CITY OF BELLAIRE
CITY COUNCIL

Minutes of Meeting
Monday, April 19, 2010

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

SUBJECT: Specific Use Permit Request from HISD for Replacement School for Paul W. Horn Elementary, 4530 Holly Street, Bellaire, Texas, R-3 Zoning District

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, April 19, 2010. The Bellaire City Council met at that time and on that date in Special Session (Public Hearing) for the purpose of hearing any and all persons desiring to be heard on or in connection with an application and request submitted by the Houston Independent School District (HISD) to construct and operate a replacement school for Paul W. Horn Elementary located at 4530 Holly Street, Bellaire, Texas in the R-3 Zoning District. The Special Session (Public Hearing) was held in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401.

Mayor Siegel announced that a quorum was present consisting of herself and the following members of City Council:

   Councilman James P. Avioli, Sr., Position No. 2;
   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.

Councilman Will Hickman, Position No. 1, arrived at 6:25 p.m. Other officials present were Assistant City Manager Diane K. White, City Attorney Alan P. Petrov, Director of Community Development John McDonald, and City Clerk Tracy L. Dutton.

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

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

Notice is hereby given that the City Council of the City of Bellaire, Texas, has called, by Ordinance No. 10-019, a public hearing before the City Council of the City of Bellaire, Texas, on Monday, April 19, 2010, at 6:00 p.m. in the
Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, 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 the Houston Independent School District (HISD) for a specific use permit to construct and operate an 85,000 square foot replacement school for Paul W. Horn Elementary on the northeast corner of Avenue B and Holly Street on a tract of land owned by HISD and legally described as Block 1, Reserve A of the Resubdivision of Block 6 and 7, of the First Subdivision of Westmoreland Farms, Amending Plat No. 1 (a.k.a. Horn Elementary School), being a subdivision of 8.903 acres out of the John Beldin Survey, A-166, and also being an amending plat of “Resubdivision of Block 6 and 7 of the First Subdivision of Westmoreland Farms” as recorded at Volume 268, Page 14 of the Harris County Deed Records (specifically Lots 6 through 15, Block 5) in the City of Bellaire, Harris County, Texas, and more commonly known as 4530 Holly Street (currently addressed as 4535 Pine Street), Bellaire, Texas, in the R-3 Zoning District.

Prior to the public hearing, any person may review the aforementioned application for a specific use permit submitted by HISD at either the City of Bellaire’s Office of Community Development, First Floor of City Hall, 7008 South Rice Avenue, except for holidays, or on the City’s website (www.ci.bellaire.tx.us) under the “Document Center” (once there, click on the folder titled “City Council Agenda Packets”).

Dated this 22nd day of March, 2010.

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

City Clerk Dutton advised that the “Notice of Public Hearing” was posted on the City’s bulletin board on Friday, March 26, 2010, and published in the legal notices section of the Southwest News on Tuesday, March 30, 2010. The “Notice of Public Hearing” was also mailed to property owners of record within 200 feet of the site of the specific use permit on Friday, March 26, 2010. There were 101 properties and 100 property owners receiving notice of the public hearing. Three notices were returned as follows: 1) James S. and Jessy E. Morgenroth of 4511 Braeburn Drive, 2) Weidong Lei of 4531 Holly Street, and 3) HISD Construction Services at 1100 Roy in Houston, Texas. City Staff was able to email the notice to the HISD Construction Services.

C. SUMMARY OF PUBLIC HEARING PROCEDURE – Assistant City Manager Diane K. White.

Assistant City Manager Diane K. White summarized the public hearing procedure as follows:
During this evening’s public hearing, a brief presentation will be given regarding an application and request submitted by the applicant, Houston Independent School District (HISD), for a specific use permit to construct and operate an 85,000 square foot replacement school for Paul W. Horn Elementary School on a tract of land owned by HISD and addressed as 4530 Holly Street (previously 4535 Pine Street), in Bellaire, Harris County, Texas, in the R-3 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.

At the conclusion of comments from citizens or other interested parties, the Mayor and City Council will have an opportunity to ask questions of the applicant regarding the application.

Following the question and answer session, the Mayor will close the public hearing. Written comments may be submitted to the City Council in care of the City Clerk prior to final deliberation on the matter. Final deliberation is anticipated to occur on Monday, May 3, 2010. Written comments must be submitted to City Council prior to deliberation on this matter in order to be considered for the record. Written comments should be submitted by noon on Thursday, April 29, 2010. The sign-in sheet and written comment sheets have been provided at the entrance to the Council Chamber.

D. PRESENTATION of an application and request submitted by the Houston Independent School District (HISD) for a specific use permit to construct and operate an 85,000 square foot replacement school for Paul W. Horn Elementary School on the northeast corner of Avenue B and Holly Street on a tract of land owned by HISD and legally described as Block 1, Reserve A of the Resubdivision of Block 6 and 7 of the First Subdivision of Westmoreland Farms, Amending Plat No. 1 (a.k.a. Horn Elementary School), being a subdivision of 8.903 acres out of the John Beldin Survey, A-166, and also being an amending plat of “Resubdivision of Block 6 and 7 of the First Subdivision of Westmoreland Farms” as recorded at Volume 268, Page 14 of the Harris County Deed Records (specifically Lots 6 through 15, Block 5) in the City of Bellaire, in Harris County, Texas, and more commonly known as 4530 Holly Street (previously 4535 Pine Street), Bellaire, Texas, in the R-3 Zoning District – Presentation by Representative(s) of HISD.

Mayor Cindy Siegel advised that before turning over the presentation to the Houston Independent School District (HISD) this evening, she wished to ensure that everyone understood the specific use amendment and permit
process. She asked City Attorney Alan P. Petrov if he could provide a brief description of the process.

City Attorney Alan P. Petrov advised that in a zoned community, such as Bellaire, certain uses were permitted in various districts. Some were uses by “right” and some were uses by “permit.” HISD’s property was located in a residential district. In that particular district, single-family residences were uses of right. Persons wishing to construct a single-family home would not have to come to the Planning and Zoning Commission and the City Council to obtain a permit because a single-family home was a use of right.

Schools and churches in the residential district where HISD’s property was located were uses allowed by permit. Therefore, any property owner wishing to use the property for those purposes was required to obtain a permit for those uses from the City of Bellaire. The uses were generally allowed within a residential district, but the City would review the application for a permit to determine that the location and use fit in with the other characteristics of the district.

Mayor Siegel advised that the City Council would not be deliberating on the permit this evening. She invited representative(s) of HISD to come forward and make their presentation at this time.

Stan Winter, AICP, Director of Planning, TBG Partners, Representative for HISD, addressed City Council and introduced the rest of their design development team as follows: Meredith Smith, AIA, HISD; Kathleen English, AIA, Managing Principal, English + Associates Architects, Inc.; Angelia Carlson Mackey, English + Associates Architects, Inc.; Jennifer Peek, P.E., PTOE, Walter P. Moore & Associates; and Terry Maher, HDR Engineering, Inc. (Civil Engineer). Also present this evening was the Principal of Paul W. Horn Elementary School, Sarah Harrington.

Mr. Winter advised that the team was present this evening on behalf of HISD to request City Council’s consideration and approval of a specific use permit to allow the reconstruction of Paul W. Horn Elementary School. The team believed that the proposed plan was not only superior to the existing plan, but felt that the particular configuration on the site was the most logical use of the site because it allowed: 1) HISD to continue to use the existing school during the reconstruction of the new facility; 2) improvement of circulation, traffic, and parking onsite; 3) improvement of onsite drainage; 4) minimization of the loss of existing trees; and 5) increased buffering of the adjacent land uses.

The site of the facility was noted to be located inside the West Loop south of Evergreen Street and consisted of 8.9 acres with just over 600 feet of frontage on Pine Street, Avenue B, and Holly Street.
Paul W. Horn Elementary School was originally built in 1945 and had been expanded several times. It was designed to accommodate 502 students, and there were currently 575 students enrolled on campus in grades kindergarten through fifth. The proposed school was designed for 750 students, and construction was scheduled to begin in June of 2010 in order to be substantially completed by the new school year (July 2011).

