

# CITY OF BELLAIRE TEXAS

## BUILDING AND STANDARDS COMMISSION

NOVEMBER 15, 2017

Council Chamber	Regular Session	7:00 PM
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7008 S. RICE AVENUE  
BELLAIRE, TX 77401



### Chair

Laura Thurmond

### Commissioner

Paul Katz

### Vice Chair

Danny Spencer

### Commissioner

Lee Hampton

### Commissioner

Charles Formica

### Commissioner

Dan R. Collins

### Commissioner

Christina Stone

**Mission Statement:**

***The City of Bellaire is dedicated to outstanding quality service and facilities to ensure an open, progressive, and secure community.***

**I. REGULAR SESSION****A. Call to Order****B. Announcement of Quorum****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.**

**D. Approval or Correction of the Minutes**

- 1. Building and Standards Commission - Workshop & Regular Session - Oct 25, 2017 6:00 PM**

**E. Public Comment****F. Report from Building Official****G. Reports of Committees and Communications**

- 1. Communications to Commission members outside of posted meetings**
- 2. Committee Reports**
- 3. Reports from Staff other than the Building Official**

**H. Old Business**

- 1. Discussion, consideration, and possible action on a recommendation from the Building and Standards Commission to the City Council regarding the regulations for sidewalks within the City of Bellaire.**

**I. New Business****1. Commission Training**

- a. The process for which the City and Commission deem a house substandard.**
- 2. Discussion with staff on what the next steps should be in dealing with flood damaged properties where work has been done without a permit, as well as securing flood damaged homes within the City that have not been remediated.**
- 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.**

**J. Public Hearings****K. Announcements & Comments by Commissioners****L. Adjournment**



# CITY OF BELLAIRE TEXAS

## BUILDING AND STANDARDS COMMISSION

OCTOBER 25, 2017

Council Chamber

Workshop & Regular Session

6:00 PM

7008 S. RICE AVENUE  
BELLAIRE, TX 77401

### I. WORKSHOP SESSION

#### A. Call to Order

#### B. Announcement of Quorum

C. Discussion on the current sidewalk regulations within the City of Bellaire, and a potential recommendation to the City Council regarding regulations and/or standards that the Commission feels should be enforced.

#### D. Adjournment

### II. REGULAR SESSION

#### A. Call to Order

Chairman Thurmond called the Regular Session to order at 7:29 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	Chair	Present	
Paul Katz	Commissioner	Present	
Danny Spencer	Vice Chair	Present	
Lee Hampton	Commissioner	Present	
Charles Formica	Commissioner	Present	
Dan R. Collins	Commissioner	Present	
Christina Stone	Commissioner	Present	
William Davidson	Building Official	Present	
Ashley Parcus	Secretary	Present	
Zachary Petrov	Assistant City Attorney	Present	
David R. Montague	Council Member	Present	

#### C. Rules for Public Comment

Chairman Thurmond stated 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 - Aug 23, 2017 7:00 PM

Commissioner Stone mentioned that the vote on the minutes from the last meeting have herself and Commissioner Collins as "Away."

Staff informed the Commission that those two members had not been sworn in yet, but the software had automatically changed out the names of the Commissioners at the end of the term. Staff stated that a disclaimer could be added saying that those individuals were not yet members of the Commission and were not able to vote on the minutes.

<b>RESULT:</b>	<b>APPROVED AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Charles Formica, Commissioner
<b>SECONDER:</b>	Lee Hampton, Commissioner
<b>AYES:</b>	Thurmond, Katz, Spencer, Hampton, Formica, Collins, Stone

#### **E. Public Comment**

**Lynn McBee**-Ms. McBee stated that the issue of sidewalks is very complex and commended the Commission for attempting to tackle it. She added that soon there will be new members of City Council, who may or may not have a differing opinion from the current members. Ms. McBee noted that the primary concern is dealing with the public safety of the residents. She also mentioned the Flood Mitigation Task Force and stated that it would be very beneficial if members of the Commission would attend their meetings.

