



CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

OCTOBER 20, 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 - Amanda B. Nathan, Mayor Pro Tem.

Amanda B. Nathan, Mayor Pro Tem, called the Regular Session of the City Council of the City of Bellaire, Texas, to order at 7:00 p.m. She advised that a quorum of the members of City Council were present as set forth below.

Attendee Name	Title	Status	Arrived
Philip L. Nauert	Mayor	Absent	
Amanda B. Nathan	Mayor Pro Tem	Present	
Roman F. Reed	Councilman	Present	
James P. Avioli Sr.	Councilman	Absent	
Gus E. Pappas	Councilman	Present	
Pat B. McLaughlan	Councilman	Present	
Andrew S. Friedberg	Councilman	Present	
Paul A. Hofmann	City Manager	Present	
Alan P. Petrov	City Attorney	Present	
Tracy L. Dutton	City Clerk	Present	

B. Inspirational Reading and/or Invocation - Andrew S. Friedberg, Councilman - Position No. 5.

Andrew S. Friedberg, Councilman - Position No. 5, provided the inspirational reading for the evening.

C. Pledges to The Flags - Andrew S. Friedberg, Councilman - Position No. 5.

Andrew S. Friedberg, Councilman - Position No. 5, led the members of City Council and the audience in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

D. Approval or Correction of Minutes:

1. City Council Community Meeting Minutes - September 29, 2014:

Consideration of and possible approval of the minutes of the Community Meeting of the City Council of the City of Bellaire, Texas, held on Monday, September 29, 2014.

Mayor and Council - Community Meeting - Sep 29, 2014 6:30 PM

Motion:

To approve the minutes of the Community Meeting of the City Council of the City of Bellaire, Texas, held on Monday, September 29, 2014.

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

2. City Council Special Session (Public Hearing) Minutes - October 6, 2014:

Consideration of and possible approval of the minutes Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, held on Monday, October 6, 2014.

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

Motion:

To approve the minutes of the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, held on Monday, October 6, 2014.

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

3. City Council Regular Session Minutes - October 6, 2014.

Consideration of and possible approval of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, October 6, 2014.

Mayor and Council - Regular Session - Oct 6, 2014 7:00 PM

Motion:

To approve the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, October 6, 2014.

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

E. Personal/Audience Comments.

Lynn McBee:

Ms. McBee advised that she wished to provide some thoughts regarding the agenda item related to the appointment and charge of an Ad Hoc Municipal Facilities Committee ("Committee"). She stated that the appointment of the Committee was a great move and the composition appeared to be very impressive.

Reference was made to the third paragraph of the ordinance and the phrase ". . .

subject to the Texas Open Records Act.” Ms. McBee indicated that she did not know if the author of the ordinance had intended to refer to the “Texas Open Meetings Act,” as the “Texas Open Meetings Act” was of greater importance and would require posting notice of meetings 72 hours in advance and open to the public at all times. She recommended that City Council add the “Texas Open Meetings Act” to the ordinance as required under the City’s Code of Ordinances.

Ms. McBee next referred to the fact that the existing city facilities (City Hall/Civic Center and Police and Municipal Court Building) bordered a City park. She stated that she would be watching very closely to ensure that the lot coverage was calculated as the City progressed in its building plans. She did not wish to see the park reduced by City buildings. She hoped City Council would agree and ensure that valuable space accumulated for years and years to create the parks was not intruded upon.

With respect to the meeting schedule or work plan for municipal facilities, Ms. McBee noted that 13 Committee meetings would be held over a span of one year. City Council would workshop the plans four times during the year. There was no reference to public meetings by the community. Ms. McBee advised that she assumed that the public could attend the Committee meetings, but did not see a plan by the City Council regarding town meetings to be held early in the process in order to get citizen input.

It appeared that the Architect, City Manager, and City Council were in a hurry to get the process started, and Ms. McBee certainly did not intend for community input to stall the plans. Additionally, she felt that a press release should be prepared to explain how the process and City Committee would work. Reference was made to rules of procedure and the election of a Chair for the Committee.

In closing, Ms. McBee wished City Council well and hoped that City Council would take her suggestions to heart.

F. Reports:

1. Presentation of the City Manager's Report dated October 20, 2014, regarding the status of The Shoppes at Uptown Crossing Development and update on police activity.

Paul A. Hofmann, City Manager, presented the City Manager's Report dated October 20, 2014, to members of City Council. The report included an update on the City's meetings with the City of Houston regarding the development of The Shoppes at Uptown Crossing located on a 26-acre tract just outside the city limits of Bellaire. Primary areas of concern related to the retail development were drainage, traffic, and possible improvements to South Rice Avenue.

At this point in the report, the floor was opened for questions from members of City Council related to The Shoppes at Uptown Crossing development. Following questions of City Manager Hofmann and City Engineer James Andrews, ARKK Engineers, Inc., the City Manager's Report continued.

Paul A. Hofmann, City Manager, next reviewed crime activity statistics for the month of September and reported on National Night Out.

Following questions of City Manager Hofmann and Chief of Police Byron Holloway, a motion was made and seconded to accept the City Manager's Report into the record.

Motion:

To accept the City Manager's Report dated October 20, 2014, as presented by City Manager Paul A. Hofmann, into the record.

RESULT:	UNANIMOUS [5-0]
MOVER:	Roman F. Reed, Councilman
SECONDER:	Pat B. McLaughlan, Councilman
AYES:	Nathan, Reed, Pappas, McLaughlan, Friedberg
ABSENT:	Nauert, Avioli Sr.

(Requested by Paul A. Hofmann, City Manager)

2. Presentation on the scopes and schedules for the FY 2015 Management and Capital Projects.

Paul A. Hofmann, City Manager, provided a brief presentation on the scopes and schedules for the City's FY 2015 Management and Capital Projects.

Following questions of City Manager Hofmann regarding the FY 2015 projects, **Mayor Pro Tem Amanda B. Nathan** read the list of projects into the record as follows:

FY 2015 Management Projects:

- Community Safety Outreach;
- Implement Compensation Study and Improve Employee Evaluation System;
- Implement Network and Data Management Improvements;
- Evaluate Right-of-Way Maintenance Ordinance;
- Develop Financial Management Policies;
- Improve Safety and Risk Management;
- Revenue Team;
- Develop Vehicle/Equipment Management and Maintenance Plan;
- UV-T (Urban Village (Transit-Oriented Development) District) Infrastructure; and
- Comprehensive Plan Update.

FY 2015 CIP (Capital Improvement Program) Projects:

- Rebuild Bellaire Phase VA;
- Rebuild Bellaire Phase IV;
- FY 2014-2015 Pavement Management;
- Trip Hazards Program;
- Regional Mobility Study;
- FY 2014 Street Marking Replacement;
- Citywide SCADA Systems Upgrade, Phase 1;
- Wendell and Bellaire Lift Station Rehabilitation;
- Water and Sanitary Sewer Line Program;
- Wastewater Treatment Plant Fine Screen Building Replacement;
- Central Water Plant Electrical System Upgrade;
- Evergreen Park Master Plan;
- Evelyn's Park, Phase I;
- Library Foundation;
- Bellaire Town Square Municipal Facilities Design and Library Conceptual Plan;
- Park Improvement Projects; and
- The Nature Discovery Center Improvements.

(Requested by Paul A. Hofmann, City Manager)

3. Presentation on the environmental assessment and schedule update for Evelyn's Park.

Paul A. Hofmann, City Manager, referenced City Council's prior discussion of the Development and Operating Agreement ("Agreement") between the City of Bellaire, Texas, and the Evelyn's Park Conservancy Board. The Agreement laid out the use of the City's \$5 million toward Phase I of the Evelyn's Park Project. It was noted that during the prior discussion, members of City Council asked questions regarding the need to perform additional environmental assessment evaluation(s) and remediation. Although the previous owners had performed some environmental assessment evaluation(s), remediation had not been performed and the existence of lead-based paint had not been analyzed.

Director of Public Works Brant Gary provided an overview of the results of a Phase I Environmental Site Assessment conducted by Berg♦Oliver Associates, Inc., for the property where the proposed Evelyn's Park would be located. Director Gary indicated that the overall findings of the Phase I Environmental Site Assessment did not reveal any recognized environmental conditions (RECs) that would negatively impact the Evelyn's Park project.

One of the larger topics of discussion among City Council at a previous meeting was related to a petroleum storage tank located on the Evelyn's Park site. Director Gary advised that the tank itself was removed, the closure documented, and the incident closed by the State of Texas. The Texas Commission on Environmental Quality (TCEQ) issued a "no further action" letter as the site met residential use standards and was not a threat to human health or the environment.

With respect to asbestos in the former administration building and the "yellow house," an inspection resulted in a finding of asbestos in the ceiling tiles, wallboards, floor tiles, and window glazing. Director Gary stated that those materials must be abated prior to any demolition or renovation activities. Two initial quotes had been received for the abatement ranging in cost from \$15,000 to \$20,000.

With respect to a lead-based paint survey, Director Gary indicated that a large portion of the "yellow house" had lead-based paint. The abatement of the lead-based paint would be performed by the contractor renovating and restoring the yellow house.

Director Gary next referred to Texas Historical Commission requirements with respect to the site. The property did have a marker designating the site as an historic area because of the Teas Nursery history. Paperwork would be submitted to relocate the marker to a more visible location on the site once the park was completed. In addition, the City was subject to the Texas Antiquities Code and would have to coordinate with the Texas Historical Commission on the plans for the site.

Amanda B. Nathan, Mayor Pro Tem, indicated that Councilman James P. Avioli, Sr., was unexpectedly unable to attend the meeting this evening. He asked Mayor Pro Tem Nathan to share his thoughts on a few of the items on the agenda this evening, which she did at this point in the meeting. Following responses to Councilman Avioli's queries by Director Gary, Mayor Pro Tem Nathan opened the floor for questions from City Council.

Following questions of Director Gary and Christopher Thayer of Berg♦Oliver

Associates, Inc., a motion was made and seconded to accept the status report regarding Evelyn's Park into the record.

Motion:

To accept the summary report of the Phase I Environmental Site Assessment conducted by Berg♦Oliver Associates, Inc., and presented by Director of Public Works Brant Gary, related to the Evelyn's Park site into the record.
(Requested by Brant Gary, Public Works)

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

G. New Business:

1. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing seven (7) members to serve in an advisory capacity on the Ad Hoc Municipal Facilities Committee of the City of Bellaire ("Committee"), for a term commencing on October 20, 2014, and ending on September 30, 2015; setting forth the charge of the Committee, and approving a work plan for the design of new municipal facilities.

Motion:

To adopt an ordinance of the City Council of the City of Bellaire, Texas, appointing seven (7) members to serve in an advisory capacity on the Ad Hoc Municipal Facilities Committee of the City of Bellaire ("Committee"), for a term commencing on October 20, 2014, and ending on September 30, 2015; setting forth the charge of the Committee, and approving a work plan for the design of new municipal facilities.

{Motion moved by Pat B. McLaughlan, Councilman, and seconded by Roman F. Reed, Councilman}

Amanda B. Nathan, Mayor Pro Tem, stated, for the record, the names of the members of the Committee sought by City Council to be appointed:

- Charlotte Aguilar, selected by Dr. Philip L. Nauert, Mayor;
- Dolores Avioli, selected by James P. Avioli, Sr., Councilman;
- Christopher Butler, selected by Amanda B. Nathan, Mayor Pro Tem;
- John Gabriel, selected by Pat B. McLaughlan, Councilman;
- Chris Kaitson, selected by Gus E. Pappas, Councilman;
- Kristin Schuster, selected by Andrew S. Friedberg, Councilman; and
- Suzanne Shelby, selected by Roman F. Reed, Councilman.

Mayor Pro Tem Nathan advised that the Council Liaison to the Committee was to be Gus E. Pappas.

Amendment (No. 1) to the Main Motion:

To revise paragraph 5 of the draft ordinance to clarify the Texas Open Meetings

Act in place of the Texas Open Records Act, such paragraph to read as follows:

The Ad Hoc Municipal Facilities Committee meetings will be posted and held in accordance with the Texas Open Records Meetings Act and facilitated by the City's architectural and engineering firm, PGAL.

After noting no discussion by members of City Council regarding the amendment, Mayor Pro Tem Nathan called for a vote on the amendment.

RESULT:	UNANIMOUS [5-0]
MOVER:	Andrew S. Friedberg, Councilman
SECONDER:	Pat B. McLaughlan, Councilman
AYES:	Nathan, Reed, Pappas, McLaughlan, Friedberg
ABSENT:	Nauert, Avioli Sr.

Amendment (No. 2) to the Main Motion:

To change the phrase "limited to" to "including" in paragraph 4 of the draft ordinance, such paragraph to read as follows:

4. The Ad Hoc Municipal Facilities Committee is hereby charged to develop consensus recommendations to the City Council of the City of Bellaire, Texas, ~~limited to~~ including the following:"

Discussion ensued among members of City Council regarding the amendment. Following discussion, Mayor Pro Tem called for a vote on the amendment.

RESULT:FAILED [2-2]	
MOVER:	Pat B. McLaughlan, Councilman
SECONDER:	Andrew S. Friedberg, Councilman
AYES:	McLaughlan, Friedberg
NAYS:	Nathan, Reed
ABSTAIN:	Pappas
ABSENT:	Nauert, Avioli Sr.

Municipal Facilities Project Work Plan Presentation:

Jeff Gerber, Chief Executive Officer, PGAL, noted that several decisions regarding the municipal facilities had already been made by the City Council, such as the project budget, the scope, the program, and the campus configurations. New decisions expected to be Council-level decisions were review and approval of the Ad Hoc Municipal Facilities Committee's ("Committee") recommendations, the final approval of the project design, the ultimate approval of the project schedule, and some of the very specific design items, such as the Council Chamber and Municipal Court.

In terms of the Committee approach, the Committee was the first line of public input and would provide reviews of the design concepts and recommendations to City Council for approval. Very specific agenda items would be established for each meeting so that the Committee members would know ahead of time what topics would be discussed. Additionally, every effort would be made to get consensus recommendations from the Committee. If full consensus could not be

reached, the topic would be presented to City Council, along with the top two or more recommendations, for consideration.

In terms of other proposed public input into the process, Mr. Gerber planned to have an open public comment period at the beginning of each of the Committee's meetings so that the public could participate and provide input to the Committee throughout the process.

With respect to the project schedule, concept and schematic designs were expected to be completed in early 2015, with construction documents completed in August of 2015.

Mayor Pro Tem Nathan opened the floor for questions from City Council regarding Mr. Gerber's presentation. Following questions from members of City Council, Mayor Pro Tem Nathan called for action on the motion before City Council, as amended.

(Requested by Paul A. Hofmann, City Manager)

RESULT:	ADOPTED AS AMENDED [4 TO 0]
MOVER:	Pat B. McLaughlan, Councilman
SECONDER:	Roman F. Reed, Councilman
AYES:	Nathan, Reed, McLaughlan, Friedberg
ABSTAIN:	Pappas
ABSENT:	Nauert, Avioli Sr.

2. Consideration of and possible action on the approval of the City of Bellaire 2014 Compensation Study and recommendation for implementation of said study.

Paul A. Hofmann, City Manager, referenced a report that he previously provided to City Council on October 6, 2014, regarding a Compensation Study that had recently been completed, along with a recommendation on the implementation of the study results.

The recommendation suggested a full implementation of the 2014 Compensation Study results to begin six (6) months into the fiscal year around April 1, 2015, with an exception for patrol officers, their implementation of which would start on January 1, 2015. In addition to the market adjustment for the patrol officer positions of 8%, it was suggested that a 5% premium be added to that market adjustment.

City Manager Hofmann noted that several members of City Council had expressed an interest in accelerating the implementation of the patrol officer market adjustment and premium pay adjustment to the first of November. Subsequent to that, Mayor Pro Tem Nathan contacted City Manager Hofmann and asked what it would take to accelerate the implementation of the rest of the study from April 1st to January 1st.

Accelerating the implementation of the study would cost approximately \$120,000 and the expense could be accommodated in the current fiscal 2015 budget if the City also amended the sales tax revenue projections in 2015. City Manager Hofmann indicated that if City Council wished to consider implementing the market adjustment and premium pay adjustment for the patrol officer position on November 1, 2014, and implementing the market adjustment for the remaining employees on January 1, 2015, he should be directed to come back at a

subsequent City Council meeting with an amendment to the FY 2015 budget to accommodate the additional expenses and amend the revenue budget as well so that there would be no negative impact on the ending balance for FY 2015.

Motion:

To implement the 2014 Compensation Study with an acceleration of the patrolmen's premium to November 1, 2014, and the implementation of all employees' salaries beginning January 1, 2015.

{Motion moved by Roman F. Reed, Councilman, and seconded by Gus E. Pappas, Councilman}

Discussion ensued among members of City Council regarding the motion on the table.

Amendment (No. 1) to Main Motion:

To include all officers working in the detective area in the premium pay adjustment (5%).

The amendment was moved by Pat B. McLaughlan, Councilman. The amendment failed due to the lack of a second.

After noting no further discussion on the main motion, Mayor Pro Tem Nathan called for a vote.

(Requested by Paul A. Hofmann, City Manager)

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

3. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, fixing the tax rate and tax levy for the City of Bellaire, Texas, for tax year 2014 (fiscal year beginning October 1, 2014, and ending September 30, 2015), upon all taxable property in said City.

Motion:

That the property tax rate be increased by the adoption of a tax rate of \$0.3936, which is effectively a 7.60 percent increase in the tax rate.

Record Vote:

Roman F. Reed - Yes;
Gus E. Pappas - Yes;
Amanda B. Nathan - Yes;
Pat B. McLaughlan - Yes; and
Andrew S. Friedberg - Yes.
(Requested by Linda Symank, Finance Administration)

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

4. Consideration of and possible action on a request for a record vote by City Council to ratify the property tax increase reflected in the City of Bellaire, Texas, Fiscal Year 2015 Budget, adopted on September 8, 2014, by Ordinance No. 14-049, in accordance with the Texas Local Government Code, Chapter 102, Municipal Budget, Section 102.007(c), Adoption of Budget.

Motion:

To ratify the property tax increase reflected in the FY 2015 adopted budget.

Record Vote:

Roman F. Reed - Yes;
Gus E. Pappas - Yes;
Amanda B. Nathan - Yes;
Pat B. McLaughlan - Yes; and
Andrew S. Friedberg - Yes.
(Requested by Diane K White, Organizational Services)

RESULT:	ADOPTED [UNANIMOUS]
AYES:	Nathan, Reed, Pappas, McLaughlan, Friedberg
ABSENT:	Nauert, Avioli Sr.

5. 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 Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a First Amendment to the Joint Use Agreement dated January 22, 2004, by and between the Houston Independent School District and the City of Bellaire, Texas, for the purpose of updating the location of the playground and surface parking areas shown on Exhibit "A" to the Joint Use Agreement (Exhibit B to Ordinance No. 03-095) in accordance with plans for a new Condit Elementary School.

Motion:

To adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a First Amendment to the Joint Use Agreement dated January 22, 2004, by and between the Houston Independent School District and the City of Bellaire, Texas, for the purpose of updating the location of the playground and surface parking areas shown on Exhibit "A" to the Joint Use Agreement (Exhibit B to Ordinance No. 03-095) in accordance with plans for a new Condit Elementary School.
(Requested by John McDonald, Community Development)

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

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

Community Interest Items from the City Council included reminders regarding the Great Pumpkin Hunt at Loftin Park (Thursday, October 23), Recycles Fest 2014 at Loftin Park (November 1), Groundbreaking Ceremony for Condit Elementary School (Saturday, November 1), and Early Voting.

Expressions of thanks were given by Councilman Gus E. Pappas to members of City Council for their confidence in him as a Liaison to the Ad Hoc Municipal Facilities Committee and by Councilman Roman F. Reed for City Council's initiatives to accelerate the compensation study for employees and premium pay for patrol officers.

Mayor Pro Tem Nathan, prior to closing the meeting, referenced an article that appeared in the Houston Chronicle related to a request from HISD Superintendent Terry Grier that various principals reduce their school populations.

I. Adjourn.

Motion:

To adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 8:58 p.m. on Monday, October 20, 2014.

RESULT:	UNANIMOUS [5-0]
MOVER:	Andrew S. Friedberg, Councilman
SECONDER:	Roman F. Reed, Councilman
AYES:	Nathan, Reed, Pappas, McLaughlan, Friedberg
ABSENT:	Nauert, Avioli Sr.



CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

SEPTEMBER 29, 2014

Civic Center

Community Meeting

6:30 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401

COMMUNITY MEETING - 6:30 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 6:32 p.m. on Monday, September 29, 2014. He announced that a quorum of the members of City Council were present as set forth below.

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

B. Summary of Meeting Procedure - Dr. Philip L. Nauert, Mayor.

Dr. Philip L. Nauert, Mayor, summarized the procedures for the evening's community meeting. Speakers were given three (3) minutes to address City Council.

C. Presentation on Bellaire High School Reconstruction Process - Sue Robertson, General Manager of Facilities Planning for HISD, and Mike McDonough, Principal, Bellaire High School.

Mike McDonough, Principal for Bellaire High School (BHS), greeted City Council and the residents in attendance at the Bellaire City Council Community Meeting, and provided an overview of his 15-year educational career, noting that over 13 of the 15 years had been spent in the City of Bellaire. He indicated that the reconstruction project for BHS was very important to him as he was passionate about and invested in the school.

Principal McDonough next took a few moments to describe the work of the Project Advisory Team (PAT) for the Houston Independent School District (HISD). He stated that the PAT played a vital part in designing the school and the educational program that would exist, as well as working with HISD's architects in terms of the look of the building and the function that it served. The PAT was not a major power of influence over how much money the school was going to cost. The PAT's charge was building a building based on the project approved by the voters. The size of Bellaire High School (enrollment) was not part of the charge of the PAT. Conversations regarding enrollment were occurring between HISD and himself. HISD wanted to make sure that they were

respectful of the community and the needs of the students.

Principal McDonough offered to continue to make himself an available resource for the members of the City Council and the community. He turned the floor over to Sue Robertson.

Sue Robertson, General Manager of Facilities Planning for HISD, noted that several members of the PAT were in attendance this evening. She recognized the members, who received a round of applause, and advised that the PAT had spent hours and hours looking at options, thinking about options, and considering variables.

General Manager Robertson referred to HISD's September 4th BHS Community Meeting, noting that 387 people signed in to the meeting. Individual questionnaires were completed (235) were completed by the attendees. In addition, 73 comment cards were received, followed by eight emails. Of the 235 people who completed the demographics portion of the individual questionnaires, 144 were residents of Bellaire. Eighty-nine residents were parents of current, past, and/or future students of BHS, and 29 were residents with no students at BHS. Of the 91 attendees who were not residents of Bellaire, 72 were parents of current, past, and/or future students.

General Manager Robertson continued and advised that options were shared at the HISD September 4th Community Meeting--one option showed BHS located on South Rice Avenue and Maple Street, while the other option showed BHS located on Ferris Street and Maple Street. The option to reconstruct the BHS at its current location would require the students to be moved off campus during construction. The other option showed putting a "wall" down the middle of the campus and constructing the new building at Ferris Street. Concerns related to the options focused on increased traffic on Maple and Ferris Streets, parking garage location and height, ingress and egress to the garage, safety of students and faculty within the garage, relocation of students during reconstruction, size of enrollment, lack of viable options, and general impact to the neighborhood. General Manager Robertson stated that there was no other campus within HISD that could take an entire high school at this time. Students would have to be moved to several campuses within HISD, some of which were not in close proximity to BHS.

General Manager Robertson advised further that one more piece of critical information was currently being gathered--a traffic study, which was ongoing. Additional options could not be developed until the traffic study had been completed as HISD did not have all of the facts needed. Based on the input from the community, HISD knew that there had to be additional options. After a great deal of deliberation internally within HISD, the following ideas were placed back on the table: temporary buildings to house students, construction phasing, and potential swing space for 9th and/or 10th grades to shorten the construction phasing process.

Reconstructing the school in its current location was the most desirable option according to the majority of attendees. If the City were acceptable to the notion, once the Mandarin Chinese School had moved to their new site, temporary buildings could be added to the current Mandarin Chinese School site to accommodate the 9th grade students. General Manager Robertson indicated that HISD hoped the 10th grade would not have to be relocated. Possible alternative locations for the 10th grade were noted to be the Michael E. DeBakey High School for Health Professions or the High School for the Performing and Visual Arts (HSPVA).

In conclusion, General Manager Robertson advised that HISD was in the process and already developing new options based on community input. Those options would

continue to be reviewed with the PAT. Once HISD had an option that the PAT was pleased with, another Community Meeting would be held by HISD to obtain community feedback. Feedback provided to City Council this evening would be incorporated as well.

D. Recognition of Citizens - Dr. Philip L. Nauert, Mayor.

Swati Narayon:

Ms. Narayon, a member of the HISD PAT, addressed City Council and the residents and stated that she understood that the building design was very important to the residents, but much of the PAT's meeting time had also been spent on what went on inside BHS with respect to academics, fine arts, and athletics. With respect to enrollment or size, Ms. Narayon indicated that the PAT's charge was not related to enrollment or size, but advised that Bellaire High School had always been large. She indicated that HISD was experiencing exponential growth in all of their schools, especially within and near Bellaire, such as Condit Elementary School, John J. Pershing Middle School, Pin Oak Middle School, and Horn Academy.

{The speaker's allotted time ended at this point in the meeting}

Liana Wang:

Ms. Wang addressed City Council and noted that she was the Vice President of the Student Council at BHS. She advised that she wanted to bring the student voice to the Community Meeting. She shared her experience as a freshman at BHS and advised that juniors and seniors were very important in terms of the positive impact those students would have on freshmen and sophomores.

Ms. Wang urged City Council and the residents to focus on the school as more than a building. The cultural of BHS was the student population, and she encouraged City Council to preserve that culture.

Louis Rodriguez:

Mr. Rodriguez addressed City Council and indicated that he supported the phasing process as a means of expanding the school with the least amount of turmoil. He was also in favor of keeping the school population intact. He closed by indicating that he was interested in seeing a timetable for the reconstruction process.

Ajay Singh:

Mr. Singh addressed City Council and advised that he, too, was present to provide a student voice on the BHS reconstruction plan. Because the tentative plan for phasing was to remove one or more grades from the campus, he believed such a removal would be detrimental.

Mr. Singh stated that Bellaire gave the students a taste of the real world, in his opinion. The diversity of the student body was extraordinary and, as a result of that diversity, BHS could offer an amazing cultural immersion to its students. He stated further that a school was more than just a building or an institute for the student body. Moving the freshmen off of the campus would be detrimental . . .

{The speaker's allotted time ended at this point in the meeting}

Judy Poteet:

Ms. Poteet addressed City Council and advised that the cars that lined the street in front of her home had literally caused a depression in the asphalt on the street. She expressed concerns regarding the blockage of sunlight on the surrounding neighborhood if a parking

garage were constructed, traffic, and vehicles parked in front of her home.

Ms. Poteet advised further that she frequently observed drug deals at BHS and expressed concern that these deals might occur in her front yard.

Lynn McBee:

Ms. McBee addressed City Council and advised that HISD had a small site that catered to a shrinking City as well as the environs around it. The problem was that the school HISD wanted was too big for the site they had. She suggested that the school population be capped at a maximum of 3,000. Since the site could not grow, the school must shrink.

She closed and stated that BHS could continue to have the diversity it currently had in a smaller school.

Tony Gray:

Mr. Gray addressed City Council and advised that, in his opinion, two disastrous options for BHS were presented to the community on September 4th. He referred to the students who had spoken earlier and complimented them on their very articulate statements.

