

# City of Bellaire

CITY COUNCIL  
Monday, October 19, 2020

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**Telephonic Meeting**

**Regular Session**

**6:00 PM**

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**LOCAL DIAL-IN NUMBER:  
346-248-7799**

**TOLL-FREE DIAL-IN NUMBER:  
1-888-550-8563**

**Meeting ID:  
856 6322 2032**

## Agenda

### Mayor

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Andrew S. Friedberg

### Mayor Pro Tem

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Gus E. Pappas

### Council Member

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Neil Verma

### Council Member

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Catherine Lewis

### Council Member

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Nathan Wesely

### Council Member

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Michael Fife

### Council Member

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Jim Hotze

**REGULAR SESSION - 6:00 P.M.****NOTICE OF TELEPHONIC MEETING**

Pursuant to Section 418.016 of the Texas Government Code, on March 16, 2020, the Governor of the State of Texas granted the Office of the Attorney General's request for the temporary suspension of certain provisions of the Texas Open Meetings Act to allow for telephonic or videoconference meetings of governmental bodies that are accessible to the public in an effort to reduce in-person meetings that assemble large groups of people, as a precautionary measure to contain the spread of novel coronavirus COVID-19.

Accordingly, this Regular Session of the City Council of the City of Bellaire, Texas, will be conducted telephonically in furtherance of this important and necessary objective to protect the public health and welfare in our community.

Members of the public will be entitled to participate and address the City Council in the telephonic meeting, at the time for personal/audience comments. Any person desiring to address the City Council must submit their request via e-mail to City Clerk Tracy L. Dutton at [tdutton@bellairetx.gov](mailto:tdutton@bellairetx.gov).

The request must be received prior to the start of the meeting, include the speaker's full name and the phone number from which they will be calling in to participate in the meeting.

Speakers will be recognized during personal/audience comments in the order their requests are received.

Members of the public may view a live broadcast of the meeting by visiting the City's website at <https://bellairetx.civicweb.net/Portal/MeetingInformation.aspx?Org=Cal&id=1057>, U-Verse Channel 99, Comcast Channel 16, and the City's Facebook page at <https://www.facebook.com/bellairetx.gov/>. The local dial-in number to participate remotely in the telephonic meeting is 346-248-7799. The toll-free dial-in number to participate remotely in the telephonic meeting is 1-888-550-8563.

Meeting ID: 856 6322 2032.

An electronic copy of the agenda packet for this Regular Session is posted online at <https://bellairetx.civicweb.net/document/23283>.

A recording of the telephonic meeting will be made and will be posted online at <https://bellairetx.civicweb.net/Portal/MeetingInformation.aspx?Org=Cal&id=1057>.

**I. REGULAR MEETING**

- A. Call to Order - Andrew S. Friedberg, Mayor.**
- B. Announcement of a Quorum - Andrew S. Friedberg, Mayor.**
- C. Inspirational Reading and/or Invocation - Michael Fife, Council Member.**

**D. Pledges to the Flags - Michael Fife, 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. Approval of Minutes:**

Consideration of and possible action on the adoption of the minutes of the Special Session of the City Council of the City of Bellaire, Texas, held on Monday, August 31, 2020 - Submitted by Tracy L. Dutton, City Clerk.

[City Council - Aug 31 2020 - Minutes](#)

**F. Personal/Audience Comments.**

**Any person desiring to address the City Council must sign up, prior to the posted start time of the meeting, by e-mail to City Clerk Tracy L. Dutton, [tdutton@bellairetx.gov](mailto:tdutton@bellairetx.gov). When signing up, all speakers shall provide their full name and the phone number from which they will be calling (for the call moderator to be able to identify them).**

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.]*

**G. Report:**

City Manager's Report to provide information concerning City operations and projects, to include: COVID-19 updates, City operations/personnel updates, communication activity, and future

Council meeting information - Submitted by Brant Gary, Interim City Manager.

[City Manager's Report - Pdf](#)

#### H. Unfinished Business.

##### Adoption of Ordinance:

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending and restating Specific Use Permit S-89, approved and adopted by the City Council on September 18, 2017, by Ordinance No. 17-055, and granted to the Houston Independent School District (HISD), to allow for the construction and operation of a softball facility and baseball facility by HISD on property owned by HISD, and more commonly known as the Gordon Elementary School/Mandarin Chinese Language Immersion Magnet School site, located at 6300 Avenue B, Bellaire, Texas, in the R-3 Residential Zoning District - Submitted by ChaVonne Sampson, Director of Development Services.

[Agenda Statement Report - Pdf](#)

#### I. New Business.

##### Adoption of Resolutions:

1. Consideration of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, adopting a financial policy applicable to all procurements made with federal funds - Submitted by ChaVonne Sampson, Director of Development Services.

[Agenda Statement Report - Pdf](#)

2. Consideration of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, committing to one percent (1%) of the estimated project budget of \$65,084,212.00 (local funds not to exceed \$650,842.12) in support of grant applications to the Texas General Land Office and the Community Development Block Grant-Mitigation Program for financial assistance to abandon the existing wastewater facilities and provide for alternate service options - Submitted by ChaVonne Sampson, Director of Development Services.

[Agenda Statement Report - Pdf](#)

3. Consideration of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, establishing a small business assistance program to provide immediate, short-term financial aid to qualified small businesses in the City of Bellaire; allocating up to \$150,000 of CRF funding to the program; and setting forth program and application eligibility criteria and other requirements - Submitted by Brant Gary, Interim City Manager.

[Agenda Statement Report - Pdf](#)

#### J. 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, Section 551.0415.*

**K. Adjourn.**

**II. WORKSHOP (CITY MANAGER SEARCH)**

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

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

**C. Discussion:**

Discussion regarding the development of a search process to be used by the City Council for hiring a new City Manager - Submitted by Tracy L. Dutton, on behalf of the Bellaire City Council.

[Agenda Statement Report - Pdf](#)

**D. Adjourn.**

# City of Bellaire

CITY COUNCIL  
Monday, August 31, 2020

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Telephonic Meeting	Special Session	6:00 PM
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TOLL-FREE DIAL-IN NUMBER:  
1-888-475-4499

Meeting ID:  
927 9360 5514

## Minutes

### SPECIAL SESSION - 6:00 P.M. - REVISED AGENDA

An electronic copy of the agenda packet for this Special Session was posted online at <https://bellairetx.civicweb.net/document/22236>.

A recording of the telephonic meeting was made and posted online at <https://bellairetx.civicweb.net/Portal/MeetingInformation.aspx?Org=Cal&Id=1081>.

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

**Andrew S. Friedberg, Mayor**, called the Special Session of the City Council of the City of Bellaire, Texas, to order at 6:01 p.m. on Monday, August 31, 2020. Mayor Friedberg announced that the Special Session was being conducted telephonically by authority of the Governor in furtherance of the ongoing effort to contain the spread of novel coronavirus (COVID-19) and to protect the public health and welfare of the community.

Mayor Friedberg announced that the telephonic meeting was being broadcast live over the City's usual channels, which included the City's website, cable television (Channel 16 on Comcast and Channel 99 on U-Verse), and also on the City's Facebook page. He noted that the presentation slides associated with the meeting would be shown on the live broadcast.

Mayor Friedberg announced that this evening's Special Session was called for two purposes. The first purpose was to pick up where City Council left off on August 17, 2020, in the adjourned budget workshop (#2), and the second purpose was a closed meeting for legal consultation with the City Attorney.

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

To confirm the presence of a quorum of the City Council, Mayor Friedberg asked the City Clerk to call the roll.

**Tracy L. Dutton, City Clerk**, called the roll as follows:

Neil Verma, Council Member	Present
Catherine Lewis, Council Member	Present
Gus E. Pappas, Mayor Pro Tem	Present
Andrew S. Friedberg, Mayor	Present
Nathan Wesely, Council Member	Present
Michael Fife, Council Member	Present
Jim Hotze, Council Member	Present

**Mayor Friedberg** certified that a quorum of the members of the City Council was present and noted for the record that Interim City Manager Brant Gary, City Attorney Alan P. Petrov, Chief Financial Officer Terrence Beaman, and City Clerk Tracy L. Dutton were on the line as well.

**C. Pledges to the Flags.**

**Mayor Friedberg** led the members of the City Council and the audience in the U.S. Pledge of Allegiance and the Pledge to the Texas Flag.

**I. BUDGET WORKSHOP #2 (ADJOURNED AUGUST 17, 2020)****A. Budget Discussion:**

Discussion and presentation regarding the FY 2021 proposed budget for the City of Bellaire, Texas, with a focus on responding to the budget questions previously asked by Council Members - Requested by Brant Gary, Interim City Manager.

**Mayor Friedberg** read the agenda caption and recognized Brant Gary, Interim City Manager, to continue with his FY 2021 proposed budget presentation.

**Brant Gary, Interim City Manager (ICM)**, provided an overview of the budget calendar, the proposed budget, a review of changes that were incorporated into the budget, carryover and management projects, and an overview of the Capital Improvement Program (CIP).

**Carryover Project - User Fee Study**

ICM Gary detailed the purpose, components, goals, and objectives of the User Fee Study carryover project. It was noted that the timeline to conduct fieldwork and provide deliverables to the City for the Fee Study was approximately four months. ICM Gary advised

that staff was requesting guidance from the City Council on the inclusion of the User Fee Study in the FY 2021 budget.

#### **Management Projects**

ICM Gary reviewed proposed management projects for fiscal year 2021, which he defined as projects that would not have any cost associated with them other than staff time. He did note that findings related to the projects might have a budgetary impact.

#### **Fiscal Forecast**

ICM Gary reviewed the updated Fiscal Forecast for the General, Enterprise, and Debt Service Funds, including alternative assumptions.

#### **Capital Improvement Program Projects**

ICM Gary provided an overview of projects in the Capital Improvement Program, including a recommendation from the Parks and Recreation Advisory Board regarding the acquisition of properties on Lafayette Street for future parkland use and detention.

#### **Next Steps/Future Items**

ICM Gary noted that the 42 budget questions from City Council and answers were available for review on the City's website. The next step would be the presentation of the budget for formal adoption and the tax rate.

Members of the **City Council** provided feedback and discussed each of the topics overviewed by ICM Gary throughout the presentation.

#### **B. Adjourn.**

**Mayor Friedberg** announced that the budget workshop was adjourned at 8:31 p.m. on Monday, August 31, 2020.

#### **II. CLOSED MEETING**

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

**Mayor Friedberg** called the closed meeting of the City Council of the City of Bellaire, Texas, to order at 8:31 p.m. on Monday, August 31, 2020.

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

**Mayor Friedberg** announced that a quorum of the members of the City Council was present with all members in attendance.

**C. Retire into Closed Meeting:**

Retire into closed meeting pursuant to the *Texas Government Code, Chapter 551, Open Meetings, Section 551.071, Consultation with Attorney; Closed Meeting*, to receive legal advice concerning pending or contemplated litigation involving A Status Construction, LLC.

**Mayor Friedberg** read the agenda caption and stated that no action would be taken in the closed portion of the meeting. Any action that might be taken would occur after the City Council reconvened in the open portion of the meeting.

Members of the City Council retired into closed meeting at 8:32 p.m. on Monday, August 31, 2020.

**D. Reconvene in Open Meeting:**

Members of the City Council reconvened in the open portion of the meeting at 9:14 p.m. on Monday, August 31, 2020.

**Mayor Friedberg** advised that the City Council had been in a closed meeting to receive legal advice concerning pending or contemplated litigation involving A Status Construction, LLC. He announced that the City Council would not be taking any action on items discussed in the closed meeting.

**E. Adjourn.**

**Mayor Friedberg** announced that the Special Session of the City Council of the City of Bellaire, Texas, was adjourned at 9:14 p.m. on Monday, August 31, 2020.

## AGENDA STATEMENT

# City of Bellaire

**MEETING:** City Council - Oct 19 2020

**PREPARED BY:** Brant Gary

**DEPARTMENT:** City Manager's Office

### ITEM TITLE:

City Manager's Report to provide information concerning City operations and projects, to include: COVID-19 updates, City operations/personnel updates, communication activity, and future Council meeting information - Submitted by Brant Gary, Interim City Manager.

### RECOMMENDATION:

Brant Gary, Interim City Manager, recommends that City Council receive the report and provide feedback as appropriate.

### BACKGROUND/SUMMARY:

The City Manager Report contains updated information on COVID-19/operational updates, communication activity and future council meetings. Here is a basic overview:

#### COVID-19/Operational Updates

- Parks, Recreation and Facilities
- Library
- COVID-19 Situational Updates
- COVID-19 Statistical Data

Communication Activity

Future Council Meetings

Upcoming Events

### CITY ATTORNEY REVIEW:

Yes  No

# City Manager's Report

October 19, 2020

# COVID – 19 / Operational Updates

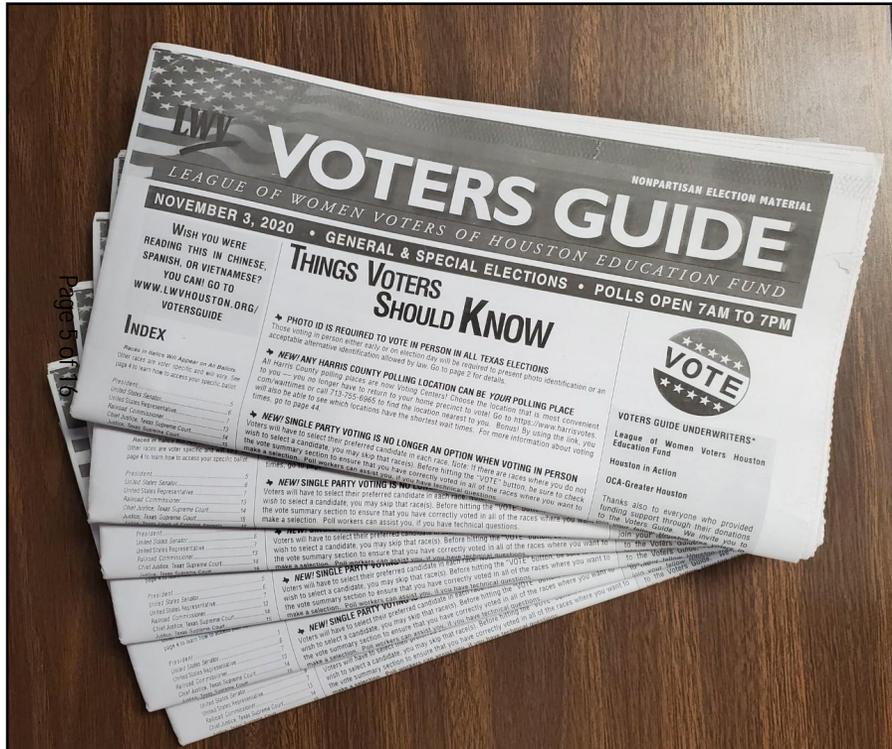
## Parks, Recreation and Facilities

- Will be offering a modified version of the Annual Great Pumpkin Hunt.
- Thursday, October 28 from 4:00- 5:00 P.M.
- Bellaire Rec Center Parking Lot
- Halloween themed stations and costumed participants will line the parking lot. Children will be given bags of candy as a special Halloween treat

# COVID – 19 / Operational Updates

## Library

- The library continues to ready for reopening when announced.
- A total of 3,477 Bellaire library books were placed into transit to Harris County Libraries from October 1-12.
- There have been 392 curbside pickups of library materials including 16 craft kits from October 7-13.
- The library will be participating with PARD on the Boo Drive Through on October 29. Our theme is tied to a book, Wizard of Oz, but without flying monkeys.



# COVID – 19 / Operational Updates

## Library

- Voter guides are available for curbside pickup.
- The children’s picture book area now has two owls waiting for visitors with the caption, “What a Hoot of a Year”

# COVID – 19 / Operational Updates

## Positive City Employees

- 15 employees who are/were positive, 15 recoveries

## Governor's Update

- **October 7** Executive Order To Open Bars In Qualifying Counties in Texas

## Harris County Judge Latest Executive Order

- No Update as of October 14

# Fire Prevention Week at the Library

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Fire Chief Deacon Tittel

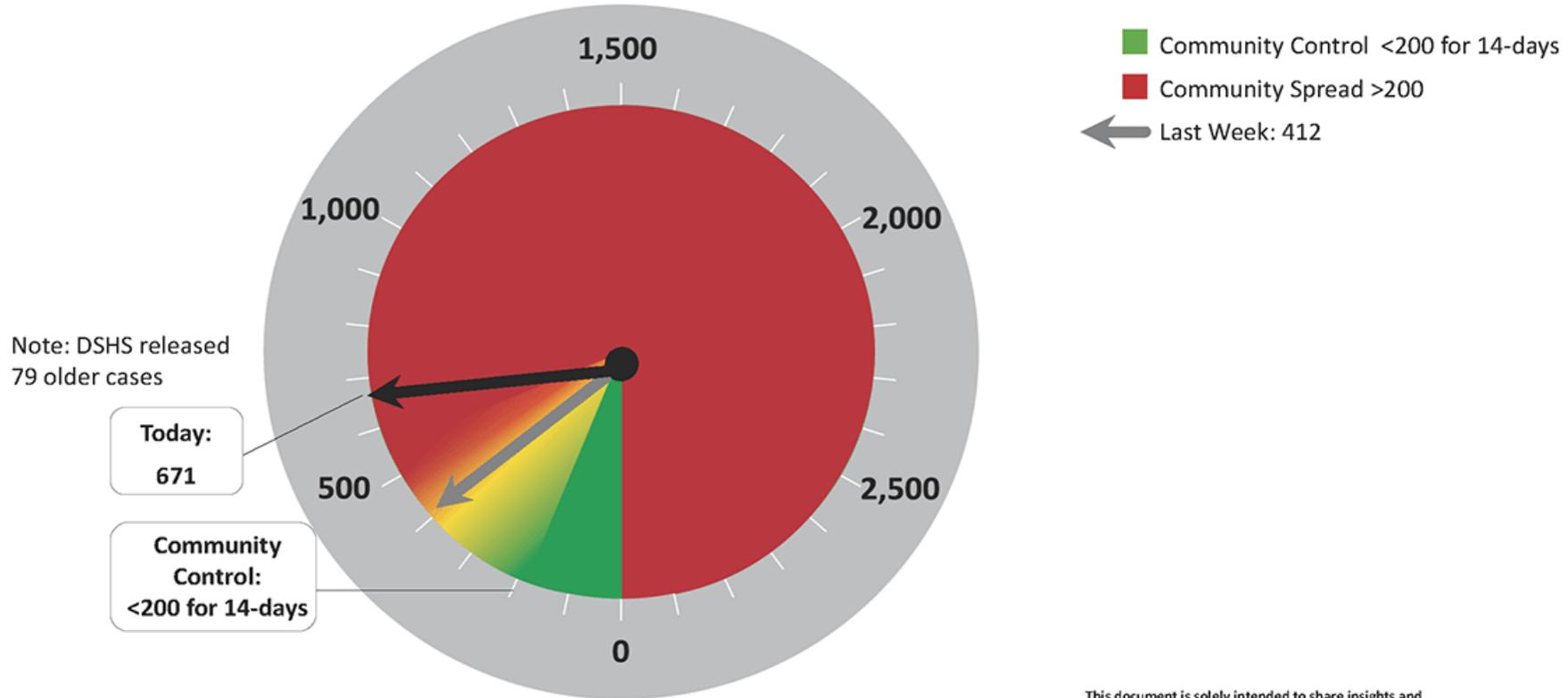


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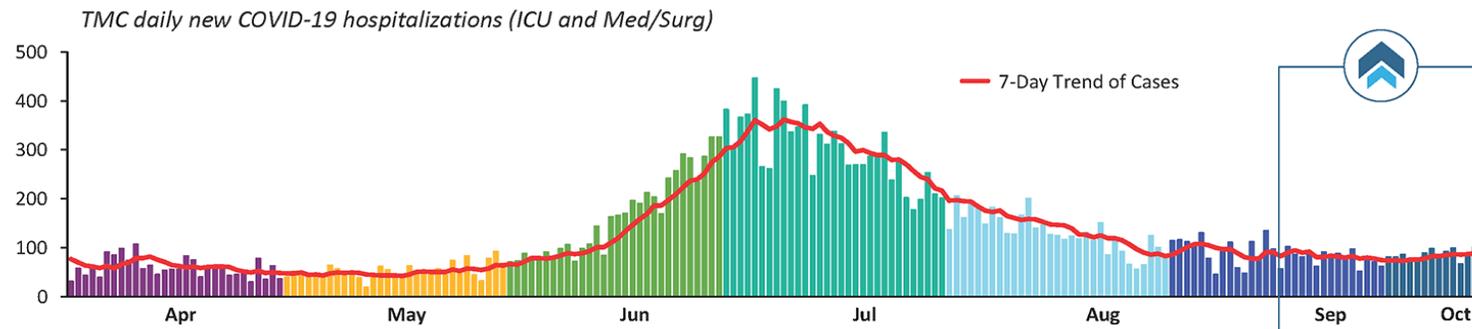
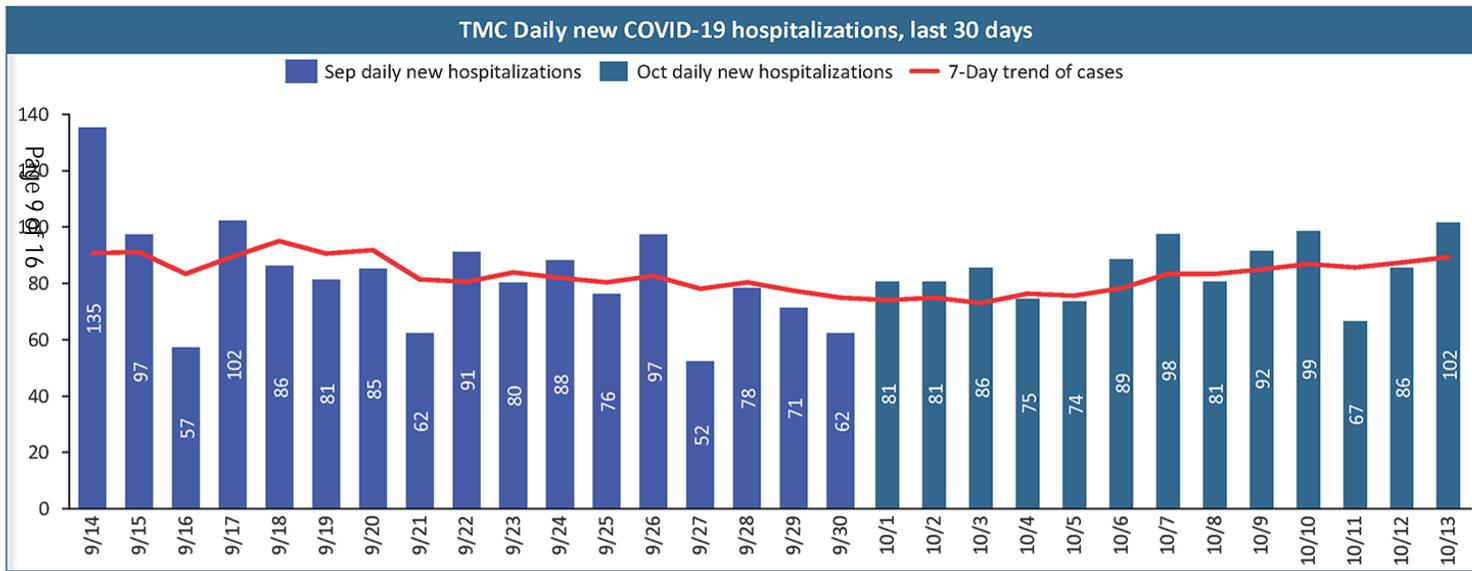
# DAILY NEW COVID-19 POSITIVE CASES FOR THE GREATER HOUSTON AREA

Measures the public health strategy shift from mitigation to containment. When the number of new daily cases is over 200, it is difficult for public health teams to effectively trace to help isolate further spread of the virus.

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# TMC DAILY NEW COVID-19 HOSPITALIZATIONS



TMC TEXAS MEDICAL CENTER Source: TMC institution clinical census  
 "TMC" refers to the group of systems that make up Texas Medical Center

October 13, 2020

**Monitoring threshold:**

Threshold is exceeded by the occurrence of a positive daily growth rate, averaged over 7 days

**Current status: 2.8% daily growth rate (averaged over 7 days) in the COVID-19 daily hospital admissions trend**

**Notes:**

While new daily cases may fluctuate for a variety of reasons (e.g., testing), the daily hospitalization trend shows an objective view of how COVID-19 impacts hospital systems

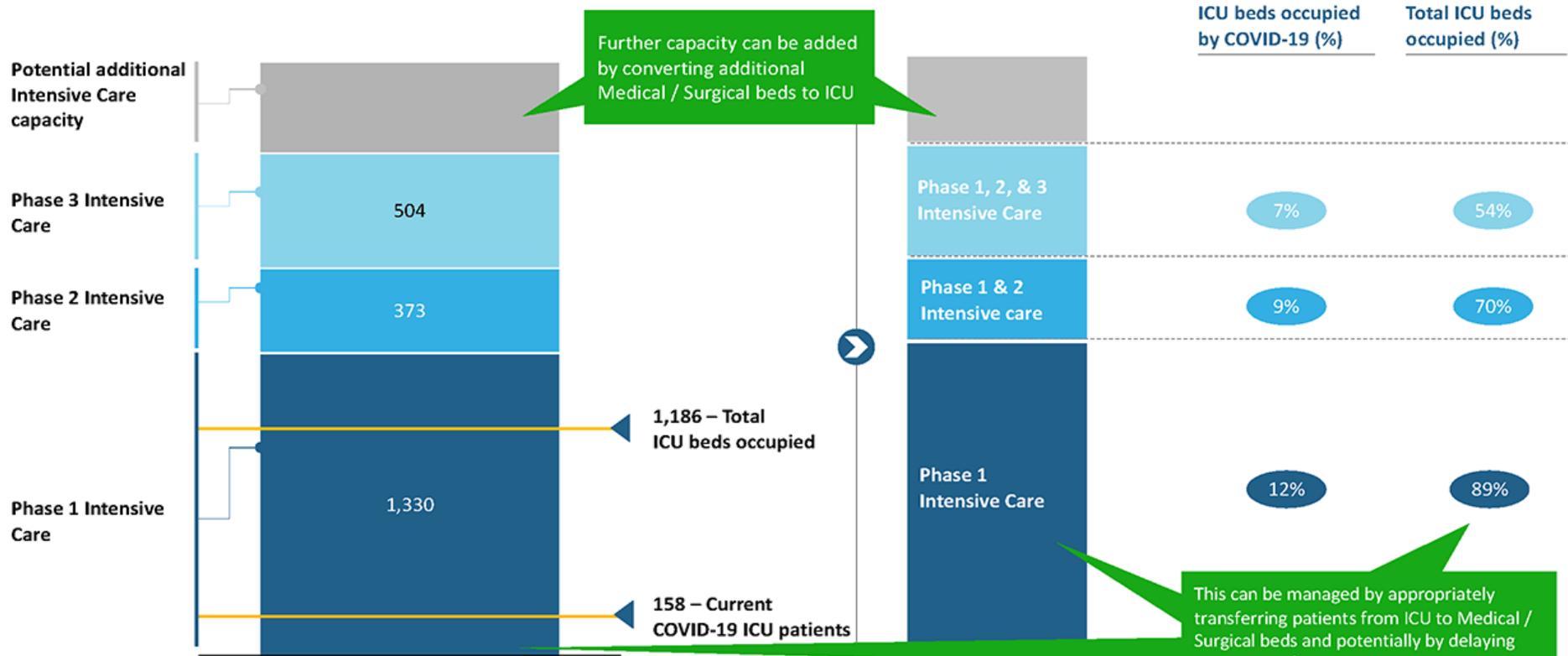
This document is solely intended to share insights and best practices rather than specific recommendations. 11  
 Individual institution data is shown as reported and has not been independently verified

# OVERVIEW OF TMC ICU BED CAPACITY AND OCCUPANCY

*This capacity is actively managed by each of the hospitals and changes on a minute-by-minute basis*

- Phase 1 Intensive Care capacity
- Phase 2 Intensive Care capacity
- Phase 3 Intensive Care capacity

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Further capacity can be added by converting additional Medical / Surgical beds to ICU

This can be managed by appropriately transferring patients from ICU to Medical / Surgical beds and potentially by delaying some procedures

## TMC KEY TAKEAWAYS FOR OCTOBER 13, 2020

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- Effective Reproduction Rate, R(t)**
  - R(t) for the Greater Houston Area (9-county MSA) is **1.16**<sup>1</sup>
    - This is above 1.0, which means the virus spread is increasing. Compared to:
    - Last week, R(t) was **0.98** for Greater Houston Area
- Testing**
  - The current 7-day average COVID-19 testing positivity rate is **3.8%** for TMC hospital systems. Compared to:
    - Last week<sup>3</sup>: **3.5%**
    - Last month: **4.0%**
- New cases**
  - Yesterday, **671 new people**<sup>2</sup> were reported as testing positive for COVID-19 in the Greater Houston Area. DSHS also released **79** older cases recently reported as of yesterday. Compared to:
    - Last week: **412** new cases/day
    - Last month: **986** new cases/day
- Hospitalizations**
  - Yesterday, TMC **admitted 102 new COVID-19 patients** in TMC hospital institutions<sup>4</sup>. Compared to:
    - Last week: **86** hospitalizations/day
    - Last month: **78** hospitalizations/day
- ICU capacity**
  - Yesterday, TMC's ICU Phase 1 (non-pandemic configurations) is 89% full, and TMC is not into Phase 2 plans for intensive care.

1. <https://sph.uth.edu/dept/bads/covid19-dashboard>

2. Source: TX Health and Human Services (<https://dshs.texas.gov/coronavirus/AdditionalData.aspx>)

3. Testing positivity charts from the TMC hospital systems have been added to the daily metrics, in addition to the charts presented from the Texas Department of State Health Services data for the Greater Houston Area. Values from the most recent week may be updated as new test data is compiled.

4. Source: Internal data collected from the systems CHI Texas Division, Harris Health System, Houston Methodist, MD Anderson Cancer Center, Memorial Hermann, Texas Children's Hospital, UTMB

# Harris County Current Threat Level

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## Level 1: **Stay Home**

- **Level One** signifies a severe and uncontrolled level of COVID-19 in Harris County, meaning outbreaks are present and worsening and that testing and contact tracing capacity is strained or exceeded.
- At this level, residents take action to **minimize contacts with others wherever possible and avoid leaving home except for the most essential needs** like going to the grocery store for food and medicine.
- Harris County has indicated they are looking for an overall test positivity rate below 5% before moving from Level 1.



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COVID-19 Testing Statistics (as of Oct. 14)	Total Tests	% of Tests With Positive Results
State of Texas	6,237,157	10.72 %

COVID-19 Case Statistics (as of Oct. 14)	Texas	Harris County	Bellaire
Confirmed Cases	748,956	142,681	211
Recoveries	664,883	123,085	199
Deaths	15,711	1,867	0
Active Cases	69,767	17,724	12

# Communication Activity

**October 14**

The Boulevard

**October 13**

Mayor's Blog: Estimating the Anticipated Fiscal Impacts of the Sidewalks Charter Propositions

**October 8**

UPDATE: IH 69 / IH 610 Construction Closures

**October 5**

Mayor's Blog: Fact Check: The Role of the City Engineer

# Future Council Meetings

November 2, 2020

- Houston-Galveston Subsidence District Interlocal Agreement - WaterWise 2020-2021 Year
- Interlocal Agreement for Library Services
- Bid Award for Wastewater Treatment Plant Activated Sludge Disposal to BFI Waste Services of Texas L.P.
- Update to the Water Conservation and Drought Contingency Plans for the City of Bellaire
- Presentation of City Employee Benefits Overview and Renewal Terms
- Presentation of the Scope of Work for a User Fee Study and Cost Allocation Plan
- Discussion and possible direction from Council regarding a Debt Reduction Plan
- Bellaire High School Softball Boosters BBQ Fundraiser at Feld Park

# City Manager Report

October 19, 2020

## AGENDA STATEMENT

## City of Bellaire

**MEETING:** City Council - Oct 19 2020

**PREPARED BY:** ChaVonne Sampson

**DEPARTMENT:** Development Services

### ITEM TITLE:

Consideration of and possible action on the adoption of an ordinance of the City Council of the City of Bellaire, Texas, amending and restating Specific Use Permit S-89, approved and adopted by the City Council on September 18, 2017, by Ordinance No. 17-055, and granted to the Houston Independent School District (HISD), to allow for the construction and operation of a softball facility and baseball facility by HISD on property owned by HISD, and more commonly known as the Gordon Elementary School/Mandarin Chinese Language Immersion Magnet School site, located at 6300 Avenue B, Bellaire, Texas, in the R-3 Residential Zoning District - Submitted by ChaVonne Sampson, Director of Development Services.

