

**CITY OF SANGER, TEXAS**

**MINUTES: REGULAR CITY COUNCIL MEETING**

**April 15, 2019, 7:00 p.m.**  
**502 Elm Street, Sanger, Texas**

**COUNCIL MEMBERS PRESENT:** Mayor Thomas Muir; Mayor Pro Tem Gary Bilyeu; Councilman Allen Chick; Councilman Bill Boutwell; Councilman David Clark.

**COUNCIL MEMBERS ABSENT:** Councilman Lee Allison.

The Mayor and four Council Members were present constituting a quorum.

**STAFF MEMBERS PRESENT:** City Manager Alina Ciocan; City Engineer Tracy LaPiene, P.E.; Director of Development Services Ramie Hammonds; City Planner Muzaib Riaz; Human Resource Coordinator Jeriana Staton; City Secretary Cheryl Price.

**1. Call Meeting to Order, Invocation, Pledge of Allegiance.**

Mayor Muir called the Regular City Council Meeting to order on April 15<sup>th</sup>, 2019 at 7:02 p.m. Councilman Chick gave the Invocation and Councilman Clark led the Pledge of Allegiance.

**2. CITIZEN INPUT: (*Citizens are allowed 3 minutes to speak. The City Council is unable to respond or to discuss any issues brought up during this section*).**

Mayor Muir noted that had two citizen input forms and noted they are pertaining to agenda items and they would be recognized during items 7-10.

**3. CONSENT AGENDA:**

**a) Approval of Minutes**

**1) Regular City Council Meeting, April 1, 2019.**

Item 3 a. was removed from the Consent Agenda and voted on separately under Item 4. Councilman Clark was absent the last meeting and wished to abstain from the approval of the minutes.

**b) Approve Resolution No. 04-06-19 Appointing Tracy A. LaPiene, as the City of Sanger Representative to the Upper Trinity Regional Water District Board of Directors for a Four (4) Year Term.**

**c) Approve the 2019-2020 Interlocal Cooperation Agreement for Shared Governance Communications and Dispatch Services System Between Denton County and the City of Sanger's Police and Fire Departments and Authorize the**

**Mayor, Police Chief and Fire Chief to Execute Agreement.**

- d) **Approve Moving the Following Existing Board Member from Alternate to a Place on the Board:**

**Planning and Zoning Commission –  
Sally Amendola, Place 2**

**Zoning Board of Adjustment –  
Sally Amendola, Place 2**

- e) **Approve Appointing the Following Citizens to Open Board Positions for a Two-Year Term:**

**Planning and Zoning Commission –  
Jackie Turner, Place 3  
Allen McAlister, Place 4**

**Zoning Board of Adjustment –  
Jackie Turner, Place 3  
Allen McAlister, Place 4**

Allen McAlister was present and was introduced to the City Council by Mayor Muir who thanked him for his willingness to serve. Mr. McAlister thanked the Council for the appointment and stated he looked forward to serving.

A motion was made by Mayor Pro Tem Bilyeu to approve the Consent Agenda, Items 3 b. through 3 e. as presented. The motion was seconded by Councilman Boutwell. The motion carried unanimously with a vote of 4-0 (Councilman Allison absent).

**4. Consider Any Items Removed from Consent Agenda.**

Item 3 a. was removed from the Consent Agenda. Councilman Clark was absent the last meeting and wished to abstain from the approval of the minutes (Item 3 a.) this item was removed from the Consent Agenda and voted on separately below.

- a) **Approval of Minutes  
1) Regular City Council Meeting, April 1, 2019.**

A motion was made by Mayor Pro Tem Bilyeu to approve the minutes as presented. The motion was seconded by Councilman Boutwell. The motion to approve carried with 3-0-1 vote, Councilman Clark abstaining because he was not present at the April 1, 2019 meeting (Councilman Allison absent).

**REGULAR AGENDA**

- 5. Consider, Discuss, and Possibly Approve the Agreement for Banking Services with First United Bank, and the Form of Custodial and Safekeeping Agreement Set Forth in the Proposal, and Authorize the City Manager to Sign Both, and Any Other Administrative Documents Necessary to Give Full Effect to the Selection of the Bank as the City’s Depository Bank.**

City Manager Alina Ciocan summarized the item. She noted that in March the proposal for banking services was approved for banking services with First United Bank. The agreement has been drafted and the RFP included in the agreement by reference. Legal Counsel has reviewed the agreement. She noted that Greg Farrow, President of First United Bank was present if there were any questions. Mayor Pro Tem Bilyeu noted for the record we only received one response to the RFP.

A motion was made by Councilman Boutwell to approve the agreement for banking services with First United Bank, and the Form of Custodial and Safekeeping Agreement set forth in the proposal, and authorize the City Manager to sign Both, and any other administrative documents necessary to give full effect to the selection of the bank as the City’s depository bank. The motion was seconded by Mayor Pro Tem Bilyeu. The motion carried unanimously with a 4-0 vote (Councilman Allison absent).

