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

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

Mayor Cindy Siegel called the City Council of the City of Bellaire, Texas, to order at 6:04 p.m. on Monday, October 19, 2009. 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 a recommendation by the Planning and Zoning Commission of the City of Bellaire, Texas, to adopt a new Comprehensive Plan and a recommendation from the Bellaire Community Development Department to adopt the new Comprehensive Plan as a standalone document. The Bellaire City Council met in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401. Mayor Siegel announced that a quorum was present consisting of herself and the following members of City Council:

Councilman Will Hickman, Position No. 1;
Councilman James P. Avioli, Sr., Position No. 2;
Mayor Pro Tem Peggy Faulk, Position No. 3;
Councilman Phil Nauert, Position No. 4; and
Councilman Pat McLaughlan, Position No. 5.

Councilman John Jeffery, Position No. 6, was absent. Other officials present were City Manager Bernard M. Satterwhite, Jr., Director of Community Development John McDonald, and City Clerk Tracy L. Dutton. City Attorney Alan P. Petrov arrived shortly after the public hearing started.

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

City Clerk Tracy L. Dutton read the “Notice of Public Hearing” into the record as follows:

Notice is hereby given that the City Council of the City of Bellaire, Texas, has called, by Ordinance No. 09-062, a public hearing before the City Council of the City of Bellaire, Texas, on Monday, October 19, 2009, at 6:00 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, 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 recommendation from the Planning and Zoning Commission of the City of Bellaire, Texas, to adopt a new Comprehensive Plan for the City of Bellaire, Texas, and a recommendation from the Bellaire Community Development Department to remove Appendix A, Comprehensive Plan, from Chapter 24, Planning and Zoning, of the Code of Ordinances of the City of Bellaire, Texas, and to adopt the new Comprehensive Plan proposed by the Planning and Zoning Commission of the City of Bellaire, Texas, as a standalone document.

All zoning districts located within the corporate limits of the City of Bellaire, Texas, may be affected by the proposed recommendation and adoption of a new Comprehensive Plan.

Prior to the public hearing, any person may review the proposed Comprehensive Plan in its entirety at the City of Bellaire’s Office of Community Development, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, from 8:00 a.m. until 5:00 p.m., Monday through Friday, except for holidays. The proposed Comprehensive Plan may also be viewed on the City of Bellaire’s website (www.ci.bellaire.tx.us).

Dated this 21st day of September, 2009.

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

City Clerk Dutton advised that the “Notice of Public Hearing” was published in the legal notices section of the Southwest News in the Tuesday, September 29, 2009, edition. Signs advertising the public hearing were erected by the Bellaire Public Works Department at the intersection of South Rice Avenue and Bellaire Boulevard and the intersection of Newcastle Drive and Bellaire Boulevard.

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 by Gary Mitchell, Vice President of Kendig Keast Collaborative, planning and zoning consultants, regarding a new Comprehensive Plan for the City of Bellaire, Texas, as recommended by the Planning and Zoning Commission of the City of Bellaire, Texas. The presentation will be limited to fifteen (15) minutes.
At the conclusion of the presentation, the Mayor and City Council will have an opportunity to ask questions of Mr. Mitchell and the Planning and Zoning Commission regarding the recommendation and to ask questions of Director John McDonald regarding the recommendation of the Community Development Department to adopt the new Comprehensive Plan as a standalone document.

At the conclusion of the question and answer session, the Mayor will recognize citizens or other interested parties who have completed the sign-in sheet prior to commencement of the meeting. Comments will be limited to four (4) minutes for each individual.

Following comments from citizens or other interested parties, the Mayor will close the public hearing. Public comment will not be received following the close of the public hearing. Written comments may be submitted to the City Council in care of the City Clerk prior to final deliberation on the matter. Final deliberation is anticipated to occur on or about November 16, 2009. If final deliberation does occur on November 16, 2009, written comments should be submitted to the City Clerk’s Office by noon on Thursday, November 12, 2009.

The sign-in sheet and written comment sheets have been provided at the entrance to the Council Chamber.

D. PRESENTATION regarding a recommendation from the Planning and Zoning Commission of the City of Bellaire, Texas, to adopt a new Comprehensive Plan for the City of Bellaire, Texas, and a recommendation from the Bellaire Community Development Department to remove Appendix A, Comprehensive Plan, from Chapter 24, Planning and Zoning, of the Code of Ordinances of the City of Bellaire, Texas, and to adopt the new Comprehensive Plan proposed by the Planning and Zoning Commission of the City of Bellaire, Texas, as a standalone document – Consultant Gary Mitchell, Vice President of Kendig Keast Collaborative, Chair Bill Thorogood, Planning and Zoning Commission of the City of Bellaire, Texas, and Director of Community Development John McDonald.

Gary Mitchell, Vice President, Kendig Keast Collaborative, advised that his purpose this evening was to give an overview of the Comprehensive Plan document. He stated that he wanted to hit some of the themes that were in the proposed Comprehensive Plan (“Plan”) document. The common theme, of course, was “City of Homes.”

Another theme was more housing options. One such option was “life cycle housing” or the ability for people to remain in Bellaire as they aged and needed a downsized housing situation.
A third theme was better connectivity. There were a limited number of places to cross the divide of Bellaire created by Loop 610, especially when bicycling and when walking. There was discussion in the plan for attempting to “brighten up” the Loop 610 underpasses with lighting and making those underpasses more attractive. In general, making the community more walkable and bicycle-friendly was desirable.

A fourth theme was the urban forest. This theme came up again and again in public discussions. Bellaire’s urban forest was an asset and set the City apart from other cities. There was a desire to make the areas already developed in Bellaire more attractive.

A fifth theme was commercial area revitalization—“Bellaire style.” Mr. Mitchell showed an image of a potential light rail station area on the north city limits.

Finally, across the board, everyone talked to (homeowners, business owners, etc.) advised that the key to Bellaire was quality of life amenities and the things the community offered.

**Background**

Mr. Mitchell advised that the Houston-Galveston Area Council, as a regional planning agency, projected that Bellaire in the years ahead had and would plateau. The community was fairly well built out. There were some vacant sites, but Bellaire’s population would remain roughly in the 17,500 range.

As Mr. Mitchell mentioned earlier, there were only a few areas in town that offered large, undeveloped sites. The ongoing wave of residential redevelopment indicated that approximately 2/3 of the original single-family detached housing stock had been rebuilt in recent decades.

There were frequent references and recognition of the history of what had happened in Bellaire with the previous Comprehensive Plan adopted ten years ago during many of the neighborhood meetings on the Plan. References were made to the Loop 610 history and how the highway had created a barrier through the community.

Ongoing investment in the City’s infrastructure was certainly mentioned in the Plan. Mr. Mitchell credited the Planning and Zoning Commission for emphasizing from the beginning that Bellaire was impacted by virtue of being surrounded by a larger city with respect to infrastructure and transportation. Bellaire had to work with Harris County, other cities, and the Texas Department of Transportation with respect to some of the challenges that Bellaire faced.
Organization of the Plan

Mr. Mitchell advised that there was an introduction chapter that provided background. The Plan was actually more of a guidebook or framework for the City’s development ordinance, capital improvement planning, and budgeting. The details of that framework would be carried out through other tools.

Chapter 1 also documented the various ways in which the Planning and Zoning Commission garnered involvement from the community. Input was sought from people in a large public meeting, living room discussions, and through work with the Comprehensive Plan Advisory Committee (“CPAC”) appointed by the Mayor.

In each chapter there was a discussion as to why the chapter topic was important for Bellaire, as well as laying out some of the key planning considerations.

Chapter 2 contained a map of Bellaire’s existing development on the ground as of approximately one year ago. That map included the first buffer of property just outside the city limits.

Chapter 3 addressed the aspects of how people got around the City—walking, biking, and transit. It included what was coming in terms of METRO’s light rail lines. Also included were problem locations in terms of congestion and safety.

In the land use chapter (Chapter 2), there was a future land use map. An important title on that map was noted to be “Land Use and Character.” One thing that the Commission really tried to emphasize was not just residential, commercial, and industrial development, but rather different types of residential development, for example. Mr. Mitchell noted that 78% of Bellaire was residential development. In the southwest portion of the City, the suburban areas dominated the scene. There were also areas where homes were located on smaller lots and were closer together. There was certainly the potential with redevelopment for residential development in the downtown area.

Urban village was another important term in the Plan and applied to the RDD District and the City Center District.

There were tables in each of the core chapters—land use, mobility, and parks—containing an overall goal for each of the topics, followed by a series of guiding principles, and a series of considerations. Across the columns in the table were different ways in which the goals could be accomplished.
Outcomes

Immediate priorities were noted next. One of the priorities that came up again and again was the City Center District. People were continuing to see such developments as drive-through banks and fast food establishments. Other types of development seemed to be desired and questions were asked as to whether there was a core area that could provide a more walkable atmosphere.

Mr. Mitchell referred to the urban village term identified earlier. The urban aspect referred to a walkable atmosphere with buildings located closer together. The village aspect was partly about height. He emphasized that throughout the CPAC advisory process, the discussion was always the current parameters of Bellaire’s zoning. In today’s zoning, those parameters were six stories.

Also included in the Plan was that as one tapered away from the center of the areas toward the existing single-family detached housing, the heights would taper off. In other words, the edges of the areas might be one-two stories with six stories in the center.

With respect to the life cycle housing idea, Mr. Mitchell referred to a chart that was in Chapter 1. Bellaire’s population for different age groups was shown on the chart. Mr. Mitchell stated that the bars that were “clear” in color were the United States averages. What stood out in the chart was the early adult years and in the retirement years. Bellaire had a lower share of population in those age groups compared to the nation. This was partly where the idea of more diverse housing came from. For example, were people moving out of Bellaire in their older years or not being able to live in Bellaire after coming back from college because of a small housing choice?

The ideas that came through the CPAC discussion included patio homes, town homes, apartments, etc. The focus was the ownership intent for different varieties of single-family housing that could be accommodated in Bellaire.

