

**CITY OF INGLESIDE
MINUTES
REGULAR CITY COUNCIL MEETING
SEPTEMBER 27, 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: Acting City Manager Florencio Pena, Finance Director Paul Baen, and HR Administrative Assistant Anna Kucera. There were approximately 20 guests.

2. Roll Call

3. Invocation

4. Pledge of Allegiance

5. Presentations from the Audience

Ingleside on the Bay, Fire Chief Howard Gillespie thanked the Council for allowing him to do the invocation.

6. Consideration and action of the Minutes Special Meetings and Workshops of August 16 (2 meetings), 22, 29, 30, and September 6, 2016.

Council Member Adame made a motion to approve the Minutes of the City Council Special Meetings and Workshops of August 16 (2 meetings), 22, 29, 30, and September 6, 2016 and was seconded by Council Member Diehl. The motion was approved unanimously.

7. Consideration and action authorizing the City Manager to extend the Frost Bank Depository Contract for one year from January 1, 2017 to December 31, 2017.

Mike Carrol, President of Frost Bank explained that this was the first 1 year extension. Frost Bank has a good working relationship with Staff and Council. Tracy Arellano, Assistant Vice President of Frost Bank, works with staff. She works with public entities, municipalities, church types of businesses. Tracy stated our Staff is a great asset and she appreciates the relationship. Frost Bank looks forward to continue working with the City.

Council Member Underbrink made a motion to authorizing the City Manager to extend the Frost Bank Depository Contract for one year from January 1, 2017 to December 31, 2017 and was seconded by Council Member Knippa. The motion was approved unanimously.

8. Presentation regarding the status of the city's Capital Improvements Program.

City Manager Florencio Pena stated that John Michael, Naismith Engineering, for the overview. John Michael explained that he could provide updates monthly to track the costs, engineering, and admin fees.

1. Westlake Drainage Improvements – 95% complete with the northern section cleaned up; going to start southern section once the easements get signed, it should be finished within 30 days to complete.
2. Misc. Sidewalks and ADA Improvements – Gourley Contractors has completed the previously approved areas. After the rain, they will go back to clean up.
3. Misc. Streets Projects – The bid documents are complete.
4. Emory Bellard Outfall – Meeting with Berry, David Miller. Getting back with him about the zoning on his property and will continue with discussions and getting , easements drawn up. Councilmember Adame inquired as to how Mr. Michael felt of the discussions. John Michael is 65% sure it's a go, he has good meetings with the landowners. In about 60 days, he should have an answer.

5. Misc. Park (Improvements N.O Simmons Park, Live Oak Park) – John Michael stated that Vortex was working on getting equipment done. They had two bids for the pump house and were waiting on the third. City Manager Florencio Pena stated the project was still under construction. John Michael stated the Live Oak would include Little League and Pony League. He stated that they needed to get grass growing to start construction. The restrooms were in the budget with concessions, the ball field parking. When the leagues start playing in the spring, there would be no restrooms. The Park Improvements designs are 80% complete and plan to bring it to the next meeting in October with estimates of costs of phases in parts. Councilmember Schack stated the concern for security for cameras to get included. John Michael stated the plans are to show restrooms, shed structures, and nice trees. The masterplan shows for 2 pony league and 2 little league fields. Councilmember Diehl stated to bring in 2 complete Little League Fields and 1 Pony League Field. Councilmember Underbrink agreed.
6. Ave B (Main Trunk Line, Oklahoma Channel Improvements, San Angelo (Alley) Northern Branch) – for the three projects the topographical survey is complete, hydrology is ready to go with calculations with and without Emory Bellard engineering depends on the size of the pipe to suit the Emory Bellard outfall. Councilmember Underbrink stated to assume both can be done, what is the time to break ground? John Michael stated the timeline for the Ave B Drainage would be as follows: the set of plans would be ready by December or January, take the bids in February, and start in the spring. Emory Bellard is still 1 ½ to 2 years to get in. Councilmember Underbrink stated Ave B is set to start in February 2017 and then 2 years after that, relief is needed as soon as possible so go with the larger size pipe. Councilmember Diehl stated that he was in agreement with Councilmember Adame and Councilmember Underbrink that at the previous meeting priorities were set. The City recently had a 2" rain and there was water all over the city. Mr. Diehl also stated he was aware of issue with Emory Bellard and suggested an executive session to discuss the environmental issue, Hwy 200 issues. Mr. Diehl also agreed he would like to see a once a month or quarterly update to include flow charts, percentages of each phase. He would assume projects are within budget, but he is more interested in timeline. Councilmember Schack suggested the City complete Ave B 100% and then Emory Bellard continue then twice the drainage would be good for the growth of the City. John Michael stated that Emory Bellard would have less costs but includes more issues; Ave B would have higher costs but includes less issues. City Manager Florencio Pena suggested to have a monthly status report to include costs. Councilmember Diehl stated that the 65% probability was very high due to the fact that a great deal of issues would need to come into place for it to happen.
7. Tiner Lane Drainage Improvements – Councilmember Underbrink stated that Ave B, Tiner Lane, and Lovers Lane would cover all issues and want to do drainage before streets. Councilmember Diehl stated the streets will still be done and there was still street maintenance. Mr. Underbrink stated he did not want bond money utilized in the streets. John Michael also explained he met with the Lovers Lane owners on all corners. He is drafting the plans and will be meeting with the owners again to make sure all concerns were covered. It would drain to the pond on Goble's property then pipe it to Tiner Lane. Mr. Michael stated Goble's pipe would require 2 pipes due to the depth because of the gas and water lines.
9. **Consideration and action approving construction of a sidewalk on Avenue B from Amarillo to Waco and 4th Street from Avenue K to Big Oak and on Big Oak from 4th Street to the Elementary School Exit Driveway as part of the \$271,278 contract awarded March 8, 2016 to Gourley Construction. On April 12, 2016, City Council identified sidewalks totaling \$208,310, which the contractor has substantially completed. The construction cost of the proposed additional sidewalk segments is \$77,133, bringing the total contract amount to \$285,443.**

