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

A. CALL TO ORDER AND ANNOUNCEMENT OF A QUORUM – Mayor Pro Tem Peggy Faulk.

Mayor Pro Tem Peggy Faulk called the City Council of the City of Bellaire, Texas, to order at 6:00 p.m. on Tuesday, August 26, 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 by Episcopal High School for a specific use amendment and permit and petitions for two Code amendments. The Special Session was held in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401. Mayor Pro Tem Faulk 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;
- Councilman Phil Nauert, Position No. 4;
- Councilman Pat McLaughlan, Position No. 5; and
- Councilman John Jeffery, Position No. 6.

Mayor Cindy Siegel was present, but recused herself from participation in the public hearing due to her daughter’s recent acceptance and fall attendance at Episcopal High School. Other officials present were City Manager Bernard M. Satterwhite, Jr., City Clerk Tracy L. Dutton, and Diane Allen, representing the law firm of Johnson Radcliffe Petrov & Bobbitt, LLP.

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

City Clerk Tracy L. Dutton read the Notice of Public Hearing. In the interest of time, the entire Notice of Public Hearing was not read, but provided at the entrance to the Council Chamber. For the record, the Notice of Public Hearing read as follows:

Notice is hereby given that the City Council of the City of Bellaire, Texas, has called, by Ordinance No. 08-045, a public hearing before the City Council of the City of Bellaire, Texas, on Tuesday, August 26, 2008, at 6:00 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, 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 Episcopal High School for a specific use amendment and permit to construct a new Parking Complex, a new Academic Center, a new Field House addition, a new Student Center addition, a Chapel renovation and addition, a new Fine Arts Center, a new Maintenance Building, and a renovation of the existing Convent and Fine Arts Building to be located at 4650 Bissonnet Street in the Loop 610 Zoning District in the City of Bellaire, Texas, said property being legally described as:

TRACT ONE:

BEING A TRACT OF LAND CONTAINING 19.65 ACRES OF LAND, IN THE JAMES BLESSING SURVEY, ABSTRACT NO. 162, HARRIS COUNTY, TEXAS, SAID 19.65 ACRES BEING PARTS OF LOTS 9, 10, AND 11, BLOCK 3, IN WESTMORELAND FARMS AMENDED FIRST SUBDIVISION AS RECORDED IN VOLUME 3, PAGE 60 OF THE HARRIS COUNTY MAP RECORDS, AND BEING OUT OF A 37.7973 ACRE TRACT CONVEYED TO THE ACADEMY OF THE INCARNATE WORD BY INSTRUMENTS OF RECORD IN VOLUME 845, PAGE 493, VOLUME 589, PAGE 225, AND VOLUME 596, PAGE 79 OF THE HARRIS COUNTY DEED RECORDS.

TRACT TWO:


Notice is hereby further given that the City Council of the City of Bellaire, Texas, has called, by Ordinance No. 08-045, a public hearing before the City Council of the City of Bellaire, Texas, on Tuesday, August 26, 2008, at 6:00 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, 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 a letter submitted by Jackson & Ryan Architects on behalf of Episcopal High School petitioning for an amendment to the written text of the Code of Ordinances of the City of Bellaire, Texas, Chapter 24, Planning and Zoning Regulations, Article V, Zoning Regulations, Division 2, Zoning District Regulations, Section 24-541, Loop 610 District, Subsection D, Standard regulations, (2) Non-residential structures, b) Schools, 1) Size and area, d. Maximum building height, to allow for the maximum building height of a structure in said district to be six (6) stories subject to tiered setbacks.
measured from abutting residential neighborhoods and to increase the maximum height limit for cooling towers, roof gables, theatrical fly spaces, chimneys, radio and television antennas, and vent stacks to eighty-four (84) feet above the average level of the base of the foundation of the building, excluding basements, said amendment of which shall read as follows (language to be added shown by underline):

Section 24-541. Loop 610 District.

D. Standard regulations.

(2) Non-residential structures.

(b) Schools.

1) Size and area.

d. Maximum building height: 2-
1/2 stories, except that one (1) additional story is allowed for every one hundred (100) feet a structure is located from the nearest lot line of a residential lot located in an existing abutting residential district, provided that any residential district or portion of any residential district which is separated from the structure by Loop 610 shall not be considered an abutting residential district, provided, however, that, regardless of where it is located, no structure shall exceed six (6) stories. Cooling towers, roof gables, theatrical fly spaces, chimneys, radio and television antennas and vent stacks may extend for an additional height, the total height not to exceed eighty-four (84) feet above the average level of the base of the foundation of the building, excluding basements. Radio communications antennas for non-commercial service may not exceed sixty (60) feet above the average level of the
Notice is hereby further given that the City Council of the City of Bellaire, Texas, has called, by Ordinance No. 08-045, a public hearing before the City Council of the City of Bellaire, Texas, on Tuesday, August 26, 2008, at 6:00 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas, at which time any and all persons desiring to heard will be heard on or in connection with any matter or question involving a letter submitted by Jackson & Ryan Architects on behalf of Episcopal High School petitioning for an amendment to the written text of the Code of Ordinances of the City of Bellaire, Texas, Chapter 24, Planning and Zoning Regulations, Article II, Definitions and Interpretations, Section 24-202, Definitions, by adding a new definition (174.6), Theatrical fly space, said amendment of which shall read as follows:

Sec. 24-202. Definitions.

(174.6) Theatrical fly space. The area in a theater above the stage into which scenery and other accessories are hoisted to an extent that the scenery and other accessories are not visible to the audience.

Prior to the public hearing, any person may review the application for a specific use amendment and permit and letter petitioning for amendments to the text of various portions of the Code of Ordinances of the City of Bellaire, Texas, Chapter 24, Planning and Zoning Regulations, 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 22nd day of July, 2008.

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

City Clerk Dutton advised that the Notice of Public Hearing was posted on the City’s bulletin board and website on Tuesday, August 5, 2008. Signs advertising the public hearing were posted at the site of the specific use amendment and at the intersections of Bellaire Boulevard and South Rice Avenue and Bellaire Boulevard and Newcastle Drive on Friday, August 8, 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 Episcopal High School for a specific use amendment and permit to construct and renovate several campus facilities to be located at 4650 Bissonnet Street in the Loop 610 Zoning District in the City of Bellaire, Texas. This public hearing also addresses petitions submitted by Jackson & Ryan Architects on behalf of Episcopal High School for amendments to the written text of the Code of Ordinances of the City of Bellaire, Texas, Chapter 24, Planning and Zoning Regulations, Article V, Zoning Regulations, Division 2, Zoning District Regulations, Section 24-541, Loop 610 Zoning District, as such section relates to maximum building heights as well as the addition of a definition for theatrical fly space in Chapter 24, Planning and Zoning Regulations, Article II, Definitions and Interpretations, Section 24-202, Definitions, of the Code of Ordinances of the City of Bellaire, Texas. The presentation will be limited to 15 minutes.

At the conclusion of the presentation, the Mayor Pro Tem and City Council will have an opportunity to ask questions of the applicant regarding the application and petitions.

At the conclusion of the question and answer session, the Mayor Pro Tem 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 minutes for each individual.

Following comments from citizens or other interested parties, the Mayor Pro Tem will close the public hearing. Public comment will not be received following 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 on Monday, September 8, 2008. Written comments should, therefore, be submitted to the City Clerk by noon on Thursday, September 4, 2008, 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 Episcopal High School for 1) a specific use amendment and permit to construct a new parking complex, a new academic center, a new field house addition, a new student center addition, a chapel renovation and addition, a
new fine arts center, a new maintenance building, and a renovation of the existing convent and fine arts building to be located at 4650 Bissonnet Street in the Loop 610 Zoning District in the City of Bellaire, Texas; 2) an amendment to the written text of the Code of Ordinances of the City of Bellaire, Texas, Chapter 24, Planning and Zoning Regulations, Article V, Zoning Regulations, Division 2, Zoning District Regulations, Section 24-541, Loop 610 District, Subsection D, Standard regulations, (2) Non-residential structures, b) Schools, 1) Size and area, d. Maximum building height, to allow for the maximum building height of a structure in said district to be six (6) stories subject to tiered setbacks measured from abutting residential neighborhoods and to increase the maximum height limit for cooling towers, roof gables, theatrical fly spaces, chimneys, radio and television antennas and vent stacks to eighty-four (84) feet above the building, excluding basements; and 3) an amendment to the written text of the Code of Ordinances of the City of Bellaire, Texas, Chapter 24, Planning and Zoning Regulations, Article II, Definitions and Interpretations, Section 24-202, Definitions, by adding a new definition (174.6), Theatrical fly space – Presentation by Representative(s) of Episcopal High School.

Bob Collins, Attorney, Law Firm of Andrews Kurth, 4200 JP Morgan, Chase Tower, Houston, Texas, advised that he was present this evening, along with John Clemmons of Jackson & Ryan Architects, Joel Shannon of the Episcopal High School Construction Committee, two Civil Engineers from Walter P. Moore, and Head of School Ned Smith of Episcopal High School.

Mr. Collins indicated that the reason Episcopal High School was appearing before City Council was twofold. One, the Episcopal High School needed a change in the text of the Loop 610 Zoning District that would allow Episcopal High School to go through with its plan for campus expansion.

Secondly, Episcopal High School needed an amendment for a specific use permit that would allow them to go forward with their plan for expansion. Generally, the planned expansion consisted of a new parking garage, a new academic building to replace the existing academic building, an expanded field house, a new student center, an expanded chapel, and new fine arts building. He advised that Messrs. Clemmons and Shannon would go over the details for the expansion.

With respect to the text amendment, Mr. Collins advised that the current text contained a limitation of two and one-half (2-1/2) stories and forty (40) feet in overall height. Episcopal High School has asked
for a limitation of six (6) stories so that they could construct their parking garage. An overall height limitation has also been requested of eighty-four (84) feet, said height limitation request of which was consistent with the height limitation of other districts along Loop 610. The reason for the height limitation request was to allow for a theatrical fly space over the new fine arts building.

In addition, the proposed text provided for a distance limitation feathering from the adjoining property owners so that as one went back each one hundred feet, there was an allowance to go up an additional story. Mr. Collins then turned the presentation over to John Clemmons of Jackson & Ryan Architects.

**John Clemmons, Jackson & Ryan Architects, 2370 Rice Boulevard, Houston, Texas,** presented a drawing showing the Episcopal High School existing campus as it currently stood. He advised that when his firm was hired to develop a Master Plan for Episcopal High School, the School charged his firm to take care of the parking issues in one location on campus, to end up with a greener campus, and to develop a campus and the buildings mentioned earlier so that the campus could continue to develop.

A second drawing was presented depicting the completed Master Plan. He referred to the additional green area that had been added and the parking garage, which was located mostly over an existing parking lot. He advised that the other parking lots along the north side of the campus were being removed and a new field was being created.

Mr. Clemmons continued and advised that the parking garage was six (6) stories and placed furthest from any residential property and was close to Loop 610 to allow for easy ingress and egress.

The new academic building was on the north side of the property and would replace the existing academic building. Mr. Clemmons next pointed out the new student center and gymnasium, which was adjacent to the existing gymnasium, as well as the new fine arts center, and the expansion area for the chapel. There would be miscellaneous renovations throughout many of the other buildings.

