

CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

JULY 7, 2014

Council Chamber

Regular Session

7:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401



Mayor

Dr. Philip L. Nauert

Mayor Pro Tem

Amanda B. Nathan

Councilman

James P. Avioli Sr.

Councilman

Pat B. McLaughlan

Councilman

Roman F. Reed

Councilman

Gus E. Pappas

Councilman

Andrew S. Friedberg

Mission Statement:

The City of Bellaire is dedicated to outstanding quality service and facilities to ensure an open, progressive, and secure community.

REGULAR SESSION - 7:00 P.M.**A. Call to Order and Announcement of a Quorum - Dr. Philip L. Nauert, Mayor.****B. Inspirational Reading and/or Invocation - Pat B. McLaughlan, Councilman - Position No. 4.****C. Pledges to The Flag - Pat B. McLaughlan, Councilman - Position No. 4.****1. U.S. Pledge of Allegiance.**

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

2. Pledge to the Texas Flag.

Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

D. Approval or Correction of Minutes:**1. Special Session (Public Hearing) - Monday, June 9, 2014:**

Consideration of and possible action on the adoption of the minutes of the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, held on Monday, June 9, 2014.

Mayor and Council - Public Hearing - Jun 9, 2014 6:00 PM

2. Special Session (Interviews) - Monday, June 16, 2014:

Consideration of and possible action on the adoption of the minutes of the Special Session (Interviews) of the City Council of the City of Bellaire, Texas, held on Monday, June 16, 2014.

Mayor and Council - Special Session - Jun 16, 2014 6:00 PM

3. Regular Session - Monday, June 16, 2014:

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, June 16, 2014.

Mayor and Council - Regular Session - Jun 16, 2014 7:00 PM

4. Special Session (Interviews) - Monday, June 23, 2014:

Consideration of and possible action on the adoption of the minutes of the Special Session (Interviews) of the City Council of the City of Bellaire, Texas, held on Monday, June 23, 2014.

Mayor and Council - Special Session - Jun 23, 2014 6:00 PM

5. Special Session (Board Appointments - Monday, June 23, 2014:

Consideration and possible action on the adoption of the minutes of the Special Session (Board Appointments) of the City Council of the City of Bellaire, Texas, held on Monday, June 23, 2014.

Mayor and Council - Special Session - Jun 23, 2014 8:00 PM

E. Personal/Audience Comments.

In order to address the City Council, please complete a "Speaker Form" (located at the entrance to the Council Chamber), and turn in the form to City Clerk Tracy L. Dutton prior to commencement of the meeting. Speakers are limited to five (5) minutes.

The purpose of this item is to allow citizens or other interested parties an opportunity to address City Council on agenda issues and on non-agenda issues that are a matter of the jurisdiction of the City Council (i.e., City policy and legislative issues). Non-agenda issues regarding daily operational or administrative matters should be first dealt with at the administrative level by calling City Hall at (713) 662-8222 during business hours.

[Note: State law will not permit the City Council to fully discuss, debate, or consider items that are not on the agenda. Items that cannot be referred to the City Staff for action *may* be placed on the agenda of a future City Council Session.]

F. Reports:

1. City Manager's Report:

City Manager's Report dated July 7, 2014, regarding upcoming City Council meeting schedule and topics, and efforts to improve project coordination.

(Requested by Paul A. Hofmann, City Manager)

2. Capital Funding and Fiscal Forecast Report:

Presentation and discussion on past and future funding mechanisms, draft capital plan, and updated fiscal forecast.

(Requested by Diane K White, Organizational Services)

G. Business Items:

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

- a. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Manager of the City of Bellaire, Texas, to execute, for and on behalf of the City of Bellaire, Texas, an "Agreement for Modification of Donation Documents Concerning Evelyn's Park, City of Bellaire" ("Agreement") by and between The Jerry and Maury Rubenstein Foundation and the City of Bellaire, Texas (the "Parties"), for the purpose of addressing the current status, circumstances, and modified agreements of the Parties relating to Evelyn's Park; and providing for the termination of the Memorandum of Understanding by and among the Parties and effective as of December 20, 2010; and providing for the termination of the Agreement Concerning Evelyn's Park by and among the Parties effective as of February 25, 2011, as well as any and all agreements heretofore previously adopted that are in conflict with this Agreement.

(Requested by Tracy L. Dutton, City Clerk)

- b. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Manager of the City of Bellaire, Texas, to execute, for and on behalf of the City of Bellaire, Texas, an "Amended and Restated Deed" related to Evelyn's Park, by and between The Jerry and Maury Rubenstein Foundation and the City of Bellaire, Texas (the "Parties"), for the purpose of superseding the original "Deed" by and between the Parties related to the conveyance of property and covenants as to development.

(Requested by Tracy L. Dutton, City Clerk)

- c. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Manager of the City of Bellaire, Texas, to execute, for and on behalf of the City of Bellaire, Texas, a "Development and Operating Agreement for Evelyn's Park, Bellaire, Texas," by and between the City of Bellaire, Texas, and the Evelyn's Park Conservancy, related to the development and operation of Evelyn's Park, a 4.9511 acre tract of land in the J. Blessing Survey, Abstract 162, in the City of Bellaire, Texas, more commonly known as 4400 Bellaire Boulevard, Bellaire, Texas 77401.

(Requested by Tracy L. Dutton, City Clerk)

2. Item for Individual Consideration:

Discussion and possible direction to staff to proceed with preparation for and the acceptance of a timetable for the sale of \$10,500,000 in General Obligation Bonds, Series 2014.

(Requested by Linda Symank, Finance Administration)

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

[Note: It is the intent of this item to provide any member of City Council the opportunity to request to place new items on the agenda of the next Regular Meeting of City Council pursuant to Article 4, Order of Business, Section A, Agenda, of the Rules of Procedure of the City Council of the City of Bellaire, Texas, 2012-2014, and/or to make a report about items of community interest. Community interest items may include expressions of thanks, congratulations, or condolences; information regarding holiday schedules; honorary recognition of City officials, employees, or other citizens or entities; reminders of upcoming events sponsored by the City or another entity that is scheduled to be attended by a City official or City employee; and/or announcements involving an imminent threat to the public health and safety of the citizens of Bellaire that has arisen after the posting of the agenda.]

I. Adjournment.



CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

JUNE 9, 2014

Council Chamber

Public Hearing

6:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401

SPECIAL SESSION (PUBLIC HEARING) - 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 City Council of the City of Bellaire, Texas, to order at 6:02 p.m. on Monday, June 9, 2014. He announced that a quorum was present consisting of all members of City Council as follows:

Member Name	Title	Status	
Nauert	Mayor	Present	
B. Nathan	Mayor Pro Tem	Present	
. Reed	Councilman	Present	
Avioli Sr.	Councilman	Present	
appas	Councilman	Present	
Laughlan	Councilman	Present	
S. Friedberg	Councilman	Present	
hofmann	City Manager	Present	
etrov	City Attorney	Present	
Dutton	City Clerk	Present	

B. Reading of Notice of Public Hearing - Tracy L. Dutton, City Clerk.

City Clerk Tracy L. Dutton read the "Notice of Public Hearing" ("Notice") into the record. She indicated that notices were mailed to property owners of record within 200 feet of the site of the specific use permit on May 20, 2014. The notice was also published in the legal notices section of the *Southwest News* and posted on the City's website on May 20, 2014.

C. Summary of Public Hearing Procedures - Paul A. Hofmann, City Manager.

Paul A. Hofmann, City Manager, summarized the public hearing procedures for the evening.

D. Presentation - Specific Use Permit Application and Request Submitted by HISD related to Condit Elementary School.

VLK Architects, representatives for the Houston Independent School District (HISD), will present an application and request submitted by HISD for a Specific Use Permit to construct and operate a new school to replace Condit Elementary School on the northern portion of a tract of land owned by HISD and more commonly known as 7000 South Third Street, Bellaire, Texas 77401, in the R-4 Residential Zoning District. Representatives from HISD will be present and available to provide information and/or answer questions.

Daniel Bankhead, General Manager for Facilities Design, Houston Independent School District (HISD), introduced the HISD representatives who were in attendance and available to answer questions as follows: Robert Sands, Officer for Construction Facility Services, HISD; Tim Kunz, VLK Architects; Todd Lien, Principal, VLK Architects; and Gabby Tassin, Traffic Engineer, Cobb, Fendley & Associates, Inc.

Following introductions, General Manager Bankhead advised that the Condit Elementary School project was a very important project for HISD. General Manager Bankhead indicated that a PAT (Project Advisory Team) made up of parents, administrators, and teachers held monthly, public meetings regarding Condit Elementary School. HISD also held several community meetings in October 2013, February 2014, March 2014, and June 2014 for the purpose of involving the community in the process. Other means of communication included HISD's website, weekly newsletters, newspaper articles, and television interviews.

Todd Lien, Principal in Charge of the Condit Elementary School Project, VLK Architects, provided an overview of the application submitted by HISD for a specific use permit to construct and operate a new replacement school for Condit Elementary School. Principal Lien provided a site plan and indicated that the majority of the new building would be constructed on the north end of the site, which was currently a City park. The remainder of the new building would be constructed in the areas where the existing buildings were currently located. Parking was noted to be along South Third Street and on South Rice Avenue, as well, as part of the Joint Use Agreement between the City of Bellaire and HISD.

Reference was made to the traffic study by Cobb, Fendley & Associates, Inc., and Principal Lien indicated that the traffic flow that currently existed would be maintained. That flow consisted of the queuing of children on South Rice Avenue and along South Third Street to the main entry of the building. The desire was to try not to change the traffic pattern that currently existed around the campus, but rather improve the pattern to try to get children off of the streets.

With the parking and drive on South Third Street, some cars would be taken off of the street and the actual transfer of children would occur inside a secured parking lot on campus. The transfer of children off of South Rice Avenue by means of a drive had been improved as well.

Principal Lien presented a proposed mobility plan was presented depicting areas where traffic control personnel would be located around the campus, and stated that the idea was to get 10-12 cars off of South Third Street by restricting some of the parking that currently existed along the street.

Principal Lien referred to a Board of Adjustment variance related to parking which required that HISD install a landscape buffer and fencing along the drives. He indicated that fencing would be constructed around the entire site, and that an opening would be provided for the public to use the green space.

Reference was also made to utility relocations necessary for the new construction. It was noted that the storm sewer and one water line would be relocated around the building to Jessamine Street.

Landscape buffers, four-five feet in height would be planted to shield the parking lots along South Rice Avenue and South Third Street.

In closing, Principal Lien showed some conceptual elevations of the new building. He indicated that HISD planned to maintain a number of the historical elements of the existing school either within the new building or on the grounds to respect the history that was part of Condit Elementary School.

(Requested by John McDonald, Community Development)

E. Recognition of Citizens and/or Other Interested Parties - Dr. Philip L. Nauert, Mayor.

Eddy Donalson:

Mr. Donalson addressed City Council and advised that residents from Linden, Laurel, and Willow Streets were not asked to participate on the Project Advisory Team (PAT) or in the monthly meetings held to discuss the new plans for Condit Elementary School. Mr. Donalson also questioned the reasoning behind the Planning and Zoning Commission's permit for a new, joint use parking lot in a residential area. He additionally questioned the effect the parking lot would have on the value of nearby homes. In closing, Mr. Donalson thanked Councilmen Pat B. McLaughlan, Roman F. Reed, and Gus E. Pappas for standing behind the residents and acknowledging their concerns.

Janice Donalson:

Ms. Donalson advised that she and her husband, Eddy (previous speaker), had more at stake than anyone in the room as their home was located 100 feet from Condit Elementary School. Ms. Donalson expressed sadness for the contention between neighbors, friends on the City Council, and the school.

Ms. Donalson continued and referenced a petition that had been submitted to City Council in their agenda packet requesting an alternate parking plan with 12-14 parking spaces at the front of the school and the remainder of the parking on South Rice Avenue for several reasons. One, the Condit Elementary School parking lot represented a rare opportunity to benefit the entire community, and more parking was needed for City functions. For example, many residents attending the public hearing this evening had carpooled due to a swim meet, baseball tournament, and the well-attended City Council public hearing all occurring at the same time in close proximity. On the other hand, a 66-space parking lot on South Third Street was useless for City events. The proposed parking lot would be located directly across the street and could be seen from a front window of her home.

Further, Ms. Donalson stated that the petitioners did not appreciate being dismissed by City Council and the Planning and Zoning Commission. She noted that the Planning and Zoning Commission felt that a reduction in the number of parking spaces from 168 to 128 would make the nearby residents happy. HISD ended up putting less than one-half of those parking spaces on South Rice Avenue.

In closing, Ms. Donalson strongly urged City Council to protect the residents.

Swati Narayon:

Ms. Narayon noted that she was a member of the Condit Elementary School Project Advisory Team (PAT) and indicated that PAT was formed to serve the best interests of the students, the community, and Condit Elementary School.

Ms. Narayon urged City Council to vote in favor of the design plans for the new Condit

Elementary School as developed by the architects and the PAT. Given the confines of the area, the design reflected the safest and most efficient way of getting students in and out of the building in her opinion. Placing the burden of drop-off primarily on South Rice Avenue would create gridlock and frustration among motorists and unsafe road conditions for pedestrians and students being dropped off. Reference was made to Bellaire High School where students and teachers had to walk through a maze of cars just to get into the building.

Ms. Narayon advised that common sense dictated that a sizable parking lot for an elementary school be placed as close to the front entrance as possible. Ms. Narayon indicated that PAT meetings were scheduled on HISD's website and open to anyone. She regretted that residents felt they were never included.

In closing, Ms. Narayon urged City Council not to compromise student safety for the vistas of a few or because people had been accustomed to a particular view. She stated that no one had more at stake than the students, and their safety should be paramount. She recommended moving forward with the PAT, HISD, and the Planning and Zoning Commission-approved design.

Michal Lutfak:

Ms. Lutfak indicated that she was in support of the plan for a new school as designed. She thanked HISD, VLK Architects, and the Project Advisory Team for the job each had done.

With respect to parking, Ms. Lutfak indicated that two parking lots, one on South Rice Avenue and one on South Third Street, was the best solution. She asked the City to install better signage on Willow and Laurel Streets to restrict the parking on those streets and to enforce the City's rules.

Mark Sass:

Mr. Sass addressed City Council and advised that the issue in the neighborhood was a failure on the part of HISD and the Project Advisory Team to notify the adjacent neighborhood regarding the plans for a new school and a parking lot on South Third Street.

Mr. Sass indicated further that the neighborhood was not against the rebuilding of Condit Elementary School or against any child, parent, or family's right to get to or leave school safely. The neighborhood wanted to be a "neighborhood."

The neighborhood felt that it was being punished with traffic problems, parking issues, and increased traffic during non-school areas according to Mr. Sass. He urged City Council to listen to the residents that lived in the neighborhood as the neighborhood did not deserve another parking lot. He urged City Council to vote to delay the issuance of a specific use permit to HISD for Condit Elementary School.

Mary Sass:

Ms. Sass addressed City Council and advised that one of the main reasons the Condit parents and the Project Advisory Team supported the specific use permit as designed was that it effectively addressed the safety of the Condit children. However, not one of the members was from the neighborhood. The aesthetics and impact on property values of a parking lot inside the neighborhood were not considered. None of the members addressed the traffic issues currently faced or potential traffic issues that could occur

during campus use at non-school times.

The proposed South Third Street parking lot would have a negative effect on property values, the enjoyment of homes by residents, and would increase traffic and safety concerns, in Ms. Sass' opinion. She advised that the City Council and HISD had seen an alternate plan which equally, if not more so, met the safety concerns for Condit children and would not detract from the quality of the neighborhood or create traffic issues. Residents had provided the alternate parking plan to HISD on several occasions; however, HISD had never addressed the plan.

Reference was made to the traffic study performed for HISD. That study indicated that there would be no significant changes to the traffic flow immediately around the school with the new design at peak times. The traffic study included patterns with the current parking lot on South Rice Avenue and Linden Street. Keeping the parking lot at South Rice Avenue and Linden Street in lieu of relocating it to South Third Street would not change the current traffic patterns immediately around the school. Additionally, the traffic study did not address non-school times.

Ms. Sass urged that some credit be given to the residents' input regarding the effect of potential increased traffic on the neighborhood. At the Planning and Zoning Commission meeting to pass the specific use permit in May, Commissioner Marc Steinberg was considerably concerned about the safety of students and parents as they crossed South Rice Avenue at Jessamine Street with the new parking lot at that location. The intersection was already very busy for pedestrians before and after school, and the proposed site plan would increase the traffic at that intersection significantly in Ms. Sass' opinion. By keeping the parking lot at South Rice Avenue and Linden Street, in addition to new parking at South Rice Avenue and Jessamine Street, much of the traffic would be diverted away from the busy intersection.

Further, the proposed parking lot on South Third Street was intended to be used for school staff and then parents who wished to park and walk their children into the school. It was unreasonable to expect that parents motivated by efficiency and convenience would sit through the queue in order to park. Those parents would still park on the streets. For those parents that would use the lot, the queue line would increase causing it to back up onto the neighborhood streets. It would also slow down the queue as cars exiting the queue would have to wait for other cars pulling and backing out of the parking spaces.

In closing, Ms. Sass urged City Council to consider the negative effects that the South Third Street parking lot would have on the neighborhood and asked City Council to request that parking be placed on South Rice Avenue in order to minimize the damage to the neighborhood and make it safer for children.

Suzi Nelson:

Ms. Nelson addressed City Council and indicated that she resided directly behind a commercial district and her property values had not been negatively impacted. She could not imagine that a parking lot near a school could hurt property values that much. She advised that she and her children walked to school every day, weather permitting, along South Rice Avenue. She noted that she had seen a great deal of bad behavior by motorists on South Rice Avenue (i.e., speeding and rolling through the pedestrian crosswalk). She also referenced cars that parked all over the residential streets, which was unsafe and inconvenient for the homeowners in her opinion.

The parking lot proposed on South Third Street would do a great deal to alleviate the

problem associated with parking along the streets. She indicated that City Council's decision on this matter would affect thousands of students in the near future. She felt that the community sometimes had to elevate the needs of the community, especially the needs of the children, over the needs and desires of a few.

In closing, Ms. Nelson advised that a better school, better traffic flow, and safer environment would raise the property values for everyone. She asked City Council to approve the plan as proposed by HISD and the architects.

Julia Tamm:

Ms. Tamm addressed City Council and advised that she walked her three children to school every day and agreed with the previous speaker. She referred to a statement made earlier that children would be dropped off through an active parking lot. Ms. Tamm indicated that the current parking plan had the teachers parking head-in toward South Third Street. The teachers would only arrive and park there before the car line started.

HISD had followed the City's parking space requirements and had already received a reduction in the number of spaces required. The school needed car line areas and parking on both sides of the line to ensure the safe ingress and egress of staff, teachers, and students.

Given approximately 750 students and teachers plus parents, there were approximately 2,000, if not more, person trips each day (i.e., someone getting in and out of the school building). Ms. Tamm referred to accidents where numerous crossing guards, teachers, and students were hit at the heavily trafficked intersection of South Rice Avenue and Jessamine Street. Both parking lots could simply not be placed on that side of the block for safety reasons in her opinion.

Ms. Tamm advised that the opposition of a handful of local neighbors who did not wish to view a four-foot shrub-screened tree-lined five-foot depth fenced parking lot from the end of their blocks should not supersede the safety of at least 2,000 person trips in and out of the school building each day.

In closing, Ms. Tamm urged City Council to approve the current specific use permit request from HISD.

Ron Bilow:

Mr. Bilow addressed City Council and indicated that he worked in the Trauma Center at Hermann Hospital and, as a result of his job, he had seen many children hit by cars--not in parking lots, but on the street. Anything that would keep the children from crossing the streets, South Rice Avenue in particular, would be great in his opinion.

Mr. Bilow referenced the parking issues along South Third Street and advised that he was one of the parents that had to park along the street to get his son to school, which was of concern to him as it was disruptive to the neighborhood. He advised that he was glad that HISD and the architects were trying to do something to make the school look nice for the residents and that he hoped that a solution could be found that was satisfactory to the neighborhood.

Mary Jayne Robbins:

Ms. Robbins addressed City Council and indicated that she wished to make five points

clear this evening regarding the new Condit Elementary School.

First, the new Condit Elementary School had been designed while taking into account Americans with Disabilities Act (ADA) requirements, state requirements for educational facilities, HISD's requirements for educational facilities, and the City's requirements which related to parking, height of the school, and ground coverage. Ms. Robbins indicated that the design of the school had also been vetted by the City's Planning and Zoning Commission.

Secondly, the school design was developed with three criteria in mind as follows: 1) student safety while arriving to and leaving school; 2) traffic flow patterns; and 3) reducing the use of curbside parking in the neighborhood.

Thirdly, with respect to property values, Ms. Robbins noted that many factors went into the calculation of property values that could not be predicted. Ms. Robbins challenged City Council to think logically about a new school versus one the age of the existing Condit Elementary School.

The fourth point referenced by Ms. Robbins related to traffic flow patterns. She indicated that the traffic flow patterns had been vetted by Cobb, Fendley & Associates, Inc. (traffic engineers), and were designed in conjunction with the involvement of the Bellaire Police Department.

In conclusion, Ms. Robbins reminded City Council that the cornerstone shown earlier in Principal Lien's presentation read "Erected 1928." Bellaire was home of one of the oldest elementary schools in the City and in HISD. Teachers were educating students and leaders of tomorrow in a facility that was 86 years old. She understood that change was difficult; however, the new design of the school had been based on regulatory agency requirements, best practices, and well thought-out community input. Ms. Robbins indicated that it was time to embrace the excitement that a new school would bring to the City of Bellaire and to move forward with the specific use permit as proposed to the City Council.

Michell Driscoll:

Ms. Driscoll addressed City Council and advised that she was a teacher at Condit Elementary School. She stated that her concern with the location of both parking lots on South Rice Avenue was an increase in traffic on an already busy street and how the safety of pedestrians crossing at the crosswalks would be affected.

Ms. Driscoll referred to numerous school-related pedestrian accidents at the corner of Jessamine Street and South Rice Avenue. She advised that the school's crossing guard was hit twice in one year and a middle school student was hit last year while crossing the intersection. Ms. Driscoll advised that she had personally experienced being hit by a truck making a left-hand turn from the Fire Station at Jessamine Street onto South Rice Avenue despite the fact that she had the pedestrian light signaling that it was okay for her to cross. Because of the experience, she stated that she crossed that intersection very carefully.

Ms. Driscoll stated that she believed drivers saw South Rice Avenue as a thoroughfare and did not recognize that the crosswalks on the street led to a school where many children and teachers walked daily.

She indicated that she was sympathetic to the residents with regard to their concerns, but believed that the safety of the students and faculty was of the utmost importance.

She added that she was a member of the Project Advisory Team and felt very strongly that the Committee had made the greatest efforts that could possibly be made to invite the community to their meetings.

With respect to the alternate parking plan presented earlier in the evening, Ms. Driscoll indicated that South Third Street was currently a "parking lot" because there were so many cars on the street at school dismissal time. Basically, HISD's application would take all of the cars off of the street and into a lot that would be landscaped with shrubbery. Reference was made to the current Parent Teacher Association ("PTA") and the wonderful job the PTA did on the grounds of Condit Elementary School, in Ms. Driscoll's opinion.

In closing, Ms. Driscoll stated that she hoped that a conclusion could be reached so that everyone could celebrate the opening of a new school. Her main message was that safety must come first. Since the front entrance of Condit Elementary School faced South Third Street, most parents drove to the front of the school to drop their children off in the morning amidst the cars parked on either side of the street. The area became a hazard, in her opinion, because parked cars became visual obstructions between which children and parents were walking.

Pegi Newhouse:

Ms. Newhouse addressed City Council and advised that she was currently a resident, an active Condit Elementary School parent, and a member of the Project Advisory Team ("PAT"). In addition, Ms. Newhouse formerly served as President of the Condit Elementary School Parent Teacher Association.

The current lack of a parking lot caused many safety issues in Ms. Newhouse's opinion. Cars were parked illegally so that parents could walk their children into school (i.e., blocking driveways, parking in unsafe spots, etc.) because there was no nearby parking. The cars visually blocked the intersections and the driveways. In addition, HISD buses picking up middle school students were squeezing through tight, blocked areas putting the bus riders, bus drivers, and cars at a greater risk.

With the new design for Condit Elementary School, the parents driving their children to school (dropping off in the morning and picking them up in the afternoon) would be able to queue off the street. Ms. Newhouse felt that many safety concerns could be alleviated with the design.

Additionally, the new design would provide adequate parking near the entrance and more on South Rice Avenue to be used for community events, as well as for staff, teachers, and parents to safely come to and leave the school.

