



CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

JUNE 1, 2015

Council Chamber

Public Hearing and Regular Session

6:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401

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

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

Dr. Philip L. Nauert, Mayor, called the Special Session (Public Hearing) of the City Council of the City of Bellaire, Texas, to order at 6:10 p.m. on Monday, June 1, 2015. The Special Session (Public Hearing) was held in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401. Mayor Nauert announced that a quorum was present consisting of all members of City Council as set forth in the table below.

Full Name	Title	Status	Arrived
Philip L. Nauert	Mayor	Present	
David B. Nathan	Mayor Pro Tem	Present	
John Reed	Councilman	Present	
Anthony Aviola Sr.	Councilman	Present	
James Appas	Councilman	Present	
Michael Laughlan	Councilman	Present	
David S. Friedberg	Councilman	Present	
Paul A. Hofmann	City Manager	Present	
Gregory Petrov	City Attorney	Present	
Tracy L. Dutton	City Clerk	Present	

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

Tracy L. Dutton, City Clerk, read the "Notice of Public Hearing" regarding an application and request submitted by Brown & Gay Engineers, Inc., on behalf of Applicant HEB Grocery Company, LP, for a planned development consisting of a grocery retail area with attached parking facility to be known as "HEB Grocery Store" on a 3.055 acre site currently addressed as 5106 Bissonnet Street, Bellaire, Texas, in the Urban Village Downtown Zoning District (UVD).

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 - HEB Grocery Store Planned Development:

Presentation of an application and request submitted by Brown & Gay Engineers, Inc., on behalf of Applicant HEB Grocery Company, LP, in accordance with Chapter 24, Planning and Zoning, Article VI, Amendatory Procedures, Section 24-604, Application for a Planned Development Amendment, of the Code of Ordinances of the City of Bellaire, Texas, for a planned development consisting of a grocery store retail area with attached parking facility to be known as "HEB Grocery Store" on a 3.055 acre site located on the northern side of the intersection between Bissonnet Street and Cedar Street in the City of Bellaire, Harris County, Texas, and currently addressed as 5106 Bissonnet Street, Bellaire, Texas, in the Urban Village Downtown Zoning District (UVD).

John Rose, Senior Due Diligence Manager for HEB Grocery Company, LP ("HEB"), presented a brief overview of the application and request submitted on behalf of HEB by Brown & Gay Engineers, Inc., for a planned development consisting of a grocery retail area with an attached parking facility.

Mr. Rose began his presentation by stating that HEB planned to construct a two-story building, with 70,000 square feet on the elevated portion (or second story) of the development. Methods to be used for customer access to the second floor were elevators and a "people mover device" which was similar to an escalator with a 12 degree angle. Parking was also available on the upper deck.

Mr. Rose advised further that HEB intended to maximize landscaping and would provide underground detention for storm water. He noted that a Traffic Impact Analysis had been initiated, and he believed that the development would slightly improve traffic in the area.

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

Ms. McBee addressed City Council and advised that she had attended both presentations related to the HEB planned development before the Planning and Zoning Commission. She noted that she opposed the idea of a full-size restaurant in this facility and referenced the restaurant in HEB's San Felipe property. Ms. McBee suggested that HEB consider a small cafe and coffee shop and cooking classes. She urged HEB to consider providing public meeting rooms, such as those offered by Central Market.

Ms. McBee continued and advised that she was delighted to see a progressive and first-rate grocery store come to Bellaire and loved the proposed parking arrangement.

In closing, Ms. McBee advised that she understood that the entire tract of property was not currently owned by HEB. She urged City Council to consider granting the planned development conditionally (only if the entire tract of land was owned by HEB).

Written Comments:

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

Christopher Butler:

This is Christopher Butler, P&Z/Facilities. I won't be able to attend the meeting because I'm on my honeymoon. In fact, I ought to be flying over Kilauea in a helicopter about the time the hearing starts. Not to worry though, almost nobody falls inside the volcano these days.

