CITY COUNCIL MEETING MINUTES
MONDAY, MAY 20, 2013

The City Council of the City of Bellaire, Texas, met in Regular Session on Monday, May 20, 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 7:02 p.m. on Monday, May 20, 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 and 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, and City Clerk Tracy L. Dutton.

C. INSPIRATIONAL READING AND/OR INVOCATION – Mayor Pro Tem Amanda B. Nathan.

Mayor Pro Tem Amanda B. Nathan provided the inspirational reading for the evening.

D. PLEDGES TO THE FLAGS – Mayor Pro Tem Amanda B. Nathan.

1. U.S. PLEDGE OF ALLEGIANCE.

2. PLEDGE TO THE TEXAS FLAG.

Mayor Pro Tem Amanda B. Nathan led the audience and members of City Council in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

E. APPROVAL OR CORRECTION OF MINUTES:

1. CONSIDERATION of and possible action on the approval and adoption of the minutes of the Special Session (Interviews) of the City Council of the City of Bellaire, Texas, held on Monday, May 6, 2013 – Item submitted by City Clerk Tracy L. Dutton.
CITY COUNCIL MOTION TO APPROVE MINUTES/ACTION:

Councilman Corbett Daniel Parker moved to approve the minutes of the Special Session (Interviews) of the City Council of the City of Bellaire, Texas, held on Monday, May 6, 2013. Councilman James P. Avioli, Sr., seconded the motion.

The 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

2. CONSIDERATION of and possible action on the approval and adoption of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, May 6, 2013 – Item submitted by City Clerk Tracy L. Dutton.

CITY COUNCIL MOTION TO APPROVE MINUTES/ACTION:

Councilman Corbett Daniel Parker moved to approve the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, May 6, 2013. Mayor Pro Tem Amanda B. Nathan seconded the motion.

The 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

F. PERSONAL/AUDIENCE COMMENTS.

Robert Riquelmy addressed City Council and asked them to think about what they heard during their public hearing on the proposed zoning changes.
He advised that there were only two people who spoke in favor of the changes, noting that those people were involved in crafting the amendments.

Mr. Riquelmy urged City Council to send the proposed changes back to the Planning and Zoning Commission and let them "polish on it" and allow them to hear even more from the public. He stated that there was no rush to address the changes as there was nothing happening that needed urgent attention. If something did need urgent attention, then City Council could give that one particular thing the needed attention.

Bill Stone addressed City Council and indicated that he was present to support agenda item 2.b. as an individual and as Chair of the Environmental and Sustainability Board ("Board"). The Board had held a Bellaire Recycles Fest for the last four years and wished to try to hold the fifth Bellaire Recycles Fest on November 2, 2013. If it happened, he would guess that this fall the Board would have its 1,000th attendee.

In the past, the Board had spent many hours asking participants to be sponsors. It was Chair Stone's understanding that the City had a line item in its budget to have Bellaire Recycles Fest in the fall of 2013.

Chair Stone asked City Council to approve the event. He noted that the Board would prefer to spend its time trying to produce the event rather than seeking sponsors to help pay for the event.

In closing, Chair Stone stated that he would be glad to address the agenda item when it came up later this evening.

Christopher Butler addressed City Council and indicated that he lived on Chestnut Street, which was relevant to the comments he wished to make. His home was a little under 500 feet from the proposed Urban Village-Downtown District that City Council would address later this evening.

As a resident, Mr. Butler was generally in favor of the proposal. Bellaire was a friendly, attractive, and safe community, and he believed what was being proposed would not change any of that.

Mayor Philip L. Nauert interrupted Mr. Butler at this point in the meeting to advise him that the Rules and Procedures adopted by City Council did not allow for oral comments on a subject for which a public hearing had been held and closed. He noted that he appreciated Mr. Butler's spirit.

Paul Ata addressed City Council and indicated that he lived on Locust Street, which was relevant to his comments as well. He advised City Council that they would receive many comments this evening regarding people's feelings on the good and the bad of the proposed development.
Mr. Atha continued and stated that he wished to give City Council an interpretation of what the average resident's reading was to give members a data point as to what the public was thinking.

He did not have a great deal of time to gather this information, noting that just within the last ten days . . .

Mayor Nauert interrupted Mr. Atha and asked Assistant City Attorney Elliot Barner if the comments by Mr. Atha would be considered comments related to the closed public hearing.

Assistant City Attorney Elliot Barner responded that, in accordance with the City Council's Rules and Procedures, the public hearing on that matter had been closed for oral comments. The City Council allowed residents and other interested parties to provide written comments after that point in time.

Mr. Atha asked if residents could request clarification as to some of the ambiguity in the proposal.

Assistant City Attorney Barner advised that Mr. Atha could not. If City Council wished to suspend their rules in order to allow comment, they could do so.

MOTION TO SUSPEND CITY COUNCIL'S RULES AND PROCEDURES/ACTION:

Councilman Roman F. Reed moved to suspend City Council's Rules and Procedures to allow public comment after the close of the public hearing previously held on proposed amendments to Chapter 24, Planning and Zoning, of the City's Code. Councilman James P. Avioli, Sr., seconded the motion.

The motion to suspend City Council's Rules and Procedures failed on a 3-4 vote as follows:

FOR: Councilmen Roman F. Reed, James P. Avioli, Sr., and Pat B. McLaughlan

OPPOSED: Mayor Philip L. Nauert, Mayor Pro Tem Amanda B. Nathan and Councilmen Corbett Daniel Parker and Andrew S. Friedberg

ABSENT: None

Jane McNeel echoed the comments made earlier by Robert Riquelmy. She wished that the amendments could at least go back to the Planning and Zoning Commission for reconsideration unless City Council wished to vote against it.
Mayor Nauert interrupted Ms. McNeel and advised that he could not allow her to make oral comments on the subject matter of the public hearing. He indicated that he had to follow the rules, noting that he was not necessarily comfortable with the rules.

Lynn McBee advised that she had sat through the Workshop Session City Council held earlier in the evening and she wished to commend them on the process they seemed to be considering of taking the question of rebuilding and/or relocating the City Hall and Police Station to alternate sites.

One of the options presented to City Council included the possibility of the relocation of City facilities to downtown Bellaire. The thought occurred to Ms. McBee that the proposed height limit in the downtown area under the new designation might need to be reviewed for that purpose.

She advised that she raised the question because City Council had an action item on their agenda about those proposed new rules.

Mayor Nauert cautioned Ms. McBee that she could not comment on the subject matter of the public hearing.

Ms. McBee advised that her point was City Council had an action item on their agenda this evening that would affect the location of the proposed City Hall and Police Station. She wished to ensure that City Council addressed height limits for that downtown area before public hearings were held with respect to relocating the facilities there. It seemed artful to her to accept public comments about a proposed building even though it was at its preliminary stage and not know what the maximum height might be for the area. City Council had the opportunity this evening to specifically clarify what the height might be in the downtown area (formerly CCD-1 City Center District).

Councilmen Corbett Daniel Parker and Andrew S. Friedberg requested City Council consideration of agenda item H.1.c. at this point in the meeting. After noting no objection from members of City Council, Mayor Philip L. Nauert advised that agenda item H.1.c. would be considered at this time.

