

**CITY OF INGLESIDE  
MINUTES  
REGULAR CITY COUNCIL MEETING  
DECEMBER 13, 2016**

**1. Call meeting to order**

The meeting was called to order at 6:37 p.m. with Mayor Luis Lamas presiding. Council Members present: Mayor Luis Lamas and Council Members Ben Tucker, Bill Underbrink, Dennis Knippa, Steve Diehl, and John Schack. Council Member Adame arrived at 7:10 p.m. Staff present: Acting City Manager Florencio Pena, Finance Director Paul Baen, and City Secretary Kimberly Sampson. There were approximately 80 guests.

**2. Roll Call**

It was noted that Council Member Adame will be late for tonight's meeting.

**3. Invocation**

**4. Pledge of Allegiance**

**5. Citizen Comments**

Mr. Stewart Wilson questioned the size of drainage pipe being used for the IISD project for their new bus route behind the Blaschke Sheldon campus. He feels the pipes are not sufficient compared to the city's recent rain and flooding issues. Mr. Wilson asked the City to discuss with IISD and see if they would put something more adequate into their project.

**6. Discussion and possible action regarding the request by Students Against Destructive Decisions (SADD) to prohibit smoking in bars and restaurants.**

Acting City Manager Florencio Pena stated this agenda item was requested by Council Members Diehl and Schack.

Speaking in favor of prohibiting smoking in bars and restaurants were IISD SADD representatives Carlos Vela and Nathanal Hickman as well as American Heart Association representative Jerry Saavedra, American Cancer Society representative Charlie Gagen, Reuben Jimenas, Linda Rubekaba, DJ Gonzalas, Irma Chandler, Ashton Baker, and Danielle Lucas. Mr. Vela and Hickman of the SADD group provided documentation of the surveys they have conducted and research from other cities who have proven no loss of income due to the prohibition of smoking in these public places. They are hoping to ban smoking in these locations in order to provide a cleaner working environment for the workers and provide a better balance for smokers and non-smokers alike. Mr. Saavedra provided a handout of his proposed changes to our current city ordinance and provided statistics relating smoking and second hand smoke to heart disease and stroke. Mr. Gagen stated that smoking is the #1 cause of lung cancer and stated that eight (8) hours of second hand smoke is equal to 30 cigarettes. The remaining citizens speaking in favor of the prohibition stated the following reasons: not all employees within bars/restaurants smoke and don't have a choice for other jobs but they should not have to risk their lives in this smoke filled environment; citizens want a clean air bar to relax and have a drink; some spoke in support of kids movement in general; explained the surveys were provided to teachers and individuals attending family events at the parks; in support of the students being an advocate for employees; in respect of non-smokers; and against smoking in general due to cancer.

Speaking against the prohibition of smoking in bars and restaurants were Jackie Brown, Ronnie Parker, Brandy Chambers, Connie Rivera, Dexter Shelly, Tina Potter, Kelsy White, Toby Rivera, and Billie Padilla. Their concerns were: even as a non-smoker, as a previous military person fighting for rights, they believe business owners have rights; that smokers and non-smokers both have the right to attend or not attend any business they want to enter or keep walking past; research provided is from large cities, not small cities which will be affected more profoundly; surveys were slighted to only get signatures of those who agree with them; two bars in Rockport tried to go non-smoking and had to go back to smoking due to loss of revenues; should be business owners decision, not the governments; people from outside Ingleside and San Patricio

come to our area and often stay in your hotels; these owners have invested in these bars and you are taking their livelihood away from them and thereby setting up the city for a lawsuit; bars are for adults making their own choices, not the SADD students making choice for them; if we don't allow smoking in our bars, the patrons will shift to Aransas Pass and Rockport and thereby stay in those hotels, restaurants, etc.; there were suggestions from individuals that the student should focus on their own campus issues instead of adult issues; and rights of property owners.

Council Member Underbrink commended the students for their efforts; however, he feels this is a property owners rights and not the government's choice. He compared these changes to the State of California's issues. He disagrees that workers' don't have choices as to whether they work in a bar or not. Every employee has the option to find another job. Council Member Knippa agreed this is a property owner's rights.

Council Member Diehl stated he does not support the seven (7) Council Members making this decision. He feels it should be a vote of the public because it is such a controversial issue. This Council deals with property rights every time we discuss zoning/building/etc. This topic comes back to the City every few years and nobody wants to take action. If the voters take action it would be a final discussion point either yes or no.

Council Member Adame stated most of the bars have smoke eaters and filtration systems to help get most of the smoke out of the buildings. If the City did ban smoking inside but allow on patios, some of the existing bars don't have the space for a patio, again, you are affecting a businesses' ability to do their business.