With respect to traffic flow, Ms. Newhouse indicated that early in the process individuals from the Bellaire Police Department asked the architects to keep the traffic flow for the new school consistent with the current flow at drop-off and pick-up times. There were carpool lines along South Rice Avenue heading north and along South Third Street heading south both in the mornings and afternoons, which worked well, in Ms. Newhouse's opinion. She believed that if all of the parking was relocated to South Rice Avenue, there would be a traffic problem on South Rice Avenue.

Ms. Newhouse clarified one of the concerns mentioned earlier that none of the PAT members were from the neighborhood surrounding Condit Elementary School. She indicated that one of the members of PAT lived one block away from the school on Willow Street.

Ali Suptimis:

Ms. Suptimis addressed City Council and indicated that she was in support of the current plan for Condit Elementary School. She stated that she felt very strongly about respecting the neighborhood and that it was incredibly important to park legally. Ms. Suptimis indicated that it frustrated her to see fellow Condit parents who blocked driveways and parked on the other side of the street.

In closing, Ms. Suptimis stated that she was concerned that valuable money would be spent on a parking lot that might be of little use as she felt that another parking lot on South Rice Avenue would be a waste of money.

Vivianna Ramirez:

Ms. Ramirez addressed City Council and advised that she was a Condit parent and happened to be married to a Bellaire Police Officer. She did not understand how a new school would negatively affect homeowners' property values. She stated that a parking lot would not be seen from the front of nearby homes as none of them faced South Third Street.

Ms. Ramirez advised that she was sympathetic to the concerns of the neighbors, but indicated that the safety of the children should be at the forefront of the issue, not property values or a parking lot.

Susan Schexnayder:

Ms. Schexnayder addressed City Council and advised that she had only lived in Bellaire for two weeks, but felt the neighbors had a valid concern. She advised that there was not a single person in the room who did not care about the safety of children. Ultimately, however, the parents were responsible for the safety of their children.

Ms. Schexnayder indicated that her decision to buy in Bellaire was due to the neighborhood. She had met and talked with people on both sides of the issue and felt that a win-win situation could be accomplished. The new school provided an opportunity to help solve a problem and not waste dollars. She recommended having an entrance to the school on South Rice Avenue and on South Third Street. Ms. Schexnayder advised that she had seen the plans for the new school and indicated that the architects had done a beautiful job.

She closed by advising that the parking lot would not be used by the students attending school. She urged City Council to do the right thing and require a parking lot that was accessible for all of the residents of Bellaire.

Judy Thrasher:

Ms. Thrasher addressed City Council and advised that she had expressed her concerns to City Council and the Planning and Zoning Commission on numerous occasions regarding the Condit Elementary School issue. She stated that none of the immediate neighborhood was in opposition to the building of a new school. She requested that all parking lots on the proposed plan be relocated to South Rice Avenue and that no parking lots be placed on South Third Street.

Ms. Thrasher indicated further that the behavior of motorists, as a general rule, was very difficult to change. Drop-offs, pick-ups, and parking were very likely not to change

at all with the parents taking their children to school.

In closing, Ms. Thrasher urged City Council to hear the residents' comments and give great consideration to them.

Leslie Little:

Ms. Little addressed City Council and stated that the public hearing this evening was the neighborhood's last opportunity to try to make an impact regarding their concerns with the site plan in the specific use permit application submitted by HISD for Condit Elementary School.

Before there were planned Project Advisory Team and community meetings, the Condit Elementary School project was handled without consideration to the immediate neighbors in Ms. Little's opinion. There were initial meetings held between HISD and the City of Bellaire to get the gist of the process begun. At that point, it was decided to put all of the parking on South Third Street without regard to how that would damage the residential quality of life for nearby residents.

Thankfully, City Council wrote a letter to HISD regarding the terms of the Joint Use Agreement between the City and HISD. As a result, HISD moved 62 spaces on the site plan to create a new parking lot at South Rice Avenue and Jessamine Street. At that time, the specific use permit for Condit Elementary School had not been submitted to the Planning and Zoning Commission, and HISD was able to easily change the site plan. Ms. Little asked why the existing parking lot at South Rice Avenue and Linden Street could not have been maintained as well or be addressed by the parties in the fall of 2013.

Ms. Little urged City Council to continue the support of the residents in the area by considering their proposed alternate parking plan on the Condit site. The steering group from Laurel Street had done their research and due diligence with the issues not favored by them. One hundred percent of the citizens had been communicated with in the 4900 blocks of Willow, Laurel, and Linden Streets plus additional citizens in the 4800 and 4700 blocks of the same streets. Residents had emailed the Planning and Zoning Commission and City Council, spoken at meetings, met with Bellaire Director of Community Development John McDonald and HISD Trustee Mike Luncford, talked with HISD project managers, demanded an additional community meeting with HISD, and emailed and walked the referenced blocks on numerous occasions to let citizens know what was going on. The residents had signed two petitions and had sent their own emails to City Council and commented at several meetings. After all of the efforts by the residents, Ms. Little felt that it would seem clear to the decision makers that there was a valid opposition to the current site plan in the specific use permit application.

Ms. Little advised that eighty percent (80%) of the residents in the 4900 block of Willow, Laurel, and Linden Streets supported the alternate site plan. Of the remaining 20% of the residents, 11% were not home or were vacant lots.

Further, Ms. Little indicated that the neighbors felt that their alternate site plan made minimal adjustments to HISD's site plan and offered a small compromise. The neighbors had shown a way to maintain a front of school on South Third Street with a pull-through for drop-off and pick-up and a small amount of visitor parking. The alternate plan kept the required additional parking spaces on the site and kept the current South Rice Avenue student drop-off in the design. The school could still maintain their dual drop-off and pick-up routine, and all of the parking would be accessible and used by Condit staff and parents during school hours.

Once the new Condit Elementary School was built, nothing could be done for the next 50 years. Condit was an integral part of the community and unique in its position as a great school and a central part of Bellaire and Bellaire Town Square. She urged City Council to support and give consideration to the request of the neighbors.

Mark Cummings:

Mr. Cummings addressed City Council and indicated that all of the neighbors were supportive of having a brand new school. None of the neighbors were running over people on South Rice Avenue or driving emergency vehicles. The neighbors just wanted to ask that HISD not build a parking lot in their neighborhood.

Melissa Braums:

Ms. Braums addressed City Council and agreed with a previous speaker's statement that South Third Street was a "parking lot." People currently parked on both sides of the street and there was not a safe area where children could cross the street.

She indicated that she felt safer knowing that there was a queue line that would be taking cars off of the street. She indicated that she had been on the Parent Teacher Association Board for the last number of years and knew what the Project Advisory Team had done and how many countless hours had been spent to make sure that the design was as safe as possible.

David Little:

Mr. Little addressed City Council and indicated that he appreciated the work that HISD had done in designing a beautiful school; however, he was against having a parking lot on South Third Street. He referenced the existing parking lot on South Rice Avenue and Linden Street, noting that the lot should be allowed to remain and be utilized.

Mr. Little stated further that the alternative proposal shown to City Council this evening was very well thought out. He had not heard anything against the proposal from HISD, despite having presented the proposal many times before. The proposal did maintain the dual direction drop-off queues, with a drop-off on South Rice Avenue and a drop-off on South Third Street.

He urged City Council to take the alternate proposal into account in making a decision on the specific use permit application.

Freddy Ramirez:

Mr. Ramirez advised that many good points had been made during the public hearing. Everyone was in agreement that safety came first for the children, parents, and staff.

Mr. Ramirez indicated that he was not able to agree with a parking lot on South Rice Avenue. As a Bellaire Police Officer, Mr. Ramirez saw a great deal of what went on along South Rice Avenue on a daily basis.

He agreed with a statement made previously with regard to drivers' habits not changing. Drivers would continue to speed and accidents would occur. Adding a parking lot on South Rice Avenue and throwing children into the mix could be hazardous, in his opinion. He advised that the parking lot on South Third Street might not solve the problems, but he would consider it a "plus" if the lot reduced the problems.

Lennette Pruet:

Ms. Pruet addressed City Council and advised that she was a teacher at Condit Elementary School and currently served as the "dismissal person" in the afternoon on South Rice Avenue. Ms. Pruet advised further that she was very concerned about having two parking lots on South Rice Avenue for safety reasons. She felt it was important to continue with the K-2 and 3-5 drop-off on either side of the school. Having cars come past the drop-off zone and park in the parking lot would not be beneficial and would negatively impact traffic flow in Ms. Pruet's opinion.

Molly McGee:

Ms. McGee addressed City Council and advised that she wanted to make sure that everyone understood what HISD was proposing. HISD would like for the teachers park at the first part of the queue. Then, at the end of the queue, parents who wanted to drop their children off would pull into the lot. She found it difficult to believe that parents would sit through a queue line so that they could park and walk their children into the school.

She advised that the neighbors did not want a parking lot inside the neighborhood. By asking parents to park in the Linden Street lot, traffic would be diverted from the busy intersection of Jessamine Street and South Rice Street and from the neighborhood. Ms. McGee indicated that there would be continued traffic on South Third Street. If parents that wished to park and walk their children into school had to remain in the queue line until they reached the parking spaces, then the queue line would back up down South Third Street. The neighbors did not mind having a queue line on South Third Street. The neighbors wished to see a protected pull-through for the students.

The alternate design presented to City Council would be just as safe for Condit students (and probably safer), in Ms. McGee's opinion. The neighbors were also concerned with traffic at non-school times (such as evenings, weekends, and all summer). In addition, there was concern with regard to the negative impact that a parking lot would have on the neighbors.

Ms. McGee urged that the parking lot be made available for the benefit of the community. If the plan went through as was, the neighborhood would be affected, as well as the community as a whole, for the next 50 years.

Anne Wallace:

Ms. Wallace addressed City Council and stated that after attending several meetings regarding the rebuild of Condit Elementary School and hearing opposition from her neighbors, she was concerned that more attention had not been given to moving most of the parking out of the neighborhood. The neighborhood had never opposed a new school.

She inquired as to why the current plan provided parking for teachers near the front door. Places of business and medical facilities did not let their employees park by the front. Ms. Wallace indicated that she had been a teacher herself and parked a distance from the school during her tenure.

Ms. Wallace advised that she believe a gross injustice had been made by appointing only one neighbor to the Project Advisory Team. In addition, those persons who had spoken in favor of the plan were not from the neighborhood.

In closing, Ms. Wallace referred to the alternate plan that had been submitted by Mrs. McGee and indicated that it was much more desirable and safer, in her opinion.

Dan Greenberg:

Mr. Greenberg, Principal of Condit Elementary School, addressed City Council and echoed the sentiment of many of the speakers this evening. He did lament that the issue had gotten to a point of contention. He knew that everyone wanted to design a safe setup and he believed that the final result would be something that everyone could celebrate.

Principal Greenberg stated that he wished to clarify the drop-off and pick-up times. He stated that the morning drop-off could be likened to a slow drip. The drop-off started as early as 7:00 a.m. and was completed by 8:00 a.m. Principal Greenberg indicated that concerns with traffic and parking occurred between the hours of 7:45 a.m. and 8:00 a.m. He believed that the new queue line would alleviate some of those concerns. With respect to pick-up, Principal Greenberg likened the afternoon pick-up to a "pipe break," as it was completed within 15 minutes on both sides of the school.

Principal Greenberg advised that he did believe that the new site plan created a safe drop-off for loading and unloading directly onto a sidewalk. The site plan allowed the school to maintain current traffic flows with Kindergarten through Second Grade on the South Third Street side of the school and Third Grade through Fifth Grade on the South Rice Avenue side of the school.

In addition, there would be no students crossing any parking lots from Jessamine, Willow, and Linden Streets. Those students would be crossing South Third Street and following a sidewalk that led to the front door of the school. Students that arrived from Laurel Street would cross two monitored and manned crosswalks before reaching the school building.

Principal Greenberg stated that he did appreciate the alternate plan that was submitted, but expressed some concerns with the plan. For example, students would be dropping off on South Third Street into a parking lot adjacent to parking spaces. This was a safety concern in Principal Greenberg's opinion. He advised that he had further concern with putting two parking lots and a drop-off on South Rice Avenue, which many had mentioned was a problematic space for citizens, students, teachers, and crossing guards. He felt that the congestion would eventually drive parents to go back to South Third Street, with no place for them to go except for a small drop-off adjacent to cars.

Reference was made to two community meetings held with respect to Condit Elementary School. Principal Greenberg advised that both meetings were well attended, which was an indication to the Project Advisory Team, the school, and HISD that a cross-section of the community was attending the meetings. Principal Greenberg advised further that HISD and the architects had been very responsive as documented by those speaking this evening.

In closing, Principal Greenberg advised that although he sympathized with the parking woes of Bellaire, HISD's focus needed to be on student safety. He fully supported the specific use permit application and felt it would be a win-win for everyone.

Fred Boyer, Past Principal of Condit Elementary School, advised that he understood that the parking issue was one that was very emotional. Both sides believed their views had merit and, in reality, both views had merit. Putting the majority of

parking on South Third Street would cause some aesthetic change to the neighborhood.

Mr. Boyer stated that the Project Advisory Team ("PAT"), in working with HISD and the architects, had determined that parking on South Third Street would be safer for students, teachers, parents, and the community. As a member of PAT, he agreed with that view. Mr. Boyer made the following four determinations in reaching his conclusion: 1) the front of the school would be on South Third Street, which was the focal point of the school; 2) the closer the teacher parking could be placed to the entrance, the safer it would be. Reference was made to the month of January where teachers often walked to a dark parking lot; 3) South Rice Avenue was by far busier than South Third Street; and 4) the safety issue for students on South Rice Avenue.

In closing, Mr. Boyer advised that he firmly believed that South Rice Avenue would always be busier than South Third Street. He indicated that the architects had assured him that they could create a plan with enough green space to make the parking lot on South Third Street tolerable. He knew this was not a perfect solution. Reference was made to negotiations that HISD had tried to make with the neighborhood regarding the number of parking spaces on South Third Street. He urged City Council to focus their decision on keeping the children safe and doing what was best for the children.

Jennifer Cross:

Ms. Cross addressed City Council and lent her support to the specific use permit application as it was currently written and echoed much of what had been said with respect to the safety of children being the primary concern. To suggest that parents walk their children to school down South Rice Avenue, was a daunting thought in her opinion.

Ms. Cross appreciated the drop-off lane included in both plans. She urged that the safety of the children be considered first.

Robin Minturn:

Ms. Minturn addressed City Council and indicated that she and her husband were new to Bellaire, having moved in a year ago. One of the reasons Bellaire was selected was the great neighborhood feeling and Condit Elementary School.

One of Ms. Minturn's concerns was parking. One solution was to provide a parking plan that worked. She indicated that the current plan did not work. Ms. Minturn did not wish to wait in a queue line on South Third Street to get to parking spaces. She urged City Council to take human behavior into consideration, and noted that she believed that people would do what was fastest and easiest, which was not waiting in a queue line.

Of further concern was the fact that people exiting the parking lot would shoot down Willow Street or Jessamine Street, both of which were not designed for a great deal of traffic, in her opinion.

Reference was made to a parking lot that could be shared with the City. Ms. Minturn advised that her mother was disabled and had mobility issues. Frankly, there were a number of city events that her mother could not go to because she could not park anywhere.

Finally, with respect to the process, people had mentioned that the Project Advisory Team ("PAT") wanted feedback. She advised that PAT had not wanted her feedback and, after expressing her opinion at a public meeting, had been told by a member of PAT

that she was a bad parent and should just move.

Gaylon Gullquist:

Ms. Gullquist addressed City Council and referenced a point in time when Laurel Street went all the way through to South Rice Avenue from IH-610. During that time, Laurel Street became a major cut-through street. When HISD came through with a petition to close the street off between South Third Street and South Rice Avenue, the residents were very excited. She advised that what the residents had agreed to was what existed now--green space and parking along South Rice Avenue for city events, not a parking lot on South Third Street.

Ms. Gullquist referred to City Council and advised that she believed that HISD was bullying the City of Bellaire. She inquired as to the reasoning for HISD to put a parking lot in the middle of a residential neighborhood, and implored City Council to go to HISD and ask them to come up with a revision.

Linda Hester:

Ms. Hester addressed City Council and advised that she was so excited to have a new school in the neighborhood, but was saddened by how much controversy had come up regarding the design.

Ms. Hester advised that she did not sign the petition against the Condit specific use permit and was present this evening to support the Condit specific use permit even though her home and the traffic patterns would be impacted by putting additional parking on South Third Street. However, with respect to the project and providing input, Ms. Hester indicated that she was able to monitor what was going on by looking at HISD's website.

When reviewing the early plans for Condit Elementary School, she was shocked at the amount of parking in the plan. Ms. Hester was told that the City of Bellaire wanted all of the parking on South Third Street and was planning to use the parking as well. A redesign was done and some of the parking was moved.

Ms. Hester urged City Council to support the specific use permit application as proposed and to work with the neighborhood on traffic patterns.

Karen Diaz:

Ms. Diaz addressed City Council and advised that she wished to talk about carpools. Ms. Diaz advised that she worked at a school and worked the carpools five days per week. Her school had two carpool lines and 12 faculty staff members as opposed to students working those lines.

Ms. Diaz stated that she did not care if cars parked on her street. She referenced the possibility of permit parking on the streets, but advised that permit parking would not help Condit Elementary School or the parents walking their children into the school building.

Ms. Diaz closed by urging City Council and HISD to consider having the queue line come in off of the corner of Linden Street and come across the entire front of the school, but not to consider the parking lot in the neighborhood.

Nancy Freed:

Ms. Freed addressed City Council and noted that she was a teacher. Her concern was that all of the cars streaming down Laurel Street to hit IH-610 quickly was disadvantageous to the neighborhood and to their children. She indicated that she had not purchased a home on a busy street, such as South Rice Avenue, because she wanted to live on a neighborhood street.

Ms. Freed referred to the creative energy, capability, and wisdom of the architects in the room and asked them to reconsider the plan. She thought Molly McGee's plan was perfect, but noted that she was not an architect or project manager. She urged all parties to work together and asked City Council to allow more time for the parties to work together.

Richard Freed:

Mr. Freed addressed City Council and echoed the comments of residents in the neighborhood and his wife, especially. It was obvious from the comments made this evening that safety was an overriding concern for everyone.

By placing the parking lot on South Third Street, Mr. Freed believed that the queue line would be negatively impacted and, perhaps, more dangerous for the children going to school, as well as for children living in the neighborhood. He urged City Council to consider the alternative plan.

He believed that the people speaking in favor of the plan this evening did not live in the neighborhood. The sixty-two space proposed parking lot on South Third Street was too much. He urged City Council to move that parking lot to a better location on South Rice Avenue and to provide more Bellaire Police Officers to protect the area.

George Williams:

Mr. Williams addressed City Council and indicated that he was in strong opposition to the plan submitted to City Council by HISD. He also agreed with the comments made by his neighbors.

If the Team process worked and neighborhood input was seriously considered and integrated into the plan, then Mr. Williams believed that City Council would not see the opposition they were seeing this evening.

For example, nearly everyone that lived near the school was standing in opposition to the current plan. City Council was now left with a choice to make. City Council could choose to represent the neighbors that lived next to Condit Elementary School or HISD.

Once the school was built, the city was vested in the design. Mr. Williams implored City Council to allow the residents an opportunity to improve the design of Condit Elementary School.

Omar Khan

Mr. Khan addressed City Council and advised that he wished to make an observation. He stated that he moved to Bellaire eight years ago. Every day from 7:00 a.m. until 10:00 p.m., he dealt with speeding related to Walgreen's customers. He indicated that he did not wish to be callous, but as he chose to live nearby, it was something that he had to deal with.

Mr. Khan stated that as much as everyone from the neighborhood disliked the Condit plan, the school parking for West University Place faced homes at all times. He understood that it might not be aesthetically pleasing, but felt it was necessary for the safety of the teachers and children. He believed that HISD had probably spent thousands of man-hours on the plan. He urged City Council to let the plan continue.

Written Comments:

Dr. Philip L. Nauert, Mayor, read the following written comments into the record:

Jamie and Robert Allen:

Dear Mayor and Members of City Council,

My husband and I support the construction of a new building for Condit Elementary School.

However, we OPPOSE any and all parking lots on Third Street which will undoubtedly have a negative effect on the quality of life for Jessamine Street, Willow Street, Laurel Street, and Linden Street residents.

Lori Aylett, Greg Gordon and Genene Gordon:

Dear Honorable Mayor Dr. Phil Nauert and Councilmembers,

I am writing to express my support for your Council's approval of the Condit SUP as recommended and brought forth from the Planning and Zoning Commission. I attended the public hearing at P&Z concerning the proposal and have reviewed the SUP application in some detail. I am sorry that I am not able to personally appear at your Council meeting on Monday, but I have a work commitment that prevents my attendance. I respectfully request that you read this comment into the record.

I live on Chelsea Street and walk my daughter to Condit every weekday morning, so I get to observe the traffic patterns and issues on a first-hand basis. My daughter will be serving on the school's safety patrol next year and will be on the street as a crossing guard; therefore, our family takes the safety issues very personally. The provision of parking at the front of the school (Third Street side) is necessary and will help to alleviate neighborhood street parking. Getting the queue lines off the street will result in a safer environment for children to enter and exit the school via the carpool. The traffic study provided in the application indicates that there will be no change in the level of service and no negative impact over the current operational status as a school. Property values of the neighboring homes will be enhanced by the construction of a new facility. The Condit SUP as presented and recommended for approval by P&Z is a win-win--the school wins and the neighborhood wins.

The site has a number of constraints, and HISD has done a commendable job in designing the best school possible within those limits. The school has sought and received community input into the design of this school, and community and parent volunteers have worked many long hours with the architects in coming up with this design. Nothing is perfect, but this design is best for Condit and best for the community.

P&Z did an admirable job in reviewing the application to make sure that the concerns of all were addressed. I have the utmost respect for all of the P&Z Commissioners and the hard work that they do, and I believe that their recommendation should be given great

weight and acted upon favorably by Council.

On behalf of my family, I respectfully request that the Council approve the Condit SUP as recommended by P&Z. Thank you for the hard work that you do for our community, and thank you for your consideration of this letter.

Eric Tamm:

Dear City Council,

VLK Architects and the Condit PAT have worked hard to develop the best design for the Condit rebuild taking into account student and staff safety as they enter and leave the building. We need a parking lot on South Third Street near the entrance of the school for teachers, visitors, and guests. Please approve the Condit SUP as it currently stands.

Please read this into the public record.

Jane McNeel:

I would like to submit my comments into the public record for tonight's public hearing on the request for a specific use permit to construct a new Condit Elementary School in Bellaire.

When Condit was built it was a quiet area of Bellaire, however traffic along South Rice has increased a great deal. It continues to be a main route for our emergency vehicles as well. During the busy times at the school, when children are dropped off or picked up on South Rice, I am always fearful that a child may be hit by a vehicle and it's my understanding that our crossing guard has been struck at least twice by a vehicle ignoring the school zone.

I have reviewed the proposed site plan for the new school and I feel it provides for the most safe and efficient procedures for the drop-off and pickup of children attending Condit. This plan appears to be similar to the existing design by dividing the areas used for these purposes, and it allows for northbound vehicles to pick up students on South Rice, and southbound vehicles to pick up students on Third Street.

I cannot imagine that moving all parking to the South Rice side of the campus, thereby encouraging all drop-offs and pickups to be made along South Rice, would be the best choice. Therefore I fully support the current design for the new Condit, and I hope City Council will support it as well.

Jamie Fowler:

We need to have a parking lot on 3rd Street because the entrance to our school will be on that street. Putting a parking lot anywhere else will make those parking lots obsolete and encourage even more street parking along 3rd and directly outside of residents' houses. Parents and teachers are simply not going to park on the other side of the school and walk all the way around to get in . . . and the idea of moving our entrance onto South Rice is dangerous and completely irresponsible. As a mother of two young boys, we go well out of our way to avoid South Rice. We walk 5 extra blocks to school to avoid walking along the busy and oftentimes congested street. The dangers of South Rice are clearly evident by the multiple accidents we have already seen on the corner of South Rice and Jessamine this last year. An Elementary School simply has no business opening up to a busy street. Children and their parents have the right to be as safe as possible when dropping off and picking up their kids. I understand the aesthetic

implications of putting a parking lot on 3rd Street but the safety of 670 plus students should be the priority here. Thank you.

Sheryl Moore:

Dear Bellaire City Council Members,

I would like to express my support of the rebuilding of Condit Elementary in Bellaire.

I am a Bellaire resident and also a Condit parent from 2004 to 2013. In each of those years, I was actively involved in the school and the school's PTO, including serving as the PTO President for two years. I have watched Condit Elementary become an exemplary school in many ways, with student achievement continuing to increase each year. Condit prepared both of my children for the next level and beyond through its rigor and its high expectations for student performance and conduct. Condit students are widely recognized as not only being prepared for middle school academically, but also prepared with organizational and time-management skills.