H. NEW BUSINESS:

1. ADOPTION OF ORDINANCES:

   Code Amendment – Chapter 24, Planning and Zoning

   c. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 24, Planning and Zoning, of the
Code of Ordinances of the City of Bellaire, Texas ("Code"), as follows:

Article II, Definitions and Interpretation, Section 24-202, Definitions, by deleting definitions (10) - Automobile, compact, and (12) - Automobile, standard, and renumbering said section accordingly for the purpose of updating said section;

Article V, Zoning Regulations, Division 2, Zoning District Regulations, by deleting Sections 24-536, R-M.1 Residential-Commercial Mixed-Use District; 24-537, R-M.2 Residential-Commercial Mixed-Use District; and 24-538, R-M.3 Residential-Commercial Mixed-Use District, of the Code, and adding a new Section 24-536, to be entitled "Corridor Mixed Use District (CMU)," for the purpose of consolidating and providing updated standards for the three residential-commercial mixed-use districts along the Bissonnet corridor, as well as a portion of the current city center districts;

Article V, Zoning Regulations, Division 2, Zoning District Regulations, by deleting Sections 24-539, CCD-1 City Center District, and 24-540, CCD-2 City Center District, of the Code and adding a new Section 24-537, to be entitled "Urban Village-Downtown District (UV-D)," for the purpose of promoting development and redevelopment with a more urban character, said district of which would encompass portions of the current city center districts;

Article V, Zoning Regulations, Division 1, Zoning Districts and Regulations of General Applicability, by amending Section 24-501, Districts Established, for the purpose of deleting references to residential-commercial mixed-use districts and city center districts and adding references for the newly established Corridor Mixed Use District and the Urban Village-Downtown District;

Article V, Zoning Regulations, Division 2, Zoning District Regulations, by deleting Subsection D, Design Standards, Section 24-547, Urban Village (TOD) District (UV-T), of the Code and incorporating said design standards to a new Section 24-513a, to be entitled "Design Standards in Commercial and Mixed-Use Districts," for the purpose of adding site and building design standards for all commercial and mixed-use districts;

Article V, Zoning Regulations, Division 2, Zoning District Regulations, by amending Subsection C(1), Development
Standards, Streets, of Section 24-547, Urban Village (TOD) District (UV-T), of the Code for the purpose of providing for east-west connectivity in said district;

Article V, Division 1, Zoning Districts and Regulations of General Applicability, by deleting Section 24-513, Landscaping, Screening and Buffering, of the Code in its entirety and adding a new Section 24-513, to be entitled "Landscaping, Screening and Buffering," for the purpose of providing updated and more precise standards for landscaping, screening and buffering, including for surface parking areas and parking structures;

Article V, Division 1, Zoning Districts and Regulations of General Applicability, by amending Section 24-514, Off-Street Parking and Loading, for the purpose of clarifying the design and standards for parking spaces;

Article IV, Planning Documents and Official Map, by amending Section 24-403, Official Zoning District Map, for the purpose of updating said map to reflect revisions made herein to Chapter 24, Planning and Zoning, of the Code; and

Re-numbering sections as appropriate to reflect revisions made herein - Item submitted by City Clerk Tracy L. Dutton at the direction of City Council.

Mayor Philip L. Nauert advised members of City Council and the audience that he was one of the property owners affected by the proposed revisions, and indicated that he had his own concerns as well. Because he was one of the property owners, there were sections of the proposed ordinance that he could vote with the City Council on and there were sections that he did not wish to vote on as an affected property owner. He stated that the property in which he had a financial interest was located at 4562 Bissonnet Street, Bellaire, Texas.

With respect to those sections that affected property owned by Mayor Nauert, the discussions related to those sections would be turned over to the Mayor Pro Tem. He indicated that there were three components of the ordinance in which he could participate.

Mayor Nauert continued and advised that the first proposed amendment was one in which he could participate as follows:
Article II, Definitions and Interpretation, Section 24-202, Definitions, by deleting definitions (10) – Automobile, compact, and (12) – Automobile, standard, and renumbering said section accordingly for the purpose of updating said section.

Mayor Pro Tem Amanda B. Nathan asked for clarification as to whether the Mayor was asking for a motion just on Section 24-202.

Mayor Nauert advised that Mayor Pro Tem Nathan was correct.

Mayor Pro Tem Amanda B. Nathan suggested that Mayor Nauert allow Mayor Pro Tem Nathan to take over (lead) the meeting at this point as she felt City Council might need a bigger perspective at the outset.

Mayor Nauert agreed and turned the meeting over to Mayor Pro Tem Nathan.

Mayor Pro Tem Nathan asked for a motion for discussion purposes to approve the ordinance amendments that were the subject of City Council’s public hearing the previous week.

CITY COUNCIL MAIN MOTION:

Councilman Corbett Daniel Parker moved to approve the ordinance amendments that were the subject of City Council’s public hearing the previous week. Councilman Pat B. McLaughlan seconded the motion.

Councilman Andrew S. Friedberg indicated that he was not prepared to vote on any individual sections or proposed amendments until he was ready to vote on all of the amendments.

Mayor Nauert advised that if City Council wished to vote on the proposed amendments as a whole, then he would have to recuse himself from all of the discussion, which he was happy to do. The reason he had tried to consider the amendments paragraph-by-paragraph was so that he could participate in some of the discussion. He acknowledged that there was probably not an easy way to consider the amendments; therefore, he was happy to let the Mayor Pro Tem handle this agenda item.

Mayor Pro Tem Nathan stated that her thought was to get everything out on the table and noted that one possible consideration to be made by City Council was the
recommendation that the ordinance be referred back to the Planning and Zoning Commission ("PZC"). She felt that the ordinance could be severed paragraph-by-paragraph if that were the desire of City Council after a global discussion.

**Mayor Nauert** indicated his agreement and suggested that Mayor Pro Tem Nathan continue leading the discussion.

**Councilman Friedberg** indicated that his preference was to refer the matter back to the PZC. He felt it might be beneficial to walk through his logic as to why he did not wish to send the entire ordinance back, but rather discrete issues that he hoped City Council could reach some consensus on this evening.

At the outset, Councilman Friedberg noted that the package of amendments before City Council this evening served the purpose of implementing the City’s Comprehensive Plan ("Plan") that was formally adopted in November of 2009. By his count, the City had held numerous public hearings and workshops—both at the PZC and City Council levels—going back at least five years.

Since the City was in the implementation phase of the Plan, he was hesitant to retread old territory and rehash old debates so long as the package being presented by the PZC, with the benefit of the City’s Planning Consultant, was consistent with and in furtherance of the Plan as adopted after that lengthy process where considerable public input was received.

That being said, City Council tended to get input from the neighbors who were most directly affected when they suddenly come to realize that this might be something different from what they thought it was when they saw the City’s signs advertising these public hearings over the past several years or just in the hubbub of everyday activity. In a community with the success that Bellaire enjoyed, many of our residents did not pay as close attention when discussions were in the earlier stages until it hit home with a specific proposal on the table.

For those reasons, Councilman Friedberg advised that he could not fault the neighbors nearby for coming into the process towards the end when City Council actually had a concrete proposal on the table. He did believe that City Council should accommodate additional public input in working specifically on the details being presented. Councilman Friedberg emphasized that it would not be his intention to send the entire package back to the PZC with no guidance.
Councilman Friedberg suggested that City Council focus their referral back to the PZC on the discrete issues that were highlighted in the extensive public comment that City Council received last Monday and in the week since. The two primary issues that jumped out to him were height concerns and density.

For purposes of starting a list, Councilman Friedberg suggested starting that list with height and density. He further noted that the PZC had been very responsive to public input it had received concerning the R-M.2-O District, which it had pulled from the ordinance this evening in response to citizens’ concerns. Councilman Friedberg added that he expected that the PZC and Planning Consultant Gary Mitchell of Kendig Keast Collaborative would be very receptive to public comment and would continue to massage the language to address the neighbors’ concerns.

Councilman Friedberg stated further that ultimately his goal and hope would be that by involving the neighbors who were most directly affected, that their concerns could be addressed and their support earned for the Plan.

**CITY COUNCIL MOTION:**

Councilman Andrew S. Friedberg moved to get a consensus among City Council as to issues to be sent back to the PZC for further review. Councilman Corbett Daniel Parker seconded the motion.

After seconding the motion, Councilman Corbett Daniel Parker asked that Councilman Friedberg make the amendment specific to the issues he wished to address so that City Council could vote on those, as well as vote on any that might be added.

**CITY COUNCIL AMENDMENT (NO. 1) TO THE MOTION:**

Councilman Andrew S. Friedberg moved to amend the main motion to refer back to the PZC for further review, with a particular emphasis on working with the neighbors most directly affected, the issues of height and density. Councilman Corbett Daniel Parker seconded the amendment.

