

# CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

NOVEMBER 2, 2015

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Council Chamber and Council Conference Room  
6:00 PM

Special Session and Regular Session

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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.***

**I. SPECIAL SESSION (EXECUTIVE SESSION) - 6:00 P.M.****A. Call to Order and Announcement of a Quorum - Dr. Philip L. Nauert, Mayor.****B. Convene in Executive Session:**

Convene in Executive Session (Closed Session to be held in the Council Conference Room) under the Texas Government Code, Chapter 551, Open Meetings Act, Section 551.074, Personnel Matters, to deliberate the evaluation of the City Attorney of the City of Bellaire, Texas.

**C. Reconvene in Open Session:**

Reconvene in Open Session in the Council Chamber and consider taking action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing Alan P. Petrov as the City Attorney of the City of Bellaire, Texas, for a one-year period of time commencing on December 1, 2015, and remaining in effect month to month thereafter and authorizing the Mayor and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, a Legal Service Agreement with Johnson Petrov LLP for legal services.

**D. Adjourn.****II. 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 - James P. Avioli, Sr., Councilman.****C. Pledges to the Flags - James P. Avioli, Sr., Councilman.****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. Recognition of Proclamations:**

1. Issuance of a proclamation by Dr. Philip L. Nauert, Mayor, in recognition of Tyler Blinn Duffey for his accomplishments in the field of baseball beginning in high school to the major leagues as a starting pitcher for the Minnesota Twins in 2015; as well as for the outstanding role model he presents to the youth of Bellaire - Requested by Roman F. Reed, Councilman.
2. Issuance of a proclamation by Dr. Philip L. Nauert, Mayor, to the AORN of Greater Houston, proclaiming the week of November 8-14, 2015, as Perioperative Nurse Week in the City of Bellaire in recognition of the contributions perioperative nurses make to patient safety - Requested by Tracy L. Dutton, City Clerk; Presented to Joanne D. Oliver, BSN, RN, CNOR, Past President of the AORN of Greater Houston.

**E. Approval or Correction of Minutes:****Minutes of the Special Session (Public Hearing) and Regular Session held on October 5, 2015:**

Consideration of and possible action on the adoption of the minutes of the Special Session (Public Hearing) and Regular Session of the City Council of the City of Bellaire, Texas, held on Monday, October 5, 2015.

1. Mayor and Council - Public Hearing and Regular Session - Oct 5, 2015 6:00 PM

**F. 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.]

**G. Report(s):**

1. Report regarding Houston Community College's (HCC) West Loop Campus Bond Program project consisting of a parking garage (five-level) and a campus plaza - Presented by Charles Smith, Chief Facilities Officer, HCC, and Whit Robinson, Program Manager, Jacobs Engineering - Submitted by Tracy L. Dutton, City Clerk.
2. Presentation and update of Phase I beautification projects to be recommended by Citizens For A Beautiful Bellaire. Action will be requested on the projects on November 16, 2015 - Presented by John Monday; Submitted by Pat B. McLaughlan, Councilman, at the request of Citizens For A Beautiful Bellaire.
3. Presentation of an Interim Report from the Bellaire Public Works Department regarding the Public Works Facility Assessment - Presented by Brant Gary, Director of Public Works.

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

1. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the Mayor of the City of Bellaire, Texas, to execute, and Public Works Administrative Manager to acknowledge, an Interlocal Agreement with Harris County, Texas, for the administration and implementation by Harris County, Texas, of a regional watershed protection education program on storm water quality impacts in the amount of \$8,933.15 for a term of one year commencing upon the execution of said agreement by Harris County, Texas - Submitted by Brant Gary, Director of Public Works.

2. Consideration of and possible action on a recommendation from the Bellaire Public Works Department to award Bid No. 15-007, FY2015 Street & Sidewalk Pavement Management Project, to AAA Asphalt Paving, Inc., in an amount not to exceed \$1,090,115.00 and authorization for the City Manager 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 Standard Form of Agreement with AAA Asphalt Paving, Inc., for said project in an amount not to exceed \$1,090,115.00 - Submitted by Brant Gary, Director of Public Works.
3. Consideration of and possible action on a recommendation from the Public Works Department to award Engineering Services to ARKK Engineers, LLC, for the FY2016 Street and Sidewalk Pavement Management Project in the amount of \$285,000 and authorization for the City Manager and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, 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 exceed \$285,000 - Submitted by Brant Gary, Director of Public Works.
4. Consideration of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, authorizing the City Manager to accept a contribution in an amount not to exceed \$177,105 from the Evelyn's Park Conservancy - Submitted by Michelle Jordan, Project Manager.
5. Consideration and possible action on a recommendation to approve change order(s) in an amount not to exceed \$177,105 for the construction contract for Phase One of Evelyn's Park and on the adoption of an ordinance of the City Council of the City of Bellaire, Texas authorizing the City Manager of the City of Bellaire, Texas to execute said change order(s). The change order(s) include the cost to relocate and/or remove unsuitable soils from the park site. The initial change order, 2A, will be executed only upon receipt of a contribution in an amount of \$138,638 from the Evelyn's Park Conservancy, and will be authorized for that same amount. Any additional change orders, if needed, will require the receipt of funds before execution of additional change orders up to a not to exceed amount of \$38,467, with a total not to exceed value of \$177,105. Submitted by Michelle Jordan, Project Manager.
6. Consideration of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, amending the FY 2016 Budget for the City of Bellaire, Texas, by \$77,218 for the purpose of increasing the appropriation of the Holly Street Esplanade Construction Project from \$149,919 to \$227,137 - Submitted by Diane K. White, Assistant City Manager.
7. Consideration of and possible action to approve a change order to the construction contract for the Holly Street Esplanade Project to include additional planting and complete irrigation within identified medians, and on the adoption of an ordinance of the City of Bellaire authorizing the City Manager of the City of Bellaire, Texas to execute said change order in the amount of \$77,218 - Submitted by Michelle Jordan, Project Manager.

8. Consideration and possible action on a recommendation from the Department of Parks, Recreation and Facilities to award a contractual agreement to Horizon+Christensen, a Joint Venture, for pre-construction and construction services for the Municipal Facilities Project in an amount of \$10,000.00 and an amount not to exceed 2.75% of actual cost of work associated with the construction phase plus personnel and general conditions directly associated with the construction of the Municipal Facilities Project and to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the City Manager of the City of Bellaire, Texas to execute, for and on behalf of the City of Bellaire, Texas, the following contract, American Institute of Architects, AIA Document A133-2009, Standard Form of Agreement between Owner and Construction Manager as Constructor and AIA Document A201-2007 General Conditions of the Contract for Construction - Submitted by Karl Miller, Director of Parks, Recreation and Facilities.
9. Consideration of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, casting its ballot for the election of a person to the Board of Directors of the Harris County Appraisal District - Submitted by Tracy L. Dutton, City Clerk.

**I. Item(s) for Individual Consideration:**

Consideration of and possible action on a request from Citizens For A Beautiful Bellaire for City Council to endorse the attached survey and to allow the Citizens For A Beautiful Bellaire to promote the attached survey through the City's website and social media sources. - Submitted by Pat B. McLaughlan, Councilman, at the request of Citizens For A Beautiful Bellaire.

**J. Item(s) 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, as of July 13, 2015, 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.]

**K. Adjourn.**

**Mayor and Council**

7008 S. Rice Avenue  
Bellaire, TX 77401



Meeting: 11/02/15 06:00 PM  
Department: City Clerk  
Category: Proclamation  
Department Head: Tracy L. Dutton  
DOC ID: 1733

**SCHEDULED  
PROCLAMATION (ID #  
1733)**

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**Item Title:**

Issuance of a proclamation by Dr. Philip L. Nauert, Mayor, in recognition of Tyler Blinn Duffey for his accomplishments in the field of baseball beginning in high school to the major leagues as a starting pitcher for the Minnesota Twins in 2015; as well as for the outstanding role model he presents to the youth of Bellaire - Requested by Roman F. Reed, Councilman.

**Background/Summary:**

Councilman Roman F. Reed has requested that a proclamation be issued in recognition of Tyler Blinn Duffey for his accomplishments in the field of baseball, as well as for the outstanding role model Tyler presents to the youth of Bellaire.

Tyler graduated from Bellaire High School in 2009, where he played baseball, then went on to attend Rice University, where he excelled as a college pitcher. In 2012, the Minnesota Twins organization drafted Tyler where he transitioned from minor league to major league baseball. In 2015, Tyler became a starting pitcher for the Minnesota Twins.

Accordingly, Dr. Philip L. Nauert, Mayor, has issued a proclamation recognizing Tyler Blinn Duffey as an outstanding citizen of the City of Bellaire, Texas. The proclamation will be read in its entirety and presented to Tyler during the City Council Regular Session.

**Previous Council Action Summary:**

N/A

**Fiscal Impact:**

N/A

**Recommendation:**

N/A

**ATTACHMENTS:**

- Tyler Blinn Duffey as an Outstanding Citizen (PDF)



## *Proclamation*

*Whereas*, **Tyler Blinn Duffey** graduated from Bellaire High School in 2009;  
and

*Whereas*, **Tyler Blinn Duffey** developed his athletic skills and played baseball at Bellaire High School, then went on to attend Rice University, where he excelled as a college pitcher, drafted by the Minnesota Twins organization in 2012, making the transition from the minors to major league baseball as a Minnesota Twins starting pitcher in 2015; and

*Whereas*, **Tyler Blinn Duffey** places his highest priority on Family and Education, living a daily life of honesty, integrity, high morals, and discipline, and leads others by his actions on the Field, in the Locker Room, in the Press, and in his immediate baseball community: and

*Whereas*, **Tyler Blinn Duffey** has distinguished himself not only as an outstanding athlete and professional baseball player, but as an outstanding role model to the youth of our community; and

*Whereas*, the City Council of the City of Bellaire, Texas, is proud to recognize the actions of its citizens and wishes to honor and acknowledge the accomplishments of **Tyler Blinn Duffey**;

*Now, Therefore*, I, **Dr. Philip L. Nauert, Mayor of the City of Bellaire, Texas**, for and on behalf of the City Council of the City of Bellaire, Texas, do hereby proclaim and recognize

*Tyler Blinn Duffey*  
*as an Outstanding Citizen*

of the City of Bellaire, Texas.



*In Witness Whereof*, I have hereunto set my hand and caused the seal of the City of Bellaire, Texas, to be affixed this 2<sup>nd</sup> day of November, 2015.

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Dr. Philip L. Nauert, Mayor  
City of Bellaire, Texas

**Mayor and Council**

7008 S. Rice Avenue  
Bellaire, TX 77401



Meeting: 11/02/15 06:00 PM  
Department: City Clerk  
Category: Proclamation  
Department Head: Tracy L. Dutton  
DOC ID: 1732

**SCHEDULED  
PROCLAMATION (ID #  
1732)**

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**Item Title:**

Issuance of a proclamation by Dr. Philip L. Nauert, Mayor, to the AORN of Greater Houston, proclaiming the week of November 8-14, 2015, as Perioperative Nurse Week in the City of Bellaire in recognition of the contributions perioperative nurses make to patient safety - Requested by Tracy L. Dutton, City Clerk; Presented to Joanne D. Oliver, BSN, RN, CNOR, Past President of the AORN of Greater Houston.

**Background/Summary:**

The Association of Perioperative Nurses (AORN) of Greater Houston have asked Dr. Philip L. Nauert, Mayor, to issue a proclamation proclaiming the week of November 8-14, 2015, as Perioperative Nurse Week in the City of Bellaire in recognition of the contributions that perioperative nurses make to patient safety.

Mayor Nauert will read the proclamation he has issued and will present it to Joanne D. Oliver, BSN, RN, CNOR, Past President of the AORN of Greater Houston.

**Previous Council Action Summary:**

Mayor Nauert issued a proclamation proclaiming the week of November 9-15, 2014, as Perioperative Nurse Week in the City of Bellaire.

**Fiscal Impact:**

N/A

**Recommendation:**

On behalf of the AORN of Greater Houston, the City Clerk recommends issuance of the attached proclamation.

**ATTACHMENTS:**

- Perioperative Nurse Week - November 8-14 2015 (PDF)



## *Proclamation*

*Whereas*, perioperative nurses specialize in the care of patients immediately before, during, and after surgical and other invasive procedures; and

*Whereas*, serving in settings ranging from traditional hospital-based operating rooms to ambulatory surgery centers and physicians' offices, perioperative nurses work to provide the safest care possible for patients undergoing surgical and other invasive procedures; and

*Whereas*, perioperative nurses assess individual patient needs prior to and throughout the surgical or invasive experience, develop, implement, and continuously evaluate a plan for the care of the patient, and prepare the operating room and patient for their procedure; and

*Whereas*, perioperative nurses are responsible for monitoring all aspects of the patient's condition for the duration of each of each procedure and, through professional and patient-centered expertise, are responsible for care coordination after the procedure; and

*Whereas*, patients undergoing surgery and other invasive procedures and their loved ones rely on the skills, knowledge, and expertise of perioperative registered nurses, who uphold a long tradition of improving surgical safety and the quality of patient care; and

*Whereas*, Perioperative Nurse Week recognizes the contributions perioperative registered nurses make to patient safety and the opportunities and challenges facing the profession;

*Now, Therefore*, I, **Dr. Philip L. Nauert, Mayor of the City of Bellaire, Texas**, do hereby proclaim **November 8-14, 2015**, as

### *Perioperative Nurse Week*

in the City of Bellaire, Texas, and call upon the citizens of Bellaire, Texas, to join with me in

recognizing the nation's dedicated perioperative registered nurses who care for patients before, during, and after surgery.

*In Witness Whereof*, I have hereunto set my hand and caused the seal of the City of Bellaire, Texas, to be affixed this 2<sup>nd</sup> day of November, 2015.



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Dr. Philip L. Nauert, Mayor  
City of Bellaire, Texas



# CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

OCTOBER 5, 2015

Council Chamber

Public Hearing and Regular Session

6:00 PM

7008 S. RICE AVENUE  
BELLAIRE, TX 77401

## I. SPECIAL SESSION (FIRST 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 6:00 p.m. on Monday, October 5, 2015. She announced that a quorum of the members of City Council was present as set forth in the table below.

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

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

**Tracy L. Dutton, City Clerk**, read the "Notice of Public Hearing" regarding a proposal to increase taxes (increase in tax revenue) into the record.

### 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 2015 tax year from properties on the tax roll in the preceding year by 5.69% percent by proposing a tax rate of \$0.3805 per \$100 valuation - Submitted and presented by Linda Symank, Chief Financial Officer.

**Linda Symank, Chief Financial Officer**, advised that the City's proposed tax rate for fiscal year 2016 was \$0.3805 per \$100 valuation. That rate would give the City an additional \$1,256,000 in revenue or a 7.88% increase over last year's revenues.

The proposed rate of \$0.3805 per \$100 valuation was a decrease of \$0.0131 from the City's current tax rate of \$0.3936. The increase was due to the higher appraised values that the City received from the Harris County Appraisal District.

Because the City was proposing a rate that was above its effective rate\*, two public hearings were required prior to the adoption of the tax rate. Tonight was the first public hearing which allowed the citizens to voice their opinion concerning the proposed rate. The second public hearing would be held on October 12, 2015, with the adoption of the tax rate to occur on October 19, 2015.

\*The effective rate was defined as the rate that would give the City the same amount of revenue as the previous year.

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

##### **Jill Bullard-Almaguer:**

Ms. Bullard-Almaguer addressed City Council and indicated that it was wonderful to be a candidate for Bellaire Councilman - Position No. 2 and to have those additional revenues coming in. She urged that the revenues be spent wisely.

She indicated that she had been attending the City Council meetings and felt that there was many wonderful things that could be done for the citizens of Bellaire with the increased revenues. Ms. Bullard-Almaguer also felt that the City needed to be cognizant of those that were paying more actual money in taxes.

In closing, Ms. Bullard-Almaguer advised that she was in support of beautification efforts, parks, safety (i.e., safe places for citizens to ride their bicycles and run), and the improvement of streets.

##### **Lynn McBee:**

Ms. McBee addressed City Council and advised when the proposal was first presented (in June or July), she reviewed the budget and attending the public hearing on the proposed budget. She indicated that she had submitted a multi-page series of comments protesting many of the City Manager's proposed expenditures. She attended two City Council workshops thereafter expecting to hear a vigorous Q & A and debate, which she did not hear. The first workshop was devoted by the City Manager to two departmental reports and not one question by the City Council concerning the budget. The second one was dominated by discussion as to where beautification funds should be within the budget and little else.

Ms. McBee continued and advised that there had been no reduction in the tax rate willingly. There was a slight reduction in the rate this year, but not enough to justify \$1.25 million additional revenues that the City would earn. The slight increase was enough to avoid a threat of a referendum for rollback rate.

She advised that City Council did not remove anything from the proposed budget, which she held them accountable for. Reference was made to extra purchases and personnel that had been included. Ms. McBee, therefore, protested the budget for the lack of involvement of the City Council and ambitious expectations of the City Manager.

Ms. McBee advised further that being on a fixed income made it tougher and tougher to get by. She stated that City Council had not demonstrated that they cared about those on fixed incomes. She expressed her disappointment and advised that it was not her intent to insult

anyone personally.

**Written Comments:**

**Mayor Pro Tem Amanda B. Nathan** read two written comments into the record. Those comments have been set forth below:

**Keith and Julianne Wohlford:**

*We are against any increase in our tax rate this year. Our assessed value has increased again this year according to the Harris County Appraisal District (10%). This indicates that there is a good chance of a sizable increase in the City's certified tax rate. When is enough enough?*

**Tom and Sandra Williams:**

*My wife and I are currently living in my boyhood home that my parents built in 1954 at 5215 Valerie Street. We are both retired school teachers living on a fixed income. Our current taxes are approximately \$11,000 per year and already put a severe strain on our budget. We have watched our neighborhood change into one of the huge new homes whose taxes must be out of sight.*

*Those taxes must be providing the City of Bellaire with a lot of new income that should nullify any need to increase property taxes to generate new funds. Is the goal of the City to tear down all of our older homes and replace them with all these huge ones in order to generate new tax revenue? We urge you not to consider the 5.69% property tax increase. We respectfully request your considering freezing property taxes at age 65.*

*Thanks for your time.*

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

**Mayor Pro Tem Amanda B. Nathan** opened the floor for questions from City Council. Following questions raised by several members of City Council, the floor was closed.

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

**Mayor Pro Tem Amanda B. Nathan** closed the public hearing before City Council at 6:26 p.m. on Monday, October 5, 2015. She indicated that oral comments regarding the proposed increase in tax revenues for tax year 2015 would continue to be received at the second public hearing on this matter scheduled to be held on Monday, October 12, 2015. Oral comments would not be received after the close of the second public hearing. Written comments could be submitted to the City Council of the City of Bellaire, Texas, prior to final deliberation on the matter. It was anticipated that final deliberation would occur on Monday, October 19, 2015. Written comments should be submitted to the City Council in care of the City Clerk by noon on Thursday, October 15, 2015, in order to be considered for the public record.

**H. Adjourn.**

**Motion:**

**To adjourn the Special Session (First Public Hearing on Increase in Tax Revenues) before the City Council of the City of Bellaire, Texas, at 6:26 p.m. on Monday, October 5, 2015.**

<b>RESULT:</b>	<b>APPROVED [6 TO 0]</b>
<b>MOVER:</b>	Roman F. Reed, Councilman
<b>SECONDER:</b>	Gus E. Pappas, Councilman
<b>AYES:</b>	Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg
<b>NAYS:</b>	None
<b>ABSENT:</b>	Nauert

## II. 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 7:02 p.m. on Monday, October 5, 2015. She announced that a quorum of the members of City Council was present as set forth in the table below:

<b>Name</b>	<b>Title</b>	<b>Status</b>
Dr. 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 - Amanda B. Nathan, Mayor Pro Tem.

**Amanda B. Nathan, Mayor Pro Tem**, provided the inspirational reading for the evening.

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

**Amanda B. Nathan, Mayor Pro Tem**, 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 Proclamation(s):

Issuance of a proclamation by Dr. Philip L. Nauert, Mayor, proclaiming the month of October as "Fire Prevention Month" in the City of Bellaire, Texas, and urging the citizens of Bellaire to install smoke alarms in every bedroom, outside of each sleeping area, and on every level of the home - Submitted by Darryl Anderson, Fire Chief.

**Amanda B. Nathan, Mayor Pro Tem**, read a proclamation issued by Dr. Philip L. Nauert, Mayor, proclaiming the month of October as "Fire Prevention Month" in the City of Bellaire, Texas. Fire Chief Darryl Anderson accepted the proclamation

on behalf of the Bellaire Fire Department.

#### **E. Approval or Correction of Minutes:**

##### **1. Minutes of the Special Sessions held on Monday, August 31, 2015:**

Consideration of and possible action on the approval of the minutes of two Special Sessions of the City Council of the City of Bellaire, Texas, held on Monday, August 31, 2015.

Mayor and Council - Special Sessions and Joint Workshop Session - Aug 31, 2015 5:30 PM

##### **Motion:**

**To approve the minutes of the Special Sessions of the City Council of the City of Bellaire, Texas, held on Monday, August 31, 2015.**

**Note:** Councilman Andrew S. Friedberg abstained from voting on the minutes of the Special Sessions of the Bellaire City Council held on Monday, August 31, 2015, due to his absence from that meeting.

<b>RESULT:</b>	<b>APPROVED [5 TO 0]</b>
<b>MOVER:</b>	Roman F. Reed, Councilman
<b>SECONDER:</b>	Pat B. McLaughlan, Councilman
<b>AYES:</b>	Nathan, Reed, Avioli Sr., Pappas, McLaughlan
<b>ABSTAIN:</b>	Friedberg
<b>ABSENT:</b>	Nauert

##### **2. Minutes of the Special Sessions held on September 8, 2015:**

Consideration of and possible action on the approval of the minutes of two Special Sessions of the City Council of the City of Bellaire, Texas, held on Monday, September 8, 2015.

Mayor and Council - Executive Session and Special Session - Sep 8, 2015 6:00 PM

##### **Motion:**

**To approve the minutes of the Special Sessions of the City Council of the City of Bellaire, Texas, held on Monday, September 8, 2015.**

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

##### **3. Minutes of the Regular Session held on September 15, 2015:**

Consideration of and possible action on the approval of the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Tuesday, September 15, 2015.

Mayor and Council - Regular Session - Sep 15, 2015 7:00 PM

**Motion:**

**To approve the minutes of the Regular Session of the City Council of the City of Bellaire, Texas, held on Tuesday, September 15, 2015.**

**Amendment (No. 1) to the Minutes:**

**To place an explanation of Councilman Friedberg's abstention after the vote on the top of page 33 of the agenda packet, to read as follows:**

**Councilman Friedberg abstained from voting on the amendment because he remains firmly in support of the Beautification initiative, but could not support the amount of the line item being added to the budget without the additional amendments that would be necessary to free up funds elsewhere in the budget in order to pay for it.**

<b>RESULT:</b>	<b>UNANIMOUS [6 TO 0]</b>
<b>MOVER:</b>	Andrew S. Friedberg, Councilman
<b>SECONDER:</b>	Amanda B. Nathan, Mayor Pro Tem
<b>AYES:</b>	Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg
<b>NAYS:</b>	None
<b>ABSENT:</b>	Nauert

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

**F. Personal/Audience Comments.****Jay Steinfeld:**

Mr. Steinfeld addressed City Council on two point related to the Holly Street agenda item. First, when thinking of Southside Place, one thought of Fire Truck Park--a monument that almost everyone in Southside Place loved. Mr. Steinfeld indicated that if the trees started dying and paint started chipping on the fire truck, people would think something was wrong, and it would tarnish the whole city. Bellaire had a landmark as well called Holly Street. Holly Street was something that the entire City made a connection with, in his opinion. If the trees on Holly Street were allowed to die, then the whole City would be tarnished as a result of that, in his opinion.

Secondly, the agenda item was not a "Holly Street" agenda item; it was a "Bellaire" agenda item. When Mr. Steinfeld heard that City Council was, once again, having to talk about the Holly Street situation, he went outside for a total of two hours over two days and began asking people using the esplanade where they lived. Out of 50 people, only two did lived on Holly Street. The people that used the esplanade included Bellaire High School and people throughout the City. He urged City Council not to allow the whole City to be tarnished by allowing Holly Street and the trees to diminish in value.

**Susan Downs:**

Ms. Downs addressed City Council and advised that "Mental Illness Awareness Week" would be recognized this year from October 4-10, 2015, and that "World Mental Health Day" would be recognized on Saturday, October 10, 2015. Ms. Downs advised further that millions of Americans lived with mental health conditions and advocates, such as Ms. Downs, raised awareness in communities across the country about the issues.

She urged City Council and members of the audience to join with her in recognizing the 25th Anniversary of Mental Illness Awareness Week. Ms. Downs noted that each year the advocates fought stigma, provided support, educated the public, and advocated for equal care. Each year, the movement grew stronger.

Ms. Downs referred to an organization named NAMI (National Alliance on Mental Illness) and noted that it was the nation's largest grassroots mental health organization dedicated to building better lives for the millions of Americans affected by mental illness. NAMI embraced people living with mental illness and their families who were often isolated. NAMI offered understanding and support unique to those affected by the conditions. NAMI meant more than hope as they educated families and individuals and advocated in every corner of the country to ensure better lives for everyone.

Ms. Downs concluded and indicated that she would speak on "Mental Illness Awareness Week" at the Rotary Club the following morning (Tuesday, October 6). She would be speaking about how she and her family were directly affected by mental illness and NAMI. She concluded with the following statement: "How we walk with the broken speaks louder than how we sit with the great."

**Robert Riquelmy:**

Mr. Riquelmy addressed City Council and advised that in previous discussions of openness and transparency, citizen access was discussed. He advised that he wished to take on a more difficult aspect--information and involvement. If Mr. Riquelmy were elected Mayor, residents could expect him to push for a monthly report from the City Attorney as the public needed to know what was being done or delayed in their name.

With respect to the need to know, Mr. Riquelmy spoke particularly of Mr. Johnson, a former employee of Bellaire, who lost his arm in a garbage truck event. Mr. Riquelmy's thesis was that well-informed residents would question the extreme efforts made to deny Mr. Johnson compensation for his injury. The City's efforts of delay and denial went so far as an appeal to the U.S. Supreme Court. If Mr. Riquelmy were Mayor, he stated that the City would stand up and meet its responsibilities and do more than the bare minimum for City workers. He would also have ensured that Mr. Johnson would have been retrained for continued employment with the City.

In the interest of complete disclosure, Mr. Riquelmy advised that he did not know what happened to Mr. Johnson or whether or if he was working. He felt residents had a right to know of such outcomes.

**Lynn McBee:**

Ms. McBee addressed City Council and announced that the Bellaire Election Candidates Forum ("Forum") would be held again this year in celebration of the nine candidates who had filed for election to replace outgoing members of City Council.

She indicated that there was no filter for the Forum. Residents would hear directly from the candidates. Ms. McBee indicated that she took pride, along with Margo Kendrick and

John and Jo Monday as part of the Forum team, to help arrange, prepare, and make it work. The guest moderator would be Corbett Parker, a former member of the Bellaire City Council.

Reference was made to the City's 180 employees. Ms. McBee advised that she would welcome the employees at the Forum and was very sure that the candidates themselves would be delighted to meet and greet those who worked for the City, as well as those who voted in the City. Ms. McBee stated that the Forum would be a lively, nonpartisan event.

The Forum was scheduled to be held on Thursday, October 15, 2015, at 6:30 p.m. in the Bellaire Civic Center. Ms. McBee hoped that there would be a crowd of residents present to meet their candidates. Refreshments would be provided courtesy of HEB Bellaire. She also noted that the Forum would be replayed on the City's cable channel and website from October 16, 2015, through November 3, 2015.

**Rachel Crochet:**

Ms. Crochet addressed City Council and stated that she could not believe that she was having to come back to City Council again about the Holly Street Trail Improvement Project. Many residents addressed City Council on January 25th to plead their case about the improvements that needed to be done on Holly Street. City Council approved \$200,000 to be expended on the Project. Ms. Crochet advised that the residents were excited that something would finally be done on the Project. Now, the residents were back because the Holly Street Trail Improvement Project was taken off the agenda at the September 15th Council Meeting by the City Manager because Councilman Avioli insisted that \$300,000 be put into a line item in the budget for beautification. When the City Manager was asked if the City had the money for beautification, he stated that the City did not and that he would not recommend that it be added. She indicated that the City Manager was spoken to very disrespectfully that night.

After much discussion back and forth among City Council, the \$300,000 line item for beautification passed even though the City Manager suggested that it not be done. The City Manager removed the Holly Street Trail Improvement Project off of the agenda so that he could figure out where the money would come from--he was being responsible.

