



CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

MAY 18, 2015

Council Chamber and Council Conference Room
6:00 PM

Special Session and Regular Session

7008 S. RICE AVENUE
BELLAIRE, TX 77401

I. SPECIAL SESSION (EXECUTIVE SESSION) - 6:00 P.M.

A. Call to Order and Announcement of a Quorum - Dr. Philip L. Nauert, Mayor.

Dr. Philip L. Nauert, Mayor, called the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, to order at 6:06 p.m. on Monday, May 18, 2015. He announced that a quorum of the members of City Council were present as set forth in the table below.

Full Name	Title	Status	Arrived
Dr. Philip L. Nauert	Mayor	Present	
Mr. B. Nathan	Mayor Pro Tem	Absent	
Mr. J. Reed	Councilman	Absent	
Mr. J. Aviola Sr.	Councilman	Present	
Mr. J. Appas	Councilman	Present	
Mr. J. Laughlan	Councilman	Present	
Mr. S. Friedberg	Councilman	Present	
Mr. J. Hofmann	City Manager	Present	
Mr. J. Petrov	City Attorney	Present	
Mr. J. Dutton	City Clerk	Present	
Mr. J. Blackburn	Attorney	Present	
Mr. J. Andrews	City Engineer	Present	

B. Convene in Executive Session:

Convene in Executive Session (Closed Session) in the Council Conference Room under the Texas Government Code, Chapter 551, Open Meetings, Section 551.071, Consultation with Attorney; Closed Meeting, for the purpose of discussing legal options related to drainage and environmental impacts from a development known as "The Shoppes at Uptown Crossing" located at the intersection of South Rice Avenue and Westpark Drive, Houston, Harris County, Texas.

Motion:

To convene in Executive Session (Closed Session) under the Texas Government Code, Chapter 551, Open Meetings, Section 551.071, Consultation with Attorney; Closed Meeting, for the purpose of discussing legal options related to drainage and environmental impacts from a development known as "The Shoppes at Uptown Crossing" located at the intersection of South Rice Avenue and Westpark Drive, Houston, Harris County, Texas.

RESULT:

UNANIMOUS

MOVER:	Pat B. McLaughlan, Councilman
SECONDER:	Gus E. Pappas, Councilman
AYES:	Nauert, Avioli Sr., Pappas, McLaughlan, Friedberg
ABSENT:	Nathan, Reed

The Bellaire City Council convened in Executive Session (Closed Session) on May 18, 2015, at 6:06 p.m. in the Council Conference Room, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401.

C. Reconvene:

Reconvene in Open Session and take action, if any, on item(s) discussed in Executive Session (Closed Session).

The Bellaire City Council reconvened in Open Session in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401, at 7:29 p.m. on Monday, May 18, 2015. **Dr. Philip L. Nauert, Mayor**, advised that members of the City Council had been in consultation with attorneys regarding the development known as "The Shoppes at Uptown Crossing." He indicated that no action would be taken this evening related to matters discussed in Executive Session.

D. Adjourn.

Motion:

To adjourn the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, at 7:31 p.m. on Monday, May 18, 2015.

RESULT:	UNANIMOUS
MOVER:	Andrew S. Friedberg, Councilman
SECONDER:	Gus E. Pappas, Councilman
AYES:	Nauert, Avioli Sr., Pappas, McLaughlan, Friedberg
ABSENT:	Nathan, Reed

II. REGULAR SESSION - 7:00 P.M.

A. Call to Order and Announcement of a Quorum - Dr. Philip L. Nauert, Mayor.

Dr. Philip L. Nauert, Mayor, called the Regular Session of the City Council of the City of Bellaire, Texas, to order at 7:32 p.m. on Monday, May 18, 2015. He announced that a quorum of the members of City Council were present as set forth in the table below.

Name	Title	Status
Dr. Philip L. Nauert	Mayor	Present
Amanda B. Nathan	Mayor Pro Tem	Absent
Roman F. Reed	Councilman	Absent
James P. Avioli, Sr.	Councilman	Present
Gus E. Pappas	Councilman	Present
Pat B. McLaughlan	Councilman	Present
Andrew S. Friedberg	Councilman	Present
Paul A. Hofmann	City Manager	Present

Alan P. Petrov	City Attorney	Present
Tracy L. Dutton	City Clerk	Present

B. Inspirational Reading and/or Invocation - Pat B. McLaughlan, Councilman.

Pat B. McLaughlan, Councilman, provided the inspirational reading for the evening.

C. Pledges to The Flags - Pat B. McLaughlan, Councilman.

Pat B. McLaughlan, Councilman, led members of the City Council and audience in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

D. Approval or Correction of Minutes:

1. Minutes of the Regular Session held on April 20, 2015:

Consideration of and possible action on the adoption of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, April 20, 2015.

Mayor and Council - Regular Session - Apr 20, 2015 7:00 PM

Motion:

To approve and adopt the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, April 20, 2015.

****Note:** Dr. Philip L. Nauert, Mayor, abstained from voting on the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, April 20, 2015, due to his absence from that session.**

RESULT:	APPROVED [4 TO 0]
MOVER:	James P. Avioli Sr., Councilman
SECONDER:	Pat B. McLaughlan, Councilman
AYES:	Avioli Sr., Pappas, McLaughlan, Friedberg
ABSTAIN:	Nauert
ABSENT:	Nathan, Reed

2. Minutes of the Regular Session held on May 4, 2015:

Consideration of and possible action on the adoption of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, May 4, 2015.

Mayor and Council - Regular Session - May 4, 2015 7:00 PM

Motion:

To approve and adopt the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, May 4, 2015.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	James P. Avioli Sr., Councilman
SECONDER:	Gus E. Pappas, Councilman
AYES:	Nauert, Avioli Sr., Pappas, McLaughlan, Friedberg
ABSENT:	Nathan, Reed

E. Personal/Audience Comments.

Kathleen Ballanfant:

Ms. Ballanfant addressed City Council in support of the permit parking item on City Council's agenda this evening to allow permit parking on Fournace Gardens Drive from 9:00 a.m. until 5:00 p.m., Monday through Friday. She indicated that when the City allowed the Neighborhood Center building to construct a driveway through to Fournace Place, tenants of that building started parking on Fournace Gardens Drive. She indicated further that residents were sometimes unable to access their driveways.

