

**CITY OF INGLESIDE
MINUTES
REGULAR CITY COUNCIL MEETING
APRIL 12, 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, and Steve Diehl. Council Member Paul Pierce arrived at approximately 7:30 p.m. Staff present: City Manager Jim Gray, Finance Director Paul Baen, City Attorney Michael Morris, and City Secretary Kimberly Sampson. There were approximately 35 guests.

2. Invocation

3. Pledge of Allegiance

4. Presentations from the Audience

Students Against Destructive Decisions (SADD) President Carlos Vela stated that those banning indoor smoking in the State of Texas has increased to 49 cities. Their on-line petitions has increase to almost 100 adult sponsors. SADD's recent Tobacco Free March had approximately 100 students involved. There were two adults who stood in the audience to be in favor of the banning of indoor smoking.

5. Consideration and action of the Minutes of the City Council Meetings of March 22 and 31, 2016.

City Secretary Kimberly Sampson noted there are two corrections of the March 22, 2016 minutes: (1) the inclusion of City Attorney Michael Morris as being present at the Call Meeting to Order; and (2) agenda item # 16 needed to include the Council action of passing the Ordinance to a second reading with Council Member Diehl making the motion and was seconded by Council Member Knippa with the motion being approved unanimously.

Council Member Wilson made a motion to approve the Minutes of the City Council Meetings of March 22 and 31, 2016 with the corrections noted above and was seconded by Council Member Adame. The motion was approved unanimously.

Mayor Perkins moved agenda item # 19 forward for action

19. Consideration and action of a Letter of Support to TCEQ regarding a Grant Application from the Port of Corpus Christi in the amount of \$7,500,000.

Port of Corpus Christi Authority (POCCA) Director of Government Relations, Nelda Oliva provided a brief overview of the Restore Act (from the BP oil spill) and the Grant being applied for. This is to create a 100 acre green space/buffer zone between industry and the public to help with the noise control for the Portland community. Mayor Perkins read the letter to the public.

Mayor Perkins made a motion to approve the Letter of Support to TCEQ regarding a Grant Application from the Port of Corpus Christi in the amount of \$7,500,000 and 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.

6. Consideration and action to replace a member to serve on the Planning and Zoning Commission.

Council Member Adame made a motion to appoint Mrs. Elaine Kemp to serve on the Planning and Zoning Commission to replace Elisabeth Beebe for a term to expire December 2017; and was seconded by Council Member Knippa. The motion was approved unanimously.

7. Presentation by Patterson & Associates regarding overview of current financial markets and review of City's Quarterly Investment Report for the quarter ending March 31, 2016.

Linda Patterson of Patterson and Associates provided a handout to Council explaining the various markets and how they have recently been affected as well as the Quarterly Investment Report for the quarter ending March 31, 2016. Ms. Patterson showed the previous and current allocations of the city's asset and how the current investments have provided an additional \$33,595 of funds for the City.

Finance Director Paul Baen stated that in the near future the staff would be transitioning to a true Pooled Cash account. Council Member Diehl questioned the co-mingling of certain funds, specifically the Hotel/Motel funds. Mr. Baen explained that even though the funds may be in a Pooled account, the Incode software system tracks the various funds separately and thereby provides accountability for GAAP. Ms. Patterson concurred with Mr. Baen's explanation.

8. Consideration and action of the Pony League Contract for the period of March 1 through May 31, 2016. (Tabled from 3/8/16 and 3/22/16)

Mayor Perkins asked for a representative from the Pony League and nobody within the audience spoke up. Parks and Events Coordinator Mariana Garcia stated that the individual she was told would be present is not here tonight.

Council Member Diehl made a motion to deny the Pony League Contract for the period of March 1 through May 31, 2016 due to the fact that for three meetings now, there has not been a representative present to answer any questions; the motion was seconded by Council Member Knippa. The motion was approved with Mayor Perkins and Council Members Adame, Knippa, and Diehl voting aye; and Council Member Wilson voting no. (This item is considered-later in the meeting.)