Councilman James P. Avioli, Sr., suggested that in light of time and the fact that there was a great deal of concern, he wished to send the whole package back to the PZC with the
idea that, perhaps, there would be a better understanding of what the objective was. He proposed sending the entire package back rather than “piecemealing” it now.

**Mayor Pro Tem Nathan** advised that she believed that Councilman Friedberg intended for the whole package to go back, but did not wish for the PZC to start at “square one” again. She believed that Councilman Friedberg wanted City Council to formulate a list of discrete issues that City Council wanted the PZC to look at.

**Councilman Avioli** referred to initial discussions at the outset of this agenda item indicating that City Council would consider the amendments one-by-one. He advised that he might have misunderstood. He did not wish to see City Council dissect the whole ordinance, but would like to see City Council dissect the ordinance once after having received additional public input.

**Mayor Pro Tem Nathan** stated that she would like for members of City Council to each discuss what issues and questions they had with the ordinance, as appropriate, while Planning Consultant Mitchell, Director of Community Development John McDonald, and PZC Chair Winfred Frazier were present and available. At the conclusion of that, City Council could see what issues there were. The neighbors and Councilman Friedberg had mentioned issues that were broad in scope, such as height and density.

Mayor Pro Tem Nathan indicated that she wished for City Council to narrow in, if possible. She stated that she had five very specific issues that were subsets of the height and density issues. This way, when the document was sent back to the PZC, they would have a specific list of things that they knew City Council wanted them to look at.

**CITY COUNCIL AMENDMENT TO THE AMENDMENT (NO. 1) TO THE MOTION:**

Councilman James P. Avioli, Sr., moved to amend Amendment No. 1 to the motion to send the proposed amendments, as a package, to the PZC for further review so that City Council might get a total understanding of all of the issues. Councilman Roman F. Reed seconded the amendment to the amendment to the motion, with a note that he would like for the PZC to return the proposed amendments to City Council in 45 days.
Mayor Pro Tem Nathan stated that she would like for the PZC to have the benefit of City Council’s input. Otherwise, the PZC would be back at “square one.”

Point of Order

Councilman Friedberg raised a point of order. He noted that there appeared to be a little bit of confusion. There was a motion on the table that had been seconded, followed by another motion on the table that had been seconded that was not phrased as an amendment to the motion. There could not be two things of equal stature sitting on the table at the same time. He suggested that Councilman Avioli’s motion be considered an amendment to Councilman Friedberg’s motion so that City Council was clear on what they were talking about.

Councilman Avioli agreed with Councilman Friedberg, noting that his intention was to amend Councilman Friedberg’s motion.

Councilman Friedberg spoke to the amendment, which was consistent with Mayor Pro Tem Nathan’s comment, and advised that absent clear enough direction as to what City Council was asking the PZC to reconsider, City Council was basically saying that the PZC should redo the process with more public input. He referred to the great deal of input City Council had received over the last week and noted that among the seven members on City Council, those issues could be highlighted and a consensus reached.

As a practical reality, when the ordinance was re-reviewed by the PZC and if an issue was spotted that needed to be refined, the PZC could refine the issue. Councilman Friedberg advised that he did not believe the neighbors would let the PZC overlook additional issues. He hesitated to simply send the proposed amendments back and ask the PZC to look at them again.

If the direction from City Council to the PZC was overly broad, then Councilman Friedberg did not know if City Council would get a different product.

Councilman Avioli indicated that, based on the emails received, he believed that the PZC would not be going back to square one—they would listen to what had been said by the neighbors.

Councilman Parker agreed that City Council needed to send all of Chapter 24, as revised, back to the PZC to consider, but
he would like to give them specific questions City Council had after having read through 40-50 emails. If City Council spent their time this evening stating which of those comments made in the emails were of particular importance and which were not, it would give the PZC a roadmap they could go through to specifically address the residents' concerns.

Councilman Friedberg restated that he was not prepared to vote on any of it until he was prepared to vote on all of it.

Councilman Avioli advised that he agreed.

Mayor Pro Tem Nathan agreed that she would like to send the whole ordinance, as revised, back to the PZC with the benefit of City Council pointing out any specific things or issues they would like to see the PZC address.

Councilman Parker asked Councilman Avioli if he could clarify his intent with respect to the amendment on the table.

Councilman Avioli stated that his intent was to move on and send the whole package back to the PZC with the idea that City Council needed a better understanding and needed to consider the input of the citizens that were affected by the ordinance. He really did not wish to spend any more time on the item.

Councilman Pat B. McLaughlan indicated that the longer he sat at the Council dais the more confused he became in what City Council was doing.

He advised that the PZC had worked on the ordinance before City Council for well over one year. There had been a great deal of input and public hearings. Residents had made comments. If City Council just sent the package back to the PZC and told them to keep working, then City Council was not doing its job. The City Council was elected with the responsibility to represent the citizens to the very best of their ability and to move the City forward and get things done.

Bellaire was interested in redevelopment. Everyone knew that Councilman McLaughlan's number one objective with respect to redevelopment was to protect the interest of the adjoining residential community. City Council simply could not send the proposed ordinance back to the PZC. City Council was the decision maker. If City Council wanted to send the ordinance back to the PZC, then City Council had to have some specifics identified for them to look at. City Council had to provide the PZC with some type of guidelines.
Councilman McLaughlan stated he did not know what the height of a building should be, but the PZC had studied that. If City Council felt that the height of a building should be “XYZ” feet and that was what the City Council wanted, then the PZC should be told to incorporate that into Chapter 24. He reiterated that he really felt that the City Council had to have some specifics to accompany any direction to the PZC. He was hopeful that City Council could achieve that goal.

Mayor Pro Tem Nathan called for a vote on Councilman Avioli’s amendment to the amendment (no. 1) to the main motion to send the proposed amendments back to the PZC without specific comment from City Council.

Councilman Reed reminded Mayor Pro Tem Nathan of his second, which included a limited time period and the holding of a public hearing within 30 days, then back to City Council within 45 days.

Councilman Avioli advised that he accepted Councilman Reed’s conditioned second.

CITY COUNCIL ACTION ON THE AMENDMENT TO THE AMENDMENT (NO. 1) TO THE MAIN MOTION:

The amendment to the amendment (no. 1) to the main motion failed on a 2-4-1 vote as follows:

FOR: Councilmen Roman F. Reed and James P. Avioli, Sr.

OPPOSED: Mayor Pro Tem Amanda B. Nathan and Councilmen Corbett Daniel Parker, Pat B. McLaughlan and Andrew S. Friedberg

ABSENT: None

ABSTAIN: Mayor Philip L. Nauert*

*Mayor Philip L. Nauert abstained from voting on this agenda item due to his financial interest and ownership of an affected property located at 4562 Bissonnet Street, Bellaire, Texas.

Mayor Pro Tem Nathan asked why the western half of the City Center District (CCD) (west of Ferris Street and north of Bissonnet Street) was included in the Corridor Mixed Use (CMU)
area instead of in the Urban Village-Downtown (UV-D) area. More specifically, since the City did not have any residents to be concerned about in that area, why would the City not allow for the possibility of the 79-foot planned development (PD) in that area?

Planning Consultant Gary Mitchell, Kendig Keast Collaborative, advised that in any redevelopment, a city was looking for a core area to try to get some momentum and reinvestment to happen. In looking at the nature of the area Mayor Pro Tem Nathan referred to, the nature was strip shopping center-type development. The Plan talked about the area being more auto-oriented versus pedestrian-oriented as the Bissonnet Corridor was envisioned to still be a place where residents would drive, such as dry cleaners and restaurants.

From a public improvement standpoint, the PZC talked about the area being more pedestrian-oriented. For example, redevelopments in central Houston were currently focusing on a more compact area.

