

**CITY OF INGLESIDE
MINUTES
REGULAR CITY COUNCIL MEETING
FEBRUARY 9, 2016**

1. Call meeting to order

The meeting was called to order at 6:30 p.m. with Mayor Pete Perkins presiding. Council Members present: Mayor Pete Perkins and Council Members Cynthia Wilson, Oscar Adame, Dennis Knippa, and Steve Diehl. Council Members absent: Council Member Kevin Robbins 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.

Mrs. Nancy Allen announced she is running for San Patricio County Commissioner Precinct # 4 and encouraged everyone to get out and vote.

Mr. Ross McEwee announced he is running for San Patricio County Commissioner Precinct # 4 and encouraged everyone to get out and vote. He stated he would like to see Precinct # 4 work together better instead of being divided and bring integrity back to this end of the County.

5. Consideration and action of the Minutes of the Regular City Council Meetings of January 12 and 26, 2016.

City Secretary Kimberly Sampson noted the correction to the minutes of the January 26, 2016 agenda item # 1 Call to Order due to copy and paste error along with a couple of minor typographical errors that do not change the intent of the minutes.

Council Member Diehl made a motion to approve the minutes of the Regular City Council Meetings of January 12 and 26, 2016; and was seconded by Mayor Perkins. The motion was approved unanimously.

6. Receive the Quarterly Reports from the Ingleside Municipal Court for the periods of July through September and October through December 2015.

Municipal Court Judge Cheryl Deal presented the quarterly reports to Council and asked if there were any questions. She explained that due to the Part Time Warrant Officers primary job keeping him busy during the last quarter, there is a decrease in the paid warrants. The new Part Time Clerk has started and is progressing well with the training.

7. Consideration and action of the reappointment of Municipal Court Judge Cheryl Deal and Alternate Judge Valarie Glover. The City Council of the City of Ingleside may meet in closed executive session for the purpose of employee evaluation pursuant to Section 551.074 (Personnel Matters) of the Texas Government Code. (From 1/12/15 Meeting)

Mayor Perkins recessed the meeting in order to go into Closed Executive Session at 6:37 p.m.

Mayor Perkins closed the Executive Session and reopened the regular meeting at 7:31 p.m.

Mayor Perkins made a motion to reappointment Municipal Court Judge Cheryl Deal and Alternate Judge Valarie Glover; and was seconded by Council Member Diehl. The motion was approved unanimously.

8. Presentation by Kiewit Offshore Services, Ltd. regarding Annexation and Industrial District.

Kiewit Offshore Services, Ltd. President, Fuat Sezar, provided a handout of news clippings quoting some of the economic downfalls in the oilfield community world-wide and a handout of what they believe to be the Industrial District Agreement # 8 timeline with the City of Ingleside to not end until December 2016. Mr. Sezar expressed Kiewit's concern that this is not a good financial time for the City to annex Kiewit since the revenues are down due to the current oilfield situation. And he further explained how the annexation will affect the filing of sales tax and the cost of doing business.

Council Member Diehl questioned how Kiewit can be at 30% capacity when they recently announced new contracts. Mr. Sezar explained that due to the economy projects are being delayed.

Mr. Bob Shockney of the local Kiewit office stated they want to continue being partners with the City of Ingleside, help with projects as needed, and they look forward to resolving this issue.

9. Discussion of the current water event ongoing in Ingleside.

City Manager Jim Gray stated that the current water advisory to not drink is only for those individuals under six (6) years old and those with compromised immune systems. As of today at 6:00 p.m. the last test results we have received back is from last Wednesday, February 3, 2016 and those were good. Once we receive a second good test back, the staff will discontinue the flushing of the water lines and stop testing. Once all the test samples have been returned with good reports, then we will lift the water advisory altogether. Because there is at least a four (4) day backlog of the testing, this may take some time. The City has flushed more than a million gallons of water from fire hydrants and continues to handout 500-600 gallons of water per day to affected citizens. At this point we have installed RPZ's (Reverse Pressure Zone) to a few areas that did not have the proper equipment and that seems to have isolated at least one area of concern. Additionally, the City will be notifying all residents who have water wells that they will be required to install a RPZ on their city water system, as per State Mandate, to make sure something like this does not happen in the future. Larger cities don't allow water wells within their city limits for this very reason. The staff is looking into a possible bill reduction to be considered by the Council, but we will not present until all advisories have been lifted.

10. Discussion regarding the progress of the SH-200 Project.

TxDOT District Engineer, Chris Caron, stated that SH-200 is well underway and we are on track to let a contract in July 2016 for construction. Once the contract is let, it could be 2-6 months before dirt will be moved. This is anticipated to be an \$8M project for two 12-foot wide traffic lanes and two 10-foot wide shoulders.