Mr. Clemmons advised that the Planning and Zoning Commission of the City of Bellaire, Texas (“Planning and Zoning Commission”), had asked Episcopal High School to add some items to the Master Plan drawing. Those items involved how the School could get people to park in the garage when attending activities on the playing fields. The garage was designed to have two exits (two sets of stairs and two elevators). Mr. Clemmons showed City Council how people could enter the garage and exit in order to access various areas within the campus.
Mr. Clemmons noted further that the new academic building would be separated from the existing auditorium with a lobby. The lobby was intended to be open during the times the field was in use. There was clear passage from the garage through the lobby to all of the areas in back. The Planning and Zoning Commission also asked the School to place directional arrows on the Master Plan to indicate the ways in which traffic could enter and exit from the campus. Mr. Clemmons identified the ways in which traffic could enter and exit from the campus for City Council.

Further, the Planning and Zoning Commission asked the School to identify on the Master Plan how it would deal with bus parking. There were some buses that arrived for football games in the evening. The main events that used buses were the large track and field events. All of the buses arriving for those events had been placed on campus. Mr. Clemmons identified how the buses would be parked during those events.

In closing, Mr. Clemmons indicated that the amount of green space on campus once the Master Plan was completed would be higher than the amount of green space existing currently.

The number of existing parking spaces was 512. The traffic study indicated that 500 spaces were required daily for students and faculty. For a special event, such as the highest occupancy event, would require 724 spaces would be required. The Master Plan would accommodate 750 spaces.

Joel Shannon, Member of the Episcopal High School Construction Committee, 3119 Avalon, Houston, Texas, stated that the highest occupancy event on campus was the St. John or Kincaid football game. The School counted the number of parking spaces that would be required for that event, as well as the number of parking spaces currently available for use at the Post Oak School, the office building across Fournace Place on the West Loop, and all of the cars parked in the neighborhood plus some more in developing the parking needs in the Master Plan. The parking garage should have a number of empty spaces in it on regular school days.

He noted that one of the School’s primary concerns in developing the elevated parking garage was to make things easier on the neighborhoods. It was the School’s desire to build the parking garage first and to have as much green space as possible.

Q: **Councilman Will Hickman** asked for clarification as to how buses accessed an area in a picture shown earlier by Episcopal High School, as well as how the buses would get back to Loop 610.

A: **Mr. Shannon** indicated that buses could access the school facilities off of Bissonnet Street, from Fournace Place, or from the West Loop.

Q: **Councilman Hickman** inquired as to whether there was access from the West Loop to the inner area by the track.

A: **Mr. Shannon** advised that there was not. He indicated that there would be a number of buses utilizing the facility during a track event that was attended by many schools. He noted further that very few track events were held each year (i.e., two) and few went on late into the night. With respect to football games, there was just one other school involved and about one or two buses.

Q: **Councilman Hickman** inquired as to whether buses could access the facilities from Avenue B.

A: **Mr. Shannon** advised that there were no roadways on Avenue B, but there was one maintenance gate at the south end of the field near the Post Oak School line. There was also a pedestrian gate up Avenue B near the corner of Fournace Place and Avenue B.

C/Q: **Councilman James P. Avioli, Sr.**, advised that a great deal of good work had been done by the Planning and Zoning Commission and that he had been through the materials provided in Episcopal High School’s application. He understood that everyone liked Episcopal High School and that it was a real asset to the City.

Councilman Avioli indicated that the neighbors did have some concerns, which he summarized as follows: the noise from events, the lights from events, and the parking congestion potentially on Avenue B. Councilman Avioli referred to the fact that there would probably be lights in the parking garage and asked for confirmation that the garage was located a good distance from the residential areas.

A: **Mr. Shannon** advised that Councilman Avioli was correct.

Q: **Councilman Avioli** asked if there were any way in Episcopal High School’s budget that they could help the neighbors with
the light situation. For example, were there better lights that could be installed that were less distracting to the neighbors?

A: **Mr. Shannon** stated that when Episcopal High School appeared before the City Council ten years ago for a different specific use amendment, a great deal of attention was paid to the lights and how the lights were screened. Nothing in the current project increased the lights on Avenue B or the noise.

Q: **Councilman Avioli** asked if there were improved techniques that might satisfy the neighbors in the area with respect to lighting or loud speakers.

A: **Mr. Shannon** stated that Episcopal High School had tried to be more conscious of their use of loud speakers and the volume of those speakers. Other than turning the lights off during a football game, he really did not know what level the residents hoped to achieve.

Q: **Councilman Avioli** stated he was trying to get Episcopal High School’s neighbors to like them more.

A: **Mr. Shannon** stated that a second practice field would be added on Fournace Place. During the winter, soccer practice occurred on those fields. There would be some lighting, but the lights were not competition lights.

Q: **Councilman Avioli** stated that the most significant concern he gleaned from the neighbors was the traffic pattern or possible congestion on Avenue B when there was an event. Mr. Shannon stated earlier that the buses would have a place to park. It seemed that the concern from the residents was that if fans were able to access the field from the gate on Avenue B that those fans would park along Avenue B. He thought the suggestion had been a possible restriction of access through that gate.

A: **Mr. Shannon** advised that because the present parking was so limited, the School had encouraged people to park on Bissonnet Street at the Mexican restaurant, pool place, and other places that were closed and to walk to the field. He noted that the School had gotten permission from the owners of the businesses for parents and fans to park there on just that evening. Those parents and fans were told that they could go through the gate as an encouragement to park on Bissonnet Street instead of parking in the neighborhoods. The gate was closed once the game started, as Episcopal High School did not want people walking across the field after the game started.
Q: Councilman Avioli asked City Manager Satterwhite if the City had thought about restricting parking on Avenue B.

A: City Manager Satterwhite advised that it had been discussed. When the City restricted parking, it was restricted for everyone, but there were ways to look at restricting or permit parking along Avenue B.

Mr. Shannon indicated that this was strictly up to the City of Bellaire as it was a City management issue. He advised that Episcopal High School wanted to cooperate with the City in whatever plan the City had for parking. The School had customarily sent notices to constituents of other schools through their athletic departments as to parking in the office building across the street, Post Oak School, down Bissonnet Street at the businesses, at such time when the Episcopal High School campus became full.

C: Councilman Avioli stated that he felt that Episcopal High School was a real asset to Bellaire and his concern was to get their neighbors to like them more.

Q: Councilman Phil Nauert advised that he was a member of City Council ten years ago when Episcopal High School appeared before City Council with plans to expand the campus. He stated that Episcopal High School was an asset to the community, but this was the forum wherein the City Council really needed to ask the hard questions. He noted that some of his concerns, which he would address individually, were lighting, sound, zoning for height, and the pattern of zoning on the property.

Councilman Nauert’s notes from ten years ago had to do with the student body. He asked at that time if the student body would be increased. At the time, it was noted the Board Trustees of Episcopal High School had passed a resolution to put a cap on the enrollment at 600 students. He asked for confirmation that presently Episcopal High School had 638 students.

A: Mr. Shannon advised that the enrollment was higher than that. This year, it was 657.

Q: Councilman Nauert indicated that Bellaire was led to believe that there would be a cap on enrollment. The agreement was in concert with the assertion by the School Board that there was a cap of 600. He assumed then that the proposed expansion would imply more students could come to Episcopal
High School, and he inquired as to whether his assumption was correct.

A: **Mr. Shannon** indicated that he had read the record and there was some mention that the School Board had adopted a 600-student enrollment limit. What he did not remember was Episcopal High School promising the City that the School would never have more than 600 students.

C: **Councilman Nauert** indicated that he did recall just that.

A: **Mr. Shannon** advised that he did not recall that this was part of the approval for that amendment and permit. The programmed amount of students given to the architects for the current Master Plan design was 700 students. The School Board had not approved going to 700 students, but by the design requirements for the site, the Construction Committee felt that the design would satisfy 700 students. The enrollment was currently 657. The Master Plan would allow for an increase of 11 more students per class.

C/Q: **Councilman Nauert** stated that the numbers were important because Episcopal High School was assuring the City that they were aware and cognizant and concerned about parking problems in the neighborhood, particularly to the east. He referred to the fact that the School had an existing 512 spaces and that 500 were required daily. In a maximum event, 724 spaces were required. The proposed garage would accommodate 750 spaces. If the School grew to 800 or 900 students, with or without the garage, the School would not have enough parking. He wanted to know if this garage would accommodate the numbers of students that were going to be at the School or if it would soon run out of capacity.

A: **Mr. Shannon** stated that the School had instructed the traffic engineers to assume that there were 700 students when performing the traffic study. In connection with the traffic study itself as to cars getting on to and off of the campus, it basically stated that the increase, if any, caused by this plan and by the increase in the number of students to 700, as well as teachers required to teach those students, and other staff, would not materially change congestion around the campus.

Q: **Councilman Nauert** asked if the School would cap enrollment at 700 and assure the City of Bellaire that enrollment would not exceed that cap.
A: Mr. Shannon stated he was not in a position to bind the Board of Trustees as to enrollment at Episcopal High School. He inquired as to whether there was a similar agreement with Bellaire High School.

C/Q: Councilman Nauert advised that the discussion of traffic was related to Episcopal High School and not Bellaire High School or Condit Elementary School. He next referred to parking in the residential areas and noted that Mr. Shannon indicated that the school had agreements with the owners of the Mexican restaurant, dental office, pool place, veterinarians, etc.

A: Mr. Shannon indicated that he did not know if the school had agreements with all of the businesses that Councilman Nauert mentioned, but did have agreements with some of the owners, Post Oak School, and the building owner across Fournace Place.

C/Q: Councilman Nauert stated that during the Planning and Zoning Commission hearing, Mr. Shannon indicated that the School had permission from the dental office. Councilman Nauert advised that he owned that building and no one had ever asked for permission from him. He stated that the school needed to be careful about the things that were being said. He wanted to know that he could rely on what was said.

Councilman Nauert asked if the school would be willing to move the access gate on Avenue B if the student population was kept around 700 and parking was kept pretty much within the parking garage. In other words, the gate would no longer be necessary because buses would not need to be parked on Avenue B.

A: Mr. Shannon advised that the maintenance gate on Avenue B was for emergency access for ambulances and maintenance of the field. A bus could not make it through the gate.

C: Councilman Nauert advised that the gate was typically open during events and students poured in through the gate.

R: Mr. Shannon stated that the gate was not open during events.

C: Councilman Nauert indicated that he had photographs to show that the gate was open during events.

R: Mr. Shannon stated that the gate was open during their track and field event.
C: **Councilman Nauert** advised that an earlier comment made by Mr. Shannon was that the gate was only open for emergencies and maintenance, which was not entirely true. From the photographs Councilman Nauert had, the gate was open.

R: **Mr. Shannon** indicated that there were only two track and field events each year.

Q: **Councilman Nauert** advised that concerned residents along Avenue B brought this to his attention and he was their representative. If the School was going to accommodate the parking needs in the new parking garage, would the residents get relief from students parking along Avenue B?

A: **Mr. Shannon** indicated that all of the vehicles along Avenue B were legally parked. Episcopal High School could not control Avenue B.

C: **Councilman Nauert** stated that the School could by leaving the gate closed.

R: **Mr. Shannon** stated that the School could close the gates during events.

C: **Councilman Nauert** referred to the proposed zoning map. He noted that regulations changed a little within each of the bands shown on the proposed zoning map.

R: **Mr. Shannon** indicated that in working with the City Staff, the School attempted to determine what type of zoning would be needed to accommodate the garage. A common technique in cities was to feather the zoning so that the further a structure was from the street and residential areas, the higher a structure could be built. Each of the bands represented 100 feet in width.

