CITY OF INGLESIDE
MINUTES
REGULAR CITY COUNCIL MEETING
MARCH 22, 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, Oscar Adame, Dennis Knippa, Paul Pierce, and Steve Diehl. Staff present: City Manager Jim Gray, Finance Director Paul Baen, City Attorney Michael Morris, and City Secretary Kimberly Sampson. There were approximately 20 guests.

2. Invocation

3. Pledge of Allegiance

4. Presentations from the Audience

Mr. Stewart Wilson thanked the Public Works staff for coming out in the middle of the stormy night on Friday, March 18, 2016 to pull trees out of roadways and various areas to help the public. Then first thing Monday, March 21, 2016 they were all over town cutting up trees and hauling them away. The staff were very responsive and did a great job.

5. Discussion regarding the forfeiture by Kevin Robbins of his position as Council Member Place # 2.

Council Members Pierce and Diehl questioned the wording of the City Charter Section 3.06.B.3 "Fails to attend three consecutive regular City Council meetings without being excused by the City Council." They requested the staff contact Kevin Robbins to inquire about his desire to return to office, his reason for absences, and a future agenda item for possible Council action to consider Mr. Robbins' reason for absences.

City Manager Jim Gray stated that in last 16 years there has only been one Council Member that has missed three consecutive Council meetings and that Council Member was in contact with the staff the entire time and he requested an agenda item to be excused due to his job. Mr. Robbins has not made contact with any staff regarding his absences from Council Meetings. He has been in City Hall on at least two occasions and spoke briefly with Mr. Gray and City Secretary Kimberly Sampson, but he did not speak about the Council Meetings even when it was mentioned to him.

City Attorney Michael Morris stated that in his research he found a similar situation in the City of Alamo and their City Charter was worded like the City of Ingleside's current wording. The Court upheld the City Charter's automatic forfeiture statement because the Council Member didn't request to be excused. It is not the staff or other Council Member's responsibility to reach out to the individual or request action on his/her behalf. Tonight is actually the fourth consecutive meeting Kevin Robbins has missed. According to the City of Ingleside's Charter, Mr. Robbins has forfeited his position as a City Council Member.

There was additional discussion regarding whether to appoint a replacement for the remaining meetings. There will be a future agenda item allowing for possible action.

6. Consideration and action of the Minutes of the Regular City Council Meeting of March 8, 2016.

Council Member Diehl made a motion to approve the Minutes of the Regular City Council Meeting of March 8, 2016 and was seconded by Council Member Adame. The motion was approved unanimously.

7. Consideration and action of a Resolution honoring the Coastal Bend Council of Governments on its 50th Anniversary.

Council Member Pierce made a motion to approve Resolution # 2016-06 honoring the Coastal Bend Council of Governments on its 50th Anniversary; and was seconded by Council Member Wilson. The motion was approved unanimously.

8. Consideration and action of the Pony League Contract for the period of March 1 through May 31, 2016. (Tabled from 3/8/16)

Parks and Events Coordinator Mariana Garcia stated she spoke with Pony League contact person, Mrs. Plumber, on two separate occasions regarding tonight's meeting. During the last phone conversation, Mrs. Plumber stated she would try to make it back from their practice in Portland for the meeting. Mrs. Plumber did clarify they have 194 children signed up for their program this spring season.

Council Member Diehl made a motion to table one final time requesting a representative be present for the agenda item; and was seconded by Council Member Adame. The motion was approved unanimously.

9. Consideration and action authorizing the use of funds for the Mayor and City Manager to attend the Coastal Bend to DC scheduled for April 26 through April 29, 2016.

Mayor Perkins stated this is the same annual Coastal Bend to DC trip that he and the City Manager have attended several years in a row. City Manager Jim Gray stated it is being brought before Council due to the out of State travel for him and the Mayor. There are sufficient funds within the City Council and City Manager budgets.

Council Member Adame made a motion authorizing the use of funds for the Mayor and City Manager to attend the Coastal Bend to DC scheduled for April 26 through April 29, 2016; and was seconded by Council Member Pierce. The motion was approved unanimously.