#### **F. Report from Building Official**

Mr. Davidson informed the Commission that ARKK Engineers had completed a damage survey which found that approximately 1,900 homes within the City that were damaged during Harvey. He added that there have been 782 applications submitted, and that 755 of those have been issued permits to repair. Mr. Davidson stated that 17 of the homes that had applied for permits had been deemed substantially damaged. He added that the

City has done about 50 flood damage inspections so far and that hurricane recovery is the Development Services Department's primary focus at this point in time.

Vice Chairman Spencer asked how the City is monitoring the other approximately 1,200 homes that have not submitted for a permit.

Mr. Davidson explained that the City's Code Compliance Officer, with help from the inspectors and the Fire Department have distributed 164 flood permit applications to projects where work was being done but no permit was displayed. He added that of those 164, 80 have acquired a permit, and the remaining 84 have been sent a letter from the City of Bellaire giving them until November 1st or 2nd to apply for a permit before receiving a citation.

## **G. Reports of Committees and Communications**

### **1. Communications to Commission members outside of posted meetings**

There were no communications to report.

### **2. Committee Reports**

#### **i. Sidewalk Regulations Committee**

Vice Chairman Spencer stated that the sub-committee consists of himself, Commissioner Stone, and Commissioner Collins. He explained that the committee has come up with proposals and arguments to move forward with preparing a recommendation to City Council for 4 foot sidewalks as a standard, with variances for special circumstances. He also mentioned that they will be recommending setbacks and are working on coming up with a recommendation for obstacles in the R.O.W. as well.

Commissioner Formica stated that it is important to mention that this is for residential sidewalks only.

Commissioner Stone asked that the report be attached to the meeting minutes.

### **3. Reports from Staff other than the Building Official**

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

## **H. Old Business**

### **1. Consideration, discussion, and possible action on a recommendation from the Building and Standards Commission to the City Council regarding the regulations for sidewalks within the City of Bellaire.**

**Motion:** a motion was made by Commissioner Formica and seconded by Commissioner Katz to task the sub-committee with drafting a letter to City Council recommending that 4 foot sidewalks be installed in residential areas throughout the City.

Chairman Thurmond asked that the draft recommendation includes the following:

1. Explanation of ADA Compliance
2. Explanation that the Commission's recommendation is that 4 foot sidewalks would be the appropriate size in most of the residential applications
3. Address where the consultants that the City has hired fit into the process

4. A request from the Commission to direct the City Manager to change his directive to the Building Official on the 5 foot sidewalks, until it can be analyzed by the appropriate parties

Chairman Thurmond elaborated on the third bullet point by explaining that the Commission is concerned with the fact that the City has hired third party consultants who are launching the engineering and design of sidewalks prior to any type of analysis being completed.

Commissioner Formica mentioned that the letter should also include a provision for trees and setback from the curb.

**Vote:** 7-0.

## **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.**

Commissioner Formica mentioned that the City has been doing inspections on flood damaged homes, and asked Mr. Davidson if he had run across any improvements that should be made within the building code.

Mr. Davidson stated that he was not prepared to answer that question without first referring to his notes. He also mentioned that the Flood Mitigation Task Force would be meeting on Monday, October 30th, and that there may be some changes to the Code that come from those meetings.

Chairman Thurmond asked if those changes would be from Chapter 9 of the Code.

Mr. Davidson stated that they could come from Chapter 9 and/or Chapter 24.

Chairman Thurmond mentioned that in the past, the Commission has adopted certain city ordinances in order to be in compliance with FEMA's Community Rating System (CRS). She added that she knows that there have been some discussions on the fact that the City may want to re-visit its enrollment in the CRS.

Mr. Davidson explained that this is something that the Task Force has been directly tasked with, as well as what that participation may or may not look like. He added that if the Task Force recommends a change from the City's current participation in CRS, then some amendments would need to be made to Section 9-18 of the Code.

Commissioner Stone asked for clarification on what Task Force Mr. Davidson was referring to.

