



MINUTES

COUNCIL MEETING

Tuesday, December 21, 2021

7:00PM at City Hall

1. Call to Order and Declaration of Quorum

Time: **7:15pm**

Present: Mayor Ponce, Pro-Tem Kerrie Longoria, Mike Laye, Gwen Garlington,

Not Present: Karl Fisher

2. Invocation

3. Pledge of Allegiance to the United States of America

4. Public comment

*Citizens are invited to address the City Council with public comments. Comments regarding items for which notice has not been given will be limited to three minutes, prior to discussion of agenda items, and Council responses shall be in accordance with Sec. 551.042 of the Texas Government Code. Comments regarding an item on the agenda may be given before or during discussion of that item. An intentional act intended to disrupt a Government meeting is prohibited. **No Citizens to speak.***

5. Approval of previous meeting's minutes, or notes.

- a. December 7, 2021 MINUTES - Kerrie Longoria motions to approve, Mike Laye 2nds, all in favor aye, motion carries.

6. Reports:

- a. City Secretary Report - Pothole Repairs at South St. & Eve St. Eve & 6 small patch.
- b. City Clerk Report - No
- c. Financial Report - Provided
- d. Mayor Pro Tem report - No
- e. Mayor's Report/Status - Requested TxDOT to redo FM 6 / Eve St.

7. Business Session:

- a. **Discuss**/Take Action: 202 FM 6 - Cleveland Project, inspection report from SafeBuilt.

Re: Inspection 202 FM 6

Dear Mayor Ponce,

I was directed by the city to perform an inspection of 202 FM 6. This old building built in the 1930's had work done without the required building permits. A commercial kitchen was built and a storage container was installed along the exterior of the building. The commercial kitchen has hand washing stations, three compartment sinks, coolers, commercial oven, and fryers. A type 1 kitchen hood has been installed above the grease producing oven and fryer. The hood has a fire suppression Ansul system. The shipping container has a pizza oven installed along the rear wall. I noted that the pizza oven does not appear to be part of a UL listed assembly. The building does not appear to have a grease interceptor. All sinks and floor drains from the kitchen and food prep areas are required to drain into a grease interceptor. I also noted while walking thru the building in areas where the ceiling tiles were removed open wire splices and electrical junction boxes in the above ceiling area. The tankless water heater needs an electrical outlet installed near the unit for power supply. Currently an extension cord is being used to supply power to the tankless water heater. The thresholds from the gym area into the kitchen and prep rooms is a hazard and needs to be addressed to meet the code required rise and run for steps. The restrooms do not meet accessible code requirements. The owner would like to have a restaurant where people order at the window and eat outdoors at tables. He mentioned that there would be no indoor dining. He would like to have a horseshoe throwing area and some other gaming stations. The concrete covered walkways noted some spalling of the concrete and exposed rebar. These areas would need to be addressed to prevent loose concrete from falling on patrons. Any additional covered areas for dining the cover system would need to be permitted and inspected. The framework and roofing material would need to be designed to withstand 115 mph winds.

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Summary:

The city issued a stop work order on 10-16-2020 and the building has been occupied without authorization or a certificate of occupancy since then. All this work was done without the required building permit and inspections. The commercial kitchen sinks and equipment appear to be in general compliance with the city adopted building code. The walls are covered with RFP and the sinks drain by indirect waste to floor sinks with strainers. The type I hood system along with the Ansul system would need further inspection to ensure the duct is wrapped in the required 2-hour fire wrap and the Ansul system would need to be inspected and tested by a State licensed fire inspector. The natural gas system for the gas fired kitchen appliances would need to pass an air test of 15 psi for 30 minutes to ensure the integrity of the piping system. I noted that the egress corridors are equipped with emergency lighting hardwired with 90-minute battery backup. The ones I tested did not illuminate and this would need to be addressed.

The tankless water heater needs a dedicated outlet so that extension cords are not used for power for the unit. A grease trap would need to be installed to receive all the waste from the kitchen sink drain

and floor drains. The pizza oven would need further evaluation to ensure the oven is listed and was installed per the manufacturer specifications. The spalling loose concrete from the covered walkways would need to be repaired to prevent injury. Panic hardware would need to be installed on all egress doors. A site plan showing all exterior covered dining areas and game stations would also need to be submitted for review. The improvements appear to be in general compliance with the city adopted building codes.

The two-story building is around 8,000 sf and per City Ordinance 903.2.11.9 shall be equipped with an automatic sprinkler system. City ordinance requires buildings 6,000sf or greater be equipped with the automatic sprinkler system. The city has the authority to waive this requirement if they so desire.