Ms. Crochet advised that she fully supported beautification. However, she felt that the newly formed Beautification Committee should have had to present a plan to City Council. She had pled for improvements to Holly Street for 25 years through the Parks and Recreation Department. The Holly Street residents were told on two separate occasions over the years by the then Director that their request would be taken to the Parks and Recreation Advisory Board and that they should not go to City Council. The only thing that was done was tree trimming.

City Manager Paul Hofmann met with residents in January of 2015 regarding the Project and he made sure the esplanade looked good. The residents appreciated the action Paul had taken. It was now October and the residents still did not have anything done.

She urged City Council to approve the Holly Street Trail Project and start with the irrigation system as a means of helping the dying trees.

**Dub Crochet:**

Mr. Crochet addressed City Council and advised that his wife, Rachel Crochet, had said everything that needed to be said. The City Council passed an item for \$300,000 that

should not have been passed in the new budget. Mr. Crochet noted that City Manager Hofmann helped to get the architectural plan for Holly Street updated and surveys had been done. That money would be thrown out the window if something could not be done with Holly Street.

Reference was made to several other parks in the City that needed funding (such as Lafayette Park) but were passed over for the beautification line item. He stated that City Council needed to think hard about how they did their business.

**Kate Joyce:**

Ms. Joyce addressed City Council and indicated that she and her family had moved into Bellaire from Cypress two years ago. She was really excited about coming to Bellaire and Holly Street was an opportunity to bond with neighbors and get involved. In the two years that she had lived in Bellaire, she had seen a great deal of drama about Holly Street that she was really surprised by. The drama, which had been very disappointing, created poor first impressions for Ms. Joyce and her family. The drama came from pitting streets against each other. Time was also spent trying to decide if the esplanade on Holly Street was a park or a trail. Then, statements were made that the residents on Holly Street were being greedy.

The reason the Joyces bought their home on Holly Street was because it was different. It had an esplanade and a lot of activity. The esplanade was shared by many, including Bellaire High School.

Ms. Joyce advised that residents wrote letters to the newspaper suggesting that the residents of Holly Street were wining and dining the City Manager and City Council and she found that to be extremely offensive. She also heard that the Holly Street residents were referred to as "whiners." She thought she had the right to speak before City Council.

Ms. Joyce indicated that she was present this evening because she had hope that the Holly Street Trail Improvement Project would be passed this evening. As Mr. Crochet stated, a great deal of money had already been put into discussions and the preparation of an updated plan with Clark Condon Associates. In closing, Ms. Joyce advised that she merely wished to express her concerns to City Council.

**Michael Lang:**

Mr. Lang addressed City Council and noted that during budget discussions, he understood that money had been designated in the budget for the Holly Street Plan. Somehow, the money went away.

He advised that he was once again disappointed by the progress the City had made in replacing the trees clear cut over one and one-half years ago. Discussions, meetings, and funding had resulted in no progress that he was aware of.

Mr. Lang indicated that he was encouraged by his last appearance before City Council; however, he was waiting to see results. He read an email he had sent to the City Manager, which was forwarded to Michelle Jordan, Project Manager for the City of Bellaire. Ms. Jordan responded and indicated that if all went well, construction would begin in October. In other words, nothing was being done on Holly Street, in Mr. Lang's opinion. Mr. Lang replied that the City's approach (i.e., not watering trees on esplanades) had led to the demise of Holly Street over the 22 years he had lived on the street. That attitude had resulted in the current condition of the Holly Street esplanade.

Residents thought that City Council was on board the last time residents appeared before City Council. The residents needed action and, once again were asking for City Council's support.

**Jill Bullard-Almaguer:**

Ms. Bullard-Almaguer addressed City Council and noted that it was a privilege for her to be running for Bellaire City Council, Position No. 2, because there were great opportunities in the City to spend money wisely. She stated that she was privileged to have her street, Mimosa Street, repaired before the Memorial Day floods. She knew that Bellaire had some good contractors and arborists and she encouraged the same type of care given to Mimosa Street be given to Holly Street and other parks and recreation areas that the City was trying to improve.

Ms. Bullard-Almaguer applauded the Holly Street residents for taking care of certain areas that were shared by the public. Holly Street was such a draw for all of the residents of Bellaire, as well as a healthy environment. She concluded and advised that since the City would enjoy a tax revenue windfall due to an increase in property values, those funds should be wisely used for the citizens.

**G. Report(s):**

Presentation of a report from Byron Holloway, Chief of Police, regarding the implementation of a Body Camera Program - Presented and submitted by Byron Holloway, Chief of Police.

**Byron Holloway, Chief of Police,** indicated that he wished to provide a short report on the status of the Bellaire Police Department's body camera program. The Bellaire Police Department had used body cameras for approximately ten years, primarily by the motorcycle officers. Funds were included in the FY 2016 budget to do field trials and evaluations of body cameras with an eye toward full implementation in the FY 2017 budget.

The Bellaire Police Department might be able to move forward with the body camera program a littler earlier (possibly next Spring). The trial money in the FY 2016 budget of \$5,000 would not need to be spent because the City's vendor provided the Bellaire Police Department with six (6) body cameras mid-summer to test and evaluate.

Chief Holloway was also contacted by a local elementary school that wanted to donate \$10,000 (in late January) to officer safety, which would be primarily earmarked for body cameras. The Bellaire Police Department felt that utilizing the trial money of \$5,000 and the donation of \$10,000 would allow for enough body cameras and accessories for eighteen officers.

There were issues, however, that still needed to be overcome. An initial concern with body cameras was the cost. The cost had decreased from \$800 per unit to \$500 per unit, a more reasonable amount. Battery life was a concern; however, improvements had been made with quick charge technology and a change in battery technology.

Reference was made to activation and default activation. Chief Holloway indicated that the issue had not been addressed yet. As an example, Chief Holloway noted that the cameras on the dashboards of the City's vehicles could be set to activate once the emergency lights were turned on or when the car reached a certain speed. Body cameras had no default activation currently. The

audio and video quality had improved greatly with most of the cameras filming in high definition format, and the durability of models had also improved.

Management concerns included privacy concerns. Dashboard cameras filmed on a public street where there was little to no expectation of privacy. Body cameras would film each location that the officer went to, such as homes or businesses. The film would be archived and would be subject to possible release under an open records request. Information, such as license plate numbers, information related to investigative techniques, crime scene information, children, victims of stalking, victims of family violence, certain automobile accident information, and other sensitive information, had to be redacted.

Chief Holloway referred to new equipment that could assist with redactions, but the equipment was costly. Chief Holloway stated that he might want to look into that type of equipment in FY 2017. Storage issues would need to be addressed as well. The Bellaire Police Department would go from storing video from 8-9 patrol cars to storing videos from as many as 30 police officers. The storage needs would require additional server space.

In June, Texas Governor Greg Abbott signed Senate Bill 158 which addressed Texas body camera programs and provided a possible funding mechanism for grants. Chief Holloway had not been able to find any information on that. The new law also required training and the establishment of a policy within the department for the use of body cameras.

At the conclusion of Chief Holloway's report, he answered questions from members of the City Council. Following questions, a motion was made to accept the report into the record.

#### **Motion:**

**To accept the report on the Bellaire Police Department Body Camera Program, as presented by Chief of Police Byron Holloway, into the record.**

<b>RESULT:</b>	<b>UNANIMOUS [6 TO 0]</b>
<b>MOVER:</b>	Roman F. Reed, Councilman
<b>SECONDER:</b>	Pat B. McLaughlan, Councilman
<b>AYES:</b>	Nathan, Reed, Avioli, Sr., Pappas, McLaughlan, Friedberg
<b>NAYS:</b>	None
<b>ABSENT:</b>	Nauert

#### **H. New Business:**

##### **Adoption of Ordinance(s)/Resolution(s):**

1. Consideration of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, amending the FY 2016 budget for the Holly Street Esplanade Construction Project in the amount of \$50,000 - Submitted by Diane K. White, Assistant City Manager.

**Diane K. White, Assistant City Manager,** advised that the item before City Council on the agenda this evening was to amend the FY 2016 budget, Capital

Improvement Project Fund, to restore funding for the Holly Street Esplanade Project. The amendment would provide \$50,000 from the Capital Improvement Program ending balance for the project. This amendment would not impact the FY 2016 capital improvement projects, but might impact some of the future capital improvement projects the City had planned to pay for with cash.

**Motion:**

**To adopt a resolution of the City Council of the City of Bellaire, Texas, amending the FY 2016 budget for the Holly Street Esplanade Construction Project in the amount of \$50,000.**

Discussion ensued among members of City Council and Assistant City Manager White regarding the proposed amendment to the FY 2016 budget. Following discussion, Councilman Andrew S. Friedberg offered an amendment to the motion.

**Amendment (No. 1) to the motion:**

**In addition to adopting the Resolution, as presented, Councilman Friedberg further moved that City Council ratify, effective as September 15, 2015, the four budget actions on which said Resolution is premised, as recited in the Agenda Statement under the heading "Previous Council Action Summary," to wit: the funding of \$300,000 for Beautification projects, by 1) committing \$112,728 of new property tax revenues from the General Fund; 2) reducing funds for Evelyn's Park maintenance in the General Fund by \$50,000; 3) reducing the funds for the Holly Street Project in the CIP by \$50,000, and 4) reducing the FY 2015 General Fund ending fund balance by \$87,272.**

**The amendment failed due to the lack of a second.**

**Note:** His amendment having failed for lack of a second, Councilman Friedberg abstained from voting on the Resolution, stating that he supported the result but could not vote for the Resolution as presented tonight because he was not satisfied that the budget actions on with the Resolution was premised had in fact been taken, nor ratified this evening.

**Amendment (No. 2) to the motion (subsequently withdrawn and restated below):**

**Councilman James P. Avioli, Sr., moved that the \$300,000 for beautification be sourced as follows: General Fund new property tax revenues in the amount of \$112,728; General Fund Evelyn's Park maintenance in the amount of \$50,000; eliminate the Holly Street Project in the amount of \$50,000; and amend the General Fund ending fund balance amount to \$137,722.**

Following discussion and clarification from the City Attorney, Councilman Avioli withdrew/changed his amendment to read as set forth below.

**Amendment (No. 2) to the motion:**

**To amend the Resolution to indicate that \$50,000 for the Holly Street Esplanade Project would be taken from the General Fund ending fund balance (as opposed to the CIP ending fund balance).**

{Amendment moved by Councilman James P. Avioli, Sr., and seconded by Councilman Gus E. Pappas}

Following a request by the City Manager to not continue to erode away the ending fund balance in the General Fund and to take the needed \$50,000 from the CIP ending fund balance, discussion ensued among members of City Council. Following discussion, action was taken on the amendment.

<b>RESULT:</b>	<b>FAILED [2 TO 4]</b>
<b>MOVER:</b>	James P. Avioli, Sr., Councilman
<b>SECONDER:</b>	Gus E. Pappas, Councilman
<b>AYES:</b>	Avioli Sr., McLaughlan
<b>NAYS:</b>	Nathan, Reed, Pappas, Friedberg
<b>ABSENT:</b>	Nauert

After determining that there were no further questions or discussion, Mayor Pro Tem Nathan called for a vote on the motion to adopt a resolution of the City Council of the City of Bellaire, Texas, amending the FY 2016 budget for the Holly Street Esplanade Construction Project in the amount of \$50,000 as proposed by City Staff.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Gus E. Pappas, Councilman
<b>SECONDER:</b>	James P. Avioli Sr., Councilman
<b>AYES:</b>	Nathan, Reed, Avioli Sr., Pappas, McLaughlan
<b>ABSENT:</b>	Nauert, Friedberg

2. Consideration of and possible action on a recommendation from the Parks, Recreation, and Facilities Department to award a contract to Classic Irrigation and Landscape Inc., for improvements to the Holly Street Esplanade in the amount of \$149,919.00 and consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the City Manager and City Clerk to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with Classic Irrigation and Landscape, Inc., for Holly Street Landscape Improvements in the amount of \$149,919.00 - Submitted by Michelle Jordan, Project Manager.

**Michelle Jordan, Project Manager**, provided a brief overview of what the Holly Street Esplanade Project hoped to accomplish on the ground. The existing decomposed granite trail that ran north and south on both sides of the esplanade would be renovated; trees would be removed that were invasive or at the end of their life cycle; one more tree than actually removed would be added to the esplanade; and approximately 4,500 plants would be installed along the median.

Project Manager Jordan advised that the Project was publicly bid and that the City received two bids as identified in the Staff Report (Agenda Statement). She recommended that the City move forward with Classic Irrigation and

Landscape, Inc., in the amount of \$149,919.00. It was noted that the Project was bid with three alternates and, unfortunately, with the \$200,000 budget available, the City could not accommodate any of the alternates at this point.

Project Manager Jordan advised that some of the \$200,000 budget had already been expended with Clark Condon for the design services which would take the City all the way through construction phase services (\$35,000). This expenditure also took care of the numerous community meetings that Clark Condon was in attendance for, as well as presentations previously made before the Parks and Recreation Advisory Board and the City Council. Other expenditures included surveying and advertisement of the bid. Once the project was completed, a project balance of \$9,374.40 would ideally be left.

**Motion:**

**To approve a recommendation from the Parks, Recreation, and Facilities Department to award a contract to Classic Irrigation and Landscape, Inc., for improvements to the Holly Street Esplanade in the amount of \$149,919.00 and to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the City Manager and City Clerk to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with Classic Irrigation and Landscape, Inc., for Holly Street Landscape Improvements in the amount of \$149,919.00.**

{Moved by Councilman James P. Avioli, Sr., and seconded by Councilman Roman F. Reed}

**Amendment (No. 1) to the motion:**

**To revise the ordinance as presented by adding that the City Clerk is authorized to attest the Standard Form of Agreement.**

<b>RESULT:</b>	<b>UNANIMOUS [6 TO 0]</b>
<b>MOVER:</b>	Andrew S. Friedberg, Councilman
<b>SECONDER:</b>	Amanda B. Nathan, Mayor Pro Tem
<b>AYES:</b>	Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg
<b>NAYS:</b>	None
<b>ABSENT:</b>	Nauert

<b>RESULT:</b>	<b>ADOPTED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	James P. Avioli Sr., Councilman
<b>SECONDER:</b>	Roman F. Reed, Councilman
<b>AYES:</b>	Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg
<b>ABSENT:</b>	Nauert

3. 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 2016 - Submitted by Tracy L. Dutton, City Clerk.

**First Motion:**

**To adopt a resolution of the City Council of the City of Bellaire, Texas, designating Pat B. McLaughlan as the City's Representative to the General Assembly of the Houston-Galveston Area Council for the year 2016.**

<b>RESULT:</b>	<b>ADOPTED [6 TO 0]</b>
<b>MOVER:</b>	James P. Avioli, Sr., Councilman
<b>SECONDER:</b>	Gus E. Pappas, Councilman
<b>AYES:</b>	Nathan, Reed, Avioli, Sr., Pappas, McLaughlan, Friedberg
<b>NAYS:</b>	None
<b>ABSENT:</b>	Nauert

**Second Motion:**

**To adopt a resolution of the City Council of the City of Bellaire, Texas, designating Gus E. Pappas as the City's Official Alternate to the General Assembly of the Houston-Galveston Area Council for the year 2016.**

<b>RESULT:</b>	<b>ADOPTED [6 TO 0]</b>
<b>MOVER:</b>	Roman F. Reed, Councilman
<b>SECONDER:</b>	Andrew S. Friedberg, Councilman
<b>AYES:</b>	Nathan, Reed, Avioli Sr., Pappas, McLaughlan, Friedberg
<b>NAYS:</b>	None
<b>ABSENT:</b>	Nauert

4. Consideration of and possible action on a recommendation from the Parks, Recreation, and Facilities Department to award a contract to TIBH Industries, Inc., for mowing, litter and landscape services along IH610 Feeder Roads, City of Bellaire right-of-ways and other areas identified in the amount of \$120,146.70 and consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, authorizing the City Manager and City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with TIBH Industries, Inc., for mowing, litter and landscape services in the amount of \$120,146.70 - Submitted by Karl Miller, Director of Parks, Recreation and Facilities.

**Karl Miller, Director of Parks, Recreation, and Facilities,** provided a brief overview of the agenda item before City Council. The Parks, Recreation, and Facilities Department was recommending that the City award a contract to TIBH Industries, Inc., for mowing, litter, and landscape services related to the City's rights-of-way.

Director Miller advised that the current agreement with TIBH expired on September 30, 2015. The proposed contract represented a one-year agreement with four additional one-year renewals with a maximum increase of 3.5%. TIBH was under contract with the State of Texas to provide employment opportunities for people with disabilities in accordance with

Chapter 122 of the Human Resource Code. The group currently providing rights-of-way services through TIBH for the past five months had done an outstanding job in providing the services. The group was responsive to the City's needs and followed-up to ensure the job was being done correctly.

The contract called for litter and debris to be picked up and removed along the service roads of IH 610 once per week or 52 times per year. The contract also provided mowing and related services along IH 610 and other areas as identified in the agenda packet. Mowing would be performed twice per month from October through April and three times per month from May through September. Services also included spraying of weeds under the IH 610 underpasses. All litter and debris would be picked up prior to any mowing. Through an additional \$36,000 in funding that City Council allocated in the FY 2016 budget for rights-of-way, other areas in the City not currently addressed could be added to the contract.

In closing, Director Miller recommended that City Council award the rights-of-way contract to TIBH in the amount of \$120,146.70 and authorize the City Manager to execute the contractual agreement.

**Motion:**

**To approve a recommendation from the Parks, Recreation, and Facilities Department to award a contract to TIBH Industries, Inc., for mowing, litter and landscape services along the IH 610 feeder roads, City of Bellaire rights-of-way and other areas identified in the amount of \$120,146.70 and to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the City Manager and City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, for and on behalf of the City of Bellaire, Texas, a Standard Form of Agreement with TIB Industries, Inc., for mowing, litter and landscape services in the amount of \$120,146.70.**

Following questions of Director Miller and discussion among members of City Council and Director Miller, action was taken on the motion on the floor.

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

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

Future agenda items included a request by Councilman Roman F. Reed to increase the funding for the Holly Street Esplanade Project to allow for alternates 1, 2, and 3, and a request by Councilman James P. Avioli, Sr., to consider the mileage incentive plan he had proposed for police patrol officers.

Community interest items from the Mayor Pro Tem and City Council included reminders to citizens to participate in National Night Out and to attend the Candidate Forum on October 15; other reminders included upcoming events during the month of October as follows:

October 9, 2015, 8:00 p.m., Concert in the Park;  
 October 10, 2015, 9:00 a.m., Friends of the Bellaire Library's Used Book Sale;  
 October 17, 2015, 9:30 a.m., Fire Truck Pull benefiting the Special Olympics;  
 October 17, 2015, 11:00 a.m., Pumpkin Patch opens at the Nature Discovery Center;  
 October 17-18, 2015, Fall New Home Showcase benefiting the Evelyn's Park Conservancy;  
 October 17, 2015, Condit Fun Festival;  
 October 22, 2015 - Wine, Dine, Design Event benefiting Evelyn's Park Conservancy; and  
 October 24, 2015 - Tents in Town.

## **J. Adjourn.**

### **Motion:**

**To adjourn the Regular Session of the City Council of the City of Bellaire, Texas, at 9:10 p.m. on Monday, October 5, 2015.**

<b>RESULT</b>	<b>UNANIMOUS [6 TO 0]</b>
<b>MOVER:</b>	Roman F. Reed, Councilman
<b>SECONDER:</b>	Gus E. Pappas, Councilman
<b>AYES:</b>	Nathan, Reed, Avioli, Sr., Pappas, McLaughlan, Friedberg
<b>NAYS:</b>	None
<b>ABSENT:</b>	Nauert

**Mayor and Council**

7008 S. Rice Avenue  
Bellaire, TX 77401



Meeting: 11/02/15 06:00 PM  
Department: City Clerk  
Category: Report  
Department Head: Tracy L. Dutton  
DOC ID: 1739

**SCHEDULED  
INFORMATION ITEM (ID  
# 1739)**

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**Item Title:**

Report regarding Houston Community College's (HCC) West Loop Campus Bond Program project consisting of a parking garage (five-level) and a campus plaza - Presented by Charles Smith, Chief Facilities Officer, HCC, and Whit Robinson, Program Manager, Jacobs Engineering - Submitted by Tracy L. Dutton, City Clerk.

**Background/Summary:**

Representatives from the Houston Community College will present a brief overview of their West Loop Campus Bond Program project to members of City Council. The project includes a parking garage (five-level) with 549 parking spaces and a campus plaza of approximately 21,000 square feet, with landscaped planting areas, protective covered structures and seating at the West Loop campus.

A fact sheet regarding the bond program and the West Loop campus project, in particular, is attached along with bios of the presenters.

**Previous Council Action Summary:**

N/A

**Fiscal Impact:**

N/A

**Recommendation:**

N/A

**ATTACHMENTS:**

- 07232015 DIS763 BondProgram-WestLoopFactSheet\_flier (PDF)
- Presenters for HCC (DOCX)

## WEST LOOP CAMPUS

# GROUNDBREAKER

HCC BOND PROGRAM


## West Loop Parking Garage

Project includes construction of a 5 level parking garage, approximately 45,000 gross square feet per level, with 549 parking spaces. Also included in the project is a campus plaza of approximately 21,000 square feet, with landscaped planting areas, protective covered structures and seating.

**Cost:** \$18 million

**Size:** 5 levels, 45,000 gross square feet/level

**Projected completion:** December 2015

**Project construction manager:** Skanska USA Building

**Project architect:** Kirskey

To learn more about this project, visit [hccs.edu/westloop](http://hccs.edu/westloop)

To learn more about all the HCC Groundbreakers projects, visit [hccs.edu/bond](http://hccs.edu/bond)

## WEST LOOP CAMPUS ENHANCEMENTS



The project will increase campus parking capacity, while also creating a harmonious campus connection to the existing building through a plaza with landscaping, canopies, and seating areas. The plaza will create places for students to gather, allow for campus and community events, and provide a green space in a campus atmosphere

## COMMUNITY PROFILE

### Family ties at Houston Community College West Loop Campus



An intriguing trio sits in the front row of Professor Jeff Lindemann's American Literature class at the Houston Community College West Loop Campus. They sit in the same exact seats, with the same exact enlightenment for the subjects they study. Higher education is a real family affair for Kelley McLemore, her son Sam and daughter Kristy.

"They are all excellent students," Lindemann said. "I think any teacher would love to have them in class."

At first, Mrs. McLemore didn't want to go to college. That all changed when she saw her husband and two older learning disabled sons succeed together at HCC. With the support of her family, the mother of seven, who has spent decades home-schooling her children, is now a student.

Kelley joins her children Sam, who has dyslexia, and Kristy on their journeys through college. They put in hard work through study sessions together at home.

"We give each other feedback but tend to be competitive," Sam said.

Study sessions are not the only thing they share. They share books and carpool to save money. It's that shared guidance and push to be the best that is paying off for all three A-Plus students.—who really enjoy learning from Professor Lindemann.

"He makes the literature come to life!" Kristy said.

"I think they're an inspiration to the students in the class and an inspiration to the students at Houston Community College in general," said Lindemann.

Once they graduate, the McLemores plan to attend University of Houston.



Presenters:



Charles Smith, PE

Mr. Charles Smith, PE is currently the Chief Facilities Officer at Houston Community College System, where he is responsible for the design, construction, and operation of more than four million square feet of buildings. His experience includes service as a member of the project design team, as a general contractor and sub-contractor, as a project manager, and as a building owner. Mr. Smith is a graduate of Texas A&M University and Syracuse University, and served as a United States Marine.



Whit Robinson

Whit Robinson is a Principal at Jacobs Engineering, and serves as Program Manager for the 2013 HCC Capital Improvements Bond Program. Whit recently joined Jacobs after spending 21 years with the US Navy's Civil Engineer Corps, working extensively with the Naval Facilities Engineering Command (NAVFAC), U.S. Navy Seabees, the U.S. Marine Corps and a variety of commands. He has worked as a Business Leader and Manager of Projects for Memorial Hermann Health Systems, Houston Independent School District, University of Texas Medical Branch and Houston Community College. Prior to joining the Jacobs Engineering team, he was the Program Lead and the Resident Officer in Charge of Construction for the \$563M Camp Pendleton Hospital Replacement Program in Oceanside, California. He has a sterling record of service in stations from The White House in Washington DC to serving with U.S. and International Forces in Afghanistan.

**Mayor and Council**

7008 S. Rice Avenue  
Bellaire, TX 77401



Meeting: 11/02/15 06:00 PM  
Department: City Clerk  
Category: Report  
Department Head: Tracy L. Dutton  
DOC ID: 1741

**SCHEDULED  
INFORMATION ITEM (ID  
# 1741)**

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**Item Title:**

Presentation and update of Phase I beautification projects to be recommended by Citizens For A Beautiful Bellaire. Action will be requested on the projects on November 16, 2015 - Presented by John Monday; Submitted by Pat B. McLaughlan, Councilman, at the request of Citizens For A Beautiful Bellaire.

**Background/Summary:**

The Citizens For A Beautiful Bellaire ("Citizens") have asked Councilman Pat B. McLaughlan to place on item on City Council's agenda for the Citizens' group to make a presentation and update City Council regarding their recommendations for Phase I beautification projects.

Action is not requested this evening; however, the Citizens have asked Councilman McLaughlan to place an item on the November 16th agenda for City Council consideration and approval of the projects.

Former Councilman John Monday will make the presentation on behalf of the Citizens' group.

**Previous Council Action Summary:**

N/A

**Fiscal Impact:**

N/A

**Recommendation:**

N/A

**ATTACHMENTS:**

- Letter to CouncilAgendaitemnov2 (DOCX)
- Project List Phase I (PDF)

October 29, 2015



Dear Councilmembers,

In preparation of our progress report and update to you on November 2, 2015, we have attached our Phase I Project Recommendations and a copy of the proposed Beautification Survey for your review. It is currently available online at [www.bellairebeautiful.com](http://www.bellairebeautiful.com). We will make ourselves available to answer any questions you may have about our efforts to put the sparkle back in Bellaire.

The Phase I Project Recommendations attached are planned as an agenda item for discussion and possible action at the November 16, 2015 regularly scheduled City Council meeting.

We appreciate the opportunity to work with you and on behalf of all the citizens of our fine City. And please be sure to take the survey!

Respectfully Submitted,

**John Monday**

John Monday  
Citizens For A Beautiful Bellaire

Attachment: Letter to Council Agenda item nov2 (1741 : Beautification Update)

### Phase I Landscape Workgroup Beautification Projects

Location	Projects	Estimated Cost
Consultant	Contract landscape color specialist to design native plantings and what seasonal color change out should be.	\$6,000
Entrance To City Railroad Track on Bellaire	Intensify landscape to include color (changed out quarterly with seasonal color) front of monument marker stretching about 25' in front and adding flowering trees behind monument	\$15,000
Bissonnet East and West of 610	Add water source and native vegetation with some color to Esplanades on Bissonnet east and west of 610 these are the only Esplanades on our major street	\$30,000
Rice Boulevard Esplanades Bissonnet to Bellaire	Enhance esplanades currently color on one end of end cap increase to other endcap side, some of the esplanades just ground cover put in color on each end cap, put in fill in groundcover to 6" apart	\$20,000
Paseo Park	Enhance color presentation around trolley and clock tower, to be changed out quarterly with seasonal color. Clean up overgrown spots put in quarterly color at end caps of the esplanades in the park. Include double sided banners with fixturing in park on light poles to be included in seasonal change out along with current banner program approved for 2016 (A feel like downtown West U. on University).	\$50,000
Esplanades newcastle and Bellaire	end caps native plants and color changed out quarterly with seasonal color	\$15,000
Esplanades avenue b and Bellaire	End caps native plants and color changed out quarterly with seasonal color	\$15,000
Citi	Create seasonal color in area	\$15,000
Esplanade S. Rice by Bellaire High school	Enhance	\$10,000
Total		\$176,000

Attachment: Project List Phase I (1741 : Beautification Update)

## Phase I Roadway Workgroup Beautification Projects

Location	Projects	Estimated Cost
various - primarily downtown	Curb painting [yellow/red] \$1-\$2 (per foot) est. 500' needed	\$750
various - primarily downtown	Curb replacement/repair. Basic 6" curb, steel and concrete \$20 per linear ft. With gutter replacement - \$50 per linear ft. est. 200 ' needed	\$7,000
Loop 610	Underpasses/Brick Wall Surfaces - the topcoat sealant has failed. TXDOT and original contractor suggest a topcoat application will eliminate frosting	\$17,000
City-wide	***Tree trimming/overhangs/obstructions	\$30,000
Total		\$54,750

Many roadway projects have been determined to be maintenance items rather than beautification. We will be submitting a list via the Resident Service Request Center of all CBB identified projects.

