CITY COUNCIL MEETING MINUTES  
MONDAY, MARCH 7, 2011

The City Council of the City of Bellaire, Texas, met in Regular Session on Monday, March 7, 2011, in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, for the following purpose(s):

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

Mayor Siegel called the City Council of the City of Bellaire, Texas, to order at 7:18 p.m. on Monday, March 7, 2011.

Also present were Mayor Pro Tem Phil Nauert, Councilmen Will Hickman, James P. Avioli, Sr., Corbett Daniel Parker, and Andrew Friedberg, Councilwoman Mandy Nathan, City Manager Bernard M. Satterwhite, Jr., City Attorney Alan P. Petrov, and City Clerk Tracy L. Dutton.

B. INSPIRATIONAL READING AND/OR INVOCATION – Mayor Cindy Siegel.

Mayor Siegel provided the inspirational reading for the evening.

C. PLEDGES TO THE FLAGS – Mayor Cindy Siegel.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

Mayor Siegel led the audience and City Council in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

D. PERSONAL/AUDIENCE COMMENTS.

Todd Fowler, 4307 Jonathan Street, Bellaire, Texas, addressed City Council and introduced himself as a Bellaire resident and regional Trane air conditioning performance contracting specialist. He indicated that his focus was primarily with counties and cities in Houston and the surrounding areas. He advised that his firm was often able to evaluate a city’s needs and current operations and make money-saving recommendations.

Lynn McBee, 5314 Evergreen Street, Bellaire, Texas, addressed City Council regarding open meetings and transparency. She thanked Mayor
Siegel for her efforts in ensuring that City meetings were open to the public. While the City had instituted streaming video, the only thing she had been able to see or check was City Council. Recently, she attended the first meeting, in Workshop format, of the Planning and Zoning Commission held “in the back room.” There was no opportunity for anyone not present to be educated or informed when meetings were held “in the back room” with no tape recorder or record of the meeting.

Ms. McBee urged City Council to instruct City Staff to insist that such public interest items be held in the public eye and on the public record.

E. REPORTS:

CITY MANAGER’S REPORT regarding residential safety (police activity report), public infrastructure/utilities (Rebuild Bellaire Program update and Projects update), cultural and recreational (Recreation memberships, Therapy Pool closure for repairs, and Bellaire Town Square Aquatic Center opening), employees (Employee of the Quarter – Bellaire Police Officer Tracie Mathews), and upcoming City Council meetings/events – Presented by City Manager Bernard M. Satterwhite, Jr.

City Manager Satterwhite presented the City Manager’s Report to City Council dated March 7, 2011.

Public Infrastructure/Utilities

It was noted that the Rebuild Bellaire Program, Phase 3, was progressing nicely. Traffic on the 4500 block of Oleander was one-way eastbound. One hundred percent (100%) of the storm sewer was in on that block and 80% of the street construction was completed. Approximately 25% of the curb installation was completed. The driveway installations on the north side of the street were completed, and approximately 70% of the driveway installations on the south side of the street were completed. Sidewalk construction on the north side of the street was 50% completed.

With respect to the 4700-4800 blocks of Holt Street, traffic was also one-way eastbound. Approximately 90% of the storm sewer in both blocks was completed. Sodding on the north side of the blocks was completed and reconstruction of the street and driveways were 33% completed. Storm sewer was scheduled to be constructed at the intersection of Holt Street and South Rice Avenue during spring break.

The Feld Park Water Plant Rehabilitation Project ($1.2 million) had begun, with scheduled completion during August of this year. Dismantlement of the pump station and installation of 12” pipe were currently underway.
The design work for the crosswalk on South Rice Avenue was 90% completed. The City wanted to get the overhead utilities relocated, however, the expense to do so was greater than had been anticipated. City Staff decided to move forward with the project in the meantime and design around the overhead utilities. Bids would be solicited in April or early May for the project. It was hoped that City Council could approve a bid for the project in early June.