Q: **Councilman Nauert** asked if the same objective could be accomplished by zoning just the heart of the property that encompassed most of the campus and extending it straight up to encompass the new academic building. In other words, he did not see why the track and field had to be rezoned, as well as the Pin Oak Middle School.

A: **Mr. Shannon** stated that what the City and School were trying to do was avoid spot zoning for the particular tract of land. The School consulted with the City Attorney and the City’s Planning Department to determine how to word the ordinance.
Q: Councilman Nauert asked if changing the zoning on one campus was not considered spot zoning.

A: Mr. Shannon stated that the zoning applied to every parcel zoned like this in the City.

Q: Councilman Nauert inquired as to what other parcels would the zoning applied to.

A: Mr. Shannon advised that there was a parcel that adjoined the City of Houston north of Episcopal High School on the West Loop that would also be affected (i.e., a school site).

Q: Councilman Nauert inquired as to whether the parcel Mr. Shannon referred to was Pin Oak Middle School.

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

Q: Councilman Nauert asked if there were any other areas that Mr. Shannon knew of.

A: Mr. Shannon stated that he believed all parcels would be subject to this ordinance, but the rest were small enough that the 100-foot rule precluded them from being affected by this.

C\Q: Councilman Nauert advised that he would like some sort of discussion about spot zoning from the City's legal department. For example, was it considered "spot zoning" of the center of the property was zoned? Was a feathering required? Also, what other areas of the City would be affected by this zoning change? He indicated that he did not expect an answer this evening, but would need that answer prior to his making a decision on this amendment.

Councilman Nauert noted further that there were a few discrepancies that had occurred when the City issued a specific use amendment to Episcopal High School prior to the current request. He recalled the City’s insistence that a sidewalk be constructed on the south side of Bissonnet Street. Since the drainage in the area made the construction of a sidewalk too expensive, a check in the amount of $5,900.00 was cut by Episcopal High School to the City to extend another sidewalk that the City did not really need.

A: Mr. Shannon indicated that if Episcopal High School had built a sidewalk on the north side of Bissonnet Street, it would not have extended past the Post Oak School property, and it would not have connected Avenue B to the West Loop.
C: **Councilman Nauert** indicated that the City would have gone in and connected the sidewalk at that point.

R: **Mr. Shannon** indicated that Episcopal High School had conversations with the City’s Public Works Department and the City’s Planning Department and inquired as to the City’s objective. City Staff indicated that the desire was to connect Avenue B to Loop 610 for pedestrian access. He asked at that time if it would be easier and cheaper to finish the south side. The City agreed that they would like to do that and asked Episcopal High School to pay for it. Episcopal High School then sent a check to the City for the cost of building a sidewalk from Wilmington Drive to the West Loop.

The drainage in front of the Episcopal High School along Bissonnet Street was much the same as it was ten years ago. To build a sidewalk there was an engineering project in and of itself.

Mr. Shannon stated that he wished to clarify one thing. He knew that the School had talked with the Mexican restaurant about parking in front of their business, as well as the office building across on Fournace Place and Post Oak School. He had no recollection that the School had approval from the dental office to park there. He was not aware there was a dental office along that section of Bissonnet Street.

C: **Councilman Nauert** advised that he was sitting in a Planning and Zoning hearing when it was mentioned that the School had permission from the dental office. He advised that he had no further questions.

C\Q: **Councilman Pat McLaughlan** advised that he was also on City Council ten years ago. He noted that Episcopal High School was a great asset to Bellaire, and he understood that the School’s main objective was to be a good neighbor. He appreciated the School being in Bellaire, and he thought the School was a good neighbor.

Councilman McLaughlan revisited the issue regarding the sidewalk in front of the School on Bissonnet Street. He stated that the City had made an increased effort over the last ten years to improve pedestrian mobility in the City, as it was very important for Bellaire’s citizens, visitors, and students. Councilman McLaughlan stated that he would like for Episcopal High School to give some consideration as to how they might be able to support the City in some additional sidewalk work on the north side of Bissonnet Street in order to improve the City’s
pedestrian mobility and safety. He felt it would be of significant benefit to the Episcopal High School as well.

Councilman McLaughlan noted that the School indicated that they expected some more growth in student population. He asked what the School’s long-term plans were for additional parking needs over the next decade when more student growth occurred. He noted that he was concerned with protecting the residential neighborhoods.

A: Mr. Shannon indicated that the School’s long-term plans were for a student body population of 700. In designing the Master Plan (a process of four years), 700 students were considered. He could not answer what might happen 20 years from now.

C: Councilman McLaughlan asked for confirmation that there was no reserve set aside for future growth.

R: Mr. Shannon stated that there was no reserve. He indicated that if other properties were acquired, that could change.

Q: Councilman McLaughlan stated that the School’s study indicated that when the School had a maximum student-visitor vehicle load on campus, the School could handle all of those cars on campus without any requirement for on-street parking.

A: Mr. Shannon advised that Councilman McLaughlan was correct.

Q: Councilman McLaughlan asked for confirmation that the School would agree to close gates that adjoined Avenue B and make the closing of those gates a part of their special use amendment grant.

A: Mr. Shannon asked if Councilman McLaughlan were suggesting that the gates be closed at all times.

C: Councilman McLaughlan advised that he felt there could be some flexibility with respect to gate closures. He suggested what was known as a “911-gate,” which was an emergency access gate.

R: Mr. Shannon advised that tractors and earth-moving equipment were sometimes needed on the field and had access to the field from the gate Councilman McLaughlan was referring to.
C: **Councilman McLaughlan** stated that the City might have to look to its legal support for some way to craft the special use amendment the School was requesting to allow limited maintenance access as a condition of the special use amendment indicating that the gate be closed at all times other than specific daytime maintenance access. He advised that this would make it less desirous for people to park along Avenue B. He could certainly see how people desired to park on Avenue B, as it was a fairly short walk to the stadium. The walk from the parking garage to the stadium was much longer. If there were an easy in and out, such as this gate, people would continue parking on Avenue B as a first choice.

He continued and advised that the load of cars and buses, etc., on Avenue B presented a safety hazard to the community.

R: **Mr. Shannon** indicated that the cars on Avenue B were legally parked. With the parking garage, there would be no necessity for buses to park along Avenue B.

Q: **Councilman McLaughlan** asked for confirmation that the School had plenty of spaces on campus for the vehicles and buses to park.

A: **Mr. Shannon** stated that there would be after the parking garage was built.

Q: **Councilman McLaughlan** asked for confirmation that after construction was completed, the only gate that the School would need was one for certain limited maintenance access.

A: **Mr. Shannon** advised that Councilman McLaughlan was correct. The gate was also needed for emergency access.

C: **Councilman McLaughlan** advised that agreeing to a closure of the gate except for limited uses, such as maintenance and emergencies, should be a non-issue.

R: **Mr. Shannon** stated that he did not see any problem with that after the construction was completed.

Q: **Councilman McLaughlan** referred to the feathered zoning related to the height of structures. He inquired as to whether this was currently a part of the City’s zoning ordinance.

A: **City Manager Satterwhite** advised that it was not part of the ordinance that he was aware of and indicated that this was the reason the School had requested this amendment of the Code.
Q: Councilman McLaughlan asked for confirmation that the City was not only amending the Code for the School property, but for other properties throughout the City.

A: City Manager Satterwhite stated that the amendment related to other properties in the Loop 610 Zoning District.

C: Councilman McLaughlan stated that City Council could not amend the zoning ordinance by a specific use amendment.

R: Diane Allen of Johnson Radcliffe Petrov & Bobbitt, LLP, indicated that the school was asking that the zoning be amended in this entire part of the City. It would apply to Episcopal High School, Pin Oak Middle School, and conceivably other tracts if those tracts were large enough. This was why they were proposing the feathering. It created a buffer for the increased height.

City Manager Satterwhite indicated that this public hearing related to two separate actions. There would be action on a specific use amendment related to expansion of the school. There would also be action on an amendment to the zoning code.

Q: Councilman McLaughlan asked for confirmation that the public hearing announcement specified two independent actions.

A: City Manager Satterwhite advised that it did and was read by the City Clerk. The Summary of Public Hearing Procedure also indicated that there were two separate actions.

Q: Councilman John Jeffery thanked Episcopal High School for their presentation and advised that the School was an asset to the City. He asked for confirmation that three pieces of property would be affected by the proposed amendment in the Loop 610 Zoning District.

A: City Manager Satterwhite advised that he was not certain, noting that he had not attending any of the previous meetings the School had with the Planning and Zoning Commission.

Q: Councilman Jeffery referred to the pedestrian gate located on the northeast corner of the school property. He asked if that gate were accessible to the fields at all times.

A: Mr. Shannon indicated that the gate Councilman Jeffery referred to should be locked. He noted further that the
School’s Head of Security and Maintenance lived across the Street from the school on Avenue B, and used that gate for quick access to the fields.

Q: **Councilman Jeffery** asked for confirmation that the gate was typically locked.

A: **Mr. Shannon** advised that it was not the School’s intention that the gate be open. The instance where a member of the Planning and Zoning Commission observed a pole vault student from Lamar High School enter through the gate to get pole vault instructions from the School’s champion pole vault instructor had come up to that gate after parking there. The instructor let that student into the gate. There were only three pole vault students using the field during the time this student was observed.

Q: **Councilman Jeffery** referred to the City’s sidewalk program and the sidewalk on the south side of the School.

A: **City Manager Satterwhite** noted that the sidewalk program that Councilman Jeffery referred to showed both new sidewalks and sidewalks to be repaired.

Q: **Mayor Pro Tem Peggy Faulk** inquired as the dates that the School planned to stage the Master Plan. In other words, was the school asking for an open-ended specific use amendment and permit?

A: **Mr. Shannon** indicated that the school would like to have the garage finished by July or August of 2009. The School was currently in the middle of fundraising, but would not begin construction until they knew the funds were coming available. If the fundraising went well, they would then begin construction of their academic wing. The Master Plan was very ambitious and would cost a great deal of money. The garage needed to be constructed as soon as possible in order to get the cars out of the neighborhoods sooner and it would provide more room for any areas to be constructed. He noted that temporary buildings would be necessary until some of the areas could be constructed and/or renovated.

Q: **Mayor Pro Tem Faulk** asked for confirmation that the only building that had been planned for certain was the parking garage.

A: **Mr. Shannon** advised that Mayor Pro Tem Faulk was correct.
Q: Mayor Pro Tem Faulk referred to the use of temporary buildings and inquired of the City Manager as to how the City was would know those buildings truly were “temporary.”

A: City Manager Satterwhite stated that he believed the temporary buildings would be tied to the construction. He advised that it was difficult to answer that question right now, as he did not know exactly what the School’s plans were. He advised that there was a possibility that putting in temporary buildings on a permanent business could change the footprint of the School, which would trigger another specific use process. He stated he would need to research that a little more.

Q: Mayor Pro Tem Faulk asked if the City Council could ask for the gates that everyone was concerned about to be removed as part of this specific use amendment and permit. She also asked if it would be a violation of the Fire Code to remove the gates.

A: City Manager Satterwhite stated that he needed to take a look at the situation. He understood Councilman McLaughlan’s suggestion related to making the gate a “911-gate”; however, there might be other needs for the gate on that side of the campus as well.

If the Fire Code and safety did not preclude closure of the gate, City Council could make that a condition of the specific use amendment and permit.

C: Mayor Pro Tem Faulk stated that she would like to get more information with respect to that gate.