As in the Plan from ten years ago and today’s zoning, there was a focus on specific areas that, perhaps, needed some fresh air and revitalization. Mr. Mitchell referred to the Larch Lane Zoning District that was repeated in the Plan.

Finally, the proposed Bellaire Transit Station area (rail station) on the north City limits along Westpark Drive represented a potential for significant change between land values, development interests, etc. This was dealt with in the Plan. The desire for a more walkable area and outside amenities appealed to the residents the Commission spoke with.
When the Plans were updated and adopted was the time when the City’s zoning ordinances needed to be reviewed. Even if the rail station was not coming, the RDD District and several other parts of today’s zoning ordinances really needed a good look. In other words, was the City getting the outcomes that it wanted based on the current regulations?

In closing, Mr. Mitchell emphasized that the “character” term came up in so many ways—parks, neighborhoods, and commercial development. In other words the “character” theme appeared throughout the Plan.

In the implementation chapter, some of the priorities discussed were highlighted—the redevelopment of certain areas, life cycle housing, the emphasis on connectivity and trail potential in Bellaire. Another important part of this final chapter was to make sure that this document stayed fresh. Bellaire had a strong history of planning—this Plan represented a 10-year update. The City should take a good look at the Plan every year, with an annual reporting process just to see where the City was and what progress had been made and where to focus each year.

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

Mayor Cindy Siegel asked City Council if they could stay away from in-depth long discussions this evening. She advised that Mr. Mitchell was, in fact, going to join City Council next Monday for a Joint Special Session with the Planning and Zoning Commission. In other words, it was Mayor Siegel’s desire to allow plenty of time for public comments this evening.

**Q:** Councilman Will Hickman referred to the mention of needed interconnections across Loop 610. He inquired as to whether the Commission and focus groups had also looked at interconnection to the east of Bellaire across the railroad tracks.

**A:** Mr. Mitchell advised that interconnectivity across the railroad tracks was mentioned in the Plan. He advised that Bellaire would have to deal with the railroad and another city regarding improvements or enhancements. The aesthetics and safety of the crossings, especially at Bellaire Boulevard, were discussed.

**Q:** Councilman Hickman referred to the RDD District and inquired as to how the City could get from conceptual drawings or dreams to reality.
A: Mr. Mitchell indicated that the specifics of the zoning district, guidelines, and parameters for development needed to be reviewed. Even with today’s RDD District, the purpose was pretty clear of a light industry, warehouse-type area. Just starting with the list of permitted uses, the uses were all over the place from auto dealerships to artist lofts, etc. The purpose needed to be more focused. If the new purpose was as proposed in the plan—a more walkable, urban atmosphere—then it was not just putting a list of uses in the regulations, but the closeness of buildings, sidewalks, and allowing for more density.

Q: Councilman Hickman asked from a big picture view if the Plan mainly pointed out issues or whether it offered solutions.

A: Mr. Mitchell advised that the Plan under consideration by City Council laid out the vision of what the area could be.

Q: Councilman Hickman asked for confirmation that “how we get there” had not been laid out.

A: Mr. Mitchell stated that the Plan did provide guidance as to the types of adjustments to zoning that might happen, the types of street design in a variety of areas, to set the right framework. At some point it was up the market if that was the area that the market wanted to invest in.

Q: Councilman Hickman referred to a quotation from the Municipal Code Corporation of the cost with an example of what the Plan might look like in the City’s Code. He asked if the example was another City’s plan.

A: City Clerk Tracy L. Dutton advised that the example was from another City’s plan.

Q: Councilman Hickman stated that he had lunch with someone on the City of Houston’s Planning Commission and this person had said there had not really been any development in Houston along the Main Street Line. Councilman Hickman asked if Mr. Mitchell would agree or disagree with that statement.

A: Mr. Mitchell stated that he would disagree with the statement. The redevelopment was spotty. In areas already conducive for development, such as the Medical Center and downtown, the rail line had definitely made a difference. The mid-town section was going to be a challenge even without rail because of piecemeal ownership of property and the condition of
infrastructure. Putting in a rail line and changing zoning would not necessarily spur the market.

Q: **Councilman Hickman** inquired as to what we might have learned from the Main Street Line and asked if we could apply that learning to the RDD District.

A: **Mr. Mitchell** indicated that the difference for the Bellaire Rail Station would be the convergence of two key rail lines—the Uptown Line coming out of The Galleria area and the East-West University Line, which went across Houston to the University of Houston. The Bellaire rail station would basically be a “hub” or transfer point as the system potentially expanded in the decades ahead toward the west. With the proximity of car access on Westpark Drive and potential for development immediately south of the station itself, development in the RDD District area looked positive.

Q: **Councilman James P. Avioli, Sr.,** noted the discussion that steps were underway for the rail station at Westpark Drive. He asked if Mr. Mitchell was comfortable that the station would be developed.

A: **Mr. Mitchell** stated that all of the steps were falling into place and federal funding had been lined up. The environmental study had been done. The project was in the pipeline to be built. The next step for things would be land acquisition and the detailed planning of the station. The number he was hearing for the development of the station was 2012 or 2013. He pointed out that the north-south line or the Uptown Line would be constructed first. The east-west line along Westpark Drive would come later. When the station opened, it would first be serving The Galleria Line.

Q: **Councilman Avioli** asked for confirmation that the station could be developed as early as 2012.

A: **Mr. Mitchell** stated that it was his understanding that the timeline was 2012 or 2013.

Q: **Mayor Pro Tem Peggy Faulk** referred to the Bellaire Boulevard Overlay District and the Wolf property and inquired as to what extent the pros and cons of that District were discussed.

A: **Mr. Mitchell** indicated that the Bellaire Boulevard Overlay District was not discussed much at all. More of the focus was
spent on the City Center District redevelopment, the rail station area, and amenities, such as the trail, and housing variety.

Q: **Councilman Pat McLaughlan** expanded on the Bellaire Boulevard Overlay District and letter received from Mrs. Wolf at 4317 Bellaire Boulevard. Although the District provided a valuable function at one time, it might have outlived its usefulness. He inquired as to whether Mrs. Wolf’s concern was something that should be addressed by some expansion in the Plan or whether it was a more detailed area to be addressed through zoning regulations.

A: **Mr. Mitchell** indicated that he was operating from a “blind” standpoint because he had not seen Mrs. Wolf’s letter.

**Mayor Siegel** advised that she would be reading that letter into the record. She suggested that perhaps he should bring that point up on Monday during the Joint Special Session.

C/Q: **Councilman McLaughlan** thanked Mr. Mitchell for his excellent work on the Plan. He referred to the RDD District and mentioned that the approach was to provide a height limitation on construction in the RDD. He stated that the area had such extreme potential for some major development in years to come. When standing in that area, it appeared as if one could throw a baseball at the Williams Tower. He inquired as to why the Plan would suggest imposing a zoning height limitation on construction in that area.

A: **Mr. Mitchell** advised that he was the messenger of a great deal of work by the Commission, CPAC, and others. The sentiment of those involved, including those living in the neighborhood nearby, was of intrigue for the idea of restaurants nearby, but concern about traffic. Traffic, in fact, was the number one concern. One reason that there were limits placed on development through zoning was to limit impacts, such as traffic. There were reasons that cities chose to not allow the maximum that a free market would do for various reasons.

The plan for the rail station emphasized opening up streets that went all the way across from South Rice Avenue to the frontage road of the West Loop. This would result in a cross flow of traffic, with the idea being to keep the traffic flowing in an east-west direction versus a north-south direction.
Q: Mayor Cindy Siegel asked for confirmation that, from the meetings with neighbors residing near to that district, their concerns were taken into account.

A: Mr. Mitchell advised that one of the living room sessions that had the best attendance was one attended by residents near the RDD District. The residents were intrigued by and liked the idea of shopping and restaurants nearby. He stated that the residents also wanted the City to close their streets that night to that area. They want to walk to it and have it nearby and deal with the heights, but were concerned with traffic.

This was the type of thing that would be dealt with as development applications came in comparing what was proposed against the City’s zoning or street standards.

Q: Mayor Siegel asked if the RDD District could continue developing even without the rail station. In other words, would the Plan still work?

A: Mr. Mitchell stated that annual reporting and five-year updates were very important. If something that dramatic in the community occurred, then that part of the Plan really needed a fresh look. This was based on the idea of the rail station coming in. Without it, there would need to be some other spur to cause that type of development to occur. The concept plan for that area was development based on a need to open up the access.

Q: Mayor Siegel referred to references to “apartments” in various areas of the Plan and inquired as to the feedback related to apartments. She indicated that she was a little surprised that apartments were mentioned in the Plan.

A: Mr. Mitchell advised that during informal discussions, it was clear that a majority of residents felt that apartments were a major concern for them. The Commission and CPAC discussed the apartment issue in some detail. An important part of the equation for revitalization of the City Center District and development in the rail station area was to have people living there and on the street—a more active 24-7 area.

Due to fair housing laws, a city could not ban apartments. Cities certainly included design standards and other requirements in their Code to make it difficult to have the type of apartments that many people were probably picturing.
The market realities of Bellaire would make it very difficult for that type of development to emerge even on the sites available for redevelopment in Bellaire. Between the City’s zoning and market, Mr. Mitchell believed the City could set a framework.

Mr. Mitchell urged everyone not to get caught up in “rental” versus “ownership.” There were condominium ownership situations where the outcome was not very attractive. There were rental properties that were managed very well. Rental versus ownership was not always a factor to look at. The factors to look at were design and quality.

Q: Councilman Phil Nauert noted that as the liaison to the Commission, he had already seen a great deal of this process. The Plan was often referred to by the Commission as the guidebook and not the rulebook. He noted that any Plan needed to be re-evaluated on a regular basis, such as at five-year or ten-year intervals. He inquired as to the type of changes and conditions would change the way things looked in a certain area. He noted that he had jotted down flooding, major change in transportation, major Houston development, etc., as possible conditions that might cause Bellaire to have to re-evaluate its plan.