- 6. Consider, Discuss and Possibly Act on Authorizing the 4A Industrial Development Corporation to Pay the Remaining Debt of \$280,503.75 on the Warehouse Located at 103 Bolivar Street, Sanger, Texas.**

Economic Development Director Shani Bradshaw was recognized to summarize the request. The 4A Industrial Corporation had a meeting on April 2, 2019. They discussed the warehouse and decided that instead of putting the building back on the market that they would like to pursue paying the note off and save some interest. They would like to bring the building up to where it needs to be and revisit putting the building back on the market after the comprehensive plan has been implemented. If we add a downtown component to the comprehensive master plan it will give us a better idea of what the city is looking for in that area. She provided detailed information on the payoff of the loan. However, there is some information that she needs to provide to the Council before a vote on the issue is made. It was noted that she will get the additional information and bring the item forward at the next meeting. There was brief discussion as to tabling the item or taking no action on the item.

No further discussion and no action taken on this item.

- 7. Consider, Discuss and Possibly Act on Ordinance #04-09-19 Approving Amendment to Chapter 10 Subdivision Regulations Exhibit A Subdivision Ordinance Section 6.02b Pavement Thickness Requirements; Providing for a Severability Clause, Penalty of**

### **Fine, and an Effective Date.**

City Engineer Tracy LaPiene, P.E. was recognized to summarize. He advised that at some point in the future he plans on doing a more comprehensive review of the City's subdivision ordinance. At this time, he is proposing a revision to the pavement requirements with regards to the thickness, strength of the concrete and spacing of the rebar to make subgrade stabilization in line with general practice in the area. Normal practice is that they are doing a geotechnical report with regard to the amount of moisture conditioning that they use and how they are going to be filling in everything for their structural components and throughout their entire development. It is generally standard practice either on the residential side or the commercial side that they are doing a Geotech report, and he is asking for the option to review that report. He noted he provided a comparison of several different communities and what their requirements were to base the recommendations to the Council. Bumping up residential streets from 3000 psi to 3600 psi and tightening up the rebar from 24-inch spacing to 18-inch spacing. On the collectors bumping the thickness up to 8 inches with number three bars on 18-inch center. Also standard in most communities, if you are placing your pavement down with a box paver there is one strength requirement, and if you are doing it by hand, they usually bump up to the next level of psi which is also standard practice. Mayor Muir thanked Mr. LaPiene for the presentation and for providing a comparison of other communities. It was noted that Denton has higher requirements because their life cycle is 40 years where other communities have a standard life cycle of 20 years.

Mayor Muir noted that he had a Citizen Input Form from Carolyn Cashion, Ultra Homes, Sanger, Texas who wished to speak on Items on the agenda and referenced Item Nos. 7 (this item) 8, and 10. He asked Ms. Cashion if she wished to speak on this particular item at this time.

Ms. Carolyn Cashion, Ultra Homes was recognized and asked if she could do it all at once and Mayor Muir responded noting that she could address all of her comments and concerns and the Council could take them into consideration during this and the other items. That the Council would like to hear her input before voting on the items. Ms. Cashion noted one of the things that she wanted to talk about is in basically, Article 1, the codes. She noted that in the agenda tonight there are a lot of codes that are being addressed. One of the things that is not clear, that she would like to see as a builder, and for the City, when this is adopted, you say what you are adopting it for. For instance, she asked to separate the industry, is it residential, is it multi-family, is it commercial; because you have got IBC, you have got some commercial codes, and then, it is addressing residential, but they are all grouped together. So, that allows for over-reach of inspectors because they are going to be able to pull from any code they want to pull, and that is an issue and that they are kind of seeing that now. Just as an example, they are required to have TECQ inspections and they are paying a lot of money and they are doing it, but they are still getting red tags from the City inspector for things that have already been noted and they are trying to take care of, and they are having to pay for re-inspections. They are having the same thing happening on engineering. They pay for engineering and engineering pre-pour inspection and the inspector decides that he wants for

