

**CITY OF INGLESIDE
MINUTES
REGULAR CITY COUNCIL MEETING
FEBRUARY 14, 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, Bill Underbrink, Oscar Adame, Dennis Knippa, Steve Diehl, and John Schack. Staff present: City Manager Melissa Byrne Vossmer, Finance Director Paul Baen, and City Secretary Kimberly Sampson. There were approximately 30 guests.

2. Roll Call

3. Invocation

4. Pledge of Allegiance

5. Citizen Comments

Mrs. Sue Coleman asked if there were going to be sidewalks along SH-361 in front of the new apartment complex at Avenue A (Oaks by the Bay); she reminded the City Council that the current facility being used for Animal Control is 70 years old; and she asked why the contractors for the Tiner Lane street work didn't let the neighbors know of the project and questioned why something isn't put on the website.

San Patricio County Commissioner Precinct #4, Howard Gillespie provided a handout of materials regarding the various legislative items that are being discussed in Austin that will affect our area (both City and County items). Some are helping the local government and some are unfunded mandates or restrictions. He announced that the local fire departments will be meeting with Exxon on February 22, 2017 regarding their equipment and community needs. Commissioner Gillespie also noted that the Indigent Health Care costs are steadily increasing with more mandates and no additional State/Federal relief.

Mrs. Cindy Wilson stated there is an Ordinance requiring sidewalks be built as new subdivisions are built and questioned if this also affects the apartments at SH-361 and Avenue A (Oaks by the Bay).

6. Consideration and action of the Minutes for the City Council Meetings dated December 13, 2016 and January 3, 10, 24, and 30, 2017.

Finance Director Paul Baen explained the minutes of December 13, 2017 need a clarification. The agenda wording for item # 9 regarding the 380 Agreement with Oaks by the Bay specifies the funds will be paid from the General Fund Capital Outlay Fund and the motion was to approve as read; however, the materials provided and discussed in Executive Session were for the funds to be from the General Fund, not the Capital Outlay Funds. This will be clarified in a future agenda item.

Council member Underbrink made a motion to approve the Minutes for the City Council Meetings dated December 13, 2016 and January 3, 10, 24, and 30, 2017; and was seconded by Council Member Tucker. The motion was approved with Mayor Lamas and Council Members Tucker, Underbrink, and Adame voting aye; Council Member Knippa voting aye to all minutes except to abstain from the January 10, 2017 minutes due to his absence; and Council member Diehl and Schack voting aye to all minutes except to abstain from the January 30, 2017 minutes due to their absence.

7. A Public Hearing regarding an application for an excavation permit filed by Coast Materials for the property located at 600 ft. South of CR 152 A out of unsurveyed tracts in ABST 272 Zacharrias Survey (entrance off of FM 2725); also known as 655 FM 2725. Coast Materials is requesting an excavation permit to create a drainage catch basin for rain water over property and retail sale of material removed.

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

There were no speakers for or against this agenda item.

Mayor Lamas closed the Public Hearing at 6:51 p.m.

8. **Consideration and action of an application for an excavation permit filed by Coast Materials for the property located at 600 ft. south of CR 152 A out of unsurveyed tracts in ABST 272 Zacharias Survey (entrance off of FM 2725); also known as 655 FM 2725. Coast Materials is requesting an excavation permit to create a drainage catch basin for rain water over property and retail sale of material removed.**

A Handout of an Email from property owner Raymond Wetegrove requested this item be tabled until March 14, 2017.

Council Member Diehl made a motion to table this excavation permit application and was seconded by Council Member Knippa.

Council Member Diehl amended his motion to table this item until March 14, 2017 and was seconded by Council Member Knippa. The motion was approved unanimously.

9. **The Council may meet in Closed Executive Session in accordance with Section 551.071 Texas Government Code for the purpose of conferring with the City Attorney concerning these matters. Consideration and action regarding the referendum petition and process hereinafter described: an Ordinance repealing the existing provisions of Ingleside Code of Ordinance 30-151 through 30-159 which regulates smoking in public places and adopting a new set of rules regulating the same subject. Action items to consider are:**
- A) **Presentation of the Certificate of Sufficiency of the petition and signatures,**
 - B) **Ordinance as presented by the petitioners; and/or**
 - C) **Resolution calling the Special Election on the proposed Ordinance.**

Mayor Lamas recessed the regular meeting to go into Closed Executive Session at 6:52 p.m.

Mayor Lamas closed the Executive Session and reopened the regular meeting at 7:27 p.m.

Council Member Diehl made a motion to approve Resolution # 2017-04 to Call for the Special Election of May 6, 2017 for the purpose of an Ordinance to prohibit smoking in public places; and was seconded by Council Member Schack.

Mr. Willie Vaden stated he appreciated the young people getting involved; however, this is a business owners livelihood and it will be telling them how they can run their business.

City Attorney Michael Morris explained that the options for the City Council are limited by the City Charter. The Council can either (a) adopt the Ordinance as presented; (b) call for the May 6, 2017 election; or (c) call for the November 7, 2017 election. If the Council does not pass the Ordinance exactly as presented by the petitioners, then the Council has to call the election.

