



# AGENDA MEMO

## Business of the City Council

### City of Sweeny, Texas

<b>Meeting Date</b>	08.27.2024	<b>Agenda Items</b>	
<b>Approved by City Manager</b>	Yes	<b>Presenter(s)</b>	Lindsay Koskiniemi, City Manager Leigh Ann Thornton Kacey Roman, Building Official, Plumbing Inspector, Devin Lemon, Fire Marshall
<b>Reviewed by City Attorney</b>	No	<b>Department</b>	Animal Services, Development Services
<b>Subject</b>	Discussion and possible action on a request from donor for a variance to all building codes for the construction of a new, city-owned animal services building.		
<b>Council Strategic Goals</b>	This request does not meet the 5 pillars of Council adopted strategic plan.		
<b>Attachments / Supporting documents</b>			
<b>Financial Information</b>	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

### Executive Summary

In February 2024, Ms. Leigh Ann Thornton hosted a fund raiser for the construction of a new animal shelter facility and raised an astonishing \$50,000 which was later donated to the City with an executed agreement that the funds would only be used for that purpose.

The designated site for the construction of the proposed facility on city-owned property where a dilapidated shed currently stands at the intersection of Peach Street and 2<sup>nd</sup> St. is on a concrete foundation, was approved for use by the animal shelter, and meets TCEQ set-back requirements. This site was found to be the most advantageous to begin an animal shelter construction project, because the lot is owned by the City, and there is a concrete slab in place with room to expand.

The problem is there is not enough money to have a shovel-ready project – no engineered plans, no plans to review, and no basis to start the project. Newly constructed city facilities are required to meet all applicable Codes – Americans with Disabilities Act, International Building Code, International Fire Code, National Electrical Code, etc., and plans are required to be windstorm engineered for the City to carry property insurance on the building.

Furthermore, the City participates in the National Flood Insurance Program, therefore any additions of impervious surface require the review and approval of the City Engineer and from the West Brazoria County Drainage District #11. Often when additional impervious surface is laid, which would be the case with this proposed plan to accommodate additional parking and



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indoor/outdoor dog runs, drainage remediation and/or detention is required. Newly constructed vertical builds are reviewed by the City's architect.

To have a shovel-ready project, engineered plans would need to be done, and while that is costly, it is also the only way to know that everything meets code. Engineered plans for the building would very likely consume the entire donation, leaving no funds for the construction, however, these are the requirements to ensure safe construction.

Granting several variances from all Code imposes a liability on the City, and if the City requires others to follow Codes, then the City needs to follow its own Codes and the other Codes required by other entities for municipal facilities.

Staff does not recommend allowing these variances, as it sets a precedent to the public. Alternatively, staff has suggested to Ms. Thornton and the Animal Shelter Advocacy group to request City Council to amend the adopted CIP plan to include the animal shelter so that a funding strategy can be developed, and it can done be the right way, despite the fact this is not the quickest way to getting a new building.

Staff has invited Ms. Kacey Roman, former Building Official of City of Freeport to discuss the importance of building codes with City Council as well as the City's Fire Marshal, Mr. Devin Lemon.

#### **Recommended Action**

Staff does not recommend granting variances to International Building Code, City Code, Americans with Disabilities Act, International Fire Code, National Electrical Code, windstorm, or any other applicable Codes enforceable by the City, or bypassing the engineering, drainage, and architectural review processes required by the City's Code.

Rather, staff's recommendation is to discuss the possibility of amending the CIP plan to include the animal shelter construction project.