

**CITY OF INGLESIDE
MINUTES
REGULAR CITY COUNCIL MEETING
OCTOBER 25, 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, Oscar Adame, Dennis Knippa, Steve Diehl, and John Schack. Council Members absent: Council Member Bill Underbrink. Staff present: Acting City Manager Florencio Pena, Finance Director Paul Baen, and City Secretary Kimberly Sampson. There were approximately 25 guests.

2. Roll Call

Mayor Lamas recognized Council Member Underbrink being absent due to spouse being in hospital.

3. Invocation

4. Pledge of Allegiance

5. Presentations from the Audience

There were no presentations from the Audience.

6. Consideration and action of the Minutes of the City Council Meetings of August 23 and September 13, 2016.

Council Member Adame made a motion to approve the minutes of the City Council Meetings of August 23, and September 13, 2016; and was seconded by Council Member Diehl. The motion was approved unanimously.

7. Presentation of Proclamation recognizing November 7-11, 2016 as Municipal Courts Week.

Mayor Lamas read and presented a Proclamation to Municipal Court Clerks Valarie Glover and Emily Doyle, and Warrant Officer Justin Cooper recognizing November 7-11, 2016 as Municipal Courts Week.

8. Consideration and action authorizing Boy Scout Troop 255 to camp overnight at Live Oak Park on November 4-5, 2016.

Parks and Facilities Manager Mariana Garcia stated that the Scout Troop has requested the date be moved to the Spring time due to other coordinate with another event and badge opportunities. Troop 255 Representative Larry Norotski was present for any questions.

Council Member Schack made a motion authorizing Boy Scout Troop 255 to camp overnight at Live Oak Park for two (2) nights to be coordinated with the Parks Manager in March or April 2017; and was seconded by Council Member Adame. The motion was approved unanimously.

9. Consideration and action of an Ordinance granting a Special Permit filed by Robert Schwebel, to be allowed to reside in a recreational vehicle (RV), during renovations to his home located at an alley lying between Lts 7 and S½ of 8, Blk 2, Harris Subdivision and Lts 11-15, Blk 7, Houghton Subdivision, NW 15 Lt 21 - Lt 22, Blk 2, Ingleside Mercantile Subdivision, also known as 2638 Humble Street. (Final Reading)

Council Member Diehl made a motion to approve Ordinance # 2016-25 granting a Special Permit filed by Robert Schwebel, to be allowed to reside in a recreational vehicle (RV), during renovations to his home located at an alley lying between Lts 7 and S½ of 8, Blk 2, Harris Subdivision and Lts 11-15, Blk 7, Houghton Subdivision, NW 15 Lt 21 - Lt 22, Blk 2, Ingleside Mercantile Subdivision, also known as 2638 Humble Street: and was seconded by Council Member Tucker. The motion was approved unanimously.

10. Public Hearings regarding the following items:

Mayor Lamas opened the Public Hearing at 6:40 p.m.

- A) **The City of Ingleside, San Patricio County, Texas proposed to institute annexation proceedings to enlarge and extend the boundary limits of said city to include the following described territory. This is the Second Public Hearing of the City of Ingleside, San Patricio County, Texas for the purpose of giving persons interested in the City's plan to annex the hereinafter described property an opportunity to appear and be heard. The territory the City is considering annexing lies adjacent to the present city boundary limit and is within the extraterritorial jurisdiction of the City and is described as follows: The 284.56 acres of land, including all attachments, projections and extensions therefrom, such as bulkheads, docks, piers and wharves, which constitutes Ingleside Industrial District Nos. 9, 10, and 11 and which is the subject of Industrial District Agreement Nos. 9, 10, and 11 by and between the City and Occidental Chemical Corporation, Dupont and Air Liquide.**

There were no speakers for or against the Annexation.

- B) **Public Hearing to rezone the North or Northeast (330' x 980') of Farm Lot 11, Block F, Burton & Danforth Subdivision also known as 1776 Indian Trail. Wisner LLC., is requesting to be allowed to change the zoning from its present classification of R-1 (Single Family Residential) to T1-A (Travel Trailer / RV Park).**

This item was removed at the property owner's request.

- C) **Public Hearing concerning an Ordinance Adopting New Provisions of Chapter 78 Zoning Code of Ordinances, regarding Non-Conventional Housing to allow for Specific Modifications by the Building Official within the Boundaries of the properties identified on The Non-Conventional Housing Area Map and Updating Said Map.**

There were no speakers for or against this change in building codes.

