SPECIAL SESSION (JOINT PUBLIC HEARING) – 6:15 P.M.

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

Mayor Cindy Siegel called the City Council of the City of Bellaire, Texas, to order at 6:56 p.m. on Monday, March 22, 2010. The Bellaire City Council met at that time and on that date in Special Session for the purpose of holding a Joint Public Hearing with the Planning and Zoning Commission of the City of Bellaire, Texas, regarding an application and request submitted by Mario Quintanilla, M.D., on behalf of Quincitadel Ltd., for an amendment to Specific Use Permit S-73. The Special Session was held in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401. Mayor Siegel announced that a quorum was present consisting of herself and the following members of City Council:

- Councilman Will Hickman, Position No. 1;
- Councilman James P. Avioli, Sr., Position No. 2;
- Councilman Corbett Daniel Parker, Position No. 3;
- Mayor Pro Tem Phil Nauert, Position No. 4;
- Councilman Andrew Friedberg, Position No. 5; and
- Councilwoman Mandy Nathan, Position No. 6.

Other officials present were City Manager Bernard M. Satterwhite, Jr., Director of Community Development John McDonald, and City Clerk Tracy L. Dutton.

B. CALL TO ORDER AND ANNOUNCEMENT OF A QUORUM OF MEMBERS OF THE PLANNING AND ZONING COMMISSION – Chair Bill Thorogood.

Chair Bill Thorogood called the Planning and Zoning Commission of the City of Bellaire, Texas, to order at 6:56 p.m. on Monday, March 22, 2010. The Planning and Zoning Commission met at that time and on that date in Special Session for the purpose of holding a Joint Public Hearing with the City Council of the City of Bellaire, Texas, regarding an application and request submitted by Mario Quintanilla, M.D., on behalf of Quincitadel Ltd., for an amendment to Specific Use Permit S-73. The Special Session was held in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401. Chair Thorogood announced that a quorum was present consisting of himself and the following
members of the Planning and Zoning Commission:

Vice Chair Michael Doyle;
Commissioner Lori Aylett;
Commissioner Peter Boecher;
Commissioner Winfred Frazier;
Commissioner Donna Rickenbacker; and
Commissioner Paul C. Simmons.

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

City Clerk Tracy L. Dutton read the “Notice of Joint 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. 10-011, a joint public hearing before the City Council of the City of Bellaire, Texas, and the Planning and Zoning Commission of the City of Bellaire, Texas, on Monday, March 22, 2010, at 6:15 p.m. in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas, at which time and place any and all persons desiring to be heard will be heard on or in connection with any matter or question involving the application and request submitted by Mario Quintanilla, M.D., on behalf of Quincitadel Ltd., for an amendment to Specific Use Permit S-73 to allow an increase in the square footage of the project area of a proposed urgent care center approved for 5300 Bellaire Boulevard, Bellaire, Texas, in the CCD-2 City Center Zoning District.

More specifically, Quincitadel Ltd. is requesting an increase in the project area for the urgent care center from 2,900 square feet to 4,000 square feet.

Prior to the joint public hearing, any person may review the application for an amendment to Specific Use Permit S-73 at the City of Bellaire’s Office of Community Development, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas, from 8:00 a.m. until 5:00 p.m., Monday through Friday, except for holidays.

Dated this 15th day of February, 2010.

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

City Clerk Dutton advised that the “Notice of Joint Public Hearing” was posted on the City’s bulletin board on March 2, 2010, and published in the legal notices section of the Southwest News on March 2, 2010. Notices regarding the joint public hearing were mailed to all real property owners of
record located within 200 feet of the site of Specific Use Permit S-73 on the evening of March 1, 2010. There were 17 properties, 14 owners, and two of the notices were returned. One was from Burger King Corporation located in Glendale, California, and the other was from Katrina Partners, LP, located at 6702 Ferris Street in Bellaire. The U.S. Postal Service marked both notices with the notation “unable to forward.”

