

CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

JUNE 15, 2015

Council Chamber

Regular Session

7:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401



Mayor

Dr. Philip L. Nauert

Mayor Pro Tem

Amanda B. Nathan

Councilman

James P. Avioli Sr.

Councilman

Pat B. McLaughlan

Councilman

Roman F. Reed

Councilman

Gus E. Pappas

Councilman

Andrew S. Friedberg

Mission Statement:

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

REGULAR SESSION - 7:00 P.M.

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

B. Inspirational Reading and/or Invocation - Amanda B. Nathan, Mayor Pro Tem.

C. Pledges to The Flags - Amanda B. Nathan, Mayor Pro Tem.

1. U.S. Pledge of Allegiance:

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

2. Pledge to the Texas Flag:

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

D. Approval or Correction of Minutes:

Minutes of the City Council:

Consideration of and possible approval of the minutes of the Special Session (Interviews) of the City Council of the City of Bellaire, Texas, held on Monday, June 1, 2015. (Requested by City Clerk Tracy L. Dutton)

E. Personal/Audience Comments.

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

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

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

1. Lettie Harrell

F. Report(s):

City Manager's Report:

City Manager's Report dated June 15, 2015, regarding Fourth of July Activities and Storm Debris Collection Status. (Requested and Presented by Paul A. Hofmann, City Manager)

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

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, granting a planned development permit PD-25-UVD to HEB Grocery Company, LP, for the construction of a retail development consisting of a grocery store with attached parking facility to be known as "HEB Bellaire" 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). (Requested and Presented by John McDonald, Director of Development Services)

2. Item(s) for Individual Consideration:

Consideration of and possible action on a request from Councilman James P. Avioli, Sr., for City Council direction to the City Attorney of the City of Bellaire, Texas, to prepare a Letter Agreement by and between the City of Bellaire, Texas, and the Evelyn's Park Conservancy Board (the "Parties"), for the purpose of clarifying the Parties' financial responsibilities for the exclusions and the three items specified as owner responsibility set forth in Exhibit B - Assumptions and Clarifications, to Addendum 2, GMP Amendment to Agreement between Owner and Construction Manager, to Exhibit 1 to Ordinance No. 14-071, AIA Document A133--2009 Standard Form of Agreement between Owner and Construction Manager as Constructor, by and between the City of Bellaire, Texas, as Owner, and Linbeck Group, LLC, as Construction Manager, regarding Phase One of the Evelyn's Park Project, 4400 Bellaire Boulevard, Bellaire, Texas 77401. (Requested and Presented by James P. Avioli, Sr., Councilman)

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

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

I. Adjourn.

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 06/15/15 07:00 PM
Department: City Clerk
Category: Minutes
Department Head: Tracy L. Dutton
DOC ID: 1618

**SCHEDULED
ACTION ITEM (ID # 1618)**

Item Title:

Consideration of and possible approval of the minutes of the Special Session (Interviews) of the City Council of the City of Bellaire, Texas, held on Monday, June 1, 2015. (Requested by City Clerk Tracy L. Dutton)

Background/Summary:

Minutes of the Bellaire City Council Special Session (Interviews) held on Monday, June 1, 2015, have been prepared by the City Clerk for city Council consideration.

Previous Council Action Summary:

N/A

Fiscal Impact:

N/A

Recommendation:

The City Clerk requests approval of the minutes of the Bellaire City Council Special Session (Interviews) held on Monday, June 1, 2015.

ATTACHMENTS:

- 2015_06_01 - Special Session (Interviews) (DOC)



CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

JUNE 1, 2015

Council Conference Room

Special Session (Interviews)

5:30 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401

SPECIAL SESSION (INTERVIEWS) – 5:30 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 (Interviews) of the City Council of the City of Bellaire, Texas, to order at 5:30 p.m. on Monday, June 1, 2015. He announced that all members of City Council were present as set forth in the table 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	
Tracy L. Dutton	City Clerk	Present	

B. Ad Hoc Municipal Facilities Committee Nominee Interviews:

Interview and discussion of nominees submitted by Dr. Philip L. Nauert, Mayor, and Pat B. McLaughlan, Councilman, to fill two vacancies currently existing on the Ad Hoc Municipal Facilities Committee of the City of Bellaire, Texas.