Ms. Ballanfant continued and noted that 100% of the property owners of record on Fournace Gardens Drive had signed the petition requesting permit parking that had been included in City Council's agenda packet. She thanked City Manager Paul A. Hofmann and Director of Development Services John McDonald for working on the petition so quickly once it had been submitted to the City.

In closing, Ms. Ballanfant urged City Council and the Planning and Zoning Commission to consider the impacts to residents' quality of life when considering zoning changes in residential areas. As mentioned previously, a small change allowing the addition of a driveway could lead to significant impacts to residents related to traffic congestion.

Andrew Jerige:

Mr. Jerige addressed City Council regarding Evelyn's Park. He provided a PowerPoint presentation regarding the following four issues: 1) parking on Camellia Lane; 2) noise and security due to Evelyn's Park; 3) restaurants and event center; and 4) traffic and trash near homes.

Mr. Jerige referred to several events that had been held at Evelyn's Park and cited problems that occurred as a result of the events. For example, people were parking on both sides of Camellia Lane making it difficult for residents to get in and out of their homes; people were walking on and through private yards; trash was thrown in yards; and paint balls were shot at homes.

In order to address the problems, Mr. Jerige suggested that signs stating "No Evelyn's Park Parking" be installed along Camellia Lane, as well as the construction of a border or wall on the northern perimeter of Evelyn's Park (abutting the southern border of Camellia Lane properties). Mr. Jerige provided examples of architecturally pleasing acoustical walls, and advised that cost estimates for such walls ranged from \$150,000 to \$250,000 (12' in height X 500' in length).

With respect to the restaurant at Evelyn's Park, Mr. Jerige suggested the following restaurant hours: 7:00 a.m. to 8:00 p.m. With respect to the event center, he suggested that events be held between the hours of 10:00 a.m. and 8:00 p.m. He urged City Council not to allow events to be held when extra parking at the Bellaire United Methodist Church was not available.

As to trash, Mr. Jerige indicated that a neighborhood meeting had been held the previous week where the residents learned that trash containers might be located near the Camellia Lane residents. Concerns were expressed that rodents might become an issue for the residents. Mr. Jerige urged City Council to ensure that trash containers were located as far south into Evelyn's Park as possible and hidden behind an enclosure.

Barbara Jerige:

Ms. Jerige addressed City Council and advised that she agreed with everything her husband had previously stated. She stated further that she had written an email to her neighbors a week ago and wanted to disclose that City Council. She wanted City Council to know that she and her husband, as well as many of their neighbors, had genuine concerns. She read the major excerpts from her email into the record as follows:

1. Restaurant:

When we bought our home, we were under the understanding that the "cafe" was just going to be used for park events only. We just recently found out that the "cafe" is actually going to be a full-blown restaurant that will be open seven days a week for breakfast, lunch, and dinner, and it will be used all of the time for park events that could be noisy and could last late into the night.

We believe that this will surely increase the extreme traffic and parking issues well beyond what we have already sadly experienced with Food Truck Wednesdays and Pop Up in the Park Saturdays. Also, we are concerned about the noise from events, security, and danger from people who may get tipsy while drinking at the restaurant or park events and then driving drunk in our neighborhood.

2. Parking Issues on Camellia Lane and Nearby Streets:

We believe that the Commissioners should allow Camellia Lane and other affected streets to have some kind of permit-type parking to ensure that all of our family and friends have the ability to park in our neighborhoods and in front of our own homes. In addition to the extreme parking problems, we have personally experienced people trespassing on our yard and throwing trash in our yard while walking to and from the park for park events.

3. Noise and Security:

The noise and security issues caused by the park has not yet been addressed. Andrew and I are recommending that an architectural acoustical sound control wall be run on the fence line between the park and the back of the homes on Camellia Lane to help stop criminal activity, other security issues, and to help cut down the noise from the park. We suggest this wall be around 12' and designed to be extremely visually attractive. This wall would be similar to the pretty walls installed along the highways to abate noise and stop people from walking around the highways. Very similar to the highways, we will need the noise abatement and some control of people walking around our homes and property in order to help keep criminals out of our backyard and to help control noise caused by events at the park.

We are very much concerned about how all of these and other issues may severely damage the resale value and the quality of life in our homes due to privacy, security, safety, noise, traffic, trespassing, littering, and other negative impacts resulting from the park. We bought our home in Bellaire because we did not want our home to be near

businesses. Now it looks like we will have a restaurant and an event venue, which may have loud music and security and safety concerns, right behind our house.

Please join us for this Council meeting tonight to help us keep our neighborhood safe, quiet, friendly, and beautiful and to maintain "Bellaire's City of Homes," instead of "Bellaire's Business Right Behind our Homes."

Keith Bowers:

Mr. Bowers addressed City Council regarding the guaranteed maximum price contract City Council would be asked to sign later this evening. He indicated that he had tried to figure out how much Phase One of Evelyn's Park would cost the City and was unable to do so. Appendix B of the contract consisted of deliverables to be provided by Linbeck (the contractor). One known cost to the City was \$50,000 for testing of materials. Utilities, such as power, gas, and water, would be payable by the City. Furniture, fixtures, and equipment were to be furnished and installed by the owner. Under the contract, the "owner" was the City of Bellaire.

Mr. Bowers indicated that the kitchen would have no vent hoods, heat exchange system, etc. The floors had been stripped down to smoothed polished concrete (which was fine for a park). He referenced the roof material, noting that it would be constructed of metal similar to the City's Recreation Center. Mr. Bowers inquired as to the type of paint and covering that would go along with the roof and stated that he hoped that those materials would have a longer life (such as 30 years as opposed to two years). The biggest issue Mr. Bowers had with the project was that the contractor would not be installing any conduit or wiring in spaces that were accessible. The implication was that the City would have to supply all of the wiring. Mr. Bowers stated that the electrical system should be complete otherwise the City would have real problems with interface issues in his opinion.