A: Mr. Mitchell indicated that one of his clients in Oklahoma adopted their Plan and the next year a tornado came through and completely changed the equation. Flooding was certainly a possibility that might cause a city to re-evaluate its plan. A change in the marketplace was another possibility. Mr. Mitchell also indicated that across the country household sizes were dropping dramatically and this was the forecast for the future. Family households would be a smaller and smaller part of the overall population. This possible trend was one of the thoughts that introducing different types of housing in the City Center District and rail station area might be a good idea. The light rail station, had information not been known, would have changed the equation for Bellaire’s community.

If someone assembled property and wanted to do something very different, such a development could be accommodated with Bellaire’s current planned development process.

Q: Councilman Nauert asked if the Plan could be re-evaluated by fine-tuning it rather than going through the exhaustive effort that had resulted in the proposed Plan.
A: Mr. Mitchell advised that fine-tuning could very definitely be done—through special studies and neighborhood level planning, for example.

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

Sam Lott, 4403 Acacia Street, Bellaire, Texas:

Mr. Lott addressed City Council and advised that he applauded the work done by the Planning and Zoning Commission and Consultant Gary Mitchell. In his work in the field of transit, he advised that a concept talked about a great deal was transit connectivity. As Bellaire had more transit coming, there was a need to think about how to connect to various methods of transit.

The connectivity in Bellaire that would be most practicable was noted to be for the pedestrian and those who wished to ride bicycles. As Bellaire started to look at the new transit infrastructure that was coming in, Mr. Lott wished to point out that there was not one high capacity transit station that touched Bellaire, but rather there would be three. One that was already functioning and very much in its infancy was the bus rapid transit. It had a great future in Bellaire as it evolved and matured. Pedestrian access to the existing Bellaire Transit Center for the fast connection into the Medical Center was important.

Secondly, another station would be constructed along Newcastle Drive. For those that lived on that side of Bellaire, the access to the Newcastle Drive station was going to be very important.

Mr. Lott advised that Bellaire should look toward pedestrian corridors to access the three high capacity transit stations that would service Bellaire. It was noted that Newcastle Drive had a beautiful pedestrian facility. He urged City Council to work with the City of Houston and Harris County to take the pedestrian facility all the way down to where the station would be located. This was a little out of Bellaire’s control, but it was one aspect.

If Bellaire would do the same thing for pedestrians along South Rice Avenue, then anyone living on the west side of Bellaire would have an option to use a nice, comfortable, very attractive and wide pedestrian access to the proposed transit-oriented development site.

Finally, going east and west along Bellaire Boulevard, Bellaire had some spectacular pedestrian pieces along that route. He urged Bellaire to “knit” those pieces together so that residents could move...
east and west along Bellaire Boulevard to gain access to the bus rapid transit station.

Mr. Lott stated that he would be happy to participate more in the future than he had to this point. He advised the City Manager that there was a sister city to Bellaire that was about the same size and same potential interests that was currently working on transit-oriented development studies—Jersey Village. He suggested that the City Manager consider calling Mike Castro of Jersey Village.

Corbett Parker, 4505 Magnolia Street, Bellaire, Texas:

Mr. Parker thanked everyone who had worked so hard on the Comprehensive Plan, including the majority of the Planning and Zoning Commission members who were in the audience this evening. He was very pleased with the overall visioning.

Mr. Parker indicated that he had talked with a majority of residents and many business owners that were going to be affected by the Comprehensive Plan ("Plan"). For the most part, the residents and business owners were very happy with the Plan’s vision. Educating the residents about the Plan had been, by far, the highlight for Mr. Parker.

Specific proposals that residents did not like could be easily addressed and he pointed that out to the residents as he discussed the Plan with them. The Plan was a road map and a place from which City Council could launch their decisions. He urged the residents to become a part of the process so that their concerns could be alleviated.

As discussions centered on the “downtown” area of Bellaire, he explained to residents that the City did not own the property and the City would have to act more as a facilitator, negotiator, and agitator in that respect. He believed that many residents were concerned that Bellaire would immediately start some type of construction similar to the type that Sugar Land put in place after they implemented their Comprehensive Plan. Without a doubt, a key concern was to ensure that the residents’ quality of life was enhanced.

With respect to Bellaire’s downtown area, Mr. Corbett indicated that residents were extremely excited about the prospect of having a town square or meeting place that they could gather in. The underlying spirit and love that residents in Bellaire had for each other and their desire to support local businesses would be greatly enhanced with a town square.
Anytime the term “economic development” was mentioned, residents became very concerned. The residents immediately felt that such a term meant that the City might deteriorate their residential quality of life. Residents specifically indicated that they did not desire multi-level housing.

Businesses that had been in the area for 20+ years expressed a concern that they were going to be left out. It would be prudent for City Council to ensure that longtime residents and longtime businesses were involved in the decision making.

Clearly residents had stated a desire to have more community events, such as the Halloween Dog Parade, Holiday in the Park, etc. Even members of City Staff had asked why the City did not have more community events. Included in the discussion was the lack of public space. Mr. Parker implored City Council to use the Plan as a venue.

Finally, many residents were extremely wary of METRO. To develop the RDD Zoning District in a way that complemented the proposed rail station while also protecting the residential community by scaling down the development as it neared the existing residential community would be appreciated.

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

Bruce Volkert, 4549 Magnolia Street, Bellaire, Texas:

**Mr. Volkert** addressed City Council and thanked everyone who had worked on the Comprehensive Plan (“Plan”) to get it this far. He stated that he would like to emphasize that it was a guideline and a road map and did not “do anything.” There were no plans and no ground to be broken and there was nothing to be changed. The Plan was really about identifying values, goals, and a bit of a series of steps to get from where the City was to some of those goals.

The Plan was a road map for a process to take place as the City continued to evolve. This was what City Council should really be focusing on—whether they agreed with the goals and the basic strategies outlined in the Plan in terms of the guiding principles, etc.

Once the Plan was underway, City Council, City boards, residents, and businesses could start talking about strategy as to how to achieve the ultimate goal to improve the community and the quality of life.
Mr. Volkert agreed that he was surprised to see the “A” word in the Plan. If read carefully, one could see that there was a parenthetical list of things that might be considered. It did not do anything. This was just a word in a list. If it were that big of a problem, then take the one word out.

The Plan represented the community values as best as the City could understand them. Some would criticize the Plan and indicate that there were not many people involved. This was not true—there were many people involved over a long period of time.

In conclusion, Mr. Volkert indicated that the Plan was a good one and he urged City Council to vote for it.

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Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee addressed City Council and advised that she wished to address six points with respect to the proposed Comprehensive Plan as follows:

1. Residential Density – Ms. McBee advised that she had attached a table to her comments that would be disseminated to City Council comparing the current and proposed densities for residential dwelling units. She advised that variety was included, but no caps were provided for the high densities shown. The Comprehensive Plan (“Plan”) needed a “SMART Growth Program” (“Program”), which meant “Strategically Managed and Responsible Town Growth” to avoid population growth that would overload the City’s water, wastewater, and transportation system and would adversely affect the character and quality of Bellaire. Such a Program was ruled by the Texas Attorney General as valid in 1999 for Flower Mound, Texas. Such a Program limited the number of building permits a municipality would issue in a given time period. Ms. McBee asked City Council not to forget the 23 lots already platted for residential development on the north side of Bellaire Boulevard, the Teas’ family’s last five acres.

2. City Hall – Ms. McBee urged City Council to include the move of the City Hall Complex to the downtown Bellaire City Center District. She noted that the building perennially failed (i.e., witness the roof above the Council Chamber) and the City poured dollars into it to keep it running. The current City Hall Complex was ill-designed for today’s needs, work space, meetings, civic use, and technology. She encouraged City Council to add the City Hall Complex to the Plan now for the future to enable a focal point downtown and to
spur the kind of commercial growth and access that the City said it wanted.

3. Comprehensive Plan ("Plan") - Placement in City Code – Ms. McBee asked City Council to include the Plan in the Code of Ordinances of the City of Bellaire, Texas ("Code"), where it currently resided in Chapter 24, together with the zoning regulations that applied. Maintaining it there would enable it to be included in any printed copy of the Code (i.e., the City ordered five each year). Municipal Code Corporation (MuniCode) indexed the document and would print and supply as many "standalone" copies with indices as might be desired by the City’s planning, development, and investment communities. There would be no harm in also additionally adding the Plan to the City’s website for easy digital access, but this should not replace its inclusion in the Code. If the City took the Plan seriously, then it should be prominently carried and visibly and easily reached. She urged City Council to do both. For those not yet living in the digital world, this was the present and the future.

4. South Rice Avenue Expansion – Ms. McBee advised that to commit to an expansion of South Rice Avenue would create a commitment to the Houston portion of South Rice Avenue redesigned to carry traffic to and from the future Westpark light rail station. However, the Houston boundaries along South Rice Avenue stopped at Elm Street where Bellaire began. South Rice Avenue from Elm Street to Beechnut Street (almost) ran through the neighborhoods, schools, parks, and the City cultural and municipal facilities. Expanding the width to a proposed 200 feet would severely impact all of Bellaire. Instead, Bellaire’s South Rice Avenue should be upgraded to include on-street, protected one-way bike routes on either side and consistent sidewalks on both sides for pedestrian and landscaping.

5. Height Limits – Whether there be commercial (i.e., parking garages), condominiums, townhouses or retail, height should be mandated at no higher than six stories, as has applied to the Loop 610 commercial zone since 1978. Ms. McBee urged that City Council clearly state height limits so that no one with a planned development could come along and ask for a special exception with respect to height. All other buildings should be between two and two and one-half stories in height to preserve the "village concept" of Bellaire. Exceptions to this mandatory six-story height would severely alter the character of the town.

6. Regulations – Ms. McBee stated that the Plan was a land use legal document controlling real property owned by real people. She urged City Council not to entrust this most serious task to less than
zoning and property law experts. The City did not have such expertise on staff and the City could not afford them. If quality was Bellaire, Ms. McBee urged City Council not to cheapen its regulatory rules governing the City’s most important asset—its land.

