CITY COUNCIL MEETING MINUTES
MONDAY, FEBRUARY 11, 2013

The City Council of the City of Bellaire, Texas, met in Special Session (Public Hearing) on Monday, February 11, 2013, 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 7:21 p.m. on Monday, February 11, 2013.

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

Mayor Philip L. Nauert announced that a quorum was present consisting of himself and all members of City Council as follows: Mayor Pro Tem Amanda B. Nathan, Councilmen Roman F. Reed, James P. Avioli, Sr., Corbett Daniel Parker, Pat B. McLaughlin, 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. 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 and advised that notices were prepared and mailed on January 24, 2013, to individual property owners of record whose property was located within 200 feet of the site of the requested specific use permit by Ashley Parcus, Planning and Zoning Secretary, on behalf of City Council.

Secretary Parcus also published the “Notice of Public Hearing” in the Daily Court Review on January 25, 2013.

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

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

E. PRESENTATION regarding an application filed by Veritas Christian Academy of Houston, as applicant, in accordance with Chapter 24, Planning and Zoning, Article VI, Amendatory Procedures, Section 24-
605, Specific Use Amendment, of the Code of Ordinances of the City of Bellaire, Texas, for a Specific Use Permit to allow for the addition of two temporary classroom buildings on property addressed as 7000 Ferris Street, Bellaire, Texas 77401, in the zoning district known as the R-4 Residential Zoning District – Item submitted by Director of Community Development John McDonald; Presentation by representative(s) of Veritas Christian Academy of Houston.

Don Grieb, 2050 McClendon Street, Houston, Texas, addressed City Council on behalf of Veritas Christian Academy of Houston (“Veritas”).

Mr. Grieb indicated that Veritas had a need for two additional classroom buildings. It was noted that Veritas had a long-term lease at Bellaire Central Baptist Church. Over the ten years that Veritas had been incorporated, the student population had risen to 175 (i.e., a very small school). The student population had grown steadily at a rate of six students per year on average. While the growth was not explosive, it was steady. The school had recently opened a new three-year old program and had already reached their full capacity. In summary, the school was limited by the facilities at the church.

Mr. Grieb provided a few facts about Veritas. He noted that Veritas was one of two private elementary schools in Bellaire. It offered a classical Christian education, had dual accreditation, and was award-winning in math, science, music, and art. The school had reached out to the community in several ways by singing at local Bellaire businesses during the holidays, performing at the City’s Fourth of July parade, utilizing the Bellaire Library, and two students had served as the City’s “Mayor for the Day.” In addition, the school was a member of the Bellaire Business Alliance.

One-half of the families at Veritas lived in Bellaire. The school offered high school classes in middle school, so students were well prepared to move on into high school.

Mr. Grieb provided a site plan for Veritas and Bellaire Central Baptist Church and pointed out the main sanctuary, classroom buildings, gymnasium, playground, and a green area used for football practice. The main egress point for the church was off of Ferris Street (in and out with an island in the middle). There was also access through Otto Street and Mapleridge Street. The access onto Mapleridge Street was noted to be a recent access point.

The two buildings Veritas wished to add were modular buildings and would be located behind the gymnasium (between the gymnasium and playground). Mr. Grieb advised that the buildings would not be visible from the street.

Reference was made to a public hearing held on this matter before the Planning and Zoning Commission of the City of Bellaire, Texas (“PZC”), and a question was raised as to whether parking would be affected by the addition of the classroom buildings. Mr. Grieb indicated that Veritas had looked at the
City’s parking calculations for classroom use. According to that calculation, one parking space was needed for each classroom. With the addition of the two temporary buildings, there would be 24 classrooms. The church required one space for every three seats. There were 370 seats in the church; therefore, 123 parking spaces were required for the church. The total number of parking spaces on site was noted to be 129. Two of those parking spaces would be displaced by the addition of the classroom buildings. Even with the loss of two spaces, Mr. Grieb noted that there was plenty of parking.

Reference was made to two main issues that had come up during a PZC meeting in August of 2012. One issue, which was cited by neighbors mainly residing on Ferris Street, was traffic in the morning and evening. A second issue was whether Bellaire Central Baptist Church needed to consent to the building improvements. Someone from the church stood up during the PZC meeting and objected to the addition of the classroom buildings, which created some confusion.