Mayor Lamas closed the Public Hearing at 6:41 p.m.

- 11. Consideration and action of an Ordinance to rezone the North or Northeast (330' x 980') of Farm Lot 11, Block F, Burton & Danforth Subdivision also known as 1776 Indian Trail. Wisner LLC., is requesting to be allowed to change the zoning from its present classification of R-1 (Single Family Residential) to T1-A (Travel Trailer / RV Park). At their meeting of October 17, 2016, the Planning and Zoning Commission recommended to deny this request. (First Reading)**

This item was removed at the property owner's request.

- 12. Consideration and action of an Ordinance Adopting New Provisions of Chapter 78 Zoning Code of Ordinances, regarding Non-Conventional Housing to allow for Specific Modifications by the Building Official within the Boundaries of the properties identified on The Non-Conventional Housing Area Map and Updating Said Map. At their meeting of October 17, 2016, the Planning and Zoning Commission recommended to approve this request. (First Reading)**

Building Official John Davis explained that when certain areas of town were annexed over time, there were existing trailer/mobile home parks in the middle of R-1 (Single Family Residential) areas. These are considered Non-Conforming Use areas and are mapped as such. Several months ago there was a request by a property owner within one of these areas that wanted to remove an outdated and rundown mobile home that was currently only being used for storage. As this slot could be a paying customer if the mobile home was replaced with something newer, that is what the property owner requested and was granted. During that time, the City Council suggested that this was something they felt the Building Official could attend to in an effort to clean up and improve the existing Non-Conforming

Use areas around town and thereby not be brought to Council. This proposed ordinance will (1) update the map (to remove some of the non-confirming areas that were abandoned); and (2) change the wording to allow the Building Official to grant these requests.

Council Member Diehl made a motion to pass to a second reading the Ordinance Adopting New Provisions of Chapter 78 Zoning Code of Ordinances, regarding Non-Conventional Housing to allow for Specific Modifications by the Building Official within the Boundaries of the properties identified on The Non-Conventional Housing Area Map and Updating Said Map. At their meeting of October 17, 2016, the Planning and Zoning Commission recommended to approve this request; and was seconded by Council Member Schack. The motion was approved unanimously.

13. Consideration and action of an Ordinance amending Chapter 18 – Buildings and Building Regulations, Article II Construction Standards Section 18-27-105.1C Ingleside Code of Ordinances and providing for effective date, reading, severances, and publication. (First Reading)

Council Member Diehl stated this was originally put in place to protect the public from builders/contractors who either did poor work or took half their money and never did the work at all. But since that time, it has been determined that the General Liability put into place only protects the builders/contractors and the City of Ingleside (if listed). It does not protect the property owner paying for the work to be done.

Mr. Tracy Long, a contractor/developer within Ingleside, stated there is not an insurance policy to protect a home owner from theft should a contractor not perform the work. It would have to be a civil lawsuit regarding the contract. If a citizen does get a contract, there isn't much that can be done. He also noted the contractors for repairs is different than a home developer. Surety bonds are tied to specific jobs, not an annual policy. Developers can purchase risk insurance, but there isn't an insurance policy for contractors to protect the property owner themselves; that is the responsibility of the citizen to do their due diligence to research that contractor.

Mr. Willie Vaden stated he saw a copy of the insurance paperwork from the contractor he had hired to perform work on his building. Once the building burned to the ground, he found out the policy was cancelled due to non-payment. He feels he should have called the insurance company to make sure the policy was paid in full.

Council Member Diehl made a motion to table this item for the staff to bring back an Ordinance that includes Builders Risk and removes General and Surety bonds altogether; and was seconded by Council Member Schack. The motion was approved unanimously.

14. Presentation regarding the status of the city's Capital Improvements Program Financial status report as of September 30, 2016.

Acting City Manager Florencio Pena explained that John Michael of Naismith Engineering will be providing an update regarding the ongoing bond projects and Finance Director Paul Baen will provide an overview of the Capital Improvements Program. As we move forward, these updates will be provided monthly.

Mr. Michael provided an overview of the projects. We are waiting on one of the two land owners on Westlake Circle in order to complete that drainage improvement. The Council has identified the additional Sidewalks to be completed. The Streets for Reconstruction have been identified. At N.O. Simmons Park the contractor is about to begin pouring concrete. The baseball fields for Live Oak Park are a separate agenda item tonight and the Soccer fields at the same park are being discussed with the engineers to be brought back to Council at a future meeting. The Coach Emory Bellard Outfall is still being negotiated with landowners and Avenue B Outfall is being surveyed for hydraulics. The Lovers Lane drainage plans are to be brought to the November 15, 2016 Council Meeting for approval. There is an additional \$50,000 within the 2015 Bonds that will be needed for testing fees within the streets project.

