

**CITY OF INGLESIDE
MINUTES
REGULAR CITY COUNCIL MEETING
JANUARY 24, 2017**

1. Call meeting to order

The meeting was called to order at 6:31 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 35 guests.

2. Roll Call

City Secretary Kimberly Sampson stated that Council Member Underbrink is out due to illness.

3. Invocation

4. Pledge of Allegiance

5. City Council will recess at approximately 6:35pm until 7:00 pm for a meet and greet opportunity for the new City Manager and the community.

Mrs. Melissa Byrne Vossmer introduced herself to the Public and provided a brief background of her education, the different municipalities she has worked for, and told the public a little bit about her family. She thanked the Council for their vote to hire her and reassured the public of the rigorous process the Consultant and City Council went through to make their decision of whom to hire. She looks forward to moving to Ingleside and getting to work for the public.

Mayor Lamas recessed the meeting at 6:35 p.m. to allow for a meet and greet with Mrs. Byrne Vossmer.

Mayor Lamas reconvened the meeting at 6:59 p.m.

6. Citizen Comments

Mrs. Cindy Wilson thanked the parks staff for all their work within the parks. N.O. Simmons Park is looking really good with the sidewalks being edged and the fences and other areas being weeded more regularly.

7. Presentation regarding the status of Hwy 200 and consideration of a revised estimate by Naismith/Hanson Engineering to complete final design from \$635,460.84 to \$694,730.08. Funding is available in the existing Advanced Funding Agreement (AFA) with TXDOT and will be reimbursed upon completion.

Chris Caron the District Engineer for the Corpus Christi District with TxDOT reassured the Council that the SH-200 project is moving forward. At this point, TxDOT is awaiting the PS&E from Naismith/Hanson. Once any changes are finalized to that document and the funding has been reimbursed to the city, the current AFA agreement can be mutually cancelled and a new Standard AFA agreement can be approved by both parties. With the finalization of the current AFA agreement, the City should have been reimbursed up to \$1.5 Million of expenses. This new AFA will cover the purchase of the ROWs and assessment of the Utility easement. Currently the cost to the City is estimated to be 4.5% of the total and thereby the City's cost is estimated to be \$235,000. This amount could change if the cost is estimated to be higher or if San Patricio County is no longer considered an Economically Distressed County. At this point we do not anticipate having to use Imminent Domain; however, if that becomes necessary it could take us longer to secure the ROWs. Further down the road, TxDot will be requiring the \$4Million match

from the City. If there is any environmental cleanups required, TxDOT will be taking care of those expenses. The City of Ingleside will not be required to contribute more than the \$4M for construction. TxDOT is accepting the expense for any unknown cost once they take this project over. It is currently anticipated to go out to bids in the late part of 2019 and thereby begin construction sometime early 2020.

Council Member Diehl questioned if the donation of land be considered part of the \$235,000 needed for the purchase of ROW. Mr. Caron stated he would have to refer that to his staff. Paula Sales-Evans with TxDOT stated that the cash would have to be deposited once the new AFA agreement is signed before they can begin the acquisition of the ROWs process.

Acting City Manager Florencio Pena requested that Council take action to approve the revised anticipated cost of engineer services. This is still within the total \$1.5M budget.

Council Member Diehl made a motion to approve the revised estimate by Naismith/Hanson Engineering to complete final design from \$635,460.84 to \$694,730.08 and was seconded by Council Member Adame. The motion was approved unanimously.

Mayor Lamas moved item # 17 forward.

17. Presentation regarding the status of the City's Capital Improvement Program Financial status report.

John Michael of Naismith/Hanson Engineering stated the Live Oak Ball Fields are underway, the Splash Pad should be complete by the end of the week with the new rubber surface, the Roadway project should start within the next 1-2 weeks, Lovers Lane drainage project should start within the next 2 weeks, the Live Oak Restroom/Concession Stand project is going to go out for bids again due to only receiving 1 bid, the Lights for the baseball fields are pending discussions with Buy Board members, the Sidewalk project is almost complete, and there is still approximately \$500,000 still unallocated from within the 2015 Bond Funds that we are still waiting on some Drainage design and estimates to be completed. Mr. Michael noted that the bids for the concession stand were more than \$1000,000 over the preliminary cost projections.