9. Public Hearings regarding Unsafe Structures and/or Nonconforming Use to make a determination if the structure listed below meets the minimum standards of adopted codes or shall be demolished and removed from the property: Owner – Rosemary Benavides of Lots 8, 9, and 10, Block A, Secoy, otherwise known as 2810 Main.

Mayor Perkins opened the Public Hearing at 7:10 p.m.

Speaking in favor of the demolition is Code Enforcement Carey Dietrich. She explained that a walk-through was completed in March 2015 with owner Rosemary Benavides and all of the items were explained to her. They pulled a permit to do work on the Granny's Tamales but no permit was requested for the lean-to. The eaves and siding are rotted away and the electrical and plumbing needs to be brought up to code.

Speaking against the demolition was the owner's brother Jaime Gonzales spoke against the demolition stating that this was the first he and his sister, Rosemary Benavidez heard of this and he is not sure what is needed. They are willing to work with the City and clean it.

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

10. 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: Rosemary Benavides of Lots 8, 9, and 10, Block A, Secoy, otherwise known as 2810 Main.

Code Enforcement Carey Dietrich stated that due to a recent complaint that someone was supposedly seen living in the lean-to structure portion of this building, staff re-investigated this property. Since the March 2015 inspection with the Fire Marshall, Building Official, and Code Enforcement, the only permits pulled and repairs made were to the Granny's Tamale area, but no permits were pulled or repairs made to the lean-to area; so this process for demolition of the lean-to was started.

Ms. Rosemary Benavidez stated that last year she was overwhelmed with the repairs needed and they did speak with CP&L (local electric line provider aka AEP) who told her that a new light pole would be required behind the building. Ms. Benavidez stated she is worried about a light pole behind the building due to the bar parking lot being right there as well.

Council Member Diehl questioned when the owners became active in trying to find a resolution to this issue and whether this is cost effective or not. Mrs. Dietrich stated the owners made contact with the City yesterday. Building Official John Davis explained it is not the City's position to determine cost effectiveness because different owners have different ideas for their properties and thereby must determine their own investment levels; not the City.

Mr. Jaime Gonzales stated he would like to do a walk through with the City to better determine the cost effectiveness of the lean-to. If it is too costly, he will remove it. But if he thinks he can repair it, he would like the three to four months to make those repairs.

Council Member Diehl made a motion to delay this action for six months and then be brought back to Council for review; and was seconded by Council Member Knippa. The motion was approved unanimously.

Due to a request for Item # 8 to be brought back because a representative did show up, and nobody left the Council Chambers, this item was revisited.

8. Consideration and action of the Pony League Contract for the period of March 1 through May 31, 2016. (Tabled from 3/8/16 and 3/22/16)

Mr. David West was present for any questions of the Council. Council asked about the season ending on May 31, 2016.

Council Member Diehl made a motion to approve the Pony League Contract for the period of March 1 through May 31, 2016; and was seconded by Council Member Adame. The motion was approved unanimously.

11. A Public Hearing regarding an application for a Special Permit to be allowed to have someone reside in a recreational vehicle (RV), for security purposes, on the property located at SW ¼ Lt 10, Block G, Burton and Danforth Subdivision, also known as 1750 Hwy 361.

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

Speaking in favor of the Special Permit was Mr. Roland Beck. They have had several break-ins to the backside of their property. Other similar sites include on-site staff to reduce vandalism and theft. We have some security cameras and we are looking into additional security. In the meantime, there is a gentleman known to me to be looking for a place to live and this would be good for both of us.

Speaking against the Special Permit was Mrs. Ann Samuel Hopkins. She stated she owns the property next door and is concerned with sewage and grey water being dumped on the ground and it affecting the pond in the front of her property.