City Manager Florencio Pena stated that the awarded contact to Gourley Construction was for \$271,389 for sidewalk not identified and then the City identified the \$208,310. Mr. Pena recommended to identify the remaining funds of the original awarded contract. If the difference in the awarded contract was more than 25%, then the City would need to rebid. If the difference in the awarded contract was less than 25%, then the City would need to agree with contractor to accept. Mr. Pena recommended to utilize the \$271,178, all

recommend just slightly over \$271k but it is not more than 25%. The City does still have the \$50,000 to assist in funding the difference.

Councilmember Underbrink stated he wanted the City to utilize the all of the \$50,000 then utilize the bond money. Councilmember Adame inquired of the school property on Fourth Street. City Manager Florencio Pena stated he had met with the school Superintendent Troy Mircovich. Councilmember Adame stated that a sidewalk along Fourth Street on the school property would connect front and back of the school. Councilmember Schack requested if the City could include a sidewalk from Henrietta Street to the school. John Michael, Naismith Engineering, stated that this would be about \$8,000 to add the crosswalk at Henrietta. City Manager Florencio Pena stated that he would like for the Police Department have the opportunity to review and if the Council would like to proceed, a change order can be made at that time.

Council Member Underbrink made a motion to do two sidewalk projects utilizing the \$50,000 from the capital allocation from FY 2014/2015 first and then utilize the bond money and was seconded by Council Member Adame. The motion was approved unanimously.

10. Consideration of action approving funding from the 2016 Tax Anticipation Note in amount of \$735,000 for certain park improvements.

City Manager Florencio Pena stated there is a Texas grant that would share the cost with the state. Mariana Garcia, Parks & Facilities Manager, explained that there were several options: 1. Soccer field with bathrooms; 2. Shade structure at N.O. Simmons; 3. Baseball Bathrooms; 4. Pavilion at Cove Park with tables; 5. Shade structure and new tables at pool; 6. Shade structures over picnic (11); 7. Replace tables and benches at N.O. Simmons Park; 8. Resurface Pool; 9. Parking at N.O. Simmons; 10. Pumps for pool; 11. Dog Park; for a total of \$1.3 million. Councilmember Underbrink inquired which is most important. Ms. Garcia stated that there were over 300 kids that play on the soccer league. Mr. Pena stated that the City has an opportunity for the grant with Texas Parks and Wildlife. Councilmember Diehl stated the grant had a rigid scoring process. John Michael, Naismith Engineering, stated to get rid of the old restrooms with new baseball field. There is no infrastructure, it would need a small grinder. Mr. Michael also stated that it would take about 3 months to get the plans together. Councilmember Adame explained that the soccer fields were part of the master plan. He would like to see the City do the soccer field first and then go look at the other projects. Mayor Lamas stated he would like to see the first three projects: baseball field restrooms, Soccer field with restrooms, and Shade structure which would be approximately \$800,000.

Mayor Lamas motioned to approve funding from the 2016 Tax Anticipation Note for certain park improvements to include the soccer field with restrooms (\$643,500); shade structures at N.O. Simmons (\$50,000) for a total of \$693,500 and was seconded by Councilmember Underbrink. Mayor Lamas amended his motion to not include the shade structure. John Michael the original estimated construction cost of the soccer field will not provide for nice restrooms. He will bring back to include nice restrooms. Mayor Lamas amended his motion to continue with the original motion to total \$693,500. The motion was approved unanimously.

11. Consideration and action of a Resolution authorizing the City Manager to submit a grant application to the Texas Parks and Wildlife Services for a park improvement grant with \$500,000 matching funds.

Council Member Adame made a motion to approve a Resolution authorizing the City Manager to submit a grant application to the Texas Parks and Wildlife Services for a park improvement grant with \$500,000 matching funds and was seconded by Council Member Diehl. The motion was approved unanimously.

