

**CITY OF INGLESIDE
MINUTES
REGULAR CITY COUNCIL MEETING
MAY 24, 2016**

1. Call meeting to order

The meeting was called to order at 6:30 p.m. with Mayor Luis Lamas presiding. Council Members present: Mayor Luis Lamas and Council Members Ben Tucker, Bill Underbrink, Oscar Adame, Dennis Knippa, Steve Diehl and John Schack. Staff present: City Manager Jim Gray, Finance Director Paul Baen, and City Secretary Kimberly Sampson. There were approximately 40 guests.

2. Invocation

3. Pledge of Allegiance

4. Presentations from the Audience

Sue Coleman stated she appreciates the Live Stream Video of the meetings when she can't attend the regular meetings.

Karen Bridges questioned when the staff will be cleaning the drainage ditch on Lovers Lane.

5. Presentation of Letters of Appreciation to Volunteer Fire Fighters for their assistance at Naval Air Station Kingsville, Texas April 2016 "Wings Over South Texas" event.

Mayor Lamas presented Letters of Appreciation to Volunteer Fire Fighters RJ Thomas, Chayne Sparagowski, Brittany Elkins, Brian Stacy, and Austin Martin for their assistance at Naval Air Station Kingsville, Texas

6. Consideration and action of the Minutes of the City Council Meeting of May 10, 2016.

Council Member Tucker made a motion to approve the Minutes of the City Council Meeting of May 10, 2016 and was seconded by Council Member Diehl. The motion was approved unanimously.

7. Update regarding the Flooding Event of May 15 and 16, 2016 and possible action regarding the waiver of permit fees for sheetrock and insulation due to flooding.

City Manager Jim Gray introduced Steve Elliot as the retired San Patricio County Drainage District Manager and he now contracts with them for special projects.

A major question being asked is when was the last time the Drainage District cleaned the whole drainage system county wide and especially Ingleside. Mr. Elliot stated he couldn't answer that, but it could be looked into. The drop off of the McCampbell Slough on the North side of town is about two foot; whereas, the drop off on the South side of town (aka Kenny Bayou) is about 15 feet. Over time silt settles and the drains need to be cleaned. Additionally, depending on the time of year, the amount of vegetation, and high tide vs low tide can all make a huge difference in the drainage of any community along the coast. Because the McCampbell Slough runs through large pieces of private property, it is often difficult to gain access and provide the necessary cleaning of the slough areas. Improvements need to be made downstream before they can be made up stream in order to not cause other problems. It was also noted that once the McCampbell Slough reaches SH-35, it is no longer in our jurisdiction. It is then the Aransas County Drainage District jurisdiction and we cannot make them clean their area. Contract Engineer Roy Heistermann further explained that even the Corp of Engineers has restricted the drainage districts all across the area. In the 1970's and 1980's the Corp was very open to drainage; however, over the years, their direction has changed.

Mr. Elliot agreed there will be a lot of activity on this end of the County within the next 60-days. He is also working on a schedule to clean all drainage district areas (County wide) over a two year period. This is all pending weather, man-power, available equipment, repairs, etc.

Council Member Diehl questioned if the rising of the Gulf waters by 0.2 inches per year as predicted by the Global Warming Experts could be affecting the drainage in our community. This is a large issue in Galveston and they are already attempting to move water in other directions. Is this something Ingleside needs to be preparing for? John Michael of Naismith Engineering and Mr. Elliot both agreed it could affect the future drainage of all coastal communities.

Council Member Adame requested a future agenda item to focus on Lovers Lane, Tiner Lane, Avenue B outfall, Houghton Subdivision, and any other areas that bond funds could be used for in order to improve the drainage of Ingleside.

