

Progress to date:

- Council approval: February 18, 2019
- Notice to proceed: April 22, 2019
- Original contract time: 300 days
- Days used as of December 31, 2019: 254 (87.67%)
- Remining days as of December 31, 2019: 46 (12.33%) *
- Original Contract amount: \$2,490,502
- Paid to date \$1,359,439.36 (54%)

* Contractor has requested 157 additional days: Rain days, Unforeseen conditions, design issues, mud days, etc.

City of Bellaire

Public Works Department

To: Paul A. Hofmann, City Manager
From: Michael Leech, Public Works Director
Date: January 15, 2020
Subject: BBB16 Group C Phase 2 / 5th and Spruce Street - Project Update

The purpose of this memorandum is to provide background information about the 5th and Spruce Street Project and to provide an update on the status of construction.

Prior to voter approval of the Bonds for Better Bellaire 2016 (BBB16) program, a system for prioritizing street reconstruction was developed by the City Engineer and City Staff. The Street Reconstruction Criteria, as the system came to be known, included two primary components:

1. Pavement condition rating – 40% of Street Reconstruction Criteria score
2. Drainage system evaluation – 60% of Street Reconstruction Criteria score

Spruce and 5th Streets were selected and included in BBB16 because of their scores as calculated through the Street Reconstruction Criteria. The Street Reconstruction Criteria were discussed with City Council in December and a follow up discussion with Council is scheduled for the 27th of January.

When the Group C Phase 2 project was programmed into the Bonds for Better Bellaire 2016 (BBB16) program, the project scope included the design and construction of two additional streets (Bolivar and Maple) as well as storm sewer flap gates at major storm sewer outfalls. These two additional projects have been separated from this component of the Group C Phase 2 project for scheduling and constructability reasons. Stated differently, this component of the Group C phase 2 project, 5th and Spruce, is the topic of this memorandum. For your information:

- The Maple and Bolivar projects are progressing with construction on Maple Street at approximately 85% complete and Bolivar at approximately 80% complete.
- The flap gate project component of the Group C Phase 2 project has been put on hold until the results of the Master Drainage Concept Plan have been received which is scheduled to occur in approximately one years' time.

In March of 2017, City Council authorized the City Manager to begin negotiations with Costello Engineering & Surveying to design the project. The City Manager was also authorized to begin negotiations with ARKK for third party design review professional services for the project.

The Costello proposal included 5th and Spruce as well the two other components of Group C Phase 2 cited above and totaled \$500,000. This \$500,000 fee is not reflective of the cost for the 5th and Spruce Street project. As there are three components to Group C phase 2, a more reflective number for actual design cost for 5th and Spruce is

\$167,000.

The ARKK proposal included other work beyond this component of Group C Phase 2 as well. The ARKK fee for third party design professional services for this project is \$43,000.

Communication with business owners and citizens was a critical component of the planning efforts for this project. Attached to the agenda item related to this memorandum is a log of contacts between the project team, (Bellaire Public Works, Costello and ARKK), and representatives from each business or property owner within the project limits. The purpose of this log was to document each interaction and ensure that issues identified by the business owners were properly tracked and managed. One of the specific key benefits of the communications log was that it helped us track all the interaction with the business owners about their driveways. Nearly all the business had concerns and questions about driveway width. Though most of the driveway matters have been resolved, there are still a few that remain, which will be worked out before construction of those driveways begins.

The primary driver for this project was the need to make drainage and paving improvements along 5th and Spruce Streets. The pre project drainage infrastructure did not even meet a 2-year storm sewer design size, and the paving was in disrepair. The project that is underway currently will provide for a 100-year storm water system and new paving. The decisions to construct the paving component of the project were driven and informed by the City of Bellaire Comprehensive plan.

Chapter 5 of the Bellaire Comprehensive Plan identifies the areas around the 5th and Spruce Street project as the City Center and Urban Village Downtown (UVD). Chapter 5 of the Comprehensive Plan, calls for changes to these areas with a focus on:

- Recruiting lifestyle amenities desired by Bellaire residents (e.g., “boutique”/niche retailers, quality restaurants, community theatre, etc.).
- Ensuring that the City Center area is conveniently and safely accessible to Bellaire residents by bike and on foot.
- Branding City Center as a convenient place for Bellaire residents to shop and dine, but also a comfortable place to meet and interact.
- Recognizing the City Center area as one of the community’s best opportunities for gaining new public green space.
- Having the City take a more direct role in spurring commercial area revitalization, especially in the City Center area.

The following is taken from the Comprehensive plan and provides additional detail about the City’s Zoning efforts relative to development within the City Center and UVD:

- Urban Village provides for the most intensive site development within the community, although the City’s recent rezoning initiative ensures that the nature of redevelopment activity in City Center is somewhat less intense (in scale, height, etc.) to maintain more of a “small town” downtown feel for Bellaire residents.

Stated differently, the UVD will have more intensive future sight development than the City Center. The 5th and Spruce Street project is located within the UVD.