City Manager Satterwhite referred to a grant that the City had received from the federal government and administered by the Texas Department of Rural Affairs (TDRA) for backup power at the Wastewater Treatment Plant and Central Water Plant. The design for the project was progressing and should be completed shortly. He hoped to update City Council on the design in the near future. He noted that the generators were diesel and fairly large and onerous. City Staff was trying to determine the best location aesthetically for the generators.

The design work for the Baldwin Avenue Project was approximately 75% completed. City Staff hoped to bid the project in April. City Staff would discuss a bond issuance for the project this evening with City Council. City Manager Satterwhite anticipated that a bid award request could be brought forward to City Council in May or early June.

City Staff had looked at bids for storm debris cleanup as bid by Harris County, the Houston-Galveston Area Council, and the City of Galveston. Harris County received the most favorable bid. City Staff hoped to utilize the Harris County bid and would bring an agreement forward to City Council at the next meeting on March 21, 2011.

An engineering proposal for the FY2011 Sidewalk Repair/Maintenance Project was being prepared and would be brought forward to City Council on March 21st.

It was noted that a date had been set for the City Council Infrastructure Workshop Session. That date was noted to be Monday, March 28th.

**Cultural and Recreational**

City Manager Satterwhite reminded everyone that Recreation and Aquatic Memberships would go on sale April 1st. The Aquatics Membership would entitle members to swim year-round at any of the City’s pools. It was noted that the Therapy Pool at Evergreen Park would be closed around April 1st for repairs (replastering). The Bellaire Town Square Aquatic Center lap lanes and diving well would be open during the time that the Therapy Pool at Evergreen Park was undergoing repairs.
Employees

The Employee of the Quarter for the previous quarter was noted to be Bellaire Police Officer Tracie Mathews. City Manager Satterwhite noted that Officer Mathews was an outstanding police officer and law enforcement professional who went above and beyond the call of duty on a regular basis.

Upcoming City Council Meetings/Events

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Type of Meeting</th>
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</thead>
<tbody>
<tr>
<td>March 21, 2011</td>
<td>5:30 p.m.</td>
<td>Special Session (Interviews for the Evelyn’s Park Conservancy Board)</td>
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<tr>
<td>March 21, 2011</td>
<td>7:00 p.m.</td>
<td>Regular Session</td>
</tr>
<tr>
<td>March 22, 2011</td>
<td>5:30 p.m.</td>
<td>Special Session (Interviews for the Evelyn’s Park Conservancy Board)</td>
</tr>
<tr>
<td>March 28, 2011</td>
<td>6:30 p.m.</td>
<td>Workshop Session (Infrastructure)</td>
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Following questions of City Manager Bernard M. Satterwhite, Jr., by members of City Council regarding the City Manager’s Report, Councilman Parker moved to accept the City Manager’s Report dated March 7, 2011, as presented by City Manager Bernard M. Satterwhite, Jr., into the record. Councilman Hickman seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg and Councilwoman Nathan

OPPOSED: None

ABSENT: None

F. CONSENT AGENDA:

APPROVAL/CORRECTION OF MINUTES:

1. CONSIDERATION of and possible action on the adoption of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, January 3, 2011 – Item submitted by City Clerk Tracy L. Dutton.

2. CONSIDERATION of and possible action on the adoption of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, January 17, 2011 – Item submitted by City Clerk Tracy L. Dutton.

3. CONSIDERATION of and possible action on the adoption of the minutes of the Special Session (Executive Session) of the City
Council of the City of Bellaire, Texas, held on Thursday, February 10, 2011 – Item submitted by City Clerk Tracy L. Dutton.

Councilman Friedberg requested separate consideration of Consent Agenda item F. 1.

Councilwoman Nathan moved to approve the Consent Agenda consisting of the following: 1) adoption of the minutes of the City Council dated January 17, 2011 (Regular Session) and 2) adoption of the minutes of the City Council dated February 10, 2011 (Special Session – Executive Session). Councilman Parker seconded the motion. The motion carried on a 7-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg and Councilwoman Nathan

OPPOSED: None

ABSENT: None

Separate Consideration of Agenda Item F. 1:

CONSIDERATION of and possible action on the adoption of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, January 3, 2011 – Item submitted by City Clerk Tracy L. Dutton.

