

**CITY OF INGLESIDE  
MINUTES  
REGULAR CITY COUNCIL MEETING  
JANUARY 26, 2016**

**1. Call meeting to order**

The meeting was called to order at 6:32 p.m. with Mayor Pete Perkins presiding. Council Members present: Mayor Pete Perkins and Council Members Cynthia Wilson, Kevin Robbins, Oscar Adame, Dennis Knippa, Steve Diehl, and Paul Pierce. Staff present: City Manager Jim Gray, Finance Director Paul Baen, and City Secretary Kimberly Sampson. There were approximately 60 guests.

**2. Invocation**

**3. Pledge of Allegiance**

**4. Presentations from the Audience**

Mr. Howard Gillespie provided handouts to the Council and Public announcing he is running for San Patricio County Commissioner Precinct # 4 and encouraged everyone to get out and vote.

Mr. Mike Falcon of the Little League stated they have lost a second pole light at the Little League field and a third pole is getting worse. The Little League is asking the City for help in making improvements to these fields.

Mr. Rene Contreras stated he understands the need for drainage and street improvements; however, there baseball and soccer leagues are in need of improvements to their fields or new fields for these kids.

**5. Consideration and action of the Minutes of the Regular City Council Meeting of January 26, 2016.**

City Secretary Kimberly Sampson requested this item be removed from the agenda due to it being posted with the incorrect date.

Mayor Perkins removed the agenda item.

**6. Update from Cody Williams of Bay Ltd. regarding the TxDOT construction along FM 1069 (also known as Main Street) from 7<sup>th</sup> Street to Walmart in Aransas Pass.**

Mr. Cody Williams of Bay Ltd. Announced that if the weather prevails, their project should be completed by the end of February 2016.

Council Member Wilson questioned how the City could get sidewalks along the highway like they have in Gregory and Mr. Williams stated that is a TxDOT question. He did suggest that any sidewalks being considered be six (6) feet wide in order to accommodate two (2) wheelchairs at any giving time.

Council Member Diehl asked who would be maintaining the drainage ditches and Mr. Williams stated inside the City Limits it will be the City's responsibilities.

Mr. Rene Contreras asked about the Sewer Manholes within the drainage ditches and City Manager Jim Gray explained that each manhole will have a water tight seal.

**7. The Council may discuss and may, in accordance with Section 551.071 Texas Government Code, meet in executive closed session to discuss with the City Attorney the boundary lawsuit by and between City of Ingleside and City of Corpus Christi.**

Mayor Perkins recessed the regular meeting in order to go into Closed Executive Session at 6:43 p.m.

Mayor Perkins closed the Executive Session and reopened the regular meeting at 6:59 p.m.

Council Member Pierce did not attend the Closed Executive Session

**8. Consideration and action of a request made by Council Members Pierce and Knippa as stated below:**

- a) **Consideration and action of an Ordinance changing the zoning for the following property from its present zoning of I (Industrial) and C-2 (General Commercial) to R-1 (Single-Family Residential District) and further providing for effective date, readings, severance, and publication: 663.68 acres of land, formerly known as Live Oak Preserve, consisting of portions of a 1225.97 acre tract and portions of a 102.18 acre tract, being the Louis Von Zacharias Survey A-272; the R.S. Williamson Survey, A-283; the T.T. Williamson Survey, A-295; and the John Robinson Survey, A-226;**
- b) **Consideration and action of an Ordinance changing the zoning for the following property from its present zoning of I (Industrial), with objectionable uses, to R-1 (Single-Family Residential District) and further providing for effective date, readings, severance, and publication: 152.62 acres out of the Heirs of Rosa Teal Survey A-262, known as Northside of Hwy 361;**
- c) **Of the property currently known as the Wildcat Cougar Dock, the portion of the property on the East side of FM 1069 (Main Street); 10.00 acres, more or less, be a portion of Blocks C, D, and E# Caruthers Cove, San Patricio County, Texas and**
- d) **Of the property currently owned by Dagger Island, the portion currently zoned I (Industrial) Most Southern +/-504 acres of the +/-620 acres out of the following Lots 11 and 12, Block M, Burton and Danforth Subdivision. Portions of the WM. McDonough Survey, Abstract 184; The Edmond St. John Survey, Abstract 250; The Louis Von Zacharias Survey Abstract 272; and the R.S. Williamson Survey, Abstract 283 as known as remainder of the Dagger Island Partners, LTD., PUD fronting FM 2725.**

Council Member Pierce explained that he and Council Member Knippa requested these Ordinances be placed as a first reading on the agenda in accordance with City Charter Section 3.10. The City Attorney and City Manager believe it requires a vote of the Council. Thereby, Council Member Pierce made a motion to move these items to first readings. The motion died for a lack of a second.