Council Member Diehl requested that future projects be brought to the Council as a whole project and not piecemealed together after a funding source is found. He also noted he feels that the Parks Master Plan for the next 5-7 years has been accelerated to be accomplished immediately and questioned if the soccer fields could be shifted to a later time. Acting City Manager Florencio Pena stated the 2016 Tax Notes of \$735,000 was for the Soccer Fields and the staff has applied for a grant to help offset some of those costs. Council Member Adame stressed that the soccer fields need to move forward because that is what the Council said we were going to do with those funds when Council voted on the 2016 Tax Notes.

Elaine Kemp stated that the advertisement for the concession stand didn't mention all of the other items such as restrooms, storage, and scoreboard. The new advertisement needs to include all of that in the introduction and that may help obtain a better response rate.

Council Member Tucker questioned the status of the Splash Pad. Mr. Michael explained that since the contractor installed the incorrect copper wiring, they have been required to correct the situation. They grove cut the concrete, replace all the wiring, put fresh concrete and then installed a rubber matting at no additional cost to the City. The integrity of the project is no longer sacrificed.

Mayor Lamas moved items #15 and 16 forward.

15. Consideration and action to appoint/reappointment members to the Board of Adjustments. (Tabled from 1/10/17)

Council Member Diehl nominated Rosie Olatora to the Alternate # 7 place and was seconded by Council Member Tucker. The motion was approved unanimously.

Mayor Lamas nominated Eli Garcia to the Alternate # 8 place and was seconded by Council Member Adame. The motion as approved unanimously.

Council Member Diehl made a motion to approve the nominations made by the Board of Adjusts to appoint/reappoint Connor Brown to Place # 1, Michael Gabby to Place # 2, Mike Francesco to Place # 3, and Johnny Shouse to Alternate Place # 6; and was seconded by Council Member Knippa. The motion was approved unanimously.

16. Consideration and action to appoint/reappoint members to the Planning and Zoning Commission. (Tabled from 1/10/17)

Council Member Adame made a motion to appoint Donna Garcia to Place # 4 and was seconded by Mayor Lamas. The motion failed with Mayor Lamas and Council Members Tucker and Adame voting aye; and Council Members Knippa, Diehl, and Schack voting no.

Council Member Diehl made a motion to appoint Tracy Long to Place # 4 and was seconded by Council Member Knippa. The motion was approved unanimously.

Council Member Schack made a motion to appoint Stewart Wilson to Place # 5 and was seconded by Council Member Adame. The motion was approved unanimously.

Mayor Lamas made a motion to reappoint Tom Mannering to Place # 6 and Alana Seaman to Place # 7 and was seconded by Council Member Schack. The motion was approved unanimously.

8. A Public Hearing regarding an application to rezone Lt 13-B Blk E Burton & Danforth Subdivision (fronting 12th Street) from its present classification of R-1 (Single Family Residential) to R-2 (Two-Family Residential).

Mayor Lamas opened the Public Hearing at 7:47 p.m.

Speaking in favor of the rezone was Mr. Gene Seaman stating he has a contract on this property pending the zoning to build R-2 (Two-Family Residential) dwellings next door to the Woodland Apartments.

There were no speakers against this request.

Mayor Lamas closed the Public Hearing at 7:48 p.m.

9. Consideration and action of an Ordinance changing the zoning for the following property from its present zoning of R-1 (Single Family Residential) to R-2 (Two-Family Residential) and further providing for effective date, reading, severance and publication: Lot 13-B, Block E, Burton & Danforth Subdivision (Fronting 12th Street). (First Reading)

Council Member Diehl questioned if this is in concurrence with our Master Plan. Code Enforcement Officer Carey Dietrich agreed it does meet our Master Plan design and noted that the Woodlands Apartments are adjacent to this property is also zoned R-2.

Council Member Diehl made a motion to pass to a second reading the Ordinance changing the zoning for the following property from its present zoning of R-1 (Single Family Residential) to R-2 (Two-Family Residential) and further providing for effective date, reading, severance and publication: Lot 13-B, Block E, Burton & Danforth Subdivision (Fronting 12th Street); and was seconded by Council Member Adame. The motion was approve with Mayor Lamas and Council Members Tucker, Adame, and Diehl voting aye; Council Member Knippa abstaining, and Council Member Schack voting no.

Mayor Lamas moved item # 13 forward.

13. Consent Agenda-All of the following items are considered to be self-explanatory by the City Council and will be enacted with one motion; there will be no separate discussion of these items unless a Council Member requests.

