would remember that zoning had been with Bellaire since W. W. Baldwin came along and decided what uses were going to be made in the new subdivision that he called Westmoreland Farms in Bellaire. Zoning would be with us until we died probably, and it was a very important element in this community. It should never be taken lightly, noting that changes were properly resisted until tested out. She was proud of Bellaire and knew City Council was as well. She hoped the City would continue to be proud of zoning as Bellaire went through its sixth iteration of a Comprehensive Plan.
Sarah Harrington, Principal, Horn Elementary School, Bellaire, Texas:

Ms. Harrington addressed City Council on behalf of the Horn Elementary School ("Horn") teachers, parents, and staff and thanked them for their continued support of Horn. In the matter of safety, no one could ask for a more secure school than theirs. Any time that Horn called emergency services, the fire department, or the police department, someone arrived within three minutes.

Ms. Harrington referred to the services of Officer John King who came to direct traffic for them on a fairly regular basis. She also referred to an incident involving a six-year old that had run away from Horn. Within minutes of that incident, she had three police cars and two motorcycles, and herself and a teacher in pursuit of the child who was headed for Loop 610. The child was apprehended. She thanked the police department again for their excellent efforts.

Any time any favors, assistance, or help was requested, Horn had gotten it. For example, Director of Public Works Joe Keene kept Horn updated at every moment with respect to the recent drainage project along Avenue B. The project was very safe to the end.

Mayor Cindy Siegel, City Manager Bernie Satterwhite, and others also came to the Horn Library when they had a traffic problem on Avenue B and Pine Street. They took the time out of their busy schedules to work with the Horn staff and parents.

Ms. Harrington indicated that Horn was beginning the design phase of their brand new school and would like to come to City Council and give them regular updates on the project, ask for advice, and discuss any traffic concerns that the community might have in regard to the new school.

In closing, Ms. Harrington thanked the City for their time and advised that she appreciated everything that the City had done for Horn and the community.

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

Ms. Phillips addressed City Council and advised that people were parking on the grass in Bellaire Town Square by the new pool. She stated that there was no curb on the parking lot to the north side of the Recreation Center. Earlier today a truck was parked next to the fire hydrant. Ms. Phillips was informed that the Recreation Center told
people that they were allowed to park on the grass, whereas the Police Department had advised people that they were not allowed to park on the grass. She urged City Council to do something about the situation. She suggested installing signs directing people to park at Condit Elementary School.

At the last City Council meeting Ms. Phillips indicated that she had expressed her concerns related to a reduction in hours at Evergreen Pool. She had now discovered that the therapy pool was also not open as many hours as it used to be. The therapy pool used to be open from 9:00 a.m. until 8:30 p.m. The current hours were 10:30 a.m. until 7:00 p.m.

Thirdly, Ms. Phillips indicated that she was very appreciative that City Council agreed not to construct a parking lot in front of The Nature Discovery Center and Evergreen Park. She urged City Council to go out and measure the distance from the trail to the street to see that those from The Nature Discovery Center were correct in their measurements and the engineer was incorrect in his. She hoped City Council would confirm that so that they would know for future projects that sometimes a paid engineer was not right. Sometimes it was the citizens who really cared about the City who took time to study and measure things correctly.

F. REPORT:

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

City Manager Bernard M. Satterwhite, Jr., presented the City Manager’s Report to City Council. He began with a reference to a few new online services through the Bellaire Police Department. Citizens who needed to get fingerprinted for their jobs or for other reasons could go online through a service provided by the Texas Department of Public Safety, called the “Fast” program. A link to this program could be found on the Bellaire Police Department website, www.bellairepolice.com. The Bellaire Police Department was also offering the public access to motor vehicle accident reports online. Those reports were available for citizens, insurance companies, etc. The link for those reports was also available on the Bellaire Police Department website, www.bellairepolice.com. It was noted that in the first month of use, the month of May, 64 accident reports were accessed online.
The Bellaire Family Aquatic Center was now open and the first swim meet to be held at the Center was scheduled this evening. The Center had been well used, especially during the last two weekends. Over the last weekend, approximately 250-300 people were using the facility per hour. However, there had not been any long lines and no one had been turned away. At this time last year, the Parks & Recreation Department had sold approximately 600 identification cards for the swim season. As of today, the Parks & Recreation Department had sold 1,000 identification cards for the swim season. In City Manager Satterwhite’s opinion the combination of having a new facility and high gasoline prices were keeping people close to home.