Also speaking against this Special Permit was Mr. Bill Underbrink because he does not feel this is a legitimate purpose for Special Permits.

Mayor Perkins closed the Public Hearing at 7:35 p.m.

12. Consideration and action of an Ordinance granting a Special Permit to temporarily be allowed to reside in a Recreational Vehicle (RV), for security purposes, on the property located at SW ¼ Lt 10, Block G, Burton and Danforth Subdivision, also known as 1750 Hwy 361, and further providing for effective date, reading, severance, and publication. (First Reading)

Mr. Roland Beck explained he has an in-ground holding tank permitted by TCEQ for the oils, septic, etc. from the boats and RV's being stored at this facility and drained regularly as per TCEQ requirements. If approved, this RV would be draining to the same TCEQ approved holding tank and there would be no illegal run-off. Additionally, he has a \$10,000,000 liability insurance policy that he is willing to list the neighbors as additional insureds if necessary on that policy. The joint owners are also in the planning processes of building additional units at the facility and have already discussed this with the Building Department although permits can't be pulled until the plans are approved. Mr. Beck explained that most of the break-ins occurred prior to a specific individual being incarcerated during the 2015 Holiday Season; however, it is not known for sure if that person was in fact the same perpetrator. The owners are working with a security company for an estimate of a higher technology system, but the cost estimate and timeframe are unknown at this time.

Mr. Willie Vaden stated that if someone is living on the property, it typically minimizes the chance of vandalism and theft. Council Member Wilson agreed that we have allowed temporary RV's at construction sites for this very purpose. If the owners are attempting to get a better security system and construct additional rental units; both of these purposes are in-line with other Special Permits.

Mr. Bill Underbrink questioned if he could put an RV with security at his home because he has repeatedly been broken into, even while he was asleep in his house. He has had to put in a security system himself. He suggested the property owners hire a night watchman to patrol the location all night.

There were further questions regarding the length of time needed and how the city would monitor the Special Permit. Building Official John Davis explained that the staff has a system that they enter Special Permits and other deadlines into and prior to their expiration, the staff are alerted and efforts are made to re-inspect, review, etc. as required by the notice.

Council Member Pierce made a motion to pass to a second reading the Ordinance granting a Special Permit to temporarily be allowed to reside in a Recreational Vehicle (RV), for security purposes, on the property located at SW ¼ Lt 10, Block G, Burton and Danforth Subdivision, also known as 1750 Hwy 361, and further providing for effective date, reading, severance, and publication with the inclusion of "not to exceed six-months:" and was seconded by Council member Diehl. The motion was approved unanimously.

13. 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. (Final Reading)

Staff provided Council with photos showing a flying yellow banner indicating guns and ammo sold here. It was questioned why a banner is being used when the owner stated she would not have banners. Property Owner Jennifer Wolf stated this was a garage sale and typically that sign would not be displayed at her home business.

It was further questioned why this resident was being required to have a change in zoning when other residents in Ingleside and IOB areas who sell guns and ammo on-line only are not required. Building Official John Davis and Code Enforcement Officer Carey Dietrich explained that when the property owner originally spoke with the City, she wanted to have her office in the dome structure not connected to her home. It was explained that would require a change in zoning. Then she questioned having the office in her home and she was informed that is a home occupancy and it wasn't an issue, but the ATF officer that called our officer was telling us it was required.

Due to staff and the property owners differing on their renditions of the requirements stated by the City and ATF Council requested additional clarification. Ms. Wolf stated she already has her license, this is only a formality.

Council Member Pierce made a motion to table this item until the property owner, ATF agent, and City Staff could all discuss and clarify what is or is not required; and was seconded by Council Member Diehl. The motion was approved unanimously.

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 R-2 (Two Family Residential) and further providing for effective date, reading, severance and publication: Lots 34-42, Block 24, RJ Williams Subdivision. (Final Reading)

Council Member Adame made a motion to approve Ordinance # 2016-06 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 Diehl. The motion was approved with Mayor Perkins and Council Members Adame, Knippa, Diehl, and Pierce voting aye; and Council Member Wilson voting no.