\*\*\* As the City does not maintain bucket trucks, nor staff experienced tree trimming crews, it is recommended that we group together multiple projects and hire a contractor with the appropriate skills for working near electrical lines and liability insurance. If the City budget is unable to accomodate, an allocation from Beautification is recommended.

## Phase I Image Workgroup Projects

Location	Projects	Estimated Cost
City website	Online Beautification Survey & promotional items url, banners, posters, push cards.	< \$300
Total		

## Roadway Maintenance Project Suggestions

Location	Projects	Estimated Cost
City-wide	Enhance the City's street sweeper schedule and hours of operation, starting with the publishing of the current schedule, as we do for trash and recycling pickup. (need copy of schedule or implement online fleet tracking GPS system.)	\$288/year
Assigned to Liaison Workgroup	Straighten leaning telephone poles. Remove loose wires, exposed electrical boxes, empty boxes, unnecessary conduit and other unsafe items and debris. (will need to provide specific location list)	\$0
Loop 610 underpasses and adjacent sidewalks	Power wash*	TBD
various	Improve the City's cleanliness by organizing monthly clean up crew for neighbor "X", Area "Y". (Individual project for Peggy Faulk to organize outside of beautification teams – comm. w/Paul started))	\$0
City-wide	Lane striping and crosswalk refresh - (projects underway)	City Maintenance Budget
City-wide	Remove vegetation from around Street signs/traffic signs, which are often not visible and unsafe. (need specific addresses)	City Maintenance Budget
City-wide	Traffic signs and other City signage needs inspection for replacement, cleaning or straightening. (Need more specific addresses and \$5,000 for replacement signs) 50 signs at \$100	\$5,000
City-wide	Enhance maintenance schedule for mowing of City ROWs. (review list from CM)	TBD
Bellaire Blvd	X-Out or replace Metro blue stripe through Bellaire Assign to Liaison Workgroup (John and Trisha Pollard Liaison Workgroup).	\$0
Total		TBD

\* Power wash - it is yet to be determined what TXDOT's maintenance schedule, frequency and contractor responsibilities may be.

**Mayor and Council**

7008 S. Rice Avenue  
Bellaire, TX 77401



Meeting: 11/02/15 06:00 PM  
Department: Public Works  
Category: Report  
Department Head: Brant Gary  
DOC ID: 1734

**SCHEDULED  
INFORMATION ITEM (ID  
# 1734)**

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**Item Title:**

Presentation of an Interim Report from the Bellaire Public Works Department regarding the Public Works Facility Assessment - Presented by Brant Gary, Director of Public Works.

**Background/Summary:**

The Director of Public Works has an Interim Report on the Public Works Facility Assessment.

**Previous Council Action Summary:**

None

**Fiscal Impact:**

None

**Recommendation:**

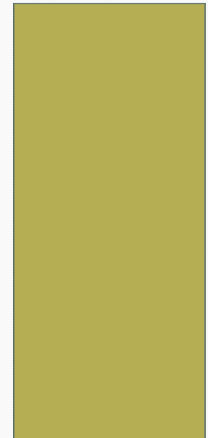
Brant Gary, Director of Public Works recommends acceptance of this presentation.

**ATTACHMENTS:**

- PW Facilities Options Presentation (PPTX)

# UPDATE REGARDING PW ADMIN BUILDING

NOVEMBER 2, 2015



# UPDATE ON ITEMS IN PROGRESS

- Per local ADA/TAS experts, any repairs must be in compliance with current accessibility requirements
- Currently working with PGAL to finalize:
  - Scopes for potential mitigation approaches
    - Must be completed with FEMA by Jan. 2016
  - Evaluate and provide scope and costs for ADA required improvements
    - To be used for insurance reimbursement and calculation of flood loss

# UPDATE ON ITEMS IN PROGRESS

- PGAL is also working on other items for Dec. 7<sup>th</sup>
  - Update the draft assessment for the existing Public Works Admin Facility and associated warehouses.
  - Determine life expectancy of the buildings and key facility components.
  - Space analysis for the existing facilities
  - Update CIP repair needs for the facilities
  - Decision-making criteria for repair/replacement of buildings to include:
    - Current flood damage
    - Costs to renovate
    - Costs to relocate to another location
    - Potential site based flood mitigation solutions
    - Projected timelines

# SCENARIO 1 – REPAIR EXISTING FACILITY

- **Repair Scope**

- Identified Repair Project Costs - \$260,000
- Identified Contents Costs - \$100,000
- Estimated ADA Costs - \$150,000
- TOTAL - \$510,000
  - Uses existing/projected insurance & operating funds

- **Floodproofing**

- NTE Costs - \$500,000
  - Assumes FEMA funding

- **Timeframe**

- Repairs & Contents Replacement – 4-6 Months
- Floodproofing – 2-3 Months
- Total time to occupy building – 6-9 Months

# SCENARIO 1 – REPAIR EXISTING FACILITY

- **Pros**

- Maintain current situation during project
  - No temp buildings necessary
- Funding is identified
- Shortest time frame

- **Cons**

- Does not address long-term flooding concerns
- Does not address long-term facility needs
- Lost opportunities for long-term solution
- Next flooding event could cause similar damage

# SCENARIO 2 – SHORT-TERM REPLACEMENT

- **Project Scope**

- Design Costs - \$100-\$200k
- Demolition Costs - \$50,000
- Temporary Office Space - \$100-\$150k
  - Assumes purchase and installation due to timeframe
- New Building Costs - \$1.5m – \$2.5m
  - Dependent upon square footage
  - Uses Current Site (Possible WWTP tie-in)
- New Contents Costs - \$200k-\$250k
- TOTAL - \$2m - \$3.15m

- **Floodproofing**

- Included in construction by raising facility above BFE

- **ADA Issues**

- All ADA issues are addressed in new construction

# SCENARIO 2 – SHORT-TERM REPLACEMENT

- **Funding**

- Would utilize some existing/available funds (\$1m):
  - Insurance proceeds - \$350k
  - ADA repair costs - \$150k
  - FEMA mitigation - \$500k
- Other possible sources (\$500-\$750):
  - Unencumbered "Facilities" reserve funds - \$500k-\$750k
- Outstanding needs (\$500k - \$1.25m)/Possible sources:
  - Reallocation of existing priorities
  - New Debt

- **Timeframe**

- Design – 2-3 Months
- Construction – 10-15 Months
- Total time to occupy new building – 12-18 Months

## SCENARIO 2 – SHORT-TERM REPLACEMENT

- **Pros**

- Replaces existing 30 year old building in a shorter time frame
- Places building outside of flood plain
- Allows for funding to be identified

- **Cons**

- May not COMPLETELY address long-term facility/space planning needs
- The area surrounding the facility is still flood-prone
  - Project is limited to WWTP and existing site

# SCENARIO 3 – LONG-TERM REPLACEMENT

- **Project Scope**

- Design Costs - \$150k-\$250k
- Demolition Costs - \$50,000
- Temporary Office Space - \$150k-\$200k
  - Assumes purchase and installation due to timeframe
  - Assumes temporary buildings more suitable for long-term use
- New Building Costs - \$2.5m – \$3.5m
  - Dependent upon square footage/scope
- New Contents Costs - \$200k-\$500
- TOTAL - \$3m - \$4.5m (Does NOT include property acquisition)

- **Floodproofing**

- Included in construction by raising facility above BFE

- **ADA Issues**

- All ADA issues are addressed in new construction

# SCENARIO 3 – LONG-TERM REPLACEMENT

## • Funding

- Would utilize some existing/available funds (\$500k):
  - Insurance proceeds - \$350k
  - ADA repair costs - \$150k
- Outstanding needs (\$2.5-\$4m)/Possible sources:
  - Unencumbered "Facilities" reserve funds - \$500k-\$750k
  - New Debt

## • Timeframe

- Time before bond sale – 1-2 Years
- Site Selection – 3-4 Months
  - Purchase of property would add significant time
- Design – 6-8 Months
- Construction – 10-15 Months
- Total time to occupy new building – 3-5 Years

## SCENARIO 3 – LONG-TERM REPLACEMENT

- **Pros**

- Replaces existing 30 year old building
- Places building outside of flood plain
- Allows for time to include all planning steps needed
- Funding via bond sale would be planned out
- New facility could include new site options to address current area flooding concerns relative to operations

- **Cons**

- Long wait time to be back in a permanent facility
- No mitigation project to help fund reconstruction
- Escalation of costs over time
- Possible new site selection & acquisition costs

# SUMMARY OF SCENARIOS

- **Scenario 1 – Repair Existing Facility**
  - Timeframe - 6-9 Months
  - Estimated Project Budget - \$1,000,000
- **Scenario 2 – Short Term Replacement**
  - Timeframe – 12-18 Months
  - Estimated Project Budget - \$2,000,000-\$3,000,000
- **Scenario 3 – Long Term Replacement**
  - Timeframe – 3-5 Years
  - Estimated Project Budget - \$3,000,000-\$4,500,000

# SUMMARY OF POTENTIAL FUNDING SOURCES

<b>Funding Source</b>	<b>Amount</b>
Rebuild Bellaire Facilities Cash (On Hand)	\$751,000
Insurance Proceeds-NFIP (On Hand)	\$283,762
Insurance Proceeds-TML (Received once costs are incurred)	\$59,872
Additional ADA Costs-TML (Received once costs are incurred)	\$150,000
FEMA Mitigation (Available-Deadline Jan 2016)	\$500,000
<b>Currently Available Potential Resources</b>	<b>\$1,744,634</b>
<i>Funds From New Debt (if necessary)</i>	<i>TBD</i>

# REQUESTED FEEDBACK

- City Staff would like to receive any feedback related to the following:
  - Scenarios not mentioned/considered that should be
  - Scenarios mentioned that are not desirable
  - Utilization of FEMA mitigation project/funds towards this effort
  - Any additional information that would be helpful to finalize project approach & formal report for Dec. 7<sup>th</sup>

**Mayor and Council**

7008 S. Rice Avenue  
Bellaire, TX 77401



Meeting: 11/02/15 06:00 PM  
Department: Public Works  
Category: Agreement  
Department Head: Brant Gary  
DOC ID: 1711

**SCHEDULED****ACTION ITEM (ID # 1711)****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 of the City of Bellaire, Texas, to execute, and Public Works Administrative Manager to acknowledge, an Interlocal Agreement with Harris County, Texas, for the administration and implementation by Harris County, Texas, of a regional watershed protection education program on storm water quality impacts in the amount of \$8,933.15 for a term of one year commencing upon the execution of said agreement by Harris County, Texas - Submitted by Brant Gary, Director of Public Works.

**Background/Summary:**

In accordance with the terms of the City's National Pollutant Discharge Elimination System (NPDES), Phase II permit for discharging stormwater and similar runoff, the City is required to provide public information and education regarding the impact of placing contaminants into the storm water removal systems. To provide for that education in a most cost-effective manner to the citizens of Bellaire, the Public Works Department of the City of Bellaire had requested that Harris County supply the required information through the existing educational program of the Harris County Public Infrastructure Department, Watershed Protection Group. In response, the Harris County Commissioners Court has authorized an Interlocal Agreement between the City of Bellaire, Texas, and Harris County, Texas, to administer and implement a regional watershed protection education program on storm water quality impacts on behalf of the City of Bellaire, Texas. Bellaire's cost for these services, payable to Harris County, Texas, on or before the 60<sup>th</sup> day after execution of said agreement, is \$8,933.15.

**Previous Council Action Summary:**

An Interlocal Agreement with Harris County for administration and implementation of a regional watershed protection education program was first approved by Council on May 19, 2008 (Ordinance No. 08-026).

An agreement was approved by Council on November 2, 2009 (Ordinance No. 09-066).

An agreement was approved by Council on March 21, 2011 (Ordinance No. 11-021).

An agreement was approved by Council on November 3, 2014 (Ordinance No. 14-063).

**Fiscal Impact:**

This item will be funded by the General Fund - Streets & Drainage Operating Budget in the amount of \$8,933.15.

**Recommendation:**

The Director of Public Works recommends approval.

**ATTACHMENTS:**

- Interlocal Agreement with Harris County Regional Watershed Protection Education Program - 2015 (DOC)
- Interlocal Agreement - Regional Watershed Protection Educational Program A (PDF)



**ORDINANCE NO. 15-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, AUTHORIZING THE MAYOR OF THE CITY OF BELLAIRE, TEXAS, TO EXECUTE, AND THE PUBLIC WORKS ADMINISTRATIVE MANAGER OF THE CITY OF BELLAIRE, TEXAS, TO ACKNOWLEDGE, FOR AND ON BEHALF OF THE CITY OF BELLAIRE, TEXAS, AN INTERLOCAL AGREEMENT WITH HARRIS COUNTY, TEXAS, IN A FORM AS ATTACHED HERETO AND MARKED EXHIBIT "A," FOR THE ADMINISTRATION AND IMPLEMENTATION BY HARRIS COUNTY, TEXAS, OF A REGIONAL WATERSHED PROTECTION EDUCATION PROGRAM ON STORM WATER QUALITY IMPACTS IN THE AMOUNT OF \$8,933.15 FOR A TERM OF ONE YEAR COMMENCING UPON THE EXECUTION OF SAID CONTRACT BY HARRIS COUNTY, TEXAS.**

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

**THAT** the Mayor of the City of Bellaire, Texas, is hereby authorized to execute, and the Public Works Administrative Manager is hereby authorized to acknowledge, for and on behalf of the City of Bellaire, Texas, an *Interlocal Agreement* with Harris County, Texas, in a form as attached hereto and marked Exhibit "A," for the administration and implementation by Harris County, Texas, of a regional watershed protection education program on storm water quality impacts in the amount of \$8,933.15 for a term of one year commencing upon the execution of said Contract by Harris County, Texas.

**PASSED** and **APPROVED** this 19<sup>th</sup> day of October, 2015.

(SEAL)

**ATTEST:**

**SIGNED:**

\_\_\_\_\_  
Tracy L. Dutton, TRMC  
City Clerk

\_\_\_\_\_  
Dr. Philip L. Nauert  
Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Alan P. Petrov  
City Attorney

**HARRIS COUNTY**  
**ENGINEERING DEPARTMENT**  
**General Services**

10555 Northwest Frwy., Suite 120  
Houston, Texas 77092  
(713) 274-3900

September 15, 2015

Mayor Phil Nauert  
City of Bellaire  
4337 Edith Street  
Bellaire, Texas 77401



**SUBJECT: Transmittal of Agreement between Harris County and the City of Bellaire for administration and implementation of a regional watershed protection education program**

Dear Mayor Nauert:

Enclosed please find three court approved original Interlocal Agreements between Harris County Public Infrastructure Department and the City of Bellaire to provide the city with administration and implementation of a regional watershed protection education program.

The agreement and contract is in the amount of \$8,933.15. The term will run for an entire year effective September 1, 2015 through August 31, 2016. This is the standard contract term for all regional partners.

Please sign all three agreements and return two originals to our office. In accordance with the agreement, please forward a check made payable to Harris County in the amount of \$8,933.15.

If you have any questions, please contact Dimetra Hamilton at 713-274-3745.

Sincerely,

Joshua Stuckey  
Manager, General Services

Attachments – 3 original agreements  
cc: Brant Gary, Director of Public Works

Attachment: Interlocal Agreement - Regional Watershed Protection Educational Program A (1711 : Interlocal Agreement with Harris County on

## INTERLOCAL AGREEMENT

### (Storm Water Quality Public Education Funding)

#### 1. PARTIES

- 1.1 **Parties.** The Parties to this Interlocal Agreement ("Agreement") are **Harris County**, a body corporate and politic under the laws of the State of Texas ("County"), on behalf of its Harris County Engineering Department ("HCED") and **City of Bellaire**, a municipal corporation, organized and existing by virtue of the Laws of the State of Texas ("City"). This Agreement is entered into pursuant to Chapter 791 of the Texas Government Code, the Interlocal Cooperation Act, in order to increase the efficiency and effectiveness of local government.

#### 2. PURPOSE

- 2.1 **Description.** The United States Environmental Protection Agency ("EPA") has promulgated regulations requiring operators of discharges from certain municipal separate storm sewer systems (MS4s) to obtain National Pollutant Discharge Elimination System ("NPDES") permits for storm water discharges to waters of the United States. Pursuant to Part III (A)(1) of General Permit No. TXR040000 of the Texas Pollutant Discharge Elimination System, subject MS4s are required to implement a public education and outreach program on storm water impacts. The County and the City are responsible under the regulations and permits applicable to each for public education programs. Therefore, the City and the County desire that the County administer, in accordance with this Agreement, a regional public education services program related to storm water quality and other related issues that impact the water quality of our local watersheds in regard to, but not limited to, dissemination of information regarding (a) prevention of litter; (b) proper management of pesticides, herbicides, and fertilizers; (c) public reporting of illicit discharges; (d) proper management of used oil and household hazardous wastes; and (e) proper construction methods.

#### 3. SCOPE OF WORK/SERVICES AND DELIVERABLES

- 3.1 **Specific Project, Program, work, products, services, licenses and/or deliverables.** HCED shall provide the work, products, services, licenses and/or deliverables required to be provided by HCED and as set out in this Agreement and in any **Attachment A and all other referenced attachments** attached and incorporated in this Agreement (all together referred to as the "Program"). The provisions in this Agreement labeled 'Scope of Services' or 'Scope of Work' shall take precedence over anything conflicting in any attached proposal.

#### 4. ADDITIONAL AND SPECIAL REQUIREMENTS

- 4.1 **Non-Federal Employees Whistleblower Protection Act.** HCED shall comply with and be subject to the whistleblower rights and remedies in the pilot program on Contractor employee whistleblower protections established at 41 U.S.C. 4712 by section 828 of the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112-239) and FAR 3.908. HCED shall inform its employees in writing, in the predominant language of the workforce, of employee whistleblower rights, remedies, and protections under 41 U.S.C. 4712, as described in section 3.908 of the Federal Acquisition Regulation. During the applicable time period, HCED (as well as any of HCED's agents, employees, volunteers, and subcontractors performing work under this Agreement) shall not retaliate against employees (including discharge, demotion, or other discrimination as a reprisal) who discloses information that the employee reasonably believes is evidence of (a) gross mismanagement of a Federal contract or grant, gross waste of, or abuse of authority related to, the use of a Federal contract or grant; (b) a violation of a rule or regulation related to a federal agency contract or grant; or (c) a substantial and specific danger to public health or safety danger or a violation of law, rule, or regulation related to a Federal contract or grant. HCED shall inform the

other Party immediately of any information it receives from any source alleging a violation of this section. Each Party shall comply (and enforce compliance by Each Party's agents, employees, volunteers, subcontractors, and subrecipients as applicable, providing work, products, services, licenses and/or deliverables under this Agreement) with this provision. HCED and the person executing this Agreement on behalf of HCED certify and represent that HCED will comply with the requirements of this provision. HCED shall require the language of this provision be included in all covered sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all covered sub-recipients certify and disclose accordingly. The person whose signature appears on this Agreement is authorized to sign this certification/representation on the behalf of HCED. This certification/representation applies to this Agreement and is a material representation of fact upon which City relied when entering into this transaction. This certification/representation shall be binding on HCED (as well as successors, transferees, and assignees, if any) as long as they receive or retain federal or state funds. HCED agrees that any government agency or entity may seek judicial enforcement of this certification/representation under this Agreement.

## 5. AMOUNT OF COMPENSATION AND BASIS FOR PAYMENT

- 5.1 Payments/Compensation. For and in consideration of the work, products, services, licenses and/or deliverables provided under this Agreement and during the term of this Agreement, subject to the limitations in this Agreement, City shall pay County \$8,933.15 on or before the 60th day after execution of this Agreement to cover the actual cost to County. The County may use funds provided by the City under this Agreement to pay costs of the Program. At the end of this Agreement, the County shall deliver to the City an accounting of all funds expended under this Agreement. If the funds provided by the City are in excess of the costs of the Program, the County shall refund the amount of the excess to the City.

## 6. TERM OF THE AGREEMENT

- 6.1 Time Period. The time period for performance of this Agreement ("Term") shall begin on October 1, 2015 and end on September 30, 2016.

## 7. TERMINATION PROVISIONS

- 7.1 Termination. Either Party may terminate this Agreement at any time prior to the expiration of the Term hereof by giving ten (10) days' written notice to the other Party. Upon termination, County shall deliver an accounting of all funds expended under this Agreement. County will refund to City any funds provided by the City that are in excess of the costs of the Program incurred prior to termination of this Agreement.

## 8. IMMUNITY

- 8.1 No Waiver of Governmental Immunity. Neither Party waives any immunity or defense on behalf of itself, its employees or agents as a result of the execution of this Agreement.

## 9. MISCELLANEOUS

- 9.1 Notices to City. Any notice or billing invoice required or permitted to be given ("Notice") by County or HCED to City may be given by hand delivery, facsimile, email, or certified United States Mail, postage prepaid, return receipt requested, addressed to:

Phil Nauert  
Mayor  
4337 EDITH ST  
Bellaire, TX 77401-5612

Phone: 713-662-8275  
 Fax: 713-662-8179  
 Email: pnauert@bellairetx.gov

- 9.2 Notices to County. Any Notice required or permitted to be given by City to County may be given by hand delivery, facsimile, email, or certified United States Mail, postage or fee prepaid, return receipt requested, addressed to:

John R. Blount, P.E.  
 Harris County Engineer  
 Harris County Engineering Department  
 1001 Preston, 7th Fl.  
 Houston, TX 77002  
 Fax: 713-755-4459

WITH A COPY OF THE NOTICE TO:

The Harris County Auditor  
 1001 Preston Street, Ste. 800  
 Houston, TX 77002  
 auditor@co.harris.tx.us

- 9.3 Receipt of Notice. Such Notice shall be considered given and complete upon successful electronic transmission or upon deposit in the United States Mail.
- 9.4 Change of Address. Either Party may change its address for Notice by giving the other Party 10 days' prior written notice specifying the new address.
- 9.5 Choice of Law. This Agreement shall be construed according to the laws of the State of Texas without giving effect to its conflict of laws provisions. Venue lies only in Harris County as per Texas Civil Practice and Remedies Code Sec. 15.015, and any alternative dispute resolution, suit, action, claim, or proceeding with respect to or arising out of this Agreement must be brought solely in the courts or locations that are situated in the State of Texas, County of Harris. Both Parties irrevocably waive any claim that any proceeding brought in Harris County has been brought in an inconvenient forum.
- 9.6 Electronic or Facsimile Signatures and Duplicate Originals. Pursuant to the requirements of the Uniform Electronic Transactions Act in Chapter 322 of the Texas Business and Commerce Code and the Federal Electronic Signatures in Global and National Commerce Act (beginning at 15 U.S.C. Section 7001), the Parties have agreed that the transactions under this Agreement may be conducted by electronic means. Pursuant to these statutes, **this Agreement may not be denied legal effect or enforceability solely because it is in electronic form or because it contains an electronic signature.** This Agreement may be executed in duplicate counterparts and with electronic or facsimile signatures with the same effect as if the signatures were on the same document. Each multiple original of this document shall be deemed an original, but all multiple copies together shall constitute one and the same instrument.
- 9.7 Signatory Authorized to Execute Agreement. The person executing this Agreement on behalf of each Party represents that he or she is duly authorized by the policy of the Party's governing body to execute this Agreement on behalf of the Party.

IN TESTIMONY OF WHICH, this Agreement, in duplicate counterparts, each having equal force and effect of an original has been executed on behalf of the Parties hereto as follows:

SEP 15 2015

- a. It has, on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, been executed on behalf of Harris County by the County Judge of Harris County, Texas, pursuant to an order of the Commissioners Court of Harris County authorizing such execution.
- b. It has, on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, been executed on behalf of the City of Bellaire by its Mayor and attested to by the Director of Public Works.

# HARRIS COUNTY

# City of Bellaire

By: Ed Emmett  
Ed Emmett  
County Judge

By: \_\_\_\_\_  
Phil Nauert  
Mayor

## APPROVED AS TO FORM:

## ACKNOWLEDGED BY:

VINCE RYAN  
Harris County Attorney

By: \_\_\_\_\_  
Brant Gary  
Director of Public Works

By: James M. Lemond  
James M. Lemond  
Assistant County Attorney  
CAO File Number: 15GEN1306

## Attachment A

Within 90 days of the effective date of this agreement, Harris County will provide information, in electronic format, related to major outfalls previously located by Harris County within the City's jurisdiction. The County shall not be responsible for the completeness or accuracy of the information.

The County will administer the Program, which may include tasks such as:

- Development and production of color and black-and-white newspaper advertisements in the Houston Chronicle and local newspapers, including ethnic-based news publications.
- Development and production of full color newspaper inserts focusing on key regional issues related to watershed protection and storm water quality.
- Password-protected, web-based access to electronic versions of program related brochures, flyers, direct mail postcards, booklets, newspaper advertisements, newspaper inserts,
- Phase II "hot button" on the front page of the regional website with links to all participating Phase II City homepage(s) or page of their choice.
- Frequent RWPP program announcements via e-mail.
- Stakeholder group meetings (as needed for special announcements).

Harris County will provide the City with a written summary of all regional public education campaign activities provided under this agreement. If the City chooses to use this information to demonstrate permit compliance in their annual report to the Texas Commission on Environmental Quality or for any other purpose, it will be the City's responsibility to determine appropriateness of that usage.

## ORDER OF COMMISSIONERS COURT

The Commissioners Court of Harris County, Texas, met in regular session at its regular term at the Harris County Administration Building in the City of Houston, Texas, on SEP 15 2015, with all members present except NONE.

A quorum was present. Among other business, the following was transacted:

### ORDER AUTHORIZING THE INTERLOCAL AGREEMENT WITH HARRIS COUNTY AND CITY OF BELLAIRE FOR STORM WATER QUALITY PUBLIC EDUCATION FUNDING

Commissioner Cagle introduced an order and moved that Commissioners Court adopt the order. Commissioner Lee seconded the motion for adoption of the order. The motion, carrying with it the adoption of the order, prevailed by the following vote:

	Yes	No	Abstain
Judge Ed Emmett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. El Franco Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Jack Morman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Steve Radack	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. R. Jack Cagle	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The meeting chair announced that the motion had duly and lawfully carried, and this order was duly and lawfully adopted. The order adopted follows:

**IT IS ORDERED** that the County Judge is authorized to execute the attached Interlocal Agreement with Harris County and City of Bellaire for Storm Water Quality Public Education Funding. The attached Agreement may be executed with an electronic or facsimile signature. The Harris County Engineering Department and all other Harris County officials and employees are authorized to do any and all things necessary or convenient to accomplish the purpose of this Order.

Presented to Commissioner's Court

SEP 15 2015

APPROVE CIL  
Recorded Vol \_\_\_\_\_ Page \_\_\_\_\_

**Mayor and Council**

7008 S. Rice Avenue  
Bellaire, TX 77401



Meeting: 11/02/15 06:00 PM  
Department: Public Works  
Category: Ordinance  
Department Head: Brant Gary  
DOC ID: 1696

**SCHEDULED  
ORDINANCE (ID # 1696)**

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**Item Title:**

Consideration of and possible action on a recommendation from the Bellaire Public Works Department to award Bid No. 15-007, FY2015 Street & Sidewalk Pavement Management Project, to AAA Asphalt Paving, Inc., in an amount not to exceed \$1,090,115.00 and authorization for the City Manager 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 Standard Form of Agreement with AAA Asphalt Paving, Inc., for said project in an amount not to exceed \$1,090,115.00 - Submitted by Brant Gary, Director of Public Works.

**Background/Summary:**

Two (2) bids were opened on September 29, 2015. Base bids ranged from \$1,090,115.00 to \$1,783,922.80.

AAA Asphalt Paving, Inc. Submitted the lowest responsible bid.

This project involves the milling of existing asphalt pavement, concrete and asphalt pavement point repairs, and the placement of asphalt overlay over concrete & asphaltic concrete pavement & placement of storm sewer throughout the City. Sections of sidewalk on designated streets will be removed and replaced.

The original estimated cost for this project was \$1,471,331.00 (Engineering: \$221,355.00; Construction: \$1,241,976.00; Material Testing: \$8,000). With this proposed contract award, the total cost of the project will be \$1,319,470.00 (Engineering: \$221,355.00; Construction: \$1,090,115.00; Material Testing: \$8,000).

Based on the Street and Sidewalk Condition Assessment, the following streets are in the project:

**Street Repair**

The street blocks designated for street repair are as follows:

- 5300 - 5400 Blocks of Pine St.
- 4800, 4900 & 5300 Blocks of Braeburn Dr.
- 5300 Block of Holly St.
- 5200 Block of Mimosa St.
- Second St. (Bellaire Blvd. To Bissonnet St.)
- 5200 Block of Chestnut St.
- 4300 Block of Lafayette St.