Mayor Perkins explained that the request was not a simple agenda item. The request was directing the staff to prepare ordinances, post/publish/mail notices, be presented to Planning and Zoning Commission, and then presented to City Council. All of that direction would require a vote of the Council. The other concern is that these actions can cause what is called a Takings Action and could cause the City to be in a very costly lawsuit. Mayor Perkins made a motion to deny the request for first readings of these items. The motion died for a lack of a second.

Council Member Diehl stated that although he may agree or disagree with the actions taken by the previous City Council, they are actions that must be upheld. To "un-zone" something is a large pitfall and is not recommended by the State of Texas. Council Member Diehl urged the Council Members to read the Basics of Zoning in Texas publication. He further reminded Council Members and the Public that even though part of Flint Hills and the Dagger Island properties are zoned Industrial, they are limited in what they can do and would have to come back before Council to request an Objectionable Use.

City Attorney Michael Morris explained the three (3) different ways that are considered takings: (1) need land for roadway or utilities; (2) regulatory takings are when you set controls within those areas restricting their use; and (3) is considered down-zoning. Usually these end up being decided by a court as to whether it is too much of a down-zone and the courts are typically more favorable to the private land owners and their use of their

land. Additionally, Attorney Morris has spoken with TML-IRP (the City's liability insurance provider) and they have stated they would not defend the City in this cause. They will support the City with regards to whether procedures were followed, but they will not support the City regarding a down-zoning lawsuit. The City could be liable for all aspects of the Takings that could include previous engineer/attorney costs, cost of land, future loss of revenue, current attorney fees, etc.

Council Member Knippa stated he was elected by the people to rezone these properties back to residential zonings.

Mayor Perkins announced that if we down-zone any of these areas it will potentially cost the City millions of dollars and we could lose any lawsuit in a court of law. The cost of the land alone for the Flint Hills property was \$19,000,000.00, not to mention the attorney, appraiser, realtors, etc. fees.

Council Member Wilson stated she was against anything that would cause another unnecessary lawsuit against the City.

Council Member Pierce asked how the rezone of Main Street from R-1 to General Commercial without a vote by the Council. City Manager Jim Gray explained the Planning and Zoning Commission discussed and voted for the staff to proceed with that process. Council Member Pierce questioned if the City Attorney was involved in the rezone of Main Street and Mr. Gray stated no because the Planning and Zoning requested the action.

Attorney Morris explained that City Charter and City Code allows two Council Members to request an agenda item to be discussed and voted on by the City Council as to whether to instruct staff to take action. It doesn't allow two Council Members to instruct the staff to begin a process that requires additional expense such as publication, certified mail, attorney fees, engineer fees, etc.

No additional motions were made. No action was taken.

**Mayor Perkins read items # 9 and 10 together.**

- 9. Consideration and action to determine the allocation of funds from the \$7,000,000 Bond program to previously discussed projects.**
- 10. Presentation by John Michael of Naismith Engineering regarding Drainage for Avenue A and the entry way sign.**

City Manager Jim Gray reminded the Council the original figures provided regarding the \$7,000,000 in Bonds were estimated at \$2.2M for Parks, \$1.5M for Streets/Sidewalks, and \$3.3M for Drainage improvements. Mayor Perkins noted that the recently adopted Master Plan speaks about the public wanting more parks. Even the citizens tonight were here to say they need better ball fields.

Council Member Adame stated that the Street Advisory Committee will be presenting their results at a meeting in February. He also noted that as we move forward with the streets program, that we need to do any drainage work as we rework the streets. He agreed that we can't fix all, but we can fix some of the streets and drainage areas. Council Member Adame agreed that there is a need for park improvements/expansions, but maybe not \$2.2M worth. He suggested we reconsider the parks after we get more information on streets and drainage.

