

**CITY OF INGLESIDE
MINUTES
REGULAR CITY COUNCIL MEETING
AUGUST 28, 2019**

1. Call meeting to order

The meeting was called to order at 6:30 p.m. with Mayor Ronnie Parker presiding. Council Members present: Mayor Ronnie Parker and Council Members Steve Diehl, Kody Fahrenthold, Stewart Wilson, John Schack, Ben Tucker, and Dennis Knippa (arriving at 7:53 p.m.). Staff present: Finance Director Linnette Barker, and City Secretary Kimberly Sampson Henry. There were approximately 50 guests present.

2. Roll Call

All Council Members were present with Council Member Knippa arriving at 7:53 p.m.

3. Invocation

4. Pledge of Allegiance

5. Citizen Comments

San Patricio County Commission, Precinct # 4, Howard Gillespie, provided a handout to the Council of a copy of a letter from the Texas Transportation Commission regarding SH-200 becoming a Heavy Haul Road and extending North to SH-35. The letter is asking for public comment during the August 29, 2019 Texas Transportation Commission Meeting.

Presentations:

N/A

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.)

Both items # 6 and # 7 were removed from the Consent Agenda by Council Members Diehl and Schack, respectively.

6. Receive the City's Financial Reports as of July 31, 2019.

Council Member Diehl asked the Staff about the payments and contract requirements for the Hotel/Motel Funds. City Manager, David Huseman stated that three of the four payments have been made to the Chamber of Commerce for the current contract year. One of the contract requirements is for quarterly reports and those have not been provided since 2014. Steps are being put into place to make sure that does not occur again. The staff has requested a copy of the Hotel/Motel Expenses this year from the Chamber of Commerce and it was received today; however, the staff has not completed their review of the items. Council Member Diehl suggested that no payment be made without proof of expenses being in compliance with State Hotel/Motel Tax Code.

7. Discussion, consideration and action to approve the minutes of the City Council Meetings dated July 10 and 24, 2019.

Council Member Schack noted that his name was misspelled one time within the minutes provided.

Council Member Fahrenthold made a motion to approve the minutes of the City Council Meetings dated July 10 and 24, 2019 with the correction of any spelling errors; and was seconded by Council Member Wilson. The motion was approved unanimously.

Public Hearings:

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8. **A Public Hearing regarding an application for a Special Permit filed by Nathan Gerber to be allowed to place an RV on the following property for eight (8) months: Lts 1-11 Blk 2 Blaschke Subdivision located at 2536 Hwy 361, also known as the First Baptist Church.**

Mayor Parker opened the Public Hearing at 6:47 p.m.

Speaking in favor of the Special Permit were Mr. John Cobb and Pastor Nathan Gerber. Since Hurricane Harvey the Church has recruited a new Pastor, and would appreciate it if the Council would allow the new Pastor and his family to reside in the trailer for eight more months when he can apply for a mortgage and therefore show one-year in current position.

There were no speakers against the Special Permit.

Mayor Parker closed the Public Hearing at 6:50 p.m.

Action Items:

9. **Discussion, consideration and action of an Ordinance granting a Special Permit to be allowed to place an RV on the Church Property for the period of one (1) year located Lts 1-11 Blk 2 Blaschke Subdivision located at 2536 Hwy 361, also known as the First Baptist Church, and further providing for effective date, reading, severance, and publication. (First Reading)**

Council Member Diehl made a motion to pass to a second reading the Ordinance granting a Special Permit to be allowed to place an RV on the Church Property for the period of one (1) year located Lts 1-11 Blk 2 Blaschke Subdivision located at 2536 Hwy 361, also known as the First Baptist Church, and further providing for effective date, reading, severance, and publication; and was seconded by Council Member Schack.

Council Member Tucker questioned the water/sewer hookups. Building Official, Carey Dietrich, explained the utility hookups that were installed during the Hurricane Harvey recovery period are still there and usable.

Mayor Parker called for the vote and it was unanimous.

10. **Discussion, consideration and action of Harvey Updates including, but not limited to: Insurance, Buildings and Facilities, FEMA Debris Removal, and Fund 19 Fund Report.**

Lucas Pagan, with H2O Partners, updated the Council that there are three main projects that we are working with FEMA: City Hall Repairs, Faith Park, and Public Works Administration/Laboratory. Shane Torno, with Freese and Nichols, and City Secretary, Kimberly Henry, are working with Axis to finalize their payouts that are to be provided to FEMA. The PPDR is due to Council in October 2019.

