

**CITY OF INGLESIDE
MINUTES
REGULAR CITY COUNCIL MEETING
FEBRUARY 28, 2017**

1. Call meeting to order

The meeting was called to order at 6:33 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: City Manager Melissa Byrne Vossmer, Finance Director Paul Baen, and City Secretary Kimberly Sampson. There were approximately 40 guests.

2. Roll Call

3. Invocation

4. Pledge of Allegiance

5. Citizen Comments

Mrs. Sue Coleman announced a Free Spay and Neuter program being sponsored by People Assisting Animal Control (PAAC) for Ingleside residents. This is a limited offer while funding is available.

6. Presentation of Plaques of Appreciation to Ingleside and Aransas Pass Sonic locations for their support of our Volunteer Fire Department on January 22, 2017.

Mayor Lamas, Volunteer Fire Chief Steven Loving, and Firefighter Association President Shanna Owens presented Plaques of Appreciation to Sonic Area service Manager Jeff Vaught on behalf of Ingleside and Aransas Pass Sonic locations in appreciation for assisting the area firefighters on January 22, 2017.

7. Consideration and action of the Minutes for the City Council Meeting dated February 14, 2017.

Council Member Adame made a motion to approve the Minutes for the City Council Meeting dated February 14, 2017 and was seconded by Council Member Diehl. The motion was approved unanimously.

8. Ratification of a ministerial correction to the minutes of December 13, 2016; Item # 9 – Oaks By the Bay, Chapter 380 Agreement.

Council Member Diehl questioned that this was not an additional \$200,000 of funding and Finance Director Paul Baen stated no, this was only a clarification of funding source. The December 13, 2016 agenda and the motion stated for the funding source to be General Fund Capital Outlay Fund, but the staff spoke in executive session with Council regarding the funding source to be the General Fund specifically. This is only a clarification of the funding source for the minutes and audit purposes.

Council Member Adame made a motion authorizing the ministerial correction to the minutes of December 13, 2016; Item # 9 – Oaks By the Bay, Chapter 380 Agreement; and was seconded by Council Member Tucker. The motion was approved unanimously.

9. Consideration and action of a Resolution in Support of the Creation of the Ingleside Improvement District in the City of Ingleside.

City Manager Melissa Byrne Vossmer explained that the property owners have presented a Resolution of Support for an Improvement District so the infrastructure can be built by the property owner at the Improvement District's expense, not the City's expense.

Attorney Richard Morrison, representing property owner Dagger Island (Raymond Wetegrove) stated this will be a taxing entity of its own within the City of Ingleside. The property boundaries will constitute the taxing entity and will appointment its own board. The board will set its tax rate to support the infrastructure being built. The rest of the citizens of Ingleside will not pay any taxes to this entity; only those owning/building within these property boundaries will pay this additional tax. This area is still paying the usual County, Drainage District, City, and School taxes just like every other citizen. The infrastructure is still subject to the City of Ingleside's building, drainage, streets, and zoning codes just like every other developer within the city limits.

Council Member Adame questioned how this would/could affect the wastewater treatment plant that the City is already nearing the planning stage for. Attorney Morrison stated it can be addressed with the developer building their own facility or sharing the cost to build or expand the City's new facility; depending on the circumstances at the time the expansion is needed.

Council Member Tucker questioned what was meant by "higher education" within the Resolution. Attorney Morrison stated that when talking with State Representative JM Lozano requesting his support of this action, he wanted this added into the Resolution. With Representative Lozano being the Chairman of the Higher Education Committee, this is a very big priority for him. There are not any contracts with any higher education facility. If a State School were to approach the property owner about such a facility at this location, the State would bring their own funds to the table for development. If a private/community college were to approach the property owner; then it would have to be taken to the tax payers for a vote of the public due to a potential tax being imposed.

Mayor Lamas stated he is supportive of some type of improvement to this land that has sat vacant for so long. This is an opportunity for the City and can increase our property values throughout the City.

Mr. Willie Vaden requested removing the statement about higher education from the Resolution. Mrs. Sue Coleman stated that as a former teacher in this area that she would support any higher education because the public (youth and adults alike) need something on this side of the bridge. The drive to Corpus Christi is often a financial burden on a financially struggling household.

Council Member Schack suggested the wording be changed to a four-year college. Attorney Morrison stated that is too restrictive because he has seen where State and Junior colleges combine their efforts to make a single campus and it works well. Requiring a four year program could also impede Master and Doctorate programs. Council Member Schack further proposed four plus year programs.

Mayor Lamas made a motion to approve Resolution # 2017-07 in Support of the Creation of the Ingleside Improvement District in the City of Ingleside; and was seconded by Council Member Diehl. The motion was approved with Mayor Lamas and Council Members Tucker, Adame, Knippa and Diehl voting aye; and Council Member Schack voting no.