Naismith Engineer, John Michael, explained that the only environmental step we are waiting on at this time is the Corps of Engineers' report and we expect that any day now. The ROW maps have been completed and we are getting the title documents secured at this time. We are working on the drainage documents at this time and hope to send those to TxDOT later this week for their review and comments.

City Manager Jim Gray stated we have spent approximately \$1.2M of the \$1.5M grant from TxDOT to date. Depending on how much land is donated for the ROW, the total costs to complete the grant could be as much as \$1M.

11. Report from Street Committee.

Council Member Adame stated that he, Rene Contreras, Stewart Wilson, and Public Works Director Donald Paty have all been driving the streets and comparing notes to come up with the list of streets they feel are in the most need of repair. The proposed streets are not in any particular order. The Street Committee members all feel that any drainage work needs to be performed prior to the street being torn down and rebuilt. Mr. Wilson also suggested that additional limestone be added to support the larger BFI trucks. If we have a better base and keep the drainage clean in order to keep the water off the streets, our streets will last longer. It was suggested that sidewalks also be done simultaneously so the

neighborhoods receive clean drainage, new sidewalks, and better streets all at one time. Mr. Wilson suggested that the public be made aware that it is their responsibility to maintain the sidewalks in front of their house/business.

Mr. Willie Vaden stated that the streets only needing chip and seal should be moved to the regular street maintenance program funds and that bond funds be used only for complete demolition and rebuilding of streets.

Naismith Engineer John Michael stated his staff will utilize this list to begin their review of the streets in order to provide a cost estimate and eventually a bid packet. In reviewing the list of streets provided, the staff will consider if they are in need of total rebuild or minor repairs.

Council Member Wilson asked how the City can get TxDOT to build sidewalks along SH-361 to protect the public and keep them off the main highway area. City Manager Jim Gray and Mr. Michael explained that the last four (4) District Engineers from TxDOT have said no to Ingleside's request; however, the current District Engineer, Chris Caron just told the staff earlier today that he is willing to consider and will be happy to look at any proposal from the City of Ingleside. Council Member Wilson further stated she wanted to make sure that sidewalks are include in all new subdivisions and around the new apartment complexes. Mr. Gray stated that sidewalks have been built in the last two subdivisions approved.

12. Consideration and action to determine the allocation of funds from the \$7,000,000 Bond program to previously discussed projects. (from 1/26/16)

Naismith Engineer John Michael provided a handout with the new proposals for potential parks projects. The original discussion was \$2.4M for an expansion of Live Oak Park to include a four-plex ball field for various ages to use along with some other small amenities required to get grant funds. The handout provided smaller projects at both N.O. Simmons Park and Live Oak Park. Some primary projects and some secondary projects.

At N.O. Simmons Park the primary project suggested is a Splash Pad costing approximately \$353,000 to be placed where the unused horse shoe and volleyball nets were originally. The idea includes a 2100 SF splash pad and a 20X30 shade structure. The restrooms are still far away but that can be addressed at a later time. An alternative project at this location is the renovation of the skate park to fill in the deep bowl to be more shallow and thereby utilized more by the public. The original skate bowl was designed for serious, tournament, highly skilled skaters and we just don't have that type of use at this time. This alternative is estimated to cost about \$102,000.

At Live Oak Park the primary projects suggested is the conversion of the existing large field to a Senior League field (approximately \$201,000), the conversion of the existing small field to a Little League field (approximately \$271,000), additional field items such as concession stand, utilities, drainage, portable restrooms, sidewalks, and parking (approximately \$397,000), and additional shade structures/pavilions (approximately \$400,000). If approved, the Little League and Pony League will have to share the newly converted field and concession stand, and therefore the regular maintenance and upkeep will be shared as well. The proposed alternatives could be done at a later time and those are a new Little League field (approximately \$300,000), and eight (8) new soccer fields (approximately \$531,000). The secondary Little League field would allow the Little League and Pony League their own separate field's if/when it is built in the future.

The total of the recommended projects is \$1,285,893 and the total of the alternatives is \$933,680.

Mayor Perkins stated he is concerned with the ongoing vandalism at N.O. Simmons Park and the building of a new splash pad would only promote additional opportunities for them to destroy even more public property. City Manager Jim Gray stated that additional cameras are needed at the park. Mr. Willie Vaden suggest a curfew at the park and then to enforce it. He further questioned how the Little League and Pony League are expected to

share the field when they already have difficulty working together. Mr. Rene Contreras suggested that we fence and lock the gates to the park at a specific time.

Mr. Gerald Crane with the Tri-City Soccer League stated that they have 500-600 kids in the spring season and 700-800 kids in their fall season. The adults utilizing the fields at N.O. Simmons Park are destroying the grass and smooth surface and move the goals on a daily basis. He asked that the goals be anchored and the league will fill in the holes with dirt so nobody gets hurt.