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

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**Mayor Cindy Siegel** read one written comment received by the Bellaire City Council into the record as follows:

*Mrs. Edwin M. Wolf, Sr., 4317 Bellaire Boulevard, Bellaire, Texas:*

It’s New Comprehensive Plan clinch time and here is Mrs. Wolf bringing up a nasty bug in the plan that needs to be fixed.

I am here to request that the new Comprehensive Plan be revised so that the 4300-4400 blocks on the south side of Bellaire Boulevard between Newcastle and the railroad tracks be eliminated from the Bellaire Boulevard Overlay District.

I bring this to your attention for the following reasons:

The city of Bellaire by its previous action has already designated this block to special use property. On the south side of the boulevard the city has approved and granted special use status to 7 of the 10 lots on this block making all but 3 lots nonconforming. These nonconforming properties are: The Westside Christian Church on 2 lots; Boulevard Green, an upscale planned development, on 2 lots; and the Bellaire United Methodist Church, with its beautiful 3 story extension and school, on 3 lots. There are only 2 existing residences on 3 lots on this block.

On the north side of the boulevard nearly half of the lots are non-conforming with Teas Nursery occupying 4-1/2 lots.

Our home is on two lots, located on the south side of Bellaire Boulevard across from Teas Nursery between Newcastle and the railroad tracks. Through no fault of our own our property was swept up into the punitive restrictions of the suburban residential classification of the Bellaire Boulevard Overlay District. This should not have been permitted, and according to our attorney has resulted in a regulatory taking of our property.
These three remaining lots are a prime example of poor and wasteful land use. They are configured much differently from other lots in this corridor. For example, the dimensions of our two lots are 213.78 feet of frontage facing Bellaire Boulevard by approximately 421 feet in depth. As the overlay district requires lots to be 100 by 250 feet minimum approximately 40,000 feet is wasted. Additionally, the plan’s prohibition of any new intersecting streets onto Bellaire Boulevard land locks our property.

Lastly, this block is located right next to the railroad tracks. Just over the tracks is the YMCA with its noisy night games and far from upscale businesses. From a planning aspect it would make far more sense to use this block as a buffer zone between the grand boulevard and the railroad tracks.

While large houses on large lots have grown in our city there has been an increasing need for smaller, good quality residences in our city. This is true for our slowing economy and older people who still wish to remain in this beautiful city of homes. Our two lots would be an ideal location for these fine smaller homes similar to the planned development, Boulevard Green, which abuts us.

We appreciate the desires of the people who have worked so hard to establish this district. We are not opposing them. However, it is obvious that because the city has already committed so much of this block to nonconforming usage and the disadvantage of its proximity to the railroad tracks, that the goals of the overlay district cannot be achieved for this block.

I must emphasize that we have no plans to sell or develop our property. We love our home and the city of Bellaire. However, it is imperative that the future value of our property be preserved.

I commend you for your devotion to the ever evolving requirements of a growing and vital city. However, for the goals of a grand boulevard of homes to be attained to their fullest, the Bellaire Boulevard Overlay District should start west and Newcastle and the zoning on the block east of Newcastle be restored to its prior classification of R5 with planned development.

It is a great privilege to participate in the creation of the city’s new Comprehensive Plan. I commend you for addressing areas where land can be improved.

G.  CLOSE OF PUBLIC HEARING - Mayor Cindy Siegel.

Mayor Cindy Siegel closed the public hearing before the City Council of the City of Bellaire, Texas, regarding a new Comprehensive
Plan, as proposed by the Planning and Zoning Commission of the City of Bellaire, Texas, at 7:02 p.m. on Monday, October 19, 2009. Mayor Siegel advised that oral comments would not be received following the public hearing. Written comments could be submitted to the City Council in care of the City Clerk prior to final deliberation on the matter. She indicated further that City Council would meet in a Joint Special Session regarding the Comprehensive Plan with the Planning and Zoning Commission of the City of Bellaire, Texas, on Monday, October 26, 2009, and again on Tuesday, October 27, 2009, if needed. Final deliberation was anticipated to occur on November 16, 2009.

H. ADJOURNMENT.

MOTION TO ADJOURN:

A joint motion was made by Councilman Phil Nauert and Mayor Pro Tem Peggy Faulk and seconded by Councilman Pat McLaughlan to adjourn the Special Session (Public Hearing) at 7:03 p.m. on Monday, October 19, 2009.

VOTE ON MOTION TO ADJOURN:

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

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

OPPOSED: None

ABSENT: Jeffery, John

II. REGULAR SESSION – 7:00 P.M.

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

Mayor Cindy Siegel called the City Council of the City of Bellaire, Texas, to order at 7:14 p.m. on Monday, October 19, 2009. The Bellaire City Council met at that time and on that date in Regular Session in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401. Mayor Siegel announced that a
quorum was present consisting of herself and the following members of City Council:

Councilman Will Hickman, Position No. 1;
Councilman James P. Avioli, Sr., Position No. 2;
Mayor Pro Tem Peggy Faulk, Position No. 3;
Councilman Phil Nauert, Position No. 4; and
Councilman Pat McLaughlan, Position No. 5.

Councilman John Jeffery, Position No. 6, was absent. Other officials present were City Manager Bernard M. Satterwhite, Jr., City Attorney Alan P. Petrov, and City Clerk Tracy L. Dutton.

B. INSPIRATIONAL READING AND/OR INVOCATION – Councilman John Jeffery.

Mayor Cindy Siegel provided the inspirational reading on behalf of Councilman John Jeffery by reading the following quote:


William A. Ward

C. PLEDGES TO THE FLAGS – Councilman John Jeffery.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

Mayor Cindy Siegel led the audience and City Council in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag in Councilman John Jeffery’s absence.

D. PERSONAL/AUDIENCE COMMENTS.

Mike Baker, 4504 Valerie Street, Bellaire, Texas:

Mr. Baker addressed City Council and advised that historic buildings, courthouses, water towers, and ballparks were things that defined communities. The referenced elements of civic architecture gave visitors a sense of what to expect and residents a sense of identity and pride. In this “city” within a “city,” our civic monuments were not historic courthouses or super bowl stadiums, but rather street signs, stoplights, crosswalks, Little League fields, park fences, and the signs that greet one at the city line.
Bellaire’s crosswalks were not marked, the street lights were ugly, the street signs were crooked, stop signs that no longer reflected light were bent, and the entry sign said “Welcome to Bellaire” where we either cannot afford or just do not care to repair the “Welcome” sign.

A city was defined by its monuments. Bellaire’s were in a sorry state of disrepair. While the City was updating its stop signs, it could add a few at some key intersections to interrupt some cut-through traffic and slow people down.

For example, several years ago the City conducted a traffic study and determined that a four-way stop was needed at the intersection of Holly Street and Newcastle Drive. There were four-way stops at the other three corners at the boundaries for the Horn Elementary School, but not at the corner of Holly Street and Newcastle Drive. The residents were told that the stop sign would be part of the reconstruction of Newcastle Drive. The intersection had been rebuilt, the street had been cleaned and striped, but there was still no four-way stop sign at that intersection. Mr. Baker urged City Council to put a four-way stop at that intersection.

Mr. Baker advised that there was a wonderful hike and bike trail along Newcastle Drive (i.e., five feet wide and located four feet from Newcastle Drive). However, with respect to pedestrian safety, anyone approaching Newcastle Drive from the west would drive straight through the hike and bike trail and pull all the way to the curb at Newcastle Drive before stopping to turn onto Newcastle Drive. According to the law, a driver was to stop behind the white line at the stop sign, but no one did that because the sign was ten feet from Newcastle Drive to accommodate the hike and bike trail. The stop sign and line were not in the wrong place, as a driver should stop prior to the hike and bike trail. Additional markings and signage were needed to indicate that a person was driving through a hike and bike trail and pedestrians had the right-of-way.

Mr. Baker urged City Council to check out the crosswalks in front of the Fine Arts Museum at Bissonnet Street and Main Street. Those crosswalks had been painted very artfully and colorfully and drivers did notice those crosswalks. Drivers also noticed reflectors at grade level that blinked when someone was in or entering a crosswalk.

Finally, Mr. Baker addressed speed on the City’s residential streets. He indicated that it was completely unrealistic to expect that anyone could stop their car in time to save a child’s life when driving 30 miles per hour given the limited sight distance that oncoming traffic had to deal with due to parked cars, trees, construction, or other obstructions. Some of Bellaire’s own traffic studies showed that 33 miles per hour was within an acceptable range given a 30-mile per
hour speed limit. Mr. Baker indicated that 30 miles per hour should be
the top end and not the average on residential streets. At a minimum,
the City needed to lower drastically the speed limit on residential
streets to 20 miles per hour and advertise that with considerable new
signage and an occasional patrol car.

Mr. Baker asked City Council to consider the number of children on
bicycles and the number of adults and teenagers who were behind the
wheel. He recognized that these things cost money. He, for one,
would pay a higher property tax bill if it meant a safer and more
aesthetically desirable neighborhood. There was no reason with all of
the resources that Bellaire had, that the neighborhood needed to be
any less safe for pedestrians or any less pleasing to the eye than any
of Houston’s newer master planned communities or other inner city
neighborhoods with which Bellaire could draw comparisons.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee addressed City Council and echoed Mr. Baker's comments
and observations. She suggested that the City needed a special ad
hoc committee for studying public safety and amenities in the City. If
the City did not know about them, then the City should. If the City did
know about them, maybe the City could figure out a way to pay for
them. Certainly, enforcement was at the heart of that. She reiterated
that she would like to echo Mr. Baker and challenge those members of
City Council coming back in January to consider that ad hoc
committee.

In digging around, Ms. McBee came across a box full of pink paper.
The pink paper represented a 1986 candidate “Lynn McBee for
Council.” The platform for her at that time was to preserve the city of
homes and stable zoning, to eliminate the tax increment finance
district, to promote free market downtown improvement limited by
zoning controls, a public dialog on Bellaire Year 2000, and to reveal
facts on issues before decisions. She indicated that her platform was
full of timeless issues and it was fun.