With respect to landscaping and lighting, Mr. Bowers indicated that the contract would not provide either. The building would not have any telephone wiring, security wiring, data wiring, cable television or audio. He advised that he would want to ensure that the building was secure before he put anything on the walls, such as oak paneling.

In closing, Mr. Bowers urged City Council to look very carefully at the contract. He stated that this was not a \$6.3 million contract in his opinion. In Mr. Bowers' estimation, in order to bring the facility up to a usable status, the contract cost was likely \$7 million.

Tom Flaherty:

Mr. Flaherty addressed City Council and urged passage of all items relative to Evelyn's Park this evening. He thanked City Council for rolling up their sleeves and working through the tough issues that had to be dealt with before this evening. Mr. Flaherty advised that Evelyn's Park had been in the design process for two years or more and indicated that he was surprised by earlier comments being made on the eve of the contract proposal.

In Mr. Flaherty's opinion, the freeway sound walls would not be aesthetically pleasing in a park environment. Additionally, if he were lucky enough to live near Evelyn's Park, he advised that he would install a gate so that he could access the park from his yard.

He continued and indicated that he understood concerns with respect to parking. There were procedures in the City to allow for permit parking. He advised that he lived across

from a church and another institution and understood the overflow parking issues. On the other hand, those issues were part of where he lived.

Marybeth Flaherty:

Ms. Flaherty addressed City Council and advised that four years ago this spring, the City and The Jerry and Maury Rubenstein Foundation embarked on a journey together that neither party had ever taken. They formed the Evelyn's Park Conservancy (the "Conservancy"), a public-private partnership composed of eight volunteer members that was given a behemoth task. They were to design and raise funds to build Evelyn's Park on prime Bellaire property at the corner of Newcastle Street and Bellaire Boulevard.

Those volunteers had worked very hard to meet the tasks given them. Ms. Flaherty advised that both the Conservancy and the City had learned a great deal through the process. She was personally thrilled to finally see this evening arrive. This evening's agenda items related to Evelyn's Park were evidence of hundreds, if not thousands, of hours of hard work. The Conservancy had worked with experts in the fields of architecture and landscape and engineers specializing in traffic, electrical, and civil to bring the final Phase One plans to the City. Working alongside the City Staff, there was before City Council a guaranteed maximum price contract with the Linbeck Group, LLC.

The Conservancy was poised to contribute almost \$1.4 million to add to the \$5 million in City bonds authorized for the construction of Evelyn's Park. Not just the citizens of Bellaire, but every commuter to the Medical Center using Bellaire Boulevard as he or she headed east to the Medical Center, and citizens from neighborhoods nearby that traveled west on Bellaire Boulevard to access Loop 610, as well as the daily No. 2 METRO riders, one of the busiest METRO routes traveling east and west on Bellaire Boulevard, had been watching and waiting to see construction begin on Evelyn's Park.

With City Council's positive votes this evening, construction could begin. Ms. Flaherty urged City Council to make this evening the night to celebrate the upcoming groundbreaking for Evelyn's Park.

Lynn McBee:

Ms. McBee, in addressing City Council, advised that the City Manager had been with Bellaire a little over a year now. She made some observations that she believed were attributable to his service to the City. Within the last few weeks, Ms. McBee had seen a Comprehensive Plan Update by Gary Mitchell of Kendig Keast Collaborative (several hundred pages in length), a Parks Master Plan Update (over one hundred pages in length), a Fire Department Service Plan (twenty-three pages long), an Information Technology Service Plan (eleven pages long), a Comprehensive Financial Policy Statement drafted by the Finance Department and the City Manager and reviewed by the City's Audit Finance Board, a long-range financial planning document, and infrastructure reports of some length from both the Public Works Department and City Engineer.

Ms. McBee advised that the City was certainly producing a great deal of written communications describing the activities of the City that City Council must master in order to create policy. The City had not, it seemed, communication experts who specialized in brevity of communications. She noted that it was becoming increasingly difficult for citizens to keep up with all of the information. She suggested making things a little less comprehensive and more comprehensible.

Further, Ms. McBee advised that much of the referenced information produced seemed

to indicate that the City would grow. She advised that the City's boundaries were fixed and had been since 1949. Unless the City was planning to build high-rise apartments or other high-density structures in the City, Bellaire was not going to grow. There was only one counter that Ms. McBee had any confidence in--the United States Census Department.

In closing, Ms. McBee stated that Evelyn's Park would be costing the City money for a long time to come and urged others to stop debating the cost. Finally, the one item on City Council's agenda that was missing was the Ad Hoc Municipal Facilities Committee--she had understood that City Council would be making additional appointments this evening.

After noting no further oral comments and at the request of several residents, **Dr. Philip L. Nauert, Mayor**, read the written comments set forth below into the record.

Carolyn Rubenstein:

My name is Caroline Rubenstein and I live on Willow Street. I have been a Bellaire resident for over 25 years. This park means so much to this community. It is a gathering spot for neighbors to enjoy green space, enjoy a walk in the park with their family, and to enjoy a quiet respite from the hustle and bustle. The park will provide more value to the community through increases in their property values and increased benefits of having more green space which has shown reduction in stress and obesity.

I support Evelyn's Park and hope that City Council will do the same thing by moving ahead with the approval of the Guaranteed Maximum Price for Phase One.

Please have my written comments read into the record at the City Council meeting.

Elliot Sorkin:

My name is Elliot Sorkin and I live on Effie Street in Bellaire. Evelyn's Park means so much to this community. It will be a gathering spot, a hub for the community, and an exciting opportunity for Bellaire and the surrounding areas. The park will provide many benefits to the community.

I support Evelyn's Park and hope that City Council will do the same thing by moving ahead with the approval of the construction plan and next steps. Please read my comments into the record.

Thank you for your consideration.

Steve Payne:

My name is Stephen Payne and I live on Linden Street. Evelyn's Park means so much to this community. It will be a gathering spot, a hub for the community, and an exciting opportunity for Bellaire and the surrounding areas. The park will provide many benefits to the community.