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

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

During this evening’s joint public hearing, a brief presentation will be given by Applicant Mario Quintanilla, M.D., on behalf of Quincitadel Ltd., concerning an application and request for an amendment to Specific Use Permit S-73 to allow an increase in the square footage of the project area of a proposed urgent care center approved for 5300 Bellaire Boulevard, Bellaire, Texas, in the CCD-2 City Center Zoning District. The presentation will be limited to fifteen (15) minutes.

At the conclusion of the presentation, 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 five (5) minutes for each individual.

After recognition of citizens or other interested parties, the Planning and Zoning Commission and the Mayor and City Council will have an opportunity to ask questions of the applicant regarding his application and request for an amendment to Specific Use Permit S-73.

Following questions from the Planning and Zoning Commission and Mayor and City Council, the Mayor will close the joint public hearing. Public comment will not be received following the close of the joint public hearing. Written comments may be submitted to the City Council in care of the City Clerk prior to final deliberation on the matter. Final deliberation is anticipated to occur on Monday, April 5, 2010. Written comments should, therefore, be submitted to the City Clerk by noon on Thursday, April 1, 2010, in order to be considered for the record. The Planning and Zoning Commission will deliberate on the matter tomorrow evening, Tuesday, March 23, 2010.

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

E. PRESENTATION regarding an application and request submitted by Mario Quintanilla, M.D., on behalf of Quincitadel Ltd., for an amendment to Specific Use Permit S-73, granted to Quincitadel Ltd.
by the City Council of the City of Bellaire, Texas, on December 21, 2009, for the construction and operation of an urgent care center to be located at 5300 Bellaire Boulevard, Bellaire, Texas, in the CCD-2 City Center Zoning District. The application and request for an amendment would allow an increase in the square footage of the project area from 2,900 square feet to 4,000 square feet – Presented by Mario Quintanilla, M.D., Quincitadel Ltd.

Dr. Mario Quintanilla addressed the Planning and Zoning Commission of the City of Bellaire, Texas, and the City Council of the City of Bellaire, Texas, and indicated that he had been granted a specific use permit (i.e., Specific Use Permit S-73) for a 3,000 square foot urgent care facility. His amendment this evening was to request an additional 1,000 square feet.

The building that would house Dr. Quintanilla’s facility would be renovated at a cost of $500,000 and would include a $700,000 clinic build out. The purpose of the facility was to deliver health care services to Bellaire quickly and economically. The clinic would be an urgent care center and would be open seven days a week and 10-12 hours each day.

On the heels of the healthcare reform climate and in containing costs, someone sitting in an emergency room with a sore throat would pay a great deal for treatment. Dr. Quintanilla advised that 96% of all emergency room visits were really thought to be urgent care visits. A typical emergency room visit on average was noted to cost $540. An urgent care visit on average was $105.

The lot size of the property that Dr. Quintanilla owned was 30,000 square feet with a little over 11,000 square feet of office space. The urgent care center would have eight exam rooms. When Dr. Quintanilla requested a permit for 3,000 square feet, he also had eight exam rooms. The requested increase in square feet for the facility would have no burden or impact on parking. The extra 1,000 feet would be taken from another tenant that would be using parking spaces. He indicated that parking seemed to be a concern when he applied for his original permit.

The 1,000 square feet would be used to add a children’s area, an electronic medical record area (which required more counter space and more storage room), and a general office area. The extra square footage was also needed to ensure that the facility met the requirements of the Americans with Disabilities Act (ADA) with respect to lavatories, the radiology room, and labs.

Dr. Quintanilla advised that he understood that the City of Bellaire required three parking spaces for every 1,000 square feet of general office space and four parking spaces for every 1,000 square feet of retail use. He advised that he had approximately 3.9 parking spaces per 1,000 feet, so he could almost
meet the requirements of a retail space; however, his center would consist of a mixture of office and retail space.

Since he owned the entire center, he had the ability to control who his tenants were so he could ensure that he did not compromise parking. He noted further that he only had four tenants right now.

In conclusion, Dr. Quintanilla advised that it was his desire to build an urgent care clinic to deliver basic health care, radiology and lab services. He noted that the clinic would experience its heaviest flow of patients during non-prime times of the day (i.e., evenings and Saturdays and Sundays).