As you know, Condit is a neighborhood school, and HISD does not need to bus in kids in order to fill the school. Unlike many area schools, Condit has never needed a magnet program to attract students. Condit is a thriving school composed of students in the immediate area, and many choose to live in Bellaire due in part to the high standards and performance at Condit. Bellaire property values have increased dramatically in recent years, and Condit continues to be an asset to the community rather than a liability.

Condit is one of the oldest school structures in HISD. Over the years, a significant portion of the School's budget has gone to maintaining the aging school and bringing infrastructure and technology needed for students to learn and compete in the 21st Century. Newly constructed HISD schools automatically include SMART boards, wireless internet, and other technology. Condit, in contrast, equips its classrooms with similar technology using its own budget and drawing on support from its active PTO.

Over my nine years at Condit, I have witnessed countless traffic and parking issues in the neighborhood surrounding Condit:

- In the afternoons, there is a southbound carpool line on South Third for pre-K to 3rd grade students. The carpool lane takes up a significant portion of South Third and Linden Streets, often backing up eastbound traffic on Linden and southbound traffic on South Rice before Linden. Having a portion of the new South Third parking lot serve as a carpool lane would reduce the number of cars stopped on the streets and cause less inconvenience and delays for neighboring residents.
- Since the front of the school currently faces South Third, parents have overwhelmingly chosen to park on South Third or on adjacent streets (Jessamine, Willow, Laurel, and Linden) rather than parking on the backside (South Rice side) of the school. By parking on both sides of these small residential streets, traffic becomes congested--often forcing a one-way path down the street with little room to allow for cars needing to travel in the opposite direction. Having a parking lot on South Third will reduce the number of cars parking in front of neighboring homes and alleviate traffic congestion.

In the early 2000s, HISD added the wonderful field space at Condit--space that is open to the public outside of school hours. Many area families enjoy the exercise track, playground equipment, and open field in the evenings and on weekends. Local sports

organizations have also used the field space for practices or games. Condit's new building plan includes field space that the community-including neighboring residents-can continue to enjoy.

Please help Condit continue to be an asset to our community. The school provides an excellent education for area students, and having a new building will ensure that Condit will remain a top-notch school for many years to come.

F. Questions from the Mayor and City Council - Dr. Philip L. Nauert, Mayor.

Dr. Philip L. Nauert, Mayor, called upon members of City Council with questions of HISD and/or their representatives regarding the application and request submitted by HISD for a specific use permit to construct and operate a new Condit Elementary School.

Questions related to the student drop-off and pick-up line procedures, location of parking lot(s) and hours and types of usage, percentage of impervious cover, aesthetics (such as landscaping and type of fencing), lighting, traffic control, and traffic flow.

G. Close of Public Hearing - Dr. Philip L. Nauert, Mayor.

Dr. Philip L. Nauert, Mayor, closed the public hearing regarding an application and request submitted by HISD for a specific use permit to replace Condit Elementary School at 9:25 p.m. on Monday, June 9, 2014. He noted that oral comments would not be received following the close of the public hearing. Written comments could be submitted to the City Council in care of the City Clerk until noon on Thursday, June 12, 2014.

H. Adjournment.

Motion: Adjourn the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, at 9:25 p.m. on Monday, June 9, 2014.

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



CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

JUNE 16, 2014

Council Conference Room

Special Session

6:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401

SPECIAL SESSION (INTERVIEWS FOR CITY BOARDS AND COMMISSIONS)

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

Dr. Philip L. Nauert, Mayor, called the City Council of the City of Bellaire, Texas, to order at 6:05 p.m. on Monday, June 16, 2014. He announced that a quorum was present consisting of all members of City Council as follows:

Member Name	Title	Status	
Nauert	Mayor	Present	
B. Nathan	Mayor Pro Tem	Present	
J. Reed	Councilman	Present	
Avioli Sr.	Councilman	Present	
Appas	Councilman	Present	
Laughlan	Councilman	Present	
S. Friedberg	Councilman	Present	
Dutton	City Clerk	Present	

B. Board and Commission Applicant Interviews:

Interview, discussion, and evaluation of applicants interested in filling a two-year term (or one-year term, where applicable) on one or more of the following City of Bellaire boards and commissions: Board of Adjustment, Building and Standards Commission, Cultural Arts Board, Environmental and Sustainability Board, Evelyn's Park Conservancy Board, L.I.F.E. Advisory Board, Parks and Recreation Advisory Board, and Planning and Zoning Commission.

Interviews of three (3) applicants interested in filling a two-year term (or one-year term, where applicable) on one or more of the City of Bellaire Boards and Commissions were conducted by members of City Council.

All three applicants interviewed with City Council in 15-minute intervals as indicated below.

6:00 p.m. until 6:15 p.m.

Applicant David Ebro was the first applicant interviewed by members of City Council on June 16, 2014. Mr. Ebro expressed an interest in serving on the Planning and Zoning Commission, Building and Standards Commission, and the Evelyn's Park Conservancy Board on his Board and Commission Application Form.

6:15 p.m. until 6:30 p.m.

Applicant Lisa M. Risoli was re-scheduled to interview on June 23, 2014.

6:30 p.m. until 6:45 p.m.

Applicant Christopher Butler was the second applicant interviewed by members of City Council on June 16, 2014. Mr. Butler expressed an interest in serving on the Planning and Zoning Commission on his Board and Commission Application Form.

6:45 p.m. until 6:58 p.m.

The last applicant interviewed by members of City Council on June 16, 2014, was Seth A. Miller. Mr. Miller expressed an interest in serving on the Board of Adjustment and the Parks and Recreation Advisory Board on his Board and Commission Application Form.

(Requested by Tracy L. Dutton, City Clerk)

C. Adjournment.

Members of the Bellaire City Council adjourned the Special Session (Interviews for Board and Commissions) at 6:58 p.m. on Monday, June 16, 2014.



CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

JUNE 16, 2014

Council Chamber

Regular Session

7:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401

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 7:06 p.m. on Monday, June 16, 2014. He announced that all members of City Council were present as follows:

Full Name	Title	Status	
Dr. Philip L. Nauert	Mayor	Present	
Mr. B. Nathan	Mayor Pro Tem	Present	
Mr. J. Reed	Councilman	Present	
Mr. J. Avioli 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	

B. Inspirational Reading and/or Invocation - Dr. Philip L. Nauert, Mayor.

Dr. Philip L. Nauert, Mayor, provided the inspirational reading for the evening.

C. Pledges to The Flags - Dr. Philip L. Nauert, Mayor.

Dr. Philip L. Nauert, Mayor, led the audience and members of City Council in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

D. Recognition of Proclamations:

Issuance of a proclamation by Dr. Philip L. Nauert, Mayor, proclaiming the month of July 2014, as "Park and Recreation Month" in the City of Bellaire, Texas, in recognition of the benefits derived from parks and recreation resources.

Dr. Philip L. Nauert, Mayor, read the proclamation he had issued proclaiming the month of July 2014 as "Park and Recreation Month" in the City of Bellaire, Texas, in its entirety.

Director of Parks and Recreation Jane L. Dembski accepted the proclamation issued by Mayor Nauert on behalf of the Parks and Recreation Department.
(Requested by Jane Dembski, Parks and Recreation)

Minutes Acceptance: Minutes of Jun 16, 2014 7:00 PM (Regular Session - Monday, June 16, 2014:)

E. Approval or Correction of Minutes.

Consideration of and possible action on the adoption of the minutes of the City Council of the City of Bellaire, Texas:

- a. Mayor and Council - Special Session - May 27, 2014 6:30 PM

Motion: Approve the minutes of the Special Session of the City Council of the City of Bellaire, Texas, held on Monday, May 27, 2014.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Roman F. Reed, Councilman
SECONDER:	Amanda B. Nathan, Mayor Pro Tem
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

- b. Mayor and Council - Special Session - Jun 2, 2014 6:00 PM

Motion: Approve the minutes of the Special Session (Interviews) of the City Council of the City of Bellaire, Texas, held on Monday, June 2, 2014.

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

- c. Mayor and Council - Regular Session - Jun 2, 2014 7:00 PM

Motion: Approve the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, June 2, 2014.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Amanda B. Nathan, Mayor Pro Tem
SECONDER:	Andrew S. Friedberg, Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

F. Personal/Audience Comments.**Keith Bowers:**

Mr. Bowers addressed City Council and indicated his support for the agenda item related to the acceptance of a gift by the City Manager, on behalf of the City of Bellaire, Texas, valued in an amount up to \$25,000.

Reference was made to the issue of mowing grass on rights-of-way and easements. Mr. Bowers indicated that a property located near his home was in violation of the City's Code and had been for some time. The property owner mowed the property once this year in response to a letter from the City's Community Development Department. The property was in violation again. Mr. Bowers urged City Council to ensure that the City's

Minutes Acceptance: Minutes of Jun 16, 2014 7:00 PM (Regular Session - Monday, June 16, 2014:)

Code was enforced with respect to this issue.

Secondly, Mr. Bowers addressed the Condit Elementary School specific use permit.

[City Attorney Alan P. Petrov advised the Mayor that a public hearing had been held on the issue and was closed. Dr. Philip L. Nauert, Mayor, asked Mr. Bowers to refrain from commenting on the Condit Elementary School specific use permit.]

With respect the legal documents on the City Council's agenda related to Evelyn's Park, Mr. Bowers advised that the documents were very comprehensive and complex and unfair to Bellaire in his opinion. The City had to put up \$5 million for the park, but seemed to have no rights. The right of rescission belonged to The Jerry and Maury Rubenstein Foundation forever. He urged City Council to table the agenda item and engage a good real estate attorney to represent the City. He advised that the Evelyn's Park Conservancy Board seemed to have no commitment or obligation to do anything except operate the park.

Robert Riquelmy:

Mr. Riquelmy addressed City Council and indicated that a "deal" was sold to City Council in the form of a gift of a park to be operated by the City, with all funding to be provided by the Evelyn's Park Conservancy Board. Things had now changed and the City would be funding a large portion of the park. Mr. Riquelmy urged City Council to buy out The Jerry and Maury Rubenstein Foundation and develop the park on its own or develop the park jointly with Harris County.

In closing, Mr. Riquelmy advised that the residents expected City Council to be good stewards of the resources of the City.

Millie Hast:

Ms. Hast addressed City Council and requested their approval of Phase 1 of the development of the park. Among the many vital reasons to approve the proposal, Ms. Hast cited three as follows: 1) the voters of Bellaire gave their support to Evelyn's Park through the approval of a bond issue. In addition, the Rubenstein Family, residents, and hard-working volunteers had very generously donated an additional \$2 million for the project. By attending several events held on the undeveloped land, people had shown that they would visit and use Evelyn's Park; 2) the benefit to the City and the community. Green space in an urban environment was always an asset. Many communities did not have a way of adding natural space, but Bellaire had a wonderful opportunity to do so with Evelyn's Park. Space for community events would help the residents connect with each other and build neighborly spirit. Being in nature reduced stress and gave families and friends a place to gather and enjoy each other's company outdoors. Trees, shrubs, flowers, and other plants helped to cleanse and cool the air and provide a habitat for birds and other wildlife; and 3) the great plan that the Evelyn's Park Conservancy Board had created. Resident input was sought and welcomed. Consideration was given to a wide variety of community needs, such as green space, a restaurant, and gathering places.

The Evelyn's Park project was a carefully considered, well-planned, and high quality proposal. City Council's vote was needed so that Phase 1 could begin. Ms. Hast respectfully urged and encouraged City Council to vote in favor of Phase 1.

Tom Flaherty:

Mr. Flaherty addressed City Council and advised that he was in support of Phase 1 of Evelyn's Park and the issuance of bonds toward that park. He urged City Council to help make the completion of the park, which had received tremendous support from the citizens, a reality now. He echoed all of the comments made by Ms. Hast.

Lynn McBee:

Ms. McBee addressed City Council and noted that this evening the City would, perhaps, welcome another public school just weeks following the 100th Anniversary of the first graduating class of the Bellaire School (renamed the Condit Elementary School in 1927).

While listening to City Council board and commission interviews, Ms. McBee overheard some discussion that the City Manager had hired a new person to serve as either an employee or consultant. Ms. McBee asked the City Manager to cover the new hire in his City Manager's Report. Since the item was not on the agenda, Ms. McBee was told by the City Manager that it would not be covered.

Ms. McBee felt that it was unusual for the City Manager to hire someone not fitting an employee or appointee status without City Council or public direction. She strongly objected to the lack of announcement regarding the new hire.

With respect to the legal documents related to Evelyn's Park, Ms. McBee stated that the documents were no clearer to her now than they were before. She could not believe that City Council would debate the documents so quickly after receipt. She hoped that the items related to Evelyn's Park would be postponed so that the rest of the community could read the text of the documents and decide for themselves whether this was a good deal or not.

Written Comments:

Dr. Philip L. Nauert, Mayor, read written comments that had been received into the record as set forth below.

Peta Rubenstein:

Mr. Mayor and City Council Members,

I would just like to thank you in advance for the bond money that you are hopefully going to approve tonight. Even before this park has been built, it and its events have already done so much to unite the Bellaire and surrounding communities together. At Pop-Up in the Park, at various Food Truck Picnics, and at Family Fit Day, it has been so amazing to be a part of a community coming together. I am so looking forward to the time this same community and even the greater one can come together at such a beautiful oasis in the middle of the big city.

Cassie and Spencer Neumann:

Please move ahead with the approval of Phase 1 and the issuance of the bonds. Our city needs this new park, as demonstrated by the attendance of park events and the amazing fundraising.

The community is thrilled for this new addition. Bellaire is filled with energy and excitement for this project. Let's keep the momentum going.

Eric and Stacey Geisler:

Dear Mayor and Councilmembers,

We would like to express our strong support for the council's approval of Phase 1 for Evelyn's Park and the issuance of \$5 million in bonds that were approved in November 2013 to help pay for the construction of the park. Specifically, we urge your approval of the following agenda items:

H.1(d) - the execution of the Agreement for Modification of Donation Documents Concerning Evelyn's Park;

H.1 (e) - the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the City Manager of the City of Bellaire, Texas, to execute, for and on behalf of the City of Bellaire, Texas, a "Deed and Modification of Covenants" related to Evelyn's Park; and

H.1 (f) - the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the City Manager of the City of Bellaire, Texas, to execute, for and on behalf of the City of Bellaire, Texas, a "Development and Operating Agreement for Evelyn's Park, Bellaire, Texas".

We appreciate your consideration and look forward to any questions you may have.

Allen Deutsch:

I am writing in strong support of the bond measure for Evelyn's Park. Our family has lived in Bellaire since 2001. We have enjoyed our community in so many meaningful ways. Without a doubt, the greatest asset of our City and what sets its tone and spirit are the Community Parks. It allows us all--young and old--to enjoy Bellaire in the great outdoors!

So please pass the bond measure for our community. It will bring great joy for all the families that call Bellaire home and the best place in Texas!

Lisa Shapiro Strauss:

Dear City Council,

As a resident of Bellaire, I am fully supporting the funding of the Phase 1 part of Evelyn's Park. The Park will add tremendous value to our community as a focal point of gathering. The events held to date at the Park have been highly successful and well received.

My family and I support the efforts made thus far and commit to helping see this Park through to completion.

Please vote to begin this first phase of Evelyn's Park.

Susan Schmaeling:

I am a resident of West University Place who resides in walking distance to Evelyn's Park. I hope the Bellaire City Council will fairly review the Phase 1 plans for the proposed park. This will be a spectacular addition to our beautiful area.

If it all checks out, please issue the bonds.

Ronnie and Laurie Karkowsky:

Please proceed with Phase 1 of Evelyn's park. The park will be such an asset to the community and bring additional beauty to the City of Bellaire.

Carolyn Rubenstein:

I am sending my email to show my support for moving ahead with the construction of Phase 1 of Evelyn's Park. Please be sure my comments are read into the record at tonight's City Council meeting.

Robert D. Leisten, DPM, DABPS:

I am in favor of moving forward with Phase 1 of Evelyn's Park.

Please read this into the record at tonight's meeting.

Deborah and Brad Sondock:

My husband, Brad and I want to express our strong recommendation that you vote for the approval of Phase 1 for Evelyn's Park and issuing the \$5 million of bonds that were approved in November 2013 to help pay for the construction of Evelyn's Park. This park is going to make a huge improvement in the City of Bellaire, and we have been active supporters since learning of the plan. Please read our comments into the record at tonight's meeting.

Steven Karpas:

As a resident owner of a Town Oaks Place townhome adjacent to Evelyn's Park, I am excited for Phase 1 to begin. I support the Conservancy's vision of Evelyn's Park and urge approval of Phase 1 and issuance of the bonds.

Sam Robbins:

City Council,

Please have these comments read into the record at tonight's meeting:

Me and my family are very much in favor of moving forward with Phase 1 of Evelyn's Park. We live in Bellaire and feel this will be a great asset to our community.

Thanks.

Ron Brounes:

Attn: Bellaire City Council Members

First if all, I would like to thank you for the roles you have assumed and for all of your ongoing hard work on behalf of our City of Bellaire. We moved to Bellaire six years ago and welcomed the small town, neighborhood feel (within the large city) and the tremendous sense of community and civic pride shared by its residents. We understand the time demanded and the commitment that our council representatives make and appreciate all that you do for the betterment of Bellaire.

I am writing today to offer my staunch support for Evelyn's Park and the critical funding (bond issuance) needed to complete Phase 1 of this exciting project. We were so excited when we first learned about this wonderful opportunity for enhancing the beauty and green space of our fair city. We have two young children and cannot wait to enjoy Evelyn's Park with them and our neighbors and have already attended a few of the park events. We generally walk from our home and encounter friends and neighbors along the way, equally eager to share this community building experience and enjoy the new entertainment venue in Bellaire together. Rarely do folks get out and just walk in Houston (Bellaire), but on days and evenings of Evelyn's Park events, the streets are crowded with townspeople ready to spend time together. We cannot wait until the initial phase is completed and we will be able to enjoy more days and nights at this wonderful park and entertainment venue.

Our neighbors and the Bellaire community has shown their support, not only through attendance at these introductory functions, but also through generous personal contributions. Evelyn's Park will bring tremendous opportunities to Bellaire residents in terms of recreation, entertainment, and community building and we look forward to the day that it officially opens to the public. Please share my comments at the Board meeting this evening.

Thank you again for your service to Bellaire.

Joseph Robertson:

A very nearby neighbor to the new park. I am in full support of getting this park completed. It seems anyone and everyone I talk to is aware of where "that new park" is coming. It has already become a destination landmark associated with that part of Bellaire.

Unable to attend the meeting, just wanted to express my support.

Kim Reichert:

Dear Bellaire City Council,

My family and I live close to Evelyn's Park and we are looking forward to the day when we can walk over to visit Evelyn's Park. Please vote to approve Phase 1 of the construction.

Thank you.

Rabbi Brian Strauss, Congregation Beth Yeshurun:

I am writing in support of the City of Bellaire giving the \$5 million in bonds to Evelyn's Park. Like many of my Bellaire neighbors, we all agree that this would be a wonderful addition to our community.

Thank you!

Dan Braun:

We are Bellaire residents and supporters of Evelyn's Park. We are in favor of moving ahead to construct Phase 1 of the park and look forward to seeing it complete.

Thank you.

G. Reports:**1. City Manager's Report:**

City Manager's Report dated June 16, 2014, to include an introduction of Brant Gary, Director of Public Works, and Fourth of July planning.

City Manager Paul A. Hofmann presented the City Manager's Report dated June 16, 2014, to members of City Council. The report included an introduction of the City's new Public Works Director, Brant Gary, and discussion regarding the City's upcoming Fourth of July celebration.

Following questions of City Manager Hofmann regarding his report, a motion was made and action taken to accept the report into the record.
(Requested by Paul A. Hofmann, City Manager)

Motion: Accept the City Manager's Report dated June 16, 2014, as presented by City Manager Paul A. Hofmann, into the record.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Andrew S. Friedberg, Councilman
SECONDER:	Amanda B. Nathan, Mayor Pro Tem
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

2. Finance Report:

Finance Report for the City of Bellaire, Texas, covering the eight month period ended May 31, 2014, including presentation and/or discussion of financial data as presented in the financial reports for the General Fund, Enterprise Fund, Debt Service Fund, VET (Vehicle, Equipment and Technology) Fund and Capital Improvement Program Fund.

Chief Financial Officer Linda Symank presented the Finance Report for the City of Bellaire, Texas, for the period ended May 31, 2014, to members of City Council.

Following questions of Chief Financial Officer Symank regarding her report, a motion was made and action taken to accept the report into the record.
(Requested by Linda Symank, Finance Administration)

Motion: Accept the Finance Report for the City of Bellaire, Texas, for the period ended May 31, 2014, as presented by Chief Financial Officer Linda Symank, into the record.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Roman F. Reed, Councilman
SECONDER:	James P. Avioli Sr., Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

H. New Business:**1. Adoption of Ordinance(s)/Resolution(s):**

- a. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, granting Specific Use Permit S-82 to the Houston Independent School District (HISD) to construct and operate a two-story replacement school for Condit Elementary School on the northern portion of a tract of land owned by HISD and more commonly known as 7000 South Third Street, Bellaire, Texas 77401, in the R-4 Residential Zoning District.

Community Development Director John McDonald introduced the agenda item related to the granting of a specific use permit to the Houston Independent School District (HISD) to construct and operate a two-story replacement school for Condit Elementary School (7000 South Third Street, Bellaire) to members of City Council. Director McDonald advised that Staff ultimately concurred with the recommendation of the Planning and Zoning Commission of the City of Bellaire, Texas ("Commission"), to grant a specific use permit (SUP) to HISD with the conditions included in their report.

The Commission's recommended conditions were stated as follows:

1. As part of the permit process, HISD must submit to the city a detailed parking plan for construction workers and school faculty during the construction process; and
2. A four (4) foot high, continuous landscape barrier must be installed to screen parking from neighboring residential properties (i.e., along the South Third Street side).

Director McDonald indicated that the Commission made a recommendation to City Council with regard to traffic patterns, specifically looking at the restriction of a left turn onto Willow Street. Since the recommendation dealt with City services, it was not included as a condition for the specific use permit.

The following motion was made by Mayor Pro Tem Amanda B. Nathan and seconded by Councilman Andrew S. Friedberg:

Motion:

To adopt an ordinance of the City Council of the City of Bellaire, Texas, granting Specific Use Permit S-82 to the Houston Independent School District (HISD) to construct and operate a two-story replacement school for Condit Elementary School on the northern portion of a tract of land owned by HISD and more commonly known as 7000 South Third Street, Bellaire, Texas, 77401, in the R-4 Residential Zoning District subject to the conditions imposed by Planning and Zoning Commission of the City of Bellaire, Texas.

The following amendment to the motion was offered by Gus E. Pappas and seconded by Councilman Roman F. Reed:

Amendment (No. 1) to the Main Motion:

To add the following conditions to the specific use permit (S-82) to be granted to HISD:

1. On school property parking on South Third Street shall be open to the public during all non-school hours;

2. Horizontal street parking will be allowed on South Third Street, save and except for bus drop zone and queue drop-off line;
3. Eliminate teacher parking on South Third Street and begin circle drop entrance just north of Laurel Street and South Third Street intersection. Alternatively, locate circle drop-off further north, circle drive to have double-wide lane;
4. No parent park/drop-off of students in rectangular parking lot on South Third Street; with parking lot to be exclusively for early (before 7:15 a.m.) teacher parking, handicap persons, and visitors to school after 8:00 a.m.;
5. All parent/student walk-ins to be from parking lot on Jessamine Street and South Rice Avenue, which will also be the parking for the balance of the teachers, which lot shall remain open to the public at all non-school hours;
6. All parking lots to be lighted;
7. Alternative to all teacher parking being in parking lot on Jessamine Street and South Rice Avenue, and/or to the elimination of teacher parking on South Third Street is to leave in place South Rice Avenue street side row of parking in Linden Street and South Rice Avenue lot, which lot would also be lighted and open to public during non-school hours.

Following discussion among members of City Council regarding the amendments to the main motion, **Councilman Andrew S. Friedberg offered friendly amendments to the amendments proposed by Councilman Gus E. Pappas as follows:**

1. Onsite ~~property~~ parking ~~on adjacent to~~ South Third Street shall be open to the public during all non-school hours;
- ~~2. Horizontal street parking will be allowed on South Third Street, save and except for bus drop zone and queue drop-off line;~~
- 3 2. Eliminate teacher parking on South Third Street and begin circle drop entrance just north of Laurel Street and South Third Street intersection. Alternatively, locate circle drop-off further north, circle drive to have double-wide lane;
- 4 3. No parent parking/drop-off of students in rectangular parking lot on the South Third Street side; with parking lot to be exclusively for early (before 7:15 a.m.) teacher parking, handicap persons, and visitors to school after 8:00 a.m.;
- 5 4. All parent/student walk-ins to be from parking lot on Jessamine Street and South Rice Avenue, which will also be the parking lot for the balance of the teachers, which lot shall remain open to the public at all non-school hours;
- 6 5. All parking lots to be lighted pursuant to standards adopted by the City;
- 7 6. Alternative to all teacher parking being in parking lot on Jessamine Street and South Rice Avenue, and/or to the elimination of teacher parking on South Third Street is to leave in place South Rice Avenue street side row of parking

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in Linden Street and South Rice Avenue lot, which lot would also be lighted and open to public during non-school hours.