Mr. Gray noted the importance of listening to the students, but also noted the importance of voices speaking for the students of the next half century. As bad as it might be for a freshman class to move off-site, HISD could not spend \$106 million just because of that one constraint. The building needs to be the most aesthetically pleasing, most convenient, and safest building for students. Options to construct the campus on the west side of the site would not be in the best interest of the community.

Mr. Gray, in closing, stated that he appreciated hearing from Principal McDonough and Trustee Mike Lunceford and took them at their word that the population size would be addressed.

Larry McKinzie:

Mr. McKinzie addressed City Council and indicated that he was a neighbor from the Medical Center. He referenced the closure of schools by HISD in that area of Houston. Mr. McKinzie stated that his community had been asking for better academic programs from HISD since 2003. He urged HISD to put students first by placing the same academic programs in schools lacking in enrollment, and expressed an interest in having diversity in his community as well.

He urged City Council to make sure that HISD followed through with the reconstruction plans. Referenced was made to Jack Yates High School and Sterling High School, both of which started with a large budget to construct a new school, but both budgets were reduced significantly. Mr. McKinzie indicated that student enrollment was controlled through good academic programs--he asked HISD to share the academic equity.

{The speaker's allotted time ended at this point in the meeting}

Travis Laqua:

Mr. Laqua addressed City Council and advised that it was the responsibility of the City Council to listen to the people they represented. HISD also had a responsibility to listen to the students and the community.

The student body needed to be reduced, in his opinion. Mr. Laqua commented that HISD had allowed excess students to attend BHS through magnates and transfers in.

Sue Ellen Richardson:

Ms. Richardson addressed City Council and supported efforts to keep the entrance to BHS on South Rice Avenue for safety reasons.

Steve Freeman:

Mr. Freeman addressed City Council and advised that he had attended almost all of the PAT meetings and advised that HISD's "stated" number one priority was safety of the students. HISD was talking about the safety of the students while the building was constructed and not the safety of the students for the next 50 years, in his opinion.

Mr. Freeman stated that if the main structure of the school was constructed facing Ferris Street, the safety value for students and neighbors would go downhill. If there were ever an incident at BHS, first responders would not be able to travel down Holly, Maple, or Valerie Streets, the result of which might be a drastic disaster for the City, in his opinion.

In closing, Mr. Freeman stated that moving students off of a campus was always a bad idea; however, moving 1/60th of students off campus was not so bad.

Peter Spencer:

Mr. Spencer addressed City Council and noted that he had attended the September 4th community meeting at HISD. He referenced numerous instances of speeding vehicles ending up in his yard and a great deal of trash; however, he knew what he was getting into when he moved into the neighborhood.

Traffic management was key in determining the location of the school on the site. Mr. Spencer indicated that he did not intend to be mean-spirited, but he did not care about two-three years of students being inconvenienced when talking about a 50-year school life. He urged HISD to look at the "right" long-term solution.

Mr. Spencer advised further that although he did not have any statistics to back up his thoughts, but he felt that the feeder schools (elementary schools) had started to burgeon and bust at the seams.

{The speaker's allotted time ended at this point in the meeting}

Scott Frankel:

Mr. Frankel addressed City Council and thanked HISD Trustee Mike Lunceford for meeting with him and Tony Gray after the HISD community meeting. Mr. Frankel advised that Trustee Lunceford was looking out for the best interest of the City.

Mr. Frankel advised further that all of the options being drawn now for BHS contemplated the school being located on South Rice Avenue. The key issue left was the size of the school population, which was critical in Mr. Frankel's opinion. He urged the City Council to provide some guidance to HISD on what an acceptable number of students would be for the site.

Gil Baumgarten:

Mr. Baumgarten stated that he was encouraged by the changes that had occurred with respect to the reconstruction plans over the last three weeks. The rhetoric had changed at the PAT meetings as a result of the September 4th meeting from his perspective.

David Upton:

Mr. Upton addressed City Council and urged them to encourage HISD to make the new

facility an outstanding representative of our community. The concept of building the minimal building possible for the dollars and not doing anything that was state-of-the-art or a credit to the community would not be acceptable. The City needed to ensure that BHS was an outstanding facility for the children of Bellaire for the next 50 years.

Mr. Upton continued and asked what the maximum number of students the City's Fire Marshal would permit in the existing facility or the proposed new facility. At some point, there had to be a cap put on HISD related to the size of the building. The City's first responders had to be able to understand what they were dealing with if they walked into an emergency situation.

In closing, he encouraged City Council to find out the answer from the Fire Marshal and enforce the cap on HISD.

Christianne Melanson:

Christianne Melanson addressed City Council and indicated that she lived across the street from the Episcopal High School ("EHS"). She and her neighbors had experienced parking problems as well; however, once EHS completed construction of their parking garage, the parking problems for the neighborhood went away. For that reason, she was in favor of a parking garage.

Ms. Melanson stated that BHS was very important to the community. Residents reaped the benefits through measurably higher property values as a result of being zoned to BHS.

In closing, Ms. Melanson urged City Council to consider an amendment or change to some of the City's building codes that limited the height of the facility in order to get more building in a smaller footprint. She stated that she was glad to see the idea of phasing on the table.

Kathryn James:

Ms. James addressed City Council and stated that one of her major concerns was overcrowding. She stated that her children had to sit on the floor in their classes, and many times they did not have textbooks or lockers.

Ms. James expressed her support for the comments made by Mr. Upton related to the number of students that could occupy a building safely. She also did not understand the concept of reconstructing the school and then determining how many students could attend BHS. She urged HISD to look at where the student populations were and to try to balance them. Safety was the number one issue, followed by traffic, in her opinion.

Ezra Charles:

Mr. Charles addressed City Council and stated that he had recently attended a meeting at BHS. He noticed that the hallways were littered with students sprawled on the floors with papers and books. He asked a teacher why the students were in the hall, and the teacher advised that there was not enough room in the classroom for them. He also noticed that there was nothing wrong with the BHS building. It was well maintained, in his opinion.

Mr. Charles showed a drawing to the audience that depicted how BHS was zoned. The two communities traditionally served by BHS were noted to be the City of Bellaire and Meyerland Subdivision. Also included in Bellaire's zone was a large area near the NRG Stadium. Inclusion of that area qualified BHS to receive federal funding.

Mr. Charles advised that the area near the NRG Stadium needed a high school, and encouraged HISD to build the new high school near NRG Stadium and remodel the existing BHS campus.

{Speaker's allotted time ended at this point in the meeting}

Ray Richards:

Mr. Richards addressed City Council and stated that he was affected heavily by the traffic around the school, but acknowledged that in order to live near the school, he knew he would have to deal with that issue.

Flipping the school would not be such a bad idea if the student population did not have to be moved. Associated traffic could be handled safely with one-way streets, in his opinion. Mr. Richards indicated that Mr. Charles had made a good point in that the school might not need to be demolished.

Belinda Schmidt:

Ms. Schmidt addressed and indicated that her comment was solely in response to what she heard regarding the Mandarin Chinese School (formerly Gordon Elementary School). She referenced parking and traffic problems there as well and urged HISD to have a good plan for issues at that location.

Michelle Jeffery:

Ms. Jeffery addressed City Council and advised that she was a near neighbor to BHS and advised that she was in favor of the new school being located on South Rice Avenue. She was also concerned about the overcrowding and was happy to hear that HISD was looking into capping the school.

In closing, Ms. Jeffery commended PBK Architects for developing the phasing options so that reconstruction would be as minimally impactful to the neighborhood as possible.

Ann-Marie Hedberg:

Ms. Hedberg addressed City Council and advised that she lived near BHS and agreed that BHS had a wonderful culture.

Ms. Hedberg stated that she was concerned about traffic, and indicated that she, too, had seen students using drugs. A parking garage at BHS could not be monitored properly, in her opinion. She urged HISD to consider a shuttle from Meyerland to the school to minimize traffic and parking issues.

{The speaker's allotted time ended at this point in the meeting}

Nathan Wesely:

Mr. Wesely addressed City Council and advised that he lived close to BHS. He indicated that he was glad to hear that HISD would reconstruct BHS on South Rice Avenue.

The school needed to be capped; however, if the demand was there, the students would be there. He was glad to hear the various potential solutions and wished to add that the school did not have to be located at its current site--it could be relocated elsewhere. Mr. Wesely felt that it would make a great deal of financial sense for HISD and be safer for the students if the school were relocated.

Ori Hampel:

Mr. Hampel addressed City Council and advised that when school was in session, the street that he resided on was outright dangerous, in his opinion. When trying to access South Rice Avenue, he was unable to see oncoming traffic due to all of the cars parked along the street.

Mr. Hampel referenced the fact that Bellaire had its own Fire Department and its own City Council and suggested that Bellaire consider having its own school system and divest from HISD. Mr. Hampel also supported Mr. Charles' idea of building a new school for the area near NRG Stadium, leaving BHS to serve the traditional communities of Bellaire and Meyerland. He also supported moving the school to another site.

Susan Hawes:

Ms. Hawes addressed City Council and stated that Bellaire's feeder elementary school pattern was bursting. She urged HISD to plan for the student population growth.

Secondly, Ms. Hawes indicated that the citizens needed to be able to trust that what HISD said would actually happen. She was concerned that HISD might listen to the concerns of residents.

Bob Black:

Mr. Black addressed City Council and indicated that the simple solution to the problem was to limit the size of the school. By limiting the size, a parking garage would not be needed and traffic would go away.

Reference was made to BHS originally consisting of 10th, 11th, and 12th grades. He did not understand the concern with moving the 9th grade off-site as it was a pretty simple solution in his opinion.

Mr. Black urged City Council to have some muscle with HISD. He encouraged HISD to remodel rather than reconstruct.

Brigitte Minkowitz:

Ms. Minkowitz asked City Council during this exploratory phase to ask HISD to consider the feasibility of selling their very valuable piece of land and relocating to a property that could accommodate all of their programs and students.

Chris Young:

Mr. Young addressed City Council and stated that he was very supportive of BHS and Bellaire, but agreed that it was overcrowded. He indicated that he was bothered to learn that not that many Bellaire residents attended BHS. In conclusion, Mr. Young advised that he was not in support of a parking garage.

{Speakers allotted time ended at this point in the meeting}

Debbie Campbell:

Ms. Campbell addressed City Council and stated that she lived close to BHS, worked at BHS, and was on the PAT. She stated that she had spent a great deal of time over the last year speaking with many residents.

Ms. Campbell stated that her daughter had never sat on the floor in a classroom. The people and teachers that served on the PAT were very conscious of the surrounding neighbors. The support of the community on September 4th helped the PAT and HISD go back to the board and get some results.

She understood the size issue, but had faith in Principal McDonough and Trustee Lunceford that the issue would be worked on. She urged residents attending future PAT meetings to focus on the facility. Building a state-of-the-art facility was of the utmost importance. She

urged residents to get behind the PAT and help them build the best possible building on South Rice Avenue.

{The speaker's allotted time ended at this point in the meeting}

Frank Gerow:

Mr. Gerow addressed City Council and referred to statements made earlier by students that they looked at a building as an opportunity to grow and the flexibility to achieve the academic goals that they wanted to achieve. As it stood right now, the building under consideration did not allow Bellaire to grow nor would it give students the flexibility to have a better economic environment, in his opinion

Mr. Gerow advised that he could understand how politically charged it could be trying to redistrict a district BHS drew from a great variety of socioeconomic groups and trying to say which group could attend BHS was a difficult position for the HISD Trustees.

Bellaire had the opportunity to stand up to the district and force the issue. If Bellaire wanted to control the population, City Council had the opportunity to force the issue through a specific use permit to be granted by the City. He hoped that the voices City Council heard from the community this evening would empower them to force the issue.

Mr. Gerow continued and advised that was 100% opposed to the parking garage. Two big issues that the parking garage would create were traffic (one entrance and one exit to get in and out of the parking garage) and security (how the garage was maintained and policed).

Rachel Crochet:

Ms. Crochet addressed City Council and stated that she had been concerned about the zoning for BHS for some time and agreed that it needed to be smaller. She also agreed that 9th grade could be put on another campus.

Ms. Crochet continued and expressed her opposition to the parking garage. She noted that 90 cars could be parked down South Rice Avenue. Traffic was also an additional issue for the neighborhood.

E. Questions from Mayor and Members of City Council - Dr. Philip L. Nauert, Mayor.

Dr. Philip L. Nauert, Mayor, thanked everyone for their attendance and indicated to the residents that every member of City Council had heard their comments and respected and appreciated their input.

He opened the floor for questions from City Council. Following questions from City Council, Mayor Nauert closed the community meeting.

F. Close of the Community Meeting - Dr. Philip L. Nauert, Mayor.

The Community Meeting was closed at 8:37 p.m. on Monday, September 29, 2014.

G. Adjournment.

Motion:

To adjourn the Community Meeting before the City Council of the City of Bellaire, Texas, at 8:39 p.m. on Monday, September 29, 2014.

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, Friedberg



CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

OCTOBER 6, 2014

Council Chamber

Public Hearing

6:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401

SPECIAL SESSION (SECOND PUBLIC HEARING ON INCREASE IN TAX REVENUES) - 6:00 P.M.

A. Call to Order and Announcement of a Quorum - Amanda B. Nathan, Mayor Pro Tem.

Amanda B. Nathan, Mayor Pro Tem, called the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, to order at 6:02 p.m. on Monday, October 6, 2014. She announced that a quorum of the members of City Council were present as set forth below.

Attendee Name	Title	Status	Arrived
Philip L. Nauert	Mayor	Absent	
Amanda B. Nathan	Mayor Pro Tem	Present	
Roman F. Reed	Councilman	Present	
James P. Avioli Sr.	Councilman	Present	
Gus E. Pappas	Councilman	Present	
Pat B. McLaughlan	Councilman	Present	
Andrew S. Friedberg	Councilman	Present	
Paul A. Hofmann	City Manager	Present	
Tracy L. Dutton	City Clerk	Present	
Linda Symank	Chief Financial Officer	Present	

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

Tracy L. Dutton, City Clerk, read the "Notice of Public Hearing on Tax Increase" into the record as follows:

"The City of Bellaire will hold two public hearings on a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 7.06 percent (percentage by which proposed tax rate exceeds lower of rollback tax rate or effective tax rate calculated under Chapter 26, Tax Code). Your individual taxes may increase at a greater or lesser rate, or even decrease, depending on the change in the taxable value of your property in relation to the change in taxable value of all other property and the tax rate that is adopted.

The first public hearing was held on September 22, 2014, at 6:00 p.m. at the City of Bellaire, City Hall, Council Chamber, 7008 South Rice Avenue, Bellaire, Texas 77401.

The second public hearing will be held on October 6, 2014, at 6:00 p.m. at the City of Bellaire, City Hall, Council Chamber, 7008 South Rice Avenue, Bellaire, Texas 77401.

The members of the governing body voted on the proposal to consider the tax increase as follows:

FOR:

Dr. Philip L. Nauert, Mayor
Amanda B. Nathan, Mayor Pro Tem
Roman F. Reed, Councilman - Position No. 1
James P. Avioli, Sr., Councilman - Position No. 2
Gus E. Pappas, Councilman - Position No. 3
Pat B. McLaughlan, Councilman - Position No. 4
Andrew S. Friedberg, Councilman - Position No. 5

AGAINST:

None

PRESENT and not voting:

None

ABSENT:

None

The average taxable value of a residence homestead in the City of Bellaire last year was \$534,810. Based on last year's tax rate of \$0.3999 per \$100 of taxable value, the amount of taxes imposed last year on the average home was \$2,138.71.

The average taxable value of a residence homestead in the City of Bellaire this year is \$588,131. If the governing body adopts the effective tax rate for this year of \$0.3658 per \$100 of taxable value, the amount of taxes imposed this year on the average home would be \$2,151.38.

If the governing body adopts the proposed tax rate of \$0.3936 per \$100 of taxable value, the amount of taxes imposed this year on the average home would be \$2,314.88.

Members of the public are encouraged to attend the hearings and express their views."

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:

Presentation regarding a proposal to increase total tax revenues for the 2014 tax year from properties on the tax roll in the preceding year by 7.60% percent by proposing a tax rate of \$0.3936 per \$100 valuation.

There were no members of the public in attendance for this public hearing; therefore, a second presentation regarding the proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 7.06 percent was not given.

(Requested by Linda Symank, Finance Administration)

E. Recognition of Citizens and/or Other Interested Parties - Amanda B. Nathan, Mayor Pro Tem.

There were no members of the public in attendance for this public hearing.

F. Questions from City Council - Amanda B. Nathan, Mayor Pro Tem.

Amanda B. Nathan, Mayor Pro Tem, opened the floor for questions from City Council. There were no questions from the City Council.

G. Close of Public Hearing - Amanda B. Nathan, Mayor Pro Tem.

Amanda B. Nathan, Mayor Pro Tem, announced that the public hearing before City Council regarding a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 7.06 percent was closed. She indicated that oral comments would not be received on this matter; however, written comments could be directed to the City Council in care of the City Clerk prior to final deliberation. It was anticipated that final deliberation would occur on Monday, October 20, 2014. It was noted that written comments must be received by noon on Thursday, October 16, 2014, in order to be considered for the record.

H. Adjourn.

Amanda B. Nathan, Mayor Pro Tem, adjourned the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, at 6:07 p.m. on Monday, October 6, 2014.



CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

OCTOBER 6, 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 - Amanda B. Nathan, Mayor Pro Tem.

Amanda B. Nathan, Mayor Pro Tem, called the Regular Session of the City Council of the City of Bellaire, Texas, to order at 7:00 p.m. on Monday, October 6, 2014. She announced that a quorum of members of the City Council were present as set forth below.

Attendee Name	Title	Status	Arrived
Philip L. Nauert	Mayor	Absent	
Amanda B. Nathan	Mayor Pro Tem	Present	
Roman F. Reed	Councilman	Present	
James P. Avioli Sr.	Councilman	Present	
Gus E. Pappas	Councilman	Present	
Pat B. McLaughlan	Councilman	Present	
Andrew S. Friedberg	Councilman	Present	
Paul A. Hofmann	City Manager	Present	
Alan P. Petrov	City Attorney	Present	
Tracy L. Dutton	City Clerk	Present	

B. Inspirational Reading and/or Invocation - Pat B. McLaughlan, Councilman - Position No. 4.

Pat B. McLaughlan, Councilman - Position No. 4, provided the inspirational reading for the evening.

C. Pledges to The Flags - Pat B. McLaughlan, Councilman - Position No. 4.

Pat B. McLaughlan, Councilman - Position No. 4, led the members of City Council and the audience in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

D. Recognition of Proclamations:

1. Reading of a proclamation issued by Dr. Philip L. Nauert, Mayor, proclaiming the week of October 5-11, 2014, as "Fire Prevention Week" in the City of Bellaire, Texas, and urging all residents of Bellaire, Texas, to test their smoke detectors in accordance with the 2014 Fire Prevention Week Theme "Working Smoke Alarms Save Lives: Test Yours Every Month!"

Amanda B. Nathan, Mayor Pro Tem, read the proclamation issued by Mayor Philip L. Nauert proclaiming the week of October 5-11, 2014, as "Fire Prevention Week" in the City of Bellaire, Texas, in its entirety. At the conclusion of the

reading, Fire Marshall Alton Moses accepted the proclamation on behalf of the Bellaire Fire Department.

(Requested by Darryl Anderson, Fire Department)

2. Reading of a proclamation issued by Dr. Philip L. Nauert, Mayor, proclaiming the week of October 15-24, 2014, as "Celebrate My Drive" Week in the City of Bellaire, Texas, in recognition of the efforts and commitment of the Bellaire High School Practicum of Marketing and Dynamics Co-op Program and Distributive Education Clubs of America Youth Program, in partnership with State Farm, to raise awareness of the importance of safe driving and encouraging the citizens of Bellaire to help spread the safe driving message: "2N2: 2 eyes on the road and 2 hands on the wheel."

Amanda B. Nathan, Mayor Pro Tem, read the proclamation issued by Mayor Philip L. Nauert proclaiming the week of October 15-24, 2014, as "Celebrate My Life" Week in the City of Bellaire, Texas, to raise awareness of the importance of safe driving. Bellaire High School students from the Marketing and Dynamics Co-op Program and the Distributive Education Clubs of America Youth Program, as well as their teacher, Alice McKinney, and their principal, Michael McDonough, accepted the proclamation on behalf of their Programs and Bellaire High School. (Requested by Tracy L. Dutton, City Clerk)

E. Approval or Correction of Minutes:

1. City Council Minutes of the Special Session (Public Hearing) held on September 22, 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, September 22, 2014.

Mayor and Council - Public Hearing - Sep 22, 2014 6:00 PM

Motion:

To approve the minutes of the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, held on Monday, September 22, 2014.

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

2. City Council Minutes of the Special Session (Executive Session) held on September 22, 2014:

Consideration of and possible action on the adoption of the minutes of the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, held on Monday, September 22, 2014.

Mayor and Council - Special Session - Sep 22, 2014 6:15 PM

Motion:

To approve the minutes of the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, held on Monday, September 22, 2014.

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

3. City Council Minutes of the Regular Session held on September 22, 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, September 22, 2014.

Mayor and Council - Regular Session - Sep 22, 2014 7:00 PM

Motion:

To approve the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, September 22, 2014.

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

F. Personal/Audience Comments.

Lynn McBee:

Ms. McBee addressed City Council regarding the compensation study on their agenda. She advised that her interest was piqued by some of the criteria that the consultants chose as points of comparison, such as sick leave, holidays, vacation, wellness programs, health (medical, dental, and vision), onsite services (such as dry cleaning pickup and automobile oil change services), retirement coverage, and special recruiting strategies.

Although the study appeared to be fairly comprehensive in Ms. McBee's opinion, she failed to find criteria, such as uniforms (provided for some employees), parking (currently provided at no charge to all employees), continued professional education (number of days per year and/or number of events per year), travel, meals, lodging, registration fees, size of workspace for employees, and mobile telephones. Ms. McBee advised that she was curious as to why those criteria were omitted.

Ms. McBee indicated further that when she was working, parking was a significant portion of her working expense. She also indicated that having a 3.5 square mile city was certainly an asset to any employee as well. She urged City Council to consider some of the criteria she mentioned before acting on the study, noting that matching the demographics, insurance costs, and salaries did not tell the whole story, in her opinion.

James Magown:

Mr. Magown addressed City Council regarding Section 30-53 of the Code of Ordinances of the City of Bellaire, Texas, which he advised dealt with which lanes of traffic were

designated as "right turn only lanes." Mr. Magown advised further that his concern was with the intersection of Fournace Place at the IH-610 West Service Road due to traffic flow issues and the safety of drivers coming into Bellaire off of the Fournace Place exit from IH-610.

Mr. Magown indicated that he was moved to speak because he almost had two accidents in the span of two minutes in the previous week at the referenced intersection because he was not able to move over due to heavy traffic backup coming from Westpark Drive. Mr. Magown sent an email to the City's Director of Public Works, Brant Gary, who responded that he would look into the situation with the City Engineer, but indicated that since it was a City ordinance, it would require City Council action to change it.

Mr. Magown advised that he was present this evening to provide his argument as to why Fournace Place at IH-610 should be removed from Section 30-53 of the Code of Ordinances of the City of Bellaire, Texas. The left two most lanes were both exit lanes off of the freeway, and the two right most lanes were both coming from Westpark Drive. A driver coming from Westpark Drive that wished to go straight on the West Service Road would have to be in the left most of his or her two lanes otherwise he or she would be forced to turn right on Fournace Place.

Mr. Magown stated that he could not speak on behalf of the residents living on Wedgewood Drive or Tamarisk Street, but could imagine that they might have difficulty getting home due to the "right turn only lane" restriction at the intersection of Fournace Place and IH-610.

In closing, Mr. Magown urged City Council to change the referenced "right turn only lane" so that traffic could have the option to turn right or to go straight through the intersection.

G. Reports:

1. Presentation on the Bellaire High School Reconstruction Process, followed by discussion and possible action by members of City Council on feedback to HISD related to public comment received during a Community Meeting held before the City Council of the City of Bellaire, Texas, on Monday, September 29, 2014.

Amanda B. Nathan, Mayor Pro Tem, introduced the agenda item before City Council. She noted that the Houston Independent School District ("HISD") had included \$106 million in its 2012 bond referendum for a new Bellaire High School. HISD had been working with its project advisory team and its architects for some time discussing options for the school and held its first Community Meeting on September 4, 2014, to solicit input from residents. HISD also attended the City's Community Meeting last Monday and explained some new possibilities that they were considering in light of input received before, at, and since the September 4th meeting.

Mayor Pro Tem Nathan indicated that the purpose of the agenda item before City Council this evening was to allow City Council to provide input to HISD on the City's reactions to the plans and possibilities received thus far in the hopes that this would provide HISD with some helpful guidance in preparing the plan that would ultimately be submitted to the City for approval.

Principal Michael McDonough, Bellaire High School:

Principal McDonough advised members of City Council and the audience that the options presented by HISD on September 4th were no longer under

consideration. The decision had been made by HISD to allow phasing and the use of temporary buildings for the purpose of swing space. Once those options continued to become more developed, the options would be shared with the PAT, followed by a large community meeting where an updated plan for Bellaire High School would be presented.

Andrew S. Friedberg, Councilman - Position No. 5:

Councilman Friedberg advised that he shared the concerns that City Council had heard from neighbors. He thanked HISD for attending the City's community meeting and listening to the concerns of the neighbors and felt that all parties were moving in the right direction.

To the extent that the expectation was for members of City Council to voice individual opinions on various aspects, he was hesitant as it seemed to be somewhat premature to get too detailed as HISD had not submitted a plan to the City. Chief among the things that most concerned him and would be difficult for him to support would be the reorientation of the building toward Ferris Street for the reasons previously heard, such as a change in traffic patterns. He noted that it was one thing to move into a neighborhood across from, near or adjacent to a school knowing it was there. It was a different situation when the traffic patterns and entry were reoriented.

In closing, Councilman Friedberg indicated that he felt that it was City Council's obligation to look out for the protection of the neighbors nearest the property, while at the same time trying to work with HISD to ensure everyone had a first rate school.

Pat B. McLaughlan, Councilman - Position No. 4:

Councilman McLaughlan agreed with Councilman Friedberg's statement that all parties were moving in the right direction. He advised that HISD had been gracious in the last few months in receiving a great deal of citizen input. One common thread spoken by almost everyone was the desirability of reducing the student population at Bellaire High School. Councilman McLaughlan advised that HISD was doing a much better job of considering the quality of life in the neighborhood and the impact that the school might have on surrounding properties, which was very appreciated.

Gus E. Pappas, Councilman - Position No. 3:

Councilman Pappas indicated that he was pleased with the results of the Community Meeting held the previous week and felt that the parties were focused in the right direction.

One of his concerns was related to the expenditure by HISD of \$106 million to accomplish very little. He encouraged HISD to do everything possible to use as many of the buildings as they could during the phasing period of construction. With respect to the parking garage, Councilman Pappas stated that it seemed that a garage of some nature would make sense. At the same time, concerns regarding safety and traffic congestion related to a garage needed to be taken into account.

As far as the student population, Councilman Pappas was not sure how he felt about that. With those numbers were tremendous opportunities and

programming for Bellaire High School. If the student population were to remain, he felt it was important to have programming and facilities that would adequately accommodate the student population. He encouraged HISD to think about how to use the property at the Mandarin Chinese Immersion School (formerly Gordon Elementary School) permanently, such as for extracurricular purposes.