Mayor Lamas stated that as a restaurant owner he chose to not allow smoking, but that was his choice. One of the things he as a Mayor stands for is trying to keep government from overstepping their boundaries and he believes that taking to the voters is a shirking of the Council's duties. He believes that existing businesses should be able to continue doing businesses as usual and that government should not be able to change the rules on them. IF the voters don't like our choices, they can replace us.

Council Member Schack agreed that every time the Council makes a zoning/plat/ordinance change of any kind, we are regulating what a property owner can and cannot do with their property. By making and enforcing code enforcement and police policies, the government is making choices for property owners. This is quality of life issue and he believes the voters need to make the decision.

Council Member Schack made a motion to put on the May 6, 2017 ballot with two options: 1) to leave as is; and 2) to remove the exemptions and was seconded by Council Member Diehl. The motion did not pass with Council Members Tucker, Diehl, and Schack voting aye; and Mayor Lamas and Council Members Underbrink, Adame, and Knippa voting no.

Council Members commended the students for the hard work.

**Mayor Lamas recessed the regular meeting to go into Closed Executive Session at 8:25 p.m.**

- 7. The City Council may meet in closed executive session in accordance with The Texas Government Code Section 551.071 (Consult with the Attorney) or Section 551.074 (Personnel Matters) to confer regarding the selection of a City Manager.**
- 8. The Council may meet in Closed Executive Session in accordance with Texas Government Code Section 551.071 to "Consult with Attorney" and Section 551.087 "Deliberations Regarding Economic Development Negotiations" regarding the following items:**
  - A) Flint Hills**
  - B) Kiewit**
  - C) Oaks by the Bay Apartments**

**Mayor Lamas closed the Executive Session and re-opened the regular meeting at 11:00 p.m.**

- 9. Consideration of a Resolution approving an economic development program and approving a 380 agreement concerning Oaks by the Bay Apartments located at 2032 Highway 361" and authorizing the payment of \$200,000 from the General Fund Capital Outlay fund.**

Council Member Diehl made a motion to approve Resolution # 2016-18 approving an economic development program and approving a 380 agreement concerning Oaks by the Bay Apartments located at 2032 Highway 361" and authorizing the payment of \$200,000 from the General Fund Capital Outlay fund; and was seconded by Council Member Underbrink. The motion was

approved with Mayor Lamas and Council Members Tucker, Underbrink, Adame, Diehl, and Schack voting aye; and Council Member Knippa voting no.

- 10. Consideration and action (1) on a Resolution approving a Chapter 380 Agreement between the City and Kiewit Offshore Services and a 380 Program document, (2) approving an Interest Waiver Agreement between the City and Kiewit related to the City boundary lawsuit against Corpus Christi, and (3) approving a Release and Waiver Agreement between the City and Kiewit regarding Kiewit's claim that it is not submit to City taxation for tax year 2016. The Council may condition these items upon all three, the 380 Agreement, Interest Waiver Agreement and the Release, being signed, made and entered into by both parties, failing which none shall have any effect.**

Council Member Diehl made a motion to approve (1) Resolution # 2016-19 approving a Chapter 380 Agreement between the City and Kiewit Offshore Services and a 380 Program document, (2) approving an Interest Waiver Agreement between the City and Kiewit related to the City boundary lawsuit against Corpus Christi, and (3) approving a Release and Waiver Agreement between the City and Kiewit regarding Kiewit's claim that it is not submit to City taxation for tax year 2016; and was seconded by Council Member Knippa. The motion was approved unanimously.

- 11. Consideration and action (1) on a Resolution approving a Chapter 380 Agreement between the City and Flint Hills and a 380 Program document, and (2) approving an Interest Waiver Agreement between the City and Flint Hills related to the City boundary lawsuit against Corpus Christi. The Council may condition these items upon both, the 380 Agreement and Interest Waiver Agreement, being signed, made and entered into by both parties, failing which neither will have any effect.**

Council Member Underbrink made a motion to approve (1) Resolution # 2016-20 approving a Chapter 380 Agreement between the City and Flint Hills and a 380 Program document, and (2) approving an Interest Waiver Agreement between the City and Flint Hills related to the City boundary lawsuit against Corpus Christi; and was seconded by Council Member Tucker. The motion as approved with Mayor Lamas and Council Members Tucker, Underbrink, Adame, Knippa, and Diehl voting aye; and Council Member Schack voting no.

