CITY COUNCIL MEETING MINUTES
MONDAY, JUNE 18, 2012

The City Council of the City of Bellaire, Texas, met in Special Session (Public Hearing) on Monday, June 18, 2012, 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 – Mayor Philip L. Nauert.

Mayor Philip L. Nauert called the City Council of the City of Bellaire, Texas, to order at 6:17 p.m. on Monday, June 18, 2012.

B. ANNOUNCEMENT OF A QUORUM – Mayor Philip L. Nauert.

Mayor Philip L. Nauert announced that a quorum of the members of City Council were present, consisting of himself, Mayor Pro Tem Amanda B. Nathan, Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, Pat B. McLaughlan and Andrew S. Friedberg. Also present were City Manager Bernard M. Satterwhite, Jr., Assistant City Attorney Elliot Barner, Director of Community Development John McDonald, and City Clerk Tracy L. Dutton.

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

City Clerk Tracy L. Dutton read the “Notice of Public Hearing” into the record and advised that it had been published in the legal notices section of the Southwest News on Tuesday, May 29, 2012, by Community Development Department Administrative Secretary Ashley Kornegay.

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

City Manager Bernard M. Satterwhite, Jr., summarized the public hearing procedure for the evening.

E. PRESENTATION regarding proposed revisions to the Code of Ordinances of the City of Bellaire, Texas, Chapter 23.5, Land Subdivision Regulations, Article I, In General, and Article II, Platting Procedures, said proposed revisions of which include amended definitions, clarification of the amending, preliminary, and final platting processes, and delegation of authority for reviewing certain amending plats to City Staff – Item submitted and presented by Director of Community Development John McDonald.

Director of Community Development John McDonald advised that the subject of the public hearing this evening related to proposed amendments to
Chapter 23.5, Land Subdivision Regulations, Article I, In General, and Article II, Platting Procedures, of the Code of Ordinances of the City of Bellaire, Texas ("Code"), as recommended by the Planning and Zoning Commission of the City of Bellaire, Texas ("Commission").

Director McDonald indicated that the Commission originally began reviewing Chapter 23.5 in late 2008 and into 2009, but set it aside as the Comprehensive Plan took precedence. The Commission expressed concern about the processing of plats, as well as the language required on the face of plats, and wanted to generally make Chapter 23.5 more user-friendly. With the Commission focusing primarily on amending plats and re-plats, there was a desire to emphasize those types of plats in Chapter 23.5.

Director McDonald continued and noted that the proposed amendments included a focus on the definitions in Article I, In General, of Chapter 23.5. The current Code referenced definitions in Chapter 24, Planning and Zoning, but did not include any definitions that were specific to subdivision regulations. The Commission felt that including definitions for different types of plats and word "plat" itself would make Chapter 23.5 more understandable and enforceable.

Surveying requirements were included under Article II, Platting Procedures, in the current Code, but were not specific to a type of plat. These requirements were moved to Article I, In General, to more clearly designate the requirements as applicable to all plats submitted.

The biggest proposed change would be to Section 23.5-9, Delegation of Authority. If approved, the change would allow City Staff to approve certain types of amending plats. The typical plat that the Commission saw on a regular basis was an amending plat to remove a lot line and clarify the lot for redevelopment and a new home.

In Article II, Platting Procedures, in Chapter 23.5, sections were included to address preliminary, final, and amending plats independently. Amending plats were lumped in with plats in the current Code.

Additionally, a new completeness determination section was added to Article II, Platting Procedures, in Chapter 23.5 (Section 23.5-12). Director McDonald advised that the Texas Local Government Code set a 30-day window from the date an application was deemed complete in which the application must be acted upon. If that window were exceeded without action, the application would be deemed automatically approved. To clarify the beginning of the 30-day timeline, the completeness determination section would allow City Staff up to ten business days to review the plat submittal to ensure that all required documents were included. Following review, a notice would be sent to the applicant that the 30-day approval timeline had begun as of the date of the notice.
Another change to Article II, Platting Procedures, in Chapter 23.5 (Section 23.5-14), would allow for the Commission to adopt a filing schedule for plat submittals. The current Code set a minimum submittal date of 15 days prior to a Commission meeting. The filing schedule would allow the Commission to set dates on which zoning and subdivision submittals were desired.