James P. Avioli, Sr. - Councilman - Position No. 2:

Councilman Avioli indicated that his colleagues had already mentioned his concerns. He commented that Bellaire High School had been a big step in the success of his grandchildren who had graduated from there. He shared that he had a grandchild that would be freshman in Bellaire High School soon and reiterated the concern expressed by residents regarding the relocation of the freshman class. He felt that if there were any way to avoid that, it would ease the minds of many residents. In closing, Councilman Avioli referenced the parking garage and student population as concerns expressed by many residents, and thanked HISD for their efforts.

Roman F. Reed - Councilman - Position No. 1:

Councilman Reed congratulated Principal McDonough, HISD staff, and teachers on the great training they provided to the students. He indicated that his primary objective was to protect the residents and the quality of the neighborhood. He stated that his concerns were with a possible reorientation of the campus to Ferris Street, the parking garage, and student population. Councilman Reed advised that he was confident that all parties could work through the concerns.

In closing, Councilman Reed urged everyone to focus on the long-term effect rather than the short-term effect in building the new school.

Amanda B. Nathan - Mayor Pro Tem and Councilman - Position No. 6:

Mayor Pro Tem Nathan stated that she was relieved to learn that HISD was focusing on orienting the school in its current location on South Rice Avenue, as well as considering the use of temporary buildings and phasing the construction process.

In closing, Mayor Pro Tem Nathan advised that she was optimistic that all parties were on the right path. She thanked HISD for being responsive to the concerns they had heard from Bellaire residents.

(Requested by John McDonald, Community Development)

2. City Manager's Report dated October 6, 2014, regarding the status of the City's website redesign.

Paul A. Hofmann, City Manager, asked Diane K. White, Assistant City Manager, to provide an update on efforts made to date regarding the City's new website design.

Diane K. White, Assistant City Manager, outlined efforts made by members of the Communications Team ("Team") to provide a more user-friendly website--one that was easier to navigate through and would provide a platform for more citizen engagement. Feedback, via email, regarding the new design was requested from members of City Council.

Members of the Team working on the website design project were Diane K. White, Shawn Cox, Mary Cohrs, and Larry Parks.

Following questions of Assistant City Manager White regarding the website design update, a motion was made and seconded and action taken to accept the report into the record.

Motion:

To accept the City Manager's Report dated October 6, 2014, as presented by Assistant City Manager Diane K. White, into the record.

RESULT:	UNANIMOUS [6-0]
MOVER:	Roman F. Reed, Councilman
SECONDER:	James P. Avioli, Sr., Councilman
AYES:	Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg
ABSENT:	Nauert

(Requested by Paul A. Hofmann, City Manager)

3. Presentation of the recommended implementation of the 2014 Compensation Study Results

Paul A. Hofmann, City Manager, provided an overview of the 2014 Compensation Study to members of City Council.

City Manager Hofmann advised that there were many factors that made Bellaire a premier place to work. Although pay was chief among those factors, it was not the only factor. He advised further that the 2014 Compensation Study ("study") included some non-pay compensation issues.

In addition, the study did not include an analysis of jobs/classification levels or an analysis on how an employee moved along the payscale. The study dealt with the market configuration. Included in the study were matters of external competition and, to some degree, internal equity; salary structure update utilizing market data results; and benefits. City Manager Hofmann advised that the City defined market at average (50% or the mean average of what the City's competitors were paying their employees). It was noted that the City used the same 20 cities in its current study as were used in the City's 2008 Compensation Study. The City's mid-point was utilized as a comparison point for the general non-public safety pay system. For public safety (police and fire), the comparison point was the minimum pay. This methodology was also used in 2008.

The study showed that ranges generally needed to move up, ranges needed to be wider, and some titles were in the wrong range (i.e., classified one range too low). City Manager Hofmann indicated that patrol officer turnover was the preeminent factor that caused the need to recommend that a salary study be performed at this time.

The consultant that performed the study recommended three basic options for implementation. The option recommended by City Manager Hofmann was option three or the full implementation option, which created greater external alignment and internal equity, impacted the full workforce, and mitigated compression at a cost of \$562,000.00. He recommended that the full implementation option for

patrol officers be placed in effect on January 1, 2015. According to the plan, the salary range that patrol officers and firefighters/paramedics were in would increase by 8%. In addition to that and in order to aggressively respond to the turnover issue the City had been faced with for patrol officers, City Manager Hofmann recommended a 5% premium (market-based) that be in effect until the pay plan caught up to the market. This could include some isolated internal equity issues in a few positions in the Police Department; however, City Manager Hofmann suggested that Chief Holloway could address the problem using normal city pay policies that allowed the City to deal with internal equity issues. It was noted that funding was available to take care of that. The remainder of the employees would receive an increase on April 1, 2015.

City Manager Hofmann advised that the study could be implemented based on monies already budgeted for pay increases and through savings the City expected to receive on its health insurance premiums. FY 2016 through FY 2019 assumed a 5% increase in total compensation cost.

With respect to other compensation elements, City Manager Hofmann noted that the City was at market with respect to longevity pay and special pay allowances or incentive pay. The City was below market with respect to public safety incentive pay.

For paid leave, the City lagged the market in vacation leave for all employee groups, as well as in sick leave. The City was above market with respect to holiday pay.

The City was above the market subsidy for medical premiums, but a bit below with respect to dental premiums. The City led the market in providing wellness programs and medical plan options, and was at market with respect to life insurance.

From this point, City Manager Hofmann advised that the City needed to revisit how employees moved horizontally within the pay plan; improve evaluations; keep up with market adjustments; evaluate the incentive and certification pay structure to ensure market alignment; and to deal with unfunded liability related to vacation balances.

Following questions of City Manager Hofmann regarding his presentation of the study, a motion was made and seconded and action taken to accept the report into the record.

Motion:

To receive the presentation of the 2014 Compensation Study with the implementation recommendations therein, as presented by City Manager Paul A. Hofmann, into the record.

(Requested by Paul A. Hofmann, City Manager)

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

H. New Business:

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

- a. Consideration of and possible action on a recommendation from the Public Works Department to award a renewal contract to ARKK Engineers, LLC, for Professional City Engineer Services in an amount not to exceed \$70,000.00 and on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Contract and Agreement for Engineering Services with ARKK Engineers, LLC, for said services in an amount not to exceed \$70,000.00 for a one-year period commencing on October 16, 2014, and ending on October 15, 2015.

Following an introduction of the agenda item by **Brant Gary, Director of Public Works**, a motion was made and seconded and action taken on the recommendation from the Public Works Department to award a renewal contract to ARKK Engineers, LLC, for Professional City Engineer Services.

Motion:

To approve a recommendation from the Public Works Department to award a renewal contract to ARKK Engineers, LLC, for Professional City Engineer Services in an amount not to exceed \$70,000.00 and to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Contract and Agreement for Engineering Services with ARKK Engineers, LLC, for said services in an amount not to exceed \$70,000.00 for a one-year period commencing on October 16, 2014, and ending on October 15, 2015.

(Requested by Brant Gary, Public Works)

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

- b. Consideration and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 9, Buildings, by repealing and replacing Articles I through IX in their entirety for the purpose of replacing all references to previous editions of specific International Codes published by the International Code Council to reflect the adoption of the 2012 editions of said Codes; by deleting references to local amendments now included in the 2012 editions of said Codes; by adding two new requirements in Section 9-5, Duty of contractors and other persons performing construction work within the city, to require the installation of temporary fencing with silt protection during new home construction, as well as to require the storage of debris and garbage in metal roll-off containers at new home construction sites; by adding a new requirement to Section 9-17, Amendments to building code, to require the installation of vapor retarder in residential crawlspace construction; by modifying the fee requirement to allow the City Manager to designate fees in accordance with other current city fee systems; and by removing licensing requirements for specific trades now governed by the State of Texas.

John McDonald, Director of Development Services, provided an overview of the agenda item before City Council. He noted that one of the main revisions was to update the references to the 2012 Building Codes. The Building and Standards Commission also included recommendations for new language.

Two recommendations from the Building and Standards Commission were related to the duty of contractors or builders onsite, one of which required the installation of temporary fences with silt protection during new home construction and the second of which was a requirement for the use of metal roll-off containers to store debris and garbage at new home construction sites. The third recommendation from the Building and Standards Commission was related to a requirement to use vapor retarder on newly constructed homes with regard to crawlspaces.

In closing, Director McDonald indicated that the Building and Standards Commission recommended adoption of the ordinance before City Council and advised that staff supported that recommendation.

Motion:

To adopt an ordinance of the City Council of the City of Bellaire, Texas, amending Chapter 9, Buildings, by repealing and replacing Articles I through IX in their entirety for the purpose of replacing all references to previous editions of specific International Codes published by the International Code Council to reflect the adoption of the 2012 editions of said Codes; by deleting references to local amendments now included in the 2012 editions of said Codes; by adding two new requirements in Section 9-5, Duty of contractors and other persons performing construction work within the city, to require the installation of temporary fencing with silt protection during new home

construction, as well as to require the storage of debris and garbage in metal roll-off containers at new home construction sites; by adding a new requirement to Section 9-17, Amendments to building code, to require the installation of vapor retarder in residential crawlspace construction; by modifying the fee requirement to allow the City Manager to designate fees in accordance with other current city fee systems; and by removing licensing requirements for specific trades now governed by the State of Texas.

{The motion was moved by Roman F. Reed, Councilman - Position No. 1, and seconded by Pat B. McLaughlan, Councilman - Position No. 4}

Prior to discussion of the main motion, an amendment was made related to taking separate action on the revisions included in the ordinance as set forth below.

Amendment (No. 1) to the Main Motion:

To separate the ordinance into three parts for individual treatment as follows: a) adoption of the 2012 ICC (International Code Council) Codes and the amendments in connection therewith; b) two proposed additions to Section 9-5 concerning contractor responsibilities; and c) Section 9-17, installation of vapor retarder in residential crawlspace construction.

RESULT:	FAILED [2 TO 4]
MOVER:	Andrew S. Friedberg, Councilman
SECONDER:	Roman F. Reed, Councilman
AYES:	Reed, Friedberg
NAYS:	Nathan, Avioli Sr., Pappas, McLaughlan
ABSENT:	Nauert

Mayor Pro Tem Nathan opened the floor for discussion related to the main motion. Following discussion among members of City Council, the amendment set forth below was offered by Councilman Andrew S. Friedberg as alternate language for Section 9-17. Councilman Friedberg advised that the alternate language was taken verbatim from the public comment received from Building and Standards Commissioner Laura Thurmond on August 18, 2014, as a simpler way to state the vapor retarder requirement for new residential homes with crawlspaces.

Amendment (No. 2) to Main Motion:

To replace the language in Section 9-17, Amendments to building code, with the following language: All permeable insulation must be protected by a vapor retarder on the warm side of the insulation and floor assemblies shall not have redundant vapor retarders.

Discussion ensued among members of City Council regarding the amendment on the floor. Following discussion, Mayor Pro Tem Nathan called for action on the amendment.

RESULT:FAILED [2 TO 4]	
MOVER:	Andrew S. Friedberg, Councilman

SECOND:	Amanda B. Nathan, Mayor Pro Tem
AYES:	Nathan, Friedberg
NAYS:	Reed, Avioli Sr., Pappas, McLaughlan
ABSENT:	Nauert

Mayor Pro Tem Nathan opened the floor for discussion related to the main motion. Following discussion of the motion by members of City Council, an amendment was offered for consideration as set forth below.

Amendment (No. 3) to the Main Motion:

To carve out and postpone consideration of the proposed local additions to Section 9-5, Duty of contractors and other persons performing construction work within the city, and Section 9-17, Amendment to building code, until City Council could hold a public hearing on the same.

Following discussion among members of City Council regarding the amendment on the floor, Mayor Pro Tem Nathan called for action on the amendment.

RESULT:FAILED [1 TO 5]	
MOVER:	Andrew S. Friedberg, Councilman
SECONDER:	Gus E. Pappas, Councilman
AYES:	Friedberg
NAYS:	Nathan, Reed, Avioli Sr., Pappas, McLaughlan
ABSENT:	Nauert

After noting that there was no further discussion, Mayor Pro Tem Nathan called for a vote on the main motion, which carried on a 5-1 vote, with Councilman Andrew S. Friedberg opposing (see statement below).*

*Prior to voting on the main motion, Councilman Andrew S. Friedberg reiterated his view that while the Building and Standards Commission had done exactly what it was supposed to do in developing a recommendation in its advisory capacity, the buck ultimately stopped at Council as the city's legislative body. He expressed his concern that Council had not subjected this new vapor retarder ordinance to any meaningful review, such as hearings to solicit input from industry experts as well as homeowners. He very much supported the intention of the new language, but without more information, he was not satisfied that it represented the least restrictive means of achieving the stated goal. In his opinion, without sufficient process, Council was adopting new regulations that had not been vetted by the ICC, that impaired homeowner choices, and might have unintended consequences that Council had not anticipated.

(Requested by John McDonald, Community Development)

RESULT:	ADOPTED [5 TO 1]
MOVER:	Roman F. Reed, Councilman
SECONDER:	Pat B. McLaughlan, Councilman
AYES:	Nathan, Reed, Avioli Sr., Pappas, McLaughlan
NAYS:	Friedberg
ABSENT:	Nauert

- c. Consideration of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, designating a Representative and an Official Alternate to the General Assembly of the Houston-Galveston Area Council for the year 2015.

Amanda B. Nathan, Mayor Pro Tem, introduced the agenda item before City Council, noting that Councilman Pat B. McLaughlan currently served as the City's Representative to the H-GAC General Assembly and Councilman James P. Avioli, Sr., currently served as the City's Official Alternate. She advised that it was her understanding that Councilman McLaughlan was willing to continue to represent the City.

Motion:

To designate Pat B. McLaughlan as a Representative to the General Assembly of the Houston-Galveston Area Council for the year 2015.

Prior to receiving a second to the main motion, an amendment was offered as set forth below.

Amendment (No. 1) to the Main Motion:

To designate James P. Avioli, Sr., as the Official Alternate to the General Assembly of the Houston-Galveston Area Council for the year 2015.

RESULT:	UNANIMOUS [6-0]
MOVER:	Pat B. McLaughlan, Councilman
SECONDER:	Andrew S. Friedberg, Councilman
AYES:	Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg
ABSENT:	Nauert

After noting no discussion, Mayor Pro Tem Nathan called for a vote on the main motion, as amended.

(Requested by Tracy L. Dutton, City Clerk)

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

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

Items for Future Agendas:

Councilman Pat B. McLaughlan indicated that he was giving some thought to adding an agenda item on a future agenda for City Council to discuss the method by which City Council could officially provide an explanation regarding the Holly Street Trail in an effort to mitigate confusion expressed by residents.

Councilman Gus E. Pappas indicated that he would like to hear from the Parks and Recreation Advisory Board regarding their thoughts on future park projects.

Councilman James P. Avioli, Sr., requested a presentation from the City Manager on a future agenda regarding the impact of a 5% retention bonus to be paid to patrol officers on November 1, 2014. He requested that the agenda item regarding the implementation of the compensation study be flexible enough to give City Council some options with respect to the implementation.

Councilman Roman F. Reed requested a tour of the current City parks and Holly Street Trail by members of City Council to be scheduled before mid-November of 2014.

Community Interest Items from the Mayor and City Council included a reminder regarding the Bellaire City Library's Used Book Sale to be held on October 18, 2014.

Councilman McLaughlan requested the removal of excess signage, such as the slow bus lane signs on South Rice Avenue, as well as some of the signage along IH-610.

J. Adjourn.

Motion:

To adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:36 p.m. on Monday, October 6, 2014.

RESULT:	UNANIMOUS [6-0]
MOVER:	Roman F. Reed, Councilman - Position No. 1
SECONDER:	Gus E. Pappas, Councilman - Position No. 3
AYES:	Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg
ABSENT:	Nauert

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 10/20/14 07:00 PM

Department: City Clerk

Category: Report

Department Head: Paul A. Hofmann

DOC ID: 1387

**SCHEDULED
INFORMATION ITEM (ID
1387)**

Item Title:

Presentation of the City Manager's Report dated October 20, 2014, regarding the status of The Shoppes at Uptown Crossing Development and update on police activity.

Background/Summary:

City Manager Paul A. Hofmann will present his City Manager's Report dated October 20, 2014, to members of City Council. The report will include an update on the status of The Shoppes at Uptown Crossing Development and an update on police activity.

Previous Council Action Summary:

N/A

Fiscal Impact:

N/A

Recommendation:

The City Manager recommends acceptance of his City Manager's Report dated October 20, 2014, into the record.

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 10/20/14 07:00 PM
Department: City Manager
Category: Presentation
Department Head: Paul A. Hofmann
DOC ID: 1299

**SCHEDULED
ACTION ITEM (ID # 1299)**

Item Title:

Presentation on the scopes and schedules for the FY 2015 Management and Capital Projects.

Background/Summary:

As a part of the budget review process, the City Council was presented, on July 21, 2014 with the Management Projects and the Capital Improvement Plan (CIP) scheduled for FY 2015. We are providing a Project Scope, tentative timeline, project owners/managers and funding sources as part of this report.

Management Projects

Management projects were chosen to provide enhancements in services and to review and develop policies which will allow the City to become more efficient. Each project was assigned a Department Head as a team leader. These leaders have developed a team, scope, and tasks with timelines. Additionally, each project is tied to one or more council Priorities.

Each project has been developed to be completed in FY 2015, however tasks from these projects may lead to FY 2016 Management Projects.

FY 2015 Management Projects

- Community Safety Outreach
- Implement Compensation Study & Improve Employee Evaluation System
- Implement Network & Data Management Improvements
- Evaluate R.O.W. Maintenance Ordinance
- Develop Financial Management Policies
- Improve Safety & Risk Management
- Revenue Team
- Develop Vehicle/Equipment Management & Maintenance Plan
- UV-T District Infrastructure
- Comprehensive Plan Update

Capital Improvement Plan

The CIP for encompasses park, water/wastewater, facility, and road projects.

Capital Projects

- Rebuild Bellaire Phase 5A
- Rebuild Bellaire Phase 4
- FY2013 Pavement Maintenance
- FY2015 Pavement Maintenance

- Trip Hazards Program
- Regional Mobility Study
- FY2014 Street Marking Replacement
- Citywide SCADA Systems Upgrade Phase 1
- Wendell & Bellaire Lift Station Rehabilitation
- Water & Sanitary Sewer Line
- WWTP Fine Screen Building Replacement
- Central Water Plan Electrical System Upgrade
- Evergreen Park Master Plan
- Evelyn's Park Phase 1
- Library Foundation
- Bellaire Town Square Municipal Facilities Design & Library Conceptual
- Park Improvement Projects
- Nature Discovery Center Improvements

Previous Council Action Summary:

At its September 8, 2014 meeting, the City Council passed Ordinance #14-049, approving the proposed FY 2015 Budget, which included funding for the FY CIP.

Fiscal Impact:**Recommendation:**

Acceptance of Report

ATTACHMENTS:

- FY 2015 Management Project Report (PDF)
- October 20 Presentation CIP (PDF)



FY 2015 Management Projects



FY2015
Management
Projects

Community Safety Outreach

Team Leader: Byron Holloway, Chief of Police

Members: (or their
representative)

- Darryl Anderson
- Karl Miller

- Mary Cohrs
- Todd Gross

Scope:

The Community Safety Outreach Team will identify programs that provide for a safer Bellaire residential and business community. The team will build and strengthen relationships, communication, and partnerships where appropriate in regards to the public safety responsibilities of various City of Bellaire Departments. Additionally, the Team will review methods and proven approaches that the Departments can utilize in better responding to the needs and service expectations of the community as well as identify potential programs to meet those needs.

The Team will be initially composed of members representing the Fire Department, Public Works, the Police Department, as well as Parks, Recreation, and Facilities.

City Council Priorities:

Residential/Commercial Safety Focus Area

Tasks:	Start Date:	Completion Date:	Status:
• Establish Team Members	09/15/2014	10/01/2014	
• Team Kick-off Meeting – Establish Protocols	10/01/2014	10/15/2014	
• Identify & Prioritize Relative Community Safety Concerns	10/01/2014	11/07/2014	
• Identify Safety Concern Commonalities	11/07/2014	11/14/2014	
• Develop & Propose Departmental Programs to Address Identified Safety Concerns	11/14/2014	02/01/2015	
• Review Program Proposals, Identify Potential Shared Resources/Implementation Strategies	02/01/2015	03/01/2015	
• Identify Enhancements in departmental service plans	03/01/2015	03/13/2015	
• Program Implementation	04/01/2015	Open	
• Meet to Determine Team Continuance/Dissolving	04/01/2015	05/01/2014	



FY2015
Management
Projects

Implement Compensation Study & Improve Employee Evaluation System

Team Leader: Yolanda Williams
Members:

- Diane White
- Shawn Cox

Scope:

Evaluate the current competitive state of our total compensation system—establish where we are, where we want/need to be, and how we will get there based on current and future budgetary opportunities. Improve the performance management system to consistently evaluate ongoing performance, and incorporate the evaluation of relevant job factors as well as common dimensions that make up the foundation of the employee commitment statement for every City of Bellaire employee.

The employee commitment statement was generated by the Wellness & Rewards and Recognition Team and includes – Responsiveness; Customer Service; Competence; Safety Awareness; Positive Representation; Teamwork. The dimensions of the employee commitment statement along with other relevant job factors that tie into the City’s strategic objectives will serve as the framework for establishing high expectations and a high performing workforce, the relationship between pay and performance, and how exceptional performance will be rewarded for all employees. Supervisors and Directors will be evaluated on additional management and leadership performance factors, and Directors will have yet an additional layer of overall department related performance factors. The Compensation and Employee Evaluation Team will do much of the groundwork, but will work closely with department directors to create and implement an effective system for all employees.

City Council Priorities:

Budget and Finance Focus Area

- Direct a review of employee compensation with the goal of ensuring that the compensation plan is competitive within the local job market.

Tasks:	Start Date:	Completion Date:	Status:
<ul style="list-style-type: none"> • Establish and implement a salary structure 	10/06/2014		In Progress
<ul style="list-style-type: none"> • Reinstate annual market adjustments to existing pay structures 	01/01/2015	09/2015	In Progress
<ul style="list-style-type: none"> • Develop and implement a performance management system 	01/01/2015	10/2015	
<ul style="list-style-type: none"> • Implement city-wide automated employee performance management system 	10/1/2015		



FY2015
Management
Projects

Implement Network & Data Management Improvements

Team Leader:

Larry Parks

Members:

- Diane White
- Mary Cohrs
- Brant Gary
- Russell Brown

Scope:

Upgrade existing technology resources as stated in the Operational Replacement Schedule; introduce new services to meet emerging needs; improve information and technology service delivery

City Council Priorities:

Budget and Finance Focus Area

Tasks:	Start Date:	Completion Date:	Status:
<ul style="list-style-type: none"> • Improve quality of service and available content on the public education government municipal television channel 	10/1/2014	2/1/2015	In Progress
<ul style="list-style-type: none"> • Upgrade reliability and functionality of email services 	10/1/2014	11/15/2014	
<ul style="list-style-type: none"> • Implement network enhancements to upgrade hardware; increase bandwidth; upgrade back-up and redundancy; increase security; pilot mobile field staff with equipment to complete common technical task while on job sites 	10/1/2014	8/31/2015	
<ul style="list-style-type: none"> • Implement a geographical information system for citizen and staff use; design for greater citizen access; expand asset management component; increase flexibility enable staff to update data; improve reporting features 	9/1/2014	9/30/2015	In Progress



FY2015
Management
Projects

Evaluate R.O.W. Maintenance Ordinance

Team Leader:

Darryl Anderson

Members:

- John McDonald
- Darold Bailey
- Park Superintendent

Scope:

To review current ordinance and determine if modifications are needed or necessary to accomplish goals of the City while ensuring the safety of Bellaire residents. Based on the current ordinance there may be areas that create unsafe or difficult areas for residents to maintain. All ROW with in the City needs to be assessed to ensure the ordinance does not place undue burdens on residents.

City Council Priorities:

Public Infrastructure and Facilities Focus Area

Tasks:	Start Date:	Completion Date:	Status:
• Team Kick-off Meeting	10/29/2014	10/29/2014	
• Review and discuss current ordinance	01/01/2015	01/30/2015	
• Visually inspect all identified ROW that may be impacted by current ordinance	02/01/2015	2/27/2015	
• Evaluate impact of current ordinance and determine if revisions to ordinance need to be made	03/01/2015	03/31/2015	
• Determine appropriate revisions if necessary	04/01/2015	04/29/2015	
• Review with City Manager	04/30/2015	05/2015	
• Present proposed changes to Planning and Zoning	05/2015	05/2015	
• Present to City Council for Approval	06/2015	06/2015	
• Implement revisions to Ordinance	TBD	TBD	



FY2015
Management
Projects

Develop Financial Management Policies

Team Leader:

Linda Symank

Members:

- Diane White
- Bill Mize
- Tracy Dutton

Scope:

Comprehensive Financial Management Policy Statements (CFMPS) assemble all of the City's financial policies in one document. The policies provide guidelines for operational and long range planning, ensuring that the City is financially able to meet its immediate and long-term service objectives. They also establish parameters for City operations, identifying acceptable and unacceptable courses of action.

The Government Finance Officers Association strongly recommends CFMPS be part of the financial management of the City. Bond rating agencies review and consider the City's CFMPS in their Management assessment category for bond ratings. CFMPS give the City the ability to implement timely and sound financial and operational decisions in response to economic and fiscal demands.

Policies that will be considered for inclusion in the City of Bellaire's Financial Management Policy Statements pertain to: general and other funds reserve requirements, revenues, expenditures, operating budget, capital asset management, long-term financial planning, debt, cash management and investments, accounting and financial reporting, internal controls, and procurement. Current policies will be reviewed as well as new policies developed. The policy document will be approved by the City Council and provide for regular reviews and reporting.

City Council Priorities:

Budget and Finance Focus Area

Tasks:	Start Date:	Completion Date:	Status:
• Team Kick-off Meeting – Review Scope	10/2014		
• Identify gaps and risks/prioritize policies	11/2014		
• Review with City Manager			
• Review/develop policies	11/2014		
• Review with City Manager			
• Review with Audit/Finance Committee	Late Spring		
• Revise based on input from Audit/Finance Committee			
• Present to City Council for Approval	05/01/2015		



FY2015
Management
Projects

Improve Safety & Risk Management

Team Leader:

Yolanda Williams

Members:

- Michael Leal
- Phil Dickinson
- Darold Bailey
- Brandon Thigpin
- Tracy Dutton

Scope:

Promote and provide a safe environment throughout the City of Bellaire through employee awareness and adherence to policies, procedures, and practices.

City Council Priorities:

Budget and Finance Focus Area

Tasks:	Start Date:	Completion Date:	Status:
<ul style="list-style-type: none"> All Management & Supervisors Risk Management Responsibilities and Expectations Meeting 	07/01/2014	07/01/2014	Completed
<ul style="list-style-type: none"> Establish Safety Team 	08/07/2014	08/07/2014	Completed
<ul style="list-style-type: none"> Meet at least Quarterly to investigate accidents/injuries and review policies and procedures and make recommendations for improvement/corrective action as appropriate 	08/21/2014	Ongoing	In Progress
<ul style="list-style-type: none"> Identify trends and recommend prompt corrective actions 	08/21/2014	Ongoing	In Progress
<ul style="list-style-type: none"> Promote safety at department level and citywide – ensure every employee at every level understands his/her responsibilities; ensure proper recordkeeping and safety inspections are performed 	07/01/2014	Ongoing	In Progress
<ul style="list-style-type: none"> Recommend and amend safety program policies in the employee handbook 	10/2014	04/2015	In Progress



FY2015
Management
Projects

Revenue Team

Team Leader:

Diane K. White

Members:

- Linda Symank
- ChaVonne Sampson
- Kevin Browne
- Darryl Anderson
- Brant Gary
- Karl Miller

Scope:

A City wide analysis of revenues charged and collected by the City of Bellaire will be performed with an emphasis on how certain revenues support services provided to the residents. We will look at how property taxes finance public services when tax burden is borne by those who receive the benefit. The following considerations will be used for establishing charges and fees as outlined below.