Mr. Grieb indicated that Veritas believed that the issues had been addressed. For example, the initial circulation for drop off and pick up was primarily off of Ferris Street. The objection from neighbors was the amount of traffic that was put onto Ferris. The school was very small, with only 175 students. The church’s capacity, in comparison, was noted to be 300. Veritas conducted an informal traffic study for the purpose of tracking the number of cars over a period of days. The study revealed that there were 246 cars, which created approximately 400 trips (one in and one out).

It was noted further that Veritas sent out flyers and invited neighbors to the school for an open house to discuss solutions and ways the school could address the traffic issue. Veritas received emails and comments. One of the requests was to open a gate on Mapleridge Street and allow the traffic to flow in and out. Due to safety issues (proximity of gate to a playground), the gate was opened for traffic in the morning, but not the afternoon. This cut the traffic on Ferris Street in half. In the afternoon, the school had opened up and forced the traffic to exit onto Otto Street.

With respect to obtaining the consent of Bellaire Central Baptist Church for the addition of two classroom buildings for use by Veritas, a letter with obtained from the church (on church letterhead) consenting to the additions.

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

Kathi Beasley, 6908 Ferris Street, Bellaire, Texas, advised that she was one of the school’s neighbors that had experienced the growth in traffic over the years she had lived in her home (i.e., since 2006). She indicated further that the growth in traffic had become a little more of a problem than she had ever anticipated.
Ms. Beasley indicated that she and her husband decided to see how many cars were traversing on Ferris Street. To do so, they set up a camera and recorded the traffic. The recording had been time-lapsed in order to give City Council an idea as to how many cars were traveling on Ferris Street—not just the Veritas traffic, but other traffic using Ferris Street as a cut-through.

She indicated that approximately 265 cars were captured on the recording within one to one and one-half hours. There were no curbs on Ferris Street, so residents felt a little at risk when they went out to walk or take their garbage to the curb.

Ms. Beasley indicated further that when she and her husband had canvassed neighbors, and everyone wanted to find some way that the school could prosper and that the neighbors could have a good lifestyle as well.

It was suggested that rather than trying to manage the traffic flows on Ferris Street, an ideal solution would be for the school consider ingress and egress from Mapleridge Street, a commercial street. Ms. Beasley closed and reiterated that the neighbors were not against the school, they merely wanted to find a way to, perhaps, decrease the traffic.

Charles Beasley, 6908 Ferris Street, Bellaire, Texas, addressed City Council and indicated that he had a presentation to provide to City Council and thanked them for providing an opportunity to residents to share their position on the Veritas request.

Mr. Beasley advised that he had attended and spoke at two meetings of the Planning and Zoning Commission of the City of Bellaire, Texas ("PZC"), last year—one in July and one in August—concerning the matter before City Council this evening. At that time, he circulated a position statement to his neighbors asking them to deny the request. He received 19 signatures from neighbors requesting denial.

Next, Mr. Beasley provided a map of the area depicting homes on Ferris Street and Otto Street located near Veritas. He pointed out the church property, and the property under lease by Veritas. He advised that in the gate area on Mapleridge Street, there were two open gates. He understood that the school could open one of the gates to create an exit. If the two gates were connected, Veritas could create an ingress and egress to the school off of Mapleridge Street.

Mr. Beasley indicated further that there were 17 homes on Ferris Street. The 17 homes had 16 driveways between the 6900 and 7000 blocks of Ferris Street. The property taxes paid to the City of Bellaire by the residents on Ferris Street totaled over $31,000 annually. With respect to Otto Street, there were eight property owners in the 4000 block. The property taxes paid to the City of Bellaire by the residents on Otto Street totaled over $10,000 annually. There were 8 driveways in the 4000 block of Otto Street.
Mr. Beasley advised that he compared the number of homes that Veritas and Bellaire Central Baptist Church had around their site (i.e., 25) to the number of homes around Condit Elementary School's site (i.e., 8). Mr. Beasley continued by providing copies of the petition he referenced to City Council. After seeing the notice for the City Council meeting, stated that he had recirculated his petition again. He showed the homes that he was able to contact on a map—13 property owners. He was unable to contact 4 property owners because one was in the hospital and three were not home. Everyone contacted was not in favor of Veritas’ request to add two new classroom buildings.

