

CITY OF BELLAIRE TEXAS

BUILDING AND STANDARDS COMMISSION

MARCH 22, 2017

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



Chairman

Laura Thurmond

Commissioner

Paul Katz

Commissioner

Burt Martin

Commissioner

Mike Baker

Vice Chairman

Danny Spencer

Commissioner

Lee Hampton

Commissioner

Charles Formica

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 - Regular Session - Jan 25, 2017 7:00 PM

E. Public Comment**F. Report from Building Official**

- 1. Builder's Informational Meeting**

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**I. New Business**

1. Discussion, preparation, and possible action on the Building and Standards Commission's letter to the City Manager regarding the enforcement of the Storm Water Prevention Pollution Plan (SWPPP), as prepared by Vice Chairman Danny Spencer.

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.**

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



CITY OF BELLAIRE TEXAS

BUILDING AND STANDARDS COMMISSION

JANUARY 25, 2017

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 7:03 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	Absent	
William Davidson	Building Official	Present	
Ashley Parcus	Secretary	Present	
David R. Montague	Council Member	Present	

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.**

Minutes Acceptance: Minutes of Jan 25, 2017 7:00 PM (Approval or Correction of the Minutes)

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 - Special Session - Dec 21, 2016 7:00 PM

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

E. Public Comment

David Montague-Council Member Montague informed the Commission that proposed code amendments had come before City Council on Monday night with regard to the Pont Alba Apartment property. He added that although there are currently no plans to redevelop the site, City staff is attempting to clean up the code so that the standards of future developments on that property would better conform with the standards present in zoning districts surrounding it. Council Member Montague stated that Council Member McLaughlan mentioned three requirements that need to be addressed prior to getting his vote on the recommendation:

1. Elevators within any multi-family development of two stories or more
2. Good fire suppression and requirements to keep it from spreading from unit to unit
3. Limit put on the number of people allowed to live in each unit

He mentioned that there was considerable debate on those three items, but ultimately none of them were included in the language. Council Member Montague stated that he was bringing it to the Commission as a point of information because he felt that the requirement for elevators may be something that they want to look into, and that some encouragement along those lines may be useful.

Vice Chairman Spencer mentioned a new multi-family condominium development on Glenmont, next to the new Walmart. He stated that within the plans for that building the developer included a shaft that goes from ground level to the second floor, giving the occupant the option of installing an elevator, either immediately, or in the future.

Commissioner Hampton stated that he felt as though the construction of elevator ready homes is a good idea, however, he questioned how to differentiate between a good idea and something that the Commission should actually choose to legislate. However, he did mention that it would make more sense to require something of that nature within a multi-family development versus a single-family home.

Chairman Thurmond mentioned that the Commission has actually discussed elevators in the recent past, and came to the conclusion that it is not something that the Commission wishes to regulate at this time. She thanked Council Member Montague for bringing it to the Commission's attention.

F. Report from Building Official

Mr. Davidson informed the Commission that fiscal year 2016 brought in 65 new homes, versus 95 in FY15. He added that remodels were up to almost 500 in FY16 versus 370 the previous year. Mr. Davidson also mentioned that there were three new commercial buildings in FY16, which seems to be the average in Bellaire, and that commercial remodels were at 70. He stated that demolition was down slightly at 75 instead of 100 in FY15. Mr. Davidson mentioned that everything seems to be on the same track so far for FY17, although demolition is currently a little higher than normal. He added that 14 new homes have begun construction so far in FY17, but that there will most likely be a boost beginning in spring. Mr. Davidson also informed the Commission that the plans for the new police station and city hall have been submitted and staff will begin to review those soon.

Vice Chairman Spencer asked if there had been any flooded homes during the recent event.

Mr. Davidson stated that he was not aware of any, but that he would check with the department's floodplain Manager, ChaVonne Sampson.

Council Member Montague informed the Commission that several residents showed up at the City Council meeting on Monday night whose homes had flooded.