1. Consider all applicable laws and statutes before the implementation of specific fees and charges.
2. Adopt formal policies regarding charges and fees by working closely with the financial policy team.
3. Calculate the full cost of providing a service in order to provide a basis for setting the charge or fee.
4. Review and update charges and fees periodically based on factors such as the impact of inflation, other cost increases, adequacy of cost recovery, use of services, and the competitiveness of current rates.
5. Utilize long-term forecasting in ensuring that charges and fees anticipate future costs in providing the service.
6. Provide information on charges and fees to the public.
7. Review Indirect cost allocations
8. Review allocation of funds to maintain the City's long term assets and pay for maintenance by working closely with the Vehicle/Equipment Management & Maintenance Plan Team.

City Council Priorities:

Budget and Finance Focus Area

Tasks:	Start Date:	Completion Date:	Status:
• Team Kick-off Meeting	11/2014	11/2014	
• Research all current related policies	11/2014	11/2014	
• Compile all current fee structures	11/2014	11/2014	
• Outline the considerations that might influence pricing decisions (such as the desire to subsidize service)	12/2014	12/2014	
• Develop full cost of providing a service in order to provide a basis for setting the fees.	12/2014	02/2015	
• Benchmark individual fees with those charged by comparable or neighboring jurisdictions.	12/2014	02/2015	
• Incorporate any policy/revenue analysis recommendations and assumptions into the Five Year Fiscal Forecast.	03/2015	03/2015	
• Present Five Year Fiscal Forecast to City Council	04/2015	04/2015	
• Include new fee schedule in Proposed FY2016 Budget	07/2015		



FY2015
Management
Projects

Develop Vehicle/Equipment Management & Maintenance Plan

Team Leader:

Brant Gary

Members:

- Bill Mize
- Darryl Anderson (or FD designee)
- Byron Holloway (or PD designee)
- Karl Miller (or PRF designee)
- Linda Johnson/Todd Gross (PW representative)
- Larry Parks (IT coordination as needed)
- Brandon Thigpin

Scope:

The development of a Vehicle/Equipment Management & Maintenance Plan will look to address the various aspects of owning, operating, repairing, replacing, and disposing of vehicles and equipment. This will also include a review of current inventories, replacement plans, possible utilization of alternative fuel-powered vehicles, as well as current approaches to maintenance among the major stakeholders. The goal will be to develop standard approaches within a defined plan/program for activities associated with vehicle/equipment (fleet) management and maintenance to include considerations of financial, regulatory, and operational needs.

City Council Priorities:

Residential/Commercial Safety Focus Area
Public Infrastructure and Facilities Focus Area
Residential and Recreational Focus Area
Budget and Finance Focus Area

Tasks:	Start Date:	Completion Date:	Status:
• Team Kick-off Meeting – Discuss Scope and Goals	October 2014	October 2014	
• Review current inventories and practices for all fleet activities among different groups	November 2014	November 2014	
• Review best practices and discuss desired approach(es)	December 2014	December 2014	
• Formalize recommendations for program	January 2015	January 2015	
• Coordinate with Finance, IT, and other support groups to match desired program details with reality	February 2015	February 2015	
• Take final recommendations and develop an implementation plan	March 2015	March 2015	
• Review with City Manager	March/April 2015	March/April 2015	
• Implement according to plan and budget calendar	TBD	TBD	



FY2015
Management
Projects

UV-T District Infrastructure

Team Leader:

John McDonald

Members:

- Paul Hofmann
- ChaVonne Sampson

Scope:

This project will consist of reviewing infrastructure needs for the Urban Village –TOD District with a focus on drainage and mobility and to identify potential funding sources for needed improvements. The project will include the consideration of Uptown Houston’s potential involvement in the area through the proposed parking garage development as well as the likelihood of increasing the connectivity of the area, specifically focusing on connection to South Rice Ave.

City Council Priorities:

Public Infrastructure and Facilities Focus Area

- Ensure that streets, sanitary and storm sewers, and water lines are constructed and maintained using state of the art methods and materials, and that infrastructure failure is analyzed to provide information for continual process improvement.

Economic Development Focus Area

- Encourage new business development; facilitate business expansion and provide a diverse basis of business opportunities for residents.
- Remain sensitive to and address commercial/institutional impact on adjacent residential areas.

Tasks:	Start Date:	Completion Date:	Status:
<ul style="list-style-type: none"> • Assess Infrastructure Requirements 	01/26/2015		



FY2015
Management
Projects

Comprehensive Plan Update

Team Leader:

John McDonald

Members:

- Ashley Parcus
- Cheryl Bright-West
- Linda Johnson
- Diane White

Scope:

This project will consist of supporting the Planning and Zoning Commission in the preparation of an update to the 2009 Comprehensive Plan to address accomplishments since its original adoption, and revise base assumptions. The project will include more defined sections on mobility and public infrastructure and the inclusion of the Parks Master Plan as an Appendix.

City Council Priorities:

Public Infrastructure and Facilities Focus Area

Residential and Recreational Focus Area

- Continue to support and implement the Parks Master Plan and Bellaire Town Square.
- Remain sensitive to and address commercial/institutional impact on adjacent residential areas.

Economic Development Focus Area

- Draft and adopt ordinances to facilitate the implementation of the Comprehensive Plan.
- Remain sensitive to and address commercial/institutional impact on adjacent residential areas.

Tasks:	Start Date:	Completion Date:	Status:
• P&Z Workshop 1	11/11/2014	11/11/2014	
• P&Z Workshop 2	12/09/2014	12/09/2014	
• P&Z Public Hearing	02/10/2015	02/10/2015	
• P&Z Consideration	03/10/2015	00/00/2015	
• Council Public Hearing	04/20/2015	04/20/2015	
• Council Adoption	05/01/2015	05/01/2015	



CAPITAL IMPROVEMENT PROJECTS



Street & Drainage Projects



FY2015

Capital
Project

Rebuild Bellaire Paving and Drainage Improvement Program Phase 5A

Project Manager	HDR	
Project Owner	Brant Gary, Public Works Director	
Appropriation	\$4,409,067	\$5,000,000
Funding Source	2005 G.O. Bonds/2013 G.O. Bonds	

PROJECT SCOPE:

This project will continue to keep the Rebuild Bellaire Bond Program going. Completion of this project will improve the drainage in the streets. This project will entail the reconstruction of the streets and storm sewers and installation of sidewalks. The following streets are included in Phase 5A: 4600 Block of Beech, 4700 – 4900 Blocks of Bellview, 500 Block of College, 5100 Block of Evergreen, 500 – 700 Blocks of Fifth Street, 4900 – 5000 Blocks of Imperial, 4500 Block of Merrie Lane, 5100 – 5400 Blocks of Pocahontas, 4900 Block of Wellford, 500 Block of Wilmington; and 500 Block of Winslow.

Original Schedule	Start Date:	Completion Date:	Status:
• Preliminary Design			
• Design	06/2013	11/2014	In progress
• Construction	02/2015	03/2016	Not Started

Revised Schedule	Start Date:	Completion Date:	Status:
• Preliminary Design			
• Design			
• Construction			



FY2012

Capital
Project

Rebuild Bellaire Paving and Drainage Improvement Program Phase 4

Project Manager	HDR	
Project Owner	Brant Gary, Public Works Director	
Appropriation	\$6,414,715	
Funding Source	2005 G.O. Bonds	

PROJECT SCOPE:

The project consists of major storm sewer installations including any necessary utility adjustments. As dictated by these storm sewer installations, new reinforced concrete pavement, curb and gutters will be installed. Sidewalks will also be installed on some streets.

5100 - 5300 Blocks of Aspen
 5100 - 5200 Blocks of Beech
 100 Block of Bellaire Court
 800 Block of Jaquet Drive
 500 Block of Wisteria
 4900 - 5000 Blocks of Mimosa
 4700 - 4800 Blocks of Pine

Original Schedule	Start Date:	Completion Date:	Status:
• Preliminary Design			
• Design	08/2012	10/2013	Schedule Revised
• Construction	10/2013	10/2014	Schedule Revised

Revised Schedule	Start Date:	Completion Date:	Status:
• Preliminary Design			
• Design	09/2012	08/2013	Completed
• Construction	09/2013	10/2014	In Progress



FY2013

Capital
Project

Pavement Maintenance Program

Project Manager	ARKK Engineers	
Project Owner	Brant Gary, Public Works Director	
Appropriation	\$3,103,375	
Funding Source	Metro	

PROJECT SCOPE:

This program is the continuation of the street management program for Bellaire. The FY2013 program services the streets.

Street Repair List:

5600 Block of Whitehaven	5200 Block of Valerie
5500 Block of Aspen	5200 Block of Holly
5500 Block of Huisache	5200 Block of Maple
5500 Block of Grand Lake	4600 Block of Park Court
5500 Block of Little Lake	4600 Block of Locust
100 Block of Datonia	4400 Block of Acacia
100 Block of Ferndale	4500 Block of Live Oak
4600 Block of Cedar Oaks	500-800 Blocks of Mulberry Lane

Sidewalk Repair List:

4300 - 5400 Blocks of Bellaire Blvd	4700 - 4800 Blocks of Evergreen
7800 - 8200 Blocks of Chimney Rock	100 Block of Pembroke
6300 - 8300 Blocks of S. Rice Avenue	4500 Block of Town Oaks Place
4300 - 5300 Blocks of Bissonnet Street	5300 Block of Evergreen
5200 Block of Mimosa	4500 Block of Acacia
5200 Block of Chestnut	6900 Block of First Street
4800 Block of Beech	4500 Block of Locust
4700 - 4800 Blocks of Wedgewood	5100 Block of Grand Lake
4700 - 5000 Blocks of Tamarisk	Newcastle Trail from Bellaire Blvd. to Bissonnet Street
4700 - 4800 Blocks of Saxon	

Original Schedule	Start Date:	Completion Date:	Status:
• Preliminary Design			
• Design	11/2013	02/2014	Schedule Revised
• Construction	04/2014	11/2014	Schedule Revised

Revised Schedule	Start Date:	Completion Date:	Status:
• Preliminary Design			
• Design	04/2014	09/2014	Completed
• Construction	12/2014	07/2015	Out for Bids



FY2015

Capital
Project

Pavement Maintenance Program

Project Manager	ARKK Engineers	
Project Owner	Brant Gary, Public Works Director	
Appropriation	\$1,000,000	
Funding Source	METRO	

PROJECT SCOPE:

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.

Original Schedule	Start Date:	Completion Date:	Status:
• Preliminary Design	12/2014	02/2015	
• Design	02/2015	07/2015	
• Construction	09/2015	08/2016	

Revised Schedule	Start Date:	Completion Date:	Status:
• Preliminary Design			
• Design			
• Construction			



FY2015

Capital
Project

Trip Hazards Management Program

Project Manager	TBD	
Project Owner	Brant Gary, Public Works Director	
Appropriation	\$471,331	
Funding Source	METRO	

PROJECT SCOPE:

The City of Bellaire's Sidewalk Trip Hazard Management Program is geared toward improving the overall quality of the sidewalk, pathways, and trails system by repairing pavement failures and distresses. The City's goal is to bring the pedestrian walk/bikeway systems maintained by the City up to an acceptable level of service and keep them there through an aggressive and comprehensive maintenance program.

Original Schedule	Start Date:	Completion Date:	Status:
• Preliminary Design	12/2014	02/2015	
• Design	02/2015	07/2015	
• Construction	09/2015	08/2016	

Revised Schedule	Start Date:	Completion Date:	Status:
• Preliminary Design			
• Design			
• Construction			



FY2015

Capital
Project

Regional Mobility Study

Project Manager	ARKK	
Project Owner	John McDonald	
Appropriation	\$50,000	
Funding Source	METRO	

PROJECT SCOPE:

Included in the FY 2015 Budget is \$50,000 for a regional mobility study. Initial projections are that this study will look at specific traffic counts and patterns involving still to be identified streets and intersections. The project focus will include a look at “cut-through” traffic concerns, closing of residential streets connecting to IH 610, and the inclusion of pedestrian and bicycle mobility in future street projects.

Original Schedule	Start Date:	Completion Date:	Status:
• Preliminary Design		12/2014	
• Design			
• Construction			

Revised Schedule	Start Date:	Completion Date:	Status:
• Preliminary Design			
• Design			
• Construction			



FY2014

Capital
Project

FY2014 Street Marking Replacement Program

Project Manager	ARKK Engineers	
Project Owner	Brant Gary, Director of Public Works	
Appropriation	\$125,000	
Funding Source	METRO	

PROJECT SCOPE:

This program will replace the existing traffic markings on streets and at intersections within the City of Bellaire. These street markings are faded, worn and in some cases, no longer exist. The visibility of the markings for motorists and pedestrians is poor. This project will improve the visibility of street markings for motorists and pedestrians and will give a higher visibility, which will improve safety for the public.

This project provides for main lane striping (4" white, 4"yellow), intersection striping (stop bars, crosswalks, turn lanes and arrows), parking striping and curb striping where needed. It will utilize thermoplastic pavement markings (hot paint). This has a life of approximately 2-5 years, depending on weather and traffic volumes.

There are 11 streets that account for 58,048 LF. There are 591 parking spaces and 25 handicap parking spaces.

Original Schedule	Start Date:	Completion Date:	Status:
• Preliminary Design			
• Design	10/2013	12/2013	Schedule Revised
• Construction	01/2014	03/2014	Schedule Revised

Revised Schedule	Start Date:	Completion Date:	Status:
• Preliminary Design			
• Design	05/2014	06/2014	Completed
• Construction	11/2014	03/2015	



Water and Sewer Projects



FY2015

Capital
Project

Citywide SCADA Systems Upgrade Phase 1

Project Manager	ARKK Engineers	
Project Owner	Brant Gary, Public Works Director	
Appropriation	\$115,000	
Funding Source	Enterprise Fund	

PROJECT SCOPE:

SCADA (Supervisory Control and Data Acquisition) Design & Installation of 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.

SCADA- Supervisory Control and Data Acquisition.

Phase 1 \$115,000

Replace the main SCADA computer at the WWTP. Provide dual monitors and new software.
Develop graphic interface screens for each of the nine locations using the installed software.
Install new radio communication pole at the WWTP.
Install new radio communication pole at the three Water Plants
Install new radio communication pole at surface water meters.

Original Schedule	Start Date:	Completion Date:	Status:
• Preliminary Design	12/2014	02/2015	
• Design	02/2015	04/2015	
• Installation	04/2015	08/2016	

Revised Schedule	Start Date:	Completion Date:	Status:
• Preliminary Design			
• Design			
• Construction			



FY2015

Capital
Project

Wendell and Bellaire Lift Station Rehabilitation Program

Project Manager	ARKK Engineers	
Project Owner	Brant Gary, Director of Public Works	
Appropriation	\$50,000	
Funding Source	Enterprise Fund Current Revenue	

PROJECT SCOPE:

Complete the evaluation of the Wendell St. and Bellaire Blvd. lift stations and design and construct rehabilitation and replacement improvements. The improvements include upgrading/repairing control panels and pumps.

Original Schedule	Start Date:	Completion Date:	Status:
• Preliminary Design	12/2014	02/2015	
• Design			
• Construction			

Revised Schedule	Start Date:	Completion Date:	Status:
• Preliminary Design			
• Design			
• Construction			



FY2015

Capital
Project

Water & Sanitary Sewer Line Program

Project Manager	ARKK Engineers	
Project Owner	Brant Gary, Director of Public Works	
Appropriation	\$645,000	
Funding Source	Enterprise Fund Current Revenue	

PROJECT SCOPE:

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. Several critical replacement projects have been identified for those systems that are failing regularly or are undersized.

Original Schedule	Start Date:	Completion Date:	Status:
• Preliminary Design	12/2014	02/2015	
• Design	02/2015	04/2015	
• Construction	06/2015	10/2015	

Revised Schedule	Start Date:	Completion Date:	Status:
• Preliminary Design			
• Design			
• Construction			



FY2014

Capital
Project

WWTP Fine Screen Building Replacement

Project Manager	Klotz Associates	
Project Owner	Brant Gary, Director of Public Works	
Appropriation	\$201,000	
Funding Source	Enterprise Fund Carryover	

PROJECT SCOPE:

Due to the corrosive atmosphere, the building is suffering from deterioration and needs to be replaced.

An average of 1.7 million gallons of raw wastewater passes through the fine screen each day. Raw wastewater produces a very corrosive atmosphere.

The building has deteriorated to the point where it is becoming a safety hazard.

The design of the new building will need to be such that the materials used can withstand the corrosive atmosphere.

Original Schedule	Start Date:	Completion Date:	Status:
• Preliminary Design			
• Design			
• Construction	02/2014	03/2014	Schedule Revised

Revised Schedule	Start Date:	Completion Date:	Status:
• Preliminary Design			
• Design	04/2014	07/2014	Completed
• Construction	09/2014	11/2014	In Progress



FY2015

Capital
Project

Central Water Plant Electrical System Upgrade

Project Manager	TBD	
Project Owner	Brant Gary, Director of Public Works	
Appropriation	\$135,000	
Funding Source	Enterprise Fund Current Revenue	

PROJECT SCOPE:

Engineering - 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.

Original Schedule	Start Date:	Completion Date:	Status:
• Preliminary Design	12/2014	02/2015	
• Design	02/2015	04/2015	
• Construction	06/2015	08/2016	

Revised Schedule	Start Date:	Completion Date:	Status:
• Preliminary Design			
• Design			
• Construction			



Park and Facility Projects



FY2015

Capital
Project

Evergreen Park Master Plan

Project Manager	Clark Condon	
Project Owner	Karl Miller	
Appropriation	\$25,000	
Funding Source	General Fund CIP	

PROJECT SCOPE:

The scope of this project is to develop a Master Plan for Evergreen Park, 4500 Evergreen.

- Clark Condon will prepare a site analysis diagram illustrating findings.
- Participate in design workshop/charette with staff and Parks Board to develop program for the park.
- Develop a programming site plan indicating locations for all recreational program elements.
- Present programming plan to staff and Parks Board, refine plan based on input from client group.
- Develop a preliminary master plan based on the findings and feedback from the programming plan. Present Preliminary Master Plan to Client, which will include conceptual layouts with precedent images.
- Prepare final Master Plan document. Deliverables will be an 11 X 17 booklet illustrating the final plan, image pictures, site analysis, summary of any meetings and workshops during the process.

Original Schedule	Start Date:	Completion Date:	Status:
• Preliminary Design	10/2014	01/2015	In progress
• Design			
• Construction			

Revised Schedule	Start Date:	Completion Date:	Status:
• Preliminary Design			
• Design			
• Construction			



FY2015

Capital
Project

Evelyn's Park- Phase 1

Project Manager	Karl Miller	
Project Owner	Karl Miller	
Appropriation	\$5,000,000	
Funding Source	2013 G.O. Bonds	

PROJECT SCOPE:

In collaboration with the Evelyn's Park Conservancy develop and construct 5 acres of park land. The first phase of the project will include but not limited to: site work, utilities, parking, event building, café, pavilion, various gardens, play apparatus, paths, and many other park amenities.

Original Schedule	Start Date:	Completion Date:	Status:
• Preliminary Design		2013	Completed
• Design	Spring 2013	11/2014	In progress
• Construction	03/2015	05/2016	Not started

Revised Schedule	Start Date:	Completion Date:	Status:
• Preliminary Design			
• Design			
• Construction			



FY2015

Capital
Project

Library Foundation

Project Manager	Brandon Thigpin	
Project Owner	Mary Cohrs	
Appropriation	\$70,000	
Funding Source	General Fund CIP Carryover	

PROJECT SCOPE:

The Bellaire library is currently experiencing foundation settling in two sections of the building. The sanitary sewer lines have been tested and need to be replaced due to separation in the line. Initial investigation of the foundation has identified the best method to make repairs is to utilize a polyurethane injection process due to the type of piers that would have to be broken away from the foundation which could potentially cause additional damage to the building. Once plumbing and foundation are repaired then interior repairs to door frames, doors and walls would need to be completed.

Original Schedule	Start Date:	Completion Date:	Status:
• Preliminary investigation	Spring 2013	11/2014	In progress
• Design	N/A	N/A	
• Construction	12/2014	04/2015	

Revised Schedule	Start Date:	Completion Date:	Status:
• Preliminary Design			
• Design			
• Construction			



FY2015

Capital
Project

Bellaire Town Square Municipal Facilities Design & Library Conceptual

Project Manager	PGAL	
Project Owner	Karl Miller	
Appropriation	\$921,375	\$100,000
Funding Source	CIP Rebuild Bellaire Pay as You go/General Fund CIP Carryover	

PROJECT SCOPE:

November 2013, Bellaire Citizens approved an \$11 million bond referendum for the development of a new City Hall, Civic Center, Police Station and Municipal Courts.

Preliminary designs have been completed and site locations of each building have been determined. In the Summer of 2014, City Council determined they wanted to combine City Hall and Municipal Courts and keep the Police Station and Civic Center as separate buildings. In September of 2014 City Council entered into a contractual agreement with PGAL for design and construction services and voted to form a citizen's Ad Hoc steering committee.

Other development segments to be included in this project will include a revision to the Bellaire Town Center Master Plan, which include a conceptual design of a new library, conceptual designs for a signature corner at South Rice Ave and Jessamine and concept designs for pedestrian friendly South Rice Ave.

Original Schedule	Start Date:	Completion Date:	Status:
• Preliminary Design		Spring 2014	Completed
• Design	10/2014	09/2015	In progress
• Construction	10/2015	08/2016	

Revised Schedule	Start Date:	Completion Date:	Status:
• Preliminary Design			
• Design			
• Construction			



FY2015

Capital
Project

Park Improvement Projects

Project Manager	Park Superintendent	
Project Owner	Karl Miller	
Appropriation	\$250,000	
Funding Source	General Fund CIP Carryover	

PROJECT SCOPE:

Project to be determined.

Original Schedule	Start Date:	Completion Date:	Status:
• Preliminary Design			
• Design			
• Construction			

Revised Schedule	Start Date:	Completion Date:	Status:
• Preliminary Design			
• Design			
• Construction			



FY2015

Capital
Project

Nature Discovery Center Improvements

Project Manager	Nature Discovery Center	
Project Owner	Karl Miller	
Appropriation	\$500,000	
Funding Source	2013 G.O. Bonds	

PROJECT SCOPE:

On November 5, 2013, residents in the City of Bellaire, Texas, voted for a bond referendum for \$500,000 to be used for improvements to the Henshaw House and the Russ Pitman Park grounds. Funds will be used in areas that will have the greatest impact for the Bellaire community. The planned improvements presented to City Council are as follows: pathways, trails and entrances, outdoor discovery space, resurfacing, parking lot and trails, front lawn, restroom, work shed and storage areas.

Original Schedule	Start Date:	Completion Date:	Status:
• Preliminary Design	TBD		
• Design	TBD		
• Construction	TBD		

Revised Schedule	Start Date:	Completion Date:	Status:
• Preliminary Design			
• Design			
• Construction			

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 10/20/14 07:00 PM
Department: Public Works
Category: Discussion
Department Head: Brant Gary
DOC ID: 1383

ADOPTED**ACTION ITEM (ID # 1383)****Item Title:**

Presentation on the environmental assessment and schedule update for Evelyn's Park.

Background/Summary:

Mr. Brant Gary, Director of Public Works will present to City Council the status of environmental assessment; the Texas Historical Commission requirements; and a project schedule update.

Previous Council Action Summary:

During the September 8, 2014 City Council meeting, Council was presented a status report that provided Council with and update on the status of the cafe, parking and the project schedule. Council also voted to enter into an agreement with the Bellaire Methodist Church for parking accommodations.

Fiscal Impact:

None

Recommendation:

Review and discuss, no action required by City Council

ATTACHMENTS:

- Phase I Environmental Assessment - Executive Summary (PDF)
- Evelyn's Park Update - Memo (PDF)

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



CITY OF BELLAIRE PUBLIC WORKS DEPARTMENT

SERVICE CENTER, 4337 Edith St Bellaire, TX 77401
Phone: (713) 662-8150 Fax: (713) 662-8179

MEMORANDUM

TO : Paul Hofmann, City Manager

FROM : Brant Gary, Director of Public Works

DATE : October 14, 2014

SUBJECT : Summary of Phase I and Related Environmental Study Results

As previously discussed, the City engaged Berg-Oliver Associates, Inc. as an environmental consultant for this project to conduct a Phase I Environmental Study along with coordination of several other related studies/evaluations concerning the property where the proposed Evelyn's Park will be located. The City has recently received the results of that work. As a result, I am providing this overview of their findings along with how the necessary actions resulting from those findings will fit into the overall project timeline. In addition, the Executive Summary of the Phase I Study is attached. The full version of the study and related attachments is available upon request.

In summary, the results of the study and other relevant findings are broken out into the following areas:

- 1.) Summary of the Phase I Findings
- 2.) LPST (Leaking Petroleum Storage Tank) Summary of Findings
- 3.) Asbestos (ACBM) Findings for the Administration Building
- 4.) Lead Paint Findings and Abatement Plan for the Yellow House
- 5.) Texas Historical Commission Requirements
- 6.) Asbestos Abatement Plan for Yellow House and Administration Building
- 7.) Major Project Schedule Milestones and Related Environmental Activity

Based on this breakout, the following information presents findings and plans for action relative to these items.

Section 1 – Summary of Overall Phase I Findings

As previously stated, Berg Oliver performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E1527-2013 on the 4.9511 acre tract located at 4400 Bellaire Boulevard where the proposed Evelyn's Park will be developed. This Phase I assessment has revealed no evidence of any Recognized Environmental Conditions (REC's) in connection with the property.

Attachment: Evelyn's Park Update - Memo (1383 : Evelyn's Park Status Report)

Section 2 – LPST Summary of Findings

After a review of records, two Leaking Petroleum Storage Tank (LPST) facilities were listed within a half-mile search radius of the subject site (only one was on the site itself).

- 1.) The first LPST site is listed as Teas Bellaire Nursery (LPST ID No. 117783) located at 4400 Bellaire Boulevard. Regulatory database information indicates the LPST incident involved groundwater impact, with no apparent threats or impacts to receptors, and final concurrence has been issued and the case closed by TCEQ. Removal of the on-site UST and closure of the LPST incident have been documented, and are not considered an environmental concern to the subject site at this time. TCEQ has issued a no further action letter for the site. The presence of the closed LPST incident is a management issue during construction. The site meets residential use standards and is not a threat to human health or environment.
- 2.) The second LPST site is listed as Diamond Shamrock Corner Store #57 (LPST ID No. 091952) at 4101 Bellaire Boulevard. The regulatory database map indicates this facility was located approximately 0.39 miles east of, and in a topographically cross-gradient position to, the subject property. Regulatory database information indicates the LPST incident involved groundwater impact, with a public/domestic water supply well located within 0.25 – 0.50 miles of the facility. Final concurrence has been issued and the case closed by TCEQ. Given its distance from and topographically cross-gradient position to the subject site and the closure of the LPST incident by TCEQ, this facility does not appear to pose an environmental concern to the subject property at this time.