Upon construction of the new facilities, all of the existing facilities on the site would be removed.

The existing school had a total of 82 parking spaces. Of those, 49 were employee parking spaces and 33 spaces existed along Holly Street. The parking along Holly Street was somewhat problematic in that it was substandard in the angle and depth of the parking spaces. Parked cars in those spaces sometimes conflicted with traffic flow along the public street.

The proposed plan would have 146 parking spaces, which represented a 78% increase in the number of spaces that would be provided onsite, and the parking spaces that existed along Holly Street would be straightened and made deeper so that parked cars would not encroach into the travel lanes of Holly Street.

The proposed parking would meet the City of Bellaire’s parking requirements based on one space per classroom and one space per every four seats in the assembly area.

Based on the traffic study, the team identified a need for 750 linear feet of queuing distance for the elementary school. The existing school was only able to provide that queuing distance on the existing public streets thereby blocking the flow of traffic in those travel lanes.

One of the greatest improvements of the proposed plan, in the opinion of the team, was the ability to accommodate the majority of the queuing distance onsite in designated parent drop-off and pick up lanes. Additional queuing would be provided in specific locations for school buses and private buses along Holly Street and Avenue B. The queuing lanes that would be built in those locations with slip lanes so that as vehicles queued up, those vehicles would not impede the traffic on the public streets.

The segregation of the public buses, private buses, and parent pick-up and drop-off would greatly improve the efficiency of the traffic around the site by controlling drop-off and pick up.

Drainage on the site would be improved by nearly 1,000 linear feet of bioswale. Detention would be provided in the bioswale areas in addition to gradual grade changes within the future park area. The proposed school would have finished floor elevations that were above the 100-year floodplain, and the proposed impervious cover of the new school would be 39%. The
impervious cover of the existing school was noted to be 30%. In other words, the impervious area had been increased to 39% in order to accommodate the increased number of onsite parking spaces. Even so, the increase of 39% was well below the maximum allowable of 50% impervious cover.

The bioswale, which would be a prominent feature on the site, would accommodate the onsite detention and also work like a water filter greatly improving the quality of the storm water runoff. Specialized soil mix and plant materials would be used.

The existing site had virtually no buffer from the public areas and the adjacent single-family areas. The proposed plan would provide a seven (7) foot six (6) inch landscape buffer that would contain plantings of large evergreen shrubs four (4) feet on center. The plantings would likely consist of wax myrtles, similar to what was planted along the east property line of the Methodist Church at Bellaire Boulevard and Newcastle Drive.

On March 9, 2010, the Bellaire Planning and Zoning Commission recommended that the proposed specific use permit be approved subject to the following conditions as recommended to them by City Staff. Mr. Winter indicated that he would like to read those conditions and reply to them, which he did as follows:

- That, at a minimum, the north half of the parking lot which connects Pine Street and Holly Street remains open and usable to visitors of Horn Park.

Mr. Winter replied that the team had indicated to the Bellaire Planning and Zoning Commission that the parking that would be provided onsite would be available for use for the park. HISD’s only concern was that the hours of use be policed so that the use of the parking would not create a nuisance to the adjacent homes and that the investment of the school district was protected.

- The location was prohibited from being leased or used for holding of religious services unless an amendment to the specific use permit permitting such use was approved by City Council.

Mr. Winter indicated that HISD was somewhat neutral to that comment, except that it seemed somewhat redundant in that the City’s current zoning ordinance would require HISD to seek a permitted use to do so anyway. There was some concern by HISD’s legal department as to whether that condition was appropriate. The comment or condition did not seem necessary.

- The approval of the permit placed no limitation on the City in the reestablishment of facilities or restrictions on use at Horn Park.
Mr. Winter advised that HISD agreed to the joint use of the open space for recreational purposes, however, the specific language of the condition seemed a little too liberal in that it implied no restrictions on the City’s use of the open space. In reality, the City and HISD would work out a mutually beneficial joint use agreement for that open space. Obviously, the school would need to be able to use it for their recreational needs first and foremost. It would be made available to the City. The team was a little concerned as to how liberal that particular language was.

Mr. Winter next invited Jennifer Peek, P.E., PTOE, Walter P. Moore & Associates to come up and address some of HISD’s traffic concerns.

Jennifer Peek, P.E., PTOE, Walter P. Moore & Associates, 1301 McKinney, Houston, Texas, advised that she wanted to briefly discuss the traffic study that her firm conducted for the site. The current school had 575 students and the proposed plan would accommodate 750 students. During the traffic impact study, the firm did existing count data collection along Avenue B at Pine Street, Valerie Street, and Holly Street, as well as at Newcastle Drive at Pine Street and Holly Street.

Throughout the course of the traffic impact study, the traffic volumes were increased to account for the proposed 30% population increase in student growth. That increase was also redistributed through the intersections based on the new site plan and routing that the traffic would take through the drop-off route.

At each intersection, the level of service, which was a letter grade from A to F, would remain the same. All of the intersections would remain at level of service A or B and would not degrade from existing conditions. Also, as indicated on the queuing drawing, there was 750 linear feet of queuing area. During the traffic study observation, the maximum queue that the engineers saw was 32 vehicles. So, the 390 feet of queuing prior to the drop-off area plus the 100 feet of primary drop-off would accommodate all 32 vehicles that were seen in the maximum queue that currently existed along Avenue B and Pine Street. As a whole, Ms. Peek indicated that her firm believed that the site would accommodate all of the queuing necessary for the new school and none of the intersections would decline in level of service.

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

Jennifer Draper, 4517 Pine Street, Bellaire, Texas:

Ms. Draper indicated that her home was located immediately east of the current school property on Pine Street. She stated that she was addressing City Council on three fronts—first as a resident, secondly as a parent of two
children who currently attended Horn Elementary School, and thirdly as a member of the Horn Academy Parent Teacher Organization (PTO) Board.

Ms. Draper stated that she fully supported what would be the long overdue construction of a new elementary school. The new school would provide children with a state-of-the-art facility in an appropriately sized building for what was currently an overcrowded state of affairs. For example, physical education classes were currently conducted in the front hallway of the school. Also, the music class took place on the stage of the cafeteria, which was separated from noisy lunch-eating children by simply a curtain. She was, therefore, thrilled with the plans and proposal to approve the specific use permit for the building and the location of the construction.

As the new school was under construction and occupied on the northeast corner of Holly Street and Avenue B, the old school would be demolished and replaced by fields. Her understanding was that the fields would be available to the City of Bellaire and the Bellaire Little League. Ms. Draper, like many of the other residents in the 4500 block of Pine Street, were very concerned about adequate parking for the school, as well as for the fields, with a minimal burden on the local residents resulting from street-side parking.

The current parking situation near the intersection of Holly Street and Avenue B was extremely dangerous during organized events. With participants parking on both sides of the street, two-way traffic was forced to navigate through a single lane. This was dangerous not only for the cars trying to get through, but also for the children and parents as they crossed the street. Residents of the 4500 block of Pine Street, as well as residents of Bellaire, wanted to make sure that the situation was carefully thought out in the planning for the new traffic flow and in the use of the fields in the future.

Ms. Draper requested that the City Council incorporate the following thoughts and conditions in the specific use permit proposal:

1. She believed she heard during the presentation that there would be parking available for the fields on the north side of the parking lot of HISD. She requested that the entire parking lot (146 spaces) be made available for organized activities (field use);

2. To ensure the traffic flow on Pine Street was kept open, she asked that City Council consider some parking limitations on Pine Street similar to what had been done along Bellaire High School and the area near the Bellaire Family Aquatic Center by disallowing parking on the south side of Pine Street, with no parking signs for the entire 4500 block, and to look into the potential for resident-only parking on the north side of the 4500 block for the entire length of the block. This would alleviate the possibility of parking on both sides of the street during events that took place on the fields; and
3. In order to encourage the usage of the onsite parking, Ms. Draper asked that City Council consider eliminating or reducing gate access to the fields other than gates that were accessible from the parking lot. This would encourage people to park in the lot that was provided.

Ms. Draper closed by thanking City Council for their time and consideration of her recommendations.