It was also noted that the Summer Reading Program at the Bellaire City Library began today. As of this afternoon, 464 had already registered for the program, which was spectacular for the first day of registration. The Bellaire City Library was gearing up for 1,000. The highest registration to date was 600+. There were two reading clubs—the Texas Reading Club Jubilee 1958-2008, coupled with the Bellaire Centennial 1908-2008, or a program called “Game On” for teens ages 12 to 18. During this Centennial year, the Bellaire City Library was offering a special reward for those who had read 100 books in addition to the incentives for each level up to 50 books. A number of other programs and activities would be going on at the Bellaire City Library throughout June, with two days being declared Teen Tuesday.

Summer Camp began today in the Parks & Recreation Department. The camp was full, and the first day went well.

This Sunday evening would mark another Bellaire Centennial event, a pool and movie night hosted by the Bellaire Young Mothers and Patrons for Bellaire Parks, Inc., and sponsored by the Holy Smokers Barbecue Cook-Off Team. This same team sponsored the Centennial barbecue in March. The team would not be cooking barbecue at this event, but were helping to sponsor the event through a donation. The event would be held from 4:00 p.m. until 10:00 p.m., with free swimming from 4:00 p.m. until 7:30 p.m. The swim would be followed by a free movie in Bellaire Town Square beginning at 8:00 p.m.

City Manager Satterwhite next showed a slide to City Council and the audience of a picture of the Bellaire Police Department Centennial badges, which would be worn throughout the rest of the Centennial year.

It was noted that Officer Johnny Manning, a 29-year veteran of the Bellaire Police Department, recently retired. City Manager Satterwhite stated that he had an opportunity to present a plaque to Officer
Manning recently on behalf of a grateful City. There was a picture on Officer Manning’s cake showing the six motorcycle officers that Bellaire had during the 1980s, of which Officer Manning was one. Byron Holloway was also one of the motorcycle officers in the 1980s. Officer Manning would be settling in Wimberley in a home he had owned now for several years. He had taken a job with the Rollingwood Police Department, a suburb of Austin, Texas.

City Manager Satterwhite next brought to the City Council’s attention the June issue of the Parks & Recreation magazine, the official publication of the National Recreation and Parks Association (“NRPA”). There was an article in the issue entitled “Four Under Forty.” The article honored young professionals, and the tagline stated that “Older professionals are leaving the field at an unprecedented rate. The good news is there are a number of gifted young professionals ready to pick up where they left off.” The article referenced the Robert W. Crawford and NRPA’s Young Professional Award, noting that Mr. Crawford, who passed away in 1995, was inducted into the NRPA’s Recreation and Parks Hall of Fame in 2001. In addition to the Hall of Fame, which was later renamed in his honor, an award was also named in his honor to recognize excellence and innovation in pioneering leadership and was given to park professionals 35 years of age or younger. The article profiled four young park professionals—Tony Lopez of Miami Lakes, Florida, Mark McDonald of Maricopa, Arizona, David Stricker of Bakersfield, California, and Cheryl Bright-West of Bellaire, Texas. City Manager Satterwhite showed the picture of Cheryl Bright-West in the article, noting that she was standing in front of the tile wall at the new Family Aquatic Center. He noted further that the article was very nice and a great recognition for the City.

With respect to the St. Mark’s Coptic Church (“St. Mark’s”) construction project, it was noted that City Council had asked City Manager Satterwhite to report on that project, including information regarding St. Mark’s compliance with various City regulations. He stated that if City Council had questions, Terry Maher of Claunch & Miller, Inc., who reviewed the plans, was also present. It was noted further that Terry Maher, Bellaire’s Building Official Lee Cabello, City Attorney Alan Petrov, and City Manager Satterwhite met together to review the plans and City Codes and regulations carefully.

There were several governing rules that applied to the St. Mark’s project and the City’s Code of Ordinances was one of those. There were two primary sections of the Code of Ordinances that the City was concerned with. One was Chapter 24, Planning and Zoning Regulations. This chapter stipulated height, lot coverage, setbacks, etc. St. Mark’s plans did conform to the regulations in that chapter. Since the structure was in a residential zone, it had to comply with residential zoning requirements. However, churches and schools were
considered specific uses, and St. Mark’s was given a specific use permit in 2003. Within Chapter 24 in the Mulberry residential district, there was a specific stipulation with regard to what churches and schools could do with setback, lot coverage, height, etc. The City’s review showed that the plans did conform to all of those zoning requirements.

Secondly, there was a specific use amendment that City Council approved in 2003. There were several conditions in that specific amendment, one of which had to do with drainage (specifically detention). The specific use amendment required additional detention over what the property already had in existence and was based on the standards set by the City of Houston for commercial development. Bellaire had been using those standards for many years with regard to commercial development. The specific use amendment also set forth some other conditions with respect to front setback, parking, etc. The plans for St. Mark’s did conform to all of those conditions.