Councilman Hickman moved to adopt the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, dated Monday, January 3, 2011. Councilman Parker seconded the motion.

Councilman Friedberg moved to amend line 387 on page 9 of 11 of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, dated January 3, 2011, by including the following phrase after the word “further:” “, and specifically the effect of the add alternates included in the proposal.” Councilman Friedberg included another amendment to line 403 on page 9 of 11 to add the following phrase after the dollar amount “$215,000.00:” “, but without taking any action at the present time regarding the add alternates included in the proposal,”. Councilman Parker seconded the amendments to the minutes of the Regular Session of the City Council dated January 3, 2011.
A vote was taken on the amendment to the motion, which carried unanimously on a 7-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg and Councilwoman Nathan

OPPOSED: None

ABSENT: None

A vote was taken on the original motion, as amended, which carried unanimously on a 7-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg and Councilwoman Nathan

OPPOSED: None

ABSENT: None

G. ADOPTION OF ORDINANCES:

Appointments

1. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing Lisa A. Wesely as Presiding Judge of the Municipal Court of the City of Bellaire, Texas, for a two-year term commencing on the 5th day of March, 2011, and expiring on the 4th day of March, 2013 – Item submitted by City Clerk Tracy L. Dutton on behalf of the Bellaire City Council.

Mayor Pro Tem Nauert and Councilman Avioli moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, appointing Lisa A. Wesely as Presiding Judge of the Municipal Court of the City of Bellaire, Texas, for a two-year term commencing on the 5th day of March, 2011, and expiring on the 4th day of March, 2013. Councilwoman Nathan and Councilman Hickman seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg and Councilwoman Nathan

OPPOSED: None
ABSENT: None

{Ordinance was subsequently numbered: 11-014}

2. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing Robert C. Richter, Jr., as Assistant City Attorney for the City of Bellaire, Texas, for a two-year term commencing on the 6th day of March, 2011, and expiring on the 5th day of March, 2013, for the purpose of serving as Prosecutor in the Municipal Court of the City of Bellaire, Texas – Item submitted by City Clerk Tracy L. Dutton on behalf of City Council.

Councilman Hickman moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, appointing Robert C. Richter, Jr., as Assistant City Attorney for the City of Bellaire, Texas, for a two-year term commencing on the 6th day of March, 2011, and expiring on the 5th day of March, 2013, for the purpose of serving as Prosecutor in the Municipal Court of the City of Bellaire, Texas. Councilman Parker seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg and Councilwoman Nathan

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 11-015}

3. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing E. Stanley Topek as Deputy Assistant City Attorney for the City of Bellaire, Texas, for a two-year term commencing on the 7th day of March, 2011, and expiring on the 6th day of March, 2013, for the purpose of serving as Deputy Prosecutor in the Municipal Court of the City of Bellaire, Texas – Item submitted by City Clerk Tracy L. Dutton on behalf of City Council.

Councilwoman Nathan moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, appointing E. Stanley Topek as Deputy Assistant City Attorney for the City of Bellaire, Texas, for a two-year term commencing on the 7th day of March, 2011, and expiring on the 6th day of March, 2013, for the purpose of
serving as Deputy Prosecutor in the Municipal Court of the City of Bellaire, Texas. Councilman Parker seconded the motion.

Discussion ensued regarding the appointment of a Deputy Assistant City Attorney/Deputy Prosecutor and whether or not it might be desirable for City Council to interview Mr. Topek and/or others prior to making the appointment.

Councilman Parker moved to table action on this item to allow City Council an opportunity to interview Mr. Topek and/or others prior to making the appointment of a Deputy Assistant City Attorney/Deputy Prosecutor. The motion failed due to the lack of a second.

