CITY OF BELLAIRE TEXAS

MAYOR AND COUNCIL

SEPTEMBER 24, 2018

Council Chamber	Regular Session	7:00 PM

FIRST FLOOR OF CITY HALL
7008 S. RICE AVENUE
BELLAIRE, TX 77401

Mayor

Andrew S. Friedberg

Mayor Pro Tem	Council Member	Council Member
Gus E. Pappas	Trisha S. Pollard	Michael Fife
Council Member	**Council Member**	**Council Member**
Neil Verma	Pat B. McLaughlan	David R. Montague

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

REGULAR SESSION - 7:00 P.M.

A. Call to Order - Andrew S. Friedberg, Mayor.

B. Announcement of a Quorum - Andrew S. Friedberg, Mayor.

C. Inspirational Reading and/or Invocation - David R. Montague, Council Member.

D. Pledges to The Flags - David R. Montague, Council Member.

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.

E. Personal/Audience Comments.

To address the City Council, please complete a sign-up sheet (located at the entrance to the Council Chamber), and submit it to City Clerk Tracy L. Dutton prior to the time for personal/audience comments. Each speaker shall have a time limit of up to five (5) minutes, with no extension, and with notice after four (4) minutes that one (1) minute is left. In the event of pressing business before the City Council or matters requiring its immediate attention or action, the City Council may, prior to the opening of audience comments, set a different maximum time limit for each speaker by a vote of four (4) members of the City Council.

The purpose of this item is to allow the residents of Bellaire and other interested persons an opportunity to address the 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: The *Texas Open Meetings Act, Texas Government Code, Chapter 551*, prohibits the City Council from fully discussing, debating, or considering subjects for which public notice has not been given on the agenda. Issues that cannot be referred to the City Staff for action may be placed on the agenda of a future City Council Session.]

F. Reports and Presentations:

City Manager's Report regarding communication, field and personnel updates, calendar reminders, and notes of appreciation - Submitted by Paul A. Hofmann, City Manager.

G. New Business:

1. Consent Agenda:

Items set out in the consent agenda are considered routine and are recommended for approval by the passage of a single motion, without discussion or debate, that the consent agenda be

adopted. Upon request of any member of City Council, items shall be removed from the consent agenda and considered separately.

a. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing Christopher T. Gore as Deputy Assistant City Attorney for the City of Bellaire, Texas, for a two-year term commencing on the 1st day of October, 2018, and ending on the 30th day of September, 2020, for the purpose of serving as Deputy Prosecutor in the Municipal Court of the City of Bellaire, Texas - Submitted by Tracy L. Dutton, City Clerk.

b. Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas granting a code suspension for PATRONS for Bellaire Parks relating to a request to waive alcohol and curfew restrictions in Bellaire Town Square for up to ten events hosted by PATRONS for Bellaire Parks beginning October 1, 2018, and ending September 30, 2019, said approval of which shall be granted by the City Manager - Submitted by Cheryl Bright, on behalf of the PATRONS for Bellaire Parks.

2. Adoption of Ordinances and Resolutions:

a. Consideration of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, accepting a donation from PATRONS for Bellaire Parks of $30,000.00 for the purchase of additional playground equipment for Ware Family Park - Submitted by Karl Miller, Director of Parks, Recreation and Facilities.

b. 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 of the City of Bellaire, Texas, to execute, for and on behalf of the City of Bellaire, Texas a License, Use, and Development Agreement by and among the City of Bellaire, Texas, Sagstex Investments, LP, and Wolfie's Swim School, LLC, for the use of city property within the right-of-way generally located between 5200 and 5230 Cedar Street for commercial parking - Submitted by ChaVonne Sampson, Director of Development Services.

3. Items for Individual Consideration:

a. Consideration of and possible action to direct the City Manager concerning the scope of the Group C Phase 2 Street, Drainage and Sidewalk project, specifically with regard to a request from residents of Bolivar Street to not construct sidewalks along their block as planned - Submitted by Michael Leech, Director of Public Works.

b. Consideration of and possible action to direct the City Manager concerning the scope of the Group D Phase 2 sidewalk project, including with regard to requests from residents of the 4800 block of Cedar Street, 5100 block of Huisache Street, 5200 block of Laurel Street, 4800-4900 blocks of Spruce Street, and 5200 block of Willow Street, to not construct sidewalks along their blocks as planned - Submitted by Michael Leech, Director of Public Works.

H. Community Interest Items from the Mayor and Council.

It is the intent of this item to provide members of the City Council the opportunity to make a report about items of community interest, which may include expressions of thanks, congratulations, or condolence; 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 announcements involving an imminent threat to the public health and safety of people in Bellaire that has arisen after the posting of the agenda.

No action may be taken on a reported item of community interest, and no possible action discussed except a proposal to place the subject on the agenda for a subsequent meeting.

See Texas Government Code, Chapter 551, Open Meetings Act, Section 551.0415.

I. Adjourn.

Mayor and Council
Council Chamber, First Floor of City Hall
Bellaire, TX 77401-4411

SCHEDULED
ACTION ITEM (ID # 2664)

Meeting: 09/24/18 07:00 PM
Department: City Manager's Office
Category: Presentation
Department Head: Paul A. Hofmann
DOC ID: 2664

Item Title:

City Manager's Report regarding communication, field and personnel updates, calendar reminders, and notes of appreciation - Submitted by Paul A. Hofmann, City Manager.

Background/Summary:

City Manager's Report regarding communication, field and personnel updates, calendar reminders, and notes of appreciation.

Previous Council Action Summary:

N/A

Fiscal Impact:

N/A

Recommendation:

N/A

Mayor and Council
Council Chamber, First Floor of City Hall
Bellaire, TX 77401-4411

SCHEDULED
ORDINANCE (ID # 2696)

Meeting: 09/24/18 07:00 PM
Department: City Clerk
Category: Appointment
Department Head: Tracy L. Dutton
DOC ID: 2696

Item Title:

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, appointing Christopher T. Gore as Deputy Assistant City Attorney for the City of Bellaire, Texas, for a two-year term commencing on the 1st day of October, 2018, and ending on the 30th day of September, 2020, for the purpose of serving as Deputy Prosecutor in the Municipal Court of the City of Bellaire, Texas - Submitted by Tracy L. Dutton, City Clerk.

Background/Summary:

Chapter 2, Administration, Article IV, Legal Department, Section 2-63, Appointment of assistant city attorneys, of the Code of Ordinances of the City of Bellaire, Texas, authorizes the City Council to appoint, for a term as specified in the instrument of appointment, such assistant city attorneys as shall from time to time be deemed necessary and advisable, for the purpose of acting as prosecutors in the municipal court of the City of Bellaire.

As you know, Robert C. Richter, Jr., serves as the City's Assistant City Attorney/Prosecutor in our Municipal Court. In addition, the City Council previously appointed two Deputy Assistant City Attorneys to serve as Deputy Prosecutors in our Municipal Court if Prosecutor Richter is absent as follows: E. Stanley Topek (term: March 7, 2017, to March 6, 2019) and Christopher T. Gore (term: October 1, 2016, to September 30, 2018).

Deputy Prosecutor Gore's term will end on September 30, 2018. I spoke with Prosecutor Richter about Deputy Prosecutor Gore, and he provided the following recommendation by email:

"I am recommending that Chris Gore be re-appointed as Deputy City Attorney to prosecute in the Municipal Court of the City of Bellaire, Texas, for another term of two years.

Chris is an excellent prosecutor and is always happy to agree to step in to prosecute when I am not able to be in court.

I know Chris to be able, trustworthy and fully dedicated in all respects and clearly understands the role of prosecutor in the municipal court (i.e. to see that justice is done)."

An ordinance has been prepared for City Council consideration to appoint Christopher T. Gore as a Deputy Prosecutor in the Bellaire Municipal Court for an additional two-year term commencing on October 1, 2018 and ending on September 30, 2020.

Previous Council Action Summary:

Christopher T. Gore was appointed as Deputy Assistant City Attorney/Deputy Prosecutor by the City Council on September 19, 2016, by Ordinance No. 16-050.

Fiscal Impact:

Compensation for the Deputy Assistant City Attorney/Deputy Prosecutor is $200.00 per docket during the term of appointment (Ordinance No. 13-022). Funds have been included in the fiscal year 2019 budget for this compensation.

Recommendation:

Action as City Council deems appropriate.

ATTACHMENTS:

- Appointment of Deputy Assistant City Attorney (Gore) - 2018(DOC)

City of Bellaire

ORDINANCE NO. 18-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, APPOINTING CHRISTOPHER T. GORE AS DEPUTY ASSISTANT CITY ATTORNEY FOR THE CITY OF BELLAIRE, TEXAS, FOR A TWO-YEAR TERM COMMENCING ON THE 1ST DAY OF OCTOBER, 2018, AND ENDING ON THE 30TH DAY OF SEPTEMBER, 2019, FOR THE PURPOSE OF SERVING AS DEPUTY PROSECUTOR IN THE MUNICIPAL COURT OF THE CITY OF BELLAIRE, TEXAS.

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

1. **THAT Christopher T. Gore** is hereby appointed as Deputy Assistant City Attorney for the City of Bellaire, Texas, for a two-year term commencing on the 1st day of October, 2018, and ending on the 30th day of September, 2019, for the purpose of serving as Deputy Prosecutor in the Municipal Court of the City of Bellaire, Texas, to serve in such capacity pursuant to the terms and provisions of Ordinance No. 80-042, heretofore previously enacted by the City Council of the City of Bellaire, Texas, on the 29th day of April, 1980, as amended by Ordinance No. 82-077, duly enacted by the City Council of the City of Bellaire, Texas, on the 4th day of October, 1982.

2. **THAT** the compensation for the Deputy Assistant City Attorney herein appointed shall be $200.00 per docket during the term of this appointment in accordance with Ordinance No. 13-022, duly passed, approved, and adopted by the City Council of the City of Bellaire, Texas, on the 1st day of April 2013.

PASSED and **APPROVED** this 24th day of September 2018.

_____
Andrew S. Friedberg
Mayor

ATTEST:

_____
Tracy L. Dutton, TRMC
City Clerk

Attachment: Appointment of Deputy Assistant City Attorney (Gore) - 2018 (2696 : Appointment of Deputy Prosecutor)

APPROVED AS TO FORM:

_____
Alan P. Petrov
City Attorney

Attachment: Appointment of Deputy Assistant City Attorney (Gore) - 2018 (2696 : Appointment of Deputy Prosecutor)

Mayor and Council
Council Chamber, First Floor of City Hall
Bellaire, TX 77401-4411

SCHEDULED
INFORMATION ITEM (ID # 2643)

Meeting: 09/24/18 07:00 PM
Department: City Manager's Office
Category: Ordinance
Department Head: Cheryl Bright
DOC ID: 2643

Item Title:

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas granting a code suspension for PATRONS for Bellaire Parks relating to a request to waive alcohol and curfew restrictions in Bellaire Town Square for up to ten events hosted by PATRONS for Bellaire Parks beginning October 1, 2018, and ending September 30, 2019, said approval of which shall be granted by the City Manager - Submitted by Cheryl Bright, on behalf of the PATRONS for Bellaire Parks.

Background/Summary:

Currently the use and consumption of alcohol within Bellaire Town Square is prohibited pursuant to Section 3-3 of the Bellaire Code of Ordinances.

Currently the curfew imposed by the City of Bellaire, Texas, for Bellaire Town Square begins at 11:00 p.m. in Bellaire Town Square pursuant to Section 27-95 of the Bellaire Code of Ordinances;

In August 2018, the City of Bellaire received a letter from Patrons for Bellaire Parks requesting that the City Council waive or suspend the provisions of the Bellaire Code of Ordinances relating to the use and consumption of alcoholic beverages (beer and wine) in Bellaire Town Square and extending the curfew start time from 11:00 p.m. to 12:00 a.m. for up to ten events to be hosted by Patrons for Bellaire Parks between October 1, 2018, and September 30, 2019. Approval of which shall be granted by the City Manager on a case-by-case basis.

Each request would be subject to the same permitting requirements as outlined in the permit process to allow alcohol in the Bellaire Civic Center and the CenterPoint Energy Community Center.

Previous Council Action Summary:

Council has previously waived alcohol and curfew restrictions for The PATRONS for Bellaire Parks to host up to six events annually in Bellaire Town Square subject to the approval of the City Manager and the City of Bellaire's permitting requirements for use of alcohol in Community Centers.

Fiscal Impact:

NA

City Attorney Review:

Yes

Recommendation:

Cheryl Bright, Community Relations Administrator, recommends consideration and approval of this request.

ATTACHMENTS:

- Patrons for Bellaire Parks Alcohol and Curfew Request 2018 (DOCX)
- Ordinance Patrons Alcohol and Curfew 2018-2019 (DOC)

August 2, 2018

Mayor Andrew Friedberg
And Bellaire City Council
City of Bellaire
7008 S. Rice Ave.
Bellaire, Texas 77401

Re: Patrons for Bellaire Parks

Dear Mayor Friedberg and Bellaire City Council:

As you are aware, Patrons for Bellaire Parks hosts several fundraising events alongside The City of Bellaire during the calendar year. 2018/2019 upcoming events including:

- Party at The Pavilion (2018 - 10/5, 11/2; 2019- 3/1, 4/5, 5/3, 6/7, 7/5, 8/2, 9/6)
- Wine & Tapas (3/23/2019)

The funds raised through sponsorships and food/drink donations will benefit Bellaire's Parks.

In anticipation of those events that Patrons might want to host in Bellaire Town Square, we would like to respectfully request a waiver of the City's 'no alcohol in the parks ordinance' for the above two (2) events/programs (similar to what the City Council granted The Nature Discovery Center through 9/30/2019) and we further request an extension of the park curfew until 12:00 am for those two events/programs. These events would all serve to strengthen community bonds as well as provide resources for upcoming projects and initiatives that will benefit our community.

We sincerely thank you for your support and assistance.

Sincerely,

Winfred (Win) Frazier
President, Patrons for Bellaire Parks

Attachment: Ordinance Patrons Alcohol and Curfew 2018-2019 (2643 : Patrons for Bellaire Parks- Alcohol and Curfew waiver request)

City of Bellaire

ORDINANCE NO. 18-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, GRANTING A CODE SUSPENSION FOR PATRONS FOR BELLAIRE PARKS RELATING TO A REQUEST TO WAIVE ALCOHOL AND CURFEW RESTRICTIONS IN BELLAIRE TOWN SQUARE FOR UP TO TEN EVENTS BETWEEN OCTOBER 1, 2018, AND SEPTEMBER 30, 2019.

WHEREAS, the use and consumption of alcohol within Bellaire Town Square is prohibited pursuant to Section 3-3 of the Bellaire Code of Ordinances; and

WHEREAS, the curfew imposed by the City of Bellaire, Texas, for Bellaire Town Square begins at 11:00 p.m. pursuant to Section 27-95 of the Bellaire Code of Ordinances; and

WHEREAS, by letter dated August 2, 2018, Patrons for Bellaire Parks has requested that the City Council waive or suspend the provisions of the Bellaire Code of Ordinances relating to the use and consumption of alcoholic beverages in Bellaire Town Square and extend the curfew start time from 11:00 p.m. to 12:00 a.m. for up to ten events to be hosted by Patrons for Bellaire Parks between October 1, 2018, and September 30, 2019; and

WHEREAS, Patrons for Bellaire Parks is a not-for-profit citizen's organization that works to enhance and augment the parks and green spaces within the City of Bellaire, Texas; and

WHEREAS, the City Council of the City of Bellaire, Texas, finds that granting the request of Patrons for Bellaire Parks will assist the mission of Patrons for Bellaire Parks and in turn directly benefit the City of Bellaire, Texas; **NOW, THEREFORE,**

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

1. The recitals set forth above are found to be true and correct.

2. The City Council of the City of Bellaire, Texas, hereby suspends the application of Section 3-3 of the Bellaire Code of Ordinances and extends the curfew start time from 11:00 p.m. to 12:00 a.m. for up to ten events hosted by Patrons for Bellaire Parks between October 1, 2018, and September 30, 2019.