the City to take responsibility for the foundations and he is inspecting them and deciding if he wants to red tag them and thinks two inches of plastic is different and he was measuring them. She said she was told in the beginning that the City didn't want responsibility for that, and from an engineering standpoint if he is going to overrule them then that is putting it back on the City's responsibility versus the engineer. So, those are the things on that, that she would like to address, is that it needs to be defined. Are they building to IRC or are they building to IBC or all of the different things that are in here. The other one, the main thing, is moving on your agenda, is going to IRC 2015. She noted she understands different codes and the reason why. Since 2017 they have had tremendous cost increases from the permitting. Part of it, Council was are gracious enough to give them some warning that they had \$1,500 in impact fees that they knew were coming, and she was assuming that was to Marion Road since impact fees have to be used, for her situation, have to affect their subdivision and that would be the only road. She noted she would be excited to see some improvements on Marion Road because everyone knows it is heavily traveled. Mayor Muir noted that he thinks that Impact Fees can be used anywhere in the infrastructure of the City because people coming out of any subdivision drive any major collector or thoroughfare type road. He noted that he did not believe that there is a limitation on to having to use it on an adjacent road. Mayor Muir noted that they do not disagree regarding the situation on Marion, but he was just trying to clarify regarding the impact fees. He noted that new people coming into a subdivision don't just drive Marion Road or a little bit of 455, they come into town and drive on 5<sup>th</sup> Street, they go down Acker, and Bolivar they go to ball games at the middle schools, etc. He noted that he believed that impact fees can go anywhere. Ms. Cashion noted that, that is not what they are told, but that is up to the City's attorney. They and their attorney believe that they have to be a connector road to the subdivision. Mayor Muir noted that she may be talking about the requirements of an improvement or development of roads adjacent to a property being developed. She noted that those costs that they have had have gone up in permitting and if we go to IRC, with the short notice that she had today and it is very difficult to look at all of the things to see what things have been left out in this and added to according to the 2015, so there may be some things there as well. The biggest thing on that is the energy code. The 2015 energy code was federally mandated. It went into place and was active in 2016 when it became mandatory. That was the first code as builders, just for education benefit, that has ever been mandated by the federal government made the same code for, lets put it this way, from Alaska to Hawaii which need totally different things. There have been some prescriptive added to it, and things like that and the one that that they do at Ultra is all of their energy codes are certified. There are duct blowers and there is testing, everything has to meet guideline certification. But with the 2015 going in that can add additional cost and they are not allowed to use the prescriptive they are using now so that is something that she would like to see added is that they would like to use the 2015 prescriptive because that keeps them from having to do things that actually give the homeowner nothing but it is going to cost them several thousand, over two-thousand dollars a house depending on which size they put in that they are not going to gain any benefit from it because they are already at so low that you are having to put more fresh air vents in just to get enough circulation in the house. The other thing that she saw that is critical for builders, not just her but any building and the City was gracious to do it on the impact fees, is the fact

that these things are starting immediately. They all have houses sold that are already not expecting to add thousands of dollars to the cost of it when you say immediately that are not permitted at this point. They would like to see some time delay in the fact of it going forward if staff does persist in it going forward like it is right now. Those are her main points is that they really do need some time on that, not only to do that but to be able to understand everything but to make sure we are all on the same page when we are going forward and be able to study them and know them because there are so many elements in that code that change. They have had in the last year, part of the fees going forward for them, with all of the new development fees being put on subdivisions and stuff roll right back to the homeowner. So, they have already had lot increases once they hit Phase 6 from \$5600 a lot from Phase 4. They are adding another \$2000 in permitting and then you start talking about having to add two to three thousand in construction costs, the next thing they know is they no longer have affordable housing and they are pricing themselves out of the market. She thanked the Mayor and Council for listening to her.

Mayor Muir noted that Lisa Dritschler, McClintock Homes mentioned she would like to speak on items 8 and 10. She noted she could wait until this item was complete. Mayor Muir asked if staff wanted to address any items raised. Director of Development Services Ramie Hammonds was recognized. She noted that one of the questions was the codes that the City is developing under. Although there are many codes in here that we are adopting, only the residential codes affect residential. The IBC is Commercial and the codes themselves clearly state that. That is not something that we have to call out. The residential code is for one-family and two-family dwellings. The Commercial code does not cover residential, so that is already taken care of. Another item that was asked about was the energy code. The City already allows for the prescriptive method – that is not changing anything that the City is doing with the energy code that they have currently been doing, that we are going to continue with the same. She did get a call from the Dallas Builders Association today and he sent over some wording that came out of the 2018 codes which we are not going to, but the wording still could be used. It was too late to put it in, but to clear things up we are already doing those things and it may be something in the future that we put in as an amendment. She noted that they have been letting the City's builders know that we are moving towards the 2015 codes for some time now. The effective date for the new Code this year is May 1<sup>st</sup>. in 2012 it was May 1<sup>st</sup>, that they have just continued with that cycle and noted that it is something that they can look at.

Mayor Muir noted that it is the 2015 Building Code. He used the analogy that we don't want to buy the new car on the showroom floor, we want the bugs to get worked out and we want local COG to look at it and then we can make the fewest adjustments like our local changes to the building code for adoption. Every City is going to be moving through these codes and once a code comes out, cities are not sitting stagnant forever. That builders, he thinks, know that the code will be changing and he does not want to be preaching but it is four years out from the 2015 code and it has been out there a while.

Ms. Hammonds also noted that the ISO ratings are heavily weighed on the fact that we are

moving to the 2015 code. Mayor Muir summarized the ISO Rating the city recently received which was discussed in the Work Session tonight. That bringing these codes forward does affect the City's ISO Rating. He noted that staff mentioned in the Work Session tonight that the City's rating is going from a "9" with "10" being the worst to a "5" in residential. So, it will help the residents as far as insurance discounts and for increased Federal funding if a disaster occurs in Sanger and this is because of the improved codes and processes that have been put in place. Mayor Muir asked if that helped clarify some of the concerns. Ms. Cashion stated it did with the energy.