Mayor Pro Tem Nathan referred to Mike Salomon's (President of Sandcastle Homes, Inc.) six homes to be constructed on Newcastle Drive and Howard Lane. She indicated that she understood that Director of Community Development John McDonald and Mr. Salomon had a conversation subsequent to the public hearing before City Council regarding reducing the planned development site minimum to three-quarters (3/4) of an acre instead of one (1) acre in order to allow Mr. Salomon to apply for a planned development for his desired residential use. She asked if Mr. Mitchell could speak to that issue.

Mr. Mitchell indicated that he could not speak to what had happened within the last week as he had not been involved in those discussions. Generally, the properties referenced by Mayor Pro Tem Nathan were the largest remaining in the City and along the corridor for mixed-use or any type of developments. He believed that past development proposals had come in that would have consolidated the property. The general consideration was the potential for those properties to develop in a more unified fashion.

Mr. Mitchell understood that the current ownership had residential plans and that was what they had been trying to work through.

Mayor Pro Tem Nathan indicated that in order to protect the settled expectations of the residents adjacent to the Corridor
Mixed Use (CMU) area, she would be interested in mixed-use developments with a height of greater than 40 feet having to go through the planned development process instead of being available as a right. Under the current ordinances, no developments over 40 feet could be developed as a right. She did not think it was appropriate to change the rules of the game now. She indicated further that 40 feet was a tall building (i.e., the height of the new building beside Mayor Nauert's office). If someone put together a one-half acre tract and wanted to go over 40 feet for a mixed-use development, then that person or entity should have to go through the planned development process.

Obviously, the PZC decided to bump the height as of right up to 53 feet. This was something she wished for the PZC to give additional thought to. She asked Mr. Mitchell if he could speak as to why the PZC bumped the height up to 53 feet.

Mr. Mitchell advised that he wanted to be careful about speaking "for" the PZC. He stated that he would try to characterize the discussions he recalled.

His personal and professional perspective on the increased height as of right was if a city wanted to see and encourage redevelopment, the more unpredictable the process, the more concern there would be from an investor perspective. The City could set a policy for a more close review case-by-case and site-by-site, with the caveat that such a close review might discourage redevelopment.

Mayor Pro Tem Nathan stated that for the Corridor Mixed-Use area, she wished to see any mixed-used development above 40 feet to have to go through the planned development process.

Councilman Parker asked if Mayor Pro Tem Nathan wanted to get through all five of her concerns before receiving comments. He indicated that he might have some that were directly related to her intentions.

Mayor Pro Tem Nathan asked City Council to let her get through all five. She would then recognize Councilman Parker and turn the floor over to him.

She continued and advised that she would like the PZC to consider proposing the creation of a buffer for the neighborhood on the north side of the Urban Village-Downtown area by zoning the area on the north side of Spruce Street to
be residential, with the possibility of single-family small lot and/or single-family attached houses, not to exceed 40 feet in height. She preserved the possibility that the area might also have to be zoned for commercial, but not mixed use.

Mayor Pro Tem Nathan referred to the corridor and downtown ordinances and noted that it was her understanding that mixed use could consist of a combination of commercial use and single-family dwellings "attached." She asked if the idea was for a commercial building with adjacent single-family attached dwellings.

Mr. Mitchell referred to developments where at the corner or at the end of the building, there would be a business or "anchor" at the corner, such as a dry cleaner.

Mayor Pro Tem Nathan referred to the standard in the ordinance that only the lesser of 5,000 square feet or ten percent (10%) of the development had to be one of each of the components. She asked if that standard would allow for a two-story 5,000 square foot commercial use and an unlimited number of single-family attached dwellings.

Mr. Mitchell advised that Mayor Pro Tem Nathan was correct depending on the site.

Mayor Pro Tem Nathan stated that she was puzzled by the standard and indicated that when City Council had their workshop, she had advised that she would like to preserve residential by right. The response was that it could not be done because then you would have a bunch of townhouses, for example, plopped in the middle of a development. The price of building unlimited single-family attached dwellings was one 5,000 square foot commercial use.

Mr. Mitchell advised that the standard included ten percent (10%) of the total floor area of the project. So, as the number of single-family units increased, the ten percent (10%) was going to increase as well.

Mayor Pro Tem Nathan argued that the standard was the lesser of 5,000 square feet or ten percent (10%). She indicated that she was puzzled as to why the city would not allow for residential use by right.

Mr. Mitchell advised that Mayor Pro Tem Nathan was correct as to the standard and stated that she was seeing the end product of incomplete consensus on whether the area should be
more residential or more commercial. Coming out of the Plan, many of the initiatives were in the commercial development and enhancement chapter. The idea was to bring residential into the equation more directly so that there were people living in the area. During discussion of the Plan, there were also thoughts toward zoning the entire area as residential. There was friction as to where to draw the line in trying to dictate how much was residential versus commercial or letting the market play out. This was more of an attempt to allow residential, but to try and have a commercial component that was mixed use.

Mayor Pro Tem Nathan re-urged her request that the PZC consider allowing residential of right in the area given that an unlimited number of attached residential dwellings could accompany a 5,000 square foot commercial building.

Mayor Pro Tem Nathan asked if the city needed any standards for the dwellings, such as how big the lots could be, how many square feet the dwelling could be, etc.

Mr. Mitchell stated that, as in the entire district, the intent was for everything to be close to the street. There were no side yard requirements in the area because it was intended to be attached housing. If the housing were at the edges of the district, a ten-foot rear setback would apply.

As in the Urban Village (TOD) District (UV-T) up to the north, there were not typical setbacks as with more suburban zoning.

Mayor Pro Tem Nathan inquired as to whether the dwellings could be owned by the developer and rented or owner-occupied.

Mr. Mitchell indicated that the dwellings could be either or both.

Mayor Pro Tem Nathan asked if the city could require the dwellings to be owner-occupied.

Mr. Mitchell deferred to legal counsel, but advised that his understanding was that the City could not regulate rental versus ownership under zoning.

Elliot Barner, Assistant City Attorney, concurred with Mr. Mitchell's statement.
Mr. Mitchell advised that the City could regulate every aspect of design to try to make it go a certain direction, but the city could not tell an owner that he or she could not rent the unit, just as the City could not tell single-family homeowners that they could not rent their home.

Mayor Pro Tem Nathan indicated that she would like for the PZC to give some consideration to the issue that seemingly unlimited numbers of attached single-family dwellings could be attached to a single 5,000 square foot building. Consideration should be given as to whether the City wanted that and, if so, if it should be allowed as of right.

Mayor Pro Tem Nathan asked for consideration to be given as to whether the City wanted any standards for the dwellings with respect to lot size and a minimum or maximum square footage interior.

Likewise, in the Corridor Mixed Use (CMU) and Urban Village-Downtown (UV-D) ordinances with mixed-use developments, it seemed that there could be a single 5,000 square foot commercial building with an adjacent stand-alone multi-family unit.

Mr. Mitchell advised that Mayor Pro Tem Nathan was correct.

Mayor Pro Tem Nathan stated that she had envisioned mixed use in the downtown area to consist of a commercial use on the first floor with residential on upper floors. She was not envisioning a single dry cleaner on the corner and then a two-block long six-story commercial apartment complex.

Mr. Mitchell reiterated that City Council was seeing the result of a variety of desires to see, for example, patio homes on larger lots, multi-family units, and the rental versus ownership issue. The PZC did not choose to require residential uses to be on the second floor as some cities chose to do. The PZC was trying to leave some market flexibility.

Because of the busyness of the Bissonnet Street and Bellaire Boulevard corridors, there was some initial discussion to require commercial on the first floor and residential above. The end result was to see what the market wanted to do by setting more general parameters for the entire area.

Mr. Mitchell advised that in many communities, when regulations forced certain uses on the first floor and others on
the second floor, the community ended up with a great deal of dead space.

**Mayor Pro Tem Nathan** asked if there were any way to control the number of multi-family units short of having all of the mixed use go through the planned development phase.