She thanked the community at large, in general, for the very
successful community event last Thursday evening—the Bellaire Area
Candidate’s Forum. There were 14 candidates running on the Bellaire
ballot and two candidates running for the Houston Independent School
District (HISD) District V Trustee. All candidates came to the forum
and all sat very close together. They were all brilliant. Ms. McBee felt
really good at the end knowing that no matter who got elected,
Bellaire would survive.

In addition, 120 people signed in at the forum. This was a record for
the Bellaire Democrats who had held forums for at least six election
The replay of the Forum would occur on Tuesday and Thursday for the next two weeks at 9:00 a.m. and at 7:00 p.m. She encouraged all of Bellaire to get to a Comcast Bellaire television station to watch it or tape it from home. She indicated that the residents would be very impressed by the caliber and the appearance of all of the candidates and she wished all of them well.

If residents had seen or had made up their mind as to who to vote for, early voting began today at 37 locations, including the Bayland Park Community Center on the other side of Hillcroft. Ms. McBee asked that voters turn out to match the number of candidates as they deserved.

**Mayor Cindy Siegel** took the opportunity to thank Ms. McBee for all of her hard work on the Forum. She next advised that she had one written comment that she was asked to read into the record this evening as follows:

**Robert Riquelmy, 506 Winslow Lane, Bellaire, Texas:**

*I am in a class tonight and am unable to attend the Council meeting.*

*Two weeks ago, I spoke to Council about strategies for saving money, one of which was County help with our library. Two days later, I got a phone call from Steve Radack, our County Commissioner and a man I had never met.*

*Our Commissioner let me know in no uncertain terms that there would be NO help for Bellaire with the library. We could use the library in West University.*

*Although it was in the middle of the afternoon, Steve did not seem to be at his best. He could not remember who had asked him to call, but he did say something about a dog.*

*It seems that someone in Bellaire—perhaps the Mayor—has a lot of clout with Mr. Radack.*

**E. REPORTS:**

1. **CITY MANAGER’S REPORT** regarding residential safety (police activity report and Fire Department move), public infrastructure/utilities (street and drainage projects update, City Hall update, SECO grant to cities), cultural and recreational (Episcopal High School Aquatics Facility Agreement), communications/technology (Council Chamber sound system upgrades), quarterly indicators (crime and building permits), and upcoming City Council
meetings/events – Presented by City Manager Bernard M. Satterwhite, Jr.

City Manager Bernard M. Satterwhite, Jr., presented the City Manager’s Report to City Council.

Residential Safety

City Manager Satterwhite advised that having “National Night Out” move from August to October had been very effective. There were 16 residential block parties in Bellaire, with a total attendance of about 450 residents. The theme for 2009 was “Theft and Burglary Prevention.” Even though National Night Out occurred prior to the cold front, it was still very well attended.

The Bellaire Fire Department completed the move to their temporary Chevron location. The Bellaire Fire Department had been operating out of the Chevron location since Friday evening.

Infrastructure/Utilities

With respect to the construction on Newcastle Drive, it was noted that Newcastle Drive was closed to traffic from Holly Street to Beechnut Street on August 20, 2009. Tomorrow, on October 20, 2009, Newcastle Drive would be opened to traffic and essentially complete from Bellaire Boulevard to Beechnut Street. There was still some clean up work to be done and quite a few signs to be posted. Permanent radar speed signs were scheduled to be erected in the area. The signs had been noted to be effective in reminding people to slow down.

With respect to the Rebuild Bellaire Program, Phase Two, Paving and Drainage Improvements Project, it was noted that Park Court was essentially complete, Avenue B was complete, and the 4500 block of Sunburst was under construction. Traffic was one-way only westbound at this point on Sunburst. The City had also just begun work on Second Street from Elm Street to Chestnut Street. Traffic was currently one-way north all the way from Chestnut Street to Elm Street.

As most were already aware, there was a problem in City Hall. During a heavy rainstorm on a Friday afternoon, the roof drain on the Council Chamber end of the building clogged up and overflowed onto the roof. The roof filled with water and the water came down through the flashing into the walls. As a result of that problem, the City was unable to use the Council
Chamber last Monday evening. The roof drain had been repaired and did flow freely now. The Council Chamber was in pretty good shape, except that the sheetrock above the dais needed some work. Contractors would be out in the very near future to start on that repair. All in all, the damage was not too bad.

City Manager Satterwhite noted that good people were here at City Hall during the problem, one of which was not him as he was recuperating at home from surgery. Chief Financial Officer Donna Todd (who was in charge in City Manager Satterwhite's absence), City Clerk Dutton, and many others pulled out garbage cans and minimized the damage as much as they could.

City Council was informed that the State Energy Conservation Office (SECO) was distributing $45 million in stimulus funds to cities throughout Texas. Cities had not really been given the opportunity to ask for the funds, rather SECO had decided to distribute the funds to cities across the state and Bellaire’s share was $50,000. Bellaire did intend to seek those funds. City Manager Satterwhite noted that the funding could be greater than $50,000 if other cities chose not to accept their portion of the stimulus funds. Bellaire had submitted a "Notice of Intent" that Bellaire wanted to seek the funds. At the next meeting, City Staff would place a resolution on the table that would indicate that the City wished to receive those funds.

City Manager Satterwhite continued by noting that he did not believe that the final project for the funding had to be decided when the resolution was adopted. The resolution needed to be postmarked to SECO by November 22nd. The funding had to be used for energy conservation efforts.

Cultural and Recreational

City Manager Satterwhite noted that the City had come to an agreement with the Episcopal High School for the use of the Bellaire Aquatic Facility throughout the winter, except for the times that the school was on vacation and during finals. Episcopal High School would be using the facility, along with another private school.

Communications/Technology

Also with respect to the Council Chamber, City Manager Satterwhite noted that sound system upgrades would begin on
Tuesday of this week. The upgrades would include new speakers and a new amplifier.

**Indicators – Crime**

Crime, year-to-date through the end of September, was up slightly from the previous year with the exception of burglary of a building, which was dramatically less than the previous year, and motor vehicle theft, which was slightly less than the previous year. It was interesting to note that at the end of last quarter, robbery was well ahead this year over last year.

The crime index was shown to City Council and the audience. The index included “Part I” crimes per month. The range in numbers was fairly close over the last few years.

**Indicators – Building Permits**

It was noted that the fiscal year ended on September 30, 2009, and the slide shown to City Council and the audience regarding building permits represented the last five years from a full year standpoint. City Manager Satterwhite advised that 2005 was one of the biggest years Bellaire had ever had. Certainly, 2009 was going to turn out to be one of the lowest years Bellaire had in quite some time.

City Manager Satterwhite indicated many months ago that he thought the City would be lucky to get 50 homes built for the year. The City actually issued 49 permits for the last fiscal year. The 2009 year had not been a banner year for commercial construction either. In terms of construction value, that, too, was quite a bit less than the City had been used to seeing over the past several years.

**Upcoming City Council Meetings/Events**

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<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Type of Meeting</th>
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<tbody>
<tr>
<td>10/26/2009</td>
<td>7:00 p.m.</td>
<td>Joint Special Session with the Planning and Zoning Commission</td>
</tr>
<tr>
<td>10/27/2009</td>
<td>7:00 p.m.</td>
<td>Joint Special Session with the Planning and Zoning Commission</td>
</tr>
<tr>
<td>11/02/2009</td>
<td>7:00 p.m.</td>
<td>Regular Session</td>
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QUESTIONS/COMMENTS FROM CITY COUNCIL:

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

Q: Mayor Cindy Siegel referred to Mr. Riquelmy’s comment regarding the Bellaire City Library and his suggestion that Harris County consider taking over the Bellaire City Library. She asked City Manager Satterwhite to refresh her memory. She believed the City had been down that road before whereby the City broached the idea of Harris County taking over the Bellaire City Library. She believed that City Manager Satterwhite might have had a conversation with Commissioner Steve Radack at that time.

A: City Manager Satterwhite advised that Mayor Siegel was correct. He believed approximately 5-6 years ago, Mayor Pro Tem Peggy Faulk had asked the City to investigate the possibility of saving money by having Harris County run the library. In the midst of checking into the possibility, he received a phone call from Commissioner Radack. His response 5-6 years ago was consistent with what he told Mr. Riquelmy on the phone. Commissioner Radack indicated to City Manager Satterwhite that Harris County would not be assisting Bellaire with its library.

C/Q: Mayor Siegel asked City Clerk Dutton to make a notation for the record that the last conversation she had with Commissioner Radack was probably two to two and one-half years ago when she informed him that the City would not be taking the offered $250,000 from Harris County for the Bellaire Aquatic Facility.

Mayor Siegel asked if the Council Chamber sound system upgrades would provide clearer reception for those citizens watching the meetings from home.

Q: City Manager Satterwhite inquired as to whether the City still had a problem with the sound for home viewers.

R: Mayor Siegel indicated that it was her understanding that those citizens trying to view the meetings from home were still having difficulty with the audio.

R: City Manager Satterwhite stated that the City had been working with Comcast on the issue. The sound
system upgrade in the Council Chamber would not impact the audio for those viewing from home.

Q: **Mayor Siegel** referred to the permanent radar speed signs to be installed on Newcastle Drive. She asked if the City planned to put in the four-way stop signs that Mr. Baker had referred to at Holly Street and Newcastle Drive.

A: **City Manager Satterwhite** advised that he did not know about the intersection that Mr. Baker had addressed, but would check into it.

Q: **Mayor Siegel** noted that she, too, had a new driver in her home, a very good new driver. She asked if the City had money to enhance the crosswalks and add signage as Mr. Baker had alluded to.

A: **City Manager Satterwhite** indicated that the City spent a great deal of money on street striping every year. The City had approved a contract a few weeks ago related to street striping. As City Council was told during that meeting, the striping did not last a long time (12-18 months). He would like for residents that did note problems to bring those to City Staff’s attention directly (either him or Director of Public Works Joe Keene). The City could then take a look at those situations. The entire City was not re-striped every year, but City Staff tried to prioritize by addressing the worst areas first. The City also tried to keep the signs up as much as possible. He asked, again, for residents to let City Staff know so that the signs could be fixed.