The St. Mark’s development was reviewed using drainage criteria for commercial structures. Chapter 9, Buildings, of the Code of Ordinances of the City of Bellaire, Texas, was another important set of regulations that had to be followed. Drainage requirements for the City were found in Chapter 9. The “no net fill” requirements in Chapter 9 pertained specifically to residential structures only. There was a difference between residential and commercial structures with regard to flood mitigation and flood control even at the Federal Emergency Management Agency (FEMA) level, because residential structures had to be built at or above the base flood elevation (i.e., Bellaire required structures to be built one foot above base flood elevation). Commercial structures did not necessarily have to be built above the base flood elevation. There were other things that commercial structures could do to satisfy FEMA requirements. So, the St. Mark’s development was reviewed using drainage criteria for commercial buildings. Again, these criteria were used by the City of Houston. For a development of this size, detention of storm water runoff and controlled release was required whether or not it was specifically mentioned as a condition. The conditions did, however, require detention beyond what was already in existence for this development.

The detention volume required was \( \frac{1}{2} \) an acre foot per acre of increased impervious cover and a release no greater than the undeveloped acreage during a two-year frequency storm. Detention was being provided based on the current development, which was .67 acre feet plus the previous development, which were .69 acre feet. The total detention required was, therefore, 1.56 acre feet of storage and one restrictor pipe that would control flow from the ponds into the
storm sewer system. There would be two detention ponds on the site to meet those 1.56 acre feet of detention requirement.

Fill mitigation was not a requirement for commercial development, however, some mitigation was being provided by the engineer for the added building footprint that fell within the 100-year floodplain. Interestingly, one-half of the St. Mark’s property was in the floodplain and the other one-half was not. One-half of the proposed structure would lie within the 100-year floodplain. The basic flood elevation was really not an issue with respect to this project; however, St. Mark’s did provide some mitigation for the added building footprint which amounted to .27 acre feet. The mitigation was partially within the detention ponds and partially in the parking lot at the rear of the property.

There was also an existing 24-inch concrete pipe that carried water from the inlets on Mulberry Lane through the center of the property to the 84-inch storm sewer over by the railroad tracks. The pipe had been in place for many years. There were several properties on Mulberry Lane that had storm sewers running through the middle of their properties as well. The developer wanted to abandon the storm sewer because it ran through the middle of the proposed building. The City required the developer to run the storm sewer around the perimeter of the property to the 84-inch pipe at the rear of the property and dedicate an easement to the City in doing so. There would now be a 36-inch storm sewer from an inlet on Mulberry Lane to an 84-inch outfall into a pipe next to the railroad tracks. That pipe ran south to Bellaire Boulevard, crossed underneath Bellaire Boulevard, and emptied into Kilmarnock Ditch on the east side of the railroad tracks.

Certainly if this were a residential development, the storm sewer could probably have been abandoned. There would have been fill mitigation, but no detention would have been required. The referenced 36-inch pipe would provide 225% of the capacity of the existing 24-inch pipe being replaced. Other areas in Bellaire where detention was required were noted as follows: Alder Center (Alder Street and Bissonnet Street), Episcopal High School Athletic Field (the field itself), and Pin Oak Middle School (provided offsite detention north of the site in the City of Houston). Underground detention facilities were required at SCI Funeral Directors (Bissonnet Street west of Newcastle Drive), Pine Circle Estates (Pine Street and Interstate 610), as well as Camellia Street.

City Attorney Alan P. Petrov noted that City Staff did go through the specific use permit and the City Code of Ordinances to make sure that St. Mark’s was in compliance with all of the current City requirements. He understood that to look at the site presently it
appeared that St. Mark’s might not be following the regulations in some respects. In part, it appeared this way because the construction was not completed. Much of the detention, for example, was not dug out yet. The plans were in compliance with all of the City’s requirements.

City Manager Satterwhite agreed and referred to a pad on site that was built up. The pad was for architectural purposes and not flood purposes. The pad was built up in the back so that the driveway could meet that level in the back. There was nothing in the City’s Code of Ordinances that would prevent the pad from being built up.