10. Public Hearings regarding Unsafe Structures and/or Nonconforming Use to make a determination if the structures listed below meet the minimum standards of adopted codes or shall be demolished and removed from the property:

(A) Owner: Victor Castanon of South ½ Lot 7, Block F, Burton & Danforth Subdivision, otherwise known as 1618 Hwy 361, Space # 20; and

(B) Owner: Raul Pina of Lot 1, Block 21, Houghton Subdivision otherwise known as 2714 San Angelo.

Mayor Perkins opened the Public Hearing at 7:14 p.m.

There were no speakers for or against either structure.

Mayor Perkins closed the Public Hearing at 7:15 p.m.

11. 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 – Owner: Victor Castanon of South ½ Lot 7, Block F, Burton & Danforth Subdivision, otherwise known as 1618 Hwy 361, Space # 20.

Building Official John Davis stated that during the recent 2016 Water Event and thereby the inspections of the local trailer parks, this structure was discovered and upon further inspection was found to be unsafe. The property owner wants it removed and is willing to pay for the removal; however, he wants the order from the City in order to protect himself.

Council Member Adame made a motion to approve Demolition Order # 2016-03-001 determining that the following structure meets the minimum standards of ad opted codes and shall be demolished and removed from the property - Owner: Victor Castanon of South ½ Lot 7, Block F, Burton & Danforth Subdivision, otherwise known as 1618 Hwy 361, Space # 20; and was seconded by Council Member Knippa. The motion was approved unanimously.

12. 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 – Owner: Raul Pina of Lot 1, Block 21, Houghton Subdivision otherwise known as 2714 San Angelo.

Building Official John Davis stated that six months ago (September 28, 2015), the City Council took action to allow this individual six months to make the necessary improvements to the property. As of today's date, there have been no permits pulled or discussions with the staff regarding the property owner's desire to make improvements to the property.

Council Member Diehl made a motion to approve Demolition Order # 2016-03-002 determining that the following structure meets the minimum standards of ad opted codes and shall be demolished and removed from the property - Owner: Raul Pina of Lot 1, Block 21, Houghton Subdivision otherwise known as 2714 San Angelo; and was seconded by Council Member Pierce. The motion was approved unanimously.

13. A public hearing regarding an application to rezone Lot 3, Block 2, Frank Phelps Garden Subdivision, otherwise known as 1950 Main Street to change the zoning from its present classification of R-1 (Single Family Residential) to C-2 (General Commercial).

Mayor Perkins opened the Public Hearing at 7:20 p.m.

Speaking in favor of this application was Ms. Jennifer Wolf. She explained that she wants to open a small business, mostly on-line and they will attend gun shows. There will be no signs in her yard and no customer coming to/from the residence. The only reason they are requesting the zoning change is due to a State Licensing requirement.

There were no speakers against this request.

Mayor Perkins closed the Public Hearing at 7:22 p.m.

14. Consideration and action of an Ordinance changing the zoning for the following property from its present zoning of R-1 (Single Family Residential) to C-2 (General Commercial) and further providing for effective date, reading, severance, and publication: Lot 3, Block 2, Frank Phelps Garden Subdivision, otherwise known as 1950 Main Street.

Council Member Pierce stated he feels this is spot zoning because Lots 4 and 5 are left as R-1 between the next zoning of C-2. Ms. Jennifer Wolf stated she owns Lots 4 and 5 also.

Council Member Diehl asked if this was within the plans of the Master Plan Future Use Map and Building Official John Davis agreed it is within the Future Use Map. It was further asked that the Master Plans Future Use Map be included in the packets for rezoning.

Council Member Knippa made a motion to pass to a second reading the Ordinance changing the zoning for the following property from its present zoning of R-1 (Single Family Residential) to C-2 (General Commercial) and further providing for effective date, reading, severance, and publication: Lot 3, Block 2, Frank Phelps Garden Subdivision, otherwise known as 1950 Main Street; and was seconded by Council Member Adame. The motion was approved unanimously.

