

# Meyerland

## Meyerland Community Improvement Association Board of Directors Meeting Minutes Thursday, January 21, 2021

### ATTENDANCE

#### Board Members Present:

Sacha Bodner (8S)	Bill Goforth (1)	Bob Lordi (10)
Elaine Britt (8N)	Charles Goforth (1)	John-Mark Palandro (10)
Scot Carter (4)	Gerda Gomez (7)	Gerald Radack (2)
Eddy De Los Santos (At-large)	Dr. Emilio Hisse (2)	Lucy Randel (At-Large)
Jonathan Elton (3)	Bryan Holub (8S)	Larry Schwartz (8W)
Susie Eshet (7)	Arthur Kay (6)	
Cory Giovanella (8N)	Barbara Kile (3)	

#### Board Members Absent:

Justin Keiter (8W) & Patrick McAndrew (5)

#### Staff Present:

Amy Hoehstetter

#### Legal Counsel Present:

Jonathan Clark & Mark Knop (HooverSlovacek, LLP)

### CALL TO ORDER

- The meeting was called to order by Gerald Radack at 7:34 p.m.

### SECRETARY'S REPORT

- Approval of the December 17, 2020 Board of Board of Directors Meeting Minutes.
  - The minutes were distributed to the board prior to the meeting. Comments/updates were incorporated.
  - Eddy De Los Santos moved to approve the minutes. Larry Schwartz seconded the motion.
  - Minutes from the December 17, 2020 meeting were unanimously approved without further comment.

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## REPORTS & PRESENTATIONS

### Office & Administrative – Amy Hoechstetter

- Amy Hoechstetter noted that the 2021 invoices for annual homeowner assessments were sent after January 1. A few homeowners requested the statement earlier and they were accommodated.
  - Homeowners who have not paid by the end of February will receive a second notice.
  - Payments received on or after April 1 will have an additional late fee.
  - To-date, payment activity is as expected.
- Gerald Radack requested a motion to update the signature authority for the MCIA bank accounts based on the changes to the board leadership.
  - There were a few questions, but ultimately the resolution was presented and unanimously approved by the board.
- Amy discussed the recent discussions on social media (Facebook) about the front yard of the home on S. Braeswood that was recently paved over.
  - MCIA is working with the homeowners on the cure to the violations.
  - Lucy Randel asked if the mature tree removal was also considered, and Amy responded that the office is working on a resolution to the City and deed restriction violations.

### Finance Committee – Cory Giovanella

- Cory Giovanella noted that the updated MCIA 2021 budget is forthcoming.
  - Gerald reminded the board that in December, the board extended the 2020 budget through the first quarter of 2021, or until the new budget is approved.

### Bylaws – Cory Giovanella

- Cory submitted the last round of questions to the attorneys and he is still waiting for their responses so we can move forward with the next review of the revised bylaws.
  - Prior to the meeting, Cory sent out a summary of the changes.
  - Cory will hopefully receive the comments back from the attorneys within the next week.
  - Based on the timing of the attorney's responses, he anticipates a special board meeting dedicated to discussion of the bylaws.
  - He noted that the board should hold Tuesday, February 2<sup>nd</sup> for this discussion. He anticipates a vote on the new bylaws in this meeting.
  - Cory then asked each member of the board to offer their comments, questions and concerns.
  - The summary of the issues discussed include:
    - Timing of the annual meeting (October or just require an annual meeting?). Cory noted that a specific date allows for some consistency and should work going forward now that we have the option for online meetings, as we have transitioned to during the COVID pandemic.
    - There was discussion on the addition of the requirement that board members reside in the neighborhood. Some felt this was too restrictive (i.e., after Harvey very few people actually resided in the neighborhood), while others commented that this was a welcome addition given the slew of developers and house flippers who currently own homes in Meyerland.

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- Charles and Bill Goforth both felt these decisions need to be made on a section-by-section basis and this should not be included in the bylaws.
- Eddy De Los Santos noted that there is nothing specifically requiring disclosure of whether a board member actually resides in the neighborhood when they are under consideration by the community.
- Gerda Gomez asked about what happens when a board member resigns – she cited an instance in the past when the board member was not replaced. Gerald noted that was a unique situation and the board decided not to appoint someone because board elections were a few months away.
- Bill provided some specific edits to the language of the document.
- Sasha Bodner welcomed the new board member and asked about board term limits (for example, a board member can only serve two terms). Amy noted that this is not legal under Texas law.
- Emilio Hisse asked about the language about removal of board members. Gerald noted that the impeachment process requires 50% of the board member's section for the board member to be removed.
- Others noted that comments were sent or will be sent directly to Cory.
- Cory reiterated that a new draft should be distributed within the week, and the board will have a week to review this draft before a special session of the board will discuss and hopefully approve the new bylaws.