The following are Key points from Ch.24.537 Zoning code:

- PUPPOSE OF UVD- This district provides for a mix of uses and style of development intended to reinforce the "small town" downtown feel desired by Bellaire residents, including opportunities for shopping, services, dining and entertainment.
- TYPE OF CHARACTER HOPING TO ESTABLISH This district is intended to support a transition to a more

Urban development character through redevelopment in the core downtown area. This could provide the critical mass the area has always lacked to spur greater foot traffic and extended visits that are essential to a vibrant mix of retail, service and hospitality businesses.

- DESIRED USES IN UVD This district provides for a mix of commercial, office, civic and entertainment uses appropriate for an Urban character setting, and especially for new residential presence to add built-in demand for local shopping and services.

There are seven properties within the limits of the 5th and Spruce Street project that do not align with current zoning requirements. All of these are protected as Legal-Nonconforming uses; meaning these uses may have been allowed in the previous zoning code but are not by right supported under the current zoning code.

- THE NON_CONFOMING SECTION OF THE CODE STATES- Many nonconformities may continue, but the provisions of this Division are designed to curtail substantial investment in nonconformities and to bring about their eventual elimination, where appropriate, to preserve the integrity of the zoning districts.

To clarify what is meant by all of this, the authors of the Comprehensive Plan included images of two scenes depicting what such an environment could look like. The two images were of sidewalk type cafés with street trees, angled parking, landscaping, decorative street lights and wide sidewalks. The images appear to be of the Sugar Land Town Square area. Other local developments with a similar character include the following:

- City Centre (BW8 at IH 10)
- The Woodlands - Market Street
- Pearland Town Center
- Arrive River Oaks (Intersection of Kirby and Westheimer)

Additionally, significant effort was made by the consulting engineers and the City to ensure that the street geometry and parking layout for the 5th and Spruce Street project would work properly for motorist as well as delivery drivers from all businesses. Street geometry in this case refers to how the intersections and streets were designed to ensure functionality for all vehicles including trucks and 18-wheelers. Parking layout in this case refers to the parking provided within City of Bellaire Rights of Way (ROW). Three examples are as follows:

- The City design team worked with HEB and their design team on a driveway approach that would allow their 18wheelers access to the ramp / docking facility along Spruce in a manner that would not unduly delay traffic. This is not to say that delays will never occur, it is however intended to expedite that operation.
- Two unloading areas for trucks that service HEB were incorporated into the design on 5th and Spruce Streets.
- Access to the trash compactor was facilitated by making the paving nearly 60' wide at the eastern approach to the 5th and Spruce intersection. This is not to say that delays will never occur, it is however intended to expedite that operation.
- The design provides Bellaire Auto with a very wide driveway at their request.
- The builders club received special driveway consideration per their request to accommodate a high number of vehicles that can occur at their facility on Fridays.

Below are some additional informational highlights. If there are other specific items that you would like included in the presentation or in this memorandum, please let us know at your earliest convenience.

- O'Reilly Auto Parts has reached out to the Development Services Department and informed them of their intent to rebuild their current facility on Spruce. The details have not been finalized as of the date of this memorandum; however, the O'Reilly proposal may change the parking and landscaping plan in front of their store.
- The owner of the Sugar Shop building is in the process of constructing additional parking spaces in the alley to the north of that building. This work was permitted by Development Services and is being coordinated with the 5th and Spruce Street work.
- Landscaping is a component of this project. When HEB was under construction, it was determined that it would be prudent to wait until 5th and Spruce Streets were completed for them to fulfill their landscape requirements. To that end, all the HEB landscaping along 5th and Spruce will be installed in conjunction with the 5th and Spruce Street project. HEB will pay their portion of the actual costs which will be determined after the landscaping is installed.
- The contract calls for the project to be complete at the end of February 2020. The contractor has submitted a request for additional days to be added to the project. Typically, this is done at the end of the project. However, staff has begun to evaluate the request. The request is based things such as rain days, unforeseen circumstances, design changes, field changes, etc. The design engineer, construction inspection team and City staff are working to reach an agreement with the contractor on an appropriate number of days. We will update you when a decision has been reached.

From: [Nathan Wesely](#)
To: [Paul Hofmann](#); [Tracy Dutton](#); [Andrew Friedberg](#)
Subject: Agenda item - January 27, 2020, council meeting
Date: Wednesday, January 22, 2020 5:42:11 PM

Note:

I sent this this morning but had a bad connection so it sat in my outbox:

Paul:

I understand that the Spruce Street/Fifth Street construction project will be on the agenda as a report, I ask that the agenda item be expanded as follows:

Agenda item:

The consideration of terminating, modifying, or halting the contracts relating to the Spruce Street/Fifth Street construction project, and the evaluation of vendor performance, and potential legal action relating to the vendors with contracts relating to the Spruce Street/Fifth Street construction project.

Please make available the following documents for our review:

1. All contracts relating to the Spruce Street/Fifth Street construction project.
2. All drawings or plans relating to the Spruce Street/Fifth Street construction project.
3. All correspondence with vendors or the city engineer relating the Spruce Street/Fifth Street construction project.
4. All payments made to any vendor relating to the Spruce Street/Fifth Street construction project.

Tracy:

Please forward this email and any response to all council members.

[Nathan Wesely](#)

