

# City of Bellaire

## BUILDING AND STANDARDS COMMISSION SEPTEMBER 26, 2018

Council Chamber	Regular Session	6:30 PM
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FIRST FLOOR OF CITY HALL  
7008 S. RICE AVENUE  
BELLAIRE, TX 77401

### I. REGULAR SESSION

#### A. Call to Order

Vice Chairman Spencer called the meeting to order at 6:30 PM.

#### B. Announcement of Quorum

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

Attendee Name	Title	Status	Arrived
Laura Thurmond	Chair	Absent	
Danny Spencer	Vice Chair	Present	
Lee Hampton	Commissioner	Present	
George Williams	Commissioner	Present	
Dan R. Collins	Commissioner	Present	
Christina Stone	Commissioner	Late	
Paul Coselli	Commissioner	Present	
William Davidson	Building Official	Present	
David R. Montague	Council Member	Present	

#### C. Rules for Public Comment

Vice Chair Spencer skipped this section of the agenda due to the fact that there were no members of the public in attendance.

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 - Jul 25, 2018 7:00 PM

Commissioner Coselli asked for a correction on page nine of the minutes under "Closure of the Public Hearing." His name was misspelled.

Vice Chair Spencer noted the correction.

<b>RESULT:</b>	<b>APPROVED AS CORRECTED [UNANIMOUS]</b>
<b>MOVER:</b>	Paul Coselli, Commissioner
<b>SECONDER:</b>	George Williams, Commissioner
<b>AYES:</b>	Spencer, Hampton, Williams, Collins, Coselli
<b>ABSENT:</b>	Thurmond, Stone

#### E. Public Comment

There were no public comments.

#### F. Report from Building Official

The Building Official, William Davidson, noted public workshop sessions for the new code changes.

Vice Chair Spencer asked if the meeting on December 12<sup>th</sup> will be in place of the meeting that usually landed on Christmas.

Mr. Davidson stated that was correct. The meeting was originally scheduled for the day after Christmas, the 26<sup>th</sup> of December, which is a staff holiday. City staff had contemplated having the meeting on December 19<sup>th</sup> however, that was still too close to Christmas.

Commissioner Collins asked about the status of the property at 4515 Maple.

Mr. Davidson said that the City has begun the process of demolition. He has ordered the topographical survey of the property, which will take a while, as well as working to get the utilities disconnected. He noted there are three different bids from demolition contractors to find the contractor they are most comfortable with. The City will move forward with demolition since the 30 days has elapsed.

Mr. Collins asked if the homeowner has caused any issues recently.

Mr. Davidson noted that he has not spoken to Mr. Kuykendahl since the last meeting. The City has sent the executed order via regular and certified mail. The notification sent about the meeting was returned to the sender, however, the certified mail was not.

He added that he did have cause to run a report that stated roughly 1,060 new home permits have been applied for since the flood map change in 2007. This means that roughly 950 houses have been constructed under the new regulations.

## **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**

The Commission's Council Liaison, Councilman Montague, asked for the Building Official to send him the slide alone with the cover slide to keep for his records and information. He noted that on July 25<sup>th</sup> the Commission was questioned as to whether it is performing the duties that it has been tasked to perform. The report will be released next week, in the form of a workshop. He specifically wants the cover slide that will state the purpose of each workshop. He noted that the Building and Standards Commission went to City Council in December with a recommendation regarding the required width of sidewalks. The City Council accepted the recommendation pending input from the City Engineer. Council Member Montague stated that the City Engineer came to the City Council meeting and noted that, in his opinion, the City should adopt five-foot width as the standard. He noted that during the vote in December there was a discussion about changing the width from four feet to three feet. Council Member Montague noted that it was best that the Commission read a previous blog post made by the Mayor regarding the sidewalks. He noted that the slide show attached to the blog showed the progression of the City of Bellaire. Since the slide show, the Mayor proposed that the City maintain the four-foot standard for the sidewalks. Under those propositions, the Council has operated under the four-foot standard for the last several votes. In regards to the Bonds for Better Bellaire in 2016, they voted to use money to improve sidewalks and street drainage. The bond proposal was originally discussed with streets and drainage, waste water, water lines, and sidewalks. The proposal for the sidewalks was then added to the streets and drainage portion of the proposal; therefore, leading the public to question the transparency of the Commission not letting the City vote on the sidewalks separately. The sidewalks involved two groups: the street and drainage sidewalks and the stand-alone sidewalks. The stand-alone sidewalks are to connect schools, parks, etc., (D1) and connecting to the City and downtown (D2); where voting on D3 was postponed indefinitely leaving the main discussion to be about D1 and D2. Council Member Montague stated that during the discussion for D1, the sidewalks inside the loop were approved and the sidewalks outside of the loop were excluded. On Monday night, blocks filed petitions in regards to D2 and were told that if they didn't want the sidewalks, they were not forced to have them; those were excluded and the others that did not have a discussion were approved. An issue became prevalent when most of the sidewalks on the block were built and nearly complete but, the few houses that did not want to have sidewalks and petitioned against it, did not have sidewalks. That left the decision to be made to construct sidewalks regardless of what the homeowners thought as the sidewalk was the connection between Rice and Ferris. The last item would be next week and that entails new homes. Council Member Montague mentioned that there was an ordinance that required new homeowners to put a sidewalk in front of their homes. Later, they gave the homeowners an option to pay a fee instead of having a sidewalk in