{Mr. Beasley’s allotted speaker time ended at this point in the meeting}

Sarah Reynolds, 403 Otto Street, Bellaire, Texas, addressed City Council and indicated that she wished to provide a specific example as to how the re-routing of traffic onto Otto Street by Veritas had affected her personally.

Ms. Reynolds advised that she had a four-year old son who rode a special needs school bus with the Houston Independent School District (HISD) that picked up and dropped off at the same time that all of Veritas’ traffic was going through Otto Street. The bus stop for her son was moved to other side of Jessamine Street and Otto Street, because the traffic from Veritas had created a safety hazard at that intersection. People leaving Veritas were running the stop sign at the end of Otto Street and disregarding the HISD bus despite its red flashing lights and stop sign.

She urged City Council to consider the example she had provided. Ms. Reynolds indicated that she had no problem with the school, but felt that there could be a better way for everyone to coexist in the neighborhood.

Mary Marx, 7012 Ferris Street, Bellaire, Texas, addressed City Council in response to the referenced traffic congestion and advised that she often had sit in her driveway for a minute or two waiting for traffic to pass by before she could back out onto Ferris Street.

Ken Marx, 7012 Ferris Street, Bellaire, Texas, addressed City Council and indicated that he felt increasing the number of classrooms at Veritas would contribute even more to the amount of traffic already using Ferris Street as a cut-through. He asked how residents could be assured that Veritas would open their gates on Mapleridge Street for egress and ingress, and noted that gate was currently shut.

If this request was approved, Mr. Marx stated that he would like City Council to be able to tell Veritas that they needed to open and keep open the gates at Mapleridge Street.

Mr. Marx next referred to the fact that Ferris Street ended at Bissonnet Street very close to the Bellaire Boulevard-Bissonnet Street interchange. Ferris
Street, at that point, was approximately four lanes wide. Mr. Marx suggested that the lanes be marked to show a left turn arrow and a right turn arrow, which he believed would help greatly with the traffic flows in the area.

Jeff Yorio, 5224 Linden Street, Bellaire, Texas, addressed City Council and noted that his street was also affected by the traffic on Ferris Street. He indicated that there were too many cars on the street traveling at a fast rate of speed in the mornings and afternoons.

Mr. Yorio urged City Council to consider installing speed bumps on Linden Street and Ferris Street if the request by Veritas was approved.

Grace Joseph, 6910 Ferris Street, Bellaire, Texas, addressed City Council and advised that she, too, had observed heavy traffic in the mornings and afternoons. She had also observed cars traveling very quickly down the street. Ms. Joseph indicated that her major concern was with the drivers who were not obeying the speed limit. The addition of classrooms at Veritas would likely result in increased traffic on Ferris Street, which would not be desirable.

Daniel Droog, 5317 Jessamine Street, Bellaire, Texas, addressed City Council and indicated that he lived directly across from Veritas, that his children attended Veritas, and that he was on the Board of Veritas. He had been involved in the entire process leading up to this point.

Mr. Droog indicated that he wished to address three things—the facts, the requirements of the permit, and what was fair. The facts were that the traffic in the area was exactly as the neighbors had indicated; however, Veritas had done its part to limit its traffic impact on the neighborhood. Veritas had implemented every suggestion that had been given to them. They had opened Mapleridge Street in the morning. They had not opened Mapleridge Street in the afternoon because of the safety of the students.

Additionally, Veritas hired a police officer to direct traffic for two weeks. At the end of the two weeks, the police officer indicated that he had nothing to do and his presence was not useful. Mr. Droog agreed with everything the neighbors had said. Traffic on the street was too fast. He agreed with the installation of speed bumps, as well as a right turn only at Jessamine Street and back on Mapleridge Street. The school would be interested in a more permanent long-term solution on Mapleridge Street. There were some problems with the street, as it was not maintained by either Bellaire or Houston.

The City of Houston installed school zone signs for the school on Mapleridge Street. The same request had been made of Bellaire; however, Bellaire had not done so. Mr. Droog indicated further that he, too, would like sidewalks.

The fact was that there were more Condit Elementary School ("Condit") cars in the neighborhood than there were Veritas cars. He had to wait in his
driveway for Condit cars, but that was part of living in a city with great schools.