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

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas:

Ms. McBee noted that during the original Planning and Zoning Commission and City Council hearings on this urgent care center, she supported this request and was not opposed to the request by Dr. Quintanilla to expand the space requirements for his facility.

Ms. McBee indicated that she was a little confused because she was uncertain as to whether the applicant owned the entire center. Until she saw the handout from the applicant, she was going to ask for more detail from City Staff as to the parking.

Coincidentally, Ms. McBee received a mailer regarding a 24-hour medical center care facility at 6030 South Rice Avenue, Suite C. It billed itself as having many 24-hour services. She noted that obviously given today’s market conditions, such urgent care centers were very popular. She felt that Bellaire would do itself to proud to welcome all kinds of new uses that would presumably not negatively impact other properties in town. Certainly, the proposed urgent care center would not have a negative impact.

A future problem indicated by Ms. McBee was a possible exit from the site, but that was up to the applicant to figure out in time. She noted that the Ferris Street properties that abutted this center were changing. She felt that the applicant had provided everything that had been asked of him and he was certainly a credentialed physician. Whether one physician in the facility was sufficient was certainly a management question.

Ms. McBee assumed that any signage for the facility would conform to the City’s Sign Code. All in all, Ms. McBee indicated that she supported the applicant’s request.
G. QUESTIONS FROM THE PLANNING AND ZONING COMMISSION OF THE CITY OF BELLAIRE, TEXAS – Chair Bill Thorogood.

Commissioner Lori Aylett stated that she supported the application and that the facility was something that the City could use. Her concern was the déjà vu concern. She had seen the application a few months ago when it first came before the Planning and Zoning Commission and we were already looking at an amendment. She asked for confirmation that there was no prohibition in looking at an amendment to the specific use permit that was already granted.

Director McDonald stated that there was no prohibition in looking at an amendment. The specific use permit was approved, but the applicant had a right to come back and ask for an amendment.

Commissioner Aylett asked for confirmation that any applicant could come back at any time for repeated requests for amendments.

Director McDonald advised that presently any applicant could come back at any time for repeated requests for amendments.

Commissioner Aylett stated that if this situation was not occurring often, then it was not of much concern to her. However, if it were happening a great deal, she would be concerned about the Planning and Zoning Commission’s time and the City Council’s time. It appeared that the original application was a preliminary idea that the doctor had. After he saw that it was going to go somewhere, the application appeared to have been refined and brought back for consideration again.

City Manager Satterwhite stated that this situation had occurred in the past. There was a difficult decision point for an applicant as to how much time and effort to put into their overall plan and application if it might be denied. He had even seen applicants that wanted to come back for an amendment, but chose not to because of all of the effort involved in the entire process.

Commissioner Aylett asked if Dr. Quintanilla thought this was the last time that he would need to come back for an amendment on this particular application.

Dr. Quintanilla advised that he hoped so. He did not mean to waste anyone’s time. He had incurred $8,000 on this process to date. There were other places he could go if this particular site was not going to work. In all honesty, he thought that the specific use permit was issued for the “use” of a clinic and not tied to the 3,000 square feet, which was now the issue.
Commissioner Donna Rickenbacker referred to parking and noted that the space was larger than originally proposed. She inquired as to how many tenants were using the facility.

Dr. Quintanilla advised that he had four tenants right now.

Commissioner Rickenbacker inquired as to which tenants occupied the larger offices or spaces in the facility in the past, as well as what their parking needs were.

Dr. Quintanilla stated that there was a computer store in space one, an Allstate insurance office in one space, and a tax consulting office in one space. Those tenants utilized less space than the City of Bellaire required for their businesses.

Commissioner Rickenbacker asked if all of the office space were fully leased, what the required maximum number of parking spaces would be.

Director McDonald indicated that the maximum number of required spaces if fully leased would be 44 if all tenants were general retail tenants. Dr. Quintanilla’s facility was a mixed use (i.e., one-half retail and one-half commercial) and he currently had 43 parking spaces. For a mixed use, he would only be required to have 39 spaces. In other words, Dr. Quintanilla met the City’s requirements.

Commissioner Rickenbacker stated that the City of Bellaire did not currently address this type of use and did not really know what the number of parking spaces should be for this type of use. She inquired as to whether anyone on City Staff had an opportunity to take a look at other urgent care facilities to determine the parking needs, as well as the times of day that were heavier than others.