Mr. Baen stated the balance of the Street Reconstruction Fund is \$167,215; the General Fund Capital available balance is \$103,634; and the Utility Fund Capital available balance is \$934,371. It was noted that none of this has been reduced for the projects identified in the FY 2016/17 budget process. The staff would like to bring the FY 2016/17 identified items back to Council for approval in November 2016. Council Member Adame suggested the Public Works department also include a sewer camera.

15. Status Report on Highway 200.

Acting City Manager Florencio Pena stated that the \$506,000 for Phase 1 of the SH-200 project has been refunded by TxDOT to the City. John Michael of Naismith Engineering provided an updated Complete Schedule (Calendar) indicating we plan to have the Phase 3 (ROW) completed and reimbursed by mid-January 2017 and Phase 2 (PS&E) completed and reimbursed by late-March 2017. Mr. Pena explained once these reimbursements are received, we can cancel the current AFA Agreement and enter into a new AFA Agreement. It is anticipated that the acquisition of ROW's will cost the City of Ingleside between \$250,00 to \$350,000 which is based on 4.5% of the total cost. Currently we qualify for the 4.5% for economically distressed areas, but that could change between now and when we plan to enter into the new agreement sometime in April 2017.

16. Consideration and action to approve the plans and specifications and authority for the City Manager to request bids for the construction of Live Oak Park Baseball Fields. Funding in the amount of \$933,480 is available in the 2015 Bond Series Fund to pay for the construction and engineering.

Parks and Facilities Manager, Mariana Garcia stated that it will take about three months to complete the work on the baseball fields. The plans being presented do not include the bathrooms and concession stands, those will be a second bid process. Originally we were going to have one Pony League field and one Little League field. Recently Little League has stated they need two fields. The current plans include two fields for Little League and one for Pony League.

Erika Sheffield and David Morgan spoke on behalf of the Little League Board of Directors. They stated they preferred that one of the fields be a "skin" field so it could be used for girls softball as well. They also indicated that they eventually want the third field which is currently being used for Pony League. No matter the timeframe of when the fields are available, the League will continue on the old fields until the new fields are ready.

Rene Contreras spoke on behalf of the Pony League and stated that most of the teams play elsewhere, but they still use the fields on Mondays and some weekends for the Champs Teams. He stated that the adult leagues looking for fields could work something out with the Pony League.

Council Member Diehl questioned if there are any other changes by the Little League because originally they agreed a single field would be sufficient, then two fields were needed, tonight they have requested one of the fields be a "skin" field, and we are hearing that they also want the Pony League's field. What is needed to support the number of kids in the league?

Council Member Diehl made a motion to approve the plans and specifications and authorizing the City Manager to request bids for the construction of Live Oak Park Baseball Fields with the modifications that the North field be a "skin" field for girls softball and the Middle field be for boys baseball; and was seconded by Council Member Adame. The motion was approved unanimously.

17. Consideration and action approving the scope of work for the Soccer Fields Project and direction regarding the selection of an engineering firm to prepare plans and specifications. This project is funded by the 2015 Bond Series in the amount of \$643,500. A request for a state grant in the amount not to exceed \$500,000 has been submitted and is pending review at the state level.

Parks and Facility Manager Mariana Garcia stated that the Texas Parks and Wildlife Grant only matches up to \$500,000 however, the original plans to include three U6-8 fields, three U9-10 fields, three U11-12 fields, and one U13 field to include roadway, restrooms, lighting, bleachers, water, sewer, electrical, etc. totals about \$2,378,086.40 plus engineering fees.

There was discussion regarding fewer fields, parking in the grass, whether to build the restrooms now or later, and less lighting. Council Member Schack stated he believes the restrooms need to be built in the beginning because if we don't do them now, they may never get completed. He suggested we wait until we see how much bond and grant funds are available and then build the project. John Michael of Naismith Engineering stated we could prepare the plans to have them shovel ready at different levels. Mr. Rene Contreras questioned why we would light all the fields when the kids don't play at night. Council Member Diehl suggested the lighting only be on the adult field, one U11-12 field, and security parking area.