3. The suspension and curfew extension provided for in paragraph 2 above is subject to and contingent upon the City Manager's approval of the date of the event and, as it relates to alcohol, compliance with the requirements of Section 3-5 of the Bellaire Code of Ordinances relating to the permit procedures for the use and consumption of alcoholic beverages in City-Owned public places.

4. This Ordinance shall be effective immediately upon its passage and adoption.

PASSED, APPROVED and **ADOPTED** this, the 24th day of September, 2018.

(SEAL)

ATTEST: **SIGNED:**

_____ _____

Tracy L. Dutton, TRMC
City Clerk

Andrew S. Friedberg
Mayor

APPROVED AS TO FORM

_____

Alan P. Petrov
City Attorney

Attachment: Ordinance Patrons Alcohol and Curfew 2018-2019 (2643 : Patrons for Bellaire Parks- Alcohol and Curfew waiver request)

Mayor and Council
Council Chamber, First Floor of City Hall
Bellaire, TX 77401-4411

SCHEDULED
INFORMATION ITEM (ID # 2642)

Meeting: 09/24/18 07:00 PM
Department: Parks, Recreation and Facilities
Category: Donation
Department Head: Karl Miller
DOC ID: 2642 A

Item Title:

Consideration of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, accepting a donation from PATRONS for Bellaire Parks of $30,000.00 for the purchase of additional playground equipment for Ware Family Park - Submitted by Karl Miller, Director of Parks, Recreation and Facilities.

Background/Summary:

Win Frazier, President of Patrons for Bellaire Parks, and representatives from Patrons For Bellaire Parks will provide City Council with an update on future plans of the organization and present a check to the City of Bellaire for the purchase of additional playground equipment for Ware Family Park.

Patrons for Bellaire Parks have been fundraising for neighborhood parks through special events such as Wine & Tapas, Tents-N-Town and the Dive in Movie for the past year. The organization would like to present a donation of $30,000.00 to the City of Bellaire to secure additional playground equipment at Ware Family Park.

The two additional play pieces will enhance the play experience that residents will experience once all the new equipment is installed. Patrons for Bellaire Parks donation and recommended additional play pieces have the support of the City of Bellaire's Parks and Recreation Advisory Board as well as the Parks, Recreation and Facilities Department.

Previous Council Action Summary:

During the July 16, 2018 City Council meeting City Council authorized the purchase of playground equipment for Ware Family Park.

Fiscal Impact:

Acceptance of a donation of $30,000.00 for the purpose of purchasing and installing two additional pieces of play equipment for Ware Family Park.

City Attorney Review:

The City Attorney has reviewed and approved the proposed resolution

Recommendation:

It is the recommendation of Karl Miller, Director of Parks, Recreation and Facilities that the City Council of the City of Bellaire accept the donation of $30,000.00 to be used for additional playground equipment at Ware Family Park.

ATTACHMENTS:

- Resolution - Bellaire Parks $30000 for Ware Park (00199028xD8318) (DOC)

Attachment: Resolution - Bellaire Parks $30000 for Ware Park (00199028xD8318) (2642 : Presentation and Donation from Patrons for Bellaire

RESOLUTION NO. 18-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, ACCEPTING A FINANCIAL CONTRIBUTION IN AN AMOUNT OF $30,000.00 FROM PATRONS FOR BELLAIRE PARKS, TO BE UTILIZED SPECIFICALLY FOR THE PURCHASE AND INSTALLATION OF ADDITIONAL PLAYGROUND EQUIPMENT AT WARE FAMILY PARK.

WHEREAS, Patrons For Bellaire Parks is providing this financial contribution specifically for the purpose of funding the purchase and installation of playground equipment at Ware Family Park, located at 800 Jaquet, Bellaire, Texas 77401; and

WHEREAS, the City Council of the City of Bellaire, Texas, deems that the acceptance of this 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 financial contribution of $30,000.00 from the Patrons For Bellaire Parks, to be utilized specifically for the purchase and installation of playground equipment at Ware Family Park.

2. **THAT** the City Council of the City of Bellaire, Texas, hereby expresses its gratitude of the City and its citizens to Patrons For Bellaire Parks.

PASSED, APPROVED, and **ADOPTED** this 24th day of September 2018.

(SEAL)

ATTEST:

_____
Tracy L. Dutton, TRMC
City Clerk

SIGNED:

_____
Andrew S. Friedberg
Mayor

APPROVED AS TO FORM:

_____
Alan P. Petrov
City Attorney

Attachment: Resolution - Bellaire Parks $30000 for Ware Park (00199028xD8318) (2642 : Presentation and Donation from Patrons for Bellaire

Mayor and Council
Council Chamber, First Floor of City Hall
Bellaire, TX 77401-4411

SCHEDULED
ACTION ITEM (ID # 2697)

Meeting: 09/24/18 07:00 PM
Department: Development Services
Category: Ordinance
Department Head: ChaVonne Sampson
DOC ID: 2697

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 City Manager of the City of Bellaire, Texas, to execute, for and on behalf of the City of Bellaire, Texas a License, Use, and Development Agreement by and among the City of Bellaire, Texas, Sagstex Investments, LP, and Wolfie's Swim School, LLC, for the use of city property within the right-of-way generally located between 5200 and 5230 Cedar Street for commercial parking - Submitted by ChaVonne Sampson, Director of Development Services.

Background/Summary:

The ordinance under consideration would grant Sagstex/Wolfie's, the right to redevelop an approximately 3,125 square foot portion of the right-of-way, generally located between 5200 and 5230 of Cedar Street, as a parking lot to support the commercial buildings located at 5200 and 5230 Cedar. The additional parking would afford the property owner the added flexibility of finding tenants that better meet the local service needs. 5200 Cedar is currently undergoing a soon to be completed renovation.

The agreement gives Sagstex/Wolfie's exclusive use of the property and allows them to develop and maintain a parking lot for an initial period of 15 years, with the option of an additional 15 years. Included in the agreement is their responsibility for maintenance of the landscaping for the area. No fee for this use is proposed.

Previous Council Action Summary:

On May 21st, 2018, City Council considered a petition for the abandonment and subsequent sale of an interest of the (3,125 sqft) alley for the amount of $155,000.00. The Development Services & Public Works Directors' recommendation was a lease agreement as an alternative. At that time, the petitioner preferred to purchase the alley.

The request was denied.

Fiscal Impact:

None

City Attorney Review:

The City Attorney has reviewed the proposed Ordinance.

Recommendation:

This agreement is being proposed in order to promote revitalization of the City's Urban Village Downtown Zoning District, as outlined in the City's Code of Ordinances and Comprehensive Plan. The proposal is also aligned with the City Council priority of

commercial redevelopment, and therefore, the Director of Development Services recommends approval of the ordinance.

ATTACHMENTS:

- License of Alley for Sagstex and Wolfies (00198917xD8318) (DOCX)
- Sagstex Investments LP - License Use and Development Agreement (00199019-2xD8318) (PDF)
- Proposed Site Plan - Cedar Street Parking (PDF)

City of Bellaire

ORDINANCE NO. 18-____

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, A LICENSE, USE AND DEVELOPMENT AGREEMENT BY AND AMONG THE CITY OF BELLAIRE, TEXAS, SAGSTEX INVESTMENTS, LP, AND WOLFIE'S SWIM SCHOOL, LLC, FOR THE USE OF CITY PROPERTY WITHIN THE RIGHT-OF-WAY GENERALLY LOCATED BETWEEN 5200 AND 5230 CEDAR STREET FOR COMMERCIAL PARKING.

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

THAT 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 License, Use and Development Agreement by and among the City of Bellaire, Texas, Sagstex Investments, LP, and Wolfie's Swim School, in a form as attached hereto and marked as "Attachment A," for the use of city property within the right-of-way generally located between 5200 and 5230 Cedar Street for commercial parking.

PASSED and **APPROVED** this 17th day of September, 2018.

(SEAL)

ATTEST:

_____
Tracy L. Dutton, TRMC
City Clerk

SIGNED:

_____
Andrew S. Friedberg
Mayor

APPROVED AS TO FORM:

_____
Alan P. Petrov
City Attorney

Attachment: License of Alley for Sagstex and Wolfies (00198917xD8318) (2697 : 5220 Cedar Lease Agreement)

Attachment "A"

Attachment: License of Alley for Sagstex and Wolfies (00198917xD8318) (2697 : 5220 Cedar Lease Agreement)

Attachment: Sagstex Investments LP - License Use and Development Agreement (00199019-2xD8318) (2697 : 5220 Cedar Lease Agreement)

LICENSE, USE AND DEVELOPMENT AGREEMENT

This License, Use and Development Agreement (this "Agreement") is made and entered into on _____, 2018, by and between the CITY OF BELLAIRE ("Bellaire"), and Sagstex Investments, LP, a Texas limited partnership ("Sagstex") and Wolfie's Swim School, LLC, a Texas limited liability company ("Wolfie's").

RECITALS

Bellaire is the owner of that certain roughly rectangular tract of land, being a portion of an alley, depicted on the attached Exhibit A (the "Property"), located on Cedar Street, between the property owned by Sagstex at 5224 Cedar Street, Bellaire, Texas, and the property owned by Wolfie's located at 5230 Cedar Street, and being described on Exhibit B attached hereto ("the Alley").

Sagstex and Wolfie's desire to obtain from Bellaire an agreement and right to develop, landscape and use the Property for additional parking spaces servicing the properties at 5224 Cedar Street and 5230 Cedar Street.

Bellaire is willing to grant a license to Sagstex and Wolfie's for use of the Property upon the terms, covenants and conditions hereinafter set forth.

AGREEMENT

NOW, THEREFORE, for and in consideration of good and valuable consideration paid by Sagstex and Wolfie's, and the mutual covenants and agreements herein contained, Bellaire and Sagstex and Wolfie's hereby agree as follows:

1. Grant of Rights. Bellaire hereby grants a license to Sagstex and Wolfie's upon and subject to the terms, covenants and conditions hereinafter set forth, to the Property and the exclusive right to develop, improve and use the Property as provided herein and for no other use. Bellaire hereby consents and approves the development and improvement of the Property in substantial accordance with the site plan for the Property attached as Exhibit C hereto, provided such improvements are effected (i) in accordance with all applicable federal, state, county or local laws, statutes, ordinances, codes, regulations and/or orders, including compliance with all permitting requirements of Bellaire (collectively the "Laws"), (ii) at Sagstex and Wolfie's sole cost and expense, and (iii) within one (1) year of the date of this Agreement.

2. Landscaping/Signage. Bellaire additionally grants Sagstex and Wolfie's the right to landscape and/or otherwise decorate the Property as Sagstex and Wolfie's may determine, as well as install signage on the Property relating to 5224 Cedar Street and/or 5230 Cedar Street or any business thereon, provided the same comply with all applicable Laws and will not materially, negatively affect the drainage on the Property or any improvements located therein.

3. No Obligation of Bellaire. Sagstex and Wolfie's expressly acknowledges and agrees that Bellaire shall have no obligation or any duty to monitor or enforce in any way Sagstex and

Wolfie's rights to use the Property or the parking thereon on behalf of Sagstex and Wolfie's or for the benefit of the properties at 5224 Cedar Street and 5230 Cedar Street. Bellaire hereby allows and consents to Sagstex and Wolfie's to mark, designate or otherwise install signage indicating the use of such parking spaces for the properties at 5224 Cedar Street and 5230 Cedar Street or any tenants or occupants thereon.

4. Term. The Term of this Agreement shall commence on the date first written above and end on the last day of the one hundred eightieth (180th) full calendar month hereafter (the "Initial Term"), after which time this Agreement shall be automatically extended for one (1) additional period of fifteen (15) years, provided, however, that either party may terminate this Agreement at the end of the Initial Term by providing written notification of such termination to the other party at least one (1) year in advance of such termination.

5. Consideration. As consideration to Bellaire for entering into this Agreement, Sagstex and Wolfie's agree to improve, operate, maintain, insure, and repair the Property in accordance with the specific terms contained herein.

6. Property Condition, Maintenance and Repair. SAGSTEX AND WOLFIE'S ACKNOWLEDGE THAT BELLAIRE HAS NOT MADE, AND DOES NOT MAKE, ANY REPRESENTATIONS OR WARRANTIES CONCERNING THE CONDITION OR STATE OF REPAIR OF THE PROPERTY, AND THAT SAGSTEX AND WOLFIE'S HAVE MADE THEMSELVES FAMILIAR WITH THE PROPERTY AND ITS CONDITION. SAGSTEX AND WOLFIE'S ACCEPT POSSESSION OF THE SPACES AND THE PROPERTY IN THEIR AS IS, WHERE IS CONDITION AND WITH ALL FAULTS. Except for those improvements shown or that can be inferred from the site plans attached hereto as Exhibit C, and except for the landscaping and decorations referred to in Par. 2 above, Sagstex and Wolfie's shall make no other alterations, improvements, or modifications to the Property, or any part thereof without the consent of Bellaire, not to be unreasonably withheld, delayed or conditioned. Notwithstanding the foregoing, however, Sagstex and Wolfie's improvements must comply with Bellaire's permitting requirements.

Sagstex and Wolfie's agree to keep the Property in a good, attractive condition, and shall periodically remove all trash and debris therefrom in accordance with reasonable and prudent commercial property management practices.

7. Liability. Sagstex and Wolfie's RELEASE AND WAIVE all liabilities, claims, damages, and causes of action against Bellaire or any of Bellaire's employees, representatives or agents (with Bellaire collectively, the "Bellaire Parties") for damage to property and for injuries or death to persons, from any cause arising, at any time, out of, or in connection with, the use and exercise by Sagstex and Wolfie's of the rights granted herein, INCLUDING, WITHOUT LIMITATION, ANY LIABILITIES, CLAIMS, DAMAGES OR CAUSES OF ACTION THAT MAY ARISE IN WHOLE OR IN PART FROM THE NEGLIGENT ACTS OR OMISSIONS OF BELLAIRE OR ANY OF THE BELLAIRE PARTIES.

Further, Sagstex and Wolfie's hereby agree to INDEMNIFY, DEFEND AND HOLD the Bellaire Parties, and each of them, harmless from and against any and all liabilities, claims, demands, damages, causes of action, fines, costs and expenses, including reasonable attorneys' fees and court costs, which may be asserted against or suffered by the Bellaire Parties or any of them,

Attachment: Sagstex Investments LP - License Use and Development Agreement (00199019-2xD8318) (2697 : 5220 Cedar Lease Agreement)

and arising out of or in connection with, directly or indirectly, the exercise of the rights granted herein by Sagstex and Wolfie's or any other person or entity using the Property, or from any act or occurrence pertaining to the exercise of this Agreement granted herein that occurs on or about the Property, INCLUDING, WITHOUT LIMITATION ANY LIABILITIES, CLAIMS, DEMANDS, DAMAGES, CAUSES OF ACTION, FINES, COSTS AND EXPENSES THAT MAY ARISE IN WHOLE OR IN PART FROM THE NEGLIGENT ACTS OR OMISSIONS OF THE BELLAIRE PARTIES, OR ANY OF THEM.

The terms of this Paragraph 7 shall survive the expiration or termination of this Agreement.

8. Insurance. During the entire term of this Agreement, Sagstex and Wolfie's shall, at their sole cost and expense, but for the mutual benefit of Bellaire and Sagstex and Wolfie's, maintain commercial general public liability insurance with a combined single limit of not less than $2,000,000.00. Such insurance policy or policies shall expressly cover Sagstex and Wolfie's indemnity obligations under this Agreement. All such policies of insurance shall be carried with companies reasonably satisfactory to Bellaire and shall name Bellaire as an additional insured. Copies of such policies, and certificates of insurance, shall be delivered to Bellaire upon request.

In addition, Sagstex and Wolfie's agree that they, and not the Bellaire, shall be responsible for the repair or restoration any damage or destruction to the parking surface of the Property, whether or not caused or in any way arising because of Sagstex and Wolfie's, their guests or invitees, or any tenants of Sagstex and Wolfie's or their respective guests of invitees.