**Sidewalk Repair**

The street blocks designated for sidewalk repair are as follows:

- 100 Block of Boulevard Green

- 4700 Block of Glenmont Dr.
- 100 Block of Pin Oak Estates Dr.
- 100 Block of Pin Oak Estates Ct.
- 5200 Block of Pine St.
- 4500 Block of Pine St
- 900 Block of Wildwood Dr.
- 4500 Block of Wedgewood Dr.
- 5600 Block of Innsbruck St.
- 5600 Block of St. Moritz St.
- 5600 Block of St. Paul St.
- 4500 Block of Geneva St.

A community meeting is tentatively scheduled for Thursday, November 19, 2015 at 6:00 pm at the Civic Center to discuss the project scope, its potential impacts and what it is intended accomplish.

**Source of Funding:**

This project will be funded by the FY2015 METRO Fund and CIP - Pavement Management Program, \$618,784 and Trip Hazards Management Program, \$471,331.

**Recommendation:**

Brant Gary, Director of Public Works and the City Engineer recommend that this bid be awarded to the lowest qualified bidder, AAA Asphalt Paving, Inc. In an amount not to exceed \$1,090,115.00. ARKK Engineers has thoroughly researched the qualifications and reputation of said firm and has found them to be fully qualified and capable of completing the project within the bid cost.

**Note: Upon award of the bid, a contract document will be prepared by the City Engineer and will consist of the bid specifications, Standard Form of Agreement, insurance certificate, and applicable bonds.**

**ATTACHMENTS:**

- FY2015 Street & Sidewalk Maintenance Project - Letter of Recommendation (PDF)
- Ordinance - FY2015 PMP Construction (DOC)

**LETTER OF RECOMMENDATION**  
**for**  
**FY 2015 STREET & SIDEWALK PAVEMENT**  
**MANAGEMENT PROJECT**



**CITY OF BELLAIRE**

**OCTOBER, 2015**

**ARKK JOB NO. 14-039**



*City of Bellaire*  
*FY 2015 Street & Sidewalk Pavement Management Project*

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**TABLE OF CONTENTS**

<b><u>LETTER OF RECOMMENDATION</u></b>	<b><u>NO. OF PAGES</u></b>
Engineering Letter of Recommendation .....	2
Bid Tabulation .....	1
Bid Proposal.....	23
Bid Bond .....	5
Reference Sheets.....	3

## LETTER OF RECOMMENDATION



October 7, 2015

Mr. Brant Gary  
 Director of Public Works  
 City of Bellaire  
 7008 S. Rice Ave.  
 Bellaire, Texas 77401

Re: **Letter of Recommendation for  
 FY 2015 Street Pavement & Sidewalk Management Project**  
 City of Bellaire  
 ARKK Job No. 14-039

Dear Mr. Gary:

On September 29, 2015, two (2) bids were received for the above referenced project. This project involves the removal and replacement of sections of distressed street and sidewalk pavement, curbs, and gutters. Some streets may require repairs to relatively small areas, others may need a complete mill and overlay or only a portion of the street resurfaced. The sidewalk portion of the project includes repairs to existing sidewalks throughout the city.

The following is a summary of our bid evaluation:

1. Bid Tabulation Sheet – Two (2) construction firms participated in the bidding process. The bids were checked for mathematical errors and/or bid irregularities. The City's construction budget for this project is \$1,241,976.00.
2. The bids for the total project are as follows:

A copy of the bid tabulation is enclosed with this letter.

Bidder	Base Bid	Add Alternate 1	Total Bid
AAA Asphalt Paving, Inc.	\$1,090,115.00	\$264,825.00	\$1,354,940.00
R Miranda Trucking & Construction, LLC	\$1,783,922.80	\$491,609.00	\$2,275,531.80

3. Qualifications and References – AAA Asphalt Paving, Inc. provided a List of Qualifications, Subcontractors and Major Suppliers for this project. The references provided by AAA Asphalt Paving, Inc. were contacted and information on their performance and capabilities to perform similar work was obtained. The references contacted indicated that AAA Asphalt Paving, Inc. completed the work in a timely manner and they were impressed with their work.

AAA Asphalt Paving, Inc. is currently working on FY2014 Street Maintenance Project for the City and the work is being performed in a satisfactory manner. AAA Asphalt Paving, Inc. has also successfully completed several projects for the City of Bellaire previously. City staff and ARKK Engineers have been satisfied with the quality and performance of AAA Asphalt on these projects.

AAA Asphalt Paving, Inc. appears to be a responsible firm that is capable of performing the specified work in a satisfactory manner. For these reasons, we recommend that the City of Bellaire award the **FY2015 Street Pavement & Sidewalk Management Project Base Bid Only to AAA Asphalt Paving, Inc. for a total amount of \$1,090,115.00**

If you have any questions, please contact me.

Sincerely,

ARKK ENGINEERS, LLC



James B. Andrews, P.E.  
City Engineer

## BID TABULATION

ITEM NO.	ITEM DESCRIPTION	UNIT	QUAN.	LOW BIDDER		R Miranda Trucking & Construction, LLC	
				AAA Asphalt Paving, Inc.			
BASE BID ITEMS - PAVING							
1	Mill existing hot mix asphaltic concrete overlay (all depths), complete in place, the sum of	S.Y.	22,150	\$3.25	\$71,987.50	\$3.17	\$70,215.50
2	Asphalt overlay, level up course including tack coat to provide cross section and grades as directed by Engineer after survey by Contractor, complete in place, the sum of	TON	1,110	\$85.00	\$94,350.00	\$286.46	\$317,970.60
3	Asphalt overlay, surface course (2"), including tack coat, complete in place, the sum of	S.Y.	22,150	\$14.50	\$321,175.00	\$29.25	\$647,887.50
4	Asphalt base repair, including sawcutting, excavation, placement, and compaction of 8" minimum thickness black base subgrade, complete in place, the sum of:	S.Y.	850	\$55.00	\$46,750.00	\$63.00	\$53,550.00
5	Clean and seal existing cracks prior to overlay, and expansion joints, hot rubber asphalt compound, (cracks >1/4"), complete in place, the sum of	L.F.	6,650	\$1.25	\$8,312.50	\$3.50	\$23,275.00
6	Remove and replace existing concrete pavement on 12" cement stabilized sand, match existing thickness (7" min), including required sawcutting, reinforcement, undercut, dowel bars drilled into existing pavement, and subgrade, complete in place, the sum of	S.Y.	750	\$150.00	\$112,500.00	\$117.00	\$87,750.00
7	Remove and replace existing concrete curb, including sawcutting and reinforcement, complete in place, the sum of	L.F.	900	\$20.00	\$18,000.00	\$20.00	\$18,000.00
8	Remove and replace existing concrete curb & gutter, including sawcutting and reinforcement, complete in place, the sum of	L.F.	100	\$50.00	\$5,000.00	\$40.00	\$4,000.00
9	Remove and replace existing concrete driveways for pavement point repair, including sawcutting, reinforcement and 6" cement stabilized sand subgrade, match existing driveway material , color, and pattern, complete in place, the sum of:	S.Y.	20	\$500.00	\$10,000.00	\$225.00	\$4,500.00
10	Removal of unsuitable material below proposed subgrade and replace with compacted cement stabilized sand, complete in place, the sum of	C.Y.	100	\$50.00	\$5,000.00	\$72.00	\$7,200.00
11	Clean and TV existing storm sewer, (all sizes, all depths), complete in place, the sum of:	LF	980	\$15.00	\$14,700.00	\$12.25	\$12,005.00
SUBTOTAL BASE BID PAVING ITEMS:				\$707,775.00		\$1,246,353.60	
BASE BID ITEMS - SIDEWALKS							
11	Remove and replace existing concrete sidewalks, including sawcutting, 6" subgrade, steel reinforcement, and dowels to adjacent concrete, complete in place, the sum of	S.F.	15,750	\$12.50	\$196,875.00	\$11.00	\$173,250.00
12	Proposed concrete sidewalks, including sawcutting, 6" subgrade, steel reinforcement, and dowels to adjacent concrete, complete in place, the sum of	S.F.	925	\$9.00	\$8,325.00	\$11.00	\$10,175.00
13	Remove and replace existing concrete driveways for sidewalk repair, including sawcutting, reinforcement and 6" cement stabilized sand subgrade, match existing driveway material , color, and pattern, complete in place, the sum of:	S.F.	370	\$175.00	\$64,750.00	\$126.00	\$46,620.00
14	Remove and replace wheelchair ramp to TDLR/TAS standards, complete in place, the sum of:	EA	12	\$1,900.00	\$22,800.00	\$3,000.00	\$36,000.00
15	Adjust Manhole Covers to Grade, complete in place, the sum of:	EA	8	\$250.00	\$2,000.00	\$3,000.00	\$24,000.00
16	Adjust Valve Boxes to Grade, complete in place, the sum of:	EA	2	\$200.00	\$400.00	\$400.00	\$800.00
17	Relocate Existing Watermeters & Meterboxes, complete in place, the sum of:	EA	9	\$600.00	\$5,400.00	\$1,000.00	\$9,000.00
SUBTOTAL BASE BID SIDEWALKS ITEMS:				\$300,550.00		\$299,845.00	
SUPPLEMENTAL ITEMS							
18	Extra compacted cement stabilized sand backfill, complete in place, the sum of	C.Y.	250	\$35.00	\$8,750.00	\$40.00	\$10,000.00
19	Extra concrete (all classes), complete in place, the sum of	C.Y.	150	\$125.00	\$18,750.00	\$462.00	\$69,300.00
20	Extra select backfill (PI between and 20), complete in place, the sum of	C.Y.	100	\$15.00	\$1,500.00	\$40.00	\$4,000.00
21	As authorized by Engineer, exploratory trench excavation, backfill and pavement and/or sodding restoration for the purpose of locating existing utilities (No reimbursement for this pay item if proposed improvements are placed in excavation), complete in place, the sum of	C.Y.	200	\$35.00	\$7,000.00	\$40.00	\$8,000.00
22	Remove and replace existing concrete pavement with High Early 7-sack minimum on 12" cement stabilized sand, match existing thickness (7" min), including required sawcutting, reinforcement, undercut, dowel bars drilled into existing pavement, and subgrade, complete in place, the sum of:	S.Y.	125	\$150.00	\$18,750.00	\$315.00	\$39,375.00
23	Additional removal of unsuitable material and soft spots under point repair locations, complete in place, the sum of	C.Y.	300	\$12.00	\$3,600.00	\$231.00	\$69,300.00
24	Remove and relocate signs, complete in place, the sum of:	LF	5	\$250.00	\$1,250.00	\$550.00	\$2,750.00
25	Sanitary sewer service adjustment, complete in place, the sum of	EA.	4	\$1,000.00	\$4,000.00	\$3,000.00	\$12,000.00
26	Waterline service adjustment, complete in place, the sum of	EA.	10	\$750.00	\$7,500.00	\$500.00	\$5,000.00
27	4" White thermoplastic pavement striping, complete in place, the sum of	L.F.	200	\$7.50	\$1,500.00	\$10.00	\$2,000.00
28	12" White thermoplastic pavement striping, complete in place, the sum of	L.F.	120	\$12.00	\$1,440.00	\$16.66	\$1,999.20
29	24" White thermoplastic pavement striping, complete in place, the sum of	L.F.	50	\$25.00	\$1,250.00	\$40.00	\$2,000.00
30	Inlet protection barrier on existing curb inlet, complete in place, the sum of	EA.	20	\$125.00	\$2,500.00	\$400.00	\$8,000.00
31	Allowance for miscellaneous items, complete in place, the sum of	L.S.	1	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00
SUBTOTAL BASE BID SUPPLEMENTAL ITEMS:				\$81,790.00		\$237,724.20	
ADD ALTERNATE 1 ITEMS							
32	Mill existing hot mix asphaltic concrete overlay (all depths), complete in place, the sum of	S.Y.	8,100	\$3.25	\$26,325.00	\$3.17	\$25,677.00
33	Asphalt overlay, level up course including tack coat to provide cross section and grades as directed by Engineer after survey by Contractor, complete in place, the sum of	TON	450	\$85.00	\$38,250.00	\$286.46	\$128,907.00
34	Asphalt overlay, surface course (2"), including tack coat, complete in place, the sum of	S.Y.	8,100	\$14.50	\$117,450.00	\$29.25	\$236,925.00
35	Clean and seal existing cracks prior to overlay, and expansion joints, hot rubber asphalt compound, (cracks >1/4"), complete in place, the sum of	L.F.	2,400	\$1.25	\$3,000.00	\$3.50	\$8,400.00
36	Remove and replace existing concrete pavement on 12" cement stabilized sand, match existing thickness (7" min), including required sawcutting, reinforcement, undercut, dowel bars drilled into existing pavement, and subgrade, complete in place, the sum of	S.Y.	700	\$100.00	\$70,000.00	\$117.00	\$81,900.00
37	Remove and replace existing concrete curb, including sawcutting and reinforcement, complete in place, the sum of	L.F.	490	\$20.00	\$9,800.00	\$20.00	\$9,800.00
SUBTOTAL ADD ALTERNATE 1 ITEMS:				\$264,825.00		\$491,609.00	
TOTAL BASE BID ITEMS:				\$1,090,115.00		\$1,783,922.80	
TOTAL BID ITEMS:				\$1,354,940.00		\$2,275,531.80	

# BID PROPOSAL

ORIGINAL

*City of Bellaire*  
FY2015 Street & Sidewalk Pavement Management Project

BID PROPOSAL  
BID FOR UNIT PRICE CONTRACT

PLACE: Bellaire, TexasDATE: 9-28-15PROJECT NO. 14-039

Proposal of

AAA Asphalt Paving Inc  
 (Hereinafter called "Bidder")

TO: THE HONORABLE MAYOR AND CITY COUNCIL  
 CITY OF BELLAIRE, TEXAS  
 (Hereinafter called "Owner")

The Bidder, in compliance with your invitation for bids for the construction of:

**FY 2015 STREET & SIDEWALK PAVEMENT MANAGEMENT PROJECT**

having carefully examined the plans, specifications, instructions to bidders, notice to bidders and all other related contract documents and the site of the proposed work, and being familiar with all of the conditions surrounding the construction of the proposed project including the availability of materials and labor, hereby proposes to furnish all labor, materials and supplies and to construct the project in accordance with the plans, specifications and contract documents, within the time set forth therein and at the prices stated in Exhibit "A" attached hereto.

The Bidder binds himself, upon acceptance of his proposal, to execute a contract and any required bonds, according to the accompanying forms, for performing and completing the said work within the time stated and for the prices stated in Exhibit "A" of this proposal.

Bidder hereby agrees to commence the work on the above project on or before a date to be specified in a written "Notice to Proceed" of the Owner and to fully complete the project within **240 consecutive calendar** days thereafter as stipulated in the specifications and other contract documents. Bidder hereby further agrees to pay to Owner as liquidated damages the sum of **\$500.00** for each consecutive calendar day in excess of the time set forth hereinabove for completion of this project, all as more fully set forth in the General Conditions of the contract documents.

The following unit prices are bid and shall be complete compensation as measured in place for all materials, labor, overhead, profits and any other cost that is necessary to complete the job to the Engineers specifications and satisfaction. It is also understood that the quantities shown are only an estimate of the work to be done. No re-negotiation of prices bid will be made for over runs or under runs of quantities.

*City of Bellaire*  
*FY2015 Street Pavement Management Project*

---

Bidder understands and agrees that this bid proposal shall be completed and submitted in accordance with the General Instructions to Bidders.

Bidder understands that the Owner reserves the right to reject any or all bids, use deductible bid items and to waive any formality in the bidding.

Bidder agrees that this bid shall be good and may not be withdrawn for a period of ninety (90) calendar days after the scheduled closing time for receiving bids.

Bidder acknowledges receipt of the following addenda:

\_\_\_\_\_  
 W/A  
 \_\_\_\_\_  
 \_\_\_\_\_

The undersigned Bidder hereby declares that he has visited the site of the work and has carefully examined the plans, specifications and contract documents pertaining to the work covered by this bid, and he further agrees to commence work on or before the date specified in the written notice to proceed and to substantially complete the work on which he has bid, as provided in the contract documents.

Enclosed with this proposal is a cashier's check or certified check for See Attached Dollars (\$\_\_\_\_\_) or a bid bond in the sum of \_\_\_\_\_ (\$\_\_\_\_\_) as which it is agreed shall be collected and retained by the Owner as liquidated damages in the event the proposal is accepted by the Owner and the undersigned fails to execute the necessary contract documents and the required bonds (if any) with the Owner within ten (10) days after the date of receipt of written notification of acceptance of said proposal; otherwise said check or bond shall be returned to the undersigned upon demand.

Discrepancies in the multiplication of units of Work and unit prices will be resolved in favor of unit prices. Discrepancies between the indicated sum of any column of figures and the correct sum thereof will be resolved in favor of the correct sum.

The unit prices shall include all labor, materials, dewatering, shoring, removal, overhead, incidental costs, fees, profit, insurance, etc., to cover the finished work of the several kinds called for.

City of Bellaire  
FY2015 Street Pavement Management Project

Bidder understands and agrees that the contract to be executed by Bidder shall be bound and include all contract documents made available to him for his inspection in accordance with the Notice to Bidders.

AAA Asphalt Paving Inc.  
Bidder

By: Michael D. Hoff  
Signature

Type or Print:

Bidder's  
Name: Michael D. Hoffman

(If Bidder is a Corporation)

Bidder's  
Address: 10526 Tanner Rd.  
Houston, TX 77041

Attest:

Michael D. Hoff  
Secretary

(Corporate Seal)

Name of  
Person Signing: Michael D. Hoffman  
Office Held: President

**City of Bellaire**  
**FY 2015 - Street and Sidewalk Pavement Management Project**  
 Exhibit "A"  
**BID PROPOSAL**

Item No.	Item Description	Unit	Est. Quan.	Unit Price	Total Amount
<b>BASE BID ITEMS - PAVING</b>					
1	Mill existing hot mix asphaltic concrete overlay (all depths), complete in place, the sum of	S.Y.	22150	\$ 3.25	\$ 71,987.50
2	Asphalt overlay, level up course including tack coat to provide cross section and grades as directed by Engineer after survey by Contractor, complete in place, the sum of	TON	1110	\$ 85.00	\$ 94,350.00
3	Asphalt overlay, surface course (2"), including tack coat, complete in place, the sum of	S.Y.	22150	\$ 14.50	\$ 321,175.00
4	Asphalt base repair, including sawcutting, excavation, placement, and compaction of 8" minimum thickness black base subgrade, complete in place, the sum of:	S.Y.	850	\$ 55.00	\$ 46,750.00
5	Clean and seal existing cracks prior to overlay, and expansion joints, hot rubber asphalt compound, (cracks >1/4"), complete in place, the sum of	L.F.	6650	\$ 1.25	\$ 8,312.50
6	Remove and replace existing concrete pavement on 12" cement stabilized sand, match existing thickness (7" min), including required sawcutting, reinforcement, undercut, dowel bars drilled into existing pavement, and subgrade, complete in place, the sum of	S.Y.	750	\$ 150.00	\$ 112,500.00
7	Remove and replace existing concrete curb, including sawcutting and reinforcement, complete in place, the sum of	L.F.	900	\$ 20.00	\$ 18,000.00
8	Remove and replace existing concrete curb & gutter, including sawcutting and reinforcement, complete in place, the sum of	L.F.	100	\$ 50.00	\$ 5,000.00
9	Remove and replace existing concrete driveways for pavement point repair, including sawcutting, reinforcement and 6" cement stabilized sand subgrade, match existing driveway material, color, and pattern, complete in place, the sum of	S.Y.	20	\$ 500.00	\$ 10,00.00
10	Removal of unsuitable material below proposed subgrade and replace with compacted cement stabilized sand, complete in place, the sum of	C.Y.	100	\$ 50.00	\$ 5,000.00
11	Clean and TV existing storm sewer, (all sizes, all depths), complete in place, the sum of	LF	980	\$ 15.00	\$ 14,700.00

**SUBTOTAL BASE BID PAVING ITEMS:**

**\$707,775.00**

<b>BASE BID ITEMS - SIDEWALKS</b>					
11	Remove and replace existing concrete sidewalks, including sawcutting, 6" subgrade, steel reinforcement, and dowels to adjacent concrete, complete in place, the sum of	S.F.	15750	\$ 12.50	\$ 196,875.00
12	Proposed concrete sidewalks, including sawcutting, 6" subgrade, steel reinforcement, and dowels to adjacent concrete, complete in place, the sum of	S.F.	925	\$ 9.00	\$ 8,325.00
13	Remove and replace existing concrete driveways for sidewalk repair, including sawcutting, reinforcement and 6" cement stabilized sand subgrade, match existing driveway material, color, and pattern, complete in place, the sum of	S.Y.	370	\$ 175.00	\$ 64,750.00
14	Remove and replace wheelchair ramp to TDLR/TAS standards	EA	12	\$ 1,900.00	\$ 22,800.00
15	Adjust Manhole Covers to Grade	EA	8	\$ 250.00	\$ 2,000.00
16	Adjust Valve Boxes to Grade	EA	2	\$ 200.00	\$ 400.00

**City of Bellaire**  
**FY 2015 - Street and Sidewalk Pavement Management Project**  
 Exhibit "A"  
**BID PROPOSAL**

Item No.	Item Description	Unit	Est. Quan.	Unit Price	Total Amount
17	Relocate Existing Watermeters & Meterboxes	EA	9	\$ 600.00	\$ 5,400.00

**SUBTOTAL BASE BID SIDEWALK ITEMS:** \$300,550.00

<b>SUPPLEMENTAL ITEMS</b>					
18	Extra compacted cement stabilized sand backfill, complete in place, the sum of	C.Y.	250	\$ 35.00	\$ 8,750.00
19	Extra concrete (all classes), complete in place, the sum of	C.Y.	150	\$ 125.00	\$ 18,750.00
20	Extra select backfill (PI between and 20), complete in place, the sum of	C.Y.	100	\$ 15.00	\$ 1,500.00
21	As authorized by Engineer, exploratory trench excavation, backfill and pavement and/or sodding restoration for the purpose of locating existing utilities (No reimbursement for this pay item if proposed improvements are placed in excavation), complete in place, the sum of	C.Y.	200	\$ 35.00	\$ 7,000.00
22	Remove and replace existing concrete pavement with High Early 7-sack minimum on 12" cement stabilized sand, match existing thickness (7" min), including required sawcutting, reinforcement, undercut, dowel bars drilled into existing pavement, and subgrade, complete in place, the sum of	S.Y.	125	\$ 150.00	\$ 18,750.00
23	Additional removal of unsuitable material and soft spots under point repair locations, complete in place, the sum of	C.Y.	300	\$ 12.00	\$ 3,600.00
24	Remove & Relocate Signs	EA.	5	\$ 250.00	\$ 1,250.00
25	Sanitary sewer service adjustment, complete in place, the sum of	EA.	4	\$ 1,000.00	\$ 4,000.00
26	Waterline service adjustment, complete in place, the sum of	EA.	10	\$ 750.00	\$ 7,500.00
27	4" White thermoplastic pavement striping, complete in place, the sum of	L.F.	200	\$ 7.50	\$ 1,500.00
28	12" White thermoplastic pavement striping, complete in place, the sum of	L.F.	120	\$ 12.00	\$ 1,440.00
29	24" White thermoplastic pavement striping, complete in place, the sum of	L.F.	50	\$ 25.00	\$ 1,250.00
30	Inlet protection barrier on existing curb inlet, complete in place, the sum of	EA.	20	\$ 125.00	\$ 2,500.00
31	Allowance for miscellaneous items, complete in place, the sum of	L.S.	1	\$ 4,000.00	\$ 4,000.00

**SUBTOTAL BASE BID SUPPLEMENTAL ITEMS:** \$81,790.00

**City of Bellaire**  
**FY 2015 - Street and Sidewalk Pavement Management Project**  
 Exhibit "A"  
**BID PROPOSAL**

Item No.	Item Description	Unit	Est. Quan.	Unit Price	Total Amount
<b>ADD ALTERNATE #1 - (PINE STREET PAVING)</b>					
32	Mill existing hot mix asphaltic concrete overlay (all depths), complete in place, the sum of	S.Y.	8100	\$ 3.25	\$ 26,325.00
33	Asphalt overlay, level up course including tack coat to provide cross section and grades as directed by Engineer after survey by Contractor, complete in place, the sum of	TON	450	\$ 85.00	\$ 38,250.00
34	Asphalt overlay, surface course (2"), including tack coat, complete in place, the sum of	S.Y.	8100	\$ 14.50	\$ 117,450.00
35	Clean and seal existing cracks prior to overlay, and expansion joints, hot rubber asphalt compound, (cracks >1/4"), complete in place, the sum of	L.F.	2400	\$ 1.25	\$ 3,000.00
36	Remove and replace existing concrete pavement on 12" cement stabilized sand, match existing thickness (7" min), including required sawcutting, reinforcement, undercut, dowel bars drilled into existing pavement, and subgrade, complete in place, the sum of	S.Y.	700	\$ 100.00	\$ 70,000.00
37	Remove and replace existing concrete curb, including sawcutting and reinforcement, complete in place, the sum of	L.F.	490	\$ 20.00	\$ 9,800.00

**SUBTOTAL ADD ALTERNATE #1 ITEMS:**

\$264,825.00

**BASE BID + SUPPLEMENTAL ITEMS:**

\$1,090,115.00

**BASE BID + SUPPLEMENTAL ITEMS + ADD ALTERNATE 1:**

\$1,354,940.00

## BID BOND

*City of Bellaire*  
FY2015 Street & Sidewalk Pavement Management Project

BID BOND

STATE OF TEXAS

SURETY'S NO. MB02035

COUNTY OF \_\_\_\_\_

KNOW ALL MEN BY THESE PRESENTS that AAA Asphalt Paving, Inc.  
 (hereinafter called the "Principal"), as Principal, and Merchants Bonding Company (Mutual),  
 (hereinafter called the "Surety"), as Surety, are held and firmly bound unto the City of Bellaire,  
 Texas (hereinafter called the "Obligee"), in the amount of Ten Percent of the Greatest Amount Bid  
 \_\_\_\_\_ Dollars (\$ 10% G.A.B.), for the  
 payment whereof the said Principal and Surety bind themselves and their heirs, administrators,  
 executors, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a Bid or Proposal to enter into a certain written  
 Contract with the Obligee to FY2015 Street & Sidewalk Pavement Management Project  
 \_\_\_\_\_  
 \_\_\_\_\_

NOW, THEREFORE, the condition of this obligation is such that if the said Principal  
 shall faithfully enter into such written Contract, then this obligation shall be void but otherwise,  
 shall remain in full force and effect.

*City of Bellaire*  
*FY2015 Street & Sidewalk Pavement Management Project*

Bidder hereby agrees to commence the work on the above project on or before a date to be specified in a written "Notice to Proceed" of the Owner and to fully complete the project within 240 consecutive calendar days thereafter as stipulated in the specifications and other contract documents. Bidder hereby further agrees to pay to Owner as liquidated damages the sum of \$500.00 for each consecutive calendar day in excess of the time set forth hereinabove for completion of this project, all as more fully set forth in the General Conditions of the contract documents.

Bidder understands and agrees that this bid proposal shall be completed and submitted in accordance with the General Instructions to Bidders.

Bidder understands that the Owner reserves the right to reject any or all bids and to waive any formality in the bidding.

Bidder agrees that this bid shall be good and may not be withdrawn for a period of thirty (30) calendar days after the scheduled closing time for receiving bids.

The undersigned Bidder hereby declares that he has visited the site of the work and has carefully examined the plans, specifications and contract documents pertaining to the work covered by this bid, and he further agrees to commence work on or before the date specified in the written notice to proceed and to substantially complete the work on which he has bid, as provided in the contract documents.

Enclosed with this proposal is a cashier's check or certified check for \_\_\_\_\_

Dollars (\$ \_\_\_\_\_) or a bid bond in the sum of Ten Percent of the Greatest Amount Bid  
 (\$ 10% G.A.B.),

which it is agreed shall be collected and retained by the Owner as liquidated damages in the event the proposal is accepted by the Owner and the undersigned fails to execute the necessary contract documents and the required bonds (if any) with the Owner within ten (10) days after the date of receipt of written notification of acceptance of said proposal; otherwise said check or bond shall be returned to the undersigned upon demand.

Bidder understands and agrees that the contract to be executed by Bidder shall be bound and includes all contract documents made available to him for his inspection in accordance with the Notice to Bidders.

\_\_\_\_\_  
 AAA Asphalt Paving, Inc.