Q: Councilman Hickman referred to the current situation and asked if the School had sufficient parking for day-to-day operations other than two or three special events per year.

A: Mr. Shannon advised that the School had sufficient parking spaces, but did run out every spring. The year started with ample student parking spaces and as the sophomores turned 16 and started driving, the School ran out of student parking spaces. This usually occurred around January of each year.

Q: Councilman Hickman asked for confirmation that students were parking in the neighborhoods in the last few months of school before graduation.

A: Mr. Shannon advised that Councilman Hickman was correct.
Q: Councilman Hickman asked if the School would have any objections to either limiting parking on Avenue B period or limiting parking on Avenue B and the surrounding system through a permit system like the City had at Bellaire High School.

A: Mr. Shannon advised that he was not familiar with what the City had at Bellaire High School.

C: Councilman Hickman advised that the only people that could park in the area were those with permits (i.e., residents residing on the street). The intent was to limit the street parking to the residents of the street.

R: Mr. Shannon advised that once the parking garage was completed, there would not be a student parking issue at the School.

Q: Councilman Hickman asked for confirmation that once the parking garage was built, the School would not object to permitted parking along Avenue B and in the neighborhoods.

A: Mr. Shannon advised that restricting or permitting parking was up to the City of Bellaire.

City Manager Satterwhite stated that it really did not matter if the School objected or not. If City Council felt there was an issue regarding parking, the City could certainly take that action just as the City did at Bellaire High School.

Q: Councilman Hickman inquired as to whether the School would favor making it illegal to park on Avenue B to closing the gates.

A: Mr. Shannon advised that he felt the School needed access to the fields for maintenance equipment.

Q: Councilman Hickman asked for confirmation that the maintenance equipment referred to was tractor-trailers, etc. In other words, did the equipment need to be pulled through the gate or were items loaded and unloaded from Avenue B?

A: Mr. Shannon indicated that there was not enough room to load or unload items from Avenue B. He advised that trucks that came through the gate were usually bringing sand onto the fields. The gate was also used this summer as the School replaced its eight-lane track and worked on some swells along the main competition field.
Q: Councilman Jeffery asked if the gates could be moved to the north side of Fournace Place.

A: Mr. Shannon stated that the School had not studied that option.

Q: Councilman McLaughlan asked if the gate on Avenue B had a legitimate driveway, with a curb.

A: Mr. Shannon stated that boards were placed against the curb.

C: Councilman McLaughlan stated that dump trucks carrying loads of sand onto a field could cause significant damage to City sidewalks.

R: Mr. Shannon advised that if the School damaged the sidewalk, they would certainly pay to repair it.

C/Q: Councilman McLaughlan indicated that it was a fairly difficult trail to go down. He asked what the School could propose as fair as alternate maintenance access that would come off of some driveway, curb cut, or some legitimate method by which the School could achieve its field maintenance. He stated that he was not insisting on an answer right now and that the School could get back to the City on it.

Q: Councilman Avioli stated that the neighbors would like to see the gate closed during an event so that people did not access the gate and park on their street. He asked very directly if the School could lock that gate during a sports event.

A: Mr. Shannon advised that the gate could be locked.

Q: Councilman Nauert stated that the neighbors did perceive some intrusion into their space. He understood the need for loud speakers during athletic events, but felt that the volume could be turned down. He noted that the lights could be restricted some. It was Councilman Nauert’s understanding that the neighbors had access to the facility to walk on the track and enjoy the green space at one time. He had heard that was not the case recently. He inquired as to whether the School’s field and green space was open to the people in the neighborhood in the evenings? He indicated that residents did have that access at Bellaire High School.

A: Mr. Shannon indicated that the School had permitted to residents to come onto the field from time to time, but he was unaware of what the daily use was.
Q: Councilman Nauert had heard that the people of Bellaire were not welcome on the Episcopal High School campus. He inquired as to whether this was true.

A: Mr. Shannon stated that he did not know how the people of Bellaire felt about the School—whether they felt welcome on the campus.

Q: Councilman Nauert inquired as to whether a neighbor attempting to walk on the School’s track at 4:00 p.m. in the afternoon would be welcomed.

A: Mr. Shannon advised that he did not know what the School’s policy was presently.

C: Councilman Nauert advised that he would like to know the policy.

R: Mr. Shannon indicated that there were certain security issues involved depending on the time of day and whether or not school activities were ongoing.

C: Councilman Nauert stated that he would like to see how Episcopal High School wanted to be a good citizen.

C: Councilman Hickman stated that when he had driven by Episcopal High School in the afternoons on his way to Lamar High School, he had noted that Episcopal High School’s gates were locked.

F. RECOGNITION OF CITIZENS AND/OR OTHER INTERESTED PARTIES – Mayor Pro Tem Peggy Faulk.

Marvin Chernosky, 4526 Braeburn Drive, Bellaire, Texas:

Mr. Chernosky addressed City Council and noted that he and his wife loved the community of Bellaire. He and his wife also had a connection with Episcopal High School because their son, Nat, was a junior there and their daughter would apply and possibly attend there as well.

Mr. Chernosky noted further that his family was Episcopalian and Episcopal High School offered what was called the four pillars: religion, academics, arts, and sports. Their son had been very happy at the School.

He and his wife fully supported the plans for Episcopal High School as presented. There seemed to be a few efforts that City Council was
hung up on. He referred to the gates and noted that he did not know where those gates were, as he could not visualize them.

He referred to the additional concerns mentioned with respect to noise, lights, and parking on Avenue B. On the parking issue, it seemed that the City of Bellaire controlled whether or not one could park on the street. He did not understand why the City Council was talking about parking issues when that was something controlled by the City. This concern was not logical. All City Council had to do was pass a law making it illegal to park on Avenue B.

With respect to noise and lights, Mr. Chernosky added that when he bought a house, he looked at the surrounding neighborhood. The reason he did not live next to Horn Elementary School or Bellaire High School or Episcopal High School was because he did not want noise and lights. If someone bought a house next to a football field, they could expect noise and light. He had very little sympathy for someone that purchased a home by a school and then complained about noise and lights.

It was noted that Episcopal High School was established in 1983-1984. Prior to that time the campus was known as Marion High School. He could understand that those people who bought their homes prior to that time period were now subjected to something that they did not always have.

Mr. Chernosky continued and expressed concern that City Council had tried to dredge up things that had happened ten years ago. He noted that nothing was static, and City Council changed things all of the time. Although the school enrollment might increase in size, Mr. Chernosky did not see where that was material to the issue at hand.

With respect to parking, Episcopal High School was actually going to increase the parking.

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

Buddy Oakley, 918 Wildwood Lane, Bellaire, Texas:

Mr. Oakley addressed City Council and thanked them for the questions that were asked this evening. He had been living on Wildwood Lane long before the School ever had lights, football fields, or anything else. He did not feel like he was a complainer.
Mr. Oakley continued and noted that there were eleven homes on Wildwood Lane, five of which were owner occupied and six of which were rentals. The Episcopal High School owned one of the rentals. A Trustee of the Post Oak School owned another of the rentals. That same Trustee also owned a house on the corner of Avenue B and Wedgewood. It made it very difficult for the homeowners to put up a front of any kind in the neighborhood as to things they were concerned about.

With respect to lights, Mr. Oakley felt that the lights could be shielded from behind to protect the neighborhood on the east side. As far as the noise was concerned, there was a knob on the personal address (PA) system that could be turned down. The noise was way too high.

In closing, Mr. Oakley advised City Council that he appreciated what they were looking at and thought they came across with the right questions. He hoped the questions were ultimately answered to the satisfaction of everyone. Mr. Oakley said they wanted good neighbors and wanted to be good neighbors. They also desired safety, and cars and buses parked along Avenue B at night were not safe.

Donna Rickenbacker, 912 Wildwood Lane, Bellaire, Texas:

Ms. Rickenbacker addressed City Council and thanked them as well for all of the questions asked this evening. She knew City Council had obviously read all of the letters they had received from concerned citizens.

Ms. Rickenbacker referred to a petition that was also presented to the City and signed by all of her neighbors with respect to how they would propose limiting the School’s use of Avenue B and adjacent neighborhood streets, such as Wedgewood and Wildwood. She hoped that City Council would take those suggested restrictions into consideration in connection with their deliberation of the specific use permit.

The only other thing Ms. Rickenbacker had to say was in response to some of the comments made by the applicant and others. She noted that there were two gates along Avenue B—one on the south side that was used by Episcopal High School for maintenance of their track and field facilities. There was also a smaller gate north closer to Fournace Place that was strictly a pedestrian gate. Ms. Rickenbacker stated that she wanted to make it very clear that the use of those gates by Episcopal High School and the parking of their higher occupancy
vehicles happened during the majority, if not all, of the events that were hosted at Episcopal High School.

Finally, Ms. Rickenbacker stated that placing no parking signs along Avenue B would not benefit the neighborhood and certainly not correct the problems. If that were done and the gates were allowed to remain open, it would push the higher occupancy vehicles further into the neighborhood. The neighborhood had thought through the restrictions that were submitted to City Council. They discussed putting up no parking signs and how that would affect the neighborhood. She noted further that the restrictions were very reasonable and the neighbors hoped that the City Council would take them into consideration.

Joe Henry, 4528 Pin Oak Lane, Bellaire, Texas:

Mr. Henry addressed City Council and stated that in his experience Episcopal High School had been a very good neighbor. He had two children at Post Oak School and, historically, a high percentage of those students ended up at Episcopal High School.

Mr. Henry stated that he was very supportive of after school activities that occupied students. He came this evening prepared to speak against the proposal because he had only read the draft Code amendment. He had assumed the worst when he first read it. He asked that City Council consider a much more narrowly tailored amendment working with the legal department. For example, he suggested that any building more than three stories in height had to be within 200 feet of Loop 610 or something along those lines that would restrict or limit this only to the plan as proposed.

In closing, Mr. Henry had no objection to the plan as proposed. As a point of order, he noted that there was no curb cut at the gate under discussion. He noted further that if there were closure at Avenue B, it would impact the Post Oak parents on some occasions.

Durwin Sharp, 4613 Pin Oak Lane, Bellaire, Texas:

Mr. Sharp stated that his residence on Pin Oak Lane got the light and the sound from Episcopal High School. He predated the School, but over the years Episcopal High School had been an excellent neighbor.

As far as the noise was concerned, the noise was occasional. He did not move into the area after the School was there, but at least it was
not developed as a hotel. The neighbors certainly preferred the School as opposed to a hotel.

The two issues that Mr. Sharp would still be stuck on were the parking and the traffic. It sounded to Mr. Sharp that if the School had pretty close to adequate parking in the garage, that the way to handle the problem was to create disincentives for parking in the neighborhood rather than just leaving it open. He encouraged City Council to work with the School on traffic control for their events, such as signal control.

In closing, Mr. Sharp stated that Episcopal High School had been a good neighbor and urged City Council not to “kill them” with regulations. He was personally concerned about closing the gate, noting that the 911-gate suggestion was a reasonable option. He suggested making it more convenient to park where the City wanted people to park and less convenient for them to park where the City did not want them to park.

William Durbin, 4535 Sunburst Court, Bellaire, Texas:

Mr. Durbin addressed City Council and stated that there was a little too much uncertainty surrounding the issue at this point. He requested that City Council should return the recommendation to the Planning and Zoning Commission on a number of issues that City Council had brought up.