15. A public hearing regarding an application to rezone Lots 34-42, Block 24, RJ Williams Subdivision Lots to change the zoning from its present zoning classification of R-1 (Single Family Residential) to R-2 (Two Family Residential).

Mayor Perkins opened the Public Hearing at 7:27 p.m.

Speaking in favor of this application was Mr. David Lopez (as interpreter) on behalf of property owner Mr. Juvenal Flores, who was in in the audience. They plan to build three duplexes.

There were no speakers against this request.

Mayor Perkins closed the Public Hearing at 7:28 p.m.

16. Consideration and action of an Ordinance changing the zoning for the following property from its present zoning of R-1 (Single Family Residential) to R-2 (Two Family Residential) and further providing for effective date, reading, severance and publication: Lots 34-42, Block 24, RJ Williams Subdivision.

Council Member Diehl questioned if this was within the Master Plans Future Use Map and Building Official John Davis explained that R-1 and R-2 are defined within the same use of the Future Use Map.

Planning and Zoning Commissioner Tom Mannering stated the only objection within the Committee was the amount of possible children playing in the busy street. Council Member Diehl also questioned the number of parking spaces and Mr. Mannering stated the City Code addresses the parking spaces.

Council Member Wilson questioned the square footage of the buildings and Mr. Davis stated the minimum for R-1 is 1,000 sf and the minimum for R-2 is 800 sf. This builder is proposing 1,200 sf for each living space, which more than meets the minimum City Code.

Council Member Diehl made a motion to pass to a second reading the Ordinance changing the zoning for the following property from its present zoning of R-1 (Single Family Residential) to R-2 (Two Family Residential) and further providing for effective date, reading, severance and publication: Lots 34-42, Block 24, RJ Williams Subdivision; and was seconded by Council Member Knippa. The motion was approved unanimously.

17. Consideration and action authorizing the purchase of a 2016 Terex TC 48 Crawler Excavator.

City Manager Jim Gray stated the Excavator was approved in the FY 15/16 CIP during the budget process for up to $75,000. Because the bid is over $50,000, it still requires Council action.

The staff received 3 bids from BuyBoard and HGAC. They are requesting the purchase from H&V Equipment Services because the equipment is 2,000 lbs lighter and therefore we can use an existing trailer. This is still almost $7,000 below the original budget of $75,000.

Council Member Adame made a motion authorizing the Capital Fund purchase of a 2016 Terex TC 48 Crawler Excavator in the amount of $68,128.00 from H&V Equipment Services; and was seconded by Mayor Perkins. The motion was approved unanimously.

18. Consideration and action authorizing the purchase of a 2016 Hino Dump Truck.

City Manager Jim Gray explained that the Dump Truck was approved in the FY 15/16 CIP during the budget process for up to $75,000. Because the bid is over $50,000 it still requires Council action. Additionally, because the bid is almost $5,000 over budget, the staff is seeking approval for the offset of funds due to the approximate $7,000 of savings with the purchase of agenda item # 17 above.

Mayor Perkins made a motion authorizing the Capital Fund purchase of a 2016 Hino Dump Truck in the amount of $79,935.00 from Rush Truck Centers and was seconded by Council Member Pierce. The motion was approved unanimously.

19. Consideration and action authorizing the staff to move forward with the Splash Pad project.

City Manager Jim Gray explained that since Council has recently committed approximately $352,000 of the $7,000,000 Bonds for a Splash Pad at N.O. Simmons Park, the staff and engineers have reviewed the different providers via BuyBoard and believe Vortex to be the best option at this time. A revised estimate of probable costs was provided indicating the

current estimate to be $352,340. This includes the Splash Pad, additional sidewalk, 20x30 shade structure, seating, lighting, utility coordination, and engineering. There is a second splash pad with more toys for an additional $25,000 as a separate option.