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**Peggy Keus, 4513 Pine Street, Bellaire, Texas:**

Ms. Keus addressed City Council and advised that she was concerned with potential parking issues that would occur in the 4500 block of Pine Street. While she understood that HISD had made a concerted effort to increase parking along their school and onsite, she was concerned that residents who attended Little League events might not actually park in the parking lot. Right now, the one gate access was on Pine Street. She encouraged the City to ensure that the gate access be moved closer to the parking spaces.

As previously discussed, if the gate access could not be moved, she encouraged City Council to consider permit or restricted parking in the 4500 block of Pine Street. Anyone who had traveled in the 4500 block of Pine Street when there was parking on both sides of the street understood the difficulty of maneuvering on that block.

Additionally, it appeared that the fencing was right up against the sidewalk. She encouraged that consideration be given to move the fencing back further from the sidewalk so that HISD could landscape that area.

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**Patrick Phelps, 4534 Pine Street, Bellaire, Texas:**

Mr. Phelps addressed City Council and provided some slides of the parking situation that occurred during organized events at Horn Park. He showed the traffic congestion on the south side of Avenue B during a Little League practice event (i.e., cars parked on both sides of the street). Another slide depicted the way in which cars parked and blocked residents’ access to and from their driveways. He noted that this was a common occurrence. Other slides depicted similar problems on Valerie and Holly Streets.

Mr. Phelps advised that he supported the Horn Elementary School reconstruction, noting that it was good for the neighborhood. He expressed a concern that there was not adequate parking for the ball fields and the activities that would be going on as a result of the ball fields. The baseball games and practices occurred five-six days each week. During those
activities, people needed to be encouraged to park in the available parking lot rather than on the streets.

Mr. Phelps also requested that gate access be restricted along Pine Street and Avenue B. He did support, as mentioned earlier, having no parking on the south side of Pine Street. In order to maximize traffic flow along Pine Street, allowing parking on the north side of the street would help the situation.

In addition, he hoped that HISD would allow the entire parking lot to be used for field events. He noted that there used to be a gate on the 4500 block of Valerie Street into the parking lot, however, that gate was closed for security reasons. He felt that an open access gate from Valerie Street into the parking lot would be convenient and would encourage people to use the parking lot.

Andrew Bosarge, 4516 Pine Street, Bellaire, Texas:

Mr. Bosarge indicated he was in support of the movement of the school, as it sometimes took him 3-4 minutes to get out of his driveway with the current configuration.

He noted that he had two children that attended Horn Elementary and one son that participated in Little League events. He understood the concerns of others this evening regarding parking issues.

He wholeheartedly agreed and hoped that HISD would keep the traffic for the parking lot open both ways in the back and would encourage people to use the parking lot. Currently, one could see traffic all around the school during Little League practice and games, with 50-60 empty parking spaces in the rear of the school because it was a dead-end with all of the access gates locked.

He understood there was a large issue regarding the trees on the north side of the street. Mr. Bosarge had not looked at the situation that closely, but the angled parking was a good idea if it could be moved. He might, however, like his neighbors, prefer to conserve and save the trees.

Many of the issues could be solved if City Council could limit the gate access that others had addressed this evening. As long as the parking lot was open on both ends, many of the problems would be solved. Parking for the school was not as much of an issue as the after-school activities.
Keith Harrison, 4313 Jonathan Street, Bellaire, Texas:

Mr. Harrison addressed City Council and advised that he was a parent of a child that currently attended Horn Elementary School and would have another child attending the school during the next year. He also managed a Little League team that played at Horn Elementary on the current fields.

Speaking for himself and the residents that lived on the other side of Newcastle Drive, it was very important to push the specific use permit forward and get the construction of the new school started. This project was long overdue and the school was run down and overcrowded.

Mr. Harrison advised that he would be a proponent of the parking restrictions that had been referenced. It made sense to restrict parking to one side of a street. It was virtually impossible to navigate on the Holly Street side at this point in time.

The time for construction was now. He understood that the situation needed to be addressed from a parking perspective, but he hoped that did not derail getting through the milestones needed to keep everything moving. Some of the issues could be addressed in parallel with construction.

Suzanne Oberg, 4408 Lula Street, Bellaire, Texas:

Ms. Oberg addressed City Council and advised that she was currently the Horn Academy PTO President and had two students at Horn Elementary School. She advised that the students were in desperate need of the new school facility. The current school was supposed to accommodate 502 students and the enrollment was currently at 578 students.

As Ms. Draper mentioned, the school was bursting at the seams from the physical education program, music program, and classrooms. Horn Elementary could not expand any further because there was no additional space at this point.

The proposed facility would alleviate the overcrowding. The school did not expect to see a 750-student enrollment population immediately. The school did believe that the population would continue to grow. From 93 students in second grade this year to almost 100 students in first grade to 116 students in kindergarten—the numbers continued to increase. Horn Elementary School was a “gem.” It was a school with exemplary status and the most inner beauty in the world—from the teachers to the students to the staff to the parents that supported the school’s everyday workings. The school’s outer beauty needed to match its inner awesomeness.
Ms. Oberg closed and urged City Council to please help the students, parents, and HISD to keep the construction of the new facility going.

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**Rami Segal, 4504 Pine Street, Bellaire, Texas:**

**Mr. Segal** addressed City Council and referred to the aesthetics on the north side of the campus along Pine Street. When looking at that side of the campus right now, it had a boulevard look. The fence was approximately twenty feet back from the street right-of-way, with two rows of beautiful oak trees. In the new design, it was not clear what the material of the fencing would be (i.e., chain-link, etc.). If chain-link fencing were used for basically one-half of the street five feet from the sidewalk with no trees or greenery to compensate, the aesthetics of the street would be changed completely.

Mr. Segal asked City Council to take that into consideration by recommending a decorative fence and greenery and to ensure that the trees removed to accommodate the technicality of fields and park would be replaced. This would be a worthwhile investment for all involved to ensure that the neighborhood kept its green look.

With respect to noise, Mr. Segal felt that the appropriate fencing and greenery would help reduce noise. With respect to light pollution, he urged City Council to consider minimizing the amount of light spillover into the neighborhood.

In closing, Mr. Segal advised that the project was a good project.

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**Steve Clarke, 4430 Lula Street, Bellaire, Texas:**

**Mr. Clarke** advised that he was present this evening representing the Horn Academy PTO “Rebuild Horn” Committee and, more importantly, his three children. He had twins in third grade this year and another child entering kindergarten at Horn next fall.

The project was very important to his family and others as City Council could see this evening. Horn Academy was one of HISD’s best-kept secrets. It was surrounded by residential areas on four sides and was a shining example of how neighborhood schools were supposed to work.

The Horn Academy PTO had always been actively involved in ensuring that the children receive an exemplary education—which included mobilizing, assisting, and helping HISD understand the needs of Horn were surpassed many years ago. Approximately four years ago, a team of volunteers was
organized to assist in ensuring that the assessment team sent to each of HISD’s schools saw both the crumbling facilities, as well as the fact that the school no longer met HISD’s own template for educational adequacy related to programs they were able to offer at Horn’s limited facility.

The PTO rallied and went door-to-door to get out the votes on the HISD bond election and had waited patiently for HISD to start the construction after numerous delays that had pushed the anticipated opening of the school by almost one year.

The school would be built on the site of the existing Little League fields that were owned by HISD and leased to the Bellaire Little League. The PTO’s partners at the Bellaire Little League had been great supporters of the new school, even though they would lose their fields for approximately one year due to construction.

The facility itself was built in 1945 and had gone through numerous upgrades throughout the years. To give an example, due to the increase in enrollment this year, the temporary building, which once housed the physical education and music classes, was reassigned to classroom space. As was previously mentioned, those classes were now held in the hallway and stage area.

The Horn Dance Club purchased and built a storage building to store all of the physical education equipment, as there was no more room. The children were frequently holding physical education classes in the small rectangular front hallway and music classes held on the stage while other students were eating their lunch in the cafeteria. The staff at Horn did not let this stop them from making things fun for the students--square dancing and roller-skating were the highlights of the year.