Councilman Gus E. Pappas, mover of the amendments, and Councilman Roman F. Reed, seconder of the amendments, accepted the friendly amendments offered by Councilman Andrew S. Friedberg.

Following further discussion among members of City Council regarding the friendly amendments to the amendments, action was taken as set forth below:

RESULT:	ADOPTED [5-1-1]
MOVER:	Gus E. Pappas, Councilman - Position No. 3
SECONDER:	Roman F. Reed, Councilman - Position No. 1
AYES:	Nauert, Reed, Avioli Sr., Pappas, and McLaughlan
NAYS:	Nathan
ABSTENTIONS:	Friedberg

The following amendment to the motion, as amended, was offered by Councilman Andrew S. Friedberg and seconded by Mayor Pro Tem Amanda B. Nathan:

Amendment (No. 2) to the Main Motion, as Amended:

To take the motion, as amended, and send it to the Planning and Zoning Commission for further review.

Councilman Andrew S. Friedberg offered the following comments as the basis for his amendment: he was hesitant to take a plan that had been months in the making and rewrite it on the fly without the benefit of input from the Planning and Zoning Commission and the public. He also believed that HISD should be afforded the opportunity to comment on and respond to the revised plan.

Following discussion among members of City Council, action was taken on Amendment (No. 2) to the Main Motion, as Amended.

RESULT:	FAILED [3-4]
MOVER:	Andrew S. Friedberg, Councilman - Position No. 5
SECONDER:	Amanda B. Nathan, Mayor Pro Tem
AYES:	Nauert, Nathan, and Friedberg
NAYS:	Reed, Avioli Sr., Pappas, and McLaughlan

Following further discussion among members of City Council, action was taken on the Main Motion, as Amended.

****Note****

Mayor Philip L. Nauert, Mayor Pro Tem Amanda B. Nathan, and Councilman Andrew S. Friedberg indicated that they were very much in favor of a new Condit Elementary School, but were opposed to the amendments proposed this evening. For that reason, Mayor Nauert voted against the main motion, as amended, and Mayor Pro Tem Nathan and Councilman Friedberg abstained

from voting on the main motion, as amended.
(Requested by John McDonald, Community Development)

RESULT:	ADOPTED AS AMENDED [4 TO 1]
MOVER:	Amanda B. Nathan, Mayor Pro Tem
SECONDER:	Andrew S. Friedberg, Councilman
AYES:	Reed, Avioli Sr., Pappas, McLaughlan
NAYS:	Nauert
ABSTAIN:	Nathan, Friedberg

- b. Consideration of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, amending Resolution No. 01-22 for the purpose of authorizing the City Manager of the City of Bellaire, Texas, to accept, for and on behalf of the City of Bellaire, Texas, any and all donations, after consideration of certain factors, valued at less than \$25,000.00.

Cheryl Bright-West, Recreation Superintendent, provided a brief overview of the reasoning behind the revisions that had been proposed for the City's Donation Policy. She indicated that the revisions were developed as a result of an initiative of the Cultural Arts Board to achieve one of their objectives, which was to investigate and recommend to the City Council possible funding mechanisms for ongoing public art programs.

The Cultural Arts Board ("Board") introduced the idea of an Art Fund in an effort to expand the Bellaire public art and cultural program to benefit the entire community. The point of the Art Fund was to broaden its base of financial support through tax-deductible contributions from public and private sources.

The Art Fund, from the Board's perspective, would be utilized to aid in art acquisition, cultural event execution, conservation and restoration of current Bellaire artwork, public education, and the development of a Bellaire artistic resource center. The Board, along with Staff, researched several different mechanisms that cities were using and discovered that the successful mechanisms were actually established as 501c3 organizations or other non-profit designations.

After working closely with Staff and the City Attorney, a decision was made to utilize current policies that were already in place as they related to donations. Staff had been tasked with creating a Donation Policy that would address the concerns of the Board, as well as to broaden the scope of the current Donation Policy to address the acceptance of all donations citywide.

The purpose of the Donation Policy was to facilitate the desires of citizens, groups of citizens, organizations and businesses, to donate funds, property, and/or in-kind contributions to the City of Bellaire for a specific purpose. The draft Donation Policy was presented to the Board on June 11, 2014, and was accepted.

Key elements of the revisions made to the City's existing Donation Policy were noted as follows:

1. To broaden the scope of the language to include all types of donations as opposed to only monuments, memorials, and exhibits. The intent was to

broaden the definition so as not to restrict any type of donation that was presented to the City of Bellaire.

2. Allowing the City Manager to consider donations of less than \$25,000. The original donation threshold was previously set at \$1,000. The intent was to update the dollar amount which was more in line with how the City defined a capital improvement project.
3. Timing and recognition language was added to the resolution. If for any reason a donation was not utilized within an intended specific time frame, the Donor had the option to request that the donation be refunded or returned.
4. Transparency of reporting through the Special Revenue Fund. It was noted that a report regarding donations accepted would be given on a monthly basis through the Financial Report.
5. Removal of the burden of the donor to provide 10% of the donation to a maintenance fund. If a donation was accepted, as revised, it would be the responsibility of the City, after proper consideration, to determine if the donation would be a true benefit to the community. If so, the ongoing maintenance of the donation would become part of the City's base service level.

Superintendent Bright-West advised that if the resolution before City Council was adopted this evening, a change should be made to Section 4 of the proposed resolution before City Council to read as follows:

That the policies and procedures regarding donations, ~~monuments,~~
~~memorials,~~ and exhibits as set forth in this Resolution shall be effective immediately upon passage and adoption.

****Note****

Councilman Andrew S. Friedberg indicated that the proposal, as presented, was a very general policy to achieve a very specific aim. He stated that he would not make changes to the general broader policy, but instead, with changes geared toward the goal the Cultural Arts Board was trying to achieve. Councilman Friedberg also wanted an opportunity to thank donors in public on behalf of the citizens for their donation(s). For those reasons, Councilman Friedberg opposed the motion.

(Requested by Diane K White, Organizational Services)

RESULT:	ADOPTED [6 TO 1]
MOVER:	Gus E. Pappas, Councilman
SECONDER:	Amanda B. Nathan, Mayor Pro Tem
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan
NAYS:	Friedberg

- c. Presentation regarding proposed modifications to certain documents related to Evelyn's Park (the "Park"), 4400 Bellaire Boulevard, Bellaire, Texas, including (1) the Master Plan for the Park; (2) estimated construction budget; (3) allocation of costs for development, construction, and operations; and (4) Business Plan - Presentation by Cindy Siegel, Member of the Evelyn's Park Conservancy Board.

Motion:

To table action on agenda items H. 1. c., d., e., and f., until City Council could meet in Executive Session to discuss the items.

Friendly Amendment to the Motion:

To postpone action on agenda items H. 1. c., d., e., and f., until a future date, but hear the presentation, ask questions, and share comments on the agenda items this evening.

{Friendly amendment offered by Mayor Pro Tem Amanda B. Nathan and accepted by Councilmen James P. Avioli, Sr., and Pat B. McLaughlan.}

RESULT:	APPROVED, AS AMENDED [UNANIMOUS]
MOVER:	James P. Avioli, Sr., Councilman - Position No. 2
SECONDER:	Pat B. McLaughlan, Councilman - Position No. 4
AMENDED BY:	Amanda B. Nathan, Mayor Pro Tem
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, and Friedberg
NAYS:	None

Presentation:

Cindy Siegel, Treasurer, Evelyn's Park Conservancy Board, provided a brief overview of the steps that had taken place to date with respect to Evelyn's Park. She advised that the City, with the Rubenstein Foundation, formed and set up a 501c3 charity in 2011 (Evelyn's Park Conservancy or the "Conservancy"). The City appointed four persons to the Conservancy: Cindy Siegel, Marybeth Flaherty, Kim Padgett, and Lou Waters. The Rubenstein Foundation also appointed four persons to the Conservancy: Keith Rubenstein, Linda Rubenstein, Rusty Rubenstein, and Peta Rubenstein.

The City and the Rubenstein Foundation each put up \$100,000 for seed money. Together, monies would be raised to build a first-class park for future generations.

After a portion of the funding was available, the Conservancy hired a landscape architect to assist them through a process for the development of a conceptual plan for the five acres gifted to the City by the Rubenstein Foundation known as "Evelyn's Park." In August of 2012, the City Council unanimously approved the Preliminary Master Plan for the development of Evelyn's Park.

From the Preliminary Master Plan, a Master Plan was developed. Taking into account the funding currently in place, a first phase of Evelyn's Park was developed from the Master Plan. Treasurer Siegel advised that Phase 1 would provide a complete and usable park with sufficient parking onsite for daily activities, lighting, landscaping, trails, benches, an event pavilion, and a restaurant/cafe. It was noted that the restaurant/cafe could serve as a revenue source for programming and operations.

Sources of funding to be used to construct Phase 1 were the \$5 million bond referendum that 71% of the voters that voted on the bond referendum

approved, and a \$500,000 contribution by the Rubenstein Foundation for a one-half acre memorial dedicated to Evelyn Rubenstein. Additionally, the Conservancy would pay for consultants to complete the schematic design and construction documents for Phase 1.

Treasurer Siegel turned the presentation over to Scott McReady, SWA Consultants. Mr. McReady provided an overview of the Master Plan in general, as well as Phase 1. It was noted that Phase 1 would consist of a main lawn, a restaurant/cafe, an event pavilion adjacent to the restaurant/cafe (i.e., for parties or weddings), a community garden, butterfly garden, wildflower meadow, restroom facilities, and onsite parking.

Following Mr. McReady's overview, Treasurer Siegel focused on the estimated construction budget, maintenance reserve, other potential revenue sources, and future fundraising efforts.

In closing, Treasurer Siegel advised that the park land known as Evelyn's Park was worth between \$10-\$11 million today, which was two to two and one-half times more than the City's investment of \$5 million.

Comments from the City Council:

Councilman James P. Avioli, Sr., advised that he did not believe the agreements, as proposed, represented the intentions of the Rubenstein Family. The agreements, as proposed, were not favorable to the City and did not treat the City as a "partner." Councilman Avioli stated that he wanted the City to be heard in the process.

Mayor Pro Tem Amanda B. Nathan advised that she would like to see an agreement in place with Bellaire United Methodist Church for the shared use of their parking lot for overflow event parking prior to spending any funds to construct the park.

Other comments by Mayor Pro Tem Nathan included specific revisions to the Agreement for Modification of Donation Documents Concerning Evelyn's Park, City of Bellaire, the Modification Deed, and the Development and Operating Agreement related to possible inconsistencies and/or possible omissions of conditions previously adopted by City Council, as well as changes related to remedies, funding, and proprietary and confidential information.

Councilman Andrew S. Friedberg echoed Mayor Pro Tem Nathan's request to see an agreement in place for overflow parking before the restaurant/cafe was constructed. He expressed concern over the possible inadequacy of parking.

Councilman Gus E. Pappas commented that City Council need to be comfortable that the park could be built, operated, and maintained on an ongoing basis. He expressed concern that a great deal of maintenance would be needed with the park.

Councilman Roman F. Reed advised that he was confident that the agreements could be negotiated and worked through by all parties.
(Requested by Jane Dembski, Parks and Recreation)

- d. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the City Manager of the City of Bellaire, Texas, to execute, for and on behalf of the City of Bellaire, Texas, an "Agreement for Modification of Donation Documents Concerning Evelyn's Park, City of Bellaire" ("Agreement") by and between the City of Bellaire, Texas, and The Jerry and Maury Rubenstein Foundation (the "Parties"), for the purpose of addressing the current status, circumstances, and modified agreements of the Parties relating to Evelyn's Park; and providing for the termination of the Memorandum of Understanding by and among the Parties and effective as of December 20, 2010, and the "Agreement Concerning Evelyn's Park, Bellaire, Texas" by and among the Parties and effective as of February 25, 2011, as well as any and all agreements heretofore adopted that are in conflict with this Agreement.

Action on this agenda item was postponed until a future date.
(Requested by Jane Dembski, Parks and Recreation)

- e. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the City Manager of the City of Bellaire, Texas, to execute, for and on behalf of the City of Bellaire, Texas, a "Deed and Modification of Covenants" related to Evelyn's Park, Bellaire, Texas, by and between The Jerry and Maury Rubenstein Foundation and the City of Bellaire, Texas (the "Parties"), for the purpose of modifying the original "Deed" by and between the Parties related to the conveyance of reversionary rights and certain covenants set forth therein.

Action on this agenda item was postponed until a future date.
(Requested by Jane Dembski, Parks and Recreation)

- f. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the City Manager of the City of Bellaire, Texas, to execute, for and on behalf of the City of Bellaire, Texas, a "Development and Operating Agreement for Evelyn's Park, Bellaire, Texas," by and between the City of Bellaire, Texas, and the Evelyn's Park Conservancy, related to the development and operations of Evelyn's Park, a 4.9511 acre tract of land in the J. Blessing Survey, Abstract 162, in the City of Bellaire, Texas, more commonly known as 4400 Bellaire Boulevard, Bellaire, Texas 77401.

Action on this agenda item was postponed until a future date.
(Requested by Jane Dembski, Parks and Recreation)

2. Item for Individual Consideration:

Consideration of and possible action on a request for City Council action to affirm the Goals and Guiding Principles listed under Chapter 5, Commercial Area Development & Enhancement, of the Comprehensive Plan of the City of Bellaire, Texas, as adopted in 2009, specifically: 1) Protect adjacent residential neighborhoods from incompatible non-residential development; and 2) Have the City take a more direct role in spurring commercial area revitalization.

Councilman Gus E. Pappas made the following motion, which was seconded by Councilman Roman F. Reed:

Motion:

To affirm the Goals and Guiding Principles listed under Chapter 5, Commercial Area Development & Enhancement, of the Comprehensive Plan of the City of Bellaire, Texas, as adopted in 2009, specifically: 1) Protect adjacent residential neighborhoods from incompatible non-residential development; and 2) Have the City take a more direct role in spurring commercial are revitalization.

Friendly Amendment to the Main Motion:

To reaffirm the Comprehensive Plan of 2009.

The friendly amendment to the main motion was offered by Councilman Andrew S. Friedberg. Councilman James P. Avioli, Sr., offered his support to the friendly amendment. The friendly amendment was accepted by Councilmen Roman F. Reed and Gus E. Pappas.

(Requested by Roman F. Reed, Mayor and Council)

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Gus E. Pappas, Councilman
SECONDER:	Roman F. Reed, Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

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

Due to the lateness of the hour, this item was not considered.

J. Adjournment.

Motion: To adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 11:21 p.m. on Monday, June 16, 2014.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Pat B. McLaughlan, Councilman
SECONDER:	Amanda B. Nathan, Mayor Pro Tem
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg



CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

JUNE 23, 2014

Council Conference Room

Special Session

6:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401

SPECIAL SESSION (INTERVIEWS FOR BOARDS AND COMMISSIONS)

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

Dr. Philip L. Nauert, Mayor, called the City Council of the City of Bellaire, Texas, to order at 6:00 p.m. on Monday, June 23, 2014. He announced that a quorum was present consisting of the following members of City Council:

Member Name	Title	Status	
Nauert	Mayor	Present	
B. Nathan	Mayor Pro Tem	Present	
. Reed	Councilman	Present	
Avioli Sr.	Councilman	Present	
appas	Councilman	Present	6:05 PM
Laughlan	Councilman	Present	
S. Friedberg	Councilman	Present	

B. Board and Commission Applicant Interviews:

Interview, discussion, and evaluation of applicants interested in filling a two-year term (or one-year term, where applicable) on one or more of the following City of Bellaire boards and commissions: Board of Adjustment, Building and Standards Commission, Cultural Arts Board, Environmental and Sustainability Board, Evelyn's Park Conservancy Board, LIFE Advisory Board, Parks and Recreation Advisory Board, and Planning and Zoning Commission.

Interviews of nine (9) applicants interested in filling a two-year term (or one-year term, where applicable) on one or more of the City of Bellaire Boards and Commissions were conducted by members of City Council.

All nine scheduled applicants were present and interviewed with City Council in 15-minute intervals as indicated below.

6:00 p.m. until 6:15 p.m.

The first applicant interviewed by members of City Council on June 23, 2014, was Neil Verma. Mr. Verma expressed an interest in serving on the Parks and Recreation Advisory Board on his Board and Commission Application Form.

6:15 p.m. until 6:30 p.m.

The second applicant interviewed by members of City Council on June 23, 2014, was Jane McNeel. Ms. McNeel expressed an interest in serving on the Environmental and Sustainability Board and the Board of Adjustment on her revised Board and Commission Application Form.

6:30 p.m. until 6:45 p.m.

The third applicant interviewed by members of City Council on June 23, 2014, was Jennifer Hawes. Ms. Hawes expressed an interest in serving on the Planning and Zoning Commission and the Building and Standards Commission on her Board and Commission Application Form.

6:45 p.m. until 7:00 p.m.

Charles Formica was the fourth applicant interviewed by members of City Council on June 23, 2014. Mr. Formica expressed an interest in serving on the Planning and Zoning Commission, Building and Standards Commission, Evelyn's Park Conservancy Board, and the Parks and Recreation Advisory Board on his Board and Commission Application Form.

7:00 p.m. until 7:15 p.m.

The fifth applicant interviewed by members of City Council on June 23, 2014, was Lee Hampton. Mr. Hampton expressed an interest in serving on the Planning and Zoning Commission and the Building and Standards Commission on his Board and Commission Application Form.

7:15 p.m. until 7:30 p.m.

Lisa M. Risoli was the sixth applicant interviewed by members of City Council on June 23, 2014. Ms. Risoli expressed an interest in serving on the Building and Standards Commission, Planning and Zoning Commission, and the Evelyn's Park Conservancy Board on her Board and Commission Application Form.

7:30 p.m. until 7:45 p.m.

The seventh applicant interviewed by members of City Council on June 23, 2014, was Patricia Ritter. Ms. Ritter expressed an interest in serving on the Evelyn's Park Conservancy Board on her Board and Commission Application Form.

7:45 p.m. until 8:00 p.m.

The eighth applicant interviewed by members of City Council on June 23, 2014, was Johanna Moran. Ms. Moran expressed an interest in serving on the Environmental and Sustainability Board, Board of Adjustment, and the Building and Standards Commission on her Board and Commission Application Form.

8:00 p.m. until 8:15 p.m.

The ninth and final applicant interviewed by members of City Council on June 23, 2014, was Jacquelyn Quick. Ms. Quick expressed an interest in serving on the Cultural Arts Board on her Board and Commission Application Form.
(Requested by Tracy L. Dutton, City Clerk)

C. Adjournment.

Members of City Council adjourned the Special Session (Interviews) at 8:25 p.m. on Monday, June 23, 2014.



CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

JUNE 23, 2014

Council Chamber

Special Session

8:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401

SPECIAL SESSION

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

Dr. Philip L. Nauert, Mayor, called the City Council of the City of Bellaire, Texas, to order at 8:33 p.m. on Monday, June 23, 2014. He announced that a quorum was present consisting of all members of City Council as follows:

Full Name	Title	Status	
Dr. Philip L. Nauert	Mayor	Present	
Pat B. McLaughlan	Mayor Pro Tem	Present	
Gus E. Pappas	Councilman	Present	
Patricia Reed	Councilman	Present	
Patricia Aviola Sr.	Councilman	Present	
Gus E. Pappas	Councilman	Present	
Pat B. McLaughlan	Councilman	Present	
Patricia Friedberg	Councilman	Present	
Patricia Hofmann	City Manager	Present	
Patricia Dutton	City Clerk	Present	

B. Board and Commission Appointments:

1. Statutory Boards:

Prior to moving forward with appointments by members of City Council to the City's Boards and Commissions, Councilman Pat B. McLaughlan indicated that he understood that there was a third position (unexpired position with one year remaining) on the Evelyn's Park Conservancy Board that needed to be filled and had been deferred. He suggested that City Council consider re-advertising for all three openings on the Evelyn's Park Conservancy Board to achieve a greater base of applicants for consideration at a later date. After making a motion to that effect, Councilman Gus E. Pappas seconded the motion for discussion purposes.

Following further discussion on the matter among members of City Council, Councilman Pat B. McLaughlan withdrew his motion and Councilman Gus E. Pappas withdrew his second.

- Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing four (4) members to the Board of Adjustment of the City of Bellaire, Texas ("BOA"), for a term of two (2) years commencing on July 1, 2014, and expiring on June 30, 2016.

Members of City Council selected four (4) applicants to serve on the Board of Adjustment of the City of Bellaire, Texas. Applicants were selected by ballot and the ballots tallied by the City Clerk. Dr. Philip L. Nauert, Mayor, read the tally sheet for the record as follows:

Applicant:	Votes Received:
Debbie Karakowsky	Nauert, Nathan, Reed, Avioli Sr., Pappas, and Friedberg
Tom Ligh	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, and Friedberg
Patricia McGinty	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, and Friedberg
Jane McNeel	McLaughlan
Seth A. Miller	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, and Friedberg

Total Number of Votes:

Debbie Karakowsky	6
Tom Ligh	7
Patricia McGinty	7
Jane McNeel	1
Seth A. Miller	7
(Requested by Tracy L. Dutton, City Clerk)	

Motion: To adopt an ordinance of the City Council of the City of Bellaire, Texas, appointing Debbie Karakowsky, Tom Ligh, Patricia McGinty, and Seth A. Miller to the Board of Adjustment of the City of Bellaire, Texas, for a term of two (2) years commencing on July 1, 2014, and expiring on June 30, 2016.

Ordinance was subsequently numbered: 14-025.

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

- b. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing four (4) members to the Building and Standards Commission of the City of Bellaire, Texas ("BSC"), for a term of two (2) years commencing on July 1, 2014, and expiring on June 30, 2016.

Members of City Council selected four (4) applicants to serve on the Building and Standards Commission of the City of Bellaire, Texas. Applicants were selected by ballot and the ballots tallied by the City Clerk. Dr. Philip L. Nauert, Mayor, read the tally sheet for the record as follows:

Applicant:	Votes Received:
David Ebro	McLaughlan and Friedberg
Charles Formica	Nauert, Nathan, Reed, Avioli Sr., Pappas, and Friedberg

Lee Hampton	Reed, Avioli Sr., and McLaughlan
Paul Katz	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, and Friedberg
Lisa M. Risoli	Nauert, Nathan, and Pappas
Danny A. Spencer	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, and Friedberg

Total Number of Votes:

David Ebro	2
Charles Formica	6
Lee Hampton	3
Paul Katz	7
Lisa M. Risoli	3
Danny A. Spencer	7

Three (3) applicants received four (4) or more votes as follows: Charles Formica, Paul Katz, and Danny A. Spencer.

Following a brief discussion among members of City Council regarding the applicants and their respective areas of expertise, new ballots were cast, submitted, and tallied for the purpose of appointing a fourth member to the Building and Standards Commission. Dr. Philip L. Nauert, Mayor, read the tally sheet for the record as follows:

Applicant:	Votes Received:
David Ebro	Friedberg
Lee Hampton	Nauert, Reed, Avioli Sr., and McLaughlan
Lisa M. Risoli	Nathan and Pappas

Total Number of Votes:

David Ebro	1
Lee Hampton	4
Lisa M. Risoli	2

Lee Hampton was the fourth member selected to serve on the Building and Standards Commission.
(Requested by Tracy L. Dutton, City Clerk)

Motion: To adopt an ordinance of the City Council of the City of Bellaire, Texas, appointing Charles Formica, Lee Hampton, Paul Katz, and Danny A. Spencer to the Building and Standards Commission of the City of Bellaire, Texas, for a term of two (2) years commencing on July 1, 2014, and expiring on June 30, 2016.

Ordinance was subsequently numbered: 14-026.

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

- c. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing four (4) members to the Planning and Zoning Commission of the City of Bellaire, Texas ("PZC"), for a term of two (2) years commencing on July 1, 2014, and expiring on June 30, 2016, and appointing one (1) member to fill an unexpired term on the PZC commencing on July 1, 2014, and expiring on June 30, 2015.