Vice Chairman Spencer mentioned that he knows of a few homes that have flooded numerous times and he can't understand why they have been able to gut them and put them back together every time. He also stated that several months back the Commission had a conversation about Storm Water Pollution Prevention Plan (SWPPP) and actually tweaked some of the building code regarding those regulations at job sites. Vice Chairman Spencer felt that these regulations are not being followed properly, due to lack of education, and suggested that the City/Commission bring someone in who does this for a living to better explain what needs to be done. He asked who was in charge of inspecting storm drains before they are covered.

Mr. Davidson explained that he inspects the storm drains on private property and the Public Works Department is in charge of storm water on properties in the right-of-way or infrastructure projects.

Vice Chairman Spencer mentioned that there is no SWPPP at the job site next to Crosspoint Church and that it needs to be better regulated. He added that it is not his intention to point fault at anyone, but simply to say that the City needs a better fix for these issues, and more education needs to be given.

Mr. Davidson agreed that if there are failures to follow the guidelines put forward, then clearly there needs to be more enforcement on the City's part.

Council Member Montague mentioned that there have been similar issues at Evelyn's Park. He added that City Manager, Paul Hofmann, is aware of some of the issues associated with public works projects on streets and drainage, inspections, contractors, and the work of the engineer, as well as the fact that some of those roles are not clearly delineated. Council Member Montague also informed the Commission that Public Works Director Brant Gary has resigned and that Mr. Hofmann plans to take over some of the work in the interim, and get more actively involved as the City looks for a replacement.

Vice Chairman Spencer stated that, in staff's defense, no one is born with this knowledge, and the fact that they have been understaffed for a significant amount of

time does not help the situation. He added that the would like to continue having the conversation about it until something is put in place that works.

Chairman Thurmond mentioned that unless a builder is working exclusively in Bellaire, they should know better.

i. Update on staff's review of 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.

Mr. Davidson informed the Commission that he and Mr. McDonald are currently working with the arborist from West University Place to review the City of Bellaire's current tree ordinance, as well as the proposed changes from Ms. Moran, in an effort to get a better idea of what needs to be changed and how to reach a middle ground.

Chairman Thurmond asked if Ms. Moran had been involved in the process.

Mr. Davidson stated that he believed Mr. McDonald had reached out someone that Ms. Moran had suggested, but that he had not heard back from him yet. He added that he believes Ms. Moran's involvement will be more through recommendation than directly.

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 was no report from staff other than the Building Official.

H. Old Business

There was no Old Business.

I. New Business

- 1. Approval of the Building and Standards Commission's 2016 Annual Report to City Council.

Council Member Montague asked that the report also recognize the fact that Commissioner Mike Baker was a member of the Bellaire Citizens Academy, and that it be specified on item 5. D. that "staff" is referring to City staff.

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Burt Martin, Commissioner
SECONDER:	Mike Baker, Commissioner
AYES:	Thurmond, Katz, Martin, Baker, Spencer, Hampton
ABSENT:	Formica

2. The Chair shall recognize any Commissioner who wishes to bring New Business to the attention of the Commission. Consideration of New

Minutes Acceptance: Minutes of Jan 25, 2017 7:00 PM (Approval or Correction of the Minutes)

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 Baker suggested that the Commission write a letter to the City Manager regarding the enforcement of the Storm Water Prevention Pollution Plan (SWPPP). He asked Vice Chairman Spencer to prepare a draft for the Commission to look at during the next meeting.

Chairman Thurmond also mentioned that it might be beneficial to bring someone in from the Texas Commission on Environmental Quality (TCEQ) to lead a discussion on these regulations and invite Public Works and other staff members to join.

J. Public Hearings

There were no public hearings.

K. Announcements & Comments by Commissioners

Chairman Thurmond asked if there were any substandard structures on staff's radar.

Mr. Davidson explained that one that has been of some concern is in the process of being demolished. He added that several problem structures should be removed with the wave of demolition that is currently happening within the City.