Council Member Diehl made a motion for Naismith Engineering to design shovel ready plans for up to \$1.8M soccer complex to include engineering fees; and was seconded by Council Member Schack. The motion was approved unanimously.

18. Discussion regarding the need and development of a Street Maintenance Program.

Council Member Diehl stated he requested this item to discuss a possible Street Maintenance Program similar to what Aransas County has. Their program is to tough/repair every roadway once every five years. Some cities do a five year, or seven year, or whatever the magic number is, but every so many years they repair every piece of roadway. Council Member Schack asked that the staff include the estimated dollar figure of that plan for each year to include inflation. It was suggested that the Street Committee or Engineers be involved and to use examples from other Cities/Counties for their plans.

19. Discussion regarding increasing the notification requirements for zoning change cases from 200 feet to 400 feet.

Council Member Knippa stated he requested the increase from 200 feet to 400 feet in order to get more neighbors involved and he suggested the use of placards at the locations during the publication period for the public to easily notice the property in question.

Building Official John Davis stated they have already begun using the placards again. He further explained the minimum standard by State regulations is 200 feet; however, the city can increase that to whatever we want. The only concern is the additional cost of additional notices to more neighbors and thereby that is an additional cost to the city. The fees will need to be increased to accommodate those additional expenses.

Council Member Knippa made a motion directing staff to begin the process to change this Ordinance from 200 feet to 400 feet; and was seconded by Council Member Diehl. The motion was approved unanimously.

20. Presentation of the Quarterly Reports from the various departments for the period July through September 2016.

Council Members thanked the departments for the reports and questioned the number of traffic contacts per day by the police department to be low. Acting City Manager Florencio stated he would look into it and let then follow up with Council via email.

21. Financial status report as of September 30, 2016.

Finance Director Paul Baen provided an overview of the fund balances and stated the estimated General Fund surplus will be \$634,000 and the expected Utility Fund balance will be a \$11,000 deficit (inclusive of depreciation). Each of the City's reported Funds was included in the report and available for review and questions. Mr. Baen indicated he was hoping to begin the closeout of the FY 2015/16 books soon after Thanksgiving.

22. Consideration and action authorizing and approving Municipal Court Judge Cheryl Deal to work remotely or telework from her home, as needed, in the performance of the duties of her office. The Council may meet in Closed Executive Session as allowed by Texas Government Code, Section 551.074 (Personnel Matters).

Mayor Lamas recessed the regular meeting to go into Closed Executive Session at 8:57 p.m.

Mayor Lamas closed the Executive Session and re-opened the regular meeting at 9:13 p.m.

Council Member Knippa made a motion to allow Judge Deal to work as need from home through December 31, 2016; and was seconded by Council Member Tucker. The motion was approved unanimously.

23. Staff Reports

City Secretary/HR Director Kimberly Sampson provided an update regarding the newly budgeted positions and a timeline when those will be filled.

Parks and Facilities Manager Mariana Garcia gave an overview of the the Humble Center renovations and what was still to be completed.

Acting City Manager Florencio Pena announced that Chris Hartung will be at the November 15, 2016 Council Meeting to provide an update to the City Council regarding the selection for the new City Manager.

24. Requests from Council Members

Council Member Schack asked the staff to look into the Ingleside on the Bay (IOB) Wastewater contract to confirm when it ends and if any notice needs to be provided. Council Member Tucker questioned once IOB builds their own wastewater treatment facility, how that will affect our ratio for buildout.

Council Member Diehl asked the staff to look into what it would cost to have a company come in once a year to (1) provide free shredding to the public, and (2) provide for the disposal of paint.

Council Member Knippa asked for the cost of the Humble Center repairs for the last few years and Acting City Manager Florencio Pena stated he would forward the email to the Council again.

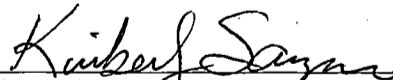
Council Member Knippa requested a breakdown of the labor cost for the last two years for work on the city vehicles to determine the feasibility for an in-house mechanic.

Mayor Lamas questioned if the refrigerator at the Humble Center is working and staff explained it is frequently off/on. The staff are aware and have attempted to fix it each time.

25. Adjourn

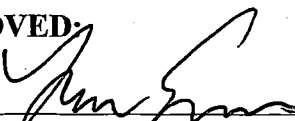
There being no further business, the meeting was adjourned at 9:23 p.m.

ATTEST:



Kimberly Sampson, City Secretary

APPROVED:



Mayor Luis Lamas