

**CITY OF INGLESIDE
MINUTES
REGULAR CITY COUNCIL MEETING
JULY 26, 2016**

1. Call meeting to order

The meeting was called to order at 6:30 p.m. with Mayor Luis Lamas presiding. Council Members present: Mayor Luis Lamas and Council Members Ben Tucker, Bill Underbrink, Oscar Adame, Dennis Knippa, Steve Diehl and John Schack. Staff present: Finance Director Paul Baen and City Secretary Kimberly Sampson. There were approximately 20 guests.

2. Invocation

3. Pledge of Allegiance

4. Presentations from the Audience

Parks and Recreation Coordinator, Mariana Garcia invited the Council and Public to attend the National Night Out event scheduled for Tuesday, August 2, 2016 at N.O. Simmons Park and provided handouts to everyone.

5. Consideration and action of the Minutes of the City Council Meetings of July 12, 2016 and the resubmittal of the June 28, 2016 Minutes due to a typographical error with the last agenda.

City Secretary Kimberly Sampson explained that due to a typographical error on the last agenda, we are repeating the approval of the June 28, 2016 minutes.

Council Member Diehl made a motion to approve the minutes of the City Council Meetings of July 12, and June 28, 2016; and was seconded by Council Member Adame. The motion was approved unanimously.

6. Public Hearings regarding Unsafe Structures to make a determination if the structures listed below meet the minimum standards of adopted codes or shall be demolished and removed from the property:

- A) **Owner: Diana Angela Perez and Raymond Lee Harrison, III
Lots 14 – 18, Block 10, Houghton Subdivision
Otherwise known as 2775 El Paso**
- B) **Owner: Hamilton San Pat Properties LLC
Abst 185 Wm McDonough/Blk Prt 12 and 13 (163x300) Blaschke Subdivision
Otherwise known as the storage building behind 2693 Hwy 361**

A permit for Item B was pulled by the owner today, July 26, 2016 and was therefore removed from the agenda.

Mayor Lamas opened the Public Hearing at 6:35 p.m.

Speaking in against the demolition was Mr. Raymond Harrison, II. He explained this house is in his ex-wife and son's name. He is speaking on behalf of his minor son who has a sentimental attachment to the home is wants to repair the home for his future use. He is trying to get a loan and is working with a contractor.

Mayor Lamas closed the Public Hearing at 6:39 p.m.

7. Consideration and action to make a determination if the following structure meets the minimum standards of adopted codes or shall be demolished and removed from the property - Owner: Diana Angela Perez and Raymond Lee Harrison, III; Lots 14 – 18, Block 10, Houghton Subdivision; or Otherwise known as 2775 El Paso.

Building Official John Davis explained this house has been a concern with the Code Enforcement Department since 2006. The staff spoke with the father (Mr. Harrison, II) in April 2016 at which time he was informed if no permit was pulled the City would be starting this process, and again just a few weeks ago when he was informed that he needed to pull the appropriate permits prior to this agenda.

Mr. Harrison, II stated he is attempting to get a loan to perform the necessary repairs and that he couldn't get the TWIA certification yet as well. Mr. Davis reiterated the required permits would be a Building Permit, a Contractor Permit, and a WPI-1.

Council Member Diehl questioned what would happen if sufficient work is not performed during the six month building permit and Mr. Davis stated the staff would have to start this process over again.

Council Member Diehl made a motion to table this item two weeks allowing the owners to pull the required permits; and was seconded by Council Member Underbrink. The motion was approved unanimously.

This agenda item was removed due to the owner pulling a permit today, July 26, 2016.

8. Consideration and action to make a determination if the following structure meets the minimum standards of adopted codes or shall be demolished and removed from the property - Owner: Hamilton San Pat Properties LLC; Abst 185 Wm McDonough/Blk Prt 12 and 13 (163x300) Blaschke Subdivision; or Otherwise known as the storage building behind 2693 Hwy 361.

9. A Public Hearing regarding an application to rezone Lt 12, Garden Oaks Unit #4 Subdivision from its present zoning of T1-C (Manufactured Homes to R-2 (Two Family Residential).

Mayor Lamas opened the Public Hearing at 6:50 p.m.

Speaking in favor of the rezone was Mr. Alfonso Sanchez who explained he wants to build a 2,000 foot duplex.

There were no speakers against this request.

Mayor Lamas closed the Public Hearing at 6:53 p.m.

10. Consideration and action of an Ordinance changing the zoning for the following property from its present zoning of T1-C (Manufactured Homes) to R-2 (Two Family Residential) and further providing for effective date, reading, severance, and publication. (First Reading)

Council Member Underbrink stated he feels this is spot zoning and the City should add this to a pyramid chart of zoning. Building Official John Davis explained the City did adopt a pyramid zoning in 2014; however, T1-C (Manufactured Homes) was not included in that pyramid. It was noted there are other single and multi-family residents in that neighborhood.

Council Member Adame made a motion to pass to a second reading the Ordinance changing the zoning for the following property from its present zoning of T1-C (Manufactured Homes) to R-2 (Two Family Residential) and further providing for effective date, reading, severance, and publication; and was seconded by Council Member Schack. The motion was approved with Mayor Lamas and Council Members Tucker, Adame, Knippa, Diehl, and Schack voting aye; and Council Member Underbrink voting no.