It was decided that Lisa Dritschler, McClintock Homes would also be recognized to speak to continue this discussion. She noted on Item 8 of the Ordinance, all of the cities are moving to the new codes, it is just a natural progression. Her only concern is what Ramie addressed is the air exchange trade off, because what COG did recommend and it was left out of our ordinance tonight and it actually puts into writing what the City is already doing. They just respectfully ask that it be added to the ordinance since the city is already doing it, lets put it in writing that it is ok to do, so that one day if something happens and someone new comes in, they are not questioning it and we are covered. She reiterated that she would like to see it in writing. Director of Development Services Ramie Hammonds noted that they could certainly do that. Ms. Dritschler explained that it allows a certain number of air exchanges and is an alternate way of meeting the code, so to speak. The only other thing that she noted she has is the effective date of the ordinance. On Item 8, strictly because they do have sold units in backlog already, it takes at least 30 sometimes 45 days to get engineering and everything together to even submit to the city. She noted that they all have houses that are sold already and they are going to incur thousands of dollars more cost that they did not anticipate and she can not react and adjust their prices accordingly because it would go back to the buyer so she would respectfully request some kind of delay in the effectiveness of it, pass it tonight and make the effective date 60 to 90 days from now would be ideal. This is something that she would ask for all of the builders that that have sold houses that have not been permitted yet. One thing that Carolyn touched on as well is the overlap of TECQ, where the City came and asked them to remove the rocks and stones that were at the dead ends in the streets that did not continue on in Sable Creek. TCEQ mandated that they have them there and they went back and forth for quite some time until they asked the City to send it to them in writing that they want them to remove the stones and finally the City said they could leave them. OK fine because TCEQ said we had to have them. So, there is overlap and conflicting information, so, what do you do, we are going to follow TCEQ rules first, so that is something to take into consideration. The other item she had was on Item 10, I believe it is, on the inspections and fees. The building permit and inspection fees were defined in Texas as a user fee. The user fees are levied by the City for the right to user services and they must be in relationship to cost to provide those services. So, in this case the services are building inspections, permitting and the time to perform inspections and the administrative cost that goes along with that. So, the proposed fees in your ordinance are not based on the cost of the services they are based on a valuation that is given in the ICC chart and she provided the City Council a copy of the ICC chart. These costs are based on a national average and it even tells you in one, two, three, four different places it is not supposed to be

used as a guide for cities or jurisdictions. She stated she wanted to make sure that everyone has the information and passed out more information to Council. She pointed to the first paragraph that she has outlined, that it says that the ICC strongly recommends that all jurisdictions evaluate it and assess it on their own internally. Then, you go down to the second marking, it says this data table is not intended to be used as an estimating guide because it reflects average costs. If you go further down, it says again, it should be noted that these are average costs based on construction methods that are typical and the costs include the foundation all the way to roof, it does not take into account any regional costs, and it should be adjusted accordingly. If you go to the second page it is going to tell you that the table here that they are using in the ordinance or proposed using, which they currently are, this is a square foot of construction cost not including the price of the land it is strictly from the foundation to the roof is what this is supposed to provide and it supposed to be adjusted accordingly for each region. Well, unfortunately the permit valuations the builders turn in their permit app, and we put on there from sticks to bricks from slab to roof, what that cost is on the permit and then the City comes back and gives them the valuation based on that chart. Well the chart actually shows that based on here (referencing charts she provided to City Council) here is four houses that they have done recently and some are older, where the City has valued over \$100,000 higher than her sticks and bricks and in some, in a lot of the cases, if you go back and look at all of them, higher than what they sold the house for. So, they are giving a valuation to the property that is more than what they sell the house for here in Sanger. One great example, in Phase 3, \$400,000.00 for a house in Sable Creek Phase 3. She wished she could sell them for that. So if you go back to what a user fee is, here is a great example if you think of safety inspections and you think about cars, does the body shop charge more for a Cadillac than they do a Chevy Impala, no because it is a user fee, it is based on the service they are providing. So she has two houses the exact same square footage and have two completely different price points because and which is not supposed to be included as different they have two different finish outs vinyl, linoleum, with a marble tub and have hardwood floors and a jacuzzi and by this table they would be valued the same. So, her point is that the evaluation and the expensive houses has nothing to do with the fee from Texas Law. It is supposed to be based on the user fee, the service cost to provide the service to the builder. Mayor Muir asked how she saw most other cities determine their valuation. She said most of the cities do have a formula but it is based on the cost of the department. If their department cost a million dollars to run their permit fees and everything, they are projecting is a million dollars, there is not an over-allowance, there is not a revenue generator so to speak. Mayor Muir requested staff to comment on that in a minute. Even the TML of Texas Cities calls out specifically building inspections, permitting, for the cost of that as a user fee, so that is her biggest issue is that the valuation that is being given is more than they sell the houses for and that is just not fair and it gets passed off to the consumer as well and the prices of the houses get higher and you assume that with the fees will be priced to high out of the market for affordable housing. So anyway, that is her main concern there. The only other concern that she has on two other items, there was nothing in there as far as credit back to the builder when an inspection is not performed when they pay for same day or next day inspection, they get bumped or the inspector calls in sick or there is not a credit given back to them, so they would like to have something in the ordinance or some policy

that they have regarding that. And then, the definition of construction start before the permit is issued. It doesn't really define what that construction is, for example they will go out and grade a lot and get it ready and bench it and put form boards up and get a form board survey done right before they pull a permit because she thinks her lender requires that before they fund it. So that is one of things that she has a concern with as well. Let her know what the City defines as construction start.