I support Evelyn's Park and hope that City Council will do the same thing by moving ahead with the approval of the construction plans and next steps. Please read my comments into the record. Thank you for your consideration.

Glenn Engle:

My name is Glenn Engle and I live on Carlon Street. Evelyn's Park means so much to this community. It will be a gathering spot, a hub for the community, and an exciting opportunity for Bellaire and the surrounding areas. The park will provide many benefits to the community.

I support Evelyn's Park and hope that City Council will do the same thing by moving ahead with the approval of the construction plans and next steps. Please read my comments into the record. Thank you for your consideration.

Lauren Sorkin:

My name is Lauren Sorkin and I live on Effie Street. Evelyn's Park means so much to this community. It will be a gathering spot, a hub for the community, and an exciting opportunity for Bellaire and the surrounding areas. The park will provide many benefits to the community.

I support Evelyn's Park and hope that City Council will do the same thing by moving ahead with the approval of the construction plans and next steps. Please read my comments into the record.

Emily Buergler:

My name is Emily Buergler and I live on Ruskin Street with my Dad, Mom (Karla Kurrelmeyer, MD), and brother. I have been a West University resident for 14 years. I live just on the other side of the train tracks of the future location of Evelyn's Park which is why it is so important to me that it be developed and opened for Bellaire and West University residents to enjoy. This park will be beneficial to both communities. It is a gathering spot for neighbors to enjoy green space. The park will provide many benefits to the Bellaire community, including increasing property values. It will improve the health and well-being of our citizens from the surrounding communities. As a Teen Ambassador for the park, I have enjoyed volunteering and giving back to the community. We have all worked hard to raise the funds and are very excited for construction to begin.

I support Evelyn's Park and hope that City Council will do the same thing by moving ahead with the approval of the GMP. Please read my comments into the record. Thank you for your consideration.

Sheryl W. Rapp:

My name is Sheryl Rapp and I live on Willow Street and have been a Bellaire resident for 21 years. Evelyn's Park means so much to this community and is so needed for our city. It is a gathering spot for neighbors to enjoy green space and will provide many benefits to the community, including increasing property values and improving the health and well-being of our citizens. We have, as a community, worked very hard to raise the funds and are very excited for construction to begin. I support Evelyn's Park and hope that City Council will do the same thing by moving ahead with the approval of the GMP. Please read my comments into the record. Thank you for your consideration.

Priya Bhosale, MD:

My name is Priya Bhosale, MD, and I live on Mulberry Lane. I have been a Bellaire resident for ten years. This park means so much to this community. It is a gathering spot for neighbors to enjoy green space. The park will provide many benefits to the

community, including increasing property values and improving the health and well-being of our citizens. As a Teen Ambassador for the park, I have enjoyed volunteering and giving back to the community. We have all worked hard to raise the funds and are very excited for construction to begin.

I support Evelyn's Park and hope that City Council will do the same thing by moving ahead with the approval of the GMP. Please read my comments into the record.

Thank you for your consideration.

Gary Markowitz:

I want to thank the Council for being proactive and supporting the development of Evelyn's Park. The City of Bellaire is blessed with great residents and great government, but one thing it lacks is adequate green space and community gathering places. With your support, Evelyn's Park will become an oasis of community pride and spirit and will help improve the quality of life for Bellaire's citizens.

Claudia Miller:

My name is Claudia Miller and I live on Evergreen Street. I have been a Bellaire resident for 15 years. This park means so much to this community. It is a gathering spot for neighbors to enjoy green space. The park will provide many benefits to the community, including increasing property values and improving the health and well-being of our citizens. We have, as a community, worked hard to raise the funds and are very excited for construction to begin.

I support Evelyn's Park and hope that City Council will do the same thing by moving ahead with the approval of the GMP. Please read my comments into the record.

Thank you for your consideration.

Denise Leisten:

My name is Denise Leisten and I live on Huisache Street. I have been a Bellaire resident for 16 years. This park means so much to this community. It is a gathering spot for neighbors to enjoy green space. The park will provide many benefits to the community, including increasing property values and improving the health and well-being of our citizens. As a Bellaire resident who hopes to enjoy the park, my daughter, as a Teen Ambassador, has enjoyed volunteering and giving back to the community. We have all worked hard to raise the funds and are very excited for construction to begin.

I support Evelyn's Park and hope that City Council will do the same thing by moving ahead with the approval of the GMP. Please read my comments into the record. Thank you for your consideration.

Neha Paseur:

My name is Neha Paseur and I live on Park Court. I have been a Bellaire resident for about five years. This park means so much to this community. It is a gathering spot for neighbors to enjoy green space, a walk in the park with family, and a quiet respite from the hustle and bustle. The park will restore green space to an historic part of our city and build an iconic park for generations to enjoy. The park will increase property values, improve the health of our citizens, as well as enrich our lives, by providing a great meeting place to interact with neighbors. As a community we have worked hard

to raise funds and are very excited for construction to begin.

I support Evelyn's Park and hope that City Council will do the same thing by moving ahead with the approval of the Guaranteed Maximum Price. Please read my comments into the record.

Karl Poirot:

My name is Karl Poirot and I live on Mulberry Lane. I have been a Bellaire resident for 13 years. This park will be a substantial addition to Bellaire and its residents. The park will provide many benefits to the community, including increasing property values and will improve the health and well-being of our citizens.

I support Evelyn's Park and hope that City Council will do the same thing by moving ahead with the approval of the GMP. Please read my comments into the record.

Thank you for your consideration.

Sue Floyd:

My name is Sue Floyd. My husband Craig and our two children, John and Julia, live on Magnolia Street. We have been Bellaire residents for 19 years. This park means so much to this community. It is a gathering spot for neighbors to enjoy green space. The park will provide many benefits to the community, including increasing property values and improving the health and well-being of our citizens. We have, as a community, worked hard to raise the funds and are very excited for construction to begin.

We support Evelyn's Park and hope that City Council will do the same thing by moving ahead with the approval of the GMP.

Please read our comments into the record.