front of their home if a sidewalk were to ever come down their street. Until 18 months ago, the City Council adopted the five-foot sidewalk regulation where it was stated that the City would make new homeowners put the five-foot sidewalks in front of their homes. Council Member Montague noted that the process was put on hold as the new Commission had been debating whether to leave the sidewalks at the five-foot regulation or move it to four feet. He stated that staff will come in the following week and ask the City Council what they choose to do; the five-foot requirement, the four-foot requirement, pay a fee, or nothing. He plans on speaking with the Director of Development Services, ChaVonne Sampson, in regards to his opinions. Currently the guidelines for the City dictate that the sidewalks should be five-feet in width unless circumstances dictate otherwise. He noted that in order to get the new sidewalks the same width as the rest of the City, you would need a map of the entire city. He noted that the main concern with the public is that there is no master plan or map available to be able to determine the width of the sidewalks and which type of sidewalks are to be placed where. He added that the bond process is too long and once the process is complete, they're already on the next City Council. He asked that there be an overall definition of what is expected for the sidewalks.

Vice Chair Spencer thanked Council Member Montague for his explanation of the issues with sidewalks in Bellaire. He asked if the sidewalks were the main discussion topic or were there any other discussion topics.

Council Member Montague added that flooding continues to be a big topic discussed. He said it is worth noting that progress is being made on the Flood Mitigation Task Force recommendations and TxDot. They are impressed there are people who are listening and actively working towards fixing the flooding issues. Soon the City will be asked to approve money being used (\$315,000) for hydraulic and other flood studies to be done on drainage. They have spoken with TxDot to see if they are willing to expand and/or pay for some of the study. Council Member Montague added it will take time for changes to be seen. He suggested there be a monthly update in the City's newspaper with regard to the steps taken (action plan, expenditures, etc.) to implement the flood plans. There have been over 300 people who have communicated with the City their concerns regarding sidewalks. He understands communicating with the public to keep them informed can be a tough task and knows that it will take time. Council Member Montague noted that staff is working very hard as well as the Council, although they may have different views regarding the sidewalks.

Commissioner Collins noted that the City of Houston raised their flood building requirements to two feet over the base flood elevation (BFE). This Commission thought it was unnecessary to do the same thing in the City of Bellaire. He asked whether Mr. Montague has received any feedback regarding the decision Houston made, or if it is something that needs to be further addressed in Bellaire.

Councilman Montague stated that he had a couple of citizens ask why Bellaire was not adopting the same policies the City of Houston made but has not heard of any serious questions or concerns. He noted that the Building Official would have more information.

Mr. Davidson noted that in the second week of September the City received a number of concerned inquiries regarding the elevation change. He noted they were surprised to learn the City of Bellaire maintains its own municipal standards. He has received some complaints from builders about Houston's elevation changes but they were informed of the situation.

Council Member Montague noted it was discussed during meetings of the Flood Mitigation Task

Force, as well as in the final report. He said that of the 900 or so homes that have been built to one foot above BFE, only 47 flooded. The 47 homes that flooded were more due to local ponding versus overall flood level. They were putting a 100-year standard against a "5,000" year storm.

Commissioner Stone asked if any of the new homes that flooded in Southdale were above the 100-year standard.

Mr. Davidson said yes. They received damage to the low-lying first level areas in their home. The amount of water they got into the house was measured in inches and not in feet, and was due to wave activity or if the home was built on one of the southernmost streets. When people started to get water into their homes, it was because the drainage stopped working.

Vice Chair Spencer asked for clarification that if someone wants to build higher than the minimum standard elevation, they are welcome to.

Mr. Davidson confirmed that is correct.

Councilman Montague added that there will be an ordinance coming to City Council in regards to people driving up and down the streets at high speeds during a flooding event, as that creates unnecessary flooding that could cause damage to people's homes.

