



CITY OF BELLAIRE TEXAS
BUILDING AND STANDARDS COMMISSION
JUNE 24, 2015

Council Chamber

Regular Session

7:00 PM

**7008 S. RICE AVENUE
BELLAIRE, TX 77401**

I. REGULAR SESSION

A. Call to Order

Chairman Thurmond called the meeting to order at 7:05 PM.

B. Announcement of Quorum

Chairman Thurmond announced that a quorum was present, consisting of the following members:

Attendee Name	Title	Status	Arrived
Laura Thurmond	Chairman	Present	
Paul Katz	Commissioner	Present	
Burt Martin	Commissioner	Present	
Mike Baker	Commissioner	Present	
Danny Spencer	Vice Chairman	Absent	
Lee Hampton	Commissioner	Present	
Charles Formica	Commissioner	Present	

C. Rules for Public Comment

Chairman Thurmond mentioned that the Rules for Public Comment are listed on the agenda.

- 1. Sign up forms will be available at all Regular and Special meetings for registering the names of members of the Public who wish to either: i) speak on an agenda item, provided such items have not been the subject of a prior public hearing; or ii) make a general comment related to the Commission business. These forms will be given to the Secretary prior to the start of the meeting so that the person's name can be called to address the Commission at the appropriate time.**
- 2. Public Comments on agenda items will be made at the time an agenda item appears in the Order of Business and before the Commission's consideration of that item.**
- 3. Public Comments of a general nature shall be made at the time designated by the Order of Business.**
- 4. All public comments shall be limited to six (6) minutes per speaker with extensions of two (2) minute increments as approved by a majority vote of Commission members present.**

5. Public Comment at Workshop meetings will be allowed at the discretion of the Chair. Any comments will be limited as described in Article IV Sec 8.

D. Approval or Correction of the Minutes

1. Building and Standards Commission - Regular Session - May 27, 2015 7:00 PM

RESULT:	APPROVED [5 TO 0]
MOVER:	Mike Baker, Commissioner
SECONDER:	Charles Formica, Commissioner
AYES:	Katz, Martin, Baker, Hampton, Formica
ABSTAIN:	Thurmond
ABSENT:	Spencer

E. Public Comment

Motion: a motion was made by Commissioner Katz and seconded by Commissioner Formica to allow for public comment/questions after the speaker's presentation.

Vote: the motion passed on a unanimous vote of 6-0.

Chairman Thurmond explained that there will now be two opportunities to speak, once during the general public comment section of the agenda, and another after Ms. Snyder's presentation.

Gerard Robins-Mr. Robins informed the Commission that he does not live in Bellaire, and is a commercial real estate broker. He mentioned that he was aware that there has been a major flood control project for 10+ years designed to lower the Brays Bayou watershed by five feet, and he gathered that the project is substantially behind its original completion time. Mr. Robins questioned why some of the water is not being diverted into the completed and massive detention ponds upstream, and added that doing so may have saved Meyerland and surrounding neighborhoods from the Memorial Day flooding.

Lynn McBee-Ms. McBee stated that there is heightened interest in the topic on the Commission's agenda and urged them to pursue the topic of flooding further. She added that in the past the City held public hearings and community meetings concerning drainage and the review of both local and FEMA regulations. Ms. McBee stated that these have not been held in a long time and she felt that this is the appropriate time and body to sponsor that. She suggested that the Commission also bring in someone to speak on the local ordinances that control construction and the impact of those regulations on older homes within the City. She thanked the Commission for initiating this topic and for their ongoing interest.

F. Report from Building Official

Mr. Cabello informed the Commission that there have been 16 flood repair permit applications submitted to the City, and of those only 3 have been issued thus far. He added that staff hopes to get the others issued by the end of the week. Mr. Cabello also mentioned that one of the homes was damaged beyond the 50% allowed by FEMA and will be demolished by the homeowner. He stated that in all there were over 100 houses impacted and that staff is doing their best to ensure that all affected properties are

obtaining the appropriate permits in order to make repairs. Mr. Cabello thanked Ms. Snyder for being in attendance.

Commissioner Baker asked if the other 85 properties that were affected have not applied for any permits.

Mr. Cabello confirmed this, and added that the City is not charging for those permits. He then informed the Commission that staff will most likely have to obtain the addresses from the Fire Department and leave a tag on the properties asking them to come in and obtain the necessary permits. Mr. Cabello also mentioned that many of the homes only had minor damage and the repairs were most likely already completed by the homeowner.