A final change would involve the removal of specific dedicatory language and acknowledgements included in Article II, Platting Procedures, in Chapter 23.5 (Section 23.5-24), and for the inclusion of such language and acknowledgements in a Development Handbook, which the Commission would approve and have available in hard copy and electronically on the City’s website.

F. RECOGNITION OF CITIZENS AND/OR OTHER INTERESTED PARTIES – Philip L. Nauert.

Mayor Philip L. Nauert recognized the following citizens and/or other interested parties.

Lynn McBea, 5314 Evergreen Street, Bellaire, Texas, addressed City Council and noted that she had never seen a board or commission work more intensely than the Planning and Zoning Commission of the City of Bellaire, Texas (“Commission”), in trying to deal with the intricacies of the procedures while still conforming to the requirements of the Texas Local Government Code.

Ms. McBea asked that the record reflect the outstanding job that the Commission had performed with respect to Chapter 23.5. She totally supported the form of amendments recommended to City Council and suggested that as soon as the amendments were approved, City Staff should immediately make copies, bind them, and have them available for new appointees to the Commission.

G. QUESTIONS FROM MAYOR AND MEMBERS OF CITY COUNCIL – Mayor Philip L. Nauert.

Mayor Philip L. Nauert recognized members of City Council with questions of the Community Development Department regarding the proposed amendments to Chapter 23.5, Land Subdivision Regulations, of the Code of Ordinances of the City of Bellaire, Texas.

Questions included, but were not limited to, whether or not other cities delegated the authority for amending plats to staff [Answer: Yes]; whether or not the Commission had denied any amended plats [Answer: Not during Director McDonald’s tenure]; and whether the staff was considered the final arbiter [Answer: No—the Commission was the final arbiter].

Concerns were expressed that the number of reviewers for amended plats would be reduced from eight to two if authority were delegated to City Staff. City Staff responded that the review process would be conducted initially by the Planning and Zoning Administrative Secretary, followed by the Director of Community
Development. The final review would be conducted by the Assistant City Attorney.

H. CLOSE OF THE PUBLIC HEARING – Mayor Philip L. Nauert.

Prior to closing the public hearing, Mayor Philip L. Nauert advised that further public comment would not be received by the City Council following the close of the public hearing. Written comments could be submitted to the City Council in care of the City Clerk until noon on the Thursday preceding the meeting of final deliberation on the proposed amendments to Chapter 23.5, Land Subdivision Regulations, of the Code of Ordinances of the City of Bellaire, Texas. It was anticipated that final deliberation would occur on Monday, July 2, 2012. Written comments should, therefore, be submitted by noon on Thursday, June 28, 2012.

The public hearing was closed at 6:40 p.m. on Monday, June 18, 2012.

I. ADJOURNMENT.

CITY COUNCIL MAIN MOTION/ACTION:

Councilman James P. Avioli, Sr., moved to adjourn the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, at 6:40 p.m. on Monday, June 18, 2012. Councilman Roman F. Reed seconded the motion.

The main motion carried unanimously on a 7-0 vote as follows:

FOR: Mayor Philip L. Nauert, Mayor Pro Tem Amanda B. Nathan, and Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, Pat B. McLaughlan, and Andrew S. Friedberg

OPPOSED: None

ABSENT: None

Respectfully submitted,

[Signature]
Tracy L. Øutton, TRMC
City Clerk
City of Bellaire, Texas
City of Bellaire
City Council

Minutes of Meeting
June 18, 2012

Approved:

[Signature]

Philip L. Nagel, Mayor
City of Bellaire, Texas