

**Eldridge /West Oaks Super Neighborhood Council Meeting
Final Minutes
August 11, 2010**

The meeting of the Eldridge/West Oaks Super Neighborhood Council (EWOSNC) was called to order at 7:03 PM August 11, 2010 by President Diane Guillerman. A quorum of 17 delegates was present.

I. Speaker

Mrs. Guillerman introduced Rudy Velasquez, Luis Rossitto, and Donna Edmundson, all City of Houston attorneys in the Neighborhood Services Division, speaking regarding deed restrictions enforcement. Mr. Velasquez began by saying that there are always questions concerning deed restrictions enforcement. Each neighborhood sets its own restrictions, but there are specific areas that the City deals with. These include use of land, size of lot, setback, the type and number of structures allowed on a property, and height of fences. Deed restrictions are private agreements within a subdivision. When owners buy property, they buy into the deed restrictions. In the inner city and on the East side, before investigating, the City must make sure property is deed restricted. If a subdivision opts out of deed restrictions, the City cannot do anything.

Use of land— If the City receives a complaint regarding a business operating from a residence, they first investigate if there are deed restrictions, then do a title search, then run a license check. Has the business been incorporated? Dump trucks and 18 wheelers do not belong in subdivisions, but a car or pick-up truck with a business sign is okay. Daycares should not be operating in neighborhoods.

Setback violations—The City investigators have to catch construction in progress. If construction is violating a setback code, citizens are asked to call it in to the City.

Type and number of structures— only one lot and garage is allowed per residence. There are minimum lot sizes. Builders often buy one lot and subdivide it into several dwellings. If deed restrictions have prohibitions about this, the city can help. Call it in immediately. It is easier to tear down while in progress than after it has been built. Orientation is another issue. Some homes are built facing toward the back.

The City has the authority to enforce deed restrictions only to the extent it has been granted the authority by the State.

Fences—any fences built over 8 feet require a building permit or, if it is over 4 feet and it is made of cement or masonry.

When the City receives a deed restriction complaint, which can be done through a phone call, e-mail, website report, or report to a member of City Council, the complaint is looked at by the team of City attorneys for deed restriction violations. The attorneys then pull the title report and send out investigators. One investigator works regular hours and one works odd hours, (nights and on weekends) to catch violators. Citizens are encouraged to e-mail pictures to support their case. The City depends on citizens to report deed restriction issues. The City will first send out a letter, (certified and regular mail) to the offender. Five percent of offenders will not respond and they will wind up being sued. A lawsuit is not always effective because it is very time consuming, but the City will litigate if necessary. Litigation will usually result in an injunction from a District Court saying jail time is possible. Violators also can be fined. Citizens can call the Hot Line at 832-393-6333, 311, or Donna Edmundson, lead attorney for deed restriction violations at 832-393-6268.

Louis Rossitto added that a citizen can be anonymous, but the City prefers citizens identify themselves and become a contact person in order to support the process.

A delegate asked how anyone can opt out of deed restrictions. Mr. Vasquez stated that under Chapter 201 of the Texas Property Code, a citizen can opt out if deed restrictions are about to expire. Deed restrictions are not valid until filed with the County.

A delegate questioned garbage trucks backing up in neighborhoods at 3 or 4 am. Ms. Edmundson stated there is a noise ordinance in place; you can contact the police regarding this. When you call, request a sergeant or someone else who can measure the decibel level.

Can the City respond to a filthy yard? Ms. Edmundson suggested calling Neighborhood Protection and start making a record of the calls. The City can try to resolve the issue through that department.

What about a hospice type dwelling in a neighborhood? Ms. Edmundson stated it depends if the hospice receives federal funds. It also depends on who the residents are -- are they family, are there less than 3, the City looks at each individually.

How long does it take the City to respond to a complaint? Mr. Rossitto stated that it usually takes up to 10 days, but this depends on how soon the City can identify or see the actual violation. An investigation can take longer.

If you know a homeowner is renting out rooms, what can be done? Mr. Vasquez stated the City needs evidence, because it cannot just go on private property. But the City will run license plate checks of the people who frequent the property.