Commissioner Baker wanted to make sure that the City has a process in place to ensure that there are no substandard homes.

Mr. Cabello confirmed that there is a process.

Commissioner Formica mentioned that a bunch of dirt was brought to Mulberry Park just prior to the Memorial Day flooding, for what he assumed was going to be used to make a new infield and possibly outfield as well. He pointed out that the homes surrounding the park had water damage, and asked if it made sense to build up the park in an area where homes are already susceptible to flooding.

Mr. Cabello stated that the dirt has been there for a longer amount of time than what Commissioner Formica mentioned, and that the City ordered them to have it removed. He added that staff would ensure that it is taken care of.

Commissioner Formica asked if it would be possible to make the park shallower so that it becomes somewhat of a retention pond.

Mr. Cabello stated that it is a good possibility, the only problem is that it costs money to have that done.

Commissioner Baker asked Commissioner Formica if he was implying that the dirt caused additional flooding.

Commissioner Formica stated that there was no question that it did, however, it had to be very a small amount.

Mr. Cabello stated that the area exceeds 1500 square feet, which requires a civil engineer drainage plan. He added that they do not have the money to do that.

Commissioner Baker asked if the Parks and Recreation Department has hired an engineer to do a drainage plan.

Mr. Cabello stated that to his knowledge they have not.

G. Reports of Committees and Communications

1. Communications to Commission members outside of posted meetings

There were no communications to report.

2. Committee Reports

There were no committee reports.

3. Reports from Staff other than the Building Official

There were no reports from Staff other than the Building Official.

H. Old Business

There was no old business.

I. New Business

1. Presentation by Shawn Snyder, National Flood Insurance Program Field Coordinator with the Texas Water Development Board, regarding the 2012 Biggert-Waters Flood Insurance Reform Act, the City of Bellaire's CRS rating, and other floodplain information, as requested.

Presentation:

Ms. Shawn Snyder, National Flood Insurance Program Field Coordinator for the Texas Water Development Board (TWDB)-Ms. Snyder gave a presentation specifically discussing the most recent impacts to policyholders from the changes that happened in 2012 and 2013 as part of the Biggert Waters Act and the Homeowner's Flood Insurance Affordability Act (HFIAA). To view the entire presentation, please follow the link below:

www.ci.bellaire.tx.us/DocumentCenter/View/16941

a video of the presentation is also available by following the link below:

www.bellairecitytx.iqm2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=1373&Format=Minutes

Questions from Commissioners:

Commissioner Hampton asked if the grand-fathering is tied to the home or the homeowner.

Ms. Snyder stated that it is tied to the home.

Commissioner Formica asked how to ensure that one is grand-fathered and how to get a refund.

Ms. Snyder explained that there are about 5 different pieces of information that an insurance underwriter can use to get someone the grand-fathering rate. She added that most of them tie with documentation proving that they built in compliance at the time the house was built. Ms. Snyder urged policyholders to be proactive if they feel as though they qualify for grand-fathering but their statement is not showing the correct rates. Once the information has been provided to the insurance agent and the homeowner does in fact qualify, then the policy will be re-endorsed at the grand-fathering rate and a refund will be issued.

Public Comments/Questions:

What is the Community Rating System (CRS), and what does the City of Bellaire's Class 7 rating mean?

Ms. Snyder explained that the CRS is a voluntary program that communities can participate in, and by doing more than just the minimum standard they earn discounts for their citizen's flood insurance policies. She added that by being a Class 7, the City of Bellaire gets their residents a 15% discount.

Lynn McBee, 5314 Evergreen-Ms. McBee thanked Ms. Snyder for the great presentation. She had the following questions for her:

- She asked for more clarification on the reference to insurance company partners and the term "WYO"
-A write your own (WYO) company is contracted with America to assist in getting flood insurance policies to citizens who need them. She added that the insurance company is the one who works the policy on behalf of the NFIP, and that FEMA controls the pricing regardless of what company is being used.
- She mentioned the annual increase **up to** 18%, and asked who decides the percentage?
-FEMA determines the percentage of the increase.
- She mentioned that the Mostyn Law Firm has exposed the fraudulent acts by insurance companies or FEMA regarding the reports that were submitted by the engineers on the extent of flood damage, and asked what the update is on FEMA's supervision of itself.
-Ms. Snyder stated that she is not involved in the law firm action, therefore, she cannot speak to this item.
- Will there be changes to the floodplain, new mapping and the like, when the Brays Bayou project is completed, and does the addition of lanes to highways impact the mapping of a flood area?
-Ms. Snyder could not give a definite answer to this question; she stated that if the project does impact the floodplain then she would imagine that Bellaire would see a new map. She suggested addressing the questions to the Harris County Flood Control District.
- What is the timetable for HFIAA, is there a deadline written into the legislation?
-HFIAA is already being implemented, although some aspects of it are taking a little longer than other.