Shifting to the Avenue A drainage of Swan Lake, Council Member Diehl questioned why the Junior Staff knew about the damaged pipe across Avenue A and the Senior Staff, Engineers, and Contractor didn't know about the partially blocked pipe. Mr. Heistermann stated that looking from ground level, there was no way to know there was an issue. The contractor began working on April 18, 2016 and as of Friday, May 13, 2016 they were almost complete. The project manager called Mr. Heistermann on Friday, May 13, 2016 and requested a meeting for first thing Monday, May 16, 2016 regarding some concerns. The rains came before the contractor showed him the issue with the pipe under Avenue A. It was further questioned what Engineers were involved. Mr. Michael explained that Roy Heistermann provided the plans and Mr. Michael reviewed them. Mr. Heistermann also provided the recommendation and presentation to the Council. Mayor Lamas stated he didn't feel the Engineers have the City's best interest at heart.

Police Chief/Emergency Management Coordinator Stan Bynum introduced DPS District Coordinator of Emergency Management, Brandy Fisher to the Council. Ms. Fisher explained as the liaison between Local and State agencies, she not only helps them train and prepare for emergency events, she also helps find resources for assistance after the events. She provided each of the Council Members with the Texas Emergency Management Executive Guide and referred them to the pages that require all Public Officials to take certain training as well as the explanation of the Federal Declaration Thresholds for disasters. The San Patricio County threshold is \$231,350 and the State threshold is \$35,455,241. Unfortunately the rain event of May 15 and 16, 2016 is considered isolated to Ingleside and Aransas Pass. Another requirement is the amount of flooding in homes in businesses must be a minimum of 18 inches before they recognize it as major damage. This event does not meet the FEMA declaration and therefore they will not be assisting this area. Our next option is to bring the U.S. Small Business Administration (SBA) team to the area to see if we meet their minimum criteria for low interest rate loans. These loans are for home owners, renters, and businesses. Their criteria is a minimum of 25 homes with at least 18 inches of water or more; between Ingleside and Aransas Pass, we don't believe this will be a difficult goal to reach but their assessment team will have to verify those findings.

Building Official John Davis requested the City Council to consider an Emergency Ordinance to waive permit fees for flood damage repairs. Staff is worried that the public will not properly remove debris, clean the affected areas, or meet the building code requirements for repairs. Additionally we are already receiving complaints about repair companies coming into the area and taking people's money for substandard repairs. By waiving the fees, we are hoping this will not only decrease their financial burden, but also encourage the citizens to work with the City Staff to make sure all repairs are made within building code guidelines. We are actually finding out that a lot of the public don't know to clean the affected areas before making the repairs. This will require some education to the public. The best way we know is via City Website, Facebook, and Newsletters. Even though the fees will be waived by this Ordinance, the public will still request the work permit (at no charge) and the Staff will still need to inspect the work throughout the completion. Everything will be done as normal, except no fees.

Council Member Adame made a motion to waive the fees and for the staff to continue performing the required inspections as needed; and was seconded by Council Member Schack. The motion was approved unanimously.

8. Consideration and action authorizing Emergency Funds to be accessible by the Mayor for Emergency purposes.

City Manager Jim Gray requested that the Council authorize an Emergency Fund of up to \$50,000 to be at the Mayor's discretion during an emergency situation. Mayor Lamas suggested it be at the City Manager's discretion. Council Member Schack stated he recalls there being something in years past; however, he believes it was removed during the tight budget years. Maybe that needs to be re-established. It was questioned if the City Manager's \$20,000 discretionary funds could be used for emergencies. Mr. Gray explained when that line-item was set up, the Council gave him very specific restrictions that it was to be used for equipment purchases only. Council Member Diehl suggested that we re-establish this during the upcoming budget process.

9. Consideration and action of the Naismith Engineering fee schedule from January 1, 2013 through February 20, 2016. The Council may meet in Closed Executive Session as allowed by Texas Government Code Section 551.071 Consultations with Attorney.

Mayor Lamas recessed the Regular Meeting to open the Closed Executive Session at 8:18 p.m.

Mayor Lamas closed the Executive Session and reopened the Regular Meeting at 9:10 p.m.