### RECOMMENDATION:

Finding that the application meets the standards set forth in Section 24-615 for the approval of a Specific Use Permit, the Development Services Director, together with the Planning and Zoning Commission, recommend approval of the applicant's request for an amendment to S-89, to construct a baseball and softball field on the property located 6300 Avenue B, with the following items recommended to be added as conditions to the Specific Use Permit:

1. No field lights or public address system shall be installed on the property; and
2. The facilities shall be for the sole and exclusive use of Bellaire High School and not by other entities without prior consent of the City Council.
3. The facility shall be locked when not in use. However, the City of Bellaire Police Department shall have access to the site at all times. The access plan shall be approved by the Bellaire Police Department.
4. The facilities shall be used for only the following uses and times listed below. Any other use shall require approval from the City Council.
  - a. Bellaire High School varsity and junior varsity baseball and softball practices – weekdays during daylight hours and Saturdays until 5:30pm.
  - b. Bellaire High School junior varsity baseball and softball games, excluding tournaments – weekdays during daylight hours and Saturdays until 5:30pm.
  - c. Bellaire High School baseball and softball weekday or Saturday community events, not to exceed two events for baseball per year and two events for softball per year. For such events, an access/parking management plan shall be submitted to the City of Bellaire Development Services Director for review and approval prior to the event, specifically detailing overflow parking and access management considerations to minimize impacts to adjacent residential streets and to prevent excess traffic congestion on Bissonnet Street.
5. The facility shall be constructed in accordance with the site plan presented, with minor

modifications which do not affect the neighboring properties to be allowed with approval of the City of Bellaire Development Services Director.

6. Construction ingress/egress shall be limited to Bissonnet Street, specifically restricting construction access through Avenue B and/or Feld Park.
7. The applicant shall attempt to preserve all mature trees to the degree possible.
8. There shall be no net fill on the site nor significant impediment to sheet flow.
9. The lowest visual impact netting material shall be utilized for all nets on the perimeter of the site. The netting on the third base line of the baseball field shall be extended to protect parked cars.

#### **BACKGROUND/SUMMARY:**

On Monday October 5th, this item was referred to a council subcommittee, a final plan will be provided during the discussion of this item.

On Monday, September 21st, the City Council held a public hearing on a request filed by the Houston Independent School District on an amendment to S-89 to include the addition of a softball field to the already approved baseball facility to be located at 6300 Avenue B.

During the public hearing, 22 residents spoke on the application, many citing concerns regarding drainage, the loss of mature trees, and traffic/parking. Additionally, discussions arose on the fact that the current site plan is not the same one that was originally presented to the Planning and Zoning Commission at their November 2019 public hearing, as it was amended at the request of the Commission in an effort to address the concerns voiced by the residents.

Since closure of the September 21st public hearing, members of City Council have requested additional information from HISD to help to better understand the differences between the 2019 and 2020 site plans. Comparative diagrams and narratives have been provided by PBK and HISD, and are included as an attachment. Also included, as requested during the public hearing, are additional materials on the proposed tree and drainage plans and calculations, specifications on the desired scoreboard signage, a traffic summary, and the regulations set by the National Federation of State High School Associations.

Staff previously provided an analysis of the application as part of the public hearing agenda materials. Based on that document, as well as all of the additional materials and information supplied by the applicant, the Development Services Staff, as well as the Planning and Zoning Commission, feel as though this request does meet the regulations set forth in Section 24-615 of the City's Code of Ordinances, and recommends approval with the conditions listed above. The draft ordinance is attached.

#### **PREVIOUS COUNCIL ACTION:**

The City Council approved Specific Use Permit S-89 on September 18, 2017 with Ordinance No. 17-055 for the construction and operation of a baseball facility on the property located at 6300 Avenue B. Then on June 18, 2018, the City Council approved an amendment to S-89 with Ordinance No. 18-

027, to allow for Kolter Elementary School to utilize the property temporarily, due to damage caused to their campus by Hurricane Harvey.

**CITY ATTORNEY REVIEW:**

**Yes**                       **No**

**For Discussion: Proposed Conditions to Gordon SUP Amendment**

**Overview**

In your packet, you will find three alternative site plan variations proposed by HISD in response to the citizen comments and feedback from the committee. The committee is not recommending any specific plan, but instead proposes that, in the event that an amendment to the SUP is desirable, that City Council consider the following conditions. Some of these conditions may necessitate HISD further altering the site plan.

**HISD included in 2020 plan:**

1. Onsite parking of at least 69 spaces
2. Ingress/egress to the site only off of Bissonnet Street

**Initial P&Z conditions**

1. No field lights or public address system shall be installed on the property
2. The facilities shall be for the sole and exclusive use of Bellaire High School and not by other entities or trainers without prior consent of the City Council.

**Additional P&Z conditions**

1. The facility shall be locked when not in use. However, the City of Bellaire Police Department shall have access to the site at all times. The access plan shall be approved by the Bellaire Police Department.
2. The facilities shall be used for only the following uses and times listed below. Any other use shall require approval from the City Council.

a. Bellaire High School varsity and junior varsity baseball and softball practices – weekdays during daylight hours and Saturdays until 5:30pm.

b. Bellaire High School junior varsity baseball and softball games, excluding tournaments – weekdays during daylight hours and Saturdays until 5:30pm.

c. Bellaire High School baseball and softball weekday or Saturday community events, not to exceed two events for baseball per year and two events for softball per year.

For such events, an access/parking management plan shall be submitted to the City of Bellaire Development Services Director for review and approval prior to the event, specifically detailing overflow parking and access management considerations to minimize impacts to adjacent residential streets and to prevent excess traffic congestion on Bissonnet Street.

3. ~~The facility shall be constructed in accordance with the site plan presented, with minor modifications which do not affect the neighboring properties to be allowed with approval of the City of Bellaire Development Services Director.~~ [see below]

4. Construction ingress/egress shall be limited to Bissonnet Street, specifically restricting construction access through Avenue B and/or Feld Park.

5. ~~The applicant shall attempt to preserve all mature trees to the degree possible.~~ [see below]
6. There shall be no net fill on the site nor significant impediment to sheet flow.
7. The lowest visual impact netting material shall be utilized for all nets on the perimeter of the site. The netting on the third base line of the baseball field shall be extended to protect parked cars.

PROPOSED ADDITIONAL CONDITIONS:

1. HISD shall meet the lot coverage and setback requirements in City code (applying to public schools in residential areas).
2. As represented by HISD at the public hearing before City Council on September 21, 2020, the fields must be graded to avoid runoff and may only be compacted consistent with residential greenspace and solely for the purposes of creating a safe playing surface.
3. Options addressing trees [subject to the parking lot discussion]:
  - a. All trees shall be preserved along Ave B, behind residences on the west side, and on the south side adjacent to Feld Park. The applicant shall attempt to preserve all other mature trees to the degree possible.
  - b. All trees shall be preserved along Ave B, excepting two trees in right field, behind residences on the west side, and on the south side adjacent to Feld Park. The applicant shall attempt to preserve all other mature trees to the degree possible.
  - c. All trees shall be preserved along Ave B, excepting two trees in right field, behind residences on the west side, excepting one tree, and on the south side adjacent to Feld Park. The applicant shall attempt to preserve all other mature trees to the degree possible.
4. No artificial or impermeable turf may be used for the fields. No tarps may be used. No solid (plastic or otherwise) horizontal ground weed barriers may be installed.
5. No concrete on site except as may be necessary under the batting cages, bleachers, storage and for the parking lot. This includes no concrete sidewalks or pathways.
6. As represented by HISD at the public hearing before City Council on September 21, 2020, the result of the drainage study and drainage plan (including the use of on-site detention) must reflect a net benefit in reduction of runoff and on site detention in comparison to the current condition, taking into account all changes.
7. Upon the request of City staff (at the direction of Council or on its own accord), HISD must provide an officer to assist with traffic during any games or events.
8. The pre-existing sidewalk on Avenue B and Bissonnet must be preserved.
9. No video monitors.
10. Only on-site lights shall be low impact safety lights directed away from residents.



**BELLAIRE HS Baseball / Softball Field - Bellaire, TX**  
**HOUSTON INDEPENDENT SCHOOL DISTRICT**

**Option 1 - 2020 Proposed Site Plan**





**BELLAIRE HS Baseball / Softball Field - Bellaire, TX**  
HOUSTON INDEPENDENT SCHOOL DISTRICT

**Option 2 - 2020 Proposed Site Plan**





**TREE LEGEND:**

-  Existing to Remain
-  New trees
-  Existing Off-Site Tree

**BELLAIRE HS Baseball / Softball Field - Bellaire, TX**  
HOUSTON INDEPENDENT SCHOOL DISTRICT

**2020 Proposed Site Plan**



### 2017 APPROVED SITE PLAN

Trees  
 Existing: 83  
 Proposed Removed: 28  
 Proposed Added: 21 (minimum)

Parking Spaces  
 Proposed: 86

### 2019 PROPOSED SITE PLAN

Trees  
 Existing: 83  
 Proposed Removed: 42  
 Proposed Added: 21 (minimum)

Parking Spaces  
 Proposed: 20

### 2020 PROPOSED SITE PLAN

Trees  
 Existing: 83  
 Proposed Removed: 51  
 Proposed Added: 30 (minimum)

Parking Spaces  
 Proposed: 69



#### TREE LEGEND:

-  Existing to Remain
-  New trees
-  Existing Off-Site Tree

## BELLAIRE HS Baseball / Softball Field - Bellaire, TX

HOUSTON INDEPENDENT SCHOOL DISTRICT

### Site Plan



Date: September 14, 2020

To: Honorable Mayor and City Council of the City of Bellaire, Texas

From: Bill Thorogood

Subject: HISD request for an amendment to their Specific Use Permit ("SUP") to include two ballfields rather than the approved SUP for only one ballfield at the Gordon/Kolter elementary school location in Bellaire's residential zoned neighborhood.

This letter is to assist and guide you through Bellaire's Comprehensive Plan ("Plan") and certain zoning ordinances that relate to HISD's SUP amendment request. The Section references herein are taken from Bellaire's zoning ordinances. As background, I find myself a student of Bellaire's Comprehensive Plan and Zoning ordinances due to my service on Planning & Zoning Commission for 11+ years including two years as Commission Chair as well as a member of the Comprehensive Plan Advisory Committee.

**POINT 1. – Comprehensive Plan**

Bellaire's Comprehensive Plan is the foundation for Bellaire's zoning ordinances. Goal 2.1, titled "Protection of the residential atmosphere and desirability of Bellaire's neighborhoods" which includes the following two Guiding Principles:

1. Maintain and Enhance residential property values and,
2. Maintain the privacy of homes and rear yards.

Staff has opined at Planning and Zoning Commission meetings that HISD's proposal meets the requirement of the Plan. I disagree with Staff and I also disagree, that a 40 foot screen netting and a sports field immediately adjacent to a resident's back yard meets the Plan's Goal 2.1 standards to maintain the privacy of homes rear yards and to protect the residential atmosphere of Bellaire's neighborhoods. Surely any residential real estate professional would concur that having two ball fields and a 40 ft. screen netting adjacent to a residential property rear fence and pool would impact that property's value.

**POINT 2. – Zoning regulations for Schools in Residential districts.**

**HISD considers the ballfields a school, however if a school, then the following Bellaire's ordinances for schools in residential districts apply.**

**Section 24-202 (181)** defines "use" as the particular type of function or purpose to which land and/or structure is committed.

**Section 24 -202 (172)** defines a structure "as anything constructed or erected with a fixed location on the ground."

HISD's proposed ballfields are to be constructed on a fixed location. One only has to see the current construction of Episcopal HS ballfields in Bellaire now underway to understand that a ballfield is consistent with the Bellaire zoning ordinance definition of a structure and use on a fixed location.

HISD's has stated many times in prior Bellaire City Council and Planning & Zoning meetings that the proposed ballfields are a school, if this is correct, then HISD's request must comply with the Bellaire's ordinances for Schools in Residential Districts.

**Section 24-525 – Schools** in residential districts states the following:

"The purpose of this section is to set specific and consistent regulations for development of schools in residentially zoned districts **to ensure compatibility with existing neighborhoods and to minimize possible negative impacts of such uses.**"

Standard regulations schools in this section include the following:

Minimum required yards:

Front yard: thirty (30) feet.

Side yard: twenty (20) feet or on corner ten (10) feet.

Rear yard: twenty (20) feet.

Minimum floor area 2,500 sq. ft.

Maximum lot coverage: Fifty (50) percent of lot area.

HISD's site plan for their "School" is a use and structure that will far exceed the 50% lot coverage rule and does not meet the established setbacks for schools. Accordingly, HISD's request does not comply with Bellaire's Zoning Ordinances for Schools in a Residential District.

However, should HISD claim that the ball fields are an accessory use to a principal use of a School, then the following Bellaire's Ordinances apply:

**Section 24-202-(2)** defines an **Accessory Use** as a structure or use which is:

- a) Subordinate and incidental to and serves a principal use or building and,
- b) Subordinate in area and purpose to the principal use or building and,
- d) is located on the same lot as the principal use"

Again, **Section 24-202-(181)** defines Use as the particular type of function or purpose to which land and/or structure is committed.

Therefore, if the ballfields are an accessory use, HISD's proposal does not meet requirements of Bellaire's zoning ordinances as the ball fields are not subordinate to a principal use on the same lot.

**Section 24-615 (1)** states a Specific Use Permit must be consistent with the purposes, goals, objectives and standards of the comprehensive plan of the City of Bellaire.

In Summary, the two points noted herein clearly indicate that HISD's request does not comply with Bellaire's Plan and Zoning Ordinances. I respectfully request that City Council deny HISD's request for an amended SUP. Finally, I sincerely thank you for your service to Our City,

Bill Thorogood



**MEMORANDUM**

**TO:** Mayor and City Council  
City of Bellaire, Texas

**FROM:** Johnson Petrov, LLP

**DATE:** October 1, 2020

**RE:** Land Use Regulations Applicable to Independent School District Facilities

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**Issues Presented**

1. What are the standards applicable to specific use permits?
2. What actions may the City of Bellaire, Texas (the "City") take on the request to amend Houston Independent School District's ("HISD") specific use permit for the 6300 Avenue B property (the "Property")?
3. What City land use regulations will HISD be required to follow?

**Short Answer**

1. The standards for approval of a specific use permit are found in Section 24-615 of the Code of Ordinances of the City.
2. The City Council of the City may take such action regarding the amendment to the specific use permit and attach conditions to HISD's amended specific use permit as long as such actions or conditions: (1) do not totally exclude HISD's use of the Property for its field facilities; and (2) are reasonably related to the protection of the health, safety, and welfare of the community.
3. HISD will be required to comply with the City's land development restrictions in its Code of Ordinances for the Property.

**Discussion**

The City has enacted zoning and building requirements and permit procedures through its statutory police powers for the purpose of promoting public health, safety, morals or general welfare. HISD is a political subdivision of the State of Texas with a purpose to provide education. The City's boundaries and HISD's boundaries overlap and questions have been asked concerning the land use restrictions that the City can impose on HISD in relation to the use of Property. In 2017, the City approved a specific use permit, with reasonable conditions designed for the protection of the health, safety, and welfare of the neighboring residents, for HISD field

facilities on the Property. HISD is requesting an amendment to the 2017 approved specific use permit to allow HISD to construct and operate additional field facilities on the Property.

### **City's Standards for Approval of Specific Use Permits**

Section 24-615 of the Code of Ordinances states that a specific use permit may be granted if it meets the following standards and is otherwise in accord with the City's Code of Ordinances:

- (1) The proposed planned development amendment or specific use permit is consistent with the purposes, goals, objectives and standards of the comprehensive plan of the City of Bellaire;
- (2) The design of the proposed development, considered as a part of the planned development amendment or specific use permit, minimizes adverse effects, including visual impacts of the proposed use on adjacent properties;
- (3) The proposed development will not have an adverse effect on the value of the adjacent property;
- (4) The proposed development will not unduly burden essential public facilities and services, including streets, police and fire protection, sanitary sewers, storm sewers, solid waste disposal and schools; and
- (5) The applicant for the development has adequate financial and technical capacity to complete the development as proposed and has met all requirements of this Code, including such conditions as have been imposed as a part of a planned development amendment or specific use permit.

### **Compliance with Specific Use Permits and Conditions**

An independent school district's facilities are subject to reasonable city ordinances enacted for the purpose of promoting the public health, safety, morals or general welfare;<sup>1</sup> however, a city may not wholly prohibit the location of school facilities operated by an independent school district through its zoning ordinances.<sup>2</sup>

The City of Groves case dealt specifically with the application of building regulations. In that case the City of Groves sought to enforce its building standards against the Port Arthur Independent School District. The Port Arthur Independent School District contended that it was exempt from such regulations. The Supreme Court of Texas, however, concluded that a city, in performing its duties as delegated to it by the state, did not usurp the authority and responsibility of a school district in the realm of education by requiring the school buildings to meet certain minimum standards of construction any more than it usurps the control and management of

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<sup>1</sup> *Port Arthur Indep. School Dist. v. City of Groves*, 376 S.W.2d 330 (Tex. 1964); Tex. Att'y Gen. Op. No. GA-0697 (2009).

<sup>2</sup> *Austin Indep. Sch. Dist. v. City of Sunset Valley*, 502 S.W.2d 670 (Tex. 1973); *City of Addison v. Dallas Indep. Sch. Dist.*, 623 S.W.2d 771 (Tex. App.-Dallas 1982)

individuals and private corporations over their property and affairs by making them meet those same standards. The Sunset Valley case involved the location of school facilities, a football stadium, a field house, an athletic field and a bus garage center, within an area of the Sunset Valley zoned as residential. Sunset Valley sought to exclude such facilities and the Texas Supreme Court held that Sunset Valley could not prohibit the building of the school facilities absent a showing of unreasonableness. In addition, the Court stated that it did not agree with Sunset Valley's attempt to distinguish between regular classroom buildings and separate supporting facilities. In the City of Addison case, Addison sought to prevent the construction of a bus compound on property owned by the Dallas Independent School District as being in violation of the city's zoning ordinances. In this case, the Dallas Court of Appeals interpreting the Sunset Valley case, stated "The Supreme Court has determined that the school district's authority to locate school facilities overrides the police power of municipalities to zone them out in order that the legislative purpose in delegating this authority to the school district might not be frustrated."

With respect to HISD's application, the City requires certain uses in residential districts, including schools, to go through the specific use permit procedure as a reasonable means to ensure the protection of the public health, safety, morals and general welfare of the surrounding residents. The Attorney General of Texas has opined that independent school districts must comply with a city's specific use permit procedures and conditions so long as such procedures or conditions "...do not attempt to totally exclude a school district's facilities and are reasonably related to the protection of the health, safety, and welfare of the community..."<sup>3</sup> In 2017, the City approved a specific use permit, with reasonable conditions, for HISD field facilities on the Property. HISD has now requested an amendment to the specific use permit to add additional field facilities to the Property. Should the City Council of the City deny HISD's request to amend its specific use permit for the Property, the original 2017 ordinance granting the specific use permit to HISD for the Property will still be in effect, and HISD may construct and operate its field facilities in accordance with the approved specific use permit. Such prior approval and ability to construct the initially approved use would arguably evidence the fact that the City has not totally excluded HISD from using the Property for field facilities.

The City Council of the City may take such action regarding the amendment to the specific use permit or attach conditions to HISD's amended specific use permit as long as such action or conditions: (1) do not totally exclude HISD's use of the Property for its field facilities; and (2) are reasonably related to the protection of the health, safety, and welfare of the community. Whether a specific condition or restriction is reasonably related to the protection of health, safety and welfare is a fact question but the City's normal set back, height, coverage and traffic regulations would generally satisfy that requirement.

### **Compliance with the City's Land Use Regulations**

The Texas Education Agency requested an opinion from the Attorney General of Texas regarding the authority of a home rule city to enforce land development regulations against an independent school district, specifically objecting to set back restrictions, height restrictions, community design standards, sign standards, landscaping and screening requirements, fencing

---

<sup>3</sup> Tex. Att'y Gen. Op. No. JM-514 (1986) at 2.

requirements, and fines for violation of such ordinances on the basis that such ordinances were enacted for the purpose of aesthetics and maintenance of property values.<sup>4</sup> The Attorney General of Texas, after review of several judicial decisions upholding considerations of aesthetics and property values as substantially related to the public welfare and legitimate goals for general land development regulations and finding that land development regulations constitute a portion of a city's police power, opined that "...a home rule city may enforce its reasonable land development regulations and ordinances against an independent school district for the purpose of aesthetic and the maintenance of property values."<sup>5</sup>

Accordingly, we are of the opinion that, HISD will be required to comply with the City's land development restrictions in its Code of Ordinances, including setback and lot coverage requirements and reasonable conditions required by the specific use permit, for the Property. HISD has stated that their final construction plans will comply with those restrictions and this will need to be confirmed when building plans are submitted.

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<sup>4</sup> Tex. Att'y Gen. Op. No. GA-0697 (2009).

<sup>5</sup> *Id.* at 3.

11 Greenway Plaza, 22<sup>nd</sup> Floor  
Houston, Texas 77046  
Toll-free: 1-800-938-7272  
Fax: 713-961-4571  
PBK.com

September 24, 2020



City of Bellaire Development Services  
7008 S. Rice Ave.  
Bellaire, TX 77401

RE: 6300 Avenue B SUP Amendment  
Comparative Information

Good afternoon,

This letter provides comparative information between the approved 2017 SUP plan, the original 2019 SUP amendment plan, and the proposed 2020 SUP amendment plan with P&Z comments embedded.

**2017 Plan (Approved)**

Trees

- Existing = 83
- Proposed Removed = 28
- Proposed Added = 21 (*minimum*)

Parking Spaces

- Proposed = 86

**2019 Plan (Proposed as an Amendment in November 2019)**

Trees:

- Existing = 83
- Proposed Removed = 46
- Proposed Added = 20 (*minimum*)

Parking Spaces

- Proposed = 20

**2020 Plan (Updated 2019 Plan based on P&Z Comments)**

Trees:

- Existing = 83
- Proposed Removed = 51
- Proposed Added = 30 (*minimum*)

Parking Spaces

- Proposed = 69

Additional supporting documentation is included in this packet to address all questions asked by the City of Bellaire in its Public Hearing held September 21, 2020. The following is provided:

**1) Comparative Rendered Plans for 2017, 2019, and 2020**

Note that these are conceptual/schematic design renderings. We have updated the plans to indicate the tree canopy size and number of trees more accurately based on the survey and tree dispositions that we have received to date.

**2) Detention Calculations and Summary**

**3) Scoreboard Signage Information**

We will comply with the City of Bellaire Signage Ordinance.

**4) Traffic Summary**

City of Bellaire Development Services  
September 24, 2020

**5) Tree Dispositions for 2019 and 2020**

These tree dispositions were provided by our Landscaping Consultant.

**6) National Federation of State High School Associations Baseball Rule Book**

Excerpts from these rule books were provided to indicate the basis for the field dimensions.

Please let me know if you have any further questions at this time.

Sincerely,

A handwritten signature in cursive script that reads "Caroline Harris".

Caroline Harris, Associate

# Comparative Site Plan Options

### 2017 APPROVED SITE PLAN

Trees  
 Existing: 83  
 Proposed Removed: 28  
 Proposed Added: 21 (minimum)

Parking Spaces  
 Proposed: 86

### 2019 PROPOSED SITE PLAN

Trees  
 Existing: 83  
 Proposed Removed: 46  
 Proposed Added: 20 (minimum)

Parking Spaces  
 Proposed: 20

### 2020 PROPOSED SITE PLAN

Trees  
 Existing: 83  
 Proposed Removed: 51  
 Proposed Added: 30 (minimum)

Parking Spaces  
 Proposed: 69



#### TREE LEGEND:

-  Existing to Remain
-  New trees
-  Existing Off-Site Tree

## BELLAIRE HS Baseball / Softball Field - Bellaire, TX

HOUSTON INDEPENDENT SCHOOL DISTRICT

### Site Plan





**BELLAIRE HS Baseball / Softball Field - Bellaire, TX**  
**HOUSTON INDEPENDENT SCHOOL DISTRICT**

**2017 Site Plan**





**TREE LEGEND:**

-  Existing to Remain
-  New trees
-  Existing Off-Site Tree

**BELLAIRE HS Baseball / Softball Field - Bellaire, TX**  
**HOUSTON INDEPENDENT SCHOOL DISTRICT**

**2019 Site Plan**

0 40 80 160 FT

N



**TREE LEGEND:**

-  Existing to Remain
-  New trees
-  Existing Off-Site Tree

**BELLAIRE HS Baseball / Softball Field - Bellaire, TX**  
HOUSTON INDEPENDENT SCHOOL DISTRICT

**2020 Proposed Site Plan**



# Drainage Calculations & Notes

### **Summary Observations and Recommendations**

1. Trace Cryer with PBK Sports is a registered EIT in the state of Texas. He and the engineering staff in PBK Sports have more than 90 years of combined experience in civil engineering, site development, and sports facility design. In addition to engineering expertise and best practice knowledge in the discipline of civil engineering, site development and sports facility design, Trace has personal knowledge of the Bellaire HS programs and site-specific conditions at the proposed site.
2. This proposed site lies in the Brays Bayou watershed of the Harris County Flood Control District.
3. The City of Bellaire has jurisdiction with respect to requirements for storm drainage.
4. As of the date of the Public Hearing, September 21, 2020, the City of Bellaire does not have defined storm drainage criteria in its Code of Ordinances. The City Engineer and staff have previously directed PBK to design based on the City of Houston drainage requirements that are defined by Chapter 9 of the City of Houston Infrastructure Design Manual. It is also PBK Sports' understanding that the City of Bellaire has recently considered adoption of the City of Houston drainage requirements as its own standard.
5. Preliminary engineering calculations to establish basic design considerations for the site have been performed by PBK Sports for each site option (2017, 2019, and 2020).
6. The preliminary calculations for each site option were based on the date of initiation for each option (e.g. pre-Harvey and post-Harvey jurisdictional requirements).
7. Final civil engineering design and associated engineering calculations cannot be completed until a site option is authorized by the City of Bellaire.
8. At such time that a known site development plan has been authorized PBK Sports will complete all final design calculations and as required by the City of Bellaire.

9. Design considerations involved in the final civil design and engineering calculations will include:
- a. Atlas 14 Rainfall Rates
  - b. Soil Type and Condition
  - c. Groundcover, trees and vegetation
  - d. Finished elevations and slope gradients
  - e. Proposed Impervious
  - f. Tailwater elevations in receiving sewer system
  - g. Flood elevations and cut/fill balance
  - h. Extreme event sheet flow paths
  - i. Time to Peak Flow – Detention Stage – Storage & Level Pool Routing – Outflow Restriction
10. Refer to below Table for Preliminary drainage and detention calculations. Calculations are also provided on the attached site visuals for the 2017, 2019, and 2020 site options.