Director of Development Services, Ramie Hammonds was recognized. She started with the question of construction fees first. She stated we do not charge any pre-fees if they grade the lot or do form board surveys, we don't, haven't, and aren't going to start. The only change in that fee schedule is an after-hours fee, other than that, nothing else, we are not adding anything else new or taking anything away. We are simply changing the after-hours fee from \$50.00 per hour to \$100.00 per hour and adding a clause in there that states if we use a third-party inspector that it will be actual cost-plus five percent (5%) administrative fee. That is the only fee we are changing. To speak a little on the fees themselves staff did a thirteen-city fee study and of that thirteen-city fee study Sanger's permitting fees are the absolute lowest of anybody. She stated that she can assure that the City is not making money in the department. If we were to do an independent fee study the price of the permits would go up. We don't want to do that because we don't want our builders to pay a higher fee but if that ends up being required, that she could assure that the fees will go up because we are not recovering our cost as a building department. Mayor Muir noted that City staff has went through a pretty exhaustive look at this because of some questions about it and it was very enlightening. He noted that this is why he turned to Ms. Hammonds in the middle of this discussion, because we spent a lot of time looking at the numbers and looking at everybody else's process and tabulating that in a spreadsheet and we are the lowest there and our process is very in-line with those around us. Mayor Pro Tem Bilyeu noted that there are two different methods in calculating the fees and asked if we are using the same method as the other 13 cities. Ms. Hammonds noted that every city kind of has their own method, there are several cities using the exact same method that we are, but there are cities that are using different methods. There are cities that have just pulled a number out of a hat (for lack of a better word). Mayor Pro Tem Bilyeu asked, if we are the least expensive that is regardless of what method is being used. Ms. Hammonds stated we are the least expensive. We pulled everyone's methodology and tabulated the fee based on the same square foot house same everything and we are still the lowest fee. Councilman Bilyeu asked if these were thirteen surrounding cities. Ms. Hammonds noted some of the cities, Prosper, Krum, Pilot Point, Denton, Celina, Argyle. Carolyn Cashion of Ultra Homes stated that she did not know how they come about it but they build in a lot of those cities and have never had valuations for more than they can sell the house for. Mayor Muir noted the discussion was regarding the fee, when the fee is calculated, not the valuation, but the fee, when it is calculated is very in alignment with what is calculated. Where does that put the homeowner if we are pricing the house and they sell it does that permit, what does that do to their taxes because we can not get it appraised for what it is being valued for. Ms. Hammonds noted that the Appraisal District does not use the City's valuation, they have their own methodology and it had no bearing other than calculating the fee. Mayor Muir noted that in the end, the City of Sanger

is at the bottom of the scale when it comes to the building permit fees. Lisa Dritschler, McClintock Homes noted that staff made the comment earlier that the revenue that the City is generating from permits did not equal or was less than the cost to run the department. Mayor Muir stated yes, it was pretty clear, we had staff look into it because of the question that was asked. He stated he felt pretty confident that we can stand by those numbers based on the information that staff has provided. Ms. Hammonds addressed some of the other questions, regarding credit for cancelled inspections. Staff does not guarantee next day inspections and tries really hard to get those and that is a service that we have been pretty successful at doing. The City does have some builders that wait until Friday and call in 8 to 10 inspections and staff only works half a day on Friday and there are times where some of those inspections get rolled to Monday. Mayor Pro Tem Bilyeu asked if the builder is requesting and pays for a next day inspection do, we have that policy. Ms. Hammonds stated that you can pay for a same day inspection if there is an availability and, in that case, we do the same day inspection. Mayor Pro Tem Bilyeu asked if it is not done do, they get the payment credited back to them. Ms. Hammonds stated that we have never had that situation where it was paid the same day and the inspection was not done. Councilman Chick asked but what if the inspector could not get there. Ms. Hammonds noted that if staff could not get to the inspection then we would not charge for an inspection we could not perform. Ms. Cashion asked if it is going to be possible, because she knows the City closed early on Friday, but they have homeowners that are trying to close on Friday, is it going to be possible to outsource to get inspections on Friday and on weekends, Friday is a huge closing day. They have had an inspector give a red tag for dirt on the street which is not a priority and it just rained. And it stopped somebody from moving in over the weekend. So the City has been gracious with them and worked with them but it is very frustrating when people trying to move in and closing are set, they may even go ahead and close but the City is closed after lunch so they have no way and don't even know the results of the permit sometimes until later so they can go and do whatever is necessary. It doesn't happen often but when it does, they are at the screaming end of homeowners that can't move in. They even had one realtor that closed on the property and informed them that it didn't matter what the City did and the people moved in and they couldn't stop them. This puts them in a bind on Fridays, but it seems to be a primary closing day. Ms. Hammonds advised, to speak to this issue that the builders have Monday through Thursday 7:30 to 5:30 and they will not have builders call in a single inspection and then we get to Friday and have six or more called I that day. She knows they are working Monday through Thursday and they try to make them aware and remind them that Friday is a half-day to try to front-load your inspections to Monday, Tuesday, Wednesday or Thursday. Staff knows that there are times that Friday is the last day it comes down to and they have to have that inspection on Friday. She noted that she could safely say that in the past year that they have rolled Friday inspections maybe six times. Most of the time our inspector does his best to get out and get those done, but it is frustrating on staff's part when the week goes along and you have for inspections and six inspection and on Friday you have twenty-one. There is just no balance there. Mayor Muir noted that we are working and trying to find an outsource option to be developer friendly to facilitate that. Ms. Hammonds noted that on the commercial side, finding an outsource option for developers is being looked into. However, for building inspection side we have a source.