Mr. Droog did not think it was fair or accurate to compare the homes around Veritas with those around Condit. The Condit impact was much greater than that if you were in the drop off areas by the homes surrounding Condit. Mr. Droog advised further that Veritas, in response to this process, had tried to be a great neighbor and tried to limit the traffic impact.

Mr. Droog referred next to the City's requirements to obtain a specific use permit. The traffic issues cited this evening were long-term issues that needed to be dealt with by the City in conjunction with the entire neighborhood. He was in agreement with many of the suggestions, such as turn lanes on Ferris Street; however, those lanes had nothing to do with the school. The school met the requirements and had been responsive to the neighborhood.

The last issue was basic fairness. In that situation, Mr. Droog advised that the permit should be granted. Everyone should be expected to understand that they lived in a community and should work together. If the permit could not be granted, then Mr. Droog advised that the question would be whether it was possible to exist in Bellaire. Fifty percent of the school's population lived in Bellaire—the other 50% were people that either worked in Bellaire or nearby in the Medical Center. The school served a very specific need.

In closing, Mr. Droog stated that he did not believe that Veritas' traffic had as large an impact on the neighborhood as the other busy commercial streets of Bellaire Boulevard and Bissonnet Street. Traffic flow and speed bumps needed to be addressed by the City. He thanked City Council for their time and willingness to hear everyone this evening.

**Mayor Nauert** read one written comment received by the City Clerk for City Council into the record as follows:

*Ms. Dutton,*

*Please forward this message to the Bellaire City Council for the hearing on the request for permit from Veritas Christian Academy of Houston.*

*I am sending my comments via email because I am working on Monday evening, February 11, 2013. First, I wish to express my gratitude to Bellaire Central Baptist Church for opening their doors to a fallen Bellaire Sergeant J. Norman. Their hospitality was overwhelming.*

*Second, I wish to share my concerns regarding the planned expansion of Veritas Christian Academy of Houston. It is my understanding that the school wishes to add two temporary buildings. I live on Otto Street and although the street is not a thoroughfare, I observe heavy traffic to and from the school in*
the morning and afternoon. The drivers accelerate in and out of the parking lot with no regard for the safety of residents on Otto Street. I fear additional buildings, students, parents, and vehicular traffic will create an even more hazardous situation for the residents on Otto Street.

This was a quiet neighborhood of single-family homes until Veritas Christian Academy of Houston opened their school. The neighborhood streets are not designed to accommodate a growing academic business. Moreover, the school attracts students throughout the Houston region; it is not a community-based school. If Veritas Christian Academy of Houston wishes to grow, then they should relocate to an appropriate commercial site on a street that can accommodate the volume of traffic. The presence of the school impacts property values as well and makes the neighborhood a less desirable location. I humbly request the Commission [sic] to deny the expansion again.

Sincerely,

Joe Scanlon
401 Otto Street
Bellaire, Texas

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

Questions from the Mayor and City Council, as well as responses from the applicant and/or City Staff, have been summarized herein.

Legend: Q – Question; and R – Response.

Q: A question was raised as to when Veritas Christian Academy of Houston originally located at 7000 Ferris Street. (Councilman Parker)

R: It was noted that the school began operating at the 7000 Ferris Street site in 2004. (Director McDonald)

Q: Reference was made to the use of the property prior to 2004 and a question rose as to whether that use was the same (i.e., a private school). (Councilman Parker)

R: It was noted that there was a church on the site operating a school, which was classified as a “day care.” (Director McDonald)

Q: A question was raised as to whether the City had a process for traffic devices and speed humps. (Councilman Parker)

R: City Council was advised that the City had an application process through its Public Works Department whereby a neighborhood could apply for traffic calming devices. (Director McDonald)
Q: An inquiry was made as to whether there was a process which neighbors could follow if they felt there were too many violations of traffic laws. (Councilman Parker)

R: It was assumed that neighbors could telephone the Bellaire Police Department to report traffic violations. (Director McDonald)

Q: The applicant’s representative, Mr. Grieb, was asked if he would like to respond to the residents holding Veritas responsible for neighborhood traffic issues and public safety violations and whether or not this was the proper place for those to be addressed. (Councilman Parker)

R: The traffic and public safety issues cited by residents were, in Veritas’ opinion, a separate issue, but an important issue. The school had asked the City to install school zone signs. The request had not been acted on. (Mr. Grieb)

Q: A question was raised as to whether there was anything that Veritas had refused to do that was requested by the neighborhood. (Councilman Parker)