9. Assignment. Sagstex and Wolfie's shall have no right to assign this Agreement, or sublet or license all or any portion of the Property.

10. No Public Dedication. Nothing herein contained shall be deemed to be a gift or dedication of any portion of the Property to the general public or to any governmental body or agency, or for the general public or for any public use or purpose whatsoever; it being the intention and understanding of the parties hereto that this Agreement shall be strictly limited to and for the purposes herein expressed solely for the private benefit of the parties hereto.

11. Sagstex and Wolfie's Default/Remedies. The occurrence of the following event shall constitute a default and breach of this Agreement by Sagstex and Wolfie's:

(a) The failure by Sagstex and Wolfie's to observe or perform any of the covenants, conditions or provisions of this Agreement to be observed or performed by Sagstex and Wolfie's, where such failure shall continue for a period of thirty (30) days after written notice thereof by Bellaire to Sagstex and Wolfie's, provided, however, that in the event that such failure cannot be reasonably cured within such 30-day period, Sagstex and Wolfie's shall not be in default hereunder and shall have a reasonable period of time thereafter to cure the same exercising due diligence.

Upon an uncured event of default hereunder, Bellaire shall have the right, but not the obligation, to cure such default, and Sagstex and Wolfie's shall promptly reimburse Bellaire for all sums reasonably expended in connection therewith, together with interest thereon at the rate (herein referred to as the "Default

Attachment: Sagstex Investments LP - License Use and Development Agreement (00199019-2xD8318) (2697 : 5220 Cedar Lease Agreement)

Rate") equal to the lesser of (i) the maximum non-usurious rate allowed by applicable law, or (ii) eighteen percent (18%) per annum, from the date of demand by Bellaire for reimbursement until paid. Further, Bellaire pursue any and all rights and remedies at law or in equity to recover all of such sums. Further, if Sagstex and Wolfie's fail to cure a default after notice as provided in this paragraph, Bellaire may enforce the terms of this Agreement by restraining order and by temporary and permanent injunction prohibiting such breach and commanding Sagstex and Wolfie's to comply with all of the terms hereof, however, that the act of obtaining an injunction or restraining order shall not be deemed to be an election of remedies or a waiver of any other rights or remedies available at law or in equity.

Notwithstanding anything to the contrary contained herein, no breach of this Agreement shall entitle any party to cancel, rescind, or otherwise terminate the same, but such limitation shall not affect, in any manner, any other rights or remedies which the parties may have hereunder by reason of any breach of this Agreement.

12. Right to Purchase. In the event that Bellaire decides to sell the Property, Bellaire hereby grants Sagstex and Wolfie's the sole and exclusive right to purchase the Property in accordance with the procedures set forth in Chapter 27 of Bellaire's City Code. For purposes of such purchase, it is agreed that the value of the Property shall be calculated as of the date of such sale.

13. Limitation of Liability. Under no circumstances whatsoever shall any party hereunder ever be liable hereunder for consequential, speculative, punitive, or any other special damages, all of which are hereby deemed waived by the parties. Further, the liability of either party hereto shall be limited to the time period(s) during which any party owned in fee simple all or any portion of the Property and/or the Alley, and upon the conveyance of such fee simple interest such party shall have no liability or obligations hereunder arising or accruing on or after the date of such conveyance.

14. Notice. Any written notice or communication permitted hereunder shall be delivered to the address of the intended recipient set forth below. Any such notice is deemed delivered and received by the intended recipient (i) three (3) days after being deposited in the United States mail properly addressed to the party to be notified, postage prepaid and registered or certified with return receipt requested; (ii) upon delivery of the same in person to such party; (iii) when sent by telecopy transmission, on the date of transmission if prior to 5:00 p.m. local time of the recipient, otherwise the next business day, or (iv) when sent by nationally recognized overnight express delivery service, upon actual receipt as indicated on the signed receipt. For purposes of notice, the addresses of the parties are as follows:

If to Bellaire: City of Bellaire
7008 S. Rice Avenue
Bellaire, TX 77401
Attn: Director of Community Development

Attachment: Sagstex Investments LP - License Use and Development Agreement (00199019-2xD8318) (2697 : 5220 Cedar Lease Agreement)

If to Sagstex: Sagstex Investments, LP
5212 Bissonnet, Suite 100
Bellaire, TX 77401
Attn: Sion Saghian

If to Wolfie's: Wolfie's Swim School, LLC
5230 Cedar Street
Bellaire, TX 77401
Attn: Richard Meador

15. Attorneys' Fees. In the event it becomes necessary for either party hereto to file suit to enforce this Agreement or any provision contained herein, the party prevailing in such suit shall be entitled to recover, in addition to all other damages, as provided herein, reasonable attorneys' fees incurred in such suit.

16. Estoppel Certificates. Sagstex and Wolfie's and Bellaire agree at any time and from time to time (but not more than two times in any consecutive 12 month period), upon not less than ten (10) business days' prior written request from the other party, to execute, acknowledge and deliver to the requesting party a statement in writing, in form and content reasonably acceptable to both parties, an estoppel certificate certifying that this Agreement is unmodified and in full force and effect (or if there have been modifications, that the same is in full force and effect as modified and stating the modifications), certifying that it is not in default (or if a default is alleged, stating the nature of the alleged default), and further certifying such other reasonable matters as the requesting party shall require. It is intended that any such statement delivered pursuant to this paragraph may be relied upon by any prospective purchaser, lender, subtenant, assignee or any entity which is a party to a potential merger, consolidation with or to the acquisition of substantially all of the assets or stock of Bellaire or Sagstex and Wolfie's. In the event either party shall fail to execute and deliver any such instrument within the foregoing time period as requested, the requesting party may send a completed estoppel certificate, along with a second request, which request shall state in bold, capitalized letters that the completed estoppel shall be deemed accurate if the party to whom it is sent does not respond to address any inaccuracies within five (5) business days after receipt of the second request.

17. Entire Agreement. This Agreement embodies the entire agreement between the parties relative to the subject matter hereof, and there are no oral or written agreements between the parties, nor any representations made by either party relative to the subject matter hereof, which are not expressly set forth herein.

18. Amendments. This Agreement may be amended only by a written instrument executed by the party or parties to be bound thereby.

19. Governing Law. **THIS AGREEMENT SHALL BE GOVERNED BY AND CONSTRUED IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS. EACH PARTY HEREBY DESIGNATES THE COURTS OF TEXAS AS THE COURT OF PROPER JURISDICTION AND VENUE OF AND FOR ANY AND ALL LAWSUITS OR OTHER LEGAL PROCEEDINGS RELATING TO THIS AGREEMENT AND**

Attachment: Sagstex Investments LP - License Use and Development Agreement (00199019-2xD8318) (2697 : 5220 Cedar Lease Agreement)

IRREVOCABLY CONSENTS TO SUCH DESIGNATION, JURISDICTION, AND VENUE. THIS AGREEMENT IS PERFORMABLE IN HARRIS COUNTY, TEXAS.

20. Memorandum of Agreement. At the request of either party hereto, Bellaire and Sagstex and Wolfie's agree to execute and record a written Memorandum of Agreement in a form reasonably acceptable to both parties.

21. Severability. If any provision of this Agreement is held to be illegal, invalid or unenforceable under present or future laws, such provision shall be fully severable; this Agreement shall be construed and enforced as if such illegal, invalid or unenforceable provision had never comprised a part of this Agreement; and the remaining provisions of this Agreement shall remain in full force and effect and shall not be affected by such illegal, invalid or unenforceable provision or by its severance from this Agreement.

22. Time of the Essence. Time is of the essence in connection with Sagstex and Wolfie's performance of its obligations under this Agreement.

23. Counterparts. This Agreement may be executed in any number of counterparts with the same effect as if all signatory parties had signed the same document. All counterparts will be construed together and will constitute one and the same instrument. A signature sent by telecopy, PDF or similar format will have the same effect as an original signature.

[THE NEXT PAGE IS THE SIGNATURE PAGE]

Attachment: Sagstex Investments LP - License Use and Development Agreement (00199019-2xD8318) (2697 : 5220 Cedar Lease Agreement)

EXECUTED as of the date first above written.

BELLAIRE:

CITY OF BELLAIRE, TEXAS

By:_____
Andrew S. Friedberg, Mayor

SAGSTEX INVESTMENTS, LP

By:_____
Sion Saghian, President of Robian, Inc.,
General Partner of Sagstex Investments, LP

WOLFIE'S SWIM SCHOOL, LLC

By:_____
Name:
Title:

PROPOSED SITE PLAN

NOTE :

THE INFORMATION IN THE DOCUMENT IS BASED ON A SURVEY OF 5220 CEDAR STREET BY "PRO-SURV" DATED 6-27-17, GF# 17201051317

Attachment: Proposed Site Plan - Cedar Street Parking (2697 : 5220 Cedar Lease Agreement)

Mayor and Council
Council Chamber, First Floor of City Hall
Bellaire, TX 77401-4411

SCHEDULED
ORDINANCE (ID # 2674)

Meeting: 09/24/18 07:00 PM
Department: Public Works
Category: Discussion
Department Head: Michael Leech
DOC ID: 2674

Item Title:

Consideration of and possible action to direct the City Manager concerning the scope of the Group C Phase 2 Street, Drainage and Sidewalk project, specifically with regard to a request from residents of Bolivar Street to not construct sidewalks along their block as planned - Submitted by Michael Leech, Director of Public Works.

Background/Summary:

In the September 7, 2018 weekly memorandum to City Council (attached) it was explained that the Bonds for Better Bellaire 2016 (BBB16) Group C Phase 2 project, would be split into segments to expedite construction of some of the proposed improvements.

One of the expedited projects is the re-construction of Bolivar Street which is scheduled to receive 100 year storm sewer improvements, a new concrete roadway and sidewalk. The design of the project is 90% complete. Regardless of the decision making about a sidewalk for this project, Public Works anticipates returning to City Council in January with a construction contract for consideration.

On July 23, 2018, the City Clerk received a petition from the residents of Bolivar explaining their opposition to sidewalk. The petition is attached as is a plan view exhibit of the Bolivar improvements. Additionally several images of the existing conditions along Bolivar, Pembrook Court and Jessamine, are attached to provide perspective. Both Pembrook and Jessamine are adjacent to Bolivar.

Previous Council Action Summary:

City Council authorized the City Manager to execute a design contract with Costello Inc., on March 20, 2017 for the design of BBB16 Group C Phase 2.

Fiscal Impact:

N/A

Recommendation:
The Public Works Director recommends that City Council review the attached petition and provide direction on how to proceed with the BBB16 C2 Project.

ATTACHMENTS:

- Petition Regarding Sidewalks - 400-500 Blocks of Bolivar (PDF)
- Bolivar plan view (PDF)
- Bolivar Images (PDF)
- C2 sidewalk 9-19-18 presentation (PDF)

July 23, 2018

City of Bellaire Public Works
7008 S Rice Ave
Bellaire, TX 77401

To: Bellaire Public Works Department

Subject: Planned Sidewalk Construction on Bolivar Street and Pembrook Court

This petition is in reference to the Bellaire Public Works Department's plan to install contiguous sidewalks on Bolivar Street and Pembrook Court. The property owners at these locations request the termination or at minimum the postponement of this project due to the flooding our city has experienced over the last 3 years. Most of us were fortunate to escape any flood damage during the May 2015 and April 2016 storms, but Hurricane Harvey was not so kind.

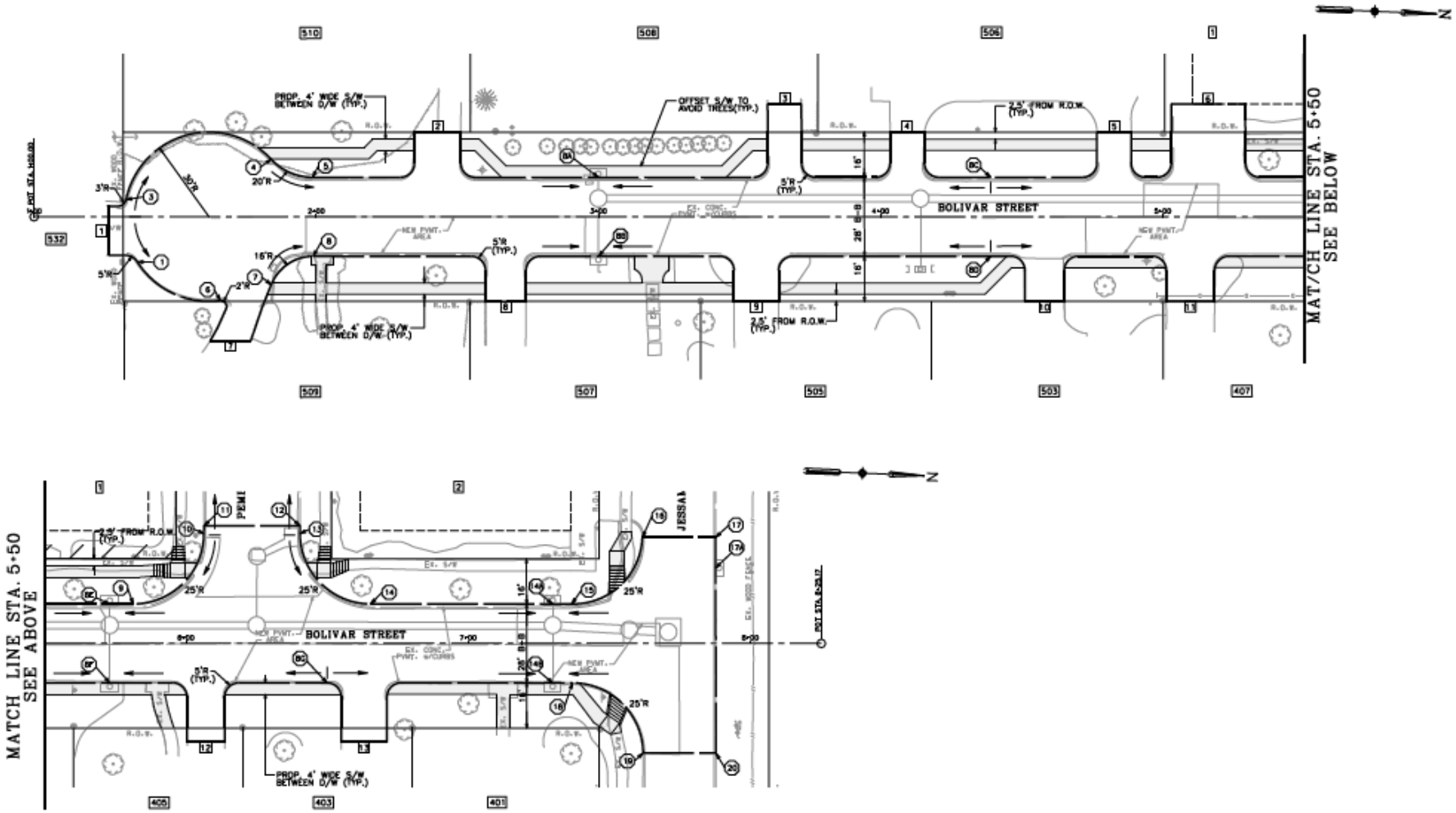
During Harvey, several homes on Pembrook Court were inundated with flood waters and the residents of Bolivar Street were inches from experiencing the same (one Bolivar resident was not as fortunate). The planned sidewalks will remove permeable ground and replace it with concrete. There is no way to know if the additional amount of concrete would have caused flooding in our homes during Harvey, but it is logical to assume it would have clearly increased the probability.

In addition, work is currently underway to modify Brays Bayou with the goal of eliminating, or at the very least, reducing the chance of flooding in the Bellaire/Meyerland areas. Until such time as that work has been completed and storm tested, we request that the Bellaire Public Works Department postpone this project.