What about trucks parked in the neighborhoods? That is considered incidental use if a resident brings a truck home. In the case of a dump truck parked on an old rail line, the City can look up if there is a prohibition involved.

The attorneys advised that when amending deed restrictions, the HOAs or subdivisions should make sure the deed restriction language is specific. For fences, state no fence over x number of feet. If you don't want duplexes built, state for single family dwellings only. Neighborhoods can access the Texas property code, and a copy was provided in the handout the attendees received. Also, HOAs can call the Houston Lawyer Referral, which allows you to consult with an attorney about an issue for \$20 per 30-minutes. Another suggestion is to see if a neighborhood attorney can help on a pro bono basis. Any resident in a subdivision can take any person to court over a deed restriction violation, even if the City cannot enforce it. All seven City attorneys meet weekly to determine the action to be taken on all complaint files.

II. Guest Introductions

Ms. Guillerman introduced Jack O'Connor who is running for State representative of District 149. Also introduced was Donald Perkins, city representative for Planning and Development. Mr. Perkins announced the following:

A. There will be a deed restriction workshop on Wednesday August 25 at 7 PM at the Sand Trap Grill, 7900 N. Sam Houston Tollway. Contact Jude Wiggins at 713-466-3400. There is a \$5 fee to attend.

B. There is a neighborhood matching grant initiative that the City is sponsoring. It involves 2 workshops Tuesday, Sept. 27 in Oak Forest and Tuesday, Sept. 21 at Judson Robinson Community Center from 6:30 to 8:00 pm. A matching grant of \$5000 will be given for neighborhood improvements.

III. Old Business

The minutes from the previous meeting were approved and accepted.

A. Committee Reports

1. Security—Bob Sumicek met with Oliver Pennington and his office staff and discussed how the City and County can work to better utilize the police forces. A study was done on HPD by Sam Houston State University in 2006, which was never acted upon. The main recommendation was to be proactive in order to keep crime from happening. Other major cities have a better ratio of police officers to citizens. The City will try to use constables more efficiently for street duty so HPD can work on major crimes. Auto thefts and burglaries are up in our area. Harris County is stepping up patrols. Many break-ins are happening after citizens leave home. Neighbors are asked to watch for cars cruising and to call HPD with a good description of license plates and cars. A delegate asked if there was additional coverage for bike trails as more people are using those areas. Briar Forest is still pursuing the storefront police station at Briar Forest and Wilcrest.

2. SNAP—Judy Thompson reported that most new traffic lights are denied for now due to the City determining there was a lack of volume at the areas requested. But, we have had some success because State Representative Vo was able to get TXDOT to authorize a right turn lane on Highway 6, going right into Eagle’s Trace. The left turn lane requested at Briar Forest and Highway 6 is on the wait list.

3. Beautification—Virginia Manning reported on graffiti, grass cutting, and billboards. She asked for replacement of signs knocked down. The City of Houston has replaced pipe in the bike trails area. Parks in the area are being upgraded.

4. Flooding and Drainage—Billie Long reported there was no meeting for the City’s flooding and drainage committee last month. They will discuss infrastructure in the future. The Eldridge/West Oaks SN has flooding issues on its Northern and Southern boundaries. The City’s Flooding and Drainage committee is looking at adding retention ponds for drainage at Eldridge near Memorial and toward Old Farm Road near Dunvale on Dairy Ashford. The donut shop on Dairy Ashford remains unfinished because City inspectors were worried its retention wall could fall in and create problems with flooding and drainage.

5. Legislative—Doug Parrish had nothing new to report.

6. Speakers—Maria Galitos asked the delegates to e-mail her with suggestions for future speakers. Ms. Guillerman announced that for the September meeting we would have Robin Blut, executive director for Keep Houston Beautiful. In October, we are looking into the Shoot, Don’t Shoot Program, which demonstrates training techniques of the HPD cadet training program.

C. Mission Statement—our final draft of the Mission Statement was approved.

IV. New Business

City Planner Donald Perkins reminded us that the City is preparing for National Night Out on Tuesday, October 5. Ms. Guillerman asked for delegates to be thinking about new projects for the Super Neighborhood.

V. Adjournment

Our next meeting will be September 8 at 7 PM at the Eagle Trace AC Classroom.