Council Member Wilson made a motion to commit approximately \$1,285,893 of the \$7,000,000 Bond funds for the suggested projects to N.O. Simmons Park and Live Oak Park to include; a Splash Pad, converted Senior League Field, a converted Little League Field, additional Baseball Field items and additional Park items; and the motion was seconded by Council Member Adame. The motion was approved with Mayor Perkins and Council Members Wilson, Adame, and Diehl voting aye; and Council Member Knippa voting no.

13. A Public Hearing regarding an application for a Special Permit to live in a Recreational Vehicle (RV) while preparing to submit a permit application to begin the process of building a home at Lt 4B, Block D, Burton and Danforth Subdivision, also known as 1547 Morgan Lane.

Mayor Perkins opened the Public Hearing at 8:55 p.m.

Speaking in favor of the Special Permit was owner Debra Rowe. She stated this property has been in her husband's family for almost 30 years. There was an old mobile home on the site and they demolished that in 2015. At this time they are working with different builders trying to get the plans they want for a new home to be built.

There were no speakers against this Special Permit.

Mayor Perkins closed the Public Hearing at 8:56 p.m.

14. Consideration and action of an Ordinance granting a Special Permit to temporarily be allowed to reside in a Recreational Vehicle (RV) while preparing to submit permit application to begin the process of building a home on her property located at Lt 4B, Block D, Burton and Danforth Subdivision, also known as 1547 Morgan Lane and further providing for effective date, reading, severance, and publication.

Council Member Knippa made a motion to pass to a second reading an Ordinance granting a Special Permit to temporarily be allowed to reside in a Recreational Vehicle (RV) while preparing to submit permit application to begin the process of building a home on her property located at Lt 4B, Block D, Burton and Danforth Subdivision, also known as 1547 Morgan Lane and further providing for effective date, reading, severance, and publication; and was seconded by Council Member Adame.

Building Official John Davis explained that the City received an anonymous call the first part of January 2016 regarding someone living in a Recreational Vehicle (RV) in a R-1 (Single-Family Residential) area. At that time the staff did make contact with the Rowe's and explained the zoning restrictions at which time this process was begun.

Mrs. Debra Rowe stated they didn't realize this was an issue and they only plan on this while they are building the new home. The different builders they are speaking with are telling them once a design is decided upon, it still take 3-4 months to get all of the paperwork and contractors lined up to begin the work.

Council Member Diehl questioned how electricity was hooked up to the RV. Mr. Davis stated that the electrical pole was already at the site from the previous home and therefore it was just a matter of hooking to the RV instead of the demolished home. Council Member Wilson stated she is worried about setting a precedent allowing actions when the public doesn't check with the city ordinance before they take action.

The motion to pass to a second reading was approved with Mayor Perkins and Council Members Adame, Knippa, and Diehl voting aye; and Council Member Wilson voting no.

15. Consideration and action authorizing the staff to enter into an Access Agreement with Rudy S. and Dawn Jaime to use the 50' ROW adjacent to their property extending to McCullough Lane.

Building Official John Davis stated the current ROW only lists the City of Ingleside. It does not list Mr. Rudy Jaime, who owns property at the end of the ROW, who would otherwise be landlocked. Nor does it list Mr. David Contreras who owns the property on both sides of the ROW. The Access Agreement being presented only list Mr. Jaime; however, there has been recent discussion as to whether or not it should include Mr. Contreras.

Mr. Contreras also noted that his original deed indicates the ROW is on the far eastern side of his property instead of the middle of his property. He would like his deed to be corrected along with this Access Agreement. GIS Technician, Mark Zans stated that the current property listing from the Appraisal District indicates the ROW in the middle of the property instead of the eastern edge of Mr. Contreras property.

Mr. Jaime has had a sale pending for about 11 months and is asking that this be finalized as soon as possible.

Council Member Diehl made a motion to table this agenda item until the two property owners, Staff, and the City Attorney can review the latest questions and determine who all needs to be on the Access Agreement; and was seconded by Mayor Perkins. The motion was approved unanimously.

16. 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. (Final Reading)

Council Member Diehl made a motion to approve Ordinance # 2016-04 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 Mayor Perkins. The motion was approved unanimously.

17. Consideration and action of a Resolution in support of Application No. 13098 of the San Antonio Water System to the Texas Commission on Environmental Quality.

City Manager Jim Gray explained that the San Antonio Water System (SAWS) has requested a Resolution of Support from area cities for their application to use the bed and banks of the San Antonio River and Guadalupe River to transport, divert and reuse 50,000 acre-feet of groundwater based reclaimed water solely for instream use as defined by relevant statutes. It is believed to be a positive step to guarantee the vitally needed freshwater inflows to our bays and estuaries for the mutual benefit of all downstream interests. This may not affect Ingleside directly, but it does directly affect our neighboring cities.