Sincerely,

The Home Owners of Bolivar Street and Pembrook Court:

405 Bolivar
507 Bolivar
407 Bolivar
506 Bolivar
Debbie Greenberg 503 Bolivar
Myrna Engler 505 Bolivar
508 Bolivar
510
403 Bolivar



Attachment: Bolivar plan view (2674 : Group C Phase 2 Project Direction relative to sidewalk on Bolivar)

View from Jessamine Street looking south onto Bolivar

Image capture: Oct 2015 © 2018 Google

View from Bolivar looking west onto Pembrook

Image capture: Oct 2015 © 2018 Google

View of Bolivar from Bolivar looking South

Image capture: Oct 2015 © 2018 Google

View of Bolivar from Bolivar looking South

Image capture: Oct 2015 © 2018 Google

View of Bolivar from Bolivar looking South

Image capture: Oct 2015 © 2018 Google

BBB16 C2 Bolivar Petition

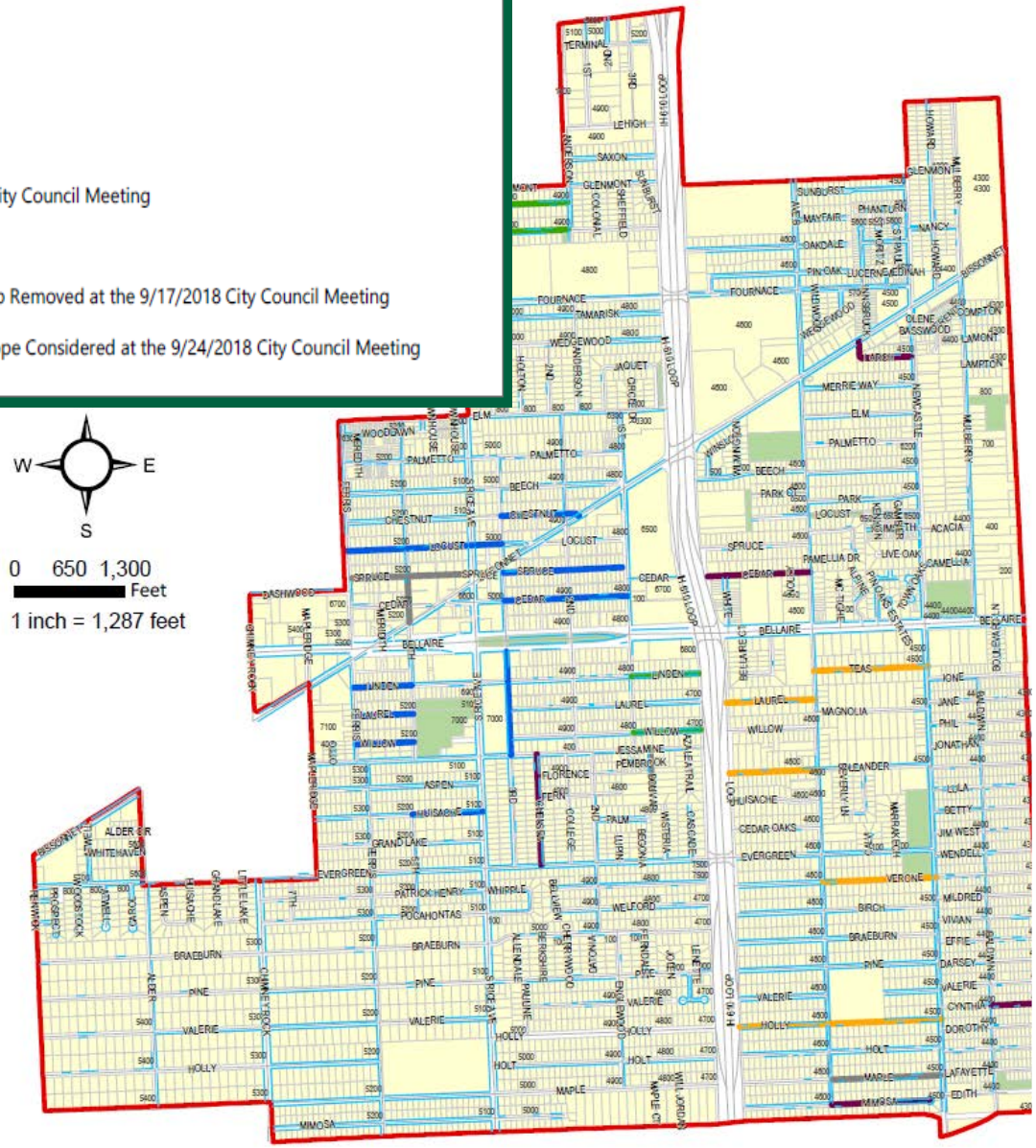
EXHIBITS

Attachment: C2 sidewalk 9-19-18 presentation (2674 : Group C Phase 2 Project Direction

BONDS FOR BETTER BELLAIRE 2016 PROJECTS WITH SIDEWALKS

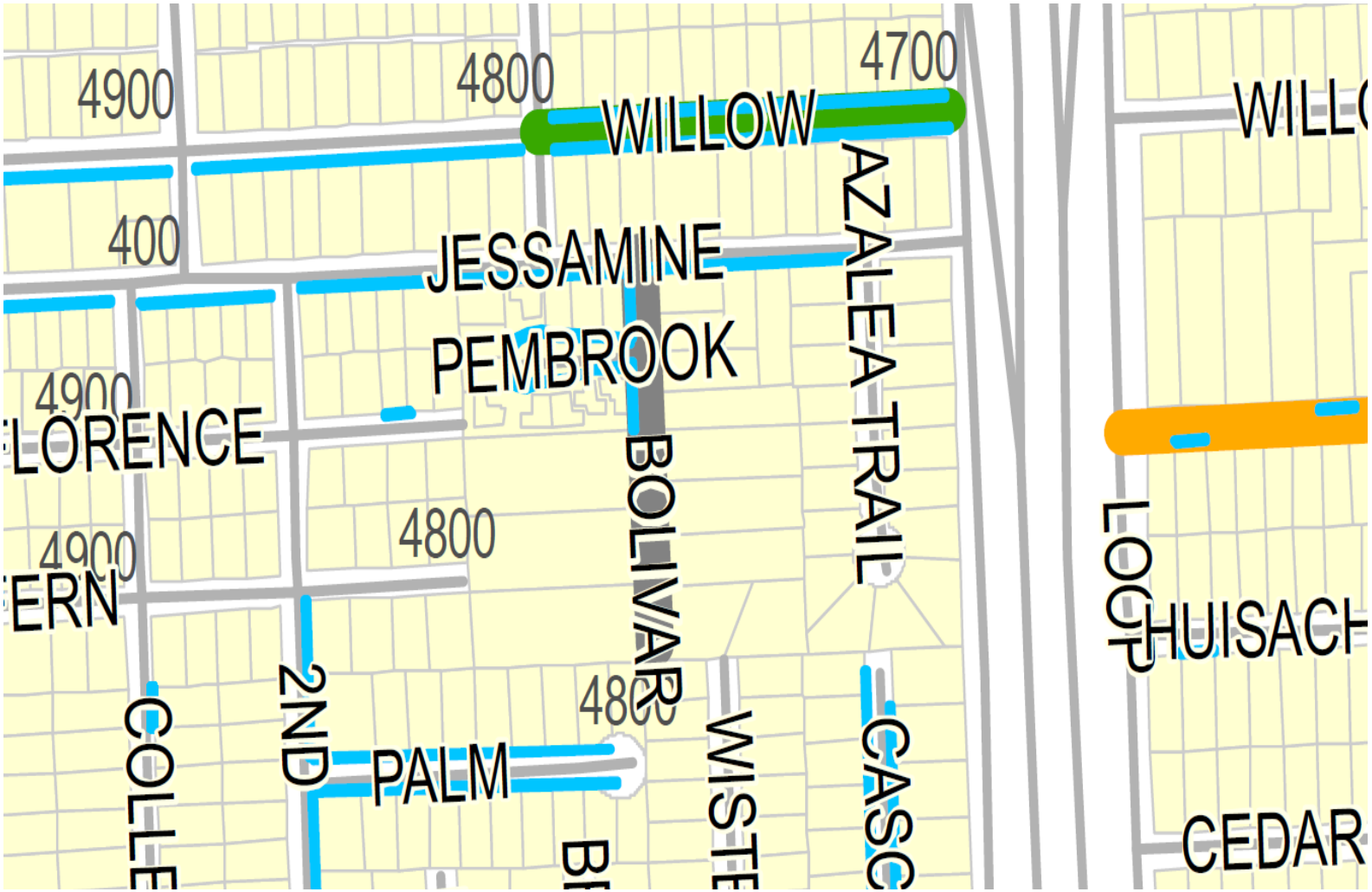
Construction Dates for each Project Listed Below

- City Limits
- Existing Sidewalks
- B1 Streets and Drainage, Fall 2018: In Construction
- C2 Streets, Drainage, Sidewalks, Fall 2018: Scope Considered at 9/24/2018 City Council Meeting
- C3 Streets, Drainage, Sidewalks: In Design
- D1 Sidewalks Around Schools & Parks, Fall 2018: Locations Outside the Loop Removed at the 9/17/2018 City Council Meeting
- D2 Sidewalks: Urban Village Downtown and City Hall Area, Winter 2018: Scope Considered at the 9/24/2018 City Council Meeting



Map Created: September 18, 2018

Attachment: C2 sidewalk 9-19-18 presentation (2674 : Group C Phase 2 Project Direction



Attachment: C2 sidewalk 9-19-18 presentation (2674 : Group C Phase 2 Project Direction

View from Jessamine Street looking south onto Bolivar

Image capture: Oct 2015 © 2018 Google

View from Bolivar looking west onto Pembrook

Image capture: Oct 2015 © 2018 Google

View of Bolivar from Bolivar looking South

Image capture: Oct 2015 © 2018 Google

View of Bolivar from Bolivar looking South

Image capture: Oct 2015 © 2018 Google

View of Bolivar from Bolivar looking South

Image capture: Oct 2015 © 2018 Google

Mayor and Council
Council Chamber, First Floor of City Hall
Bellaire, TX 77401-4411

SCHEDULED
ORDINANCE (ID # 2673)

Meeting: 09/24/18 07:00 PM
Department: Public Works
Category: Discussion
Department Head: Michael Leech
DOC ID: 2673

Item Title:

Consideration of and possible action to direct the City Manager concerning the scope of the Group D Phase 2 sidewalk project, including with regard to requests from residents of the 4800 block of Cedar Street, 5100 block of Huisache Street, 5200 block of Laurel Street, 4800-4900 blocks of Spruce Street, and 5200 block of Willow Street, to not construct sidewalks along their blocks as planned - Submitted by Michael Leech, Director of Public Works.

Background/Summary:

At the December 4, 2017 City Council meeting, a professional services design contract in the amount of $137,303.60 was awarded to MBCO Inc., to provide design services for the Bonds for Better Bellaire 2016 (BBB16) Group D phase 2 stand along sidewalk project. The streets included in this project are listed below. Please note that a sidewalk width recommendation is included as well. This recommendation is consistent with City Council direction provided on the 20th of August to implement a five-foot sidewalk standard along street segments / blocks where there is no existing four-foot sidewalk.

D2 Street Segments / Blocks	Proposed Width	To be Installed on
5200 Block of Willow	5’	North
5200 Block of Laurel	4’	South
5200 Block of Linden Street	5’	North
4800-4900 Block of Cedar	4’	South
4800-4900 Block of Spruce	4’	North
5000-5200 Block of Locust	4’	North
5100 Block of Huisache	4’	North
4800-4900 of Chestnut	5’	North
3rd Street	4’	Both

Per current practice with Public Works CIP projects, a neighborhood meeting was conducted when the construction plans were approximately 50% complete. The July 24th meeting was well attended by more than 50 residents.

Attached you will find petitions submitted by residents along the following streets. Also attached is a new exhibit showing the location of existing sidewalk relative to the sidewalk

proposed for D1 and D2 and other street and drainage bond projects.

5200 Block of Willow

5200 Block of Laurel

4800-4900 Block of Spruce

4800-4900 Block of Cedar

5100 Block of Huisache

A request was also submitted by a resident that wished to have decomposed granite (DG)installed along a portion of property in City ROW. The resident agreed to maintain the DG surface. The Public Works Department does not support this request.

Previous Council Action Summary:

As part of the BBB16 program and at the December 4, 2017 City Council meeting, a professional services design contract in the amount of $137,303.60 was awarded to MBCO Inc., to provide design services for the Bonds for Better Bellaire 2016 (BBB16) Group D phase 2 stand along sidewalk project.

The design of the project has been stopped pending City Council Direction. However, the design consultant continues to meet with residents to address their concerns. The design of the project is approximately 70% complete.

Fiscal Impact:

N/A

Recommendation:

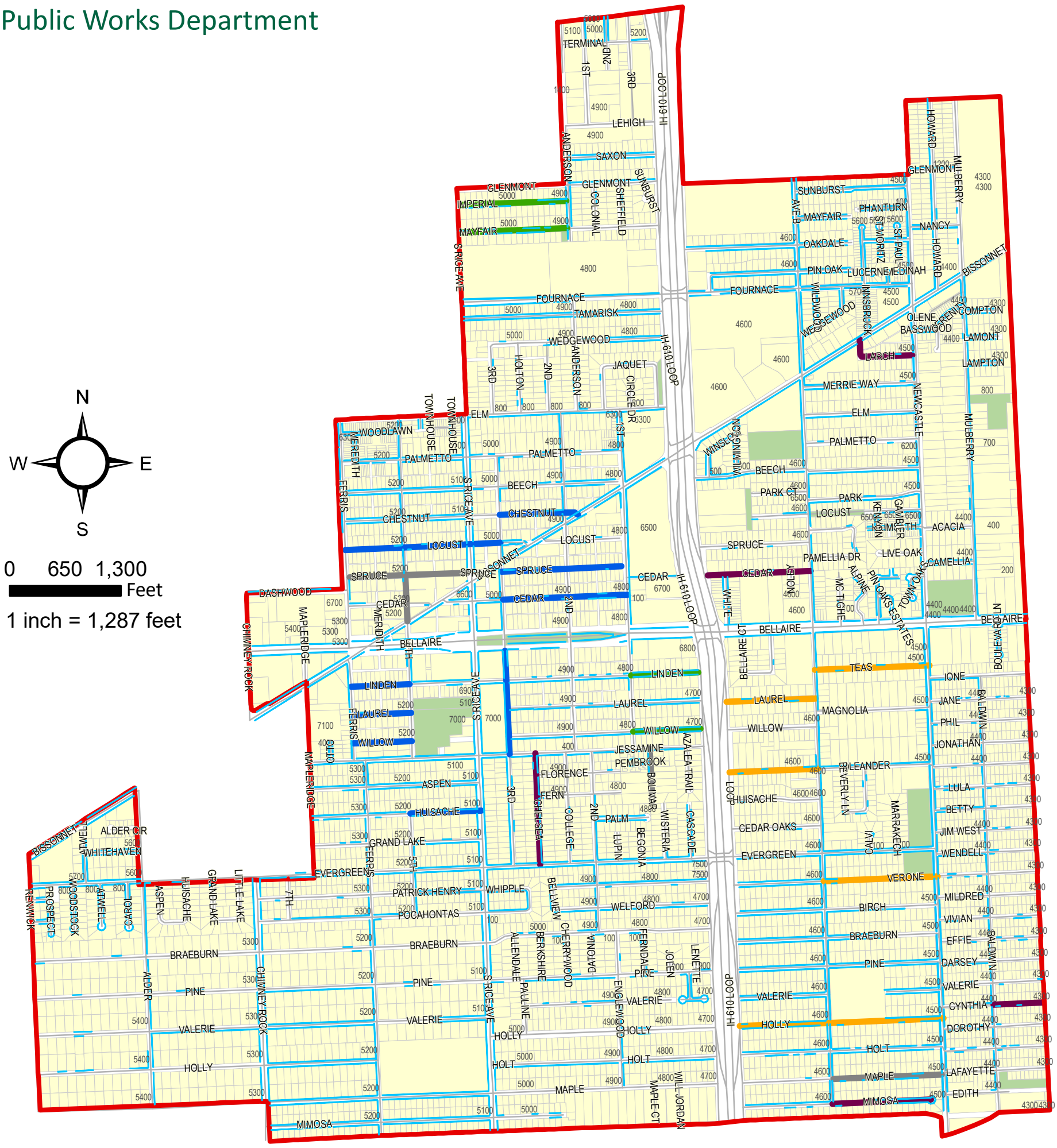
The Public Works Director recommends that City Council review the attached petitions and communication from residents and provide direction on how to proceed with the BBB16 D2 Sidewalk Project. Should City Council elect to approve some or all of the D2 project, we hope to have a construction contract for City Council to consider in January of 2019.