- A) **Consideration and action of Ordinance # 2017-02 amending Chapter 18 – Buildings and Building Regulations, Article II Construction Standards Section 18-31 and 18-32 Ingleside Code of Ordinances. (Final Reading)**
- B) **Consideration and action of Ordinance # 2017-03 amending Chapter 22 – Business Regulations, Article III Food Establishments, Division 1 Generally, Sec. 22-51 – Adoption of Texas Food Establishment Rules, Division 2 – Permits, Sec 22-62 – Application for Permits and Fees, and Division 3 – Regulations, Sec. 22-76 Education Requirements. (Final Reading)**
- C) **Consideration and action of Ordinance # 2017-04 amending Chapter 78 Zoning Section 78-51(c) to increase the area of notification for properties being re-zoned from within 200 feet to within 400 feet of the land covered by the proposed change. (Final Reading)**
- D) **Resolution # 2017-01 of an election to be held on May 6, 2017 for the purpose of electing three Council Members positions 1, 3, and 5 for full terms (two-year terms).**
- E) **Resolution # 2017-02 by the City Council of Ingleside establishing procedures for a Joint General Election with the Ingleside Independent School District on May 6, 2017.**
- F) **Consideration and action of the Contract between the City of Ingleside and San Patricio County Elections Administrator for Election Services for the May 6, 2017 Election.**

Mayor Lamas made a motion to approve the Consent Agenda and was seconded by Council Member Knippa. The motion was approved unanimously.

- 14. An Ordinance amending the 2016/2017 budget by transferring \$560,000 from the IDC 4B Corporation to the General fund capital fund (2015 Bond) and providing for an effective date, reading and severance.**

Acting City Manager Florencio Pena stated that this request was approved by the Ingleside Development Corporation (IDC) Board (4-B Tax funds). Council Member Diehl noted this is for Park Improvement needs and Council is oversight of the 4-B funds.

Council Member Schack questioned if we were trying to do too much too fast within parks and asked if the funds were needed for drainage instead. Council Member Oscar Adame stated these items have already been voted on and if the Council changes their minds yet again, there will be a lot of upset citizens.

As a member of the IDC Board, Elaine Kemp reminded the Council that the application presented to the IDC Board in the amount of \$560,000 was for the Concession Stand, Restrooms, Scoreboard, and Lights. She also requested this list be included in the motion if approved.

Council Member Schack made a motion to approve Ordinance # 2017-05 amending the 2016/2017 budget by transferring \$560,000 from the IDC 4B Corporation to the General fund capital fund (2015 Bond) and providing for an effective date, reading and severance; and was seconded by Council Member Diehl.

Council Member Schack amended his motion to include that purpose of the \$560,000 is for the Concession Stand, Restrooms, Scoreboard, and Lights; and was seconded by Council Member Diehl. The motion was approve unanimously.

Mayor Lamas recessed the meeting to go into Closed Executive Session at 8:01 p.m.

- 10. The Council may meet in Closed Executive Session in accordance with Texas Government Code Section 551.071 to "Consult with Attorney" and Section 551.087 "Deliberations Regarding Economic Development Negotiations" regarding the Kiewit 380 Agreement.**
- 11. Discussion, consideration, and possible action regarding the hiring of a City Manager. The City Council may meet in closed executive session in accordance with The Texas Government Code Section 551.071 (Consult with the Attorney) or Section 551.074 (Personnel Matters) to confer regarding the selection of a City Manager.**

12. **The Council may meet in Closed Executive Session in accordance with Texas Government Code Section 551.071 to "Consult with Attorney" and Section 551.087 "Deliberations Regarding Economic Development Negotiations" regarding the request to terminate Tax Abatement Agreement 2014-1-A with Oxy Ingleside LPG Terminal, LLC and to approve Agreement relating to Termination of Tax Abatement Agreement.**

Mayor Lamas closed the Executive Session and re-opened the regular meeting at 9:18 p.m.

10. **The Council may meet in Closed Executive Session in accordance with Texas Government Code Section 551.071 to "Consult with Attorney" and Section 551.087 "Deliberations Regarding Economic Development Negotiations" regarding the Kiewit 380 Agreement.**

There was no action taken.