12. Consideration and action of a Restrictive Covenant Agreement between the City of Ingleside and the American Tower Company in order to create a buffer zone around the City's Waste Water Treatment Facility as required by the Texas Commission on Environmental Quality (TCEQ).

City Manager Florencio Pena explained that TCEQ required a 150 foot buffer zone around the City's Waste Water Treatment Facility. We have contacted Cheniere and American Tower Company. Cheniere is still under review. We had to file an extension due to the fact that we had 90 days to get easement. Councilmember Diehl inquired as to when the City could expect and answer from Cheniere. City Manager Florencio Pena stated two weeks.

Councilmember Knippa motioned to approved a Restrictive Covenant Agreement between the City of Ingleside and the American Tower Company in order to create a buffer zone around the City's Waste Water Treatment Facility as required by the Texas Commission on Environmental Quality (TCEQ), and was seconded by Councilmember Diehl. The motion was approved unanimously.

13. Consideration and action to appoint a new member to serve on the IDC Board to replace Mr. Bill Cone whose term expires May 2018.

City Manager Florencio Pena stated that this item can be considered on the agenda until the Council has a nominee; Councilmember Tucker stated he was currently talking with someone right now but did not have a biography.

Councilmember Knippa motioned to table the agenda item and was seconded by Councilmember Underbrink and then removed.

Councilmember Diehl stated that the reason there are Councilmembers on the IDC board was for self-policing. Mr. Diehl also explained that projects go to the IDC board to request funding and then are forwarded to the City Council for approval.

Councilmember Diehl motioned to appoint Mayor Luis Lamas to serve on the IDC Board to replace Mr. Bill Cone whose term expires May 2018 and was seconded by Councilmember Tucker.

14. Consideration and action to amend the Ingleside Code of Ordinances by adding a new Article VIII, Section 2-200 to Chapter 2 of the Ingleside Code of Ordinances to establish the City's Purchasing Procedures; and, establish the purchasing authority of the City Manager to be up to \$25,000 for items authorized within the Annual Budget.

City Manager Florencio Pena stated this was pursuant to the budget discussions for the City Manager to have the authority to authorize up to \$25,000 for anything already included in the budget. This is consistent with the existing purchasing policy except for the amount being reduced from \$50,000.

Councilmember Underbrink motioned to amend the Ingleside Code of Ordinances by adding a new Article VIII, Section 2-200 to Chapter 2 of the Ingleside Code of Ordinances to establish the City's Purchasing Procedures; and, establish the purchasing authority of the City Manager to be up to \$25,000 for items authorized within the Annual Budget and was seconded by Councilmember Adame.

Councilmember Tucker questioned if this spending limit of \$25,000 would slow down the process. City Manager Florencio Pena stated it could delay the process, but the City of this size \$25,000 is a good limit. Mr. Pena stated if more funds were needed, an emergency meeting could be called.

Mayor Lamas recessed the regular meeting in order to go into Closed Executive Session regarding agenda items #15 and #16 at 8:25 p.m.

Mayor Lamas closed the Executive Session and reconvened the regular meeting at 10:35 p.m.

- 15. Consideration and action authorizing the staff to continue negotiations of the possible 380 Agreements with Koch/Flint Hills and/or Kiewit Offshore Services. The City Council may meet in Closed Executive Session in accordance with Texas Government Code Section 551.071 (Consult with Attorney) and Section 551.087 (Deliberation Regarding Economic Development Negotiations).**

No action was taken.

- 16. Consideration and action of the Naismith Engineering Fees 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 (Consult with Attorney).**

Councilmember Diehl stated he wanted to apologize to Naismith Engineering for any derogatory comments on rates or invoices.

Councilmember Diehl motioned to ratify and approve invoices from Naismith Engineering for all services rendered by Naismith Engineering to the City of Ingleside from January 1, 2013 thru today reflecting billable rates as set forth in rate schedule effective January 1, 2013, which was provided to the City by letter dated November 30, 2012, and was seconded by Councilmember Schack. The motion was approved unanimously.

17. Staff Reports

*** Update regarding the Facility Rental Agreements**

City Manager Florencio Pena stated that the agreement would be at the next meeting that would include rates for in-town and out of town rates. Mr. Pena also mentioned that a credit card on file cannot be used for damages.

*** TML Annual Conference**

Texas Municipal League packets will be ready.

18. Requests from Council Members

Councilmember Adame requested an update to the drainage cleaning by the County and addressed some code enforcement along Kenney Lane. Councilmember Knippa requested the stripes to be repainted at Cove Park. Councilmember Diehl requested that a sign on Hwy 1069 be placed to indicate the location of the Police Department. Mr. Diehl also requested an update on the Oaks By the Bay Apartments and if the City's website could include and update of the projects. Councilmember Schack requested an update on the free street lights. Mayor Lamas inquired about the street light study.

19. Adjourn

There being no further business, the meeting was adjourned at 10:50 p.m.

ATTEST:


 Anna Kucera, HR Administrative Assistant

APPROVED:


 Mayor Luis Lamas