A vote was taken on the motion to adopt an ordinance appointing E. Stanley Topek as Deputy Assistant City Attorney/Deputy Prosecutor for the Bellaire Municipal Court for a two-year term, which carried unanimously on a 7-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg and Councilwoman Nathan

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 11-016}

4. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing Rosivel Reyes as Deputy Court Clerk of the Municipal Court of the City of Bellaire, Texas, for a two-year term commencing on the 16th day of February, 2011, and expiring on the 15th day of February, 2013; and providing that any appointments of Deputy Court Clerks of the Municipal Court of the City of Bellaire, Texas, in conflict with this appointment are hereby terminated – Item submitted by City Clerk Tracy L. Dutton on behalf of City Council.

Councilman Parker moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, appointing Rosivel Reyes as Deputy Court Clerk of the Municipal Court of the City of Bellaire, Texas, for a two-year term commencing on the 16th day of February, 2011, and expiring on the 15th day of February, 2013; and providing that any appointments of Deputy Court Clerks of the Municipal Court of the City of Bellaire, Texas, in conflict with this
appointment are hereby terminated. Mayor Pro Tem Nauert seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg and Councilwoman Nathan

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 11-017}

Code Suspension

5. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, temporarily suspending the application of Chapter 27, Streets, Sidewalks and Public Places, Article V, Public Parks, Section 27-95 (a), Curfew Imposed, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of allowing the Patrons for Bellaire Parks to hold a special event called “Tents in Town” in Bellaire Zindler Park, Bellaire Town Square, 7008 South Rice Avenue, Bellaire, Texas, on Saturday, April 2, 2011, said suspension to commence at 11:00 p.m. and to terminate at 5:00 a.m. – Item submitted by Director of Parks & Recreation Jane L. Dembski on behalf of the Patrons for Bellaire Parks.

Mayor Pro Tem Nauert moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, temporarily suspending the application of Chapter 27, Streets, Sidewalks and Public Places, Article V, Public Parks, Section 27-95 (a), Curfew Imposed, of the Code of Ordinances of the City of Bellaire, Texas, for the purpose of allowing the Patrons for Bellaire Parks to hold a special event called “Tents in Town” in Bellaire Zindler Park, Bellaire Town Square, 7008 South Rice Avenue, Bellaire, Texas, on Saturday, April 2, 2011, said suspension to commence at 11:00 p.m. and to terminate at 5:00 a.m. Councilwoman Nathan and Councilman Friedberg seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg and Councilwoman Nathan

OPPOSED: None
ABSENT: None

{Ordinance was subsequently numbered: 11-018}

Code Amendments

6. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending the Code of Ordinances of the City of Bellaire, Texas ("City Code"), Chapter 24, Planning and Zoning, Article VI, Amendatory Procedures, Section 24-611, Required Signs, for the purpose of adding a requirement for a sign to be posted a minimum of fifteen (15) days prior to any public hearing that may be required and to the City Code, Chapter 24, Planning and Zoning, Article VII, Variances, Special Exceptions, Appeals and Nonconformities, Division 2, Special Exceptions, Section 24-716, Authority, for the purpose of clarifying the authority previously granted to the Board of Adjustment of the City of Bellaire, Texas, with regard to special exceptions – Item submitted by City Clerk Tracy L. Dutton on behalf of City Council.

Councilman Parker moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, amending the Code of Ordinances of the City of Bellaire, Texas ("City Code"), Chapter 24, Planning and Zoning, Article VI, Amendatory Procedures, Section 24-611, Required Signs, for the purpose of adding a requirement for a sign to be posted a minimum of fifteen (15) days prior to any public hearing that may be required and to the City Code, Chapter 24, Planning and Zoning, Article VII, Variances, Special Exceptions, Appeals and Nonconformities, Division 2, Special Exceptions, Section 24-716, Authority, for the purpose of clarifying the authority previously granted to the Board of Adjustment of the City of Bellaire, Texas, with regard to special exceptions. Councilman Hickman seconded the motion.