Mr. Davidson explained that it is the Flood Mitigation Task Force, which is comprised of members of staff as well as citizens of Bellaire. He added that they are tasked with going through the City's flood damage prevention ordinances from an institutional and developmental perspective.

Council Member Montague stated that the Task Force was proposed by the City Manager to the City Council at their August 21st meeting, and was directed at taking a look at the City's obligations under FEMA and CRS. Then Harvey came, and it was

obvious that the City needed to "up its game" and elevate the profile of the Task Force. He mentioned that at that time the recommendation was made that three Council Members would be put on the Task Force as well. He stated that the Council Members that will take part in the Task Force are Mayor Friedberg, Council Member Pollard, and himself.

Mr. Davidson noted that Council Members Montague and Pollard have been very active in volunteering at the City's Hurricane Recovery Center, and very helpful in educating the public. He added that the department owes a debt of thanks to all of the volunteers who have helped through this process.

Chairman Thurmond asked who the other members of the Task Force are.

Council Member Montague stated that there is a cross section of developers, citizens, and City of Bellaire Employees that have been selected to participate.

Chairman Thurmond stated that she would like a member of the Building and Standards Commission to be a part of the Task Force.

Staff explained that in this instance there would be a conflict of interest with regard to members of the Commission, due to the fact that this Commission may be voting on ordinance changes suggested by the Task Force. It was also noted that all of the Task Force meetings are open to the public.

Commissioner Collins asked what the best way would be for the members of the Commission to stay up to date on the discussions and activities of the Task Force if they are unable to attend the meetings.

Staff informed the Commission that minutes, or at the very least a summary of the meetings, will most likely be put on the City's website, but that they would get more information on what the process is going to be.

Council Member Montague also mentioned that City Council will be getting periodic updates on the workings of the Task Force and that he could also give updates to the Commission at their monthly meetings as well.

Commissioner Collins stated that he had heard mention that the City's Base Flood Elevation Map was incorrect, being one foot too high.

Mr. Davidson explained that the Base Flood Elevation Maps are created by the National Flood Insurance Program, and each City municipality either chooses to adopt the map, or chooses not to participate in the flood insurance program. He added that the City's participation in the flood insurance program is not up for debate, the question is what steps beyond the map the City takes. Mr. Davidson mentioned that there is currently a City ordinance requiring that all new construction be elevated to a height of one foot above the base flood elevation (BFE) for the area that it is located in. He noted that there was some discussion right after Harvey about increasing the one foot requirement, but nothing has come of that. Mr. Davidson pointed out that the Base Flood Elevation Map is created for the 100 year floodplain and Harvey was well beyond that threshold, therefore, checking elevations against Harvey will not be very useful from a planning perspective.

Commissioner Collins clarified that he had heard that the map shows Bellaire as one foot higher than it should be. He added that if this is in fact true and the map is



corrected, this would mean that the requirement would need to be increased to 2 feet above BFE.

Mr. Davidson explained that if the flood maps are ever changed, the Building and Standards Commission would be tasked with re-examining the City's Flood Damage Prevention Ordinance. He added that there have been rumors of the maps changing and taking Bellaire out of the floodplain, but the Braes Bayou Project must be completed before that takes place, which is still several years out.

Chairman Thurmond mentioned the code amendment which requires that homes be built one foot above BFE and asked if the height limitations were adjusted to compliment that change.

Mr. Davidson explained that the definition of "first floor" was amended to say "lowest air conditioned floor," and therefore does not include the crawlspace. He added that the residential code limits height to 2 1/2 stories, or 35.5 feet from finished floor.

Commissioner Collins mentioned that Council Member Pollard was recently elected to be Bellaire's representative for the Houston Galveston Area Council (HGAC). He added that HGAC also appoints members to a Regional Flood Management Council, and there are four at large members that represent cities with populations under 50,000. Commissioner Collins stated that the City of Pasadena and Galveston County have allocated positions that are currently vacant. He mentioned that he had recently sent an email to Council Member Pollard soliciting her support to possibly get HGAC to restructure the membership to allow Bellaire a seat, or reassign the seats to other municipalities if there are members that do not wish to participate. He encouraged his fellow members of the Commission to reach out to Council Member Pollard if they felt the same.