11. Consideration and action of an Ordinance amending Chapter 18 Buildings and Building Regulations Article II Construction Standards, Ingleside Code of Ordinances, to amend section 18-33 thru 18-34 to add provisions for the finished floor elevation of construction in the City Limits of the City of Ingleside not otherwise provided for by the FEMA Flood Map Study.

Building Official John Davis stated this is in the requirements within the flood area zones; however, staff is recommending this measure be used city wide.

Council Member Diehl made a motion to pass to a second reading the Ordinance amending Chapter 18 Buildings and Building Regulations Article II Construction Standards, Ingleside Code of Ordinances, to amend section 18-33 thru 18-34 to add provisions for the finished floor elevation of construction in the City Limits of the City of Ingleside not otherwise provided for by the FEMA Flood Map Study; and was seconded by Council Member Knippa.

Council Member Underbrink requested clarification within the Ordinance as to where this is to be measured from due to some homes being built on a sloping roadway

Council Member Diehl amended his motion to include the clarification to be measured from the center of the residence; and was seconded by Council Member Knippa. The motion was approved unanimously.

12. Consideration and action of an Ordinance amending Chapter 30 Article III Weeds, Trash, Rubbish, Debris, Green Waste, Stagnant water, Ingleside Code of Ordinances, to amend Section 30-94 Penalty for Violation of Section 30-92 and/or 30-93 to better facilitate the timely abatement of Health and Safety Violations. (First Reading)

Building Official John Davis explained that when utilities have been cut off for non-payment, vacant property, etc. there is an inspection required by the Building Department before the electric, gas, or water can be reconnected. Often times, these are the same residents we have weeds, trash, rubbish, etc. issues with and have been citing them into court or have liens against the property for work the city has had to perform on their behalf. The staff is only requested that Ordinance require the property to meet these minimum standards before we will allow the utilities to be reconnected. This is NOT for existing utility customers who we have similar issues with. This is not to disconnect anyone. This Ordinance only affects those individuals attempting to reconnect to utilities.

Council Member Underbrink made a motion to pass to a second reading an Ordinance amending Chapter 30 Article III Weeds, Trash, Rubbish, Debris, Green Waste, Stagnant water, Ingleside Code of Ordinances, to amend Section 30-94 Penalty for Violation of Section 30-92 and/or 30-93 to better facilitate the timely abatement of Health and Safety Violations; and was seconded by Council Member Diehl. The motion was approved unanimously.

13. Consideration and action of an Ordinance amending Chapter 18 Article X Floodplain Management Section 18-351 General Provisions to update to the most current version of the Flood Insurance Study (FIS) for the City of Ingleside, San Patricio County, Texas. (First Reading)

Building Official John Davis stated the adoption of the new Floodplain Map (to be effective November 4, 2016) is required for home owner insurance purposes.

Council Member Adame made a motion to pass to a second reading the Ordinance amending Chapter 18 Article X Floodplain Management Section 18-351 General Provisions to update to the most current version of the Flood Insurance Study (FIS) for the City of Ingleside, San Patricio County, Texas; and was seconded by Council Member Underbrink. The motion was approved unanimously.

14. Consideration and action regarding the Rental Agreements of the Garden Center, Humble Center, and the Swimming Pool.

Suggestions made by Council Members were: inspections by staff/renters before and after each rental; a property condition check list be added for both parties to inspect and sign; the addition of after-hours contact information; an increase in deposits; and the addition of all rentals having a credit card on file for any additional damage costs. The staff will make these changes and bring back to the Council in Resolution format.

15. Update and discussion regarding the 2015 bond projects.

John Michael of Naismith Engineering provided a handout to the Council regarding the let projects versus the projects that have tentatively been approved by Council pending additional engineering work and RFP processes. The estimated costs of all of these projects is \$6,170,510 with a remaining \$829,490 not yet allocated. Mr. Michael stated that as we move forward, they will keep this list updated and provide to Council as needed.

Mr. Michael explained that the Emery Bellard outfall is the main pending project because we are still working with two of the three property owners regarding ROW. IISD has already agreed and they are now working with Wildcat and Ken Berry regarding the additional ROW needs. We hope to have something in written format to Council within a month or so. If we cannot get the necessary ROW's for Emery Bellard outfall, then the expansion of Avenue B will need to be adjusted accordingly.

16. Update and discussion regarding SH-200 project.

John Michael of Naismith Engineering explained that the NEPA was due back from TxDOT by July 20, 2016 and we have not had any word regarding the additional holdup. They have everything; we do not know the reason for the holdup.

Phase II (PS&E) work is at approximately 80% complete and we expect the cost to complete being approximately \$135,000 more than the billed-to-date of \$506,008. TxDOT has stated they will be reimbursing us for both Phase I and II upon approved completion.

17. Consideration and action of the San Patricio County Appraisal District (SPCAD) request of proposed amendment to the 2016 Budget to increase its litigation reserve account using 2015 surplus.