Section 3 – Asbestos (ACBM) Findings for the Administration Building and Yellow House

Based on the results of Asbestos Containing Building Materials (ACBM) surveys conducted in conjunction with this assessment and ACBM inspections conducted previously, abatement of ACBM would be required prior to any demolition/renovation activities at the Yellow House and/or Admin building. The inspections of both buildings found asbestos containing materials above the 1% threshold in ceiling tiles, wallboards with float compound and texture, floor tiles/mastic, and exterior window glazing. These materials must be abated prior to any demolition/renovation activities. Based on proposals received to date, we estimate the cost of abatement for both buildings to be approximately \$15,000 - \$20,000. We will explore the possibility of including this with our demolition activities.

Section 4 – Lead Paint Findings and Abatement Plan for the Yellow House

A lead-based paint survey was conducted at the Yellow House and identified lead-based paint in a large portion of the house. This was not unexpected based on the age of the house. The removal of this lead-based paint is planned to be addressed by the contractor during renovation/restoration of the house. A copy of the lead paint report will be provided to the contractor(s) to assess the best mechanisms for removing the existing paint.

Section 5 – Texas Historical Commission Requirements

The site currently contains a Texas Historic Marker which is planned to be relocated upon development of the site. It has been determined that the historic marker covers the site only and does not include the buildings. However, some coordination of site development plans with the Texas Historical Commission (THC) will be necessary. As a political subdivision of the State of Texas, the City of Bellaire is bound by the Texas Antiquities Code to confer with THC concerning the plans for development of this public property based on the proposed work on the site. The City will submit the necessary "Marker Relocation Form" and the other necessary documentation to allow for THC to review the plans as needed.

Section 6 – Asbestos Abatement Plan for Yellow House and Administration Building

The City had qualified contractors review this site and they will provide proposals and a schedule to perform the abatement activities necessary. The costs and schedule for these activities will be reported as soon as they are received.

Section 7 – Major Project Milestones (To Include Environmental Items)

In looking at the latest project schedule, the following major milestones are noted along with where specific action items will occur relative to the Phase I and related studies noted in this memo:

- 10/3/2014 - Issue RCSP for General Contractor
 - **9/29/2014 - 10/17/2014 - Selection Period of Abatement/Demolition Contractor**
- 10/20/2014 - Environmental Report Recommendation to City Council
 - **10/21/2014 – 1/31/2014 – Abatement of Asbestos and Demolition**
 - **10/14/2014 – 10/31/2014 – Preparation & Submittal of THC Marker Relocation Form**
 - **10/21/2014 – 11/14/2014 – Preparation & Submittal of THC Site Review Documents**
- 11/18/2014 - Delivery of 100% Contract Documents to City for Review
- 12/1/2014 - City Council Meeting Approval of Construction Contractor/CMAR
- 1/26/2015 - City Council Meeting Award Contract with GMP Pricing
- March 2015 - Construction Commencement
 - **TBD (During Construction) - Abatement of Lead Paint by Selected Contractor**

I believe this information regarding the findings of the Phase I and related studies provides a concise summary of what was discovered during these reviews. The presentation on October 20th will reiterate these findings and allow for any questions to be answered by City staff involved with this project as well as by a representative from Berg Oliver who will be in attendance. If I can provide any additional items in the meantime, please let me know.

Sincerely,



Attachment: Evelyn's Park Update - Memo (1383 : Evelyn's Park Status Report)

Brant Gary
Director of Public Works
City of Bellaire

PHASE I ENVIRONMENTAL SITE ASSESSMENT

1.0 EXECUTIVE SUMMARY

Property Name: 4400 Bellaire Boulevard tract.

Location:

The subject property is located in Houston, Harris County, Texas at 4400 Bellaire Boulevard.

Legal Description:

A 4.9511 acre tract being Tract 1, Block 1 of AMENDED PLAT OF LOT 1 THROUGH LOT 14, BLOCK 1, LOT 1 THROUGH LOT 9, BLOCK 2 AND THE RIGHT-OF-WAY OF TEAS LANE OF TEAS ESTATES, located in the J. BLESSING SURVEY, A-162, City of Bellaire, Harris County, Texas, according to the map or plat thereof recorded under Film Code No. 645230 of the Map Records of Harris County, Texas.

Current/Historic Land Use:

Currently, the subject property is vacant, improved land that contains structures from past use as Teas Nursery. Historically, the subject property was unimproved land, with its first developed use being as the Teas family homestead and Teas Nursery in approximately 1910.

Regulatory Review:

A review of the currently available database information indicates there are two (2) leaking petroleum storage tank (LPST) facilities and one (1) dry cleaner remediation program (DCRP) facility within the ASTM Standard search distances of the subject property. For reasons detailed in the Regulatory Database section of this report, these facilities do not appear to pose an environmental concern to the subject property at this time.

Site Visit:

Site reconnaissance was conducted on September 11, 2014 by Chris Thayer of Berg ♦ Oliver Associates, Inc. The subject property was found to be a relatively level, improved parcel of land with frontage on Bellaire Boulevard along the southern property boundary and Newcastle along the western boundary. The property is fenced, and access to the site is gained via a gravel drive from a gated entrance off Newcastle. The parcel contains structures and other remnants associated with the past use of the property as Teas Nursery and as a residence for members of the Teas family. Vegetation consists of manicured grasses, ornamental shrubs and plants, and old growth tress. Multiple historic sources indicate the Teas family moved to Bellaire, Texas in approximately 1910, and established both the nursery and home sites on the property. Two buildings of any substance remain; a two-story, wood sided yellow house in the southwest portion of the subject site, and a single-story brick and masonry former Admin building in the south central portion of the site. Both of these structures are accessed via the gravel drive, and an asphalt parking area is present to the north and east of the Admin building. An open storage shed with a small enclosed area is present in the northwest portion of the subject site, and a water well, pump house, and pressure tank were observed in the northeast portion of the property. An irrigation system with multiple sprinkler heads was observed on-site, particularly in the eastern half of the property. Multiple water lines, both buried and above ground were also observed, and appear to be associated with the irrigation system. A concrete-walled area was observed in the west central portion of the property, just south of the graveled entrance. Piles of brush, concrete remnants, wood, and other non-

hazardous debris was observed in this area. No evidence of hazardous materials disposal was observed, and the debris piles are not considered an environmental concern to the subject property at this time.

Water, wastewater, and storm sewer services are provided to the property by the City of Bellaire, and numerous grated storm sewer inlets were observed on-site. The original home was constructed in the early part of the 20th century, and the possibility exists that the home and an additional home previously located on the property were served by septic systems. It is unknown whether septic tanks exist on the subject property. However, the presence of septic tank(s) associated with the residences would not be considered an environmental concern. If they are encountered during construction activities and require removal, the removal should be conducted in accordance with applicable regulations. A water well and pressure tank are also present in the northeast corner of the subject site. The well was likely used historically for irrigation at the nursery, and may have also supplied the home sites with potable water prior to the availability of publicly available services. The well does not appear in the water well and oil/gas well search included in the Regulatory Database report, indicating its construction likely pre-dated registration requirements. No electrical transformers were observed on the subject site. A pad mounted electrical transformer was observed just outside the southern property boundary, just east of Newcastle, and appears to be the transformer serving the subject site. A pole-mounted electrical transformer was observed adjoining the eastern boundary of the subject property. Both transformers appear to be of recent vintage and were observed to be in good condition. No staining, stressed vegetation, or other evidence of a materials release was observed in the vicinity of either transformer, and they are not considered an environmental concern at this time.

Properties adjoining the subject site to the west contain single-family residential development. Properties adjoining the subject site to the south contain a church and single-family residential development. Properties adjoining the subject site to the east are currently being developed as single-family residential homes. Property adjoining to the north contains single-family residential development. Property adjoining the subject site to the north was at one time a portion of the larger Teas Nursery property. Previous assessments of the Teas property indicated no impact to this former portion of the property from nursery operations, and it is not considered an environmental concern to the subject property at this time.

BOA has reviewed previous assessments of the subject property, including a previous Limited Phase II ESA performed at the subject site (Aaron and Wright Technical Services, November 2003). The report documents sampling activities and analytical results related to pesticide use and storage at the subject site. Low level detections for 4-4 DDE, Dieldrin, heptachlor epoxide, chlordane, 4-4 DDD, and 4-4 DDT are reported for surficial soils in two locations. The report states that the reported concentrations are well below the Texas Risk Reduction Program (TRRP) ^{Tot}Soil_{Comb} Protective Concentration Levels (PCLs) for each compound and concludes no further action is warranted. While it is true that all reported concentrations are below the Tier 1 Residential ^{Tot}Soil_{Comb} PCL for these compounds, the correct Tier 1 Residential Critical PCL for comparison of soil concentrations of dieldrin, 4-4 DDD, and heptachlor epoxide is actually the ^{GW}Soil_{Ing} PCL. Review of the Aaron and Wright data by BOA indicates the reported concentrations for dieldrin, 4-4 DDD, and heptachlor epoxide are also below the ^{GW}Soil_{Ing} PCL. Therefore, all pesticide concentrations reported in the Aaron and Wright report are below the TRRP Tier 1 Residential Critical PCL for each compound and can be considered protective of residential use. Although the Phase II activities were conducted in 2003, use of these pesticides was banned 20 years or more prior, and their use subsequent to the Phase II activities would not be suspected. Based on the preceding, no further action is recommended in terms of past pesticide use and/or storage at the subject site.

Regulatory database information indicates the subject property contains a “closed” LPST incident. BOA was provided with a Final Site Closure Report (TGE Resources, August 2009) for the on-site Leaking petroleum Storage Tank (LPST) incident (LPST ID No. 117783). The report documents final site closure

activities, including plugging and abandonment of four (4) on-site monitoring wells (MW). However, documentation of previous activities, including the MW installation and analytical data from soil and groundwater sampling, site and concentration maps, and other pertinent information, is not included in this report. BOA therefore obtained and reviewed pertinent data from TCEQ Central Records and the TCEQ Houston office. These documents include a UST closure report from USA Environment, a Phase II ESA by TGE Resources, a revised UST closure report by TGE Resources, and a TCEQ Plan A Assessment Report by TGE Resources.

These reports indicate the property was closed considering the affected aquifer (approximately 16 feet below ground surface) as a Class 2 aquifer, as no beneficial use for this aquifer is recorded within 0.5 miles of the site. Concentrations of TPH and benzene in excess of the TRRP Tier 1 Residential ^{GW}Soil_{Ing} PCL were left in place in site soils in the former tank hold; however, groundwater protection was addressed by designation of the resource as a Class 2 aquifer. This allows higher soil and/or groundwater concentrations to remain in place, as there is no threat of exposure to receptors from groundwater because the aquifer is not in use. The only exceedance of the groundwater target concentration reported is for benzene in a temporary well point near the center of the tank hold. Data from temporary well points often over represents dissolved concentrations due to the difficulty in purging sediment from the temporary wells. Data from the permanent monitoring wells indicates no exceedances of the target concentrations for groundwater for any compounds. Groundwater flow direction appears to be predominantly to the northwest, and given the stable to declining plume and the confined aquifer conditions was considered unlikely to migrate off-site. Given these conditions, closure was granted for the site. Based on existing conditions, it is unlikely TCEQ would re-open the LPST incident.

The on-site water well is located several hundred feet cross-gradient of the small groundwater plume and is screened at a different depth interval according to the reports. It is therefore unlikely the on-site well would be affected. Review of the data indicates that contaminant concentrations left in place in site soils meet Tier 1 Residential ^{Tot}Soil_{Comb} or “surface exposure” PCLs for the individual constituents, and exposure to site visitors, site workers, and construction workers is not considered an environmental concern. Since soil concentrations meet residential surface exposure PCLs, and development plans indicate this area will contain green space with no enclosed structures, vapor intrusion is not considered a concern. However, any subsurface construction or excavation activities in this area should be monitored, and special transport and disposal would be required for any affected soils transported off-site. Proposed development activities including grading and sculpting are proposed for this portion of the site, and are likely to have little impact from the former tank hold area. The City of Bellaire has previously taken title to the property, so any potential liability associated with ownership of the property has already been acquired. Given these facts, the closed on-site LPST incident is unlikely to have a significant impact on redevelopment of the site. The exception is underground utility installation, which could potentially require monitoring and special transport/disposal practices mentioned previously. This is addressed more fully in the paragraph below. No GPS coordinates or survey data were provided for the former tank hold. However, based on a combination of the provided maps, photography included in the reports, and field reconnaissance, BOA believes the former tank hold has been located on-site.

If the client wishes to confirm the former tank hold location, subsurface investigation would be required. It is likely the tank hold can be located utilizing a direct push drill rig, which would be minimally invasive. The alternative would be to perform excavation in the approximate area of the former tank hold. Confirming the location of the tank hold may be beneficial in regards to underground utility installation. The best option would be to attempt to avoid the former tank hold area when designing the underground utility system. If this is not possible, then any soils removed from the tank hold area and transported off-site would require characterization and disposal at an appropriate landfill. It would also be prudent to monitor the lower explosive limit (LEL) if open excavations are conducted in this area. If potable water or irrigation lines are to be installed in affected soils, then it is recommended that ductile iron (DI) pipe and

Viton or similar inert gaskets be utilized in the affected area.

The site currently contains a Texas Historic Marker. Proposed redevelopment activities include demolition of the wooden former admin building in the southern portion of the property and the pavilion in the northwest portion of the site, relocation and refurbishment of the yellow two story frame house in the southwest portion of the site, excavation and construction of a small lake in the northeast portion of the site, and relocation of the existing historical marker. Representatives of Evelyn's Park Conservancy indicated the historic marker covers the site only, and not the buildings. However, it is likely that some coordination of site development plans with the Texas Historical Commission (THC) will be necessary. The City of Bellaire, as a political subdivision of the State of Texas, is probably bound by the Texas Antiquities Code to confer with THC in regards to their plans for the public property. THC actually has a form entitled "Marker Relocation Form", and at minimum it appears this would be required. Given the proposed plans for the property and the local historical significance of the site itself, it is possible THC would require additional coordination for the project.

A survey for asbestos containing building materials (ACBM) is outside the scope of a Phase I ESA. However, under the direction of BOA, Phase Engineering performed ACBM inspection of both the former Admin building and the open shed in the northwest portion of the site. Copies of the report are available under separate cover, and indicate ceiling tiles in the former Admin building contain asbestos in excess of the threshold value of 1%. Abatement will likely be required prior to demolition of the structure. A previous ACBM inspection by Bay Environmental, Inc. (December 19, 2012 and revised January 14, 2013) documents a pre-demolition inspection of two on-site residential structures for the presence of asbestos containing building materials (ACBM). Representatives for the City of Bellaire indicated that one of the structures discussed in the report was previously abated and razed, and of the two, only the "yellow house" remains on-site. The report indicates the yellow house contains ACBM in wallboard with float compound and texture, floor tile with ACM mastic, and exterior window glazing. Based on this report, it appears ACBM abatement will be required prior to renovation/restoration of the house.

A survey for lead-based paint is also outside the scope of a Phase I ESA. However, since the yellow house is to remain on-site and will be used by site workers and visitors, lead paint inspection for this structure was deemed prudent. Under the direction of BOA, Phase Engineering performed a lead-based paint inspection of the yellow house. The report is available under separate cover, and indicates the presence of lead-based paint in a substantial portion of the yellow house. BOA's understanding is that the project involves removal of existing paint from the yellow house. A copy of the lead paint report should be provided to the contractor(s) to assess the best mechanisms for removing the existing paint.

A water well is present in the northeast portion of the subject site. While water wells are not considered an environmental concern, they do constitute an open pathway to groundwater. If the well will not be placed back into service, it should be properly plugged and abandoned in accordance with applicable rules and regulations. Additional details concerning the subject site are presented in *Section 3.3*.

Findings and Conclusions:

We have performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E1527-2013 of the 4.9511 acre tract, 4400 Bellaire Boulevard, located in Houston, Harris County, Texas. Any exceptions to, or deletions from, this practice are described in *Section 2.4* of this report. This assessment has revealed no evidence of recognized environmental conditions in connection with the property.

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 10/20/14 07:00 PM

Department: Organizational

Services

Category: Discussion

Department Head: Paul A. Hofmann

DOC ID: 1373

ADOPTED**ACTION ITEM (ID # 1373)****Item Title:**

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing seven (7) members to serve in an advisory capacity on the Ad Hoc Municipal Facilities Committee of the City of Bellaire ("Committee"), for a term commencing on October 20, 2014, and ending on September 30, 2015; setting forth the charge of the Committee, and approving a work plan for the design of new municipal facilities.

Background/Summary:

Mr. Jeff Gerber, President and CEO of Pierce Goodwin Alexander and Linville (PGAL) is prepared to present to City Council his recommended work plan for the Municipal Facilities Project and a recommendation as to the role and responsibilities of the Council Ad Hoc Committee.

Mr. Gerber's presentation will provide the Council with a comprehensive approach that should assist the Council with making a final decision in the selection of Bellaire residents to serve on the Ad Hoc Committee.

Mr. Gerber will address some key steps that Council has previously taken, future steps and processes, schedule leading up to the construction phase of the new facilities, and role and responsibilities of stake holders.

Previous Council Action Summary:

During the September 22, 2014 City Council meeting, the Council voted to enter into a contractual agreement with PGAL to provide professional services related to the Bellaire Municipal Facilities Project and requested that Mr. Gerber present his recommendations to Council as to the role and responsibilities of a Ad Hoc Committee.

Fiscal Impact:

None

Recommendation:

It is the recommendation of Paul A. Hofmann, City Manager, and Karl Miller, Director of Parks, Recreation and Facilities that the City Council accept the recommendations proposed by Mr. Jeff Gerber, PGAL, and select the citizen members of the Council Ad Hoc Committee.

ATTACHMENTS:

- Ad Hoc Municipal Facilities Committee (PDF)
- Municipal Facilities Project Work Plan (PDF)

RESULT:	ADOPTED AS AMENDED [4 TO 0]
MOVER:	Pat B. McLaughlan, Councilman
SECONDER:	Roman F. Reed, Councilman
AYES:	Amanda B. Nathan, Roman F. Reed, Pat B. McLaughlan, Andrew S. Friedberg
ABSTAIN:	Gus E. Pappas
ABSENT:	Philip L. Nauert, James P. Avioli Sr.



ORDINANCE NO. 14-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, APPOINTING SEVEN (7) MEMBERS TO SERVE IN AN ADVISORY CAPACITY ON THE AD HOC MUNICIPAL FACILITIES COMMITTEE OF THE CITY OF BELLAIRE, TEXAS ("COMMITTEE"), FOR A TERM COMMENCING ON OCTOBER 20, 2014, AND ENDING ON SEPTEMBER 30, 2015; SETTING FORTH THE CHARGE OF THE COMMITTEE, AND APPROVING A WORK PLAN FOR THE DESIGN OF NEW MUNICIPAL FACILITIES.

WHEREAS, on May 6, 2013, the City Council of the City of Bellaire, Texas, engaged the firm of Pierce Goodwin Alexander & Linville (PGAL) to provide professional services necessary for Municipal Building Concept Design Studies for the City of Bellaire, Texas, focusing on the City Hall, Civic Center, Police Station, and Municipal Court Buildings; and

WHEREAS, the voters of Bellaire approved a municipal facilities bond program in November of 2013, which will provide \$11,000,000.00 for the purpose of improving, repairing, constructing or replacing certain municipal buildings and facilities, to wit: City Hall, Civic Center, Police Station, and Municipal Court Buildings; and

WHEREAS, on May 27, 2014, the City Council of the City of Bellaire, Texas, approved and adopted a recommendation from PGAL to adopt the "Campus of Buildings" municipal facility configuration option for the development of the City Hall, Civic Center, Municipal Court Building, and Police Station; and

WHEREAS, the City Council of the City of Bellaire, Texas, is authorized to create an ad hoc committee for specific advisory purposes where such existence is limited to a period of less than one (1) year; and

WHEREAS, the City Council of the City of Bellaire, Texas, heretofore previously established an ad hoc committee, hereinafter referred to as the "Ad Hoc Municipal Facilities Committee," on September 8, 2014, to serve in an advisory capacity regarding the development of municipal facilities; and

WHEREAS, the Mayor asked members of City Council to each appoint one (1) citizen of the City of Bellaire, Texas, to serve on the Ad Hoc Municipal Facilities Committee, with the Mayor appointing one (1) citizen and selecting the member of City Council to serve as Council Liaison to the Ad Hoc Municipal Facilities Committee; and

WHEREAS, on September 22, 2014, the City Council of the City of Bellaire, Texas, entered into a contractual agreement with PGAL to provide architectural and engineering design services for the municipal facilities, hereinafter referred to as the “Municipal Facilities Project”; **NOW, THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, THAT:

1. The recitals set forth above are true and correct.
2. The Ad Hoc Municipal Facilities Committee shall be composed of the following seven (7) persons and are each hereby appointed by action of the City Council of the City of Bellaire, Texas, for a term commencing on October 20, 2014, and ending on September 30, 2015, as practicable, unless sooner terminated or extended by action of the City Council of the City of Bellaire, Texas:
 - a. Charlotte Aguilar, selected by Dr. Philip L. Nauert, Mayor;
 - b. Dolores Avioli, selected by James P. Avioli, Sr., Councilman;
 - c. Christopher Butler, selected by Amanda B. Nathan, Mayor Pro Tem;
 - d. John Gabriel, selected by Pat B. McLaughlan, Councilman;
 - e. Chris Kaitson, selected by Gus E. Pappas, Councilman;
 - f. Kristin Schuster, selected by Andrew S. Friedberg, Councilman; and
 - g. Suzanne Shelby, selected by Roman F. Reed, Councilman.
3. Councilman Gus E. Pappas is hereby appointed as Council Liaison to the Ad Hoc Municipal Facilities Committee.
4. The Ad Hoc Municipal Facilities Committee is hereby charged to develop consensus recommendations to the City Council of the City of Bellaire, Texas, limited to the following:
 - a. Impact of construction on the park facilities, and more specifically the Great Lawn, located in Bellaire Town Square, and development of an approach or proposal to address possible impact(s).
 - b. Review of a conceptual design for a possible signature corner for Bellaire Town Square and the park and municipal facilities therein, as well as the development of a proposal for the elements to be included on said signature corner.
 - c. Review of a conceptual design for a pedestrian-friendly median along South Rice Avenue, as well as the development of a proposal for said median.

- d. Provide definitions for various campus elements.
 - e. Provide direction and an approach related to the style of architecture for each municipal facility, including exterior and interior finishes.
 - f. Review of overall LEED (Leadership in Energy and Environmental Design) approach for said municipal facilities and provide direction therein.
5. The Ad Hoc Municipal Facilities Committee meetings will be posted and held in accordance with the Texas Open Records Act and facilitated by the City's architectural and engineering firm, PGAL.
6. The role of the Council Liaison is hereby established as follows:
- a. Assist in communicating the recommendations and overall progress of the Ad Hoc Municipal Facilities Committee to the City Council of the City of Bellaire, Texas;
 - b. Assist the City Manager and PGAL with the receipt and assimilation of community input;
 - c. Assist the City Manager and PGAL with the receipt and assimilation of input from the Cultural Arts Board of the City of Bellaire, Texas, and from the Evelyn's Park Conservancy Building Committee; and
 - d. Assist the City Manager and PGAL with the publication of updates and narratives for public information.
7. The initial project timeline, including the initial schedule for Ad Hoc Municipal Facilities Committee meetings, City Council Workshop Sessions, and significant publication dates is hereby established in the Work Plan as attached hereto and marked Exhibit "A."
8. This Ordinance shall be effective immediately upon its passage and adoption.

PASSED, APPROVED, and ADOPTED this 20th day of October, 2014.