11. **Discussion, consideration, and possible action regarding the hiring of a City Manager. The City Council may meet in closed executive session in accordance with The Texas Government Code Section 551.071 (Consult with the Attorney) or Section 551.074 (Personnel Matters) to confer regarding the selection of a City Manager.**

Council Member Adame made a motion to approve the Contract between the City of Ingleside and Mrs. Melissa Byrne Vossmer for the position of City Manager and was seconded by Council Member Diehl. The motion was approved unanimously.

12. **The Council may meet in Closed Executive Session in accordance with Texas Government Code Section 551.071 to "Consult with Attorney" and Section 551.087 "Deliberations Regarding Economic Development Negotiations" regarding the request to terminate Tax Abatement Agreement 2014-1-A with Oxy Ingleside LPG Terminal, LLC and to approve Agreement relating to Termination of Tax Abatement Agreement.**

Council Member Diehl made a motion to terminate Tax Abatement Agreement 2014-1-A with Oxy Ingleside LPG Terminal, LLC and to approve Agreement relating to Termination of Tax Abatement Agreement; and was seconded by Council Member Schack. The motion was approved unanimously.

18. **Financial status report as of December 31, 2016.**

Finance Director Paul Baen provided an overview of the FY 14/15 versus the FY 15/16 end of year funds.

Council Member Diehl suggested that there be an increase in future Streets Department budgets for more routine maintenance of the streets. He also noted that our utility rates are lower than other cities because we don't account for depreciation. He asked how much unencumbered fund does the City have and Mr. Baen stated approximately \$4Million. Council Member Diehl asked if that is in addition to the restricted Reserve Funds and Mr. Baen agreed.

19. **Presentation of the Quarterly Reports from the various departments for the period October through December 2016.**

Council Members thanked Building Official John Davis for his time with the City and wished him well since this was his last day with the City of Ingleside.

20. **Staff Reports**

- a) **Update the Code Enforcement issues** – Code Enforcement Officer Eric Koenig explained that the purpose of the city isn't to punish but rather promote compliance with the city codes and thereby the staff works very diligently with each resident. Some of the complaints are a matter of opinion as to what is considered rubbish. The most of our time is spent with regards to high weeds. We actually have some

residents that just refuse to mow their property and just want us to bill them. But we still have to take the time to go through the notification process, follow up, and then eventually mow and bill them. This a lot of time because they don't want to mow their property or find their own mow staff. Council Member Diehl questioned if our Ordinances needed to be reworded to have stricter interpretations and Mr. Koenig stated that would help. Council Member Diehl also asked about livestock in the residential area and it was noted this is for Animal Control. Council Member Adame stated he wasn't worried about the 15 inch grass, he is more concerned about the 48 inch grass.

- b) **Purchase of Police Patrol Vehicle** – Council Member Schack withdrew his request for blue/white patrol cars due to the increase in pricing.
- c) **Update regarding the Humble Recreational Center Renovations** – Parks and Building Facilities Manager, Mariana Garcia gave an overview of the items completed and those still pending. Staff is still trying to work something out regarding the doors between the engineers and the windstorm providers. She also noted that both refrigerators are working.
- d) **Update on the current contract for Interim City Manager Services** – Acting City Manager Florencio Pena stated with approval tonight of the new City Manager's Contract to begin Monday, February 13, 2017, his last day will be Friday, February 10, 2017. Mayor Lamas stated he was concerned if something happened over the weekend and Mr. Pena stated he would be available via phone until Mrs. Byrne Vossmer starts at 8:00 on Monday.

21. Requests from Council Members

Council Member Knippa requested that Planning and Zoning signs for the properties be made larger and staff stated the larger signs have already been ordered.

Council Member Adame thanked the Volunteer Fire Fighters for all of their work on Sunday, January 22, 2017. They responded to 9 different fire calls within the County. He also thanked Sonic Ingleside and Aransas Pass for the free food for the Fire Fighters. Council Member Diehl asked that Certificates of Appreciation be provided to those businesses for their support.

Council Member Adame stated he was planning to help Public Works Director Donald Paty within the next week with regards to the Drainage schedule to make sure all drainage ways are cleaned at least once per year.

Council Member Knippa asked for the total dollar figure spent on the Humble Center in the last few years and a breakdown of the mechanic fees on city vehicles.

22. Adjourn

There being no further business, the meeting was adjourned at 10:22 p.m.

ATTEST:



 Kimberly Sampson, City Secretary

APPROVED:



 Mayor Luis Lamas