R: **Mayor Siegel** noted, too, that the City lost many signs during Hurricane Ike.

A: **City Manager Satterwhite** advised that a study was required before the City could install four-way stop signs at an intersection. The study had to meet certain state warrants. Otherwise, City Staff would open the City up to additional, unintended liability if signs were installed that did not follow the state warrants.

In order to lower speed limits, the City also had to go through a process mandated by the state to do so.

Q: **Mayor Siegel** referred to the width of Newcastle Trail. She asked if there was any leftover money from that
project and if City Staff had asked the Metropolitan Transit Authority of Harris County, Texas (METRO), if that money could be used for landscaping along the Trail.

A: City Manager Satterwhite stated that once the project was completed and ready to closeout, City Staff would take a look at whether any leftover money could be used for landscaping.

Q: Mayor Siegel inquired as to a City Council tour of the Bellaire Fire Department’s temporary relocation site—Chevron.

A: City Manager Satterwhite advised that he was working on that.

Q: Councilman Will Hickman referred to the radar speed signs on Newcastle Drive. He inquired as to whether those signs merely posted the speed or if the signs also recorded the speed.

A: City Manager Satterwhite indicated that the signs just posted the speed.

Q: Councilman Hickman inquired as to whether the placement of stop signs was a decision made by City Council or City Staff.

A: City Manager Satterwhite advised that City Staff could erect stop signs as long as those signs met the state warrant criteria. If the speed limit was lowered, City Council would have to make that decision.

MOTION TO ACCEPT REPORT INTO THE RECORD:

A motion was made by Councilman Will Hickman and seconded by Councilman James P. Avioli, Sr., to accept the City Manager’s Report as presented by City Manager Bernard M. Satterwhite, Jr., into the record.

VOTE ON MOTION TO ACCEPT REPORT INTO THE RECORD:

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

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

OPPOSED: None

ABSENT: Jeffery, John

2. FINANCE REPORT for the City of Bellaire, Texas, covering the period ended September 30, 2009, and including discussion of revenues and expenditures in the General Fund, Enterprise Fund, Debt Service Fund, Vehicle, Equipment, and Technology Fund, and Capital Improvement Program Fund, as well as a discussion of statistical data – Presented by Chief Financial Officer Donna Todd.

Chief Financial Officer Donna Todd presented the Finance Report for the period ended September 30, 2009, to City Council.

Chief Financial Officer Todd indicated that probably two of the least informative financial reports that she brought forward to City Council were the report for the month of October each year (i.e., one month of results that was not very informative for a new fiscal year) and the September report which showed City Council results of a preliminary, unaudited month compared to an audited fiscal year-end (2008). Since all of the entries had not been recorded for September, the report was not a very useful comparison.

The prior year results included all of the City’s final entries, audit adjustments, and accruals. The current report was absent those things.

Revenues

The City’s total revenues of $27 million that had been recorded thus far were showing as $484,000 lower than last year’s final results. However, the revenues this year did not include the accruals for water and wastewater revenues for the final month, sales taxes, or franchise fees.

Chief Financial Officer Todd did learn this afternoon that the accrual for the water and wastewater revenues had been recorded, which was approximately $500,000.
Also, when comparing to last year’s results, preliminary versus preliminary, the City had a higher result of $785,000 this year. It was noted that the higher result included a little over $1.5 million that the City received related to Hurricane Ike. In fact, for Hurricane Ike, the General Fund had reimbursements of $533,000 and the Enterprise Fund had reimbursements of a little over $1 million, for a total of $1,549,000.

The month of September also included the reversal of last year’s accrued revenues of $740,000, which went into fiscal year 2008.

In September, the City did receive $100,000 from the Patrons for Bellaire Parks, Inc., for use in the City’s Bellaire Town Square projects.

**Expenditures**

A total of $29 million in expenditures were recorded so far and were reflecting $2.3 million higher than last year. Again, these were not final results and did not include all of the invoices, which for fiscal year 2009 would be processed through the end of October.

When compared to last year’s preliminary, the results were $3.8 million higher this year over last year. However, $1.6 million of that amount was attributable to Hurricane Ike expenditures. Of the $1.6 million attributable to Hurricane Ike, $481,000 was incurred in the General Fund and $1.1 million was incurred in the Enterprise Fund.

Also in fiscal year 2009, the City had expenditures of over $2 million in the Vehicle, Equipment, and Technology Program and the Capital Improvement Plan Program. These type of expenditures were part of a bigger plan and year-to-year one would not necessarily see equivalent results.

Doing a comparison of preliminary results in both years, taking out some of the factors mentioned, the City’s operations were about $1.7 million higher. If Hurricane Ike were backed out, the City’s operations were only $150,000 higher.

**Debt Service Fund**

At September 30, 2009, the City had outstanding principal of $64 million. The City’s total debt service was almost $95 million. The next debt service payment would occur in February of 2010 and would include principal and interest of
$3.9 million ($2.5 million of which was attributable to principal).

**Housing Market**

In the housing market, excluding “by owner,” there were 219 properties for sale as of the end of September and 53 properties for lease. Those numbers compared to August of 223 and 47, respectively. Year over year in terms of the property for sale, in September of 2008 there were 192 properties for sale versus this year’s 219 or an increase of about 13.5% from the prior year.

The fiscal year 2009 results showed 49 units of construction for a total value of about $28 million and an average per unit of about $578,000, which compared to last year was about .41% lower.

In September, Bellaire showed six addresses up for auction and three properties that were bank owned. Chief Financial Officer Todd referred City Council to page 26 of the finance report, which contained a 12-month rolling history that might be of interest.

**QUESTIONS/COMMENTS FROM CITY COUNCIL:**

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

Q: **Councilman Phil Nauert** referred to page 3 of the reports and the line item identified as “disaster-related expenditures.” He noted that Chief Financial Officer Todd indicated that those expenditures were reflected in two funds—the General Fund ($481,000) and the Enterprise Fund ($1.1 million). He inquired as to the type of disaster-related expenditures that were booked in the Enterprise Fund.

A: **Chief Financial Officer Todd** advised that the disaster-related expenditures recorded in the Enterprise Fund were debris removal, solid waste handling, etc. The bulk of the expenditures were debris removal ($827,000). The remainder of the expenditures related to City facilities, such as the fencing at the Public Works Service Center.

In the General Fund, the disaster-related expenditures were for street signs, Recreation Center roof ($362,000), etc.
Q: Councilman Nauert inquired as to the reason that debris removal was recorded in the Enterprise Fund as the City really did not charge residents to take the debris away.

A: Chief Financial Officer Todd indicated that debris removal was placed in the Enterprise Fund because solid waste expenditures were recorded in that fund.

Q: Councilman Nauert inquired as to how much of the expenditure the City anticipated might be reimbursed.

A: Chief Financial Officer Todd stated that the debris removal should be reimbursable at 100%.

Q: Councilman Nauert inquired as to whether the City had run afoul of the Federal Emergency Management Agency (FEMA) or their accounting yet.

A: Chief Financial Officer Todd indicated that the City had not run afoul yet. There were four projects that exceeded $62,500, which was FEMA’s definition of a larger project. Those projects were subject to audit by FEMA, and Chief Financial Officer Todd had presented them with the reports that were necessary to kick that process into gear. She had received a follow-up email today. Some of that money was reimbursable at 100% and some at 75%.

The good news, even though it came after the fact and a great deal of work had been done to split emergency measure expenditures into a “100%” pile and a “75%” pile, was that FEMA had decided to reimburse the City for all of its emergency measure expenditures at 100%. That funding would be received after the audit work had been completed by FEMA.

Some of the projects that were originally reimbursable at 75% had been bumped up to 90% reimbursable. On the down side, and what would negatively impact the City (not a large impact, though), were estimates that FEMA made on smaller projects. The actual expenditures were coming in under those estimates, so when the City completed its final accounting, the City would likely owe FEMA some money back. She did not consider this amount to be a very big piece.
Q: Councilman Nauert referred to page 4 of the finance report, the Capital Improvement Plan Fund. The third amount, pay-as-you-go for the Rebuild Bellaire Program, was so much larger than the previous year. He inquired as to what the City did to create the $800,000 expenditures that the City did not do the previous year.

A: Chief Financial Officer Todd advised that she had not itemized the City’s capital spending.

City Manager Bernard M. Satterwhite, Jr., stated that the amount was really an allocation. The City was going to allocate $2.5 million over a period of time for the Rebuild Bellaire Program. This amount would not be the same every year.

Q: Councilman James P. Avioli, Sr., referred to page 1 of the finance report and indicated that expenditures were greater than revenues by $2.8 million.

A: Chief Financial Officer Todd stated that expenditures of $1.6 million were included and capital spending was $2 million higher than the last fiscal year. She indicated that on the capital side, one could not see anything that was necessarily congruent between years. The City had a five-year spending plan with respect to capital.

Q: Councilman Will Hickman noted that the Capital Improvement Plan increased from $1.4 million to $3.2 million. He asked if Chief Financial Officer Todd could refresh his memory as to the biggest expenditures this year within the Capital Improvement Plan.

A: Chief Financial Officer Todd advised that she did not have the detail for the Capital Improvement Plan with her this evening. She indicated that a large amount was paid toward streets.

City Manager Satterwhite noted that some of the expenditures this year could have been carryovers from the previous year and were not accounted for until this year. He advised that City Staff could certainly get an itemization for City Council.

Chief Financial Officer Todd indicated that the City had purchased a new garbage truck during the year as well.
MOTION TO ACCEPT REPORT INTO THE RECORD:

A motion was made by Councilman James P. Avioli, Sr., and seconded by Councilman Phil Nauert to accept the Finance Report for the City of Bellaire for the period ended September 30, 2009, as presented by Chief Financial Officer Donna Todd into the record.

VOTE ON MOTION TO ACCEPT REPORT INTO THE RECORD:

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

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

OPPOSED: None

ABSENT: Jeffery, John

F. CONSENT AGENDA – All items listed under the Consent Agenda are considered routine and are recommended for approval by a single motion of City Council, without discussion. If discussion is desired, any one or more members of City Council and/or the Mayor may request that an item be removed and considered separately.