UPCOMING CITY COUNCIL MEETINGS:

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<tr>
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<th>Time</th>
<th>Type of Meeting</th>
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<tbody>
<tr>
<td>06/09/2008</td>
<td>6:00 p.m.</td>
<td>Special Session (Board Interviews)</td>
</tr>
<tr>
<td>06/16/2008</td>
<td>6:00 p.m.</td>
<td>Special Session (Board Interviews), if necessary</td>
</tr>
<tr>
<td>06/16/2008</td>
<td>7:00 p.m.</td>
<td>Regular Session</td>
</tr>
<tr>
<td>06/23/2008</td>
<td>7:00 p.m.</td>
<td>Workshop Session (Bellaire Town Square Presentation)</td>
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QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Councilman Pat McLaughlan stated that he did not know that anyone was questioning whether or not the St. Mark’s property had been inspected properly or whether or not the City’s Codes were being followed. This was not the issue in his mind. The issue in his mind was that the City had imposed some very strict, but good and worthy, storm water management requirements on the residential community, and, from his knowledge base, he did not know that the City had equally valuable requirements for commercial construction.

City Manager Satterwhite mentioned that Bellaire used the City of Houston’s ordinance. Councilman McLaughlan did not know if the Houston ordinance applied throughout the City or only for 100-year floodplain areas. It was also mentioned that the City had taken some mitigation action with respect to other commercial construction. His question was whether Bellaire had a specific flood control, storm water management ordinance that originated within the City and was managed by the City for commercial construction.

A: City Manager Satterwhite advised that the City did not have an ordinance for commercial construction that originated within
the City, but the City certainly managed commercial construction. Bellaire had looked at designing its own design criteria manual, which was a very complex issue. Due to the small number of commercial developments in Bellaire, it was decided that the City of Houston criteria worked well for Bellaire. The criteria developed and used by Houston was pretty rigid.

Q: **Councilman McLaughlan** inquired as to whether the criteria developed and used by Houston was specifically defined for the 100-year floodplain boundaries or if it was a generic set of criteria used in any location.

A: **City Manager Satterwhite** and **Terry Maher, Claunch & Miller, Inc.**, indicated that the criteria were used in or out of the floodplain.

C/Q: **Councilman McLaughlan** suggested that the City look at a specific Bellaire ordinance directed for the 100-year floodplain area. Bellaire had done a good job with storm water management for residential properties, and those regulations had been well accepted by the community. It would be helpful if the City would look at a similar set of guidelines or ordinances for commercial properties.

He next inquired as to how much fill was brought into the St. Mark’s property and how much detention volume there was.

A: **Mr. Maher** indicated that the detention volume required was 1.24 acre feet (current development plus what was required for the previous development). St. Mark’s added .27 acre feet of fill mitigation (the proposed footprint minus the existing footprint).

Q: **Councilman McLaughlan** asked for the volume of the detention area versus the amount of dirt, concrete, fill, etc., that was brought onto the site.

A: **Mr. Maher** advised that he could get the information, but did not have it with him this evening.

Q: **Councilman McLaughlan** advised that he believed people would like to know that. The ordinance allowed, for example, 100 cubic feet of fill material, but required a balance of only 50 cubic feet of detention pond.

A: **Mr. Maher** stated that the detention was not based on fill. It was based on impervious cover only.
Q: Councilman McLaughlan asked for confirmation that a commercial construction project could use any amount of fill.

A: City Manager Satterwhite stated that was correct, but he did not know exactly how much fill St. Mark’s had brought onto their construction site.

C/Q: Councilman McLaughlan advised that the residential neighbors were concerned about the amount of fill in relation to the detention. If he could get some additional numbers regarding the project, it would be helpful.

Q: Councilman McLaughlan referred to a neighbor whose street light had been out in front of his home for a very long time. The light was out due to the reconstruction of Ferris Street. The Ferris Street reconstruction was now complete, and some time back City Staff had advised that the street lights would be on within a certain timeline. That timeline had been passed, so Councilman McLaughlan was trying to get some idea as to when that light might be back on.

A: City Manager Satterwhite advised that CenterPoint Energy had stated that the light would be on by the end of this week.

Q: Mayor Cindy Siegel asked if all of the lights along the Ferris Street reconstruction project would be back on.

A: City Manager Satterwhite advised that street lights were out at the 5100 block of Maple Street, 5200 block of Holly Street, 5200 block of Pine Street, 5100-5200 blocks of Braeburn Drive, 5100 block of Grand Lake Street (one light), and 5300 block of Grand Lake Street (one light), and all of Aspen Street. All of these street lights were supposed to be up by the end of the week according to CenterPoint Energy.

The light at the 5200 block of Pine Street did have a cover off of the back and had wires sticking out. Those wires were dead—no electricity was running through the wires.

C: Councilman McLaughlan suggested that CenterPoint Energy needed to put the cover back on.

A: City Manager Satterwhite agreed and noted that CenterPoint Energy would put it back on. Since the lights were the property of CenterPoint Energy, the City was not able to work on them.

