



CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

SEPTEMBER 8, 2015

Council Chamber and Council Conference Room
6:00 PM

Executive Session and Special Session

7008 S. RICE AVENUE
BELLAIRE, TX 77401

I. EXECUTIVE SESSION - 6:00 P.M.

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

Dr. Philip L. Nauert, Mayor, called the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, to order at 6:03 p.m. on Monday, September 8, 2015. He announced that a quorum of the members of City Council were present as set forth in the table below.

Full Name	Title	Status	Arrived
Dr. Philip L. Nauert	Mayor	Present	
Pat B. Nathan	Mayor Pro Tem	Present	
Roman F. Reed	Councilman	Present	
Pat B. Aviola Sr.	Councilman	Present	
Pat B. Appas	Councilman	Present	
Pat B. McLaughlan	Councilman	Present	
Pat B. Friedberg	Councilman	Present	
Pat B. Hofmann	City Manager	Present	
Pat B. Petrov	City Attorney	Present	
Pat B. Dutton	City Clerk	Present	

B. Convene in Executive Session (Closed Session):

Convene in Executive Session (Closed Session) under Texas Government Code, Chapter 551, Open Meetings, Section 551.071, Consultation with Attorney; Closed Meeting, and Section 551.072, Deliberation Regarding Real Property; Closed Meeting, for the purpose of discussing legal options regarding the disposition of publicly-owned rights-of-way and easements encumbering the property addressed as 5106 Bissonnet Street, Bellaire, Texas.

Motion:

To convene in Executive Session (Closed Session) under Texas Government Code, Chapter 551, Open Meetings, Section 551.071, Consultation with Attorney; Closed Meeting, and Section 551.072, Deliberation Regarding Real Property; Closed Meeting, for the purpose of discussing legal options regarding the disposition of publicly-owned rights-of-way and easements encumbering the property addressed as 5106 Bissonnet Street, Bellaire, Texas.

RESULT:	UNANIMOUS [7 TO 0]
MOVER:	Roman F. Reed, Councilman
SECONDER:	Pat B. McLaughlan, Councilman

AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg
NAYS:	None
ABSENT:	None

C. Reconvene (Open Session) and Adjourn.

The Bellaire City Council reconvened in Open Session in the Council Chamber at 6:44 p.m. on Monday, September 8, 2015.

Dr. Philip L. Nauert, Mayor, advised that members of City Council had discussed legal options regarding the disposition of publicly-owned rights-of-way and easements encumbering the property addressed as 5106 Bissonnet Street, Bellaire, Texas.

Motion:

To adjourn the Special Session (Executive Session) of the City Council of the City of Bellaire, Texas, at 6:45 p.m. on Monday, September 8, 2015.

RESULT:	UNANIMOUS [7 TO 0]
MOVER:	Roman F. Reed, Councilman
SECONDER:	Amanda B. Nathan, Mayor Pro Tem
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg
NAYS:	None
ABSENT:	None

II. SPECIAL SESSION - IMMEDIATELY FOLLOWING EXECUTIVE SESSION.**A. Call to Order and Announcement of a Quorum - Dr. Philip L. Nauert.**

Dr. Philip L. Nauert, Mayor, called the Special Session of the City Council of the City of Bellaire, Texas, to order at 6:45 p.m. on Monday, September 8, 2015.

B. Possible Reconsideration of an Action of City Council:

Reconsideration and possible repeal and replacement of Ordinance No. 15-051, duly approved and adopted by the City Council of the City of Bellaire, Texas, on the 17th day of August, 2015, said ordinance of which authorized the abandonment of the City of Bellaire's interest in two (2) rights-of-way and three (3) easements, consisting of a total of .1598 acres of land within Lots 4-20, Block 36, Town of Bellaire, a subdivision in Harris County, Texas, also known as 5106 Bissonnet Street, Bellaire, Texas; and authorized Centro NP Holdings 12 SPE LLC, to purchase for the price of \$187,687.50, the City of Bellaire's interest in the two (2) rights-of-way and three (3) easements located at 5106 Bissonnet Street from the City of Bellaire, Texas, for the development contemplated in PD-25; and authorized the Mayor and City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, Abandonment of Alley Right-of-Way Documents and Declaration of Municipality Claiming No Interest in Real Estate Documents - Requested by Councilmen Andrew S. Friedberg and Roman F. Reed.