Ms. Cashion noted that they have had an unusual six months and have been at the absolute mercy of the weather to be able to get landscaping, fences, which is the last things that can be put in and it has been horrible. Ms. Hammonds noted that they have worked with some of the builders on these types of issues. If you can't get the sod in and or there is a patch of concrete that can't be repaired because of the weather. The goal is that when the City does a final it is final. But we have worked with the builders on some of the issues and to tag onto that, sometimes it is very difficult and they try not to do it on anything interior because once the homeowner moves in it is very difficult to get back in and get an inspector back in there to final the inspection. If it is something on the exterior and the inspector can see from the outside they are more lenient to work with that. Councilman Boutwell noted that he was confused because he thought that they have to have an approved certificate of occupancy before they could move into the residence, that he understood that you do not get that certificate of occupancy until you pass the final inspection. He did not see why builders would be coming back to us saying that is a problem if they are going to final a house, they need to tell closing this is the proposed date and not put it in concrete, that there are so many things that are dependent on it. He certainly would not sell a house and tell the homeowner that they can move in Saturday because the final inspection is on Friday. Ms. Hammonds noted that they do have some builders that let the homeowners move in before the final inspection is completed.

There was no further questions or discussion. Mayor Muir summarized that this began with Item No. 7. He noted that City Engineer Tracy LaPiene presented the item and stated that he was reviewing the subdivision regulations for further amendments in the future. He felt these pavement requirements were urgent enough that we need to bring them forward sooner than later so our streets are serviceable for a longer period of time.

Councilman Boutwell noted that Mr. LaPiene gave a good explanation on the situation and why this is needed.

Councilman Boutwell made a motion to approve Ordinance #04-09-19 approving amendments to Chapter 10 Subdivision Regulations Exhibit A Subdivision Ordinance Section 6.02b Pavement Thickness Requirements; providing for a severability clause, penalty of fine, and an effective date. The motion was seconded by Mayor Pro Tem Bilyeu. The motion carried unanimously with 4-0 vote (Councilman Allison absent).

- 8. Consider, Discuss and Possibly Act on Ordinance #04-10-19 Amending Chapter 3 of the Code of Ordinances, Article 3.100 "Building Inspection Department Established", Article 3.200 "Building Code", Article 3.300 "Plumbing Code", Article 3.400 "Mechanical Code", Article 3.500 "Electrical Code, Article 3.600 "International Residential Code" Article 3.2500 "Energy Conservation Code", Article 3.2600 "Fuel Gas Code", Article 3.2700 "International Existing Building Code", Article 3.2400 "Model Home Standards", and Adopting Article 32900 "Swimming Pool Spa Code", Article 3.3000 "Model Home Guidelines".**

Mayor Muir noted that this item was one of the items which was discussed previously and asked if staff had other additional comments. Director of Development Services Ramie Hammonds stated that she had no further comments and just want to bring the City up to code to continue moving forward. Mayor Muir asked if we were to do the addition of the prescriptive item would it be done in this motion. Ms. Hammonds stated yes it could be included in the motion. She explained that the energy code is very restrictive and it is for the entire country and not really per zone or per region so it requires like five air changes per minute and this reduces it to three and it give them some trade-offs so if they do better in one place they can do less somewhere else and it all comes out in their energy report. They have to pass their energy report. We are doing it now and are not changing anything. This came out with the 2018 Code and will fit in with the 2015 Code and there is no issue with doing that. Ms. Hammonds noted she would be glad to bring it back. Mayor Pro Tem Bilyeu noted there were some items that were not covered or discussed. Ms. Hammonds noted that the items that were addressed were our local codes, the rest of the items were changes which the region is doing and have been reviewed by the (NCTCOG) which is our region. She explained that the changing of the codes is a three-year process. They have already started on the 2021 codes. Once the codes come out, the regional committees like our North Central Texas Council of Governments (NTCOG) regional committee meets with the regions and review and hash out the new codes, and as an example, goes through and says this is what is done in our regional area, this doesn't apply so we amend this regionally, this is stated just a clarification (which a lot of them are there to clarify another part of the code) some of them are for added safety. It takes a good 18 months to develop some of these. The region does it and they pass it out to the City and the City may modify the standards and those are the few changes that were discussed. Mayor Pro Tem Bilyeu voiced his concern regarding the how some of the changes come about and if they create a burden, such as we are not California and we don't require sprinkler systems in every home. Ms. Hammonds noted that, that was part of the 2015 code and regionally it was amended out of the code because it is cost prohibitive to the builder. There was additional discussion as to what we have now and what the changes are. Through prompting from Mayor Pro Tem Bilyeu Ms. Hammonds briefly went through the ordinance and summarized some of the larger more significant changes. There was brief discussion regarding the International Plumbing Code and the sample well requirement and to include the suggestion that Councilman Boutwell mentioned in the work session, that a sample well be provided immediately adjacent to the exit of the interceptor on all grease interceptors or separators. She also noted that they added model home guidelines which has been recently requested by a developer. There was brief discussion on the Swimming Pool and spa portion of the code. She also noted for the residential, if there are permits that have already been issued, they will fall under the 2012 code. Any new permits issued after May 1<sup>st</sup> 2019 will be required to follow the 2015 code.