Bidder

By: \_\_\_\_\_

Michael D. Hoffman

Signature

*City of Bellaire*  
*FY2015 Street & Sidewalk Pavement Management Project*

---

Type or Print:

Bidder's

Name: AAA Asphalt Paving, Inc.

Bidder's

Address: 10526 Tanner Rd.

Houston, TX 77041

Name of  
Person

Signing: Michael D. Hoffman

Office

Held: President

(If Bidder is a Corporation)

ATTEST:

\_\_\_\_\_  
Secretary

(Corporate Seal)

Surety: Merchants Bonding Company (Mutual)

  
\_\_\_\_\_  
Justin McQuain, Attorney-in-Fact

Date: September 29, 2015

# MERCHANTS BONDING COMPANY™ POWER OF ATTORNEY

Know All Persons By These Presents, that MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., both being corporations duly organized under the laws of the State of Iowa (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint, individually,

**Barbara K Sachi; Debra L Buckner; Elaine Lewis; Jeanne M Buchan; Justin McQuain; Keith M Illa;  
Kevin McQuain; Nancy J Portugal; Pamela C Martinson; Rosalyn D Hassell; Scott D Chapman**

of **The Woodlands** and State of **Texas** their true and lawful Attorney-in-Fact, with full power and authority hereby conferred in their name, place and stead, to sign, execute, acknowledge and deliver in their behalf as surety any and all bonds, undertakings, recognizances or other written obligations in the nature thereof, subject to the limitation that any such instrument shall not exceed the amount of:

**TEN MILLION (\$10,000,000.00) DOLLARS**

and to bind the Companies thereby as fully and to the same extent as if such bond or undertaking was signed by the duly authorized officers of the Companies, and all the acts of said Attorney-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

This Power-of-Attorney is made and executed pursuant to and by authority of the following By-Laws adopted by the Board of Directors of the Merchants Bonding Company (Mutual) on April 23, 2011 and adopted by the Board of Directors of Merchants National Bonding, Inc., on October 24, 2011.

"The President, Secretary, Treasurer, or any Assistant Treasurer or any Assistant Secretary or any Vice President shall have power and authority to appoint Attorneys-in-Fact, and to authorize them to execute on behalf of the Company, and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof.

The signature of any authorized officer and the seal of the Company may be affixed by facsimile or electronic transmission to any Power of Attorney or Certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually fixed."

In Witness Whereof, the Companies have caused this instrument to be signed and sealed this 5th day of August, 2014.



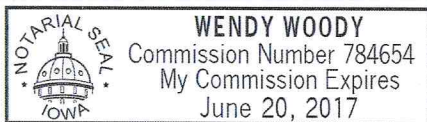
MERCHANTS BONDING COMPANY (MUTUAL)  
MERCHANTS NATIONAL BONDING, INC.

By *Larry Taylor*  
President

STATE OF IOWA  
COUNTY OF POLK ss.

On this 5th day of August, 2014, before me appeared Larry Taylor, to me personally known, who being by me duly sworn did say that he is President of the MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC.; and that the seals affixed to the foregoing instrument is the Corporate Seals of the Companies; and that the said instrument was signed and sealed in behalf of the Companies by authority of their respective Boards of Directors.

In Testimony Whereof, I have hereunto set my hand and affixed my Official Seal at the City of Des Moines, Iowa, the day and year first above written.



*Wendy Woody*

Notary Public, Polk County, Iowa

STATE OF IOWA  
COUNTY OF POLK ss.

I, William Warner, Jr., Secretary of the MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., do hereby certify that the above and foregoing is a true and correct copy of the POWER-OF-ATTORNEY executed by said Companies, which is still in full force and effect and has not been amended or revoked.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Companies on this 29th day of September, 2015.



*William Warner Jr.*  
Secretary



# MERCHANTS BONDING COMPANY™

MERCHANTS BONDING COMPANY (MUTUAL) • MERCHANTS NATIONAL BONDING, INC.  
2100 FLEUR DRIVE • DES MOINES, IOWA 50321-1158 • (800) 678-8171 • (515) 243-3854 FAX

## IMPORTANT NOTICE

To obtain information or make a complaint:

You may contact your insurance agent at the telephone number provided by your insurance agent.

You may call Merchants Bonding Company (Mutual) toll-free telephone number for information or to make a complaint at:

**1-800-678-8171**

You may contact the Texas Department of Insurance to obtain information on companies, coverages, rights or complaints at:

**1-800-252-3439**

You may write the Texas Department of Insurance at:

P. O. Box 149104  
Austin, TX 78714-9104  
Fax: (512) 475-1771  
Web: <http://www.tdi.state.tx.us>  
E-mail: [ConsumerProtection@tdi.texas.gov](mailto:ConsumerProtection@tdi.texas.gov)

**PREMIUM AND CLAIM DISPUTES:** Should you have a dispute concerning your premium or about a claim you should contact the agent first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

**ATTACH THIS NOTICE TO YOUR POLICY:** This notice is for information only and does not become a part or condition of the attached document.

## REFERENCE SHEETS

REFERENCE: IDS Engineering Group  
TELEPHONE NO.: 713-462-3178  
CONTACT: Travis Seller  
PROJECT: Central City Drainage Improvements

### QUESTIONS

1. How did AAA perform on the project? (On a scale of 1-10)

ANSWER: 8.5

2. Were you satisfied with their performance?

ANSWER: Yes

3. How would you rate the quality of their work? (On a scale of 1-10)

ANSWER: 8.5

4. How would you rate their ability to coordinate the work with neighboring property owners?  
(Scale of 1-10)

ANSWER: 9

5. Did they have any problems with the job? If so, what was the nature of the problem?

ANSWER: No

6. Were there many change orders on the project? If so, what were the reasons? Were they reasonable?

ANSWER: No,

7. Were they able to complete the project within the time allotted? If not, what was the reason?

ANSWER: Yes

8. How would you rate their ability to cooperate with a client? (On a scale of 1-10)

ANSWER: 9

9. Would you like to have them perform a job for you again?

ANSWER: Yes

10. Do you see them capable of performing larger projects?

ANSWER: Yes

REFERENCE: City of Bunker Hill Village  
TELEPHONE NO.: 713-467-9762  
CONTACT: Steve Smith  
PROJECT: Strey Lane Storm Sewer Improvements

### QUESTIONS

1. How did AAA perform on the project? (On a scale of 1-10)

ANSWER: 10

2. Were you satisfied with their performance?

ANSWER: Yes

3. How would you rate the quality of their work? (On a scale of 1-10)

ANSWER: 10

4. How would you rate their ability to coordinate the work with neighboring property owners?  
(Scale of 1-10)

ANSWER: 8

5. Did they have any problems with the job? If so, what was the nature of the problem?

ANSWER: One claim issue with a sub. AAA stepping in and resolved it.

6. Were there many change orders on the project? If so, what were the reasons? Were they reasonable?

ANSWER: Yes, City initiated

7. Were they able to complete the project within the time allotted? If not, what was the reason?

ANSWER: Yes

8. How would you rate their ability to cooperate with a client? (On a scale of 1-10)

ANSWER: 10

9. Would you like to have them perform a job for you again?

ANSWER: Yes

10. Do you see them capable of performing larger projects?

ANSWER: Maybe, Contract with Bunker Hill was large

REFERENCE: Harris County  
TELEPHONE NO.: 713-755-7009  
CONTACT: Richard Arrendell  
PROJECT: Pine Tree Park Parking Lots, Access Rd. and Drainage Improvements

### QUESTIONS

1. How did AAA perform on the project? (On a scale of 1-10)

ANSWER: 8

2. Were you satisfied with their performance?

ANSWER: Yes

3. How would you rate the quality of their work? (On a scale of 1-10)

ANSWER: 8

4. How would you rate their ability to coordinate the work with neighboring property owners?  
(Scale of 1-10)

ANSWER: All property was owned by Harris County.

5. Did they have any problems with the job? If so, what was the nature of the problem?

ANSWER: No

6. Were there many change orders on the project? If so, what were the reasons? Were they reasonable?

ANSWER: Yes, additional sidewalks and a detention pond were added.

7. Were they able to complete the project within the time allotted? If not, what was the reason?

ANSWER: Yes, additional time was provided to allow for the completion of the change orders.

8. How would you rate their ability to cooperate with a client? (On a scale of 1-10)

ANSWER: 9

9. Would you like to have them perform a job for you again?

ANSWER: Yes

10. Do you see them capable of performing larger projects?

ANSWER: Yes



**ORDINANCE NO. 15-\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, AUTHORIZING THE CITY MANAGER 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 *STANDARD FORM OF AGREEMENT* WITH AAA ASPHALT PAVING, INC., IN A FORM AS ATTACHED HERETO AND MARKED EXHIBIT "A," FOR THE PERFORMANCE AND PROVISION OF ANY AND ALL SERVICES, MATERIALS, AND EQUIPMENT NECESSARY FOR THE FY2015 STREET AND SIDEWALK PAVEMENT MANAGEMENT PROJECT IN AN AMOUNT NOT TO EXCEED \$1,090,115.00.**

**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, for and on behalf of the City of Bellaire, Texas, a *Standard Form of Agreement* with AAA Asphalt Paving, Inc., in a form as attached hereto and marked Exhibit "A," for the performance and provision of any and all services, materials, and equipment necessary for the FY2015 Street and Sidewalk Pavement Management Project in an amount not to exceed \$1,090,115.00 (Bid No. 15-007, FY2015 Street and Sidewalk Pavement Management Project).

**PASSED and APPROVED** this 2<sup>nd</sup> day of November, 2015.

(SEAL)

**ATTEST:**

\_\_\_\_\_  
Tracy L. Dutton, TRMC  
City Clerk

**SIGNED:**

\_\_\_\_\_  
Paul A. Hofmann  
City Manager

**APPROVED AS TO FORM:**

---

Alan P. Petrov  
City Attorney

**Mayor and Council**

7008 S. Rice Avenue  
Bellaire, TX 77401



Meeting: 11/02/15 06:00 PM  
Department: Public Works  
Category: Ordinance  
Department Head: Brant Gary  
DOC ID: 1723

**SCHEDULED  
ORDINANCE (ID # 1723)**

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**Item Title:**

Consideration of and possible action on a recommendation from the Public Works Department to award Engineering Services to ARKK Engineers, LLC, for the FY2016 Street and Sidewalk Pavement Management Project in the amount of \$285,000 and authorization for the City Manager and the City Clerk of the City of Bellaire, Texas, to execute and attest, respectively, 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 exceed \$285,000 - Submitted by Brant Gary, Director of Public Works.

**Background/Summary:**

This engineering proposal is to provide engineering services related to preparation of drawings, specifications, cost estimates, field engineering, construction administration and construction observation for the FY2016 Street and Sidewalk Pavement Management Project.

The total estimated budget for this project is \$2,000,000 which includes \$1,700,000 for construction and bid advertising, \$15,000 for construction material testing services, and \$285,000 for engineering and project management services covered by this proposal.

The total engineering and construction phase services for this project are estimated to be \$285,000, or 16.8% of the construction cost, and would include the following items:

- The Engineering Design and Surveying Fee for this project is \$143,200 or 8.4% of the estimated construction cost.
- The Construction Administration Service Cost for this project is \$24,850 or 1.5% of the estimated construction cost.
- The Construction Observation Service Cost for this project is \$84,480 or 5.0% of the estimated construction cost. This project is for 44 weeks at 20 hours per week or 880 hours. The Construction Observation Service Cost of \$70,350 divided by 880 hours equals \$79.94 per hour.
- The anticipated cost for the accessibility review through the Texas Dept. of Licensing & Registration (TDLR) is \$1,500 or 0.1% of the estimated construction cost.

The Director of Public Works has reviewed the pricing and given the expectations of this project and the excellent history the City has experienced in the past with ARKK, recommends ARKK Engineers, LLC for engineering services associated with the FY2016 Street and Sidewalk Pavement Management Project.

Based on the Street and Sidewalk Condition Assessment completed in 2012, the following streets have been included in this project:

**Street Repair**

The street blocks designated for street repair are as follows:

- 4600 Block of Birch
- 5100 Block of Braeburn Drive
- 500 Block of Cascade
- 6300-7000 Blocks of First Street
- 5200-5300 Blocks of Grand Lake
- 4500 Block of Holt
- 900 Block of Lenette Court
- 5100 Block of Linden
- 4900-5000 Blocks of Maple
- 100-400 Blocks of Mulberry Lane
- 5100 Block of Valerie

### **Sidewalk Repair**

The street blocks designated for sidewalk repair are as follows:

- 5100 Block of Locust
- 4600 Block of Holly
- 4400 Block of Ione
- 5100-5200 Blocks of Palmetto
- 5200 Block of Woodlawn Place

### **FISCAL IMPACT:**

This project is funded from METRO and General Fund transfers.

### **RECOMMENDATION:**

Brant Gary, Director of Public Works has reviewed the proposal and recommends approval of engineering services for the improvements set forth in the ARKK Engineers proposal in the amount of \$285,000.00 and authorization for the City Manager and the City Clerk of the City of Bellaire, Texas, to execute and attest to, respectively, a *Contract and Agreement for Engineering Services* with ARKK Engineers, LLC related to said engineering services.

### **ATTACHMENTS:**

- Ordinance - Contract with ARKK Engineers for FY2016 Pavement Management Project (DOC)
- Contract and Agreement for Engineering Services (ARKK Engineers) - FY2016 Street and Sidewalk Pavement Management Project (DOC)
- Exhibit 1 - FY2016 Street & Sidewalk Pavement Management Project - Engineering Proposal (PDF)



ORDINANCE NO. 15-\_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, AUTHORIZING THE CITY MANAGER AND THE CITY CLERK OF THE CITY OF BELLAIRE, TEXAS, TO EXECUTE AND ATTEST, RESPECTIVELY, A *CONTRACT AND AGREEMENT FOR ENGINEERING SERVICES* WITH ARKK ENGINEERS, LLC, IN A FORM AS ATTACHED HERETO AND MARKED EXHIBIT "A," FOR THE PROVISION OF ENGINEERING SERVICES ASSOCIATED WITH THE FY2016 STREET AND SIDEWALK PAVEMENT MANAGEMENT PROJECT IN AN AMOUNT NOT TO EXCEED \$285,000.

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

That the City Manager and the City Clerk of the City of Bellaire, Texas, are each hereby authorized 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, in a form as attached hereto and marked Exhibit "A," for the provision of engineering services associated with the FY2016 Street and Sidewalk Pavement Management Project in an amount not to exceed \$285,000.00.

**PASSED, APPROVED, and ADOPTED** this 2<sup>nd</sup> day of November, 2015.

(SEAL)

**ATTEST:**

\_\_\_\_\_  
Tracy L. Dutton, TRMC  
City Clerk

**SIGNED:**

\_\_\_\_\_  
Paul A. Hofmann  
City Manager

**APPROVED AS TO FORM:**

---

Alan P. Petrov  
City Attorney



**CONTRACT AND AGREEMENT  
FOR ENGINEERING SERVICES**

**ARKK ENGINEERS, LLC**

This Agreement is made and entered into by and between the **CITY OF BELLAIRE, TEXAS**, hereinafter referred to as "**BELLAIRE**," and the undersigned, **ARKK ENGINEERS, LLC**, hereinafter referred to as "**ENGINEER**," a limited liability company authorized to conduct business in the State of Texas.

**I.**

**BELLAIRE** desires to enter into an Agreement with **ENGINEER** in order that **ENGINEER** may render engineering services and other services as specified in the proposal as attached hereto and marked "Exhibit 1"; and **ENGINEER** has agreed to perform said services for the consideration set out in "Exhibit 1" attached hereto. **ENGINEER** has represented and does represent, by signature and execution of this Agreement, that the professional services and other services to be purchased by **BELLAIRE** can be reasonably rendered in a competent and professional manner.

**II.**

**ENGINEER** agrees to render said services for the consideration set out in Exhibit "1" attached; and **BELLAIRE** agrees to pay, within 30 days of the receipt and acceptance of monthly progress invoices with status reports, the consideration as therein set out.

**III.**

It is specifically understood and agreed that **BELLAIRE** may, at any time, cancel this Contract and Agreement; and in the event of such cancellation, **ENGINEER** shall only have a claim against **BELLAIRE** in quantum meruit for services actually rendered or costs actually incurred for and on behalf of **BELLAIRE** and have no claim for any other reason whatsoever.

**Exhibit A to Ordinance No. 14-065**

#### IV.

In the event of dispute or disagreement as to the provisions, purpose, or intent of any of the terms and provisions of this Contract and Agreement or any exhibit attached hereto, the City Manager of **BELLAIRE** shall provide an interpretation of this Agreement and shall inform **ENGINEER**, by letter, of such interpretation, which shall form a part of this Agreement, and which interpretation shall become final and binding upon the signatories hereto, subject to the right of **ENGINEER** to appeal any decision made by the City Manager to the City Council of **BELLAIRE**. In the event of appeal of **ENGINEER**, the City Council of **BELLAIRE** shall, upon consideration of all facts and evidence that may be brought before it, and in consideration of all other factors or matters that may also be properly brought before it, render an interpretation which shall be binding upon all parties hereto.

#### V.

In the event of any conflicts or provisions contained in "Exhibit 1" attached hereto which differ from the terms and provisions of this Contract and Agreement for Engineering Services, Exhibit "1" being incorporated herein for all purposes, the terms and provisions of Exhibit "1" shall be deemed to be controlling and shall supersede the terms and provisions of this Agreement.

#### VI.

Upon earlier termination or upon completion of all services to be rendered and delivery of the work product thereof to **BELLAIRE** under the terms and provisions of this Agreement, **ENGINEER** shall receive final payment in an amount as shall be properly itemized and described, and the same shall be clearly identified as "Final Payment"; and receipt thereof and acceptance by **ENGINEER** and tendering of the same by **ENGINEER** for payment shall constitute a full and final release of any and all liability which may be claimed by **ENGINEER** against **BELLAIRE**. Said release shall be full and final even though the same may not be reflected verbatim on the face of the check or draft accepted, endorsed, and tendered for payment.

Exhibit A to Ordinance No. 14-065

This Contract and Agreement is entered into and executed this, the \_\_\_\_\_ day  
of November, 2015.

**ARKK ENGINEERS, LLC**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

WITNESS:

\_\_\_\_\_

Printed Name: \_\_\_\_\_

**Exhibit A to Ordinance No. 14-065**

This Contract and Agreement is executed by the City Manager of **BELLAIRE** and attested by the City Clerk of **BELLAIRE** under authority granted by Ordinance No. 14-065 duly adopted by the City Council of **BELLAIRE** on the 1<sup>st</sup> day of December, 2014.

**CITY OF BELLAIRE, TEXAS**

By: \_\_\_\_\_  
Paul A. Hofmann, City Manager  
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

**Exhibit A to Ordinance No. 14-065**



October 13, 2015

Mr. Brant Gary  
 Director of Public Works  
 City of Bellaire  
 7008 S. Rice Avenue  
 Bellaire, Texas 77401

Re: Proposal for Engineering Services for the  
 FY2016 Street and Sidewalk Pavement Management Project  
 City of Bellaire, Texas

Dear Mr. Gary:

ARKK Engineers, LLC (ARKK) is pleased to submit this proposal for engineering services for the FY2016 Street and Sidewalk Pavement Management Project. The proposed scope of services includes the following services:

- Engineering Design
- Storm Water Pollution Prevention Plans
- Traffic Control Plans
- Bid Phase
- Neighborhood Meeting
- Field Engineering and Survey
- Texas Department Of Licensing and Regulation Compliance
- Construction Administration
- Construction Observation
- Material Testing Coordination

A description of the project, project area map and an estimate of probable construction cost are provided with this proposal.

### **PROJECT OVERVIEW**

The City of Bellaire is responsible for maintaining approximately 10,145,000 million square feet of pavement or just under 140 lane miles of roads. Bellaire's roadway network includes major thoroughfares to residential cul-de-sac streets. The condition of the roadway network varies from new concrete curb and gutter streets with underground storm sewer to streets originally constructed in the 1940's in unacceptable condition with little or no underground storm sewer.

Bellaire's Street and Sidewalk Pavement Management Program is geared toward improving the overall quality of the roadway and sidewalk system by repairing pavement failures and distresses. The City's goal is to bring the streets and sidewalks maintained by the City up to an acceptable level of service and keep them there through an aggressive and comprehensive maintenance program.

The City Council has made significant strides over the years to improve the condition of the roadway network with programs like the Bellaire Millennium Renewal Program and the Rebuild Bellaire Program. Council has appropriated \$2 million in the FY 2016 budget to continue improvements to the street and sidewalk network with the following strategic program goals:

- Fund a program to bring all of the City's streets up to an acceptable level of service in a reasonable amount of time
- Maintain the street system at an acceptable level of service
- Continue reconstructing the street system and upgrading the underground storm sewer system

The City has over 4.5 million square feet of roadways currently at an unacceptable condition. These streets have severe to moderate offset slabs, cracks and ponding areas. The estimated cost to improve these streets up to a good condition (level of service 2A as described in the 2013 street condition assessment) is approximately \$16.2 million. This City Council has decided to increase the street and sidewalk repair budget from last year to \$2 million a year to help bring these streets and sidewalks up to an acceptable level of service within eight (8) years.

The streets and sidewalks for the Fiscal Year 2016 Project were selected because of their overall poor condition noted during the Street and Sidewalk Condition Assessment of the streets and sidewalks maintained by the City of Bellaire completed in 2013. Streets and sidewalks designated for total reconstruction under Rebuild Bellaire were not considered for this project.

The anticipated repairs may include removal and replacement of sections of distressed street and sidewalk pavement, inlets, curbs and asphalt and the addition of inlets to existing storm sewers where possible. Some streets may require repairs to relatively small areas, others may need a complete mill and overlay or only a portion of the street resurfaced. A preservative asphalt seal coat may also be utilized on certain streets. Sidewalk repairs are also included in this FY 2016 Project. Sidewalk variances from the Texas Department of Licensing and Registration (TDLR) maximum cross-slope requirements will be requested where new sidewalk meets existing non-conforming sidewalks, if required. Engineering design will consist of preparing base drawings with estimated repair areas, details, specifications and bid items to cover the anticipated work items. The exact repair areas will be adjusted after field surveying is completed.

It is anticipated that the FY 2016 project will also include approximately \$100, 000 for Pavement

striping on various major streets within the City. The cost associated with street striping will be bid as an add alternate bid. If the striping add alternate bid is not considered as a competitive and favorable cost, the City may decide to bid this work separately.

The estimated probable construction cost for the FY2016 Street and Sidewalk Pavement Management Project of \$1,700,000 for construction and bid advertising , \$15,000 for material testing and the proposed fees for the Engineering services described in this proposal of \$285,000 amount to a total budget of \$2 million. The bid package may include base bid streets and add alternate bid streets, so the City may award the project within the budgeted amount.

### **Street Repair**

The street blocks designated for street repair are as follows:

- 4600 Birch
- 500 Cascade
- 6300 – 7000 First St.
- 5200 – 5300 Grand Lake St.
- 4500 Holt
- 900 Lenette Ct.
- 5100 Linden St.
- 4900 - 5000 Maple St.
- 100 – 400 Mulberry Ln.
- 5100 Valerie
- 5100 Braeburn

### **Sidewalk Repair**

The street blocks designated for sidewalk repair are as follows:

- 5100 Locust St.
- 4600 Holly St.
- 4400 Lone St.
- 5100 – 5200 Palmetto St.
- 5200 Woodlawn Place

## SCOPE OF SERVICES

### Engineering Design

#### Final Design

- Prepare block maps of the areas to be evaluated using existing aerial photography.
- Visit each street to photograph measure and sketch areas to be repaired.
- Prepare base drawings for the areas to be repaired using existing aerial photography drawings. The drawings will include estimated repair limits that will be surveyed prior to construction for the optimum repair methods and final limits of work for each street block.
- Provide repair locations to AT&T, Comcast, Center Point Energy Gas and Electric, and request drawings of their facilities that may be impacted by the proposed construction. Transfer the information from their drawings to the construction plans and request confirmation signatures from their representatives.
- Prepare final engineering design detail drawings and specifications for various types of repairs to be utilized on the Project. As each area is evaluated during construction, applicable pay items will be measured and only paid for as used and approved.
- Prepare an Engineer's final cost estimate for construction.
- Prepare a construction implementation schedule.
- Coordinate with the City during the final design process and provide draft documents for the City to review. Incorporate appropriate comments with the final bid documents.
- Furnish two (2) hard copy sets and one electronic copy of construction documents to the City of Bellaire.

### **Geotechnical Investigation**

- Geotechnical soil borings and laboratory test results from previous projects in the area will be utilized to prepare construction recommendations.

### **Consultation with the City's Urban Forester**

- Visit the proposed sidewalk repair areas to determine necessary tree protection measures and include details, specifications and pay items in the contract documents.
- Consult with the Urban Forester for appropriate tree protection and preservation measures to be recommended during the construction process.

### **Storm Water Pollution Prevention Plan**

- Prepare Storm Water Pollution Prevention Plans (SWPPP), details and specifications for implementation and maintenance in accordance with the Texas Pollutant Discharge Elimination System (TPDES) General Permit for Storm Water Discharge from construction sites.
- Provide bid items and estimated quantities to be included in the contract documents

### **Traffic Control Plans**

- Prepare typical Traffic Control Plan details for the routing of traffic through the repair areas during construction. The details will include required signs and lane closures to complete the proposed repairs.
- Prepare a Construction Phasing Plan to minimize disruption of ingress/egress to areas impacted by construction.
- Meet with City staff to discuss access to adjacent properties for property owners and emergency vehicles during construction and to determine if feasible measures to mitigate the impact should be included in the construction contract.

### **Bid Phase Services**

- Assist the City of Bellaire in obtaining bids for the Project.
  - Prepare an Invitation to Bid for publication in newspaper
  - Send notice of bid to a list of contractors and follow-up with phone calls to discuss the

- generalities of the project with contractors
- Communicate with contractors throughout the bid phase to confirm adequate interest in the project
- Dispense construction documents to potential bidders.
    - Dispense construction documents via the CivCast online plan room (by Amtek USA) to prospective bidders.
    - Provide plans and specifications for Contractors to obtain at ARKK's office
    - Provide plans and specifications to Public Works and Contractor Organization offices for public and contractor viewing
  - During the bidding process, provide information to and answer questions from potential bidders concerning the Project's construction documents.
  - Conduct a pre-bid conference for potential bidders.
    - Advise potential bidders of specific project requirements and the working environment
    - Advise of time constraints, allotted time and penalties for exceeding the contract time
    - Advise that residents must be provided access to their property
    - Advise of requirement to restore existing color, material and pattern of existing driveways within the street right of way as much as possible
    - Advise of requirement to restore existing landscaping within the street right of way
    - Advise of requirement to clean the site daily and moisten to prevent dust
    - Advise of requirements regarding equipment, materials and sanitary facilities at the site
    - Answer questions from contractors regarding the project and working conditions
    - Prepare pre-bid meeting minutes and distribute to all plan holders
  - Evaluate the bids and qualifications of the apparent low bidder and advise the City of Bellaire as to the acceptability of the apparent low bidder for the project.
    - Publicly open bids at City Hall
    - Tabulate Contractors' bids and correct errors, if required
    - Contact Contractor's references regarding acceptability of previous work
    - Research Contractor's bonding company's status and rating
    - Prepare Letter of Recommendation (LOR) for award of construction contract
    - Present LOR to City Council and answer questions regarding award of the contract
  - Deliver five sets of contract documents to the Contractor for signature, then to the City for signature, then distribute to the Contractor, the City and ARKK.