I voted for the H-E-B project at P&Z because I think this will be a tipping point for downtown Bellaire. The building's height will be something to debate (when P&Z saw the project, the new building was going to be about as tall as the existing parking lot lights). However, I'm submitting comments to talk about sidewalks. I sincerely believe the success of downtown redevelopment will hinge on the pedestrian space. We have a pretty good example of how NOT to do that in Uptown. Six-foot sidewalks do not work in an urban setting. That's three people side by side, not enough. The developer has expressed a willingness to build the sidewalks the city wants, but it is still on us to give them room, direction, and participation for a design that encourages walking. I think a minimum of 14' is vital. Even more width will eventually allow sidewalk dining and beautiful landscaped benches. The kinds of places families will use. That's down the road, but we must reserve the space now. Remember, this project will set the theme for the others. We must get it right.

Thank you.

Keith Bowers:

I noticed the Property Owner for the proposed HEB is requesting Bellaire abandon and cede some 5,300 square feet of Bellaire Street ROW to the property owner (was Jerry Moore, is now?). I am OPPOSED to said ROW abandonment. I strongly urge Bellaire to SELL said ROW at "Market Price" as previously done for other City property. Otherwise Bellaire is giving away Our property without just compensation.

Otherwise I SUPPORT HEB's plans and request for Planned Development Zoning.

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

Dr. Philip L. Nauert, Mayor, opened the floor for questions by members of City Council regarding the applicant's planned development request. Following questions, the public hearing was closed.

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

Dr. Philip L. Nauert Mayor, called for a motion to close the public hearing before the City Council of the City of Bellaire, Texas, regarding an application and request for a planned development to be known as "HEB Grocery Store" consisting of a grocery store retail area with attached parking facility.

Motion:

To close the public hearing of the City Council of the City of Bellaire, Texas, at 7:00 p.m. on Monday, June 1, 2015.

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

H. Adjourn.

Dr. Philip L. Nauert, Mayor, announced that the Special Session (Public Hearing) before the City Council of the City of Bellaire, Texas, was adjourned at 7:01 p.m. on Monday, June 1, 2015.

II. REGULAR SESSION - 7:00 P.M.**A. Call to Order and Announcement of a Quorum - Dr. Philip L. Nauert, Mayor.**

Dr. Philip L. Nauert, Mayor, called the Regular Session of the City Council of the City of Bellaire, Texas, to order at 7:11 p.m. on Monday, June 1, 2015. The Regular Session was held in the Council Chamber, First Floor of City Hall, 7008 South Rice Avenue, Bellaire, Texas 77401.

Mayor Nauert announced that a quorum was present consisting of all members of City Council as set forth in the table below:

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

Andrew S. Friedberg, Councilman, provided the inspirational reading for the evening.

C. Pledges to the Flags - Andrew S. Friedberg, Councilman.

Andrew S. Friedberg, Councilman, 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:

Issuance of a proclamation by Dr. Philip L. Nauert, Mayor, proclaiming the month of June 2015 as "National Hurricane Preparedness Month" in recognition of the importance of planning and preparation by residents and public and private entities during the June 1st through November 30th hurricane season.

Dr. Philip L. Nauert, Mayor, read the proclamation that he had issued proclaiming the month of June 2015 as "National Hurricane Preparedness Month" in recognition of the importance of planning and preparation by residents and public and private entities during the June 1st through November 30th hurricane season.

Darryl Anderson, Fire Chief, accepted the proclamation on behalf of the

Emergency Management Division of the Bellaire Fire Department.

E. Approval or Correction of Minutes:

Minutes dated May 18, 2015:

Consideration of and possible action on the approval and adoption of the minutes of the Special Session (Executive Session) and Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, May 18, 2015.

Mayor and Council - Special Session and Regular Session - May 18, 2015 6:00 PM

Motion:

To adopt the minutes of the Special Session (Executive Session) and Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, May 18, 2015.