15. Consideration and action authorizing the list of new and repaired Sidewalks for construction with the Bond Funds.

City Manager Jim Gray stated TxDOT has responded to our requests for sidewalks along SH-361; however, this is a two to three year wait for those sidewalks. In the meantime, the Council can either focus on other areas or some in other areas and some along SH-361. Due to saving some money with the drainage deduction in item # 17 below, we could use those funds for more sidewalks or any direction the Council wants to go.

Council Member Knippa questioned 5th and 6th Street from Avenue B to Main Street being added. Public Works Director Donald Paty and Council Member Adame stated that due to drainage issues, it would cost more because an underground drainage would be required and there were narrow easements in that area as well. Council Member Adame suggested that we do what we can within the city as a Phase I, then see what funds we have left over from this and other Bond funded projects and consider SH-361 thereafter. This would reduce the funds needed to be \$229,141.55, inclusive of engineering.

Mr. Stewart Wilson requested the repair of sidewalks be focused along Mustang Drive and San Angelo Avenue. Mr. Willie Vaden suggested that the City focus where individuals have been injured or there are lots of children.

Council Member Adame made a motion to begin with the sidewalks listed within the residential areas and to wait on the areas along SH-361; and was seconded by Council Member Pierce. The motion as approved unanimously.

16. Presentation of the Street Committee's list to be restored with the Bond Funds.

City Manager Jim Gray stated that the staff and engineers are ready to take the Street bid to publication. The list of streets being presented tonight was to provide Council a look at what the Street Committee has presented and once the bids for the Unit Price is awarded in May 2016, the list will be brought back to Council for approval.

Council Member Pierce stated he is okay with the repairs to existing streets that will be repaired to the point of lasting 20 years (because that is the life of the bond); however, if the repair will only last 3-10 years, he feels that should be removed from the listing.

17. Consideration and action to award the contract with a Deductive Change Order for the Westlake Circle Drainage Improvements.

John Michael of Naismith Engineering explained this is a reduction of the previously awarded contract due to re-engineering the project to allow for the new pipe to be installed on top of the old pipe and therefore allow for more drainage. The outfall is sufficient for the two pipes together and this would reduce the construction costs from \$298,422.00 to \$175,012.80, exclusive of engineering costs.

Council Member Diehl made a motion to approve the Deductive Change Order for the Westlake Circle Drainage Improvements from \$298,422.00 to \$175,012.80 and was seconded by Council Member Adame. The motion was approved unanimously.

18. Consideration and action of the Naismith Engineering fee schedule.

City Manager Jim Gray explained that the fee schedule provided to staff in 2012 to be effective January 1, 2013 as inadvertently not brought to Council for approval. These rates are in-line with other engineering firms. According to the Contract between the City and Naismith Engineering the rates were required to be approved by City Council. City Attorney Michael Morris stated that a jury in this situation could go either way: (a) Engineering firm acted in good faith and it was a mistake by staff, or (b) the Engineering firm should have followed up to make sure it was approved by Council. Both sides have good arguments. Tonight's action can be to: (1) approve retroactively back to 1/1/2013; (2) approve affective now only; or (3) approve affective now only and negotiate the difference from 1/1/2013 to date.

Council Member Pierce questioned if there were any other contracts with Naismith Engineering since 1/1/2013. Finance Director Paul Baen stated there was a contract for the Parks Plan at a set rate and a contract with them for work on the EDA grant. Other than that, there is the existing SH-200 contract and the general engineering contract. It was also noted by Naismith Engineering that due to a data entry error on the billing of SH-200, there is approximately \$60,000 credit coming back to the City.