Director McDonald advised that there was one other urgent care facility in Bellaire. He checked that facility a few times, noting that it was in a building with a pharmacy and some other doctor’s offices. It had a fairly small parking lot and Director McDonald had never seen it overflowing. He was not too concerned about the parking requirement for this particular application. The City’s Code did not set out specifics for many of the types of uses that the City allowed and had. This particular facility was considered general office and needed three spaces per 1,000 square feet. Since the facility had 4,000 square feet, 12 spaces were needed. Depending on how the rest of the facility was built out, there could be some spaces left over the maximum requirement. With turnover and later peak hours, he did not believe that parking would be an issue.

Commissioner Rickenbacker inquired as to what would occur if the urgent care center were very successful and overflow parking became an issue. In
other words, was there a way to go back on a specific use permit, such as the one under discussion this evening, with respect to their parking requirements?

**Director McDonald** stated that it could be revisited if a condition were placed on parking. He advised that this was an example of one conditional use on a facility that had many permitted uses. As a landlord, Dr. Quintanilla had to decide whether he would rent to tenants that would inhibit him from having the parking he needed. He was in a totally commercial area, so if he overflowed into another parking lot, then he would have to deal directly with the neighboring business owners to see if something could be worked out with them.

**Commissioner Rickenbacker** asked for confirmation that the City could not really impose or revisit parking in the future.

**Director McDonald** indicated that it would be difficult for the City to enforce the regulations. If the City placed a cap on this particular business, unless he went out there and observed people getting into and out of their cars, he would not really know which business people were visiting. He simply did not have the staff to enforce such a condition.

**Commissioner Rickenbacker** referred to the exit connections to Ferris and inquired as to whether there was any way to determine that prior to approval of the specific use permit amendment.

**Director McDonald** advised that there was an entrance off of Bellaire Boulevard and a roundabout that exited onto Ferris Street. Dr. Quintanilla in the past had attempted to contact the Ferris Street property owner to shed some light on the exit.

**Dr. Quintanilla** indicated that the Ferris Street property owner never called him back. He had seen some people exit onto Ferris Street.

**Director McDonald** stated that people seemed to go in and exit off of Bellaire Boulevard even though the parking spaces were striped at an angle. He believed that if an issue arose with the Ferris Street exit being closed off, then a simple restriping of the parking lot would make it easier for people to turnaround and exit through the entryway.

**Commissioner Winfred Frazier** inquired as to the type of imaging equipment that would be used in the clinic.

**Dr. Quintanilla** indicated that the imaging equipment would be x-ray.
Commissioner Frazier noted that the Bellaire Fire Marshal had requested that a fire alarm system be considered as part of the specific use permit. He asked if that would be accommodating to Dr. Quintanilla.

Dr. Quintanilla advised that it would.

Commissioner Frazier inquired as to which hospitals the urgent care center would send patients to if those patients needed to be hospitalized.

Dr. Quintanilla stated that any urgent care center needed to create relationships with other hospitals and other health care providers. The hospital that the patient would be sent to would depend upon the patient’s insurance, the patient’s desire, etc. In other words, there were many variables.

Commissioner Frazier inquired as to how hazardous waste from the clinic would be disposed of.

Dr. Quintanilla stated that he had looked at two different companies and would consider contracting with one of them. The companies basically would install the hazardous waste boxes, physically remove the boxes from the walls, and dispose of the waste.

Vice Chair Michael Doyle asked for confirmation that the amendment would not provide for additional exam rooms.

Dr. Quintanilla indicated that there were no additional exam rooms. There would be a total of eight exam rooms as indicated in the original application. He noted, with respect to parking, that he recently attended a conference that suggested that an urgent care center provide one and one-half parking spaces per exam room.

Vice Chair Doyle inquired as to the increase in the size of the waiting room.

Dr. Quintanilla advised that he had almost doubled the size of the waiting room.

Vice Chair Doyle referred to the width of the driveway into the facility and asked for confirmation from Director McDonald as to its adequacy.