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

Amendment No. 1 to the Main Motion:

To amend page 19 of the minutes to insert an explanation for the "nay" vote cast by Councilman Andrew S. Friedberg related to the adoption of a resolution of the City Council of the City of Bellaire, Texas, accepting a financial contribution in the amount of \$1,362,541 from the Evelyn's Park Conservancy Board to be utilized by the City for construction associated with Phase One of Evelyn's Park. Said explanation to read as follows:

***Friedberg** explained that he did not feel the City should formally accept the Conservancy's financial contribution towards construction of Phase One without first knowing that Phase One, as presented this evening, would indeed be approved. If the Phase One construction contract were not to be approved, or were to be approved with modifications, the status and/or amount of the Conservancy's financial contribution would be uncertain at best.*

RESULT:	ADOPTED [6 TO 0]
MOVER:	Andrew S. Friedberg, Councilman
SECONDER:	Dr. Philip L. Nauert, Mayor
AYES:	Nauert, Nathan, Avioli Sr., Pappas, McLaughlan, Friedberg
NAYS:	None
ABSTAIN:	Reed*

*Councilman Roman F. Reed abstained from voting on the amendment to the minutes and the minutes due to his absence from the May 18, 2015, Regular Session.

After noting no further amendments to the minutes dated May 18, 2015, Mayor Nauert called for a vote on the original motion, as amended.

RESULT:	APPROVED AS AMENDED [6 TO 0]
MOVER:	Gus E. Pappas, Councilman
SECONDER:	Pat B. McLaughlan, Councilman
AYES:	Nauert, Nathan, Avioli Sr., Pappas, McLaughlan, Friedberg
ABSTAIN:	Reed

F. Personal/Audience Comments.

Larry Gardner:

Mr. Gardner addressed City Council regarding the safety of children playing at night (or dusk). He advised that he had spent a great deal of time in Europe and referenced the widespread use of reflectors there. He urged City Council to start a discussion about reflectors and to urge residents and children to consider using reflectors on bicycles, on people (walking, running or jogging), and on animals (collars and/or leashes).

Lynn McBee:

Ms. McBee addressed City Council regarding several updates that the City Council would receive during the evening, such as the Comprehensive Plan Update, Parks Master Plan Update, and Draft Five-Year Capital Improvement Plan. She understood that there would be public hearings on the updates and plan, but the sheer volume of information crammed in a short summer period was overwhelming.

Secondly, Ms. McBee referenced the City Manager's Report and advised that she had to request the written report provided weekly to City Council and wondered how a resident could ever catch up on City business.

With respect to the Memorial Day Flood of 2015, Ms. McBee advised that many residents lost power during that event. She indicated that she had attempted to telephone CenterPoint Energy, but received no feedback (i.e., such as the estimated time of repair). She then telephoned the Assistant City Manager ("ACM"), Diane White, who telephoned the City's CenterPoint Energy representative and reported the power outage. Ms. McBee's power was restored later that evening. Ms. McBee publicly thanked ACM White for her assistance. Additionally, Ms. McBee thanked City Engineer James Andrews for documenting the flood damage that occurred in Bellaire on foot and providing a central email address to collect flood information from residents.

Reference was next made to the Federal Emergency Management Agency ("FEMA") and the constant increase residents were seeing in their flood insurance premiums. Ms. McBee advised that she was paying \$800 per year in premiums as opposed to \$300 per year in prior years. She noted that FEMA had a representative on the ground in Houston at the Jewish Community Center and recommended that the City Manager attempt to get FEMA representatives to visit with residents in Bellaire.

In closing, Ms. McBee referred to Draft Five-Year Capital Improvement Plan and noted that it appeared that the City had over \$100 million on projects that the City could spend funds on. She felt that such a decision should be a community decision and noted that she had not seen a bond financial advisor in the Council Chamber for well over one year. She urged City Council to get an outside financial expert to provide them with a report.