Mr. Durbin was concerned about the amendment to the Loop 610 Zoning District for a six-story structure. He referred to the Houston Independent School District School that was recently constructed, noting that HISD had a neighborhood representative on the construction committee. He noted that if the zoning were changed for one particular use, ten years from now the METRO rail might be in and there would be continued reorganization of the inner Loop 610, and a great deal more could be expected. He advised that Episcopal High School was an asset to the community and he expected them to prosper even more. Additional capacity needs should be part of this consideration.

The neighbors were definitely concerned about the noise. He lived on Sunburst, which was the last street north of Bellaire, and he could clearly keep track of the events at Episcopal High School. The volume was a little overdone.
With respect to Avenue B, it became a one-lane street during events, and was definitely a hazard and a safety consideration. The City should take action to ameliorate that condition.

Mr. Durbin was pleased that the Head of School was able to correct his statement to the Planning and Zoning Commission regarding the gate closure on Avenue B. He suggested that the gate be locked and a sign installed regarding the policy with respect to the gate. The School definitely needed to have access to the field in those instances when emergencies occurred. He agreed with the 911-gate suggestion.

Lastly, Mr. Durbin stated that he appreciated all of the elected officials, noting they had done great work. He noted further that Ms. Rickenbacker had done great work on the Planning and Zoning Commission.

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

Robert Riquelmy, 506 Winslow Lane, Bellaire, Texas:

Mr. Riquelmy addressed City Council and noted that he lived on the opposite side of Bissonnet Street from Episcopal High School. He was affected by the light and amplified sound from the baseball field. His neighbors were so disheartened that they did not think it was worth their while to come and appear. He would not speak about the nuisance as that had been well documented.

Mr. Riquelmy stated that he was concerned about the procedure. Episcopal High School came to the City to apply for a specific use permit. Then the City discovered that they had a specific use amendment and really did not need one. Then, they changed their mind and decided to go for a variance. After realizing that they could not qualify for a variance because there was nothing wrong with their property, they decided to change the law. Episcopal High School had their attorney write their changes for Bellaire’s laws. As far as Mr. Riquelmy could tell, the City’s attorney was not involved at all. He did not offer any comments when it was presented at a Planning and Zoning Commission meeting.

Mr. Riquelmy advised that he appreciated the careful scrutiny and consideration City Council was giving this request. He believed that the procedural issues were significant that this was a change to the zoning that was being slipped in and was not very attractive. He advised that the residents would all remember this on Election Day some 18 months from now.
Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee addressed City Council and advised that she had attended both public hearings on this issue held before the Planning and Zoning Commission. She inquired as to why the residents had not come before City Council before now regarding the parking problem on Avenue B. The residents were picking apart an application that, in spite of what Mr. Riquelmy said, was absolutely by the book. City Attorney Alan Petrov advised Episcopal High School along the way and suggested that a variance procedure would be required for the height excess.

He never mentioned to Episcopal High School until after that hearing that the Code could be changed with a textural amendment, which would not affect the entire City. The Loop 610 District was 400 feet wide. All this amendment would do would allow any institutions, schools or churches, within that 400 foot strip on the Loop to meet the six-story limit that everyone else, commercial and otherwise, could already meet. So, Episcopal High School changed their application and went through a second public hearing to simplify the whole mess around a variance proceeding and asked for a Code change. She had asked why they had not considered a Code amendment in the first place and they advised that it had not been suggested to them.

The City Council controlled traffic and impacts. She asked why the City was not providing traffic controls for the new Aquatic Facility. She could not park in front of City Hall when the swim season was going on. The City Council had been asking the City Manager for a plan for two years now. The Bellaire High School folks flooded City Hall and got a permit system in place to handle the traffic in their neighborhood.

Ms. McBee stated that City Council needed to answer some of the concerns, not the applicant who was bowing and scraping trying to do everything the City wanted, including the most unreasonable implied coercion she had every heard. City Council could not tell Episcopal High School to think about what they could do to support the City.

Finally, Ms. McBee referred to the City Council not taking care of parking around the Evergreen Pool or Horn Elementary School. The bottom line was that this was not spot zoning. Spot zoning had been defined by the City Attorney and was included in City Council’s packet.

{The speaker’s allotted time ended at this point}
Jay Paul Matheson, 5112 Braeburn Drive, Bellaire, Texas:

Mr. Matheson stated that he had lived in Bellaire since 1987 and had raised three children, two of whom had graduated from Episcopal High School and the other was currently attending Episcopal High School.

He continued noting that he was surprised by some of the things said by City Council in their quest to do whatever they were trying to do.

As for the lights, he was sure Episcopal High School would look into the possibility of shielding the lights to a greater extent.

As for the Avenue B and Fournace Place parking issues, this was something the City of Bellaire controlled. Mr. Matheson and his wife used the gate that was specifically a pedestrian gate frequently. They often had dinner at a neighborhood restaurant on Bissonnet Street, parked in that area, and then walked over to the game. He felt that the City should consider reducing the amount of parking that could take place on that section of town during game nights. By closing the gate, he believed the local restaurants and their clientele would be hurt in the future. A curb cut could also be suggested.

Mr. Matheson indicated that Episcopal High School was an asset to the community. He was surprised by the reaction of City Council and the somewhat antagonistic views that were taken and comments that were made. He apologized if he had parked in front of Councilman Nauert’s office in the evening instead of somewhere else. Since he was not practicing in the evening, Mr. Matheson did not think that Councilman Nauert would mind or any of the other establishments that were close by in the area and closed for business at night.

The loud speaker could also be adjusted and aimed toward the stands.

Mr. Matheson noted that he lived on Braeburn Drive and heard the band playing at Bellaire High School and, at times, dependent upon the direction in which the wind was blowing, he heard the bagpipe band drums from St. Thomas Episcopal High School. He stated that he loved to hear that, as it was part of the community.

Mr. Matheson stated that he would like to see the City of Bellaire try to complement what Episcopal High School was trying to accomplish. Episcopal High School had done everything they could with direction from the City Attorney, City Manager, and others to build their school and to have the aesthetics of feathered zoning. He encouraged City Council to vote in favor of this application. Parking was something the
City could control. As for the gate itself, he felt closure would affect some of the restaurants in the area.

Mike Netzel, 4815 Tamarisk Lane, Bellaire, Texas:

Mr. Netzel advised that he was a former Head Baseball Coach at Episcopal High School. He was currently the Athletic Director at St. Thomas Episcopal High School.

He referred to Ms. McBee’s incredible knowledge of the process and zoning laws, noting that he would agree with what she said.

Mr. Netzel knew the need for the improvements at Episcopal High School were absolutely necessary having been an employee there, having taught children there, and having coached children there. He felt that what the School was doing was trying to make a best effort to not only accommodate their constituents, but also accommodate the neighborhood. Mr. Netzel, based on his previous experience with the school and having been responsible for policing many of the events the School had, believed efforts were made in every single case to use every available parking spot in the parking lot before any other avenues were taken.

Mr. Netzel advised that he was confused about the gate. For every sporting event that Episcopal High School had, those gates were never open. The gate was a means of controlling the crowd.

Episcopal High School was a great neighbor and was an institution that enhanced the image of the City of Bellaire. It provided a tremendous option for area residents that wanted to provide a private, Christian education for their children. Improving the parking with a multi-level garage would decrease the traffic and parking issues in the surrounding areas of the School.

Improving academic buildings provided a safe and comfortable environment for the students to learn, teachers to teach, and would add to the curb appeal of the institution. Right now, this was one of the prettier campuses that could be found in the City of Houston and the City of Bellaire.

The new performing arts center was fitting for the quality of work that those people did, and the performances were all open to the people in the community.
Finally, an expanded field house was necessary for the amount of quality athletic events and participation that Episcopal High School had from their student body.

Mr. Netzel noted that when Hurricane Katrina occurred and many people were disenfranchised in New Orleans, Episcopal High School took in over 100 students and the neighbors around the School helped the School find ways to park cars so the School could accommodate every single one of those students. This was done for one-half of a year.

In closing, Mr. Netzel stated that he believed the best efforts were being made by the School and that parties that wanted to make something work could make something work. He believed the City had a good City Council and a good school and suggested that the parties get this done.

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**Mayor Pro Tem Peggy Faulk** noted that the City had received several written comments that she wished to read into the record as follows:

**Petition**

The undersigned residents of Bellaire hereby request that Council consider the following conditions to the Application and Request of a Specific Use Permit Amendment by Episcopal High School to expand their facilities:

A. The school’s use of their gates along Avenue B be restricted to maintenance and emergency purposes only, and that pedestrian passage through these gates be prohibited; and

B. The school be required to direct the parking of buses, vans and other high occupancy vehicles in connection with large events to on campus parking locations and that such parking instructions be made available to the participates prior to an event.

Signed as follows:

Holly and Brian Koehn, 4520 Wedgewood Drive
Beth and Eric Bradley, 4523 Wedgewood Drive
Ida Reese, 4522 Wedgewood Drive
Denise Byington, 4524 Wedgewood Drive
Taso Mougouris, 4543 Wedgewood Drive
Our little section of the City of Homes has become the City of Schools. We must co-exist with Gordon Elementary, Episcopal High School, the Post Oak School, Pin Oak Middle School, and Houston Community College. No other section of the city has so many schools. If any of you have doubts about the unsafe driving conditions in this neighborhood, I invite you to visit me any afternoon between 2 and 4 p.m. The southbound lane of Avenue B will be blocked with cars picking up children at the Post Oak School.

The City of Bellaire went to great lengths to protect the residents north of Fournace from Pin Oak Middle School. It is my hope that you will do as much for the area around EHS. If Council elects to approve the Specific Use Permit, we request that such approval be conditioned on the following:

1) Restrict the school’s use of the gates along Avenue B to emergency and maintenance purposes only;

2) Prohibit pedestrian passage through these gates; and

3) Require that the gates on Avenue B remain locked during activities at the school.

If there is no access to the field from Avenue B, then the parking problem on Avenue B will be minimized. Parking restrictions on Avenue B will only force them onto Wildwood Lane and Wedgewood Drive. If that happens, you will have a situation similar to the one
around Bellaire High School where residents must have permits to park.

Additionally, it appears from their application that their expansion plans will meet all parking requirements for a large event at the school. We therefore request that EHS also be restricted from using Avenue B for the parking of their event traffic. Without this restriction, EHS will continue to direct buses and vans from participating schools to park along Avenue B, which contributes to an unsafe traffic problem along the street and impacts the quality of our neighborhood.

Ann B. Oakley
918 Wildwood Lane
Bellaire, Texas 77401

I am writing to you with regard to Episcopal High School. We have two daughters there, one in her senior year and the other a sophomore. We are avid fans and dedicated parents of EHS and we are asking for your support of Episcopal’s Campus Master Plan.

Our school along with our Dad’s club and many others have put in long hours devising the perfect improvement that will benefit our campus and also be a success for the City of Bellaire! EHS has been a wonderful place for our children to get a good education and have a diversified learning experience. I must admit . . . we are a bit crowded!! We do need more parking and we are also in need of new classrooms to better serve the growing demand of admissions at our school and to better handle the children that are already there.

Please support our project in making Episcopal High School a better place for all!!

We appreciate your time and your support.

Fred and Peppi Lausen
Bellaire Residents

Unfortunately I will be unable to attend this hearing in person but want to have this e-mail officially read into the records at the City Council meeting.

I grew up in Bellaire and have lived in a new house at 4517 Holt for 15 years which is located on the same lot I grew up on as a child.
We have had 3 children attend Episcopal High School (EHS) with one currently there as a sophomore.

