



CITY OF BELLAIRE TEXAS
BUILDING AND STANDARDS COMMISSION
OCTOBER 26, 2016

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 7:01 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	Present	
Lee Hampton	Commissioner	Present	
Charles Formica	Commissioner	Present	
William Davidson	Building Official	Present	
Ashley Parcus	Secretary	Present	
David R. Montague	Council Member	Present	

C. Rules for Public Comment

- 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.

Chairman Thurmond stated that the Rules for Public Comment were listed on the agenda.

D. Approval or Correction of the Minutes

1. Building and Standards Commission - Regular Session - Sep 28, 2016 7:00 PM

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Charles Formica, Commissioner
SECONDER:	Mike Baker, Commissioner
AYES:	Thurmond, Katz, Martin, Baker, Spencer, Hampton, Formica

E. Public Comment

There were no public comments.

F. Report from Building Official

Mr. Davidson informed the Commission that building continues at the same rate as last month, and that the new home showcase seemed to be successful.

Vice Chairman Spencer mentioned the city ordinance dealing with the prohibition of net fill and asked Mr. Davidson why Crosspoint Church's was able to add fill to their youth worship center.

Mr. Davidson stated that he did not remember the specifics of the drainage plan for that property, but that chances are it is because it is commercial construction with a storm drain. He added that the plan is required to be checked by the City Engineer, who would have made sure that they were in compliance with City code.

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 of the City of Bellaire Drainage Study Report (presented to City Council on September 19, 2016), as prepared by ARKK Engineers.

Staff informed the Commission that this item would be postponed until a future meeting, as the City Engineer would like to be the one to give the presentation, and he had a family emergency preventing him from attending.

2. Presentation by Johanna Moran, Vice Chairman of the Environmental and Sustainability Board, on proposed changes to Chapter 9, Buildings, Article XI, Trees, Section 9-350 M., Undesirable Trees and Section 9-352 D., Tree Disposition Plan, of The City of Bellaire Code of Ordinances.

Johanna Moran-Ms. Moran informed the Commission that she is the Vice Chairman of the Environmental and Sustainability Board (ESB) and that she was in attendance on behalf of the Board to suggest a fundamental change in how the City's code defines an undesirable plant. She added that currently residents are allowed, if not encouraged, to retain invasive and alien plants as part of their tree disposition plan when building a new home. She also mentioned that there are only five trees listed as undesirable on the current ordinance. Ms. Moran explained that the Chinese Tallow is a very invasive tree, however, the other four plants listed are not local native plants, and are not alien, invasive, or harmful, so they have not been included on the revised list that the Board is proposing. She added that ESB recognizes that the City has a number of invasive and non-beneficial trees and shrubs that adversely affect the biodiversity of the City, and they hope that by naming some specific undesirable alien plants in the ordinance, it will encourage a move towards sustainable, native plants. Ms. Moran then informed the Commission that they have been given a list of the plants that the Board is proposing, which is a good guide to many of the inappropriate plants that have been, and are still being sold by retailers and being used by landscaping companies working within the City. She added that the sources used to gather this information were the Bayou Preservation Association, the Texas Invasive Plant and Pest Control Council, and the Texas Native Plant Society-Houston Chapter. Ms. Moran mentioned that there was only a slight change in the proposed wording and format of Section 9-352 D, which she hopes will help to minimize the loss of desirable plants. She stated that adopting this list will begin the work of rebuilding a community that promotes wildlife and improves the lives of residents, in the process. She stated that the Commissioners can contact her via the City email with any questions that they might have.

Chairman Thurmond asked what the process would be for moving forward with this proposal.

Ms. Moran and staff explained that the ESB is bringing the proposal to the Commission to vote on and send to City Council, if deemed appropriate. Staff added that it could be put to the next agenda at the Commission's request to further discuss this item. Staff also reminded the Commission of the 45 day review period that must be given to the public prior to taking the amendment forward to City Council.