Mr. Clarke advised that the hardworking teachers and students deserved a facility that met their educational needs. He indicated that he could not wait to see the polished gym when it was finished. Everyone was a bit anxious, as they had traveled a very long road to see the project to fruition before their children graduated from elementary school.

The long-term benefits to Bellaire and the neighborhood could not be measured. Mr. Clarke truly appreciated all of the City of Bellaire’s help during the last year and commended the City for that help. He closed by urging City Council to approve HISD’s specific use permit.

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

Ms. McBee addressed City Council and indicated that it was lovely to see a room filled with caring people who wanted some development and
replacement. She commended the audience for being very positive and constructive in getting themselves to the City Council meeting. She also commended HISD for being a partner who was working with City Staff, Managers, residents, bureaucracy, and shrinking funds.

Her observation of the comments by the neighborhood was mostly empathetic because some were a little concerned about the growth, which was cited at 30%. However, in Bellaire everything grew—homes, cars, the Fire Department, etc. It was one of those ongoing stickling challenges to a community the size of Bellaire. Usually everything new that came into Bellaire outstripped the space that it had. In this case, HISD was splitting what it purchased and owned with the City for use of sports for the community.

In the recommendations by the Bellaire Planning and Zoning Commission, one of the conditions referred to by one of the architects this evening was that the approval of the permit placed no limitations on the City in the reestablishment of facilities or restrictions on the use of Horn Park. This was not the City’s land. She urged City Council to change the wording of that condition to something more reasonable in negotiating for the owner of the property.

Ms. McBee advised that she believed she understood what was in the heads of those who agreed to the prohibition for leasing for religious services. She was a little nervous about it, but felt that it was legally permissible, noting that the City Attorney had reviewed that prohibition. She asked how the City could limit what a property owner wanted to put in their facility. She did not know if the City wanted to remove that prohibition or soften it, but she felt that the wording did need to be reviewed.

The adjacency to any public institution—be it the Fire Department or whatever—created some tremendous amount of stress. This was the tension that the City had to deal with all of the time. The City had learned a great deal from Episcopal High School being located adjacent to a residential neighborhood. It seemed to her that the architects did a remarkably good job in accommodating wheeled traffic. She was not so sure they did as well on using that tract for a routed bikeway so that some students could ride their bicycles to school. To the extent possible, this might alleviate some of the automobile traffic around the school facility.

Ms. McBee stated that she wished to see the signage and buffering of the site increased so that 1) people would know there was a bike route at the facility; and 2) that the school was located behind the trees so that it protected the children inside that buffer and protected the residential use from an institutional use.

Ms. McBee closed and advised that, in general, HISD had done a great job and she agreed with the parents that had small children waiting to get into a
new school. She indicated that the proceedings tonight had been the most positive example of a cooperative that she had seen in a long time in Bellaire.

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**Lee Anne Dixon, 4601 Valerie Street, Bellaire, Texas:**

**Ms. Dixon** indicated that she lived at the corner of Valerie Street and Avenue B. She indicated that the residents very much appreciated the collaborative effort both with HISD and with the residents.

Ms. Dixon advised further that she was a traffic engineer and had worked in the Houston area for the last 15 years. She understood City Council’s position to be cautious and sensitive about moving the problem to other streets with permits. Much like the speed bumps, City Council often moved slowly on these matters, as they did not wish to be perceived as moving the problem. City Council would rather ensure that the whole study area was considered rather than just one street. Every action can cause an equal and opposite reaction when parking was moved from one street to another.

Ms. Dixon was not in favor of a permit solution for parking or the additional signage that would then have to be managed. She would be more in favor of allowing parking on the school side of the street (all three sides of Pine Street, Avenue B, and Holly Street), but not allowing parking on the opposing curb. Ms. Dixon felt it would be too hard to allow parking only for residential use.

One thing that was not mentioned this evening was the fact that there were currently no stop signs along Newcastle Drive at the intersection of Holly Street. She saw that as something that should be considered. If stop signs were installed at that intersection, all four corners of the school property would be bounded by stop-controlled intersections. In the last 2-3 years, stop signs were added at Holly Street and Avenue B, which had greatly helped with Little League traffic flow.

Ms. Dixon stated that she really did not want to restrict gate access along the fields because she felt it was important for the community to be able to walk to the fields from their homes. She felt that parking should be allowed in the lot, but that gate access should not be restricted for those that wished to walk to the fields.

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**Mitch Beasley, 4524 Pine Street, Bellaire, Texas:**

**Mr. Beasley** indicated that he and his wife were 100% behind the construction of a new facility for Horn Elementary. His two oldest children
were in second grade and kindergarten at Horn Elementary. Three of his four sons played in three different leagues within the Bellaire Little League.

Mr. Beasley advised that his family loved Bellaire and that he was a Horn Academy PTO Board Member, Horn Dad’s Club Member, and an active volunteer.

Although he and his family were very excited about the new facility, the parking on Avenue B was an accident waiting to happen. He noted that his son was almost struck by a vehicle on Avenue B recently. He saw road rage on Holly Street regularly. His main concern was that the City took that into consideration when addressing the parking scenario. It was not a matter of “if an accident might happen,” it was a matter of “when an accident might happen.”

As a resident of Pine Street, the new school was supported 100%. The residents really wanted to ensure that the parking issue was really thought through. If there were going to be 80+ parking spots on the east side of the facility, then the available parking would be more than enough to accommodate all of the parking that happened during sporting events or special activities.

Kim Reichert, 4611 Cedar Oaks Lane, Bellaire, Texas:

Ms. Reichert addressed City Council and advised that she had two children who had graduated from Horn Elementary School, one child that was currently in second grade at Horn Elementary School, and her two sons had played Bellaire Little League.

Ms. Reichert indicated that she fully supported the rebuild of Horn Elementary. With respect to the parking issues, she hoped that those issues would not get in the way of the construction of the school. If the school construction did not get underway, nothing would be done about the parking issues.

More parking spaces would be added with the new construction. The opening of access gates, as mentioned, would help encourage people to use the parking lot. She heard great ideas about restricting parking on the residential streets.

Ms. Reichert advised that she believed the Bellaire Little League would be open to all sorts of parking and would send emails to their members encouraging them to use the parking lots. The Bellaire Little League was also very concerned about safety and would welcome the change for safer parking
conditions. She knew that the Little League wanted to be a good neighbor to the community.

Jeff Gollop, 4517 Holly Street, Bellaire, Texas:

Mr. Gollop advised that he was very supportive of the school, as well as the fields. He had enjoyed having the fields across the street from his home on Holly Street. It had, on occasion, been a challenge. Ninety-nine percent of the people were very respectful. There was always an occasional person that blocked someone's driveway. He suggested the Bellaire Police Department consider patrolling a little more frequently during Little League events and during the school day.

With respect to traffic, he asked that consideration be given to speed bumps on Holly Street. Again, 99 percent of the people were very respectful and considerate of the community and the children, however, there were always people speeding down the streets.

Mr. Gollop advised that he respected an earlier comment that indicated that the residents were all in this together. He did not want to make a pitch for Holly Street that would impact Pine Street or Valerie Street or Avenue B.

Since behavior related to post implementation of the plan was not known, he suggested that City Council have a post hoc evaluation on a periodic basis to see if improvements could be made. This decision should not be a static decision. He suggested an annual or semi-annual review be undertaken to make sure that the expectations were realized.

Kevin Sisek, 4428 Vivian Street, Bellaire, Texas:

Mr. Sisek addressed City Council and indicated that he also owned a lot at 4509 Valerie Street and was considering building a home on that lot. His family was 100% for the school and very excited about getting the process started. He had a son in second grade, a son about to start kindergarten, and a two-year old that he intended to send to Horn Elementary School.

Mr. Sisek was also very involved with the Bellaire Little League. He advised that it broke his heart to see how many other children on Bellaire Little League teams that attended private schools. This was a huge opportunity as a community to be able to set a vision for the next 60-70 years, given that the existing school was built in the 40s. He encouraged everyone to keep in mind that if there was anything that could be done to make the area more beautiful, it should be done. He indicated that he drove by the elementary
school and baseball field at West University Place and noted that it was an amazing facility. He felt that Bellaire had an opportunity to do the same thing.