I remember when the Episcopal Diocese of Texas acquired the old, dilapidated Marion High School property which sat vacant for several years from Wayne Duddleston. EHS is now 25 years old and over $30 million dollars have been spent remodeling and building this campus and hopefully a new chapter for the school evolves as EHS attempts to have its Campus Master Plan approved by your Council which will involve another $50 million or more.

EHS has been and continues to be an asset for the City of Bellaire and the greater Houston area. It is an outstanding college preparatory school and its uniqueness is its foundation consisting of the 4 pillars—academic, athletic, fine arts and religion.

People Vote with Their Feet—the popularity of the school is demonstrated by the large and increasing number of applicants each year.

EHS draws families from throughout the Houston area and many have relocated to the City of Bellaire to be closer to the school.

This outstanding school is the best ambassador for the City of Bellaire as many hundreds of families in other areas of Houston become familiar with the City of Bellaire by virtue of their children attending school here, shopping at retail stores, eating in Bellaire restaurants and for some buying a home here.

Byron Holloway, your Assistant Police Chief, has been a fixture at EHS for many years at many events and personally knows many of the kids and parents at the school.

Chief Holloway can attest to the quality and character of the children and families who are involved in this school and the community.

EHS is very cognizant and sensitive to its location and impact on the community and approval of its Campus Master Plan will insure it continues to be a good neighbor and citizen of the City of Bellaire.

Thanks for your consideration and hopeful approval of the EHS Campus Master Plan.

Rusty Tamlyn
Our son has attended EHS for the past 3 years and is now a senior. We have always experienced a very professional group of educators/administrators at the school who appear to have grown EHS into a fine and reputable high school. The facilities are well maintained and the appearance of the grounds and buildings are exemplary. The reputation of EHS, in our opinion, goes hand in hand with the outstanding reputation of the Bellaire community. We are proud of our association with the school, we are pleased that our son has attended and as Bellaire residents, we fully support their proposed expansion plans.

Kerry Kunz

As a resident of Bellaire, the parent of a student at Episcopal High School and an Episcopalian, I support the amendment to the city ordinances to facilitate the development and construction of the Master Plan for Episcopal High School’s campus. EHS is a good neighbor and a gem in our community. Its facilities are utilized by a diverse clientele beyond the faculty and students during the school year and with improved parking and facilities, it can be a venue for quality events drawing from an even wider community for the benefit of Bellaire and its residents. As a community which seeks to provide excellence for its residents, we must all support Episcopal High School’s efforts to improve its facilities for this worthwhile purpose. Please do not set your sights short by failing to support this project. Parking and excellent facilities will benefit not only the school but the community in intangible as well as immediate, concrete ways. I urge you to vote for the approval of these amendments.

Shelley Marmon
4441 Verone Street
Bellaire, Texas 77401

G. CLOSE OF PUBLIC HEARING – Mayor Pro Tem Peggy Faulk.

Mayor Pro Tem Peggy Faulk advised that the public hearing before the City Council regarding a request and application submitted by Episcopal High School for a specific use amendment and permit to construct and renovate several facilities on their campus and on their petitions for two Code amendments related to building height and a definition for theatrical fly space was closed at 8:06 p.m. on Tuesday, August 26, 2008. She advised that no oral comments would be received following the public hearing; however, written
comments could be submitted to City Council in care of the City Clerk by noon on September 4, 2008, as the City Council anticipated voting on this issue on Monday, September 8, 2008.

H. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Councilman John Jeffery and seconded by Councilman Pat McLaughlan to adjourn the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, at 8:07 p.m. on Tuesday, August 26, 2008.

VOTE ON MOTION TO ADJOURN:

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

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

OPPOSED: None

ABSENT: None

ABSTAIN: Siegel, Cindy*

*Mayor Cindy Siegel was present, but recused herself from participation in the public hearing due to her daughter’s recent acceptance and fall attendance at Episcopal High School.

Respectfully submitted,

____________________________
Tracy L. Dutton, TRMC
City Clerk
City of Bellaire, Texas
II. SPECIAL SESSION (BUDGET) – IMMEDIATELY FOLLOWING THE SPECIAL SESSION (PUBLIC HEARING)

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

B. DISCUSSION and possible action regarding various items within the proposed budget for the City of Bellaire, Texas, for the fiscal year beginning October 1, 2008, and ending September 30, 2009 (FY2009) budget, including input received from citizens and/or other interested parties during the public hearing on the FY2009 budget scheduled and held on August 18, 2008 – Members of City Council and City Staff.

City Manager Satterwhite went over some of the questions that had been asked during the public hearing and responded to some of the comments as follows:

1. A resident did not agree that public art should be in the budget. City Manager Satterwhite indicated that this was a policy question for City Council as to how much should be funded out of the General Fund and the tax base. City Staff had attempted to prioritize all of the art projects in the Bellaire Arts Commission Master Plan across a period of time that fit with other priorities and other concerns and needs in the City.

2. Sick leave buyback was mentioned and questioned. City Manager Satterwhite indicated that the sick leave buyback program was very generous to the employees. The City had been doing this for a number of years, and there were other organizations, both private and public, that had similar programs. On the other hand, the City had very expensive health insurance for people with families. The City had a hard time recruiting people and had difficulty retaining people for various reasons. It was his understanding that the sick leave buyback program was created to encourage people to come to work and not take sick leave, and there were limitations as to
3. One question was related to why the City had not spent the sidewalk money. City Manager Satterwhite noted that sidewalk money was currently being expended. The engineering for this year’s sidewalk plan was approved a few weeks ago. He noted further that most capital projects go over more than one fiscal year.

4. The reserve money for Rebuild Bellaire was questioned as to why it had not been spent. A reserve and a placeholder was put in the Capital Improvement Plan because the City made an obligation to provide $500,000 pay-as-you-go funds for the entire Rebuild Bellaire Program. The money would be spent, but needed to be reserved to ensure its availability at the time needed.

5. The relocation of the fuel pumps to the Bellaire Fire Department was questioned. City Manager Satterwhite stated that the plans were to locate the fuel pumps away from the Bellaire Fire Department. The fuel pump was currently located between the Bellaire Fire Department and the Bellaire City Library across the street from the Police Station. There were two reasons the City needed to relocate the fuel pump. One was the fact that the storage tank was underground and needed to be rehabilitated. Secondly, it needed to be moved to facilitate construction of the new Fire Station. City Staff had not decided at this point exactly where the fuel pump and tank would be moved. It was possible that the storage tank would be aboveground rather than underground.

6. With respect to sidewalks, $400,000 had been budgeted each year over the five-year Capital Improvement Plan as the City had committed to replace and repair sidewalks based on the Planning and Zoning Commission Mobility Study and the 19 miles of sidewalk studied by Claunch & Miller, Inc. The amount was nominal and could be increased or decreased. The amount budgeted did fit into the cash flow for all of the other projects.

7. The CMAC grant (traffic signalization project) was still outstanding. The project totaled $2.5 million, with $500,000 coming from the City of Bellaire. City Manager Satterwhite indicated that City Council would be given a presentation on the project sometime in September. The engineering design work was completed, had been forwarded to the Texas Department of Transportation (TXDOT) and had come back. The City was
8. With respect to the Little League Concession Stand, City Manager Satterwhite advised that the City did own the building and wanted to ensure that it was maintained properly. In order to do so, an amount of capital reinvestment was required from time to time. The Little League did provide money for certain things, such as the low walls around the backstop. It was noted further that the concession stand was used for things other than the Little League.

9. A question was asked regarding the Paseo Park Sculpture Garden and the History Walk and whether or not those were two separate projects. City Manager Satterwhite stated that those were two separate projects.

City Manager Satterwhite next read questions that had been provided by Councilman Pat McLaughlan, along with City Manager Satterwhite’s responses to those questions as follows:

**Q:** Is the current level of personnel staffing adequate to move major projects forward at an accelerated pace? We have a number of projects, which, in my opinion, need to be accelerated to provide optimum benefit to our citizens. Examples of these are fire station, police department, library, water plant modifications, Bellaire Town Square Park, Baldwin Street upgrade, and Southdale storm water management, rehabilitation of the Trolley Pavilion site and more. If additional staff, either consultant or permanent, would speed the process, I would support additional staff in the budget. It seems like it just takes forever to get some things done.

**A:** City Manager Satterwhite commented that he thought there were some areas where additional staff could be put to good use. Before the City started hiring, City Manager Satterwhite needed to analyze the organization to ensure that the right positions were created that would indeed enhance the process that Councilman McLaughlan mentioned. People could be added without necessarily enhancing the process. City Manager Satterwhite advised that he believed there were some inherent issues with the processes that caused them to be lengthy that might or might not involve the internal staffing. In the past when the City attempted to create positions, City Council had been very careful to ensure that the positions were essential. In most cases, City Staff had to show that increases to total positions were minimized based on the rationale that Bellaire had not grown in size or population.
Overall, City Manager Satterwhite did not think that the inability to get things done expeditiously was solely or even primarily a staff problem. Delays were caused by the very complex nature of the decision-making process for almost everything the City did. For example, when the City chose to hire a consultant to develop a conceptual plan for the facilities included in the Rebuild Bellaire bond authorization, City Staff had solicited Statements of Qualifications from architectural firms and subsequently went through a process to evaluate those firms resulting in a recommendation of three firms to the Facilities Committee. The Facilities Committee posed several questions back that required additional screening of the firms. This process took several additional weeks, but resulted in the selection of the firm that was originally being recommended by City Staff in the first place. This was not a criticism of the process, but merely an example of why things sometimes took so long to complete.

On the other hand, the Rebuild Bellaire street and drainage reconstruction program was humming along because the management of the program had not had to undergo the same scrutiny and public examination, Newcastle Drive excepted, that City Staff had to in other areas, such as facilities, parks, and art.

For the most part, City Manager Satterwhite indicated that he believed the staffing was adequate to handle many of the things on the City’s plate. The problem was that before the City completed one thing, the City was presented with additional consideration that seemed to take precedence.

Q: We hear that it is sometimes difficult to hire and retain our professional management staff because of our salary schedule. If this were the case, I would support a budget that immediately allowed increases for critical management hiring. I know that we have an evaluation of pay ranges in process, but what about immediate needs such as Community Development Director? Does the budget provide for suggested increases in FY09?

A: City Manager Satterwhite asked to be given an opportunity to work this issue more. The City was in the process of evaluating what needed to be done and the immediate need of a Community Development Director had been addressed appropriately. City Manager Satterwhite advised that he thought the budget would support that the way it was now.
Q: Councilman McLaughlan stated that if the City needed to hire someone and the salary schedule was not adequate, then the City needed to be able to hire them immediately and not wait until the Compensation Study was completed. He asked if the budget would allow an increase in pay, if needed.

A: City Manager Satterwhite indicated that the budget would allow for an increase in pay, if needed.

Q: How many take-home vehicles are currently provided and to what departments? How many times have they been needed for City purposes during off-duty time? How is the cost beneficial to your taxpayer citizens? Yes, I understand the value of police presence off-duty.

A: City Manager Satterwhite indicated that the only departments with take-home vehicles were the Fire Department and Police Department. There were approximately eight total take-home vehicles. He stated that this was a tough question and many cities were reviewing this, especially with the higher fuel costs. Some cities added take-home vehicles as a way for commuters to get over the high cost of transportation to and from work. The Internal Revenue Service did not recognize travel to and from work as a deductible expense. Some of the on call employees had to come to and from work more than one time each day.