Motion:

To approve, by acclamation, the four (4) members of the Planning and Zoning Commission of the City of Bellaire, Texas, seeking reappointment for a two-year term commencing on July 1, 2014, and expiring on June 30, 2016, as follows: Paul Simmons, S. Lynne Skinner, Marc Steinberg, and Dirk Stiggins.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Andrew S. Friedberg, Councilman - Position No. 5
SECONDER:	James P. Avioli, Sr., Councilman - Position No. 2
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, and Friedberg
NAYS:	None

Members of City Council next selected one (1) applicant to serve on the Planning and Zoning Commission of the City of Bellaire, Texas, to fill an unexpired term (E. Wayne Alderman) commencing on July 1, 2014, and expiring on June 30, 2015. The applicant was selected by ballot and the ballots tallied by the City Clerk. Dr. Philip L. Nauert, Mayor, read the tally sheet for the record as follows:

Applicant:	Votes Received:
Christopher Butler	Nathan, Reed, Pappas, McLaughlan, and Friedberg
Lisa M. Risoli	Nauert and Avioli Sr.

Total Number of Votes:

Christopher Butler	5
Lisa M. Risoli	2

(Requested by Tracy L. Dutton, City Clerk)

Motion: To adopt an ordinance of the City Council of the City of Bellaire, Texas, appointing Paul Simmons, S. Lynne Skinner, Marc Steinberg, and Dirk Stiggins to the Planning and Zoning Commission of the City of Bellaire, Texas ("PZC"), for a term of two (2) years commencing on July 1, 2014, and expiring on June 30, 2016, and appointing Christopher Butler to the PZC to fill an unexpired term commencing on July 1, 2014, and expiring on June 30, 2015.

Ordinance was subsequently numbered: 14-027.

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

2. Nonstatutory Boards:

Motion:

To consider making appointments to the Parks and Recreation Advisory Board ("PRAB") prior to considering appointments for the remainder of the nonstatutory boards.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Amanda B. Nathan, Mayor Pro Tem
SECONDER:	James P. Avioli, Sr., Councilman - Position No. 2
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, and Friedberg
NAYS:	None

- a. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas ("PRAB"), appointing three (3) members to the Parks and Recreation Advisory Board of the City of Bellaire, Texas, for a term of two (2) years commencing on July 1, 2014, and expiring on June 30, 2016.

Members of City Council selected three (3) applicants to serve on the Parks and Recreation Advisory Board of the City of Bellaire, Texas. Applicants were selected by ballot and the ballots tallied by the City Clerk. Dr. Philip L. Nauert, read the tally sheet for the record as follows:

Applicant:	Votes Received:
Julie McNee	Nauert, Nathan, Reed, Pappas, McLaughlan, and Friedberg
Kim Padgett	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, and Friedberg
Neil Verma	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, and Friedberg
Write-In: Lisa M. Risoli	Avioli Sr.

Total Number of Votes:

Julie McNee	6
Kim Padgett	7
Neil Verma	7
Lisa M. Risoli	1
(Requested by Tracy L. Dutton, City Clerk)	

Motion: To adopt an ordinance of the City Council of the City of Bellaire, Texas, appointing Julie McNee, Kim Padgett, and Neil Verma to the Parks and Recreation Advisory Board of the City of Bellaire, Texas, for a term of two (2) years commencing on July 1, 2014, and expiring on June 30, 2016.

Ordinance was subsequently numbered: 14-028.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Amanda B. Nathan, Mayor Pro Tem
SECONDER:	Gus E. Pappas, Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

- b. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing four (4) members to the Cultural Arts Board of the City of Bellaire, Texas ("CAB"), for a term of two (2) years commencing on July 1, 2014, and expiring on June 30, 2016.

Members of City Council discussed possible applicants that would be interested in serving on the Cultural Arts Board of the City of Bellaire, Texas. Applicants Jennifer Hawes and Lisa M. Risoli were recommended for consideration.

Members of City Council selected four (4) applicants to serve on the Cultural Arts Board of the City of Bellaire, Texas. Applicants were selected by ballot and the ballots tallied by the City Clerk. Dr. Philip L. Nauert, Mayor, read the tally sheet for the record as follows:

Applicant:	Votes Received:
Terry Leavitt-Chavez	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, and Friedberg
Jacquelyn Quick	Nauert, Reed, Avioli Sr., Pappas, McLaughlan, and Friedberg
Write-In: Jennifer Hawes	Nauert, Reed, Avioli Sr., Pappas, McLaughlan, and Friedberg
Write-In: Lisa M. Risoli	Nauert, Avioli Sr., Pappas, McLaughlan, and Friedberg

Total Number of Votes:

Terry Leavitt-Chavez	7
Jacquelyn Quick	6
Jennifer Hawes	6
Lisa M. Risoli	5

(Requested by Tracy L. Dutton, City Clerk)

Motion: To adopt an ordinance of the City Council of the City of Bellaire, Texas, appointing Terry Leavitt-Chavez, Jacquelyn Quick, Jennifer Hawes, and Lisa M. Risoli to the Cultural Arts Board of the City of Bellaire, Texas, for a term of two (2) years commencing on July 1, 2014, and expiring on June 30, 2016.

Ordinance was subsequently numbered: 14-029.

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

- c. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing three (3) members to the Environmental and Sustainability Board of the City of Bellaire, Texas ("ESB"), for a term of two (2) years commencing on July 1, 2014, and expiring on June 30, 2016, and appointing one (1) member to fill an unexpired term on the ESB commencing on July 1, 2014, and expiring on June 30, 2015.

Members of City Council selected three (3) applicants to serve on the Environmental and Sustainability Board of the City of Bellaire, Texas. Applicants were selected by ballot and the ballots tallied by the City Clerk. Dr. Philip L. Nauert, Mayor, read the tally sheet for the record as follows:

Applicant:	Votes Received:
Pam Geyer	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, and Friedberg
Jane McNeel	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, and Friedberg
Johanna Moran	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, and Friedberg

Total Number of Votes:

Pam Geyer	7
Jane McNeel	7
Johanna Moran	7

Discussion continued among members of City Council regarding the appointment of an applicant to serve on the Environmental and Sustainability Board to fill an unexpired term commencing on July 1, 2014, and expiring on June 30, 2015.

Motion:

To postpone the appointment of a member to the Environmental and Sustainability Board of the City of Bellaire, Texas, to fill a partial (unexpired) term and direct Staff to re-advertise for the position.

RESULT:	APPROVED [UNANIMOUS]
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MOVER:	Andrew S. Friedberg, Councilman - Position No. 5
SECONDER:	Pat B. McLaughlan, Councilman - Position No. 4
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, and Friedberg
NAYS:	None

(Requested by Tracy L. Dutton, City Clerk)

Motion: To adopt an ordinance of the City Council of the City of Bellaire, Texas, appointing Pam Geyer, Jane McNeel, and Johanna Moran to the Environmental and Sustainability Board of the City of Bellaire, Texas, for a term of two (2) years commencing on July 1, 2014, and expiring on June 30, 2016.

Ordinance was subsequently numbered: 14-030.

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

- d. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing three (3) members to the L.I.F.E. Advisory Board of the City of Bellaire, Texas ("LIFE"), for a term of two (2) years commencing on July 1, 2014, and expiring on June 30, 2016.

Members of City Council selected two (2) applicants to serve on the LIFE Advisory Board of the City of Bellaire, Texas. Applicants were selected by ballot and the ballots tallied by the City Clerk. Dr. Philip L. Nauert, Mayor, read the tally sheet for the record as follows:

Applicant:	Votes Received:
Jerisue Garner	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, and Friedberg
Pat Westwood	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, and Friedberg

Total Number of Votes:

Jerisue Garner	7
Pat Westwood	7

Staff was directed to re-advertise for a third position on the LIFE Advisory Board of the City of Bellaire, Texas.

(Requested by Tracy L. Dutton, City Clerk)

Motion: To adopt an ordinance of the City Council of the City of Bellaire, Texas, appointing Jerisue Garner and Pat Westwood to the LIFE Advisory Board of the City of Bellaire, Texas, for a term of two (2) years commencing on July 1, 2014, and expiring on June 30, 2016.

Ordinance was subsequently numbered: 14-031.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Amanda B. Nathan, Mayor Pro Tem
SECONDER:	Pat B. McLaughlan, Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

3. Evelyn's Park Conservancy Board:

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing two (2) members to the Evelyn's Park Conservancy Board ("EPCB") for a term of two (2) years commencing on July 1, 2014, and expiring on June 30, 2016.

Members of City Council selected two (2) applicants to serve on the Evelyn's Park Conservancy Board. Applicants were selected by ballot and the ballots tallied by the City Clerk. Dr. Philip L. Nauert, Mayor, read the tally sheet for the record as follows:

Applicant:	Votes Received:
David Ebro	Reed, Pappas, and McLaughlan
Patricia Ritter	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, and Friedberg
Lou Waters	Nauert, Nathan, and Friedberg

Total Number of Votes:

David Ebro	3
Patricia Ritter	7
Lou Waters	3

One (1) applicant received four (4) or more votes as follows: Patricia Ritter.

New ballots were cast, submitted, and tallied for the purpose of appointing a second member to the Evelyn's Park Conservancy Board. Dr. Philip L. Nauert, Mayor, read the tally sheet for the record as follows:

Applicant:	Votes Received:
David Ebro	Reed, Pappas, and McLaughlan
Lou Waters	Nauert, Nathan, Avioli Sr., and Friedberg

Total Number of Votes:

David Ebro	3
Lou Waters	4

Lou Waters was the second member selected to serve on the Evelyn's Park Conservancy Board.
(Requested by Tracy L. Dutton, City Clerk)

Motion: To adopt an ordinance of the City Council of the City of Bellaire, Texas, appointing Patricia Ritter and Lou Waters to serve on the Evelyn's Park Conservancy Board for a term of two (2) years commencing on July 1, 2014, and expiring on June 30, 2016.

Ordinance was subsequently numbered: 14-032.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Amanda B. Nathan, Mayor Pro Tem
SECONDER:	Andrew S. Friedberg, Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

C. Adjournment.

Motion: To adjourn the Special Session of the City Council of the City of Bellaire, Texas, at 9:42 p.m. on Monday, June 23, 2014.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Gus E. Pappas, Councilman
SECONDER:	Roman F. Reed, Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 07/07/14 07:00 PM
Department: City Manager
Category: Report
Department Head: Paul A. Hofmann
DOC ID: 1286

**SCHEDULED
INFORMATION ITEM (ID
1286)**

Item Title:

City Manager's Report dated July 7, 2014, regarding upcoming City Council meeting schedule and topics, and efforts to improve project coordination.

Background/Summary:

City Manager Paul A. Hofmann will present his City Manager's Report dated July 7, 2014, regarding City Council meeting schedule and topics, and efforts to improve project coordination, to members of City Council.

Previous Council Action Summary:

N/A

Fiscal Impact:

N/A

Recommendation:

City Manager Paul A. Hofmann recommends acceptance of his City Manager's Report dated July 7, 2014, into the record.

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 07/07/14 07:00 PM

Department: Organizational

Services

Category: Report

Department Head: Diane K White

DOC ID: 1285

SCHEDULED**ACTION ITEM (ID # 1285)**

Item Title:

Presentation and discussion on past and future funding mechanisms, draft capital plan, and updated fiscal forecast.

Background/Summary:

In preparation for the proposed bond sale on August 4, 2014 Linda Symank, CFO has prepared a comprehensive presentation on how we have funded major capital improvement projects from FY2006-FY2014. An overview of all funding mechanisms that the City has utilized will be provided and the status of each of those mechanisms will be given.

On April 21, 2014 the City Manager presented a Strategic Planning Model that included a Five Year Forecast and a look at the Five Year Capital Improvement Plan. Attached is an updated structurally balanced Five Year Fiscal Forecast, and an updated Draft Capital Improvement Plan.

Past and Future Funding Mechanisms Summary of Presentation

Since FY2006, the City has funded \$76.6 million for capital improvements. Funds have been provided from \$35.5 million in bond proceeds, \$17.1 million from Metro Sales Tax, \$14.0 million in transfers from the General and Enterprise Funds, \$3.2 million from General Fund transfers for Rebuild Bellaire, \$3.9 million from grants and \$2.9 million from FY2005 beginning balance and other sources.

Rebuild Bellaire Bonds were approved to fund \$41.0 million in infrastructure and \$9.0 million in facility projects. Issued to date includes \$28.06 million for infrastructure and \$7.44 for facility projects. Of the \$35.5 million issued, \$34.6 million has been appropriated. Major projects funded include Rebuild Bellaire Drainage and Paving Projects - \$24.6 million, Fire Station - \$4.9 million, Baldwin Reconstruction - \$3.5 million, and BTS/Aquatics Center - \$1.6 million. At September 30, 2014, the fund balance is projected to be \$921,375 for facility related bond projects.

The City has received \$17.1 million in Metro Sales Tax for this period. Major projects include Drainage and Streets Projects - \$8.2 million and Newcastle/Baldwin Projects - \$8.4 million. Metro's projected fund balance at September 30, 2014 is \$471,331. These funds are proposed in FY2015 to address City wide trip hazards.

The other funding sources total \$23.9 in revenue and \$21.1 has been expended on projects. Major projects include Bellaire Family Aquatic Center Improvements - \$2.1 million, BTS/Great Lawn - \$1.5 million, Infrastructure Improvements - \$4.1 million, Enterprise Infrastructure Projects - \$10.6 million, Park Improvements - \$1.2 million, Facilities Projects - \$0.9 million and Other - \$0.7 million. End of year projected fund balance by funding source includes General Fund CIP Transfer balance - \$445,000 Right of Way funds - \$351,200 and General Fund transfer for Rebuild Bellaire - \$1,751,051. The City's Draft Capital Plan includes these resources in future projects.

Remaining bond authority includes Rebuild Bellaire Infrastructure Bonds - \$12.9 million, Rebuild Bellaire Facility Bonds - \$1.56 million and the 2013 Bond election that includes

\$11.0 million for facilities, \$5.0 million for Evelyn's Park and \$0.5 million for Nature Discovery Center.

The Five Year Draft CIP proposes funding for the following Bond funded projects:

FY2015

- Rebuild Bellaire Phase 5A Drainage/Street Improvements - \$5 million,
- Evelyn's Park Improvements - \$5 million,
- Nature Discovery Center Improvements - \$0.5 million
- Bond Proceeds - \$921,375 - Design of Bellaire Town Square and Conceptual Design of Library;

FY2016

- Rebuild Bellaire Phase 5B Drainage/Street Improvements- \$7.94
 - Bellaire Town Square Municipal Buildings - \$11.0 million
- Issuing \$10.5 million of bonds in FY2015 and \$18.94 million FY2016 will leave \$1.560 in Rebuild Bellaire Bonds - Facilities authorized and unissued. At this time there is no plan to issue these. These funds were for facility improvements, but are not currently projected to be needed with the \$11.0 approved for the Bellaire Town Square Municipal Buildings Project.*

The Five Year Draft CIP also assumes:

Other Funding sources

- FY2015 - Metro - \$471,331 - City wide trip hazards;
- FY2016 - General Fund Transfer for Rebuild Bellaire - \$1.0 million - Drainage/Street Phase 5B;
- FY2017 - Right of Way Funds - \$351,200 - Paseo Park Expansion Post Transit Center;
- FY2105 - General Fund CIP Transfer Balance - \$445,000 - Design of S Rice Esplanade & Entrance Feature, Evergreen Master Plan (former well site), Holly Street Rehabilitation Project and Library Foundation Project
- FY2016 - General Fund Transfer for Rebuild Bellaire - Facilities - \$751,501- S Rice Esplanade & Entrance Feature placeholder for future construction (total funding is not anticipated to cover the total cost of construction will look for additional funding sources)
- Enterprise Fund Capital Improvement Transfer for various Utility related projects. See attached "Draft Capital Improvement Plan FY2015-FY2019".

Updated Draft Capital Improvement Plan Summary of Presentation

On April 21 the City Manager presented the concept of a Capital Improvement Plan that would provide a link between the city's comprehensive plan, parks master plan, the annual budget, and the five-year fiscal forecast. It was proposed to do this by:

- ✦ Focusing Attention on Community Wide Goals and Needs
- ✦ Allowing for an Informed Public
- ✦ Encouraging More Efficient Program Administration
- ✦ Identifying the Most Economically Sound Means of Funding Projects
- ✦ Enhancing and Maintain City's Credit Rating

- ✕ Helping to Plan for Future Debt Issues
- ✕ Defining the Impact of Master Plans and Studies

The Draft Capital Improvement Plan for purposes of this presentation focuses on known projects and are identified on the "Draft Capital Improvement Plan FY2015-FY2019"

Our focus has been on current planning efforts with respect to completing Rebuild Bellaire, starting on Bellaire Town Square Facilities, Evelyn's Park Phase 1, and the Nature Discovery Center, Pedestrian and mobility safety and critical infrastructure needs. We have programmed the next five years to address all of these focus areas.

Still yet to be developed and completed is the "Successor to Rebuild Bellaire", Comprehensive Plan Update (which includes the Parks Master Plan), Critical Water & Infrastructure projects and Street Pavement Management funding.

Over the next year we will follow the Strategic Planning Process outlined by the City Manager on April 21st which provides for a process that will incorporate Citizen input, Parks Board Recommendation, Planning & Zoning recommendations and review of capital improvement plan, comprehensive plan overview and update and continued review of the Capital Plan for future planning purposes.

Updated Fiscal Forecast Summary of Presentation provides for a planning tool for structure that avoids fluctuating debt service rates, creates operations budget that includes all recurring expenditures, provides for large capital vehicle and equipment purchases and allows for funding for capital improvement projects. This forecast includes several assumptions that have set the stage for the FY2015 budget process that will develop a proposed structurally balanced budget to presented to City Council on July 21, 2014.

Changes since April 21, 2014 include the following:

- *City Assessed Value assumptions went up 13% in FY2015.*
- *Interest rate for the FY2015 bonds changed to reflect updated rate of 3.51% as opposed to 4.25%*
- *Created Capital Outlay Criteria for operating funds- consistent need for funding - Items are items with a value of \$10,000 and useful life of more than 4 years*
- *Increased assumptions on all other future year assumptions from 2% to 3% to match closer to indicators.*

Debt Service Fund:

Funding for debt payments from property tax is based on a 13% appraisal increase in FY2015 and 5% increase for the remaining four years. Total Tax rate assumption for all years is \$.3999. Annual debt payments include the estimated debt payments for proposed FY2015 and FY2016 bond issues. Debt schedules were provided by our Financial Advisor and assumed an interest rate of 3.51% for the proposed FY2015 issue and a 4.25% interest rate for the proposed FY2016 issue. The tax rate required to fund our debt obligations based on these assumptions is \$0.1410 in FY2015, \$0.1417 in FY2016, \$0.1398 in FY2017, \$0.1352 in FY2018, and \$0.1325 in FY2019. No new debt assumptions are made with this presentation.

General Fund:

Assumptions used for revenue projections include a 13% FY2015 increase in taxable values and 5% for FY16-19. Total Tax rate assumption for all years is \$.3999. Permits and licenses were increased 2%, sales tax remained level for FY15-17 with an increase projected for FY18-19, and other revenues were projected with a 1% increase. Expenditures were projected with a 5% increase in Personnel & Benefits and 3% for all other base expenditures. Nonrecurring expenditures for capital items and CIP contributions were added based on projections.

The General Fund forecast projects a balanced base budget each year with projected revenues exceeding the projected base budget. The Projected Ending Fund Balance in excess of the 60 day operating requirement starts at \$2.0 million in FY2015 and decreases over the next four years to \$0.7 million in FY2019.

No new debt assumptions are made with this presentation.

Enterprise Fund:

Revenues were projected at the average amount received over the past eight years. Expenditures assumptions include a 5% increase in Personnel & Benefits, 2% increase in the City of Houston Water contract, and 3% in other expenditures. The City will focus on doing a rate study in FY2015. However, no assumptions of any kind are made for the purposes of this presentation with regards to a change in the City's utility rate structure.

The Enterprise Fund forecast projects a balance base budget each year with projected revenues exceeding projected base expenditures. Nonrecurring items include the transfers for debt and business, vehicle and equipment replacements, and contributions for capital improvements. These projections assume the City will pay cash for the proposed Water & Sanitary Sewer Line Program and other related Utility Infrastructure projects.

The forecast indicates that the current rate structure is not sufficient. Projected fund balance is \$1.5 million in FY2015, \$(0.6 million) in FY2016, (\$1.7 million) in FY2017, (\$3.4 million) in FY2018 and (\$5.8 million) in FY2019.

Previous Council Action Summary:

No previous Council Action has been taken. On April 21, 2014 City Council was given a Strategic Planning Presentation that included elements of the Fiscal Forecast and the Capital Improvement Plan.

Fiscal Impact:

N/A

Recommendation:

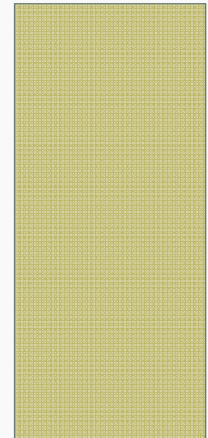
The City Manager and the CFO recommend approval to proceed with preparation for the sale of General Obligation Bonds, Series 2014 and timetable for the sale as presented by US Capital Advisors which will be considered on this Council Meeting Date of July 7, 2014.

ATTACHMENTS:

- July 7 Presentation (PDF)
- Draft Capital Plan - July 7 (PDF)

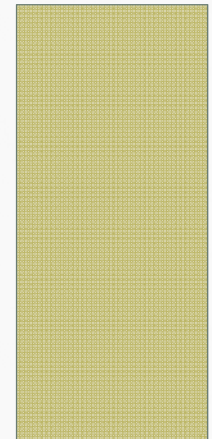
PRESENTATION ON PAST & FUTURE FUNDING
MECHANISMS, DRAFT FIVE YEAR CIP AND
UPDATED FIVE YEAR FISCAL FORECAST

CITY COUNCIL JULY 7, 2014



PAST & FUTURE FUNDING MECHANISMS

FY 2006 – FY 2014



FUNDING SOURCES

FY 2006 – FY 2014

- Bond Proceeds
 - Rebuild Bellaire
 - Nov 2013 Bond Election – Evelyn's Park, NDC, Facilities
- Metro Sales Tax
- Other Funding Sources
 - Operational transfers - General & Enterprise Funds
 - Sale of ROW – Park Improvements & Acquisition
 - Infrastructure & Facilities Transfer for RBB
 - Grants

BOND PROCEEDS

FY 2006 – FY 2014

• Rebuild Bellaire Bonds	
• Authorized	\$50,000,000
• Infrastructure Projects	41,000,000
• Facilities Projects	9,000,000
• Issued	
• Infrastructure Projects	\$28,060,000
• Facilities Projects	<u>7,440,000</u>
• Total Issued	\$35,500,000
• Authorized – Unissued	
• Infrastructure – Phase 5A Drainage/Streets	5,000,000
• Infrastructure – Phase 5B Drainage/Streets	7,940,000
• Facilities - Municipal Courts/Police Station/Library	1,560,000

BOND PROJECTS

FY 2006 – FY 2014

• RBB Bond Proceeds Issued to Date	\$35,500,000
• Project Expenditures as of 4/30/2014	
• Drainage & Paving	\$15,655,055
• Baldwin Reconstruction	3,459,234
• BTS/Aquatics	1,574,283
• Fire Station	4,904,959
• Facilities Studies	16,200
• Bond Issuance Costs / Net of Interest	<u>74,674</u>
• Total Expenditures	\$25,684,405
• Unexpended Bond Proceeds	<u>\$9,815,595</u>
Total	\$35,500,000

BOND PROJECTS

FY 2006 – FY 2014

• Contracts Balance as of 4/30/14	
• Drainage/Streets Phase 4	\$3,455,696
• Drainage/Streets Phase 5	1,021,957
• Facilities Study	<u>7,500</u>
Total	\$4,485,153
• Budget Drainage/Streets Phase 5A	\$4,409,067
• Unallocated Funds	
• Facilities – Muni Bldg Design & Library Conceptual	<u>921,375</u>
• Total	\$9,815,595

NEW BOND AUTHORITY

FY 2006 – FY 2014

- Nov 2013 Bond Election

• Facilities	\$11,000,000
• Evelyn's Park	5,000,000
• Nature Discovery Center	<u>500,000</u>
• Total	\$16,500,000

METRO FUNDS

FY 2006 – FY2014

- Metro General Mobility Project Funding

- Funds Received

• Prior FY2006 Balance of Funds	\$1,303,802
• FY2006 – FY2014 Annual Receipts	7,209,000
• Newcastle/Baldwin Funding	8,379,443
• Interest Earnings	<u>219,974</u>
• Total Funds	\$17,112,219

METRO FUNDS

FY 2006 – FY 2014

- Project Expenditures to Date

• Drainage Improvements	\$3,157,178
• Newcastle/Baldwin Projects	8,379,443
• Streets/Sidewalk Projects	<u>788,246</u>
• Total Expenditures	\$12,324,867

METRO FUNDS

FY 2006 – FY 2014

- FY2014 Budget/Encumbrance Balance
 - Street Condition Management Project \$2,891,021
 - Sidewalk Repair Project 1,300,000
 - Street Striping 125,000
 - Total \$4,316,021