City Secretary Kimberly Sampson stated that the City of Ingleside has a joint agreement with the Ingleside Independent School District to share the cost of the May election each year whether we have an election or not. With the increase in the cost of the May election our shared cost is approximately \$20,000 (\$10,000 each). If the Council decides to call a November election, the cost is approximately \$25,000 due to increased days of early voting and the School District will not be sharing the cost. The Council will have an election but will only share the cost of one Early Voting Day and Election Day, which will only save use about \$3,000 of the estimated \$25,000.

Mr. Ronnie Parker agreed the City doesn't need to put the election off until November and thereby cause the additional expenditure; but he did question who would enforce the no smoking, fees involved, how much would the enforcement cost (additional staffing), and if there is a way for the existing businesses to be grandfathered. Mayor Lamas states the Ordinance presented does not allow for a grandfather clause, so no, we cannot do that. City Manager Melissa Byrne Vossmer stated that the enforcement is by the City Manager or his/her designee. The fees for non-compliance are specified in City Code Section 1-14. The cost to enforce is not known at this time. It was further questioned if Patrol Officers are asked to enforce, then who is watching the streets and if there is any liability on the City if this Ordinance causes a business to go under. Mr. Morris stated there is no liability on the City.

The motion to approve Resolution # 2017-04 to Call for the Special Election of May 6, 2017 for the purpose of an Ordinance to prohibit smoking in public places was approved with Council Members Tucker, Adame, Diehl, and Schack voting aye; and Mayor Lamas and Council Members Underbrink, and Knippa voting no.

- 10. 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). (Final Reading)**

Council Member Diehl made a motion to approve Ordinance # 2017-06 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 Knippa. The motion was approved unanimously.

- 11. Consideration and action to award a contract in the amount of \$28,583.76 to Play Well to build and install a shade structure over the main playground area at N.O. Simmons Park. This purchase is utilizing Buy Board # 512-16. Funds from the 2016 Tax Notes Issue are available in the amount of \$57,000.**

Parks and Facilities Manager, Mariana Garcia stated instead of a single canvas covering the playground area, the staff requested four smaller canvas pieces in case one is in disrepair there is still coverage on the other areas while the one is being replaced, and the cost of replacing smaller sections rather than one large piece is less costly. The warranty is one year and the canvas is rated for up to 120 mph winds. The lowest height is about ten foot. It takes about six to eight weeks for delivery and about two weeks for construction by contractors.

Council Member Underbrink expressed his concerns about vandalism and Council Member Knippa stressed his concern for the cost effectiveness of maintenance and upkeep.

Mayor Lamas made a motion to award the contract in the amount of \$28,583.76 to Play Well to build and install a shade structure over the main playground area at N.O. Simmons Park; and was seconded by Council Member Diehl. The motion was approved with Mayor Lamas and Council Members Tucker, Adame, Diehl, and Schack voting aye; and Council Members Underbrink and Knippa voting no.

- 12. Consideration to award a contract in the amount of \$430,496 to Gourley Contracting for the construction of the concession stand and the force main with a lift station for the Baseball Fields at Live Oak Park. The funding is available through the 2015 Bond Series and the \$560,000 appropriation from the Ingleside Development Corporation (IDC) 4B Fund.**

Craig Thompson of Naismith/Hanson Engineering explained that six bids were received; one bidder withdrew their bid due to clerical errors, one bidder was excluded due to not providing an alternate bid # 2 for the force main and lift station, and one bidder was excluded because they could not meet the requested timeline of 90-days. Of the remaining three bidders, the lowest bidder for the base bid was Gourley Contracting. They were also the lowest bidder for alternate bid # 2. It was noted that there were not sufficient funds for alternate bid # 1 for the additional restrooms.

Council Members questioned if the force main and lift station were required. Mr. Thompson stated that a septic system would be the only other option.

Council Member Schack stated that three stalls for each boys/girls restroom is not sufficient for the size of crowds that are being planned for these fields. Mrs. Cindy Wilson suggested that the Council not do this project in pieces with potential expansions, but rather build it right the first time.

Finance Director Paul Baen stated there are not sufficient funds for all the items requested by Council within the \$560,000 approved by Ingleside Development Corporation (4-B Funds) and the \$933,488 from the 2015 Bonds dedicated to Live Oak Park projects.

Council Member Schack stated every time the Council makes a change in the projects it cost more engineer fees to make these changes. Mayor Lamas agreed that the Council asked for choices and the engineers have provided those options. Council Member Schack asked that we get all of the other outstanding pieces of the park projects together to see if there are sufficient funds to make this work.

Parks and Facilities Manager, Mariana Garcia stated that if this item is delayed very much that it may not be ready for the June baseball season. Council Member Schack noted the Little League has statements that they can wait another season as long as it is done right. It was noted that the lower bid was received with a long build-out timeline.

Council Member Diehl made a motion to table this agenda item in order for the staff to bring back the bids for the other parks items along with more photos/diagrams for the Council to see the options; and was seconded by Council Member Schack. The motion as approved unanimously.