## **Construction Administration Services**

- Act as the City's Project representative during the construction phase.
  - Act as City's liaison with adjacent Municipalities, outside Agencies, and Private Utility Companies
  - Coordinate scheduling and resolution of unforeseen utility conflicts
- Review and respond accordingly to all submittals as required by the contract specifications.
  - Construction Schedule
  - Sub-Contractors
  - Tree Protection/Preservation plans and schedules
  - Pre-construction Photographs
  - Resident Notification Letters
  - Trench safety systems
  - Manufacturer's data on materials used in the project
  - Concrete and Hot Mix Asphaltic Concrete (HMAC) mix designs
- Conduct a pre-construction conference with the Contractor, Public Works staff and Private Utility Company Representatives to discuss schedules, notifications, conflict resolutions and other construction concerns.
- Conduct bi-weekly progress meetings throughout the construction process to discuss construction progress, problems and scheduling of work
- Review the contractor's pay estimates, evaluate the completion of work and make payment recommendations to the City of Bellaire.
  - Compare the Contractor's application to our Site Representative's daily reports
  - Compare quantities to the construction plans
  - Perform site visits to observe status and condition of work
  - Prepare recommendation for payment of Contractor's application
- Provide engineering and technical office personnel support throughout construction to include:
  - Process and file data compiled by the Site Representative such as daily reports, construction photographs, notes and sketches and material receipts such as lime for subgrade stabilization, cement stabilized sand, concrete and asphalt
  - Compare material receipt quantities for pay items to confirm design parameters are met

- Provide written documentation to the Contractor and the City when and if the Site Representative does not receive full cooperation from the Contractor's Superintendent regarding adherence to the construction contract documents
- Provide support to the on-site representative(s) through supervisory and administrative services and coordination of time off
- Visit the site and meet with the Contractor and Site Representative at intervals appropriate to the various stages of construction to answer questions and observe the progress and quality of executed work and to determine in general if such work is proceeding in accordance with the Contract Documents.
- Review invoices from the City's Material Testing contractor and provide recommendations for payment to the city.
- ARKK will not be responsible for the means, methods, techniques, sequences or procedures of construction selected by the Contractor(s) or the safety precautions and programs incident to the work of the Contractor(s). ARKK's efforts will be directed toward providing a greater degree of confidence for the City of Bellaire that the completed work of Contractor(s) will conform to the Contract Documents, but ARKK will not be responsible for the failure of Contractor(s) to perform the work in accordance with the Contract Documents. ARKK will notify the City in writing of known non-conforming work by the Contractor.
- Provide one hard copy set of Record Drawings prepared by the Contractor to the City.
  - Check the contractor's as-built drawings with the notes, sketches and photographs compiled by the site representative throughout the project
  - Incorporate any field change drawings made during construction
  - Provide one electronic copy of the Record Drawings

### **Surveying and Field Engineering Services**

- Provide Engineering staff during construction to finalize and coordinate with the Contractor the exact limits of repair areas. It is anticipated that the Engineering staff will be on site an average of 9 hours each week for the 48 - week duration of the Project.
- The City has existing topographic survey information in the project areas. ARKK will supplement the existing survey data with additional field measurements necessary for design and during the construction phase for repair area adjustments to be determined during the field engineering stage of the project.

- Visit each street with the Contractor to determine and mark the street repair limits.
- Visit each street with the Contractor to evaluate field conditions regarding the proposed removal and replacement of sidewalk, discuss resident's concerns and determine the repair limits. The limits will be marked and appropriate bid items will be selected, agreed to and documented with the construction contractor prior to proceeding with construction.
- Where necessary, the Contractor will survey existing pavement elevations. ARKK will evaluate the survey data to determine optimum repair limits and slopes to provide adequate drainage of storm water runoff. If evaluation of the survey data results in a change in the repair limits, the markings will be revised prior to pavement saw cutting.

### Construction Observation

- Provide limited on-site representative(s) to observe the progress and quality of the work by the Contractor(s). It is anticipated that the on-site representative(s) will be on site an average of 22 hours each week for the 48-week duration of the Project.
- The on-site representative(s) will provide daily reports on the status of the construction to include:
  - Weather conditions
  - Contractor's work force, equipment and manpower, hours worked
  - Laboratory testing activities
  - Performance testing of water and sewer lines if required
  - Construction activities at the site
  - Field measured pay item quantities
  - Noteworthy occurrences
- The on-site representative(s) will attend meetings such as pre-construction conference, progress meetings and other project related meetings.
- The on-site representative(s) will take pre-construction photographs and periodic photographs of the construction progress and of key items of concern.
- The on-site representative(s) will coordinate the activities of the City's testing laboratory.
- The on-site representative(s) will coordinate with the City of Bellaire and the Contractor for construction scheduling, resident notification and communication.
  - Scheduling water or sewer disruptions to minimize inconvenience to residents

- Coordination of repairs of utilities accidentally impacted, notification of utility owner, fire and police departments when applicable
- Coordination of notification to impacted property owners and City staff for impending construction activities and access disruptions
- The on-site representative(s) will assist in the performance of a final inspection, the preparation of a punch list and subsequent follow up inspections.
- The on-site representative(s) will assemble and maintain notes, comments, sketches, and supporting data related to the project to assist in the preparation of record drawings.
- Meet with residents individually and as groups to discuss specific concerns. Such concerns typically include the placement of driveways and sidewalks, replacement of landscaping and irrigation system components, the construction schedule as it relates to individual concerns, and access for residents with special needs.
- The on-site representative(s) will be furnished in an effort to aid the process of observing the performance of work of the Contractor(s). Through more extensive on site observations of the work in progress, ARKK shall endeavor to provide further protection for the City of Bellaire against defects and deficiencies in the work of the Contractor(s); but the furnishing of such on-site representative(s) will not make ARKK responsible for construction means, methods, techniques, sequences or procedures, or for safety precautions or programs, or for Contractors(s) failure to perform their work in accordance with the Contract Documents. ARKK will notify the City in writing of known non-conforming work by the Contractor.

### **Construction Material Testing Coordination**

ARKK will coordinate the services of an independent laboratory contracted by the City to perform the following testing of the material used during construction:

- Coordinate scheduling and review laboratory test results for Construction Material Testing:
  - Field density testing and moisture testing on backfill and subgrade
  - Concrete monitoring and testing for street and sidewalk repairs.
  - Related laboratory testing services
- Notify Contractor and City of failing test results and further action.
- It is recommended the City budget approximately \$15,000 for Construction Material

Testing Services.

### **Texas Department of Licensing and Regulation Compliance**

- Prepare plans in accordance with Texas Department of Licensing and Regulation (TDLR). Provide construction plans to TDLR Consultant for review and approval.
- Submit variance requests to TDLR when full compliance with TDLR and Texas Accessibility Standards (TAS) may be technically infeasible or structurally impracticable as defined by TDLR/TAS.
- Register the Project with the Texas Department of Licensing and Regulation.
- Coordinate and attend inspection of improvements by a TDLR Consultant upon completion of construction. Obtain conformance comments and provide to the Contractor for repair or reconstruction of non-conforming improvements prior to acceptance by the City. Coordinate and attend necessary follow up inspections.
- Required TDLR Fees will be reimbursed at cost + 10%. Estimated TDLR FEES are as follows:
  - TDLR Filing Fee \$175
  - Plan Review Fee \$500
  - Inspection Fee \$500
  - Variance Request Fee \$175

### **Schedule**

The anticipated schedule for the various stages is as follows:

- Engineering Design – November 2016 – April 2016
- Bid Phase Services – May 2016 – July 2016
- Construction Phase Services – August 2016 – July 2017

### **Fee for Services**

ARKK will submit monthly progress invoices with status reports for engineering work completed to invoice date, based on the following fee schedule:

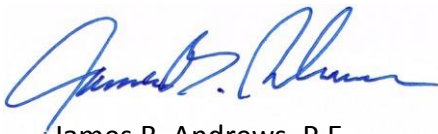
Engineering Design and Project Management Services (Lump sum):	\$ 143,200
Survey Field and Engineering Services (Lump sum):	\$ 27,470
Bid Phase Services (Lump sum):	\$ 3,500
Construction Administration Services (Lump sum):	\$ 24,850
Construction Observation Services (Hourly, Not To Exceed)	\$ 84,480
The City has control of the amount of hours expended under this item. The amount provided above will not be exceeded without prior written approval from the City.	
Estimated Budget for TDLR Registration Filing, Plan Review, Inspection and Variance Requests fees:	\$ 1,500
<b>TOTAL FEES:</b>	<b>\$ 285,000</b>

Additional services beyond those described in the Scope of Services will be invoiced on the basis of direct labor cost times a factor of 2.99 and direct cost plus 10%. No additional services will be invoiced without written consent by the City.

ARKK Engineers, LLC appreciates the opportunity to submit this proposal and to continue working for the City of Bellaire.

Sincerely,

ARKK Engineers, LLC



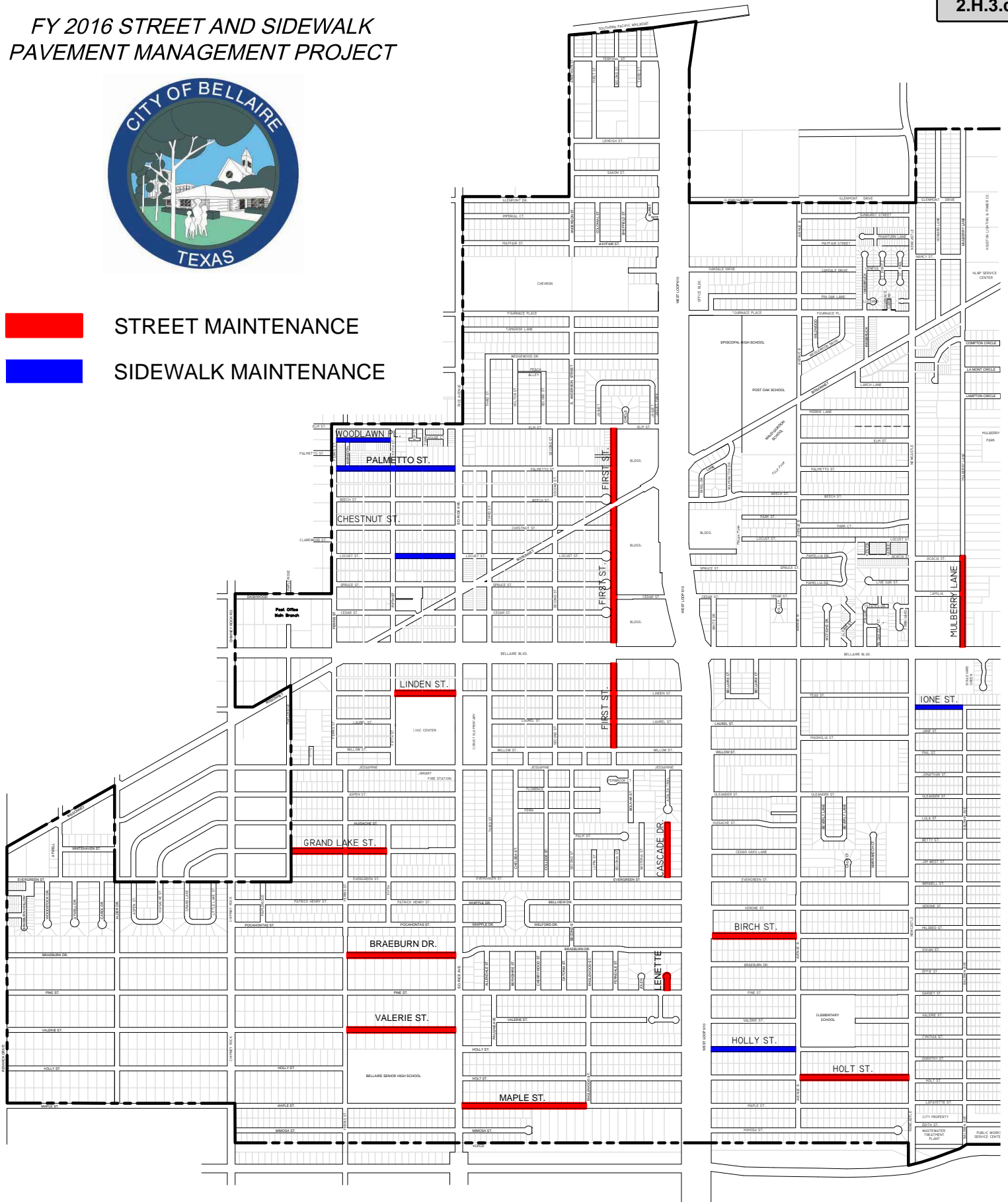
James B. Andrews, P.E.  
Principal

Attachment

# FY 2016 STREET AND SIDEWALK PAVEMENT MANAGEMENT PROJECT



- STREET MAINTENANCE
- SIDEWALK MAINTENANCE



2.H.3.c

Attachment: Exhibit 1 - FY2016 Street & Sidewalk Pavement Management Project - Engineering Proposal (1723 : FY2016 Street & Sidewalk



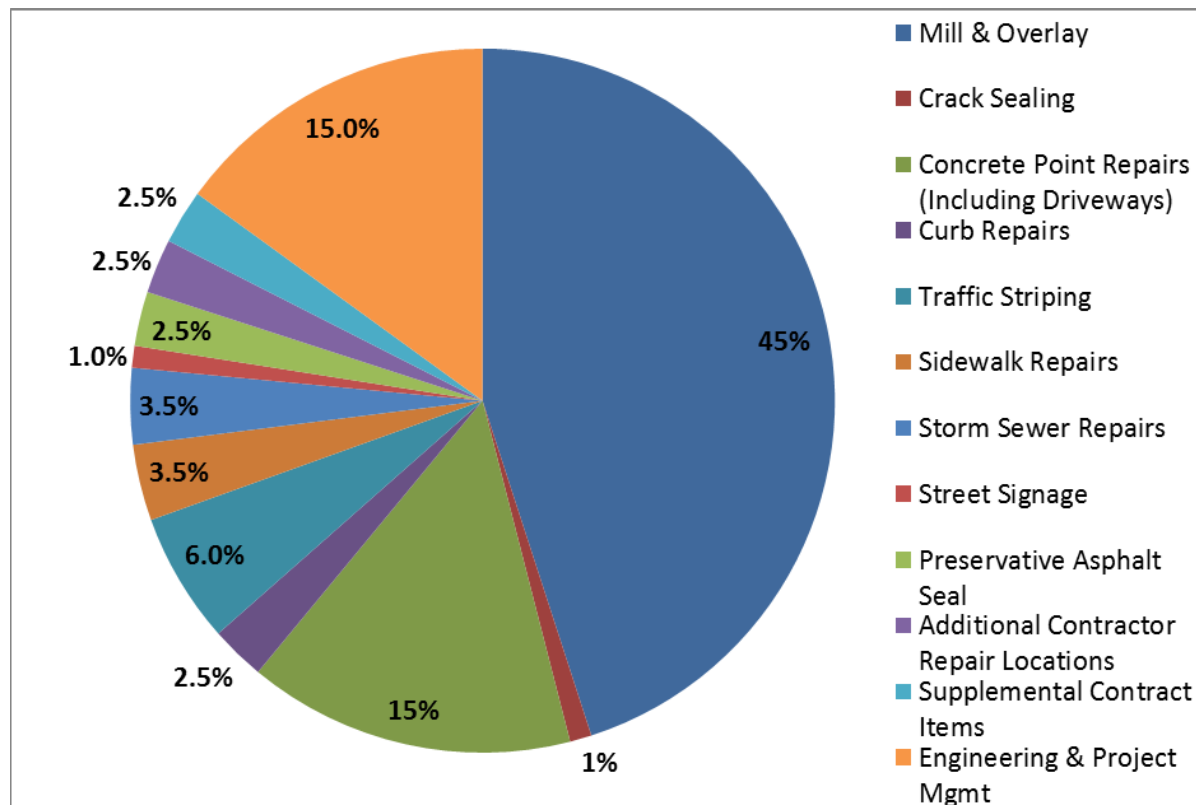
7322 Southwest Freeway, Suite 100  
(713) 400-2755 • www.arkkengineers.com

Packet Pg. 113

OCTOBER, 2015

## Proposed Target Breakout of \$2m Pavement Maintenance Budget for FY2016

Service Performed	Unit of Measure	Quantity	Cost Per Unit	Total Cost	% of Budget
Mill & Overlay	L.M.	5.00	\$ 180,000.00	\$ 900,000.00	45%
Crack Sealing	L.F.	13,000.00	\$ 1.55	\$ 20,000.00	1.0%
Concrete Point Repairs (Including Driveways)	S.Y.	2000.00	\$ 150.00	\$ 300,000.00	15%
Curb Repairs	L.F.	2500.00	\$ 20.00	\$ 50,000.00	2.5%
Traffic Striping	L.F.	12,000.00	\$ 10.00	\$ 120,000.00	6.0%
Sidewalk Repairs	S.F.	4500.00	\$ 15.00	\$ 70,000.00	3.5%
Storm Sewer Repairs	L.S.	5.00	\$ 14,000.00	\$ 70,000.00	3.5%
Street Signage	EA	135.00	\$ 150.00	\$ 20,000.00	1.0%
Preservative Asphalt Seal	S.Y.	45,000.00	\$ 1.10	\$ 50,000.00	2.5%
Additional Contractor Repair Locations	EA	10.00	\$ 5,000.00	\$ 50,000.00	2.5%
Supplemental Contract Items	L.S.	1.00	\$ 50,000.00	\$ 50,000.00	2.5%
Engineering & Project Mgmt (includes Testing Services)	L.S.	1.00	\$ 300,000.00	\$ 300,000.00	15.0%
<b>Total</b>				<b>\$ 2,000,000.00</b>	<b>100.00%</b>



**Mayor and Council**

7008 S. Rice Avenue  
Bellaire, TX 77401



Meeting: 11/02/15 06:00 PM  
Department: City Manager's Office  
Category: Resolution  
Department Head: Michelle Jordan  
DOC ID: 1717

**SCHEDULED****ACTION ITEM (ID # 1717)****Item Title:**

Consideration of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, authorizing the City Manager to accept a contribution in an amount not to exceed \$177,105 from the Evelyn's Park Conservancy - Submitted by Michelle Jordan, Project Manager.

**Background/Summary:**

During initial earthwork construction at Evelyn's Park, unsuitable soils were discovered across the site. After extensive review and discussion, the unsuitable soils were more clearly defined, and a solution was developed. In response to the additional expenses to the Project, Evelyn's Park Conservancy (EPC) has agreed to fund the change order(s).

The total not to exceed cost of the Change Order(s) is \$177,105. Due to the nature of the soil condition, there is no way to know exact quantities and duration of this change order until the work is actually performed. Because of this, the City will approve an initial Change Order with the contractor in the amount of \$138,638, which EPC will fund. If, during the course of the work, additional quantities of unsuitable soils are discovered, EPC will promptly fund the additional cost of the work, up to a maximum cost of \$177,105, after which the City will approve the additional change order(s).

In order to not delay construction, this resolution requests that the City accept the initial contribution of \$138,638 from the EPC and that City Council authorize the City Manager to accept a future contribution(s) if needed in an amount not to exceed the difference between \$177,105 and \$138,638, which is \$38,467. Under current policy, the City Manager is only allowed to accept contributions up to \$25,000.

In addition, if this item passes, it will be recommended tonight on a subsequent agenda item to do the same if additional change order(s) are needed above the \$138,638, up to a maximum of \$177,105. The ordinance for the change order(s) associated with this item will request that Council authorize the City Manager to execute any further change order(s) if needed only upon receipt of further contributions from the EPC.

**Previous Council Action Summary:**

June 1, 2015 Ordinance 15-027 approving Linbeck Group, LLC construction contract for \$6,262,541.

June 1, 2015 Budget Amendment 15-027 in an amount of \$1,362,541.

June 1, 2015 Resolution 15-02 to accept contribution of \$1,364,541 from EPC to be used for construction of the Park.

July 20, 2015 Change Order 1 (Ordinance 15-042) to install solar panels on the project for \$115,549.00, which brought the contract value up to \$6,378,090.

July 20, 2015 Resolution 15-06 to accept contribution of \$115,549 for Change Order #1.

**Recommendation:**

It is the recommendation of Michelle Jordan, Project Manager, that City Council accept a contribution of \$138,638 and authorize the City Manager to accept future contributions associated with this change order(s) in an amount not to exceed \$38,467 for a total not to exceed \$177,105 as resolved on the attached resolution.

**ATTACHMENTS:**

- Resolution for contribution (DOC)

**RESOLUTION NO. 15-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, ACCEPTING A FINANCIAL CONTRIBUTION IN AN AMOUNT NOT TO EXCEED \$177,105 FROM EVELYN'S PARK CONSERVANCY, A 501 (c)(3), TO BE UTILIZED SPECIFICALLY FOR EVELYN'S PARK PHASE ONE CONSTRUCTION REGARDING SUBSURFACE CONDITIONS.**

**WHEREAS,** Evelyn's Park Conservancy a 501(c)(3) is providing this financial contribution for the purpose of funding a portion of Phase One Construction of Evelyn's Park located at 4400 Bellaire Boulevard, Bellaire, Texas 77401; and

**WHEREAS,** the City Council of the City of Bellaire, Texas, deems that the acceptance of this restricted financial contribution is in the best interest of the City of Bellaire, Texas, and its citizens; **NOW, THEREFORE,**

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

- 1. THAT** the City Council of the City of Bellaire, Texas, hereby accepts the restricted financial contribution of \$138,638 from the Evelyn's Park Conservancy, to be utilized specifically for Evelyn's Park Phase One Construction regarding subsurface conditions.
- 2. THAT** the City Council of the City of Bellaire, Texas, hereby authorizes the City Manager to accept additional restricted financial contributions not to exceed \$38,467 from the Evelyn's Park Conservancy, to be utilized specifically for Evelyn's Park Phase One Construction regarding subsurface conditions.
- 3. THAT** the City Council of the City of Bellaire, Texas, hereby expresses its gratitude of the City and its citizens to Evelyn's Park Conservancy.

**PASSED, APPROVED, and ADOPTED** this 2nd day of November, 2015.

(SEAL)

**ATTEST:**

**SIGNED:**

\_\_\_\_\_  
Tracy L. Dutton, TRMC  
City Clerk

\_\_\_\_\_  
Philip L. Nauert  
Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Alan P. Petrov  
City Attorney

Attachment: Resolution for contribution (1717 : Acceptance of EPC Contribution for Change Order #2 - Subsurface Conditions)

**Mayor and Council**

7008 S. Rice Avenue  
Bellaire, TX 77401



Meeting: 11/02/15 06:00 PM  
Department: City Manager's Office  
Category: Change Order  
Department Head: Michelle Jordan  
DOC ID: 1713 A

**SCHEDULED****ACTION ITEM (ID # 1713)****Item Title:**

Consideration and possible action on a recommendation to approve change order(s) in an amount not to exceed \$177,105 for the construction contract for Phase One of Evelyn's Park and on the adoption of an ordinance of the City Council of the City of Bellaire, Texas authorizing the City Manager of the City of Bellaire, Texas to execute said change order(s). The change order(s) include the cost to relocate and/or remove unsuitable soils from the park site. The initial change order, 2A, will be executed only upon receipt of a contribution in an amount of \$138,638 from the Evelyn's Park Conservancy, and will be authorized for that same amount. Any additional change orders, if needed, will require the receipt of funds before execution of additional change orders up to a not to exceed amount of \$38,467, with a total not to exceed value of \$177,105. Submitted by Michelle Jordan, Project Manager.

**Background/Summary:**

During the initial earthwork portion of construction at Evelyn's Park, unsuitable soils were discovered across the site. These soils, which range in depth from a few inches to several feet, are composed of limestone, concrete, oyster shell, and various types of debris including bricks and trash.

Upon notification about the subsurface conditions, several steps were taken to more clearly define the extent of the problem. Additional "potholes" were dug on site and reviewed by multiple entities, and detailed drawings and maps were created to depict the problem areas. Professional review of the conditions was performed by Raba Kistner (geotechnical and material testing engineers), SWA Group (landscape architect), Linbeck (contractor), Joslin (subcontractor), along with Evelyn's Park Conservancy members and representatives from the City of Bellaire (Karl Miller, Michelle Jordan, James Andrews).

After thorough review and discussions, a plan was created that would minimize the need to remove the unsuitable soils by relocating a portion of them on site to appropriate areas. Some of the unsuitable soils will be used as backfill material in the hole created by the basement removal (The Rubenstein family has generously agreed to remove the basement and fill material inside the basement at no cost to the Conservancy or the City). Other soils can be used underneath the berms on site, which will still allow the plant material to grow. The limestone base material will be suitable for use underneath paving areas such as the parking lot and concrete walkways. This plan has resulted in a substantial decrease in the amount of material that must be removed and disposed off site. As assured by the Landscape Architect, the planned use of soils will not prevent the plant material from growing, and will not result in an increased maintenance burden.

The unsuitable soils were discovered on site and the City was notified on July 23, 2015. Other work was able to continue on site until August 24, 2015, at which point work ceased due to the soils condition. Between August 24 and now, accounting for 10 weeks, the numerous site investigations and work sessions have happened, and several iterations to the plans have been generated. The timeline for the proposed solution is estimated at 4 weeks from the date the work begins. Assuming Council approval and EPC funding occurs

on November 2, 2015, the estimated start date would be November 9, 2015. The project will suffer from a 14 week delay at this point, although every effort will be made to mitigate this delay and make up for lost time.

The cost of this change order includes the cost for the work to be performed as well as the costs associated with the general conditions and the scoping/pricing exercises. The amount of the change order that will be authorized between the City and the Contractor will be \$138,638 at this time. If, during the course of the work, additional work is needed, the attached ordinance authorizes the City Manager to execute additional change order(s) in an amount up to \$38,467 for a total amount, including the initial change order, not to exceed \$177,105. The previous resolution authorized the City Manager to receive additional funds from the Conservancy if needed. The current contract value is \$6,378,090, and this change order(s) will increase the contract value to an amount not to exceed \$6,555,195.

The City of Bellaire has funded \$5,000,000 towards the construction of this park. Evelyn's Park Conservancy has committed to funding the costs of construction above that amount, and as such will fund this change order(s).

#### **Previous Council Action Summary:**

June 1, 2015 Ordinance 15-027 approving Linbeck Group, LLC construction contract for \$6,262,541.

June 1, 2015 Budget Amendment 15-027 in an amount of \$1,362,541.

June 1, 2015 Resolution 15-02 to accept contribution of \$1,364,541 from EPC to be used for construction of the Park.

July 20, 2015 Change Order 1 (Ordinance 15-042) to install solar panels on the project for \$115,549.00, which brought the contract value up to \$6,378,090.

July 20, 2015 Resolution 15-06 to accept contribution of \$115,549 for Change Order #1.

#### **Fiscal Impact:**

This change order(s) will increase the construction contract to amount not to exceed \$6,555,195.00. Once the project is closed out, a budget amendment will be presented for the purpose of reconciling accounts.

#### **Recommendation:**

Michelle Jordan, Project Manager, recommends City Council approve the attached ordinance.

#### **ATTACHMENTS:**

- Evelyn's Park PC #16 (PDF)

**L I N B E C K****02284, Evelyn's Park****Proposed Change**

Owner notified on : October 15, 2015

Michelle Jordan  
 City of Bellaire, Texas  
 7008 5th Street  
 Bellaire, TX 77401

**Re:** Job 02284, Evelyn's Park  
**Internal PC Ref#:** PC 02284-16 initiated on October 15, 2015  
**PC Description:** Subgrade Mitigation - SWA Recommendations A/B

**PC#:** 16.0

Please review and approve the referenced Proposed Change. We have NOT proceeded with this Proposed Change, as directed by Owner.

Total Proposed Change is an ADD of: **\$138,638.00**

The impact of the Proposed Change on the Construction Schedule is: **TBD**

The Proposed Change is based on the following qualifications:

*Please note: This pricing is based on excavation quantities provided by the landscape architect, SWA. Any excavation or additional fill material required exceeding their quantities will be an added cost.*

*Preconstruction hours are derived from time spent in meetings discussing this topic with Joslin and the team. Three pricing exercises encompassing seven options have been done as well as review of drawing issuances needed for them.*

*Monthly costs for rentals onsite and SWPPP costs are included.*

*Costs associated with work onsite during the four week duration are as follows: Superintendent and Project Engineer full-time, Project Manager half time and 2 hours per week for a Project Executive. (In lieu of the 4 weeks of overhead cost per GMP, Linbeck is charging personnel time only for this change. This results in a \$31,260 savings to the project.)*

*Per team discussions and agreed to pricing schedule, this PC was generated assuming a NTP on October 20, 2015. It is our understanding that the project will be delayed an additional two weeks.*

Please indicate your approval by signing the space provided and returning one fully executed original for our files.