Naismith Engineer John Michael stated that his staff has recalculated the billing since 1/1/2013 to current and there is about \$60,000 difference in costs of the old rate versus the rate in question. Additionally, it was noted that over the years Mr. Michael only billed at the Senior Project Engineer rate instead of a Principal partner rate and that adjustment was corrected as well. As these bills have been paid over the years, he has paid his staff and business taxes (approximately 39%) and all in good faith that the City had appropriately approved the fee schedule that was to be effective January 1, 2013.

Council Member Pierce questioned if the calculations for the old rate versus the rate in question has been verified by the City Staff.

Council Member Diehl made a motion to accept the new rate schedule as of February 20, 2016 for all contracts and allow the Finance Director to review the Naismith billing differences line by line for the January 1, 2013 through February 19, 2016 and bring back to Council with the comparison; and was seconded by Council Member Adame. The motion was approved unanimously.

20. Consideration and action of a Resolution amending the authorized representatives with the City Depository and other necessary bank accounts.

Council Member Diehl made a motion to approve Resolution # 2016-06 amending the authorized representatives with the City Depository and other necessary bank accounts to include the Finance Director and was seconded by Council Member Adame. The motion was approved with Mayor Perkins and Council Members Adame, Knippa, Diehl, and Pierce voting aye; and Council Member Wilson voting no.

21. Consideration and action of a Resolution amending the authorized representatives with TexPool.

City Secretary Kimberly Sampson explained that TexPool requires their own form of Resolution and there are no checks from TexPool. This is allowing for transfers to/from city bank accounts and payments to city bonds.

Council Member Pierce questioned the transfer policy and Ms. Sampson explained that since 2016, an in-house procedure was self-administered that requires at least two authorized check signators to initial all transfers prior to a transfer being completed. This is not a written policy at this time.

Council Member Pierce made a motion to approve Resolution # 2016-07 amending the authorized representatives with TexPool to add the Finance Director, Paul Baen, pending the staff bringing back a Transfer Policy to be memorialized by Council; and was seconded by Mayor Perkins. The motion was approved unanimously.

22. Consideration and action regarding the possible appointment to the position of Council Member Place # 2.

No action was taken.

23. Receive the Departmental Reports for the month of March 2016.

City Manager Jim Gray stated that the 380 Agreement with Kiewit would be discussed following the approval of the Flint Hills agreement. He also noted that the EPA has finally provided a letter of no contest regarding the SH-200 project and therefore we are only awaiting the final letter from the Army Corp of Engineers. The paint on the Humble Center is underway and the staff is putting photos on Facebook and the Humble Center page of our City website. Staff will invite a representative from the Avenue A apartment complex to attend the May 10, 2016 Council Meeting.

24. Staff Reports

Staff reminded Council that Mayor Perkins and City Manager Jim Gray will be at the Coastal Bend to DC event the week of the next Council Meeting.

25. Requests from Council Members

Council Member Knippa stated that he would provide his information regarding speed control devices to the staff for a future Council meeting.

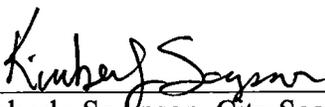
Council Member Wilson requested an update regarding the Avenue A apartment complex. She asked staff to look into additional grant funds for the sidewalks around the schools. And questioned if there are any programs for the city to purchase lock boxes for Senior Citizen doors that only Emergency Personnel have codes for so they don't have to kick in the doors in case of an emergency.

Council Member Adame reminded staff to keep the Phase II of sidewalks in mind as we move forward with Bond funds.

26. Adjourn

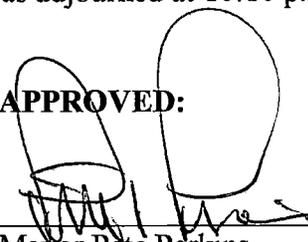
There being no further business, the meeting was adjourned at 10:10 p.m.

ATTEST:



 Kimberly Sampson, City Secretary

APPROVED:



 Mayor Pete Perkins