**Mr. Mitchell** advised that density limits could be set and minimum unit sizes could be set. What would drive almost everything in the area was parking. Parking would limit what could go on the properties even when assembled.

**Mayor Pro Tem Nathan** indicated that she was not in favor of free-standing adjacent multi-family dwellings. She also indicated that she would like the PZC to give some consideration to placing limits on the number of apartments that could be developed.

**Councilman Corbett Daniel Parker** thanked Mr. Mitchell, Chair Winfred Frazier of the PZC and his Commissioners, as well as those before them that spent a great deal of time on the proposed ordinance.

Councilman Parker asked Mr. Mitchell if the City was rezoning any current residential property as commercial property. For example, could someone who purchased their home ten years ago now be next to a property that could be developed commercially?

**Mr. Mitchell** advised that there had always been a planned development option. With respect to a residential property abutting a residential property that could be zoned commercial under the proposed ordinance, he could not think of any instances where that would be the case.

**Councilman Parker** referred to Locust Street and asked for confirmation that the height limit for development was 40 feet.

**Mr. Mitchell** stated that he needed to defer to staff on that. In many places within the Code today, height was expressed in stories versus feet.

**Councilman Parker** asked if developments would have to go through the planned development process to get to 40 feet.

**Mr. Mitchell** indicated that he believed Councilman Parker was correct.
**Councilman Parker** asked if Mr. Mitchell could explain, for the audience, those instances in which certain uses were allowed by right versus uses allowed only through planned development and where the approval for the development would lie.

**Mr. Mitchell** advised that if a use were permitted by right, then as long as the person met all of the other standards in the ordinance, such as parking, setbacks, etc., a person was good to go by getting building permits. There was a middle category, which were specific use permits. Those uses went to the PZC on a case-by-case review. The PZC then made a recommendation to City Council. In many ways, a specific use permit was a zoning change for that particular property. The next category was planned development, which many cities used. This category was tied to site plan and was the idea that there would be some give and take with the typical standards with the thought that the development would be a master planned, better level of project. Those uses also went to the PZC. If the City Council approved the planned development, plans were “locked in.” This, too, was like a zoning change for a particular property.

**Councilman Parker**, noting that Bellaire was a “city of homes,” asked why the City could not make all commercial property go through the planned development process such that the PZC and City Council had to okay them one by one.

**Mr. Mitchell** advised that there were cities that required commercial properties to go through the planned development process. Frankly, those cities were abusing the intent of planned development. The planned development process was intended for unique types of projects. This was the reason why there was a typical minimum site area. Bellaire generally had a one-acre site area requirement to even get to planned development. To get to a one-acre site, a developer would probably have to assemble at least one-half of a block on Spruce Street to get to the level of a planned development.

There was an economic development aspect and a redevelopment aspect wherein the more process, the more unpredictability—the less the process went with investment. Investment wanted predictability.

**Councilman Parker** referred to use by right, which he believed would be the most detrimental to the residents’ worst case scenario, many of which had been emailed to City Council, and asked if it was the height, setback, or parking requirements that restricted the City currently. He also asked how much the
City had loosened the "noose," so to speak, around commercial developers' necks.

Mr. Mitchell stated that the new proposed districts did not require as many conditions if one went through the planned development process. The current R-M districts, in some cases, required a certain percentage of commercial and a certain percentage of residential, which might not match market desire at all. Standards were all over the place with height and size of buildings allowed.

Certain things still carried over with the new districts. For example, the height setback link at the back of the properties at the edge of the districts would apply to any planned development.

Councilman Parker asked if the City had set the vision for what was wanted/required for commercial development and also allowed developers to then come back to the City and tell us what the market would bear.

Mr. Mitchell advised that City Council could amend zoning at every meeting if they desired to do so. Zoning changes were an indicator that the market wanted to go a different direction from the way property was currently zoned. Part of the package was to get more uses permitted by right with more defined standards. Every project now had to go through site plan review, which was not the case before. Only planned developments went through site plan review previously.

Also from the Plan was a section to raise development quality. Building and site design standards and the site plan process were added in response. City Staff could not disapprove a site plan, so if there were any issues with approval, a development had to go to the PZC.

Councilman Parker asked if the recommendations were more consistent with what other cities were doing.

Mr. Mitchell indicated that there was a whole spectrum out there. He mentioned the fact that other cities made every car wash, every restaurant, etc., go through the planned development process. This was not a good practice. There were cities that relied heavily on specific use permit review, which Bellaire had to some extent used as a tool. Mr. Mitchell stated that he felt Bellaire had a pretty good balance of use permitted by right, with specific use in the middle, and then
planned development as the most time-consuming potentially and site specific review process.

Councilman Parker asked if the City could place a new City Hall, Police Station, and/or Municipal Court in the new districts.

Mr. Mitchell advised that in all of the City’s zoning districts, public uses were permitted by right. Some cities did not address their own uses in their ordinance. Some cities very much applied the same standards to public facilities as private development.

Councilman Parker referred to the north property abutting the south side of Locust Street and indicated that he would like for the PZC to also look at potential restrictive uses of the portions of the district abutting residential property. He referred to situations, such as a restaurant and bar, with a patio in the back (not a part of the building). He indicated that such a development might not be a desirable one abutting a neighborhood.

Councilman Parker advised further that one of the consistent comments City Council had received from residents was that the City was moving too fast. Inquiries were made as to why City Council had not conducted parking studies, infrastructure studies, etc. He asked Mr. Mitchell if it were correct to state that the City could not conduct such studies without knowing the specific use of the property—both as to the type of building, as well as the use. He inquired at what point in the process cities should conduct such studies.

Mr. Mitchell indicated that during the Plan process between City departments and consultants, the issue of infrastructure was discussed. City Staff indicated that they felt they could handle the redevelopment. Traffic studies were normally conducted at the point of development proposals.

Larger cities with resources and initiatives as to what they were trying to accomplish with redevelopment in an area might do more on the study side. It varied.

Councilman Parker asked Mr. Mitchell if he could ask the PZC to enter into a conversation with residents as to whether a municipal use abutting their properties would be preferable to mixed use or solely commercial use. He advised that he was interested to hear if the residents would prefer to have municipal buildings versus an unknown development.
Councilman Pat B. McLaughlan referred to the one-acre planned development situation in the area bounded by Howard Lane and Newcastle Drive and Bissonnet Street. He stated that Mr. Mike Salomon previously spoke to City Council and advised that he owned a tract of property slightly smaller than one acre. Councilman McLaughlan reinforced what had been stated by Mayor Pro Tem Nathan and indicated that he, too, would like for the PZC to take a hard look at the minimum site requirement for a planned development.

Councilman McLaughlan advised that Mr. Salomon had a quality residential development planned for the district, but had a little less than one acre of property. If the PZC could consider making a recommendation to reduce the minimum to three-quarters (3/4) of an acre, that would allow the quality residential area to go forth. Councilman McLaughlan felt that the development would in no way harm the surrounding neighborhood—it would be a plus to the surrounding neighborhood.

Mr. Mitchell noted that there might be implications for lowering the minimum for the entire district.

Councilman McLaughlan suggested that the thing to consider would be to reduce the minimum for the entire district to allow some better things to happen.

Councilman McLaughlan continued and asked what the risk would be to the residential areas on Locust Street if the City did nothing. Right now, that section of Spruce Street was zoned commercial. There were an assortment of auto part stores, mechanic shops, newspaper offices, and a restaurant that served alcohol in the area currently. He inquired as to what the existing property owners on Spruce Street could do under the current regulations with their property by right.

Mr. Mitchell advised that there were a range of permitted uses, specific permit approval uses, and planned development options. At the end of the day, there was only so much that could happen on those properties from a development intensity standpoint because of parking and size of property.

The properties could be assembled laterally. Even then, there were setbacks and parking requirements that would make it difficult to do anything of any height on those properties.

Councilman McLaughlan asked for confirmation that as the City worked through the process and development in Houston
area rolled along with a great deal of intensity that Bellaire was not at risk of someone coming in to the district and locating something really undesirable there by right.