Members of the Bellaire City Council interviewed nominees submitted by Dr. Philip L. Nauert, Mayor, and Pat B. McLaughlan, Councilman, to fill two vacancies currently existing on the Ad Hoc Municipal Facilities Committee of the City of Bellaire, Texas. The nominees, Michael Fife (submitted by Dr. Philip L. Nauert, Mayor) and Todd Blitzer (submitted by Pat B. McLaughlan, Councilman) were interviewed in 15-minute intervals as follows:

5:30 p.m. – 5:45 p.m. – Michael Fife; and
5:45 p.m. – 6:00 p.m. – Todd Blitzer.

C. Adjourn.

Dr. Philip L. Nauert, Mayor, announced that the Special Session (Interviews) of the City Council of the City of Bellaire, Texas, was adjourned at 6:05 p.m. on Monday, June 1, 2015.

Attachment: 2015_06_01 - Special Session (Interviews) (1618 : Minutes of Special Session - June 1)

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 06/15/15 07:00 PM
Department: City Manager
Category: Report
Department Head: Paul A. Hofmann
DOC ID: 1611

**SCHEDULED
ACTION ITEM (ID # 1611)**

Item Title:

City Manager's Report dated June 15, 2015, regarding Fourth of July Activities and Storm Debris Collection Status. (Requested and Presented by Paul A. Hofmann, City Manager)

Background/Summary:

City Manager Paul A. Hofmann will present his City Manager's Report dated June 15, 2015, to members of City Council. The report will cover Fourth of July activities and storm debris collection status.

Previous Council Action Summary:

N/A

Fiscal Impact:

N/A

Recommendation:

City Manager Paul A. Hofmann recommends acceptance of the City Manager's Report dated June 15, 2015, into the record.

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 06/15/15 07:00 PM
Department: Development Services
Category: Planned Development
Department Head: John McDonald
DOC ID: 1585

SCHEDULED**ACTION ITEM (ID # 1585)**

Item Title:

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, granting a planned development permit PD-25-UVD to HEB Grocery Company, LP, for the construction of a retail development consisting of a grocery store with attached parking facility to be known as "HEB Bellaire" 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). (Requested and Presented by John McDonald, Director of Development Services)

Background/Summary:

On June 1, 2015, the City Council held a public hearing on a request from HEB Grocery Store LP, for a planned development to construct a two-story commercial building to be known as "HEB Bellaire" and to be located on a 3.055 acres site generally located on the north side of Bissonnet between 5th Street and Rice Avenue.

This development is within the UVD zoning district and consists of a single two-story building containing an approximately 70,000 square-foot grocery store on the second level with parking adjacent and at street level. The public hearing was held based on a recommendation for approval from the Planning and Zoning Commission.

During the public comment portion of the public hearing, one residents spoke towards the request. One written comment was subitted on this application and is included as an attachment.

The Commission included in their recommendation to Council a request that the applicant work with Staff to include wider sidewalks along the perimeter of the development as well as to consider modifying the intersection of Cedar and Bissonnet directly to the south of the property. Staff, including the City Engineer, will review these issues with the applicant during the building permitting stage.

Previous Council Action Summary:

None

Fiscal Impact:

N/A

Recommendation:

The Development Services Director concurs with the recommendation by the Planning and Zoning Commission and recommends adoption of the ordinance granting the requested planned development permit.