- 13. Consideration and action of a Resolution expressing the full support and continued cooperation for the partnerships, incentives, investments, and job-creating strategies which will diversify the Coastal Bend economy, sustain the economic engines driving these communities, protect and enhance the quality of life and environment, instill community pride and solidarity of spirit and achieve career goals through expansion of academic and job opportunities.**

Mayor Lamas stated this Resolution is to promote to Exxon and others that the City of Ingleside is Open for Business.

Council Member Adame made a motion to approve Resolution # 2017-05 expressing the full support and continued cooperation for the partnerships, incentives, investments, and job-creating strategies which will diversify the Coastal Bend economy, sustain the economic engines driving these communities, protect and enhance the quality of life and environment, instill community pride and solidarity of spirit and achieve career goals through expansion of academic and job opportunities; and was seconded by Council Member Underbrink. The motion as approved unanimously.

- 14. Consideration and action of a Resolution Amending the Authorized Representatives for TexPool.**

City Secretary Kimberly Sampson explained this is to update TexPool with the new City Manager and make any other changes the Council wants to make. Currently the names are Mayor Lamas, Interim City Manager Pena, Police Chief Bynum, and City Secretary Sampson.

Council Member Diehl questioned why the Police Chief is listed and not the Finance Director. Council Member Schack questioned City Manager Melissa Byrne Vossmer's previous cities had the Finance Director on these type of accounts and she said yes.

Finance Director Paul Baen asked if Police Chief Stan Bynum could be an additional name due to him being the Emergency Management Coordinator.

Council Member Diehl made a motion to approve Resolution # 2017-06 Amending the Authorized Representatives for TexPool as Mayor Luis Lamas, City Manager Melissa Byrne Vossmer, Finance Director Paul Baen, and City Secretary Kimberly Sampson; and was seconded by Council Member Underbrink. The motion was approved unanimously.

- 15. Discussion regarding the moving the regular scheduled council meetings from the 2 and 4 Tuesday of the month to the 2 and 4 Wednesday of the month.**

Council Member Knippa stated he brought this up for discussion in order to give him one more day to review the Council Packet materials in preparation for the Council Meetings. Mayor Lamas stated that Wednesday's are less busy for him than Tuesday nights.

Council Members Schack and Underbrink stated they were concerned with Wednesday's being Church night. Council Member Diehl stated he was concerned with a move not only for Church goers but also trying to get things to the press within the same week of the Council Meeting.

16. Consideration and action regarding upcoming San Patricio Day in Austin to include representation and funding.

Council Member Diehl stated he requested this item in order to acknowledge former Mayor Pete Perkins as another spokesperson when speaking in Austin. He has been and continues to be a speaker before the Military Committee and with his knowledge of Windstorm and other Ingleside related topics he could assist the City of Ingleside and the area while speaking as a representative for Ingleside. With that being said, could we also authorize him expenses up to \$500 for this one event, San Patricio Day in Austin.

Council Member Diehl made a motion authorizing former Mayor Pete Perkins to speak on behalf of Ingleside during the San Patricio Day in Austin and up to \$500 of expenses from Council Reserve Funds; and was seconded by Council Member Tucker. The motion was approved unanimously.

17. Staff Reports

There were no reports from staff.

18. Requests from Council Members

Council Member Diehl thanked Patrol for slowing down the traffic through town, it has been noticeable. He also thank the Public Works staff and their use of the new pothole machine; it is working well and looks great. He agreed with the Mrs. Sue Coleman from Citizens Comments that we need use social media to keep the public up to date regarding major projects (street closures, water outages, etc.). He asked that someone follow up with TxDOT regarding sidewalks along 361. He stated since December there has been no outside phone line into Animal Control facility or fax machine into City Secretary office due to third party technical issues. He agreed this is not staffs fault, but maybe with us mentioning it at Council they will get it fixed faster.

Council Member Knippa thanked Animal Control for getting five dogs back in a yard within 15 minutes of the call to the Police Department and requested a future agenda item to have the drainage district publicly state whether they will work on drainage areas within our city limits or not and/or what is being done with McCampbell Slough.

Council Member Adame requested that the Street Committee begin meeting again to plan for this year's streets projects and to make sure drainage work is done before streets are repaired. He requested that the drainage department keep cleaning drainage all over town on a regular basis.

Council Member Diehl requested an update regarding the street light program to see if all of the "free" lights have been installed. He further questioned the newspaper article regarding the finance committee wanting the transfer from Utility Fund to General Fund and requested a discussion item at the next Council Meeting. Council Member Adame stated that the Finance Committee has not finished their review of the materials presented by staff and will be meeting again with the new City Manager before bringing it to the City Council.

Council Member Tucker requested that someone check with TxDOT or whomever to clean the curb/gutter along FM1069 near the curved area towards Ingleside on the Bay.

19. Adjourn

There being no further business, the meeting was adjourned at 8:53 p.m.

ATTEST:



 Kimberly Sampson, City Secretary

APPROVED:



 Mayor Luis Lamas