The Splash Pad includes the recirculation system with UV lighting and the pumps will be located in a vault area. The cost of maintaining the Splash Pad will be less maintenance than that of a swimming pool. The current video system has room for three more cameras and the staff will be working to get those in place as soon as possible. Mr. Gray stated that the staff will be looking into a parks curfew ordinance to be in place prior to the Splash Pad being completed.

Council Member Pierce made a motion authorizing the staff to move forward with the Splash Pad project utilizing Vortex with the estimated cost to be $352,340; and was seconded by Council Member Adame. The motion was approved unanimously.

20. Consideration and action regarding SH-200 project including engineering agreement. The council may meet in Closed Executive Session in accordance with Texas Government Code Chapter Section 551.071 (Consult with Attorney) or Section 551.072 (Deliberation about Real Property).

Mayor Perkins recessed the regular meeting to meet in closed executive session at 7:58 p.m.

Mayor Perkins closed the executive session and reconvened the regular meeting at 9:47 p.m.

Council Member Diehl stated that although there has been no ill intent and he has no concern with the quality of work, he feels the contract should not have been billed more than $500,000 at any time and then wait until that is reimbursed before the next bills submitted. Any and all modifications should have been brought to the Council and will be in the future. Council Member Diehl likes the suggestion made by City Manager Jim Gray to hire an in-house engineer to oversee projects and contract compliance.

21. Presentation, discussion, and action regarding the City of Ingleside's Audit for the year ending September 30, 2015 from Ernest Garza and Company.

Ernest Garza provided an overview of the City of Ingleside's Audit for the year ending September 30, 2015. He explained the "Unmodified" report means it is a good opinion and the finances are accurate. There were no significant deficiencies. There were a few items noted within the Management Letter; however, these are minor and meant for internal use only: (1) that all grants be kept in separate funds; (2) Purchase Orders to be dated prior to receiving the invoice; (3) confirm we have W-9's and 1099'sfor all vendors; (4) to make sure the payroll quarterly report matches the W-3 report; and (5) making sure that payments are made in accordance with contract terms. Each of these items have either already been cleared up or steps are being taken to make sure they are fixed. These items are minor and are only suggestions for areas of improvement. An new implementation is that of HB-1295 that as of January 1, 2016 that all contracts approved by Council will require the new Form 1295 to be completed by the vendors.

Council Member Adame made a motion to accept the City of Ingleside's Audit for the year ending September 30, 2015 from Ernest Garza and Company and was seconded by Mayor Perkins. The motion was approved unanimously.

22. 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 indicating a net increase of $1,469,628.65 since last month. Questions were asked about the Pooled Investments and Mr. Baen stated that currently we are showing a profit of approximately $30,000.

23. Staff Reports

City Manager Jim Gray stated that that City of Ingleside was recently recognized in the Best of the Best Awards by the Ingleside Index/Aransas Pass Progress for the Best Park – N.O. Simmons Park, 2nd Runner Up Best Park – Live Oak Park, Best Family Outing – Movie in the Park, and Best Library. He also noted that the Police Department recently purchased two Utility Vehicles to be used in special events, tracking through brush, etc. Mr. Gray stated there will be a Special Council Meeting prior to April8, 2016 regarding SH-200 and Cheniere. It is currently scheduled for Thursday, April 7, 2016 at 6:00 p.m.; however that is subject to change.

24. Requests from Council Members

Council Member Diehl stated that there have been a lot of non-street legal go-karts and similar motorized devices running in the West Lake and Tiner area.

Mayor Perkins stated there are some large rock haulers speeding on SH-361 and FM 1069 between 5:00 a.m. – 7:00 a.m. and again 4:30 p.m. – 6:30 p.m.

Council Member Adame thanked the Public Works staff for their diligent work to get the recent overload of brush off the streets and drainage area. He was glad to see both brush trucks running.

Mayor Perkins requested a future agenda item regarding the Emergency Notification system.

25. Adjourn

There being no further business, the meeting was adjourned at 10:47 p.m.

ATTEST:

Kimberly Sampson, City Secretary

APPROVED:

Mayor Pete Perkins