R: It was noted that Veritas was asked by the neighbors to open up Mapleridge Street for both ingress and egress. To do so would take major capital improvements of streets, etc. Mapleridge Street was opened in the mornings resulting in a reduction of the traffic on Ferris Street by one-half. That traffic was distributed onto other streets. (Mr. Grieb)

Q: A question was raised as to whether the property owner was in support of Veritas’ request for a permit. (Councilman Parker)

R: It was noted that the owner was in support of the permit. (Mr. Grieb)

Q: A statement was made that Veritas might not have sought or obtained a specific use permit to operate a school at its present location. City Staff was asked to confirm that statement. (Mayor Pro Tem Nathan)

R: City Council was advised that the City’s records did not show that a specific use permit had been issued for the school. (Director McDonald).

Q: A question was raised of Veritas as to whether they were aware if a permit was initially approved for their operations. (Mayor Pro Tem Nathan)

R: It was stated that the Board had looked into the issue and could only assume that things may have been handled differently by Community Development at that time. It was believed that the view might have been that a specific use permit was not needed as there was a prior existing school and church on the property. Veritas had asked the City the same question
and was instructed to go forward with a permit for the two modular classroom buildings (Mr. Droog).

Q: A question was raised as to whether City Council could impose conditions on the continued existence of the school in terms of parking and traffic, etc., and, if not, whether it was necessary for the school to come in and seek a permit for the operation of the school (Mayor Pro Tem Nathan)

R: It was the City Attorney’s position that the City could condition the permit. City Council was cautioned as to how traffic flow issues should be addressed since there was a separate City mechanism to ensure how the City’s traffic flowed. (Assistant City Attorney Barner)

Q: A question was raised as to whether the City would need a separate process to place conditions on Veritas if the permit they were currently seeking was denied. (Mayor Pro Tem Nathan)

R: It was stated that a separate process would be required in that instance. (Assistant City Attorney Barner)

Q: With respect to school size, it was noted that Veritas had obviously grown over time and the addition of four classrooms could ultimately add another 40 students to the school’s population. A question was raised as to whether Veritas had any expectation that their growth would continue at a rate of 5-6% per year. Additionally, Veritas was asked if they had some goal or limit with respect to total school population. (Mayor Pro Tem Nathan)

R: The additional classroom buildings would not initially be filled to capacity. Veritas anticipated that their annual growth rate would be consistent with their historical growth--approximately six to ten students per year. Veritas’ long-term plan for the facility was not to cause problems for the neighborhood or city with respect to growth. There were currently 176 students. The school provided a classical education program and classes needed to be very small. The school needed some flexibility to grow in a way that did not impact the neighborhood negatively. (Mr. Droog)

Q: A question was raised as to whether a ceiling had been established for growth, such as a “not to exceed” number of students. (Mayor Pro Tem Nathan)

R: The school had not been able to have such a discussion yet as they could not grow without the additional temporary classrooms. (Mr. Droog)

Q: A question was raised as to the number of classrooms per age group. (Mayor Pro Tem Nathan)

R: Generally speaking, Veritas had one classroom per grade, with one middle school grade level that had two classes this year. (Mr. Droog)
Q: With respect to Veritas’ future plans, a question was raised as to the reason for temporary buildings. For example, would Veritas end up building a more permanent structure on the site? (Mayor Pro Tem Nathan)

R: The modular buildings were not a long-term plan for the facility. The only way for Veritas to be able to get to a long-term permanent capital improvement was to have the flexibility to be able to grow. Once the enrollment was sustained at a certain level, a capital improvement would likely be made at that time. (Mr. Droog)

Q: A question was raised as to the lease term in Veritas’ agreement with Bellaire Central Baptist Church. (Mayor Pro Tem Nathan)

R: City Council was advised that Veritas’ lease would run through 2015, with a renewal through 2025. (Mr. Droog)

Q: A question was raised as to whether the church could ask Veritas to leave in 2015. (Mayor Pro Tem Nathan)

R: It was noted that the church could not ask Veritas to leave in 2015. (Mr. Droog)

Q: A question was raised as to whether Veritas anticipated being able to stay in their current location longer than 2025. (Mayor Pro Tem Nathan)