Director McDonald stated that he believed it was wide enough, but would take another look at it in the morning.

Commissioner Peter Boecher referred to the term “urgent care” and asked how the industry differentiated between “urgent care” and “emergency room care.”
Dr. Quintanilla stated that there were several terms, such as “urgent care,” “minor emergency room care,” and “emergency room care.” In Texas, there were no strict definitions or criteria for the types of care. Recently, a definition had been developed to define an “emergency room.” There was no license necessary for an urgent care center or a minor emergency room center. Licenses for emergency rooms were a recent thing.

Basically, an urgent care center was a step beyond an average doctor’s office. An urgent care center could handle lacerations and workers’ compensation fractures. Most of the physicians working in urgent care centers were emergency room physicians. If he needed to resuscitate a patient, he could do so, but those were not the types of patients that he expected to visit an urgent care center.

Commissioner Boecher noted that one of the reasons for the increase in size of the facility, particularly the waiting room, according to the application was due to the fact that many members of a family unit tended to accompany a patient for support when there was a crisis. He asked Dr. Quintanilla what types of crises he expected to see.

Dr. Quintanilla indicated that in all honesty, a person with a bad rash causing that person to itch all over his or her body, might consider that an emergency. One person’s crisis might not be an “emergency” or “crisis” to another person.

Commissioner Boecher advised that the purpose of his question was to get to a comfort level as to how numbers of family members supporting a patient at the urgent care center might impact parking.

Dr. Quintanilla indicated that it was like any other business. For example, a restaurant allowing a large wedding party for one evening could cause an impact for that restaurant with regard to parking. He could not guarantee that he would not have a full parking lot. He could guarantee that he was going to make an effort to control it and adjust his tenant population so he did not compromise his own business.

Commissioner Boecher stated that he had not seen anything in planning literature related to urgent care facilities. He asked if Director McDonald had seen or was aware of anything.

Director McDonald stated that he had not seen a specific breakdown for urgent care centers.

Dr. Quintanilla advised that he had attended two conferences lately that were specific to urgent care centers. Parking and volumes (as well as the size of the waiting room) were discussed. He noted that he increased the size of his waiting room from 500 square feet to 1,000 square feet so he could have
a little children’s play area. Again, the conferences suggested one and one-half to two spaces per exam room.

**Commissioner Boecher** inquired as to the number of employees that would specifically be onsite at one time.

**Dr. Quintanilla** advised that it would be minimal at start up. There would be one physician and either an emergency medical technician or a paramedic and a registration clerk. In other words, he planned on having three employees onsite initially. As volume increased, he would probably add another registration person and an extra paramedic or a registered nurse (RN) or a licensed vocational nurse (LVN).

**Commissioner Paul C. Simmons** inquired as to how many parking spaces the employees would use, including Dr. Quintanilla.

**Dr. Quintanilla** stated that four parking spaces would be needed initially (at start up of the business).

**Commissioner Simmons** inquired as to parking needs once Dr. Quintanilla’s operation was up and going.

**Dr. Quintanilla** advised that he hoped to ramp up and need more spaces for employees. It could take five years for him to be operating at full capacity.

**Commissioner Simmons** noted that the number of employees would place a burden on the parking lot itself, because those employees would be parking their vehicles all day long. In a sense, the use of spaces by employees would take away from the number of spaces available for patients.

**Director McDonald** advised that the City’s Code was strictly based on square footage.

**Dr. Quintanilla** stated that if he were not allowed to increase his facility by the 1,000 square feet, then he would be renting that space to another tenant that would be taking up parking spaces as well. Even with 3,000 square feet for the facility, Dr. Quintanilla would still have only eight exam rooms.

**Commissioner Simmons** stated that he was assuming that one of Dr. Quintanilla’s tenants left and that this was the reason for the requested increase in square footage from 2,900 square feet to 4,000 square feet.

**Dr. Quintanilla** advised that when he purchased the property, one of the tenants was behind in rent for six months. He asked the tenant to leave and he forgave the rent that the tenant owed. He indicated that he was never focused on square footage when he applied for a specific use permit. The initial drawing was to build a clinic. If he had known that the issue was
related to square footage, he would never have bothered the Planning and Zoning Commission or City Council. He would have gone straight to his architect and asked exactly how much square footage was needed. He read through the application and understood that he was applying for a use.