(SEAL)

ATTEST:

SIGNED:

Tracy L. Dutton, TRMC
City Clerk

Amanda B. Nathan
Mayor Pro Tem

APPROVED AS TO FORM:

Alan P. Petrov
City Attorney



EXHIBIT A

Municipal Facilities Project Work Plan

PGAL

Ordinance No. 14-_____ dated October 20, 2014



City of Bellaire Municipal Buildings

PGAL

October 14, 2014

Week	Monday	Tuesday	Wednesday	Thursday	Friday
1			10/1	10/2	10/3
	Confirm Program				
2	10/6	10/7	10/8	10/9	10/10
	Confirm Program				
3	10/13	10/14	10/15	10/16	10/17
	Confirm Program				
					City Staff Review
	Blocking Studies				
	Room Data Sheets				
4	10/20	10/21	10/22	10/23	10/24
	Publish Draft Program				City Staff Review
	City Council Kickoff Mtg Committee Appointment	Blocking Studies			
	Room Data Sheets				
	Committee Kickoff Mtg.				
5	10/27	10/28	10/29	10/30	10/31
	Concept Design				



City of Bellaire Municipal Buildings

PGAL

October 14, 2014

Week	Monday	Tuesday	Wednesday	Thursday	Friday
6	11/3	11/4	11/5	11/6	11/7
	Concept Design				
	Council Workshop Council Chambers				
7	11/10	11/11	11/12	11/13	11/14
	Approve Program	Concept Design			
	Blocking Review				City Staff Review
	Committee Mtg. Review Big Ideas.				
8	11/17	11/18	11/19	11/20	11/21
	Concept Design				
	Issue CMAR RFP				City Staff Review
9	11/24	11/25	11/26	11/27	11/28
	Concept Design				
	Site Visit				
	Committee Mtg. Review Big Ideas.				City Staff Review
10	12/1	12/2	12/3	12/4	12/5
	Concept Design				
	Site Visit				
	Committee Mtg. Concept Review			Release CMAR RFP	City Staff Review

Attachment: Municipal Facilities Project Work Plan (1373 : Municipal Facilities Project- Work Plan and Ad Hoc Committee Selection and



City of Bellaire Municipal Buildings

PGAL

October 14, 2014

Week	Monday	Tuesday	Wednesday	Thursday	Friday
11	12/8	12/9	12/10	12/11	12/12
Concept Design					
12	12/15	12/16	12/17	12/18	12/19
Concept Design					
13	12/22	12/23	12/24	12/25	12/26
Concept Design					
14	12/29	12/30	12/31	1/1	1/2
Concept Design					
15	1/5	1/6	1/7	1/8	1/9
Concept Design					
Council Workshop Concept Review					



City of Bellaire Municipal Buildings

PGAL

October 14, 2014

Week	Monday	Tuesday	Wednesday	Thursday	Friday
16	1/12 Committee Mtg. Concept Approval Publish Concept Design	1/13	1/14	1/15	1/16 Schematic Design
17	1/19	1/20	1/21	1/22	1/23 Schematic Design City Staff Review
18	1/26 Committee Mtg. Exterior Design	1/27	1/28	1/29	1/30 Schematic Design Interview CMAR City Staff Review
19	2/2 Council Workshop Exterior Review	2/3	2/4	2/5 Committee Mtg. Schematic Design Review	2/6 Schematic Design City Staff Review
20	2/9	2/10	2/11	2/12	2/13 Schematic Design Revisions

Attachment: Municipal Facilities Project Work Plan (1373 : Municipal Facilities Project- Work Plan and Ad Hoc Committee Selection and



City of Bellaire Municipal Buildings

PGAL

October 14, 2014

Week	Monday	Tuesday	Wednesday	Thursday	Friday
21	2/16	2/17	2/18	2/19	2/20
	Schematic Design Revisions2/23/15				
22	2/23	2/24	2/25	2/26	2/27
	CMAR SD Pricing				
	Design Develop9/1ment				
	Publish Schematic Design				City Staff Review
23	3/2	3/3	3/4	3/5	3/6
	CMAR SD Pricing				
	Design Development				
					City Staff Review
24	3/9	3/10	3/11	3/12	3/13
	Design Development				
	SD Budget Review				City Staff Review
25	3/16	3/17	3/18	3/19	3/20
	Design Development				
	Cultural Arts Review				City Staff Review



City of Bellaire Municipal Buildings



October 14, 2014

Week	Monday	Tuesday	Wednesday	Thursday	Friday
26	3/23	3/24	3/25	3/26	3/27
	Design Development				City Staff Review
	Committee Mtg. Exterior Design Review				
27	3/30	3/31	4/1	4/2	4/3
	Design Development				City Staff Review
	Committee Mtg. Interior Design Review				
28	4/6	4/7	4/8	4/9	4/10
	Design Development				City Staff Review
	Committee Mtg. Interior Finishes				
29	4/13	4/14	4/15	4/16	4/17
	Design Development				City Staff Review
	Committee Mtg. Overall Design Review				
30	4/20	4/21	4/22	4/23	4/24
	Construction Documents				
	CMAR DD Pricing				
	Publish Design Development				
	Committee Mtg. Design Development Review				City Staff Review

Attachment: Municipal Facilities Project Work Plan (1373 : Municipal Facilities Project- Work Plan and Ad Hoc Committee Selection and



City of Bellaire Municipal Buildings

PGAL

October 14, 2014

Week	Monday	Tuesday	Wednesday	Thursday	Friday
31	4/27	4/28	4/29	4/30	5/1
	Construction Documents				
	CMAR DD Pricing				City Staff Review
32	5/4	5/5	5/6	5/7	5/8
	Construction Documents				City Staff Review
	DD Budget Review				
33	5/11	5/12	5/13	5/14	5/15
	Construction Documents				
	Committee Mtg. Final Review				
34	5/18	5/19	5/20	5/21	5/22
	Construction Documents				City Staff Review
	Council Workshop Design Approval				
35	5/25	5/26	5/27	5/28	5/29
	Construction Documents				

Attachment: Municipal Facilities Project Work Plan (1373 : Municipal Facilities Project- Work Plan and Ad Hoc Committee Selection and



City of Bellaire Municipal Buildings

PGAL

October 14, 2014

Week	Monday	Tuesday	Wednesday	Thursday	Friday
36	6/1	6/2	6/3	6/4	6/5
	Construction Documents				City Staff Review
37	6/8	6/9	6/10	6/11	6/12
	Construction Documents				
38	6/15	6/17	6/18	6/19	6/20
	Construction Documents				City Staff Review
39	6/22	6/23	6/24	6/25	6/26
	Construction Documents				
40	6/29	6/30	7/1	7/2	7/3
	Construction Documents				City Staff Review

Attachment: Municipal Facilities Project Work Plan (1373 : Municipal Facilities Project- Work Plan and Ad Hoc Committee Selection and



City of Bellaire Municipal Buildings

PGAL

October 14, 2014

Week	Monday	Tuesday	Wednesday	Thursday	Friday
41	7/6 Construction Documents	7/7	7/8	7/9	7/10
42	7/13 Construction Documents	7/14	7/15	7/16	7/17 City Staff Review
43	7/20 Committee Mtg. Project Update	7/21	7/22	7/23	7/24
44	7/27 Construction Documents	7/28	7/29	7/30	7/31 City Staff Review
45	8/3 Construction Documents	8/4	8/5	8/6	8/7

Attachment: Municipal Facilities Project Work Plan (1373 : Municipal Facilities Project- Work Plan and Ad Hoc Committee Selection and



City of Bellaire Municipal Buildings

PGAL

October 14, 2014

Week	Monday	Tuesday	Wednesday	Thursday	Friday
46	8/10 Construction Documents	8/11	8/12	8/13	8/14 City Staff Review
47	8/17 Construction Documents	8/18	8/19	8/20	8/21
48	8/24 Submit for Bid/Permit Permit Subcontractor Bidding	8/25	8/26	8/27	8/28
49	8/31 Permit Subcontractor Bidding	9/1	9/2	9/3	9/4
50	9/7 Subcontractor Bidding	9/8	9/9	9/10	9/11

Attachment: Municipal Facilities Project Work Plan (1373 : Municipal Facilities Project- Work Plan and Ad Hoc Committee Selection and



City of Bellaire Municipal Buildings

PGAL

October 14, 2014

Week	Monday	Tuesday	Wednesday	Thursday	Friday
51	9/14 Submit Bid Due	9/15	9/16	9/17	9/18 Submit Draft GMP
52	9/21 Finalize CMAR Contract	9/22 Finalize CMAR Contract	9/23 Finalize CMAR Contract	9/24 Submit Final GMP	9/25
53	9/28 City Council Approval of GMP	9/29 Start Construction	9/30	10/1	10/2
54	10/5	10/6	10/7	10/8	10/9
55	10/12	10/13	10/14	10/15	10/16

Attachment: Municipal Facilities Project Work Plan (1373 : Municipal Facilities Project- Work Plan and Ad Hoc Committee Selection and

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 10/20/14 07:00 PM
Department: City Manager
Category: Budget
Department Head: Paul A. Hofmann
DOC ID: 1386

ADOPTED**ACTION ITEM (ID # 1386)****Item Title:**

Consideration of and possible action on the approval of the City of Bellaire 2014 Compensation Study and recommendation for implementation of said study.

Background/Summary:**Background**

City Manager Paul Hofmann presented results and recommended implementation of the compensation study to City Council at the regular City Council meeting on October 6, 2014. The recommendation was as follows:

Place all employees in the new pay structure at existing step and grade with an implementation date of April 1, 2015 for all employees except Patrol Officers. January 1, 2015 would be the implementation date for Patrol Officers and would include a 5% premium in addition to the placement in the new pay structure.

Council Feedback and Proposals

Two scenarios were proposed:

1. Accelerate the PD Prem starting November 1, 2014 instead of January 1, 2015 - Additional cost is \$10,000.
2. Implement all employees starting January 1, 2015 instead of April 1, 2015. Additional costs is \$110,000

	10/06/2014 Original Recommendation	10/20/2014 Scenarios	Difference
Jan 1, 2015 Patrol - Market Adjustment/Prem/IE	\$147,000	\$147,000	\$0
November 1, 2014 Patrol Prem	\$0	\$10,000	\$10,000
April 1 All Classifications (Non Patrol) General Fund	\$235,000	\$235,000	\$0
April 1 All Classifications - Enterprise Fund	\$20,000	\$20,000	\$0
Jan 1 All Classifications (non-patrol) General Fund	\$0	\$95,000	\$95,000
Jan 1 All Classifications Enterprise Fund		\$15,000	\$15,000
Totals	\$402,000	\$522,000	\$120,000

Previous Council Action Summary:

City Council accepted into the record the City Manager's presentation and proposed implementation, as well as providing the opportunity for Council to provide feedback

regarding the proposed recommendations with a follow-up of placing this item on the October 20, 2014 agenda for consideration to approve an implementation plan.

Fiscal Impact:

Funding for the original recommendation can be accomplished within the FY2015 budget as adopted. We have been asked to access and evaluate how we can be more aggressive with moving up the original recommendation. If scenarios other than the one recommended on October 6, 2014 are approved a budget amendment will be required for the general fund only.

The budget amendment would include increased sales tax budgeted projections for FY2015 of no more than \$105,000 and expenditures of no more than \$105,000. After receiving final sales tax revenues for FY2014 we have data that provides a three year trend in sales tax of over \$2.2M and will amend the current budget to reflect this trend.

Recommendation:

Council direction to accelerate the implementation of the new salary structure can be accommodated via a budget amendment that would ensure no impact on the FY2015 adopted ending balance.

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

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 10/20/14 07:00 PM
Department: Finance Administration
Category: Truth-In-Taxation
Department Head: Linda Symank
DOC ID: 1332

ADOPTED**ACTION ITEM (ID # 1332)****Item Title:**

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, fixing the tax rate and tax levy for the City of Bellaire, Texas, for tax year 2014 (fiscal year beginning October 1, 2014, and ending September 30, 2015), upon all taxable property in said City.

Background/Summary:

On August 18, 2014, the Bellaire City Council held a public hearing for the proposed budget for the fiscal year beginning October 1, 2014, and ending September 30, 2015. The budget was then placed on the September 8, 2014 agenda and was approved by City Council. The adopted budget included a proposed tax rate of \$0.3936 per \$100 of valuation apportioned \$0.2532 for the General Fund and \$0.1404 for the Debt Service Fund. This proposed rate exceeds the lower of the effective rate or the rollback rate of \$0.3658 and \$0.3936, respectively. Because the proposed rate exceeds the effective rate, the City conducted two public hearings on September 22, 2014 and October 6, 2014. Based on the Certified Appraisal Roll from the Harris County Appraisal District received August 22, 2014, the 2014 total taxable value calculation for Truth-In-Taxation is \$4,022,863,562, and the total tax revenue that would be raised at the proposed tax rate of \$0.3936 per \$100 of valuation is \$15,833,991. This information was published in the Notice of Tax Revenue Increase in the October 7, 2014 edition of the *Southwest News*.

Attached for City Council review and approval is an ordinance setting the tax rate and tax levy for the City of Bellaire, Texas, for tax year 2014 (the fiscal year beginning October 1, 2014 and ending September 30, 2015) upon all taxable property in the City of Bellaire. This year's tax levy to fund maintenance and operations exceeds last year's maintenance and operations tax levy requiring the ordinance to include a statement about "tax increase" as specified in Section 26.05(b) of the Property Tax Code. This year's proposed total tax rate of \$0.3936 exceeds the effective tax rate. **The vote** on the ordinance setting the tax rate of \$0.3936 per \$100 valuation must be a **record vote**, and **the motion** to adopt the ordinance must be made in the following form stating the percentage by which the proposed tax rate exceeds the effective tax rate:

"I move that the property tax rate be increased by the adoption of a tax rate of \$0.3936, which is effectively a 7.60 percent increase in the tax rate."

Previous Council Action Summary:

Held a public hearing on September 22nd and on October 6th.

Fiscal Impact:

Property tax revenues of \$15,833,991 to fund general operations and debt service requirements for FY2015.

Recommendation:

CFO recommends adopting tax rate of \$0.3936 per \$100 of value and allocate \$0.2532 for operations and maintenance and \$0.1404 for debt service.

ATTACHMENTS:

- 05 Tax Year 2014 Rate Ordinance (DOC)

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

ORDINANCE NO. _____

AN ORDINANCE FIXING THE TAX RATE AND TAX LEVY FOR THE CITY OF BELLAIRE, TEXAS, FOR TAX YEAR 2014 (FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015), UPON ALL TAXABLE PROPERTY IN SAID CITY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS:

1. THAT there is hereby levied and shall be assessed and collected for tax year 2014, an ad valorem tax of **\$0.3936 cents per \$100.00 valuation** on property located within the city limits of the City of Bellaire, Texas, made taxable by law, which said taxes, when collected, shall be apportioned among the funds and departments of the City of Bellaire, and for the purposes hereinafter set forth, as follows, to wit:

\$0.2532

General Fund

(For the purpose of paying maintenance and operations expenditures)

\$0.1404

Debt Service Fund

(For the purpose of paying the accruing interest and to provide a Sinking Fund for payment of the bonded indebtedness of the City of Bellaire)

2. THAT THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

3. THAT THE TAX RATE WILL EFFECTIVELY BE RAISED BY 7.97 PERCENT AND WILL RAISE TAXES FOR

**MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY
APPROXIMATELY (\$3.10).**

4. THAT the Chief Financial Officer is hereby directed to notify the Harris County Tax Assessor-Collector to assess, extend, and enter upon the tax rolls of the City of Bellaire, Texas, for the 2014 tax year, the amounts and rates herein levied, to keep a correct account of same, collect the same, and when so collected, to be distributed in accordance with this ordinance.

PASSED and **APPROVED** this 20th day of October, 2014.

Dr. Phil Nauert, Mayor
City of Bellaire, Texas

ATTEST:

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

APPROVED AS TO FORM:

Alan P. Petrov, City Attorney
City of Bellaire, Texas

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 10/20/14 07:00 PM

Department: Organizational

Services

Category: Budget

Department Head: Diane K White

DOC ID: 1363

ADOPTED**ACTION ITEM (ID # 1363)****Item Title:**

Consideration of and possible action on a request for a record vote by City Council to ratify the property tax increase reflected in the City of Bellaire, Texas, Fiscal Year 2015 Budget, adopted on September 8, 2014, by Ordinance No. 14-049, in accordance with the Texas Local Government Code, Chapter 102, Municipal Budget, Section 102.007(c), Adoption of Budget.

Background/Summary:

The FY2015 Budget was adopted on September 8, 2014. This vote of the City council will confirm based on the vote of the tax rate that the FY2015 will raise more property tax revenue than the previous year.

The adopted FY2015 budget will raise more revenue from property taxes than last year's budget by an amount of \$1,351,507, which is a 9.33 percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is \$285,723.

State of Texas Local Government Code requires that the adoption of a budget that will require raising more revenue from property taxes than in previous year requires a separate vote of the governing body to ratify the property tax increase reflected in the budget.

This item is only relevant if the City Council adopts a rate that will increase property tax revenue from the previous year.

Previous Council Action Summary:

FY2015 Budget adoption September 8, 2014

Fiscal Impact:

[If source funding is needed type here]

Recommendation:

City Council to vote to ratify the property tax increase reflected in the FY2015 adopted budget.

RESULT:	ADOPTED [UNANIMOUS]
AYES:	Nathan, Reed, Pappas, McLaughlan, Friedberg
ABSENT:	Philip L. Nauert, James P. Avioli Sr.

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 10/20/14 07:00 PM

Department: Community
Development

Category: Ordinance

Department Head: John McDonald

DOC ID: 1343

**ADOPTED
ORDINANCE (ID # 1343)**

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 Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a First Amendment to the Joint Use Agreement dated January 22, 2004, by and between the Houston Independent School District and the City of Bellaire, Texas, for the purpose of updating the location of the playground and surface parking areas shown on Exhibit "A" to the Joint Use Agreement (Exhibit B to Ordinance No. 03-095) in accordance with plans for a new Condit Elementary School.

Background/Summary:

On December 15, 2003, City Council approved Ordinance 03-095 which approved the abandonment and conveyance of the 5000 block of Laurel Street (between South Rice Avenue and South Third Street) to the Houston Independent School District (HISD) for inclusion into the Condit Elementary campus. The abandonment and conveyance was contingent on the execution of a Joint Use Agreement (JUA) by HISD which occurred in January 2014.

The JUA included the requirement for HISD to construct a playground and surface parking, and permitted the City access to these items outside normal school hours. The playground and parking lot were detailed in an attached Exhibit A and constructed as required on the northern portion of the property.

Based on the recent adoption of a specific use permit for the construction of a new Condit Elementary, the exhibit detailing the location of the required amenities is no longer valid. Attached is an Ordinance to amend 03-095 to include a new "Exhibit A" based on the approved site plan for the school. All other language remains valid and no other changes are required.

Previous Council Action Summary:

- 12/15/2003 Ordinance 03-095 adopted abandoning and conveying the 5000 block of Laurel Street to HISD
- 06/16/2014 Ordinance 14-024 adopted approving SUP S-82 for the construction and operation of a new Condit Elementary School

Fiscal Impact:

None

Recommendation:

The Director of Development Services recommends adoption of the ordinance adopting a new Exhibit A.

ATTACHMENTS:

- Amendment to Joint Use Agreement with HISD for Condit Elementary School (PDF)
- 03-095 - Abandonment of 5000 Block of Laurel Street ROW (PDF)

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



ORDINANCE NO. 14-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, AUTHORIZING THE MAYOR AND THE CITY CLERK OF THE CITY OF BELLAIRE, TEXAS, TO EXECUTE AND ATTEST, RESPECTIVELY, A FIRST AMENDMENT TO THE JOINT USE AGREEMENT DATED JANUARY 22, 2004, BY AND BETWEEN THE HOUSTON INDEPENDENT SCHOOL DISTRICT AND THE CITY OF BELLAIRE, TEXAS, FOR THE PURPOSE OF UPDATING THE LOCATION OF THE PLAYGROUND AND SURFACE PARKING AREAS SHOWN ON EXHIBIT "A" TO THE JOINT USE AGREEMENT (EXHIBIT B TO ORDINANCE NO. 03-095) IN ACCORDANCE WITH PLANS FOR A NEW CONDIT ELEMENTARY SCHOOL, AS ATTACHED HERETO AND MARKED EXHIBIT "A."

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS:

THAT the Mayor and the City Clerk of the City of Bellaire, Texas, are each hereby authorized to execute and attest, respectively, a "First Amendment to the Joint Use Agreement dated January 22, 2004," by and between the Houston Independent School District and the City of Bellaire, Texas, for the purpose of updating the location of the playground and surface parking areas shown on Exhibit "A" to the Joint use Agreement (Exhibit B to Ordinance No. 03-095) in accordance with plans for a new Condit Elementary School, as attached hereto and marked Exhibit "A."

PASSED, APPROVED, and ADOPTED this 20th day of October, 2014.

(SEAL)

ATTEST:

SIGNED:

Tracy L. Dutton, TRMC
City Clerk

Amanda B. Nathan
Mayor Pro Tem

APPROVED AS TO FORM:

Alan P. Petrov
City Attorney



EXHIBIT A

First Amendment to Joint Use Agreement dated January 22, 2004

Houston Independent School District
Amendment to Exhibit B (Joint Use Agreement)
of Ordinance No. 03-095
Ordinance No. 14-_____ dated October 20, 2014

**FIRST AMENDMENT TO THE
JOINT USE AGREEMENT
DATED JANUARY 22, 2004**

This **FIRST AMENDMENT TO THE JOINT USE AGREEMENT DATED JANUARY 22, 2004**, hereinafter referred to as **FIRST AMENDMENT**, is made and executed by and between the **HOUSTON INDEPENDENT SCHOOL DISTRICT**, hereinafter referred to as "**HISD**," and the **CITY OF BELLAIRE, TEXAS**, hereinafter referred to as "**BELLAIRE**," for the purposes and considerations as herein set out.

WITNESSETH

WHEREAS, on December 15, 2003, the City Council of the City of Bellaire, Texas, adopted Ordinance No. 03-095 authorizing the abandonment and subsequent conveyance of the 5000 block of the Laurel Street right-of-way between South Rice Avenue and South Third Street consisting of 0.386 acres of land or 16,815 square feet out of the Wm. J. Brown Survey, Abstract Number 132, and the JNO. Beldin Survey, Abstract Number 166, Bellaire, Texas, to **HISD**; and

WHEREAS, the abandonment and conveyance of the 5000 block of the Laurel Street right-of-way was contingent on the execution by **HISD** of a Joint Use Agreement with **BELLAIRE** for the joint use of a playground and surface parking lot to be constructed by **HISD** on the abandoned and conveyed property, said Joint Use Agreement of which was marked as Exhibit "B" to **BELLAIRE** Ordinance No. 03-095; and

WHEREAS, a general site plan was prepared by **HISD** depicting the proposed location of the referenced surface parking lot consisting of 62 spaces and a playground, said plan of which was marked as Exhibit "A" to the Joint Use Agreement (Exhibit "B" to Ordinance No. 03-095); and

WHEREAS, **HISD** subsequently constructed a surface parking lot and playground on the referenced property and has shared the use of said property with **BELLAIRE** in accordance with the Joint Use Agreement executed on January 22, 2004; and

WHEREAS, **HISD** has plans to construct a new Condit Elementary School on property owned by **HISD** at 7000 South Third Street, with a portion of the campus being constructed on the site formerly known as the 5000 block of Laurel Street; and

WHEREAS, **HISD** will construct new surface parking lots and a new playground as depicted on the general plan attached hereto and marked Exhibit "A"; and

WHEREAS, BELLAIRE and HISD desire to continue operating under the terms and provisions of the Joint Use Agreement executed on January 22, 2004, for the new Condit Elementary School; **NOW, THEREFORE,**

Section 1. Except as specifically amended hereby, the terms, definitions, provisions, and requirements contained in the Joint Use Agreement executed on January 22, 2004, remain in full force and effect.

Section 2. The term "**CITY**" as used in the Joint Use Agreement and "**BELLAIRE**" as used in this **FIRST AMENDMENT** shall mean the **CITY OF BELLAIRE, TEXAS.**

Section 3. The term "**HISD**" as used in the Joint Use Agreement and as used in this **FIRST AMENDMENT** shall mean the **HOUSTON INDEPENDENT SCHOOL DISTRICT.**

Section 4. The Joint Use Agreement is hereby amended by replacing Exhibit "A" to the Joint Use Agreement with a new general plan for Condit Elementary School, as attached hereto and marked Exhibit "A."

IN WITNESS WHEREOF, this **FIRST AMENDMENT** is executed on behalf of **HISD** and **BELLAIRE** on the _____ day of _____, 2014, in triplicate originals, each of equal force.

CITY OF BELLAIRE

HOUSTON INDEPENDENT SCHOOL DISTRICT

Dr. Philip L. Nauert, Mayor

Printed Name: _____
Board of Education President

ATTEST:

ATTEST:

Tracy L. Dutton, City Clerk

Printed Name: _____
Board of Education Secretary

APPROVED AS TO FORM:

Alan P. Petrov, City Attorney

Printed Name: _____
Superintendent of Schools

**HOUSTON INDEPENDENT SCHOOL
DISTRICT (CONT.)**

Printed Name: _____
Chief Financial Officer

APPROVED AS TO FORM:

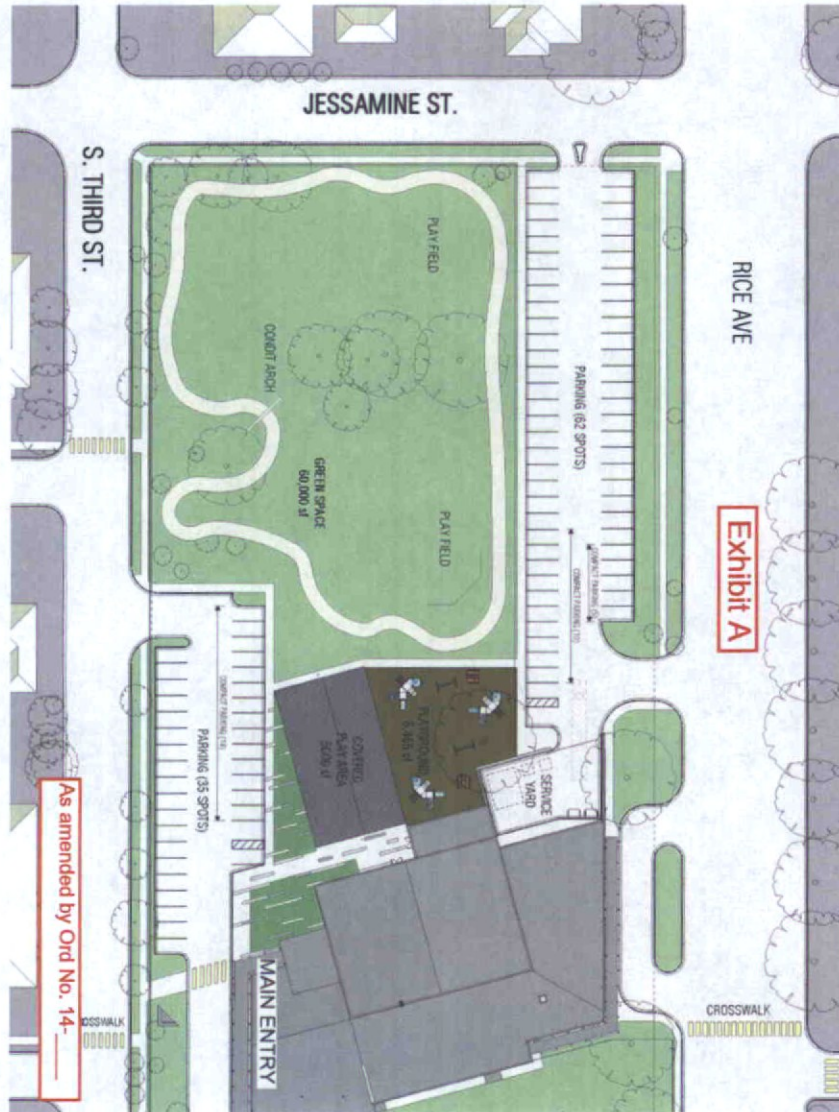
Printed Name: _____
Attorney



EXHIBIT A

Condit Elementary School New Plan

Houston Independent School District
Amendment to Exhibit B (Joint Use Agreement)
of Ordinance No. 03-095
Ordinance No. 14-_____ dated October 20, 2014



ORDINANCE NO. 03-095

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, AUTHORIZING THE ABANDONMENT AND SUBSEQUENT CONVEYANCE OF THE 5000 BLOCK OF THE LAUREL STREET RIGHT-OF-WAY BETWEEN SOUTH RICE AVENUE AND SOUTH THIRD STREET CONSISTING OF 0.386 ACRES OF LAND OR 16,815 SQUARE FEET OUT OF THE WM. J. BROWN SURVEY, ABSTRACT NUMBER 132, AND THE JNO. BELDIN SURVEY, ABSTRACT NUMBER 166, BELLAIRE, HARRIS COUNTY, TEXAS, AS MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, AND AUTHORIZING THE MAYOR AND CITY CLERK OF THE CITY OF BELLAIRE, TEXAS, TO EXECUTE AND ATTEST TO, RESPECTIVELY, AN *ABANDONMENT OF RIGHT-OF-WAY*, IN A FORM AS ATTACHED HERETO AND MARKED EXHIBIT "C" AND A *DEED*, IN A FORM AS ATTACHED HERETO AND MARKED EXHIBIT "D."