**Mr. Mitchell** indicated that the way for a development to get to a greater height would be through the City's planned development process. He could not see anything getting approved through that process that would be highly intensive.

**Councilman McLaughlan** noted that everyone was interested in property rights. He inquired if there would be a property rights issue if the City implemented a change in zoning from what property owners on Spruce Street could currently do by right. In other words, would the City be exercising a taking of value of their property?

**Assistant City Attorney Barner** advised that the first question one would need to ask was what the property was currently used for and in what fashion the property was being used. As a general rule, if one had a use in existence and zoning changed, then the use in existence would be a prior non-conforming use. However, if the property was not in use or if the use were abandoned for a certain period of time, and a zoning ordinance changed, then the new zoning ordinance would apply.

If at some point in time the prior non-conforming use was abandoned, then the new zoning ordinance would apply.

**Councilman McLaughlan** asked for confirmation that the City was not taking value or property rights from the owner of the property.

**Assistant City Attorney Barner** advised that, in his opinion, the City would not be taking the value or property rights from the owner.

**Councilman McLaughlan** advised that Bellaire really needed to decide what should be done with the Spruce Street area of the district. City Council had spent money with an organization to study active redevelopment of the area. Meetings had been held regarding ways in which redevelopment of the area could be encouraged.

City Council, the PZC, and the community simply needed to decide what was good and not so good for that area.
Councilman Friedberg referred back to the amendment presently on the table, supplemented by comments from members of City Council. In respect of Councilman McLaughlan's comments, Councilman Friedberg advised that the City had adopted a Plan in 2009 that went through a great deal of intense public scrutiny, as well as work by the PZC and City Council, and was strongly supported. The Plan did pick a direction for the City to go. City Council was now getting into specifics. Now that we knew the direction, the City needed to ensure that it was done in a fashion that was beneficial for as many as possible, if not all, and as minimally burdensome on those who had contrary expectations.

Councilman Friedberg stated further that he also wanted to address the comment that City Council was shirking its responsibility by punting the ordinance back to the PZC. He offered for consideration quite the contrary. Getting an advisory review and recommendation from City Council's PZC was the process by which City Council exercised its duties. It would be dangerous for City Council to try to make changes to an ordinance, particularly of this complexity, on the fly.

The PZC had spent a great deal of time and had become experts on these subjects and, where they were not experts, they had consultants to fill in the gaps. Much effort and study went into the recommendation that the PZC put before City Council which were fully informed and ready for City Council's approval. This was not the first time that a very considered recommendation had come forward and was met with public input. City Council discharged its tasks precisely by going back to its advisory bodies that stood ready to assist and make sure that the City was accommodating resident concerns and getting it right, more importantly, than doing it just for the sake of doing it.

Mr. Mitchell asked if it were appropriate for him to ask a few questions for guidance purposes. After receiving a nod from Mayor Pro Tem Nathan, he asked for confirmation that the PZC needed to work on a few issues and not the entire package. In other words, parts of the ordinance were to be adjusted and not the entire ordinance.

Mayor Pro Tem Nathan advised that Councilman Friedberg's issue was that the PZC give thought to height and density generally. She and Councilmen Parker and McLaughlan had some more specific ideas. After voting, she wished to get some clarification from Assistant City Attorney Barner with respect to the procedure that the PZC needed to go through. She felt that
the PZC would be receiving input and could take into account things that input brought to light. From City Council’s perspective, height and density generally, as well as specific issues cited this evening, needed some further review and consideration.

Mr. Mitchell stated that he would absolutely like to work with the neighbors and have discussions, but he hoped those were not the only discussions. He advised that this was a citywide zoning matter and there were other affected property owners. Discussions with the current package could not just be with a certain group.

Councilman McLaughlan inquired as to the method City Council would follow to establish the specific goals that the PZC should consider. In addition, he asked if City Council would make suggestions regarding the investigative goals. It sounded as if City Council were voting on something that was pretty “loosey goosey.” He was at a loss as to how City Council was going to define the specifics that they wanted the PZC to look at.

Mayor Pro Tem Nathan advised that she thought this was what she had asked City Council to do. She indicated that if Councilman McLaughlan had more to offer, she would like to hear those concerns.

Councilman McLaughlan stated that he had not heard any specifics yet. He referred to broad statements, such as height and density.

Mayor Pro Tem Nathan advised that to the extent that Councilman McLaughlan had specific guidance he wished to give the PZC, now was the time.

Councilman McLaughlan asked for those items to be included in the amendment. He did not know that those suggestions had been recorded in some way.

Mayor Pro Tem Nathan indicated that she had spoken with City Clerk Dutton before the meeting and told her that City Council was going to itemize some issues and that she needed to be available to transcribe them pretty quickly.

Councilman McLaughlan asked for confirmation that City Clerk Dutton had recorded the discussion from the table.
Assistant City Attorney Barner advised that he, too, had recorded City Council’s comments in writing to relay back to the PZC. In addition, two Commissioners and the Director of Community Development were present and had taken notes so that they could make every effort to address all of City Council’s comments.

Councilman McLaughlan asked if the notes would be a part of the motion.

Mayor Pro Tem Nathan advised that the notes would not be a part of the motion. She restated Councilman Friedberg’s motion as follows:

To refer the ordinance package back to the PZC for consideration of issues related to height and density, generally, and related to the other issues more specifically itemized this evening.

Councilman McLaughlan asked for confirmation that the City Council felt those items that had been recorded were compatible and not in contrast with each other.

Mayor Pro Tem Nathan advised that Councilman McLaughlan was correct.

Councilman Friedberg noted that there was one more source of record—citizens present this evening who would remain involved in the process. Part of his motion was to provide a forum for further discussion directly with the people who would come back with the recommendations. The whole thing was back open if more public hearings and input were sought. Although City Council had itemized things they were interested in, it was not as though the PZC would tell a resident that their concern was not on City Council’s “list.” He could not imagine the PZC feeling that a resident had a good point and then ignoring that point.

Councilman McLaughlan asked for confirmation that the ordinance package was being thrown open again.

Councilman Friedberg stated that, as a practical reality, Councilman McLaughlan was correct.

Councilman McLaughlan asked if City Council was throwing 13 months of the PZC’s work out the window.
Councilman Friedberg stated that if it took another 13 months to get it right, then it should be done. If it only took two months to get things right, that that was even better.

Councilman McLaughlan advised that he brought his point up because he wanted to make sure that City Council had a definitive, agreed-upon list of items that City Council would send back to the PZC for them to do some good work on.

Mayor Pro Tem Nathan stated that she wished for the PZC to get copies of the emails City Council had received, as well as additional input residents provided along the way.

Councilman Parker argued against the characterization that City Council was throwing the ordinance package back. He would state that City Council generally liked what they saw; however, there were clearly some specific concerns, many of which City Council had discussed this evening that needed to be re-reviewed. He hoped that the PZC did use discretion in only going through those things that either City Council or the residents had brought up. He did not wish to see them go back and re-debate all of the things they had debated. At some point if the PZC got into a quagmire, City Council could place the item back on the agenda and vote on it.

Councilman Avioli thanked City Council for their constructive comments and advised that he wished to call the question.

CITY COUNCIL ACTION ON THE MOTION TO CALL THE QUESTION:

The motion to call the question carried on a 5-1-1 vote as follows:

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

OPPOSED: Councilman Corbett Daniel Parker

ABSENT: None

ABSTAIN: Mayor Philip L. Nauert*
*Mayor Philip L. Nauert abstained from voting on this agenda item due to his financial interest and ownership of an affected property located at 4562 Bissonnet Street, Bellaire, Texas.

**CITY COUNCIL ACTION ON THE AMENDMENT TO THE MAIN MOTION:**

**FOR:** 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

**ABSTAIN:** Mayor Philip L. Nauert*

*Mayor Philip L. Nauert abstained from voting on this agenda item due to his financial interest and ownership of an affected property located at 4562 Bissonnet Street, Bellaire, Texas.

