



CITY OF BELLAIRE TEXAS
BUILDING AND STANDARDS COMMISSION
DECEMBER 21, 2016

Council Chamber

Special Session

7:00 PM

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

A. CALL TO ORDER

Chairman Thurmond called the meeting to order at 7:00 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	Absent	
Mike Baker	Commissioner	Present	
Danny Spencer	Vice Chairman	Absent	
Lee Hampton	Commissioner	Present	
Charles Formica	Commissioner	Present	
Ashley Parcus	Secretary	Present	
William Davidson	Building Official	Present	
John McDonald	Director	Present	
David R. Montague	Council Member	Absent	

C. RULES FOR PUBLIC COMMENT

Chairman Thurmond mentioned that the Rules for Public Comment were 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 - Oct 26, 2016 7:00 PM

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

2. Building and Standards Commission - Workshop Session - Nov 16, 2016 6:00 PM

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

E. PUBLIC COMMENT

There was no public comment.

F. REPORT FROM BUILDING OFFICIAL

Mr. Davidson informed the Commission that it looks as though 2016 is going to finish strong as far as construction goes. He added that the redevelopment of H-E-B is in the near future, which will increase construction numbers as well.

Commissioner Katz asked if H-E-B had submitted any plans yet.

Mr. Davidson and Mr. McDonald informed the Commission that their time frame was pushed back by a few weeks due to recent state legislation regarding travelators. Mr. McDonald

explained that the state is no longer licensing the travelator, and therefore, H-E-B will be replacing them with 5-6 freight sized elevators. He stated that because of this change they will actually be able to increase the size of the store from 75,000-78,000 square feet. Mr. McDonald added that they are estimated to begin construction in late February, early March.

G. REPORTS OF COMMITTEES AND COMMUNICATIONS

1. Communications to Commissioner 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

Mr. McDonald gave the Commission an update on the new municipal facilities. He stated that bonds passed and City Council has approved the sell of those bonds to fund construction of a new City Hall, Civic Center, and Police Department/Jail. Mr. McDonald informed the Commission that they are looking to break ground in April, and that there will be a ground breaking ceremony to commemorate the event. He stated that they will be moving the police and courts over into the Civic Center, which will be retrofitted to house police and court operations so that construction on the new police department can begin. He added that the use of the Council Chambers will change due to court dates/times. Mr. McDonald mentioned that construction will then begin on the north side of the building for the new City Hall.

H. OLD BUSINESS

1. Discussion, consideration, and possible action on proposed changes to Chapter 9, 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.

Motion: Commissioner Formica made a motion that the Commission revise the standards based on the revisions provided. Commissioner Hampton seconded the motion.

Commissioner Formica informed the Commission that he worked with Johanna Moran, Vice Chair of the Environmental and Sustainability Board (ESB) to put together some words on how to present this to City Council. He stated that they realized, during the process, that there was not enough substantial evidence to back up the language. Commissioner Formica added that they developed tables for trees that were both invasive and alien and then developed wording to complement it. He stated that they now have the references for the demarcation's. Commissioner Formica mentioned that Ms. Moran went back and looked at the current ordinances, and revised the proposal based on what she and the Commission had come up with as a whole. He pointed out that the text in blue is the current code and the text in black is the proposed language.

Commissioner Baker mentioned that there were several paragraphs titled "Alt 1, Alt 2," etc. and asked Commissioner Formica to explain the purpose for them.

Commissioner Formica explained that each of those are alternative language to use when presenting the proposal to City Council.

Mr. McDonald pointed out that the City Code cannot be amended to add links due to the fact that those links may contain lists that change over time and would not correctly reflect the intended regulations, therefore, the Commission needs to come up with the list to include. He stated that he would also be concerned with any requirement that says that a new homeowner has to take a tree out of their yard, as well as the inclusion of crepe myrtles on the undesirable list. Mr. McDonald agreed that the undesirable tree list probably does need to be expanded, however, he would not be able to support what is currently being proposed. He also mentioned that handouts with this type of information could be kept in house and provided to the residents and builders as part of the informational packet. He then recommended that the Commission allow staff 60 days to put it into ordinance language and bring on an arborist as a consultant.

Commissioner Baker asked if the City has the money to bring on an arborist.

Mr. McDonald stated that he does have some money for consultants within the budget, and that the direction that the Commission is trying to go is warranted and could be well received if presented in the right way. He added that he would like to be able to support the proposal, and with the current language that would not be the case.

Commissioner Baker asked Mr. McDonald if he felt as though he had an understanding of what the Commission is looking for.