Council Member Pierce stated that he didn't feel the bonds should be used to fix the existing parks, but rather long term assets. The leagues are asking for new field lights and fill dirt, these are maintenance items.

Naismith Engineer John Michael explained that he and the City staff have been focusing on obtaining the easements for drainage projects and getting the suggestions from the Street Committee. Once these projects are decided on and better estimates decided on, then we were going to back into the remaining funds for the Parks improvements. He agreed with Council Member Pierce that the bond funds should be for new projects and not general

maintenance of existing fields. He questioned what parks projects can be done with less funds.

One concern is the requirement to have 5% of the funds obligated by March 22, 2016, which consists of \$350,000. City Manager Jim Gray and Mr. Michael both agree that the Streets and some of the Drainage projects should be obligated prior to that date.

Council Member Diehl suggested that if we cannot get the required easements for a specific project that the staff should move down the line to the next project.

There was some discussion regarding the use of the donated lights from former Naval Station Ingleside Ball fields on the existing Little League field that the current light poles are deteriorating. It was noted that (1) those light poles were planned for use at new fields to be built at the expansion of Live Oak Park, and (2) concern about using some metal poles and some existing wooden poles and how that would work.

Council Member Pierce requested a future agenda item to include parks projects that could include \$0-\$500,000 and \$500,000-\$1,000,000 and \$1,000,000-\$1,500,000 in projects. Mr. Gray stated that if any funds are put into the existing Little League fields, that they need to be completely rebuilt. Council Member Wilson questioned if the Little League could live with the existing fields until new fields are built elsewhere. Previously there has been discussion to build new fields at Live Oak Park and do away with the Dixie Diegel Little League fields. But what is being heard tonight is to abandon the Live Oak Park expansion outlined in the Parks Master Plan.

IISD President Teresa Flores reminded the Council that at last summer's joint meeting between the City and School, that the School is interested in the Little League fields if the City does expand elsewhere.

San Patricio County Drainage District Engineer Roy Heisterman explained the Avenue A Drainage issue from Swan Lake to the R/R Tracks and how they are planning to fix that issue. The County budgets about \$60,000 per year for Ingleside specifically. There is approximately \$220,000 in funds specific for Ingleside at this time. They estimate this project to cost between \$140,000-\$160,000 and therefore bond funds will not be required.

Council Member Diehl questioned who cleans the drainage areas like the McCollough Slough because it is looking really grown up. Mr. Michael stated the Drainage District would look into that area.

No action was taken at this time and Street Committee and staff will bring additional items back to Council for further discussion and possible action.

#### **11. Consideration and action to approve subcontractors for the City of Ingleside Entryway sign.**

Naismith Engineer John Michael explained the original contractor hired (McNamee) has backed out of the contract due to health and other issues. At this point it is felt that engineer and city staff can oversee the use of sub-contractors and get this project back on track within the budgeted figures.

Council Member Pierce made a motion authorizing the staff to hire sub-contractors to complete the work for the Entryway sign for the amounts set forth in the bid summary and was seconded by Council Member Diehl. The motion was approved with Mayor Perkins and Council Members Wilson, Robbins, Adame, Diehl, and Pierce voting aye; and Council Member Knippa voting no.

#### **12. Consideration and action of a Resolution to Order an election to be held on May 7, 2016 for the purpose of electing the Mayor for full term (two-year term) and three Council Members positions 2, 4, and 6 for full terms (two-year terms).**

Council Member Pierce made a motion to approve Resolution # 2016-02 to Order an election to be held on May 7, 2016 for the purpose of electing the Mayor for full term (two-year term) and three Council Members positions 2, 4, and 6 for full terms (two-year terms); and was seconded by Council Member Diehl. The motion was approved unanimously.

**13. Consideration and action of a Resolution by the City Council of the City of Ingleside establishing procedures for a Joint General Election with the Ingleside Independent School District on May 7, 2016.**

Council Member Pierce made a motion to approve Resolution # 03 by the City Council of the City of Ingleside establishing procedures for a Joint General Election with the Ingleside Independent School District on May 7, 2016; and was seconded by Council Member Adame. The motion was approved unanimously.