2017 SITE PLAN	
EXISTING SITE IMPERVIOUS	257,199 SF/5.90 AcFT
EXISTING IMPERVIOUS	92,720 SF
PROPOSED IMPERVIOUS	55,979 SF
EXISTING IMPERVIOUS TO REMAIN	6,262 SF
TOTAL IMPERVIOUS	62,243 SF
NET DECREASE	31,571 SF
* NO DETENTION IS REQUIRED PER 2017 CITY OF HOUSTON STANDARDS	

2019 SITE PLAN	
EXISTING SITE IMPERVIOUS	257,199 SF/5.90 AcFT
EXISTING IMPERVIOUS	92,720 SF
PROPOSED IMPERVIOUS	25,779 SF
EXISTING IMPERVIOUS TO REMAIN	14,380 SF
TOTAL IMPERVIOUS	40,160 SF
NET DECREASE	53,654 SF
Detention Required: $0.5 \times 25,779 = 12,890 \text{ CF} = 0.3 \text{ AcFt}$ PER 2019 CITY OF HOUSTON STANDARDS	

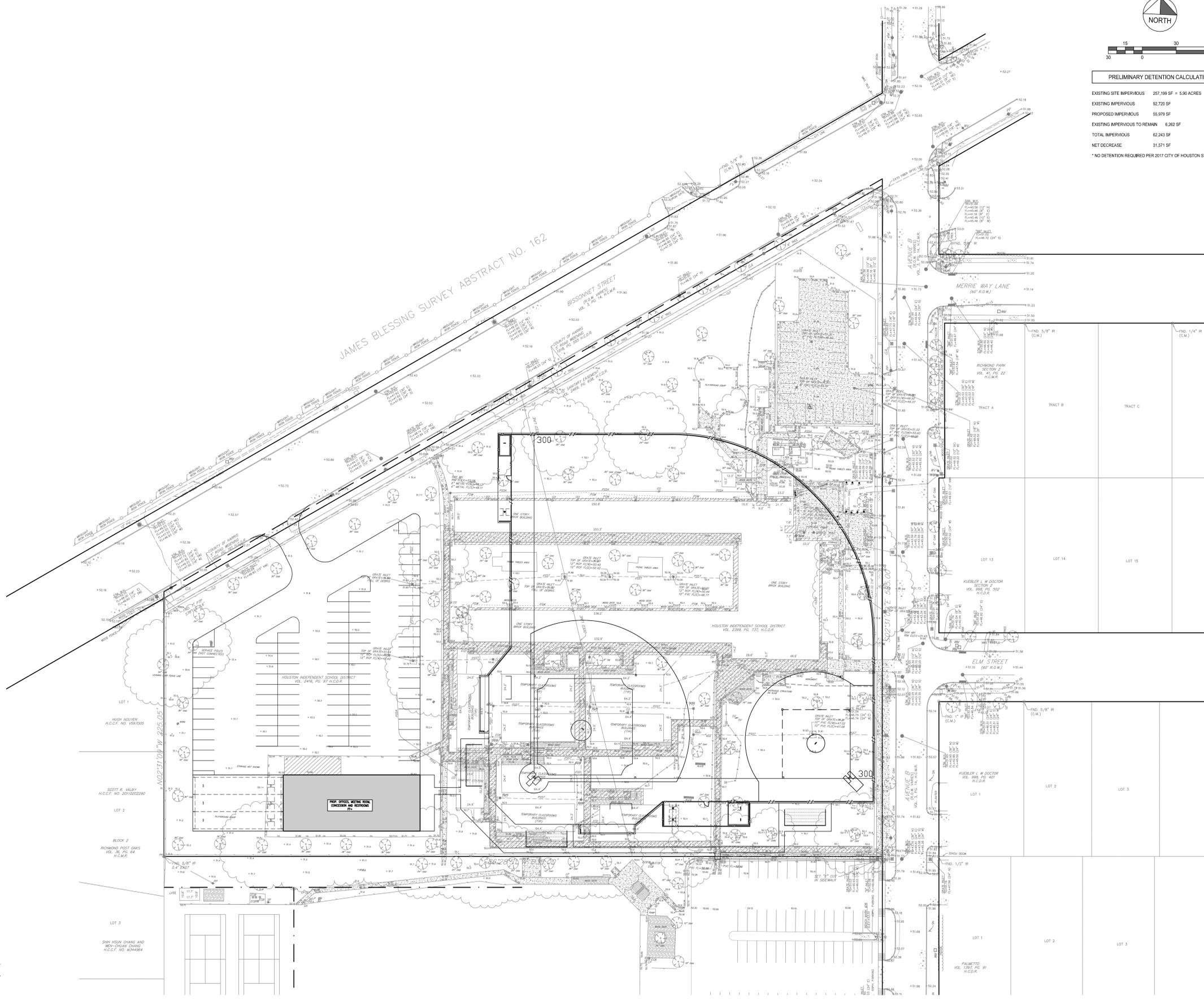
2020 SITE PLAN	
EXISTING SITE IMPERVIOUS	257,199 SF/5.90 AcFT
EXISTING IMPERVIOUS	92,720 SF
PROPOSED IMPERVIOUS	59,723 SF
EXISTING IMPERVIOUS TO REMAIN	6,262 SF
TOTAL IMPERVIOUS	65,985 SF
NET DECREASE	27,828 SF
Detention Required: $0.5 \times 59,723 = 29,861 \text{ CF} = 0.69 \text{ AcFt}$ PER 2020 CITY OF HOUSTON STANDARDS	

CHECKED BY: TCC

DRAWN BY: SG

DATE: Thursday, September 24, 2020 12:10:01 PM

B:\131\Drawings\Civil\RoadSports\Basketball\_School\Compas\DWG\Site\2017 SITE PLAN.dwg Last Saved: AGLUZMAN



NORTH

15 30 60  
0

**PRELIMINARY DETENTION CALCULATION**

EXISTING SITE IMPERVIOUS	257,199 SF = 5.90 ACRES
EXISTING IMPERVIOUS	92,720 SF
PROPOSED IMPERVIOUS	55,979 SF
EXISTING IMPERVIOUS TO REMAIN	6,262 SF
TOTAL IMPERVIOUS	62,243 SF
NET DECREASE	31,514 SF

\* NO DETENTION REQUIRED PER 2017 CITY OF HOUSTON STANDARDS



ARCHITECT PRK Architects, Inc.  
 11 Greenway Plaza, 22nd Floor  
 Houston, TX 77060  
 713.965-0888 P  
 713.961-4511 F  
 TX Reg. E-1068

DEMOLITION PACKAGE : KOLTER ELEMENTARY SCHOOL



6300 AVENUE B, BELLAIRE, TX 77401  
ISSUE FOR PERMIT

CLIENT		
HOUSTON ISD		
DATE	PROJECT NUMBER	
05/14/2020	1384.01	
DRAWING HISTORY		
No.	Description	Date
ISSUE FOR PERMIT		
SITE PLAN		

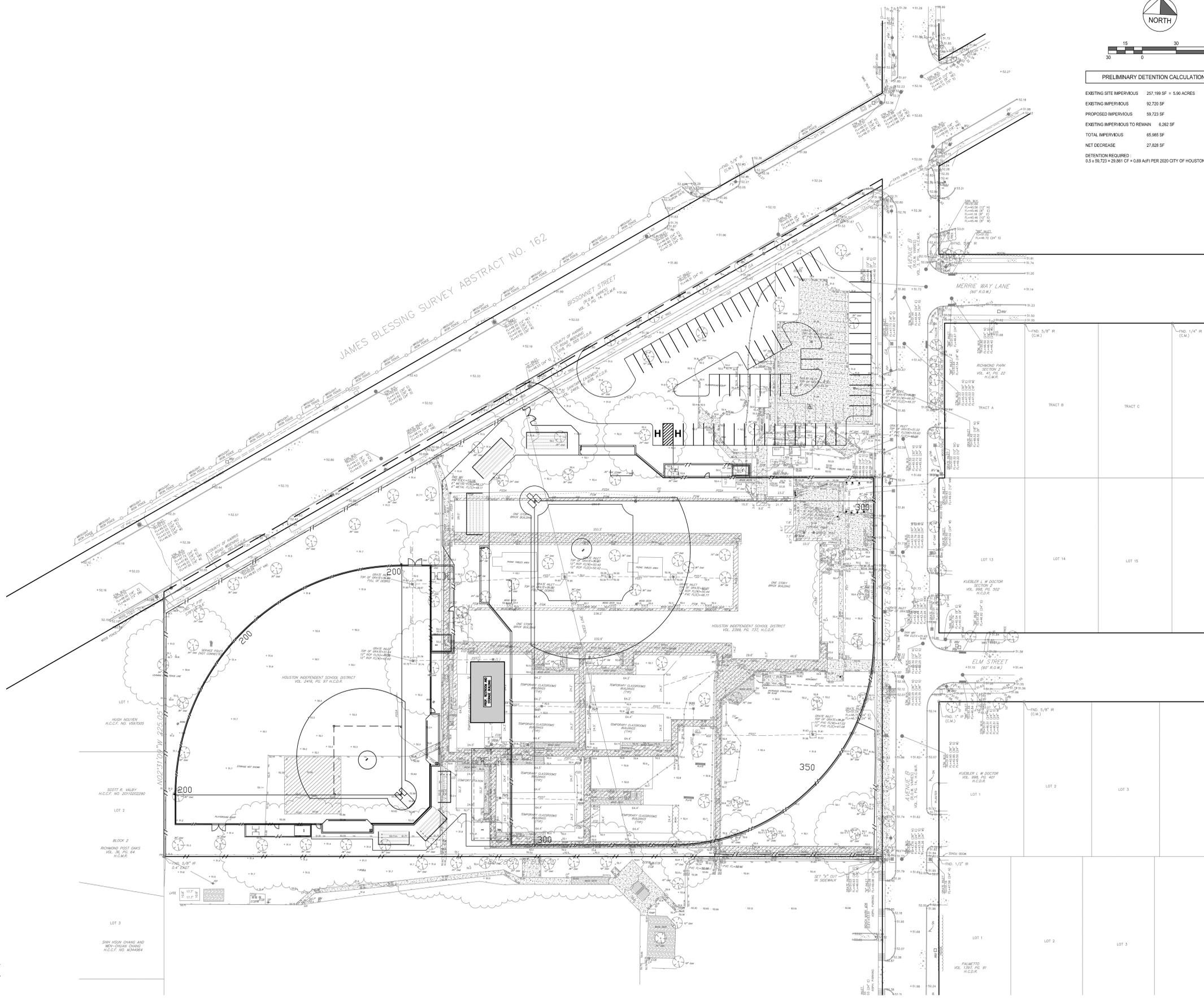
2017



CHECKED BY: TCC

SG

DRAWN BY:



**PRELIMINARY DETENTION CALCULATION**

EXISTING SITE IMPERVIOUS	257,199 SF = 5.90 ACRES
EXISTING IMPERVIOUS	92,720 SF
PROPOSED IMPERVIOUS	59,723 SF
EXISTING IMPERVIOUS TO REMAIN	6,262 SF
TOTAL IMPERVIOUS	65,985 SF
NET DECREASE	27,828 SF

DETENTION REQUIRED:  
 $0.5 \times 59,723 = 29,861 \text{ CF} = 0.69 \text{ ADF PER 2020 CITY OF HOUSTON STANDARDS}$



ARCHITECT PRK Architects, Inc.  
 HOUSTON  
 11 Greenway Plaza, 22nd Floor  
 Houston, TX 77006  
 713-965-0888 P  
 713-961-4511 F  
 TX Reg. E-1068

DEMOLITION PACKAGE : KOLTER ELEMENTARY SCHOOL



6300 AVENUE B, BELLAIRE, TX 77401  
ISSUE FOR PERMIT

CLIENT		
HOUSTON ISD		
DATE	PROJECT NUMBER	
05/14/2020	1384.01	
DRAWING HISTORY		
No.	Description	Date
ISSUE FOR PERMIT		
SITE PLAN		

2020

# Scoreboard Signage

## SCOREBOARD SIGNAGE INFORMATION

Will comply with Article X  
Sec. 24



IMAGE OF PROPOSED SCOREBOARD  
(EXISTING BASEBALL)

36' x 16'

Will comply with Code height restrictions (25').

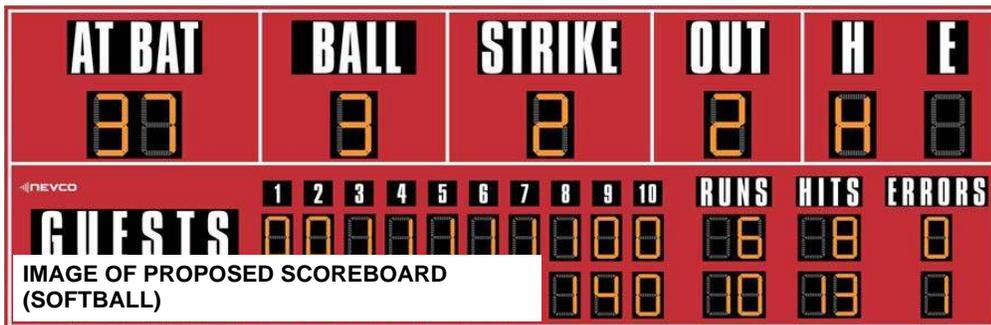


IMAGE OF PROPOSED SCOREBOARD  
(SOFTBALL)

24' x 8'

Will comply with Code height restrictions (25').

# Traffic Summary

### **Summary Observations and Recommendations**

1. TEI / Dustin Qualls, Principal with TEI, Inc., is a registered Professional Engineer in the state of Texas and has 20 years of experience in traffic analysis and engineering. In addition to engineering expertise and best practice knowledge in the discipline of traffic engineering, Dustin has personal knowledge of the Bellaire HS programs and site-specific conditions at the proposed site.
2. TEI has made in-person observation of Bellaire HS Baseball and Softball program practices and sub-varsity games.
3. TEI has made in-person observations at the Bellaire HS campus, Bayland Park site and Meyerland Park site.
4. In TEI's opinion:
  - a. The proposed use of the site, for baseball and softball practices and sub-varsity games, has one of the very lowest trip-generation counts of any proposed educational use.
  - b. The proposed use of the site will generate significantly fewer trips than the existing elementary school presently does.
  - c. Based on observations, a maximum of 30 vehicles and 2 buses are anticipated to come to the site from east and west along Bissonnet Street in any one peak hour.
5. Detailed analysis is provided in the attached copy of TEI's Typical Weekday Narrative dated September 23, 2020



801 Congress  
Suite 325  
Houston, TX 77002

Voice (713) 270-8145  
Fax (281) 809-0807  
www.trafficengineers.com

Texas Registration Number F-003158

September 23, 2020

Ashley Parcus  
Development Services Coordinator  
City of Bellaire  
7008 South Rice Avenue  
Bellaire, TX 77401  
O: (713) 662-8240 | F: (713) 662-8233  
aparcus@bellairetx.gov

RE: Bellaire High School Baseball Driveway on Bissonnet Street – Typical Weekday Narrative

Dear Ms. Parcus,

This letter provides a narrative summary of the anticipated peak traffic conditions near the proposed Bellaire Baseball and Softball fields driveway located on Bissonnet Street. The analyses provided here originate from observing both practices and sub-varsity games for both the Bellaire High School Baseball and Softball programs. Observations were made at the Bellaire High School campus, as well as at Bayland Park and Meyerland Park, and the analysis below reflects the worst-case of these existing conditions.

**Typical Weekday Arrival (4:00 PM)**

- For practices, buses will provide transportation to and from the fields for the baseball and softball teams in addition to students who choose to drive themselves.
- From observations noted above, a maximum of 30 vehicles and 2 buses are expected to travel from Bellaire High School east on Bissonnet Street to the proposed driveway on Bissonnet Street and turn right into the parking lot. For sub-varsity games, a similar maximum number of vehicles are anticipated coming primarily from the west on Bissonnet Street, with most of the balance arriving from the east on Bissonnet Street and making a left-turn into the parking lot driveway.
- There are no inherent advantages to arriving from the south along Avenue B, as to get to this approach, vehicles must travel significantly further coming from the Bellaire High School campus and then must make the northbound left-turn at the traffic signal of Bissonnet Street at Avenue B.

**Typical Weekday Dismissal (near sunset)**

- Upon dismissal from practices, a staggered dismissal will occur which allows all parent vehicles picking up players to either park in the 69-space parking lot, or queue in the through lanes of the parking lot (400 linear feet provides storage for approximately 20

THE TEAM YOU CAN DEPEND ON



vehicles). Buses will return from the Bellaire High School campus to transport non-parent-pick-up students and coaches back to campus.

- At the completion of either a sub-varsity baseball game or softball game, parked vehicles in the parking lot will exit onto Bissonnet Street; approximately 20 vehicles are expected to turn left out of the driveway and head west on Bissonnet Street, 10 vehicles are expected to turn right to head west on Bissonnet Street.
- Less than a handful of vehicles would be expected to turn right out of the driveway and travel south on Avenue B. Due to the northbound one-way nature of the IH-610 Frontage Road, using Beech Street as a "shortcut" to get westbound is not a viable alternative to save any time.
- It is recommended to allow full access at the proposed driveway on Bissonnet Street. A right-in/right-out driveway would lead to unintended consequences and end up forcing more vehicles onto Avenue B and into the neighborhood to the south.

If you have any questions about the methodology and narrative presented above, please do not hesitate to contact me at [dustin@trafficengineers.com](mailto:dustin@trafficengineers.com) or at (713) 398-7461.

Sincerely,

A handwritten signature in blue ink that reads 'Dustin W. Qualls, PE, PTOE'.

Dustin W. Qualls, PE, PTOE, RAS  
Principal

# Tree Dispositions (2019 and 2020)





# NFHS Rule Book (Baseball)

# Rule 1 *Players, Field and Equipment*

The NFHS does not perform scientific tests on any specific items of equipment to determine if the equipment poses undue risks to student-athletes, coaches, officials or spectators. Such determinations are the responsibility of equipment manufacturers.

## SECTION 1 POSITIONS OF PLAYERS

**ART. 1 . . .** In high school baseball, each team is permitted seven turns at bat (4-2-2) during which it attempts to score runs by having its batters become base runners who advance to and touch first base, second base, third base and home plate. The team in the field attempts to end each turn at bat of the opponent by causing three of its batters or base runners to be out. Each of the two teams consists of at least nine players throughout the game (EXCEPTION 4-4-1f), one of whom must be designated captain.

**ART. 2 . . .** The captain and head coach represent the team in communications with umpires. The captain's and head coach's duties shall include: 1) providing the umpire-in-chief with his team's lineup card which shall include the name, shirt number, position and batting order of each starting player, the name and shirt number of each eligible substitute should also be listed; and 2) informing all

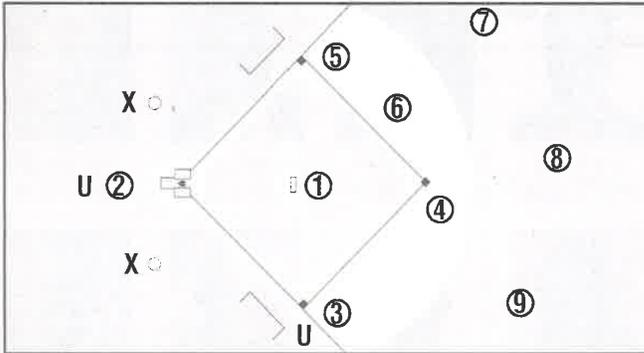


Diagram 1

**KEY:** 1 (Pitcher); 2 (Catcher); 3 (1st Baseman); 4 (2nd Baseman); 5 (3rd Baseman); 6 (Shortstop); 7 (Left Fielder); 8 (Center Fielder); 9 (Right Fielder); U (Umpire); X (On-Deck Circle); Stippled Area (Grass).

players as to special ground rules as announced by the umpire become official after they have been exchanged, verified and approved by the umpire during the pregame conference. The umpire shall not allow a player to be substituted until all substitutes are listed. There is no penalty assessed for a player who is substituted after the game has started.

**ART. 3 . . .** A player is designated on the lineup card by name, shirt number, batting order position and fielding position. The arrangement of the fielders is shown in Diagram 1.

**ART. 4 . . .** At the time of the pitch, all fielders shall be on the field. The catcher who shall be in the catcher's box. A fielder is in the field if one foot is touching fair ground.

**PENALTY: Illegal pitch. (2-18)**

**ART. 5 . . .** A player may change to a different fielding position except that a pitcher, after being listed as such on the lineup card, cannot change until conditions in 3-1-1 and 3-1-2 are met. This should be reported to the umpire-in-chief and scorekeeper.

## SECTION 2 THE FIELD

**ART. 1 . . .** A diamond (or infield) shall be a 90-foot square. The distance to first base and third base, measure from the front edge of the base to the back edge of the base. The outfield is the area between the diamond and the back edge of the base. The outfield is the area between the diamond and the back edge of the base, including the boundary marks from home plate to first and third base and the foul lines, are fair ground. All other area is foul ground.

**ART. 2 . . .** All lines on the playing field shall be marked. The lines shall be marked in a color that is not injurious to the eyes or skin. All non-permanent lines shall be made of a material that is not caustic or corrosive.

**ART. 3 . . .** The on-deck circle should be to the side and parallel to the foul line and shall be 37 feet in diameter. Neither team's players shall warm up in the on-deck circle. The on-deck circle does not have to be on the field. If a player wishes to warm up, he shall do so only in his team's on-deck circle. The on-deck circle is located safely away from home plate. (2-1-1)

**ART. 4 . . .** When the dugout area is temporarily extended, the extension shall be extended toward the outfield on a line parallel to the foul line. The extension of the dugout area shall be equally applied for both teams.

**ART. 5 . . .** When constructing a new field for high school baseball, the distance from home plate to the nearest obstruction on fair ground shall be at least 350 feet to center field. It is the responsibility of the field manager to ensure that a line from home plate through the pitcher's plate to second base is straight. This line, using a steel tape or a strong tape or a cord, must be 1/4 inch from the rear tip of home plate to the middle of second base. The distance from home plate to the middle of second base shall be as in Diagram 2. The recommended width of a

players as to special ground rules as announced by the umpire-in-chief. Lineups become official after they have been exchanged, verified and then accepted by the umpire during the pregame conference. The umpire shall not accept the lineup card until all substitutes are listed. There is no penalty assessed.

**ART. 3 . . .** A player is designated on the line up card and in the scorebook by name, shirt number, batting order position and fielding position. A customary arrangement of the fielders is shown in Diagram 1.

**ART. 4 . . .** At the time of the pitch, all fielders shall be on fair ground except the catcher who shall be in the catcher's box. A fielder is in fair ground when at least one foot is touching fair ground.

**PENALTY: Illegal pitch. (2-18)**

**ART. 5 . . .** A player may change to a different fielding position at any time except that a pitcher, after being listed as such on the official lineup card handed the umpire, cannot change until conditions in 3-1-1 and 3-1-2 are met. Changes should be reported to the umpire-in-chief and scorekeeper.

**SECTION 2 THE FIELD**

**ART. 1 . . .** A diamond (or infield) shall be a 90-foot square. When measuring the distance to first base and third base, measure from the apex of home plate to the back edge of the base. The outfield is the area between two foul lines formed by extending two sides of the diamond as in Diagram 2. The infield and outfield, including the boundary marks from home plate to first and third and their extended foul lines, are fair ground. All other area is foul ground.

**ART. 2 . . .** All lines on the playing field shall be marked with a material which is not injurious to the eyes or skin. All non-permanent lines should be white. Lime or caustic material of any kind is prohibited.

**ART. 3 . . .** The on-deck circle should be to the side and away from home plate, 37 feet if space allows. Neither team's players shall warm up in the other team's on-deck circle. The on-deck circle does not have to be occupied, but if a player wishes to warm up, he shall do so only in his team's on-deck circle, provided the on-deck circle is located safely away from home plate. (2-23)

**ART. 4 . . .** When the dugout area is temporarily extended, for any reason, it shall be extended toward the outfield on a line parallel to the foul line. The extension of the dugout area shall be equally applied for both teams.

**ART. 5 . . .** When constructing a new field for high school play, the distance from home plate to the nearest obstruction on fair ground should be at least 300 feet down the foul lines and at least 350 feet to center field. It is recommended that the line from home plate through the pitcher's plate to second base run east-northeast. This line, using a steel tape or a strong tape or a cord, must measure 127 feet, 33/8 inches from the rear tip of home plate to the middle of second base. The catcher's box, home plate, bases, coaches' boxes, batters' boxes, and three-foot running lane shall be as in Diagram 2. The recommended width of a foul line is 2½ inches.

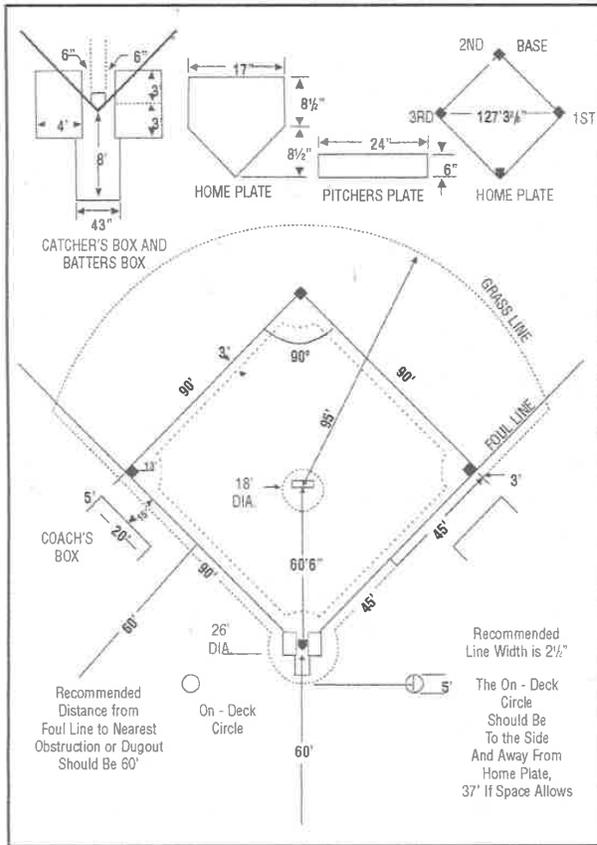
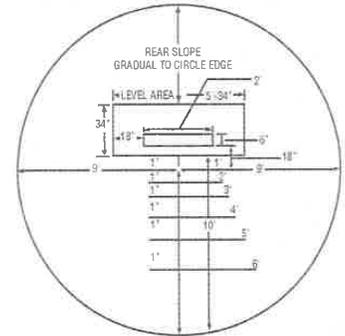


Diagram 2

Official Measurements . . . for laying out baseball field

Diagram 3  
Suggested Layout of Pitcher's Mound



**ART. 6 . . .** On a sodded field, an unsodded area, commonly "pitcher's mound," should have a radius of about nine feet centered from the midpoint of the front edge of the pitcher's plate.

The top of the pitcher's plate must be 10 inches above the top of the plate. Inside the circle, a pitcher's mound should be constructed to specifications shown in the diagram.

The degree of slope from a point 6 inches in front of the pitcher's plate 6 feet toward home plate shall be one inch to one foot, and such slope shall be uniform.

The pitching mound is an 18-foot diameter circle, the center of which is from the back point of home plate.

Locate the front edge of the rubber 18 inches behind the center of the mound.

The front edge of the rubber to the back point of home plate is 6 feet.

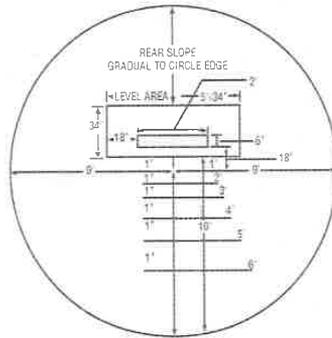
The slope starts 6 inches from the front edge of the rubber.

The slope shall be 6 inches from the starting point, 6 inches from the rubber to a point 6 feet in front of the rubber.

The level area surrounding the rubber should be 6 inches in front of the rubber, 18 inches to each side and 22 inches to the rear of the rubber. The level area is 5 feet x 34 inches.

**ART. 7 . . .** The pitcher's mound may consist in part of synthetic material commercially manufactured for that purpose. If a mound pad is used, it shall be of natural soil and synthetic material, the synthetic material must be fastened to the ground and be installed at least flush or slightly below grade. The mound area shall meet suggested height and slope shown in the Suggested Layout of the Pitcher's Mound. (Diagram 3)

**Diagram 3**  
Suggested Layout of Pitcher's Mound



**ART. 6 . . .** On a sodded field, an unsodded area, commonly referred to as the "pitcher's mound," should have a radius of about nine feet centered  $1\frac{1}{2}$  feet in front of the midpoint of the front edge of the pitcher's plate.

The top of the pitcher's mound must be 10 inches above the top surface of home plate. Inside the circle, a pitcher's mound should be constructed according to the specifications shown in the diagram.

The degree of slope from a point 6 inches in front of the pitcher's plate to a point 6 feet toward home plate shall be one inch to one foot, and such degree of slope shall be uniform.

The pitching mound is an 18-foot diameter circle, the center of which is 59 feet from the back point of home plate.

Locate the front edge of the rubber 18 inches behind the center of the mound.

The front edge of the rubber to the back point of home plate is 60 feet, 6 inches.

The slope starts 6 inches from the front edge of the rubber.

The slope shall be 6 inches from the starting point, 6 inches in front of the rubber to a point 6 feet in front of the rubber.

The level area surrounding the rubber should be 6 inches in front of the rubber, 18 inches to each side and 22 inches to the rear of the rubber. The total level area is 5 feet x 34 inches.

**ART. 7 . . .** The pitcher's mound may consist in part of synthetic material that is commercially manufactured for that purpose. If a mound pad is composed of natural soil and synthetic material, the synthetic material must be securely attached to the ground and be installed at least flush or slightly below the surface of the ground. The mound area shall meet suggested height and slope specifications found in the Suggested Layout of the Pitcher's Mound. (Diagram 3)

**ORDINANCE NO. 20-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, AMENDING AND RESTATING SPECIFIC USE PERMIT S-89, APPROVED AND ADOPTED BY THE CITY COUNCIL ON SEPTEMBER 18, 2017, BY ORDINANCE NO. 17-055, AND GRANTED TO THE HOUSTON INDEPENDENT SCHOOL DISTRICT (HISD), TO ALLOW FOR THE CONSTRUCTION AND OPERATION OF A SOFTBALL FACILITY AND BASEBALL FACILITY BY HISD ON PROPERTY OWNED BY HISD, AND MORE COMMONLY KNOWN AS THE GORDON ELEMENTARY SCHOOL/MANDARIN CHINESE LANGUAGE IMMERSION MAGNET SCHOOL SITE, LOCATED AT 6300 AVENUE B, BELLAIRE, TEXAS, IN THE R-3 RESIDENTIAL ZONING DISTRICT**

**WHEREAS**, on September 18, 2017, the City Council of the City of Bellaire, Texas, by Ordinance 17-055, approved Specific Use Permit S-89 for the construction and operation of a baseball facility on property owned by Houston Independent School District ("HISD") and more commonly known as the Gordon Elementary School/Mandarin Chinese Language Immersion Magnet School site, 6300 Avenue B, Bellaire, Texas, in the R-3 Residential Zoning District; and

**WHEREAS**, on June 18, 2018, the City Council of the City of Bellaire, Texas, by Ordinance 18-027, approved an amendment to S-89 to additionally allow HISD to temporarily use the property as a location for Kolter Elementary School due to damage to the Kolter Elementary School Campus cause by Hurricane Harvey; and

**WHEREAS**, HISD has filed an application and request for an amendment to Specific Use Permit S-89 to allow for the construction and operation of a softball facility and a baseball facility on the property owned by HISD and more commonly known as the Gordon Elementary School/Mandarin Chinese Language Immersion Magnet School site, 6300 Avenue B, Bellaire, Texas, in the R-3 Residential Zoning District; and

**WHEREAS**, notice of said public hearing having been duly given and published as required by law, said public hearing was held on September 21, 2020, at 6:00 p.m. via teleconference with public participation in accordance with the temporary suspension of certain provisions of the Texas Open Meetings Act by the Governor of the State of Texas in an effort to reduce in-person meetings that assemble large groups of people, as a precautionary measure to contain the spread of the novel corona virus COVID-19. All persons desiring to be heard were heard on or in connection with the application and request for an amendment to Specific Use Permit S-89 as herein described; and

**WHEREAS**, the report and recommendation from the Planning and Zoning Commission of the City of Bellaire, Texas ("Commission"), prepared in the form of a memorandum by Chairman Ross Gordon, indicated that the Commission recommended the approval of the referenced application for an amendment to Specific Use Permit S-89, a copy of which report and recommendation is attached hereto and marked Exhibit "A," with specific conditions to be placed on the specific use permit; and

**WHEREAS**, the City Council of the City of Bellaire, Texas, has duly received the report and recommendation of the Commission and has been fully informed as to the facts and circumstances of the application as submitted; **NOW, THEREFORE,**

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

1. **THAT** the recitals contained herein are found to be true and correct.

2. **THAT** Specific Use Permit S-89 is hereby amended and restated to allow for the construction and operation of a softball facility and baseball facility by HISD on property owned by HISD and more commonly known as the Gordon Elementary School/Mandarin Chinese Immersion Magnet School site, 6300 Avenue B, Bellaire, Texas, in the R-3 Residential Zoning District, in conformance with the application submitted by HISD and subject to the following additional conditions:

- a) No field lights or public address system shall be installed on the property;
- b) The facilities shall be for the sole and exclusive use of Bellaire High School and not by other entities without prior consent from the City Council of the City of Bellaire, Texas (the "City Council");
- c) The site shall be locked when not in use. However, the City of Bellaire Police Department shall have access to the site at all times. The access plan shall be approved by the Bellaire Police Department;

- d) The facilities shall be used for only the following uses and times listed below, and any other use or time shall require prior approval from the City Council:
- i. Bellaire High School varsity and junior varsity baseball and softball practices – on weekdays during daylight hours and Saturdays until 5:30 pm;
  - ii. Bellaire High School junior varsity baseball and softball games, excluding tournaments – on weekdays during daylight hours and Saturdays until 5:30 pm; or
  - iii. Bellaire High School baseball and softball community events, not to exceed two events for baseball per year and two events for softball per year. For such events access/parking management plan shall be submitted to the City of Bellaire Development Services Director for review and approval prior to the event and specifically detail overflow parking and access management considerations to minimize impacts to adjacent residential streets and to prevent excess traffic congestion on Bissonnet Street;
- e) The facilities shall be constructed in accordance with the site plan presented, with minor modifications which do not affect the neighboring properties to be allowed with approval of the City of Bellaire Development Services Director;
- f) Construction ingress/egress shall be limited to Bissonnet Street, specifically restricting construction access through Avenue B and/or Feld Park;
- g) HISD shall attempt to preserve all mature trees to the degree possible;
- h) There shall be no net fill nor significant impediment to sheet flow on the site;
- and

i) The lowest visual impact netting material shall be utilized for all nets on the perimeter of the site. The netting on the third base line of the baseball field shall be extended to protect parked cars.

**3. THAT** the permit and amendment as granted herein shall be subject to any additional restrictions and limitations as are from time to time imposed by the City Council of the City of Bellaire, Texas.