Q: Mayor Pro Tem Peggy Faulk inquired as to whether there was an update on the fences that faced Fournace Place.
A: City Attorney Petrov advised that he was meeting with the homeowners’ attorney this week and would probably bring a proposal to City Council through an Executive Session before an upcoming Regular or Special Session.

Q: Mayor Siegel referred to the St. Mark’s construction project and noted that she was aware that the City had approved a specific use amendment in 2003. She knew that organizations, such as churches, often did a great deal of fundraising prior to construction projects. In the interim, laws often changed. She inquired as to what the City should be doing in those instances when amendments were issued but projects started a number of years after the amendment was issued.

A: City Attorney Petrov stated that the applicants receiving specific use amendments would still have to comply with any building codes that were in effect at the time they applied for a building permit.

Q: Mayor Siegel asked for confirmation that if the City had created an ordinance such as the one referenced by Councilman McLaughlan to address drainage for commercial structures, the applicant would have to comply with the new ordinance if a building permit had not yet been issued.

A: City Attorney Petrov advised that Mayor Siegel was correct. He noted that the electrical and residential building codes or standards were revised fairly often. A person might have a right to build a home, but if that person did not apply for a permit until several years later, that person would have to comply with the standards in place when the building permit was applied for.

MOTION TO ACCEPT REPORT INTO THE RECORD:

A motion was made by Councilman Pat McLaughlan and seconded by Councilman Phil Nauert 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 5-0 vote as follows:

FOR:       Siegel, Cindy
           Faulk, Peggy
           Nauert, Phil
           McLaughlan, Pat
FOR (CONT.): Jeffery, John

OPPOSED: None

ABSENT: Hickman, Will
        Avioli, James P., Sr.

G. NEW BUSINESS:

1. CONSENT AGENDA:

CONSIDERATION of and possible action on a request for City Council authorization to discard, auction, and/or store certain City surplus property by the following City departments: Community Development, Organizational Services, and Parks & Recreation – Item submitted by Assistant City Manager Diane K. White on behalf of various City departments.

MOTION TO APPROVE CONSENT AGENDA:

A motion was made by Councilman Phil Nauert and seconded by Councilman Pat McLaughlan to approve the Consent Agenda dated June 2, 2008, consisting of the following item:

- Request for City Council authorization to discard, auction, and/or store certain City surplus property by the following departments: Community Development, Organizational Services, and Parks & Recreation.

VOTE ON MOTION TO APPROVE CONSENT AGENDA:

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

FOR: Siegel, Cindy
      Faulk, Peggy
      Nauert, Phil
      McLaughlan, Pat
      Jeffery, John

OPPOSED: None

ABSENT: Hickman, Will
        Avioli, James P., Sr.
2. ITEMS FOR INDIVIDUAL CONSIDERATION:

a. CONSIDERATION of and possible action on the receipt into the record of a recommendation from the Planning and Zoning Commission of the City of Bellaire, Texas, dated May 28, 2008, regarding an application and request submitted by Applicant Meir O’Hanna for a residential planned development consisting of fifteen (15) single-family residents or units on a court accessed via a private drive, said development to be known as “MW Villas at Bellaire,” in the R-M.3 Residential-Commercial Mixed-Use District located at 5711 and 5713 Bissonnet Street in the City of Bellaire, Texas, and on an amendment to Chapter 24, Planning and Zoning Regulations, Section 24-538, R-M.3 Residential-Commercial Mixed-Use District, by adding the following amendment to Subsection D, Planned development: residential, d) Building lines: Notwithstanding the requirements of Section 23.5-21 that all platted lots must abut a public street, the lots within a planned development approved under this section may be platted without a public street if the front building line faces, and the lots, abut a private court – Item submitted by City Clerk Tracy L. Dutton on behalf of the Planning and Zoning Commission of the City of Bellaire, Texas.

SUMMARY:

City Attorney Alan P. Petrov advised that the referenced application came before the Planning and Zoning Commission of the City of Bellaire, Texas (“Commission”), and the Commission went through the process of holding public hearings. Two were actually held because the applicant modified his site plan during the process. Modifications consisted of a reduction in the number of lots and a change in configuration. Since the modifications were fairly substantial, City Attorney Petrov concluded that a second public hearing should be held so that any residents or interested persons around the property would have an opportunity to talk about what was then before the Commission.

The Commission’s recommendation was a negative one. Under the Code of Ordinances of the City of Bellaire, Texas (“Code”), the process was for the Commission to
forward its recommendation to City Council. City Council would accept that recommendation, and if the applicant were to choose to go forward, the applicant could do so. Upon a request by the applicant, City Council would be required to hold another public hearing and make their own conclusions, taking into account the recommendation of the Commission and whatever findings City Council drew from their own public hearing.