{Ms. McBee's allotted speaker time ended at this point in the meeting}

G. Reports:

1. Presentation of the City Manager's Report dated June 1, 2015, consisting of a briefing on the City of Bellaire Response to the May 25/26 Storm.

Paul A. Hofmann, City Manager, presented the City Manager's Report dated June 1, 2015, to members of City Council. The report consisted of a briefing on the City of Bellaire's response to the May 25/26 storm event.

Following questions from members of City Council related to the report, Mayor Nauert called for a motion to accept the City Manager's Report into the record.

Motion:

To accept the City Manager's Report dated June 1, 2015, as presented by Paul A. Hofmann, City Manager, into the record.

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

2. Presentation of a proposed Comprehensive Plan Update.

John McDonald, Director of Development Services, provided a brief update of the status of the review of the 2009 Comprehensive Plan to members of City Council. He stated that the review was based on a draft that had been proposed by the City's consultant (Kendig Keast Collaborative) and City Staff. Director McDonald noted that the Planning and Zoning Commission of the City of Bellaire, Texas ("PZC"), had not acted on the draft, but were expected to do so at their next meeting. It was noted that the PZC held a public hearing on the draft during May of 2015.

The following items were taken into account with respect to the draft: housekeeping items, adjustments to the future land use map, update of the priority action agenda, and inclusion of the Parks Master Plan as an appendix to the document. New issues taken into account included the upgrade to Loop 610/59 and changes in proposed commuter transit in the UV-T zoning district.

In closing, Director McDonald suggested holding a public hearing on the Comprehensive Plan Update before the City Council on Monday, July 6, 2015.

Discussion and questions of Director McDonald related to the suggested public hearing date. Members of City Council requested that consideration be given to moving the date of the public hearing due to its proximity to July 4th. At the conclusion of that discussion, Mayor Nauert called for a motion to accept the Comprehensive Plan Update into the record.

Motion:

To accept the Comprehensive Plan Update, as presented by John McDonald, Director of Development Services, into the record.

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

3. Presentation of a proposed Parks Master Plan Update (Appendix A to the proposed Comprehensive Plan Update).

Karl Miller, Director of Parks, Recreation and Facilities, presented an update of the proposed Parks Master Plan which would serve as Appendix A to the proposed Comprehensive Plan Update.

Director Miller indicated that there were two primary purposes for the City's Parks Master Plan. One purpose was to provide direction for future land improvements, acquisition, and development and the second was to serve as a tool for partnership opportunities.

It was noted that the Parks and Recreation Advisory Board and City Staff had been working on the document since 2012. Director Miller thanked all of the current and prior board members, as well as Council Liaison Amanda B. Nathan, for their hard work and dedication.

Director Miller indicated that the Parks Master Plan, if used properly, could provide for land and recreational needs for Bellaire residents, whether those needs were passive or active.

In developing the Parks Master Plan, the Parks and Recreation Advisory Board implemented citizen surveys, completed individual interviews, conducted focus group meetings, looked at trends, and evaluated existing parks and grounds. In addition to the identification of land needs, the Parks Master Plan considered enhanced park services, enhanced levels of maintenance, and upgrading of existing facilities and equipment.

Mayor Nauert opened the floor for questions from members of City Council regarding the Parks Master Plan Update. After noting that there were no further questions, Mayor Nauert called for a motion accepting the Parks Master Plan Update into the record.

Motion:

To accept the Parks Master Plan Update, as presented by Karl Miller, Director of Parks, Recreation and Facilities, into the record.

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

4. Presentation of the Draft Five-Year Capital Improvement Plan for FY2016-FY2020.

Paul A. Hofmann, City Manager, presented the draft Five-Year Capital

Improvement Plan ("Plan") for fiscal years 2016 through 2020 to members of City Council.

City Manager Hofmann indicated that the Plan served as a guide for City Council's future decisions related to affordability and the method by which the City paid for things. It was noted further that the Plan included assumptions and projections for current revenues in the Enterprise Fund and in the General Fund and assumptions related to the issuance of debt supported by the debt service tax rate and water and sewer rates.