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

**PASSED, APPROVED and ADOPTED** this 5<sup>th</sup> day of October, 2020.

\_\_\_\_\_  
Andrew S. Friedberg, Mayor  
City of Bellaire, Texas

ATTEST:

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

APPROVED AS TO FORM:

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

Ord. No. 20-\_\_\_\_

Page 4 of 4

Page 46 of 105

# City of Bellaire

## Written Comment Log

### Rescheduled Public Hearing on 6300 Avenue B Amendment to Site Plan for SUP S-89 to Include Construction and Operation of Softball Facility

#### Comments Received After Public Hearing and Before Consideration

No.	Date	Commenter(s)	Email	Notes
1	09/21/2020	Karen Haysley	[REDACTED]	In Favor
2	09/21/2020	Milan Narayan	[REDACTED]	In Favor
3	09/21/2020	Mark Wong	[REDACTED]	Suggested use of Feld Park by BHS
4	09/21/2020	Elias and Virginia Diaz	[REDACTED]	In Favor
5	09/21/2020	Jackie Georgiou and Jeannine Broyles	[REDACTED]	In Favor
6	09/22/2020	Murray Kalmin	[REDACTED]	In Favor
7	09/22/2020	Elias and Virginia Diaz	[REDACTED]	In Favor
8	09/22/2020	Janice and Eddy Donalson	[REDACTED]	In Favor
9	09/22/2020	Shannon Gosda	[REDACTED]	In Favor
10	09/22/2020	Edwin Brotamonte	[REDACTED]	In Favor
11	09/23/2020	Deanna Gilder	[REDACTED]	In Favor
12	09/24/2020	Darbe Gosda	[REDACTED]	In Favor
13	09/25/2020	Mike Rutledge	[REDACTED]	In Favor
14	09/25/2020	Mary Jahde	[REDACTED]	Opposed
15	09/27/2020	Michael Osato	[REDACTED]	Opposed
16	09/27/2020	Dr. Karen L. Woods	[REDACTED]	Opposed
17	09/28/2020	Sandro Serra	[REDACTED]	Opposed
18	09/28/2020	Helen and Paul Chung	[REDACTED]	Opposed
19	09/28/2020	Ellen and Art Shelton	[REDACTED]	Opposed
20	09/28/2020	Wendy Bantle and Michael Shirley	[REDACTED]	Opposed
21	09/28/2020	Jean McNamara	[REDACTED]	Opposed
22	09/29/2020	Bill Thorogood	[REDACTED]	Opposed
23	09/29/2020	Ted Oneal	[REDACTED]	Opposed
24	09/30/2020	Greg Clark	[REDACTED]	Opposed
25	09/30/2020	Sandro Serra	[REDACTED]	Opposed
26	09/30/2020	Yvette Clark	[REDACTED]	Opposed
27	09/30/2020	Kathy Dreyfus	[REDACTED]	Opposed
28	09/30/2020	Dirk Stiggins	[REDACTED]	Opposed

# City of Bellaire

## Written Comment Log

### Rescheduled Public Hearing on 6300 Avenue B Amendment to Site Plan for SUP S-89 to Include Construction and Operation of Softball Facility

#### Comments Received After Public Hearing and Before Consideration

No.	Date	Commenter(s)	Email	Notes
29	09/30/2020	Joseph Tedore	[REDACTED]	In Favor
30	09/30/2020	Kianhua Hu and Alvin Goh	[REDACTED]	Opposed
31	10/01/2020	Sally Reid	[REDACTED]	In Favor
32	10/01/2020	Daniel Lim	[REDACTED]	Opposed
33	10/01/2020	Jason and Sarah Carter	[REDACTED]	Opposed
34	10/01/2020	Elise and Jack Neal	[REDACTED]	Opposed
35	10/01/2020	DeEtte and Ross Spence	[REDACTED]	Opposed
36	10/01/2020	Frank Spence	[REDACTED]	Opposed

**From:** [REDACTED]  
**To:** [Andrew Friedberg](#); [Neil Verma](#); [Dr. Catherine Lewis](#); [Jim Hotze](#); [Gus Pappas](#); [Michael Fife](#); [Nathan Wesely](#)  
**Cc:** [Tracy Dutton](#)  
**Subject:** [EXTERNAL] BHS Baseball Fields Proposed Site  
**Date:** Monday, September 21, 2020 5:13:40 PM

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As a resident of Bellaire for over 40 years, I do not understand the resistance of the relocation of the high school practice fields. I have read through some of the planning as well as the concessions that have been made in order to make this become a reality. Bellaire has always had that small town in a big city feel and charm. It is a luxury to live in a city and within a community that is able to offer children and young adults programs and facilities that are important to development and growth. These luxuries are a draw for families when they are looking for a community where they want to purchase a home and raise kids. My boys are in high school and I live around the corner from Horn Elementary. I sit in the carpool line traffic on Avenue B from time to time as I make my way home and it adds a little time to my drive, but I wouldn't change a thing. I sit in my backyard and can see the field lights at Kindle on Horn's property. I can hear the fans cheering and we get overflow parking on our street for school events, baseball games, carpool pick up and drop off and I still wouldn't change a thing. These are the things that make our community so special. I proudly support BHS baseball and softball and encourage city council to move forward with the field sites at Avenue B and Bissonnet. Those fields are more than just dirt for these players and our community.

Respectfully,  
Karen Pinkerton Haysley

**EXTERNAL email: Exercise caution when opening. Do not click on links or open attachments without verifying the sender's intent.**

**From:** [REDACTED]  
**To:** [Tracy Dutton](#)  
**Subject:** [EXTERNAL] Plans for Baseball  
**Date:** Monday, September 21, 2020 5:50:27 PM

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Hello Mrs. Dutton,

My name is Milan Narayan, and I am emailing on behalf of Bellaire Baseball.

I am a junior at Bellaire High School, slightly overloaded with the burden of all AP classes coupled with debate and baseball. It is important for me to prioritize my time; any misstep can result in me lagging behind in any one of my critical high school activities/academic classes. I know how important Bellaire baseball is for the community and for the school.

Simply put, there are 3 key reasons why Bellaire Baseball should have access to the fields by the Mandarin School:

First is the tradition of the city. Bellaire has seen its baseball team home seven state championships; thus, the term "Bellaire Baseball" holds considerable weight nationwide. For years, children have grown up watching the high school team, immersed in baseball culture. The baseball program is a strong allure for any potential attendee of the school, but any action that could potentially restrict the program also has the potential to weaken the program. As a representative of the city, you understand the pride associated with ties to Bellaire, Texas. The community rallies around its baseball team, as it has for decades, but without a readily accessible practice location for the team to practice, we unfortunately may fall behind other baseball programs. Limited practice time on the field equates to limited success on the field in-game. It is imperative to ensure that a rallying point for the city- perhaps the most prestigious program in the state- is preserved as such.

Second is protecting the youth. During the pandemic, everyone has had to make sacrifices. Parents with younger kids are forced to shoulder the burden of developing and advancing their child's educational platform while adjusting to the rigors of working virtually- or not working at all. Adults are more developed and generally more mild-tempered than us impulsive children. While I certainly do not mind remaining home in accordance with recommendations from public health officials to keep my community safe, many kids- specifically teenagers- do mind. As a parent, the overarching goal is to create a world and a community that sets your children up better than when you found it. Many children are itching to return to their passion of baseball- without a field readily available, more obstacles impede on the ability to play baseball. Despite the changing and turbulent times, it is imperative that we accept the nature of the current crisis while ensuring we don't stunt the mental or physical development of the youth. Getting back on the field safely allows children to have a release during these uncertain but necessary times of safety.

Third is obligation as a legislator. Simply put, your job is to represent ALL members of the Bellaire community. Vocal opposition does not necessarily represent the ideas of the community as a whole. I understand this is democracy- or rather a representative republic- in action. Legislation and progress for any governmental board, be it local, state, or federal, moves quite intentionally slow. However, employing HISD's fields for Bellaire Baseball allows a temporary solution for a longer-term problem. It allows children to have their necessary outlet and allows student athletes to grow and develop. It also puts our taxpayer

dollars to use- HISD fields are public and funded by taxpayers. It's better to ensure economic development is productive and legislators have an obligation to ensure that the personal entitlements are protected.

Protect us players, your constituency, and the community that you ought to protect and serve.

Allow the players to play the game.

Best,

Milan Narayan  
Bellaire High School Junior

**EXTERNAL email: Exercise caution when opening. Do not click on links or open attachments without verifying the sender's intent.**

**From:** [REDACTED]  
**To:** [Tracy Dutton](#)  
**Subject:** [EXTERNAL] HISD SUP feedback  
**Date:** Monday, September 21, 2020 6:24:46 PM

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To City Council,

I wished to speak at the hearing but was unable to.

I have lived on Elm Street for over 20 years and have enjoyed the neighborhood, including the presence of the school. Clearly we have had challenges with parking and safety, but HISD and the City of Bellaire have worked to a beneficial conclusion. I support Bellaire High School and its sports programs, but as a neighbor and concerned citizen, the proposed plan to have 2 fields does not make any sense! I understand the need for both a baseball and softball field, but we are talking about destroying 50 oak trees nearly 100 years old. Why does progress and improvement have to sacrifice safety, parking and/or beautification? Fields, schools, fences, parking lots can all be purchased and constructed. Mature oak trees cannot be built or purchased, only grown.

I support P&Z's recommendations for the field use to limit to Bellaire High School, no lights or PA system, on site parking to support the required number of cars, fencing around the entire field for safety. HOWEVER, I did not see any provision for setbacks and sidewalks on the Avenue B or Bissonnet street sides. Many people walk around this greenspace and there needs to be sidewalks for safety purposes.

I understand the challenges with using Feld Park for the softball team, but as we've seen the Bellaire High School softball practice schedule and my tracking use of the park over the years, I believe THERE IS a solution to use the existing park. The Bellaire High School softball team will use the field Monday – Friday during the day during school hours and immediately after. The adult softball leagues use the field exclusively at night, well after any school practice times. Bellaire Little League and other soccer teams use the fields on the weekends and later in the day for practice. There IS a PRACTICAL solution and the Bellaire City Council has the power to ensure all options are considered.

I ask that the City Council push for research of these options BEFORE approving a change that will have permanent impacts. The City of Bellaire's logo has trees featured because that is part of the heart of the city. Let's not destroy these trees for a field which will be used sparingly throughout the year...

Thank you!  
Mark Wong  
4511 Elm

**EXTERNAL email: Exercise caution when opening. Do not click on links or open attachments without verifying the sender's intent.**

**From:** [REDACTED]  
**To:** [Tracy Dutton](#)  
**Subject:** [EXTERNAL] Baseball Field  
**Date:** Monday, September 21, 2020 7:57:46 PM

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To whom it may concern:

For some kids a field, a sport encourages Them to do better in school and in life. For some it gets them off the streets and encourages them to do better in school so they can make it to college. For some it's the only way they can get in to school. For some that's how college will be paid for. It teaches them respect, goals, build character and work ethic. For them to be successful career driven adults. What else would the land be used for so others who are already looking to make money by building million dollar homes and therefore only benefits one person. In stead of reaching our youth to become better human beings.

Thank you for listening. We are concerned parents.  
Elias and Virginia Diaz  
281-883-9003

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**From:** [REDACTED]  
**To:** [Neil Verma](#); [clewis@bellairegov.gov](mailto:clewis@bellairegov.gov); [Andrew Friedberg](#); [Gus Pappas](#); [Nathan Wesely](#); [Michael Fife](#); [Jim Hotze](#)  
**Cc:** [Tracy Dutton](#)  
**Subject:** [EXTERNAL] Re: Bellaire High School Fields  
**Date:** Monday, September 21, 2020 8:01:58 PM

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I am listening to the Public Hearing right now and it's a little frustrating to hear the residents near the proposed site for Bellaire High School fields suggest that their area of Bellaire should not have a field as it would hurt their property value. If that is true, then those of us near Episcopal High School and their fields should also complain. Episcopal does have lights and a sound system. It's sounding extremely selfish and unfair to our neighborhood. The City of Bellaire allowed Episcopal and they need to allow Bellaire High School also to have their fields, for fairness to Bellaire High School and to our neighborhood. We also asked to use Episcopal's fields but they did not let us. So that is not a good argument also. If anyone would like to see flooding they should come to our area at the intersection of wildwood and Wedgwood. So I cannot listen to their complaining any more. I am hoping that the council listens with fairness in mind and does not show injustice to the high schools or different areas of Bellaire. Episcopal football field is also near us and all of their school activities as well as Post Oak's. We don't even know when they have games. It is such a non-issues. These residents should permit their parking and stop complaining. They will actually enjoy it. Believe me. Otherwise they can have a big ugly building like we do on Newcastle. Imagine the flooding then. Obviously we are in support of the fields and feel any other decision will be completely unfair by the council.

However, if there is a way to save some of the trees or plant others, I wouldn't mind that.

Thank you again,  
Jackie Georgiou - 4537 Wedgewood

Sent from my iPhone

> On Sep 21, 2020, at 4:11 PM, Jackie Georgiou <[jackie.georgiou@hotmail.com](mailto:jackie.georgiou@hotmail.com)> wrote:

>

>

> Hello - I live at 4537 Wedgewood with my husband and two children. My sister lives next door to me with her husband and two children. We are five houses down from Episcopal High School and right across Bissonnet from the proposed site for the Bellaire High School fields. We welcome more fields to the neighborhood. We love the life and laughter and family fun the fields bring, especially as opposed to a big ugly office building. The parking issue is not a problem if they permit the parking for their streets. That was the solution given to us by the City of Bellaire for Episcopal High School and Post Oak School. It would not be fair to Bellaire High School or our neighborhood if parking was used as a reason for Bellaire High School not to build their fields. Permitted parking works. My sister and I grew up in Bellaire and built in our neighborhood because we love this city and Bellaire High School. We are strongly in favor for the fields to be built for Bellaire High School in our neighborhood.

>

> Thank you,

> Jackie Georgiou 4537 Wedgewood.

> And Jeannine Broyles 4535 Wedgewood

>

>

> Sent from my iPhone

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**From:** [REDACTED]  
**To:** [Tracy Dutton](#); [Andrew Friedberg](#); [Neil Verma](#); [Dr. Catherine Lewis](#); [Gus Pappas](#); [Nathan Wesely](#); [Michael Fife](#); [Jim Hotze](#)  
**Cc:** [REDACTED]  
**Subject:** [EXTERNAL] Written Comment to Council regarding HISD Amendment Request for Specific Use Permit S-89 for Council Meeting on 9-21-2020 - In support of the BHS Facility  
**Date:** Tuesday, September 22, 2020 11:20:00 AM  
**Attachments:** [image002.png](#)

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To All Council Members:

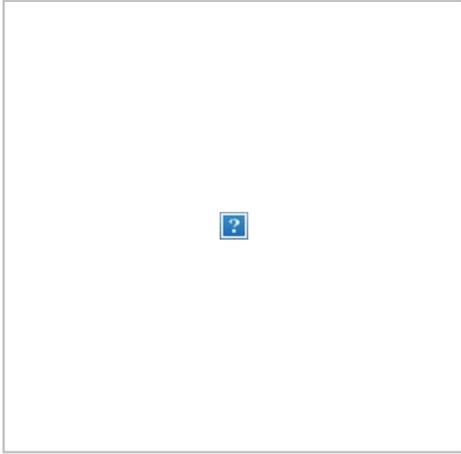
As a Bellaire resident , I wish to express my overwhelming support for the approval by council of the requested amendment by HISD for the revisions on the Baseball/Softball practice facility located on Ave B & Bissonett ( Former Gordon site ). After listening to the zoom meeting last night , I felt very compelled to have my voice heard. I also would like to mention that I do not have children at Bellaire High School, but still feel very passionate about these fields being built is **100%** in the best interest for our community for several reasons outlined below:

1. Take a look at the water towers in Bellaire. They have Bellaire Little League championship and Bellaire High School state championships on them. Baseball in our community is a tremendous amount of pride for the city and has given a lot to our community to be proud of and the city should now give back to baseball. The kids and families at Bellaire High School deserve this facility that was promised to them years ago.
2. What happens to this property if fields are not developed on it? We run the risk of more strip centers and commercial development right in the middle of the neighborhood which will create more flooding and traffic than these fields.
3. Our kids need more green spaces, fields and parks. I realize that these field will not be left open 24/7 nor should they be, but I feel confident there will be opportunities for younger children to enjoy these fields. I vision a Mom or Dad walking with their son or daughter to an afternoon game to watch the local high school team play and maybe these kids dream about one day playing for Bellaire High School themselves.
4. Because of the fields not having lights, the times they can actually be used will be limited to only about 3-4 hours / day in the Spring on weekdays and 2-3 hours / day during the Fall weekdays. You cannot play baseball or softball if you can't see and with no lights when the sun goes down everything ends. In addition, further time limitations are put on the use of the fields by UIL restrictions of how often / how many hours coaches can actually interact with the teams during the off-season (summer / fall). Also, Saturday use is also limited to only before 5:30 PM.
5. I have played in the Bellaire Optimist softball League in past years at Feld Park, and I know firsthand the traffic and lights of those late night games for softball would be much more obtrusive than these new fields.

BHS and HISD have made several concessions to get these fields approved, it's now time for the city to deliver on their original promise of a new facility.

Thank you to all of you for your service to our city and for taking this issue so seriously and making sure that all sides are heard and represented.

Murray Kalmin  
4707 Laurel



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**From:** [Tracy Dutton](#)  
**To:** [Tracy Dutton](#)  
**Subject:** FW: [EXTERNAL] Fwd: Baseball Field - Diaz 2  
**Date:** Thursday, October 1, 2020 9:14:16 PM

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**From:** Virginia Diaz [REDACTED]  
**Sent:** Tuesday, September 22, 2020 2:16 PM  
**To:** Andrew Friedberg <afriedberg@bellairetx.gov>; Neil Verma <NVerma@bellairetx.gov>; Dr. Catherine Lewis <clewis@bellairetx.gov>; Gus Pappas <gpappas@bellairetx.gov>; Nathan Wesely <nwesely@bellairetx.gov>; Michael Fife <MFife@bellairetx.gov>; Jim Hotze <jhotze@bellairetx.gov>  
**Cc:** Tracy Dutton <tdutton@bellairetx.gov>  
**Subject:** [EXTERNAL] Fwd: Baseball Field

To Whom It May Concern;

For some kids a field, a sport encourages them to do better in school and in life. For some kids a sport is what gets them off the streets and encourages them to do better in school so they can make it to college. For some it's the only way they can get in a better high school and maintain and get to college. For some they depend on a sport. This is how their college tuition will be paid. Sports builds character and teaches our youth respect, teaches them to reach goals and a work ethic. A sport helps them grow into successful career driven adults. What else would the land be used for so others who are already in careers and wealthy...looking to make more money by building million dollar homes or several properties on the land and therefore only benefits one person. In stead of using it to build our youth. Sports is away these boys become better human beings. Many athletes who worked there way up give whole heartedly. In the society we live in today I believe working with and giving our youth our time will help them become the people they were created to be. Thank you for listening and doing the best thing for our children.

Sincerely,  
We are concerned parents.  
Elias and Virginia Diaz  
281-883-9003

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**From:** [Andrew Friedberg](#)  
**To:** [Tracy Dutton](#)  
**Subject:** Fw: [EXTERNAL] Sports fields at Bissonnet and 610  
**Date:** Tuesday, September 22, 2020 4:35:13 PM

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**From:** Janice Donalson [REDACTED]  
**Sent:** Monday, September 21, 2020 11:43 AM  
**To:** Andrew Friedberg <afriedberg@bellairetx.gov>; Dr. Catherine Lewis <clewis@bellairetx.gov>; Gus Pappas <gpappas@bellairetx.gov>; Jim Hotze <jhotze@bellairetx.gov>; Michael Fife <MFife@bellairetx.gov>; Neil Verma <NVerma@bellairetx.gov>; Nathan Wesely <nwesely@bellairetx.gov>  
**Subject:** [EXTERNAL] Sports fields at Bissonnet and 610

Dear Council,

Our family are very much in favor of establishing the sports fields in this location.

Bellaire attracts families because we offer amenities for all ages: parks, walking paths, recreation programs, and—organized youth sports. It shows our values as a community.

Youth sports unites the community, forming lifetime friendships and “speaking to youth in a language they understand” (Nelson Mendela). Our three grown sons all have youth ballplayers of their own now, and they count youth sports as a formative factor in their own childhoods. They have all been successful in their careers.

Recreation facilities are the lungs of a community. They help keep all ages young and healthy and entertained. Some people might not be interested in youth sports but they must not appreciate how vital it is to the overall health of our community.

Please, we beg you, keep this in mind as you consider the profound benefit of having this facility within our borders.

Thank you for serving! I know it’s not a part-time job!

Janice and Eddy Donalson

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**From:** [Andrew Friedberg](#)  
**To:** [Tracy Dutton](#)  
**Subject:** Fw: [EXTERNAL] HISD SUP Amendment  
**Date:** Wednesday, September 23, 2020 11:12:08 AM

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**From:** SL G [REDACTED]  
**Sent:** Monday, September 21, 2020 5:04 PM  
**To:** Andrew Friedberg <afriedberg@bellairetx.gov>  
**Cc:** Darbe Gosda [REDACTED]; Darbe Gosda [REDACTED]  
**Subject:** [EXTERNAL] HISD SUP Amendment

Greetings All,

My son, Zach Gosda, attends Bellaire High School and plays on the school's baseball team. He plays multiple sports, maintains honor roll status, and mows lawns on the side to earn extra money. He works hard to be a well-rounded individual. I'm sure I do not need to tell anyone on this council the value of being on a team and the dividends that pays off for those who participate. What I do want to express to you though is my great concern over the discriminatory actions of those against the baseball fields and I am referring to the signs and verbiage they are using to stop the field addition. Suggesting that an individual is not "successful" because they choose to improve or better themselves via sports is discriminatory and elitist. I'm sure athletes such as James Hardin, Jose Altuve, and JJ Watt would beg to differ with these individuals as well. I'm also concerned that what appears to be on the chopping block is the softball fields. Surely no one wants to see women's chances to compete and succeed be taken away?

Your fair and strong support for differing paths to achieve success are greatly appreciated.

Sincerely,  
Shannon Gosda

Sent from my iPhone

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**From:** [Andrew Friedberg](#)  
**To:** [Tracy Dutton](#)  
**Subject:** Fw: [EXTERNAL] Bellaire HS Impact for Generations of Students  
**Date:** Wednesday, September 23, 2020 3:12:58 PM

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**From:** Edwin Brotamonte [REDACTED]  
**Sent:** Tuesday, September 22, 2020 11:25 PM  
**To:** Andrew Friedberg <afriedberg@bellairtx.gov>; Neil Verma <NVerma@bellairtx.gov>; Dr. Catherine Lewis <clewis@bellairtx.gov>; Gus Pappas <gpappas@bellairtx.gov>; nwesley@bellairtx.gov <nwesley@bellairtx.gov>; Michael Fife <MFife@bellairtx.gov>; Jim Hotze <jhotze@bellairtx.gov>; tdutton@bellairtx.gov <tdutton@bellairtx.gov>  
**Subject:** [EXTERNAL] Bellaire HS Impact for Generations of Students

Dear City Council of Bellaire TX,

My name is Edwin Brotamonte and I reside at 4613 Briarbend Dr. Houston TX 77035. I have a sophomore attending Bellaire High School, who is in his second season in the Cardinal Baseball program and a new member of the eMotions Dance Team. Having attended Parker Elementary and Pin Oak Middle School and now Bellaire High School, we have been very pleased with our son's public school experience.

We have seen and experienced HISD's commitment to education and extra curricular activities. At Parker Elementary, a renowned music magnet program both locally and nationally, my son enjoyed and excelled playing the piano, being a percussionist in the band and singing in the choir. I can recall attending a band competition where my son and his classmates were praised for their performance that rivaled a high school band. And now with a brand new school - including several music rooms and a new performance auditorium, Parker will undoubtedly continue raising the bar for academics and music, while attracting students from all over Houston.

Pin Oak was also an exceptional experience from an academic standpoint; but being accepted into Pin Oak also accelerated my son's baseball experience and is, in my opinion, the reason for his success in the game today. By being accepted into Pin Oak, my son was eligible to play baseball for Bellaire Little League. For his 12 year old year, we decided to move him from Westbury LL to Bellaire LL because of the higher competitive level at Bellaire LL, which enabled my son to accelerate his growth in the game. We enjoyed the high-quality facilities that made playing the game for my son and watching it as fans such a fun and memorable experience. During our time at Bellaire LL, we were introduced to Coach Ozuna and that started my son's desire to play Bellaire HS Baseball. Finally, I feel Bellaire LL helped prepare my son for the Pin Oak Baseball team, where he was a starter in his 8th grade year. (By the way, his 8th grade Pin Oak team won the district championship.) Most importantly, Bellaire LL allowed us to meet many Bellaire community members (coaches, parents, players, family and friends) who shared the same love for the game and who we now call our friends as well as my son's high school teammates.

Again because of his Bellaire LL experience, my son admired the Bellaire HS Baseball program and really wanted to be a Cardinal. However, we did have some reservations attending Bellaire due to the current construction and the unknowns related to the baseball field. After looking at several schools, including Lamar and Strake Jesuit, we decided to attend Bellaire because we were encouraged by strong leadership from the principal, his staff, the coaches, the legacy of the baseball program, and the construction plans for the new Bellaire campus as well as the baseball field. In a short period of time, we are already very pleased with the academic and athletic programs in Bellaire HS. The Baseball program is head and shoulders above other area schools for its coaching staff and booster club, which allows more players of all experiences to receive instruction, practice and play the game.

So, I can honestly say that the City of Bellaire has made a huge impact to my family over the last 4-5 years and because of that we chose my son's high school experience to be at Bellaire. I attended last

night's public meeting and was very surprised at what I heard in terms of the arguments against this project. The most surprising argument surrounds the trees that will need to be cut down or transplanted to make room for the fields, especially since approval has already been given to repurpose the area for the fields. It sounds like the committee had to make the amended design changes - for two separate fields - to accommodate both sports as fairly as possible, especially with regards to scheduling and having a stable long-term solution. While many of us understand that losing approximately 50 trees could affect the aesthetics of the space/neighborhood, I feel the addition of the Bellaire fields would positively impact thousands of students, parents, family members, community members for the next several generations. In addition, the building of these fields, as it outlined in the amended proposal, would highlight Bellaire's commitment to the equality of gender in sports and show support for a program that focuses on family values and camaraderie, goodwill, competition and sportmanship.

In addition, it is important to note that many mature trees have been cut down over the years to make way for larger or multi-level homes or new businesses in the City of Bellaire, making Bellaire one of the most sought out areas to live in the Houston area. Also, HISD has updated and rebuilt (or is in the process of building) neighborhood schools in Bellaire, Meyerland, West U, Westbury, etc. to better serve our communities. As a result, the space where Gordon (or temporarily Kolter) could be better used for HISD, most notably for Bellaire. Last but not least, the question of whether the fields should be incorporated into Bayland Park and/or Burnett Stadium is a matter of two things: 1) the fields should reside in the City of Bellaire, like Bellaire High School and 2) the fields should reside in a safe and supportive community as a long term solution.

As I have explained above, my family has benefited from the past decisions of Bellaire community members and HISD. We are so thankful that Bellaire LL chose to include Pin Oak MS in its district boundary, and that HISD maintains a lottery system that allows non-zoned kids to apply for their "choice" HISD schools. Because Bellaire has such a rich and well-known baseball history AND has the potential of creating championship-caliber teams in the future, my son's generation and future generations deserve to have access to great fields that many other area public and/or private schools provide. Also, while my family chose Bellaire HS, there are many Bellaire families who have chosen other high schools for their children due to the construction or lack of overall facilities/amenities ... so adding the fields could be a great step in attracting more Bellaire families back to Bellaire HS in the next few years.

With regards to the other arguments, especially around flooding, I would agree that Bellaire and HISD need to use the build-out as an opportunity to improve the system for dealing with rainfall/flooding. From what I heard in the meeting, it appears the committee has this in the forefront of the project goals. In addition, the question around traffic is very interesting in that the use of the fields will grossly lower the number of visitors to the area as compared to the numbers (students, faculty, and family) for the elementary/over-flow school.

I thank you for your time and hard work in this long-awaited project. In the absence of another viable solution, which from last night's meeting does not currently exist, your decision must take a number of factors into consideration ... so I implore you to think of the generations of Bellaire HS students who will benefit from this amendment approval as highly as the residents who live near the park/fields.

Sincerely,  
Edwin Brotamonte

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**From:** [Andrew Friedberg](#)  
**To:** [Tracy Dutton](#)  
**Subject:** Fw: [EXTERNAL] BHS Baseball and Softball Fields  
**Date:** Wednesday, September 23, 2020 5:26:48 PM

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**From:** Dee Dee Gilder [REDACTED]  
**Sent:** Thursday, September 17, 2020 10:51 PM  
**Subject:** [EXTERNAL] BHS Baseball and Softball Fields

Hello -

I am writing to show my support for the construction of the replacement fields for baseball and softball for Bellaire High School. My 2 boys no longer play baseball, preferring basketball, but sports are an integral part of community and development in children. A community is stronger and property more desirable when the schools are strong. Schools are strong when academics, extracurriculars AND sports are strong. Baseball has been a pride of the Bellaire community and the High School for many, many years. It actually baffles me that this is even an issue especially on land that is already school use and in need of reconstruction since Harvey. Would another concrete Medical Building be more desirable????

Thank you for your service to Bellaire. Let's PLAY BALL!!!

Deanna Gilder

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**From:** Darbe Gosda [REDACTED]  
**Sent:** Thursday, September 24, 2020 10:20 AM  
**To:** Andrew Friedberg <[afriedberg@bellairetx.gov](mailto:afriedberg@bellairetx.gov)>; Tracy Dutton <[tdutton@bellairetx.gov](mailto:tdutton@bellairetx.gov)>  
**Cc:** SL G [REDACTED]  
**Subject:** Re: [EXTERNAL] HISD SUP Amendment

Mayor Friedberg,

Along with my wife's comments, I'd also like to share my thoughts on the Bellaire High School Reconstruction Project (specifically the ballpark amendment) in Bellaire, for council consideration.

**PUBLIC SCHOOLING:** First, I have always been in strong support for the importance of public schooling. Sure, there can be some major challenges compared to a private school environment; but, I feel the benefit of being educated in an environment reflecting the true landscape of our diverse population in the US is just as important as learning the three Rs.

**HIGH SCHOOL SPORTS:** Hearing some of the public comments during the discussion on the proposed amendment to the new BHS ballpark - along with seeing some of the yard signs discouraging high school sports was simply . . . astonishing. I know first-hand growing up in a family of five boys (no girls) how critical sporting activities were to our family. You name the sport, all of us boys played it. I will proudly compare the resulting impact of such team activities for my family growing up with anyone preferring to argue counter to such. In fact, all five boys achieved professions in engineering, accounting and law - and have provided well for our families, and are active in our communities and churches. (In "baseball sporting terms" - that's "batting 1000"!). My experiences regarding such teamwork over the years was integral to my success working in engineering (e.g. NASA, US Navy, oil & gas) and real estate development.

**FOCUS ON THE CHILDREN:** As my wife mentioned, our son is our first of three children to attend BHS as a freshman this Fall. There were many in the area that turned away from BHS to attend the new Lamar HS. However, we wanted to stay home, in the neighborhoods of Bellaire & West U - since we've lived in the area since 1992. I've coached kids from Bellaire, West U, Westbury, Meyerland and extended areas in baseball, football, basketball and soccer. I cherished such times. However, hearing such arguments against continued lack of support for one of the most successful public schools in HISD continues to amaze and disappoint me. To me, the opposition was focused on everything BUT our children! Whether trying to save every tree; questioning the engineering of the drainage/detention, complaining about parking and traffic on public streets (when they have lived by a school and lit park for decades) - well, it just comes across as disingenuous and selfish.

**PLAY BALL!** This park should serve the needs of BHS - as typical school facilities do across our nation. (Anyone knowledgeable of baseball and softball realizes that sharing one field is simply ridiculous - they aren't even designed the same way.) I'm disappointed that - I'm sure in an effort to please the opposition - it was agreed to shut down the fields at 5:30 PM, provide no lighting, and to lock-down the facilities. Regarding this amendment, it was apparent that the opposition's fight is to (1) deny the ball fields all together, or (2) hamstring the facility to serve individual desires.