Issued By:

*Carolyn Camacho-Jalad*  
 LINBECK GROUP, LLC

10.15.15  
 Date

Approved By:

CITY OF BELLAIRE, TEXAS

Date

cc

Attachment: Evelyn's Park PC #16 (1713 : Evelyn's Park Change Order #2 - Subsurface Conditions)

**L I N B E C K****02284, Evelyn's Park****Proposed Change 02284-16****October 15, 2015**

Job: 02284, Evelyn's Park

PC description: Subgrade Mitigation - SWA Recommendations A/B

PC sent to Owner:

Estimate Item		MH	Quant.	Payroll		Material		Subcontract		Total
No.	Description			Unit Cost	Total	Unit Cost	Total	Unit Cost	Total	
01 30 01.01-00	Project Executive	8.00	0.00	\$130.00	\$1,040	\$0.00	\$0	\$0.00	\$0	\$1,040
	Project Executive	\$8.00	0		\$1,040.00					\$1,040.00
01 30 01.03-00	Project Manager	80.00	0.00	\$90.00	\$7,200	\$0.00	\$0	\$0.00	\$0	\$7,200
	Project Manager	\$80.00	0		\$7,200.00					\$7,200.00
01 30 01.08-00	Superintendent	160.00	0.00	\$90.00	\$14,400	\$0.00	\$0	\$0.00	\$0	\$14,400
	Superintendent	\$160.00	0		\$14,400.00					\$14,400.00
01 30 01.10-00	PM / Project Engineer	160.00	0.00	\$65.00	\$10,400	\$0.00	\$0	\$0.00	\$0	\$10,400
	Project Engineer	\$160.00	0		\$10,400.00					\$10,400.00
01 30 01.40-00	Project Personnel	146.00	0.00	\$105.34	\$15,380	\$0.00	\$0	\$0.00	\$0	\$15,380
	Precon Butler	\$16.00	0		\$2,080.00					\$2,080.00
	Precon Ireland	\$80.00	0		\$7,200.00					\$7,200.00
	Precon Johnston	\$40.00	0		\$5,200.00					\$5,200.00
	Precon Lowe	\$10.00	0		\$900.00					\$900.00
01 52 13.01-00	Job Office Rental	0.00	2.00	\$0.00	\$0	\$3,000.00	\$6,000	\$0.00	\$0	\$6,000
	Jobsite Rentals and SWPPP		2				\$6,000.00			\$6,000.00
01 99 00.90-00	BI&PD Insurance	0.00	4,420.00	\$0.00	\$0	\$0.01	\$816	\$0.00	\$0	\$816
	BI&PD Insurance		54420				\$816.00			\$816.00
Totals for 01 90 00, BIPD & SDI					\$48,420		\$6,816		\$0	\$55,236
31 11 00.01-00	31 00 00 - Earthwork Pa	0.00	1.00	\$0.00	\$0	\$0.00	\$0	\$3,354.00	\$73,354	\$73,354
	Subgrade Mitigation		1						\$73,354.00	\$73,354.00
31 99 00.90-00	BI&PD Insurance	0.00	3,354.00	\$0.00	\$0	\$0.01	\$1,100	\$0.00	\$0	\$1,100
	BI&PD Insurance		73354				\$1,100.00			\$1,100.00
31 99 00.95-00	Subcontractor Default In	0.00	3,354.00	\$0.00	\$0	\$0.01	\$1,100	\$0.00	\$0	\$1,100
	Subcontractor Default Insurance		73354				\$1,100.00			\$1,100.00
Totals for 31 90 00, BIPD & SDI					\$0		\$2,200		\$73,354	\$75,554
Subtotal					\$48,420		\$9,016		\$73,354	\$130,790
Cost of Work										\$130,790
Fee @ 3.00 %										\$3,924
Contingency @ 3.00 %										\$3,924
Renovation Tax										\$0
Total for This Proposed Change 02284-16										\$138,638

Attachment: Evelyn's Park PC #16 (1713 : Evelyn's Park Change Order #2 - Subsurface Conditions)



Linbeck  
Attn: Carolyn Carona-Ireland

October 13, 2016

Re: Evelyns Park Unsuitable Soil Options per SWA Recommendations

We would like to submit the following proposal to furnish all labor, material, equipment, insurance and supervision to install the following:

Earthwork Proposal

Basement Fill					
ITEM	DESCRIPTION	UNIT	QTY	RATE	TOTAL
1	Import Fill to Replace Unsuitable Soil Excavated and Buried in Basement Void	CY	462		
	Labor	CY	462	2.63 \$	1,214.12
	Equipment	CY	462	3.62 \$	1,626.88
	Material	CY	462	18.82 \$	8,688.47
2	Bury Unsuitable Excavated Soil in Basement Void	CY	462		
	Labor	CY	462	6.26 \$	2,428.24
	Equipment	CY	462	7.04 \$	3,251.76
	TOTAL			\$	17,216.47
Option A/B					
ITEM	DESCRIPTION	UNIT	QTY	RATE	TOTAL
1	Removal of Unsuitable Soils Around Existing Trees	CY	178		
	Labor	CY	178	16.50 \$	2,936.47
	Equipment	CY	178	15.12 \$	2,691.76
2	Place Suitable Soil Around Existing Trees	CY	178		
	Labor	CY	178	17.45 \$	3,105.88
	Equipment	CY	178	20.24 \$	3,602.36
3	Unsuitable Soil Excavation excluding existing trees	CY	1704		
	Labor	CY	1704	4.24 \$	7,228.24
	Equipment	CY	1704	8.50 \$	14,489.41
4	Unsuitable Fill Placed in Lawn, Planting Areas and Limestone under paving	CY	1242		
	Labor	CY	1242	4.89 \$	6,070.59
	Equipment	CY	1242	6.55 \$	8,129.41
5	Mobilization	LS	1	\$	4,117.75
6	General Conditions	LS	1	\$	3,765.66
	Option A/B TOTAL			\$	56,137.53
	TOTAL BASEMENT FILL AND OPTION A/B			\$	73,354.00

Attachment: Evelyn's Park PC #16 (1713 : Evelyn's Park Change Order #2 - Subsurface Conditions)

Option C					
ITEM	DESCRIPTION	UNIT	QTY	RATE	TOTAL
1	Unsuitable Soil Excavation and Haul Off	CY	1704		
	Labor	CY	1704	3.25 \$	5,534.12
	Equipment	CY	1704	5.69 \$	9,529.06
	Material	CY	1704	16.00 \$	27,270.59
2	Select Fill Import	CY	1704		
	Labor	CY	1704	3.49 \$	5,949.18
	Equipment	CY	1704	4.68 \$	7,966.82
	Material	CY	1704	18.87 \$	32,160.59
3	Removal of Unsuitable Soils Around Existing Trees	CY	178		
	Labor	CY	178	8.25 \$	1,468.24
	Equipment	CY	178	14.20 \$	2,528.12
	Material	CY	178	16.33 \$	2,905.88
4	Select Fill Import Around Existing Trees	CY	178		
	Labor	CY	178	8.87 \$	1,578.36
	Equipment	CY	178	11.87 \$	2,113.65
	Material	CY	178	19.25 \$	3,425.88
5	Mobilization	LS	1	\$	4,117.76
6	General Conditions	LS	1	\$	2,918.31
Option C TOTAL				\$	109,466.53
TOTAL BASEMENT FILL AND OPTION C				\$	126,673.00
TOTAL IMPORT AND FILL OF BASEMENT VOID		DAYS	3		
TOTAL OPTION A/B		DAYS	16		
TOTAL OPTION C		DAYS	12		

Attachment: Evelyn's Park PC #16 (1713 : Evelyn's Park Change Order #2 - Subsurface Conditions)

Site Specific Notes

- Our proposal is submitted as a whole; it is not intended to be broken out separately.
- Existing facilities and existing topo's have not been field verified.
- Bid proposal valid for a period of thirty (30) calendar days from date above.
- Any changes in description of work, quantities of items, or conditions of existing circumstances will reflect a change in the price.
- All areas to be backfilled to within  $\pm 0.10'$  of finish grade.

**Basement Fill**

- Basement to be excavated by others and cubic yardage calculation is an approximate. Fill will be compacted in 8" lifts with onsite materials

**Option A/B**

- Excavate existing unsuitable soils around site based upon plan sent by SWA and place in areas shown on contoured plans sent by SWA.
- No inclusion has been made in pricing to bury excess unsuitable soils as per the combination of Option A and B will balance spoils

**Option C**

- Excavate existing unsuitable soils around site and haul off. Import select fill to supplement amount of unsuitable soils hauled off.

Site Specific Notes

Unless expressly noted within the Scope of Work above, the price does not include and Joslin is not responsible for the following:

- Sales tax.
- Removal of hazardous waste products and/or unforeseen conditions.
- Any sawcutting.
- Any lab testing or fees including compaction/densities.
- Traffic control plan, devices, permits, flagmen and/or off-duty officer.
- Relocation or haul-off of other trades spoils.
- Removal/replacement of sodding or hydro-mulch seeding.
- Anything beyond what is shown in the excavation plan will be treated as a change order, whether it be added depth of excavation or added area of removal.
- Handwork for backfill and dress up.

Demo Specific Exclusions

- Permits and notifications.
- Above or below ground utility (including but not limited to telephone, gas, electrical, cable, water and storage tanks) identification, relocation, capping, disconnection and any subsequent damage is the responsibility of the Owner or General Contractor. Identifying the location of underground utilities is the responsibility of the Owner or General Contractor.
- We will not accept ownership of and/or responsibility for the identification, analysis, monitoring, handling, removal or disposal of contaminated and/or hazardous material.
- Joslin is not responsible for the protection, removal, trimming or condition of any trees, bushes, shrubbery, grass or flowers.
- Patching, repairing, and new construction, salvage and relocation of items for reuse or storage.

Respectfully Submitted  
Joslin Construction Texas, LLC

  
Brant King  
Project Manager

Attachment: Evelyn's Park PC #16 (1713 : Evelyn's Park Change Order #2 - Subsurface Conditions)

**Mayor and Council**

7008 S. Rice Avenue  
Bellaire, TX 77401



Meeting: 11/02/15 06:00 PM  
Department: City Manager's Office  
Category: Amendment  
Department Head: Michelle Jordan  
DOC ID: 1721

**SCHEDULED  
ACTION ITEM (ID # 1721)**

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**Item Title:**

Consideration of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, amending the FY 2016 Budget for the City of Bellaire, Texas, by \$77,218 for the purpose of increasing the appropriation of the Holly Street Esplanade Construction Project from \$149,919 to \$227,137 - Submitted by Diane K. White, Assistant City Manager.

**Background/Summary:**

The FY2015 budget included an appropriation of \$200,000 towards design and construction of improvements at the Holly Street Esplanade. Those funds have been spent or authorized to be spent as follows:

<b>Expense</b>	<b>Amount</b>
Clark Condon Associates	\$35,000.00
Survey Services	\$5,500.00
Bid Advertisement	\$243.60
Classic Irrigation and Landscape Base Bid	\$149,919.00
Remain in Contingency if needed	\$9,337.40

Three alternates were identified during the bidding process, which total \$77,218. These alternates complete the improvements within three medians that were not included in the base bid. The recommended funding source for this budget amendment is the FY2016 Capital Improvement Fund balance.

If this budget amendment is approved, the ending balance in the Capital Improvement fund will be reduced by \$77,218 to \$1,206,513 of which \$104,462 is cash for future projects.

As this change order would increase the value of the contract by 51%, the City must follow the Local Government Code, Section 252.048 Change Orders - (c) If a change order involves a decrease or an increase of \$25,000 or less, the governing body may grant general authority to an administrative official of the municipality to approve the change orders. (d) The original contract price may not be increased under this section by more than 25 percent. The original contract price may not be decreased under this section by more than 25 percent without the consent of the contractor.

The contractor has given consent for this change order.

**Previous Council Action Summary:**

On October 19, 2015 the construction contract with Classic Irrigation and Landscape was approved by Council in the amount of \$149,919. At that Council meeting, a request was

made to identify possible funding sources for the three alternates. City Council had discussions of using the Beautification Capital Improvement Program to fund potential future change order(s) for Holly Street.

**Fiscal Impact:**

Transfer of \$77,218 from the Capital Improvement Fund balance will reduce the overall ending balance for FY2016 by \$77,218, to \$104,462, which may impact future year pay as you go projects.

**Recommendation:**

Michelle Jordan, Project Manager, recommends approval of the attached Resolution to appropriate \$77,218 to the Holly Street Esplanade Construction project from the Capital Improvement Fund Balance.

**ATTACHMENTS:**

- Budget Amendment - Holly Street - CO 1 (DOCX)

**RESOLUTION NO. 16-**

**A RESOLUTION AMENDING THE BUDGET FOR THE CITY OF BELLAIRE, TEXAS, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015, AND ENDING SEPTEMBER 30, 2016,**

**APPROPRIATING \$77,218 FROM THE CAPITAL IMPROVEMENT FUND BALANCE TO THE PARK IMPROVEMENTS CARRYOVER PROJECT FOR THE PURPOSE OF FUNDING HOLLY STREET ESPLANADE CONSTRUCTION AND FOR THE PURPOSE OF INCREASING THE APPROPRIATION IN THE PARK IMPROVEMENTS PROJECT FOR THE PURPOSE OF HOLLY STREET ESPLANADE CONSTRUCTION; AND**

**WHEREAS**, on September 15, 2015 the City Council of the City of Bellaire, Texas, by Ordinance No. 15-056, duly adopted and approved the budget for the City of Bellaire, Texas, for the fiscal year beginning October 1, 2015, and ending September 30, 2016; and

**WHEREAS**, pursuant to *Section 102.010, Texas Local Government Code*, the City Council of the City of Bellaire, Texas, may amend the City's budget for municipal purposes; and

**WHEREAS**, such amendment shall not result in the authorization of expenditures in excess of the total of estimated revenue plus appropriated fund balance; **NOW, THEREFORE**,

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

1. That the recitals contained herein are found to be true and correct.
2. That the budget for the City of Bellaire, Texas, for the fiscal year beginning October 1, 2015, and ending September 30, 2016, is hereby amended by:
  - appropriating \$77,218 from the capital improvement fund balance for the purpose of funding park improvements for Holly Street esplanade construction;
  - increasing the appropriation for the capital improvement parks improvements project by \$77,218 for the purpose of Holly Street esplanade construction.
3. That a true and correct copy of this Resolution shall be filed with the City Clerk of the City of Bellaire, Texas, and maintained as a part of the budget for the City of Bellaire, Texas, for the fiscal year beginning October 1, 2015, and ending September 30, 2016.
4. That the City Clerk shall cause to be filed a true and correct copy of this Resolution with the County Clerk of Harris County, Texas.

**PASSED and APPROVED** this, the 2nd day of November, 2015.

\_\_\_\_\_  
Philip L. Nauert, Mayor

City of Bellaire, Texas

ATTEST:

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

APPROVED AS TO FORM:

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

Attachment: Budget Amendment - Holly Street - CO 1 (1721 : Holly Street Budget Amendment)

**Mayor and Council**7008 S. Rice Avenue  
Bellaire, TX 77401Meeting: 11/02/15 06:00 PM  
Department: City Manager's Office  
Category: Change Order  
Department Head: Michelle Jordan  
DOC ID: 1720**SCHEDULED****ACTION ITEM (ID # 1720)****Item Title:**

Consideration of and possible action to approve a change order to the construction contract for the Holly Street Esplanade Project to include additional planting and complete irrigation within identified medians, and on the adoption of an ordinance of the City of Bellaire authorizing the City Manager of the City of Bellaire, Texas to execute said change order in the amount of \$77,218 - Submitted by Michelle Jordan, Project Manager.

**Background/Summary:**

The base bid for the Holly Street Project, as approved by City Council on October 5, 2015, included the installation of the complete main line for irrigation along the entire length of the project, along Holly Street between the I-610 service road and S. Rice. The bid also included renovation of the decomposed granite along the entire length of the project, and removal and replacement of select trees that are either invasive or at the end of their life cycle. Ground cover plant material was included in the base bid for the two medians on the western end of the project and the eastern medians up to approximately 100 feet west of the I-610 service road. This proposed change order would approve construction of the three alternates, each of which includes ground cover plants for one additional median not included in the base bid. The change order would also cover the expansion to the irrigation main line (which is included in base bid) to allow for proper irrigation coverage of the added plant material.

Base Bid (Approved on Oct. 5, 2015)	\$149,919.00
Alternate #1 (western median)	\$31,824.00
Alternate #2 (center median)	\$22,238.00
Alternate #3 (eastern median)	\$23,156.00

The original contract value is \$149,919.00, and the addition of this change order would bring the value up to \$227,137.00. Classic Irrigation and Landscape was the lowest responsible bidder for the base bid, and is also the lowest responsible bidder when the alternates are included.

As this change order would increase the value of the contract by 51%, the City must follow the follow the Local Government Code, Section 252.048 Change Orders.

The contractor has given consent for this change order.

The proposed funding source for this change order is the CIP Fund Balance. As the CIP is part of the long range planning for projects, future projects may need to be adjusted accordingly.

**Previous Council Action Summary:**

At the City Council meeting on October 5, 2015, Council approved the construction contract for the Holly Street Esplanade Project with Classic Irrigation in the amount of \$149,919.00. At that meeting, a discussion of how the City may be able to fund the three alternates

began, and this agenda item was requested.

**Fiscal Impact:**

Reduce CIP funding for future projects up to \$771,218 if all alternates are selected. Source is the CIP Fund Balance. Current CIP Cash balance available for future projects and identified in the Draft CIP iss

**Recommendation:**

This item was requested by the City Council at the October 5, 2015 Council Meeting.

**ATTACHMENTS:**

- Bid Alternate Recommendation Letter (PDF)
- CO #1 Signed (PDF)
- Ordinance for Change Order - Holly Street (DOC)

## CLARK CONDON

10401 STELLA LINK ROAD  
HOUSTON, TEXAS 77025

*phone* 713.871.1414 *fax* 713.871.0888

CLARKCONDON.COM

October 21, 2015

Michelle Jordan  
City of Bellaire PARD  
7008 S. Rice  
Bellaire, TX 77401

Re: **Holly Street - Median Landscape Improvements**  
**CCA Project No. 114-043**

Dear Michelle,

It is our recommendation that Alternates One, Two and Three be added to Classic Irrigation and Landscapes' contract via change order. The total amount for these alternates is \$77,218.00. The new contract sum including this change order is \$227,137.00. The Alternates include additional planting and irrigation that would complete the improvements from S. Rice to the I-610 feeder road.

Best Regards,



Scott Slagle, ASLA  
Principal/Landscape Architect

Attachment: Bid Alternate Recommendation Letter (1720 : Holly Street Change Order)

# **AIA® Document G701™ – 2001**

## Change Order

<b>PROJECT</b> (Name and address):	<b>CHANGE ORDER NUMBER:</b> 001	<b>OWNER:</b> <input checked="" type="checkbox"/>
Bellaire Holly Street	<b>DATE:</b> October 13, 2015	<b>ARCHITECT:</b> <input checked="" type="checkbox"/>
Bellaire, Texas		<b>CONTRACTOR:</b> <input checked="" type="checkbox"/>
<b>TO CONTRACTOR</b> (Name and address):	<b>ARCHITECT'S PROJECT NUMBER:</b> 114-043	<b>FIELD:</b> <input type="checkbox"/>
Classic Irrigation	<b>CONTRACT DATE:</b>	<b>OTHER:</b> <input type="checkbox"/>
1121 Edgewood Drive	<b>CONTRACT FOR:</b> Landscape Improvements	
Richmond, TX 77406		

### THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

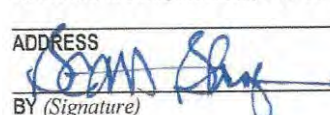
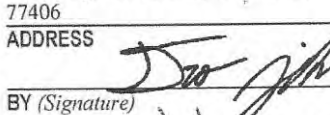
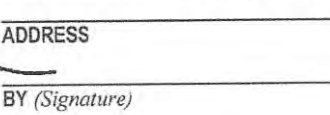
Add Alternates 1, 2 and 3

The original Contract Sum was	\$	149,919.00
The net change by previously authorized Change Orders	\$	0.00
The Contract Sum prior to this Change Order was	\$	149,919.00
The Contract Sum will be increased by this Change Order in the amount of	\$	77,218.00
The new Contract Sum including this Change Order will be	\$	227,137.00

The Contract Time will be unchanged by Zero (0) days.  
The date of Substantial Completion as of the date of this Change Order therefore is

**NOTE:** This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

### NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Clark Condon Associates	Classic Irrigation	City of Bellaire
<b>ARCHITECT</b> (Firm name)	<b>CONTRACTOR</b> (Firm name)	<b>OWNER</b> (Firm name)
10401 Stella Link, Houston, TX 77025	1121 Edgewood Drive, Richmond, TX 77406	7008 South Rice, Bellaire, TX 77401
<b>ADDRESS</b>	<b>ADDRESS</b>	<b>ADDRESS</b>
		
<b>BY</b> (Signature)	<b>BY</b> (Signature)	<b>BY</b> (Signature)
Scott Slagle	Drew Johnson	Paul Hofmann
(Typed name)	(Typed name)	(Typed name)
October 13, 2015	10/13/15	
<b>DATE</b>	<b>DATE</b>	<b>DATE</b>

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User Notes: (1632597866)

Attachment: CO #1 Signed (1720 : Holly Street Change Order)



# **ORDINANCE NO. 15-XXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, AUTHORIZING THE CITY MANAGER OF THE CITY OF BELLAIRE, TEXAS, TO EXECUTE A CHANGE ORDER WITH CLASSIC IRRIGATION AND LANDSCAPE, TO A CONTRACT FOR THE HOLLY STREET ESPLANADE PROJCT, TO INCLUDE THE COST TO INSTALL LANDSCAPING ALONG THREE ADDITIONAL MEDIANS IN THE AMOUNT OF \$77,218.**

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

**Section 1.** The City Manager of the City of Bellaire, Texas, is hereby authorized to execute, for and on behalf of the City of Bellaire, Texas, a Change Order with Classic Irrigation and Landscape, to a contract for the Holly Street Esplanade Project, to include the cost to install landscaping along three additional medians in the amount of \$77,218.

**Section 2.** That upon completion of said Change Order, the total contract price, including the change order, will be \$227,137.

**PASSED, APPROVED and ADOPTED** this, the 2<sup>nd</sup> day of November, 2015.

(SEAL)

**ATTEST:**

**SIGNED:**

\_\_\_\_\_  
Tracy L. Dutton, TRMC  
City Clerk

\_\_\_\_\_  
Dr. Philip L. Nauert  
Mayor

**APPROVED AS TO FORM:**

---

Alan P. Petrov  
City Attorney

Attachment: Ordinance for Change Order - Holly Street (1720 : Holly Street Change Order)

**Mayor and Council**

7008 S. Rice Avenue  
Bellaire, TX 77401



Meeting: 11/02/15 06:00 PM  
Department: Parks, Recreation and  
Facilities  
Category: Ordinance  
Department Head: Karl Miller  
DOC ID: 1736 A

**SCHEDULED  
ACTION ITEM (ID # 1736)**

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**Item Title:**

Consideration and possible action on a recommendation from the Department of Parks, Recreation and Facilities to award a contractual agreement to Horizon+Christensen, a Joint Venture, for pre-construction and construction services for the Municipal Facilities Project in an amount of \$10,000.00 and an amount not to exceed 2.75% of actual cost of work associated with the construction phase plus personnel and general conditions directly associated with the construction of the Municipal Facilities Project and to adopt an ordinance of the City Council of the City of Bellaire, Texas, authorizing the City Manager of the City of Bellaire, Texas to execute, for and on behalf of the City of Bellaire, Texas, the following contract, American Institute of Architects, AIA Document A133-2009, Standard Form of Agreement between Owner and Construction Manager as Constructor and AIA Document A201-2007 General Conditions of the Contract for Construction - Submitted by Karl Miller, Director of Parks, Recreation and Facilities.

**Background/Summary:**

During the May 5, 2014 City Council meeting, Karl Miller, Director of Parks, Recreation and Facilities presented to City Council various construction methodologies that meet the State of Texas Local Government Procurement Code along with the pros and cons of each option. During the presentation he recommended that the Construction Manager at Risk (CM@R) process was used for the Municipal Facilities Project which was accepted by City Council.

Mr. Jeff Gerber, President and CEO, Pierce Goodwin Alexander and Linville (PGAL) provided a time frame that outline a decision making plan on October 19, 2015 that demonstrated how City Council could continue progress on the Alternative Option A of Municipal Facilities project. His decision making chart demonstrated the feasibility of breaking ground in October 2016 if Council desired. In order to meet that target date numerous decisions would need to be made no later than February 15, 2016. Those decisions would include: an acceptance of a verified cost estimate, move forward with developing final design phase, determine if the Municipal Facilities Project will be completed in one phase or more, chose a long term financial plan, and determine the necessity of calling for a May 2016 bond referendum. Before Council can make those final decisions several steps must occur that include the hiring of a Construction Manager by utilizing the CM@R process, agreement on a cost estimate, assume the role as client between now and February 15 which will require a Council to provide direction to PGAL during a January 2016 Council meeting, allow staff to provide day-to-day guidance during the schematic design phase, and decide on a design concept based on Alternative Option A. During this time frame, Council can determine if they want to appoint a citizens committee and the role of the citizens committee once a final plan for Alternative Option A has been determined on February 15.

As previously mentioned and recommended to Council on May 5, 2014 the utilization of the CM@R process would bring the Construction Manager into the design process as part of our design team. This allows the City of Bellaire, the architectural firm PGAL and the Construction Manager to work collaboratively prior to the construction phase. During this time the Construction Manager will be responsible for pricing the project thus assisting with determining the financial needs of the project. They will provide advice and options related to materials, mechanical and structural design to ensure sound stewardship and efficiencies,

which will be built into providing an estimated cost based on the schematic designs that will be presented to City Council at the February 15, 2016 Council meeting. This process will not commit the City of Bellaire to move forward with construction services, the decision to move forward with the final design phase will be made in February with a final decision regarding construction made at a later date once a Guaranteed Maximum Price is presented to Council.

In addition to, the CM@R process will cultivate a project that should:

- Enhance the construction process
- Maximize the utilization of expertise of all parties
- Identify and assist with the alleviation of potential construction problems prior to ground breaking
- Maximize avoidance of delays and change orders
- Provide optimum flexibility in procurement options while ensuring statutory competitive bidding requirements and cost control management procedures are implemented
- Centralize the contractual responsibilities
- Provide the City a Guaranteed Maximum Price (GMP)
- Enhance the assurance that the final product meets the City's expectations while providing the flexibility necessary to make decisions.

The CM@R process provides a transparent system throughout the entire construction process which maximizes the Owner's control over the project's scope, quality, time, costs and adds predictability of the outcome of the project.

On December 5, 2014, a Request for Competitive Sealed Proposals for construction services was advertised and mailed to numerous qualified General Contractors. On Wednesday, December 17, a pre-submittal meeting was held with fourteen General Contractor's representatives in attendance. On January 13, 2015, seven (7) Competitive Sealed Proposals were received.

During the submittal process, a team comprised of Karl Miller, Diane White, Chief Bryon Holloway, and John McDonald was formed to evaluate and score the submittals.

Scoring was based on five (5) predetermined categories:

- General Company Information and History: Organization, licensing, previous projects, LEED, similar projects, stability of company, organizational experience, qualification of team, location, years of experience, and other criteria identified.
- Personnel and Experience: Qualifications of team members, experience, team relationship, LEED, complexity of team, diversity of disciplines, and other criteria identified.
- Project Knowledge and Background: Bellaire community, facility's needs, understanding of project, process recommendation, project control methodologies, technology, environmental design approach, green space, construction manager at risk experience, and similar facilities projects.
- Citizens Involvement: Approach to citizens/stakeholders involvement, responsiveness, experience, recommendations, expertise, collaborative approach, recognition of importance.
- Other Factors: References, testimonials, management philosophy, past experience, relationship to City needs, company location, and other criteria identified.

At the completion of the submittal scoring phase, five (5) companies were brought in for interviews.

A set of criteria was preset for scoring each of the interview candidates. Criteria consisted of four (4) categories:

- Demonstration of Experience: Public sector experience, building construction experience, CM@R experience, and general overall experience.
- Standardized Questions: Response, completeness of response, interaction of entire project team, and demonstration

of experience related to specific questions.

- Overall Team: Experience, connectivity, team understanding of project, and attendance of entire team.
- Presentation: preparedness, interaction and utilization of entire team to demonstrate knowledge and experience, and interaction with interview panel.

At the conclusion of the interviews it was determined that three (3) companies would be brought back in for a second interview at which time more specific questions were asked related to each of the candidates previous interview. Once the second round of interviews was completed it was unanimously determined that Horizon+Christensen would best meet the needs of the City of Bellaire and the Bellaire community.

The Request for Competitive Sealed Proposals required each submittal to include their cost for pre-construction and construction services. The pre-construction services ranged from \$10,000.00 to \$35,000.00 while construction services ranged from 2.75% to 4.35% plus personnel and general conditions. Even though Horizon+Christensen provided the lowest pre-construction and construction costs they were selected for recommendation to City Council based on their outstanding qualifications, experience and the strong professional team that will be serving the City of Bellaire.

Once pre-construction services are complete Horizon+Christensen will provide the City of Bellaire with a GMP for construction services. The GMP will provide the maximum cost of the project to the City. If the completion of the project requires additional financial support Horizon+Christensen is responsible for all cost overruns while cost savings will be returned to the City of Bellaire.