Mr. Sisek agreed with traffic concerns and would fully support efforts to alleviate those concerns. As a future homeowner on Valerie Street, he was not supportive of opening up that street.

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**Mayor Cindy Siegel** advised that several written comments had been received this evening, which she read into the record as follows:

**Mike Baker, 4504 Valerie Street, Bellaire, Texas:**

Madame Mayor, Honorable Council Members, Mr. Satterwhite and others:

Thank you for taking time to listen to concerns of residents affected by the wonderful and welcome changes coming at Horn School. And thank you for allowing me to have our concerns read into the record.

I address you today on behalf of all of the residents of the 4500 block of Valerie.

HISD determined correctly several years ago that having an opening in the fence at the end of Valerie Street created an extremely unsafe condition for the kids. It created an ad hoc drop-off point where kids had to traverse the parking lot to get to school. That was when the parking lot was a dead-end parking lot.

Allowing that fence to be reopened when the parking lot is redeveloped essentially as a thru street would be a tragedy of monumental proportion.

We understand and appreciate the issues associated with parking for the school on Pine and Holly. The residents who moved onto those streets knew they were moving onto a location that was adjacent to HISD property. The residents of the 4500 block of Valerie knew they were moving onto a dead-end street and as a result there are 27 kids (soon to be 29) below driving age living there.

A gate that would be open some times and closed other times would be a logistical nightmare and would create an additional problem of drivers down the street expecting the gate to be open only to find that it is closed and then racing back down the street in a fit of angry road rage. We see it happen every time someone ignores the “dead-end” signs and gets all the way to the end only to find they have to turn around.
We agree that whatever measures are necessary should be taken to ensure that the parking is directed into the parking lot and not onto the streets. That includes Valerie Street.

Please be sure that HISD provides enough parking spaces and designs the access to the school and ball fields so that the parking lot is the most convenient and easy access.

FINALLY—PLEASE install a stop sign at the corner of Newcastle and Holly. It’s the only corner of the school grounds that does not have a stop sign.

Very respectfully submitted on behalf of all of the residents of the 4500 block of Valerie.

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**Joel Nash, 4603 Huisache Street, Bellaire, Texas:**

*Mayor and Council*

*City of Bellaire*

I gladly support the plans to rebuild the Horn Academy School, as described in the April 11th Bellaire/River Oaks/West U neighborhood section.

It would be a great addition to the City. A new facility is very much needed.

My two adult children both attended Horn, and I go back to 1963 here.

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

*Councilwoman Mandy Nathan* advised that as a resident of Bellaire she appreciated that HISD was rebuilding Horn Elementary and that the parents and students were certainly deserving of a new facility. She commended HISD, Mr. Winter’s team, the Bellaire Planning and Zoning Commission, and the Community Development Department, noting that everyone did a terrific job in putting together the proposal.

She inquired as to the height of the building, noting that it was two stories.

*Mr. Winter* indicated that there was a sloped roof and it was approximately 35 feet at the eave. The building was two stories.
Councilwoman Nathan indicated that most of her questions related to the fencing and parking issues on the opposite side of the site. She inquired as to the ingress and egress to the field from Avenue B and on Pine Street.

Mr. Winter indicated that the team was currently proposing two gates on Pine Street. There was also a proposed gate that would provide access to the fields off of Avenue B.

Councilwoman Nathan noted that currently the parking lot was fenced off from the school itself. She inquired as to whether there was fencing through the middle of the campus so that people who were walking from the parking lot to the fields could not get close to the school. If so, she inquired as to the location of those fences.

She advised that she was curious as to where the internal property fence line, if any, would be. She assumed that Horn did not want people parking in the lot to wander among their buildings.

Mr. Winter indicated that Councilwoman Nathan was correct. There would be a fence essentially around the perimeter of the field. He indicated the gate entrances that would serve the various parking areas on one of his slides.

Councilwoman Nathan inquired as to whether there had been any discussion with respect to angled parking on Pine Street.

Kathleen English, English + Associates Architects, Inc., 1919 Decatur, Houston, Texas, responded that one of the sketches shown earlier in the evening depicted head-in parking along all three streets, which was modeled after the West University Place Elementary School. The architects had a preliminary meeting with the City of Bellaire Community Development Department and were told that the angled head-in parking would not be preferred. The architects were allowed to keep the angled, head-in parking on Holly Street because it already existed. The parking was reconfigured so that it was more code compliant.

Councilman Andrew Friedberg expressed his appreciation to those who had turned out for the public hearing and stated their concerns to City Council.

He asked the City Attorney if he could advise City Council as to how conditions were enforced in a specific use permit.

City Attorney Alan P. Petrov indicated that conditions in a specific use permit were generally enforced through a municipal citation from a City official.

Councilman Friedberg referred to the first proposed restriction recommended by the Bellaire Planning and Zoning Commission, which was for
the parking lot to be kept open and usable. If HISD were to shut or close access to the parking lot, would the citation be issued against HISD?

City Attorney Petrov advised that Councilman Friedberg was correct.

Councilman Friedberg inquired of the Community Development Department Director as to the purpose of the second condition concerning the prohibition on religious use.

Director of Community Development John McDonald stated that in today’s economic times, schools had been leasing space (i.e., gym or multi-purpose room) to churches on the weekends as a source of revenue for the schools. While the prohibition on religious use was specifically covered in the overlying zoning, the idea with the condition was to reinforce the prohibition.

Councilman Friedberg advised that it seemed that the concern would apply whether it was religious or some other non-school use. He asked if City Staff would have an objection to a blanket prohibition rather than singling out religious uses.

Director McDonald advised that the City would not necessarily have an issue with a scout group using the school’s facilities. The idea for the prohibition was to disallow that use on a weekend when the school was not traditionally used that might impact the residential neighborhood with respect to traffic flow, etc.

Councilman Friedberg asked Ms. Peek of Walter P. Moore as to the days of the week that the traffic was measured, as well as the number of times that traffic was measured.

Ms. Peek stated that the traffic counts were performed on one weekday, which was not adjacent to a holiday or any special event. Traffic conditions were observed for a three-day period (Tuesday, Wednesday, and Thursday) to make sure that the engineers could see what was going on. Traffic was observed during both a.m. and p.m. periods.

Councilman Friedberg noted that the focus of the traffic engagement was on the school uses—drop-offs and pick-ups. Much of what City Council heard this evening was related to non-school uses, such as the Bellaire Little League.

Ms. Peek advised that Councilman Friedberg was correct. The purpose of the traffic impact study was to see the impact of the movement of the school within its site and not the impact of the Bellaire Little League.

Councilman Friedberg inquired as to whether it would be appropriate to add a condition to a specific use permit for a school cap on enrollment.
City Attorney Petrov advised that it could be appropriate if the City looked at what fit in the neighborhood. It was difficult to balance the authority with two governmental entities. There was HISD on the one hand having the authority from the State of Texas to provide schools for the children in the district. The City on the other hand had the authority to zone and assign appropriate areas for certain uses. Neither entity could regulate to the exclusion of the other. It was somewhat difficult to find the balance when discussing capping the enrollment at an “appropriate” number.

Councilman Friedberg inquired as to whether that suggested that the City of Bellaire could not regulate to the exclusion of HISD’s uses and were forced to adopt some specific use permit if HISD kept returning to City Council for amendments.

City Attorney Petrov advised that Councilman Friedberg was correct.

Mayor Pro Tem Phil Nauert inquired as to whether the facility would be two-stories for the entire length of the facility.

Ms. English indicated that the building was set back significantly further than a normal residential set back would be for the same street. Understanding that the building had a larger volume, it would be perceived from the street as a bigger structure. From a design perspective, the building was set further back than a normal residence. The eave line of the pitch roof was at approximately 30 feet, which was a legal height for the residences. The curved roof would take the building up to a maximum allowable of 40 feet.

Because the sloped or curved roof was very shallow, the architects did not feel that that the facility would create an imposing look. The entire front along Holly Street was essentially the two-story portion of the building. On the northbound wing that ran along Avenue B, a portion of the wing was two stories, while the remainder was one story. Another major hallway ran through the center of the school and directly at the heart of the school was the library. Directly behind the library was the multi-purpose cafeteria room. Immediately behind that, the existing covered play area had been reconstructed. The fence was such that after hours the covered play area would also be available to the community.