R: It had been stated that the school would prefer to be in a more permanent situation—either through ownership or a longer term lease. After surveying the families with children at Veritas, it was noted that the families did not want the school to move from its current location. The school would have a significant issue if a permit were not obtained for the temporary buildings. (Mr. Droog)

Q: Reference was made to a possible transfer of the church, itself, to Houston Baptist University (HBU). Although HBU could sell its property to Veritas, it was also possible that they could sell the property to someone else. A question was raised as to what level of certainty the City might have with respect to how “temporary” the modular buildings were. (Mayor Pro Tem Nathan)

R: It was noted that Veritas did not represent the church or HBU, but had worked really hard with them over the last year. Veritas’ understanding was the same as that expressed by Mayor Pro Tem Nathan—that the church was transferring its ownership to HBU. HBU had told Veritas that they would like to work with them on a number of things, including some academic things. Veritas felt there was great certainty in the near term and through 2025 and hopefully beyond that by partnering with HBU. In the long-term there could be some opportunity for permanent growth. (Mr. Droog)
Q: A question was raised as to whether Veritas was in compliance with the City’s parking regulations. (Mayor Pro Tem Nathan)

R: It was noted that Veritas was in compliance. The church and Veritas were looked at as separate entities since they did not operate at the same time. (Director McDonald)

Q: With respect to traffic, a question was raised as to whether the school would continue to utilize temporary gates with Ferris Street serving as ingress only. (Mayor Pro Tem Nathan)

R: The school was committed to making the traffic flow referred to by Mayor Pro Tem Nathan work. (Mr. Droog)

Q: A question was raised as to whether parents had to turn right on Mapleridge Street in the mornings toward Bissonnet Street. (Mayor Pro Tem Nathan)

R: It was noted that there was no sign on the property requiring parents to turn right onto Mapleridge Street. (Mr. Droog)

Q: A question was raised as to whether Veritas would consider asking their parents to turn right onto Mapleridge Street. (Mayor Pro Tem Nathan)

R: It was noted that the school would be happy to ask their parents to do so and, to the extent they were allowed to, the school could install a sign directing traffic to turn right. (Mr. Droog)

Q: Reference was made to traffic exiting the school on Otto Street in the afternoon. A question was raised as to why the school could not arrange to have traffic exit the school onto Mapleridge Street in the afternoons. It was suggested that a cyclone fence could be erected so that cars could safely exit. (Mayor Pro Tem Nathan)

R: City Council was advised that the bigger issue from the Board’s and the school’s perspective was the fact that students crossed that exit in the afternoon because they were going to practices held on the field. Taking everyone’s concerns into account, as well as the safety of the students, not having the Mapleridge Street exit open in the afternoons was a reasonable compromise. Additionally, afternoon pickups took a longer amount of time due to various after-school activities (one and one-half hours as opposed to 20 minutes for morning drop off). (Mr. Droog)

Q: Reference was made to what had occurred with this issue when it was before the PZC. It was noted that the PZC had an initial public hearing, after which the request was deferred and reconsidered in August. At that time, the PZC voted unanimously against the request and noted that they were still
lacking some requested information. Confirmation was requested regarding that understanding. (Councilman Friedberg)

R: It was stated that the PZC had two main concerns, both of which were brought up this evening. One concern related to the impact of the school on the neighborhood with respect to traffic flow. The school did not come back with the Mapleridge Street option. The second concern related to the fact that members of the church board spoke against the school’s growth and use of the location. Based on the combination of the two concerns, the PZC did not feel it was appropriate to make a recommendation in favor. (Director McDonald)

Q: Confirmation was requested that as of August 14, 2012, when the PZC took its final vote to recommend denial of the request, the PZC had not yet received the new information that had been presented to City Council this evening. (Councilman Friedberg)

R: It was affirmed that City Council had received new information that was not presented to the PZC. (Director McDonald)

Q: According to minutes of the PZC, a question was raised as to when the school could reapply for a permit if the PZC recommended denial. A statement was made that regardless of what the PZC’s recommendation was, the permit request would be forwarded to City Council for a decision as to the final outcome. It was stated further that there was not a time limit requirement associated with reapplication. Confirmation was requested as to the statement regarding a time limit. (Councilman Friedberg)

R: It was City Staff’s interpretation, based on discussions with the Assistant City Attorney that the two-year moratorium for reapplication did not apply to a specific use permit. (Director McDonald)