At the conclusion of City Manager Hofmann's presentation, Mayor Nauert opened the floor for questions from City Council. Following questions, Mayor Nauert called for a motion to accept the Plan into the record.

Motion:

To accept the draft Five-Year Capital Improvement Plan for fiscal years 2016 through 2020, as presented by Paul A. Hofmann, City Manager, into the record.

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

H. New Business:

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

- a. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending Ordinance No. 14-058, which provided for the appointment of seven (7) members to serve in an advisory capacity on the Ad Hoc Municipal Facilities Committee (the "Committee"), set the charge of the Committee, and approved a work plan for the design of new municipal facilities, for the purpose of filling two vacancies on the Committee.

Motion:

To approve and adopt an ordinance of the City Council of the City of Bellaire, Texas, amending Ordinance No. 14-058, which provided for the appointment of seven (7) members to serve in an advisory capacity on the Ad Hoc Municipal Facilities Committee (the "Committee"), set the charge of the Committee, and approved a work plan for the design of new municipal facilities, for the purpose of appointing Michael Fife and Todd Blitzer to fill two vacancies on the Committee.

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

- b. Consideration of and possible action on the adoption of resolution of the City Council of the City of Bellaire, Texas, concerning funding for the maintenance of Evelyn's Park pursuant to and in accordance with the Development and Operating Agreement for Evelyn's Park dated as of July 7, 2014, between the City of Bellaire, Texas, and Evelyn's Park Conservancy. Item submitted by Councilman Andrew S. Friedberg.

Motion:

To adopt a resolution of the City Council of the City of Bellaire, Texas, concerning funding for the maintenance of Evelyn's Park pursuant to and in accordance with the Development and Operating Agreement for Evelyn's Park dated as of July 7, 2014, between the City of Bellaire, Texas, and Evelyn's Park Conservancy.

Andrew S. Friedberg, Councilman, summarized the agenda item before City Council. He indicated that the intent of his request for the resolution was to avoid any doubt going forward as to each party's allocated responsibility for maintenance. He noted that he had previously expressed that he had hoped that Evelyn's Park could be scaled back as one means to reduce the ongoing maintenance requirements, as well as to free up the Evelyn's Park Conservancy's funds to be spent on maintenance rather than on construction. So, rather than tinkering with the scope of the park, the resolution would serve as a reminder going forward of the scope of services each party agreed to. He urged favorable action on the resolution as presented.

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

Amendment No. 1 to the Main Motion:

James P. Avioli, Sr., Councilman, moved to place a provision in the resolution stating that the Evelyn's Park Conservancy was responsible for 50% of the costs associated with the operation of the facility (Evelyn's Park). The amendment failed due to the lack of a second.

Discussion ensued among members of City Council regarding the main motion on the table. Following discussion, Mayor Nauert called for a vote on the motion on the table.

RESULT:	ADOPTED [6 TO 1]
MOVER:	Andrew S. Friedberg, Councilman
SECONDER:	Philip L. Nauert, Mayor
AYES:	Nauert, Nathan, Reed, Pappas, McLaughlan, Friedberg
NAYS:	Avioli Sr.

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

Motion:

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

{Motion was moved by Amanda B. Nathan, Mayor Pro Tem, and seconded by Roman F. Reed, Councilman}

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

Amendment No. 1 to the Main Motion:

To request a letter agreement from the Evelyn's Park Conservancy clarifying that the Evelyn's Park Conservancy would be responsible for paying for the exclusions set forth in Exhibit B - Assumptions and Clarifications dated May 4, 2015, and included in AIA Document A133-2009 Standard Form of Agreement Between Owner (City of Bellaire, Texas) and Construction Manager (Linbeck Group, LLC, as Constructor.

{Amendment No. 1 was moved by James P. Avioli, Sr., Councilman, and

seconded by Pat B. McLaughlan, Councilman}

Discussion ensued among members of City Council regarding the amendment (no. 1) to the main motion. It was ultimately determined that the referenced amendment needed to be placed as an action item on a future agenda. Discussion ceased on the amendment.