Mayor Pro Tem Nauert referred to the design capacity for the school of 750 students. Considering that the current enrollment was 575, he inquired as to whether HISD had any plans to use the additional capacity as an overflow relief for other schools that were not particularly in the Bellaire area.

Meredith Smith, AIA, HISD Construction Office, 3500 Tampa, Houston, Texas, advised that HISD had an open enrollment, which meant that if there were capacity in a school and parents had transportation, those students could attend a school anywhere within the district.
Mayor Pro Tem Nauert applauded HISD for making every effort to protect and preserve many of the trees on the site. With respect to the trees that necessarily had to be removed, he inquired as to whether that process would be handled in accordance with the City of Bellaire’s tree ordinance.

Ms. Smith advised that the City’s tree ordinance would be followed.

Mayor Pro Tem Nauert noted that the civil engineering firm working on this project for HISD was also very involved in City engineering projects. In the event of a conflict, how would things be resolved? In other words, who was looking out for the City’s interests if the City’s primary engineer was also the school’s civil engineer?

City Attorney Petrov advised that if a conflict were perceived, then he believed that a second engineering firm should be involved. It would be up to the City to determine whether or not there might be a conflict.

Mayor Pro Tem Nauert referred to lighting in the sports fields. He indicated that he did not see a schematic of the standards for light position, direction of lighting, etc.

Director McDonald indicated that the lighting would be tied to the use of the fields. It was a sports park through the Bellaire Little League and the City and was not specific to the use of the school. The City did not ask for any criteria regarding lighting because it was a separate issue to be worked out at a later date.

Mayor Pro Tem Nauert advised that he heard in the presentation that the parking along Holly Street was slashed to favor traffic traveling from east to west. He believed he heard in the presentation that the parking would be deepened and straightened and asked for confirmation of this.

Ms. English pointed to the existing parking and advised that the angle of inclination to the street was fairly sharp and the actual length of each parking space was somewhat shallower. Another slide was shown depicting the proposed parking in which the angle of inclination was a bit straighter.

Mayor Pro Tem Nauert inquired as to whether the spaces would still favor traffic traveling from the east to the west.

Ms. English advised that the depth of the existing parking spaces was not code compliant. In order to be code compliant, 100% of the vehicle would be parked within the space and outside the lane of traffic. The architects felt that it would be prudent to make those parking spaces a little deeper. In doing so, the spaces were straightened a little bit. The number of parking spaces actually increased in that area. Additionally, the architects widened the sidewalk by one foot.
Councilman Corbett Daniel Parker inquired as to the current leases HISD had with non-educational entities (i.e., scouts, Bellaire Little League, etc.).

Ms. Smith advised that HISD had a policy that allowed any group to come and use facilities at cost. The group had to pay fees to have the school opened, etc. HISD understood that in this situation, religious groups would have to follow a separate process or specific use permit. Because HISD understood that, they did not feel that a separate condition outlining that process needed to be included in their specific use permit.

Councilman Parker inquired as to the number of entities leasing the school in reality now. In other words, how many times per week, size of groups, types of groups, etc., were using the facilities?

Ms. Smith stated that any group could come forward at any time and request use of the school facilities. She did not think there were any current leases other than the lease that HISD had continuing to mid-May with the City for the fields.

Councilman Parker inquired as to whether there had been talks with groups regarding anticipated leases of the facilities?

Ms. Smith stated she did not have access to that information, but indicated that the facilities were public and open under those policies.

Councilman Parker inquired as to whether HISD had any comments with respect to the gate restrictions mentioned by residents earlier this evening.

Ms. Smith advised that in order to remain pedestrian-friendly and/or bicycle-friendly, she felt that gates installed along Pine Street were necessary. The location of the gates was certainly negotiable and could be worked out. The suggested locations were based on observing how students were getting to school.

Councilman Parker inquired as to whether HISD had any concerns if the City restricted parking on Pine Street, Holly Street, and Avenue B to the school’s side of those streets.

Ms. Smith did not believe HISD would have concerns. She believed that it would be safer for everyone if parking were restricted to the school’s side of those streets.

Councilman Parker indicated that he had heard a great deal from the Bellaire Little League over the last few months and what HISD did or did not commit to with respect to the reconstruction of the ball fields. He inquired as
to the relationship and what commitment HISD would stick to with respect to rebuilding the fields.

**Ms. Smith** inquired as to whether Councilman Parker was referring to rebuilding or making the land available.

**Councilman Parker** stated that he was interested in actual build-out. He advised that he was told that at some point HISD made a commitment to either fully or at least partially assist in developing the fields in the way in which the fields currently existed. He inquired as to whether that was correct.

**Ms. Smith** advised that she did not attend the meeting in which there was discussion about the ball fields. She knew that currently there was no specific funding set aside for that purpose. She felt that the main contribution HISD could make was to make the land available. HISD would install the fencing to ensure that the fields were secured. Beyond that, there were no current funds set aside for the fields. As far as commitments, she was not sure where that was.

**Councilman Parker** asked that if HISD was unwilling to assist financially, if HISD would have a problem with the City stepping up to rebuild the fields. He felt there needed to be a commitment from HISD either financially or in at least allowing the City to do anything that funds did not allow HISD to do.

**Ms. Smith** noted that as far as a relationship was concerned, HISD had made a commitment to keep the fields open. There was certainly an understanding and a tremendous effort made to make as much land available for that use to continue. There had been a history and good relationship among all parties and Ms. Smith expected that to continue.

Right now, HISD had extended its lease with the City twice so that the Bellaire Little League could use the space as long as possible (i.e., middle of May).

Ms. Smith could not commit for the HISD Board. An agreement would have to be written up, just as had occurred in the past. It was the intent of all the parties to go forward.

**Ms. English** mentioned that while everyone understood that there was a partnership that existed and HISD had been highly supportive of the design team to look at the facility and meet the needs of the district and the City. One of the things not mentioned this evening, was that the green space at the back of the facility was also the physical education grounds for the school. Within the program that the architects received from HISD and for the school, in addition to accommodating Horn Park and the continued use of the park by the City, there was also a reciprocal need that needed to be considered and met with regard to the physical education program, the sports within the
school, and other school uses for the exterior areas. She advised that the partnership continued and the needs of both the school and City were considered during the design process.

Councilman Parker referred to the timeline for the project and asked how important it was that the specific use permit be approved during the month of May 2010.

Ms. Smith advised that if HISD were going to attempt to have a school ready August 2011, HISD believed that the construction period would last for 13 months. After the 13 months, new furniture would have to be in place, floors polished, and everyone settled before school started. The school’s comfort level, in other words, was 13 months (construction, furniture, total move-in). Once HISD received approval from the City, they were ready to start building.

Councilman Parker inquired as to why the current capacity was approximately 11% greater than it should be.

Ms. Smith advised that approximately twenty years ago, the School District Board of Education decided that the best student enrollment for new elementary schools was 750. Everyone would like the enrollment to be lower, such as at 500, but the combination of economics and programs that could be served by a little larger enrollment provided more opportunities for students and the ability to hire more staff. Many of the older schools with 200, 300, and 400 student populations were consolidated.

Councilman Parker inquired as to whether HISD anticipated the additional capacity would be filled by neighborhood students.

Ms. Smith stated that in order for the Principal to maintain her magnet programs, which were programs that brought students from other parts of the city, the Principal had to have a certain number of slots for those. As long as a school wanted to continue to have those very special magnet programs, the school had to have a certain number for that. There would be plenty of other spaces for neighborhood students.

Councilman Parker asked if the number of slots for the magnet programs represented a percentage of the total enrollment.

Sarah Harrington, Principal, Horn Elementary School, advised that currently the number of slots she needed for the magnet programs was a percentage of the total enrollment. The current student population was approximately 80% neighborhood students and 20% magnet students. In order to maintain the magnet funding, the school had to keep a certain number of magnet students involved.

Councilman Parker inquired as to whether Principal Harrington felt that the percentage would remain the same.
Principal Harrington advised that Councilman Parker was correct.