10. Consideration and action to terminate the existing Contract with Naismith Engineering for general engineering services.

City Manager Jim Gray explained the City uses Naismith Engineering for general projects (streets, drainage, TCEQ notifications, etc.), SH-200 project, and the various Bond funded projects. Council Member Diehl stated that he feels this is too many things under the same engineer company. Mr. Gray suggested the Council consider hiring an in-house Engineer to oversee the various projects, contracts, inspections, and coordinating the needs for these projects with the Public Works department. If the Council decides to terminate the contract with Naismith Engineer, he would prefer that the City notify them that we are going to go out for RFQ's and not terminate until a replacement engineer firm is put into place.

Council Member Diehl stated he wants an engineering firm that has 100% allegiance to the City of Ingleside and not other Cities or Counties. Mr. Gray stated the only way to do that would be to hire an in-house staff member.

Council Member Adame questioned if John Michael or other Naismith Engineering staff were overseeing the projects and asked if we were being billed for one or two engineers. Mr. Gray explained that other Engineers prepare documents and put their engineering stamp on those documents.

Mayor Lamas stated he feels there is a conflict of interest and wants someone else to do the QA/QC and therefore wants another Contract Engineer Firm.

Council Members Underbrink and Schack like the thought of an in-house engineer to oversee the day to day reviews and inspections and therefore perform the QA/QC of the Contract Engineer's designs, contract specifications, billing, etc. Council Member Schack also voiced his concern that the construction contractor (for the Swan Lake drainage project) take responsibility for their part in the current situation. They should have requested a change order. The City Manager cannot inspect all jobs at all times, that's what construction staff, engineers, and city staff are supposed to be doing.

Mr. Stewart Wilson feels an in-house engineer is too costly. Naismith Engineer has been with the City of Ingleside for 25-30 years. They know our systems better than any other engineering firm. This is one issue that we are not agreeing due to an act of God rain

event. One issue in 25-30 years should be allowed. Mr. Willie Vaden stated the rain event occurred due to a large amount of rain in a short amount of time and was exacerbated by the high-tide. The construction contractor did notify the engineer there was an issue on Friday and they were scheduled to meet first thing Monday morning to discuss. The work was not complete. The rain just occurred before the project could be completed.

Mr. Michael suggested the City consider hiring a retired engineer to oversee the contract engineers designs and contract. As an example, he noted Mr. Carl Krul just retired from HDR Engineering and would be a great choice.

Before considering taking action to totally cancel the current contract with Naismith Engineering, Mr. Gray noted that Naismith Engineering is assisting the City with a current TCEQ permit, reviewing plans for streets, the new Sleep Inn being built, and about ten (10) other different plans within the Building Department; as well as the Bond funded projects, and the SH-200 project.

Council Member Underbrink made a motion to table this agenda item. The motion died for the lack of a second.

Mayor Lamas made a motion to terminate the Naismith Engineering contract upon the hiring of a new firm. The motion died for the lack of a second.

Council Member Schack made a motion to continue the current contract with Naismith Engineering and was seconded by Council Member Tucker. The motion was approved with Council Members Tucker, Adame, Diehl, and Schack voting aye; and Mayor Lamas and Council Members Underbrink and Knippa voting no.

This item was removed from the agenda at the Chamber of Commerce's request.

11. Introduction of the new Chamber of Commerce President, Jane Gimler and discussion regarding additional electrical services at N.O. Simmons Park and Live Oak Park due to the growing attendance of Chamber of Commerce events.

12. Consideration and action authorizing the release of a 1985 Paving Lien of 2525 Arkansas Street (Lot 3, Blk 2, Humble Subdivision).

City Manager Jim Gray explained the property owner is attempting to sale this property and the title search indicates the original lean from 1985 has never been released. There are indications on similar lots that liens were paid and released; however, there is no indicator this lien was paid or released. It is the City Attorney's advice that the City Council release its lien on this property due to no definitive information and statute of limitations.