ATTACHMENTS:

- Existing and proposed sidewalk map (PDF)
- BBB16 sidewalk map (PDF)
- 5200 Block of Laurel Street Petition (PDF)
- 4800-4900 Spruce Street petition (PDF)
- 4800 Block of Cedar Street Petition / crosswalk (PDF)
- 5200 Block of Willow Street Petition (PDF)
- 5100 Block Huisache Petition (PDF)
- D2 sidewalk 9-19-18 presnetation (PDF)
- D2 Comments - Response Matirx (PDF)

City of Bellaire

Public Works Department



Map Created: September 18, 2018

BONDS FOR BETTER BELLAIRE 2016 PROJECTS WITH SIDEWALKS

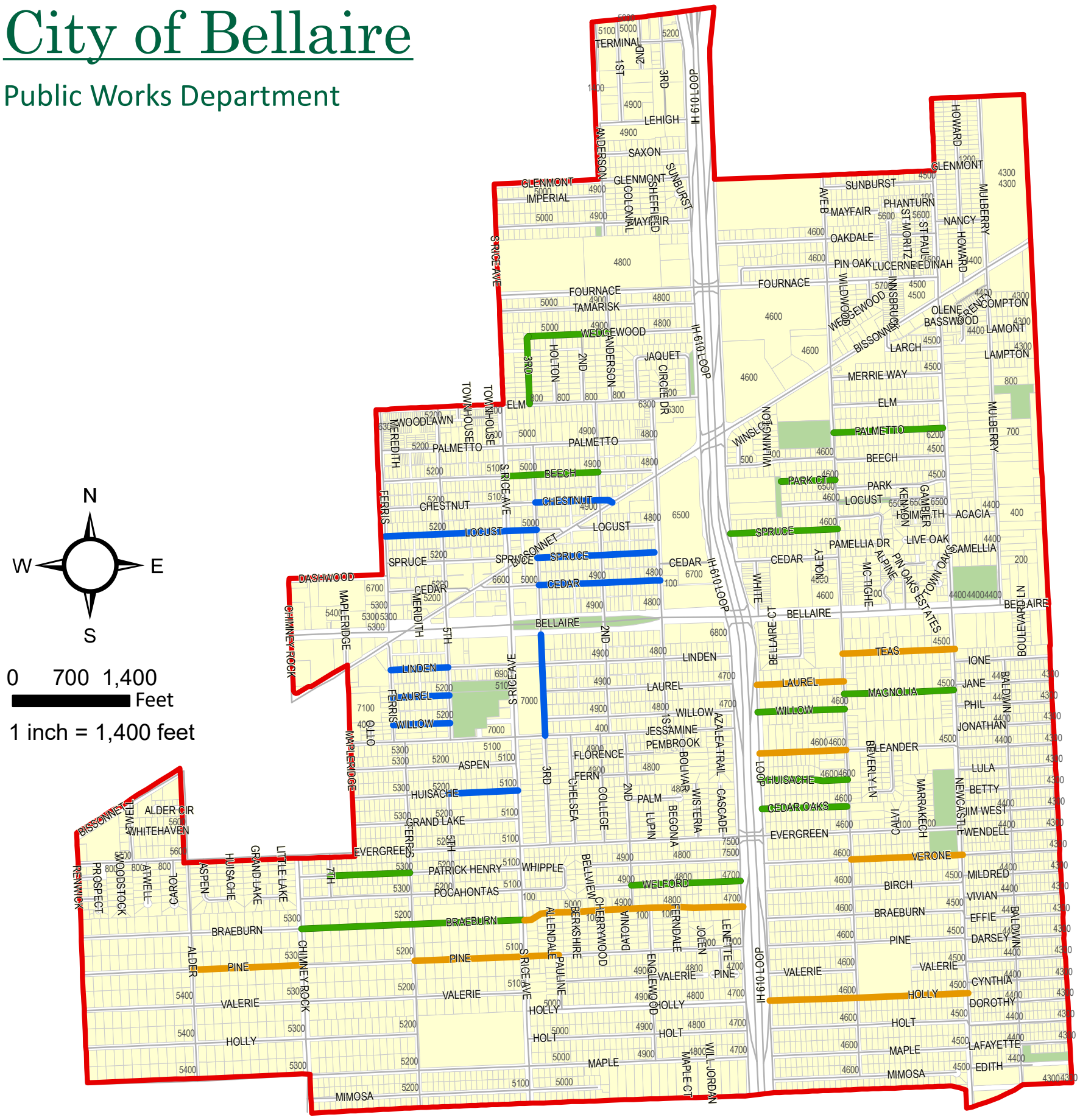
Construction Dates for each Project Listed Below

- City Limits
- Existing Sidewalks
- B1 Streets and Drainage, Fall 2018: In Construction
- C2 Streets, Drainage, Sidewalks, Fall 2018: Scope Considered at 9/24/2018 City Council Meeting
- C3 Streets, Drainage, Sidewalks: In Design
- D1 Sidewalks Around Schools & Parks, Fall 2018: Locations Outside the Loop Removed at the 9/17/2018 City Council Meeting
- D2 Sidewalks: Urban Village Downtown and City Hall Area, Winter 2018: Scope Considered at the 9/24/2018 City Council Meeting

Attachment: Existing and proposed sidewalk map (2673 : Group D Phase 2 Sidewalk Project Direction)

City of Bellaire

Public Works Department



Map Created: May 25, 2018

SIDEWALK PROJECTS

Construction Dates for each Project Listed Below

City Limits

D1 Sidewalks: Around Schools, Fall 2018

- 4500 Teas
- 4500 Verone
- 4500-4600 Holly
- 4600 Laurel
- 4600 Oleander
- 4800-4900 Valerie
- 4700-5000 Braeburn
- 5000-5100 Pine
- 5300 Pine
- 1000 Pauline

D2 Sidewalks: Urban Village Downtown and City Hall Area, Winter 2018

- 5200 Willow
- 5200 Laurel
- 5200 Linden
- 4800-4900 Cedar
- 4800-4900 Spruce
- 5000-5200 Locust
- 5100 Huisache
- 4800-4900 Chestnut
- 3rd Street from Bellaire to Jessamine

D3 Sidewalks: Community Pathways, Winter 2019

- 800 N Third
- 4900-5000 Wedgewood
- 4900-5000 Beech
- 4500 Palmetto
- 4600 Spruce
- 4600 Park Court
- 4700-4800 Welford
- 5100-5200 Braeburn
- 5300 Patrick Henry
- 4500 Magnolia
- 4600 Willow
- 4600 Cedar Oaks
- 4600 Huisache

Attachment: BBB16 sidewalk map (2673 : Group D Phase 2 Sidewalk Project Direct)

August 26, 2018

Dear Bellaire City Council:

Some residents of the 5200 block of Laurel St. are opposed to the construction of sidewalks on any side of the street, pursuant to Bonds for Better Bellaire 2016 Program (Group D - Phase II Sidewalks). By this petition we wish to convey our preference.

Among the reasons are the following:

1. Potential damage to decades-old trees and landscaping due to construction, excavation and the proposed sidewalks themselves.
2. The proposed location of some portions of the sidewalk on the south side of the street meanders through and divides the yards of 5205 Laurel St. and 5207 Laurel St. in half, positioning the sidewalks unreasonably, unaesthetically and uncomfortably close to the front doorways of those homes.
3. Proposed removal of a sizeable tree at 5203 Laurel St.
4. Addition of impermeable surfaces at the time when better drainage and flood abatement is more critical than ever. The block already floods quickly in non-hurricane/tropical storm conditions, with most water accumulating from approximately 5209 Laurel St. to the intersection of Laurel St. and Fifth St.

For the above reasons (but not limited to the above), we respectfully request that the Group D - Phase II Sidewalks project not be implemented on the 5200 block of Laurel St. at this time or in the future. Below are signatures of residents of the 5200 block of Laurel St. supporting this request. We appreciate the Council's consideration of this matter.

Laurel St. #	Signature(s)	Printed Name(s)	Phone #(s)
5201			
5202	Somchang Chang	SOMCHANG CHANG	
5203	Jian Huang	Jian Huang	

Attachment: 5200 Block of Laurel Street Petition (2673 : Group D Phase 2 Sidewalk Project Direction)

Laurel Address	Signature(s)	Printed Name(s)	Phone #(s)
5204	Robyn Saghian	Robyn Saghian	8324431127
5205	Brian Bollich Muttaya Bollich	BRIAN BOLLICH MUTTAYA BOLLICH	713-664-1371
5206		MARIA S. KANG	281.888.4891
5207		Fusheng Wang	713 666-1880
5208	Ron Kikuchi Marie Bergerson	RON KIKUCHI MARIE BERGERSON	713-667-5823
5209	Deepak Bedi Rajni Bedi	~~DEEPAK BEDI~~ RAJNI BEDI	713 839 7458
~~5210~~ 5211		AMANDA NATHAN	713-562-2923 *
~~5211~~ 5210			
5212	Richard J. May	Richard J. May	713-838-8890

* I AM NOT OPPOSED TO A SIDEWALK IN FRONT OF MY HOUSE, BUT AM SYMPATHETIC TO FOLKS CONCERNED ABOUT THEIR TREES AND FLOODING.

Attachment: 5200 Block of Laurel Street Petition (2673 : Group D Phase 2 Sidewalk Project Direction)

Laurel Address	Signature(s)	Printed Name(s)	Phone #(s)
5213		TAYLAN ILHAN	224-420-0308
5214			
5215		John Frank	713-703-3398
5216			
5217			
5218			
5219		Robert Pearce	713 927 0915
5200	Carolyn Greely	Carolyn Greely	~~713 560~~

Attachment: 5200 Block of Laurel Street Petition (2673 : Group D Phase 2 Sidewalk Project Direction)

Petition Against the Proposed Pathway (Trail) for Spruce St. Sidewalk

We are residents of Bellaire and are against the proposed community pathway/trail for Spruce St. Sidewalk, 4800 – 4900 block

Signature: [illegible] Date: 7/20/2018
Printed Name: Chongjuan Wei
Address: 4907 Spruce St, 77401

Signature: [illegible] Date: 7/22/2018
Printed Name: Binoy Shivanne
Address: 4905 Spruce Street, 77401

Signature: Date:
Printed Name: Peter Nielsen
Address: 4821 Spruce St

Signature: [illegible] Date: 22 July 18
Printed Name: Rob Elston
Address: 4823 Spruce St

Signature: [illegible] Date: 22 July 18
Printed Name: Larry Rainder
Address: 4910 Spruce St.

Signature: [illegible] Date: 7/22/18
Printed Name: Akash Kuts
Address: 4802 spruce st.

Signature: [illegible] Date: 7/22/18
Printed Name: Babitha manian
Address: 4915 spruce

Signature: [illegible] Date: 7/22/18
Printed Name:
Address:

Attachment: 4800-4900 Spruce Street petition (2673 : Group D Phase 2 Sidewalk Project Direction)

page 2 of 3

Sidewalk

Petition Against the Proposed Pathway (Trail) for Spruce St.

We are residents of Bellaire and are against the proposed community sidewalk pathway/trail for Spruce St., 4800 – 4900 block

Signature: [illegible] Date: 7/22/18
Printed Name: Yanai Zhan
Address: 4916 Spruce St, Bellaire, TX 77401
Signature: [illegible] Date: 7/22/18
Printed Name: Rick Townsend
Address: 4912 Spruce
Signature: [illegible] Date: 7/22/18
Printed Name: SUSAN SNOW
Address: 4904 SPRUCE ST
Signature: [illegible] Date: 7/22/18
Printed Name: Mary Patterson
Address: 4822 Spruce ST Bellaire TX 77401
Signature: Doug Newport Date: 7/22/18
Printed Name: Doug NEWPORT
Address: 4820 Spruce Ct, Bellaire, TX 77401
Signature: [illegible] Date: 22 July 2018
Printed Name: Richard E. Wendt II
Address: 4812 Spruce St 77401
Signature: [illegible] Date: 22/7/18
Printed Name: Denise Elstin
Address: 4823 Spruce St Bellair 77401
Signature: [illegible] Date: 7/24/18
Printed Name: JOHN MOON
Address: 4826 SPRUCE ST

Attachment: 4800-4900 Spruce Street petition (2673 : Group D Phase 2 Sidewalk Project Direction)

page 3 of 5

Petition Against the Proposed Sidewalk Pathway (Trail) for Spruce St.

We are residents of Bellaire and are against the proposed community sidewalk pathway/trail for Spruce St. 4800–4900 block

Signature: [illegible] Date: 7/22/2018
Printed Name: Xiaohong Yang
Address: 4917 Spruce Street
Signature: J E Horton Date: 7/22/2018
Printed Name: J.E. HORTON
Address: 4921 Spruce St
Signature: Michele Nelm Date: 7/22/18
Printed Name: Michele McConn
Address: 4925 Spruce St
Signature: [illegible] Date: 7/22/18
Printed Name: [illegible] LARKA FRANING
Address: 4924 Spruce Street Bellaire TX 77401
Signature: Catherine O'Harra Date: 7/22/2018
Printed Name: Catherine O'Harra
Address: 4918 Spruce St. Bellaire
Signature: Denise Moon Date: 7/24/18
Printed Name: Denise Moon
Address: 4826 Spruce St Bellaire
Signature: [illegible] Date: 7/24/18
Printed Name: Gary Brush
Address: 4814 Spruce St.
Signature: [illegible] Date: 7/27/18
Printed Name: Ana Lehrhaupt
Address: 4807 Spruce St

Attachment: 4800-4900 Spruce Street petition (2673 : Group D Phase 2 Sidewalk Project Direction)

4817

Page 5 of 5

Petition Against the Proposed Pathway (Trail) for Spruce St.

We are residents of Bellaire and are against the proposed community pathway/trail for Spruce St. 4800 - 4900 Block

Signature: Maria Elsa Villarreal Date: 7/26/18
Printed Name: Maria Elsa Villarreal
Address: 4818 Spruce St.
Signature: Joyce Ashley Villarreal Date: 7/27/18
Printed Name: Joyce Ashley Villarreal
Address: 4803 Spruce St
Signature: Joseph M Villarreal Date: 7/27/18
Printed Name: Joseph M Villarreal
Address: 4803 Spruce St.
Signature: Joseph Villarreal Jr Date: 7/27/18
Printed Name: Joseph Villarreal
Address: 4803 Spruce
Signature: Date: 7/27/18
Printed Name: Astrid C Kosters-Qin
Address: 4801 Spruce St 4801 Spruce
Signature: Date: 7/28/18
Printed Name: Tony Lin
Address: Owner & residence 4819 Spruce Street
Signature: Date: July 27, 2018
Printed Name: Tony Lin
Address: Owner 4817 Spruce Street
Signature: Date: 27 July 18
Printed Name:
Address:

Attachment: 4800-4900 Spruce Street petition (2673 : Group D Phase 2 Sidewalk Project Direction)

August 20, 2018

Mayor Andrew Friedberg and the Bellaire City Council
City of Bellaire

Dear Mayor Friedberg and the Bellaire City Council,

On August 6, 2018, we presented the attached "Proposal to Modify Sidewalk Design for 4800 Block of Cedar Street" at the City Council meeting. We propose that 1) a crosswalk be created between 4802 and 4803 Cedar near the 4802 driveway and 2) the sidewalk around the cul-de-sac be eliminated.