Commissioner Collins asked if this Commission has any involvement in regards to the sidewalks being constructed in front of new homes, aside from the width of the sidewalks.

Mr. Davidson clarified the way the topic was brought up to Council was not from Building Standards, but from the Council itself. .

Commissioner Collins asked if it is a planning and zoning requirement more than a building and standards requirement.

Mr. Davidson clarified that the fact that one has to be built makes it a building standard. However, all roads lead to the Council so they have the ability to approve building standards as they have a higher authority when it comes to voting. Therefore, the Council can approve a voting standard without their input.

Commissioner Stone asked Council Member Montague for clarification that on Monday when they approved the construction of sidewalks that were already part of the plan, on streets that weren't objecting, they also stated the sidewalks would be four feet wide.

Councilman Montague confirmed that was correct.

Commissioner Stone said that even though they previously said five feet, on Monday they said four-foot sidewalks in front of the new homes that did not object to the sidewalks.

Commissioner Collins clarified that was on the projects that had been presented to the public and had received feedback on the four-foot discussion.

Commissioner Stone said, yes, and clarified that the Council made a differentiation between the streets where the majority of the people did not want sidewalks and those where people did not object. Then they stated they were going to go ahead with the construction.

Mr. Davidson clarified there is an ordinance requiring a five-foot sidewalk in front of all new residential construction which is up for consideration by the Council on Monday. The Council

could decide to refer it to the Building and Standards Commission or they could choose to take action on their own.

Commissioner Collins noted that when the Building and Standards Commission recommended that they go to four-foot sidewalks, there were no five-foot sidewalks under construction and therefore the Building Official was able to notify the contractors of the regulation change. The problem is that time has passed and if that changes again, he asked if the four-foot sidewalks under construction would be “grandfathered” in.

Mr. Davidson stated that if a Certificate of Occupancy was issued before the ordinance change was made then the City would not require that the sidewalks change to a five-foot sidewalk. Regardless, he will be sending a long email to all the registered builders in Bellaire with the outcome of the meeting on Monday. That will be the policy that his inspectors follow.

Commissioner Collins noted the Council could make a decision on any pre-existing projects.

Councilman Montague is interested in what the staff recommends. He would rather there be a regulation where if a sidewalk is in front of someone’s home, it would be “X” in regards to the width of the sidewalk, whether it is on your side of the street or not. So, each new home gives “X” to the fund and then sidewalks will be placed in due course.

Vice Chair Spencer agreed and added if they could come up with a plan.

Council Member Montague added it would cut the ambiguity out of it and would reduce frustration. It should just state that new homes will be funding sidewalks while the City decides more on the regulations of the sidewalks.

Vice Chair Spencer stated that it was a discussion that was had, it was put into the meeting notes, they worked it out, and they came up with a decision. He is unsure if there is any reason why the Commission would need to say they revisited the issue as a group. He thinks they should stand by their decision. Vice Chairman Spencer noted that if they feel passionate about the issue they should speak up and stand by their decision.

Commissioner Coselli added that the Commission made a decision and there was nothing that was brought before them that would change their mind.

Vice Chair Spencer noted they are unable to discuss the issue that way according to the protocol; it is not something they are supposed to be discussing.

Mr. Davidson agreed but added that on an individual basis, members could have that discussion with the City Council. They just need to be careful when they discuss new business that is not on the agenda.

Councilman Montague noted the City Council heard the Commission's recommendation, as well as the City Engineer’s recommendation, and the City Engineer noted that other cities follow similar guidelines.

#### **H. Old Business**

There was no Old Business.

**I. New Business**

1. Discussion of upcoming changes to building standards and codes, and proposed Ordinance changes, for Electrical and Commercial Projects in the City of Bellaire, including inspections and plan review.

Mr. Davidson stated that despite the commercial code being the most complex, Bellaire does not build a lot of buildings in most of the occupancies that are governed by the commercial building code. Fortunately, very few requirements come up in Bellaire. Multi-family residential properties are not constructed in Bellaire and the schools are already constructed with the exception of the rebuild of Bellaire High School. While they do have some hospital type occupancies, there are no huge medical centers being constructed in Bellaire anytime soon. Mr. Davidson then presented a slide show. First, he started off with the electrical code. The only major code change is that the outlets for garages need to be on a separate circuit; which has been the best practice of most electricians. The City Staff will be proposing to add a section to the electrical code allowing the Building Official to allow the use of aluminum wiring for electrical services and special circumstances. Those being primarily on busy streets where copper wiring creates a theft risk. Next, he noted the commercial code changes. He explained that the 2015 code has a lot of changes that don't impact Bellaire. Mr. Davidson has a detailed version of the 2015 code available at the board's request. He noted the significant changes book is about an inch thick and so he is providing a summary of the important parts of the book and not the reorganizations of existing chapters or clarifications. They have added a section allowing roofs to be used as assembly spaces, which may be something the Commission will want to discuss further in the future because the use of a roof as an assembly occupancy poses some hazards. Examples of an assembly occupancy would be a bar, nightclub, or sporting event; which would have a lot of people standing around, some of whom may be inebriated and/or children may be present. They don't have an objection to the change because the City's zoning ordinance regulates the use of such spaces.