**THE FUTURE:** I hope and pray that matters get resolved, and quickly, leading to the timely completion of the new (and fully-serving) BHS and facilities (athletic fields) - something we can all be proud of (versus

trying to explain away the deficiencies). The future of our children is depending on their community to provide a school we can all take pride in for decades to come.

Most sincerely,

***Darbe Gosda***

**From:** [REDACTED]  
**To:** [Andrew Friedberg](#); [Neil Verma](#); [Dr. Catherine Lewis](#); [Gus Pappas](#); [Nathan Wesely](#); [Michael Fife](#)  
**Cc:** [Tracy Dutton](#)  
**Subject:** [EXTERNAL] Oct. 5 Vote on Bellaire Off-Site Fields  
**Date:** Friday, September 25, 2020 10:08:29 AM

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Mr. Mayor and Bellaire City Council Members:

My name is Mike Rutledge. I reside at 5323 Pine Street in Bellaire. My wife (Peggy) and I have resided in Bellaire for almost 34 years. Peggy grew up in Bellaire, attended Bellaire HS and taught briefly at Bellaire HS. Our 4 children attended Bellaire HS. Our oldest played baseball at Bellaire.

I am writing in support of the proposal to construct the Bellaire HS baseball and softball fields "off site" at the proposed site just off Bissonnet inside the Loop in Bellaire.

I know there are many valid considerations involved. I understand and respect the concerns of those Bellaire citizens who reside near the proposed site. I also know the pride our neighborhood has in Bellaire HS. I know we want to support our student-athletes in their endeavors. Since HISD cannot provide on campus fields, we must provide facilities that are in reasonable proximity to Bellaire HS so that these young men and women can safely and timely travel to and from Bellaire HS to the fields for practices and games.

I believe the benefit to having these fields located at the proposed site outweighs any potential detriment that may result.

I hope that each of you will vote in favor of this proposal.

Best regards,  
Mike Rutledge

Robert M. ("Mike") Rutledge  
Locke Lord LLP  
2800 JPMorgan Chase Tower  
600 Travis  
Houston, TX 77002  
T: 713-226-1345  
F: 713-229-2562  
C: 713-857-9988

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**From:** [REDACTED]  
**To:** [Andrew Friedberg](#); [Neil Verma](#); [Dr. Catherine Lewis](#); [Gus Pappas](#); [Nathan Wesely](#); [Michael Fife](#); [Jim Hotze](#)  
**Cc:** [Tracy Dutton](#)  
**Subject:** [EXTERNAL] Supplemental Comments HISD Proposed Softball Field  
**Date:** Friday, September 25, 2020 2:32:28 PM

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Dear Mayor Friedberg and Council Members,

My name is Mary Jahde and I live at [4409 Betty Street](#).

Thank you for the opportunity to speak at the telephonic public hearing regarding the modification of the approved plan to provide a baseball field for BHS. It was very enlightening to listen to the variety of viewpoints, and I was extremely impressed by Council's thoughtful and intelligent questions which clearly demonstrated their concern for these opinions. I would like to address some of the things I heard.

The direct neighbors were accused of simply not wanting this in their backyard and the latest "straw" they were grasping at was an argument to save trees, inferring they were being disingenuous on the topic. I would suggest that since the baseball field has already been approved, one of the most significant changes brought about by this proposed amendment is, in fact, the destruction of 53 nearly 60-year old trees which **cannot and will not** be replaced under this new plan. The fact that HISD thought it worthy to plant these trees should only support their value. Further, HISD did not respond to Council's excellent question of what the new trees proposed would be so that their comparative value could be considered. Please let me refer you to this governmental study which enumerates the disparity of benefits between old and new trees:

[https://www.fs.fed.us/psw/topics/urban\\_forestry/products/cufr\\_511\\_large\\_tree\\_argument.pdf](https://www.fs.fed.us/psw/topics/urban_forestry/products/cufr_511_large_tree_argument.pdf)

As you can see, the value mature trees bring to the community go well beyond the simple retention and drainage features offered by HISD. I also wonder about HISD's plans to nurture the new trees after having watched the newly planted sod die in Vic Driscoll Park.

Another public sentiment seemed to pit the value of children over the value of trees. This is a bit of apples and oranges as you are not weighing the destruction of children vs the destruction of trees. You are comparing the benefits of a few hours of team sports play for a limited number of one school's students to the benefits of having mature trees for the entire community. I am not suggesting that the extra field does not have its merits for which I am quite sympathetic, but you are having to decide which option serves the greater good in our present and future circumstances. Those who came before you have had similar dilemmas as they chose to establish parks instead of alternatives which might have benefited specific groups of citizens. Is the "win" for those eligible to use the softball field worth the consequences of the loss?

I believe some have commented that rather than worry about these trees, we should concentrate on preventing the building of large houses which causes the destruction of mature trees. I am sure you do not see this as an "either/or" matter. I believe the City has worked hard to have a multi-pronged approach to reasonably save as many trees as possible.

There were a number of references to a "packet" which was provided by HISD and I don't know if I have access to that or whether I would even understand the information contained therein, but I was surprised to hear that the comparison screen between the two options we had in front of us did not accurately depict the placement of trees. From the renderings, the new

plan didn't look that awful with a fair number of green circles sprinkled about, but I appreciated the suggestion of getting a more realistic view of which trees would be gone. What will it look like as we walk the neighborhood or look out the window?

Some of the unknowns to me are the options Bellaire has at its disposal if HISD fails to live up to its current concessions/promises, and the likelihood of HISD selling to another entity which would then have the right to destroy the existing trees, but I trust you are equipped with those answers.

Again, thank you for allowing me to make these points regarding the comments expressed at the hearing, and I appreciate all of the time you are devoting to a topic which has such important long-term consequences.

Kindest regards -  
Mary Jahde  
Sent from my iPad

**EXTERNAL email: Exercise caution when opening. Do not click on links or open attachments without verifying the sender's intent.**

**From:** [REDACTED]  
**To:** [Tracy Dutton](#)  
**Subject:** [EXTERNAL] HISD baseball field at former Gordon Elementary site  
**Date:** Sunday, September 27, 2020 7:36:20 PM

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To whom it may concern:

My wife and I are vehemently opposed to the construction of the Bellaire High School baseball/softball fields on the former Gordon Elementary school site. Our concerns include the removal of over 50 mature oak trees that provide absorption of floodwaters after heavy rains, installation of artificial fields designed to draw water off the field and onto adjacent areas to keep the field dry, increased unregulated parking and traffic flow, and unknown field design to mitigate flooding in our residential area. Our neighbors and I have suffered numerous flooding incidents over the last 30 years of my residence in Bellaire and am constantly distressed over flooding whenever any storm is forecast for the area. I ask the Bellaire city council to reject the HISD proposal to build the baseball/softball fields at the former Gordon Elementary school site. You need to protect my neighborhood as if it were your own street and surrounding area.

Thank you.  
Mike Osato

Sent from my iPhone

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**From:** [REDACTED]  
**To:** [Tracy Dutton](#); [Andrew Friedberg](#); [Neil Verma](#); [Dr. Catherine Lewis](#); [Gus Pappas](#); [Nathan Wesely](#); [Michael Fife](#); [Jim Hotze](#)  
**Subject:** [EXTERNAL] HISD softball field proposal  
**Date:** Sunday, September 27, 2020 7:39:54 PM

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Dear Bellaire City Council, as a 30 year resident of Bellaire, currently on Elm Street inside the loop, I would again like to express my extreme concerns over the proposed softball field construction at the former Gordon elementary school site. This has been an ongoing issue for the last year and each proposal by HISD fails to adequately consider traffic and parking concerns in our small area of Bellaire, as well as the flooding risk with the most recent proposed removal of over 50 trees.

There have been many letters sent outlining the details of the impact this plan will have on our pocket of Bellaire, and I hope you are well familiar with these arguments by now.

Of all the issues, the most serious to our property is the flood risk imposed by tree removal. Council should not make a decision that could lead to further increase in flooding risk of our valuable homes just to appease HISD. We have already sustained flooding of multiple homes on Elm, Palmetto and Merrie Lane streets during nearly every major storm, and adding to this risk by approving this plan would be irresponsible of Council to its constituents.

I hope you will reject this proposal or at the minimum have an independent assessment by a flood expert to determine the real risk, and necessary mitigation, of this plan if approved.

Other Bellaire residents, who do not live in this area of Bellaire, and have not witnessed the tragic loss of property and long term property value in our area, are in support of this plan and have sent you letters of support. While I am not against a new playing field for Bellaire High School, I am against this plan because the damage that will impact my neighborhood has not been addressed by the HISD plan.

It is easy to be in favor of a plan that may have negative impact on a specific neighborhood if you do not have to live there.

I hope you will give this serious consideration and vote no to this proposal as it currently stands.

Best regards,  
Karen Woods

Karen L. Woods, MD MASGE, FACG  
Houston Methodist Gastroenterology Associates  
Underwood Center for Digestive Disorders  
[6550 Fannin, Suite 1201](#)  
[Houston, Texas 77030](#)  
Phone [713-441-3372](#)  
FAX [713-797-0622](#)  
Email: [REDACTED]

Sent from my iPad

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**From:** [REDACTED]  
**To:** [Tracy Dutton](#)  
**Subject:** [EXTERNAL] afriedberg@bellairetx.gov, nverma@bellairetx.gov, clewis@bellairetx.gov, gpappas@bellairetx.gov, nwesely@bellairetx.gov, mfife@bellairetx.gov, jhotze@bellairetx.gov  
**Date:** Monday, September 28, 2020 11:37:09 AM

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Dear Ms Dutton, and members of Bellaire City Council,

Prior to the September 21, 2020 meeting where Council reviewed the recent HISD proposal to build two ball fields for Bellaire High School on the site of the former Gordon Elementary School, I had already sent in a written comment strongly opposing the plan, and asking if the existing fields at Feld and Mulberry parks could be used instead. From comments made during the meeting, I gather that this alternative had already been considered and rejected as being unworkable. Given the substantial cost saving to HISD, and the environmental advantage of utilizing the Feld and Mulberry sites, I would recommend that this option be re-considered, and that the Bellaire Parks and Recreation Board be more flexible in how it allocates time for the soccer and softball leagues that currently use the park facilities, in order to make it feasible for Bellaire High to also use the fields.

If the Gordon Elementary site is indeed the only viable option for the Bellaire High School ball fields, then I urge Council to only allow one field on the site, as per the original HISD proposal, and to shift the location of the field several feet west, so that the row of mature trees along Avenue B can be preserved.

Respectfully,  
Sandro Serra  
Ruth Lasieski  
4502 Elm Street  
Bellaire, TX 77401

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**From:** [REDACTED]  
**To:** [Tracy Dutton](#)  
**Cc:** [Andrew Friedberg](#); [Neil Verma](#); [Dr. Catherine Lewis](#); [Gus Pappas](#); [Nathan Wesely](#); [Michael Fife](#); [Jim Hotze](#)  
**Subject:** [EXTERNAL] HISD Softball Field Proposal  
**Date:** Monday, September 28, 2020 2:51:53 PM

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Dear Bellaire City Council Members,

We have been Bellaire residents for 24 years and currently live on the 4500 block of Elm. We are concerned with the cumulative effect of the proposed changes to the former Gordon School site and the other nearby projects (the medical office development and patio homes at the corner of Bissonnet and Newcastle and the proposed redevelopment of the AT&T building and adjacent green space at Bissonnet and 610).

We believe the cumulative effect of the above projects and a double softball field would greatly contribute to flooding in our area of Bellaire. We are also highly concerned that the traffic and safety issues have not been fully and objectively vetted.

One of us is a 1978 graduate of Bellaire High School and we appreciate the parent's desires for softball fields for their children, but unlike most of these parents supporting the BHS/HISD softball program, we and our nearby neighbors bear the long-term consequences of the proposed fields (traffic, congestion, safety, parking in front of our homes, and flooding) upon our homes and lives. After their BHS children graduate, we wonder how interested the softball parents will continue to be.

We were supportive of the first proposal, but the proposal keeps changing and we fear that after approval, HISD will continue to alter the use over the years. We respectfully request that you vote against the proposed change and remand the proposal to planning and zoning for further study, including input from the nearby impacted residents.

Thank you,  
Helen and Paul Chung

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**From:** [REDACTED]  
**To:** [Tracy Dutton](#)  
**Cc:** [Andrew Friedberg](#); [Gus Pappas](#); [Dr. Catherine Lewis](#); [Neil Verma](#); [Nathan Wesely](#); [Michael Fife](#); [Jim Hotze](#)  
**Subject:** [EXTERNAL] HISD baseball field proposal  
**Date:** Monday, September 28, 2020 3:21:55 PM

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Dear Bellaire City Council Members:

Those of us that live on the streets that abut Avenue B near Feld Park have watched with horror and trepidation as plans are put in place to remove 53 of the marvelous, irreplaceable oaks that surround the original Maud Gordon Elementary School. The loss of over 50 trees for a softball field seems to fly in the face of the city's multiple flood control projects. Can we really justify grinding these awesome trees up in a wood-chipper and clearing that parcel of land for a bunch of astroturf used occasional baseball and softball practices and games? Aesthetically, the corner of Ave B and Bissonnet, a gateway into Bellaire, will be irretrievably ruined by this.

EHS has just added a good deal of astroturf to its property on Bissonnet. There is a huge, new mixed use building at Bissonnet and Newcastle. And I see there is request to add another large mixed use building to the corner of 610 and Bissonnet. The optics of literally destroying these beautiful oaks in a flood-prone area for a softball field when there is one sitting empty for hours a day right there at Feld Park just seems to be incredibly wasteful.

The original plan submitted left a number of trees in place, keep the parking lot to a minimum and used common sense in balancing the need for a field against our critical flooding issues. Please keep the original layout in place.

Thank you,  
Ellen and Art Shelton  
4552 Elm St.  
Since 1997

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**From:** [REDACTED]  
**To:** [Tracy Dutton](#)  
**Subject:** [EXTERNAL] HISD Playing Field  
**Date:** Monday, September 28, 2020 5:36:49 PM

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Please share my email with the Mayor & all City Councilmembers.

My husband & I are strongly opposed to the HISD playing field(s) for the following reasons:

Destruction of 100 yr old oak trees  
Increased traffic  
Probable increased flooding risks  
Negative impacts on a residential neighborhood

We have previously sent emails, but feel so strongly about this issue, we are going on record again.

Sincerely,  
Wendy Bantle & Michael Shirley

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**From:** [REDACTED]  
**To:** [Tracy Dutton](mailto:Tracy.Dutton@bellaire.tx.gov); [afriedberg@bellaire.tx.gov](mailto:afriedberg@bellaire.tx.gov); [nverma@bellaire.tx.gov](mailto:nverma@bellaire.tx.gov); [clewis@bellaire.tx.gov](mailto:clewis@bellaire.tx.gov); [gpappas@bellaire.tx.gov](mailto:gpappas@bellaire.tx.gov); [nwesely@bellaire.tx.gov](mailto:nwesely@bellaire.tx.gov); [mfife@bellaire.tx.gov](mailto:mfife@bellaire.tx.gov); [jhotze@bellaire.tx.gov](mailto:jhotze@bellaire.tx.gov)  
**Subject:** [EXTERNAL] HISD practice fields  
**Date:** Monday, September 28, 2020 6:17:17 PM

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**I would like to voice my concern over the current proposal regarding the HISD practice fields at the corner of Bissonnet and Avenue B. I live on Locust Street, a few blocks away. My concerns are as follows:**

**Flooding:** those trees absorb a tremendous amount of water in their roots, and the canopies slow the amount of water reaching the ground. Plus- WHO CUTS DOWN THAT MANY 100 YEAR OLD OAK TREES?? The fields themselves will not absorb water, and will put more water in the surrounding areas. We already flood all the time in that area.

**Traffic:** The traffic is already bad during the school pick up and drop off times, both blocking streets with drivers and also the amount of cars that parked on the surrounding streets. Not only is this inconvenient, it is not very safe for pedestrians.

The parking lot which is there is not part of the BHS plan, that is supposed to be for the park/softball field/tennis courts. But who is going to police that? They do not have plans to put in an additional parking lot, so drivers would have to park on surrounding streets, or take the bus from Bellaire High School.

**Noise/Light pollution:** How much harm will this do to our bird/bat population? Or just citizens trying to enjoy a peaceful evening?

**Property values:** I am sure this will very negatively impact property values of homes close by.

**There is so much talk now about Climate Change and the dangers we are facing as a result of our irresponsible acts toward nature. Everyone agrees there is a need for change and it must happen now. Yet here again is a plan to cut down NUMEROUS old oak trees. "They paved paradise and put up a parking lot" is what is running through my mind right now. So frustrating! We all nod our heads and agree that our generation has royally screwed up the environment, but when it comes down to doing something positive, like NOT cutting down 53 mature oak trees, is no one batting an eye?**

**How can you approve something so appalling? I wonder if you asked the students at Bellaire High School if they have a problem with the school cutting down 53 mature oak trees to put in practice fields they would be strongly opposed to this action themselves. Such a selfish and destructive action. There are other locations where they can practice. Not to mention all the other issues outlined above. My house has flooded in the past. Bellaire has worked to improve drainage, but there is much to be done. How is this a step in the right direction? It is not.**

**YOU CAN DO BETTER. DO IT. TRUST ME, THERE WILL BE OUTRAGE OVER CUTTING DOWN ALL THOSE TREES. People are just fed up. I sure am.**

**thanks you for your attention. I hope you vote no on this proposal.**

Regards,

Jean McNamara  
4610 Locust Street

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Date: September 29, 2020

To: Honorable Mayor and City Council

Subject: HISD's Specific Use Permit (SUP) amendment request at Gordon School Site for two separate ballfields.

Assume that, in accordance with specific Bellaire zoning ordinances, a school purchased the lot adjoining your residence and constructed school buildings, all complying with Bellaire's land usage and setback requirements. Then assume the school demolished the school buildings and requested instead the construction of two ball fields that greatly exceed the land usage and setback requirements. Furthermore, assume the school requested a 40 foot tall net immediately adjacent to your side yard or rear yard fence to prevent ball field projectiles from landing on your property. I am confident you would be outraged at this idea. I am also confident you would expect City Council's denial of the school's request as not being in accordance with Bellaire's zoning ordinance.

As elected leaders in our wonderful community, if you cannot accept this treatment on property adjacent to your own home, then you certainly cannot ask it of your Bellaire neighbor. Residents live in Bellaire because of our community's strong zoning ordinances and they expect protection from such intrusions.

If you vote in favor of HISD's SUP amendment request at the Gordon School site, then you are setting precedent that the same structure could be built immediately adjacent to your own property fence.

Contrary to HISD's oral statements that there "is no choice other than the Gordon School site," HISD has many options to construct multiple ballfields at other locations. \*

For these reasons, I urge you to deny HISD's request for an amended SUP to increase the use of the Gordon school property into two separate baseball fields.

Bill Thorogood



\*HISD could change their current joint use agreements from a "continuing, ongoing or multiyear agreement" to annual agreements so HISD can get to their own properties for their own use if needed as conditions change for HISD. For example, if this were the case today, Bellaire High school women's ball field could easily be placed at nearby Pin Oak Middle School.

**From:** [Andrew Friedberg](#)  
**To:** [Tracy Dutton](#)  
**Subject:** Fw: [EXTERNAL] Hisd ball field plan  
**Date:** Thursday, October 1, 2020 10:56:25 AM

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**From:** Ted Oneal [REDACTED]  
**Sent:** Tuesday, September 29, 2020 11:37 AM  
**To:** Andrew Friedberg <afriedberg@bellairetx.gov>  
**Cc:** Julie Rhodes <julie@julierhodesstyle.com>; Rod Scarborough <rod@rsproperties.org>  
**Subject:** [EXTERNAL] Hisd ball field plan

>  
> Andrew, I wanted to reach out and express concern with the proposal to destroy Feld park as part of the hisd proposal to convert that area to ball fields for Bellaire High school. I am reaching out to you because I have been unable to reach anyone at planning and zoning. I recognize with Covid there is a lot of remote work but it has been impossible to reach anyone.  
>  
> We have lived on beech street near ave b for almost 16 years. One of the main reasons I chose that location was the proximity to the park. Our older son played there a ton and our younger daughter goes there 3 or 4 times a week. It is a great city resource and would be devastating to lose. If they want to stick one ball field there for the school that might work and leave the park. But there isn't enough parking for their proposed plan And it is too far from the high school to make sense and to eliminate the park would be terrible and a huge community loss. Evelyns park has no playground and this is the only playground in our area.  
>  
> Feel free to call me at 7134949993. I am copying my wife and another neighbor. Thank you.  
>  
> Ted O'Neal.  
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**From:** [REDACTED]  
**To:** [Tracy Dutton](#)  
**Cc:** [Andrew Friedberg](#); [Neil Verma](#); [Dr. Catherine Lewis](#); [Gus Pappas](#); [Nathan Wesely](#); [Michael Fife](#); [Jim Hotze](#); [REDACTED]  
**Subject:** [EXTERNAL] Bellaire City Council Vote on HISD Amendment -- ballpark facility at Avenue B and Bissonnet  
**Date:** Wednesday, September 30, 2020 9:24:54 AM

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Ms. Dutton and Bellaire City Council: I listened to the recent City Council meeting and the arguments and comments of City residents for and against the proposed amendment adding a second field. I live on the 4600 block of Locust St., so I am just a few blocks away from what is happening. I am disappointed with and against the whole idea of changing the landscape of this property as it is proposed, for all of the reasons that have been argued. I agree with those who have argued about concerns that this will add to rather than help alleviate the flooding issues we have in Bellaire. And the consequent reduced property values. The one simple thing that I still cannot understand, however, is the willingness of people to discard 50+ mature, beautiful oak trees. I think that is a big, big mistake. Please vote no.

-Greg Clark

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**Greg Clark**  
*Attorney-at-Law*

9 Greenway Plaza Suite 1000  
Houston, Texas 77046  
Direct: [713-653-7302](tel:713-653-7302) Fax: [1-713-651-0220](tel:1-713-651-0220)  
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**From:** [REDACTED]  
**To:** [Andrew Friedberg](#); [Neil Verma](#); [Dr. Catherine Lewis](#); [Gus Pappas](#); [Nathan Wesely](#); [Michael Eife](#); [Jim Hotze](#)  
**Cc:** [Tracy Dutton](#)  
**Subject:** [EXTERNAL] HISD Ball Fields Proposal  
**Date:** Wednesday, September 30, 2020 10:26:26 AM

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Dear Members of Bellaire City Council:

Ms DeEtte Spence, one of my neighbors, made me aware of the following section in the Bellaire Code of Ordinances.

It appears that the current HISD proposal to cut down more than 50 large trees and build two ball fields on the site of the former Gordon Elementary School violates, or is certainly not in the spirit of items 2 and 3 of the ordinance. I hope you will take this into consideration when considering the merits of the HISD proposal. [REDACTED]

**Sec. 24-615. - Standards Applicable to All Planned Development Amendments and Specific Use Permits.**

A planned development amendment or a specific use permit may be granted and may be allowed to continue if it meets the following criteria and standards and is otherwise in accord with this Code. (Ord. No. 81-066, § 1, 11-2-1981)

- (1) The proposed planned development amendment or specific use permit is consistent with the purposes, goals, objectives and standards of the comprehensive plan of the City of Bellaire;
- (2) The design of the proposed development, considered as a part of the planned development amendment or specific use permit, minimizes adverse effects, including visual impacts of the proposed use on adjacent properties;
- (3) The proposed development will not have an adverse effect on the value of the adjacent property;
- (4) The proposed development will not unduly burden essential public facilities and services, including streets, police and fire protection, sanitary sewers, storm sewers, solid waste disposal and schools; and
- (5) The applicant for the development has adequate financial and technical capacity to complete the development as proposed and has met all requirements of this Code, including such conditions as have been imposed as a part of a planned development amendment or specific use permit.

(Ord. No. 10-057, § 1(App. A), 8-2-2010)

Respectfully,

Sandro Serra

4502 Elm Street

Bellaire, TX 77401

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**From:** [REDACTED]  
**To:** [Andrew Friedberg](#); [Neil Verma](#); [Dr. Catherine Lewis](#); [Gus Pappas](#); [Nathan Wesely](#); [Michael Fife](#); [Jim Hotze](#); [Tracy Dutton](#)  
**Subject:** [EXTERNAL] Vote NO on HISD planned baseball fields at Maude Gordon Elementary  
**Date:** Wednesday, September 30, 2020 1:39:47 PM

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Dear Bellaire City Council members,

I am against the plans HISD has for the property on Avenue B at Bissonnet Street in Bellaire. I live on the 4600 block of Locust Street and have lived there since 1992.

I get that Bellaire High School needs more practice fields, but there has to be better options than cutting down all those old, irreplaceable oak trees. Not only are they beautiful, they do a great deal to help absorb surface water and reduce the possibility of area flooding. My street frequently floods and several of my neighbors have lost their homes and had to rebuild. Avenue B can quickly turn into a river and there is no where for the water to go. The baseball fields are constructed to repel water instead of absorbing it, and that means even more water will run off into the streets. Our drains and storm sewers quickly fill and everything floods. In my opinion it is negligent to construct something that would add to the flooding problem rather than fix it.

I understand buses from Bellaire High School will transport people to the fields and there will be an over-sized parking lot built. I do not think the busses are viable and I am not sure they will be well used. If the busses are going to be mandated for the players, why the heck is the parking lot so big and there are so many parking spaces? The older plan was a way better option.

If in the future the use of these fields is expanded to include games and tournament play, I am concerned about the amount of increased noise, light pollution, and traffic. This will not only be a nuisance to the neighbors and no doubt bring down property values, it will have an impact on the bird population in the area.

Finally, I am appalled to think that in Bellaire, the City of Homes, the one with the front-and-center tree in our seal, would approve any plans to cut down all those magnificent trees. I did not think that should be allowable in Bellaire.

Please vote NO and do not allow this to happen. Let HISD find a better solution to their lack of field space. This is not a Bellaire issue, this is an HISD issue that should not impact our lovely city.

Please contact me with any clarifications or questions.

Sincerely,

**Yvette Clark**

713-299-0107

**EXTERNAL email: Exercise caution when opening. Do not click on links or open**

**From:** [REDACTED]  
**Subject:** [EXTERNAL] Proposed Ball Field at Maude Gordon Elementary Site  
**Date:** Wednesday, September 30, 2020 2:19:24 PM

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Dear Bellaire City Council Members,

I live at 4555 Elm Street, 3 houses away from the new ball fields that are currently proposed by HISD. I have serious concerns about the effects of this project.

The first is the impact upon flooding that will be multiplied by removal of 51 mature oak trees and construction of a ball field which is non permeable and built so that water runs off. As you are well aware many homes on our street flooded during Harvey which has had a major impact both upon the lives of our residents and our property values. As a Realtor who works in the area I am acutely aware of the fact that Bellaire is now viewed with trepidation by potential Buyers. The first question they ask is whether or not the house took on any water during Harvey. Many Buyers pass on even looking at a house as soon as they hear there was flooding. How can we even be considering a construction project that would so negatively affect our neighborhood?

There is also the matter of aesthetics. Aren't we "The City of Trees"? Those trees shelter us from noise from Loop 610, clean our air, and appreciably beautify our surroundings. Those trees are beloved fixtures in our neighborhood.

An additional concern is traffic congestion that will be the result of parents, other students and spectators attending the games. Currently there is parking available on both sides of our street. A large automobile has trouble getting down the street when cars are parked on both sides. Imagine a fire truck or ambulance trying to make its way down our street. Our safety will be compromised.

Furthermore it is my understanding that the proposal violates standard #3 of the Standards Applicable to All Planned Development Amendments and Specific Use Permits (Sec. 24-615) which reads, "The proposed development will not have an adverse effect on the value of the adjacent property".

These are only a few of the concerns that I have about the proposal. Surely a more environmentally friendly use can be found for this land which we treasure as part of our landscape.

Please take these points into serious consideration and reject this plan to build ball fields in the location of Maude Gordon Elementary.

Respectfully,  
Kathy Dreyfus  
4555 Elm Street

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**Kathy Dreyfus**  
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September 30, 2020

To: Mayor and City Council of the City of Bellaire

From: Dirk Stiggins - resident  
[REDACTED]  
Bellaire

At the Public Hearing on September 21, 2020 HISD made a presentation describing the need for an Amendment to the SUP S-89, approved by City Council with Ordinance No. 17-055 and subsequently amended by Ordinance No. 18-027

The HISD presentation described how HISD now wants to expand to a side-by-side ball field site as compared to the approved ball field site that has a shared JV practice field and the softball field, i.e. from single team usage at a time to two teams at the same time and the attendant increase in players, coaches and fans. In addition, the sound buffer zone on the west side of the proposed ball fields would be gone and more of the mature oak trees adjacent to Ave B would be removed. The larger side-by-side field site storm water runoff may add flood potential to the neighborhood. HISD described how the fields would be utilized and how games would be scheduled for usage by HISD, all of which can be changed administratively without notice.

In the course of the justification, HISD stated an attempt had been made to use the approved ball field layout by sharing the Feld park ball field to supplement the soft ball field needs. Even though the negotiations failed, is it a lost cause? The significant blowback from residents should indicate residents do not like the amendment request. Is there yet a possible solution that would meet all parties needs?

Specific use Permit requests (Sec. 23-615) in residential neighborhoods should do no harm to the residents. The residents of the neighborhood have expressed in many, many emails how this proposal has potential to harm the neighborhood and ask City Council to reject the HISD amendment request. The residents are concerned this proposed amendment will be an attraction that will add traffic congestion, unnecessary destruction of large oak trees, parking overflow and flood potential to the neighborhood.

In summary:

- I urge that City Council reject the proposed amendment to SUP S-89, approved by City Council with Ordinance No. 17-055 and subsequently amended by Ordinance No. 18-027. Let HISD only build what was approved and accepted by HISD in 2017.

**From:** [REDACTED]  
**To:** [Tracy Dutton](#); [Andrew Friedberg](#); [Gus Pappas](#); [Neil Verma](#); [Dr. Catherine Lewis](#); [Michael Fife](#); [Jim Hotze](#); [Nathan Wesely](#)  
**Subject:** [EXTERNAL] Proposed Ball Fields At Feld Park  
**Date:** Wednesday, September 30, 2020 3:14:19 PM

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I am in support of the two ball field concept by HISD at Feld Park. I was in attendance at the P&Z public hearing after the two field concept had been presented. I spoke at this meeting and suggested that HSID consider reducing the Baseball field outfield dimensions by 25'. I am still in favor of this modification. Since no sanctioned HSID games will be played at this park, the outfield does not have to be designed to UIL standards.

With this 25 extra feet I believe three options are created that should be looked at.  
Option 1: Leave homeplate where it is. The 25' now available along Avenue "B" will save a certain number of trees along Avenue "B". There may also be room for new trees in the SE corner. Option 2: Move homeplate from its present location 25' to the SE. This would free up room along the Bissonnet side and save more trees on that side.

Option 3: Move homeplate 12.5' SE and see how many trees will remain both on Avenue "B" and Bissonnet corridor.

I am dissappointed to see so little detention provided on a approximately 6 acre site. I understand that they have exceeded the required detention required by the rules under which they are operating. I also understand that detention adds to the expense of all site developments. I suggest that maybe it is time that the City of Bellaire consider using city funds to build detention above and beyond the required calculated detentions on sites like such detention potential. The return on investment to add detention above what is called for surely has to be greater than detention claimed when we rebuild a road .