Mayor Pro Tem Nathan asked for clarification from the Assistant City Attorney as to what process the PZC needed to undergo at this time.

Assistant City Attorney Barner advised that he would recommend that City Staff place the item back on the next PZC agenda for further discussion of City Council's comments, as well as public comments. The PZC would continue from there.

{A motion document was subsequently prepared for this agenda item summarizing the general and specific issues delineated by members of City Council. The motion document has been numbered: 2013-004}

Mayor Philip L. Nauert directed City Council back to agenda item G.1., and the remainder of the agenda was considered in the order in which it was written.

**G. REPORT(S):**

1. **CITY MANAGER’S REPORT regarding Residential Safety (Police Activity Report), Public Infrastructure/Utilities (Mayor Projects Report), Communications/Technology (Implementation of iPads for Council Agendas and Streaming Video in Civic Center), Current Issues/Information (Board Applications/Interviews),**
and Upcoming City Council Meetings/Events – Item submitted and presented by City Manager Bernard M. Satterwhite, Jr.

City Manager Bernard M. Satterwhite, Jr., presented the City Manager’s Report dated May 20, 2013, to members of City Council. Following questions of City Manager Satterwhite regarding his report, a motion was made and action taken to accept his report into the record.

CITY COUNCIL MOTION TO ACCEPT REPORT INTO THE RECORD/ACTION:

Councilman Roman F. Reed moved to accept the City Manager’s Report dated May 20, 2013, as presented by City Manager Bernard M. Satterwhite, Jr., into the record. Councilman Corbett Daniel Parker seconded the motion.

The 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

2. FINANCE REPORT for the City of Bellaire, Texas, covering the period ended April 30, 2013, and including discussion of revenues and expenditures in the General Fund, Enterprise Fund, Debt Service Fund, Vehicle, Equipment and Technology Fund, and Capital Improvement Program Fund, as well as discussion of statistical data – Item submitted and presented by Chief Financial Officer Linda Symank.

Chief Financial Officer Linda Symank presented the Financial Report for the City of Bellaire, Texas, covering the period ended April 30, 2013, to members of City Council. Following questions regarding her report, a motion was made and action taken to accept her report into the record.

CITY COUNCIL MOTION TO ACCEPT REPORT INTO THE RECORD/ACTION:

Councilman Corbett Daniel Parker moved to accept the Finance Report for the City of Bellaire, Texas, for the period ended
April 30, 2013, as presented by Chief Financial Officer Linda Symank, into the record. Councilman James P. Avioli, Sr., seconded the motion.

The 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

H. NEW BUSINESS:

1. ADOPTION OF ORDINANCES:

Agreements and Contracts for Services

a. CONSIDERATION of and possible action on a recommendation from the Bellaire Public Works Department to award a Contract and Agreement for Engineering Services to HDR Engineering, Inc., for the provision of engineering services associated with Rebuild Bellaire Phase Five Paving and Drainage Improvements Project in an amount not to exceed $1,564,812.00 and on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, said Contract and Agreement for Engineering Services with HDR Engineering, Inc., for the referenced services in an amount not to exceed $1,564,812.00 – Item submitted by Director of Public Works Joe Keene.

CITY COUNCIL MAIN MOTION:

Councilman Corbett Daniel Parker moved to approve a recommendation from the Bellaire Public Works Department to award a Contract and Agreement for Engineering Services to HDR Engineering, Inc., for the provision of engineering services associated with Rebuild Bellaire Phase Five Paving and Drainage Improvements
Project in an amount not to exceed $1,564,812.00 and to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, said Contract and Agreement for Engineering Services with HDR Engineering, Inc., for the referenced services in an amount not to exceed $1,564,812.00. Councilman Andrew S. Friedberg seconded the motion.

Following questions of Terry Maher of HDR Engineering, Inc., regarding the project, action was taken on the above-referenced motion.

**CITY COUNCIL ACTION ON MAIN 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

{Ordinance was subsequently numbered: 13-026}

b. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Fire Chief of the City of Bellaire, Texas, to execute, for and on behalf of the City of Bellaire, Texas, an Agreement Between City of Bellaire, Texas, and Advanced Data Processing, Inc., a subsidiary of Intermedix, for Ambulance Billing and Related Professional Services ("Agreement"), including Exhibits A, B, C, and D, all of which have been incorporated into and made a part of said Agreement, for ambulance billing and patient reporting system services for the Bellaire Fire Department's Emergency Medical Services Division for a period of three years commencing on June 1, 2013, and ending on May 31, 2016, with automatic renewals for successive one-year periods thereafter - Item submitted by Fire Chief Darryl Anderson.
CITY COUNCIL MAIN MOTION:

Councilman Roman F. Reed moved to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Fire Chief of the City of Bellaire, Texas, to execute, for and on behalf of the City of Bellaire, Texas, an Agreement Between City of Bellaire, Texas, and Advanced Data Processing, Inc., a subsidiary of Intermedix, for Ambulance Billing and Related Professional Services ("Agreement"), including Exhibits A, B, C, and D, all of which have been incorporated into and made a part of said Agreement, for ambulance billing and patient reporting system services for the Bellaire Fire Department’s Emergency Medical Services Division for a period of three years commencing on June 1, 2013, and ending on May 31, 2016, with automatic renewals for successive one-year periods thereafter. Mayor Pro Tem Amanda B. Nathan seconded the motion.

Following questions of Fire Chief Darryl Anderson and Marie West of Intermedix, action was taken on the above-referenced motion.

CITY COUNCIL ACTION ON MAIN 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

{Ordinance was subsequently numbered: 13-027}

Code Amendment – Chapter 24, Planning and Zoning

c. CONSIDERATION of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 24, Planning and Zoning, of the Code of Ordinances of the City of Bellaire, Texas ("Code"), as follows:
Article II, Definitions and Interpretation, Section 24-202, Definitions, by deleting definitions (10) - Automobile, compact, and (12) - Automobile, standard, and renumbering said section accordingly for the purpose of updating said section;

Article V, Zoning Regulations, Division 2, Zoning District Regulations, by deleting Sections 24-536, R-M.1 Residential-Commercial Mixed-Use District; 24-537, R-M.2 Residential-Commercial Mixed-Use District; and 24-538, R-M.3 Residential-Commercial Mixed-Use District, of the Code, and adding a new Section 24-536, to be entitled “Corridor Mixed Use District (CMU),” for the purpose of consolidating and providing updated standards for the three residential-commercial mixed-use districts along the Bissonnet corridor, as well as a portion of the current city center districts;

Article V, Zoning Regulations, Division 2, Zoning District Regulations, by deleting Sections 24-539, CCD-1 City Center District; and 24-540, CCD-2 City Center District, of the Code and adding a new Section 24-537, to be entitled “Urban Village-Downtown District (UV-D),” for the purpose of promoting development and redevelopment with a more urban character, said district of which would encompass portions of the current city center districts;

Article V, Zoning Regulations, Division 1, Zoning Districts and Regulations of General Applicability, by amending Section 24-501, Districts Established, for the purpose of deleting references to residential-commercial mixed-use districts and city center districts and adding references for the newly established Corridor Mixed Use District and the Urban Village-Downtown District;

Article V, Zoning Regulations, Division 2, Zoning District Regulations, by deleting Subsection D, Design Standards, Section 24-547, Urban Village (TOD) District (UV-T), of the Code and incorporating said design standards to a new Section 24-513a, to be entitled “Design Standards in Commercial and Mixed-Use Districts,” for the purpose of adding site and building design standards for all commercial and mixed-use districts;

Article V, Zoning Regulations, Division 2, Zoning District Regulations, by amending Subsection C(1), Development Standards, Streets, of Section 24-547, Urban Village
(TOD) District (UV-T), of the Code for the purpose of providing for east-west connectivity in said district;

Article V, Division 1, Zoning Districts and Regulations of General Applicability, by deleting Section 24-513, Landscaping, Screening and Buffering, of the Code in its entirety and adding a new Section 24-513, to be entitled "Landscaping, Screening and Buffering," for the purpose of providing updated and more precise standards for landscaping, screening and buffering, including for surface parking areas and parking structures;

Article V, Division 1, Zoning Districts and Regulations of General Applicability, by amending Section 24-514, Off-Street Parking and Loading, for the purpose of clarifying the design and standards for parking spaces;

Article IV, Planning Documents and Official Map, by amending Section 24-403, Official Zoning District Map, for the purpose of updating said map to reflect revisions made herein to Chapter 24, Planning and Zoning, of the Code; and

Re-numbering sections as appropriate to reflect revisions made herein – Item submitted by City Clerk Tracy L. Dutton at the direction of City Council.