Commissioner Williams asked if there are regulations to the type of safety rating on the roof for spaces like that.

Mr. Davidson stated that there are.

Mr. Davidson explained the relevant changes to the International Building Code, as concerns Commercial construction. The biggest changes regarded use and occupancy of buildings, and the fact that turnstiles may be placed in egress pathways. The Commission discussed possible problems with obstructing egress pathways.

Mr. Davidson added that the City was contemplating adding an exception to the work hours regulations, in response to a perceived need with Commercial construction projects. Additionally, the City would be looking at increasing the necessary insurance coverage for registration as a contractor in the City of Bellaire.

Commissioner Stone asked if the use of the aluminum wire creates any hazards.

Mr. Davidson added that the City would be adding a formal exception process to allow the use of Aluminum wiring in commercial districts where theft was considered a problem.

The Commission reviewed the past history of safety issues surrounding the use of aluminum wiring, and agreed that this use did not pose a safety hazard.

Commissioner Stone asked what an occupied roof was.

Mr. Davidson gave an example, if he owned a four-story building and wanted the fourth story to be a roof/bar or a roof/observation deck. The building code has to give it a name and define how they are going to use it.

Commissioner Collins asked if there is an estimated time frame on when the change would be made for the plastic conduit.

Mr. Davidson stated the plan was to present that to Council along with all the other amendments which would be at the first of the year. When they get into residential areas, as far as code changes and such, there will be more issues and comments to be made. The energy code will have more recommendations on how the City is going to approve the code going forward.

**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.**

Commissioner Collins asked who owns the standards for design and insulation of utility poles.

Mr. Davidson stated that they are CenterPoint's service standards. There is little the City of Bellaire can do. He added that there is another electrical code that governs those installations, which he is not familiar with because in Texas they have no authority over utility lines.

Commissioner Collins asked if CenterPoint governs from the weather head to the ground.

Mr. Davidson stated, yes, they govern that. CenterPoint supplies the pole.

Commissioner Collins and Mr. Davidson discussed small cell towers and the City's regulations thereof. Mr. Davidson explained that the City's ordinances were in a section of the Code outside the purview of the Building Standards Commission. Mr. Collins asked for clarification of the actions the Council might take to better regulate such structures.

Mr. Davidson asked Councilman Montague to explain the Council's actions, and Councilman Montague explained that the City is limited in its ability to enforce, but



that the City would be regulating the location as much as possible, to mitigate the appearance of "eye sores".

Mr. Davidson added that there are legislative restraints with regard to the installation of telecommunications because they are held to different rules than regular contractors are.

Commissioner Collins noted he is not necessarily proposing this as a new item, but asked if it will be something that the Commission will address, and if they could add it to a future agenda to assist the Building Official and the permits that will be required.

Mr. Davidson said he will have thoughts put together on that issue at the next meeting.

Commissioner Collins asked if it would be beneficial for the Commission to look at parking garages, as there will be two that will be under construction within the City soon, and possibly a third in the near future.

Mr. Davidson clarified that the public hearing for the proposed parking garage at the former Chevron property has gone forth, but action has not been taken.

Commissioner Collins asked if Mr. Davidson or any other Commissioners see a need to address the best practices or any requirements relating to the parking garages.

Mr. Davidson stated that he will discuss this with his staff and find out what role the Building and Standards Commission may play in regards to parking garages for the next meeting. He noted it is definitely something they should look, at least from a safety and design standpoint, as that would be under Building Standards.

#### **J. Public Hearings**

There were no public hearings.

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

Council Member Montague read a text aloud from Chairwoman Thurmond where she stated, "I must have missed the agenda completely. I looked for my email yesterday and didn't find it. I figured that they had cancelled given the parliamentary training tomorrow. I can't come tonight due to work obligations."

Commissioner Stone apologized for being late.

#### **L. Adjournment**

**Motion:** a motion was made by Commissioner Stone and seconded by Commissioner Coselli to adjourn the meeting.

**Vote:** the motion passed with a vote of 6-0.

**The meeting was adjourned at 8:00 pm.**