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**From:**   
**To:** [Tracy Dutton](#); [Andrew Friedberg](#); [Neil Verma](#); [Dr. Catherine Lewis](#); [Gus Pappas](#); [Nathan Wesely](#); [Michael Fife](#); [Jim Hotze](#)  
**Subject:** [EXTERNAL] HISD Amendment to SUP S-89  
**Date:** Wednesday, September 30, 2020 9:54:28 PM

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Dear Council Members,

We are writing to firmly oppose HISD's Amended SUP on building a ball field in Bellaire.

We own the property located at 4580 Elm St, the second house on Elm St from Avenue B. The current neighborhood in Bellaire was well appreciated with the warm residential feeling, a nice park, green landscaping and preservation of many large trees which are also very essential or environmental health. The proposal of removing a large number of large oak trees and converting everything there into a ball field will dramatically diminish the appealing character of the adjacent neighborhood.

Removal of all the large trees and significant modification of the landscaping of this neighborhood also potentially elevate the flooding issue which has been already a great concern, and can pose an impactful safety hazard to the residents.

Associated with the new sports facility, much elevated traffic and parking issues are also foreseeable. As the result, it will bring significant inconvenience for the residents, and even worst, danger the safety of young children in the neighborhood. Note that the percentage of residents with children is very high in this neighborhood.

At the last but not the least, destroying the current appealing residential neighborhood with the replacement of the new ball field will immediately reduce the home value of the property. It is so intuitively predictable that we will have great trouble of selling/renting the property. Potential buyers will want to avoid this area because of great concerns with increased risk of flooding, heavy traffic, and loss of residential feel of neighborhood, if this proposal were approved. Note that such concerns/feedbacks have already been directly received from potential buyers and real estate agents since this proposal was in the news.

As a member of this neighborhood, we would like to protect the original and appealing characters of the area which attracted us to move here and we love! Therefore, we strongly urge you to reject the proposal.

Best regards,

Jianhua Hu and Alvin Goh  
4580 Elm St

**From:** [REDACTED]  
**To:** [Andrew Friedberg](#); [Neil Verma](#); [Dr. Catherine Lewis](#); [Gus Pappas](#); [Nathan Wesely](#); [Michael Fife](#); [Jim Hotze](#)  
**Cc:** [Tracy Dutton](#)  
**Subject:** [EXTERNAL] Please Vote in Favor of the BHS Fields  
**Date:** Thursday, October 1, 2020 8:31:45 AM

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Dear Mayor Friedberg and Bellaire City Council,

I am writing to you to voice my opinion on the proposed practice fields. My family lives at 4608 Spruce Street, not far from the proposed site. As a neighbor, BHS parent of Sophomore twins and citizen of Bellaire for 23 years, I ask each of you to vote "yes" for the fields. I have listened and been a part of these discussions for months. Bellaire High School is well respected in both academics and athletics, especially baseball and softball. For the school to continue to attract high achieving student athletes, the students need a safe and convenient place to practice that meets basic regulations. They deserve their practice fields as promised in the Bond Election years ago. The girls and boys each require a field due to size requirements, safety and lack of daylight hours since lights will not be installed.

Building the new school campus has been challenging and HISD has done their best to be good neighbors to the city in hopes of being able to continue to offer a very well rounded public education for the youth of Bellaire and those that attend via IB/Magnet. Many families seek to live in Bellaire because of Bellaire High School's outstanding reputation. That is a "win win" for all of us who call Bellaire home.

As you all know, other field options have been explored by HISD and the city and for various reasons will not be a good fit. There is no better site than the land on Avenue B and Bissonnet. Many of the surrounding neighbors have voiced their opinions and after hearing those concerns, I truly think that HISD has done everything in their power to compromise with the neighbors and mitigate their concerns. The surrounding neighbors first complained about the traffic and parking. HISD accommodated them with a larger parking lot and ingress/egress on Bissonnet instead of Avenue B. to minimize traffic and parking concerns along the neighborhood streets. Then they complained about that accommodation. Now, the issue is about trees. I love trees. HISD has clearly stated they will not take down any trees that aren't necessary to build the fields. In addition, they addressed the neighbors' concerns and agreed to plant new trees with an arborist's consultation. Why are some citizens choosing to support trees over living human beings trying to be healthy, well rounded students? I am sure that most of their homes required a tree or two to be taken down in order to construct. I guess at that time, they were fine losing a few trees because it selfishly benefitted them. Now that all those concerns have been addressed with solutions and compromises, the neighbors now want to complain about flooding. A large concrete sports slab pavilion and school building foundation will be demolished to make way for more grass and dirt with a sidewalk, as well as a **larger parking lot that the neighbors have requested**. With the larger parking lot being added to alleviate their traffic and parking concerns, drainage became a new concern. Drainage was well addressed by HISD and underground drainage has been added to the plan. There is nothing left for the neighbors to complain about. All concerns have been addressed and solutions recommended to appease them as well as meet the needs of the student athletes.

One more point to think about, when a buyer buys a home near school property or commercial property one has to assume the risk of not always knowing what might be put on that property in the future. These neighboring homeowners knowingly bought homes close to HISD land, commercially zoned areas, busy streets and blocks from a noisy freeway! What might their reaction be if HISD proposed a large administration building or campus for wayward youth if this doesn't pass? HISD has taken every one of their concerns into consideration and compromised with the neighbors on all of their requests. HISD has also conducted a Q and A with you all and addressed your concerns as well.

The students at Bellaire High School need and deserve the practice fields at this location. I ask you to consider the importance of these fields to our own *Bellaire* High School. As a community, we should want to foster the healthy physical and emotional development of these teenagers as they seek to become contributing members of our society. Let's encourage healthy outdoor activities like youth sports. I feel sure this can be done with the construction of the practice fields along with the proposed compromises that HISD has outlined for you in response to the concerns of the citizens of Bellaire. A vote in favor of the proposed fields is a vote that will reflect the spirit of compromise, healthy lifestyles and development of Bellaire youth and even more green space. Please vote YES for the fields!

## Sally Haugh Reid

Licensed Agent

Office of Kristin Tillman

Greenwood King Properties

3201 Kirby Drive

Houston TX 77098

Cell: (713) 906-3126

Email: [REDACTED]



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**From:** [REDACTED]  
**To:** [Tracy Dutton](#)  
**Cc:** [Andrew Friedberg](#); [Neil Verma](#); [Dr. Catherine Lewis](#); [Gus Pappas](#); [Nathan Wesely](#); [Michael Fife](#); [Jim Hotze](#)  
**Subject:** [EXTERNAL] HISD SUP amendment  
**Date:** Thursday, October 1, 2020 9:20:54 AM

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Dear Mayor Friedberg and Members of the City Council,

I am writing to you regarding the HISD Application to amend Specific Use Permit S-89 (SUP) that will be considered at the October 5, 2020 City Council Meeting. I appreciated the opportunity to speak during the September 21 Public Hearing, and the questions that were asked of HISD by Mayor Friedberg and City Council members.

It is my understanding from HISD responses to these questions that should the current SUP Amendment not be approved, HISD would proceed with the original 2017 SUP Application site plan and single combination baseball/softball field approved by City Council. I further understand that HISD has not fully explored the option of using Feld Park, Bayland Park, Mulberry Park, and/or other area locations such as HISD property adjacent to Pin Oak Middle School, Horn Elementary, and Condit Elementary should a second separate field be needed for BHS, and that this option remains a possibility. In fact, use of the HISD-controlled fields might actually be preferable to use of city fields for the second field since such fields would be under HISD control (unlike city fields), use could be structured to fit Bellaire High School's schedule, and our neighborhood would not have the additional noise, traffic, and street parking from having two active high school fields in this immediate area.

I previously have described my reasons for opposing the current SUP Amendment with two separate fields and recommending acceptance of the original 2017 SUP with usage restrictions and shifting of the single field west to preserve mature trees along Avenue B, and will not repeat that information. There is no question that we all support Bellaire High School and its programs, and do not oppose a single combination field with adequate onsite parking for Bellaire student athletes. The original 2017 SUP with its limited use approved by City Council provides such a facility without disrupting the character of our neighborhood and minimizes the noise, traffic, street parking and other concerns neighbors have from the expanded facility with two separate fields and additional activities proposed by HISD in its SUP Amendment, especially when there are so many other area choices for a second field and overflow activities for BHS. I urge you to reject the proposed SUP Amendment.

Thank you for all of your time, diligence, and effort in this matter.

Sincerely,

Daniel V. Lim  
4525 Merrie Lane

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**From:** [REDACTED]  
**To:** [Tracy Dutton](#)  
**Cc:** [Andrew Friedberg](#); [Neil Verma](#); [Dr. Catherine Lewis](#); [Gus Pappas](#); [Nathan Wesely](#); [Michael Fife](#); [Jim Hotze](#)  
**Subject:** [EXTERNAL] HISD Field Proposal - Final Thoughts  
**Date:** Thursday, October 1, 2020 10:27:12 AM

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Bellaire City Council Members -

Thank you for hearing the words of our community at the recent council meeting. After seeing HISD's revised proposal, I again ask that you **reject** HISD's revised plan for two fields at Gordon Elementary and keep the approved single field plan (with slight modifications, described below).

### **It's unfortunate...**

It's unfortunate that **this land isn't bigger**, or better shaped to provide two fields and the buffer desired by the neighbors, valued by the community and required by zoning.

It's unfortunate the **burden is on us as neighbors** to think of every loophole, angle and negative impact the fields will have on our community right now because we are powerless once the wheels are set in motion.

It's unfortunate that **HISD acted in bad faith**, repeatedly changing their plans and flat out contradicting their earlier on record testimonies, to the point the no one can believe or trust them to follow through on their word or act with the community's interest in mind, the same community they are supposed to be serving.

It's unfortunate that this **issue divides our community** instead of bringing it together to find a plan that stratifies both sides, and now falls on you to use to our city principles, codes, and priorities to come to the right conclusion.

As I stated before I am not anti-field; I am pro-Bellaire and support the values that make our neighborhood livable and a highly sought-after community to call home. As a council person you are charged to protect our community and below I outline I) the **values** that should guide the decision, II) my support of a **modified single field** plan, III) why I feel Bellaire must **protect our interests** when working with HISD.

### **I) Values that should guide our decision**

1. **Flood Mitigation** - The plan should not negatively impact the flooding of the homes nearby. This is an issue that affects all the homes from the field the Brays Bayou, as any increase in conveyance will displace runoff from the rest of the neighborhood.

Clearly this proposal includes land manipulation outside of normal residential construction, such that the burden of proof should fall on HISD that they are in compliance with the city flood guidelines, and that these guidelines are

sufficient to protect our community. Therefore, HISD should pay for an independent hydrologist assessment and remediation plan, to be performed by a qualified contractor that the city selects. Independent means they are selected by the city and have no ties or work history for HISD or and conflicts of interest. We need this to help us understand the numerous complicated factors that HISD is putting into play:

- *Permeability* – Clearly the concrete is not permeable, but it is unclear how the preparation of the infields and outfields impact, or are included in, the calculation. Infields use special mix of materials and construction methods that impact the permeability. The outfields we also be worked/compacted in some fashion.  
<https://groundskeeper.mlblogs.com/building-a-baseball-infield-f870757f0946>
- *Pitch* – The current survey shows the land is flat and concave in many places, causing the water to pool and puddle during storms. During TS Beta this pooling was evident. The current topography slows runoff and spares our sewer systems from additional surges. Fields are often graded to shed water quickly. The two field plan calls for nearly 100% of the land to be developed into a field, parking, sidewalk or structure, so in a heavy rain the water is likely to cross property lines and bypass the detention.
- *Detention* – The latest plan from HISD includes detention, but it is unclear what kind and how much. It appears the plan only accounts for the parking lot not the other factors listed here. How will the sewer be sloped to properly use the detention? Some sewers are not connected to the detention system. Even if restrictor plates are used, this doesn't help if the lot has been graded to push the water over property lines. Are the city codes sufficient to account for the concerns listed here? Does the city have the right capabilities to protect our interests in the matter? Do detention system invite the breeding of mosquitos, if so, what are the control methods?
- *Tarps and Turf* – Tarps are sometimes used to protect infields and are not permeable. It is unclear a tarp will be used and if it's included in the detention plan. Also turf does not have the same properties as grass and although it's not part of the plan now, it's use should be controlled, less HISD will be back in a few months / years to ask for something we would never agree to now. Please see why HISD cannot be trusted.
- *Sewer* – HISD plan calls for more sewers to be added to the property, which if not properly designed and constructed will quickly overwhelm local sewers designed to protect nearby homes. It's unclear how the plan accounts for the multiple tie-ins to the city sewers, especially since some of them are not connected to the detention system.

- *Additional Dirt / Material* – HISD said they will not bring in fill dirt, but we know they are bringing in dirt for the infield, so we need to once again check all the loopholes. What other materials are coming in and will be used in the field? What about gravel? What about fill dirt for where the trees that are removed?

Who is calculating these factors? Who is monitoring they are adhering to the plan? What controls are in place to ensure HISD keeps its promises? Are they independent?

2. **Trees** – The plan should preserve the trees that line our neighborhood streets and live in our setback zones. One of the keys to our quality of life in Bellaire is our trees. They are living proof of our community’s values. While saving every tree is not always possible, reasonable efforts should be made to preserve our mature trees.

*Not a true buffer* - The HISD plan proposes to kill and remove 51+ mature trees, most of which are older than the city itself. Most regrettably the plan includes the destruction of large matures tress along Avenue B that shield the neighborhood from 610 and Bissonnet traffic noise and provide a welcoming canopy to an entrance of the neighborhood. HISD claims they are providing a buffer but only five of the mature trees being spared are adjacent to a residential property, and only two are along Avenue B.

*Clear Cut Property* - The result will be barren fenced tract that belongs in the City of Houston not the community of Bellaire. Since power lines run along the same side of Avenue B, we will likely never have mature trees due to proactive cutting by CenterPoint. Instead we will have an eye sore of misshaped trees trying to grow between power lines, 40ft poles and a net/fence. Two fields are just too much for the property as it clear cuts most of the trees and puts the developed land / fields and their fences / netting / support structure within the R3 setback zones.

3. **Our City Zoning and Codes** – The plan should respect our city codes and fit in the community (e.g. the R3, 30 ft setback zone). No one wants fly balls in their yard and through their windows, but they also don’t want a 40-foot structure (tower and net) within the setback zone, just outside their front door or almost literally in their back yard. Some interpretations of our city codes don’t seem to pass the sniff test:

- *A 40-foot tower is a structure* - It’s hard to argue that a 40-foot tower does not constitute a structure. I just don’t understand how an object 40 feet tall that requires an engineer to design, blocks the sun and would stop a truck is not a structure. Please let whoever thinks this is not a structure drive their car into it and see what happens.
- *A net is a fence* - A net is fence, it keeps things out or in just like a fence, so what is the difference? The only difference I can imagine is that a fence

can stand on its own, while a net requires a structure (if so, see the point above about the 40' towers). Regardless R3 limits fences to 8' high (Sec. [24-512 Reg](#)) so let's keep that in mind.

- **Setback Application** – the P&Z's states "Due to the fact that they [the field] consists of open space, and are not defined as a structure, the minimum required yards (setbacks) do not apply to the fields themselves." However, I would like to see the P&Z committee run across these open spaces, that have outfield and foul line fences/backstops, and protective netting/fences, and towers/structures. I contend that the fence that encloses the specially constructed fields means the field is no longer an open space, but an accessory structure subject to the setback requirements.
  - **Other Zoning Issues** - It seems there are other city zoning codes might may not have been correctly applied. I encourage that City Council do its due diligence on the codes that other residents have identified. It seems it continues to require creative ways to interpret the codes to allow these fields, and at some point, we need to consider if we are violating the letter if not the spirit of our community codes.
4. **Traffic** – The plan should continue to minimize the traffic in the neighborhood (keep it on Bissonnet). I think a proposed fence along Avenue B and Feld park with no gates / access points satisfies this requirement; however, it should be written as a condition of approval. This helps protect our parks and facilities and prevents unnecessarily neighborhood traffic.
  5. **Noise/Light Pollution** - The plan should continue to expressly forbid a PA system and lights that would disrupt the community. Not just field lights but any lights what would permit athletic activities to continue after dark (e.g. batting cage lights). While P&Z addressed this, the requirement needs to be extended to all exterior lights, and it should be written as a condition into the approval.
  6. **BHS / UIL Activities Only** – The plan should expressly forbid the use of the fields by third parties. Since the BHS principal said 3<sup>rd</sup> party use was not their intent (see P&Z Nov 14 meeting) it should be no problem writing this as a condition of use. Third parties should include private trainers and other non-UIL sanctioned actives. Special exemptions should be limited and specially named in the approval (i.e. family day) and modifications should require city council approval.
  7. **Protect Property Value** – The plan should protect our community valuation. Recently I protested my taxes and the plan to remove 51 mature trees and install a 40-foot structure with netting was part of the evidence I used to reduce my home valuation by 17%. Clearly even HCAD, who is trying to set my valuation as high as possible, sees the negative impact of this plan on property values.

## **II) Keep the single field Proposal w/ minor modifications**

The city council might recognize many and these values as their own because they follow the Bellaire City Council's priorities. Using these priorities as a guide, it is easy to see that the first approved plan with a single field, with the minor modifications below, is the best plan for the community:

*Bissonnet Access Only* – No gates or driveways along Avenue B or Feld Park

*Use a Natural Buffer & Save the Trees* - Move the field west, so the trees along Avenue B not structures would act as a buffer (a win for trees, a win for an attractive community and a win for BHS).

*Get it in Writing* – Make these conditions of use because we are powerless in the future: no lights, no PA, BHS UIL only, limit construction access to Bissonnet only, no turf, no tarps, an independent flood mitigation plan, hours of use, type of use, no scoreboard in the setback, etc.

Even the BHS Principal supports using a single field and said they are “very good at using 1 field” and “have been doing it for 50 years” (see P&Z Nov 14 meeting @ 2h 41min).

## **III) HISD Cannot Be Trusted**

In addition to the concerns above I do not think HISD is operating in good faith. At the P&Z meeting on Nov 14<sup>th</sup> (@ 1hr 58min) we heard from residents around Pin Oak about the promises HISD made and did not keep. Now HISD is showing they are acting in bad faith once again. They asked for one field and stated on record in 2017 this would fit their needs. Now they want 2 fields, yet it is still not clear why. Make no mistake they offered a list of excuses (see the floundering of Mr Gee in the P&Z meeting on Nov 14<sup>th</sup> @ 2hr 24 min), but the fact remains they supported a plan, told everyone it would work, and now they want something more inconvenient to Bellaire residents. Some excuses include:

*Title IX* – During the Nov 14<sup>th</sup> P&Z meeting they claimed Title IX is an issue but how does one field shared by both men and women conflict with Title IX. They take, and then ask for more, and ignore options that are not part of their agenda.

*Conflicts with Bellaire Parks and Recs* – It seems like a case of throwing the baby out with the bath water, as a 5% overlap in needs is preventing agreements for Pin Oak (preferred due to better access and more room) or Feld (which is not desirable due the increase traffic this would have on Avenue B). I have not seen any evidence from HISD, only verbal suggestions, that the overlaps cannot be overcome.

*HISD sold use of existing HISD property* - Space at Horn and maybe other sites exists but cannot be used because HISD said access has been sold to 3<sup>rd</sup> parties. In the Nov 14 P&Z meeting, HISD claims they are trying to do what's best for their students, but this does seem to be consistent with their action.

HISD can also continue to use Meyerland Park, as practicing there for 20 years

makes it seem like a fine alternative. In looking at other HISD schools it's also unclear how many other high schools have all these JV fields. These fields seem like a luxury that the neighbors are paying for in the form of increased flood risk, the loss of mature tree buffers and lower property values.

Thank you,

Jason and Sarah Carter  
4575 Elm St

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**From:** [REDACTED]  
**To:** [Tracy Dutton](#)  
**Cc:** [Andrew Friedberg](#); [Michael Fife](#); [Dr. Catherine Lewis](#); [Nathan Wesely](#); [Neil Verma](#); [Gus Pappas](#); [Jim Hotze](#)  
**Subject:** [EXTERNAL] letter to be included in Council packet for HISD Amendment to SUP S-89 baseball softball fields  
**Date:** Thursday, October 1, 2020 11:00:40 AM  
**Attachments:** [bhs-baseball-camp.png](#)

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Dear Councilwomen, Councilmen and Mayor:

We are glad we were able to submit letters and speak at the Public Hearing on September 21, 2020, to convey our concerns with HISD's Amendment to SUP S-89 (the "Amendment") regarding baseball and softball fields at the former Gordon Elementary/Chinese Immersion/Kolter site (the "Site"). However, it defeats the purpose of a public hearing when what is presented is not what the public is prepared to offer comment on. We have been actively involved in this process for more than three years and were not aware that HISD was including underground detention in its plan for the Site until its presentation at the beginning of the Public Hearing. We had not been able to open the 680-page agenda packet that was released on September 18, 2020 prior to the hearing. But disclosure of the underground detention in that packet would not constitute adequate notice. This lack of transparency has been so frustrating throughout this process. The neighborhood deserves better from HISD and from the City of Bellaire.

Due to the significant flooding and traffic/parking concerns, we hope you will vote to reject the Amendment.

The required detention may meet the Harris County minimum standard of 0.5 x Proposed Impervious (sq. ft) area, but this minimum requirement has been called out as insufficient by the Greater Houston Flood Mitigation Consortium (Rice University and HARC, April 2019 Research Paper 1: Detention & Drainage Regulations <https://www.houstonconsortium.com>). Clear Lake Water Authority (CLWA) uses a 1 acre-ft/acre multiplier, which would translate to a 1.371 acre-ft detention. Ft. Bend Co. uses 0.62-0.98 (0.85-1.34 acre-ft). Please note that Bellaire has the same soil, Type D - most impermeable, highest runoff ([www.houstonconsortium.com](http://www.houstonconsortium.com), p.19) as these two areas. The calculation is based on proposed impervious area, not total impervious area and it does not account for the fact that the new baseball fields will be designed to drain efficiently. A graded baseball field has a coefficient of runoff over twice that of flat grass or wooded land (0.45 vs. 0.15 - 0.2). Asking for greater detention volume is not unreasonable. A volume of 1 acre-ft translates to a (0.73) multiplier of the proposed impervious area (59,723 ft<sup>2</sup> or 1.371 acres) instead of the (0.5) multiplier used by Harris County. Bellaire should ask for detention similar to CLWA or Ft. Bend County (1.3 acre-ft) based on soil type.

HISD continues to misrepresent the number of trees that its proposal will remove – it is 53, not 51. Ashley Parcus' August 3, 2020, email to Brant Gary, which claims, "Although several trees currently located in the interior of the site will need to be removed, the applicant plans to preserve a majority of the trees located along the boundary of the property, maintaining a generous buffer between the development and the surrounding neighborhood." is inaccurate. HISD's plan will remove 63.1% of all of the trees and all of the trees along Avenue B (with the exception of 4 trees in the southeast corner, 2 of which have 4" calipers). So, not only will there not be "a generous buffer" between the fields and the adjoining neighborhood, but rather, there will be no buffer. And although some trees along Bissonnet will be preserved, they do not buffer any neighborhood. Also, the preserved trees

along Bissonnet are tiny in comparison to the mature trees with large canopies on Avenue B. According to the tree removal permit filed on behalf of HISD, the 6 preserved trees bordering Bissonnet (# 57, 58, 59, 60, 63 and 65) have an average caliper of 6.33", which is in stark contrast to the 7 removed trees bordering Avenue B (# 38, 20, 21, 22, 23, 45 and 47), which have an average caliper of 30.57".

During its presentation, HISD also disclosed that it will use the proposed fields at the Site for Off-season practices from 3:15-4:15 in September – December. Yet, the Cardinal Baseball Booster Club website ([www.bellairecbbc.com](http://www.bellairecbbc.com)) discloses that 4 Bellaire High School baseball teams (Varsity Red, Varsity White, Bellaire Red, and Bellaire White) are playing over 75 games in late August through October 2020 at the fields located at Bayland Park.

- The Varsity Red team has games scheduled: Saturday, 8/29 @ 2:15 & 4:15; Sunday, 8/30 @ 10:00 & noon; Saturday, 9/5 at 10:00 & noon; Sunday, 9/6 at 10:00 & noon; Saturday, 9/12 at 2:15 & 4:15; Sunday, 9/13 at 10:00 & noon; Sunday, 9/19 at 10:00 & noon; Sunday, 9/20 at 10:00 & noon; Saturday, 9/26 at 10:00 & noon; Sunday, September 27 at 10:00 & noon; Saturday, 10/3 at 2:15 & 4:15; Sunday, 10/4 at 10:00 & noon; Saturday, 10/10 tournament showcase; Sunday, 10/11 tournament showcase; Saturday, 10/17 tournament showcase; Sunday, 10/18 tournament showcase; Saturday, 10/24 at 10:00 & noon; and Sunday, 10/25 at 10:00 & noon.
- The Varsity White team has games scheduled: Saturday, 8/19 at 2:15 & 4:15; Saturday, 9/5 at 2:15 & 4:15; Saturday, 9/12 at 10:00 & noon; Saturday, 9/19 at 2:15 & 4:15; Saturday, 9/26 at 10:00 & noon; Saturday, 10/3 at 10:00 & noon; Saturday, 10/10 tournament showcase; Sunday, 10/11 tournament showcase; Saturday, 10/17 tournament showcase; Sunday, 10/18 tournament showcase; and Saturday, 10/24 at 10:00 & noon.
- The BOSB Red team has games scheduled: Tuesday, 9/1 at 6:00 pm; Wednesday, 9/2 at 8:00 pm; Tuesday, 9/8 at 6:00 pm; Wednesday, 9/9 at 6:00 pm; Thursday, 9/10 at 8:00 pm; Monday, 9/14 at 8:00 pm; Tuesday, 9/15 at 8:00 pm; Monday, 9/21 at 8:00 pm; Wednesday, 9/23 at 8:00 pm; Monday, 9/28 at 8:00 pm; Wednesday, 9/30 at 6:00 pm; Tuesday, 10/6 at 6:00 pm; Wednesday, 10/7 at 6:00 pm; Monday, 10/12 at 6:00 pm; Wednesday, 10/14 at 8:00 pm; Monday, 10/19 at 8:00 pm; Wednesday 10/21 at 8:00 pm; and Monday, 10/26 tbd.
- The BOSB White team has games scheduled: Tuesday, 9/1 at 6:00 pm; Wednesday, 9/2 at 6:00 pm; Tuesday, 9/8 at 6:00 pm; Wednesday, 9/9 at 6:00 pm; Thursday, 9/10 at 6:00 pm; Monday, 9/14 at 6:00 pm; Wednesday, 9/16 at 6:00 pm; Monday, 9/21 at 6:00 pm; Wednesday, 9/23 at 6:00 pm; Tuesday, 9/29 at 6:00 pm; Wednesday, 9/30 at 8:00 pm; Monday, 10/5 at 8:00 pm; Wednesday, 10/7 at 8:00 pm; Monday, 10/12 at 6:00 pm; Wednesday, 10/14 at 6:00 pm; Monday, 10/12 at 6:00 pm; and Wednesday, 10/14 at 6:00 pm.

It is inevitable that most or all of these 75 games would immediately or eventually move to the fields at the Site. So, this is another example of usage that was not disclosed by HISD. In addition, HISD claimed there would be no usage of the fields during the summer months. Anyone who lives near BHS or has seen their baseball fields/batting cages knows this is not truthful. The players work hard and are there year round to hit in the batting cages, for private lessons, etc. And they conduct

summer camps that have also not been disclosed. See attached flyer.

At the last hearing, Councilman Verma asked HISD if they intended to put artificial turf on the fields (which would significantly impact the drainage and flooding concerns), and they replied no. But what prevents them from doing so in the future? It needs to be expressly stated that artificial turf cannot be used in the future. Also, one of City Council's restrictions on the fields is "no field lights". I think this needs to be expanded to ensure this prohibition includes "no lights in the batting cages", so there is no confusion in the future.

Additionally, the 2 fields do not have to be as large as they are. According to the NFHS guidelines, which Texas UIL follows, for softball, "From home plate to the nearest obstruction on fair ground **may** uniformly range from 1. 185 feet – 235 feet for female or male fast pitch." So, it's important to note that these field dimensions are not a mandate, it states "may", not "must". And the lower range is 185', which is 15' less than the 200' field in HISD's Site plan. And for baseball, the guidelines are also not a mandate. They state, "When constructing a new field for high school play, the distance from home plate to the nearest obstruction on fair ground **should be** at least 300 feet down the foul lines and at least 350 feet to center field. It is recommended that the line from home plate through the pitcher's plate to second base run east-northeast." Therefore, the baseball field does not need to be 300' down the foul lines. And since the current configuration of the baseball field runs east-southeast from home plate to second base, it confirms these guidelines do not have to be strictly followed. Also, these dimensions are for varsity baseball games. Since the field is only for practice and JV games, it can be smaller. In fact, making it smaller will help ensure that HISD keeps its promise to not have any Varsity baseball games played on the field.

The traffic analysis provided by HISD (dated September 23, 2020) is also woefully inadequate. It makes numerous assumptions for which there are no basis, such as after a game 20 cars would turn left on Bissonnet and 10 would turn right. HISD previously disclosed that 25-30 players & coaches may drive, so this does not account for any parents picking up their sons and daughters, which could be a significant number. It also fails to consider the heavy rush hour traffic on Bissonnet (not what is happening now during the pandemic), the traffic from Episcopal High School after practices & games, and the traffic from the youth soccer program at Feld Park. The report admits that a required right turn out of the parking lot would, "end up forcing more vehicles onto Avenue B and into the neighborhood to the south." However, when the exiting cars are unable to make a left turn out of the parking lot due to heavy traffic and there is no police officer directing traffic (like The Post Oak School has during dismissal), it will result in that exact scenario of lots of cars turning right onto Bissonnet and then right onto Avenue B.

It had been previously claimed that the Site is much closer to BHS than the Bayland Park fields, but this is not true. According to Google, BHS is 2.5 miles (8 minutes) from Bayland and 2.3 miles (6 minutes) from the Site. Therefore, this argument should be given no weight. In addition, as a former president of Bellaire Little League, I know the terms we had for using a field at Bayland Park. It is hard to believe that BHS is paying a significant amount to use those fields.

We hope that Council considers that the vast majority of letters in favor of the Amendment are from baseball & softball families who do not live in the adjoining neighborhood that would be negatively

impacted by flooding and traffic/parking issues. As we have stated repeatedly, we (and everyone in the adjoining neighborhood) support BHS and its athletic teams. But their fields must not come at the expense of the neighborhood. Flood mitigation is always the top campaign promise of City of Bellaire officials and the number one concern of Bellaire residents. Now is the time to keep campaign promises and protect Bellaire homes. Do not think that the comprehensive flood plan that may be approved at some point in the future resolves these concerns. Regardless of what happens with that, this is the opportunity now to protect Bellaire residents from serious flooding concerns and protect the aesthetics of our community. If you don't, reputable realtors have indicated the value of the adjoining neighborhood's homes will decrease significantly.

We request that Council reject the Amendment. But if instead of rejecting the Amendment and reverting back to the one approved in 2017, Council and HISD try to negotiate a new Site plan, it should, at a minimum, require in any approval: that the field(s) shift away from Avenue B; the field(s) are reduced in size; all mature trees along Avenue B remain; expanded detention requirements as stated above; no artificial turf; usage & scheduling limitations to avoid traffic & parking issues (no Varsity games, no simultaneous or consecutive games, no tournaments); no sponsor signage; and the concrete path be replaced with a permeable surface.