WHEREAS, heretofore previously, the City of Bellaire, Texas, has utilized and maintained a street right-of-way upon and across a certain tract and parcel of land, consisting of 0.386 acres of land or 16,815 square feet out of the Wm. J. Brown Survey, Abstract Number 132, and the JNO. Beldin Survey, Abstract Number 166, as more fully described in Exhibit "A" attached hereto, and

WHEREAS, the Houston Independent School District (hereinafter referred to as "Petitioner"), has submitted a Petition in accordance with the *Code of Ordinances of the City of Bellaire, Texas, Chapter 27, Streets, Sidewalks and Public Places, Article VI, Sale and Abandonment of Public Property, Section 27-102, Petition Required*, requesting the abandonment by the City of Bellaire, Texas, and the subsequent conveyance to Petitioner of the 5000 block of the Laurel Street right-of-way between South Rice Avenue and South Third Street consisting of 0.386 acres of land or 16,815 square feet; and

WHEREAS, Petitioner has complied with the requirements set forth in the *Bellaire City Code of Ordinances, Chapter 27, Streets, Sidewalks and Public Places, Article VI, Sale and Abandonment of Public Property, Section 27-103, Fee, and Section 27-104, Survey Required*, and has, accordingly, paid the City of Bellaire, Texas, all necessary administrative fees and provided a plat, together with a typed, legal

description, at Petitioner's expense, of the property requested to be abandoned, in a form as attached hereto and marked Exhibit "A"; and

WHEREAS, the request for abandonment has been reviewed by City staff as to its impact on utilities, drainage, and/or future traffic needs and circulation, and City staff has indicated their approval of the proposed abandonment in accordance with the *Bellaire City Code of Ordinances, Chapter 27, Streets, Sidewalks and Public Places, Article VI, Sale and Abandonment of Public Property, Section 27-105, Review by City Staff*; and

WHEREAS, in accordance with the *Bellaire City Code of Ordinances, Chapter 27, Streets, Sidewalks and Public Places, Article VI, Sale and Abandonment of Public Property, Section 27-107, Appraisal*, the City Manager of the City of Bellaire, Texas, directed the Director of Community Development to obtain an independent appraisal, at Petitioner's expense, of the value of the property sought by Petitioner to be abandoned; and

WHEREAS, the City Council of the City of Bellaire, Texas, heretofore previously in accordance with the *Bellaire City Code of Ordinances, Chapter 27, Streets, Sidewalks and Public Places, Article VI, Sale and Abandonment of Public Property, Section 27-106, Notice of Public Hearing on the Petition*, duly approved and adopted Ordinance No. 03-086 on November 3, 2003, calling a public hearing before the City Council of the City of Bellaire, Texas, on Monday, December 8, 2003, at 7:00 p.m. to hear any and all persons desiring to be heard on or in connection with Petitioner's request for the abandonment of the 5000 block of the Laurel Street right-of-way consisting of 0.386 acres of land or 16,815 square feet out of the Wm. J. Brown Survey, Abstract Number 132, and the JNO. Beldin Survey, Abstract Number 166, Bellaire, Harris County, Texas; and

WHEREAS, the City Council of the City of Bellaire, Texas, did hold said public hearing on Monday, December 8, 2003, at 7:00 p.m. and all persons desiring to be heard were heard on or in connection with Petitioner's request for the abandonment of the 5000 block of the Laurel Street right-of-way consisting of 0.386 acres of land or

16,815 square feet out of the Wm. J. Brown Survey, Abstract Number 132, and the JNO. Beldin Survey, Abstract Number 166, Bellaire, Harris County, Texas; and

WHEREAS, the City Council of the City of Bellaire, Texas, finds that the City has no current need for or, expectation of, a future need for such right-of-way for public purposes and further finds that the subject parcel of land can be better utilized by the Petitioner; **NOW, THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF BELLAIRE, TEXAS:**

1. **THAT** the City Council of the City of Bellaire, Texas, based on a review of an appraisal dated September 2, 2003, performed by Waldo S. Luedemann, Jr., MAI, Luedemann & Associates, as well as testimony presented at the public hearing held on December 8, 2003, finds that an equitable settlement for the acquisition of a portion of a certain right-of-way, being the 5000 block of the Laurel Street right-of-way consisting of 0.386 acres of land or 16,815 square feet out of the Wm. J. Brown Survey, Abstract Number 132, and the JNO. Beldin Survey, Abstract Number 166, Bellaire, Harris County, Texas, by Petitioner to be the Joint Use Agreement proposed by Petitioner and attached hereto as Exhibit "B."

2. **THAT** the City Council of the City of Bellaire, Texas, hereby agrees to the abandonment of its interest heretofore previously held in and to a portion of a certain right-of-way, being the 5000 block of the Laurel Street right-of-way consisting of 0.386 acres of land or 16,815 square feet out of the Wm. J. Brown Survey, Abstract Number 132, and the JNO. Beldin Survey, Abstract Number 166, Bellaire, Harris County, Texas, as more fully described in Exhibit "A" attached hereto, said agreement being contingent upon execution by Petitioner of the Joint Use Agreement attached hereto as Exhibit "B," and the reservation of certain easement rights by the City of Bellaire, Texas.

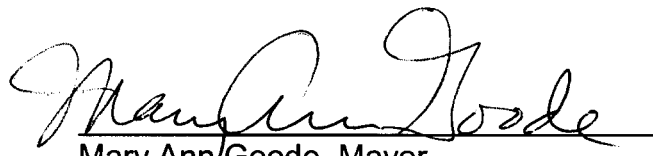
3. **THAT** the Mayor and the City Clerk of the City of Bellaire, Texas, are each hereby authorized to execute and attest to, respectively, for and on behalf of the City of Bellaire, Texas, an *Abandonment of Right-of-Way*, in a form as attached

hereto and marked Exhibit "C," said execution and attestation being contingent upon execution by Petitioner of the Joint Use Agreement attached hereto as Exhibit "B."

4. **THAT** the Mayor and the City Clerk of the City of Bellaire, Texas, are each hereby authorized to execute and attest to, respectively, for and on behalf of the City of Bellaire, Texas, a *Deed*, to and in favor of Petitioner, in a form as attached hereto and marked Exhibit "D," said execution and attestation being contingent upon execution by Petitioner of the Joint Use Agreement attached hereto as Exhibit "B."

5. **THAT** the City of Bellaire, Texas, shall declare the abandonment of said right-of-way to and in favor of Petitioner invalid if execution by Petitioner of the Joint Use Agreement attached hereto as Exhibit "B," has not been received by the City Clerk of the City of Bellaire, Texas, within six (6) months from the date of passage of this Ordinance.

PASSED, APPROVED, and ADOPTED this, the 15th day of December, 2003.


Mary Ann Goode, Mayor
City of Bellaire, Texas

ATTEST:


Tracy L. Button, City Clerk
City of Bellaire, Texas

**EXHIBIT A TO
ORD. NO. 03-095****LEGAL DESCRIPTION**

Subject Property: the 5000 block of Laurel Street right-of-way between South Rice Avenue and South Third Street, consisting of 0.386 acres or 16,815 square feet of land in the Wm. J. Brown Survey, Abstract Number 132, and the JNO. Beldin Survey, Abstract Number 166, Bellaire, Harris County, Texas, said property being legally described as:

BEING a 0.386 acre (16,815 square foot) tract of land in the Wm. J. Brown Survey, Abstract 132, and the JNO. Beldin Survey, Abstract Number 166, Harris County, Texas, said 0.386 acre tract being more particularly described as follows (bearings based on Town of Bellaire according to the plat thereof as recorded in Volume 3, Page 59 of the Map Records of Harris County, Texas):

BEGINNING at a ½-inch iron rod with cap found for the southwest corner of Block 28 of said Town of Bellaire and being at the intersection of the east right-of-way line of South Rice Avenue (90 feet wide), with the north right-of-way line of Laurel Street (60 feet wide) as depicted on said Town of Bellaire;

THENCE, East, a distance of 280.28 feet, along the north right-of-way line of said Laurel Street, to 1-inch iron pipe found at the intersection of the west right-of-way line of Third Street (60 feet wide) as depicted on said Town of Bellaire, with the north right-of-way line of said Laurel Street;

THENCE, South 00 degrees 04 minutes 07 seconds West, a distance of 60.00 feet, along the west right-of-way line of said Third Street, to the intersection of the south right-of-way line of said Laurel Street with the west right-of-way line of said Third Street;

THENCE, West, a distance of 280.21 feet, along the south right-of-way line of said Laurel Street, to the intersection of the east right-of-way line of said South Rice Avenue with the south right-of-way line of said Laurel Street;

THENCE, North, a distance of 60.00 feet, to the **POINT OF BEGINNING** and containing a computed area of 0.386 acres (16,815 square feet) of land.

**EXHIBIT B TO
ORD. NO. 03-095**

JOINT USE AGREEMENT

State of Texas §

County of Harris §

This Agreement is made by and between the Houston Independent School District, 3830 Richmond Avenue, Houston, Texas, 77027, hereinafter called "HISD" and the City of Bellaire, 7008 South Rice Avenue, Bellaire, Texas 77401, hereinafter called "City."

Witnesseth

Whereas, HISD is the owner of that certain property bounded by S. Rice Avenue on the west, Linden Street on the north, South Third Street on the east, and Laurel Street on the south, (hereinafter called "Property") which property is located in the City of Bellaire, Harris County, Texas; and

Whereas, HISD has petitioned City for abandonment and conveyance of that portion of Laurel Street between South Rice Avenue and South Third Street (hereinafter called "Laurel Street") so that the aforesaid described property can be utilized as a contiguous property with the adjoining HISD Condit Elementary School; and

Whereas, HISD and City have agreed that City will abandon and convey Laurel Street to HISD in consideration of HISD granting to City the right to joint use of the Property under terms and provisions as set forth herein;

Now, Therefore, in consideration of the premises and the further terms and conditions as hereinafter set forth, HISD and City agree as follows;

1. HISD agrees to construct a playground and surface parking facility on the Property in general accordance with the plan attached hereto as Exhibit A. Only upon mutual agreement, City and HISD can revise such plan prior to construction and/or from time to time during the lease term. HISD will provide appropriate drainage for the Property facilities and will comply with City of Bellaire drainage requirements. HISD will comply with City of Bellaire Fire Department requirements related to fence gates to the Property. Unless otherwise agreed to by the parties, HISD will comply with City of Bellaire tree ordinances related to facilities at the Property.
2. City agrees to abandon and convey Laurel Street to HISD in consideration of this joint use agreement. This Agreement shall be effective upon execution of this Agreement by both parties and conveyance of Laurel

Street to HISD. Such conveyance shall be subject to all utility easements currently in place in Laurel Street. In the event HISD desires to relocate any utility lines or facilities, HISD shall be responsible for working with utility companies and for costs of relocation with regard to any such utility lines or easements in Laurel Street or on or over any other part of the Property. City agrees to the use of surface rights over alleys within the Property, if any, for the construction and use of said Property for parking and playground facilities as set forth hereinabove.

3. HISD and City agree to joint use of the Property for the term hereof as, follows:
 - A. HISD shall have sole and exclusive use of the Property during all times that Condit Elementary School ("School") is in session, plus all other times during which the Property is requested by School for School or School-Sponsored activities as agreed to by the Condit principal and City staff.
 - B. City shall have use of the Property at all times other than when required for School use as set forth above. During such times of City use that City does not have specific needs for parking and/or organized City related activities, and HISD has not requested use of Property, the Property shall remain available for general community use in accordance with school district policy.
4. The initial term of this Agreement shall be twenty (20) years commencing on the date of execution of this Agreement. The parties may agree to terminate and/or modify the term of this Agreement at any time upon mutual consent. Subject to the provisions in paragraph 5, either party has the right to require an additional ten (10) year extension after the initial term.
5. Either party shall have the right to terminate this Agreement without cause upon giving a one (1) year notice to the other party.

If HISD commits a material default or cancels this Agreement during the initial ten years of the agreement term, HISD at its option shall pay to City the sum of \$386,750 or reconvey Laurel Street to City, within ninety (90) days of such default or cancellation.

If such material default or cancellation by HISD occurs during years eleven (11) through twenty (20) of the agreement term, HISD, at its option,

shall pay to City, the sum of \$200,000 or reconvey Laurel Street to City within ninety (90) days of such default or cancellation.

Provided the Agreement has not been terminated prior to the end of the initial twenty (20) year term, if HISD does not agree to extend for an additional ten (10) year term upon request by City, HISD, at its option, shall pay to City the sum of \$100,000 or reconvey Laurel Street to City, within ninety (90) days of such refusal to extend.

In the event of the occurrence of any reconveyance or payment by HISD under any of the aforementioned scenarios, this Agreement shall terminate. Should City cancel the Agreement during the initial 20 year term, or fail to request an extension after the initial term, HISD shall not be obligated to reconvey Laurel Street or make any payment to City.

6. The use of the Property for scheduled City recreational and other activities shall at all times be supervised by a responsible adult. City shall not allow any activities on the Property during City use times that are hazardous to property of HISD. No alcoholic beverages shall be allowed on Property.
7. The Property shall be used by City for purposes as set forth herein, and for no other purposes in conjunction with HISD's continuing use of same for school purposes.
8. HISD and City will share costs for electricity to Property, if separately metered, based on use of lighting at the recreational fields on Property.
9. Neither party assumes responsibility for any injury or damage to persons or property resulting from the use of Property by the other party. HISD shall be named as an additional insured on all liability insurance policies carried by City that provide coverage for City activities and/or for City's use of the Property.
10. Each party agrees to maintain the premises in a clean and orderly condition during its respective use of the Property. No trash, garbage, or other waste shall be permitted on the Property. Each party shall be responsible for providing site clean-up services for all programs related to its respective programs and activities. In all other respects, HISD shall be responsible for maintenance of the Property.
11. In accordance with the provisions of Civil Act 5281, United States District Court Eastern Division of Texas, Tyler Division, as amended August 15, 1973, the City shall also comply with the following;

The further covenant, consideration and condition is that the following restrictions shall in all things be observed, followed and complied with:

- (a) The above-described realty, or any part thereof, shall not be used in the operation of, or in conjunction with, any school or other institution of learning, study or instruction which discriminates against any person because of his race, color or national origin, regardless of whether such discrimination be effected by design or otherwise.
- (b) The above described realty, or any part thereof, shall not be used in the operation of, or in conjunction with, any school or other institution of learning, study or instruction which creates, maintains, reinforces, renews, or encourages, or which tends to create, maintain, reinforce, renew or encourage a dual school system.

The restrictions and conditions shall be binding upon City; and in case of violation of either or both of the above restrictions, the use herein granted shall without entry or suit, immediately revert to and vest in HISD herein and its successors, this instrument shall be null and void, and HISD and its successors shall be entitled to immediate possession of such premises and the improvements thereon; and no act or omission upon the part of HISD herein and its successors shall be a waiver of the operation or enforcement of such condition.

The restriction set out in (a) above shall be construed to be for the benefit of any person prejudiced by its violation. The restriction specified in (b) above shall be construed to be for the benefit of any public school district or any person prejudiced by its violation.

- 12. Neither party shall sublet or assign its rights under this agreement or any part thereof to any party without the prior written consent of the other party.

This agreement shall not bestow any rights upon any third party, but rather shall benefit HISD and City only.

- 13. Wherever any notice is required or permitted hereunder such notice shall be in writing. Any notice or document required or permitted to be delivered hereunder shall be deemed to be delivered when deposited in the United States mail, postage prepaid, Certified or Registered Mail, Return Receipt Requested, addressed to the parties hereto at their respective addresses set forth in the preamble paragraph of this Agreement or at such other addresses as they may have hereinafter specified by written notice.

14. HISD and City currently have license agreements for the use by the City of playing fields located at Gordon Elementary School, Horn Elementary School and Pin Oak Middle School. HISD agrees to work with the City to extend the terms of such agreements to a twenty (20) year period within one (1) year of the date of execution of this Agreement.

In Witness Whereof, this Agreement is executed on behalf of HISD and City, on this 22nd day of January, 2004, in triplicate originals, each of equal force.

City of Bellaire

Houston Independent School District

By: Mary Ann Goode
 Title: ~~Mayor~~ Mayor

Karla Cisneros
 Karla Cisneros, President
 Board of Education

City of Bellaire - Attest:

Arthur M. Gaines, Jr.
 Arthur M. Gaines, Jr., Secretary
 Board of Education

By: Kaye L. Outton
 Title: City Clerk

Kaye Stripling 1-29-04
 Dr. Kaye Stripling
 Superintendent of Schools

Approved as to Form:

Alan P. Petrov
 Alan P. Petrov, City Attorney

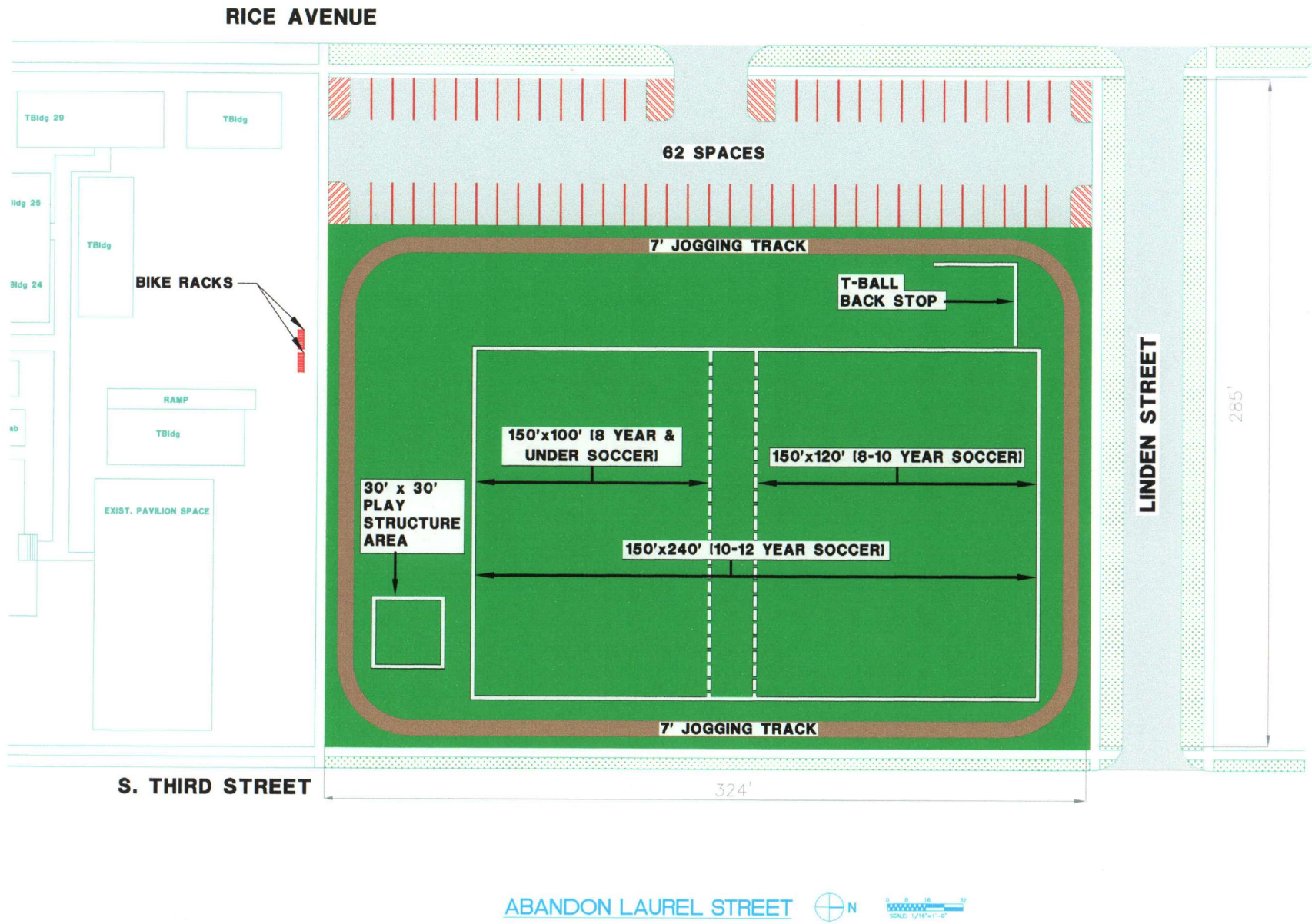
Melinda Garrett
 Melinda Garrett
 Chief Financial Officer

Approved as to Form:

Donald R. Boehm
 Donald R. Boehm, Attorney

Attachment: 03-095 - Abandonment of 5000 Block of Laurel Street ROW (1343 : Amendment to Condit Joint Use Agreement)

EXHIBIT A



ABANDON LAUREL STREET

ABANDONMENT OF RIGHT-OF-WAY

STATE OF TEXAS

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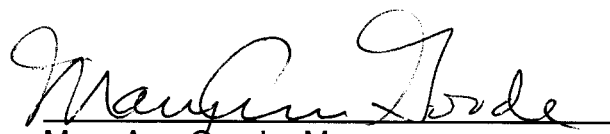
KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF HARRIS

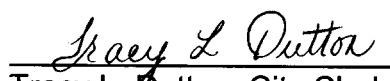
§

FOR AND IN CONSIDERATION of the receipt of a fair and equitable settlement in the form of a Joint Use Agreement to the City of Bellaire, Texas, from the **HOUSTON INDEPENDENT SCHOOL DISTRICT**, the **CITY OF BELLAIRE, TEXAS**, a home rule city, does, by these presents, abandon, release, and relinquish all of the right-of-way interest and all right, title, and interest of any nature whatsoever held by the City of Bellaire, Texas, upon and across the property being generally described as a tract or parcel of land being the 5000 block of the Laurel Street right-of-way consisting of 0.386 acres of land or 16,815 square feet out of the Wm. J. Brown Survey, Abstract Number 132, and the JNO. Beldin Survey, Abstract Number 166, Bellaire, Harris County, Texas, as more fully described in Exhibit "A," attached hereto except that the City of Bellaire, Texas, shall retain a utility easement across, through and under said tract or parcel of land.

29th **THIS ABANDONMENT OF RIGHT-OF-WAY WAS EXECUTED** this the day of December, 2003.


Mary Ann Goode, Mayor
City of Bellaire, Texas

ATTEST:


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

RETURN DOCUMENT TO:

Tracy L. Dutton, City Clerk
City of Bellaire, Texas
7008 South Rice Avenue
Bellaire, Texas 77401-4495

Attachment: 03-095 - Abandonment of 5000 Block of Laurel Street ROW (1343 : Amendment to Condit Joint Use Agreement)

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared **MARY ANN GOODE**, known to me to be the Mayor of the City of Bellaire, Texas, and **TRACY L. DUTTON**, known to me to be the City Clerk of the City of Bellaire, Texas, whose names are subscribed to the foregoing **ABANDONMENT OF RIGHT-OF-WAY**, and acknowledge to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND and seal of office this the 29th day of December, 2003.

Patte Davies

Notary Public, in and for the
State of Texas

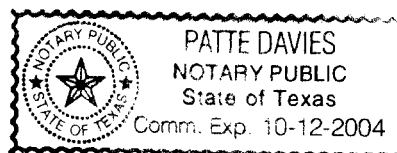


EXHIBIT A**LEGAL DESCRIPTION**

Subject Property: the 5000 block of Laurel Street right-of-way between South Rice Avenue and South Third Street, consisting of 0.386 acres or 16,815 square feet of land in the Wm. J. Brown Survey, Abstract Number 132, and the JNO. Beldin Survey, Abstract Number 166, Bellaire, Harris County, Texas, said property being legally described as:

BEING a 0.386 acre (16,815 square foot) tract of land in the Wm. J. Brown Survey, Abstract 132, and the JNO. Beldin Survey, Abstract Number 166, Harris County, Texas, said 0.386 acre tract being more particularly described as follows (bearings based on Town of Bellaire according to the plat thereof as recorded in Volume 3, Page 59 of the Map Records of Harris County, Texas):

BEGINNING at a ½-inch iron rod with cap found for the southwest corner of Block 28 of said Town of Bellaire and being at the intersection of the east right-of-way line of South Rice Avenue (90 feet wide), with the north right-of-way line of Laurel Street (60 feet wide) as depicted on said Town of Bellaire;

THENCE, East, a distance of 280.28 feet, along the north right-of-way line of said Laurel Street, to 1-inch iron pipe found at the intersection of the west right-of-way line of Third Street (60 feet wide) as depicted on said Town of Bellaire, with the north right-of-way line of said Laurel Street;

THENCE, South 00 degrees 04 minutes 07 seconds West, a distance of 60.00 feet, along the west right-of-way line of said Third Street, to the intersection of the south right-of-way line of said Laurel Street with the west right-of-way line of said Third Street;

THENCE, West, a distance of 280.21 feet, along the south right-of-way line of said Laurel Street, to the intersection of the east right-of-way line of said South Rice Avenue with the south right-of-way line of said Laurel Street;

THENCE, North, a distance of 60.00 feet, to the **POINT OF BEGINNING** and containing a computed area of 0.386 acres (16,815 square feet) of land.

DEED

STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF HARRIS

§

§

THAT the **CITY OF BELLAIRE, TEXAS**, a municipal corporation and political subdivision of the State of Texas, hereinafter referred to as **GRANTOR**, for and in consideration of the sum of **TEN AND NO/100 DOLLARS (\$10.00)** and other good and valuable consideration paid by the **GRANTEE** named below, the receipt and sufficiency of which are acknowledged by **GRANTOR**, has **GRANTED, SOLD, and CONVEYED**, and by these presents does **GRANT, SELL, and CONVEY** to **HOUSTON INDEPENDENT SCHOOL DISTRICT**, hereinafter referred to as **GRANTEE**, whose address is 3830 Richmond Avenue, Houston, Texas, 77027-5838, the 5000 block of the Laurel Street right-of-way described in **Exhibit A** attached to and made a part of this instrument, hereinafter referred to as the **PROPERTY**.

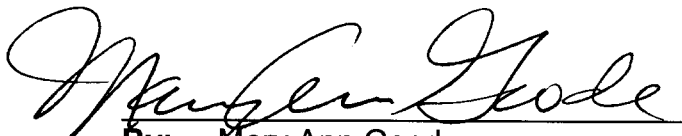
THIS CONVEYANCE is made subject to the following restrictions and reservations: **GRANTOR** reserves the right to utilize all or any part of the right-of-way described in Exhibit "A" as a utility easement; **GRANTEE** agrees to abide by the terms and conditions of the Joint Use Agreement attached hereto as Exhibit "B;" and, **GRANTEE** agrees to submit a plat to the Bellaire Planning and Zoning Commission to remove all interior lot lines and to indicate the existing and reserved utility easements, said plat to be recorded in the Harris County Real Property Records.

GRANTOR excludes and excepts any warranties, express or implied, regarding the **PROPERTY**, including, without limitation, any warranties arising by common law or *Section 5.023* of the *Texas Property Code* or its successor.

TO HAVE AND TO HOLD the **PROPERTY**, together with all and singular the rights and appurtenances belonging in any way to the **PROPERTY**, subject to the provisions stated above, to **GRANTEE**, his heirs, personal representatives, successors, and assigns forever, without warranty of any kind.

EXECUTED this the 29th day of December, 2003.

CITY OF BELLAIRE, TEXAS



By: Mary Ann Goode
Title: Mayor

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on December 29th, 2003, by Mayor Mary Ann Goode of the City of Bellaire, Texas.



Notary Public, in and for the
State of Texas

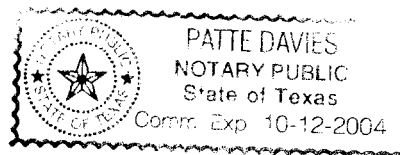


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THENCE, North, a distance of 60.00 feet, to the **POINT OF BEGINNING** and containing a computed area of 0.386 acres (16,815 square feet) of land.

CORRESPONDENCE

Please find enclosed your instrument as recorded in
the Office of the County Clerk. It has been a
pleasure to serve you.

Beverly B. Kaufman

Beverly B. Kaufman
County Clerk
Harris County, Texas

407278X CITY OF BELLAIRE TX
TRACY L DJTTON
7308 SOUTH RICE AVE
BELLAIRE TX 77401

Form No. C-02-02 (Rev. 11/9/98))

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02/20/04 300357252

\$19.00

ABANDONMENT OF RIGHT-OF-WAY

STATE OF TEXAS

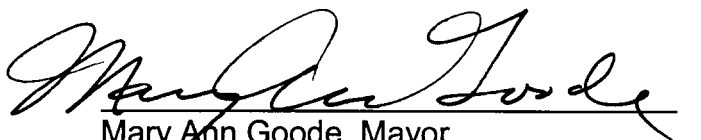
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KNOW ALL MEN BY THESE PRESENTS:

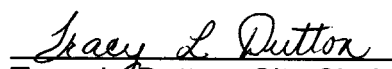
COUNTY OF HARRIS

FOR AND IN CONSIDERATION of the receipt of a fair and equitable settlement in the form of a Joint Use Agreement to the City of Bellaire, Texas, from the **HOUSTON INDEPENDENT SCHOOL DISTRICT**, the **CITY OF BELLAIRE, TEXAS**, a home rule city, does, by these presents, abandon, release, and relinquish all of the right-of-way interest and all right, title, and interest of any nature whatsoever held by the City of Bellaire, Texas, upon and across the property being generally described as a tract or parcel of land being the 5000 block of the Laurel Street right-of-way consisting of 0.386 acres of land or 16,815 square feet out of the Wm. J. Brown Survey, Abstract Number 132, and the JNO. Beldin Survey, Abstract Number 166, Bellaire, Harris County, Texas, as more fully described in Exhibit "A," attached hereto except that the City of Bellaire, Texas, shall retain a utility easement across, through and under said tract or parcel of land.