Thank you for your consideration.

Quinn Bello:

My name is Quinn Bello and I live on Alpine Court. I have been a Bellaire resident for 15 years. This park means so much to this community. It is a gathering spot for neighbors to enjoy green space. The park will provide many benefits to the community, including increasing property values and improving the health and well-being of our citizens. As a Teen Ambassador for the park, I have enjoyed volunteering and giving back to the community. We have all worked hard to raise the funds and are very excited for construction to begin.

I support Evelyn's Park and hope that City Council will do the same thing by moving ahead with the approval of the GMP. Please read my comments into the record. Thank you for your consideration.

Elizabeth Bello:

My name is Elizabeth Bello and, as a resident of Bellaire since 1998, I am an enthusiastic supporter of Evelyn's Park. The green space, gather opportunity and community offerings that will be available with the development of this park are of great value to the city and the neighborhood.

The neighbors of the park and those who choose to visit will be able to see health and wellness benefits through accessing the walking paths, tranquility of nature, and local offerings for whole families. My daughter, who serves as a Teen Ambassador for the park, has found the park development process a lesson in city planning and development and sees her service as a way to connect with the community around her. As a family, we have been anxiously watching for construction to move forward so we can all enjoy the benefits of a nearby developed park.

City Council members, please demonstrate support of Evelyn's Park with your approval of the GMP. I also request that my comments be read into the Council record. Thank you very much for your consideration and support of this important next step for our city.

Stephanie Goldfield:

My name is Stephanie Goldfield and I live on Palmetto Street. I've been a Bellaire resident for 14 years. This park means so much to this community and to me. It is a gathering spot for neighbors to enjoy green space. The park will provide many benefits to the community, including increasing property values and improving the health and well-being of our residents.

*We always talk about the **need** for our citizens to have opportunities to utilize our recreation facilities, enjoy performing arts, to meet others, and to ensure that citizens shop and dine here vs. in the next community. Evelyn's Park will not only enhance our quality of life in these ways but will provide more City notoriety and thus drive others here, which is another revenue stream.*

We have, as a community, worked hard to raise funds and are very excited for construction to begin. Having just volunteered at our Showcase of Homes, countless citizens asked "when" the building of Evelyn's Park will commence. EVERYONE is ready and it is critical that we start digging. It seemed that some doubt is setting in but we must keep the momentum going since fundraising needs to continue.

When I talk to friends outside of our City, I tell them we're going to have our very own "Central Park" and it is with great pride, excitement, and desire that these words are uttered.

I strongly support Evelyn's Park and hope that City Council will do the same thing by moving ahead with the approval of the GMP. Action now, please!! Please read my comments into the record.

Thank you for your consideration.

Ali Katz:

My name is Ali Katz and I live on Huisache Street. I have been a Bellaire resident for 15 years. This park means so much to this community. It is a gathering spot for neighbors to enjoy green space. The park will provide many benefits to the community, including increasing property values and improving the health and well-being of our citizens. We have, as a community, worked hard to raise the funds and are very excited for construction to begin.

I support Evelyn's Park and hope that City Council will do the same thing by moving ahead with the approval of the GMP. Please read my comments into the record. Thank you for your consideration.

Catherine Devine:

Good afternoon,

My family and I are ten-year Bellaire residents. We are anxiously awaiting the development of Evelyn's Park. This is exactly the type of improvement the City of Bellaire needs to invest in to establish Bellaire as the preeminent Houston-area community in which to live. Please approve the funding to start construction. This park enjoys unbelievable support from the community, and we are all hoping to see it complete before our children go off to college!

I respectfully request that my comments be read into the record at this evening's Council Meeting.

Thank you.

Richard Franke:

Please arrange to have these comments forwarded to appropriate staff and read into the record at the May 18, 2015, City Council Meeting:

This taxpayer has had recent discussions with both the City Engineer and the Director of Public Works concerning the proposed deferral of reconstruction of a 73 year old cast iron water line that services the 1000 and 1100 blocks of Howard Lane. That discussion was forwarded to the City Manager and Elected Officials, but the critical nature of reliable water service warrants public disclosure and discussions.

The background is that the Engineers have proposed deferring reconstruction of the 73 year old water line on the two blocks of Howard Lane because other water lines are said to warrant more immediate service. Despite 17 years or more of infrastructure reports by the City's Consulting Engineer and Public Works, the age and condition of water lines has received scant attention. Rather, during that period the focus has been on replacing the undersized two inch lines. Further, after several street reconstruction projects that required subsequent water line replacement, the Engineer and the City of Bellaire concluded it is more efficient and cost-effective to replace water lines in connection with street reconstruction that addressed storm drainage, wastewater drainage, and reconstruction of the sub-base and surface of streets with long lasting concrete construction.

After waiting almost 17 years, the City of Bellaire is committed to reconstruction of the 4300 blocks of Nancy and Glenmont (outflow streets, I presume) to facilitate reconstruction of all three blocks of Howard Lane. However, due to what the Engineer and Public Works now claim are significant increases in water line reconstruction costs, that reconstruction project will not include replacement of the 73 year old cast iron water line that services the 1000 and 1100 blocks of the street. Do the Engineers and City of Bellaire not understand basic economics? Periods of expansion and prosperity usually bring cost increases to material and services. Where have you been for 17 years?

We have been advised that the subject water line will be replaced no sooner than five years and then only if bond and tax rates will fund the cost. In typical Bellaire fashion, that means there is no real commitment to replacing that water line. If it fails in the interim, we are told the City will seek emergency funds from a government agency. Water service being a critical top tier priority of the City of Bellaire, the City should

immediately identify funds for replacement of the subject water line in connection with Phase 5B of Rebuild Bellaire in 2015-2016. **There is no excuse for funding any park or other noncritical service until all water line and street infrastructure needs are funded with a firm commitment to tax rate adjustments or bonded indebtedness.**

A final comment concerning G1 of the agenda. Restricted parking **should not be limited to the hours between 8 AM and 5 PM.** Neighborhoods adjacent to commercial areas and parks (**including Evelyn's Park**) should be permitted to have 24/7/365 restricted parking. There is no excuse for residential taxpayers having to subsidize the use of either commercial, park or school parking with their privacy, public safety or quiet enjoyment of their home and neighborhood. What are the priorities of the City of Bellaire?