Thank you for your service,  
Elise Neal & Jack Neal, PhD

**EXTERNAL email: Exercise caution when opening. Do not click on links or open attachments without verifying the sender's intent.**

# 2019 Cardinal Baseball Summer Camp

Tuesday, June 4 — Thursday, June 6, 2019

9:00am—11:30am

KC Colt Field—Bayland Park

Open to all interested players, age 8y —14y, including  
IN-COMING BHS FRESHMAN AND NEW PLAYERS

*Special Pricing for Bellaire and Bayland LL players*  
*Learn to play **The Bellaire Way***

CLICK HERE FOR DETAILS AND REGISTRATION FORMS

[WWW.BELLAIRECRBC.COM](http://WWW.BELLAIRECRBC.COM)

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**From:** [REDACTED]  
**To:** [Andrew Friedberg](#); [Neil Verma](#); [Dr. Catherine Lewis](#); [Gus Pappas](#); [Nathan Wesely](#); [Michael Fife](#); [Jim Hotze](#); [Tracy Dutton](#)  
**Subject:** [EXTERNAL] HISD Amended SUP  
**Date:** Thursday, October 1, 2020 11:39:09 AM

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Dear Mayor and Council members,

We are again asking that you deny HISD's request to add a second field to the Gordon Elementary site. We and our neighbors have outlined our reasons for this opposition in many letters and comments at hearings for over three years. Despite multiple changes to HISD's SUP, every one of our concerns remain. We trust you are by now well aware of these concerns so I will not repeat them in this letter. We do want to re-state that Bellaire's Code of Ordinances (Sec. 24-615) oblige Council to protect residents and their property values and legal precedent gives you full authority to do so.

Additionally, I would like to suggest best placement of this single field in order to protect the neighborhood. I have walked the perimeter of the property many times, including during heavy rainfall and ponding. There is an area of the property which is higher and has fewest trees. It is north of and including where a covered pavilion currently sits, almost directly across the street from EHS' softball field. Placing the field on this spot would address many of the concerns brought by neighbors. Placement there would minimize altering current topography and result in far fewer mature oak trees being destroyed. The naturally lower land surrounding this spot could catch and hold some of the sheet flow, possibly decreasing the amount of detention required. This would certainly need expert analysis. Leaving the surrounding soil undisturbed would maintain permeability and continued health of trees in those areas. Perhaps retaining these tall trees would provide enough afternoon shade to allow flexibility in directional siting of the playing field. A central location which maintains trees and undisturbed space between neighbors and the field and minimizes changes to current flow seems an obvious choice.

Unfortunately, due to HISD's continuance to mislead and confuse residents with its contradictory statements and ever-changing plans and usage, we will only feel comfortable with an approved plan that provides specific written detail on every restriction and a means to enforce such restrictions. For example, "no field lights" needs to be "no lights" to prevent any late evening use at all (batting cages). Scheduling should limit how many teams can be on-site at once. No back-to-back events or tournaments which would generate over-lapping and excessive traffic and street parking issues. No usage by individual players for private coaching. Enforce adherence to UIL regulations including no Sunday use. We are sure there are many other things to consider and trust Council will do due diligence addressing these. Perhaps adjacent neighbors could be consulted on pertinent decisions to ensure agreement.

As others have noted, including Mr. Gaden who has been an umpire for BLL and HS teams for well over a decade, HISD does in fact have other high quality baseball and softball fields available to them, including at Bayland - even nearer than this site. A vote to stick with the single field approval is not denying playing space to any young athletes at all.

As a parent volunteer, I have coordinated school and Scout troop community service events with an organization called Trees for Houston, which has planted over half a million trees in the Houston area. How ironic and tragic if my children who have planted trees for others will have to watch mature trees outside their windows destroyed.

Attached is a Houston Chronicle article written by its Executive Director -

<https://www.houstonchronicle.com/local/gray-matters/amp/Trees-fight-flooding-Houston-needs-a-lot-more-12403934.php>

Preserving these beautiful large trees is a once in a lifetime opportunity. Let your and this Council's legacy be the protection of these stately oak trees.

We sincerely appreciate your service.

DéEtte and Ross Spence



**EXTERNAL email: Exercise caution when opening. Do not click on links or open attachments without verifying the sender's intent.**

4582 Elm St.

September 30, 2020

Dear Bellaire City Council,

Growing up on the corner of Elm St. and Avenue B, the view from my bedroom window looked across the street at Gordon Elementary. I've been drawn to that window by the sounds of the children at recess in the yard, darting around the old-growth trees as they played tag. I've watched from that window as squirrels scamper along the limbs of those oaks. And each evening I'd see the sunset through their canopies. I've often thought about how grateful I am to have the filter of nature in that sightline and how bleak a view it would be were I just looking at 610 and the office buildings beyond. Please don't let those trees come down.

I can also distinctly remember looking out that window one stormy night and watching astonished as trashcans floated over the chain-link fence in front of the school, buffeted by waves. I hope that won't happen again, and I know fifty oaks that are each several multiples my age, and whose roots stretch at least as deep into the ground as the trees are tall, can be relied upon as a significant hedge against such a possibility. So again, I beg that you don't let those trees be chopped down.

It's true our city's ordinances allow HISD to take chainsaws to those oak trees any time they please, but consider that they are the ones requesting special use of that R3 property from you. This puts the city in a position of leverage to get HISD to do the right thing and leave those trees at the perimeter of the property alone. Please don't let them replace them with nets and poles.

If you approve HISD's latest proposal you will have sap on your hands. My family and our neighbors will lose the beauty of those trees and be at greater risk of flooding. Both of these factors will also substantially decrease property values for blocks around, and the city will lose out on property tax revenue. All that without even considering the effect of what HISD proposes to construct.

Brand new baseball and softball fields will be the pride of players, no doubt. They will also be the downfall of the neighborhood. I played in Bellaire Little League growing up and was a varsity athlete all the way into college. I've seen what a well-constructed field looks like. It's made with clay so that it doesn't absorb rain and sloped to shed water so that players can get back on the field as soon as possible after a storm. If axing the grandfatherly oaks isn't bad enough for this neighborhood that I've seen flood innumerable times (including into our house), adding ball fields to the equation surely makes this plan too hard to swallow. So please vote no on this latest SUP from HISD and work with them to keep those fifty oak trees and protect our neighborhood.

Thank you,

Frank Spence

## AGENDA STATEMENT

# City of Bellaire

**MEETING:** City Council - Oct 19 2020

**PREPARED BY:** Bryan Carroll

**DEPARTMENT:** Development Services

### ITEM TITLE:

Consideration of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, adopting a financial policy applicable to all procurements made with federal funds - Submitted by ChaVonne Sampson, Director of Development Services.

### RECOMMENDATION:

ChaVonne Sampson, Development Services Director, recommends City Council approve a resolution that will adopt a Procurement Policy applicable to all procurements made with federal funds and adopt the guidelines set forth in the Community Development & Revitalization Procurement Guidance for Subrecipients Under 2 CFR Part 200 (Uniform Rules).

### BACKGROUND/SUMMARY:

The City of Bellaire adopted ordinances to enter into agreements to receive Community Development Block Grant Disaster Recovery (CDBG-DR) grant funds for the repair and improvement of infrastructure damaged because of the 2015 flood and storms, and 2017 Hurricane Harvey.

\$252,034.00 of 2015 CDBG-DR grant funds were awarded for the environmental assessment, project design, management, and construction of the 4300 Block of Cynthia Street Drainage Improvements.

\$4,095,702.00 of 2017 CDBG-DR grant funds were awarded for construction of street drainage improvements for the 4600 block of Mimosa Drive, 4600 block of Cedar Street, 500 block of Chelsea Street, and 4500 block of Larch Lane.

Pertaining to receipt of Federal Funds, it is necessary for The City to adopt a Procurement Policy applicable to all procurements made with federal funds and adopt the guidelines set forth in the Community Development & Revitalization Procurement Guidance for Subrecipients Under 2 CFR Part 200 (Uniform Rules).

This request is for Council to approve this resolution documenting policy that is compliant with the federal regulations required for procurements made with federal funds.

### PREVIOUS COUNCIL ACTION:

The City Council adopted Ordinance No. 19-033 authorizing The City Manager to execute Contract No. 19-277-000-B671 between City of Bellaire, Texas and The General Land Office (GLO) for CDBG-DR financial assistance in an amount up to \$252,034.00 for flood and drainage facilities along the 4300

block of Cynthia Street.

The City Council adopted Ordinance No. 20-014 authorizing the City Manager to execute an agreement worth up to \$19,393.00 with Weston Solutions, Inc. for the preparation of the National Environmental Policy Act (NEPA) documentation for the 4300 block of Cynthia Street.

The City Council adopted an ordinance authorizing The City Manager to execute an agreement between the City of Bellaire, Texas and Harris County to receive CDBG-DR financial assistance in an amount up to \$4,095,702.00 for drainage and sidewalk projects in the 4500 block of Larch Lane, 4500 block of Mimosa Drive, 4600 block of Cedar street, and the 500 block of Chelsea St.

**FISCAL IMPACT:**

These funds will create a cost savings for the City's BBB2016 Group C Phase 3 projects.

**CITY ATTORNEY REVIEW:**

Yes                       No

RESOLUTION

RESOLUTION NO. 20-\_\_\_

**A RESOLUTION OF THE CITY OF BELLAIRE, TEXAS, ADOPTING A POLICY APPLICABLE TO ALL PROCUREMENTS MADE WITH FEDERAL FUNDS AND ADOPTING GUIDELINES FOR THE USE OF COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY RESOURCES.**

**WHEREAS**, the Texas General Land Office (GLO) granted the City of Bellaire, Texas, certain funds and resources as part of the Community Development Block Grant-Disaster Recovery (CDBG-DR) program authorized for the areas most impacted by the 2015 Floods and storms; and

**WHEREAS**, the GLO awarded Harris County certain funds and resources as part of the CDBG-DR program authorized for the areas most impacted by 2017 Hurricane Harvey Floods Most Impacted Infrastructure; and

**WHEREAS**, Harris County awarded the City of Bellaire, Texas, certain funds and resources as a subrecipient for the 2017 Hurricane Harvey CDBG-DR program; and

**WHEREAS**, the City of Bellaire intends to apply for Community Development Block Grant-Mitigation (CDBG-MIT) Infrastructure Grant funding; and

**WHEREAS**, the City Council of the City of Bellaire, Texas (the "City Council") intends to comply and act in accordance with the applicable provisions of Community Development Block Grant regulations found in federal regulations, 81 FR 39687 for CDBG-DR Disaster Recovery and 84 FR 45838 for CDBG-MIT Mitigation, and in accordance with the Code of Ordinances of the City of Bellaire, Texas; **NOW, THEREFORE,**

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

1. The facts set out in the preamble are hereby found to be true and correct and are incorporated herein for all purposes.
2. The City Council hereby adopts the Procurement Policy Applicable To All Procurements Made With Federal Funds attached here to as **Exhibit A** and authorizes the Mayor to execute such Procurement Policy on behalf of the City.
3. The City Council hereby adopts the guidelines set forth in the Community Development & Revitalization Procurement Guidance for Subrecipients Under 2 CFR Part 200 (Uniform Rules) attached here to as **Exhibit B**.
4. This resolution shall be effective immediately upon its passage.

**PASSED, APPROVED, and ADOPTED** this \_\_\_ day of \_\_\_\_\_, 2020.

(SEAL)

**ATTEST:**

**SIGNED:**

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

\_\_\_\_\_  
Andrew S. Friedberg  
Mayor

RESOLUTION

**APPROVED AS TO FORM:**

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

EXHIBIT A

**CITY OF BELLAIRE  
PROCUREMENT POLICY APPLICABLE TO ALL PROCUREMENTS  
MADE WITH FEDERAL FUNDS**

**PREAMBLE**

All procurements made by the CITY OF BELLAIRE ("CITY") involving the expenditure of Federal funds must be conducted in accordance with the procedures set forth in this Policy. This Policy is in accord with all applicable Federal, State, and local government statutes and regulations, including the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. §§ 200.317 to 200.326.

It is the policy of the CITY to conduct all procurements in the highest ethical manner, and in accordance with all applicable laws and regulations. To the extent required by law and regulation, and the maximum extent practical, the CITY will conduct all procurement transactions in a manner providing full and open competition, consistent with the standards set forth 2 C.F.R. § 200.319.

Subject to specified cost thresholds and documented delegation of authority, all procurements will be reviewed by the City Attorney, the City Finance Director, and the City Manager to ensure compliance with this Policy.

**I. SOLICITATIONS**

Procurements subject to this Policy will be made based on a written solicitation, after careful consideration by CITY Staff (with, as applicable, the support of a selection committee) of the needs of CITY and available resources. The written procedures in this Policy are intended to ensure that all solicitations meet the following Federal requirements as well as contracting best practices.

**A. Clear Description**

The solicitation must incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. This description should include a written statement of work. 2 C.F.R. § 200.319(c)(1).

**B. Nonrestrictive Specification**

The description of the technical requirements must not contain features that unduly restrict competition. 2C.F.R. § 200.319(c)(1).

**C. Qualitative Requirements**

The description of the technical requirements may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. 2 C.F.R. § 200.319(c)(1). Product specifications should be limited to essential specifications only.

**a. Brand Name or Equal**

When it is impractical or uneconomical to write a clear and accurate description of the technical requirements of the property or services to be acquired, "brand name or equal" descriptions may be used to define the performance or other salient

## EXHIBIT A

requirements of procurement. The specific features of the named brand which must be met by offerors must be clearly stated. The need for a "brand name or equal" specification should be documented.

### **b. Preference for Performance Specifications**

Product or service specifications based on performance, rather than designed specifications, are preferred. A performance specification describes an end result, an objective, or standard to be achieved, and leaves the determination of how to reach the result to the contractor. Performance specifications describe *what* the product should be able to do or the services to accomplish, without imposing unnecessarily detailed requirements on *how* to accomplish the tasks.

### **D. Requirements**

The solicitation must identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals. 2 C.F.R. §200.319(c)(2). All solicitations for competitive proposals must notify offerors that the CITY reserves the right to award to other than the lowest-priced offeror. Generally, the CITY will make a best value determination, balancing cost against technical merits, in awarding competitive contracts.

### **E. Type of Federal Funding**

The solicitation must acknowledge the source of the Federal funding for the contract, in compliance with the terms of its financial assistance award. The solicitation should inform prospective contractors that they will need to comply with all applicable Federal Laws, regulations, Executive Orders and requirements affecting the procurement. As appropriate, specific flow-down requirements may be included in the solicitation itself, in any resulting contract, or incorporated by reference.

### **F. Contract Type**

The solicitation should state the type of contract that will be awarded.

#### **a. Fixed Price**

A fixed price contract provides for a firm price that remains irrespective of the contractor's actual cost of performing the scope of work under the contract. The risk of performing the work, at the fixed price, is borne by the contractor. Fixed price contracts may include an economic price adjustment, incentives, or both.

#### **b. Cost Reimbursement**

Cost-reimbursement type contracts provide for payment of certain incurred costs to the extent provided in the contract. They normally provide for the reimbursement of the contractor for its reasonable, allocable, actual, and allowable costs, with an agreed-upon fee. There is a limit to the costs that a contractor may incur at the time of contract award, and the contractor may not exceed those costs without the CITY's prior approval. Cost allowability is determined by Federal regulations. There are many varieties of cost-reimbursement contracts, such as cost-plus- fixed fee, cost-plus-incentive-fee, and cost-plus-award- fee. Because the CITY incurs more risk in a cost reimbursement contract, these types of contracts should only be entered into after a careful analysis of the benefits compared to other contract types.

## EXHIBIT A

### **c. Time and Materials Contracts**

A time and materials type contract is a contract whose cost to the CITY is the sum of the actual cost of materials and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit. 2 C.F.R. § 200.318G)(1)(i) and (ii). This type of contract is used if no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk.

### **d. Cost Plus Percentage of Cost**

The use of cost-plus percentage of cost and cost plus a percentage of construction cost methods of contracting are prohibited.

## **G. Prohibitions**

Certain provisions that unduly restrict competition are prohibited. 2 C.F.R. § 200.319(a). The following are some examples of these prohibited provisions. Note that the provisions described below are not prohibited when they are improper or excessive. For example, some qualifications and experience may be required for a particular type of contract; only "excessive" or "unnecessary" requirements are not allowed:

### **a. Excessive Qualifications**

Placing unreasonable requirements on firms in order for them to qualify to do business. 2 C.F.R. § 200.319(a)(1).

### **b. Unnecessary Experience**

Requiring unnecessary experience. 2 C.F.R. § 200.319(a)(2).

### **c. Unnecessary Bonding**

Requiring excessive bonding. 2 C.F.R. § 200.319(a)(2).

### **d. Improper Qualification**

Using improper prequalification procedures that conflict with 2 C.F.R. § 200.319(d).

### **e. Retainer Contract**

Making a noncompetitive solicitation only to a person or firm on retainer contract where that award is not for property or services specified for delivery under the scope of work of the retainer contract. 2 C.F.R. § 200.319(a)(4).

### **f. In-State, Local, or Tribal Geographic Preferences**

Imposing prohibited in-state, local, or tribal geographic preferences that conflict with 2 C.F.R. 200.319(b).

### **g. Organizational Conflicts of Interest**

Allowing entities to submit bids or proposals in response to the solicitation where there would be a prohibited organizational conflict of interest. 2 C.F.R. §200.319(a)(5).

## **II. METHODS FOR PROCUREMENT**

Procurements shall be made using one of the following methods: (A) Micro-Purchases (B) Small Purchase procedures, (C) Competitive sealed bids, (D) Competitive negotiations, (E) Non-competitive negotiations. All procurements shall be made in accordance with these procedures.

## EXHIBIT A

### A. Micro-Purchases

Purchases below **the Simplified Acquisition Threshold** may be awarded without soliciting competitive proposals if the CITY considers the price to be reasonable. Efforts will be made to get the lowest and best price, but written records of such efforts are not necessary. Procurements may not be disaggregated for the purpose of falling below the Micro-Purchase threshold.

### B. Small Purchases

Purchases of supplies, equipment and services which cost below **\$50,000** require written supplier estimates but no formal bid is required. The CITY will solicit a verbal or written response from at least three (3) vendors and will document why the vendor was selected if it is not the lowest priced offerer. If no such responses are available, a statement explaining the procurement will be prepared and filed.

### C. Competitive Sealed Bids

The use of sealed bids will be employed when detailed specifications for the goods or services to be procured can be prepared and the primary basis for award is cost. When the cost of a contract, lease or other agreement for materials, supplies, equipment or contractual services, other than those personal (procuring the services of an individual for staff augmentation services) or professional (provided by a degreed, licensed professional, principally engineering, accounting, and legal services), exceeds **\$50,000**, an Invitation for Bids ("IFB") notice will generally be prepared. This notice will be published in the CITY newspaper of record and/or such other places as the CITY deems appropriate. This notice will appear at least fourteen (14) days before the due date for bid proposals. The CITY may also solicit sealed bids from responsible prospective suppliers by sending them a copy of such notice. To the extent possible, the CITY Staff is encouraged to maintain an open Bidders List.

The IFB will include a complete, accurate and realistic specification and description of the goods or services to be procured, any required bid deposit, the amount of a payment bond and bond performance required (if applicable), the location where bid forms and specifications may be secured, the time and place for opening bids, and whether the bid award will be made on the basis of the lowest price or the lowest evaluated price. If the lowest evaluated price is used, the measurable criteria to be used must be stated in the IFB.

Sealed bids will be opened in public at the time and place stated in the IFB. The bids will be tabulated by the TABULATOR at the time of bid opening. The results of the tabulation and the bid procurements will be examined for accuracy and completeness by the EXAMINER who will make recommendations to the CITY. In addition, the CITY shall determine that all firms are responsive and responsible. The CITY will make the decision as to whom the contract shall be awarded. After the bid award is made by the CITY, a contract will be prepared for execution by the successful bidder. After the contract is signed, all bid deposits will be returned to all unsuccessful bidders.

The CITY may cancel an Invitation for Bid or reject all bids if it is determined that such is in the best interests of the CITY. Bidders will be notified in writing of such cancellation or rejection. The CITY may allow a vendor to withdraw a bid if requested at any time prior to the bid opening. Bids received after the time set for bid opening shall be returned to the vendor unopened. Bids which do not accept all terms and conditions of the IFB

## EXHIBIT A

shall be deemed to be non-responsive and will be rejected. Any changes to the bidding terms and conditions shall be communicated to all bidders, and all bidders will have an equal chance to submit a bid responsive to those changed terms and conditions.

### **D. Competitive Negotiations**

The CITY will use competitive negotiations, regardless of contract amount, upon a written determination that either of the following conditions apply:

- a. Specifications cannot be made specific enough to permit the award of a bid on the basis of either the lowest bid or the lowest evaluated bid price (in other words, sealed bidding is not feasible); or
- b. The services to be procured are professional (provided by a degreed, licensed professional, principally engineering, accounting, and legal services) in nature.

Competitive negotiations will proceed as follows:

1. Proposals will be solicited through advertisement in the CITY newspaper of record and/or such other places as the CITY deems appropriate; additionally, a Request for Proposal (RFP) may be prepared and mailed, emailed, or faxed to qualified vendors. The RFP will describe services needed and identify the factors to be considered in the evaluation of proposals and the relative weights assigned to each selection factor. The RFP will also state where further details regarding the RFP may be obtained. The RFP will call attention to the applicable regulations. Requests for proposals will always include cost as a selection factor.
2. Award must be made to the offerer whose proposal is determined in writing by the CITY to be the most advantageous to the CITY with price and other factors considered. This evaluation and award process contemplates a balancing of cost and technical merit in arriving at a determination as to which proposal provides the best value to the CITY. Evaluations must be based on the factors set forth in the Request for Proposal and a written evaluation of each response prepared. The selection committee may contact the firms regarding their proposals for the purpose of clarification and record in writing the nature of the clarification. If it is determined that no acceptable proposal has been submitted, all proposals may be rejected. New proposals may be solicited on the same or revised terms or the procurement may be abandoned.

For the procurement of certain professional services, an alternative to RFPs may be used. The CITY may publish a Request for Qualifications. RFQ's are handled in a similar method to RFP's with the exception that cost is not a factor in the initial evaluation. The selection committee will evaluate the responses and rank them by comparative qualifications. The highest scoring person or firm will be contacted, and the CITY will negotiate cost. If the CITY is unable to negotiate a satisfactory cost arrangement, the second highest scoring person or firm will be invited to negotiate. The CITY will maintain a written record of all such negotiations.

### **E. Noncompetitive Negotiations**

The CITY requires competitive bids for purchases of goods or services including consulting services) over \$50,000; however, some exceptions apply.

## EXHIBIT A

In some circumstances, when competition cannot be obtained or the situation necessitates the required number of competitive bids to be reduced, a Sole Source or Reduction Justification Form must be submitted. The following information is a guide for requesting the waiver or reduction of competitive bids on RFPs for goods or services greater than **\$50,000**. The CITY may purchase goods and services through non-competitive negotiations when it is determined in writing by the CITY that competitive negotiation or bidding is not feasible and that:

### 1. SOLE SOURCE DEFINITION AND CRITERIA

A single supplier that is exclusively capable of meeting the CITY's requirements within the time available, including emergency and other situations, which preclude conventional planning and processing. These situations include:

- a. **One-of-a-Kind/Specialized-** the commodity or service has no competitive product or must meet specialized seaport, boat or marine requirements, or specialized professional or technical services, and is available from only one supplier.
- b. **Compatibility-** the commodity or service must match an existing brand of equipment for compatibility and is available from only one vendor.
- c. **Replacement Part-** the commodity is a replacement part for a specific brand of existing equipment and is available from only one supplier.
- d. **Delivery Date-** only one supplier can meet necessary delivery requirements.
- e. **URGENT NEED** for the item or service does not permit soliciting competitive bids; including purchases needed to address major facility failures, damages due to disasters, or purchases necessary to address immediate safety and security issues.
- f. Only one satisfactory proposal is received through RFP or RFQ
- g. The Federal or State awarding agency has authorized the particular type of non-competitive negotiation.

Procurement by noncompetitive negotiation requires the strictest attention to the observation of impartiality toward all suppliers. The CITY must approve all procurements by non—competitive negotiation when only one supplier is involved or only one bid or response to an RFP/RFQ is received.

- F. Bids will be accepted only from those contractors who have a proven record of ability to successfully complete the scope of work being bid. References will be requested along with the contractor's bid proposal. Any contractors submitting a bid must produce (along with his/her bid documents) written proof of liability insurance and worker's compensation coverage. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance and financial and technical resources in awarding contracts.

### III. CONTRACTS

Generally, all procurement in excess of the Simplified Acquisition Threshold will be memorialized and supported by a written contract. Where it is not feasible or is impractical

## EXHIBIT A

to prepare a contract, a written finding to this effect will be prepared and some form of documentation regarding the transaction will also be prepared.

- A. All contracts will contain language which allows the CITY the opportunity to cancel any contract for cause. Said cause shall include (but not be limited to) demonstrated lack of ability to perform the work specified, unwillingness to complete the work in a timely fashion, cancellation of liability insurance or worker's compensation, failure to pay suppliers or workers, unsafe working conditions caused by the contractor, failure to comply with Davis-Bacon wage laws (where applicable), failure to keep accurate and timely records of the job, or failure to make those records available to the CITY (on request) or any other documented matter which could cause a hardship for the CITY if a claim should arise or the work not be completed on schedule at the specified cost.
- B. All contracts will contain a termination for convenience provision, which allows the CITY to cancel the contract without fault on the part of the contractor. In the event of a termination for convenience the contractor will receive reimbursement and/or pro-rata payment for costs and work done until the point of termination, but not anticipated profits on the work that was cancelled. The termination provision will specify the procedures for the contractor to submit a claim for termination costs.
- C. Except as otherwise provided under 41 C.F.R. Part 60, all contracts that meet the definition of "Federally assisted construction contract" in 41 C.F.R. § 60-1.3 must contain the applicable contract clauses described in Appendix II to the Uniform Rules (Contract Provisions for non-Federal Entity Contracts Under Federal Awards), which are set forth in 2 C.F.R. §200.326. These provisions will be provided to all bidders.

### IV. DOCUMENTATION

All source documents supporting any given transaction (receipts, purchase orders, invoices, RFP/RFQ data and bid materials) will be retained and filed in an appropriate manner. Where feasible, source documents pertinent to each individual procurement shall be separately filed and maintained. Where it is not feasible to maintain individual procurement files, source documents will be filed and maintained in a reasonable manner (examples include chronologically, by vendor, by type of procurement, etc.). Whatever form of documentation and filing is employed, the purpose of this section is to ensure that a clear and consistent audit trail is established. At a minimum, source document data must be sufficient to establish the basis for selection, basis for cost, (including the issue of reasonableness of cost), rationale for method of procurement and selection of contract type, and basis for payment.

### V. LOCALLY OWNED, MINORITY-OWNED, FEMALE-OWNED AND SMALL BUSINESSES

All necessary affirmative steps will be taken and documented to solicit participation of small and minority businesses, women's business enterprises, and labor surplus area firms. Where possible and feasible, delivery schedules will be established, and work will be subdivided to maximize participation by small businesses or minority- or women-owned businesses. Subdivided components will be bid as a separate contract. A list of locally owned, minority-owned, female-owned, and small businesses and also minority businesses located within the trade region shall be used when issuing IFBs, RFPs and RFQs. This list shall also be consulted when making small purchases. The CITY will use the services and assistance of

## EXHIBIT A

the Small Business Administration and the Minority Business Development Agency of the Department of Commerce when appropriate. The successful bidder will be required to use these same criteria in selection of suppliers and subcontractors whenever possible.

### VI. CODE OF CONDUCT

#### A. Conflict of Interest

No CITY member, employee, consultant, elected official, appointed official or designated agent of the CITY will take part or have an interest in the award of any procurement transaction if a conflict of interest, real or apparent, exists. A conflict of interest occurs when the official, employee or designated agent of the CITY, partners of such individuals, immediate family members, or an organization which employs or intends to employ any of the above has a financial or other interest in any of the competing firms, or will otherwise benefit financially or otherwise from a contract award.

No CITY member, employee or designated agent of the CITY may acquire a financial interest in or benefit in any way from any activity which uses any Federal funding, nor shall they have any interest in any contract, subcontract or agreement for themselves or any family members.

NOTE: These rules apply to all named parties and shall be effective for the period of service and for one year after leaving said position (or office, in the case of elected officials).

#### B. Acceptance of Gratuities

No CITY member, employee or designated agent of the CITY shall solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors, subcontractors or potential subcontractors.

#### C. Penalties

Any CITY member, employee or designated agent of CITY who knowingly and deliberately violates the provisions of this code will be open to civil suit by the CITY without the legal protection of the CITY. Furthermore, such a violation of these procurement standards is grounds for dismissal by the CITY (if an employee) or such sanctions as available under the law (if an elected official).

Any contractor or potential contractor who knowingly and deliberately violates the provisions of these procurement standards will be barred from future transactions with the CITY.

### VII. ADDITIONAL PROVISIONS

CITY Federally funded contracts are subject to a variety of required of statutes, regulations, and contract clauses. While it is the responsibility of bidders and offerors to be aware of and comply with those requirements, CITY staff shall include applicable requirements in all CITY contracts to the maximum extent possible, either in full text, via addendum or attachment, or by reference. The list below is not exhaustive, and other provisions may apply based on the type of work being performed and the dollar amount of the contract. The provisions below are common to many covered contracts:

#### A. Labor and Employment Laws and Regulations

A variety of construction and non-construction labor and employment laws and regulations are required as a condition of the CITY's Federal funding. These are

EXHIBIT A

assembled at 2 C.F.R. § 200.326 and 2 C.F.R. Part 200, Appendix II, and include provisions related to Equal Employment Opportunity, Prevailing Wages, AntiKickback provisions, Overtime and Work Safety requirements, and a variety of whistleblower protections. In dealing with all potential bidders and offerors, CITY Staff should ensure that the applicable requirements are included in all solicitations and contracts. To the extent possible, CITY Staff should highlight these requirements to bidders and offerors unfamiliar with or inexperienced in Federally funded projects.

**B. Rights to Inventions Made Under a Grant or Contract**

If a contract awarded by the CITY may result in the creation of protectable intellectual property, including a patentable invention, copyrighted material, trade secret or technical data, or any other invention or discovery, the requirements of 37 CFR § 401 may apply.

**C. Environmental Regulations**

Contracts over **\$150,000** require the contractor to comply with Clean Air Act and Federal Water Pollution Control Act. Specific provisions and requirements are set forth in 2 C.F.R. Part 200, Appendix II

**D. Contracting with Suspended or Debarred Persons or Entities**

The CITY shall not enter into any agreement with any person or entity subject to Federal Debarment or suspension, nor consent to a subcontract with any such person or entity. A list of all such persons or entities can be found at [www.sam.gov](http://www.sam.gov). The CITY should obtain written certification from all contractors that they are not suspended or debarred from federal procurements.

**E. Byrd Anti-Lobbying Amendment**

The following provision should be included in each contract over **\$100,000** (Federal Byrd threshold):

"Contractors who apply or bid for an award of **\$100,000** or more shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant, or any other award covered by 31 U.S.C. § 1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient."

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
City Manager

ATTEST:

\_\_\_\_\_  
(Clerk)

EXHIBIT B  
GLO-CDR PROCUREMENT CHECKLIST  
TEXAS GENERAL LAND OFFICE



COMMUNITY DEVELOPMENT & REVITALIZATION  
PROCUREMENT GUIDANCE FOR SUBRECIPIENTS  
UNDER 2 CFR PART 200 (UNIFORM RULES)

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**BACKGROUND:**

The Texas General Land Office Community Development & Revitalization (GLO-CDR) is the state agency designated by the Governor and responsible to the U.S. Department of Housing and Urban Development (HUD) for the administration Community Development Block Grant Disaster Recovery (CDBG-DR) funds, herein referred to as the “grantee”. Eligible applicants (city and county governments) located within, or performing activities within a federally declared Texas county, are herein referred to as “subrecipient” and is the intended audience of this procurement guidance.