## **J. Public Hearings**

There were no public hearings.

## **K. Announcements & Comments by Commissioners**

Staff stated that the next meeting of the Commission falls on November 22nd, which normally get cancelled due to the Thanksgiving Holiday. However, this year staff would like to reschedule the meeting for November 15th, if a quorum is available, and include a training session.

Commissioner Formica informed staff that he will not be able to attend as he will be out of the country.

Other members of the Commission stated that they were available for a November 15th meeting.

Staff assured the Commission that all of the proper notification will go out to ensure that everyone is aware of the rescheduling.

## **L. Adjournment**

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

**Vote:** the motion carried with a unanimous vote of 7-0.

**The meeting was adjourned at 8:09 PM.**

**Minutes Acceptance: Minutes of Oct 25, 2017 6:00 PM (Approval or Correction of the Minutes)**

**Building and Standards  
Commission**

Council Chamber, First Floor of City  
Hall  
Bellaire, TX 77401



Meeting: 11/15/17 07:00 PM  
Department: Development Services  
Category: Report  
Department Head: ChaVonne  
Sampson  
DOC ID: 2398

**SCHEDULED  
ACTION ITEM (ID # 2398)**

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**Item Title:**

Discussion, consideration, and possible action on a recommendation from the Building and Standards Commission to the City Council regarding the regulations for sidewalks within the City of Bellaire.

**Background/Summary:**

The draft recommendation, as prepared by Commissioner Christina Stone, is attached.

**ATTACHMENTS:**

- Letter of Recommendation-Sidewalks (PDF)

## Building and Standards Committee City of Bellaire

(date)

Bellaire City Council  
7008 S. Rice Avenue  
Bellaire Texas 77401

Dear City Council Members,

On June 6, 2016, City Council passed a resolution amending the city Code to require that all new construction include the installation of sidewalks. See amended ordinance, Section 9-22, attached. Since that time, the city Engineer has required that all such sidewalks be five feet wide.

The Building Standards Commission has been studying the issue of the width of sidewalks in residential areas. The Building Standards Commission reviewed numerous reports and recommendations generated by experts in highways and roads, and by experts in the Americans with Disabilities Act.

It is our conclusion that, while five-foot wide sidewalks should be constructed in commercial and governmental areas, four-foot wide sidewalks should be installed in most residential areas. The four-foot standard should be flexible so that where there is a lot of pedestrian traffic, the City can require five-foot wide sidewalks.

The reasons the Commission is making the recommendation are:

- that there are currently many four-foot sidewalk sections in residential areas, and we are concerned that having stretches of sidewalk that are partially four feet wide and partially five feet wide will create safety hazards;
- such patchwork sidewalks would be unsightly;
- the additional impermeable surfaces created by the installation of five foot wide sidewalks will contribute to the lack of water absorption, which is a cause of flooding in Bellaire;
- there is a significant cost to building five foot wide sidewalks as opposed to four foot wide sidewalks.

The Building Standards Commission therefore recommends that the City Council issue a resolution that the City Engineer require the construction of four-foot wide sidewalks for all new construction in residential areas, and that the City Engineer use his or her discretion to require five-foot sidewalks, where advisable due to high pedestrian traffic

Attachment: Letter of Recommendation-Sidewalks (2398 : Sidewalk Recommendation)

Bellaire City Council  
(date)  
Page 2

Very truly yours,

Laura Thurmond, Chair  
Building Standards Commission

cc: Mr. Paul Hofmann, City Manager  
Building Standards Commission

Attachment: Letter of Recommendation-Sidewalks (2398 : Sidewalk Recommendation)

## CITY OF BELLAIRE CODE

### **Sec. 9-22. - Sidewalks required for new construction.**

All new construction shall require the installation of sidewalks along each side of a property abutting a public street in accordance with city specifications. Sidewalks shall be installed prior to the issuance of a certificate of occupancy.