Council Member Diehl made a motion to approve Resolution # 2016-04 in support of Application No. 13098 of the San Antonio Water System to the Texas Commission on Environmental Quality; and was seconded by Council Member Adame. The motion was approved unanimously.

18. Consideration and action of a Resolution of the City Council of the City of Ingleside, Texas, authorizing the Texas Coalition for Affordable Power, Inc. (TCAP) to negotiate an Electric Supply Agreement for five years for deliveries of electricity effective January 1, 2018; authorizing TCAP to act as an agent on behalf of the City to enter into a contract for electricity; authorizing TCAP President, Executive Director, Mayor or City Manager

to execute an Electric Supply Agreement for deliveries of electricity effective January 1, 2018 and committing to budget for energy purchases in 2018 through 2022 and to honor the City's commitments to purchase power for its electrical needs in 2018 through 2022 through TCAP.

City Manager Jim Gray he recommends approval of the TCAP electric contract extension under Option 1.

Council Member Knippa made a motion to approve Resolution # 206-05 with Option 1 of the City Council of the City of Ingleside, Texas, authorizing the Texas Coalition for Affordable Power, Inc. (TCAP) to negotiate an Electric Supply Agreement for five years for deliveries of electricity effective January 1, 2018; authorizing TCAP to act as an agent on behalf of the City to enter into a contract for electricity; authorizing TCAP President, Executive Director, Mayor or City Manager to execute an Electric Supply Agreement for deliveries of electricity effective January 1, 2018 and committing to budget for energy purchases in 2018 through 2022 and to honor the City's commitments to purchase power for its electrical needs in 2018 through 2022 through TCAP; and was seconded by Council Member Diehl. The motion was approved unanimously.

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

Finance Director Paul Baen explained that the staff has compared our insurance rates with the City of Portland's rates. The City of Portland went out for bids in the Spring of 2014 and received six (6) bids. TML-IEBP was the low bidder and that quote is comparable to our rates then and now. Additionally because we are close to 100% of our premiums, we anticipated a higher increase; however, due to TML-IEBP being a State-Wide program that everyone assists each other in keeping the rates down, we are only being quoted a 5% increase.

Council Member Diehl questioned if there were any additional Obamacare costs not currently budgeted for. City Manager Jim Gray stated currently all costs are built into the TML-IEBP rates; however, as new things are brought up during the interpretation of the Obamacare rules, there could still be unknowns not yet made public.

Mayor Perkins made a motion authorizing the staff to proceed with the renewal of the TML-IEBP policy and was seconded by Council Member Knippa. The motion was approved unanimously.

20. Consideration and action of a Confidentiality Agreement.

City Manager Jim Gray explained that due to the requests by Council Members to be made aware of potential economic development projects sooner rather than as contracts are being negotiated, this is a general to form Confidentiality Agreement. This would be a general agreement that all parties would sign before we can discuss potential projects. It basically states that not only can all parties not discuss this openly with the public during the discussion stage, but for an additional three (3) years after the fact. This could be for potential new development or a potential expansion of an existing business. The direction from the City Attorney is if any one Council person doesn't sign the agreement, then the potential project cannot be discussed in Closed Executive Session or individually with the City Manager.

Council Member Adame made a motion to approve the Confidentiality Agreement as to form and was seconded by Council Member Diehl. The motion was approved unanimously.

Agenda Items # 21 and 22 were read together.

- 21. The City Council may meet in Closed Executive Session in accordance with Texas Government Code Section 551.087 "Deliberation Regarding Economic Development Negotiations" regarding a potential developer.**
- 22. 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 1/12/16 and 1/26/16 Meetings)**

Mayor Perkins recessed the regular meeting in order to go into Closed Executive Session for agenda items # 21 and 22 at 9:40 p.m.

Mayor Perkins closed the Executive Session and reopened the regular meeting at 10:12 p.m.

23. Staff Reports

City Manager Jim Gray stated that due to the recent water event the Monthly Staff Reports will be on the February 23, 2016 agenda. He also asked if anyone was planning to attend the State of San Patricio County to be held on February 25, 2016.

24. Requests from Council Members

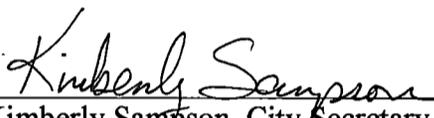
Mayor Perkins asked about the Entryway sign and City Manager Jim Gray stated at this point we are waiting on the electricity to be extended to the site for construction to begin.

Council Member Knippa stated that once he and Mr. Stewart Wilson get together regarding their request for Speed Humps, they will bring that request to a future Council Meeting.

25. Adjourn

There being no further business, the meeting was adjourned at 10:16 p.m.

ATTEST:



Kimberly Sampson, City Secretary

APPROVED:



Mayor Pete Perkins