Instead of having take-home vehicles for on call personnel, especially in Public Works where calls to come back in were frequent, the City had instituted on call pay that helped alleviate some of the expense of traveling to and from work more than one time per day.

He noted that he could not control the use of a take-home vehicle when it was sitting in someone’s driveway. The minimal amount of take-home vehicles in the City of Bellaire right now worked pretty well.

Q: With respect to Municipal Court and Police Department reconstruction shown in 2010, our citizens deserve the improvements now and I think it would be desirable for construction to start in late 2009. What budget modification would be required to accomplish this?

A: City Manager Satterwhite indicate that no budget modification would be required as the reconstruction was included in the Capital Improvement Plan. If a project were pulled from 2010 to 2009, there might have to be a trade-off because of a cash
flow issue so that the City could make the money work each year. Just because a project was pulled back into 2009, did not mean necessarily that it would be completed in 2009. This was more of a cash flow issue rather than a budget issue.

C: Councilman McLaughlan advised that a Construction Manager might be needed to assist with some of the projects.

R: City Manager Satterwhite indicated that from a budgetary standpoint the City could handle that with the bond proceeds. It would not impact the operational budget.

Q: What is the budget impact if all Public Works contract workers were replaced with City employees?

A: City Manager Satterwhite indicated that regardless of how many positions the City seemed to have in Public Works, the City always had contract employees. Part of the problem was that the type of laborers that worked the unskilled positions in Public Works found more benefit in going through a temporary employment agency than they did in getting hired on with the City. The practical application was that contract employees would always be in Bellaire. He believed that the City could ensure proper screening, safety, and management of those contract workers. He did not believe there was any direct correlation in the quality of people and work between the contract workers and the permanent employees.

Q: A citizen thought the ambulance charges in Bellaire were excessive. The citizen said they compared charges to the City of Houston and found Bellaire significantly higher. Apparently Bellaire charges for the response to the patient’s home even though there was no transport. How do these charges compare? If the charges are high, what is the budget impact to bring them in line? Do we really charge if there is no patient transport?

A: City Manager Satterwhite stated that he could not directly compare Bellaire’s charges with the City of Houston at this point in time. He believed there were probably some cities that did not charge anything. He believed that it depended on the various cities’ policies regarding recouping costs.

Several years ago Bellaire charged a flat rate for everyone no matter what. The City chose to go to a billing system that charged for services rendered. The City did not make everything back on those services rendered, but the City had closed the gap. The fee also depended on the type of insurance
a person had and whether or not they were a Bellaire resident. If a Bellaire resident, the charge would not exceed what the resident’s insurance company agreed to pay. If the person was on Medicare or Medicaid, the fee was $400.00. If the person had no insurance, the person would probably pay little to nothing. If a nonresident, the person would probably pay more of the charge. The charges were reasonable and customary—those charges that most insurance companies agree to pay.

The City did charge for services rendered at the scene—such as minor treatment, electrocardiogram, etc., without transport. The City did not charge for going to a scene where no treatment was rendered or transport given.

It was noted that the City was looking into what the City of Houston charged.

Q: Councilman McLaughlan asked if the City had tiered system whereby Bellaire residents got charged one thing and someone from Houston got charged another amount.

A: City Manager Satterwhite stated that the City had a system whereby the collections for a person in district were no more than the insurance company was willing to pay. The charges for services were the same.

C: Councilman McLaughlan advised that the City needed to check that as he was not sure the City could establish different collection policies.

R: City Manager Satterwhite indicated that Intermedix was the City’s billing company and this was done in many other cities.

Q: Councilman McLaughlan asked for confirmation that if someone from Houston had a heart attack in Bellaire, his or her bill would be higher than a Bellaire’s resident.

A: City Manager Satterwhite advised that it might or might not be. The point was it depended on the insurance company. The bill would be the same for a Bellaire resident and a Houston resident. The only difference would be for a Bellaire resident, the City would not try to collect over and above what the insurance company agreed to pay for the services. For a Houston resident, the City would try to collect the difference between what the insurance company paid and the cost of the services rendered.
Q: *Fire Station Art was proposed. How much money was in the budget for Fire Station Art?*

A: City Manager Satterwhite indicated that this was a policy issue. Mayor Siegel stated that this item was in the Capital Improvement Plan. That plan came into play when the City decided how much it was going to fund or reserve from this year’s operational budget. She stated that the immediate task was to deal with next year’s budget. City Council would take action separately on the Five-Year Capital Improvement Plan.

C: Councilman McLaughlan stated that there was approximately $225,000 in the budget for public art in the Fire Station. At some point he wanted to have the opportunity to at least discuss whether or not those funds should be used for something that did not serve as a public safety function. He felt the City was spending too much nonessential money.

R: Mayor Siegel agreed that it was appropriate, but noted that the funds Councilman McLaughlan referred to were beyond this fiscal year. She noted that the City Council would have a debate on the Capital Improvement Plan.

C: Councilman McLaughlan stated that he was not against public art. When money was spent on public art, it needed to be in a public place. The Fire Station was not truly a public building.

Q: *Are we okay in the budget to move forward with design and construction contracts for some type of plaza where the Trolley Pavilion was?*

A: City Manager Satterwhite stated that it had not been specifically identified in the Capital Improvement Plan as such because he had not gotten direction from City Council for that, but the Trolley Pavilion repair money was still in the Capital Improvement Plan. From a cash flow standpoint, the money was available. It did need to be specifically identified for a purpose.

**QUESTIONS/COMMENTS FROM CITY COUNCIL:**

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

Q: Councilman James P. Avioli, Sr., asked if the City of Bellaire hauled trash for businesses.
A: **City Manager Satterwhite** advised that the City’s general policy was not to haul trash for businesses. He advised that the City did haul trash for those businesses wherein it was impractical to place a dumpster, such as by the Starbucks Coffee Shop and the Presbyterian Church.

Q: **Councilman Avioli** inquired as to whether the City should be charging for hauling the trash from those businesses.

A: **City Manager Satterwhite** indicated that the City did charge for that service.

Q: **Councilman Avioli** referred to the contract costs for natural gas. He inquired as to the scheme for heating the pool. In other words, was the pool heated year round?

A: **City Manager Satterwhite** advised that the new pool just opened for use in March. It was heated in March, April, and part of May. The new pool and the Therapy Pool were not heated during the summer months. The City would start heating the pools again on October 1, 2008.

Q: **Councilman Avioli** asked for confirmation that it was a seasonal thing.

A: **City Manager Satterwhite** advised that Councilman Avioli was correct, noting that the City tried to keep the water temperature at a constant level.

Q: **Councilman Avioli** noted that in his meeting with City Manager Satterwhite, both concluded that the City could achieve operational efficiencies without additional personnel. He asked City Manager Satterwhite for confirmation of that agreement.

A: **City Manager Satterwhite** agreed.

C: **Councilman Avioli** commented with respect to take-home vehicles. If the City had someone on call, that person needed a car period, particularly in these economic times when some might have a one-car family. He suggested that the City look at expanding the take-home vehicle policy.

Q: **Councilman Hickman** stated if there were no direct correlation between the Capital Improvement Plan and the budget, it seemed that line item by line item, it was one big transfer. With that in mind, he asked if the City Council were allowed to discuss and amend fiscal year 2009 Capital
Improvement Plan items. If City Council opted to remove or add, it would affect the amount of transfer that was needed for the plan.

A: **Mayor Siegel** advised that Councilman Hickman was correct.

Q: **Councilman Hickman** asked for confirmation that if he wanted to add a new item to the Capital Improvement Program or wanted to remove an item or modify an item for fiscal year 2009 that he could do so this evening.

A: **Mayor Siegel** advised that he could.

Q: **Councilman Hickman** referred to an item in the Capital Improvement Plan for a plaza for $55,000.00. All he recalled was that City Council asked for the pavilion to be demolished. He did not believe City Council had decided as to whether or not to rebuild something else.

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

Q: **Councilman Hickman** asked if the property could be graded and grass installed in the meantime.

A: **City Manager Satterwhite** advised that the City was in the process of doing so.

Q: **Councilman Phil Nauert** advised that Director of Public Works Keene’s predecessor was criticized for not being able to explain to the City Council’s entire satisfaction the methodology his department used to determine when a vehicle was “used up.” He remembered Director Keene’s assurance to City Council that he would install a vehicle maintenance program and tracking system so that he could tell City Council when a vehicle had become more maintenance intensive than good, prudent management policies would suggest keeping it around. He asked if the City was indeed using that kind of metric to decide when vehicles were to be replaced.

A: **City Manager Satterwhite** stated that he had not found that metric to be something that was really scientific. The simple answer was yes. He did not believe there was a set number on a car—it had more to do with number of miles driven and the age of a vehicle. The Bellaire Police Department had a replacement program whereby once the extended warranty was used up, the vehicle was replaced. That policy was not followed in other departments as the use was much different.
He noted that in the past the City tended to go out and purchase the cheapest vehicles it could find. What the City needed to do and would try to do was to develop life cycle costs on the vehicles. For example, with a Ford Taurus once could expect a certain amount of maintenance costs, gasoline costs, etc. The City now had to look at depreciation, which had not been taken into account before. He referred to the life cycle of a Toyota Prius, noting that it was more costly than a Ford Taurus, but provided greater reliability, owner satisfaction, and better depreciation.

Q: Councilman Nauert indicated that he understood that most dealerships had gotten out of the leasing business, because the value of the car at the end of some years became so unpredictable due to the cost of fuel. He stated that he just wanted to be sure that the City was looking into it and not just buying a vehicle because the “ash trays” were full and the seat belts were too short.

A: City Manager Satterwhite advised that when a vehicle was replaced in Public Works, it was because the vehicle was worthless, noting he had driven one of those himself.

C: Councilman John Jeffery advised that his company owned over 500 vehicles and had been looking at this very situation. There was no good answer. He agreed with City Manager Satterwhite that the rule of thumb was to use life cycle costs.

Q: Mayor Siegel advised that Mayor Pro Tem Peggy Faulk had asked the Mayor to ask a question on her behalf as follows: the City had been making major investments in technology and had discussed that with more efficient staff processes, there might be a possibility for realignments or phasing out of positions. She asked for feedback on that.

A: City Manager Satterwhite advised that technology was essential for doing business. It did create incredible efficiencies. What he could say was if the City did not have technology and went back to the abacus, the City would have twice as many people as it had now. Getting additional technology, along with the complexity of the processes that the City was involved in, as well as the accountability necessary, required the technology.

He did not see a direct correlation between increased technology and decreased numbers of people. He did see efficiencies in those processes. On the consumer side, he saw
incredible efficiencies. People expected to be able to do things a certain way today. The City had to be able to meet that.

City Manager Satterwhite advised that he was changing his tune a bit because five years ago he thought there was a direct correlation between increased technology and decreased headcount. He no longer thought that. He did think the City had been able to maintain the headcount or flatten it out a bit. He could not guarantee that more and more technology would result in the need for fewer and fewer people.

Q: Mayor Siegel asked if it was fair to say that with technology the City was not eliminating staff, but was providing a higher degree of service.

A: City Manager Satterwhite indicated that the City was providing the expected degree of service.

C/Q: Mayor Siegel advised that it was, in fact, still a higher degree of service. She next referred to the portion of the fiscal year 2009 Capital Improvement Plan that related to wastewater improvements and inquired as to the timing of a workshop or other information on those improvements.

A: City Manager Satterwhite stated he did not know at this time, noting that he wanted to have a workshop with City Council on the City’s compensation study on September 22nd, as it was essentially finished. He would like to make a decision shortly thereafter.