Brian Laviage:

My name is Brian Laviage and I live on Jim West Street. Evelyn's Park means so much to this community. It will be a gathering spot, a hub for the community, and an exciting opportunity for Bellaire and the surrounding areas. The park will provide many benefits to the community.

I support Evelyn's Park and hope that City Council will do the same thing by moving ahead with the approval of the construction plan and next steps. Please read my comments into the record. Thank you for your consideration.

Scott Doctor:

My name is Scott Doctor and I live on Jim West Street. We are very excited about the starting of construction on Evelyn's Park. Evelyn's Park is going to be a major asset to the City of Bellaire and its citizens. It will be a gathering spot, a hub for the community, and an exciting opportunity for Bellaire and the surrounding areas. The park will provide many benefits for the community.

I support Evelyn's Park and hope that City Council will do the same thing by moving forward with the approval of the construction plan and next steps. Please read my comments into the record. Thank you for your consideration.

Ben Raymond:

In my opinion, no great city is without an exceptional gathering spot for its community members to co-exist. That being said, the construction of Evelyn's Park represents an opportunity for Bellaire. We will go from being a "good place to live," to being an "exceptional community to live in." All property values will improve with a community commitment to bettering our infrastructure (no one needs to look further than Southside Place for the effect of parks and beautification on the economic impact of a profoundly positive plan). I strongly support the bond referendum being discussed by City Council with hopes that our residents understand that sometimes you have to spend money to make money.

Hrishabh Bhosale:

My name is Hrishabh Bhosale and I live on Mulberry Lane and have been a Bellaire resident for ten plus years. This park means so much to this community and would be a wonderful gathering space for the community and events. In addition to providing enjoyment for the general public, it will also boost property values in the area,

benefitting home owners. As a Teen Ambassador for Evelyn's Park, I have truly enjoyed giving back to the community. We are all excited for construction to begin!

I support Evelyn's Park and hope that City Council will do the same thing by moving ahead with the approval of the GMP. Please read my comments into the record. Thank you for your consideration.

Samara Zuckerbrod:

My name is Samara Beth Zuckerbrod and I live on Maple Street in Bellaire. I have been a Bellaire resident for ten years. This park means so much to this community. It is a gathering spot for neighbors to enjoy green space. The park will provide many benefits to the community, including increasing property values and improving the health and well-being of our citizens. As a Teen Ambassador for the park, I have enjoyed volunteering and giving back to the community. We have all worked hard to raise the funds and are very excited for construction to begin.

I support Evelyn's Park and hope that City Council will do the same thing by moving ahead with the approval of the GMP. Please read my comments into the record. Thank you for your consideration.

Jennifer Deutsch:

My name is Jennifer Deutsch and I live on Oleander Street. I have been a Bellaire resident for 14 years. This park means so much to this community. It is a gathering spot for neighbors to enjoy green space. The park will provide many benefits to the community, including increasing property values and improving the health and well-being of our citizens. We have, as a community, worked hard to raise the funds and are very excited for construction to begin.

I support Evelyn's Park and hope that City Council will do the same by moving ahead with the approval of the GMP. Please read my comments into the record.

Thank you for your consideration.

Stacy Doctor:

My name is Stacy Doctor and I live on Jim West Street. Evelyn's Park means so much to this community. It will be a gathering spot, a hub for the community, and an exciting opportunity for Bellaire and the surrounding areas. The park will provide many benefits to the community.

I support Evelyn's Park and hope that City Council will do the same thing by moving ahead with the approval of the construction plan and next steps.

Please read my comments into the record. Thank you for your consideration.

Emily Doctor:

My name is Emily Doctor and I live on Jim West Street. I have been a Bellaire resident for ten years. This park means so much to the community. It is a gathering spot for neighbors to enjoy green space. The park will provide many benefits to the community, including increasing property values and improving the health and well-being of our citizens. As a Teen Ambassador for the park, I have enjoyed volunteering and giving back to the community. We have all worked hard to raise the funds and are very

excited for construction to begin.

I support Evelyn's Park and hope that City Council will do the same by moving ahead with the approval of the GMP. Please read my comments into the record. Thank you for your consideration.

Erin Sheena:

My name is Erin Sheena and I live on Marrakech Court. I have been a Bellaire resident for 16 years. This park means so much to this community. It is a gathering spot for neighbors to enjoy green space. The park will provide many benefits to the community, including increasing property values and improving the health and well-being of our citizens. As a Teen Ambassador for the park, I have enjoyed volunteering and giving back to the community. We have all worked hard to raise the funds and are very excited for construction to begin.

I support Evelyn's Park and hope that City Council will do the same by moving ahead with the approval of the GMP. Please read my comments into the record. Thank you for your consideration.

F. Reports and Presentations:

Department Service Plans:

Presentations of Fire and Information Technology Department Service Plans

City Manager Paul A. Hofmann referred to the number of residents waiting to hear City Council discussion on the permit parking issue and the Evelyn's Park issue and suggested that City Council consider deferring the Bellaire Fire and Information Technology Service Plan presentations to a later time this evening.

Mayor Philip L. Nauert indicated that City Council would consider agenda item G, New Business, at this point in the meeting.

Following action and discussion under "New Business," **Mayor Nauert** returned to this agenda item. **City Manager Hofmann** suggested that, in light of the lateness of the hour, the service plans be deferred until the City Council June 8th Pre-Budget Planning Session. No objections were raised by members of City Council. City Council moved forward to agenda items H. And I.

G. New Business:

Adoption of Ordinance(s)/Resolution(s):

1. Petition for Permit Parking:

1. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 30, Traffic and Vehicles, Article II, Traffic-Control Regulations, Division 5, Parking, of the Code of Ordinances of the City of Bellaire, Texas, by adding a new Section 30-118, to be entitled "Restricted Parking - 9:00 A.M. to 5:00 P.M., Monday through Friday," for the purpose of establishing a permit parking process allowing for restricted parking on residential streets.