- Projected Unallocated FB 9/30/14 \$471,331
 - City wide trip hazards

OTHER FUNDING SOURCES

FY 2006 – FY 2014

- Revenue to Date:

• Beginning Balance FY2006	\$2,288,764
• General Fund Transfers	6,418,132
• Enterprise Fund Transfers	6,568,546
• Proceeds from sale of ROW	451,200
• General Fund Transfer for RBB	3,250,000
• Grants	3,931,033
• Insurance Reimbursements	<u>84,855</u>
• Total Funding	\$22,992,530

OTHER FUNDING SOURCES

FY 2006 – FY 2014

• Project Expenditures to Date:	
• Aquatic Center/Pool Improvements	\$2,126,446
• BTS/Great Lawn	1,521,657
• Park Improvements	1,090,858
• Library/Fire Station/ EOC/Civic Center Improve	717,821
• Streets/Sidewalks/Sewer/Signage/Other Improve	2,643,110
• Municipal Rehab/Assessments	1,459,314
• Water/Wastewater/Generators	<u>9,148,926</u>
• Total Project Expenditures	\$18,708,132

OTHER FUNDING SOURCES

FY 2006 – FY 2014

• Balance of funds @ 4/30/14	\$4,284,398
• FY14 Revenue - Balance of Transfers	1,026,642
• FY14 Expenditures -Balance of Budget/Enc	<u>2,370,101</u>
• Projected Fund Balance 9/30/14	\$2,940,939
• Projected Fund Balance by Source:	
• General Fund	\$444,792
• Enterprise Fund	393,896
• ROW – Park Improvements & Acquisition	351,200
• General Fund RBB	<u>1,751,051</u>
• Total	\$2,940,939

GENERAL FUND TRANSFER RBB

FY 2006 – FY 2014

- Operating Transfers for RBB

• FY2005-2006	\$500,000
• FY2007-2008	250,000
• FY2008-2009	750,000
• FY2009-2010	750,000
• FY2010-2011	500,000
• FY2011-2012	<u>500,000</u>
• Total Transferred	\$3,250,000
• Allocation of Transferred Amount	
• Infrastructure	\$1,806,417
• Facilities	<u>1,443,583</u>
• Total Transferred	\$3,250,000

GENERAL FUND TRANSFERS RBB

FY 2006 – FY 2014

• Project Expenditures for RBB	
• Storm Sewer Rehab Phase 2	\$806,417
• Drainage Phase 4	439
• Library Renovations	436,207
• Structural Assessment/CH & CC Renovations	195,956
• Fire Station	15,000
• Facilities Assessment	<u>44,930</u>
• Total Project Expenditures	\$1,498,949
• Infrastructure	\$1,000,000
• Facilities	<u>751,051</u>
• Balance of Funds Transferred	\$1,751,051
• Balance of FY2005 \$5 M PAYG Plan	1,750,000

SUMMARY – ALL FUNDS (MILLIONS)

FY 2006 – FY 2014

• Total Funding FY2006 – FY2014	\$76.631
• Total Expenditures/Budget	<u>72.298</u>
• Projected FB 9/30/14	\$4.333
• Projected Balance 9/30/2014	
• Bonds – Facilities – FY15 BTS Design & Library Conceptual	.921
• General Mobility Projects – FY15 Projects	.471
• ROW – Park Improvements & Acquisition	.351
• Enterprise Fund – Water/Wastewater Projects	.394
• General Fund CIP Beginning Balance	.445
• General Fund RBB	<u>1.751</u>
• Total	\$4.333

PROJECTS REQUIRING FUNDING

- Approved Projects

• Drainage/Streets Phase 5A	\$5,000,000
• Evelyn's Park	5,000,000
• Nature Discovery Center	<u>500,000</u>
• FY2015 Required Funding	\$10,500,000
• Drainage/Streets Phase 5B	7,940,000
• Town Square Municipal Bldgs	<u>11,000,000</u>
• FY2016 Required Funding	\$18,940,000
• Total Required Funding	\$29,440,000

FUNDING OPTIONS

• Available Funding:	
• Authorized Unissued RBB – Infrastructure	\$12,940,000
• Authorized Unissued RBB – Facilities	1,560,000
• Authorized Unissued Nov 2013	
• City Hall/Police/Municipal Court	11,000,000
• Evelyn's Park	5,000,000
• Nature Discovery Center	500,000
• General Fund Transfer for RBB	
• Infrastructure	1,000,000
• Facilities	751,051
• General Fund CIP Beginning Balance	444,792
• ROW – Park Improvements & Acquisition	<u>351,200</u>
• Total Available Funding	\$33,547,043

RECOMMENDED ALLOCATION OF ALL UNISSUED AUTHORITY

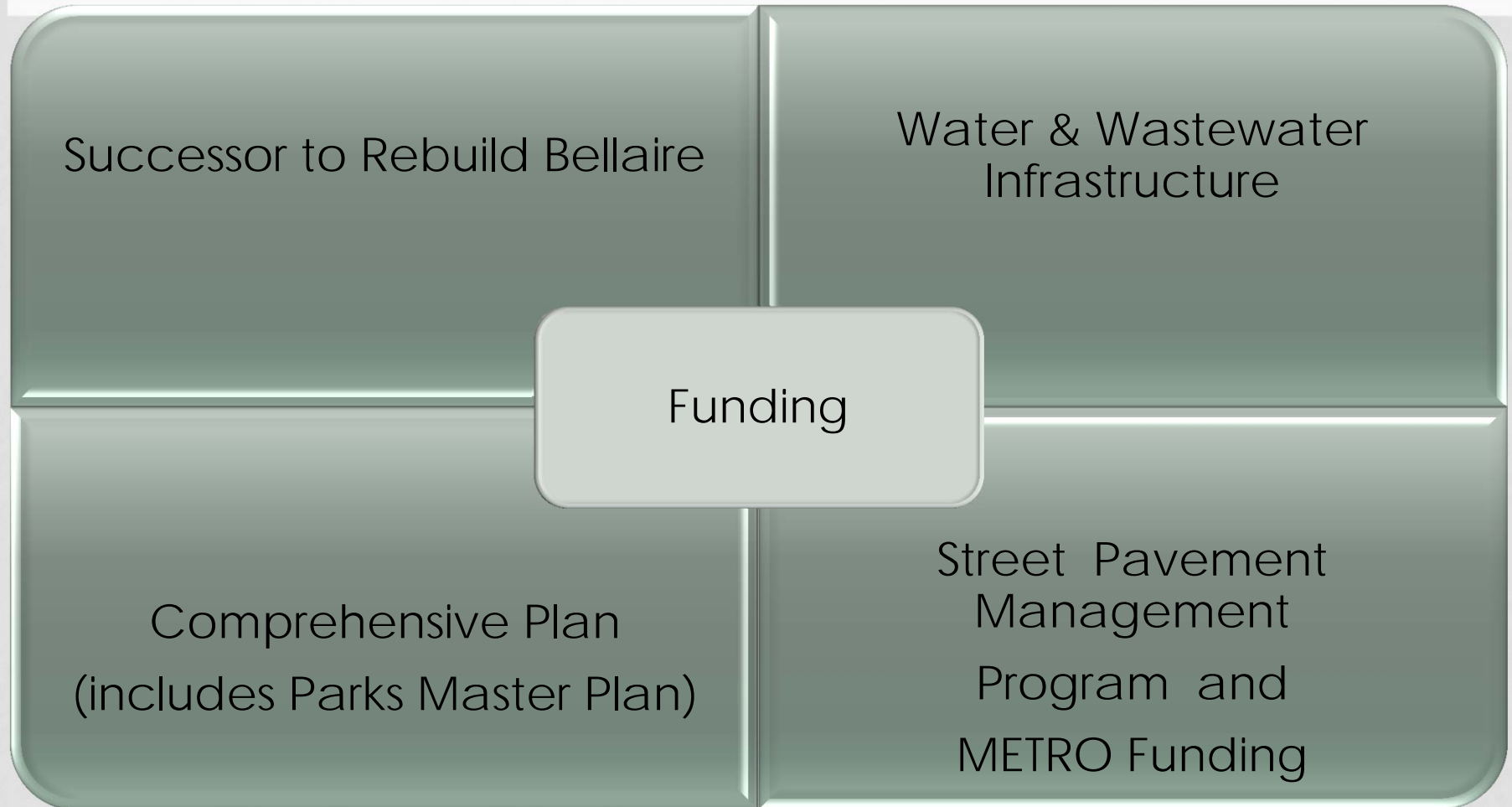
• FY2015		
• Drainage/Streets Phase 5A	RBB Authorized Bonds	\$5,000,000
• Evelyn's Park	Nov 13 Bond Authority	5,000,000
• Nature Discovery Center	Nov 13 Bond Authority	<u>500,000</u>
• Total Proposed FY2015 Funding		\$10,500,000
• FY2016		
• Drainage/Streets Phase 5B	RBB Authorized Bonds	\$7,940,000
• Town Square Municipal Bldgs	Nov 13 Bond Authority	<u>11,000,000</u>
• Total Proposed FY2016 Funding		\$18,940,000
• Total Unissued Authority		\$29,440,000
• Remaining Unissued Authority		1,560,000

BALANCE OF FUNDING AFTER ALLOCATION

- Balance of Available Funding
 - General Transfer for RBB – Infrastructure \$1,000,000
 - Drainage/Streets Phase 5B Construction
 - General Transfer for RBB – Facilities 751,051
 - Placeholder for S Rice Esplanade & Entrance Feature
 - ROW– Parks 351,200
 - Paseo Park Expansion Post Transit Center
 - General Fund CIP Balance 444,792
 - Projects are identified in Draft CIP
 - Total Available Funding \$2,547,043

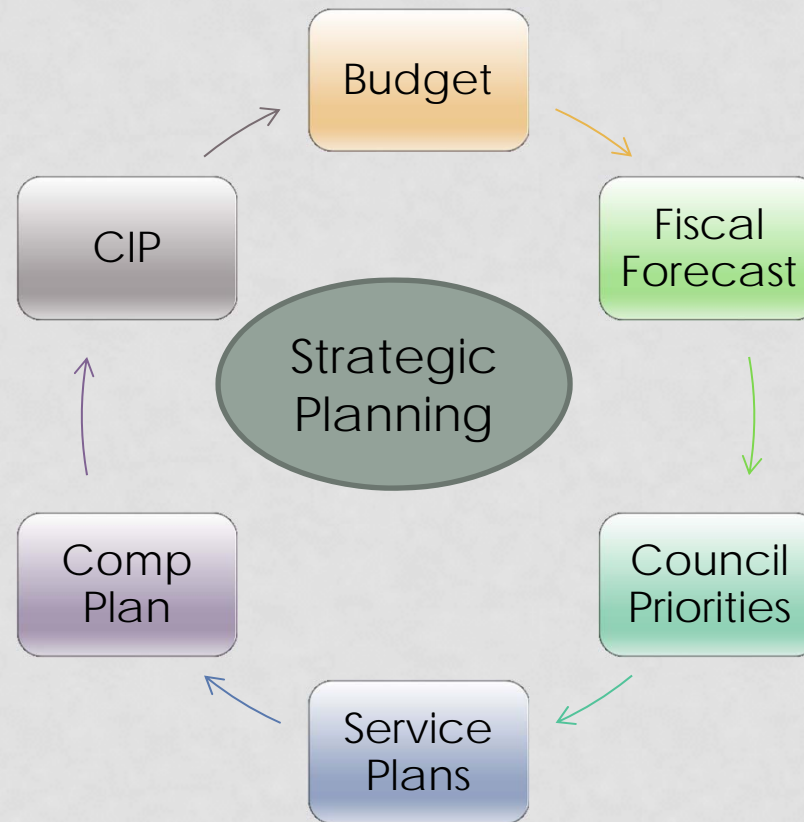
DRAFT CAPITAL IMPROVEMENT PLAN

FUNDING CHALLENGES



UPDATED FISCAL FORECAST

BELLAIRE STRATEGIC PLANNING MODEL



WHAT WE HAVE DONE IN THE PAST

- Budget a transfer from General & Enterprise Fund to CIP & VET
 - To pay for maintenance, equipment and capital
- Transfer amount is a function of prior year surplus
- Surplus a function of conservative revenue & expense budgeting and budget management practices.

OUR APPROACH

- To make maintenance & equipment as a recurring/base budget up front – Based on level of service standards.
- Continue to use conservative budget practices.
- Continue to emphasize paying cash for capital projects.
- Present a comprehensive Five – year CIP & Fiscal Forecast.
- Avoid “structural deterioration”.

DEBT ASSUMPTIONS

- Structured to avoid fluctuating debt rates
- 13% increase FY2015 and 5% remaining years
- Assumes selling remaining Rebuild Bellaire Bonds not to include \$1.56
- Assumes selling all of November 2013 Bonds in FY2015 & FY2016
- Assumes 3.51% interest rate for proposed August 4 bond sale and 4.25% for FY2016 Bond Sale.
- No assumptions for any future debt
- Assume \$.3999 tax rate

UPDATED FISCAL FORECAST DEBT SERVICE

\$Millions	FY2014P	FY2015	FY2016	FY2017	FY2018	FY2019
Beginning Balance	\$0.48	\$0.52	\$0.52	\$0.52	\$0.52	\$0.52
Recurring Revenue	\$6.07	\$6.6	\$7.0	\$7.1	\$7.2	\$7.4
Recurring Expense	\$6.03	\$6.6	\$7.0	\$7.1	\$7.2	\$7.4
Ending Fund Balance	\$0.52	\$0.52	\$0.52	\$0.52	\$0.52	\$0.52
Debt Tax Rate	\$0.1436	\$0.1410	\$0.1417	\$0.1398	\$0.1352	\$0.1325

GENERAL FUND ASSUMPTIONS

- Revenues
 - Assessed Values-13% and FY16-19 – 5%
 - Assume \$.3999 tax rate
 - 2% increase in permits & licenses
 - All other revenues 1% increase (includes sales tax) – no trend in growth over the last ten years
 - All fees will be evaluated in FY2015
- Expenditures
 - Personnel & Benefits - 5% increase
 - All other expenditures – 3% increase
 - Capital Outlay – consistent need for funding - Items are items with a value of \$10,000 and useful life of more than 4 years.
 - \$75,000 Contingency for Compensation Plan Implementation
 - FY2016 - \$200,000 for Evelyn's Park Maintenance
- No assumptions for any future debt

RECURRING MAINTENANCE ITEMS

- Replacement Programs
 - Fire Bunker Replacement Program
 - Fitness Equipment Replacement
 - Body Armor Replacement Program
 - Taser Replacement Program
 - Park Bench/Table/Fencing & Lighting Program
 - Playground Fall Surface Program

Prior VET items

FORMER MAINTENANCE ITEMS IN CIP

- Tree Health Program
- Crushed Granite Replacement Program
- 610 Clean up
- Security
- HVAC
- General Painting/Carpet replacement
- Electrical Preventive Maintenance

UPDATED FISCAL FORECAST GENERAL FUND

In \$millions	FY2014P	FY2015	FY2016	FY2017	FY2018	FY2019
Beginning Balance	\$4.2	\$3.9	\$4.7	\$4.8	\$4.8	\$4.4
Recurring Revenue	\$16.4	\$17.5	\$18.0	\$18.7	\$19.6	\$20.4
Recurring Expense	\$15.7	\$16.2	\$17.1	\$18.0	\$19.0	\$20.0
VET/Capital Outlay	\$0.560	\$0.489	\$0.650	\$0.650	\$0.650	\$0.650
CIP Contr	\$0.470	\$0.000	\$0.200	\$0.010	\$0.380	\$0.20
Ending Fund Balance	\$3.9	\$4.7	\$4.8	\$4.8	\$4.4	\$4.0
60 Day	\$2.6	\$2.7	\$2.9	\$3.0	\$3.1	\$3.3
Available	\$1.3	\$2.0	\$1.9	\$1.8	\$1.3	\$0.7

ENTERPRISE FUND

- Revenues
 - Revenues projected on an 8 year average
 - No rate change (City to perform rate study in FY2015)
- Expenditures
 - Personnel & Benefits – 5% personnel & benefits
 - \$15,000 Contingency for Compensation Plan Implementation
 - All other expenditures – 3% increase
 - 2% from COH on water
 - Capital Outlay – consistent need for funding - Items are items with a value of \$10,000 and useful life of more than 4 years.

UPDATED FISCAL FORECAST ENTERPRISE FUND

\$Millions	FY2014P	FY2015	FY2016	FY2017	FY2018	FY2019
Beginning Balance	\$5.7	\$2.9	\$1.5	\$(.06)	\$(-1.7)	\$(-3.4)
Recurring Revenue	\$7.5	\$7.4	\$7.6	\$7.6	\$7.6	\$7.6
Reoccurring Expense	\$6.1	\$6.2	\$6.4	\$6.6	\$6.9	\$7.1
CIP Cont	\$2.0	\$0.945	\$1.5	\$1.00	\$0.610	\$1.1
Debt/ Business Transfer	\$1.45	\$1.45	\$1.45	\$1.45	\$1.45	\$1.45
VET/Capital Outlay	\$0.750	\$0.205	\$0.350	\$0.350	\$0.350	\$0.350
Ending Fund Balance	\$2.9	\$1.5	\$(-.06)	\$(-1.7)	\$(-3.4)	\$(-5.8)

FY2015 BUDGET CALENDAR

July 21	FY2015 Call Public Hearing and Budget Presentation
July 29 & Aug 5	Notice of Public Hearing for FY2015 Proposed Budget
Aug 18	FY2015 Proposed Budget Public Hearing
Aug 18	FY2015 Budget Workshop #1
Aug 19	FY2015 Budget Workshop #2
Aug 25	FY2015 Budget Workshop #3 (if needed)
Sept 8	2014 Tax Roll/Effective & Rollback Rates
Sept 15	FY2015 Budget Adoption (date subject to change)

FY2015 DRAFT CAPITAL IMPROVEMENT PROGRAM

Council Focus Area	Description	FY2015 Proposed	Metro	RBB Inf	RBB Facilities	November 2013 Bonds	ROW	RBB Cash	Enterprise Fund Transfer In	CIP GF
	Beginning Fund Balance	9,908,973	471,331	4,409,067	2,481,375	0	351,200	1,751,000		445,000
	FY2015 Revenue/Transfer In/Bond Proceeds	12,695,000	1,050,000	5,000,000		5,500,000			945,000	200,000
	Total FY2015 Available	22,603,973	1,521,331	9,409,067	2,481,375	5,500,000	351,200	1,751,000	945,000	645,000
Residential & Recreational	Evelyn's Park Phase 1 Construction	5,000,000				5,000,000				
Residential & Recreational	Nature Discovery Center	500,000				500,000				
Public Infrastructure & Facilities	Central Water Plant Electrical - Engineering	135,000							135,000	
Public Infrastructure & Facilities	City Wide SCADA System -Design	115,000							115,000	
Public Infrastructure & Facilities	Water & Sanitary Sewer Line Program	645,000							645,000	
Public Infrastructure & Facilities	Evergreen Master Plan (Former Well Site)	25,000								25,000
Residential & Recreational	Holly Street Trail Rehabilitation Project	250,000								250,000
Public Infrastructure & Facilities	Library Foundation Project- repair to sanitary sewer line, lift building with injection procedure, repair walls and paint.	70,000								70,000
Public Infrastructure & Facilities	Pavement Maintenance Program	1,000,000	1,000,000							
Public Infrastructure & Facilities	City wide trip hazards	471,331	471,331							
Public Infrastructure & Facilities	Regional Mobility Study	50,000	50,000							
Public Infrastructure & Facilities	Rebuild Bellaire Phase 5A Construction - 2005 bond remaining balance of \$4,409,067 and \$5,000,000 from 2014 Bond Proceeds	9,409,067		9,409,067						

FY2015 DRAFT CAPITAL IMPROVEMENT PROGRAM

Council Focus Area	Description	FY2015 Proposed	Metro	RBB Inf	RBB Facilities	November 2013 Bonds	ROW	RBB Cash	Enterprise Fund Transfer In	CIP GF
Public Infrastructure & Facilities	Bellaire Town Square Municipal Facilities Design & Library Conceptual Design	921,375			921,375					
Public Infrastructure & Facilities	Design of S. Rice Ave Esplanade and Entrway Feature	100,000								100,000
Public Infrastructure & Facilities	Wendell and Bellaire Lift Station Rehabilitation Design	50,000							50,000	
	Total Proposed FY2015 Projects	18,741,773	1,521,331	9,409,067	921,375	5,500,000	0	0	945,000	445,000
	Total Ending Fund Balance	3,862,200		0	1,560,000	0	351,200	1,751,000	0	200,000

DRAFT FIVE YEAR CIP FY2015-FY2019

Category	Funding Source	Description	Total Project Costs	FY2015	FY2016	FY2017	FY2018	FY2019
Parks/Open Space	2013 Bonds	Evelyn's Park Phase I	5,000,000	5,000,000				
Parks/Open Space	2013 Bonds	Nature Discovery Center	500,000	500,000				
Water	Enterprise	Central Water Plant Electrical - Engineering & Construction - A portion of the electrical distribution infrastructure at the Central Plant was replaced as part of the standby generator project. There are some remaining electrical equipment items at the Central Plant that are over 50 years old and are in need of replacement. These are primarily the electrical bus and motor starters for the booster pumps. These items were not eligible for federal funding that was used in the generator project. These items need to be replaced to ensure long term reliability of this pump station.	635,000	135,000	500,000			
Wastewater/Water	Enterprise	City Wide SCADA System Program - SCADA (Supervisory Control and Data Acquisition) is a software system used to automate and/or monitor water plant and wastewater treatment plant processes where real time operational data is used to make decisions. The SCADA system would allow the three (3) water plants and three (3) lift stations to be controlled and monitored centrally from the Wastewater Treatment Plant and remotely from a laptop from any location.	615,000	115,000	250,000	250,000		
Water	Enterprise	Renwick Water Plant Tank/Booster Pump/Well Rehabilitation - Engineering & Construction	725,000				110,000	615,000
Wastewater/Water	Enterprise	Water & Sanitary Sewer Line Program -In order to provide an accurate estimate of short term and long term water line and sanitary sewer line improvement needs for this plan, the City is assessing each systems condition by reviewing maintenance records, GIS data and construction drawings to determine improvement requirements. Please note that starting in FY2017 these are very rough estimates until the City has completed this review process. However, several critical replacement projects have been identified for those systems that are failing regularly or are undersized. Top priority areas FY2015- 4500, 4600 Oakdale - \$280,000, 5100,5200,5300 Patrick Henry - \$365,000 - FY2016 - 5100,5200,5300 Grand Lake - \$275,000, 5100,5200,5300 Huisache - \$275,000	2,695,000	645,000	550,000	500,000	500,000	500,000
Wastewater	Enterprise	Wendell and Bellaire Lift Station Rehabilitation Program - The Wendell and Bellaire Lift Stations are currently being evaluated. The lift station wet well walls will be inspected for possible rehabilitation. Initial observations indicate that minor equipment replacement and/or rehabilitation is required.	550,000	50,000	250,000	250,000		
Parks/Open Space	General	Evergreen Well Master Plan - Former Site of Evergreen Well located at the Evergreen Pool site. The Parks Board is recommended to Master Plan the area for future "green space".	25,000	25,000				
Parks/Open Space	General	Holly Street Trail Rehabilitation Project - Implement plan currently under development for improving trail, replacing trees, installing landscaping, installing irrigation system, and other improvements.	450,000	250,000	200,000			
Facilities	General	Library Foundation Project - repair to sanitary sewer line, lift building with injection procedure, repair walls and paint.	70,000	70,000				