Note: This agenda item was considered earlier in the meeting. See pages 5-30 of these minutes for discussion and action related to the item.

2. ITEMS FOR INDIVIDUAL CONSIDERATION:

Grant Application Request

a. CONSIDERATION of and possible action on a request from the Bellaire Fire Department to apply for the Texas Department of State Health Services FY14 EMS Local Projects Grant in the amount of $7,500.00 to be utilized toward the purchase of a Physio-Control Life Pack 15 (cardio-monitoring equipment) for use by Bellaire firefighters – Item submitted by Fire Chief Darryl Anderson.

CITY COUNCIL MAIN MOTION/ACTION:

Councilman Corbett Daniel Parker moved to approve a request from the Bellaire Fire Department to apply for
the Texas Department of State Health Services FY14 EMS Local Projects Grant in the amount of $7,500.00 to be utilized toward the purchase of a Physio-Control Life Pack 15 (cardio-monitoring equipment) for use by Bellaire firefighters. Councilman Roman F. Reed seconded the motion.

The 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

{A motion document was subsequently prepared for this agenda item and has been numbered: 2013-005}

**Bellaire Recycles Fest**

b. CONSIDERATION of and possible action on a recommendation and request from the Bellaire Public Works Department and the Environmental and Sustainability Board of the City of Bellaire, Texas, to host a Bellaire Recycles Fest event on November 2, 2013, in the City of Bellaire, Texas, and to continue to hold said event each year thereafter – Item submitted by Director of Public Works Joe Keene.

**CITY COUNCIL MAIN MOTION:**

Councilman James P. Avioli, Sr., moved to approve a recommendation and request from the Bellaire Public Works Department and the Environmental and Sustainability Board of the City of Bellaire, Texas, to host a Bellaire Recycles Fest event on November 2, 2013, in the City of Bellaire, Texas, and to continue to hold said event each year thereafter. Mayor Pro Tem Amanda B. Nathan seconded the motion.

Following discussion related to the adequacy of budgeted funds needed for the event with City Staff, Bill Stone, Chair of the Environmental and Sustainability Board of the City of Bellaire, Texas, and Seth A. Miller, Vice Chair of the Environmental and
Sustainability Board of the City of Bellaire, Texas, action was taken on the above-referenced motion.

**CITY COUNCIL ACTION ON MAIN MOTION:**

The *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

{A motion document was subsequently prepared for this agenda item and has been numbered: 2013-006}

**Detention for Baldwin Avenue Reconstruction Project**

c. **CONSIDERATION of and possible action on a recommendation from City Staff for City Council authorization to proceed with the construction of a storm water detention pond in accordance with specifications and designs prepared by HDR Engineering, Inc., for the Baldwin Avenue Reconstruction Project in October of 2011, the construction contract of which was awarded to Metro City Construction on December 5, 2011, by Ordinance No. 11-083 — Item submitted by Director of Public Works Joe Keene.**

**CITY COUNCIL MAIN MOTION:**

Councilman Pat B. McLaughlan moved to approve a recommendation from City Staff for City Council authorization to proceed with the construction of a storm water detention pond in accordance with specifications and designs prepared by HDR Engineering, Inc., for the Baldwin Avenue Reconstruction Project in October of 2011, the construction contract of which was awarded to Metro City Construction on December 5, 2011, by Ordinance No. 11-083. Councilman Roman F. Reed seconded the motion.

City Manager Bernard M. Satterwhite, Jr., advised City Council that the City, in connection with the Baldwin Avenue extreme
event storm sewer project, was required to detain 3.9 acre feet of storm water before the water could flow into the bayou. City Staff had investigated other avenues of sharing detention or purchasing an interest for shared detention from the City of Houston. Since shared detention did not seem to be a viable option at this point in time, the City needed to move forward with the construction of its own storm water detention pond, which would be located on City-owned property between the Wastewater Treatment Plant and Cypress Ditch. The pond was designed by HDR Engineering, Inc., in October of 2011, along with the design for the remainder of the Baldwin Avenue Reconstruction Project. Additionally, when the project was bid, the successful bidder, Metro City Construction, had included provisions for the construction of a pond in their bid.

Following questions of City Manager Satterwhite and Terry Maher of HDR Engineering, Inc., action was taken on the above-referenced motion.

**CITY COUNCIL ACTION ON MAIN MOTION:**

The 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

{A motion document was subsequently prepared for this agenda item and has been numbered: 2013-007}

**Minimum Parking Requirements in Commercial and Mixed-Use Districts**

**d. CONSIDERATION of and possible action on the issuance of direction to City Staff regarding the inclusion of a review of minimum parking requirements in commercial and mixed-use districts, as a component of the Planning and Zoning Commission's continuing review of parking regulations in the City of Bellaire – Item submitted by Director of Community Development John McDonald on behalf of Councilman Andrew S. Friedberg.**
Introduction:

Councilman Andrew S. Friedberg, by way of explanation, referred to the public hearing previously held before City Council on the Chapter 24, Planning and Zoning, proposed amendments. He noted that Section 24-514a, which dealt with parking in commercial and mixed-use districts, had been pulled from the packet by City Staff for further review and consideration. In the course of the public hearing, Councilman Friedberg had asked Director of Community Development John McDonald whether the minimum parking requirements, such as four spaces per 1,000 square feet of retail space, were standalone provisions that would be incorporated by reference to other parking requirements. The answer was "yes." It occurred to Councilman Friedberg that now might be a good time to go back, with the benefit of the City's consultant (Gary Mitchell of Kendig Keast Collaborative) as well, and confirm that the City's minimum parking requirements were current and appropriate for modern usage.

Following questions of Director of Community Development John McDonald regarding the desire for there to be an opportunity for public input regarding the parking requirements, a motion was made and seconded regarding the parking requirements.

CITY COUNCIL MAIN MOTION/ACTION:

Councilman Andrew S. Friedberg moved to formally direct City Staff to include a review of minimum parking requirements in commercial and mixed-use districts, as a component of it and the Planning and Zoning Commission’s continuing review of parking regulations in the City of Bellaire, Texas. Mayor Philip L. Nauert and Councilman Corbett Daniel Parker jointly 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

{A motion document was subsequently prepared for this agenda item and has been numbered: 2013-008}

I. ITEMS FOR FUTURE AGENDAS; COMMUNITY INTEREST ITEMS FROM THE MAYOR AND CITY COUNCIL.

Community interest items from the Mayor and City Council included wishes for a Happy Memorial Day and expressions of thoughts and prayers to those residents of Oklahoma who had suffered great losses as the result of tornado damage.

J. ADJOURNMENT.

CITY COUNCIL MOTION TO ADJOURN/ACTION:

Councilman Pat B. McLaughlan moved to adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 10:04 p.m. on Monday, May 20, 2013. Councilman Roman F. Reed seconded the motion.

The 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. Dutton, TRMC
City Clerk
City of Bellaire, Texas

Approved:

[Signature]
Philip L. Nauert, Mayor
City of Bellaire, Texas
City of Bellaire
City Council

Minutes of Meeting
May 20, 2013

Approved:

Amanda B. Nathan
Mayor Pro Tem
City of Bellaire, Texas