At this point the applicant had not made a decision as to whether or not to go forward with the application, so all that was required this evening was for City Council to accept the recommendation into the record.

Councilman Phil Nauert advised that as Council Liaison to the Commission, he recommended acceptance into the record of the recommendation from the Commission and to do so without further discussion. He made a motion to that effect as set forth below.

**MOTION TO ACCEPT LETTER OF RECOMMENDATION INTO THE RECORD WITHOUT FURTHER DISCUSSION:**

A motion was made by Councilman Phil Nauert and seconded by Mayor Pro Tem Peggy Faulk to accept into the record without further discussion the letter of recommendation from the Planning and Zoning Commission of the City of Bellaire, Texas, dated May 28, 2008, regarding an application and request submitted by Meir O’Hanna for a residential planned development to be known as “MW Villas at Bellaire” to be located in R-M.3 Residential-Commercial Mixed-Use District at 5711 and 5713 Bissonnet Street and on an amendment to Chapter 24 of the Code of Ordinances of the City of Bellaire, Texas, Section 24-538, R-M.3 Residential-Commercial Mixed-Use District, related to platting lots in a planned development.

**QUESTIONS/COMMENTS FROM CITY COUNCIL:**

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

**Q:** Councilman John Jeffery agreed that discussion was not necessary and wished to accept the report into the record. He referred to
the second portion of the request, which was related to a code amendment for platting lots in a planned development, and inquired as to whether it required a separate vote.

A: **City Attorney Petrov** stated that the application by MW Villas was a two-part application asking for the planned development approval and for a change to the wording of the code so that they could accommodate their planned development with a private drive. The action this evening was simply to accept the report of the Commission.

**VOTE ON MOTION TO ACCEPT LETTER OF RECOMMENDATION INTO THE RECORD WITHOUT FURTHER DISCUSSION:**

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

**FOR:** Siegel, Cindy  
Faulk, Peggy  
Nauert, Phil  
McLaughlan, Pat  
Jeffery, John

**OPPOSED:** None

**ABSENT:** Hickman, Will  
Avioli, James P., Sr.

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 – Item submitted by Director of Facilities Management Karl Miller.**

**SUMMARY:**

**Mayor Cindy Siegel** noted that on May 19, 2008, the City Council voted to reject the one bid the City received to repair the Bellaire Trolley Pavilion because the bid came in at $185,000.00. The City had budgeted $100,000.00 for the repairs. Due to the lateness of the meeting that evening, City Council voted to postpone future considerations to be undertaken with respect to the Bellaire Trolley Pavilion until June 2, 2008.
City Manager Bernard M. Satterwhite, Jr., noted that last summer City Staff presented several options to City Council with regard to the disposition of the Bellaire Trolley Pavilion. City Council chose to try to repair the facility on its existing site. City Staff brought an item to City Council in the fall for permission to hire an engineer to do the engineering to repair the facility. The engineer went through a two-step process, the first step of which was forensic and design engineering. A report was given to City Council regarding what the engineering firm thought could be done to repair the Bellaire Trolley Pavilion. The next step of the process was to perform the engineering necessary for the repairs and to prepare construction drawings. City Staff went out for bids anticipating the repair cost to be in the neighborhood of $107,000.00. The only bid that came back was $185,000.00. This was well over the estimate and over-budget. City Staff then recommended that the bid be rejected as it might or might not represent the real cost to do the work.

City Staff saw three possible avenues to move forward as follows:

- Re-bid the project;
- Demolish the existing structure and consider some other alternative; or
- Go back and look at other options.

In closing, City Staff was looking for discussion, debate, and direction from City Council regarding the Bellaire Trolley Pavilion.

QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Councilman Phil Nauert inquired as to whether there were any rules on what the questions to the City Manager could cover, such as the process, etc.

A: Mayor Siegel stated that she believed the questions should be of the type to influence a motion or action City Council should take.
Q: Councilman John Jeffery inquired as to whether City Staff had an idea as to the cost to demolish the structure.

A: City Manager Satterwhite estimated the cost to demolish the existing structure at $5,000.00 to $10,000.00.

Q: Councilman Pat McLaughlan inquired as to the amount of money the City had spent on the Bellaire Trolley Pavilion to date in relation to engineering, the geotechnical survey, bid preparation, etc.

A: City Manager Satterwhite advised that $20,818.53 had been spent on the Bellaire Trolley Pavilion to date with respect to engineering and bidding costs.