10. Report from former Mayor Pete Perkins acting as the City of Ingleside's Ambassador during the San Patricio Day in Austin legislative trip of February 15, 2017.

Former Mayor Pete Perkins attending the San Patricio Day in Austin legislative trip of February 15, 2017 acting as the City of Ingleside's Ambassador. He provided an overview of the individuals he met with and the discussions with them. Although there are several items being discussed, the most threatening is SB-2 and HB-2 with regards to rollback tax rates. A handout of these items was provided to the Council.

11. Consideration and action of a Resolution establishing an Ingleside Legislative Committee to represent the City of Ingleside as needed when attending various Legislative Briefings, Special Committee Groups, and other meetings where a State Elected Official(s) might be available to discuss the City of Ingleside's position with regards to legislature being presented for consideration by the House or Senate.

Council Member Diehl explained that as we go into the Legislative Session that there are often times that there needs to be a few people that can go at a moment's notice to appear before the various groups/committees regarding the items that affect our community. This Resolution sets out who those individuals are; what their term is, and duties will be. The committee members being suggested at this time are Mayor Lamas, Mayor Pro-Tem Adame, City Manager Melissa Byrne Vossmer, and former Mayor Pete Perkins.

Council Member Knippa asked for the cost associated and it was noted that it would be the usual mileage, meals, parking, and hotel. Most trips are up and back within the same day, but occasionally the meetings lag into the next day.

Council Member Diehl made a motion to approve Resolution # 2017-08 with the additional wording of "The Ingleside Legislative Committee will also work at bringing legislative action to move forward issues and projects that promote the economic development and grant opportunities for the community" and was seconded by Council Member Schack. The motion was approved with Mayor Lamas and Council Members Tucker, Adame, Diehl, and Schack voting aye; and Council Member Knippa voting no.

12. Consideration and approval to submit the Texas Water Development Board Clean Water State Revolving Fund Project Information Form for the Proposed Wastewater Treatment Plant.

City Manager Melissa Byrne Vossmer explained that the City of Ingleside is getting close to the threshold for requirements to be in planning stage for a new wastewater treatment facility. To that end, we need to begin planning not only how we will go about planning the facility itself, but how we will pay for the design and construction. One option is assistance through the Texas Water Development Board (TWDB) Clean Water State Revolving Fund. This program has different options depending their funding availability and our position with regards to numerous factors (financial stability, economically distressed, shovel ready, etc.). They have different levels of funding; from low interest rate loans, to debt forgiveness, and different levels in between. Currently the estimated cost for a new wastewater facility is approximately \$20 Million and this cost will only escalate as time passes.

Melanie Gavlik with Naismith/Hanson Engineering stated that with the draft application presented in the Council Packet that she would suggest that we check both the 2017 and the 2018 years in case there is still funding options available in the current year or if it is shifted to next year; either way we are eligible.

State regulations require us to be in the planning stage when the city reaches 75% capacity and in the construction stage when the city reaches 90-95% capacity. There have been a few times the city has reached 78-80% capacity due to large rains putting additional water in the system, but those are explainable to the State and thereby we are provided leniency for those weather conditions. Depending on the development of the City, we are expecting to reach the 90-95% capacity within the next five to ten years and will take four to five years to build.

When building the new facility, we will take into consideration our then current usage and expected immediate future needs; and attempt to build ourselves at approximately 50-60% capacity, which should allow for another 20-30 years of expansion.

When applying for the grant, this is a preliminary application that is due March 3, 2017. TWDB will do a preliminary rating of those applications and only a select few will be asked to submit a full application. Then there will be another rating and if we are chosen for funds, they will provide the city notice of the options for low interest rates, various levels of principal finance, and variations of each. That's when the city makes the final decision if the city wants to accept their funds with their proposed options. Their rating can be based on things such as green elements, urgent needs, shovel readiness, economically distressed areas, etc.

Council Member Adame made a motion authorizing the submission of the Texas Water Development Board Clean Water State Revolving Fund Project Information Form for the Proposed Wastewater Treatment Plant and was seconded by Council Member Knippa.

Council Member Adame amended his motion to include both FY 2017 and FY 2018 and was seconded by Council Member Knippa. The motion was approved unanimously.

13. Presentation regarding the status of the City's Capital Improvement Program Financial status report as of February 21, 2017 and review and consideration of engineering progress billings for January 31, 2017.

This was an overview of all of the City's Capital Improvement Projects; however, they mainly focused on the Streets Program and the Engineering billing.

Council Member Diehl questioned why the quality of the finished product of Tiner Lane was poor and why there were not culvert extensions or rails added to the narrow road area. Mr. Stewart Wilson stated he feels they need to scrape off and replace the top one to two inches.