Director of Development Services John McDonald provided an overview of a petition submitted by 100% of the property owners of record abutting Fournace Gardens Drive for permit parking between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday. He noted that the City's Traffic Management Team, consisting of himself, Chief of Police Byron Holloway, Fire Chief Darryl Anderson, and Director of Public Works Brant Gary posed no objections to the request and recommended approval by City Council.

Motion:

To adopt an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 30, Traffic and Vehicles, Article II, Traffic-Control Regulations, Division 5, Parking, of the Code of Ordinances of the City of Bellaire, Texas, by adding a new Section 30-118, to be entitled "Restricted Parking - 9:00 A.M. to 5:00 P.M., Monday through Friday", for the purpose of establishing a permit parking process allowing for restricted parking on residential streets (i.e., Fournace Gardens Drive).

Following questions of Director of Development Services McDonald by members of City Council regarding the parking issues existing on Fournace Gardens Drive as a result of tenant changes in the Neighborhood Center building at Bissonnet Street and Newcastle Street, action was taken on the motion and second before City Council.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James P. Avioli Sr., Councilman
SECONDER:	Pat B. McLaughlan, Councilman
AYES:	Nauert, Avioli Sr., Pappas, McLaughlan, Friedberg
ABSENT:	Nathan, Reed

2. Policy:

Consideration of and possible adoption of a resolution of the City Council of the City of Bellaire, Texas, approving the Comprehensive Financial Management Policy Statements of the City of Bellaire, Texas, for the purpose of providing guidelines for operational and long-range planning.

Chief Financial Officer Linda Symank provided a brief overview related to the development of the Comprehensive Financial Management Policy Statements. She indicated that the purpose was to create a written document that would include all financial policies in one document and give direction to City Staff regarding the operational financial management of the City and long-range planning. She indicated further that the Bellaire Audit Finance Board met on February 18, 2015, and on April 30, 2015, to review and discuss the proposed policy statements. The Bellaire Audit Finance Board provided recommendations which were incorporated in the policy before City Council this evening.

Motion:

To adopt a resolution of the City Council of the City of Bellaire, Texas, approving the Comprehensive Financial Management Policy

Statements of the City of Bellaire, Texas, for the purpose of providing guidelines for operational and long-range planning.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andrew S. Friedberg, Councilman
SECONDER:	Gus E. Pappas, Councilman
AYES:	Nauert, Avioli Sr., Pappas, McLaughlan, Friedberg
ABSENT:	Nathan, Reed

3. Evelyn's Park:

- a. Consideration of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas (the "City"), accepting a financial contribution in the amount of \$1,362,541 from the Evelyn's Park Conservancy Board to be utilized by the City for construction associated with Phase One of Evelyn's Park.

Motion:

To adopt a resolution of the City Council of the City of Bellaire, Texas (the "City"), accepting a financial contribution in the amount of \$1,362,541 from the Evelyn's Park Conservancy Board to be utilized by the City for construction associated with Phase One of Evelyn's Park.

Director of Parks, Recreation and Facilities Karl Miller provided a brief presentation regarding the agenda item before City Council. He noted that the Linbeck Group, LLC, was hired in December 2014 to provide pre-construction and construction services for Phase One of Evelyn's Park. In the past four months, the Linbeck Group, LLC, had worked extensively on a guaranteed maximum price for Phase One. After subtracting bond funding provided by the City of \$5 million from the guaranteed maximum price proposed by the Linbeck Group, LLC, additional funding in the amount of \$1,362,541 was needed from the Evelyn's Park Conservancy Board and The Jerry and Maury Rubenstein Foundation (the "Foundation"). It was noted that the Foundation had contributed \$304,000 to the Evelyn's Park Conservancy Board for the Evelyn Rubenstein memorial garden. Those funds, along with additional funding from the Evelyn's Park Conservancy Board (the total of which would be \$1,362,541), were needed to complete Phase One of Evelyn's Park.

Amendment (No. 1) to the Main Motion:

That the acceptance of a financial contribution in the amount of \$1,362,541 from the Evelyn's Park Conservancy Board for Phase One of Evelyn's Park be expressly contingent on a positive City Council vote on agenda item G. 3. c. (i.e., acceptance of guaranteed maximum price for said project).

Discussion ensued among members of City Council regarding the amendment before City Council. After noting no further discussion, **Mayor Nauert** called for a vote on the amendment before City Council.

RESULT	FAILED [3 TO 2]
MOVER:	Andrew S. Friedberg, Councilman
SECONDER:	James P. Avioli, Sr., Councilman
AYES:	Avioli, McLaughlan, Friedberg
NAYS:	Nauert and Pappas
ABSENT:	Nathan and Reed

After noting no further discussion, **Mayor Nauert** called for a vote on the main motion.

With respect to the final vote on this agenda item (see box below), Councilman Andrew S. Friedberg explained that he did not feel the City should formally accept the Conservancy's financial contribution towards construction of Phase One without first knowing that Phase One, as presented this evening, would indeed be approved. If the Phase One construction contract were not to be approved, or were to be approved with modifications, the status and/or amount of the Conservancy's financial contribution would be uncertain at best.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Pat B. McLaughlan, Councilman
SECONDER:	Gus E. Pappas, Councilman
AYES:	Nauert, Avioli Sr., Pappas, McLaughlan
NAYS:	Friedberg
ABSENT:	Nathan, Reed

- b. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending the FY 2015 Budget for the City of Bellaire, Texas, by \$1,362,541 for the purpose of increasing the appropriation of the Evelyn's Park Phase One Construction Project from \$5,000,000 to \$6,362,541.

City Manager Paul A. Hofmann noted that the dollar amount suggested for the budget amendment was \$6,362,541 as opposed to the guaranteed maximum price for the construction of the project of \$6,262,541, a difference of \$100,000. City Manager Hofmann clarified that the difference was related to \$50,000 that had already been spent on environmental work and asbestos abatement and another \$50,000 that would need to be spent on materials testing. Therefore, the construction costs and environmental and materials testing costs would total \$6,362,541.