Councilman Parker referred to the traffic study and asked for confirmation that it did not take into account the traffic flow related to the Bellaire Little League activities.

Ms. Peek advised that Councilman Parker was correct.

Councilman Parker asked how important it would be to perform a traffic study to include the traffic flow from such events. He asked if the City would learn anything from such a study.

Ms. Peek indicated that typically the traffic impact studies really focused on the peak periods of the day where there were overlaps of school traffic, people traveling to work, and other activities in those peak hours. The City certainly could do a traffic study for non-school activities, but she did not feel that the City would learn much more than the parking issues already mentioned. She did not believe that it was an intersection capacity issue, but rather a parking problem.

Councilman Parker asked Ms. Peek’s professional opinion as to which of the possible parking resolutions mentioned this evening would she urge City Council to adopt.

Ms. Peek stated that she believed there were pros and cons to each of the suggested resolutions. Depending on the regulations the City had in place for permit parking, Ms. Peek advised that there would probably be a maintenance issue. Certainly from a safety factor, it was better to park on the side of the park rather than parking across the street from the park. Clearly, parking on both sides of the street was not the condition that the City wanted because the City did not have the vehicle capacity. In closing, Ms. Peek felt that there could be numerous combinations of all of the suggestions received this evening, so she could not really give the City Council one specific suggestion.

Councilman Parker referred to utilizing restricted parking on Pine Street, noting that speeding often occurred on the street by those trying to access the West Loop. He asked if there were something City Council could do to help those residents.

Ms. Peek stated that on street parking actually reduced speeds on neighborhood streets as there was some impedance as one traveled down the road. Speed humps or warning signs that flashed a vehicle’s speed limit were also deterrents for speeding.

Councilman Parker inquired as to whether any one method appeared to be better than others in Ms. Peek’s opinion.
Ms. Peek stated that it depended on the situation. With respect to issues with trucks traveling down the road, she suggested that there be truck restrictions on a particular section of Pine Street. Speed humps were not necessarily the solution, but they certainly slowed down traffic. Speed humps were difficult for bicycles to navigate sometimes.

Ms. Peek noted that there were numerous solutions, however, her firm did not look at that specifically.

Councilman Parker stated that there was a concern in a letter submitted by the Bellaire Police Department that the parking lot would be fenced and gated during peak hours. He inquired as to whether Director McDonald could educate him on what those concerns were.

Director McDonald indicated that he believed the concern was that if an emergency or need for the police occurred on the site, the limited access would slow down their response to that emergency or need.

Director McDonald stated that he wished to comment on parking and traffic in general. Once construction was underway, Horn Park would be closed for 20-24 months. There would be a fairly lengthy amount of time for the City to address possible issues with traffic and parking. Three-four years ago the City rerouted and addressed some of the traffic on Avenue B as a way to control and achieve better flow for the area. The City was constantly looking at areas, such as this, and worked with the school and neighbors in making sure that those issues were addressed.

He suggested that the City would not be able to come up with a solution for the parking problems this evening. The new facility would be constructed where the existing fields currently were. At that point, demolition of the existing school would occur, along with site preparation. It could be up to two years before the fields were back in action.

Councilman Parker noted that Councilman Friedberg asked about angled parking earlier this evening. It was stated that the City had a preference against that. He asked if Director McDonald could educate Councilman Parker as to the reasoning against that.

Director McDonald advised that the City was concerned with losing more trees. The fence and sidewalk would have to be pushed back resulting in a loss of additional trees.

Councilman Parker inquired as to whether Bellaire Planning and Zoning Commissioner Donna Rickenbacker were present this evening. After noting that she was, Councilman Parker asked if she could educate him as to why she voted against granting the specific use permit to HISD.
Commissioner Donna Rickenbacker, Bellaire Planning and Zoning Commission, 912 Wildwood Lane, Bellaire, Texas, indicated that the reason that she voted against issuing the specific use permit was not because she was not very much in favor of rebuilding Horn. Her concerns were primarily what had been seen this evening. She was happy that neighbors had shown up and expressed their concerns. She was hopeful that those concerns would be addressed at the City Council level.

At the Bellaire Planning and Zoning Commission level, Commissioner Rickenbacker was hopeful that the Commission could vet the process a little better and have the neighbors available to express the concerns that City Council was hearing this evening. Only one neighbor showed up at the public hearing before the Bellaire Planning and Zoning Commission. She did not know if that was the result of the type of notice that they received or what it was, but that really gave her pause.

With respect to that one neighbor, Commissioner Rickenbacker asked him if he felt like he fully understood the expansion plan and whether his neighbors did as well. His response was, “no.” So, that gave her considerable pause that the Bellaire Planning and Zoning Commission was not really dialoging enough with the neighbors so that they fully understood what was going on.

There were huge problems with parking the area, which City Council knew was a sensitive issue to Commissioner Rickenbacker as she lived next to schools and had similar concerns in her neighborhood. She just did not feel comfortable that at that level, the Bellaire Planning and Zoning Commission had really addressed how some modifications could be made to the plan to accommodate the Little Leaguers during the evening.

The specific use permit process, as everyone was aware, was a final process. The actions and decisions made and the final plans were there forevermore. To her knowledge, there really was not a process to go back and look at the specific use permit to see what was done right or wrong so that corrective changes could be made. She felt that neighbors should have been given a little more time to understand what was going on—such as parking along Holly Street, Avenue B, and Pine Street—before moving the specific use permit to the City Council level.

Commissioner Rickenbacker reiterated that she was 100% in favor of rebuilding Horn Academy.

Councilman James P. Avioli, Sr., noted that he had heard unanimous support for the project to rebuild Horn Elementary School. He also heard much concern about parking from the neighbors. Councilman Avioli referred to Mr. Winter and his team, noting that they heard the concerns expressed this evening. City Council would have to face those concerns and he was certainly sympathetic to the neighbors’ concerns. He asked Mr. Winter if he and his team could look at their project and help mitigate some of the
concerns. He felt that when HISD returned, the team could hopefully have some considerations that would make City Council’s deliberations a little easier to satisfy the neighbors’ concerns. He asked Mr. Winter if he could make that commitment.

Mr. Winter advised that he would make that commitment.

Councilman Will Hickman referred to the existing parking, noting that there were 82 spaces. Proposed parking was 146 and HISD standards were 91 spaces. He inquired as to the difference in the 91 versus 146.

Mr. Winter indicated that the 146 spaces was the requirement of parking as required by the City of Bellaire. The need for parking for an elementary school based on HISD’s template was 91. Essentially, HISD was providing more parking than they needed, but were meeting the requirements of the City.

Councilman Hickman asked for confirmation that HISD would have 146 spaces as required by Bellaire and more than what HISD required.

Mr. Winter indicated that HISD would meet Bellaire’s requirement, but Bellaire’s requirement was for more spaces than HISD needed.

Councilman Hickman referred to the Faith Lutheran Day School, noting that the City separated the parking issue from the specific use permit. He asked if there were any legal issue with doing that with the HISD specific use permit.

City Attorney Petrov indicated that he did not believe the City separated the two. There were parking issues associated with the school. Some of the parking issues brought up this evening had little relationship to the school. Those issues were related to the use of the fields by the Bellaire Little League. If he was not mistaken, that was really a function of the City itself in organizing the use of the fields with the Bellaire Little League.

Councilman Hickman advised that he felt it would make sense to talk about the 146 spaces being available or not available for different times in the specific use permit itself as a condition. Did it make sense to put one-way traffic or restricted parking or parking permits in the specific use permit?

City Attorney Petrov indicated that it did not make sense to include traffic restrictions in the specific use permit because those were not things that the City could enforce vis-à-vis the school. Those were enforcement tools the City had. In that respect, the traffic regulations should be separated.

Councilman Hickman asked for confirmation that City Council should limit itself to the 146 spaces for this process. Someone else suggested a parallel process for addressing traffic surrounding the school.
City Attorney Petrov indicated that he would agree with Councilman Hickman.

Councilman Hickman inquired as to the current parties to the field lease with HISD.