John Michael of Naismith/Hanson Engineering stated that the Engineer's responsibility is to test the depth and quality of the product being put down, but they don't build the road itself. The Engineer did what he was supposed to do, but the City can reject the end product. No bills have been submitted to, or paid by, the City to the contractor. He also noted that the 2-course overlay is not as smooth as the hot mix. Council Member Diehl agreed the staff should have the say whether the final product is acceptable and thereby direct the contractor to fix or allow them to leave the job site. Mr. Michael stated the culverts/guardrail is another issue but after speaking with the staff today he believes there is a plan to fix the situation.

City Manager Melissa Byrne Vossmer stated because she is new to the City she is wanting clarification from the Council regarding the payment of the bills related to the CIP projects such as the most recent engineering bill received. Council Member Diehl questioned why the costs didn't include the engineering fees. Finance Director Paul Baen stated that the Council approved the Contractor, not the Engineer. There was additional discussion regarding the cost of the project including all aspects even if they are approved separately. Mrs. Byrne Vossmer also noted that work orders need to be related to projects as we move forward.

14. Consideration and action of a Change Order for the Lovers Lane Drainage Project.

John Michael of Naismith/Hanson Engineering explained that after starting this project that property owners Mr. and Mrs. Global brought up an additional concern that their pond may be allowed to dry out by the way the project was being designed. They requested a drain towards their pond first, then a drain from their pond between the homes towards and across Lovers Lane and eventually to the drainage ditch to the West side of Lovers Lane. The Change Order would be an additional \$11,639.80 to the Contractor bringing the total to Garrett Construction to \$184,667.90. This is still less than the original estimate for this project; which was \$243,000.

Council Member Diehl made a motion to approve Change Order # 1 for the Lovers Lane Drainage Project and was seconded by Council Member Adame. The motion was approved unanimously.

Mayor Lams recessed the Regular Meeting for a short break at 8:55 p.m.

Mayor Lamas reconvened the Regular Meeting at 9:04 p.m.

15. Consideration and of improvement to Live Oak Park:

- A. 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. (Tabled from 2/14/17)
- B. Consideration to authorize change order to Garret Construction Contract awarded on December 13, 2016.
 - C. Consideration to award a contract in the amount of \$235,000 to Musco Sports Lighting for the construction and installation of lights at Live Oak Sports Complex utilizing BuyBoard # 512-16. Funding is available thr the \$560,000 appropriate from the Ingleside Development Corporation (IDC) 4B Funds.
 - D. Consideration to award a contract in the amount of \$23,112 to Nevco Inc. for two Nevco Baseball/Softball Scoreboards.
 - E. To authorize the expenditure of \$60,000 out of the 2016/17 uncommitted capital fund appropriation to be used towards the live Oak Sports Complex concession and restrooms and to approve Alternate # 1 to Gourley Contracting in the amount of \$124,184 for six additional restrooms stalls.

Council Member Adame made a motion authorizing items B and D above (15-B Change Order No. 1 to Garrett Construction for a reduction of \$21,499.10 due to changing one of the fields to an all dirt softball field. And 15-D awarding a contract to Nevco Inc. for the purchase of two Baseball/Softball Scoreboards); and was seconded by Council Member Diehl. The motion was approved unanimously.

There was concern with the total costs of the project being presented and not kept separate by construction vs. engineer. There was additional discussion that as Council makes changes to the plans that the cost of changes be considered with that decision. It appears that the estimates for projects are low and then when the bids come in over budget, we have to find additional funds to complete the project. This is a concern for future projects that needs to be remedied. The projects need to be better thought out in totality before they are presented to Council and not pieced together.

Council Member Adame made a motion awarding item 15-A (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) and requiring items 15- C & E (15-C lighting of the baseball fields and 15-E Alternate # 1 to Gourley Contracting for the additional six restroom stall) be brought back to Council in two weeks worded differently; and was seconded by Council Member Schack. The motion was approved unanimously.

16. Receive and discuss the annual Racial Profile Report for the period of January 1 through December 31, 2016.

The Racial Profile Report for the period of January 1 through December 31, 2016 was received by Council with no concerns.

17. Consideration and action authorizing the spending from the Police Department Federal Asset Sharing Forfeiture Fund in an amount of up to \$10,000.00 for automated car and body camera storage download systems.

Police Chief Stan Bynum explained that currently the patrol officers have to manually download their body and car video equipment at the end of each shift. This can often be time consuming depending on the amount of activity during their shifts. This equipment would allow them automatically download their car equipment automatically when they enter the police parking area and the body camera equipment when it is docked at the charging station at the end of their shift. The downloads would be automatic, thereby less time consuming for the officers; and fewer chances for human error to occur.