Vice Chairman Spencer asked if there have been any updates on H-E-B.

Mr. Davidson informed the Commission that the demolition plans have been approved by the department, but have not been issued to the contractor yet. He added that he has had a couple meetings with the contractor and that they are looking to get started soon. Mr. Davidson stated that they will be phasing the project due to the fact that they are having to redesign the floor plan after the recent state legislation regarding travelators.

Commissioner Martin asked when demolition was scheduled for.

Mr. Davidson said that he thought it would be in March.

Council Member Montague informed the Commission that the City Manager mentioned that it would probably be late February, early March for demolition.

L. Adjournment

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

Vote: the motion was carried with a vote of 6-0.

The meeting adjourned at 7:45 PM.

**Building and Standards
Commission**

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



Meeting: 03/22/17 07:00 PM
Department: Development Services
Category: Report
Department Head: John McDonald
DOC ID: 2224

**SCHEDULED
ACTION ITEM (ID # 2224)**

Item Title:

Discussion, preparation, and possible action on the Building and Standards Commission's letter to the City Manager regarding the enforcement of the Storm Water Prevention Pollution Plan (SWPPP), as prepared by Vice Chairman Danny Spencer.

Background/Summary:

At the Commission's January 25, 2017 meeting, a discussion was held regarding a lack of enforcement of the SWPPP on job sites within the City of Bellaire. The Commission felt that a letter to the City Manager detailing how to better enforce the regulations of SWPPP would be appropriate, and asked Vice Chairman Spencer to prepare a draft of the letter for the Commission to discuss and modify at the March meeting.

The draft letter from Vice Chairman Spencer is attached.

ATTACHMENTS:

- SWPPP Letter to City Manager (PDF)

Dear Mr. Hofmann,

The purpose of this letter is to further discuss the role the City of Bellaire plays in having a Storm Water Pollution Protection Plan (SWPPP) in place. The Building Standards Commission had several conversations with the inspections department last year and some progress was made. The City did adopt SWPPP to be used at all construction sites and I believe most all contractors are willing to comply. However that being said our opinion is there is a long way to go regarding compliance and enforcement.

This is not an attempt to criticize our inspections department but an offering of extensive knowledge of the EPA's requirements and the willingness to pass this on to help educate the permit and inspections department. Our council has a wide range of expertise in this area including commercial construction project management, engineering and home building. The City has a great staff in our inspections department but their knowledge and experience is very limited at no fault of their own. The Buildings and Standards Commission would like to help with that.

Our permit and inspections department does a great job with the permitting and inspecting of job sites because they have been training and are very knowable of current codes and standards. Our goal is to help them gain the knowledge of SWPPP equally as well so they can help the contractors understand how and why SWPPP works and how important it is to our City's storm water system.

The Environmental Protection Agency (EPA) is the leader and developer of the SWPPP. They can also be called up to help educate and enforce SWPPP guidelines. On the commercial side they are a big help and will very likely visit job sites in our City to insure SWPPP plans are in place and being maintained properly. Commercial Contractors are accustom to SWPPP and are usually very good at following the rules and regulations. However I have personally seen many violations in our City. The Condit construction project and ironically our storm sewer upgrades and new roads contractors are doing a poor job and literally tons of dirt is going into our storm system. For every cubic yard of dirt that gets into our storm system, that is one less cubic yard of water that can't go away as designed and one more cubic yard of water potentially in someone's home. On the residential side the EPA simply does not have the manpower to police contractors so it is up to us to educate and inforce the standards in place.

What we would like to see is the Building and Standards Commission helping the inspections department by assisting with education. Connecting 3rd party professionals to help with additional education and resources such as flyers and posters. These companies could possibly include residential site inspections on a random basis. We would also like to see the public more informed on what SWPPP is and have them help protect our storm system. Currently we do not have any information in our City on who to call if there is a problem. If someone called the police or City Hall today no one would know what to do or who the call should go to, just simple education and communication. We would appreciate your support on this matter.

Thank you,