Councilman Friedberg moved to amend the ordinance by duplicating the very last sentence of Section 1 and adding it to the end of Section 2 as well. The sentence to be duplicated read as follows: “The amended Code shall read as set out in Appendix A, attached hereto.” Councilman Parker seconded the amendment. The amendment carried unanimously on a 7-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg and Councilwoman Nathan
OPPOSED: None

ABSENT: None

A vote was taken on the original motion, as amended, which carried unanimously on a 7-0 vote as follows:

FOR: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg and Councilwoman Nathan

OPPOSED: None

ABSENT: None

{Ordinance was subsequently numbered: 11-019}

H. ITEMS FOR INDIVIDUAL CONSIDERATION:

Rebuild Bellaire Program

1. CONSIDERATION of and possible action regarding the acceptance of a Preliminary Official Statement and timetable for the sale of "$6,500,000 City of Bellaire General Obligation Bonds, Series 2011," to be used for issuance costs and paving and drainage improvements under the Rebuild Bellaire Program – Item presented by James F. Gilley, Partner, Coastal Securities; Item submitted by Chief Financial Officer Linda Symank.

SUMMARY:

James F. Gilley, Partner, Coastal Securities, stated that the item before City Council this evening was to consider the adoption of a Preliminary Official Statement for the sale of $6,500,000 of bonds for the Rebuild Bellaire Program.

Mr. Gilley advised that the City had sold approximately $23,000,000 of bonds under the Rebuild Bellaire Program (10-year capital improvement program approved in 2005) in four issues.

The City’s original plan was to sell equal amounts of bonds over ten (10) years to be structured as 25-year bonds. It was noted that the residents were advised that there could possibly be a tax rate increase in debt service of as much as $0.05. The actual rate increase had not occurred primarily for two reasons. One, there had been growth in the tax base, and secondly, the City had subsidized the tax rate through a drawdown of the Debt Service Fund in recent years.
The current issue was consistent with what the citizens had been told in terms of the proposed structure. The issue would amortize serially from 2013 to 2036. The City expected a call option of ten (10) years or shorter. Competitive bids would be received on May 16\textsuperscript{th}, with delivery of the bonds and money in the bank by approximately June 16\textsuperscript{th}.

Mr. Gilley advised that he was proposing only one rating on this issue. The City’s outstanding rates were AAA by Standard & Poor’s and Aa2 by Moody’s. The reason that Mr. Gilley was proposing only the Standard & Poor’s rating was because the split rating would hurt the City’s interest rate in the market.

Mr. Gilley next indicated some of his credit concerns to City Council. He noted that the City had fund balance declines in both the General Fund and Debt Service Fund. The General Fund had declined in the last five years by over 66% as compared to its balance in 2006. The Debt Service Fund balance had declined by approximately 80%. He stated that the declines in fund balance were a potential credit risk and the rating agencies tended to view trends very significantly. If this trend continued, it was possible for the City to lose its AAA rating with Standard & Poor’s.

In closing, Mr. Gilley noted that he recommended that the bonds be bank qualified, which meant that the City would not issue more than $10,000,000 in bonds during the fiscal year.

Following questions of Mr. Gilley by members of City Council, and clarification by Council Members and the City Manager that this item did not call for or constitute approval by Council of the actual issuance of the bonds, Councilman Parker moved to accept a Preliminary Official Statement and timetable for the sale of “$6,500,000 City of Bellaire General Obligation Bonds, Series 2011,” to be used for issuance costs and paving and drainage improvements under the Rebuild Bellaire Program as presented by James F. Gilley, Partner, Coastal Securities. Councilman Friedberg seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

**FOR:** Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg and Councilwoman Nathan

**OPPOSED:** None

**ABSENT:** None
Code Amendment

2. CONSIDERATION of and possible action to direct City Staff to draft changes to the Code of Ordinances of the City Council of the City of Bellaire, Texas, Chapter 24, Planning and Zoning, Article X, Signs, with regard to window signs, wall signs, changeable copy signs, temporary signs, and outfield fence/wind screen signs for presentation to the Planning and Zoning Commission of the City of Bellaire, Texas – Item submitted by Director of Community Development John McDonald on behalf of Councilman Corbett Daniel Parker and Councilwoman Mandy Nathan.

SUMMARY:

Councilman Parker made a few introductory comments regarding the agenda item before City Council this evening. He indicated that the item had come about as a result of hearing from Bellaire institutions and businesses during his campaign for City Council, as well as since he had been serving on City Council. Some of the items also had come from preliminary discussions with City Staff.