Commissioner Simmons advised that he appreciated Dr. Quintanilla’s position. He stated that Dr. Quintanilla advertised and mentioned this evening that he needed to increase the waiting room because of the anticipated family-orientation of the structure and that children were expected to be there and needed a play area. He inquired as to where that play area would be located.

Dr. Quintanilla stated that placing the play area near the door was obviously not a good idea. He expected that the play area would be away from the door so that children did not escape. It would probably be near the back of the waiting room.

Chair Bill Thorogood indicated that he had no questions of the applicant this evening.

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

Councilwoman Mandy Nathan noted that when Dr. Quintanilla first appeared before City Council he was not certain how the business would unfold. She inquired as to whether he had a better idea now.

Dr. Quintanilla stated that he had talked with two healthcare administrators about yesterday’s passage of the new health care bill. He stated he had not slept last night and had no idea as to the effect the bill might have on his business.

Councilwoman Nathan thanked Dr. Quintanilla for his interest in opening up a business in Bellaire.

Councilman Andrew Friedberg indicated that he had a question for Director McDonald regarding the City’s specific use permit process. If a specific use was granted, must all of the square footage requested be used for that specific use or would the default permitted use still be a possibility?

Director McDonald stated that his understanding of the granting of a specific use meant that the use applied to a particular space. Within that space there could be some variation. Because the original application stated that the use was for 2,900 square feet, the additional square footage needed was too far over the 2,900 square feet for City Staff to consider an allowance. If Dr. Quintanilla needed to exceed the 4,000 square feet, then he would still have to come back to the Planning and Zoning Commission and City Council.
Councilman Friedberg indicated that he understood that. To better phrase his question, he noted that the entire center was 11,000+ square feet. Hypothetically, if Dr. Quintanilla requested a specific use permit for all 11,000 square feet, but only used 4,000 of the square footage, would the background permitted use still apply to the remaining 7,000 square feet? In other words, could a dog groomer use the 7,000 square feet as a permitted use?

Director McDonald stated that he would have to defer that question to the City Attorney.

Councilman Friedberg indicated that the reason he had asked those questions was because with 4,000 square feet, Dr. Quintanilla might not have enough square footage for his "wish list." Councilman Friedberg was trying to save Dr. Quintanilla the hassle of a third visit if the City could conceivably permit more square footage than the requested 4,000. He noted, too, that he appreciated what Dr. Quintanilla was trying to do and felt that the center was good for Bellaire.

Dr. Quintanilla stated that he felt that Councilman Friedberg’s suggestion was a very good idea, and he appreciated it.

Director McDonald advised that he would look into it and let the Planning and Zoning Commission know something at their meeting on Tuesday, March 23, 2010.

Mayor Pro Tem Phil Nauert advised that City Council had considered this application conceptually once and he had not seen a conceptual change in the amendment requested. He could understand that it was easy to underestimate the space one might need. He was concerned that Dr. Quintanilla might have underestimated his needs again, noting that Mayor Pro Tem Nauert was also the owner of a health care facility. The administrative space necessary increased every year as documentation and regulations increased.

Mayor Pro Tem Nauert advised that it was unfortunate that both Dr. Quintanilla and the Planning and Zoning Commission and City Council had gone through this process twice. The same situation occurred with every bank that wanted to add a drive-in banking facility. He believed that this was a flaw with the City’s system.

He indicated further that he did not see any conceptual changes in Dr. Quintanilla’s request; therefore, he had no questions.

Councilman Corbett Daniel Parker echoed the comments made by other members of City Council and Commissioners of the Planning and Zoning Commission in thanking Dr. Quintanilla for investing in Bellaire. He asked Dr.
Quintanilla if he had more concrete plans with respect to some of the questions directed to Dr. Quintanilla during the initial application process.

**Dr. Quintanilla** inquired as to the questions Councilman Parker was referring to specifically.

**Councilman Parker** stated that one question that came up again tonight was waste removal, which Dr. Quintanilla had answered. Another question was related to how concrete Dr. Quintanilla was in the planning stage. Had it been decided that it was economical for Dr. Quintanilla to proceed with the center?