Mr. McDonald stated that he does. He added that the goal would be to focus in on expanding the list, while also finding a middle ground.

Commissioner Formica stated that he feels as though the invasive trees are more of an issue than the alien trees that do good in this area.

Mr. McDonald mentioned that in an urban area it takes a significant amount of time for a plant/tree to begin to grow and invade the property. There is a point where you have to balance what is trying to be accomplished and the reality of it.

The Commission and Mr. McDonald then had a conversation on how the tree regulations for Austin and San Antonio differ from those in the City of Bellaire. Mr. McDonald stated that the fines and penalties in those areas are far greater than the ones in Bellaire.

Commissioner Katz mentioned that his daughter is an architect in Austin and deals with the tree ordinances in that area all the time. He stated that imposing an ordinance such as that will stifle construction in Bellaire.

Mr. McDonald stated that of course greater regulations adds to the cost and time spent to enforce them. He added that Bellaire has tried to find a balance between working towards accomplishing the goal while also crafting language that will be enforceable.

Commissioner Baker asked if residents can take trees out without a permit.

Mr. McDonald confirmed that once the resident lives in the house they can take out any trees that they want to without a permit. He added that the only way to protect certain trees is to expand the ordinance, and he isn't sure that Bellaire is ready for an extensive tree ordinance. Mr. McDonald stated that he felt as though he could come up with a packet that staff could be in support of, based on the work that the

Commission and Ms. Moran have done. He reiterated that he would like to bring in an arborist to get their opinion as well. Mr. McDonald added that the ordinance itself needs to be specific, and then additional information can be provided to complement the language in the code. He also stated that residents within the City view the landscaping as an important part of their property.

Commissioner Formica asked Mr. McDonald if he was familiar with what West University is doing. He stated that he had heard that West U has a more restrictive tree ordinance than Bellaire.

Mr. McDonald stated that he was not familiar with the specifics of the ordinance, but did confirm that West U is more restrictive than Bellaire in several areas of the code. He also mentioned that he believes that they have an arborist on staff. Mr. McDonald informed the Commission that there is only one code compliance officer, and part of her job is trees. He stated that he will not be getting any new employees, therefore, the goal would be to find something that makes a significant contribution to what the Commission is trying to do, but can also realistically be enforced.

Commissioner Baker asked how many of the undesirable trees on the proposed list are being installed in Bellaire on a regular basis.

Mr. Davidson stated that Linda Barbour, the Code Compliance Officer, would be the person to answer that question, but he does know that there a lot of palms.

Mr. McDonald informed the Commission that they get elms, oaks, crepe myrtles, mimosas, palms, etc. He added that a lot of people choose their trees based on how fast they grow, as well as the type of home that they are building. He stated that he would check with Linda to get a better idea of what people are planting.

Ms. Moran stated that the invasive trees are posing a great threat to the future of the City and the environment and need to be removed. She added that she would like to be included in the meeting between the arborist and Mr. McDonald.

Motion: a motion was made by Commissioner Baker and seconded by Commissioner Formica to table the discussion until staff comes back with a recommendation.

Vote: the motion passed on a vote of 5-0.

Chairman Thurmond stated that a workshop with the arborist would be beneficial. She also mentioned the importance of the arborist to be knowledgeable not just on the safety of the trees, but also their impact on the environment.

Mr. McDonald also pointed out that the proposal has expanded past what the Environmental and Sustainability Board (ESB) voted on, so the Commission needs to decide if they would like for the recommendation that staff brings forward at the February meeting to go back to the ESB for review.

The Commission agreed that the recommendation needs to go back to the ESB.

Commissioner Baker asked if this would also be an appropriate time to take a look at the existing tree protection ordinance.

Mr. McDonald stated that he could do some research to find out what other cities have in place.

Commissioner Baker felt that it would be a good idea, and that a protection ordinance would be more in the Commission's purview.

Chairman Thurmond mentioned that the Commission put together a presentation for City Council regarding the proposed changes to the crawlspace ordinance that was recently passed, and felt that it would be beneficial in this instance as well.

I. NEW BUSINESS

- 1. 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.**

There was no new business brought forward.

J. PUBLIC HEARINGS

There were no public hearings.

K. ANNOUNCEMENTS & COMMENTS BY COMMISSIONERS

Commissioner Katz wished everyone happy holidays.

L. ADJOURNMENT

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

Vote: the motion carried on a vote of 5-0.

The meeting was adjourned at 7:44 PM.