DRAFT FIVE YEAR CIP FY2015-FY2019

Category	Funding Source	Description	Total Project Costs	FY2015	FY2016	FY2017	FY2018	FY2019
Facilities	General	Public Works Adm. Building Replace Roof - Design and Construction- Roof has surpassed its projected life expectancy and should be replaced to preserve the integrity of the building.	100,000				100,000	
Facilities	General	Public Works Men's Locker Room - Design and Construction- replace and upgrade: toilets, sinks, counters, flooring, ceiling, & showers.	50,000				50,000	
Facilities	General	Recreation Center Maintenance - Building is in need of upgrades and improvements: floors, interior painting, ceiling, bathrooms, walls, doors, etc.	260,000			10,000	230,000	20,000
Parks/Open Space	General	Wayfinding and Entryway Markers -Place holder for possible project - Presentation is scheduled for August 4, 2014 from the Ad-hoc Wayfinding Committee on next steps.	0					
Parks/Open Space	Grants/Other	Restricted ROW funds - Resolution 11-10 - Policy for Acquisition and Development of Parkland has the following restriction of use - Resoulution reads as follows: ("Development" shall be generally defined to include the purchase, delivery, installation, and other necessary expenditures associated with new park, features/equipment/benches, fields, structures and/or facilities, and infrastructure (such as, but not limited to, pathways, driveways, cabling and wiring, drinking water fountains, water features, lighting, and landscaping). Expenditures associated with the maintenance or replacement of existing park features, equipment, structures, facilities, and/or infrastructure cannot be paid for with or reimbursed from said restricted funds.) Programmed for the expansion of Paseo Park expansion post transit center.	351,200			351,200		
Streets	Metro	Mobility Study	50,000	50,000				
Streets	Metro	Pavement Maintenance Program The City of Bellaire's Management Program is geared toward improving the overall quality of the roadway systems by repairing pavement failures and distresses. The City's goal is to bring the streets maintained by the City up to an acceptable level of service and keep them there through an aggressive and comprehensive maintenance program. The streets for the Fiscal Year 2015 Project will be selected based on overall condition noted during the Street Condition Assessment of all the streets maintained by the City of Bellaire completed in 2013. Streets designated for total reconstruction under Rebuild Bellaire were not considered for this project.	5,200,000	1,000,000	1,050,000	1,050,000	1,050,000	1,050,000
Streets	Metro	City wide trip hazards - Project will address City wide trip hazards.	471,331	471,331				
Facilities	RB PAUGO/Cash	Design & Place holder for Construction of S. Rice Esplanade/entrance feature - Design of pedestrian friendly esplanade on South Rice Ave that would include an entry feature and green space development. (FY2016 funding is Rebuild Bellaire Pay as you go funding and is only a place holder for construction. It is estimated that the construction of the pre-conceptual project will cost more. FY2015 funds programmed are GF CIP funds allocated for design.)	851,051	100,000	751,051			

DRAFT FIVE YEAR CIP FY2015-FY2019

Category	Funding Source	Description	Total Project					
			Costs	FY2015	FY2016	FY2017	FY2018	FY2019
Streets & Drainage	Rebuild Bellaire	Rebuild Bellaire Phase 5A&5B Construction - Includes RBB Pay as you go funding, Previously issued bonds and future issuances. Includes the following - 21 streets- 6600 & 8200 Blocks of Alder, 4600 Block of Beech, 4700 – 4900 Blocks of Bellview, 500 Block of College, 5100 Block of Evergreen, 6900 & 7000 Blocks of Ferris, 500 – 700 Blocks of Fifth Street, 4400 Block of Glenmont, 1000 – 1200 Blocks of Howard, 4900 – 5000 Blocks of Imperial, 4700 Block of Linden, 4900 – 5000 Blocks of Mayfair, 4500 Block of Merrie Lane, 4400 Block of Nancy, 5100 – 5400 Blocks of Pocahontas, 100 – 300 Blocks of Second Street, 5300 Block of Valerie, 4900 Block of Wellford, 4700 Block of Willow, 500 Block of Wilmington; and 500 Block of Winslow.	18,349,067	9,409,067	8,940,000			
Facilities	Rebuild Bellaire/2013 Bonds	Bellaire Town Square Municipal Buildings - Includes new police station, new City Hall/Courts and new Civic Center in a campus setting. Design portion of project will start in FY2015. In addition, the City will conceptual design the new library which has not been funded for construction.	11,921,375	921,375	11,000,000			
Total CIP Projects			48,869,024	18,741,773	23,491,051	2,411,200	2,040,000	2,185,000

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 07/07/14 07:00 PM
Department: City Clerk
Category: Agreement
Department Head: Tracy L. Dutton
DOC ID: 1282

**SCHEDULED
ORDINANCE (ID # 1282)**

Item Title:

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Manager of the City of Bellaire, Texas, to execute, for and on behalf of the City of Bellaire, Texas, an "Agreement for Modification of Donation Documents Concerning Evelyn's Park, City of Bellaire" ("Agreement") by and between The Jerry and Maury Rubenstein Foundation and the City of Bellaire, Texas (the "Parties"), for the purpose of addressing the current status, circumstances, and modified agreements of the Parties relating to Evelyn's Park; and providing for the termination of the Memorandum of Understanding by and among the Parties and effective as of December 20, 2010; and providing for the termination of the Agreement Concerning Evelyn's Park by and among the Parties effective as of February 25, 2011, as well as any and all agreements heretofore previously adopted that are in conflict with this Agreement.

Background/Summary:

To date, The Jerry and Maury Rubenstein Foundation and the City of Bellaire, Texas (the "Parties"), and the Evelyn's Park Conservancy (the "Conservancy") have made significant progress, jointly and separately, toward the planning and development of Evelyn's Park, a 4.5911 acre tract of land more commonly known as 4400 Bellaire Boulevard, Bellaire, Texas.

One significant item of notable progress was the development and recommendation by the Conservancy of a Master Plan for improvements for Evelyn's Park. The Conservancy also recommended the designation of a portion of the improvements in the Master Plan as the initial phase of park improvements ("Phase 1").

In order to address the current status, circumstances, and modified agreements of the Parties related to Evelyn's Park, an "Agreement for Modification of Donation Documents Concerning Evelyn's Park, City of Bellaire" ("Agreement") was prepared by legal representatives of The Jerry and Maury Rubenstein Foundation ("Foundation"). The modified Agreement also provided for the termination of the Memorandum of Understanding by and among the Parties effective as of December 20, 2010, and for the termination of the Agreement Concerning Evelyn's Park by and among the parties effective as of February 25, 2011. The modified "Agreement" was presented to the Bellaire City Council for consideration on June 16, 2014. General comments regarding the document were provided by members of City Council; however, action was postponed until a later date to allow the City Council more time to review the document and to consult with the City Attorney.

The Foundation's legal representatives subsequently incorporated the comments made by City Council into the document and on June 30, 2014, members of City Council met in a closed session with the City Attorney to discuss the revised modified Agreement. It was determined that City Council's comments had been successfully incorporated into the Agreement.

The modified Agreement has been placed on City Council's agenda for consideration and

possible adoption on Monday, July 7, 2014.

Previous Council Action Summary:

The modified Agreement referenced above was initially presented to the City Council on June 16, 2014. Comments were provided and action postponed to allow legal representatives to incorporate City Council's comments into the Agreement and to allow City Council to consult with the City Attorney on the matter.

Fiscal Impact:

N/A

Recommendation:

The City Clerk's Office recommends action as City Council deems appropriate with respect to the modified Agreement.

ATTACHMENTS:

- Agreement for Modification of Donation Documents (5) (DOCX)

**AGREEMENT FOR MODIFICATION OF DONATION DOCUMENTS
CONCERNING
EVELYN'S PARK, CITY OF BELLAIRE**

This AGREEMENT FOR MODIFICATION OF DONATION DOCUMENTS CONCERNING EVELYN'S PARK (this "**Modification Agreement**") is dated effective as of July __, 2014, between THE JERRY AND MAURY RUBENSTEIN FOUNDATION ("**Foundation**") and THE CITY OF BELLAIRE, TEXAS ("**City**") (collectively, the "**Parties**").

RECITALS

The Parties entered into that certain Memorandum of Understanding dated as of December, 20, 2010 (the "**MOU**") relating to Foundation's proposed donation of land to City for development of a public park to be known as Evelyn's Park. As contemplated by the MOU, the Parties entered into that certain Agreement Concerning Evelyn's Park dated as of February 25, 2011 (the "**Donation Agreement**").

Pursuant to the Donation Agreement, Foundation executed that certain Deed dated as of February 25, 2011 (the "**Original Deed**"), recorded under Film Code No. 20110084390, Real Property Records of Harris County, Texas, conveying to City by donation those two (2) parcels of land (the "**Park Land**") located in Harris County, Texas, consisting of all of Blocks 1 and 2, Teas Addition, an addition in Harris County, Texas, according to the plat thereof recorded under Film Code No. 578065, Harris County Map Records, as replatted as Lot 1, Block 1, Teas Estates, according to the plat recorded under File No. 20121079590, Harris County Map Records and being more particularly described by metes and bounds in the Original Deed.

Also pursuant to the Donation Agreement, the City executed and deposited in escrow with Foundation that certain Deed (the "**Reconveyance Deed**") that would implement the Foundation's exercise of its reversionary rights under the Original Deed in the event of a breach by City of the Requirements, as defined in the Donation Agreement and as set forth in the Original Deed. The MOU, Donation Agreement, Original Deed and Reconveyance Deed are collectively referred to as the "**Donation Documents**".

Since the date of the Donation Agreement and Original Deed, the Parties and the Evelyn's Park Conservancy, a Texas non-profit corporation previously established by agreement of the Parties (the "**Conservancy**") have made significant progress, jointly and separately, toward the planning and development of Evelyn's Park (the "**Park**") on the Park Land. The Conservancy has developed and recommended to the Parties a Master Plan (the "**Master Plan**"), for improvements for Evelyn's Park. The Conservancy has also designated a portion of the improvements in the Master Plan for development as the initial phase of Park Improvements ("**Phase 1**").

The Parties desire to enter into this Modification Agreement to modify the Donation Documents, as more particularly set forth below in this Modification Agreement.

AGREEMENT

For and in consideration of the foregoing recitals, all of which are incorporated in this Modification Agreement, and for the mutual undertakings set forth below, and for TEN

DOLLARS (\$10.00) and other good and valuable consideration given, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. **Approval of Master Plan and Phase 1.** Foundation hereby acknowledges that it has received full and complete copies of the Master Plan and Phase 1; it has had adequate opportunity to review the same, and Foundation hereby approves the Master Plan and Phase 1.

2. **City Obligations.**

a. City shall use its good faith best efforts to issue and sell, no later than August 31, 2014, \$5,000,000 of park bonds approved by referendum in an election held in November 2013, and to deposit the proceeds thereof in a segregated City account (the “**Evelyn’s Park Account**”) for purposes of funding the City’s construction of the park improvements contemplated in Phase 1.

b. City shall (i) collaborate with the Conservancy to obtain all construction documents for Phase 1 of the Park improvements from the Conservancy, (ii) enter into a construction contract for the construction of Phase 1 of park improvements, and (iii) commence the construction of Phase 1 of Park improvements in a reasonable period of time following issuance of the park bonds but in no event later than January 31, 2016, and thereafter diligently proceed with such construction to final completion thereof.

3. **Foundation Obligations.**

a. Of even date herewith Foundation has signed that certain Amended and Restated Deed (the “**Modification Deed**”), in the form attached hereto as **Exhibit A**, providing for, among other things, the relinquishment and conveyance to City of the reversionary rights reserved by Foundation in the Original Deed.

b. Within five (5) business days after the date of this Modification Agreement, Foundation shall deposit the signed Modification Deed and the original of the Reconveyance Deed with the law firm of BoyarMiller (the “**Custodian**”) as document custodian, with written instructions that upon Custodian’s receipt of Foundation’s written notice confirming City’s commencement of construction of Phase 1 of Park improvements in accordance with the construction documents provided by the Conservancy and thereafter mutually approved by the City and the Conservancy, Custodian shall (i) record the Modification Deed in the Real Property Records of Harris County, Texas; and (ii) destroy the Reconveyance Deed.

4. **Conditions.** It is a condition to each Party’s obligations set forth herein that City and the Conservancy shall have entered into a binding written Development and Operating Agreement (the “**City-Conservancy Agreement**”) on terms that include, among others, the following requirements and provisions:

(i) The Conservancy shall pay for all design development documents and construction documents for all Park improvements as contemplated in Phase 1;

(ii) The City shall pay for all permitting, impact fees and hard costs of construction of Phase 1 of Park improvements, not to exceed \$5,000,000;

(iii) The Conservancy and City shall allocate their respective responsibilities, from and after completion of construction of Phase 1 of Park improvements, for performance or costs

of maintenance and operation of Evelyn's Park. The City-Conservancy Agreement shall provide that the City will maintain the Park to a standard not less than the City's maintenance of the City's other high traffic parks, and the Conservancy will operate the Park to provide programming and all additional maintenance it deems appropriate above and beyond the City's standard of maintenance.

5. Termination of Prior Agreements. The Parties agree that the MOU and the Donation Agreement shall be automatically terminated effective upon the last to occur of (i) the full execution of the City – Conservancy Agreement as contemplated in Section 4 above; (ii) the full execution of this Modification Agreement; and (iii) deposit of the signed Modification Deed and the Reconveyance Deed, together with the written custodial instructions described above, with the Custodian. From and after the effective date of this Modification Agreement, this Modification Agreement represents the entire and integrated agreement between the Parties with respect to the subject matter hereof. All prior negotiations, representations or agreements between the Foundation and the City not expressly incorporated into this Modification Agreement are hereby superseded and canceled.

EXECUTED in multiple counterpart originals, effective as of the date first set forth above.

FOUNDATION:

THE MAURY AND JERRY RUBENSTEIN
FOUNDATION,
A Texas non-profit corporation

By: _____
Name: Maury Rubenstein
Title: Trustee

CITY OF BELLAIRE, TEXAS

By: _____
Name: Dr. Philip L. Nauert
Title: City Mayor

By: _____
Name: Paul Hofmann
Title: City Manager

**EXHIBIT A TO
MODIFICATION AGREEMENT**

FORM OF AMENDED AND RESTATED DEED

[See attached __ pages]

Attachment: Agreement for Modification of Donation Documents (5) (1282 : Agreement for Modification of Donation Documents - EP)

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 07/07/14 07:00 PM
Department: City Clerk
Category: Agreement
Department Head: Tracy L. Dutton
DOC ID: 1283

**SCHEDULED
ORDINANCE (ID # 1283)**

Item Title:

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Manager of the City of Bellaire, Texas, to execute, for and on behalf of the City of Bellaire, Texas, an "Amended and Restated Deed" related to Evelyn's Park, by and between The Jerry and Maury Rubenstein Foundation and the City of Bellaire, Texas (the "Parties"), for the purpose of superseding the original "Deed" by and between the Parties related to the conveyance of property and covenants as to development.

Background/Summary:

On June 16, 2014, legal representatives of The Jerry and Maury Rubenstein Foundation (the "Foundation") submitted an "Amended and Restated Deed" related to Evelyn's Park to members of City Council. The "Amended and Restated Deed" supersedes the original "Deed" by and between the Foundation and the City of Bellaire, Texas (the "Parties"), related to the conveyance of property and covenants as to development.

General comments regarding the "Amended and Restated Deed" were provided by members of City Council on June 16, 2014; however, action was postponed until a later date to allow the City Council more time to review the document and to consult with the City Attorney.

The Foundation's legal representatives subsequently incorporated the comments made by City Council into the document and on June 30, 2014, members of City Council met in a closed session with the City Attorney to discuss the revised "Amended and Restated Deed." One of the primary revisions included in the new "Amended and Restated Deed" was the removal of the right of the Grantor (Foundation) to enforce any of the covenants as to development requirements by the remedy of reversion of title to the property (4400 Bellaire Boulevard, Bellaire, Texas). It was determined that City Council's comments had been successfully incorporated into the "Amended and Restated Deed."

The revised "Amended and Restated Deed" has been placed on City Council's agenda for consideration and possible adoption on Monday, July 7, 2014.

Previous Council Action Summary:

The "Amended and Restated Deed" referenced above was initially presented to the City Council on June 16, 2014. Comments were provided and action postponed to allow legal representatives to incorporate City Council's comments into the "Amended and Restated Deed" and to allow City Council to consult with the City Attorney on the matter.

Fiscal Impact:

N/A

Recommendation:

The City Clerk's Office recommends action as City Council deems appropriate with respect to the revised "Amended and Restated Deed."

ATTACHMENTS:

- Amended and Restated Donation Deed Foundation to City (2) (DOCX)

AMENDED AND RESTATED DEED

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF HARRIS

THAT THE JERRY AND MAURY RUBENSTEIN FOUNDATION, a Texas non-profit corporation ("**Grantor**"), for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, and the agreement by Grantee to comply with all of the terms and provisions contained in this Deed and in any other contractual agreements to which it is a party, has GRANTED, SOLD AND CONVEYED and by these presents does GRANT, SELL AND CONVEY unto the CITY OF BELLAIRE, TEXAS, a municipal corporation whose mailing address is 7008 S. Rice (77401) ("**Grantee**"), that certain tract or parcel of land situated in Harris County, Texas, and more particularly described on **Exhibit A** attached hereto and made a part hereof for all purposes, together with; (i) all appurtenances belonging or appertaining thereto; and (ii) all rights of Grantor, if any, in and to any roads, streets, alleys and ways affecting, crossing, fronting or bounding the Property, but not otherwise (the "**Property**").

This conveyance is made by Grantor and accepted by Grantee subject to (i) all easements, restrictions, reservations or other matters affecting or relating to the Property, and (ii) the restrictive covenants set forth in Section 1 below (such restrictive covenants, collectively, the "**Requirements**"), all of which shall run with the land constituting the Property, shall be binding in perpetuity upon Grantee, its successors and assigns, and shall inure to the benefit of Grantor, its successors and assigns forever:

1. Covenants as to Development

(a) The Property shall be developed for public park or public recreation uses, including, without limitation, gardens, plantings and water features, all as initially approved in writing by Grantor.

(b) Grantor shall have the sole right (i) to utilize or designate the use of up to 1/2 acre of the Property for public park or recreation purposes, as determined by Grantor in consultation with the Evelyn's Park Conservancy, a Texas non-profit corporation previously established by agreement of Grantor and Grantee; (ii) to erect a monument, plaque or other memorial to the ancestors of Grantor's creators at all public entrances to the Property which may exist at any time, or from time to time, which shall be maintained at each public entrance to the Property; and (iii) to name the park, all of which rights shall continue in perpetuity.

(c) The stated uses of the Property shall at all times continue and remain open to the public, subject to temporary closings for repairs or reconstruction, or as otherwise permitted under park rules and operating guidelines applicable to the Property.

2. Grantor's Rights of Enforcement

(a) All Requirements are expressly deemed to be covenants running with the land constituting the Property, and encumbrances of the title conveyed by Grantor to Grantee, it being the express intent of Grantor and Grantee that Grantee shall have **fee simple absolute title** to the Property, subject to such Requirements and all matters set forth herein. Upon any breach of the Requirements, which breach remains uncured for more than 90 days after mailing written notice by Grantor to Grantee at the address shown below, Grantor shall have the right, at its election and as its sole remedy, to seek specific performance and/or other injunctive relief to prevent the violation of or to require compliance with the Requirements. No more than one (1) written notice in any twelve (12) month period shall be required as to any claimed violation. Notwithstanding the foregoing, and for purposes of clarity, Grantor shall have no right to enforce any of the Requirements by the remedy of reversion of title to the Property from Grantee to Grantor, or by the remedy of a suit for damages (whether actual, consequential, punitive or otherwise) under any circumstances or by any means.

(b) Grantee hereby expressly waives its sovereign immunity and consents to be subject to suit by Grantor, but such waiver and consent are limited solely to Grantor's exercise of its sole remedy under Section 2(a) above in the event of Grantee's breach of any Requirements set forth herein.

3. Disclaimer. IT IS UNDERSTOOD AND AGREED THAT GRANTOR SPECIFICALLY DISCLAIMS ANY EXPRESS OR IMPLIED WARRANTY, GUARANTY OR REPRESENTATION, ORAL OR WRITTEN, PAST, PRESENT OR FUTURE, OF, AS TO, OR, CONCERNING (I) THE NATURE AND CONDITION OF THE PROPERTY AND THE SUITABILITY THEREOF FOR ANY AND ALL ACTIVITIES AND USES WHICH MAY BE CONSTRUCTED THEREON, (II) THE COMPLIANCE OF THE PROPERTY OR ITS OPERATION WITH ANY LAWS, ORDINANCES OR REGULATIONS OF ANY GOVERNMENT OR OTHER AUTHORITY OR BODY, OR (III) THE EXISTENCE OF ANY TOXIC OR HAZARDOUS SUBSTANCE OR WASTE IN, ON, UNDER THE SURFACE OF OR ABOUT THE PROPERTY. GRANTEE AGREES THAT WITH RESPECT TO THE PROPERTY, GRANTEE HAS NOT RELIED UPON AND WILL NOT RELY UPON, EITHER DIRECTLY OR INDIRECTLY, ANY REPRESENTATION OR WARRANTY OF GRANTOR EXCEPT FOR THE WARRANTIES OF TITLE IN THIS DEED. GRANTEE AGREES THAT ANY INFORMATION PROVIDED TO GRANTEE BY GRANTOR WITH RESPECT TO THE PROPERTY WAS OBTAINED FROM A VARIETY OF SOURCES AND GRANTOR (A) HAS NOT MADE ANY INDEPENDENT INVESTIGATION OR VERIFICATION OF SUCH INFORMATION AND (B) HAS NOT MADE ANY EXPRESS OR IMPLIED, ORAL OR WRITTEN REPRESENTATIONS AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION. GRANTEE AGREES THAT GRANTOR IS CONVEYING THE PROPERTY TO GRANTEE AND GRANTEE IS ACCEPTING THE PROPERTY ON AN "AS

IS, WHERE IS, WITH ALL FAULTS” BASIS, AND GRANTEE AGREES THAT GRANTOR HAS NOT MADE ANY REPRESENTATIONS OR WARRANTIES, EXPRESS OR IMPLIED, ARISING BY OPERATION OF LAW OR OTHERWISE, WHATSOEVER WITH RESPECT TO THE CONDITION OF THE PROPERTY, INCLUDING, WITHOUT LIMITATION, ANY REPRESENTATION OR WARRANTY REGARDING CONDITION, HABITABILITY, SUITABILITY, QUALITY OR CONSTRUCTION, WORKMANSHIP, MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE, AND GRANTEE HAS NOT RELIED UPON ANY STATEMENT OR REPRESENTATION MADE BY GRANTOR, ANY BROKER OR BY ANY OTHER PERSON.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto and in any wise belonging unto the Grantee, its successors and assigns forever, subject to the Requirements and all other matters set forth herein.

This Amended and Restated Deed is given by Grantor and accepted by Grantee for the purpose of fully amending and restating and entirely replacing that certain Deed dated effective as of February 25, 2011, from Grantor to Grantee, and recorded under File No. 20110084390, in the Official Public Records of Real Property of Harris County, Texas, from and after the effective date of this instrument, as expressly set forth below.

Executed on the dates of the acknowledgments set forth below, to be effective for all purposes as of _____, 201_.

[Remainder of this page intentionally left blank; signature page follows]

GRANTOR:

THE MAURY AND JERRY RUBENSTEIN
FOUNDATION, a Texas non-profit corporation

By: _____
Name: _____
Title: _____

Grantee joins in the execution of this instrument for the purpose of acknowledging and agreeing to the terms and provisions contained in this instrument.

CITY OF BELLAIRE, TEXAS

By: _____
Name: Dr. Philip L. Nauert
Title: City Mayor

By: _____
Name: Paul Hofmann
Title: City Manager

Grantee's Address:

City of Bellaire
7008 South Rice Avenue
Bellaire, Texas 77401

Attachment: Amended and Restated Donation Deed Foundation to City (2) (1283 : Amended and Restated Deed - Evelyn's Park)

THE STATE OF TEXAS

COUNTY OF HARRIS

This instrument was acknowledged before me on the ____ day of _____, 2014,
by _____, _____ of The Maury and Jerry Rubenstein
Foundation, a Texas non-profit corporation.

Notary Public in and for the State of Texas
My commission expires: _____

THE STATE OF TEXAS

COUNTY OF HARRIS

This instrument was acknowledged before me on the ____ day of _____, 2014,
by Dr. Philip L. Nauert, Mayor of the City of Bellaire, Texas.

Notary Public in and for the State of Texas
My commission expires: _____

THE STATE OF TEXAS

COUNTY OF HARRIS

This instrument was acknowledged before me on the ____ day of _____, 2014,
by Paul Hofmann, City Manager of the City of Bellaire, Texas.

Notary Public in and for the State of Texas
My commission expires: _____

Attachment: Amended and Restated Donation Deed Foundation to City (2) (1283 : Amended and Restated Deed - Evelyn's Park)

EXHIBIT A

Attachment: Amended and Restated Donation Deed Foundation to City (2) (1283 : Amended and Restated Deed - Evelyn's Park)

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 07/07/14 07:00 PM
Department: City Clerk
Category: Agreement
Department Head: Tracy L. Dutton
DOC ID: 1284

**SCHEDULED
ORDINANCE (ID # 1284)**

Item Title:

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Manager of the City of Bellaire, Texas, to execute, for and on behalf of the City of Bellaire, Texas, a "Development and Operating Agreement for Evelyn's Park, Bellaire, Texas," by and between the City of Bellaire, Texas, and the Evelyn's Park Conservancy, related to the development and operation of Evelyn's Park, a 4.9511 acre tract of land in the J. Blessing Survey, Abstract 162, in the City of Bellaire, Texas, more commonly known as 4400 Bellaire Boulevard, Bellaire, Texas 77401.