Council Member Schack questioned when the Faith Park Ball Fields will be repaired. City Manager, David Huseman stated he would ask if the FEMA representatives are done with their inspections so we can demolish and begin limited repairs.

11. **Discussion, consideration and action of Task Orders for Freese and Nichols, Inc. and H2O Partners for work associated with the administration of three Hazard Mitigation Grants (HMGP) received from the Texas Department of Emergency Management (TDEM) for a total grant award amount of \$883,049.16.**

Lucas Pagan, with H2O Partners, noted that he and Shane Torno, with Freese and Nichols, are beginning the work on the three (3) HMGP projects that were approved by TDEM. The grants are 75/25 match and the 5% for grant administration is included in that cost.

Council Member Schack made a motion to approve Task Orders for Freese and Nichols, Inc. and H2O Partners for work associated with the administration of three Hazard Mitigation Grants (HMGP) received from the Texas Department of Emergency Management (TDEM) for a total grant award amount of \$883,049.16; and was seconded by Council Member Fahrenthold. The motion was approved unanimously.

- 12. Discussion, consideration and action of an Ordinance of the City of Ingleside, Texas, amending the 2108/2019 Hurricane Recovery Fund to provide for expenditures in the amount of \$81,281 for H2O Partners, Task Order No. 5, and Freese and Nichols, Inc., Task Order No. 3.**

Council Member Diehl made a motion to approve Ordinance # 2019-23 of the City of Ingleside, Texas, amending the 2108/2019 Hurricane Recovery Fund to provide for expenditures in the amount of \$81,281 for H2O Partners, Task Order No. 5, and Freese and Nichols, Inc., Task Order No. 3: and was seconded by Council Member Tucker. The motion was approved unanimously.

- 13. Discussion, consideration and action of a Resolution of the City Council of Ingleside, Texas, authorizing the submission of a Community Development Block Grant Disaster Recovery (CDBG-DR) application to the Texas General Land Office; and authorizing the City Manager to act as the City's Executive Officer and authorized representative in all matters pertaining to the City's participation in CDBG-DR Program.**

Council Member Diehl made a motion to approve Resolution # 2019-34 of the City Council of Ingleside, Texas, authorizing the submission of a Community Development Block Grant Disaster Recovery (CDBG-DR) application to the Texas General Land Office; and authorizing the City Manager to act as the City's Executive Officer and authorized representative in all matters pertaining to the City's participation in CDBG-DR Program; and was seconded by Council Member Tucker. The motion was approved unanimously.

- 14. Discussion, consideration and action of an Ordinance repealing Ordinance # 1024 enacted February 8th 2011 amending the City's Traffic Control Device Schedule to remove from it, the North and South Bound Stop Signs on Avenue J at the intersections of 2nd Street and 3rd Street. (Final Reading)**

Council Member Schack made a motion to approve Ordinance # 2019-24 repealing Ordinance # 1024 enacted February 8th 2011 amending the City's Traffic Control Device Schedule to remove from it, the North and South Bound Stop Signs on Avenue J at the intersections of 2nd Street and 3rd Street; and was seconded by Council Member Diehl. The motion was approved unanimously.

- 15. Discussion, 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 through 18-34 to add provisions for Drainage Plan Requirements of property elevated 12" or more. (First Reading)**

Building Official, Carey Dietrich, explained these are the same construction standards adopted by Port Aransas.

Council Member Schack made a motion to move 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 through 18-34 to add provisions for Drainage Plan Requirements of property elevated 12" or more; and was seconded by Council Member Tucker. The motion was approved unanimously.

- 16. Discussion, consideration and action of an Ordinance amending Chapter 54 Subdivisions Article III Plats, Division 2 Minor Plats, Sec. 54-91 through 54-94 Ingleside Code of Ordinances, to amend Section 54-91 through 54-94 to clarify provisions for Minor Plats, Amending, and Vacating Plats. (Final Reading)**

Council Member Schack reminded the Council that he requested there be a size limit included in the motion at the first meeting. Unless the size limit is included in the motion for this Ordinance, he will again vote against the Ordinance.