Councilman Will Hickman requested separate consideration of item number 4 listed under the Consent Agenda.

Approval/Correction of Minutes

1. APPROVAL of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held Monday, September 14, 2009 – Item submitted by City Clerk Tracy L. Dutton.

Note: This item was postponed on October 5, 2009, to allow the City Clerk to verify the record vote taken on several agenda items within the September 14, 2009, minutes.

2. APPROVAL of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held Monday,
Grant – Approval to Apply

3. CONSIDERATION of and possible action on a request from Director of Library Mary Alford Cohrs to apply for a Loan Star Libraries grant from the Texas State Library and Archives Commission in the amount of $11,090 for the purpose of maintaining, improving, expanding, and/or enhancing the resources and/or services of the Bellaire City Library – Item submitted by Director of Library Mary Alford Cohrs.

MOTION TO APPROVE CONSENT AGENDA:

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman Pat McLaughlan to approve the Consent Agenda dated October 19, 2009, consisting of the following three items:

- Minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held Monday, September 14, 2009;
- Minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held Monday, September 22, 2009; and
- Request from the Director of the Bellaire City Library, Mary Alford Cohrs, to apply for a Loan Star Libraries grant from the Texas State Library and Archives Commission in the amount of $11,090.

VOTE ON MOTION TO APPROVE CONSENT AGENDA:

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

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

OPPOSED: None

ABSENT: Jeffery, John
INDIVIDUAL CONSIDERATION OF ITEM 4. OF THE CONSENT
AGENDA:

Final Change Order and Final Payment on Contract

4. CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department and Consulting Engineers, HDR|Claunch & Miller, to make the final payment to AAA Asphalt Paving, Inc., on a contract for the Rebuild Bellaire Program, Phase One, Paving and Drainage Improvements Project, and on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute a Final Change Order (No. 1) with AAA Asphalt Paving, Inc., to a contract for the Rebuild Bellaire Program, Phase One, Paving and Drainage Improvements Project, consisting of a net decrease in said contract of $504,297.30, and approval for the City of Bellaire, Texas, to make the final payment to AAA Asphalt Paving, Inc., on said contract in an amount not to exceed $269,464.72 – Item submitted by Director of Public Works Joe Keene.

MOTION TO ADOPT ORDINANCE AND AUTHORIZE FINAL PAYMENT:

A joint motion was made by Councilman Will Hickman and Councilman Phil Nauert and seconded by Councilman James P. Avioli, Sr., to approve a recommendation from the Bellaire Public Works Department and Consulting Engineers, HDR|Claunch & Miller, to make the final payment to AAA Asphalt Paving, Inc., on a contract for the Rebuild Bellaire Program, Phase One, Paving and Drainage Improvements Project, and to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute a Final Change Order (No. 1) with AAA Asphalt Paving, Inc., to a contract for the Rebuild Bellaire Program, Phase One, Paving and Drainage Improvements Project, consisting of a net decrease in said contract of $504,297.30, and approval for the City of Bellaire, Texas, to make the final payment to AAA Asphalt Paving, Inc., on said contract in an amount not to exceed $269,464.72.
DISCUSSION ON MOTION TO ADOPT ORDINANCE AND AUTHORIZER FINAL PAYMENT:

Councilman Will Hickman referred to the decrease in this contract of $500,000+ and inquired as to whether there was a change in the scope of work.

City Manager Bernard M. Satterwhite, Jr., advised that the street contracts were all unit cost contracts, which meant the bid was submitted for the price per unit. The engineers, in preparing the bid, tried to estimate the number of units in each line item that would be required. It was difficult to know ahead of time exactly how many units would be used for every street. There was a combination of conservative estimating in the beginning so that the City did not end up coming in over the estimate, as well as holding the contractor’s feet to the fire during construction. The observers of the construction counted the units very accurately on a daily basis. The scope and quality had not changed, this was merely an example of less units being needed.

Councilman Hickman asked if the City could start the next project under the Rebuild Bellaire Program with the money that was left from this particular project. In other words, could the progress be accelerated?

City Manager Satterwhite advised that the City did intend to ask City Council to approve the next engineering proposal for the Rebuild Bellaire Program, Phase Three, which was discussed with City Council during the last meeting. The engineering could be performed without the issuance of bonds due to the fact that the City was under for this project (Rebuild Bellaire Program, Phase One).

Councilman Hickman noted that Consulting Engineer James Andrews, HDR|Claunch & Miller, had also indicated that construction costs were lower now.

City Manager Satterwhite indicated that City Staff was moving as fast as they could.

Councilman James P. Avioli, Sr., noted that the decrease in the contract to be finalized this evening was 10.25%. He inquired as to whether this decrease was typical. In other words, could the City expect to go the other way as well?

City Manager Satterwhite stated that he could only recall one occasion where the City had gone the other way. That was
due to the fact that construction costs had increased during the project and the contractor had some issues. It was certainly possible to go the other way, but not likely. He had not seen an example of a contractor having to use more units of any material that was listed in bid specifications.

Councilman Avioli advised that the majority of the reason for the decrease was attributable to the base bid.

City Manager Satterwhite stated that he believed that the City had come under on its contracts in most cases. This particular decrease (about 10%) was probably the largest decrease the City had to his knowledge.

VOTE ON MOTION TO ADOPT ORDINANCE AND AUTHORIZE FINAL PAYMENT:

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

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

OPPOSED: None

ABSENT: Jeffery, John

{Ordinance was subsequently numbered: 09-064}

G. ADOPTION OF ORDINANCE:

Specific Use Amendment and Permit

CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, granting a Specific Use Amendment and Permit S-72 to Faith Lutheran Day School and Faith Lutheran Church to construct and operate a new day school to be located at 4601 Cedar Street, Bellaire, Texas, in the R-5 Residential Zoning District – Item submitted by City Clerk Tracy L. Dutton at the direction of City Council.
SUMMARY:

Mayor Cindy Siegel advised that a public hearing had been held before City Council regarding the request from Faith Lutheran Day School and Faith Lutheran Church for a specific use amendment and permit to construct and operate a new day school to be located at 4601 Cedar Street on September 12, 2009. The public hearing had been closed, and the City had not received any written comments regarding the matter.

MOTION TO ADOPT ORDINANCE GRANTING SPECIFIC USE AMENDMENT AND PERMIT:

A motion was made by Mayor Pro Tem Peggy Faulk and seconded by Councilman James P. Avioli, Sr., to adopt an ordinance of the City Council of the City of Bellaire, Texas, granting a Specific Use Amendment and Permit S-72 to Faith Lutheran Day School and Faith Lutheran Church to construct and operate a new day school to be located at 4601 Cedar Street, Bellaire, Texas, in the R-5 Residential Zoning District.

DISCUSSION ON MOTION TO ADOPT ORDINANCE GRANTING SPECIFIC USE AMENDMENT AND PERMIT:

Councilman Will Hickman apologized for not being able to attend the public hearing and noted that he was out of town on September 12, 2009. He indicated that he lived on the 4600 block of Cedar Street and passed a petition of several of his neighbors to the City Clerk. Councilman Hickman advised that nine of the ten neighbors he talked to agreed with a request for “no parking” regulations on the south side of the 4600 block of Cedar Street. He also passed out a few pictures depicting the number of cars parked on both sides of the street on a recent Jewish holiday. As could be seen in the pictures, only one car could pass in each direction.

The residents in that block of Cedar Street had safety and mobility concerns in that only one car could pass in each direction and people were blocked in their driveways. The residents were concerned that police and fire access would be a problem for the residents, as well as for Faith Lutheran Church, the synagogue and the retirement home, with the current parking issues.

Councilman Hickman advised further that Faith Lutheran Church was a very good neighbor and many of the residents on Cedar Street sent their children to the Faith Lutheran Day School.

AMENDMENT (NO. 1) TO MOTION TO ADOPT ORDINANCE GRANTING SPECIFIC USE AMENDMENT AND PERMIT:
An amendment (no. 1) to the motion to adopt an ordinance granting a specific use amendment and permit to Faith Lutheran Church and Faith Lutheran Day School by adding to the conditions on page 4 of the ordinance that there would be no parking on the south side of the 4600 block of Cedar Street was made by Councilman Will Hickman.

Councilman Will Hickman advised that five of the homes on his block were rental properties. He had sent the owners of those homes a letter and had not heard back from them yet.

Amendment (No. 1) was seconded by Mayor Pro Tem Peggy Faulk.

DISCUSSION ON AMENDMENT (NO. 1) TO MOTION TO ADOPT ORDINANCE GRANTING SPECIFIC USE AMENDMENT AND PERMIT:

Mayor Siegel advised that she was looking for possible unintended consequences if the amendment were passed. She inquired as to whether Faith Lutheran Church was still one of the City’s polling locations for election purposes.

Councilman Hickman advised that Faith Lutheran Church was a polling location.

Mayor Siegel asked if the neighbors on Cedar Street were aware that people would continue to park in front of the residents’ home during events at the church, synagogue, and retirement home, as well as during the election.

Councilman Hickman stated that the residents wanted parking in front of their homes for themselves, the church, synagogue, retirement home, etc. The residents loved the fact that the church was their voting location. The only concern was one of safety and mobility by allowing parking on both sides of the whole length of the street.

Mayor Siegel asked City Attorney Petrov if he saw any problems with this amendment from a legal standpoint.

City Attorney Alan P. Petrov indicated that he did not have a problem with it. The one issue to keep in mind was the fact that City Council was discussing a regulation that was off of the school property. The City was imposing a requirement on itself with this amendment, but there was no reason why the City could not do that.
Mayor Siegel asked if this were the proper place for such an amendment or if the no parking request should be considered as a separate action.

City Attorney Petrov stated that it would be better suited as a separate action because it was applicable across the board for any of the facilities, but there was no reason that it could not be made a condition of this specific use amendment and permit as well.