29th THIS ABANDONMENT OF RIGHT-OF-WAY WAS EXECUTED this the day of December, 2003.


Mary Ann Goode, Mayor
City of Bellaire, Texas

ATTEST:


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

RETURN DOCUMENT TO:

Tracy L. Dutton, City Clerk
City of Bellaire, Texas
7008 South Rice Avenue
Bellaire, Texas 77401-4495

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ACKNOWLEDGMENT

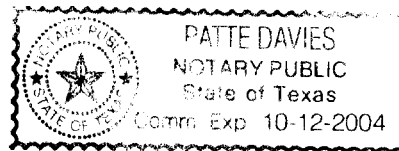
STATE OF TEXAS §
 §
 COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared **MARY ANN GOODE**, known to me to be the Mayor of the City of Bellaire, Texas, and **TRACY L. DUTTON**, known to me to be the City Clerk of the City of Bellaire, Texas, whose names are subscribed to the foregoing **ABANDONMENT OF RIGHT-OF-WAY**, and acknowledge to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND and seal of office this the 29th day of December, 2003.

Patte Davies

Notary Public, in and for the
State of Texas



FILED

2004 FEB 20 PM 1:02

Handy & Leggett
COUNTY CLERK
HARRIS COUNTY TEXAS

EXHIBIT A

LEGAL DESCRIPTION

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Attachment: 03-095 - Abandonment of 5000 Block of Laurel Street ROW (1343 : Amendment to Condit Joint Use Agreement)

DEED

STATE OF TEXAS

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§
§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF HARRIS

THAT the **CITY OF BELLAIRE, TEXAS**, a municipal corporation and political subdivision of the State of Texas, hereinafter referred to as **GRANTOR**, for and in consideration of the sum of **TEN AND NO/100 DOLLARS (\$10.00)** and other good and valuable consideration paid by the **GRANTEE** named below, the receipt and sufficiency of which are acknowledged by **GRANTOR**, has **GRANTED, SOLD, and CONVEYED**, and by these presents does **GRANT, SELL, and CONVEY** to **HOUSTON INDEPENDENT SCHOOL DISTRICT**, hereinafter referred to as **GRANTEE**, whose address is 3830 Richmond Avenue, Houston, Texas, 77027-5838, the 5000 block of the Laurel Street right-of-way described in **Exhibit A** attached to and made a part of this instrument, hereinafter referred to as the **PROPERTY**.

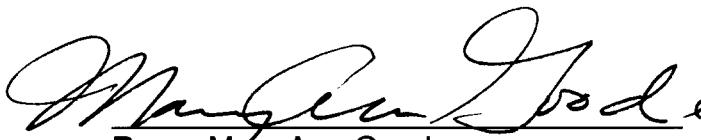
THIS CONVEYANCE is made subject to the following restrictions and reservations: **GRANTOR** reserves the right to utilize all or any part of the right-of-way described in Exhibit "A" as a utility easement; **GRANTEE** agrees to abide by the terms and conditions of the Joint Use Agreement attached hereto as Exhibit "B;" and, **GRANTEE** agrees to submit a plat to the Bellaire Planning and Zoning Commission to remove all interior lot lines and to indicate the existing and reserved utility easements, said plat to be recorded in the Harris County Real Property Records.

GRANTOR excludes and excepts any warranties, express or implied, regarding the **PROPERTY**, including, without limitation, any warranties arising by common law or *Section 5.023* of the *Texas Property Code* or its successor.

TO HAVE AND TO HOLD the **PROPERTY**, together with all and singular the rights and appurtenances belonging in any way to the **PROPERTY**, subject to the provisions stated above, to **GRANTEE**, his heirs, personal representatives, successors, and assigns forever, without warranty of any kind.

EXECUTED this the 29th day of December, 2003.

CITY OF BELLAIRE, TEXAS



By: Mary Ann Goode
Title: Mayor

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on December 29th, 2003, by Mayor Mary Ann Goode of the City of Bellaire, Texas.



Notary Public, in and for the
State of Texas

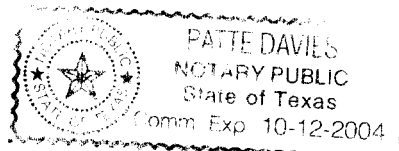


EXHIBIT A

LEGAL DESCRIPTION

Subject Property: the 5000 block of Laurel Street right-of-way between South Rice Avenue and South Third Street, consisting of 0.386 acres or 16,815 square feet of land in the Wm. J. Brown Survey, Abstract Number 132, and the JNO. Beldin Survey, Abstract Number 166, Bellaire, Harris County, Texas, said property being legally described as:

BEING a 0.386 acre (16,815 square foot) tract of land in the Wm. J. Brown Survey, Abstract 132, and the JNO. Beldin Survey, Abstract Number 166, Harris County, Texas, said 0.386 acre tract being more particularly described as follows (bearings based on Town of Bellaire according to the plat thereof as recorded in Volume 3, Page 59 of the Map Records of Harris County, Texas):

BEGINNING at a ½-inch iron rod with cap found for the southwest corner of Block 28 of said Town of Bellaire and being at the intersection of the east right-of-way line of South Rice Avenue (90 feet wide), with the north right-of-way line of Laurel Street (60 feet wide) as depicted on said Town of Bellaire;

THENCE, East, a distance of 280.28 feet, along the north right-of-way line of said Laurel Street, to 1-inch iron pipe found at the intersection of the west right-of-way line of Third Street (60 feet wide) as depicted on said Town of Bellaire, with the north right-of-way line of said Laurel Street;

THENCE, South 00 degrees 04 minutes 07 seconds West, a distance of 60.00 feet, along the west right-of-way line of said Third Street, to the intersection of the south right-of-way line of said Laurel Street with the west right-of-way line of said Third Street;

THENCE, West, a distance of 280.21 feet, along the south right-of-way line of said Laurel Street, to the intersection of the east right-of-way line of said South Rice Avenue with the south right-of-way line of said Laurel Street;

THENCE, North, a distance of 60.00 feet, to the **POINT OF BEGINNING** and containing a computed area of 0.386 acres (16,815 square feet) of land.

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED. In the Official Public Records of Real Property of Harris County, Texas on

FEB 20 2004



Dorely B. Kayman
COUNTY CLERK
HARRIS COUNTY

Packet Pg. 143

Attachment: 03-095 - Abandonment of 5000 Block of Laurel Street ROW (1343 : Amendment to Condit Joint Use Agreement)

582-07-2702

Harris County
Beverly B. Kaufman
County Clerk

02/20/04 300357252 \$19.00
X407298

Harris County
Beverly B. Kaufman
County Clerk

02/20/04 300357253 \$19.00
X407301



CITY OF
Bellaire

7008 South Rice Avenue • Bellaire, Texas 77401-4495 • (713) 662-8222 • Fax (713) 662-8212

March 2, 2004

Mr. Don Boehm
Finance Attorney
Houston Independent School District
3830 Richmond Avenue
Level 4 North
Houston, Texas 77027

Re: Abandonment and subsequent conveyance by the City of Bellaire, Texas, of the 5000 block of Laurel Street right-of-way between South Rice Avenue and South Third Street, Bellaire, Harris County, Texas

Dear Mr. Boehm:

Enclosed herein is a file-stamped copy of an "Abandonment of Right-of-Way" and a "Deed" filed by the City of Bellaire, Texas, with the Harris County Clerk's Office related to the above-referenced abandonment and subsequent conveyance of the 5000 block of Laurel Street right-of-way.

If I may provide anything further for your records, please do not hesitate to call me at (713) 662-8275.

Sincerely,

Tracy L. Dutton

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

Enclosure

xc: Mayor Cindy Siegel
City Manager Bernard M. Satterwhite, Jr.
City Attorney Alan P. Petrov
Director of Community Development Danna Edwards
Director of Parks & Recreation Department Jane L. Dembski
Director of Finance Louise T. Richman
Director of Public Works Joe Keene

Attachment: 03-095 - Abandonment of 5000 Block of Laurel Street ROW (1343 : Amendment to Condit Joint Use Agreement)

X407298
02/20/04 300357252

\$19.00

ABANDONMENT OF RIGHT-OF-WAY

STATE OF TEXAS

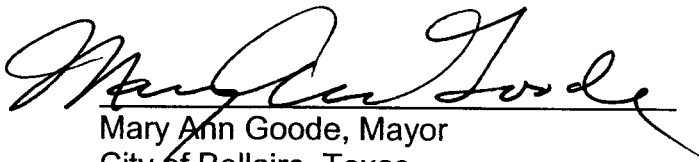
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KNOW ALL MEN BY THESE PRESENTS:

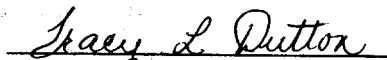
COUNTY OF HARRIS

FOR AND IN CONSIDERATION of the receipt of a fair and equitable settlement in the form of a Joint Use Agreement to the City of Bellaire, Texas, from the **HOUSTON INDEPENDENT SCHOOL DISTRICT**, the **CITY OF BELLAIRE, TEXAS**, a home rule city, does, by these presents, abandon, release, and relinquish all of the right-of-way interest and all right, title, and interest of any nature whatsoever held by the City of Bellaire, Texas, upon and across the property being generally described as a tract or parcel of land being the 5000 block of the Laurel Street right-of-way consisting of 0.386 acres of land or 16,815 square feet out of the Wm. J. Brown Survey, Abstract Number 132, and the JNO. Beldin Survey, Abstract Number 166, Bellaire, Harris County, Texas, as more fully described in Exhibit "A," attached hereto except that the City of Bellaire, Texas, shall retain a utility easement across, through and under said tract or parcel of land.

29th THIS ABANDONMENT OF RIGHT-OF-WAY WAS EXECUTED this the day of December, 2003.


Mary Ann Goode, Mayor
City of Bellaire, Texas

ATTEST:


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

RETURN DOCUMENT TO:

Tracy L. Dutton, City Clerk
City of Bellaire, Texas
7008 South Rice Avenue
Bellaire, Texas 77401-4495

ACKNOWLEDGMENT

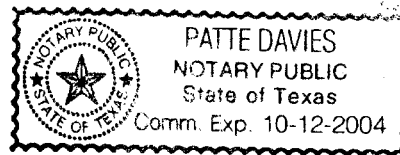
STATE OF TEXAS §
 §
 COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared **MARY ANN GOODE**, known to me to be the Mayor of the City of Bellaire, Texas, and **TRACY L. DUTTON**, known to me to be the City Clerk of the City of Bellaire, Texas, whose names are subscribed to the foregoing **ABANDONMENT OF RIGHT-OF-WAY**, and acknowledge to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND and seal of office this the 29th day of December, 2003.

Patte Davies

Notary Public, in and for the
State of Texas



FILED
 2004 FEB 20 PM 1:02
Brenda B. Kuyman
 COUNTY CLERK
 HARRIS COUNTY TEXAS

Attachment: 03-095 - Abandonment of 5000 Block of Laurel Street ROW (1343 : Amendment to Condit Joint Use Agreement)

EXHIBIT A

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Attachment: 03-095 - Abandonment of 5000 Block of Laurel Street ROW (1343 : Amendment to Condit Joint Use Agreement)

DEED

STATE OF TEXAS

§
§
§

COUNTY OF HARRIS

KNOW ALL MEN BY THESE PRESENTS:

582-07-2769

THAT the **CITY OF BELLAIRE, TEXAS**, a municipal corporation and political subdivision of the State of Texas, hereinafter referred to as **GRANTOR**, for and in consideration of the sum of **TEN AND NO/100 DOLLARS (\$10.00)** and other good and valuable consideration paid by the **GRANTEE** named below, the receipt and sufficiency of which are acknowledged by **GRANTOR**, has **GRANTED, SOLD, and CONVEYED**, and by these presents does **GRANT, SELL, and CONVEY** to **HOUSTON INDEPENDENT SCHOOL DISTRICT**, hereinafter referred to as **GRANTEE**, whose address is 3830 Richmond Avenue, Houston, Texas, 77027-5838, the 5000 block of the Laurel Street right-of-way described in **Exhibit A** attached to and made a part of this instrument, hereinafter referred to as the **PROPERTY**.

THIS CONVEYANCE is made subject to the following restrictions and reservations: **GRANTOR** reserves the right to utilize all or any part of the right-of-way described in Exhibit "A" as a utility easement; **GRANTEE** agrees to abide by the terms and conditions of the Joint Use Agreement attached hereto as Exhibit "B;" and, **GRANTEE** agrees to submit a plat to the Bellaire Planning and Zoning Commission to remove all interior lot lines and to indicate the existing and reserved utility easements, said plat to be recorded in the Harris County Real Property Records.

Attachment: 03-095 - Abandonment of 5000 Block of Laurel Street ROW (1343 : Amendment to Condit Joint Use Agreement)

GRANTOR excludes and excepts any warranties, express or implied, regarding the **PROPERTY**, including, without limitation, any warranties arising by common law or *Section 5.023* of the *Texas Property Code* or its successor.

TO HAVE AND TO HOLD the **PROPERTY**, together with all and singular the rights and appurtenances belonging in any way to the **PROPERTY**, subject to the provisions stated above, to **GRANTEE**, his heirs, personal representatives, successors, and assigns forever, without warranty of any kind.

EXECUTED this the 29th day of December, 2003.

CITY OF BELLAIRE, TEXAS



By: Mary Ann Goode
Title: Mayor

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on December 29th, 2003, by Mayor Mary Ann Goode of the City of Bellaire, Texas.



Notary Public, in and for the
State of Texas

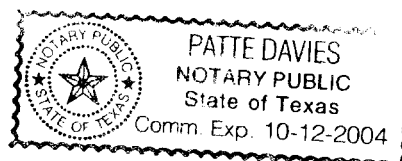


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THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me, and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas on

FEB 20 2004



Dorely B. Kaufman
COUNTY CLERK
HARRIS COUNTY

**HOUSTON INDEPENDENT SCHOOL DISTRICT**

HATTIE MAE WHITE ADMINISTRATION BUILDING
3830 RICHMOND AVENUE · HOUSTON, TEXAS 77027-5838

KAYE STRIPLING, Ed.D.
Superintendent of Schools

Donald R. Boehm
Attorney, Finance, Real Estate and Taxes
TEL 713-892-6889 · FAX 713-892-6203

February 11, 2004

Ms. Tracy L. Dutton
City Clerk
City of Bellaire
7008 South Rice Avenue
Bellaire, Texas 77401-4495

Dear Ms. Dutton:

Enclosed is an executed original of the Joint Use Agreement for the property related to the abandonment of Laurel Street. Thank you for your assistance in this matter. If you need to contact me regarding the agreement and conveyance, please call me at 713.892.6889.

Sincerely,

A handwritten signature in black ink that reads "Donald R. Boehm".

Donald R. Boehm, Attorney
Finance, Real Estate and Taxes

DRB:saa
Enclosure(s)

Attachment: 03-095 - Abandonment of 5000 Block of Laurel Street ROW (1343 : Amendment to Condit Joint Use Agreement)

Office of Superintendent of Schools
Board of Education Meeting of January 22, 2004

January 5, 2004

Office of Chief Financial Officer
Melinda Garrett, Chief Financial Officer

Office of Construction Management (Rebuild HISD)
Richard Lindsay, Senior Project Executive

**SUBJECT: APPROVAL OF JOINT-USE AGREEMENT, BUDGET, AND DESIGN
CONTRACT FOR EXPANSION OF CONDIT ELEMENTARY
SCHOOL**

In the fall of 2003, the Board of Education approved the purchase of property north of Condit Elementary for the addition of a parking lot and additional playground space. The Houston Independent School District (HISD), in acquiring the property, requested that the City of Bellaire abandon Laurel Street so that HISD could combine the school property with the expansion property, providing safe access to the playground. In order to avoid the purchase of the street at an appraised cost of \$387,000, HISD proposed that the street be conveyed to HISD without charge in exchange for a joint-use agreement with the City of Bellaire. Under the joint-use agreement, HISD will pay for all improvements, including the removal of the street, and the City of Bellaire may use the property, when it is not needed for school activities, in exchange for the value of the street right-of-way. Approval of the joint-use agreement and a total project budget not to exceed \$440,000 is requested.

Gabriel Architects, Inc., is recommended to provide design services for the project, with fees not to exceed \$35,000 and reimbursable expenses not to exceed \$5,000.

COST TO DISTRICT: Not to exceed \$440,000

FUNDING SOURCE(S): Funds not to exceed \$440,000 will be paid from the Capital Renovation Fund CP1 81-6610 920-99-600 600

STAFFING IMPLICATIONS: The Project Rebuild Office will coordinate the project.

ORGANIZATIONAL IMPACT: Advances HISD toward achieving goal of bringing facilities to standard

THIS ITEM DOES NOT REQUIRE CONSULTATION.

THIS ITEM DOES NOT ESTABLISH, MODIFY, OR DELETE BOARD POLICY.

RECOMMENDED: That the Board of Education approve a joint-use agreement with the City of Bellaire and a budget of \$440,000, and authorize the Superintendent of Schools or a designee to negotiate, execute, and amend a design contract with Gabriel Architects, Inc., not to exceed \$35,000, and reimbursable expenses not to exceed \$5,000, for the expansion project for Condit Elementary School, effective January 23, 2004.



CITY OF
Bellaire

7008 South Rice Avenue • Bellaire, Texas 77401-4495 • (713) 662-8222 • Fax (713) 662-8212

January 7, 2004

Delivered by Messenger

Mr. Don Boehm
Finance Attorney
Houston Independent School District
3830 Richmond Avenue
Level 4 North
Houston, Texas 77027

Dear Mr. Boehm:

Enclosed herein are three (3) original Joint Use Agreement ("Agreement") documents by and between the Houston Independent School District ("HISD") and the City of Bellaire, Texas, related to an abandonment and conveyance of the 5000 block of Laurel Street, Bellaire, Harris County, Texas, to HISD in consideration of HISD granting to the City of Bellaire, Texas, the right to joint use of the property under the terms and provisions set forth in said Agreement.

Upon approval of the Board of Trustees of HISD and execution by the appropriate HISD officials, please return one original Agreement to my attention as follows: Tracy L. Dutton, City Clerk, City of Bellaire, 7008 South Rice Avenue, Bellaire, Texas 77401-4495. Upon receipt by my office, I will then begin the process of filing the "Abandonment of Right-of-Way" and "Deed" with the Harris County Clerk's Office. A file-stamped copy of both documents will be forwarded to your office as soon as practicable.

Additionally, as we discussed on January 6, 2004, please attach Exhibit "A" to the City's Agreement. It is my understanding that Exhibit "A" is a plan for the Condit Elementary School property consisting of a playground and surface parking facility that was originally presented to the City Council of the City of Bellaire, Texas, during a public hearing held on December 8, 2003.

Attachment: 03-095 - Abandonment of 5000 Block of Laurel Street ROW (1343 : Amendment to Condit Joint Use Agreement)

Mr. Don Boehm
Page 2
January 7, 2004

If you have any questions regarding the foregoing or need further documentation for your files, please do not hesitate to let me know. I may be contacted at 713-662-8275.

Sincerely,

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

Enclosures

xc: City Manager Bernard M. Satterwhite, Jr.
City Attorney Alan P. Petrov
Director of Parks & Recreation Jane L. Dembski

Attachment: 03-095 - Abandonment of 5000 Block of Laurel Street ROW (1343 : Amendment to Condit Joint Use Agreement)

JOINT USE AGREEMENT

State of Texas §

County of Harris §

This Agreement is made by and between the Houston Independent School District, 3830 Richmond Avenue, Houston, Texas, 77027, hereinafter called "HISD" and the City of Bellaire, 7008 South Rice Avenue, Bellaire, Texas 77401, hereinafter called "City."

Witnesseth

Whereas, HISD is the owner of that certain property bounded by S. Rice Avenue on the west, Linden Street on the north, South Third Street on the east, and Laurel Street on the south, (hereinafter called "Property") which property is located in the City of Bellaire, Harris County, Texas; and

Whereas, HISD has petitioned City for abandonment and conveyance of that portion of Laurel Street between South Rice Avenue and South Third Street (hereinafter called "Laurel Street") so that the aforesaid described property can be utilized as a contiguous property with the adjoining HISD Condit Elementary School; and

Whereas, HISD and City have agreed that City will abandon and convey Laurel Street to HISD in consideration of HISD granting to City the right to joint use of the Property under terms and provisions as set forth herein;

Now, Therefore, in consideration of the premises and the further terms and conditions as hereinafter set forth, HISD and City agree as follows;

1. HISD agrees to construct a playground and surface parking facility on the Property in general accordance with the plan attached hereto as Exhibit A. Only upon mutual agreement, City and HISD can revise such plan prior to construction and/or from time to time during the lease term. HISD will provide appropriate drainage for the Property facilities and will comply with City of Bellaire drainage requirements. HISD will comply with City of Bellaire Fire Department requirements related to fence gates to the Property. Unless otherwise agreed to by the parties, HISD will comply with City of Bellaire tree ordinances related to facilities at the Property.
2. City agrees to abandon and convey Laurel Street to HISD in consideration of this joint use agreement. This Agreement shall be effective upon execution of this Agreement by both parties and conveyance of Laurel

Street to HISD. Such conveyance shall be subject to all utility easements currently in place in Laurel Street. In the event HISD desires to relocate any utility lines or facilities, HISD shall be responsible for working with utility companies and for costs of relocation with regard to any such utility lines or easements in Laurel Street or on or over any other part of the Property. City agrees to the use of surface rights over alleys within the Property, if any, for the construction and use of said Property for parking and playground facilities as set forth hereinabove.

3. HISD and City agree to joint use of the Property for the term hereof as, follows:
 - A. HISD shall have sole and exclusive use of the Property during all times that Condit Elementary School ("School") is in session, plus all other times during which the Property is requested by School for School or School-Sponsored activities as agreed to by the Condit principal and City staff.
 - B. City shall have use of the Property at all times other than when required for School use as set forth above. During such times of City use that City does not have specific needs for parking and/or organized City related activities, and HISD has not requested use of Property, the Property shall remain available for general community use in accordance with school district policy.
4. The initial term of this Agreement shall be twenty (20) years commencing on the date of execution of this Agreement. The parties may agree to terminate and/or modify the term of this Agreement at any time upon mutual consent. Subject to the provisions in paragraph 5, either party has the right to require an additional ten (10) year extension after the initial term.
5. Either party shall have the right to terminate this Agreement without cause upon giving a one (1) year notice to the other party.

If HISD commits a material default or cancels this Agreement during the initial ten years of the agreement term, HISD at its option shall pay to City the sum of \$386,750 or reconvey Laurel Street to City, within ninety (90) days of such default or cancellation.

If such material default or cancellation by HISD occurs during years eleven (11) through twenty (20) of the agreement term, HISD, at its option,

shall pay to City, the sum of \$200,000 or reconvey Laurel Street to City within ninety (90) days of such default or cancellation.

Provided the Agreement has not been terminated prior to the end of the initial twenty (20) year term, if HISD does not agree to extend for an additional ten (10) year term upon request by City, HISD, at its option, shall pay to City the sum of \$100,000 or reconvey Laurel Street to City, within ninety (90) days of such refusal to extend.

In the event of the occurrence of any reconveyance or payment by HISD under any of the aforementioned scenarios, this Agreement shall terminate. Should City cancel the Agreement during the initial 20 year term, or fail to request an extension after the initial term, HISD shall not be obligated to reconvey Laurel Street or make any payment to City.

6. The use of the Property for scheduled City recreational and other activities shall at all times be supervised by a responsible adult. City shall not allow any activities on the Property during City use times that are hazardous to property of HISD. No alcoholic beverages shall be allowed on Property.
7. The Property shall be used by City for purposes as set forth herein, and for no other purposes in conjunction with HISD's continuing use of same for school purposes.
8. HISD and City will share costs for electricity to Property, if separately metered, based on use of lighting at the recreational fields on Property.
9. Neither party assumes responsibility for any injury or damage to persons or property resulting from the use of Property by the other party. HISD shall be named as an additional insured on all liability insurance policies carried by City that provide coverage for City activities and/or for City's use of the Property.
10. Each party agrees to maintain the premises in a clean and orderly condition during its respective use of the Property. No trash, garbage, or other waste shall be permitted on the Property. Each party shall be responsible for providing site clean-up services for all programs related to its respective programs and activities. In all other respects, HISD shall be responsible for maintenance of the Property.
11. In accordance with the provisions of Civil Act 5281, United States District Court Eastern Division of Texas, Tyler Division, as amended August 15, 1973, the City shall also comply with the following;

The further covenant, consideration and condition is that the following restrictions shall in all things be observed, followed and complied with:

- (a) The above-described realty, or any part thereof, shall not be used in the operation of, or in conjunction with, any school or other institution of learning, study or instruction which discriminates against any person because of his race, color or national origin, regardless of whether such discrimination be effected by design or otherwise.
- (b) The above described realty, or any part thereof, shall not be used in the operation of, or in conjunction with, any school or other institution of learning, study or instruction which creates, maintains, reinforces, renews, or encourages, or which tends to create, maintain, reinforce, renew or encourage a dual school system.

The restrictions and conditions shall be binding upon City; and in case of violation of either or both of the above restrictions, the use herein granted shall without entry or suit, immediately revert to and vest in HISD herein and its successors, this instrument shall be null and void, and HISD and its successors shall be entitled to immediate possession of such premises and the improvements thereon; and no act or omission upon the part of HISD herein and its successors shall be a waiver of the operation or enforcement of such condition.

The restriction set out in (a) above shall be construed to be for the benefit of any person prejudiced by its violation. The restriction specified in (b) above shall be construed to be for the benefit of any public school district or any person prejudiced by its violation.

- 12. Neither party shall sublet or assign its rights under this agreement or any part thereof to any party without the prior written consent of the other party.

This agreement shall not bestow any rights upon any third party, but rather shall benefit HISD and City only.

- 13. Wherever any notice is required or permitted hereunder such notice shall be in writing. Any notice or document required or permitted to be delivered hereunder shall be deemed to be delivered when deposited in the United States mail, postage prepaid, Certified or Registered Mail, Return Receipt Requested, addressed to the parties hereto at their respective addresses set forth in the preamble paragraph of this Agreement or at such other addresses as they may have hereinafter specified by written notice.

14. HISD and City currently have license agreements for the use by the City of playing fields located at Gordon Elementary School, Horn Elementary School and Pin Oak Middle School. HISD agrees to work with the City to extend the terms of such agreements to a twenty (20) year period within one (1) year of the date of execution of this Agreement.

In Witness Whereof, this Agreement is executed on behalf of HISD and City, on this _____ day of _____, 200____, in triplicate originals, each of equal force.

City of Bellaire

By: Marilyn Hoode
 Title: Mayor

City of Bellaire - Attest:

By: Kacy L Dutton
 Title: City Clerk

Approved as to Form:

Alan P. Petrov
 Alan P. Petrov, City Attorney

Houston Independent School District

_____, President
 Board of Education

_____, Secretary
 Board of Education

 Dr. Kaye Stripling
 Superintendent of Schools

 Melinda Garrett
 Chief Financial Officer

Approved as to Form:

 Donald R. Boehm, Attorney

Attachment: 03-095 - Abandonment of 5000 Block of Laurel Street ROW (1343 : Amendment to Condit Joint Use Agreement)