Council Member Underbrink made a motion authorizing the release of a 1985 Paving Lien of 2525 Arkansas Street (Lot 3, Blk 2, Humble Subdivision); and was seconded by Council Member Knippa. The motion was approved unanimously.

13. Consideration and action to appoint/reappoint members to serve on the Beautification Committee.

Council Member Diehl made a motion to reappoint Cindy Wilson, Lana Young, and Oscar Adame to serve on the Beautification Committee. The motion was approved unanimously.

14. Consideration and actin to appoint new members to serve on the Board of Adjustments.

City Secretary Kimberly Sampson explained that due to Ben Tucker becoming a Council Member, he had to vacate his position on the Board of Adjustments (Place # 3). The Board of Adjustment is recommending Mike Francesco move from the Alternate Place # 7 to the Member Place # 3. Then there will be vacancies for Alternate Place #'s 6, 7, and 9. The Board of Adjustment has provided two recommendations of: Martha Habluetzel and Michael Gabby.

Council Member Underbrink made a motion to appoint Mike Francesco to Member Place # 3, Martha Habluetzel to Alternate Place # 6, and Michael Gabby to Alternate Place # 7; all to expire in December 2016. The motion was seconded by Council Member Adame and approved unanimously.

15. Consideration and action to appoint/reappoint members to serve on the Ingleside Development Corporation (IDC) Board of Directors.

The vacancies expiring in May 2016 are currently held by Roman Gabriel, Elaine Kemp, Paul Pierce and vacant position. Gabriel and Kemp have expressed interest in continuing to serve. Mr. Pierce has been serving as a Council Member and if he continues, he would be serving as a citizen. Staff have not received any notice from Mr. Pierce regarding his interest to continue to serve.

The positions expiring in May 2017 are currently held by Cindy Wilson, Steve Diehl, and Ben Tucker. Wilson and Diehl have been serving as a Council Member. Mr. Wilson has indicated she is willing to serve as a citizen. Council Member Diehl requested he be removed from the IDC Board of Directors. Mr. Tucker was previously serving as a citizen and has not been elected as a Council Member.

Mayor Lamas made a motion to appoint Cindy Wilson, Council Member Oscar Adame, and Council Member Ben Tucker to serve in Place #'s 5, 6, and 7; all to expire in May 2017. The motion was seconded by Council Member Knippa and approved unanimously.

Council Member Underbrink made a motion to appoint Roman Gabriel, Elaine Kemp, Bill Cone, and Rene Contreras to serve in Place #'s 1, 2, 3, and 4; all to expire in May 2018. The motion was seconded by Council Member Tucker and approved unanimously.

16. Consideration and action to appoint members to serve on the Charter Review Committee.

Mayor Lamas stated the votes would be taken one at a time for the five (5) Charter Review Committee Members.

Council Member Knippa made a motion to appoint Stella Hermann Chandler and was seconded by Mayor Lamas. The motion was approved unanimously.

Council Member Diehl made a motion to appoint Debra Sanders and was seconded by Council Member Schack. The motion was approved unanimously.

Mayor Lamas made a motion to appoint Scott Schaler and was seconded by Council Member Adame. The motion was approved unanimously.

Council Member Adame made a motion to appoint Stewart Wilson and was seconded by Council Member Diehl. The motion was approved unanimously.

Council Member Underbrink made a motion to appoint Kelly Bearden and was seconded by Council Member Knippa. The motion was approved unanimously.

17. Consideration and action to appoint a representative to serve on the Coastal Bend Council of Governments Board.

Council Member Diehl made a motion to appoint Mayor Lamas to serve on the Coastal Bend Council of Governments Board; and was seconded by Council Member Schack. The motion was approved unanimously.

18. Consideration and action in accordance with Section 3.05 of the City Charter regarding the appointment of a Mayor Pro-Tem.