ORDINANCE NO. 15-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS ("CITY COUNCIL"), GRANTING A PLANNED DEVELOPMENT PERMIT PD-25-UVD TO HEB GROCERY COMPANY, LP, FOR THE CONSTRUCTION OF A RETAIL DEVELOPMENT CONSISTING OF TWO-STORY COMMERCIAL BUILDING TO BE KNOWN AS "HEB BELLAIRE" IN THE URBAN VILLAGE – DOWNTOWN (UVD) DISTRICT, ON A 3.055 ACRE SITE LOCATED ON THE NORTH SIDE OF BISSONNET STREET BETWEEN 5TH STREET AND RICE AVENUE AND CURRENTLY ADDRESSED AS 5106 BISSONNET STREET IN THE CITY OF BELLAIRE, TEXAS.

WHEREAS, HEB Grocery Company, LP, has filed an application and request for a planned development permit for the construction of a two-story commercial building to be known as "HEB Bellaire" in the UVD District on a 3.055 acre site located on the north side of Bissonnet Street between 5th Street and Rice Avenue and currently addressed as 5106 Bissonnet Street in the City of Bellaire, Texas; and

WHEREAS, on March 10, 2015, the Planning and Zoning Commission of the City of Bellaire, Texas ("Commission"), held a public hearing on said application and request for a planned development permit, at the time and place noticed for such public hearing and all persons desiring to be heard were heard on or in connection with any part or provision of the application and request for a planned development permit; and

WHEREAS, the Commission, by memorandum dated April 15, 2015, recommended the approval of the application and request for a planned development permit to construct a retail development consisting of a two-story commercial building to be known as "HEB Bellaire" in the UVD District on a 3.055 acre site located on the north side of Bissonnet Street between 5th Street and Rice Avenue and currently addressed as 5106 Bissonnet Street in the City of Bellaire, Texas, said memorandum of which was accepted by the City Council on June 1, 2015; and

WHEREAS, the City Council did, on June 1, 2015, hold a public hearing on said application and request for a planned development permit, at the time and place noticed for such public hearing and all persons desiring to be heard were heard on or in connection with any part or provision of the application and request for a planned development permit; and

WHEREAS, the City Council has determined it to be in the best interest of the City of Bellaire, Texas, to grant said application and request for a planned development permit;
NOW, THEREFORE,

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

Section 1. **THAT** the recitals set forth above are found to be true and correct.

Section 2. **THAT** the application and request for approval of a planned development submitted by **HEB Grocery Company, LP**, to construct a retail development consisting of a two-story commercial building to be known as "HEB Bellaire" on a 3.055 acre site legally described as Lots 4 through 20 and Tracts 26 through 29, Block 36, Town of Bellaire, recorded in Volume 3, Page 59, Harris County Map Records, in the William J. Brown Survey, Abstract 132 and the James Blessing Survey A-163, Bellaire, Harris County, Texas, **is hereby approved** and that all of the provisions of the *Code of Ordinances of the City of Bellaire, Texas*, not specifically in conflict herewith shall be applicable to said planned development.

Section 3. **THAT** the number of the Planned Development Permit assigned to **HEB Grocery Stores, LP**, shall be: **PD-24-UVD**.

Section 4. **THAT** this Ordinance shall be effective immediately upon its passage and adoption.

PASSED, APPROVED, and ADOPTED this 15th day of June, 2015.

(SEAL)

ATTEST:

SIGNED:

Ord. No. 15-_____

Page 2 of 3

Attachment: PD 25-UVD HEB Bellaire (1585 : Consideration-HEB Planned Development)

Tracy L. Dutton, TRMC
City Clerk

Dr. Philip L. Nauert
Mayor

APPROVED AS TO FORM:

Alan P. Petrov
City Attorney

From: Heather Purcell [mailto:]
Sent: Tuesday, June 02, 2015 10:54 PM
To: Tracy Dutton
Subject: RE: Comments regarding HEB plan from 6/1/2015

My main concern regarding the proposed 2-story HEB is security. The most recent comments I heard from HEB officials regarding patrolling security guards is that they would be provided "during peak hours." I would like that clarified and confirmed – what does HEB consider peak hours? One might argue that security is most needed during non-peak hours when people may be more isolated in the parking garage. Please confirm when an actual person will be patrolling the garage.