**14. Consideration and action of an ordinance amending the city code of ordinances Article II. Police Reserve Force Sec. 42-30 to provide for appointment approval to the police reserve force by the City Manager, and require compliance with Police Department policy and licensing by the Texas Commission on Law Enforcement before the person may carry a weapon or otherwise act as a Peace Officer. (First Reading)**

Council Member Diehl made a motion to pass to a second reading the ordinance amending the city code of ordinances Article II. Police Reserve Force Sec. 42-30 to provide for appointment approval to the police reserve force by the City Manager, and require compliance with Police Department policy and licensing by the Texas Commission on Law Enforcement before the person may carry a weapon or otherwise act as a Peace Officer; and was seconded by Council Member Adame. The motion was approved unanimously.

**15. Consideration and action to purchase of new radios and satellite phones as funded by \$50,000.00 Cheniere donation for the purpose.**

Mayor Perkins made a motion authorizing the purchase of new radios and satellite phones as funded by \$50,000.00 Cheniere donation and was seconded by Council Member Diehl.

Council Member Pierce questioned how often the Satellite Phones being suggested would be used and if there was something else we could spend these donated funds on instead of something that we may or may not use.

Police Chief Stan Bynum stated these are mainly used during Emergency Situations such as Hurricanes or other disasters where cellular towers are out of service. The funds can be used on additional radios. City Manager Jim Gray noted when these catastrophic events occur, the Satellite Phones are probably going to be the only way to communicate.

The cost per year, per unit is \$220 and these are VHS compatible.

The Mayor called for the vote and it was approved unanimously.

**16. Receive and discuss the City's financial situation, including but not limited to its budget, revenues, expenses, assets, and debts.**

Finance Director Paul Baen provided an overview of the current city finances. He explained that the quarterly report from the Patterson Group would be finalized soon and be brought to Council as soon as possible. He also noted the closing letter for the EDA Grant for the water tower at N.O. Simmons Park.

Council Member Diehl asked about the contract with JJ Johnston of Econogine, LLC and City Manager Jim Gray explained he would be bringing back to Council different options for economic development options.

Council Member Diehl asked how the Affordable Care Act was affecting the City's budget and Mr. Gray explained that during the budget process the part time staff were reduced to 25 hours or less in order to not require the additional insurance costs.

**17. The City Council of the City of Ingleside may meet in closed executive session for the purpose of employee evaluation of City Manager Jim Gray pursuant to Section 551.074 (Personnel Matters) of the Texas Government Code. (From 1/12/15 Meeting)**

Mayor Perkins recessed the regular meeting to go into Closed Executive Session at 8:58 p.m.

Mayor Perkins closed the Executive Session and reconvened the regular meeting at 9:26 p.m.

**18. Staff Reports**

City Manager Jim Gray reminded the City Council of the TML Region 11 meeting in Edna tomorrow evening and he noted that the Coastal Bend to DC trip has been moved from February to April 2016.

**19. Requests from Council Members**

Council Member Robbins asked why TxDOT widened the lanes in front of the Crazy Monkey and Buckhorn are of Main Street (FM 1069). City Manager Jim Gray stated that is TxDOT ROW and therefore they have jurisdiction.

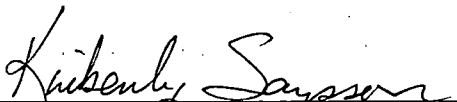
Council Member Diehl asked for a future agenda item regarding the softball group to be able to get back to tournament games.

Council Member Wilson requested a SH-200 update at the next meeting.

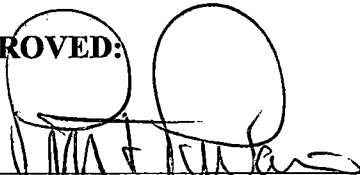
**20. Adjourn**

There being no further business, the meeting was adjourned at 9:31 p.m.

**ATTEST:**

  
\_\_\_\_\_  
Kimberly Sampson, City Secretary

**APPROVED:**

  
\_\_\_\_\_  
Mayor Pete Perkins