Q: A question was raised as to whether that interpretation would still hold true with respect to tonight’s proceeding before City Council. (Councilman Friedberg)

R: It was noted that the interpretation would still hold true for City Council’s proceeding. (Director McDonald)

Q: It was noted that there were a number of reasons why City Council did not review applications in the first instance without the benefit of its statutory PZC to review them first and make a recommendation. Short of denying the application outright and encouraging the school to reapply to the PZC, a question was raised as to whether there was an action that City Council could take when the permit came up on City Council’s agenda that would permit the application to go back to the PZC for recommendation with the benefit of the information that was newly presented this evening. Since the PZC never had
the benefit of the new information, it was possible that their recommendation might have been different. (Councilman Friedberg)

R: In the opinion of the Assistant City Attorney, Chapter 24, Planning and Zoning, Section 24-617, of the City’s Code would allow the City Council to refer an application back to the PZC to reconsider their previous determination based on new information if City Council deemed it necessary. (Assistant City Attorney Barner)

Q: With respect to the school’s relationship with the church, clarification was requested for the statement that the church owned the property and the school leased the property from the church. (Councilman Avioli)

R: It was noted that the school was the tenant and the church was the current landlord. It was believed that the church was in the process of transferring the property. (Mr. Droog)

Q: Clarification was requested for the statement that there were no simultaneous activities on the property (i.e., church and school activities). In other words, when Veritas had classes going on, the church had nothing going on. (Councilman Avioli)

R: The statement was noted to be correct—the church and school did not have simultaneous events occurring. (Mr. Droog)

Q: It was noted that many religious organizations had events occurring during the daytime. The school was asked to confirm that there was definitely no activity occurring at the church during school hours. (Councilman Avioli)

R: Veritas advised that there might be pastoral staff present in their offices during the daytime. The way the use was aligned was the church had priority on Sunday and Wednesday night for church activities and the school had priority during the school day. (Mr. Droog)

Q: A question was raised as to whether the church had a babysitting facility. (Councilman Avioli)

R: It was noted that the church did not currently have such a facility nor was one in place when Veritas leased the property to operate its school. It was possible that the church operated one prior to Veritas’ operation of the facility. (Mr. Droog)

Q: Reference was made to the school’s use of an off-duty police officer. A question was raised as to whether the officer worked on Mapleridge Street. (Councilman Reed)
R: City Council was advised that the police officer was asked to direct traffic on Ferris Street because neighbors indicated that the biggest need was on Ferris Street. The school had never, to their knowledge, had any issues on Mapleridge Street. (Mr. Droog)

Q: A question was raised as to the hours the police officer worked for the school. (Councilman Reed)

R: It was noted that the police officer was utilized during drop off and pick up time. Generally speaking, those hours were 7:00 a.m. to 8:00 a.m. and 3:00 p.m. to 4:00 p.m. (Mr. Droog)

Q: A question was raised as to why the officer was no longer needed. (Councilman Reed)

R: The police officer was retained for two weeks with no incidents. The officer indicated that having him onsite was a waste of the school’s resources as the traffic could be managed through the school’s traffic flow plan. (Mr. Droog)

Q: Reference was made to the school’s contact of the City of Bellaire with respect to school zone signs, speed humps, etc. An inquiry was made as to how contact with the City was made. (Councilman Reed)

R: City Council was advised that the school had not contacted the City for speed bumps. The school would be in favor of speed bumps and would support the neighbors’ request for them. The school initially contacted Community Development regarding school zone signs, then the Public Works Department. The school was told at some point along the line that the City of Bellaire did not install school zone signs for private schools. When the school contacted the City of Houston through their Public Works Department, school zone signs were installed within two working days. (Mr. Droog)

Q: A request was made for the school to provide the City with information as to when contact was made with the City, how long it took to get a reply, and with whom the school spoke to. (Councilman Reed)

R: City Council was advised that the City had never provided school zones for private schools. The Director of Public Works and City Manager had spoken recently about the issue based on traffic discussions associated with The Post Oak School and Veritas. There would be a significant cost involved in traffic flow studies and signage, as there were a number of private schools in Bellaire. In order to respond favorably to the request by Veritas, the City would have to make sure that all private schools received the same treatment. The reason that the City of Houston replied so quickly to Veritas’ request was because the City of Houston did provide school zones for private schools and always had to Bellaire’s knowledge. (City Manager Satterwhite)
Q: A question was raised as to whether the City of Houston had been contacted with regard to the condition of Mapleridge Street. (Councilman Reed)