It is also recommended that City Council implement the American Institute of Architects (AIA) A133-2009, Standard Form of Agreement between Owner and Construction Manager and the AIA Document A201-2007 General Conditions of the Contract for Construction. The implementation of the proposed agreements will only commit the City of Bellaire for pre-construction services and will not commit the City to move forward with any future construction. The City Attorney, Mr. Alan Petrov, is familiar with the proposed contracts which has been used on other City of Bellaire projects. Under the direction of the City Manager, City staff will finalize negotiation with Horizon+Christensen and ensure final approval from the City Attorney prior to the City Managers signature.

#### **Previous Council Action Summary:**

On October 19, 2015, Mr. Jeff Gerber, President and CEO of Pierce Goodwin Alexander and Linville (PGAL) presented to City Council a decision matrix and timeline that would allow City Council to move forward with the Municipal Facilities Project while determining if additional bond money would be necessary and would allow construction to start October 2016.

#### **Fiscal Impact:**

General Obligation Bonds, 620-5-2000-999-228, current funds available \$41,334.40.

#### **Recommendation:**

It is the recommendation of Karl Miller Director of Parks, Recreation and Facilities that City Council authorize the City Manager to work with the City Attorney and finalize the terms of the agreement and enter into a contractual agreement with Horizon+Christensen for pre-construction and construction services related to the building of the Municipal Facilities Project and to use the recommended American Institute of Architects, AIA Document A133-209, Standard Form of Agreement between Owner and Construction Manager as Constructor and AIA Document A201-2007 General Conditions of the Contract for Construction.

#### **ATTACHMENTS:**

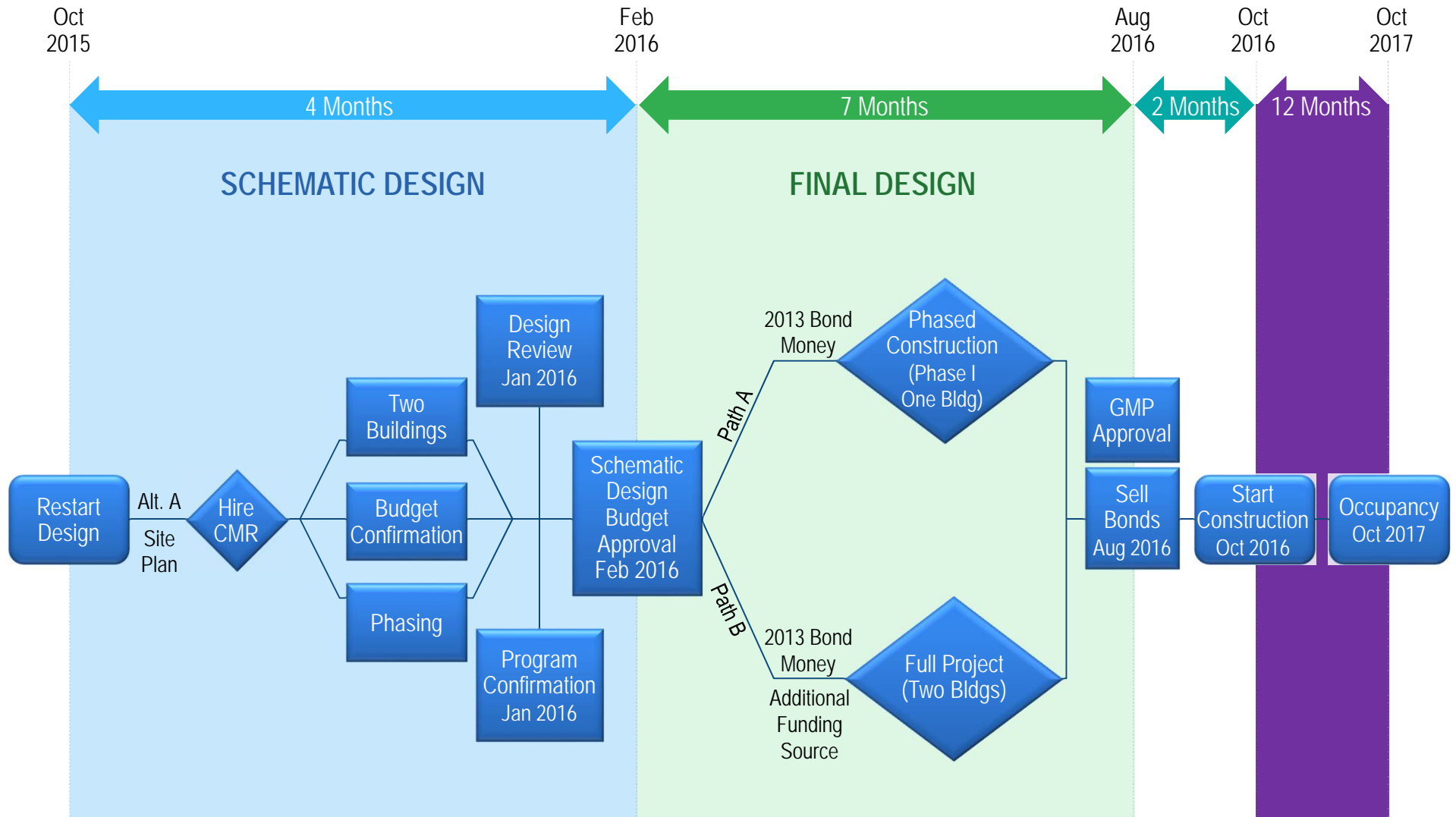
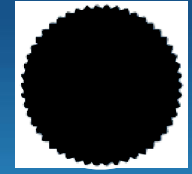
- PGAL chart CC 101915 (PPTX)

Action Item (ID # 1736)

Meeting of November 2, 2015

- RFP Review and Score sheet (PDF)
- Interview matrix General Contractor (PDF)
- GC RFP final scoring 030315 (PDF)
- Bid Tabulation Sheet - CSP 15-02 - Construction Manager Services(PDF)
- Ordinance 102815 (DOC)

# Bellaire Municipal Buildings



Municipal Facilities RFP Review and Scoring																	
Criterion and weight values are based on the RFP, total weight value equals 80. Firms selected for an interview may score an additional 20 weight value points based on the success of their interview and their final rating. Individual scoring on the decision matrix should be based on a rating scale of 1 to 5 with 1 being the lowest and 5 being the highest rating. For additional details regarding specific scoring categories see posted RFP		JE Dunn Construction		Durotech		Linbeck		EE Reed Construction		Brookstone Construction		Horizon Group International		Teal Construction			
	Weight Value	Rating	Score	Rating	Score	Rating	Score	Rating	Score	Rating	Score	Rating	Score	Rating	Score	Rating	Score
<b>General Company Information and History-</b> Organization, Licensing, Completion of previous projects, LEED, Similar projects, Organizational experience, Understanding of operational and functional aspects, Location, Other criteria identified in RFQ	2		0		0		0		0		0		0		0		0
<b>Personnel and Experience-</b> Qualifications of team members, Experience, Team relationship, Construction Manager at risk experience, Project control methodologies, Other criteria identified in RFQ.	5		0		0		0		0		0		0		0		0
<b>Financial-</b> Financial statement of organization and willingness to provide bonding and insurance information, Other criteria identified in RFQ	3		0		0		0		0		0		0		0		0
<b>Safety-</b> Safety program, OSHA violations, Other criteria identified in RFQ	2		0		0		0		0		0		0		0		0
<b>Narrative, Testimonial and References-</b> Understanding of scope of work, Management philosophy, Relationship to City needs, Construction operation, References, Other criteria identified in RFQ	1		0		0		0		0		0		0		0		0
<b>Fee Quotation, Terms and Conditions-</b> Preconstruction Phase Fees, Construction Phase Fees, Other criteria identified in RFQ	3		0		0		0		0		0		0		0		0
<b>Total</b>	<b>80</b>		<b>0</b>		<b>0</b>		<b>0</b>		<b>0</b>		<b>0</b>		<b>0</b>		<b>0</b>		<b>0</b>

NAME:													
Bellaire Municipal Facilities CM@Risk Interviews													
Criterion and weight values are based on the interview, total weight value equals 20. Interview scores will be added to the cumulative scores from the RFP submittals to determine individual total scores. Individual scoring on the decision matrix should be based on a rating scale of 1 to 5 with 1 being the lowest and 5 being the highest rating.		Horizon Christensen		Linbeck		Reed		Dunn					
Criterion	Weight Value	Rating	Score	Rating	Score	Rating	Score	Rating	Score	Rating	Score	Rating	Score
Demonstration of Experience- public sector experience, building construction experience, CM@Risk, general overall experience,	1		0		0		0		0		0		0
Standardized Questions- response, completeness of response, interaction of entire project team, demonstration of experience related to specific questions	1		0		0		0		0		0		0
Overall Team- experience, connectivity, team understanding of project, attendance of entire team	1		0		0		0		0		0		0
Presentation- preparedness, interaction and utilization of entire team to demonstrate knowledge and experience, interaction with interview panel.	1		0		0		0		0		0		0
Total	20		0		0		0		0		0		0

City of Bellaire, Municipal Facilities  
Tuesday, March 03, 2015  
General Contractors Selection Scoring

**Submittal Scores**

<b><u>Company</u></b>	<b><u>Karl</u></b>	<b><u>Diane</u></b>	<b><u>John</u></b>	<b><u>Avg. Score</u></b>	<b><u>Avg. Ranking</u></b>	<b><u>Ranking</u></b>
JE Dunn	65	55	72	64	2.1	1
Durotech	36	39	60	45	6	6.5
Linbeck	66	44	56	55.3	4.3	4
EE Reed	69	47	73	63	1.6	2
Brookstone	49	34	70	51	4.5	5
Horizon/Christensen	49	55	67	57	3.3	3
Teal	43	29	63	45	6	6.5

**Interview Scores**

<b><u>Company</u></b>	<b><u>Karl</u></b>	<b><u>Diane</u></b>	<b><u>John</u></b>	<b><u>Byron</u></b>	<b><u>Avg. Score</u></b>	<b><u>Ranking</u></b>
JE Dunn	11.5	13	10.5	11	11.5	2
Durotech	0	0	0	0	0	N/A
Linbeck	5.5	4	4	5	4.6	3
EE Reed	0	0	0	0	0	N/A
Brookstone	0	0	0	0	0	N/A
Horizon/Christensen	20	19	20	19	19.5	1
Teal	0	0	0	0	0	N/A

**Final Cumulative Scores**

<b><u>Company</u></b>	<b><u>Submittal</u></b>	<b><u>Interviews</u></b>	<b><u>Final Score</u></b>	<b><u>Final Ranking</u></b>
JE Dunn	64	11.5	75.5	2
Durotech	45	0	45	6.5
Linbeck	55.3	4.6	59.9	4
EE Reed	63	0	63	3
Brookstone	51	0	51	5
Horizon/Christensen	57	19.5	76.5	1
Teal	45	0	45	6.5



# City of Bellaire

## Summary Sheet of Competitive Sealed Proposals

CSP No. 15-02  
 CSP Title: Construction Manager Services for the Demolition  
 and Construction of Three New Buildings (Municipal Facilities)  
 Department: Parks, Recreation and Facilities  
 Deadline for Receipt: January 13, 2015 @ 10:00 a.m.

Proposer/Address	Date/Time of Proposal Receipt	Pre-Construction Phase Services Fee	Construction Phase Services Fee
<b>JE Dunn Construction</b> 10350 Richmond Avenue, Ste. 900 Houston, TX 77042	01/13/2015 9:12 a.m. Delivered by Hand	\$35,000	2.85% Total General Conditions: \$1,148,087
<b>Teal Construction Company</b> 1335 Brittmoore Rd. Houston, TX 77043	01/13/2015 9:24 a.m. Delivered by Hand	\$30,000	3.75% Change Orders: 5% Savings Split: 80% Owner; 20% Teal
<b>Linbeck</b> 3900 Essex Lane, Ste. 1200 Houston, TX 77027	01/13/2015 9:33 a.m. Delivered by Hand	\$4,500 per Month	3.25%
<b>Durotech</b> 11931 Wickchester, Ste. 205 Houston, TX 77043	01/13/2015 9:38 a.m. Delivered by Hand	\$31,500	4.35% Change Orders: 4.35%
<b>EE Reed Construction, L.P.</b> 333 Commerce Green Blvd. Sugar Land, TX 77478	01/13/2015 9:43 a.m. Delivered by Hand	\$12,000	3.15% Total General Conditions: \$1,538,000
<b>Christensen Building Group</b> <b>Horizon Group International</b> 15425 North Freeway, Suite 330 Houston, TX 77090	01/13/2015 9:45 a.m. Delivered by Hand	\$10,000	2.75%

Attachment: Bid Tabulation Sheet - CSP 15-02 - Construction Manager Services (1736 : Municipal Facilities Construction Manager Services)

# City of Bellaire

## Summary Sheet of Competitive Sealed Proposals

CSP No. 15-02  
 CSP Title: Construction Manager Services for the Demolition  
 and Construction of Three New Buildings (Municipal Facilities)  
 Department: Parks, Recreation and Facilities  
 Deadline for Receipt: January 13, 2015 @ 10:00 a.m.

Proposer/Address	Date/Time of Proposal Receipt	Pre-Construction Phase Services Fee	Construction Phase Services Fee
<b>Brookstone Construction Managers</b> 3715 Dacoma Street Houston, TX 77092	01/13/2015 9:50 a.m. Delivered by Hand	\$18,000	3.50%

Attachment: Bid Tabulation Sheet - CSP 15-02 - Construction Manager Services (1736 : Municipal Facilities Construction Manager Services)

## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, AUTHORIZING THE CITY MANAGER OF THE CITY OF BELLAIRE, TEXAS, TO EXECUTE, RESPECTIVELY, FOR AND ON BEHALF OF THE CITY OF BELLAIRE, TEXAS, AN *AIA DOCUMENT A133-2009, STANDARD FORM OF AGREEMENT BETWEEN OWNER AND CONSTRUCTION MANAGER, AND GENERAL CONDITIONS DOCUMENT A201-2007* WITH HORIZON+CHRISTENSEN, A JOINT VENTURE, FOR PRECONSTRUCTION AND CONSTRUCTION SERVICES FOR THE BELLAIRE MUNICIPAL FACILITIES PROJECT, IN THE AMOUNT OF \$10,000.00 FOR PRECONSTRUCTION SERVICES AND IN AN AMOUNT NOT TO EXCEED 2.75% OF ACTUAL COST OF WORK ASSOCIATED WITH THE CONSTRUCTION PHASE PLUS PERSONNEL AND GENERAL CONDITIONS OF THE BELLAIRE MUNICIPAL FACILITIES PROJECT.**

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

**1. THAT** the City Manager of the City of Bellaire, Texas, is hereby authorized to execute, respectively, for and on behalf of the City of Bellaire, Texas, an *AIA Document A133-2009, Standard Form of Agreement Between Owner and Construction Manager, and General Conditions A201-2007 Document and Document 201-2007, General Conditions of the Contract for Construction*, with Horizon+Christensen, A Joint Venture, in a form as for the preconstruction and construction services for the Bellaire Municipal Facilities Project, in the amount of \$10,000.00 for preconstruction services and in an amount not to exceed 2.75% of actual cost of work associated with the construction phase plus personnel and general conditions of the Bellaire Municipal Facilities Project.

**PASSED** and **APPROVED** this 2<sup>nd</sup> day of November, 2015.

\_\_\_\_\_  
Paul A. Hofmann, City Manager  
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

Attachment: Ordinance 102815 (1736 : Municipal Facilities Construction Manager Services)

**Mayor and Council**

7008 S. Rice Avenue  
Bellaire, TX 77401



Meeting: 11/02/15 06:00 PM  
Department: City Clerk  
Category: Appointment  
Department Head: Tracy L. Dutton  
DOC ID: 1738

**SCHEDULED  
RESOLUTION (ID # 1738)**

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**Item Title:**

Consideration of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, casting its ballot for the election of a person to the Board of Directors of the Harris County Appraisal District - Submitted by Tracy L. Dutton, City Clerk.

**Background/Summary:**

On September 15, 2015, the City Council of the City of Bellaire, Texas, nominated, by resolution, Councilman James P. Avioli, Sr., as the City's candidate for a position on the Board of Directors of the Harris County Appraisal District for a term of office commencing on January 1, 2016, and extending through December 31, 2017.

A copy of that resolution was submitted to Sands Stiefer, Chief Appraiser of the Harris County Appraisal District. The nomination period closed October 15, 2015. The names of the nominees representing cities other than the City of Houston are James P. Avioli and Ed Heathcott.

The City received a letter from Chief Appraiser Sands Stiefer during the previous week setting forth the procedures for casting the City's ballot. The letter states that "Each governing body must cast its vote for one of the nominees, formally adopt a resolution naming the person for whom it votes, and submit a certified copy to the chief appraiser." The City's resolution and Certification of Ballot must be delivered to Chief Appraiser Stiefer before 5:00 p.m. on Tuesday, December 15, 2015. Prior to December 20, 2015, Chief Appraiser Stiefer will count the votes, declare the results, and notify the winners, the nominees, and the presiding officers of each taxing unit.

A resolution and "Certification of Ballot," along with the correspondence received from Chief Appraiser Stiefer, are attached hereto for City Council consideration.

**Previous Council Action Summary:**

This action was considered by City Council two years ago (2013). At that time, the City had not nominated a candidate.

**Fiscal Impact:**

N/A

**Recommendation:**

Action as City Council deems appropriate.

**ATTACHMENTS:**

- Casting of Ballot for Election of Candidate to the Board of Directors of HCAD - 2015 (DOC)
- Certification of Ballot For Board of Directors - HCAD (DOCX)
- Correspondence from the HCAD Chief Appraiser in re Board of Directors (PDF)



## RESOLUTION NO. 15-\_\_\_\_

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, CASTING ITS BALLOT FOR THE ELECTION OF A PERSON TO THE BOARD OF DIRECTORS OF THE HARRIS COUNTY APPRAISAL DISTRICT.**

**WHEREAS**, the Chief Appraiser of the Harris County Appraisal District has delivered to the Mayor of the City of Bellaire, Texas, the names of those persons duly nominated as candidates to serve in that position on the Board of Directors of the Harris County Appraisal District, representing and to be filled by the cities other than the City of Houston, participating in said appraisal district; and

**WHEREAS**, the City of Bellaire, Texas, deems it appropriate and in the public interest to cast its vote for the candidate of its choice to fill such position;

**NOW, THEREFORE,**

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

**Section 1.** That the facts and recitations set forth in the preamble of this resolution be, and they are hereby, adopted, ratified, and confirmed.

**Section 2.** That the City of Bellaire, Texas, does hereby cast its vote \_\_\_\_\_, to fill the position on the Board of Directors of the Harris County Appraisal District, representing and to be filled by the cities other than the City of Houston, participating in the appraisal district.

**Section 3.** That the Mayor be, and he is hereby, authorized and directed to deliver or cause to be delivered an executed or certified copy of this resolution to the Chief Appraiser of the Harris County Appraisal District no later than December 15, 2015.

**PASSED** and **APPROVED** this 2<sup>nd</sup> day of November, 2015.

(SEAL)

**ATTEST:**

\_\_\_\_\_  
Tracy L. Dutton, TRMC  
City Clerk

**SIGNED:**

\_\_\_\_\_  
Dr. Philip L. Nauert  
Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Alan P. Petrov  
City Attorney

CERTIFICATION OF BALLOT  
FOR BOARD OF DIRECTORS  
HARRIS COUNTY APPRAISAL DISTRICT

I, Dr. Philip L. Nauert, Mayor of the City of Bellaire, Texas, certify that on the 2<sup>nd</sup> day of November, 2015, the City Council of the City of Bellaire, Texas, did by resolution cast its ballot for the following nominee to serve as a member of the Board of Directors of the Harris County Appraisal District.

(Place an "X" in the square next to the candidate of your choice.)

James P. Avioli                      [   ]

Ed Heathcott                      [   ]

I further certify that a true and correct copy of the resolution casting such ballot is attached hereto.

WITNESS MY HAND this 2<sup>nd</sup> day of November, 2015.

\_\_\_\_\_  
Dr. Philip L. Nauert, Mayor

ATTEST:

\_\_\_\_\_  
Tracy L. Dutton, City Clerk

Attachment: Certification of Ballot For Board of Directors - HCAD (1738 : Casting Ballot for HCAD)



**Harris County Appraisal District**  
Interoffice Memorandum

**OFFICE OF THE CHIEF APPRAISER**

TO: Presiding Officers of Taxing Units  
Served by the Harris County Appraisal District

FROM: Sands Stiefer, Chief Appraiser

SUBJECT: Election of Board of Directors of the  
Harris County Appraisal District

DATE: October 19, 2015

The nomination period for board candidates representing the small cities, school districts, junior college districts and conservation & reclamation districts closed October 15, 2015. The names of all candidates officially nominated to me on or before that date are reflected on the enclosed "Certification of Ballot" forms.

Candidates for contested positions are listed alphabetically on the ballots in the manner required by the Texas Tax Code.

David L. Janda, Jr. and Katherine (Toni) Trumbull are nominees for the board position representing school districts other than Houston ISD and the junior college districts.

James P. Avioli and Ed Heathcott are nominees for the board position representing cities other than the City of Houston.

Glenn Peters and John E. Sherman are nominees for the position representing the conservation and reclamation districts.

To assist you in the election procedure, I have enclosed a Certification of Ballot and a suggested form of resolution for casting your vote for the candidate representing your type of taxing unit. ***Ballot forms for all four types of units are enclosed to make you aware of all nominees, even though only taxing units of a particular type may vote in the election applicable to that type of unit.*** The governing body of each taxing unit is entitled to one vote for the candidate of its choice from the names appearing on the appropriate Certification of Ballot. Please note, the

Attachment: Correspondence from the HCAD Chief Appraiser in re Board of Directors (1738 : Casting Ballot for HCAD)

Presiding Officers of Taxing Units

October 19, 2015

Page 2

junior college districts vote collectively. Each board of trustees for the respective junior college districts may file a vote by resolution with the chief appraiser, however, the collective vote of the junior college districts will thereafter be cast for the candidate who receives the most votes from among the junior college districts.

Each governing body must cast its vote for one of the nominees, formally adopt a resolution naming the person for whom it votes, and submit a certified copy to the chief appraiser. ***The vote must be by resolution.*** The resolution, or a certified copy thereof, together with the completed Certification of Ballot, must be delivered to Sands Stiefer, Chief Appraiser, 13013 Northwest Freeway, Houston, Texas 77040, or mailed to P. O. Box 920975, Houston, Texas 77292-0975 ***to arrive before 5:00 p.m. Tuesday, December 15, 2015.*** The outside of the envelope should be marked "Ballot for Board of Directors." Ballots that arrive after that day and time will not be counted.

Prior to December 20, 2015, the chief appraiser will count the votes, declare the results, and notify the winners, the nominees, and the presiding officers of each taxing unit. A tie vote will be resolved by a method of chance chosen by the chief appraiser.

These procedures do not apply to Harris County, the City of Houston, or the Houston Independent School District. Those units will select their board member by adopting a resolution appointing such member by December 15, 2015, and delivering an original or certified copy to the Office of the Chief Appraiser.

If you have questions about the board selection process, please call me at 713/957-5299.

#### Attachments

c:     HCAD Board Members  
       Tax Assessors  
       Attorneys

Attachment: Correspondence from the HCAD Chief Appraiser in re Board of Directors (1738 : Casting Ballot for HCAD)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF \_\_\_\_\_  
CASTING ITS BALLOT FOR THE ELECTION OF A PERSON  
TO THE BOARD OF DIRECTORS OF THE  
HARRIS COUNTY APPRAISAL DISTRICT

WHEREAS, the chief appraiser of the Harris County Appraisal District has delivered to the mayor of this city, the names of those persons duly nominated as candidates to serve in that position on the board of directors of the Harris County Appraisal District, representing and to be filled by the cities other than the City of Houston, participating in said appraisal district; and

WHEREAS, this city deems it appropriate and in the public interest to cast its vote for the candidate of its choice to fill such position; now, therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF \_\_\_\_\_:

Section 1. That the facts and recitations set forth in the preamble of this resolution be, and they are hereby, adopted, ratified, and confirmed.

Section 2. That the City of \_\_\_\_\_ does hereby cast its vote for \_\_\_\_\_, to fill the position on the board of directors of the Harris County Appraisal District, representing and to be filled by the cities, other than the City of Houston, participating in the appraisal district.

Section 3. That the mayor be, and he or she is hereby, authorized and directed to deliver or cause to be delivered an executed or certified copy of this resolution to the chief appraiser of the Harris County Appraisal District no later than December 15, 2015.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

Attachment: Correspondence from the HCAD Chief Appraiser in re Board of Directors (1738 : Casting Ballot for HCAD)

*(For Use by Cities Other Than the City of Houston)*

CERTIFICATION OF BALLOT  
FOR BOARD OF DIRECTORS  
HARRIS COUNTY APPRAISAL DISTRICT

I, \_\_\_\_\_, certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, the City Council of the City of \_\_\_\_\_

did by resolution cast its ballot for the following nominee to serve as a member of the Board of Directors of the Harris County Appraisal District.

(Place an "X" in the square next to the candidate of your choice.)

James P. Avioli                      [   ]

Ed Heathcott                        [   ]

I further certify that a true and correct copy of the resolution casting such ballot is attached hereto.

WITNESS MY HAND this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

Attachment: Correspondence from the HCAD Chief Appraiser in re Board of Directors (1738 : Casting Ballot for HCAD)

**Mayor and Council**

7008 S. Rice Avenue  
Bellaire, TX 77401



Meeting: 11/02/15 06:00 PM  
Department: City Clerk  
Category: Policy  
Department Head: Tracy L. Dutton  
DOC ID: 1742

**SCHEDULED  
ACTION ITEM (ID # 1742)**

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**Item Title:**

Consideration of and possible action on a request from Citizens For A Beautiful Bellaire for City Council to endorse the attached survey and to allow the Citizens For A Beautiful Bellaire to promote the attached survey through the City's website and social media sources. - Submitted by Pat B. McLaughlan, Councilman, at the request of Citizens For A Beautiful Bellaire.

**Background/Summary:**

The Citizens For A Beautiful Bellaire ("Citizens") have asked Councilman Pat B. McLaughlan to place an item on the agenda for City Council consideration and possible action on a request to modify the City's website.

The Citizens For A Beautiful Bellaire have created a survey through survey monkey which can be accessed at <http://bellairebeautiful.com>. The survey is attached. The Citizens For A Beautiful Bellaire request that the City Council endorse the attached survey and promote said survey through the City's website and social media sources for a period of 60 days.

In addition, the Citizens For A Beautiful Bellaire also would like to request an online form to solicit input on Beautification suggestions.

**Previous Council Action Summary:**

N/A

**Fiscal Impact:**

N/A

**Recommendation:**

Councilman Pat B. McLaughlan recommends favorable consideration of the request for website additions/modifications made by the Citizens For A Beautiful Bellaire.

**ATTACHMENTS:**

- Bellaire\_Beautification\_Survey (PDF)



Citizens for A Beautiful Bellaire is a grassroots group trying to put the sparkle back in our community. We want help figuring out how to make it both beautiful *and* unique to our values. The more you write, the more we learn. Please share this survey with friends and family to help us reach as many people as possible. An online version can be found at [www.beautifulbellaire.com](http://www.beautifulbellaire.com).

Check all that apply to you:

- ☐ live in Bellaire (How many years? \_\_\_\_\_)
- ☐ work in Bellaire
- ☐ do some of my shopping in Bellaire (About how much? \_\_\_\_\_)
- ☐ member of a religious, service, or civic organization in Bellaire
- ☐ my kids or I attend school in Bellaire
- ☐ use Bellaire parks/attend City events

What symbol, theme, or idea should represent Bellaire? \_\_\_\_\_

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Why do you choose to live or work in Bellaire? \_\_\_\_\_

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What Bellaire street do you find *most* attractive? \_\_\_\_\_ Why? \_\_\_\_\_

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What Bellaire street do you find *least* attractive? \_\_\_\_\_ Why? \_\_\_\_\_

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What non-Bellaire street do you find most attractive? \_\_\_\_\_ Why? \_\_\_\_\_

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What are some of *strengths* of Bellaire's appearance? \_\_\_\_\_

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What are some of *weaknesses* of Bellaire's appearance? \_\_\_\_\_

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What are some *opportunities* to improve Bellaire's appearance? \_\_\_\_\_

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What are some *challenges* facing that improvement? \_\_\_\_\_

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What is good *and* bad about the appearance of Bellaire parks and city buildings?

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Have other comments, need more space to write? Just attach another page.

## To submit your survey:



drop it off at City Hall or Bellaire Library



fill it out online [www.beautifulbellaire.com](http://www.beautifulbellaire.com)

All your answers will be kept anonymous. Others in the household can submit their own survey on a copy or online. We really want to hear from every community member.