## Section 10 Residential Marker Update – Charles Goforth

- Charles Goforth updated the board on the progress that was made in the replacement of the marker that was destroyed by a car.
  - Charles thanked the residents of section 10 for pushing to get this issue resolved.
  - The decision was made to award the solicited contract to rebuild the damaged Meyerland monument sign, located on the esplanade at Hillcroft and Indigo, per exact original specifications, to Hoggatt LP.
  - The approved sign reconstruction bid amount comes to \$9,441. Additional expenses may be incurred for possible lane closure permit, landscape repair, etc. It does not appear that the total amount to restore this site will exceed \$11,500.
  - The construction will be overseen by Ed Kile, whose interest lies on behalf of Meyerland.
  - He noted that the committee found that some of the other markers in the neighborhood are not as originally specified, but the new Section 10 marker will to spec.
  - Gerald noted that the insurance funds from the auto insurance policy will cover the cost of the marker and landscaping, so no funding is needed from MCIA.

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## Fence Replacement along S. Braeswood – Jonathan Elton

- Jonathan Elton, as chair of the Ad-Hoc Committee established to study, explored the options and made recommendations regarding the sections of fences located just south of S. Braeswood and extending from Millbury east to the concrete City of Houston sound wall, and motioned that MCIA spend no more than \$7,000 to replace 174 feet of wood fence that borders 9402 Endicott Lane, also known as the Endicott FEMA lot, and S. Braeswood. Cory seconded the motion.
  - Discussion included the following:
    - Lucy noted that the adjoining neighbor is cooperating and will replace her fence with the same company for a contiguous fence line. The homeowner is adding a secured gate, as well. Trees will be planted in the area.
    - Elaine Britt asked if the team has coordinated with Harris County Flood Control on this matter, since it is a FEMA lot. Charles responded that the fence is outside of the lot's boundaries.
    - Sacha asked if iron fencing was considered. Jonathan noted that the wooden fence will be consistent with the other fencing in the area, and the wood will be treated and should last a long time. It was also noted that residents destroyed the current fence during a flood event, as they felt it was impeding the flow of water (which it was not).
    - Larry noted that the new detention areas around this section of Meyerland should help prevent future flooding (and destruction of the new fence).
  - The motion was unanimously approved by the board.

## Landscaping Expenditures – Landscape Committee

- Replace plant material at the Beechnut residential marker:
  - Charles Goforth made a motion that the board allocate no more than \$4,800 to restoring the landscaping from Endicott Ln heading west to the Meyerland monument sign. Larry Schwartz seconded the motion.
    - In the discussion, it was noted that Beechnut between 610 and the Chic-fil-A is a frequented gateway into Meyerland.
    - Charles also noted that the addition of the left turn lane toward HEB on Beechnut destroyed Meyerland's prior landscaping efforts in the area. Charles asked Fidelis to assist in the restoration of the area, but no financial commitment yet.
  - The board voted unanimously to approve the motion.
- Replace plant material on Mullins in Section 10 and improve plant material at several bridge crossings:
  - Charles Goforth discussed solicited landscape work in the amount not to exceed \$14,750, to perform clean-up and enhancement and maintain areas on the west side of Mullins between Jason and the mid-block between Darnell and Carew. Also, the bid is for the same type of work at the southwest and northwest quadrants at the Jason and Rutherglen intersections at Chimney Rock (northbound).
    - Charles noted that these areas have been neglected for many years and the committee decided to go in a very simple direction.  
These are high profile areas and the committee recommends removing the current dilapidated area and replacing it with a crisp and well-maintained, visually appealing look. The work is to include extensive removal of failing 60+ year-old shrubbery, tree trimming, installation of many yards of topsoil, pallets of grass and mulch.

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- Barbara Kile made a motion that the board approve funds for landscape improvements to meet the MCIA maintenance responsibilities on the west side of Mullins and the areas around the Jason and Rutherglenn bridges at Chimney Rock. Larry Schwartz seconded the motion.
  - Cory asked if the upcoming work at these bridges will impact this landscaping work, and Barbara noted that it would not.
- The motion was unanimously approved by the board.
- Irrigation of the S. Braeswood esplanade from Millbury eastbound to the first detention pond:
  - Lucy Randel made a motion that the Meyerland Community Improvement Association spend no more than \$9,800 to install a system that will irrigate the entire surface area of the S. Braeswood esplanade extending from Millbury to the turn-through 900+ feet to the east. Larry Schwartz seconded the motion.
    - Lucy noted that using our own irrigation to establish root systems on the native trees planted by Harris County Flood Control District (HCFCD), instead of the HCFCD watering truck, will enable us to keep the trees and flowers on this visible esplanade healthy and attractive beyond the county's usual two year watering contract.
  - The motion was unanimously approved by the board.
- Sidewalk on FEMA lot:
  - Charles Goforth made a motion to remove and replace the sidewalk on the noted FEMA lot with a crushed granite-type path, with the cost not to exceed \$2,300. Larry seconded the motion.
    - Charles noted that the contractor mistakenly removed the existing sidewalk, instead of just providing a quote to remove and replace the sidewalk, so we owe the contractor for that work (roughly \$600).
    - Gerald noted that the area has a lot of large, new homes and that the prior sidewalk on the lot is very unsightly and unsafe for pedestrians.
    - Further discussion focused on using crushed granite versus concrete.
    - Charles then withdrew his motion and Larry Schwartz volunteered to ask the City and/or the HCFCD for assistance with replacing the sidewalk, since it is a FEMA lot.
  - This item will be addressed at a future board meeting.
  - Charles then made a motion to pay the contractor no more than \$600 for the removal of the concrete from the lot. Bill Goforth seconded the motion.
  - The motion was unanimously approved by the board.