Motion:

To adopt an ordinance of the City Council of the City of Bellaire, Texas, amending the FY 2015 Budget for the City of Bellaire, Texas, by \$1,362,541 for the purpose of increasing the appropriation of the Evelyn's park Phase One Construction Project from \$5,000,000 to \$6,362,541.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gus E. Pappas, Councilman
SECONDER:	Pat B. McLaughlan, Councilman
AYES:	Nauert, Avioli Sr., Pappas, McLaughlan, Friedberg
ABSENT:	Nathan, Reed

- c. Consideration and possible action on a recommendation from the Parks, Recreation, and Facilities Department to approve construction phase services to be provided by Linbeck Group, LLC, for Phase One of Evelyn's Park, located at 4400 Bellaire Boulevard, Bellaire, Texas 77401, in an amount not to exceed \$6,262,541, and on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Exhibit 1 to Ordinance No. 14-071, AIA Document A133--2009 Standard Form of Agreement Between Owner and Construction Manager as Constructor, by and between the City of Bellaire, Texas, as Owner, and Linbeck Group, LLC, as Construction Manager, regarding Phase One of the Evelyn's Park Project, 4400 Bellaire Boulevard, Bellaire, Texas 77401, for the purpose of accepting the guaranteed maximum price for said project in the amount of six million two hundred sixty-two thousand five hundred forty-one dollars (\$6,262,541) and Contract Time for the Work.

Director of Parks, Recreation and Facilities Karl Miller indicated that the Linbeck Group, LLC, had priced Phase One of Evelyn's Park based on state procurement laws. As City Council was aware, the initial pricing was followed by months of value engineering the project with a strong focus on not descoping the project.

The final guaranteed maximum price presented to City Council this evening was noted to be \$6,262,541. Director Miller advised that if the project ended up costing more than the guaranteed maximum price, then Linbeck Group was responsible for the overage. If the project ended up costing less than the guaranteed maximum price, any savings would be returned to the City of Bellaire.

After providing a brief overview of the value engineering, Director Miller recommended approval by the City Council of the guaranteed maximum price and authorization for the City Manager to sign the "GMP Amendment to Agreement Between Owner and Construction Manager" document once funding had been received from the Evelyn's Park Conservancy Board.

Motion:

To accept a recommendation from the Parks, Recreation, and Facilities Department to approve construction phase services to be provided by Linbeck Group, LLC, for Phase One of Evelyn's Park, located at 4400 Bellaire Boulevard, Bellaire, Texas 77401, in an amount not to exceed \$6,262,541, and to adopt an ordinance of the City Council of the City of Bellaire, Texas, amending Exhibit 1 to Ordinance No. 14-071, AIA Document A133--2009 Standard Form of Agreement Between Owner and Construction Manager as Constructor, by and between the City of Bellaire, Texas, as Owner, and Linbeck Group, LLC, as Construction Manager, regarding Phase One of the Evelyn's Park Project, 4400 Bellaire Boulevard, Bellaire, Texas 77401, for the purpose of accepting the guaranteed

maximum price for said project in the amount of six million two hundred sixty-two thousand five hundred forty-one dollars (\$6,262,541) and Contract Time for the Work.

{The main motion was moved by Councilman Pat B. McLaughlan and seconded by Councilman Gus E. Pappas}

Prior to discussion of the main motion, **Mayor Philip L. Nauert** offered an amendment.

Amendment (No. 1) to Main Motion:

That should the Linbeck Group, LLC, be able to construct Phase One of the Evelyn's Park Project for less than the guaranteed maximum price, that the remaining amount be spent toward the construction of an acoustical and security wall on the north border of the park offering some protection for the residents on the south side of Camellia Lane.

Discussion ensued among members of City Council regarding the amendment to the main motion. After noting no further discussion on the amendment, Mayor Nauert called for a vote of City Council.

RESULT:	FAILED [1 TO 4]
MOVER:	Dr. Philip L. Nauert, Mayor
SECONDER:	Gus E. Pappas, Councilman
AYES:	Nauert
NAYS:	Avioli Sr., Pappas, McLaughlan, Friedberg
ABSENT:	Nathan, Reed

Discussion ensued among members of City Council regarding the main motion before City Council.

Motion to Postpone:

To defer or postpone any action on agenda item G. 3. c. until such time as the full City Council was present.

RESULT:	TABLED [UNANIMOUS]
MOVER:	Philip L. Nauert, Mayor
SECONDER:	Pat B. McLaughlan, Councilman
AYES:	Nauert, Avioli Sr., Pappas, McLaughlan, Friedberg
ABSENT:	Nathan, Reed

H. Items for Future Agendas; Community Interest Items from the Mayor and City Council.

Items for future agendas included requests from Councilman Pat B. McLaughlan and Councilman Andrew S. Friedberg. Councilman McLaughlan asked for an agenda item that would give City Council the ability to discuss and take action on the proposed Texas Department of Transportation (TxDOT) modification of the 610 Loop. Councilman

Friedberg requested an agenda item at or prior to the meeting at which the contract for Phase One of Evelyn's Park appeared on the City Council agenda for a vote to amend the Development and Operating Agreement with the Evelyn's Park Conservancy Board concerning the City's annual maintenance obligation.

Expressions of thanks and appreciation were given by Councilman Gus E. Pappas and Mayor Philip L. Nauert to Councilmen Avioli and Friedberg for their vote on the postponement of the contract on Phase One of Evelyn's Park. Councilman Pappas and Mayor Nauert stated that they understood and appreciated the positions and concerns of Councilmen Avioli and Friedberg on behalf of the City and citizens.

I. Adjourn.

Motion:

To adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 10:51 p.m. on Monday, May 18, 2015.

RESULT:	UNANIMOUS
MOVER:	Pat B. McLaughlan, Councilman
SECONDER:	Gus E. Pappas, Councilman
AYES:	Nauert, Avioli Sr., Pappas, McLaughlan, Friedberg
ABSENT:	Nathan, Reed