Q: Councilman Nauert stated that one of the things that made the particular construction noteworthy was that it incorporated some materials (not many) of the original structure on that site. For that reason, it was considered an historical reconstruction. He inquired as to whether the City knew which of the existing materials were original.

A: City Manager Satterwhite advised that he did not believe that City Staff knew right now, but could go back and research the issue. City Staff might have to meet with some of the people involved in the project to ascertain which materials were original.

Q: Councilman Nauert inquired as to what the cost might be to demolish the structure and rebuild it.

A: City Manager Satterwhite stated that he did not know. He felt that a pavilion could probably be built for less than $185,000.00, but he did not have the information specifically.

He added that there was some additional interest in bidding from other than the one bidder. He was not promoting re-bidding, but there were a few contractors that indicated that had they had more time, they might have bid on the project.
Q: Councilman Nauert noted that generally when a project was bid those in the industry had an idea or opinion as to why a project was bid aggressively or why bids were not forthcoming. He asked if the City had given some thought to why there was a low amount of interest.

A: City Manager Satterwhite indicated that smaller projects generally did not receive much interest. The project was fairly complex, with little rewards. It was sometimes possible to drum up a little bit more interest the second time around. This was done recently with the Fire Department Training Tower.

There were several interested in the pre-bid conference and thereafter, but only one party bid on the project.

Q: Councilman Nauert asked if the existing structure were stable enough from a public safety standpoint as it was to allow the City the time to seek more bids.

A: City Manager Satterwhite advised that the structure was stable enough.

Q: Mayor Cindy Siegel inquired as to how long the bid process would take.

A: City Manager Satterwhite stated that it would take approximately three weeks to re-bid the project.

**MOTION TO DEMOLISH EXISTING STRUCTURE:**

A motion was made by Councilman John Jeffery and seconded by Mayor Pro Tem Peggy Faulk to demolish the existing Bellaire Trolley Pavilion structure.

**DISCUSSION ON MOTION:**

Councilman McLaughlan stated that he would support Councilman Jeffery’s motion because the Bellaire Trolley Pavilion was a mess and the design was very deficient. The reconstruction plan was inadequate and did not solve the root problem as to why the structure failed initially. It failed initially because the wood decking on
the floor allowed rainwater to go through the decking and rot the timbers underneath. The reconstruction plan retained the wood decking that would allow water to flow through into the foundation area. Simply reconstructing the structure proposed to prolong the agony of it failing again.

Beyond that, there was a very noble intention of building the pavilion as a memory to the early days of Bellaire when a trolley line went through the city. Councilman McLaughlan stated that the City could honor the historical group and those that participated in that endeavor by carrying out a trolley theme in some other location in the City. Currently, the building was not used and no one had missed it during the year in which it had been inoperative. The location was not suitable for public events due to traffic and lack of parking. Most people did not even know what the building was, and it blocked the view of the trolley. The trolley was very significant. For that reason, he would vote to support the motion to demolish the pavilion.

C: Mayor Siegel stated that she would not support the motion. This was not to say that she would not vote for it in three weeks. She advised that people had raised money for the pavilion. It was heartbreaking that because of the design, the structure had failed in such a short period of time. She would like to see the City re-bid the project. If it could not be renovated for $100,000.00, then she believed City Council would have to move down the road toward demolishing the structure and considering something else. She was not sure what the “something else” was at this point.

Mayor Siegel agreed with Councilman McLaughlan in that the Bellaire Trolley Pavilion was not used the way she thought City facilities should be used. However, she did think there was sentiment involved and there was a group of people that worked really hard to get the pavilion constructed. She felt that three weeks was a short time to wait to find out if it could be renovated.

C: Councilman Nauert stated that he felt it would be worth at least three weeks. He hoped that someone would come in with a better plan or a better price. If it did not happen after that effort, then he would be able to look anyone he worked with on the original pavilion construction project in the eye and say that it just was
not to be. He did not believe that the City had gone as far as he would like to see the City go to try and save that particular structure. Three weeks did not seem like a long time to wait.

**VOTE ON MOTION TO DEMOLISH EXISTING STRUCTURE:**

Motion **failed** on a **3-2** vote as follows:

**FOR:** Faulk, Peggy
McLaughlan, Pat
Jeffery, John

**OPPOSED:** Siegel, Cindy
Nauert, Phil

**ABSENT:** Hickman, Will
Avioli, James P., Sr.

**MOTION TO RE-BID BELLAIRE TROLLEY PAVILION RENOVATION PROJECT:**

A **motion** was made by Councilman Phil **Nauert** and **seconded** by Mayor Cindy **Siegel** to re-bid the Bellaire Trolley Pavilion Renovation Project.