Building Official, Carey Dietrich, explained that drainage is not done at this level for the small re-plats. When plating a subdivision, yes, drainage is required; but not the small re-plats when the development is not known yet.

Mayor Parker made a motion to approve Ordinance # 2019-25 amending Chapter 54 Subdivisions Article III Plats, Division 2 Minor Plats, Sec. 54-91 through 54-94 Ingleside Code of Ordinances, to amend Section 54-91 through 54-94 to clarify provisions for Minor Plats, Amending, and Vacating Plats; and was seconded by Council Member Wilson. The motion was approved with Mayor Parker

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and Council Members Diehl, Fahrenthold, Wilson, and Tucker voting aye and Council Member Schack voting no.

17. Discussion, consideration and action of a Resolution changing fees contained in "Appendix A-Fee Schedule" of the Ingleside Code of Ordinances by amending fees assessed under Chapter 54 Subdivision.

Council Member Diehl made a motion to approve Resolution # 2019-35 changing fees contained in "Appendix A-Fee Schedule" of the Ingleside Code of Ordinances by amending fees assessed under Chapter 54 Subdivision; and was seconded by Council Member Fahrenthold. The motion was approved with Mayor Parker and Council Members Diehl, Fahrenthold, Wilson, and Tucker voting aye and Council Member Schack voting no.

18. Discussion, consideration and action of an application filed by Arthur and Lorrie Monroe to re-plat the following property: Lots 1 and 2, Block 1, Hawkins Addition Subdivision to Lots 1 and 2, Block 1 Monroe Acres Subdivision, also known as 1529 Mooney Lane. (Tabled from 7/24/19)

Council Member Diehl made a motion to approve the application filed by Arthur and Lorrie Monroe to re-plat the following property: Lots 1 and 2, Block 1, Hawkins Addition Subdivision to Lots 1 and 2, Block 1 Monroe Acres Subdivision, also known as 1529 Mooney Lane; and was seconded by Council Member Wilson. The motion was approved unanimously.

19. Discussion, consideration and action of an application filed by Wilanne R. Stewart and Diana L. Hill to re-plat the following property: NW ¼ of Lot 4 and NE ¼ of Lot 5, Block C, Burton and Danforth Subdivision to Lots 4A and 4B, Block C, Burton and Danforth Subdivision, also known as 1547 Mooney Lane. (Tabled from 7/24/19)

Council Member Diehl made a motion to approve an application filed by Wilanne R. Stewart and Diana L. Hill to re-plat the following property: NW ¼ of Lot 4 and NE ¼ of Lot 5, Block C, Burton and Danforth Subdivision to Lots 4A and 4B, Block C, Burton and Danforth Subdivision, also known as 1547 Mooney Lane; and was seconded by Council Member Wilson. The motion was approved unanimously.

20. Discussion, consideration and action of an application filed by Gerald and Melinda Marmolejo to re-plat the following property: Lt 1, Block 84, T.P. McCampbell Subdivision to Lt 1, Block 1, Marmolejo Acre Subdivision, also known as 3093 Avenue A. (Tabled from 7/24/19)

Council Member Fahrenthold made a motion to approve an application filed by Gerald and Melinda Marmolejo to re-plat the following property: Lt 1, Block 84, T.P. McCampbell Subdivision to Lt 1, Block 1, Marmolejo Acre Subdivision, also known as 3093 Avenue A; and was seconded by Council Member Wilson. The motion was approved unanimously.

21. Discussion, consideration and action of an Ordinance amending Ingleside Code of Ordinances Chapter 66, Utilities, Section 66-87 and Section 66-251 and providing for effective date, reading, severance, and publication. (Final Reading)

Council Member Fahrenthold made a motion to approve Ordinance # 2019-26 amending Ingleside Code of Ordinances Chapter 66, Utilities, Section 66-87 and Section 66-251 and providing for effective date, reading, severance, and publication; and was seconded by Council Member Wilson.

Finance Director, Linnette Barker, explained she is working with Incode to write a code that will freeze today's rates vs. the new rates and thereby the additional funds will automatically go to a separate revenue line item/fund account. Council Member Diehl suggested that following implementation the Council receive a copy of the first two or three quarterly reports. He further suggested a Resolution be approved specifying these funds are specifically for the TWDB bonds and therefore future Council's cannot re-purpose those funds.

Mayor Parker called for the vote to approve Ordinance # 2019-26 and it was approved unanimously.