Councilman Hickman advised that he completely agreed with City Attorney Petrov. The reason that he brought the issue up this evening was 1) City Council was dealing with the issue, so it was timely, and 2) there was a condition in the ordinance on page 4, which he read as follows: *Parking for school purposes shall be off-street with the exception of Nolley Court.* There was really no way to enforce that condition against the school. The street was open for public parking and anyone could park on it for voting, for church, for the synagogue, and for the retirement home. The only way to enforce the condition was to make the south side or any other side of the street a “no parking” zone.

Councilman Pat McLaughlan thanked Councilman Hickman for bringing the issue forward to City Council. He advised that he really felt that the “no parking” request should be treated as an independent agenda item at a different meeting. When the presentation for this specific use amendment and permit was given to City Council during the public hearing, both Faith Lutheran Church and Faith Lutheran Day School were very specific about providing more than adequate parking for their staff and visitors and drop-off. He hated to tie this condition to the action before City Council this evening.

Parking on-street was a universal problem throughout Bellaire. During home construction, for example, workers were parking on both sides of the street. He advised further that a fire truck could make it down a street with cars parked on both sides of the street.

If the City needed to look at a more universal solution throughout the City, City Council could simply adopt a policy of allowing parking on one side of every street.

Spot legislation bothered Councilman McLaughlan to some extent. If City Council wanted to address this issue in a more expansive and universal manner throughout the City, then he believed it should be considered as a separate agenda item.

Councilman Hickman stated that when looking at the pictures he presented, when cars were parked on both sides of the street and a car was coming down in one direction, a fire truck could not pass

Page 43 of 49
through. There was not room for a fire truck to pass a car traveling one direction with cars parked on both sides of the street.

In addition, Councilman Hickman was not proposing anything on a universal solution. He felt that the 4600 block of Cedar Street was uniquely situated with abutting commercial, which was not the normal circumstance for anyone else on City Council or many other streets in Bellaire.

Lastly, this issue was brought up by the neighbors in relation to the retirement home and there was a specific use with the expansion of the retirement home. There were cars parked on Cedar Street belonging to the retirement home employees every single day. In Councilman Hickman’s opinion, every business needed to put in adequate parking. He did not want to miss the opportunity at this point to fix the problem when there was already a condition requiring no off-street parking for the school with no way of enforcing it.

**Mayor Siegel** asked what would happen if later down the road the neighbors decided that they wanted to change the “no parking” zone to allow parking. Would the church be in violation of their specific use amendment and permit?

**City Attorney Petrov** indicated that if the City wrote such a condition into the specific use amendment and permit, then the City would have to come back and amend the specific use amendment and permit to remove the “no parking” condition. It would make the procedure a little more difficult to change. To go back to this specific use permit and make an amendment, the Planning and Zoning Commission would have to look at the request, make a recommendation, and hold a public hearing. Then City Council would have to hold a public hearing as well.

**Mayor Siegel** stated that she was not opposed to the idea, but did not want to put a condition in the permit and bind the church. If the request for no parking were considered separately as suggested by Councilman McLaughlan, then it might be easier to change.

**Councilman Hickman** asked if the amendment failed this evening, if he could bring it forward as a separate agenda item at a future meeting.

**City Attorney Petrov** advised that it could be brought back as a separate agenda item.

**Mayor Siegel** asked for confirmation that to bring the item forward as a separate agenda item would not require a 2/3 vote to suspend City Council’s rules.
City Attorney Petrov stated that the parking issue separate and apart from the specific use amendment could be brought back as an agenda item at a future meeting.

Councilman Hickman advised that in talking with City Manager Satterwhite, restricting parking on one side of the street was something he could do as a city action without coming to City Council. The reason that Councilman Hickman wanted to include it as a condition to this specific use amendment and permit was to add a little more permanence to the request.

Councilman Phil Nauert indicated that he would prefer that since the point Councilman Hickman raised was a parking-safety-congestion issue he would like to see it addressed as such. He would be very friendly to it if it were brought back as a separate agenda item and not as a part of the specific use amendment and permit. He would not support the amendment in this arena, but would be very receptive of it as a future item brought forward as soon as possible.

**VOTE ON AMENDMENT (NO. 1) TO MOTION TO ADOPT ORDINANCE GRANTING SPECIFIC USE AMENDMENT AND PERMIT:**

Motion failed on a 2-4 vote as follows:

**FOR:**
Hickman, Will  
Faulk, Peggy

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

**ABSENT:**
Jeffery, John

**AMENDMENT (NO. 2) TO MOTION TO ADOPT ORDINANCE GRANTING SPECIFIC USE AMENDMENT AND PERMIT:**

An amendment (no. 2) to the motion to adopt an ordinance granting a specific use amendment and permit to Faith Lutheran Church and Faith Lutheran Day School by removing the following conditions: *Parking for school purposes shall be off-street with the exception of Nolley Court* and *No drop-off or pick up car lines shall be permitted* was made by Councilman Will Hickman.
Councilman Hickman advised that we wished to make the above-referenced amendment because the City had no way to enforce those conditions.

Amendment (No. 2) was seconded by Councilman Phil Nauert.

DISCUSSION ON AMENDMENT (NO. 2) TO MOTION TO ADOPT ORDINANCE GRANTING SPECIFIC USE AMENDMENT AND PERMIT:

Councilman Pat McLaughlan advised that he did not quite understand what had happened just now. The Faith Lutheran Church had been in Bellaire for a long time. The church was a very honorable establishment. He was pleased that the church was in Bellaire and if they said they were going to do something, he believed they were going to do it. He did not believe that this was a City enforcement issue. The church had made a commitment to Bellaire in their application. The church was trustworthy and would support what they said.

City Attorney Petrov indicated that it was not that enforcement was impossible, but it was difficult with these sorts of situations—no parking on public streets. Theoretically, the example of the retirement home workers parking on the street could be enforced if a similar condition had been placed on that specific use amendment and permit. Developing the evidence and prosecuting the case might be a little difficult, but there were ways that some effort could be put into enforcing such a condition.

Councilman Hickman referred to an example of the school where he dropped his daughter off, noting that parking spaces filled very quickly and people were parking all over the street. He advised that he would not like to live in the neighborhood where his daughter’s school was. He did not believe that the church would start telling their employees to park on Cedar, but rather parents dropping off children could certainly park there and exacerbate the situation.

Councilman McLaughlan indicated that during the presentation regarding this request for a specific use amendment and permit, the church felt that there was more than adequate space to pick up and drop-off students.

The church had made a reasonable application to serve the City, and City Council was questioning whether or not they would be able to honor what they told the City.

Councilman Hickman advised that he was sure that the retirement home made the same sort of commitment to the City when they came
forward. However, now the retirement home had employees parking on Cedar Street every single day.

**VOTE ON AMENDMENT (NO. 2) TO MOTION TO ADOPT ORDINANCE GRANTING SPECIFIC USE AMENDMENT AND PERMIT:**

Motion failed on a 2-4 vote as follows:

**FOR:** Hickman, Will
Nauert, Phil

**OPPOSED:** Siegel, Cindy
Avioli, James P., Sr.
Faulk, Peggy
McLaughlan, Pat

**ABSENT:** Jeffery, John

**VOTE ON MOTION TO ADOPT ORDINANCE GRANTING SPECIFIC USE AMENDMENT AND PERMIT:**

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

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

**OPPOSED:** None

**ABSENT:** Jeffery, John

{Ordinance was subsequently numbered: 09-065}

**H. COMMUNITY INTEREST ITEMS FROM THE MAYOR AND CITY COUNCIL.**

**Mayor Pro Tem Peggy Faulk** expressed her condolences to the Teas Family on the passing of John Teas. He was a valued member of the Bellaire community and his passing was a great sadness.

**Councilman James P. Avioli, Sr.** advised that he had no comments this evening.
Councilman Will Hickman thanked Lynn McBee and other Bellaire Democrats for organizing the recent Candidate Forum. He indicated that it was a great success. He thanked all of the candidates and residents for coming and listening to the candidates. As Ms. McBee mentioned earlier, early voting started today. He congratulated all of the candidates as their first votes were in the can.

Councilman Pat McLaughlan echoed Councilman Hickman’s thanks for the Candidate Forum. The Bellaire Democrats did a great job on it, and it was very valuable. He appreciated all of the candidates that participated.

Councilman McLaughlan again thanked Director Mary Alford Cohrs for the excellent library that residents had within the City of Bellaire. The City funded that library, and it was a gem. The library was well-used and thanks were given to Director Cohrs and all of her employees.

Councilman McLaughlan also echoed Mayor Pro Tem Faulk’s condolences to the Teas Family. John Teas was a Lamar High School graduate and everyone would miss him.

Councilman Phil Nauert also thanked the Bellaire Democrats and the organizers and volunteers who worked hard to put the Candidate Forum together. He also thanked the candidates for coming out, noting that it was intimidating, difficult, and stressful and required a great deal of preparation. He advised that it was very useful and helpful and the citizens did appreciate it.

Mayor Cindy Siegel dittoed the comments and thanks given to Lynn McBee and the Bellaire Democrats on the Candidate Forum. She also thanked the candidates, the citizens, and the press for all of their great coverage. There were many citizens that came to really listen to the candidates—those citizens were not friends or family of the candidates (although there were some of those too). Many members of City Staff also came to the Candidate Forum.

Mayor Siegel next thanked the Parks & Recreation Department, the Parks & Recreation Advisory Board, and specifically Sharon Veldman and her children, for the Third Annual Dog Howl-O-Ween Parade. She noted that it was a howling good time. She urged everyone to attend next year if they missed it, noting that there were lots of clever people in Bellaire.

Mayor Siegel reminded everyone that next Monday and Tuesday, the City Council and the Planning and Zoning Commission would be deliberating on the Comprehensive Plan.
I. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Councilman Pat McLaughlan and seconded by Councilman Phil Nauert to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 8:27 p.m. on Monday, October 19, 2009.

VOTE ON MOTION TO ADJOURN:

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

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

OPPOSED: None

ABSENT: Jeffery, John

Respectfully submitted,

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

Approved:

___________________________
Cynthia Siegel, Mayor
City of Bellaire, Texas