A motion was made by Councilman Boutwell to approve Ordinance #04-10-19 with the clarification on the 2015 International Plumbing Code 3.302 Sec. 1003.3.8 Sample Well. A twelve-inch (12") sample well shall be provided immediately adjacent to the exit of the interceptor on all grease interceptors or separators. Staff noted that there was one clarification that Article 3.2400 "Model Home Standards is a duplicate that it needs to be deleted.

Councilman Boutwell amended his motion to approve Ordinance #04-10-19 with the with the deletion of Article 3.2400 “Model Home Standards”; and, with the clarification on the 2015 International Plumbing Code 3.302 Sec. 1003.3.8 Sample Well, to read, “A twelve-inch (12”) sample well shall be provided immediately adjacent to the exit of the interceptor on all grease interceptors or separators.” Amending Chapter 3 of the Code of Ordinances, Article 3.100 “Building Inspection Department Established”, Article 3.200 “Building Code”, Article 3.300 “Plumbing Code”, Article 3.400 “Mechanical Code”, Article 3.500 “Electrical Code, Article 3.600 “International Residential Code” Article 3.2500 “Energy Conservation Code”, Article 3.2600 “Fuel Gas Code”, Article 3.2700 “International Existing Building Code”, and Adopting Article 3.2900 “Swimming Pool Spa Code”, Article 3.3000 “Model Home Guidelines”. The motion was seconded by Mayor Pro Tem Bilyeu. The motion carried unanimously with a 4-0 vote (Councilman Allison absent).

**9. Consider, Discuss and Possibly Act on Ordinance #04-11-19 – Amending Chapter 5 of the Code of Ordinances, Article 5.200 “International Fire Code”.**

Director of Development Services Ramie Hammonds noted that these changes are the ones they have talked about tonight and the only addition or change was the 50-foot hose length.

A motion was made by Mayor Pro Tem Bilyeu approve Ordinance #04-11-19 – Amending Chapter 5 of the Code of Ordinances, Article 5.200 “International Fire Code”. The motion was seconded by Councilman Boutwell. The motion carried unanimously with a 4-0 vote (Councilman Allison absent).

**10. Consider, Discuss and Possibly Act on Ordinance #04-12-19 – Appendix A “Fee Schedule” of the Code of Ordinances, Article 2.000 “Building and Construction Fees”.**

Director of Development Services Ramie Hammond summarized. She stated that the only thing they are looking to change is the afterhours fee. This change is to cover the afterhours fee and to cover the cost if a third party, if used for inspections which would be actual cost-plus five percent administrative fee. Mayor Pro Tem asked if it was our intent to schedule the third-party inspections if Friday really is a problem, is this option going to be available. Ms. Hammonds noted that this is more for the developers that are trying to pour concrete on the weekends. Mr. LaPiene noted that right now we do not have any contracts with third party vendors for inspection services but that is something that we are working towards. If there are no requests, then there will be no costs incurred for the service. There was discussion regarding the residential inspections and would this be an option. Ms. Hammonds noted that if there is an inspector available, they try to meet the inspections on Friday. She noted that the third-party vendor for building requires a 24-hour notice. If they do not have a 24-hour notice they will not perform an inspection. So, we cannot just call them up on Friday when we receive the inspecitons for them to come and do inspections. She noted if the Building Inspector is going to be out for a few days they want to have a few days heads up so they have proper staff to do that. Councilman Bilyeu asked how we let people know. It was noted that staff contacts the third-party vendor, not the builder. Councilman Boutwell noted that he did