**DISCUSSION ON MOTION:**

Councilman McLaughlan stated that he would not support re-bidding the project because the reconstruction document that was prepared by an engineer was inadequate. It did not correct the original problem that caused the failure. The City would still have water migration on the wooden structure into the foundation area, and the City would get another 8-10 years of life out of the building before it fell down a second time.

**Mayor Siegel** advised that she thought the problems would be solved because the untreated wood would be replaced with treated wood.

City Manager **Satterwhite** indicated that there was disagreement between what was adequate and what was not adequate.
Councilman McLaughlan stated that the specification did call for treated wood in the area. When rain water fell on wood decking, it would still run through the decking and get the primary structure wet. Treated wood might defer the decay, but treated wood itself, given enough time, would fail. Councilman Hickman had made an earlier suggestion that the City construct the structure using steel framing underneath the wood decking. If the City did that, the life of the structure could be extended. From a technical point of view, Councilman McLaughlan could not support any structure designed in such a way that rain water could flow into the crawl space under the building. Those types of occurrences were not allowed in residential construction. So, essentially the City was proposing to rebuild a structure that, in Councilman McLaughlan’s opinion, would not satisfy the City’s current Building Code.

Mayor Siegel advised that if the motion before City Council failed City Staff would have no direction from City Council. She was not suggesting that members of City Council vote for the motion if they were opposed to going out to re-bid the project. She suggested postponing action on this agenda item until the two other members of City Council could be present.

Councilman Jeffery stated that he understood where the Mayor was coming from procedurally, but agreed with Councilman McLaughlan in that the City did not need to waste any more money on this project. The noble intentions were there. He asked if the City could really come back to City Council in three weeks with another set of bids.

City Manager Satterwhite stated that the project was ready to re-bid. The advertisement could appear in the paper next week. Fifteen days after the advertisement appeared, City Staff could accept and open bids, then prepare a recommendation for City Council.

Councilman Jeffery advised that he would vote on any motion to move forward.

City Manager Satterwhite noted that City Council action was not required for him to go out for bids, but City Council action would be necessary to approve those bids.
Mayor Siegel noted that City Staff was asking for City Council guidance on what to do.

Councilman Jeffery stated that many ideas had been presented to the City as a way to honor the pavilion and the efforts of the historical group—perhaps, in another location.

Councilman Nauert stated that he appreciated Councilman Jeffery’s sensitivity as this was a noble effort. He was concerned that if City Council waited two weeks to make a decision, then the holiday season would be upon us. From the standpoint of those who put the effort into the pavilion and even the public relations, this might be a decision better made with all members of City Council present. He was not an avid supporter of rebuilding the structure at all costs and against the better thoughts of wiser people. Councilman McLaughlan’s thoughts were well taken.

Mayor Pro Tem Faulk advised that she could not support the motion. She could not see throwing money after old sunk costs. If it were an exact replica of the original historic structure, that would be one thing. Based on the costs to reconstruct it, she did not see that it was worthwhile. She agreed with the comments made by Councilman McLaughlan and made a motion to postpone as set forth below.

**MOTION TO POSTPONE ACTION ON FUTURE CONSIDERATIONS TO BE UNDERTAKEN BY CITY STAFF WITH RESPECT TO THE BELLAIRE TROLLEY PAVILION:**

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Mayor Cindy Siegel to postpone action on future considerations to be undertaken by City Staff with respect to the Bellaire Trolley Pavilion until six or seven members of City Council could be present.

**VOTE ON MOTION TO POSTPONE ACTION ON FUTURE CONSIDERATIONS TO BE UNDERTAKEN BY CITY STAFF WITH RESPECT TO THE BELLAIRE TROLLEY PAVILION:**
Motion carried unanimously on a 5-0 vote:

FOR: Siegel, Cindy
     Faulk, Peggy
     Nauert, Phil
     McLaughlan, Pat
     Jeffery, John

OPPOSED: None

ABSENT: Hickman, Will
        Avioli, James P., Sr.

H. COUNCIL CORRESPONDENCE AND COMMENTS.

Discussion only.

I. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Councilman Pat McLaughlan and seconded by Mayor Pro Tem Peggy Faulk to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 8:26 p.m. on Monday, June 2, 2008.

VOTE ON MOTION TO ADJOURN:

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

FOR: Siegel, Cindy
     Faulk, Peggy
     Nauert, Phil
     McLaughlan, Pat
     Jeffery, John

OPPOSED: None

ABSENT: Hickman, Will
        Avioli, James P., Sr.

Respectfully submitted,

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

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Approved:

_____________________________
Cynthia Siegel, Mayor
City of Bellaire, Texas