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## RCC: Review of Construction – Bill Goforth

- Bill Goforth presented an issue from the RCC that was debated within the RCC and is being sent to the board because of the unique circumstances of this house's design.
  - The RCC received a plan for a house with an unusual design so the RCC as a committee of the BOD reached out to the BOD for their opinion as to the matter. The home meets the height limitations under the deed restrictions, but has a flat roof and what appears to be three stories (when looking at the back of the house). The deed restrictions limit houses to 2 ½ stories.
  - The deed restrictions in Section 8i state: "Neither the Single Family Dwelling nor the Secondary Quarters shall exceed two and one-half stories in height, nor be of more than thirty-six feet (36') in height measuring from the Minimum Flood Protection Elevation (MFPE) as defined by the Municipal Code of the City of Houston."
    - Discussion centered on what are 2 ½ stories versus three. The top story of this house has an 8 ft. ceiling, but does not slope per the definition in the deed restrictions.
    - The deed restrictions further state that "The half story may be a livable attic that is finished, or left unfinished as storage space. The half story is built under the roof, therefore like the roof, some of the sides of the half story may slope downward."
    - The plans for the house in question did not clearly fit into these requirements, but also several board members felt that these requirements were not clear – especially in the situation of a flat roof versus the note of the deed restrictions of the roof that "slope(s) downward" (clearly a reference to a traditional, non-flat roof).
      - Various board members and Amy Hoehstetter searched online for additional guidance as to a standard definition of a ½ story.
      - The board also discussed how the flat roof conflicts with the definition of ½ story per the deed restrictions.

## **CLOSED SESSION**

- Amy asked the board to pause the Reports & Presentations since the attorneys on the call were being paid for their time and the meeting was running long. She asked to move into closed session to allow them to leave the meeting once the closed session is completed.
- Charles Goforth moved to go into closed session. Lucy Randel seconded the motion. The motion passed unanimously.
- While in closed session, the board discussed various property issues and will pursue various actions, as decided by majority of the board.
- Susie Eshet made a motion to go into open session. Larry Schwartz seconded the motion and the motion was unanimously approved by the board.

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## REPORTS & PRESENTATIONS (continued)

### RCC: Review of Construction – Bill Goforth (continued)

- The board continued the discussion of the proposed house's compliance with the deed restrictions.
  - Bill noted that the RCC thought the home was beautiful, but felt the design should be denied.
  - The board continued discussion around what is the definition of a ½ story.
  - Gerald asked for a vote to approve the design – the board voted for approval of the house's design (10 "for" and 4 "against" votes were cast).
- Bill also noted that there was a proposal for temporary buildings while a house is being constructed.
- There is also an ongoing issue with houses not being completed in a timely manner, and the deed restrictions do not currently have any timeframes/limits in place.
- The board asked the Deed Restriction Compliance Committee (DRCC) to review these additional two issues and report back to the board in a future meeting.

### Committee Membership – Gerald Radack

- Gerald noted that an email will be sent asking for volunteers for the various board committees.
- Gerald presented the 2021 nominating committee of Diane Furst, Ed Kisluk, Jim Walters and Jonathan Elton. Cory Giovannella motioned to approve the committee and Lucy Randel seconded the motion. The motion was unanimously approved by the board.

### Contract Service for Junk Waste on Vacant Lots – Scot Carter

- Scot Carter noted that some vacant lots tend to be a dumping ground for junk/waste. Scot asked if the board would consider MCIA paying for a junk removal service in these situations. The charge could be then billed back to the lot owner.
  - Charles noted that this sounded similar to the forced mow situation.
  - Jonathan asked about the specific location of the trash and if it was left on the City's easement on the property, could we actually bill the homeowner for this removal.
  - After further debate, the issue was deferred to the DRCC for further vetting and recommended action.

## NEXT MEETING DATE

- A special board meeting to discuss and approve the new bylaws is tentatively set for Tuesday, February 2, 2021, at 7:30 p.m. via Zoom.
- The next regular monthly meeting will be Thursday, February 11, 2021 at 7:30 p.m. via Zoom.

## ADJOURNMENT

- A motion was made to adjourn the meeting at 11:56 p.m. by Sasha Bodner. The motion was seconded by Susie Eshet and passed unanimously.

Approved by the board on February 11, 2021.