not see how the third-party vendor would help the builders in the instances they referenced because they are calling in the inspections on the day they need them, Friday and there would be no way to use them since they require a 24-hour notice. Ms. Hammonds noted that for the most part builders on the residential side do not normally get weekend inspections. Our inspector has done over 30 inspections and that is not a recommended number and 20 should be max. City Engineer, Tracy LaPiene noted on the Engineering side with the development inspections the reason they are looking at that is mainly for concrete. Councilman Chick asked if we have seen a trend where our Building Inspector has been over zealous or nit-picking and is there any way to check that and keep it in balance. Ms. Hammonds stated she did not think so, that we do track those type of things and you can definitely see it, and will hear about it, when it is happening. She summarized the foundation inspection which was brought up tonight and we do require a third part inspection as well as our inspection. Part of the inspection that we do also is part of the wall bracing. She noted that she cannot tell you the number of times that an inspector has gone out and found out that there are no hold downs in the concrete that would brace the walls which is required. Again, one of the questions on the ISO report was about foundations. She believes that the City's Building Inspector does a good job, he is very knowledgeable and pretty consistent across the board. Councilman Chick noted that he just did not want to hear the mantra of "they can't get anything done" like some of the other cities in the area. Ms. Hammonds noted that the time frames for our process is pretty good, especially on commercial jobs. There was discussion regarding some cities that take a lot longer that we do to get projects through the process. We are ahead of that, still trying to give good customer service, and shorter processing times. Mayor Muir noted that it is a balancing act because we have to meet standards. Ms. Hammonds noted that when our inspector goes out if it is built per the plan, he walks away but if it is not built per the plan that is when it fails. Councilman Chick noted that one of the builders comments tonight was that the inspector was signing off on foundations. Ms. Hammonds noted that the City Building Inspector signs off on his part, the engineer still has to sign off on his part, our inspector walks the foundation and checks the hold downs and makes sure they are where they are supposed to be to make sure that everything is where it should be because the Foundation Inspector may have been there three days prior and it is possible that rebar may have been moved or things could have been changed. They had an inspection the other day where the whole beam was off. So, it is just a matter of a second set of eyes. Councilman Chick asked if that is making us liable for the foundation, like what was mentioned earlier. Ms. Hammonds noted that it is just a second set of eyes that the engineer still signs off on the foundation. Councilman Chick noted that we are trying to walk both sides and to be accommodating, and yet, we need it done right and, as far as we can trust each other and work together to get these things done is beneficial to all.

A motion was made by Mayor Pro Tem Bilyeu to approve Ordinance #04-12-19 – Appendix A "Fee Schedule" of the Code of Ordinances, Article 2.000 "Building and Construction Fees". The motion was seconded by Councilman Boutwell. The motion carried with a 4-0 vote (Councilman Allison absent).

**11. Consider, Discuss and Act on Authorizing the City Manager to Execute a Supplement to**

**Engagement Letter with Lloyd Gosselink Rochelle & Townsend P.C. to Provide Additional Assistance with Respect to Wastewater Treatment Plant Matters (Discharge Permitting/Regulatory Compliance).**

City Manager Alina Ciocan summarized. We engaged Lloyd Gosselink a while back to assist us with some matters regarding the wastewater treatment plant and some matters regarding TCEQ. We are trying to broaden the scope on the permitting side, as well as, regulatory compliance. Everything stays the same as far as billing. It was noted that the time lines are lining up and the fact that they have experience with permitting is a plus. Councilman Chick noted that this is great, that they have the experience, and they know what they are doing.

A motion as made by Councilman Chick to authorizing the City Manager to execute a supplement to engagement letter with Lloyd Gosselink Rochelle & Townsend P.C. to provide additional assistance with respect to Wastewater Treatment Plant matters (Discharge Permitting/Regulatory Compliance). The motion was seconded by Councilman Boutwell. Councilman Boutwell commented that he feels this shows wisdom going this route and elaborated on all of the bodies that need to come together and to have someone in charge that knows what they are doing is a good way to go. The motion carried unanimously with a 4-0 vote. The motion carried unanimously with a 4-0 vote (Councilman Allison absent).

**12. INFORMATION ITEMS:**

**a) Disbursements for April 2019.**

There was minor discussion regarding various items on the disbursements list for April 2019. It was noted that the Well #8 Emergency Repair will be on the next City Council agenda as an item ratifying an emergency repair. Initial expense was expected to be below \$50,000, and after they got into the emergency repair it came to \$52,716.25. There also was discussion regarding the amount for Felix Construction and the status of the Wastewater Treatment Plant construction. City Manager Alina Ciocan noted that we could bring this update forward to a future Council meeting.

**b) Acknowledgement of Cause No. 19-0235-362 Ruble vs. City of Sanger.**

Mayor Muir advised that this item is information only, not for discussion. Human Resources Coordinator, Jeriana Staton was recognized. She advised the Mayor and City Council that this is an information item only and she would not be able to comment or answer any questions on it. This is to inform the Mayor and City Council of the filing of a lawsuit by Trixie Ruble against the City of Sanger. This comes out of a minor automobile accident from last August involving a fire fighter backing a rescue truck into a parked car where the Plaintiff was sitting in the parked car. We do not have any details beyond what is in the petition currently. We have no specifics about the Plaintiff's claim of injury or claims of any medical expenses incurred as a result of the accident. The City is being

represented by Lisa Hull with Harrison Hull and Munn contracted by Texas Municipal League. Ms. Hull will have more information for Mayor and Council as the lawsuit can be addressed in a future Executive Session.

- 13. FUTURE AGENDA ITEMS:** *(The purpose of this item is to allow the Mayor and members of Council to bring forward items they wish to discuss at a future meeting, A Council Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting. Items may be placed on a future meeting agenda with a consensus of the Council or at the call of the Mayor).*

Staff noted there will be a Joint Workshop with 4A and 4B and the City Council in the next few months.

Also suggested was bringing forward Code Enforcement issues, and training for the Planning and Zoning Commission.

- 14. ADJOURN.**

There being no further discussion, Mayor Muir adjourned the meeting at 8:37 p.m.