22. Discussion, consideration and action of a Resolution changing the water and sewer base and volume rate contained in Appendix "A" Fee Schedule of the Ingleside Code of Ordinances.

Council Member Wilson made a motion to approve Resolution # 2019-36 changing the water and sewer base and volume rate contained in Appendix "A" Fee Schedule of the Ingleside Code of

Ordinances; and was seconded by Council Member Fahrenthold. The motion was approved unanimously.

23. Discussion, consideration and action of an Ordinance amending Chapter 14 Animal Control Article IV. – Animal and Rabies Control, Ingleside Code of Ordinances, to amend Section 14-43 – Impoundment to add the provision for Microchipping of impounded animals and providing for effective date, reading, severances, and publication. (First reading)

Police Chief, Tammy Burr, asked the Council to consider that all adopted animals be microchipped upon adoption. It is a simple shot that our staff can administer and we already have the microchip reader.

Council Member Fahrenthold made a motion to pass to a second reading the Ordinance amending Chapter 14 Animal Control Article IV. – Animal and Rabies Control, Ingleside Code of Ordinances, to amend Section 14-43 – Impoundment to add the provision for Microchipping of impounded animals and providing for effective date, reading, severances, and publication; and was seconded by Council Member Wilson. The motion was approved unanimously.

Council Member Knippa arrived at 7:53 p.m.

24. Discussion, consideration and action of an Ordinance allowing the Sale of Lemonade and other Non-Alcoholic Drinks in the Park by Children. (First Reading)

City Manager, David Huseman, noted this is a new mandate from the most recent State Legislative Session regarding the sale of lemonade and non-alcoholic drinks for those individuals under the age of 18 in our City Parks.

Council Member Wilson made a motion to pass to a second reading the Ordinance allowing the Sale of Lemonade and other Non-Alcoholic Drinks in the Park by Children; and was seconded by Council Member Fahrenthold. The motion was approved unanimously.

25. Discussion, consideration and action of an Ordinance electing to receive Bingo Prize Fees and amending Chapter 10 by adding Section 10-27. (First Reading)

City Manager, David Huseman, explained this is another recent change due to State Legislature and requires that any Bingo Prize funds be collected by the appropriate taxing entity. The State will no longer collect on behalf of the local taxing entities.

Council Member Diehl made a motion to pass to a second reading the Ordinance electing to receive Bingo Prize Fees and amending Chapter 10 by adding Section 10-27; and was seconded by Council Member Wilson. The motion was approved unanimously.

26. Discussion, consideration and action of an Ordinance of the City of Ingleside, Texas, amending the 2018/2019 General Fund Civic Center and Hotel/Motel Fund Budgets. (single reading)

Council Member Diehl made a motion to approve Ordinance # 2019-27 of the City of Ingleside, Texas, amending the 2018/2019 General Fund Civic Center and Hotel/Motel Fund Budgets; and was seconded by Council Member Wilson. The motion was approved unanimously.

27. Discussion, consideration and action of an Ordinance by the City Council of the City of Ingleside, Texas authorizing the issuance of “City of Ingleside, Texas Tax Notes, Series 2019”, levying an annual Ad Valorem Tax, within the limitations prescribed by law, for the payment of the obligations; prescribing the form, terms, conditions and resolving other matters incident and related to the issuance, sale, and delivery of the obligations; authorizing the execution of a Paying Agent/Registrar Agreement and a Purchase and Investment Letter; complying with the Letter of Representations previously executed with the Depository Trust Company; authorizing the execution of any necessary Engagement Agreements with the City’s Financial Advisors and /or Bond Counsel; and providing an effective date. (Single Reading)

Andrew Friedman, with SAMCO, provided a handout with the bids received yesterday for \$2.8M. The lowest rate received was from First National Bank Texas at 1.530%. These are seven (7) year bonds and the City is still well below the norm debt ratios for municipalities.

Council Member Diehl questioned if this was for the Houghton Subdivision Project and City Manager, David Huseman agreed it is for that project. Council Member Schack requested to see the details of the project before he would approve the bonds. Staff provided a copy of the letter from the City Manager to the Council provided at previous Council Meetings explaining the various revenue sources for the Houghton Subdivision Project, with this being one of those sources. It was noted that these bonds do not specify it is for the Houghton Subdivision Project due to Bond Counsel making them as broad as possible. Mr. Huseman stated if Council prefers, a Resolution can be brought back to clarify these funds are specifically for the Houghton Subdivision Project.

Council Member Diehl made a motion to approve Ordinance # 2019-28 by the City Council of the City of Ingleside, Texas authorizing the issuance of "City of Ingleside, Texas Tax Notes, Series 2019", levying an annual Ad Valorem Tax, within the limitations prescribed by law, for the payment of the obligations; prescribing the form, terms, conditions and resolving other matters incident and related to the issuance, sale, and delivery of the obligations; authorizing the execution of a Paying Agent/Registrar Agreement and a Purchase and Investment Letter; complying with the Letter of Representations previously executed with the Depository Trust Company; authorizing the execution of any necessary Engagement Agreements with the City's Financial Advisors and /or Bond Counsel; and providing an effective date and to bring back a Resolution to clarify these funds are specifically for the Houghton Subdivision Project: and was seconded by Council Member Wilson. The motion was approved with Mayor Parker and Council Members Diehl, Fahrenthold, Wilson, and Knippa voting aye; and Council Member Schack and Tucker voting no.

- 28. Discussion, consideration and action of a Resolution of the City of Ingleside, Texas finding that AEP Texas Inc.'s requested increase to its Electric Transmission and Distribution Rates and Charges within the City should be denied; finding that the City's reasonable Rate Case Expenses shall be reimbursed by the Company; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring reimbursement of Cities' Rate Case Expenses; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the Company and Legal Counsel.**

Council Member Schack made a motion to approve Resolution # 2019-37 of the City of Ingleside, Texas finding that AEP Texas Inc.'s requested increase to its Electric Transmission and Distribution Rates and Charges within the City should be denied; finding that the City's reasonable Rate Case Expenses shall be reimbursed by the Company; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring reimbursement of Cities' Rate Case Expenses; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the Company and Legal Counsel: and was seconded by Council Member Diehl. The motion was approved unanimously.

- 29. Discussion, consideration and action of a Resolution of the City Council of Ingleside, San Patricio County, Texas, appointing a Representative to serve on the San Patricio Economic Development Corporation.**

Council Member Fahrenthold made a motion to approve Resolution # 2019-38 of the City Council of Ingleside, San Patricio County, Texas, appointing a Representative to serve on the San Patricio Economic Development Corporation; and was seconded by Council Member Knippa. The motion was approved unanimously.

- 30. Discussion, consideration and action of a Resolution of the Move the City Council of Ingleside, San Patricio County, Texas, changing the date of the regularly scheduled City Council Meeting of October 9, 2019 due to a conflict of events.**

Council Member Knippa made a motion to approve Resolution # 2019-39 of the Move the City Council of Ingleside, San Patricio County, Texas, changing the date of the regularly scheduled City Council Meeting of October 9, 2019 due to a conflict of events; and was seconded by Council Member Diehl. The motion was approved with Mayor Parker and Council Members Diehl, Fahrenthold, Wilson, Tucker, and Knippa voting aye; and Council Member Schack voting no.

Executive Session:

N/A

Other:

31. Reports from Staff

A. **City of Ingleside expenditures** – Council Members requested the list of expenditures be limited to anything over \$3,000.

32. Requests from Council Members for Future Agenda Items.

Council Members Wilson and Diehl as well as Mayor Parker, thanked Police Chief, Tammy Burr, and her staff for bringing home the child that has been missing since January 2019.

Council Member Tucker asked why the Cellular Phone Ordinance requested at the previous meeting was on tonight's agenda and staff explained it would be on the next agenda.

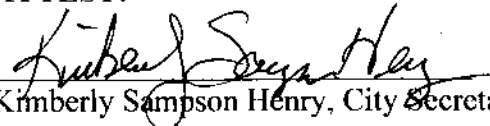
Mayor Parker requested a future Resolution to clarify the 2019 bond funds are specifically for the Houghton Subdivision Project

Council Member Schack asked what was happening with the Swimming Pool and Council Member Diehl stated that is being worked on with the IDC Board by conducting a Master Parks Plan.

33. Adjourn

There being no further business, the meeting was adjourned at 8:35 p.m.

ATTEST:


Kimberly Sampson Henry, City Secretary

APPROVED:


Mayor Ronnie Parker