Dan Bawden, 5008 Locust-Mr. Bawden had the following questions:

Is the NFIP going to help pay for the elevation of foundations?

-There are a couple of grant programs that provide money for the elevation of homes within communities who participate and meet FEMA's requirements. The two grants are Flood Mitigation Assistance Grant Program and the Hazard Mitigation Grant Program. She added that the list of criteria is very extensive.

Why are the repair estimate rates that the NFIP uses so much lower than contractor estimates? And how would a homeowner fight that?

-Insurance adjusters are the first feet on the ground and want people to be back in their homes as soon as possible. If a policyholder is having this problem, they need to get in contact with their insurance company and adjuster to submit that information. She added that you can also call 1-800-621-FEMA for help with this, and to get information on anything else that you have questions about.

What is the full risk rate? At 18% per year how do we know when its reached? Is

it 18% per year forever?

-Ms. Snyder could not answer this question, she suggested contacting your insurance agent.

Is FEMA going to draw an even more punitive map?

-Ms. Snyder could not comment on how a map is going to turn out when she hasn't even seen plans. She added that people need to think about what the real risk is when dealing with storms that are bigger and worse than they used to be.

Where is FEMA getting their flood elevation certificates to determine policyholders' rates? Can one get a lower premium if they can provide FEMA with an elevation certificate that is more favorable?

-Ms. Snyder suggested talking to the surveyors to ensure that the flood insurance study (FIS) is being used to calculate the BFE to the .10. She added that she would be more than happy to give the surveyors a class on how to fill out the elevation certificate.

John James, 5212 Pine-Mr. James explained that his home has never flooded, however, two years ago his rates went from \$350-\$3600. He added that he had a survey done three weeks ago to prove that his home is above the base flood elevation. Mr. James wanted to know if he could get compensated for the cost of the survey due to the fact that it was a mistake by FEMA that caused him to need it. He also asked how an 18% rate increase is decided, what the surcharge is being used for, and why the citizens of Bellaire should continue paying an excessive amount for flood insurance.

-Ms. Snyder knew of no avenue for being compensated for the survey, and added that the elevation certificate is part of the homeowner's responsibility. She mentioned that she would be more than willing to take a look at it and review the policy to see if she could spot something in it that is causing an issue. She stated that if there is something that is awry she would be happy to work with the NFIP, on his behalf, and with the underwriters to get it straightened out. Ms. Snyder explained that FEMA determines the percentage of increase, and that the increase can be no more than 18%, but no less than 5%. She added that the surcharge on the policies are going to help protect the fund and make it solvent, and that policyholders should continue paying for flood insurance because almost all of Bellaire is located within the floodplain, and homeowners insurance will not pay for flood damage. Ms. Snyder stated that in the average life of a loan, which is typically 30 years, homes located within the floodplain have a 26% chance of flooding and only a 6% chance of burning down.

Catherine Dunn, District Director for State Representative Sarah Davis-Ms. Dunn mentioned that her office has fielded a lot of phone calls about flooding, and specifically grant money that is available. She asked what the grants mentioned by Ms. Snyder are funded through.

-Ms. Snyder explained that the Flood Mitigation Assistance Program has a very short opening and is administered through the TWDB. She added that depending on the circumstance, it can be up to 100% federal funding. She stated that the Hazard Mitigation Grant Program is a 75%-25% cost share between federal money and the community, and is administered by the Texas Department of Emergency Management. Ms. Snyder mentioned that more information can be obtained from Greg Pekar at the Texas Department of Emergency Management.

The Commission thanked Ms. Snyder for her presentation.

- 2. The Chair shall recognize any Commissioner who wishes to bring New Business to the attention of the Commission. Consideration of New Business shall be for the limited purpose of determining whether the matter is appropriate for inclusion on a future agenda of the Commission or referral to Staff for investigation.**

No new business was brought forward.

J. Public Hearings

There were no public hearings.

K. Announcements & Comments by Commissioners

There were no announcements or comments by Commissioners.

L. Adjournment

Motion: a motion was made by Commissioner Formica and seconded by Commissioner Katz to adjourn the Regular Meeting.

Vote: the motion passed on a unanimous vote of 6-0.

The meeting adjourned at 8:37 PM.