C/Q: Mayor Siegel referred to the need for a planner/implementer related to the Comprehensive Plan and asked City Manager Satterwhite to be thinking about that. She then referred to the annual fees for the Aquatic Center. In other words, had the City thought about a fee structure for a year-round permit?

A: City Manager Satterwhite indicated that the summer season was almost over and he and Director of Parks & Recreation Jane Dembski had committed to look at the fee structure mid-September and compare the City’s cost to the costs of other surrounding community pools.

C: Mayor Siegel advised, for City Council, that a citizen who was a year-round swimmer had emailed her and advised that he would pay dramatically more to use the Bellaire Aquatic Center than another facility because the City’s rate stayed at a “summer” rate all year, when other facilities decreased the rate in the winter.
A: City Manager Satterwhite advised that the City’s fee structure was not really set up for the everyday swimmer. The City would take a look at that. He advised further that the City’s Aquatic Facility was much different than some of the other facilities that the resident had referred to. He understood, however, that there were some that were only interested in using the City’s lap pool.

C: Mayor Siegel agreed noting that if the City was going to keep the pool open year-round it did behoove the City to come up with a more reasonable fee structure to keep it occupied.

Q: Councilman Hickman inquired as to the “big picture” with respect to appraised values and tax rates, such as current year rates for the Debt Service Fund and the General Fund, as well as proposed values and rates for fiscal year 2009.

A: City Manager Satterwhite advised that the City had $2.8 billion in taxable values for tax year 2007. The City was anticipating that the taxable values for tax year 2008 would be $3.1 billion. Right now, the City was looking at the same rates for the Debt Service Fund and General Fund as the City had in 2008, which was $27.5 to the General Fund and $12.5 to the Debt Service Fund (total of $0.40). However, he might have a slightly different recommendation depending on the certified tax rolls.

Q: Councilman Hickman referred to the Recycling Center upgrades of $25,000 in the Capital Improvement Program. He inquired as to what was proposed for that funding.

A: City Manager Satterwhite indicated that the City had placed funds in the budget for improvements, but had not detailed those improvements out as of yet.

C: Mayor Siegel advised that the Vice Chair of the Recycling Committee, Robert Johnson, had asked to make a short presentation to City Council regarding their goals and objectives. One of those goals was to improve the current Recycling Center.

Mayor Siegel noted that one of the things City Council could do this evening was to “red tag” an item and monies would not be expended until the item came back to City Council, noting this had been done with the fire truck in the past.
City Manager Satterwhite indicated that from an operational standpoint, if the City added anything to the Recycling Center, it would be to make it look better and to make it more user friendly so that it could remain open without a person having to monitor it all of the time. City Manager Satterwhite stated that he had spent years trying to separate the budget from the Capital Improvement Plan. All of the maintenance items had been removed from the Capital Improvement Plan and placed those items back into the operating budget. Everything in the Five-Year Capital Improvement Plan would come back to City Council—all items were “red tagged” as far as City Manager Satterwhite was concerned.

After noting no further questions or comments from City Council, Mayor Siegel advised that the City Council had historically indicated to City Staff which items, if any, within the budget that any one member would like to be “red tagged” or brought forward for separate action by the City Council prior to City Staff purchasing or expending any funds on said item. She noted that City Council also (very soon) needed to adopt the Five-Year Capital Improvement Plan by separate action.

City Manager Satterwhite noted that when the City Council approved the Capital Improvement Plan, it was not etched in stone. Everything would come back to City Council before it could be purchased. He stated that he would like to know if the majority of City Council felt that a specific item should not be in the Capital Improvement Plan at all for philosophical or any other reasons, then he wished to know that so City Staff could reprogram that money and see how much needed to be taken out of the General Fund for capital improvements each year.

Mayor Siegel stated that she agreed, but thought City Council would have started much sooner on the process than they had. She indicated that she would like to keep the focus on the fiscal year 2009 budget.

Councilman Nauert referred to the $15,000 that had been budgeted for art benches in fiscal year 2009. He felt that the art bench that had been installed at the Bellaire City Library was less than stellar, and he did not wish to see the City get another bench like that one. He had nothing against art benches, but he would like to have some stipulation that any art benches purchased in fiscal year 2009 be somewhat functional. For that reason, he wished to red tag the art benches.
Councilman Jeffery advised that he felt that the budget looked fantastic and he understood the reasoning for separating the capital improvement plan was in order for City Council to be able to “red tag” items. Since all of the items would return to City Council at some point, he did not see any reason to do so at this time. He was very comfortable with the operational budget.

Councilman McLaughlan advised that he was comfortable with the fact that the fiscal year 2009 capital improvement items would come back to City Council. He was not prepared to get into the specifics of that plan at this time.

Councilman Nauert inquired as to whether the guidelines adopted by City Council with respect to the development of the budget had been followed.

City Manager Satterwhite advised that the guidelines adopted by City Council for the development of the budget had been followed.

Councilman Avioli stated that his concerns had been addressed and he had nothing to add at this time.

Councilman Hickman stated that he would like to red tag a few items, such as the recycling center upgrades of $25,000 and the fiscal year 2009 arts capital improvement items.

City Manager Satterwhite stated that all of the items in the capital improvement program would come back to City Council for approval.

Councilman Hickman referred to the $55,000 for a plaza between the pavilion and trolley car. He felt that City Council had not decided what they wanted to do there other than the History Walk. There might be a desire to put a replica up or a new Trolley Pavilion. He felt that needed to be discussed further.

With respect to the operational budget, he had no changes to propose at this time.

Mayor Siegel stated that members of City Council seemed to have a number of questions related to capital improvements to be considered in future years. She inquired as to how much of the fiscal year 2009 budget was funding capital improvements for 2010, 2011, etc.

City Manager Satterwhite stated that a cash flow model was prepared for the Capital Improvement Plan on page 2 where there was a beginning fund balance and an ending fund balance, which included everything. He believed what Mayor Siegel was asking was how much
was funding the 2009 capital improvements. His answer would be very little to none of it.

Mayor Siegel asked for confirmation that the fiscal year 2009 capital improvements were being funded out of past reserves that the City had sitting there.

City Manager Satterwhite advised that the Mayor was correct.

Mayor Siegel noted that this had been an issue with the City’s auditors in that the reserves were not identified.

City Manager Satterwhite stated that the reserves were now designated, so this was no longer an issue for the auditors.

Mayor Siegel indicated that she did not wish to make any changes to the budget.

**MOTION TO AMEND THE PROPOSED BUDGET PRIOR TO ADOPTION BY CITY COUNCIL:**

A motion was made by Councilman Will Hickman to limit the ending fund balance in the Debt Service Fund to 30% of total expenditures of the fund (or approximately one cent). Councilman Phil Nauert seconded the motion.

**DISCUSSION:**

Councilman McLaughlan noted that all members of City Council had a goal to reduce the tax rate, but also Bellaire was in a very dynamic phase and was competing with West University Place and Sugar Land to be a premier community. He worried sometimes that Bellaire might be entering into some false economies if the City starting reducing the tax rate. At the present time, he could not support the motion.

Councilman Jeffery noted that the amount needed for principal and interest in the Debt Service Fund was going to go higher until it peaked, which was not for a number of years. He was concerned that if City Council lowered that portion of the tax rate now, whether there would be enough for the coming years. When the math had been done in the past, it had made sense to keep the rate where it was even with the escalation in values. What he did not know today was if the City could remain on schedule by lowering it the equivalent of one cent.

City Manager Satterwhite stated he was not 100% sure what the proper fund balance today was. It was difficult in a proposed budget before the final tax rolls come out to say what the City needed to do.
One of the reasons City Staff did not want to adjust the proposed tax rate at this point in time was because we really did not know what the revenues were going to be from that proposed tax rate. When the certified rolls come in and City Staff realized how much revenue it would generate, City Manager Satterwhite might recommend that the City lower the tax rate. He noted that part of the $1.8 million in the ending fund balance for the Debt Service Fund represented the $950,000 transfer from the Enterprise Fund.

If the water and wastewater improvements were funded through revenue funds, a Debt Service requirement that would be created that had not really been considered, but it would come out of revenues rather than the tax base. However, the City might choose to make the $950,000 transfer go away. This would immediately lower for subsequent years the fund balance in the Debt Service Fund. He tended to be fairly conservative at this point in time in the fund balance.

Mayor Siegel agreed with Councilman Jeffery in that her concern was historically City Councils liked to reduce tax rates, but they sure did not like to raise tax rates. The City was not in the business of having money sit there, but on the other hand, if the City knew that the principal and interest payments in the Debt Service Fund would peak, the City was better off keeping the tax rate high to make sure the City had enough money to pay that debt service and lower the rate after that.

She noted that she was not saying she would not vote for it. Once the City had enough information to make a better decision as to whether the fund balance could be reduced without impacting future debt service, then she would consider it.

Councilman Nauert noted that City Council had the luxury of more time to gather information, such as the certified tax roll, debt service needs for the next several years, and decisions as to water and wastewater improvements. He did not want to commit to a decision right now, but felt it was something that City Council needed to keep close in their minds throughout the process.

Councilman Hickman stated that his proposal was to reduce the ending fund balance from about 40% of the expenditures to about 30% of the expenditures. He totally understood that the debt load was going to increase in the future. He did not think the City needed to fund three or four years in the future next year. That was the point he was trying to make. He felt the tax rate should be set each year based on what the debt load would be for the coming year and not storing up debt payments in advance so the City looked better in the future by not having to increase taxes.
VOTE ON MOTION TO AMEND THE PROPOSED BUDGET PRIOR TO ADOPTION BY CITY COUNCIL:

FOR: Hickman, Will

OPPOSED: Siegel, Cindy
Nauert, Phil
McLaughlan, Pat
Jeffery, John

ABSENT: Faulk, Peggy

ABSTAIN: Avioli, James P., Sr.*

*Councilman James P. Avioli, Sr., indicated that he did not have enough information to make an informed vote on the motion, therefore, he wished to abstain.

Councilman Hickman noted that last year and the prior year the City was able to set the tax rate so that the average $200,000 home’s tax rate was reduced by the amount that their appraisal increased, and the City funded the increased revenue out of new construction. If the City were able to do so again, he would like to see that happen. He realized that it was too soon to know now without the existing values, construction values, and tax rate would be. It had the effect of keeping the tax burden on the average homeowner the same year to year.

Mayor Siegel advised that the City had accomplished that in the past.

Councilman Hickman stated that he would like to continue to do that for next year.

City Manager Satterwhite indicated that he believed the City had done a good job of managing over the years with respect to maintaining the tax rate and providing a growing list of services.

Mayor Siegel advised that City Staff planned to bring the budget forward for adoption on September 8, 2008. She noted that City Staff also needed to bring forward the Five-Year Capital Improvement Plan forward for adoption on either September 8, 2008, or September 15, 2008. She noted further that Labor Day was Monday, September 1, 2008, and City Council would not meet on that evening. The Regular Sessions for City Council during the month of September were on September 8, 2008, and September 15, 2008.
C. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Councilman Pat McLaughlan and seconded by Councilman Will Hickman to adjourn the Special Session on the Budget held by the City Council of the City of Bellaire, Texas at 9:46 p.m. on Tuesday, July 26, 2008.

VOTE ON MOTION TO ADJOURN:

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

Respectfully submitted,

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

Approved:

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Cynthia Siegel, Mayor
City of Bellaire, Texas