Motion:

To reconsider, repeal, and replace Ordinance No. 15-051 with an ordinance authorizing the abandonment, at no cost, of the City of Bellaire's interest in two (2) rights-of-way and three (3) easements consisting of a total of .1598 acres of land within Lots 4-20, Block 36, Town of Bellaire, a subdivision in Harris County, Texas, also known as 5106 Bissonnet Street, Bellaire, Texas, in favor of Centro NP Holdings 12 SPE, LLC, for the development contemplated in PD-25; and to authorize the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, Abandonment of Alley Right-of-Way documents and Declaration of Municipality Claiming No Interest in Real Estate documents.

{Motion by Andrew S. Friedberg, Councilman, and second by Roman F. Reed, Councilman}

Andrew S. Friedberg, Councilman, provided a brief overview of the agenda item under consideration by City Council this evening. He noted that the original action to adopt Ordinance No. 15-051 occurred on August 17, 2015, with five members of City Council present (two were absent). Additionally, the HEB Real Estate Division indicated that they were up against a firm deadline expiring the very next day on their option. The vote ultimately reached that evening represented a compromise position that was necessary to get four votes for something or the entire project would fail. There were three options: 1) to abandon the rights-of-way and easements at no cost; 2) abandon the rights-of-way and easements for a price; or 3) none of the above.

As stated previously, if City Council failed to get four votes on one of the three options, the entire project would fail. Councilman Friedberg was given to understand that since that night HEB subsequently secured a further option extension which opened the door for City Council's meeting this evening. It was noted that all seven members of City Council were present this evening.

The agenda item was requested jointly by Councilmen Andrew S. Friedberg and Roman F. Reed, both of whom voted in the majority on August 17, 2015, for the compromise solution. Under City Council's Rules of Procedure as of July 13, 2015, both Councilmen were eligible to request a reconsideration having voted that night in the majority.

Councilman Friedberg invited the HEB representatives present this evening to approach the podium and let the City know if reconsidering the item would pave the way for the project to move forward.

Lisa Helfman, Director of Real Estate for HEB in Houston, thanked City Council for bringing the item forward this evening and for their continued support in bringing a new HEB to Bellaire. She indicated that if the item passed this evening, HEB would have no further hurdles at the City that would impede this deal. It would allow HEB to focus further on the remaining issues, including tenant relocations.

Director Helfman advised that the Bellaire "deal" was more expensive for HEB than other projects they normally worked on. To put the store on stilts would cost 33% more than another project they could build if they could secure a larger piece of land. The rights-of-way and easements that HEB was asking the City to abandon at no cost to HEB were rights-of-way and easements that were granted to the City of Bellaire for free by the landowner for use in a development that

never occurred. The land was currently developed in a way that did not take into account those easements. HEB felt that the easements were effectively abandoned and was asking the City to give them back.

Director Helfman referred to a number of deals HEB had going on throughout the Houston area that had no zoning, no cost, and no tenant relocation. She stated that HEB kept running into hurdles in the City of Bellaire and advised that releasing the easements at no cost to HEB would help a great deal and allow HEB to focus on relocating the tenants.

In closing, Ms. Helfman advised that HEB was still committed to bringing a store to Bellaire.

Members of City Council were given an opportunity to ask questions of and provide comments to Ms. Helfman, after which **Dr. Philip L. Nauert, Mayor**, called for a vote on the motion on the floor.

RESULT:	ADOPTED [6 TO 1]
MOVER:	Andrew S. Friedberg, Councilman
SECONDER:	Roman F. Reed, Councilman
AYES:	Nauert, Nathan, Reed, Avioli Sr., McLaughlan, Friedberg
NAYS:	Pappas
ABSENT:	None

C. Adjourn.

Motion:

To adjourn the Special Session of the City Council of the City of Bellaire, Texas, at 7:00 p.m. on Monday, September 8, 2015.

RESULT:	UNANIMOUS [7 TO 0]
MOVER:	Roman F. Reed, Councilman
SECONDER:	Amanda B. Nathan, Mayor Pro Tem
AYES:	Nauert, Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg
NAYS:	None
ABSENT:	None