Amendment No. 2 to the Main Motion:

To approve the contract for construction phase services by replacing the term "owner" on Exhibit B - Assumptions and Clarifications to the term "others."

Discussion ensued among members of City Council regarding the amendment (no.2) to the main motion.

RESULT:	FAILED [2-5]
MOVER:	Gus E. Pappas, Councilman
SECONDER:	Pat B. McLaughlan, Councilman
AYES:	Pappas, Avioli
NAYS:	Nauert, Nathan, Reed, McLaughlan, Friedberg

Members of City Council continued their discussion regarding the main motion on the floor.

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

2. Items for Individual Consideration:

- a. Consideration of and possible action on a request from the Bellaire Police and Fire Departments for City Council approval and permission to apply for a grant from the Bellaire Police and Fire Foundation and to accept, if approved, said grant consisting of an automated, premier Emergency Medical Dispatcher (EMD) software package (ProQA) and associated training designed to help provide the very best in service and speed.

Motion:

To approve a request from the Bellaire Police and Fire Departments for City Council approval and permission to apply for a grant from the Bellaire Police and Fire Foundation and to accept, if approved, said grant consisting of an automated, premier Emergency Medical Dispatcher (EMD) software package (ProQA) and associated training designed to help provide the very best in service and speed.

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

- b. Discussion and possible action regarding the proposed Loop 610 modifications by the Texas Department of Transportation (TxDOT). Item submitted by Councilman Pat B. McLaughlan.

Pat B. McLaughlan, Councilman, presented the agenda item before City Council (as requestor of the item). He began by referencing a discussion that he and the City Manager had regarding a means of notifying businesses in the buildings along the West Loop (north of Bissonnet Street) of the proposed modifications to Loop 610 by the Texas Department of Transportation ("TxDOT"). Councilman McLaughlan noted that those businesses would be affected by the proposed modifications.

Councilman McLaughlan continued by providing a brief overview of the referenced modifications which would cause traffic originating from the Galleria to exit at Bellaire Boulevard, make two u-turns. And to stop at four signal lights, creating a disincentive for businesses located north of Bellaire Boulevard.

Paul A. Hofmann, City Manager, advised that City Staff had identified those businesses along Loop 610 north of Bellaire Boulevard and sent them an email letting them know about TxDOT's June 4th public hearing. Those businesses were also provided with a brief description of the design that TxDOT would present during that meeting. City Staff had face-to-face meetings with representatives of the properties that the City knew were interested and/or directly impacted by the project.

Motion:

To defer the agenda item before City Council this evening until a Council Meeting following the TxDOT public hearing at which time City Council could determine if any action needed to be taken.

RESULT:	TABLED [6 TO 1]
MOVER:	Pat B. McLaughlan, Councilman
SECONDER:	Gus E. Pappas, Councilman
AYES:	Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg
NAYS:	Nauert

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

Items for future agendas included a request from Councilman James P. Avioli, Sr., that Evelyn's Park Conservancy ("EPC") present a letter agreement to the City of Bellaire stating that EPC was responsible for payment of any and all items specified as exclusions in Exhibit B - Assumptions and Clarifications, to the City's Standard Form of Agreement with Linbeck Group, LLC, for construction phase services. Councilman Roman F. Reed

requested an agenda item for detailed discussion related to the construction of a new library.

Community interest items from the Mayor and City Council included encouragement to residents to sign up for "notify me" on the City's website, noting that it was critical in times of emergency to have access to that information; appreciation of and congratulations to the Evelyn's Park Conservancy for their hard work; and appreciation of City Staff for their service.

J. Adjourn.

Motion:

To adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 10:26 p.m. on Monday, June 1, 2015.

RESULT:

UNANIMOUS

MOVER:

Roman F. Reed, Councilman

SECONDER:

Pat B. McLaughlan, Councilman

AYES:

Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg