

**CITY OF INGLESIDE
MINUTES
REGULAR CITY COUNCIL MEETING
SEPTEMBER 11, 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 (arriving at 7:15 p.m.), Stewart Wilson, John Schack, Ben Tucker, and Dennis Knippa. Staff present: City Manager David Huseman, Finance Director Linnette Barker, and City Secretary Kimberly Sampson Henry. There were approximately 30 guests present.

2. Roll Call

All Council Members were present with Council Member Fahrenthold arriving at 7:15 p.m.

3. Invocation

4. Pledge of Allegiance

5. Citizen Comments

Ms. Julie Wilson thanked staff members Dale McConnell, David Huseman, and Hanson Professional Services staff members for their explanations and working with the neighbors on Avenue J during construction. She appreciates the reduction of Stop Signs on Avenue J; however, now there needs to be increased patrol due to speeders.

Mr. Steve Spiegelhoff appreciated the repairs to the Avenue J; however, he too has notice there are speeders on Avenue J. He also asked that the School Zone signs be updated.

Presentations:

6. Introduction of the Staff recently employed and promoted by the City of Ingleside.

New staff members presented were:

Heavy Equipment Operator – Jeffry Barker

Dispatcher – Jenny Clarke-Lindsay

Promoted staff members presented were:

Patrol Sergeants – Brad Gamble and Jose Perez

7. Presentation by San Patricio County Emergency Management Coordinator, Sara Williams regarding the Hurricane Harvey Recovery Process.

San Patricio County Emergency Management Coordinator, Sara Williams provided a post Hurricane Harvey snapshot and explained how the County plans to navigate with the new ways of recovery. She spoke about Community Planning, the next steps for gathering information from community leaders and citizens, and how the information will be used to help plan future responses to emergency situations.

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.)

- 8. Discussion, consideration, and action to accept the \$200 Donation from Stampede for the Parks and Recreation Department.**
- 9. Discussion, consideration, and action to allow Ingleside ISD to host District 31- AAAA Cross Country Championship Meet on October 16 and 17, 2019.**
- 10. Discussion, consideration, and action of Ordinance # 2019-29 granting a Special Permit to be allowed to place an RV on the Church Property for the period of one (1) year located Lots 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. (Final Reading)**

- 11. Discussion, consideration, and action of Ordinance # 2019-30 allowing the Sale of Lemonade and other Non-Alcoholic Drinks in the Park by Children. (Final Reading)
- 12. Discussion, consideration, and action of Ordinance #2019-31 electing to receive Bingo Prize Fees and amending Chapter 10 by adding Section 10-27. (Final Reading)
- 13. Discussion, consideration, and action of Ordinance # 2019-32 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. (Final Reading)
- 14. Discussion, consideration, and action of Ordinance # 2019-33 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. (Final reading)

Council Member Tucker made a motion to approve the Consent Agenda and was seconded by Council Member Wilson. The motion was approved unanimously.

Public Hearings:

N/A

Action Items:

- 15. Discussion, consideration, and action regarding drainage of Mooney Lane. Hanson Professional Services will present their findings.

Craig Thompson of Hanson Professional Services explained the State codes regarding drainage. He provides overhead photos of the FEMA Map indicating Mooney Lane is not in a Flood Zone and he shows Google photos of this area from 1950, 1956, 1985, 1995, 2003, and 2017. The North side of Mooney Lane between Avenue A and Sanders have always been a wet "bowl" area and that portion of Mooney Lane was developed later than the rest due to flooding many years ago. The roadway itself is only 22ft above sea level and the land is lower than the street. The contour map provided shows the direction of waters has a "bowl" effect on the North side of Mooney Lane where the two houses now stand and have flooding concerns. During this abnormally wet year, there was just no place for the water to go. The temporary solution is to pump the water towards Saunders Lane. The long term solution would be to add deeper culverts and move the water towards Morgan Lane. This will require landowners working with the City to assist these individuals.

Council Member Wilson questioned if the water could be moved to Whitney Lake. Mr. Thompson replied that Whitney Lake is higher than this area. If we can move the water to Morgan Lane area, it can then flow East towards the Bay.

Mayor Parker suggested that the property owners dig retention ponds on their property and Council Member Schack questioned if a pond would be able to draw the ground water into the pond. Mr. Thompson stated he was not sure if a deeper pond would work or not. There would need to be a lot of work done on private property to consider that option. This year was abnormally wet and the water table was elevated everywhere; there was just no place for the water to go.

Council Member Farenthold arrived at 7:15 p.m.

Mr. Gerard Guteriz stated he is concerned with more culverts because he thinks the water will just flow onto his property even faster. Some of the citizens who have lived here for many years have told him that something else has changed. They relayed stories to him that when we had really wet years, the water drained off faster. Mr. Guteriz noted that he is willing to bring in dirt to raise his property, but the Council has to approve the extra dirt.

- 16. Discussion, consideration, and action to make a determination if the following structure meets the minimum standards of adopted codes or shall be demolished and removed from the property as per Section 18-299 of the Ingleside City Code - Owner: Juan G. Martinez at Lots 11, 12, and 17' of 13, Block 22, RJ Williams Subdivision, Otherwise known as 2498 Avenue C. (Tabled from 7/10/19)

Council Member Diehl made a motion that the following structure does not meet the minimum standards of the adopted codes and shall be demolished and removed from the property as per Section 18-299 of the Ingleside City Code - Owner: Juan G. Martinez at Lots 11, 12, and 17' of 13, Block 22,

RJ Williams Subdivision, otherwise known as 2498 Avenue C to be known as Demolition Order # 2019-08-001; and was seconded by Council Member Fahrenthold. The motion was approved unanimously.

Mayor Parker moved agenda item # 24 forward.

Executive Session:

24. Discussion, consideration, and action regarding the FY 2018/2019 contract between the City of Ingleside and the Ingleside Chamber of Commerce. The City Council may meet in Closed Executive Session in accordance with the Texas Government Code Section 551.071 (Consultations with Attorney).

Mayor Parker recessed the Regular Meeting to go into Closed Executive Session at 7:44 p.m.

Mayor Parker closed the Executive Session and reconvened the Regular Meeting at 8:16 p.m.

Council Member Diehl confirmed with staff there have been no quarterly reports provided to the City from the Chamber of Commerce (CoC) since 2014. He looked back to the video of the 2018 approval of the contract and there were no questions asked; however, that does not mean questions can't be asked at this time. The Hotel/Motel Taxes can be spent on items that meet two requirements: (1) support of the use of Hotels/Motels (often called "Heads in Beds"), and (2) one of nine different categories. Council Member Diehl has requested to meet with the CoC staff to review the expenses and that has not occurred. The City Staff did an Open Records Request with regards to Hotel/Motel expenses and the documents provided do not meet the two requirements for allowable Hotel/Motel expenses. The City is required to provide an annual report to the State of Texas saying that the expenses meet their two-step requirements and we cannot honestly answer that report this year. He is suggesting a reset of the program and make a new format to request funds that better spells out the two-step requirements and allows not only the CoC, but other entities to use these funds.

Council Member Diehl made a motion authorizing the City Manager to notify the Chamber of Commerce that the last quarter of the current contract be terminated pending review of the current contracts expenditures; and was seconded by Council Member Knippa.

Council Member Schack quoted sections of Texas Tax Codes 351.101 and stated he can't find the requirements for documents to prove "Heads in Beds" and asked someone to show him that requirement. He feels this is a personal attack on the CoC and is against it.

There was additional discussion regarding items that could be paid from Hotel/Motel funds: the payment of a up to 33% of administrative costs, and music, but not alcohol. CoC Incoming President, Preston Bailey (of MODA Midstream) stated that some of the receipts provided during the Open Records Request were not accurate and all receipts were provided instead of just those eligible for Hotel/Motel funds.

Mayor Parker called for a vote of the motion on the floor and it was approved with Mayor Parker and Council Members Diehl, Fahrenthold, Wilson, Tucker, and Knippa 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 14 Subdivision, specific to Animal Control.

Police Chief, Tammy Burr provided an overview of the various changes of fees and the need for microchipping. Council Members discuss a need for an analysis to include staff wages, vehicles, and housing costs.

Council Member Schack suggests an Impoundment/pick-up fee of \$20 plus \$15 for each repeat offence. Then the Impoundment fee of \$5 first day, \$25 second day, and increase there-after.

Council Member Schack made a motion to approve Resolution # 2019-41 with the changes as follows: (1) the Impound/Pick-up Fee be decreased from \$50 to \$20 for first time occurrence; (2) Impound/Pick-up fee increase by \$15 for each repeat offence; (3) Boarding/Holding (with current vaccination & license be decreased from \$25 to \$5 for first day and \$25/day thereafter; (4) Boarding/Holding (with no current vaccination & license) be set at \$25/day; and (5) a microchipping service fee of \$15. The motion was seconded by Council Member Tucker and approved unanimously.

18. Discussion, consideration, and action of an Ordinance of the City of Ingleside, Texas, amending the 2018/2019 General Fund, and the Asset Seizures and Forfeiture Fund Budgets for the Car Video, Body Worn Cameras, and Mobile Data Terminal Upgrade for the Ingleside Police Department. (Single Reading) (Tabled from 8/14/19)

Police Chief, Tammy Burr reminded the Council that at the July 10, 2019 Council Meeting, a presentation was made to the Council regarding the purchase of Car Video, Body Worn Cameras, and Mobile Data Terminal Upgrades. Council did approve up to \$250,000 or the purchase from Panasonic. At the August 14, 2019 Council Meeting this Ordinance was presented to Council to use General Funds as well as Asset Seizures and Forfeiture Funds and it was asked of the staff if they were still okay with the Panasonic products. Chief Burr replied that additional request from staff had been asked and she was still researching those. Since the August 14, 2019 meeting, Chief Burr has worked with staff and vendors regarding the officer safety, additional servers, battery life, and the size/weight of units. At this point, Axon is the preferred product and the total is now \$253,035.97.

Council Member Fahrenthold agreed he prefers Axon to Panasonic as a Deputy for San Patricio County.

Council Member Fahrenthold made a motion to approve Ordinance # 2019-34 of the City of Ingleside, Texas, amending the 2018/2019 General Fund, and the Asset Seizures and Forfeiture Fund Budgets for the Car Video, Body Worn Cameras, and Mobile Data Terminal Upgrade for the Ingleside Police Department with the award to be to Axon instead of Panasonic; and was seconded by Council Member Wilson. The motion was approved unanimously.

19. Discussion, consideration, and action of an Ordinance amending Chapter 62, Traffic and Vehicles, by adding a new Article VI, Regulating the Use of Hand-Held Mobile Communication Devices while Driving. (First Reading)

Police Chief, Tammy Burr explained that the 2017 Texas Legislature passed a law that prohibits the use of hand held devices while driving; however, for Municipalities to enforce the law it is required to be a City Ordinance and additional signs at all major entry points. Bluetooth is allowed and there is still the exception for law enforcement personnel/services.

Council Member Tucker made a motion to pass to a second reading the Ordinance amending Chapter 62, Traffic and Vehicles, by adding a new Article VI, Regulating the Use of Hand-Held Mobile Communication Devices while Driving; and was seconded by Council Member Diehl. The motion was approved unanimously.

20. Discussion, consideration, and action of an Ordinance of the City of Ingleside, Texas amending the FY 2018/2019 General Fund Budget for Attorney Fees.

Council Member Schack made a motion to approve Ordinance # 2019-35 of the City of Ingleside, Texas amending the FY 2018/2019 General Fund Budget for Attorney Fees; and was seconded by Council Member Fahrenthold. The motion was approved unanimously.

21. Discussion, consideration, and action of a Resolution by the City Council of the City of Ingleside for the Utility Fund Increase Reserve Account.

Finance Director, Linnette Barker explained that Incode is writing the program to make sure that the increase of funds is automatically coded to the Utility Fund labeled as reserve for the Wastewater Treatment Plan project.

Council Member Schack made a motion to approve Resolution # 2019-42 by the City Council of the City of Ingleside for the Utility Fund Increase Reserve Account and was seconded by Council Member Diehl. The motion was approved unanimously.

22. Second Public Hearing regarding the proposed Budget, the proposed Tax Rate, and the proposed Tax Revenue for FY 2019/2020.

Mayor Parker opened the Second Public Hearing regarding the proposed Budget, the proposed Tax Rate, and the proposed Tax Revenue for FY 2019/2020 at 9:22 p.m.

Mayor Parker stated this is a proposed tax rate of \$0.682515 per \$100 of valuation. This rate exceeds the lower of the effective tax rate or rollback tax rate, and state law requires two public hearings to be held before adopting the proposed tax rate. At a special meeting on Wednesday, September 18, 2019 at 6:30 p.m. at the Ingleside City Hall, 2671 San Angelo St., Ingleside, Texas, the Ingleside City Council will vote on the proposed tax rate.

There were no speakers for or against the proposed Budget, the proposed Tax Rate, and the proposed Tax Revenue for FY 2019/2020.

Mayor Parker closed the Public hearing at 9:23 p.m.

23. Discussion, consideration, and action of the proposed Budget, the proposed Tax Rate, and the proposed Tax Revenue for FY 2019/2020.

Council Member Schack questioned what was budgeted for new development. City Manager, David Huseman explained there is no line-item for new development because we don't have any planned. Council Member Schack is concerned that staff would spend Impact Fees without Council approval. Mr. Huseman explained all Impact Fee are required by State Statute to be approved by Council action.

Council Member Schack made a motion to add a line item for "New Development" of \$100,000 and was seconded by Council Member Diehl. The motion was approved unanimously.

Council Member Diehl asked about the ticket writers for the Police Department. Police Chief, Tammy Burr explained they would appreciate funds for six (6) ticket writers and the software they are considering does interface with all current programs.

Council Member Diehl made a motion to add \$44,035 to the Police budget for ticket writers; and was seconded by Council Member Knippa. The motion was approved unanimously.

Council Member Fahrenthold questioned when the staff raises would be presented and Mr. Huseman stated that is planned for the next Council Meeting, September 18, 2019.

Council Member Schack suggested the City pay 100% of the salary/benefits for the School Resource Officer instead of 50/50 with IISD as long as the School doesn't have to send the funds back to the State. This doesn't change any expense line item, it would only reduce a revenue line item if IISD agrees to it.

Council Member Schack questioned why there was a check for \$500,000 to TMRS. Finance Director, Linnette Barker explained there was approximately \$1.5M due to TMRS. The City paid \$500,000 in 2018, this is the 2019 payment, and there will be one more payment of \$500,000 in 2020 as per Council direction in 2018. Council Member Schack asked if there is sufficient unencumbered funds in the current year and Mrs. Barker stated there is \$3.8M unencumbered.

Council Member Schack made a motion to pay the remaining \$500,000 to TMRS at this time and was seconded by Council Member Diehl. The motion was approved unanimously.

City Manager, David Huseman reminded the Council that these funds are split between General and Utility Fund according to the employee ratio.

Other:

25. Reports from Staff

- A. **City of Ingleside expenditures** – There were no questions from Council.
- B. **City Manager's Monthly Report** – There were no questions from Council.

26. Requests from Council Members for Future Agenda Items.

Council Member Schack requested an update of the progress to Faith Park at the October 8, 2019 Council Meeting.

Council Member Fahrenthold requested an agenda item to discuss the attendance fees for the Fire Department.

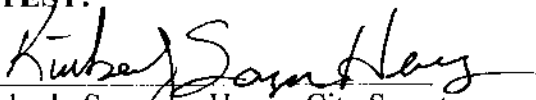
27. Adjourn

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order


There being no further business, the meeting was adjourned at 9:43 p.m.

ATTEST:



Kimberly Sampson Henry, City Secretary

APPROVED:



Mayor Ronnie Parker