**Dr. Quintanilla** advised that he had minimized his investment thus far. He had probably spent around $10,000. He had equipment people waiting, three building companies had already bid, and he had utilized an architect. Much of the delay had been the City’s process.

**Councilman Parker** inquired as to whether there was a definite timeframe that Dr. Quintanilla was looking for as to a decision from Bellaire. In other words, had any earnest money or other contracts been signed related to the project? Councilman Parker advised that he wanted to be sure that Dr. Quintanilla would not be losing any of his investments while waiting for a decision.

**Dr. Quintanilla** advised that he appreciated the question. He was looking for a decision within the next two weeks.

**Councilman James P. Avioli, Sr.,** indicated that he had no questions for Dr. Quintanilla. He indicated that he hoped the project could be completed and that it would really be an asset to the City.

**Councilman Will Hickman** advised that he, too, could not sleep last night as he was married to a doctor. He inquired as to the types of payments that the urgent care center would take.

**Dr. Quintanilla** stated that he would apply for several different insurance companies.

**Councilman Hickman** inquired as to whether the center would accept Medicare.

**Dr. Quintanilla** advised that he probably would take Medicare.

**Councilman Hickman** inquired as to whether the center would accept Medicaid.

**Dr. Quintanilla** stated that he would probably not accept Medicaid.
Mayor Cindy Siegel advised that she had no questions. She reiterated what others had already stated in that the City was glad that Dr. Quintanilla had chosen Bellaire for his business. She understood that the process had been convoluted but, as a Bellaire resident, she hoped that Dr. Quintanilla appreciated the process as it was intended to protect the residents as well. She noted that there were several new members on both bodies that had not had an opportunity to hear the original application, so part of the questioning was related to an education process. She thanked Dr. Quintanilla for his time.

I. CLOSE OF JOINT PUBLIC HEARING – Mayor Cindy Siegel.

Mayor Cindy Siegel closed the Joint Public Hearing before the Planning and Zoning Commission of the City of Bellaire, Texas, and the City Council of the City of Bellaire, Texas, at 7:44 p.m. on Monday, March 22, 2010. Mayor Siegel advised that the Planning and Zoning Commission would consider the requested amendment on Tuesday, March 23, 2010, so written comments could not be submitted to them because their packet had already been distributed.

City Council would consider the requested amendment on Monday, April 5, 2010. Written comments could be submitted to City Council in care of the City Clerk by noon on Thursday, April 1, 2010, in order to be considered as part of the record.

J. ADJOURNMENT.

MOTION TO ADJOURN THE PLANNING AND ZONING COMMISSION:

A motion was made by Commissioner Paul C. Simmons and seconded by Vice Chair Michael Doyle to adjourn the Special Session (Joint Public Hearing) of the Planning and Zoning Commission of the City of Bellaire, Texas, at 7:45 p.m. on Monday, March 22, 2010.

VOTE ON MOTION TO ADJOURN THE PLANNING AND ZONING COMMISSION:

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

FOR:  Thorogood, Bill
       Aylett, Lori
       Boecher, Peter
       Doyle, Michael
       Frazier, Winfred
       Rickenbacker, Donna
       Simmons, Paul C.
MOTION TO ADJOURN THE CITY COUNCIL:

A motion was made by Mayor Pro Tem Phil Nauert and seconded by Councilwoman Mandy Nathan to adjourn the Special Session (Joint Public Hearing) of the City Council of the City of Bellaire, Texas, at 7:45 p.m. on Monday, March 22, 2010.

VOTE ON MOTION TO ADJOURN THE CITY COUNCIL:

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

FOR: Siegel, Cindy
    Hickman, Will
    Avioli, James P., Sr.
    Parker, Corbett Daniel
    Nauert, Phil
    Friedberg, Andrew
    Nathan, Mandy

OPPOSED: None

ABSENT: None

Respectfully submitted,

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

Approved:

Cynthia Siegel, Mayor
City of Bellaire, Texas
Bill Thorogood, Chair
Planning and Zoning Commission