Procurement requirements are applicable to subrecipients receiving CDBG-DR funding from any of the following grants:

- 2015 Floods grant, **B-16-DH-48-0001**, in accordance with Federal Register, [Vol. 82, No. 150](#) and [Vol. 81, No. 117](#) and as outlined in the most current 2015 Flood State of Texas Action Plan.
- 2016 Floods grant, **B-16-DL-48-0001**, in accordance with Federal Register, [Vol. 81, No. 224](#), [Vol. 82, No. 11](#), and [Vol. 82, No. 150](#) and as outlined in the most current 2016 Flood State of Texas Action Plan.
- Harvey grants, including **B-17-DM-48-0001** and **B-17-DL-48-0002**; in accordance with Federal Register, [Vol. 83, No. 28](#) and as outlined in the most current Hurricane Harvey State of Texas Action Plan
- Mitigation grant, **B-18-DP-48-0002**, in accordance with Federal Register, [Vol. 84, No. 169](#) and as outlined in the most current CDBG-MIT State of Texas Action Plan.

Subrecipients receiving CDBG-DR funding are required to follow the procurement standards of [2 CFR 200.318 to 200.326](#) and the contract provisions within Appendix II to Part 200. Procurement standards are Federal Register grant-imposed requirements that are incorporated into all subrecipient agreements.

The objective of this procurement checklist is to assist subrecipients administering CDBG-DR funds in complying with the federal procurement requirements and reasonably ensure the

EXHIBIT B  
GLO-CDR PROCUREMENT CHECKLIST

allowability of eligible program expenses. Failure to procure goods and services in compliance with federal requirements is subject to the recapture of program funds.

This checklist is intended to provide general guidance only and does NOT provide a detailed explanation of the federal procurement requirements – it is not intended to serve as legal advice and GLO-CDR makes no guarantee that adherence to this checklist will result in full reimbursement of eligible expenses. Subrecipients should consult their legal counsel in adapting Federal procurement requirements into their existing procurement function.

**Procurement Policies and Procedures**

GLO-CDR strongly advises that each subrecipients, at least annually, to evaluate their procurement policies and procedures to ensure they comply with the requirements of [2 CFR 200.318 to 200.326](#). Subrecipients are strongly encouraged to use this procurement checklist to reconcile their existing procurement policies and procedures to determine whether each section of the procurement checklist is clearly addressed within their procurement manual.

This can be achieved by filling out the procurement checklist and identifying the page number of a subrecipient’s policies and procedures that specifically identifies the Federal procurement requirement noted in each section of the checklist. The procurement checklist should be incorporated into the procurement policy and procedure manual, enabling subrecipient staff in understanding the federal procurement requirements as well as facilitating with audits and monitoring reviews by external parties.

**Procurement File Maintenance**

The Procurement Checklist must be filled out for each procurement action taken by a subrecipient, according to the procurement methodology used for each solicitation. This checklist must be maintained for each procurement activity and within each procurement file.

GLO-CDR will be verifying, through grant management or monitoring, whether the procurement checklist has been maintained for procurement actions taken by subrecipients. In addition to the procurement checklist, subrecipient’s will be required to provide the following key documents to assess compliance with procurement activities:

- Independent Cost Estimate
- RFP/RFQ as applicable
- Listing of Proposals Received
- Summary of Evaluations Performed
- Cost and Price Analysis
- Grantee approval of selected vendor/winning proposal
- Contract

The procurement function is a subrecipient’s responsibility. GLO-CDR does not review or preapprove subrecipient procurement activities, particularly for potential subrecipients without an executed contract. A potential subrecipient choosing to solicit services before a contract is

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GLO-CDR PROCUREMENT CHECKLIST

executed must do so in compliance with 2 CFR 200.318-200.326 as stipulated in the Federal Register and encouraged to utilize this procurement checklist.

**Note:** GLO-CDR is required to be notified and approve non-competitive or sole-source procurements (2 CFR 200.320(f)(3)) for subrecipients with executed GLO contracts.

**Technical Assistance**

Subrecipients may request procurement technical assistance by contacting their assigned grant manager or submitting requests to:

- [CDR@recovery.Texas.Gov](mailto:CDR@recovery.Texas.Gov)
- [CDR.Mitigation@recovery.texas.gov](mailto:CDR.Mitigation@recovery.texas.gov)

**Monitoring**

Monitoring for compliance of procurement activities is independent of the process noted above as part of GLO-CDR's Subrecipient Monitoring Plan. GLO-CDR will monitor against the standards of 2 CFR 200.318 – 200.326. However, subrecipient incorporating both Federal and state or local procurement laws and requirements will be monitored to the more restrictive procurement standards.

GLO-CDR does not pre-approve procurement activities for subrecipients or potential subrecipients attempting to obtain a CDBG-DR or CDBG-MIT award. The procurement function is the subrecipient's responsibility. A potential subrecipient choosing to solicit services before a contract is executed must do so in compliance with 2 CFR 200.318-200.326 as stipulated in the Federal Register.

The [HUD Exchange](#) and [GLO Procurement and Contracting](#) websites provide significant guidance and tools for performing procurement activities.

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GLO-CDR PROCUREMENT CHECKLIST

**PROCEDURES STANDARDS AND GUIDANCE FOR SUBRECIPIENTS (Section 1)**  
**§200.318 General procurement standards**

Procurement Requirements	Yes	No	N/A	Notes
1.1 Does the Subrecipient maintain documented policies and procedures that reflect applicable state, local, and tribal laws and regulations and provide that they conform to applicable federal law and the standards identified in this part? <a href="#">§200.318(a)</a>				
1.2 Do the Subrecipient’s policy and procedures identify the oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders? <a href="#">§200.318(b)</a>				
1.3 Do the Subrecipient’s policy and procedures identify a written standard of conduct addressing a real or apparent conflict of interest, both direct and indirect, and governing the actions of employees engaged in the selection, award, and administration of contracts to ensure conflicts of interest are identified, substantiate nominal financial interests or value, and disciplinary actions for violations of the standards? <a href="#">§200.318(c)</a>				
1.4 Do the Subrecipient’s policies and procedures avoid the acquisition of unnecessary or duplicative items? Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. <a href="#">§200.318(d)</a>				
1.5 Do the Subrecipient’s policies and procedures encourage entering into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services to foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal Government? <a href="#">§200.318(e)</a>				
1.6 Do the Subrecipient’s policies and procedures encourage the use of Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs. <a href="#">§200.318(f)</a>				
1.7 Do the Subrecipient’s policies and procedures encourage the use of value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions? Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost. <a href="#">§200.318(g)</a>				

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GLO-CDR PROCUREMENT CHECKLIST

<p>1.8 Do the Subrecipient’s policies and procedures identify the contract being awarded is to a responsible contractor possessing the ability to perform successfully under the terms and conditions of the proposed procurement, considering such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources? <a href="#">§200.318(h)</a></p>				
<p>1.9 Do the Subrecipient’s policies and procedures identify how it will maintain records sufficient to detail the history of procurement? These records will include but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. <a href="#">§200.318(i)</a></p>				
<p>1.9 Do the Subrecipient’s policies and procedures identify the manner for determining that no other contract other than time and materials type contract is suitable, and include a price ceiling that if exceeded, the contractor exceeds at their own risk? <a href="#">§200.318(j)(1)</a></p>				
<p>1.10 Do the Subrecipient’s policies and procedures identify setting a ceiling price that a contractor exceeds at its own risk, including the oversight asserted for time and material contracts to obtain reasonable assurance that the contractor is maintaining efficient methods and effective cost controls? <a href="#">§200.318(j)(2)</a></p>				
<p>1.11 Do the Subrecipient’s policies and procedures identify the responsibility, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements? These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the Subrecipient of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the Subrecipient unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction. <a href="#">§200.318(k)</a></p>				

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GLO-CDR PROCUREMENT CHECKLIST

**PROCEDURES STANDARDS AND GUIDANCE FOR SUBRECIPIENTS (Section 2)**  
**§200.319 Competition**

Procurement Requirements	Yes	No	N/A	Note
2.1 Procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of this section. In order to ensure objective contractor performance and eliminate an unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Situations considered to be restrictive of competition include but are not limited to: <a href="#">§200.319(a)</a>				
• Placing unreasonable requirements on firms for them to qualify to do business?				
• Requiring unnecessary experience and excessive bonding?				
• Noncompetitive pricing practices between firms or between affiliated companies?				
• Noncompetitive contracts to consultants that are on retainer contracts?				
• Organizational conflicts of interest?				
• Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement?				
• Any arbitrary action in the procurement process?				
2.2 The non-Federal entity must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.				
2.3 Does the Subrecipient have written procurement procedures that ensure that all solicitations comply with the following? <a href="#">§200.319(c)</a>				

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GLO-CDR PROCUREMENT CHECKLIST

<ul style="list-style-type: none"> <li>Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured?</li> </ul>				
<ul style="list-style-type: none"> <li>Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals?</li> </ul>				
<p>2.5 If using a prequalified list of persons, firms, or products to acquire goods and services, has the Subrecipient considered the following? <a href="#">§200.319(d)</a></p>				
<ul style="list-style-type: none"> <li>Is the list current?</li> </ul>				
<ul style="list-style-type: none"> <li>Does the list include enough qualified sources to ensure maximum open and free competition?</li> </ul>				
<ul style="list-style-type: none"> <li>Were any potential bidders precluded from qualifying during the solicitation period?</li> </ul>				

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GLO-CDR PROCUREMENT CHECKLIST

**PROCEDURES STANDARDS AND GUIDANCE FOR SUBRECIPIENTS (Section 3)**  
**§200.320 Method of Procurement**

Procurement Requirements	Yes	No	N/A	Note
3.1 Which of the following methods of procurement is used by the Subrecipient?				
<b>Micro-purchase procedures §200.320(a)</b>				
• To the extent practicable, is the Subrecipients distributing micro-purchases equitably among qualified suppliers?				
Does the aggregate dollar of supplies or services exceed the micro-purchase threshold of \$3,000, or \$2,000 for construction contracts subject to the Davis- Bacon Act?				
<b>Small purchase procedures §200.320(b)</b>				
• Was price or rate quotations obtained from an adequate number of qualified sources?				
<b>Sealed bids §200.320(c)</b>				
• Is a complete, adequate, and realistic specification or purchase description available for bidders?				
• Are two or more responsible bidders willing and able to compete effectively for the business in relation to the bid advertisement?				
• Can the procurement lend itself to a firm fixed price contract and the selection of the successful bidder be made principally based on price?				
• Were bids solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids?				
• Was the invitation for bids publicly advertised?				
• Did the invitation for bids include any specifications and pertinent attachments, and define the items or services for the bidder to properly respond?				
• Were all bids publicly opened at the time and place prescribed in the invitation for bids?				
• Was a firm-fixed-price contract awarded in writing to the lowest responsive and responsible bidder?				
• If any bids were rejected, was there a sound documented reason supporting the rejection?				

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GLO-CDR PROCUREMENT CHECKLIST

<b>Procurement by Competitive Proposals §200.320(d)</b>			
• Were Requests for Proposals (RFPs) publicly advertised and did they identify all evaluation factors and their relative importance?			
• Were proposals solicited from an adequate number of qualified sources?			
• Is there a written method for conducting technical evaluations of the proposals received and for selecting recipients?			
• Was a contract awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered?			
Note: Competitive proposal procedures may be used for qualifications-based procurement of architectural or engineering (A/E) professional services whereby competitors' qualifications are evaluated, and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in the procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.			
<b>Procurement by noncompetitive proposals §200.320(f):</b>			
Note: When only one bid is received in response to a competitive bid solicitation, a Subrecipient does not have price competition. If the Subrecipient proceeds with awarding based on a single submitted bid price, the Subrecipient must: 1) justify the price is fair and reasonable; 2) compare the bid price to their in-house estimate or engineers estimate and past prices paid for the same or substantially similar item(s); 3) obtain information from the marketplace; 4) obtain a complete cost breakdown; 5) perform a cost analysis of the proposed price and; 6) document the rationale for the award decision and place in the procurement file.			
• The item is available only from a single source.			
• The public exigency or emergency for the requirement will not permit a delay resulting from the competitive solicitation.			

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• The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity.				
• After solicitation of several sources, competition is determined inadequate.				

**Note:** In addition to filling out the GLO CDR Procurement Checklists, subrecipients must also fill out the [Non-Competitive Procurement Checklist](#) (linked) and located on [GLO Procurement and Contracting](#)

EXHIBIT B  
GLO-CDR PROCUREMENT CHECKLIST

**PROCEDURES STANDARDS AND GUIDANCE FOR SUBRECIPIENTS (Section 4)**  
**§200.321 Contracting with Small and Minority Businesses, Women’s Business enterprises, and Labor Surplus Area Firms.**

Procurement Requirements	Yes	No	N/A	Note
4.1 Subrecipients must take all necessary affirmative steps to assure that minority businesses, women’s business enterprises and labor surplus area firms are used when possible §200.321(a). Does the procurement file include the following §200.321(b)?				
• Do the Subrecipient place qualified small and minority businesses and women’s business enterprises on the solicitation lists?				
• Does the Subrecipient assure that small and minority businesses, and women’s business enterprises are solicited whenever they are potential sources?				
• Does the Subrecipient divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women’s business enterprises?				
• Establishing delivery schedules where the requirement permits, which encourages participation by small and minority businesses, and women’s business enterprises?				
• When appropriate, were the services and assistance of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce?				
• Does the Subrecipient require the prime contractor, if subcontracts are to be let, to take the affirmative steps listed above?				

EXHIBIT B  
GLO-CDR PROCUREMENT CHECKLIST

**PROCEDURES STANDARDS AND GUIDANCE FOR SUBRECIPIENTS (Section 5)**  
**§200.323 Contract Cost and Price**

Procurement Requirements	Yes	No	N/A	Note
<p>5.1 Did the Subrecipient conduct a cost or price analysis of every procurement action more than the Simplified Acquisition Threshold including contract modifications? <a href="#">§200.323(a)</a></p> <p>Note: Subrecipients must perform a cost or price analysis relating to every procurement action more than the Simplified Acquisition Threshold including contract modifications. The method and degree of analysis are dependent on the facts surrounding the procurement situation, but as a starting point, the non-Federal entity must make independent estimates before receiving bids or proposals. Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred, or cost estimates included in negotiated prices would be allowable under Subpart E—Cost Principles. Subrecipients may reference their cost principles that comply with the Federal cost principles.</p>				
<p>5.2 Was profit negotiated as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed <a href="#">§200.323(b)</a>?</p> <p>Note: Profit must be negotiated as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work. The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.</p>				

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**PROCEDURES STANDARDS AND GUIDANCE FOR SUBRECIPIENTS (Section 6)**  
[§200.325 Bonding Requirements](#)

Procurement Requirements	Yes	No	N/A	Note
6.1 For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements provided that the Federal awarding agency or passthrough entity has decided that the Federal interest is adequately protected. If such a determination has not been made, does the procurement include the following?				
• A bid guarantee from each bidder equivalent to five percent of the bid price <a href="#">§200.325(a)</a> ?				
• A performance bond on the part of the contractor for 100 percent of the contract price <a href="#">§200.325(b)</a> ?				
• A payment bond on the part of the contractor for 100 percent of the contract price <a href="#">§200.325(c)</a> ?				

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GLO-CDR PROCUREMENT CHECKLIST

**PROCEDURES STANDARDS AND GUIDANCE FOR SUBRECIPIENTS (Section 7)**

[Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards](#)

<b>Procurement Requirements</b>	
7.1	In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering Appendix II to Part 200. As stated previously in this document, to understand the requirements fully, please review the provisions of Appendix II to Part 200 in the Code of Federal Regulations.
	<ul style="list-style-type: none"> <li>• Contracts for more than the Simplified Acquisition Threshold must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms and provided for such sanctions and penalties as appropriate.</li> <li>• Contracts more than \$10,000 must address termination for cause and for convenience by the non-Federal entity including how it will be affected and the basis for settlement.</li> <li>• Contracts that meet the definition of “federally assisted construction contract” must include the equal employment opportunity clause.</li> <li>• Construction contracts more than \$2,000 must include a provision for compliance with the Davis-Bacon Act.</li> <li>• Contracts more than \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 W.S.C 3702 and 3704.</li> <li>• Contracts entered into with a small business firm or nonprofit organization and the Federal award meets the definition of “funding agreement”, must comply with the requirements of 37 CFR Part 401.</li> <li>• Contracts more than \$150,000 must contain a provision that requires the non-Federal award to agree to comply with the Clean Air Act and the Federal Water Pollution Control Act.</li> <li>• Contracts must not be entered into with parties listed on the governmentwide exclusions in the System for Award Management (SAM).</li> <li>• Contractors that apply or bid for an award more than \$100,000 must file the required certification regarding the Byrd Anti-Lobbying Amendment.</li> <li>• Contracts must include provisions regarding section 6002 of the Solid Waste Disposal Act.</li> <li>• Contracts must include a Section 3 clause, if funded by the Department of Housing and Urban Development (HUD). The Section 3 program requires recipients of certain HUD financial assistance, to the greatest extent possible, provide job training, employment, and contract opportunities for low- or very-low income residents about projects and activities in their neighborhoods.</li> <li>• Contractors must allow access to any books, documents, papers, or records of the project by the City, State, Federal agencies, and the Comptroller General of the United States. Records must be maintained for five years after the Grantee formally closes out each program.</li> </ul>

## AGENDA STATEMENT

## City of Bellaire

**MEETING:** City Council - Oct 19 2020

**PREPARED BY:** ChaVonne Sampson

**DEPARTMENT:** Development Services

### ITEM TITLE:

Consideration of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, committing to one percent (1%) of the estimated project budget of \$65,084,212.00 (local funds not to exceed \$650,842.12) in support of grant applications to the Texas General Land Office and the Community Development Block Grant-Mitigation Program for financial assistance to abandon the existing wastewater facilities and provide for alternate service options - Submitted by ChaVonne Sampson, Director of Development Services.

### RECOMMENDATION:

ChaVonne Sampson, Development Services Director, recommends City Council approve a resolution that commits 1% of funding of the estimated project budget, which equals to \$650,842 of local funds prior to grant submission.

### BACKGROUND/SUMMARY:

Council has approved the submissions of an application for the U.S. Department of Housing and Urban Development Community Development Block Grant Mitigation (CDBG-MIT) Program to abandon the existing wastewater facilities and provide for alternate service options.

The request for Council this evening is to approve a resolution that commits 1% of funding of the estimated project budget which equals to \$650,842 of local funds prior to grant submission. This provides a considerable benefit towards the scoring and potential award of grant funds for this project prior to completion of the CDBG-MIT application.

The approval of this item is not approval of the proposed project. Should the application be selected the City Council would be required to finalize the project scope and accept the grant funding. The City would then have an obligation to complete the project.

### PREVIOUS COUNCIL ACTION:

On October 5th, 2020, the City Council adopted a resolution to authorize the Interim City Manager of the City of Bellaire, Texas, to sign all application materials for the U.S. Department of Housing and Urban Development Community Development Block Grant Mitigation (CDBG-MIT) Program and any other documents necessary to effectuate such application to apply for financial assistance to abandon the existing wastewater facilities and provide for alternate service options.

**FISCAL IMPACT:**

N/A

**CITY ATTORNEY REVIEW:**

Yes                       No

# City of Bellaire

## RESOLUTION NO. 20-\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS APPROVING COMMITMENT TO ONE PERCENT (1%) OF THE ESTIMATED PROJECT BUDGET OF \$65,084,212.00 (LOCAL FUNDS NOT TO EXCEED \$650,842.12) IN SUPPORT OF GRANT APPLICATIONS TO THE TEXAS GENERAL LAND OFFICE AND THE COMMUNITY DEVELOPMENT BLOCK GRANT-MIT PROGRAM FOR FINANCIAL ASSISTANCE TO ABANDON THE EXISTING WASTEWATER FACILITIES AND PROVIDE FOR ALTRNATE SERVICE OPTINS**

**WHEREAS**, the City authorizes the submission of grant applications to the Community Development Block Grant-Mitigation Program for various mitigation projects; and

**WHEREAS**, the Community Development Block Grant MITIGATION Program supports PROJECTS THAT SECURE RELIABLE FUNCTIONALITY OF WASTEWATER INFRASTRUCTURE.; **NOW, THEREFORE**,

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

1. The City of Bellaire commits one percent (1%) of local funds to meet and fulfill the local leverage requirement.
2. This resolution shall be effective immediately upon its passage.

**PASSED, APPROVED, and ADOPTED** this 19 day of October, 2020.

(SEAL)

**ATTEST:**

**SIGNED:**

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

\_\_\_\_\_  
Andrew S. Friedberg  
Mayor

**APPROVED AS TO FORM:**

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

Res. No. 20-\_\_\_

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## AGENDA STATEMENT

# City of Bellaire

**MEETING:** City Council - Oct 19 2020

**PREPARED BY:** Cheryl Bright

**DEPARTMENT:** City Manager's Office

### ITEM TITLE:

Consideration of and possible action on the adoption of a resolution of the City Council of the City of Bellaire, Texas, establishing a small business assistance program to provide immediate, short-term financial aid to qualified small businesses in the City of Bellaire; allocating up to \$150,000 of CRF funding to the program; and setting forth program and application eligibility criteria and other requirements - Submitted by Brant Gary, Interim City Manager.

### BACKGROUND/SUMMARY:

The Coronavirus Aid, Relief, and Economic Security Act was passed by Congress and signed into law by President Trump and the US Treasury established the Coronavirus Relief Fund added by section 5001 of the CARES Act. In May 2020, the Harris County Commissioners Court took the first steps to distribute the CARES Act funds and adopted the recovery plan, which provides funding for Cities' COVID-19 costs and business recovery efforts.

The City Council of the City of Bellaire recognizes the economic strain the COVID-19 pandemic is causing its local businesses and desires to establish or promote a stimulus program from the CARES Act funding in cooperation with Harris County to provide limited financial assistance to small businesses located within the city limits.

### FISCAL IMPACT:

The City shall allocate up to a sum of \$150,000 for the small business assistance program.

### CITY ATTORNEY REVIEW:

Yes                       No

# Proposed Bellaire Small Business Recovery Fund Grant Program

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October 19, 2020

# The CARES Act provides financial assistance to offset the negative impacts of COVID-19

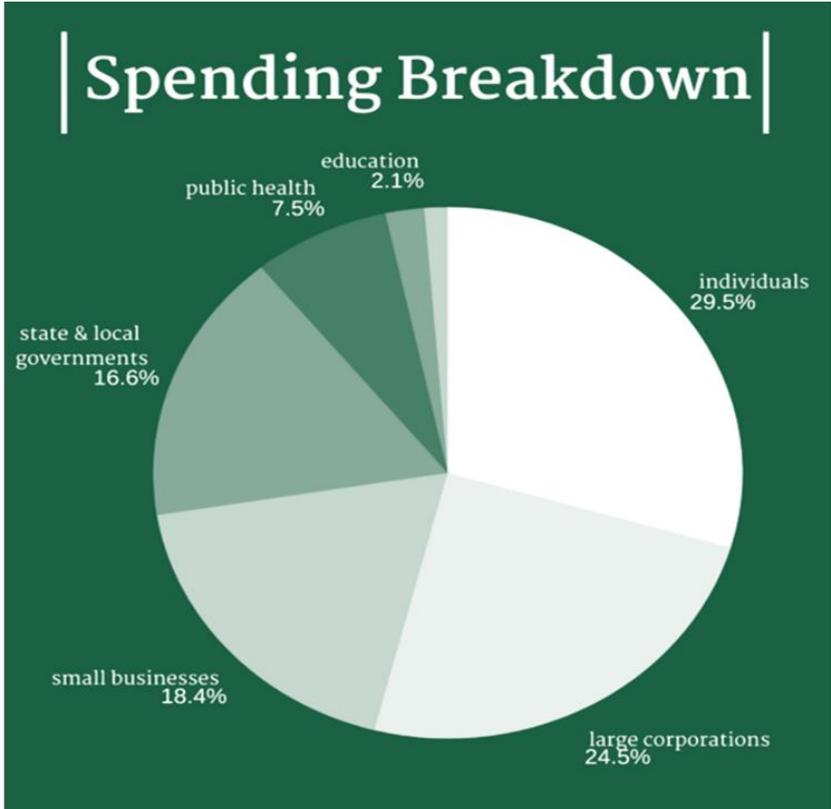
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**CARES Act**  
*Coronavirus Aid, Relief and Economic Security Act*

**\$2.3 Trillion**  
dedicated towards combatting the effects of COVID-19

**COVERS**

- large corporations
- individuals
- small businesses
- public health
- state & local governments
- education



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# Proposed Bellaire Small Business Recovery Fund Grant Program

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## Bellaire Small Business Recovery Fund Grant Program Overview

- Goal – Mitigate negative economic impacts of COVID-19 on small businesses in Bellaire (Harris County)
- Allocate \$150,000 for grants to assist small businesses in Bellaire
- Focus on small businesses in Bellaire
- Money can be used to assist with: Payroll, Mortgage, Utility, Other business operating expenses
- Two Options to Proceed
  - Facilitate applications directly to Harris County
  - Accept applications and award grants locally; request reimbursement from Harris County

# Bellaire Small Business Recovery Fund Grant Program Eligibility Criteria

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## Overview

- Located in Harris County (exclusively city of Bellaire)
- Less than 30 employees
- In business for the entire 2019 calendar year and currently still in business
- No outstanding tax liens or judgments, excluding 2019 property taxes
- Demonstrate negative financial impact from COVID-19
- Must not have received other COVID-19 financial assistance

# Bellaire Small Business Recovery Fund Grant Program Options

Page 6 of 12

## Option 1 – Administer through Harris County program

- By the end of October, inform Harris County of intent to allocate \$150K for grants to eligible Bellaire businesses
- Work in alignment with Harris County and community partners to provide information to Bellaire businesses
- Provide a portal on the City of Bellaire website for Bellaire businesses to the Harris County Small Business Recovery Fund application
- Harris County will administer the grant program through the Small Business Recovery Fund
- Allows for grant applications up to \$25k as per Harris County guidelines
- Harris County's program is currently on-hold



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# Bellaire Small Business Recovery Fund Grant Program Options

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## Option 2 - Establish a Small Business Grant Program to be administered by City of Bellaire

- \$150K will be allocated for the program from the funds received through the CRF Small Cities Assistance Program (subject to change via Council resolution)
- Eligibility criteria will align with Harris County Small Business Recovery Fund Program
- Each qualified business may receive a one-time grant up to \$10k (subject to change)
- Grants will be awarded on a first-come, first-serve basis for eligible applications received
- A grant review committee will be established with members of City of Bellaire staff and the Bellaire Business Association
- Receipt and distribution of funds will be separate from the General Fund and authorized via budget amendment ordinance

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# Bellaire Small Business Recovery Fund Grant Program Process Timeline

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## Option 1 - To begin October 2020

- October - Inform Harris County of intent to allocate \$150k of COB available allocation to Small Business Recovery Fund
- November (pending) – Harris County Program re-opens and a targeted message is sent to Bellaire businesses



## Option 2 - To begin immediately after determination is made for a COB program

- Create COB Small Business Grant Program webpage and application portal
- Form selection committee to be appointed by City Manager
- Application Process Open/Closed
- Committee review and selection of qualified applicants
- Presentation of selected applications for Council approval of awards
- Grant distribution and validation of continuing operation
- Request reimbursement from Harris County

# Next Steps

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## Council Action Tonight

- Request adoption of a Resolution to proceed with the approval of allocation of \$150K to be used to provide limited financial assistance to small businesses located within Bellaire during COVID-19
  - Proposed resolution provides flexibility for the choice between options 1 & 2

## Future Council Action

- Possible budget amendment should a Bellaire Small Business Grant program be developed and administered through the City of Bellaire
- Future presentation of committee recommendations for small business grant recipients should a program be administered through the City of Bellaire

# Proposed Bellaire Small Business Recovery Fund Grant Program

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October 19, 2020

# City of Bellaire

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, ESTABLISHING A SMALL BUSINESS ASSISTANCE PROGRAM TO PROVIDE IMMEDIATE, SHORT-TERM FINANCIAL AID TO QUALIFIED SMALL BUSINESSES IN THE CITY OF BELLAIRE; ALLOCATING UP TO \$150,000 OF CRF FUNDING TO THE PROGRAM; AND SETTING FORTH PROGRAM AND APPLICATION ELIGIBILITY CRITERIA AND OTHER REQUIREMENTS.**

**WHEREAS**, in December 2019, a novel coronavirus, now designated SARS-Co V2 which causes the disease COVID-19, was detected in Wuhan, China; and

**WHEREAS**, President Donald J. Trump Declared a State of National Emergency for the United States of America on March 13, 2020 in response to the spread of COVID-19; and

**WHEREAS**, on March 13, 2020, Texas Governor Greg Abbott Declared a Statewide Public Health Disaster; and

**WHEREAS**, on March 20, 2020, Mayor Andrew S. Friedberg issued a declaration of local disaster for public health emergency for the City of Bellaire, Texas; and

**WHEREAS**, on March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (the "CARES Act") was passed by Congress and signed into law by President Trump; and

**WHEREAS**, on April 22, 2020, the US Treasury established the Coronavirus Relief Fund added by Section 5001 of the CARES Act; and

**WHEREAS**, on May 19, 2020, the Harris County Commissioners court took the first steps to distribute the CARES Act funds and adopted the Harris County Coronavirus Relief Fund which provides funding for cities' COVID-19 costs and business recovery efforts; and

**WHEREAS**, the COVID-19 pandemic has caused closures of and limitations on local businesses; and

**WHEREAS**, the City Council of the City of Bellaire, Texas recognizes the economic strain the COVID-19 pandemic is causing its local businesses, and desires to allocate funding for a stimulus program from the CARES Act funding from the Harris County Coronavirus Relief - Small Business Recovery Fund in order to provide limited financial assistance to small businesses located within the city limits;

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

**Section 1.** The City of Bellaire, Texas (the "City") hereby either works in conjunction with the Harris County Small Business Recovery Fund or establishes and provides for the administration of a small business assistance program, pursuant to Chapter 380 of the Texas

Local Government Code, to provide immediate, short-term financial assistance in the form of grants to qualified businesses located within the city limits of the City.

**Section 2.** The Interim City Manager of the City is directed to work in conjunction with Harris County Small Business Recovery Fund or oversee and administer a City small business assistance program consistent with eligibility requirements set forth by Harris County for similar small business assistance programs and is authorized to take any and all other actions necessary to work in conjunction with the Harris County Small Business Recovery Fund or administer the City small business assistance program.

**Section 3.** The City shall allocate the sum up to of \$150,000 to be used for either working in conjunction with the Harris County Small Business Recovery Fund or the City's small business assistance program, contingent upon the City receiving CARES Act grant funds and amending the City's budget for use of such grant funds.

**Section 4.** This Resolution shall take effect immediately upon its passage and approval.

**PASSED, APPROVED, and ADOPTED** this 19<sup>th</sup> day of October 2020.

(SEAL)

**ATTEST:**

**SIGNED:**

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

\_\_\_\_\_  
Andrew S. Friedberg  
Mayor

**APPROVED AS TO FORM:**

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

**AGENDA STATEMENT**

**City of Bellaire**

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**MEETING:** City Council - Oct 19 2020

**PREPARED BY:** Tracy L. Dutton

**DEPARTMENT:** City Clerk's Office

**ITEM TITLE:**

Discussion regarding the development of a search process to be used by the City Council for hiring a new City Manager - Submitted by Tracy L. Dutton, on behalf of the Bellaire City Council.

**RECOMMENDATION:**

N/A

**BACKGROUND/SUMMARY:**

At the request of the City Council, a workshop has been scheduled to allow for a discussion regarding the development of a search process to be used by the City Council for hiring a new City Manager.

**CITY ATTORNEY REVIEW:**

Yes                       No