Conclusion:

The city has the authority to waive the automatic fire sprinkler requirement. The owner did state that there would be no indoor dining and that would greatly limit the risk to any patrons of the business but would be difficult to enforce. The parking is also an issue the parking lot is flex base gravel and does not have enough space to accommodate the required parking based off business type and occupant load. Designated handicapped parking would also be required. The Certificate of Occupancy could have the stipulation that there is no indoor dining allowed.

- Installation of grease interceptor 2012 IPC 1003.3.1 Grease Interceptors shall be installed to receive the grease laden waste from commercial kitchens food preparation rooms.*
- Full inspection of hood and Ansul System Type I Hood shall comply with 2012 IMC section 507.2.1 for commercial kitchen hoods. All grease producing gas fire appliance shall be located directly under the hood system. The hood should have an exhaust fan that automatically activates when the cooking appliances are in use. The Ansul system should comply with NFPA70 requirements. The Hood system would require a light test to ensure integrity of the welds and a two- hour fire wrap should be installed.*
- Natural gas system air test 2012 IPC test system with minimum 3 psi for a duration of 30 minutes.*
- Address open wire splices and inspect junction boxes in ceiling Electrical must meet the requirements of the 2011 NEC.*
- Outlet for tankless water heater an outlet must be installed within 3' of the tankless water heater so the unit can be plugged into a wall electrical outlet. Extension cords are not allowed.*
- Full inspection of pizza oven pizza oven installation instruction manual would need to be provided to ensure the oven is installed per the manufacturer specifications.*
- Address concrete covered walkways so patrons are not hit by falling concrete.*
- ADA compliant restrooms Restroom's must meet the accessibility standards established in the 2021 IBC section 1107.6.1.1*

· Address threshold from gym area into kitchen and prep rooms. The thresholds could be formed up and sloped so they would not be a trip hazard. Until these items are addressed, this building should not be occupied, and the kitchen should not be utilized. Once these items are addressed, the City could consider issuing a certificate of occupancy (CO) with stipulations:

- * NO indoor dining. ONLY outdoor dining.
- * Remainder of building (excluding kitchen) is not to be occupied until approved by the city. This would require submitting plans for the city to review and approve, requesting necessary permits, and inspections as required by SAFEbuilt during construction. A site plan showing the layout of the outdoor dining area. Plans would need to be submitted for the canopy that would be installed over the dining area.

SAFEbuilt will be available to meet with the city and the applicant to establish a timeline for the correction of these deficiencies. I believe we could help resolve the issues and get the project moving in the right direction.

Sincerely,
Lee Swain
Combination Inspector
SAFEbuilt

No action taken



b. Discuss: Upcoming May Election 2022.

Survey of upcoming election with Place/Term was filled out and sent to Collin County.

- * Mayor: 2-year full term
- * Place 1: 2-year full term
- * Place 2: 2-year full term
- * Place 5: If not filled before election, remaining 1-year term

c. **Discuss**/Take Action: Council Place 5, replacement procedure/process. **Go over candidates' application to appointment. A vote during the Executive session will be required.**

d. **Discuss**/Take Action: Lexington Heights street sign standards.

No action taken. Attorney Jim Shepherd will create an ordinance for new street signs. Chris Donnan is to provide Lexington with street sign regulations.

e. Discuss/**Take Action**: TxDOT FM 6 realignment update.

Mike Laye motions to accept first option E, or leave on FM 6, Kerrie Longoria 2nds, all in favor aye, motion carries.

9. Future Agenda Items

Future agenda items shall be designated by the Mayor. In addition, a motion and a second from any two Councilpersons shall be sufficient to add an agenda item for a future meeting. Staff and counsel shall have prior consent of the Mayor to add an agenda item for a future meeting.

Jim Shepherd will speak to the committee on January 4, 2022 meeting.

December 21, 2021 Minutes will go on January 18, 2022 Meeting.

Place 5 on January 18, 2022 meeting.

Impact, P&Z Committee appointment on January 18, 2022 meeting.

10. Executive Session - Time: **NO EXECUTIVE SESSION**

Pursuant to the provisions of Chapter 551, Texas Government Code, Vernon's Texas Codes Annotated, the Town Council may hold a closed meeting. Government code 551.071- Confidential legal advice regarding any of the agenda items on the open session agenda, and as follows City legal requirements on Code Enforcement cases for new and remodeled properties, legal obligations, and liability for enforcement of local, state, and international codes. Includes the property at 202 FM 6 Nevada TX. 75173

11. Regular Session: Reconvene from Executive Session - Time: _____

12. If required, act on items reviewed in Executive Session.

13. Adjournment / Closing - Time: **8:58pm**



Mayor Ponce



City Secretary Judy Hill