In Councilman Parker’s mind, this item was about being responsive to Bellaire businesses and institutions in ways that did not negatively impact residential areas and actually improved the living in Bellaire.

As a reference, Councilman Parker read into the record a letter written by a long-time Bellaire business owner and resident, Michelle Stone, as follows:

Dear City Council of the City of Bellaire:

Our company, Tom Girl Inc., d/b/a Just Her Sports, has a retail location located at 6702 and 6704 Ferris Street. We moved to this location in November of 2009. Prior to this location, we were located 50 feet away at 5310 Bellaire Boulevard for over 8 years. When the lease was signed, we were not aware of the sign ordinance in the City of Bellaire. If we had been aware of the ordinance, we would not have looked in the City of Bellaire for our new lease space. Our lease is up for renewal in two years, and if we don’t renew at our current location, we would definitely not look to renew inside the City of Bellaire if the sign ordinance is not modified.

The sign ordinance is not just anti-business, it is bad business. We need the ability to let consumers know where we are. The existing sign ordinance doesn’t allow that to happen. Last year, we started a sports scrapbooking division. We sell both online and retail. However, since nobody knows we sell scrapbooking products unless they walk
into the store, we have almost no retail business. A simple sign on the window would help. Unfortunately for us, the City we chose to lease space in prohibits this type of sign.

The more retail business we do, the more sales tax we pay, the more employees we can hire, and it goes on and on. I just can’t seem to understand why the City has such an anti-business sign ordinance. I am asking the City of Bellaire to change the existing sign ordinance to a more balanced one that both protects the City and allows businesses to flourish.

Thank you,

Michelle Stone, President of Tom Girl Inc.

Councilman Parker noted that he had talked with other Bellaire business owners that were willing to bring forth similar comments. These business owners felt that the current sign ordinance was providing a disincentive to commercial activities in Bellaire. The City needed to encourage businesses in communicating their presence and commercial activities and to support those institutions in expressing their messages in ways that were non-detrimental to the residential quality of life.

In Councilman Parker’s opinion, strengthening the sign ordinance would appreciate the residential quality of life. The sign ordinance left unchanged would continue to provide a disincentive in choosing to bring and keep businesses in Bellaire, which, of course, also hurt the tax base and the availability of high quality, locally owned businesses for residents to choose from. The ordinance left unchanged was also counter to the City’s Comprehensive Plan.

To better support the idea that many of these changes would not negatively impact the residential areas was the fact that existing violations had taken place in a recurring fashion without any complaints from residents.

Councilman Parker closed his comments by advising that this agenda item was not a recommendation to overhaul the entire sign ordinance or its intent. It was simply a common sense tweaking by looking at the impact of the ordinance over the last four years. The item only requested City Staff to further investigate the issues and to bring forth possible recommended changes to the Planning and Zoning Commission.

Councilwoman Nathan indicated that she believed that some of the signs that were now noncompliant under the Code might not have been intended to be noncompliant or may have resulted in an
inadvertent consequence when the changes to the sign ordinance were crafted. For example, the signs surrounding the Little League outfield fences were illegal. It was not clear to Councilwoman Nathan if that was intended to be the case or if it were an inadvertent consequence. Another example was related to changeable copy signs. Obviously all of the public schools and gasoline stations had them. Those signs were noncompliant as well. The Houston Independent School District was about to construct a new school for Horn Elementary and a new sign would be wanted.

Councilwoman Nathan reiterated that she and Councilman Parker were not interested in going through another complete re-haul of the sign ordinance, but rather to address some of the specific issues that they had heard about or had been brought to their attention.

**Director of Community Development John McDonald** provided some examples of signs that were noncompliant with regard to the specific issues addressed by Councilman Parker and Councilwoman Nathan.

With respect to wall signs, it was noted that only one was allowed. For businesses located on a corner or fronting more than two streets, traffic on one or more of the side streets could not see what type of business was on that corner or particular street front. Several examples were shown to City Council.