R: It was noted that there was apparently a dispute as to whether the City of Houston or the City of Bellaire was responsible for Mapleridge Street. (Mr. Droog)

The City responded that there was no dispute—the street was the responsibility of the City of Houston. It was believed that Mapleridge Street had not yet made it onto Houston’s plan for street improvements. (City Manager Satterwhite)

Q: Reference was made to time limits, noting that parents and the school needed to have a decision for planning and staffing purposes. A question was raised as to the school’s time deadlines. (Mayor Nauert)

R: It was stated that the school was currently in the process of enrollment season. Paperwork for re-enrolling families was due February 1, 2013. As those numbers were tallied, new families were considered if space allowed. February and March were decision times for enrollment. Enrollment in a small school, such as Veritas, became a family decision. If the school could not accept a third grader, but could accept his sixth grade brother, that family could not linger in an enrollment decision—they would have to make a decision to enroll in another private school that could accommodate both members of the family. (Mr. Droog)

Q: A statement was made that one of the City’s strengths was in its smaller, private schools. The City had an obligation to do what it could do to establish an infrastructure (streets and sidewalks) to support such private schools. A question was raised as to whether the City had scheduled Ferris Street for street and sidewalk improvements anywhere in the foreseeable future. (Councilman McLaughlan)

R: It was noted that Ferris Street was reconstructed for drainage purposes from Cypress Ditch all the way to Jessamine Street. The remainder of Ferris Street from Jessamine Street to Bissonnet Street was not included in that project. City Staff indicated that the schedule would be reviewed. (City Manager Satterwhite)

Q: Reference was made to a possible cap on enrollment at 168 students. An inquiry was made as to whether the school would forego the additions and look for another home if the enrollment were capped. (Councilman Parker)

R: Veritas understood restrictions on a permit of a nature related to ingress and egress to the school. A restriction as to size and overall enrollment, which would really tie the hands of the school, would be very problematic for the school to exist and serve the Bellaire community. City
Council was asked not to go that far, but to just address the permit issue in front of them. Restrictions on enrollment, for example, would result in a situation wherein the school was over-regulated as compared to other areas. (Mr. Droog)

Q: A question was raised as to whether a tailored restriction, such as using Mapleridge Street for egress in the afternoon, would be considered too specific or over-regulating. (Councilman Parker)

R: It was stated that the Board’s preference was to not be forced into opening Mapleridge Street in the afternoon. If it was a “no” without the restriction and a “yes” with the restriction, as a Board Member, Mr. Droog would urge others to take what the school could get. The Board thought very hard about opening Mapleridge in the afternoon, but did not feel it was in the best interest of the safety of its students. City Council was asked to have that same finding. (Mr. Droog)

Q: Reference was made to up or down decisions or up decisions with conditions. An inquiry was made of the Assistant City Attorney as to whether an applicant could choose not to use a specific use permit granted by the City if the applicant did not like the conditions. (Councilman Friedberg)

R: The Assistant City Attorney agreed with the inquiry—an applicant could choose not to use a specific use permit after it had been granted to them. (Assistant City Attorney Barner)

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

Mayor Philip L. Nauert closed the public hearing before the City Council of the City of Bellaire, Texas, at 8:43 p.m. on Monday, February 11, 2013. It was noted that oral comments would not be received following the close of the public hearing. Written comments could be submitted to the City Council prior to final deliberation on the matter. It was anticipated that final deliberation would occur on Monday, February 18, 2013. Written comments should be submitted to the City Council in care of the City Clerk by noon on Thursday, February 14, 2013, in order to be considered for the public record.

I. ADJOURNMENT.

CITY COUNCIL MOTION TO ADJOURN/ACTION:

Councilman Roman F. Reed moved to adjourn the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, at 8:45 p.m. on Monday, February 11, 2013. Mayor Pro Tem Amanda B. Nathan seconded the motion.
The motion to adjourn 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. McLaughlin and Andrew S. Friedberg

OPPOSED: None

ABSENT: None

Respectfully submitted,

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

Approved:

Philip L. Nauert, Mayor
City of Bellaire, Texas