City Attorney Petrov advised that he believed the lease was between HISD and the City of Bellaire, noting it had been awhile since he had seen the lease.

Councilman Hickman inquired as to whether the traffic flow on Pine Street was currently one-way at certain times. He also inquired as to whether the City had any plans for changing that and/or adding new one-way traffic flow on Holly Street.

Director McDonald indicated that he believed that the one-way flow on Pine Street would remain. The idea was to keep the traffic on Holly Street as two-way.

Councilman Hickman asked for confirmation that the traffic flow on Pine Street was west to east.

Director McDonald advised that Councilman Hickman was correct. After turning into the drop-off or pick-up lanes, vehicles could travel in either direction.

Councilman Hickman asked for confirmation that the anticipated timeline was for a school opening of August 2011.

[It was noted that Councilman Hickman was correct with respect to the anticipated timeline.]

Councilman Hickman referred to religious services. He inquired if a club at Bellaire High School wanted to hold a religious service as an after-school activity if that service would be in violation of the school’s specific use permit. In other words, would the club have to come to the City and request a specific use permit to hold their service?

City Attorney Petrov advised that he would have to review the nature of the service to determine what was really involved. The City’s Code stated that churches had to have specific use permits. If someone were utilizing an HISD facility as a church, then that organization would certainly need a specific use permit.

Councilman Hickman asked if City Council took out the prohibition as recommended by the Bellaire Planning and Zoning Commission related to religious services, if could a church could still use Horn Elementary School.
City Attorney Petrov advised that a church could not use Horn Elementary School unless it came forward and specifically requested a specific use permit.

Councilman Hickman asked for confirmation that the condition or prohibition did not really add or take anything away.

City Attorney Petrov advised that Councilman Hickman was correct.

Councilman Hickman referred to the ball fields, gates, and access. He stated that he was more concerned with locking the gates during school activities, such as the physical education classes.

[It was noted that the gates would be locked during school activities.]

Mayor Cindy Siegel advised that she was still not clear with respect to the queuing for drop-off and pick-up of students. She was interested in how the cars would queue in the mornings and afternoons.

Ms. Peek showed a slide depicting the queuing process. She noted that in the mornings vehicles would enter along Pine Street and travel southbound to a stacking area that was 390 feet in one area, with 100 feet of primary drop-off and pick-up areas. The vehicles would then exit to Holly Street and could turn left or right.

Mayor Siegel inquired as to how many cars could stack in the queuing lane.

Ms. Peek indicated that within the 390 feet, 20 vehicles could stack. She noted that there would also be crossing guards helping parents walk their children to school.

Mayor Siegel inquired as to whether the primary effort was to get people to travel by automobile.

Ms. Peek noted that there were many parents that parked their vehicles and walked their children into the school facility. Those parents could use the parking spaces along Holly Street.

Ms. Peek showed another queuing area that was primarily for bus drop-off and pick-up, but could also be used secondarily for parents. The buses were staged such that they arrived 30 minutes before school started. The buses were also gone before parents arrived to pick up students during the afternoon.

Along Avenue B, there was a 100-foot queuing area, which was actually a pull off for after school vans that picked up students.

Mayor Siegel asked for confirmation that cars would really only stack for drop-off and pick-up along Pine Street.
Ms. Peek advised that Mayor Siegel was correct.

Mayor Siegel referred to the 146 spaces and inquired as to whether that requirement was based on a maximum enrollment of 750 students.

Ms. Peek advised that Mayor Siegel was correct.

Mayor Siegel referred to the traffic study analysis and the statement that there was sufficient traffic flow and parking to maintain an A or B rating at the various intersections. She asked what that rating meant.

Ms. Peek stated that the traffic analysis was based on capacity at the intersection. A level of service A through C was considered acceptable. This was based on the amount of delay that vehicles encountered at an intersection. If the level of service was D, E, and F, those were considered poor levels of service. A level of service F was basically gridlock. If an intersection had a level of service of A, B, or C, then there were good operations at the intersections. All of the intersections around the school were operating at A and B levels now and would continue to do so.

Mayor Siegel stated that she was confused by a written comment from a resident on Valerie Street. She inquired as to whether there were plans to open that cul-de-sac.

Ms. Peek advised that there were no plans to open the cul-de-sac at Valerie Street.

Mayor Siegel referred to sidewalks. She asked for confirmation that there were sidewalks on all four sides of the school site.

Ms. Peek stated that there were sidewalks on all four sides.

Mayor Siegel advised that she still did not understand the various parties’ responsibilities. She assumed that HISD was paying for the school, perimeter fencing, playgrounds, and sidewalks. With respect to the actual development of the ball fields, she inquired as to whether the assumption was that the Bellaire Little League was going to develop those ball fields, followed by an agreement that the City would enter into with HISD for the use of the ball fields.

Director McDonald indicated that currently the agreement with HISD was with the City. The new agreement would also be with the City and the City would subcontract out to the Bellaire Little League. The Bellaire Little League would then prepare fields based on the need and with the agreement with HISD.
He did know that originally HISD had hoped to put some money toward the fields based on how budget projections had come out. However, the cost of the school itself did not allow them to put any money toward the fields.

**Mayor Siegel** asked if that would be the time to address items such as lighting to ensure there was no spillover into the neighborhood.

**Director McDonald** advised that as he understood the situation, the Bellaire Little League would look at raising funds for new fields and new lights. Based on the final diagram set up of the fields, then considerations would be given to minimize the impact on the neighboring residences.

**Mayor Siegel** requested that someone from the Bellaire Little League be present on May 3, 2010, to discuss some of the issues brought forward this evening.

**City Attorney Petrov** advised that typically the City would enter into an agreement with HISD where the fields were available for the City’s use and then the City would enter into an agreement with the Bellaire Little League whereby the City would allow the Bellaire Little League to play ball on those fields in return for whatever conditions (i.e., developing the fields as a Little League ball field). Within that agreement, the City would be free to place any kinds of conditions that it might want, such as restrictions on lighting, loud speakers, etc.

**Mayor Siegel** stated that her concern was that this was not a simple agreement between HISD and the City. A third party was involved. She did not want something falling through the cracks and wanted to make sure that the City had appropriate buffers with the neighborhoods.

The City went through a similar situation with Pin Oak Middle School. There was agreement that the trees to the south of the field were to remain. One weekend HISD sent someone out and clear-cut the trees before anyone could stop it. She wanted to ensure that everyone knew what his or her piece of the puzzle was.

Mayor Siegel asked if there were any intent at some point to construct any structures on top of the fields.

**Ms. Smith** advised that she was communicating the attorneys’ concerns about the conditions. Their desire was to have the permit with no conditions. Whether the district needed to do something in the long range, they had an obligation for education. The commitment for leases would be for five-year increments. The lease would not be a permanent lease so that HISD would have the opportunity to do something with that property should something drastically change.
Mayor Siegel inquired as to whether trailers were subject to a specific use permit.

City Attorney Petrov indicated that HISD could not change the footprint that was approved without coming back for a specific use permit.

Councilman Hickman inquired as to when the existing school structure would be demolished.

Ms. Smith stated that if HISD was far enough into the construction process by June of next year and there was absolutely no question that the new facility would be finished in August, HISD could start demolishing earlier. That would be the ideal situation so that demolition would not distract students in their classrooms.

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, at 8:14 p.m. on Monday, April 19, 2010. It was noted that oral comment regarding the application and request by HISD for a specific use permit to construct and operate a replacement school for Paul W. Horn Elementary at 4530 Holly Street in Bellaire, Texas, in the R-3 Zoning District would not be received following the close of the public hearing. Written comments, however, could be submitted to the City Council in care of the City Clerk until noon on Thursday, April 29, 2010, in order to be considered for the record. It was anticipated that final deliberation on this matter would occur on Monday, May 3, 2010, at a Regular Session of the Bellaire City Council.

H. ADJOURNMENT.

MOTION TO ADJOURN:

A motion was made by Mayor Pro Tem Phil Nauert and seconded by Councilman Will Hickman to adjourn the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, at 8:15 p.m. on Monday, April 19, 2010.

VOTE ON MOTION TO ADJOURN:

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
FOR (CONT.): 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