Window signs were no longer allowed. For stores, such as Blockbuster, such signs were needed to advertise particular products (i.e., movies available for rent).

Neon signs, such as the ones utilized by Auntie Pasto’s to advertise the name of their restaurant, were not allowed under the current sign ordinance. If the signs needed to be taken down for repair, the signs could not be re-installed.

With respect to changeable copy signs, it was noted that all changeable copy signs currently within the City of Bellaire were nonconforming. The only instance of a changeable copy sign being permitted was a time and temperature sign. However, this type of sign was not included in the “permitted use” table within the sign ordinance. In essence, a time and temperature sign was prohibited as well.

The Texaco service station/convenience store on South Rice Avenue wanted to install a digital electronic sign to advertise their gasoline prices. This was not allowed in Bellaire so they had to retrofit the existing sign. If the digital sign had been allowed, the pole sign could have been removed and replaced with a monument sign.
There was no allowance for temporary signs in the City’s Code with regard to business remodeling or new businesses whose signs had not been received yet. City Staff had worked on an individual basis with business owners in an effort to allow some sort of temporary sign. City Staff wished to see more authority given to them with respect to the allowance for temporary signs in certain situations.

Outfield fence and windscreen signs were nonconforming under the City’s current ordinance. Those currently in existence could not be replaced if removed (i.e., Little League Field, Bellaire High School Field, and Episcopal High School Field).

Following questions of Director of Community Development John McDonald regarding his presentation, Councilwoman Nathan moved to direct City Staff to draw up some potential changes to the ordinance regarding these sign issues and present them to the Planning and Zoning Commission. Councilman Parker seconded the motion.

Following discussion among members of City Council regarding the motion, Councilman Parker amended Councilwoman Nathan’s motion to direct City Staff to draw up some potential changes to the ordinance regarding these sign issues and present them to City Council and the Planning and Zoning Commission in a Joint Public Hearing Session. Councilwoman Nathan seconded the amendment to the motion.

Following further discussion wherein several members of City Council expressed a desire to follow the City’s usual process of holding two separate public hearings, one before the Planning and Zoning Commission and one before the City Council, to ensure that the public had additional time to provide input, a vote was taken on the amendment to the motion, which failed on a 2-5 vote as follows:

FOR: Councilmen Avioli and Parker

OPPOSED: Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman and Friedberg, Councilwoman Nathan

ABSENT: None

After noting no further discussion, Mayor Siegel called for a vote on the original motion, which carried unanimously on a 7-0 vote as
follows:

**FOR:** Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg and Councilwoman Nathan

**OPPOSED:** None

**ABSENT:** None

I. COMMUNITY INTEREST ITEMS FROM THE MAYOR AND CITY COUNCIL.

Mayor Siegel took an opportunity to recognize Councilman Will Hickman for his service to the City of Bellaire. It was noted that Councilman Hickman was attending his last City Council meeting this evening due to a job assignment that would take him outside of Bellaire for a period of months. Other members of City Council offered their congratulations and thanks to Councilman Hickman.

Other congratulations were expressed to Employee of the Quarter Bellaire Police Officer Tracie Mathews.

A reminder was given regarding the Tents in Town event to be held in Bellaire Town Square.

Councilman Hickman thanked his family, City Staff, City Council, and the citizens for allowing him to serve and for their assistance during his terms on City Council. He indicated that he would be back by Christmas.

Mayor Siegel asked Councilman Hickman to come back so that the City could officially thank him for his service.

J. ADJOURNMENT.

Councilman Hickman moved to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:41 p.m. on Monday, March 7, 2011. Councilman Parker seconded the motion. The motion carried unanimously on a 7-0 vote as follows:

**FOR:** Mayor Siegel, Mayor Pro Tem Nauert, Councilmen Hickman, Avioli, Parker, and Friedberg and Councilwoman Nathan

**OPPOSED:** None
City of Bellaire  
City Council  

Minutes of Meeting  
March 7, 2011

ABSENT:  
None

Respectfully submitted,

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

Approved:

___________________________
Cynthia Siegel, Mayor  
City of Bellaire, Texas