With this letter, we are presenting you with a petition in support of our proposal. Nineteen of the twenty three households on our block have signed it.

We request that the City formally respond to our proposal after the issue has been decided.

Respectfully submitted,

Gordon and Roula Shahin (4801 Cedar Street)
713/661-0257

Mari and Dale Rude (4802 Cedar Street)
713/661-0819

Attachment: 4800 Block of Cedar Street Petition / crosswalk (2673 : Group D Phase 2 Sidewalk Project Direction)

4800 Block of Cedar Street Petition to Substitute Crosswalk for Cul-de-sac Sidewalk

#	Last Name	
4800	Reingold	
4801	Shahin	GT Shahin
4802	Rude	Dale E. Rude
4803	Marburger	
4804	Frost	Meredith Frost
4805	Tverdek & Mak	
4806	Christ	
4807	Wen	
4809	Fields	Dorothy Fields
4810	Korivi	
4811	Mukerji	SC Mukerji
4812	Kessler	* subject to general objection to the sidewalk plan
4813	Hammami & Habal	Yara Habal
4814	Owen	LK Owen
4816	Nguyen	
4817	Mujtaba	
4818	Cohen	Jayson Cohen
4819	Hassell & Laird	Greg Hassell
4821	Thom Cepak	
4822	Gao	
4824	Gillette	MAURO GILLETTE
4825	Wright	Jamie Wright
4826	Simpson	

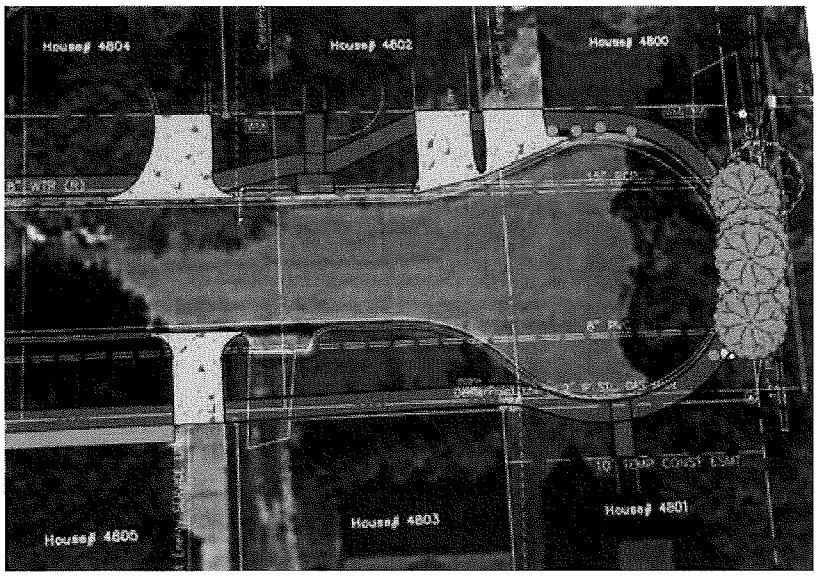
Attachment: 4800 Block of Cedar Street Petition / crosswalk (2673 : Group D Phase 2 Sidewalk Project Direction)

Proposal to Modify Sidewalk Design for 4800 Block of Cedar Street
Respectfully submitted by
Gordon and Roula Shahin (4801 Cedar) and Mari and Dale Rude (4802 Cedar)

The purpose of this proposal is to change the design of the proposed sidewalks and spare a grove of five trees in the cul-de-sac.

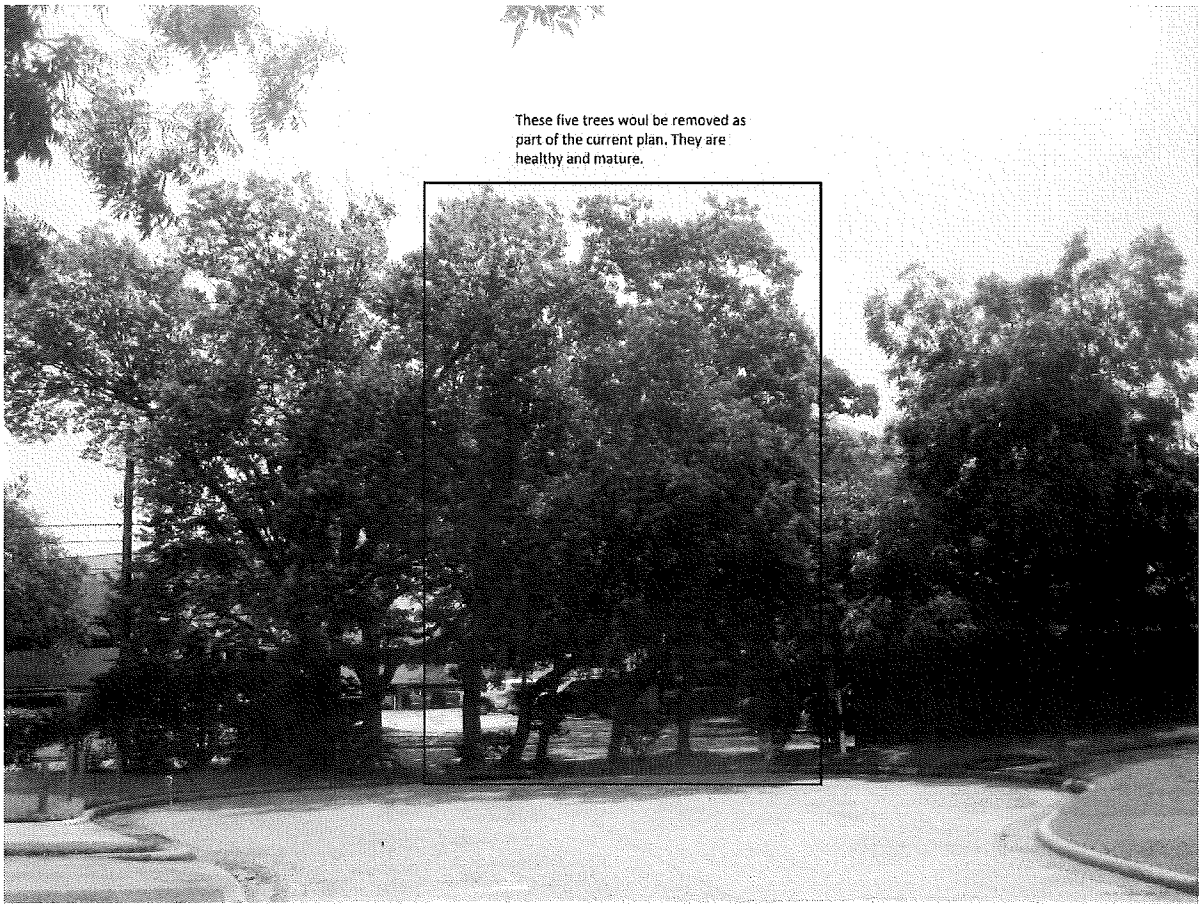
Rationale

1) Current sidewalk plan includes elimination of 5 trees in cul-de-sac (see plan below; orange means elimination).The grove of trees are integral to the cozy neighborhood feel. The trees are mature, full, and tall. They provide a visual shield for the busy commercial traffic on First Street and the parking garage across First Street. The grove blocks traffic noise from First Street and the West Loop.



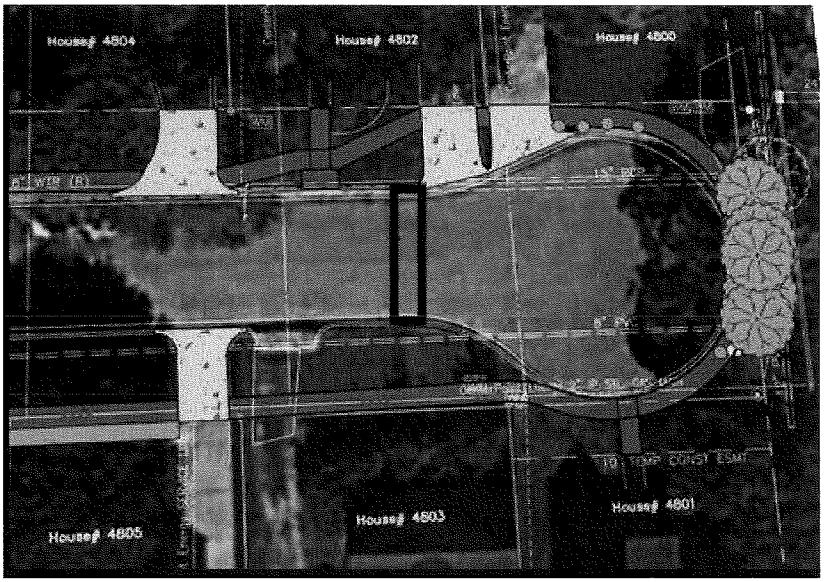
2) As designed, the sidewalk encroaches beyond the easement and into the owners' property at 4801. The owners do not want the sidewalk to cross their property and **<u>will not give permission</u>** for the sidewalk to be placed upon their property.
3) The current plan requires moving the following items:
   a) A fire hydrant,
   b) A city drain cleanout,
   c) A French drain (the drain will not work properly if a 4" sidewalk is placed over it),
   d) 5 sprinkler heads and one sprinkler main at 4801 Cedar Street, the water meters at 4801 and 4803 Cedar, and
   e) The bollards/posts at 4800.

Attachment: 4800 Block of Cedar Street Petition / crosswalk (2673 : Group D Phase 2 Sidewalk Project Direction)


These five trees woul be removed as
part of the current plan. They are
healthy and mature.

Proposed Design

We propose that 1) a crosswalk be created between 4802 and 4803 Cedar near the 4802 driveway and 2) the sidewalk around the cul-de-sac be eliminated.



Background

The 4800 block of Cedar Street is a model neighborhood for Bellaire and the greater Houston area. A block phone list is updated and redistributed every time a new family moves on to the street. For the 25th year, the street is hosting successful spring and fall block parties. The most recent block party had 65 attendees with 17 of the 25 block households and four households from nearby blocks represented. Our block parties have been featured in the Houston Chronicle (4/22/2002) and the Bellaire Buzz (8/2014).

The close neighborhood atmosphere is surprising give the location and social makeup of the block. The cul-de-sac ends at First Street. Across First Street is a large parking garage and associated commercial complex. The West Loop of 610 is a block away and carries over 200,000 cars per day. The majority of households are comprised of busy dual career professionals-physicians and other medical professionals, attorneys, energy professionals, accountants, educators, and business professionals.

Attachment: 4800 Block of Cedar Street Petition / crosswalk (2673 : Group D Phase 2 Sidewalk Project Direction)

CITY OF BELLAIRE
RECEIVED
SEP 13 2018
CITY CLERK'S OFFICE

September 12, 2018

Dear Bellaire City Council:

Some residents of the **5200** of **Willow St.** are opposed to the construction of sidewalks on any side of the street, pursuant to Bonds for Better Bellaire 2016 Program (Group D-Phase II Sidewalks). By this petition we wish to convey our preference.

A few of the reasons for our preference not to construct this sidewalk follows:

1. The need for a sidewalk is not clearly recognized. This block has sparse foot traffic and very little vehicular traffic. The city has offered no documented traffic studies to the contrary.
2. With the city projecting a deficit, installing a unwanted and unneeded sidewalk is fiscally irresponsible.
3. The city does not need to add any more impermeable surfaces when the need for these surfaces does not clearly exist.
4. Three mature pine trees at 5212 Willow St. will need to be removed or likely perish within 3 years due to severe root damage.
5. Two large mature oak trees at 5208 Willow St. will most like suffer severe root damage. These trees will also likely die a slow death.

5200
5202
5204
5206
5208
5212
5214
5215
5216
5218
5220
7011
7012

For the above reasons (but not limited to the above), we the residents of the 5200 block of Willow St. respectfully request that the Group D – Phase II Sidewalks project **NOT** be implemented on our block at this time or in the future. request. We appreciate the Council's consideration of this matter.

Willow St. #	Signature	Printed Name	Phone
5212	[illegible]	[illegible]	713 661 0071
5208	Stuart P. Sp[illegible]	Stuart P. Sperling Jennifer Sperling	713-231-8903
5214	Pam Pen	Pam Pena Robert Pena	713 667-6337
5216	[illegible]	JOSEPH TEDALE	713 661-9959

13/14 VOTED "NO"
93%

1 OUT-OF-TOWN

Attachment: 5200 Block of Willow Street Petition (2673 : Group D Phase 2 Sidewalk Project Direction)

PETITION
5200 BLOCK OF WILLOW ST.

Willow St. #	Signature	Printed Name	Phone
5204	Mich W. Mi	Michael W. Miles	281-229-8215
5218	Madelyn Fosk	MADELYN FOSK	7136650284
5200	G Huang	WEI HUANG	713-248-8882
5215	Mac DeLaittre	Mac DeLaittre	713-829-4374
5215	Martha DeLaittre	Martha DeLaittre	713-542-6444
* 7011 FERRIS	NORBERT MARUSACK	NORBERT MARUSACK	713 661 [illegible]
5290 Willow	Kathleen E Mabe	Kathleen E. Mabe	9037145487
5202 WILLOW ST	[illegible]	JOE THOMAS IRVIN	713-666-688
* 7012	Debora Levine	Debora Levine	713-553-9858
5203	[illegible]	Maxine de La Cruz	832-247-6602

CITY OF BELLAIRE
RECEIVED
SEP 13 2018
CITY CLERK'S OFFICE

* NOTE: 7011 FERRIS & 7012 5th ARE HOUSES WHOSE SIDE YARDS ARE ON WILLOW ST. WHEN BUILT NEW THE CITY LET THEM MAKE THEIR FRONT ENTRANCES FROM WILLOW ST.

Attachment: 5200 Block of Willow Street Petition (2673 : Group D Phase 2 Sidewalk Project Direction)

Petition For No Sidewalk—5100 Block of Huisache Street

The undersigned residents of Huisache Street are homeowners slated for a sidewalk under the Bellaire 2016 Sidewalk Project Group D—Phase II.

By signing this petition, these Bellaire residents confirm that they do not wish any sidewalk be installed along their yards. We believe that a sidewalk on our street is unnecessary; that on balance it confers no real safety benefit; that it will negatively affect the aesthetics of both our yards and the overall block; that it will increase flood and water runoff problems; that it needlessly threatens the lives of mature and valuable trees and other plantings; and that the money should be spent on much more important projects such as flood control.

We petition the City Council to amend the Sidewalk Project to exclude the 5100 block of Huisache Street from receiving new sidewalks.

Although we ask that no sidewalk in any form be installed, if Council will not grant that petition, we further request that any new sidewalk be four rather than five feet in width. Four feet will conform any new sidewalk to fit with the existing sidewalk network on our block; five feet will be unsightly, will kill more trees, will exacerbate drainage and flood problems, will create safety risks, and will pointlessly increase costs.

Jeryl Schultz 5126 Huisache St.

Larry Schreve 5126 Huisache

Paul Gregory 5122 Huisache St. Bellaire TX.