Mayor Lamas made a motion authorizing the spending from the Police Department Federal Asset Sharing Forfeiture Fund in an amount of up to \$10,000.00 for automated car and body camera storage download systems and was seconded by Council Member Knippa. The motion was approved unanimously.

18. Financial status report as of January 31, 2017.

Finance Director Paul Baen provided an overview of the financial status reports as of December 31, 2016. He announced that the auditors have almost completed their review of our records and passed out the annual letters to Council Members for their signatures.

Council Member Diehl questioned the current balance of the Street Maintenance Tax Fund and Mr. Baen stated it is approximately \$411,000 and the budget is expecting to spend an estimated \$375,000 this year. Council Member Diehl stated the purpose of the fund is to augment the General Fund Street Maintenance program and questioned when the Street program for this year would be reviewed.

Council Member Diehl stated in his previous conversations with the Mr. Baen, that Mr. Baen indicated there was about \$4 Million of unencumbered funds and now that is about \$3.2 Million due to the Capital items approved in December 2016. He asked how Mr. Baen was able to determine that dollar figure, what all funds it consists of, and how it can be utilized. That information will have to be brought back at a future Council Meeting.

19. Consideration and action of authorizing the staff to renew the employee insurance plan(s) with Texas Municipal League – Intergovernmental Employee Benefits Pool (TML-IEBP).

City Secretary/Human Resources Director Kimberly Sampson explained this is the annual renewal of the health/dental/vision/life insurance. TML-IEBP's goal is for the City to be at no more than 85% claim utilization of the premiums we pay in. As of the November 2016 statistics, our use of the plan was at 109.28% of the premiums paid into the TML-IEBP program. They only print out a letter every three months; however, I have received a verbal review of the claims through January 2017 and our usage is now at 136.02%. In review of these loss ratios, the 10% increase does not appear to be out of line.

Upon review of the budgeted funds for the remaining (June through September) budget, Finance Director Paul Baen stated there are sufficient funds for the 10% increase.

Council Member Schack made a motion authorizing the staff to renew the employee insurance plan(s) with Texas Municipal League – Intergovernmental Employee Benefits Pool (TML-IEBP) and was seconded by Council Member Diehl. The motion was approved unanimously.

20. Consideration and action of a Resolution declaring the unopposed candidates for the Offices of PLACE # 1 COUNCIL MEMBER, PLACE # 3 COUNCIL MEMBER, and PLACE # 5 COUNCIL MEMBER as elected; providing that the May 6, 2017, General Election shall not be held; repealing all Resolutions or parts of Resolutions in conflict therewith; providing for a Savings Clause; providing for a Severability Clause; finding and determining that the meeting at which the Resolution was passes was open to the public as required by law; and providing for an effective date.

City Secretary Kimberly Sampson explained this Resolution only cancels the General Election but does not affect the Special Elections regarding the Charter Amendments or the Referendum to Ban Smoking in Public Places.

Council Member Schack made a motion approving Resolution # 2017-09 declaring the unopposed candidates for the Offices of PLACE # 1 COUNCIL MEMBER, PLACE # 3 COUNCIL MEMBER, and PLACE # 5 COUNCIL MEMBER as elected; providing that the May 6, 2017, General Election shall not be held; repealing all Resolutions or parts of Resolutions in conflict therewith; providing for a Savings Clause; providing for a Severability Clause; finding and determining that the meeting at which the Resolution was passes was open to the public as required by law; and providing for an effective date: and was seconded by Council Member Adame. The motion was approved unanimously.

21. 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" with regards to the potential for property owners within the area recently annexed by Ordinance # 2016-29 dated December 13, 2016 to be considered for economic development negotiations.

Mayor Lamas recessed the regular meeting to go into Closed Executive Session at 10:10 p.m.

Mayor Lamas closed the Executive Session and re-opened the regular meeting at 10:27 p.m.

22. Staff Reports

Volunteer Fire Chief Steven Loving stated that the Radio Repeater project is complete however the bushings on the rotating Ladder Truck that are in need of repair are not part of the warranty. We will be scheduling for the ladder truck to be transported to the warehouse for this repair and some shelving to be installed within the lockers.

23. Requests from Council Members

Council Member Tucker asked when the grass and dirt would be removed from the highway curb/gutters along both SH-361 and FM 1069.

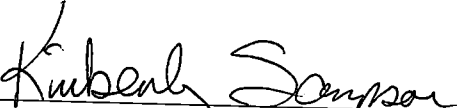
Council Member Adame asked if the windmills behind City Hall and Police Station could be fixed or removed.

Council Member Diehl questioned when the Animal Control Ordinance would be brought to Council with regards to livestock in neighborhood areas.


24. Adjourn

There being no further business, the meeting was adjourned at 10:29 p.m.

ATTEST:


Kimberly Sampson, City Secretary

APPROVED:


Mayor Luis Lamas