Commissioner Katz felt that a workshop would be beneficial for the Commission to discuss this item in further detail.

Commissioner Baker asked what specifically the ESB is requesting when it comes to the ordinance.

Ms. Moran explained that the Board would like to see the four desirable trees removed from the undesirable list, and the undesirable list expanded to give residents a better idea of what to avoid planting. She also mentioned that the

Board had proposed some revised language with regard to new residential construction.

Chairman Thurmond then reviewed the proposed language for Section 9-352 D, that was provided by the ESB:

"The property owner or the building contractor shall be responsible for removal of undesirable trees and develop the following:

1. A plan for the preservation of desirable trees on the property and
2. A plan for replacement of any undesirable trees removed from the property.

A sample tree disposition plan will be available from the Development Services Department. This plan may not include any of the plants on the list of undesirable trees and shrubs. The code enforcement officer will verify the tree disposition plan. "

Commissioner Hampton asked if a tree disposition plan would be required for landscaping after construction of the home is complete.

Mr. Davidson informed the Commission that landscaping would not require that a permit be pulled, and therefore, no tree disposition plan would be submitted to the City.

Commissioner Hampton asked if the ordinance would still apply to that particular site, in that situation.

Mr. Davidson stated that he would have to defer that to an attorney.

Ms. Moran stated that these changes will not solve all of the problems, but explained that if the City does not begin installing more native plants there will soon be no song birds in Bellaire at all. She added that educating the residents and landscaping companies on this topic is crucial to its success.

Commissioner Hampton agreed that it is good information and that more education needs to be provided on the subject, however, he questioned how the regulations will be enforced and how far City staff will have to go to ensure compliance. He explained that as the builder he would not be permitted to put the undesirable trees in, but the property owner could do it himself after the fact and no one would know.

Ms. Moran pointed out that there are still a lot of homes within the City that need to be rebuilt, and based on the proposed language, the undesirable trees that are already existing on those lots will have to be removed. She stated that it is a step in the right direction.

The Commission thanked Ms. Moran for her presentation.

- 3. 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.**

A motion was made by Commissioner Katz and seconded by Commissioner Formica to hold a workshop on Chapter 9, Buildings, Article XI, Trees, Sections 9-350 & 9-352 D.

The motion passed with a vote of 7-0.

Staff informed the Commission that the next meeting falls on November 23rd, which is the day before Thanksgiving, so that meeting date may change.

Chairman Thurmond suggested that the Commission look at holding the workshop on November 16th.

Staff added that the 16th had been mentioned as a possibility for the regular meeting date as well, so if nothing else is on the City calendar for that evening then the Commission could hold a regular meeting (if necessary) and a workshop on the same night.

J. Public Hearings

There were no public hearings.

K. Announcements & Comments by Commissioners

Commissioner Baker and Chairman Thurmond reminded everyone that Election Day was quickly approaching and to get out and vote. Chairman Thurmond also mentioned that there are several bonds on the ballot. She urged everyone to go to the City website to get more information on those, and stated that she is very much in favor of all three propositions. She informed the Commissioners that she had some "Support Bellaire Bonds" signs if anyone was interested in putting them up in their yard.

Chairman Thurmond mentioned that there had been an issue recently regarding a mature tree located in the right-of-way at a new residential construction site. She explained that the builder and homeowner decided to preserve the tree, but this situation brought up a couple of interesting questions:

1. What protections does the City have for making demands on trees that live in their R.O.W.?
2. What capabilities does the City have to preserve mature and desirable trees that are already in existence on a property?

Chairman Thurmond stated that this topic may eventually get incorporated into the discussion regarding desirable/undesirable trees. She then added that there had been some discussions/questions dealing with Bellaire High School's compliance with the fire code and occupancy requirements.

L. Adjournment

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

Vote: the motion was passed with a vote of 7-0.

The meeting was adjourned at 7:37 PM.