5127 HUISACHE

5128 Huisache

5118 Huisache

DIEGO DE VILLALOBOS MDV 5118 Huisache

CITY OF BELLAIRE
RECEIVED
SEP 13 2018
CITY CLERK'S OFFICE

Attachment: 5100 Block Huisache Petition (2673 : Group D Phase 2 Sidewalk Project Direction)

BBB16 D2 Sidewalk Project

EXHIBITS

Attachment: D2 sidewalk 9-19-18 presnetation (2673 : Group D Phase 2 Sidewalk Project

BBB16 D2 Sidewalk Project

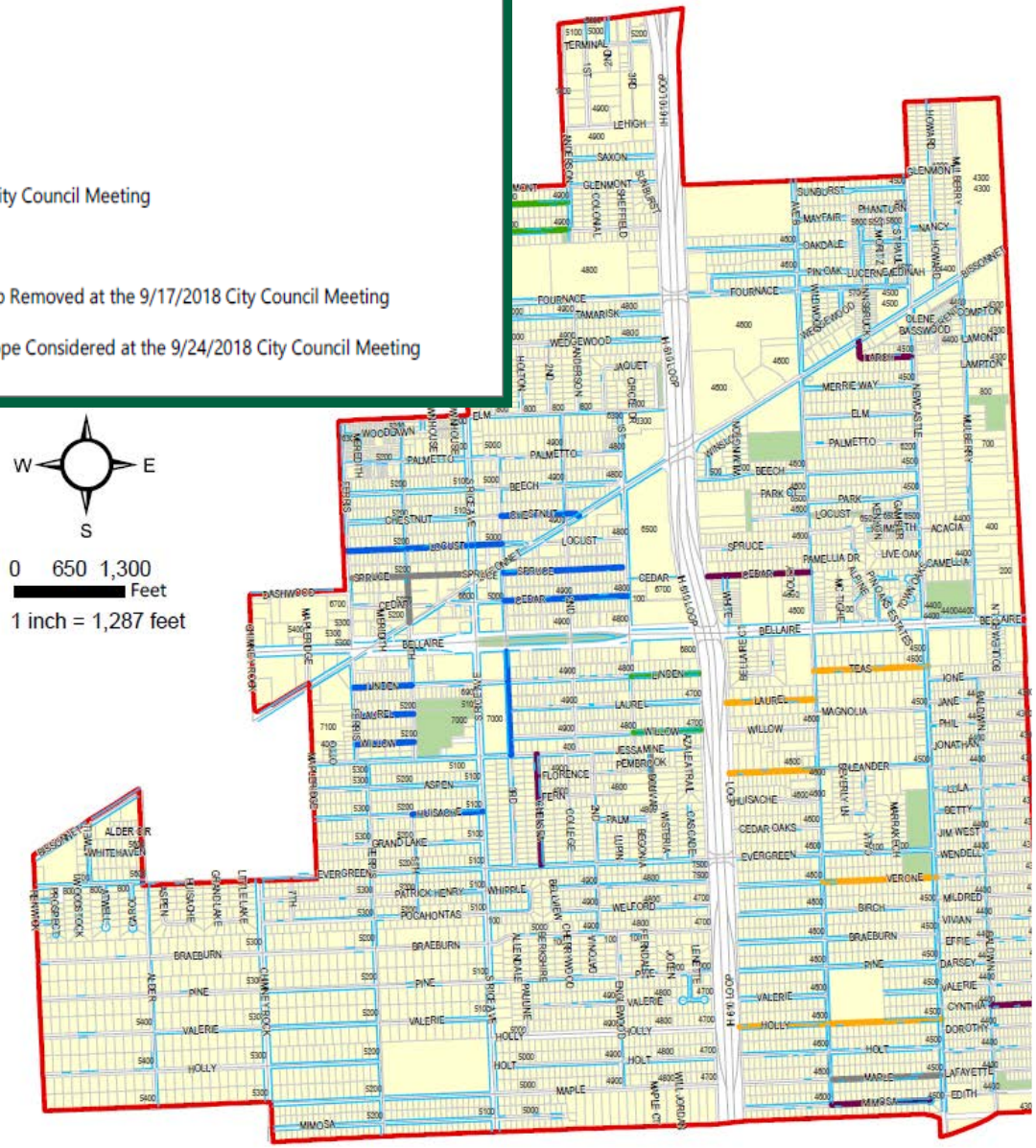
D2 Street Segments / Blocks	Proposed Width	To be Installed on
5200 Block of Willow	5′	North
5200 Block of Laurel	4′	South
5200 Block of Linden Street	5′	North
4800-4900 Block of Cedar	4′	South
4800-4900 Block of Spruce	4′	North
5000-5200 Block of Locust	4′	North
5100 Block of Huisache	4′	North
4800-4900 of Chestnut	5′	North
3rd Street	4′	Both

Attachment: D2 sidewalk 9-19-18 presnetation (2673 : Group D Phase 2 Sidewalk Project

BONDS FOR BETTER BELLAIRE 2016 PROJECTS WITH SIDEWALKS

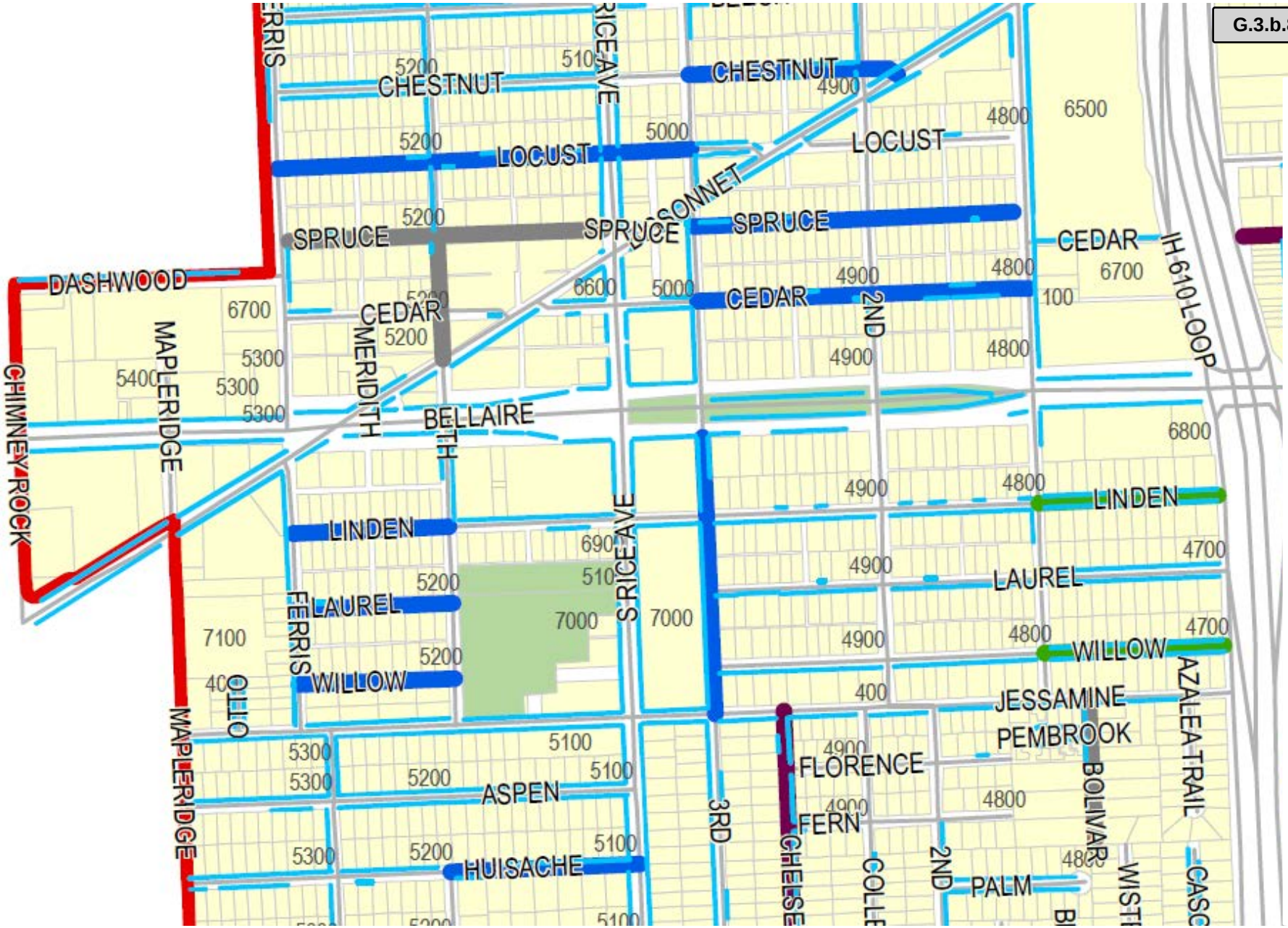
Construction Dates for each Project Listed Below

- City Limits
- Existing Sidewalks
- B1 Streets and Drainage, Fall 2018: In Construction
- C2 Streets, Drainage, Sidewalks, Fall 2018: Scope Considered at 9/24/2018 City Council Meeting
- C3 Streets, Drainage, Sidewalks: In Design
- D1 Sidewalks Around Schools & Parks, Fall 2018: Locations Outside the Loop Removed at the 9/17/2018 City Council Meeting
- D2 Sidewalks: Urban Village Downtown and City Hall Area, Winter 2018: Scope Considered at the 9/24/2018 City Council Meeting



Map Created: September 18, 2018

Attachment: D2 sidewalk 9-19-18 presnetation (2673 : Group D Phase 2 Sidewalk Project


CHESTNUT
CHESTNUT
LOCUST
LOCUST
SPRUCE
SPRUCE
SPRUCE
DASHWOOD
CEDAR
CEDAR
CEDAR
BELLAIRE
LINDEN
LINDEN
LAUREL
LAUREL
WILLOW
WILLOW
ASPEN
HUISACHE
FLORENCE
FERN
JESSAMINE
PEMBROOK
PALM
CHIMNEY ROCK
MAPLERIDGE
MAPLERIDGE
MERIDITH
FERRIS
OTTO
RICE AVE
RICE AVE
DESONNET
2ND
2ND
3RD
BOLIVAR
AZALEA TRAIL
IH 610 LOOP
6500
6700
6700
6800
7000
7000
7100
6600
5000
5200
5300
5400
5100
4900
4800
4700
400
100

Better Bonds for Bellaire 2016 - Group D Phase II							
Commenter Number	Commenter Name	Address	Contact Information	Date Received	Source	Comment Topic	Response
1	Greg Hassell	4819 Cedar St.	Home: 713-419-9208 Work: 713-216-5009 Email: greg@textext.com / cherylctextext.com	7/24/2018	Action Form	For the cul-de-sac at the end of Cedar could we add the 6" sidewalk on the inside of the curb? That takes 6" out of the street and saves 6 or 7 mature trees. Please run the sidewalk at 4819 Cedar along the curb and not diagonally through the yard. Better to curve around the crepe myrtle on the street side. I spoke to Brock Crenek, who felt this was reasonable. Thank you.	
2	Denise / John Moon	4826 Spruce St.	Home: 832-567-4745 Work:832-567-4745 Email: moonsp70@yahoo.com / dmoon4826@yahoo.com	7/24/2018	Action Form	We have extensive landscaping on the corner and a redbud tree that appears will be lost to a handicap ramp. Why do we have to have 2 handicap ramps in our yard? That is ridiculous! Our Driveway is pea gravel, all pictures were of concrete. Will the total driveway be poured in concrete? We want the total driveway to be pea gravel.	
3	Qiao Xue	4822 Cedar St.	Home: 832-322-1962 Work: Email: qiaojjgao@yahoo.com	7/24/2018	Action Form	There are so many problems with your plan. You are killing trees to fund a plan that we don't support. Sure, we voted on it, but not the specific streets! We merely stated that sidewalks would be good, but on other streets like second! This project will also interfere in daily commute for the year that it will take to build. I am happy walking on the street. Ever heard on prioritizing? There are so many more ways you can spend this money but you use it on something the community doesn't support. Thank you for trying, but we want to canal this project.	
4	Catherine Oharra	4918 Spruce St.	Home: 281-451-4063 Work: 713-627-6240 Email: katie.oharra@enbridge.com	7/24/2018	Action Form	Too much cement in Bellaire. We don't need more especially post-Harvey. Sidewalk really isn't needed on Spruce. I'm very concerned about my mature trees both in the path of the sidewalk. I have a sprinkler system that I will need to be accommodated. Would like more than 7 days notice if possible.	
5	Larry Schreve	5126 Huisache	Home: 713-416-874 Work: Email:lschreve@akllp.com	7/24/2018	Action Form	There is no need to replace the segment of a walkway that connects to the new sidewalk. It is a pointless cost. Our landing pad for our walkway to the house is lined in brick. How well will they match the new brick to the existing brick on the rest of the walkway?	
6	Jane McNeel		Home: Work: Email:	7/24/2018	Action Form	Please put all aerial layouts online available to all residents.	
7	Rylan Nielsen	4821 Spruce St	Home: 713-515-7363 Work: Email:	7/24/2018	Action Form	Do not put a sidewalk in my yard.	
8	Peter C. Nielsen	4821 Spruce St	Home: 713-515-7363 Work: Email: pete.nielsen@att.net	7/24/2018	Action Form	I do not want a sidewalk in my yard at 4821 Spruce St. I don not want the trees at the end of the cul-de-sac removed for security reasons. Very few people use the sidewalks on side streets and enjoy walking in the street. Bellaire was a city of homes. I want to keep it a city of homes.	
9	Garrett Nielsen	4821 Spruce St	Home: 713-515-7363 Work: Email: garrett.nielsen@att.net	7/24/2018	Action Form	I do not want Bellaire to put sidewalk in my yard.	
10	Resident		Home: Work: Email:	7/24/2018	Action Form	Craig to send plan to residents to help protect trees.	
11	Ana Lehrhaupt	4807 Spruce St.	Home: 713-349-81112 Work: Email: analehrhaupt@gmail.com	7/24/2018	Action Form	We would appreciate improvement to street lights. The Bellaire streets in general are poorly and that discourages use by pedestrians after sunset. Sidewalks give priority to streets with higher car traffic rather than dead end streets and low traffic streets.	
12	Kendell Patterson	4822 Spruce St.	Home: 713-213-9757 Work: Email: Kpatterson@bluecollaruniform.com	7/24/2018	Action Form	No! Sidewalks program not wanted for 4800 Spruce. Is there a # for petitioners needed to block this project for the 24 homes on this cul-de-sac block?	

13	Jennifer and Stuart Sperling	5208 Willow St.	Home: 713-231-8903 Work: Email: stuartpsperling@gmail.com	7/24/2018	Action Form	Concerns are two beautiful oak trees, extra concrete creates more flooding, unnecessary chaos, construction, disruption, property size diminished, property value diminished.	
14	Brian Bollich	5205 Laurel St.	Home: 713-664-1371 Work: 832-721-9356 Email: bmwm35mg@gmail.com	7/24/2018	Action Form	I have two (at least concerns): 1) Damage (short-term and long-term) to the two oaks in the City's ROW of my property at 5205 Laurel St. 2)Increased probability of flooding on the 5200 block of Laurel St. In short, I am opposed to sidewalks on my block. Funds would better use for flood abatement. My block floods extremely easily in relatively light rain, and especially in hurricane and tropical storm events. Thank you.	
15	Brian Bollich	5205 Laurel St.	Home: 713-664-1371 Work: 832-721-9356 Email: bmwm35mg@gmail.com	7/24/2018	Email	Hi, Brock and Courtney, Thanks for holding last night's meeting to relay information about Group D Phase II. I took pictures of the proposals of the 5200 block of Laurel. Can you tell me within <= 1' of precision how far the south side of the proposed sidewalk at 5205 Laurel (my home) is from the street? Based on the plan, it appears my lawn will be bisected in a very unaesthetic fashion. I understand that the width of the sidewalk is 4' and that there is barely more than that width between the curb and my two oaks (I measured after you and I spoke via phone recently). Is there any possibility that the sidewalk can be positioned north of my trees (between the curb and the roots)? I wish no harm to my trees, but simultaneously dread a sidewalk so very very close to the front steps of my home. My neighbor at 5207 Laurel (Fusheng Wang) is in a similar situation and has the same concern for his property. I did indeed leave an Action Form with your staff last night, just so you're aware. (My preference is no sidewalks at all on my block.) Thanks for your thoughts.	
16	Michelle Mastin	5116 Huisache St.	Home: 713-661-7154 Cell: 713-882-9469 Email: mmastin1@comcast.net	7/24/2018	Action Form	The City replaced my driveway and sidewalks about 3 years ago. They do not need to be replaced again. This was the second time the City had replaced my driveway. I do not want my driveway replaced again! I was told when the driveway and sidewalk was put in that it was ADA compliant. However, I would like the 4 houses without sidewalks, to have them put in.	
17	Jeryl Schultz	5126 Huisache	Home: 713-851-8240 Work: Email: jeryschltz@sbcglobal.net	7/24/2018	Action Form	1) The sidewalk is unnecessary. Virtually no one will use it. The minimal usage does not justify the expense. 2) You will kill trees. 3) Sidewalks on quiet streets are dangerous because people backing out of driveways aren't fully alert to people on the sidewalk. 4) There are many more worthy projects to spend money on. 5) There is no need to replace the existing sidewalks on the eastern part of our block (Huisache) that wastes money.	
18	Gordon Shahin	4801 Cedar St.	Home: 713-661-0257 Work: 713-208-8545 Email: roulas@swbell.net	7/24/2018	Action Form	Please consider leaving the trees and shrubs at the cul-de-sac of Cedar St. (4800 block) alone. Can we consider ending the sidewalk before the cul-de-sac and using the street as the turn around. Removing the green space at the Cedar cul-de-sac will open our street and therefore lowering the value of our houses.	