Bright lights, white paint, and high ceilings are nice, but cannot substitute for an active security guard. A beautiful new store will not retain its shoppers if anything terrible happens in the garage. Please consider retaining a guard for ALL hours that the store is open. As well, a collection of monitored security cameras in addition to everything else would be ideal. I'm looking forward to a much improved, well-stocked, and safe new HEB in Bellaire!

Thank you,
Heather Purcell

Mayor and Council

7008 S. Rice Avenue
Bellaire, TX 77401



Meeting: 06/15/15 07:00 PM
Department: City Clerk
Category: Discussion
Department Head: Tracy L. Dutton
DOC ID: 1609

**SCHEDULED
ACTION ITEM (ID # 1609)**

Item Title:

Consideration of and possible action on a request from Councilman James P. Avioli, Sr., for City Council direction to the City Attorney of the City of Bellaire, Texas, to prepare a Letter Agreement by and between the City of Bellaire, Texas, and the Evelyn's Park Conservancy Board (the "Parties"), for the purpose of clarifying the Parties' financial responsibilities for the exclusions and the three items specified as owner responsibility set forth in Exhibit B - Assumptions and Clarifications, to Addendum 2, GMP Amendment to Agreement between Owner and Construction Manager, to Exhibit 1 to Ordinance No. 14-071, AIA Document A133--2009 Standard Form of Agreement between Owner and Construction Manager as Constructor, by and between the City of Bellaire, Texas, as Owner, and Linbeck Group, LLC, as Construction Manager, regarding Phase One of the Evelyn's Park Project, 4400 Bellaire Boulevard, Bellaire, Texas 77401. (Requested and Presented by James P. Avioli, Sr., Councilman)

Background/Summary:

On June 1, 2015, Councilman James P. Avioli, Sr., requested an agenda item to clarify the financial responsibilities of the City of Bellaire, Texas, and the Evelyn's Park Conservancy Board (the "Parties") for items that were excluded from the guaranteed maximum price agreement between the City of Bellaire, Texas, and Linbeck Group, LLC, for Phase One of the Evelyn's Park Project, 4400 Bellaire Boulevard, Bellaire, Texas 77401.

The basis of Councilman Avioli's request stemmed from the June 1st approval and adoption by the City Council of the City of Bellaire, Texas, on a 6-1 vote, of Ordinance No. 15-029, which consisted of an Addendum 2, titled "GMP Amendment to Agreement between Owner and Construction Manager" ("Addendum 2"), to Exhibit 1 to Ordinance No. 14-071, titled "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, for Phase One of the Evelyn's Park Project, 4400 Bellaire Boulevard, Bellaire, Texas 77401.

Addendum 2 contains seven (7) Exhibits lettered A to G. Exhibit B to Addendum 2, titled "Assumptions and Clarifications" ("Exhibit B"), sets forth a list of items that are included and excluded from the guaranteed maximum price agreement for Phase One of the Evelyn's Park Project, such as hazardous materials abatement, materials testing, prevailing wage rates, power, water, gas or other utilities used during the project, furniture, fixtures, and equipment, trees, ornamental trees, and overstock trees, security wiring, etc.

In order to clarify which Party is responsible financially for each of the exclusions included in Exhibit B to Addendum 2, Councilman Avioli has asked for City Council consideration of his request to direct the City Attorney of the City of Bellaire, Texas, to prepare a Letter Agreement by and between the City of Bellaire, Texas, and the Evelyn's Park Conservancy Board, setting forth each exclusion outlined in Exhibit B to Addendum 2 and the Party accepting financial responsibility for the exclusion. The intent of Councilman Avioli's request is to clarify the Parties' financial responsibilities for all of the exclusions.

If approved, the City Attorney of the Bellaire City Council will be so directed to prepare the referenced Letter Agreement for City Council adoption and approval at a subsequent City Council Regular Session as soon as practicable.

Previous Council Action Summary:

See preceding paragraphs.

Fiscal Impact:

N/A

Recommendation:

Action as City Council deems appropriate.