Finance Director Paul Baen recommended approval of this request.

Council Member Diehl made a motion authorizing the San Patricio County Appraisal District's (SPCAD) request of the proposed amendment to the 2016 Budget to increase its litigation reserve account using the 2015 surplus funds and was seconded by Council Member Knippa. The motion was approved unanimously.

18. Receive and discuss the City's financial situation, including but not limited to its budget, revenues, expenses, assets, and debts.

Finance Director Paul Baen provided a brief overview of the city's investments.

Council Member Diehl requested a legal opinion from the City Attorney regarding whether the funds from Cheniere are restricted for SH-200 use only and asked if the Hotel/Motel cash is co-mingled with other funds. Staff will ask the City Attorney to provide a legal opinion regarding the Chenier Funds. Mr. Baen stated he did believe the Hotel/Motel funds are co-mingled.

19. Consideration and action authorizing staff to move forward with the Police Communications Dispatch Center to include, but not limited to, identifying the funding source.

Council Member Diehl stated that the first phase of upgrades to the Police Communications Dispatch Center was new computers and software. Now it is time to update the console area itself to help make it more comfortable for the dispatchers. He suggested the use of CIP funds.

Council Member Diehl made a motion authorizing the use of \$51,000 of CIP funds and allowing the staff to move forward with the Police Communications Dispatch Center and was seconded by Council Member Schack. The motion was approved with Mayor Lamas and Council Members Tucker, Underbrink, Adame, Diehl, and Schack voting aye; and Council Member Knippa voting no.

20. Consideration and action regarding the funding of drainage work to be considered on Lovers Lane.

John Michael of Naismith Engineering stated the estimated cost to place two (430 foot) culverts with concrete plating with inlet boxes at each side of the street (total of 4 inlets) will be \$243,625. It will require time for the engineers to meet with the residents, prepare the RFP, and then go out for bids within the next 60 days.

Council Member Diehl acknowledged this will help the neighborhood with 2-6 inches of rain, but not the 100-year flood.

Council Member Schack questioned why this wasn't part of the bond projects and Council Member Diehl stated he felt the small projects should be paid from CIP funds.

Council Member Adame made a motion authorizing the use of \$243,625 of CIP funds for the drainage work to be completed on Lovers Lane and was seconded by Council Member Tucker. The motion was approved unanimously.

21. Consideration and action authorizing the staff to hire Attorney Geoffrey Gay to assist with electric power franchise Ordinance.

Finance Director Paul Baen stated the franchise agreement with AEP is up for renewal and Geoffrey Gay with Lloyd Gosselink is very familiar with utility agreements. He believes it will take 2-3 hours of work to review and provide direction.

Council Member Schack made a motion authorizing the staff to hire Attorney Geoffrey Gay to assist with electric power franchise Ordinance and was seconded by Council Member Knippa. The motion was approved unanimously.

Agenda Item #'s 22 and 23 were read together.

- 22. Consideration and action authorizing the staff to continue negotiations of the possible 380 Agreements with Koch/Flint Hills and/or Kiewit Offshore Services. The City Council may meet in Closed Executive Session in accordance with Texas Government Code Section 551.071 (Consult with Attorney) and Section 551-087 (Deliberation Regarding Economic Development Negotiations).**
- 23. Consideration and action regarding the hiring of an agency to provide an Interim City Manager. The City Council may meet in closed executive session in accordance with The Texas Government Code Section 551.071, Consultations with Attorney and Section 551.074, Personnel Matters to discuss other options relating to the vacancy in the City Manager position.**

Mayor Lamas recessed the regular meeting in order to go into Closed Executive Session at 8:25 p.m.

Mayor Lamas closed the Executive Session and reconvened the regular meeting at 9:35 p.m.

No action was taken.

- 24. Consideration and action regarding the approval of an RFP to seek bids for a firm to search for a permanent City Manager.**

No action was taken.

25. Staff Reports

City Secretary Kimberly Sampson asked the Council if they wanted to reschedule the Council Orientation prior to beginning the budget workshops. Council Members felt that since we are so far into this term that there is no need for an orientation. Finance Director Paul Baen suggested an overview of the budget and audit prior to beginning the workshops with the Departments.

Staff questioned whether the Budget Workshops would be consecutive days since this could impose on Council Members personal businesses. It was decided to meet in the evenings beginning after the August 9, 2016 Regular Council Meeting.

26. Requests from Council Members

Council Member Diehl thanked the Public Works Department for all of the drainage ditches being cleaned out.

Mayor Lamas questioned who's responsibility it is to clean Swan Lake. Building Official John Davis stated he would look into property ownership and proceed as necessary.

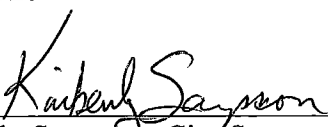
Council Member Diehl questioned who is responsible for cleaning the debris caught in the new gate along FM 1069 in the middle of the McCoullough Slough. Building Official John Davis stated he would look into that.

27. Adjourn


There being no further business, the meeting was adjourned at 9:50 p.m.

ATTEST:

APPROVED:



 Kimberly Sampson, City Secretary



 Mayor Luis Lamas