Background/Summary:

During a Regular Session of the City Council of the City of Bellaire, Texas, held on June 16, 2014, the Evelyn's Park Conservancy Board ("Conservancy") presented a Master Plan for improvements for Evelyn's Park, a 4.9511 acre tract of land in the J. Blessing Survey, Abstract 162, in the City of Bellaire, Texas, and more commonly known as 4400 Bellaire Boulevard, Bellaire, Texas 77401. The Conservancy also designated a portion of the overall improvements in the Master Plan as essential improvements, hereinafter referred to as "Phase 1," and requested the issuance of voter-approved bonds in the amount of \$5 million to construct Phase 1 of the overall Master Plan.

Also presented during the same session was a revised "Development and Operating Agreement for Evelyn's Park, Bellaire, Texas." General comments regarding the document were provided by members of City Council; however, action was postponed until a later date to allow the City Council more time to review the document and to consult with the City Attorney.

On June 30, 2014, members of City Council met in a closed session with the City Attorney to discuss the revised "Development and Operating Agreement for Evelyn's Park, Bellaire, Texas." Additional comments and recommended revisions were made by City Council following the closed session. Those comments and recommended revisions were made in an open session attended by some Conservancy Board Members and their legal representatives.

The Conservancy's legal representatives subsequently incorporated the additional comments and revisions made on June 30, 2014, and have submitted a newly revised "Development and Operating Agreement for Evelyn's Park, Bellaire, Texas." This document has been placed on City Council's agenda for consideration and possible adoption on Monday, July 7, 2014.

Previous Council Action Summary:

The agreement referenced above was initially presented to the City Council on June 16, 2014. Comments were provided that evening and action was postponed to allow legal representatives to incorporate City Council's comments and to allow City Council to consult with the City Attorney on the matter. Following a consultation with the City Attorney,

further comments and recommended revisions were provided in open session to Conservancy Board Members and their legal representatives on June 30, 2014.

Fiscal Impact:

Issuance of \$5 million in voter-approved bonds.

Recommendation:

The City Clerk's Office recommends action as City Council deems appropriate with respect to the newly revised agreement.

ATTACHMENTS:

- DEVELOPMENT AND OPERATING AGREEMENT (2) (00164815-2xD8318) (DOCX)

**DEVELOPMENT AND OPERATING AGREEMENT
FOR
EVELYN'S PARK, BELLAIRE, TEXAS**

This DEVELOPMENT AND OPERATING AGREEMENT FOR EVELYN'S PARK ("Agreement") is dated effective as of _____, 2014, between THE CITY OF BELLAIRE, TEXAS ("City") and EVELYN'S PARK CONSERVANCY, a Texas non-profit corporation ("Conservancy")(collectively, the "Parties").

RECITALS

Pursuant to that certain Deed dated as of February 25, 2011 (the "**Original Deed**") from The Jerry and Maury Rubenstein Foundation ("**Donor**") to City, recorded under Film Code No. 20110084390, Real Property Records, Harris County, Texas, Donor donated to City certain land and improvements more particularly described in the Original Deed for development and use as a municipal park of the City, to be named Evelyn's Park (the "**Park**"). The Original Deed has been superseded by that certain Amended and Restated Deed signed and deposited with the law firm of BoyarMiller, as document custodian, between the Donor and the City (the "**Amended Deed**"). Additional terms for the development of the Park were set forth in that certain Agreement Concerning Evelyn's Park dated as of February 25, 2011 (as the same may be amended, the "**Original Donation Agreement**"), between Donor and City. The Original Donation Agreement has been terminated and superseded by that certain Agreement for Modification of Donation Documents dated as of July __, 2014 (the "**Modification Agreement**").

As contemplated in the Original Deed and the Original Donation Agreement, the Conservancy was formed to assist the City in the development and operation of the Park. The Conservancy has developed and recommended to the City and the Donor conceptual drawings and schematic design drawings to serve as a Master Plan (the "**Master Plan**"), more particularly described in on Exhibit A attached hereto, as amended from time to time as permitted herein, for improvements for the Park. The Conservancy has also designated a portion of the overall improvements in the Master Plan for development as essential improvements of the Park (the "**Phase 1**"), more particularly described in Exhibit B attached hereto.

By referendum approved by the voters of the City in November, 2013, the City is authorized to issue \$5,000,000 in bonds for the purpose of constructing improvements in the Park ("**Park Bonds**").

The City and the Conservancy desire to enter into this Development and Operating Agreement for purposes of adopting the Master Plan for the Park and developing and operating the Phase 1 improvements for the Park as set forth below.

AGREEMENT

For and in consideration of the foregoing recitals, the mutual undertakings set forth below, and for and other good and valuable consideration, the Parties hereby agree as follows:

1. Master Plan.

- a. Adoption of Master Plan. The Conservancy has developed the Master Plan and hereby donates and delivers the Master Plan to the City. The City hereby

accepts and adopts the Master Plan, subject to the limitations on acceptance of the Master Plan adopted by the City Council at its August 20, 2012 meeting (the “**City’s 8/20/2012 Limitations on Acceptance**”), a copy of which is attached as **Exhibit C** hereto. The City shall incorporate the Master Plan for the Park into the City’s Master Park Plan throughout the Term of the Master Plan as set out in Section 1.b below.

- b. Term of Master Plan. The Master Plan shall serve the City and the Conservancy as the conceptual plan and guideline for the development of improvements in the Park for a period of beginning on the effective date hereof, and ending on December 31, 2044.
 - c. Modifications of Master Plan. During the term of the Master Plan, the original Master Plan described in **Exhibit A** attached hereto may be modified, amended or supplemented by mutual agreement of the Parties set forth as an amendment to this Agreement; provided, however, that no modification, amendment or supplement shall be permitted that would likely result in the breach of any of the covenants and restrictions set forth in the Amended Deed (the “**Park Covenants**”).
 - d. Approval of Phase 1. The Conservancy hereby recommends Phase 1 of the Master Plan to the City, as the initial, essential improvements needed for the use and enjoyment of the Park by the citizens and visitors of City of Bellaire, Texas as a public park. The City shall have the right to review and approve Phase 1 no later than July 21, 2014. Notwithstanding the City’s approval of Phase 1, the Conservancy shall not schedule high traffic events within the Park following the construction of Phase 1 unless either the City or the Conservancy has entered into a shared parking agreement or agreements to provide off-site parking for such events. The City shall also have the right to review and approve the restaurant and the restaurant parking as set forth in the City’s 8/20/2012 Limitations on Acceptance. These approvals are in addition to, not in lieu of, standard building and permitting review and approval processes.
2. **Bond Issue.** The City shall use its good faith best efforts to issue and sell the \$5,000,000 of Park Bonds no later than August 31, 2014. Promptly after such sale, the City shall deposit the entire \$5,000,000 in a segregated account of the City for use exclusively for the construction of Phase 1 improvements for the Park, on the terms set forth in this Agreement.
3. **Development of Phase 1.**
- a. Phase 1 Soft Costs. The Conservancy shall pay for all costs of developing design drawings (“**DDs**”) and construction documents (“**CDs**”) for Phase 1 of Park improvements. The Conservancy anticipates that its obligation to pay for such soft costs, and for additional costs of its architectural inspections of construction, referred to below, plus a maintenance reserve shall not exceed \$2,000,000.
 - b. Review of Drawings. The City’s designated representatives for review and approvals required or permitted under this Agreement shall be the City Manager and the City Manager’s designated delegate (the “**City Representatives**”),

without further action by the City Council, except as provided below. The City Representatives shall have the right to review and approve the DDs and the CDs, each at the 60% and 85% stages of completion. The City Representatives shall have ten (10) days for review and comment on such proposed DDs and proposed CDs, and if the City Representatives fail to respond with any comments for revisions within such 10-day period, the City Representatives shall be deemed to have approved the proposed drawings. In addition, the City Council shall have the right to review and approve the DDs for any restaurant and restaurant parking included in Phase 1 at the 60% stage of completion of DDs, as set forth in the City's 8/20/2012 Limitations on Acceptance, no later than the first regular City Council meeting occurring after the City Representatives have reviewed and commented or are deemed to have approved such 60% complete DDs relating to the restaurant and restaurant parking. The City Representatives and the Conservancy shall mutually approve the 100% final CDs; provided, however, that the DDs and CDs as so approved shall comply with the Master Plan and the Park Covenants. The Conservancy shall deliver the final approved CDs (the "**Approved CDs**") to the City no later than September 30, 2014. These approvals are in addition to, not in lieu of, standard building and permitting review and approval processes.

- c. Phase 1 Construction Contract and Schedule. The City shall use good faith best efforts within a reasonable time after the issuance of the bonds to procure a construction contractor and enter into a construction contract for construction of Phase 1 of Park improvements in accordance with the Approved CDs, which contract shall include a specific construction schedule and construction budget. The City shall execute the construction contract within a reasonable time after the recordation of the Modification Deed and commence construction no later than January 31, 2016, and thereafter diligently proceed with construction to final completion thereof in accordance with the Approved CDs (the "**Approved Schedule**"). "**Substantial Completion**" means that construction of all Phase 1 of Park improvements have been completed as shown in the Approved CDs, together with any approved Alternates/Additions and any approved change orders, as contemplated herein, and all final governmental inspections and approvals have been issued, subject only to such minor items of work that (i) do not prevent the use and enjoyment of Phase 1 of Park improvements as a public park and (ii) can reasonably be completed within thirty (30) days after the Parties have mutually made a completion inspection and identified such items of work in a written punch list.
- d. Phase 1 Hard Costs.
 - (1) As part of construction of the Phase 1 improvements (although not necessarily as part of the same construction contract), City shall have the right to obtain an environmental assessment of the Park land and to undertake such work (including interfacing with applicable environmental agencies) as necessary to bring the condition of the land into compliance with state and federal legal requirements applicable to municipal parks (collectively, "**Environmental Work**").
 - (2) City shall pay for all hard construction costs for Phase 1 of Park improvements (including the cost of any environmental assessment and Environmental work, collectively, the "Environmental Costs"), not to exceed

\$5,000,000. The proposed construction budget for Phase 1 (other than Environmental Costs) shall be developed by the City and its construction contractor based on actual bids for the Phase 1 work plus a 10% contingency. The proposed construction budget shall be subject to review and approval by the Conservancy and City (the “**Approved Budget**”).

(3) If the aggregate amount of the bids for construction of Phase 1 improvements, including the 10% contingency, plus the Environmental Costs (collectively, the “**Aggregate Phase 1 Budget**”) exceeds \$5,000,000, City and Conservancy shall jointly investigate “value engineering” the Phase 1 work or scaling back the components of Phase 1 improvements as the Parties mutually agree to be reasonably necessary to reduce such aggregate amount of costs to \$5,000,000; provided, however, that City shall not be obligated to agree to value engineering or scaling back of the components of Phase 1 improvements. If the City does not agree, the Conservancy may raise the excess amount through fundraising.

(4) If the Aggregate Phase 1 Budget is less than \$5,000,000, or if the City realizes any construction cost savings during construction of Phase 1 improvements, the amount by which the cap of \$5,000,000 exceeds the Aggregate Phase 1 Budget, and/or such construction savings, (i) may be applied by the City to the cost of constructing alternatives or additions to Phase 1 as mutually approved by the City Representatives and the Conservancy; or may be kept in the City’s segregated account for future improvements in the Park.

- e. Architectural Inspections; Change Orders. The Conservancy shall have the right, at no expense to the City, to cause its architectural representative to enter the Park during construction to conduct progress inspections of the construction to confirm that such construction is progressing in accordance with the Master Plan and the Approved CDs, together with such change orders as the City and the Conservancy may mutually approve.
- f. City Reports. The City shall provide the Conservancy with monthly progress reports regarding the issuance of bonds and the other obligations set forth in this Section 3.

4. **Operations and Maintenance.**

- a. Term of Operating and Maintenance Obligations. The Parties’ respective rights and obligations relating to the operation and maintenance of the Park shall remain in effect for an initial operations and maintenance term (the “**O&M Term**”) of five (5) years, beginning on the date of substantial completion of Phase 1 and ending on the fifth anniversary thereof. This Agreement shall be automatically renewed for up to two (2) additional 5-year renewal O&M Terms, unless the City or the Conservancy requests the cancellation of this Agreement effective as of the last day of the then current O&M Term, which request shall be made no later than six (6) months prior to the end of such term. No later than 6 months prior to the end of the final 5-year O&M Term, the Parties shall negotiate in good faith to enter into a new Development and Operating Agreement for the Park containing such terms and conditions as the Parties may mutually agree upon, and commencing immediately upon the end of such final 5-year O&M Term.

- b. City Obligations. During the O&M Term, the City shall provide, at its expense, all operational, maintenance and repairs services for the Park that it provides to other high traffic municipal parks in the jurisdictional boundaries of the City, including but not limited to the following, all of the same type, frequency, extent and standard of care that it provides to its other high traffic municipal parks:
- electricity, water, sewer, storm water drainage; provided, however, all utility connections serving the café improvements and operations as contemplated in Phase 1 shall be separately metered, and the costs thereof shall be paid by the approved concessionaire of the café at no expense to the City;
 - property insurance for the full replacement cost of all vertical improvements in the Park;
 - routine City of Bellaire Police Department surveillance and enforcement of applicable laws, ordinances, park rules and guidelines applicable to the Park;
 - monthly security system monitoring fee for office structure and event space;
 - inclusion of the Park in the City's customer response tracking system and notification by the City within 24 hours of receipt of comment and proposed resolution of said comment;
 - include on the City's website a link to the Conservancy website;
 - provide a quarterly report to the Conservancy showing the details of maintenance and repair services provided and annual prospective report regarding maintenance and known issues requiring repairs;
 - mitigation of insects, rodents and other pests; landscaping (including but not limited to seasonal mulching and fertilizing, mowing of grass, pruning of trees);
 - large tree pruning annually; and
 - cleaning of public restrooms, and trash removal.
- c. Conservancy Obligations. The Conservancy shall, subject to the right of the City to adopt and enforce ordinances, rules and guidelines relating to park and facility usage and City Council's rights as set forth in the City's 8/20/2012 Limitations on Acceptance, have the right, at its expense, to operate and manage the Park, including but not limited to the following:
- Provide additional maintenance services, to supplement and enhance the City's services required hereunder, for landscaping, pest mitigation, trash removal and security in the Park and other maintenance, repairs and replacements of landscape and hardscape improvements in the Park, only in excess of what the City performs with other high traffic parks to the extent the Conservancy desires to supplement;
 - Provide programming for activities; booking and sponsoring events; entering into concession agreements; and managing day rentals of space and facilities in the Park; provided, however, the Conservancy shall use all net revenue from such activities events, concessions and rentals for the benefit of the Park (i) to cover operating and maintenance expenses for the Park over and above those provided by the City substantially in accordance with the Conservancy's annual budget therefor; (ii) to establish and maintain a maintenance reserve for the benefit of the Park; and (iii) if such net revenue exceeds funds needed in (i) plus (ii) such excess may be used for future phases of park improvements;
 - Allow for onsite collection of park customer comments and refer said comments within 24 hours to the City Manager if said comment pertains to obligations covered under Section 4.b for the appropriate remedy to be taken by the City;

- Maintain an internet website accessible to the public to promote the Park and the programmed activities, events and facilities in the Park;
- Conduct annual fundraising through events, grants, periodic capital campaigns, and other lawful means and strategies as the Conservancy deems necessary or desirable, (i) to cover the Conservancy's expenses for providing its services under the foregoing line items in this Section 4.c, (ii) to cover the Conservancy's administrative costs and overhead; and (iii) to cover increases to the Park's maintenance reserve;
- Continue to raise funds to build reserves for the development of future phases of Park improvements contemplated by the Master Plan in addition to Phase 1; and

5. **Development of Future Phases of Park Improvements.** The Conservancy and the City shall share the exclusive right to initiate development of future Park improvements. All of such future Park improvements shall be designed and built (i) as overlay phases of Phase 1 of Park improvements (each, a "**Future Phase**") and (ii) in accordance with the Park Covenants and the Master Plan. The Conservancy shall submit its proposal, conceptual designs and preliminary estimates for incremental operating and maintenance expenses for any Future Phase to the City for review and approval as part of the City's Master Park Plan. The City shall have the right to conduct community outreach and provide input on the proposed Future Phase. The Parties shall cooperate in raising public and private sources of funding for the capital improvements for the approved Future Phase, and for additional contributions to the maintenance reserve for the Park to be used for increased operating and maintenance expenses of the Park upon completion of the approved Future Phase. The City shall have no obligation to fund any Future Phases. Either the City or the Conservancy, as the Parties may mutually agree, shall design and build such Future Phases. Title to all improvements in Phase 1 or any Future Phases in the Park shall automatically vest in the City immediately upon Substantial Completion thereof.

6. **Informational Reporting.**

- a. The Conservancy shall submit to the City the following reporting:
 - No later than 30 days after timely filing, the Conservancy's Form 990; and
 - No less than quarterly present an update on the operations of the Park and the Conservancy's fundraising efforts.
- b. The City shall have the right, at its expense, upon not less than one week's prior written notice to the Conservancy, to audit the Conservancy's books and records at the Conservancy's principal place of business one time in any calendar year. The Conservancy shall, to the extent permitted by law, have the right to designate financial information relating to its internal administrative and operating expenses, including but not limited to salaries and benefits for its employees, as proprietary, confidential financial information that shall not be subject to public disclosure under the Texas Public Information Act.

7. **Defaults and Remedies.**

- a. If either Party fails to fully and timely pay or perform any of its obligations hereunder and such failure is not cured within 30 days after notice by the other Party, such uncured failure to perform shall be an **Event of Default** hereunder.

Upon the occurrence of an Event of Default, the non-defaulting Party shall have the right, in addition to all rights and remedies available at law or in equity, to “step in” and exercise the remedy of self-help by paying or performing the defaulting Party’s obligations as reasonably necessary to cure the Event of Default. All costs incurred in so curing the defaulting Party’s obligations hereunder shall be due and payable on demand, together with interest thereon at the rate of the prime rate plus 1% per year, not to exceed 15% per year, from the date such cost was incurred until paid in full.

- b. The City expressly stipulates, acknowledges and agrees that the Conservancy’s “step in” rights under Section 7.a constitute a contract for goods and services.
 - c. Before commencing any litigation to exercise its rights and remedies available at law or in equity, the Parties shall make a good faith effort to resolve any dispute regarding such claimed violation by negotiations between the Parties; provided, however, if a mutually acceptable and mutually binding resolution is not reached through such negotiations within 30 days from the date a Party initiates such negotiations, such Party shall have the right to proceed with such litigation.
8. **Notices.** Any notice, consent, approval or other communication required or permitted to be given under this Agreement (a “**notice**”), in order to be effective, must be in writing and must be served by delivering such notice addressed to the Party to be notified (i) effective two (2) days after depositing the notice with the U.S. Postal Service, postage prepaid, sent certified, return receipt requested; (ii) effective upon receipt if delivered in person, by commercial messenger or by reputable overnight courier to the office of such Party to be notified; (iii) effective upon receipt if sent by facsimile with electronic confirmation of receipt. For purposes of giving effective notice, the addresses of the Parties are the addresses of the Parties as set forth on the signature page below. Any Party may designate from time to time, upon ten (10) days advance written notice to the other Party given in accordance with this Section, a different address with respect to notices to be furnished to such Party.
9. **General Provisions.** No Party shall assign its rights or obligations under this Agreement except with the prior written consent of the other Party. Notwithstanding the foregoing, however, each Party shall have the right to enter into contracts with independent contractors for such Party’s performance of its work in the Park. This Agreement will be governed, construed and enforced in accordance with the laws of the State of Texas. If a day requiring notice or action falls on a weekend or national or local holiday, the next non-weekend day or non-holiday shall be applicable. This Agreement represents the entire and integrated agreement between the Parties with respect to the subject matter hereof. All prior negotiations, representations or agreements not expressly incorporated into this Agreement are hereby superseded and canceled. Captions and section headings appearing herein are included solely for convenience of reference and are not intended to affect the interpretation of any provision of this Agreement.

EXECUTED in multiple counterpart originals effective as of the date first set forth above.

CITY:

CITY OF BELLAIRE, TEXAS

CONSERVANCY:

EVELYN'S PARK CONSERVANCY,
A Texas non-profit corporation

By: _____

Name: Dr. Philip L. Nauert

Title: City Mayor

By: _____

Name: Keith Rubenstein

Title: President

Address:

P.O. Box 459
Bellaire, Texas 77402

By: _____

Name: Paul Hofmann

Title: City Manager

Address:

7008 S. Rice Avenue
Bellaire, Texas 77401
Attention: Paul Hofmann

EXHIBITS:

A: Description of Master Plan

B: Description of Phase 1

EXHIBIT A**DESCRIPTION OF MASTER PLAN**

That certain Evelyn's Park | Master Plan Plus Phase 1 Booklet dated June 3, 2014, prepared by SWA and Lake | Flato.

EXHIBIT B**DESCRIPTION OF PHASE 1**

Page 5 through page 31 of that certain Evelyn's Park | Master Plan Plus Phase 1 Booklet dated June 3, 2014, prepared by SWA and Lake | Flato.

EXHIBIT C

City's 8/20/2012 Limitations on Acceptance

Attachment: DEVELOPMENT AND OPERATING AGREEMENT (2) (00164815-2xD8318) (1284 : Development and Operating Agreement for

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 07/07/14 07:00 PM
Department: Finance Administration
Category: Discussion
Department Head: Linda Symank
DOC ID: 1225

**SCHEDULED
ACTION ITEM (ID # 1225)**

Item Title:

Discussion and possible direction to staff to proceed with preparation for and the acceptance of a timetable for the sale of \$10,500,000 in General Obligation Bonds, Series 2014.

Background/Summary:

The City's Financial Advisor, James F. Gilley, USCA Municipal Advisors LLC, has prepared a timetable for the sale of \$13,500,000 in General Obligation Bonds. Once the Preliminary Official Statement (POS) is completed, it will be distributed to City Council for their review and approval included with the ordinance for approval of the bond sale. The Series 2014 Bonds includes the seventh installment of bonds authorized by the voters at an election held November 8, 2005 and the first installment of bonds authorized by the voters at an election held November 5, 2013. Proceeds from the sale of Series 2014 Bonds will be used as listed below and to pay certain issuance costs of the Bonds.

\$5,000,000	Rebuild Bellaire Street and Drainage Improvements
\$5,000,000	Evelyn's Park Improvements
\$500,000	Nature Discovery Center Improvements

The bonds are being issued pursuant to the applicable provisions of the Texas Constitution, the general laws of the State of Texas, an ordinance adopted by the City Council, and the City's Home Rule Charter. The bonds are direct obligations of the City, payable from an ad valorem tax levied within the limits prescribed by laws on taxable property located within the City.

Previous Council Action Summary:

N/A

Fiscal Impact:

Debt service requirements for FY2015 bonds were included in the development of FY2015 Debt Service budget. Proceeds from the bonds will be used for approved capital improvement projects.

Recommendation:

The City Manager and the CFO recommend approval to proceed with preparation for the sale of General Obligation Bonds, Series 2014 and timetable for the sale as presented by US Capital Advisors.

ATTACHMENTS:

- Preliminary Timetable - Bellaire GO Bonds 2014 (PDF)

CITY OF BELLAIRE, TEXAS
GENERAL OBLIGATION BONDS, SERIES 2014

Draft
3/13/14

COUNCIL MEETS 1ST & 3RD MONDAY OF THE MONTH (7:00PM)

Tentative Timetable of Events

JUNE						
S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

JULY						
S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

AUGUST						
S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24/31	25	26	27	28	29	30

SEPTEMBER						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

Complete By	Day	Event	Parties
June 23	Monday	Send draft bond documents to the working group for comments.	FA
July 7	Monday	City Council considers financing plan for General Obligation Bonds (the "Bonds").	C, BC, FA
July 7	Monday	Send draft bond documents to Standard & Poor's Rating Service for review. Request rating call.	FA
July 1	Tuesday	Comments due on bond documents.	All
Week of July 14/21		Rating call with City Officials, Financial Advisor and S&P _____, _____ am.	C, FA
July 28	Monday	Receive S&P verbal rating and insurance qualification.	FA
July 30	Wednesday	Request updated scale on Bonds & revise POS/NOS. Request CUSIPs.	FA
July 30	Wednesday	Print and mail POS & IPREO, Bloomberg, MAC.	FA
August 4	Monday	Competitive bond sale (Bids received until 10:00am).	FA, C, BC
August 4	Monday	City Council awards the Bonds and approves the Bond Ordinance.	C, BC, FA
August 5	Tuesday	Distribute draft of Final Official Statement ("OS").	FA
August 7	Thursday	Comments due on draft OS.	ALL
August 8	Friday	Print and mail Final OS.	FA

Attachment: Preliminary Timetable - Bellaire GO Bonds 2014 (1225 : Discussion of FY2014 Proposed Bond Sale)

September 4

Thursday

Deliver Bonds.

C, BC

Legend

City of Bellaire

Johnson Radcliffe Petrov & Bobbitt

US Capital Advisors

Issuer (C)

Bond Counsel (BC)

Financial Advisor (FA)