19	Chongjuan Wei	4907 Spruce St.	Home: 713-489-4088 Work: 713-530-1539 Email: weichj@yahoo.com	7/24/2018	Action Form	Conflicts with trees, landscape, utility poles unnecessary construction at cost of millions of dollars more concrete = worse flooding potential safety hazard for children driving out on bikes from behind cars in the driveway.	
20	Jason Gao	4822 Cedar St.	Home: 832-332-1962 Work: Email:qiaojjgao@yahoo.com	7/24/2018	Action Form	Most of the people of the streets you're going to implant your huge sidewalks on are against your huge sidewalks that do way more harm than good. You are removing trees, intervening with our lives for a year and interrupting the flow of travel, no matter ho much you deny it. For a year, work is going to be happening to no avail; I honestly prefer walking on the street than a sidewalk. There is no danger to walking on a street because no one ever passes through our street that doesn't live on our street. I sincerely suggest that you make the right choice to exclude certain streets that don't want construction of just not to do it as a whole. Thank you.	
21	Yanai Zhan	4916 Spruce St.	Home: 713-358-2385 Work: Email:tongzhanfamily @gmail.com	7/24/2018	Action Form	1) More concrete will cause worse flooding 2) Currently no many people (no one) walked on our street, there is no need for sidewalk. Sidewalk project is not a priority at this time. Bellaire has more important issues need to be fixed, such as drainage system flood mitigation and security. 3) Numerous conflicts with trees, utility poles, landscape and etc. 4) The street will look narrower, more congested. 5) Move unnecessary construction at the cost 1 million dollars 6) Loss trees and green and lower property values of the neighborhood. 7) Potential safety hazard for children darting out on bikes from behind cars in the driveway. strongly against sidewalk on Spruce street. We don't need sidewalk on our street. We need trees, green, and street lights.	
22	Meredith Frost	4804 Cedar St.	Home: 281-923-2399 Work: Email:meret17@gmail.com	7/24/2018	Action Form	At 4804 Cedar we just had backyard drainage system placed in 07/2018 that drains to street with pop up drains. I don't want these pop-ups nor the efficiency of their drainage affected. The contractor needs to work around this and fix it properly.	
23	Louis Frost	4804 Cedar St.	Home: 832-725-3449 Work: Email: louisfrost1@gmail.com	7/24/2018	Action Form	End of cul-de-sac of 4800 Block Cedar St: If trees cut down, street will look directly at commercial area. In general I think we need to leave trees up, we're killing them enough as is. 4804 Cedar my house, we just had drains put in front yard there are pop up drains at curb that will need to be worked around. Money better spent on crime and flooding. I know money is remarked for this project but this can to changed.	
24	Denise / Rob Elston	4823 Spruce St.	Home: 832-660-4970 Work: 832-577-1333 Email: robelstontx@gmail.com	7/24/2018	Action Form	1) We do not believe sidewalks are needed and do not add value to our cul-de-sac block. 2) We have a 30"" Oak Tree in the path of the sidewalk, how will you not damage it or the root system. 3) We have expensive landscaping proposed to be removed. 4) This landscaping includes multiple irrigation zones. 5) There is an orange dot in my yard. Orange =removed. What will be removed? 6) My sidewalk is flagstone. What will you be doing about this? 7) We would like to understand the ADA slope requirement specifically for our driveway.	
25	Doug Newport	4820 Spruce St.	Home: 713-669-1469 Work: Email: mjnewport@gmail.com	7/24/2018	Action Form	Sidewalk will kill my 36" tree. Maybe move sidewalk to the north of the tree.	
26	Terry Ceavitt-Chavez / Samantha Chavez	4908 Cedar St.	Home: 713-501-0008 Work: Email: gallerry3houston@gmail.com	7/24/2018	Action Form	No concerns, thank you.	

27	Kathleen Marburger	4803 Cedar St.	Home: 713-667-5286 Work: Email:	7/24/2018	Action Form	1) Paved driveway: concern is that concrete sidewalk will be higher than grade and rain water will not drain to street. Also same thing for area from front of house to street where walk from street to house was until 1990. 2) I don't want my neighbor's basketball goal relocated anywhere at front of my property where there isn't concrete. I was told at the 07/24/2018 meeting that nothing is supposed to be put in the City's ROW, but my neighbor (4801 Cedar) has a basketball goal in the ROW for many years now.	
28	Xiaohong Yang	4917 Spruce St.	Home: 615-727-8876 Work: 615-336-2537 Email: xiho66@gmail.com	7/24/2018	Action Form	I will say no to this sidewalk project. This is really a poorly developed project. The street will look narrower, more congested and concrete. We will loose trees and greens. More unnecessary construction at the cost of millions of money. Please consider to stop this project.	
29	Marla / Michael Weinstein	4906 Spruce St.	Home: 713-962-8752 Work: Email: marlybw93@gmail.com	7/24/2018	Action Form	Top priority: Flood and drainage concerns! We want to protect our street. We did not flood during Harvey! 1) Driveway (we have brick paved driveway and concerned about matching and saving the pave to reinstall) 2) Two sprinkler heads at edge of driveway need to be moved. 3) Red Oak tree root system not harmed. 4) Drains that will need to be replaced 5) Most of all, flood and drainage concerns! Our streets did not flood, but water got high. We need to ensure better drainage.	
30	Marcelo Benveniste	5212 Willow St.	Home: 713-665-0075 Work: 832-978-7917 Email: marcelob1818@gmail.com	7/24/2018	Action Form	I'm opposed to the sidewalk project. It's a bad investment with public money. There are other priorities at this moment including safety in our community, street light and drainage projects for flooding.	
31	Wesley E. Wright	4825 Cedar St.	Home: 832-247-0784 Work: 713-660-9595 Email: wes@wrightabshire.com	7/24/2018	Action Form	1) I attended the meeting tonight regarding the normal sized sidewalks project that affects my area. The Bellaire representations of the City said that they would consider the idea of not installing a sidewalk all the way around the cul-de-sac but instead, install a cross way accross the street just before the cul-de-sac. This could or would be considered on Cedar and another street I cannot recall the name of. I support this on Cedar it would prevent several trees from being destroyed. 2) I support the arborist in attendance providing techniques to the citizens about helping affected trees avoid the stress created by the sidewalks. Thank you for your consideration and your patience at the meeting.	
32	Resident	4912 Chestnut St.	Home: Work: Email:	7/24/2018	Comment at Meeting	I will like the proposed sidewalk to be continuous at the back of the curb and I am fine with removing the small tree.	
33	Resident	5211 Laurel	Home: Work: Email:	7/24/2018	Comment at Meeting	Drainage is on proposed sidewalk, contractor should work around that.	
34	Gordon / Roula Shahin	4801 Cedar St.	Home: 713-661-0257 Work: 713-208-8545 Email: roulas@swbell.net	7/24/2018	Pictures given at meeting	Proposed sidewalk will cover flower beds and 5 sprinklers, it will take away neighborhood basketball pole, destroy green space and add concrete (kill those trees/ugly view). Will not be able to meet your own recommendation with out simply not installing walk way around cul-de-sac.	
35	Kevin / Cathy McFadden	5216 Locust St.	Home: 612-270-7780 Work: 612-270-7946 Email: kevinmcfadden1caol.com	7/24/2018	Action Form	We attended the session last evening at the CenterPoint Energy Community Center, we are not opposed to the sidewalks, but need to better understand the plan for our yard. In the plans we saw last night, it has plans to remove a tree(s) in our front yard. We do not want trees removed. Please call Kevin at 612-270-7780. We need to understand what the specific plan is. Thank you.	

36	Michael Weinstein	4906 Spruce St.	Home: 713-557-6645 Work: Email: murw@aol.com	7/25/2018	Email	Courtney - Please find our Action Plan Form for Marla and Michael Weinstein at 4906 Spruce Street. We are MOST concerned about flooding and drainage control on our street as we did not flood during Harvey. The other items are listed on this form too including our brick paver driveway, sprinkler heads, oak tree root system and why there is only sidewalk on this side of the street. That will look a bit strange too! Thank you for your and your colleague's time last night at the meeting. As you all can see, this is an important issue that none of the homeowners on these streets are taking lightly. Although I'm not against sidewalks, we are very concerned about some of the damage they could do now when it was not part of the original design of these streets!	
37	Marcelo Benveniste	5212 Willow St.	Home: 713-665-0075 Work: 832-978-7917 Email: marcelob1818@gmail.com	7/25/2018	Email	Dear Courtney, Good morning! Please see attached Action Form and comments in regards to the Sidewalk project - Group D Phase II. Please let me know how could I share my comments with the City of Bellaire Council by email. Thanks in advance, Marcelo Benveniste	
38	Brian Bollich	5205 Laurel St.	Home: 713-664-1371 Work: 832-721-9356 Email: bmwm35mg@gmail.com	7/25/2018	Email	Courtney, Thanks for your prompt reply. I surmise that your firm is receiving a lot of inquiries or at least will get them soon, given the overall mood of the residents at that meeting. I just measured 16.5' (following the slope of the property) from the inner edge of the curb, and that distance happens to line up with a metal stake driven into the ground between my property and 5203 Laurel (present when I bought the property ~15 years ago), so I presume that's the ROW delineation. I appreciate the arborist's concern, of course, and in no way do I want those trees removed. Thanks, BB	

39	Brae Janeen	5103 Huisache	Home: Work: Email: braej99@yahoo.com	7/12/2018	Email	Cristin- We received the notice regarding the plan to put sidewalks in our street. We live at 5103 Huisache. My husband is wheelchair bound. Will there be arrangements made so that he has constant access to the house? I have noticed on other streets in the past- there is no way for a wheelchair or car to gain access to the house due to the concrete being torn up. What would be the plan for a situation such as this? He would obviously need to be able to leave for work and return in the morning. He is unable to go through the grass if, for example, his car had to be parked on the street. Thank you Brae and Don Whitehead Sent from my iPhone	
40	Kevin / Cathy McFadden	5216 Locust St.	Home: 612-270-7780 Work: 612-270-7946 Email: kevinmcfadden1caol.com	7/26/2018	Email	Hi Courtney - Please see attached. We attended on Tuesday evening (7/24) and are not opposed to the sidewalks.....but need to better understand the plan for our lot. We do not want to lose tree(s). Please call me on 612-270-7780. Thank you.	
41	Brian Bollich	5205 Laurel St.	Home: 713-664-1371 Work: 832-721-9356 Email: bmwm35mg@gmail.com	7/11/2018	Email	Hi, Cristin, My property is on the 5200 block of Laurel St., included in the Sidewalk project. This block has never had sidewalks, to my knowledge, at least since 1996. Two oak trees (planted before I bought the property) are very close to the street's curb, and there is a fire hydrant very close to the street as well. Should I expect a sidewalk to be built around my trees, as there's not enough room to construct sidewalks between those trees and the curb? Many of my neighbors on the same block are in the same situation. Thanks, Brian Bollich	
42	Miranda Gill		Home: 973-219-5046 Work: Email: mgill@mgstrategicresearchandconsulting.com	7/12/2018	Email	Hello Cristin, I just received the letter in the mail specifying which blocks are slated for sidewalks in the Group D Phase II project. I live on the corner of Linden and Third (my driveway is on Third, across from Condit). Are sidewalks planned for my side of the street even though there already are sidewalks on Condit's side of the street? If so, is the town cutting down trees to accommodate sidewalks? Thank you in advance for clarifying, Miranda	

43	Patrick / Carolyn Grealy	5200 Laurel St.	Home: 713-560-0716 Work: Email: patgrealy@gmail.com	8/6/2018	Email	We are definitely opposed to the plan to install a sidewalk in our front yard. The plan that has been proposed would not integrate with our stone walkway at all, not to mention the sacrifice of significant green space across our front lawn. If the city proceeds with this project we will be very disappointed. We are also upset that our neighbors on the south side of Laurel will also be loving green space as well as at least one tree. If a sidewalk is still installed despite our protest I would suggest a design change that places sidewalk adjacent to curb to minimize disruption of our walkway and sprinklers. This would be same as southeast corner Linden and Fifth (attached).	
44	Ben Cervenka	4908 Spruce St.	Home: 713-865-2593 Work: 713-865-2593 Email: benny02@flash.net	8/7/2018	Email	Why does the sidewalk alignment change direction at my driveway? It is more functional along the street/curb, and conforms to neighboring sidewalk alignment along Spruce St. Additionally, I have underground improvements such as a sprinkler irrigation system and drainage pipes that are within the sidewalk alignment. What will happen to them?	
45	Kevin / Cathy McFadden	5216 Locust St.	Home: 612-270-7780 Work: 612-270-7946 Email: kevinmcfadden1caol.com	7/24/2018	Email	Craig - I appreciate you coming by the house today. I now see why the tree closest to the curb needs to come down. Courtney - Is there a possibility that the City would consider moving the sidewalks closer to the curb? Not suggesting right on the curb, but closer than is in the current plans. Our lots are not that deep.....and I would rather not have people right at my front door. When is construction on Locust expected to start? Thanks.	
46	Gordon / Roula Shahin	4801 Cedar St.	Home: 713-661-0257 Work: 713-208-8545 Email: roulas@swbell.net	8/6/2018	Council Meeting	The purpose of this proposal is to change the design of the proposed sidewalks and spare a grove of five trees in the cul-de-sac. A petition is being circulated to support this proposal. Thirteen of 23 households on the block have signed so far. We anticipate signing from over 90 % of households. We propose that 1) a crosswalk be created between 4802 and 4803 Cedar near the 4802 driveway and 2) the sidewalk around the cul-de-sac be eliminated.	
47	Mari / Dale Rude	4802 Cedar St.	Home: Work: Email:	8/7/2018	Council Meeting	The purpose of this proposal is to change the design of the proposed sidewalks and spare a grove of five trees in the cul-de-sac. A petition is being circulated to support this proposal. Thirteen of 23 households on the block have signed so far. We anticipate signing from over 90 % of households. We propose that 1) a crosswalk be created between 4802 and 4803 Cedar near the 4802 driveway and 2) the sidewalk around the cul-de-sac be eliminated.	
48	Lauri Owen	4814 Cedar St.	Home: (713) 540-9425 Work: Email:	8/8/2018	Call	Ms. Owens asked that the sidewalk be further from her house, and hopes that it can match the existing sidewalk on her neighbor's property, closer to the curb.	
49	Ben Cervenka	4908 Spruce St.	Home: 713-865-2593 Work: 713-865-2593 Email: benny02@flash.net	8/16/2018	Email	I met with Craig Koehl this afternoon about the alignment of the sidewalk at the 24" oak tree in front of my home at 4908 Spruce Street. The plans he had showed the sidewalk being built along the curb, as opposed to the shifted alignment that was presented at the public meeting. We discussed both plans and the affects on the tree, and I would prefer placing the sidewalk along the curb with a barrier wall along the private side of the sidewalk. The plan Craig showed me had a metal plate being installed to reduce digging and removal or cutting tree roots. Using the metal plate along as much of the sidewalk in front of the tree is a great plan, especially where there are large roots at or near the surface. Please call or e-mail if you have any questions, and let me know what the final decision or plan will be.	