Council Member Underbrink made a motion to appoint Council Member Adame to serve the the Mayor Pro-Tem and was seconded by Council Member Tucker. The motion was approved unanimously.

19. Consideration and action of an Ordinance amending Chapter 18, Division 7 Standards, Ingleside Code of Ordinances and providing for effective date, reading, severances, and publication. (Final Reading)

Council Member Diehl made a motion to approve Ordinance # 2016-09 amending Chapter 18, Division 7 Standards, Ingleside Code of Ordinances and providing for effective date, reading, severances, and publication; and was seconded by Council Member Knippa. The motion was approved unanimously.

20. Public Hearing regarding the Curfew Ordinance. (Tabled from 05/10/16)

The Public Hearing was opened at 10:19 p.m.

There were no speakers for or against the Curfew Ordinance.

The Public Hearing was closed at 10:19 p.m.

21. Consideration and action of an Ordinance re-adopting Sec. 38-26 through Sec. 38-31 of the City of Ingleside, Texas Code of Ordinances relating to minors within the City of Ingleside, establishing a curfew for juveniles, establishing exceptions to the curfew where the juvenile is accompanied by a parent or other adult, or on lawful business or other permissible activities; Providing for an effective date, reading, severance, and publication. (Tabled from 05/10/16) (First Reading)

Police Chief Stan Bynum explained this requires to be brought back before Council every three years for renewal.

Council Member Adame made a motion to pass to a second reading the Ordinance re-adopting Sec. 38-26 through Sec. 38-31 of the City of Ingleside, Texas Code of Ordinances relating to minors within the City of Ingleside, establishing a curfew for juveniles, establishing exceptions to the curfew where the juvenile is accompanied by a parent or other adult, or on lawful business or other permissible activities; Providing for an effective date, reading, severance, and publication; and was seconded by Council Member Schack. The motion was approved unanimously.

22. Consideration and action of an Ordinance amending Ingleside Code of Ordinances by deleting Section 50-98 concerning camping overnight in City Parks and enacting a new Section 50-98 Regulating Hours of Park Operation and Use of Parks, and providing penalty for violation. (Tabled from 05/10/16) (First Reading)

Police Chief Stan Bynum stated that due the increase in vandalism in the parks, the staff is recommending the parks be closed at night, except for Cove Park which allows for boat launching at all hours of the day and night. Also a part of this Ordinance is the removal of camping at Live Oak Park except by events taken before City Council. This too is due to an increase of concerns happening with campers.

Council Member Schack made a motion to pass to a second reading the Ordinance amending Ingleside Code of Ordinances by deleting Section 50-98 concerning camping overnight in City Parks and enacting a new Section 50-98 Regulating Hours of Park Operation and Use of Parks, and providing penalty for violation; and was seconded by Council Member Adame. The motion was approved unanimously.

23. 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 city's finances. Council Member Diehl asked if any of the \$427,020 set aside for Audit purposes related to the SH-200 had been paid since Council only moved the funds for Audit purposes with any expenditures to be brought back to Council for approval. Mr. Baen stated some of those funds had been spent. City Manager Jim Gray stated staff would look into it and get back with the Council.

24. Staff Reports

City Manager Jim Gray requested the Council Members set a date/time for a Council Retreat. The Council chose Tuesday, June 21, 2016 at 6:30 p.m.

25. Requests from Council Members

Council Member Diehl requested a future agenda item within the next 30-days regarding SH-200. He asked that the agenda item be broad enough to include all aspects, including finances, the possibility of TxDOT taking the project over, and it all to be in Open Session as much as possible.

Council Member Adame requested a future agenda item regarding drainage on Avenue B, Tiner, and Parkview.

Mayor Lamas requested a future agenda item regarding a Street Light Study.

26. Adjourn

There being no further business, the meeting was adjourned at 10:36 p.m.

ATTEST:



Kimberly Sampson, City Secretary

APPROVED:



Mayor Luis Lamas