- 12. Consent Agenda-All of the following items are considered to be self-explanatory by the City Council and will be enacted with one motion; there will be no separate discussion of these items unless a Council Member requests.**

- A. Consideration and action of the minute of the City Council Meetings dated September 27, October 11, 18, and 25, and November 15 and 21, 2016.
- B. Ratification of the Council's authorizing of the exclusive use of Live Oak Park and N.O. Simmons Park for specific Ingleside Chamber of Commerce Events, to allow street closure as needed at event sites, to allow them to sell beer at said events, the overnight camping at park facilities, and the closure of West Main and Main Street for specified parades throughout the FY 2016/2017.
- C. Ordinance # 2016-29 providing for the Annexation of certain land lying adjacent to the present boundary limit of the City of Ingleside, San Patricio County, Texas, and within the Extraterritorial Jurisdiction of the of the City and described as follows: The 284.56 acres of land, including all attachments, projections and extensions therefrom, such as bulkheads, docks, piers and wharves, which constitutes Ingleside Industrial District Nos. 9, 10, and 11 and which is the subject of Industrial District Agreement Nos. 9, 10, and 11 by and between the City and Occidental Chemical Corporation, Dupont and Air Liquide. (Final Reading)
- D. Ordinance # 2016-30 amending Chapter 18 – Buildings and Building Regulations, Article II Construction Standards Section 18-27-105.1C Ingleside Code of Ordinances regarding the requirement for General Liability Policy or Surety Bond and providing for effective date, reading, severances, and publication. (Final Reading)
- E. Acceptance and Acknowledgement of donations from Oxy of \$1,500 and IISD for a John Deer Gator worth \$500.
- F. Approval of an Intergovernmental Agreement with Aransas County for the purchase of 2,500 gallons of oil to be used for the repair of streets. The County will charge cost plus 10% to offset handling, preparation, and administrative costs. The estimated cost of this contract for the remainder of this fiscal year is

**\$4,500.00. The term of the contract is for one year and will automatically renew each year unless either party provides 30 day notification. The oil will be used primarily by the pot hole patching equipment. Funds are available in the Public Works operating budget.**

- G. Approval of an Inter-local Agreement between the City of Ingleside and the County of San Patricio for the County to provide health related services beginning January 1, 2017 and ending December 31, 2017.**

Council Member Diehl made a motion to approve the Consent Agenda and was seconded by Council Member Underbrink. The motion was approved with Mayor Lamas and Council Members Tucker, Underbrink, Adame, Knippa, and Diehl voting aye; and Council Member Schack voting aye on all items except # 12A where he abstained because he was not at one of the meetings.

- 13. A Public Hearing concerning an application to replat the following property, Lots 4-A and 4-B, Segovia Estates Unit 3, City of Ingleside, San Patricio County, Texas.**

Mayor Lamas opened the Public Hearing at 11:12 p.m.

Speaking in favor of the replat was Mr. Ray Lamas. He explained he wanted to subdivide the five acres into two 2.5 acre lots.

There were no speakers against this replat.

Mayor Lamas closed the Public Hearing at 11:13 p.m.

- 14. Consideration and action of an application to replat the following property, Lots 4-A and 4-B, Segovia Estates Unit 3, City of Ingleside, San Patricio County, Texas.**

Acting City Manager Florencio Pena explained that anything less than four lots the Building Official can replat if all other things are in place; however, with the replatting of this property there is an unimproved road and no utilities available.

Code Enforcement Officer Carey Dietrich stated Bishop Road is not an improved roadway. It is a dirt road that most of our emergency equipment can't get through. Developers are responsible for Fire Hydrant, utilities, and building of road.

Current property owner Ray Lamas stated he wants to divide the property so his portion of the flag lot that will extend to 4<sup>th</sup> Street he can build a home on it. The other 2.5 acres he wants to sell to someone that only wants to farm with no building at all. Mr. Lamas stated he has explained to his buyer that the 2.5 acres closest to Bishop Road cannot be built on without roadway, utilities, and fire hydrant.

Council Member Schack asked if this replat meets all other building code requirements as far as size, etc. and Mrs. Dietrich agreed it does. The only concern is the site cannot be built on without the additional items discussed such as roadway improvements, utilities, and fire safety codes.

Council Member Adame made a motion to approve the application to replat the following property, Lots 4-A and 4-B, Segovia Estates Unit 3, City of Ingleside, San Patricio County, Texas; and was seconded by Council Member Diehl. The motion was approved with Council Members Tucker, Underbrink, Adame, Knippa, Diehl, and Schack voting aye; and Mayor Lamas abstaining due to his relationship with the applicant..

- 15. Presentation regarding the status of the City's Capital Improvement Program Financial status report as of December 13, 2016.**

John Michael of Naismith/Hanson Engineering stated the bids for the Lover's Lane project are scheduled to be opened on December 20, 2017 and therefore should be on the first meeting in January 2017..

Due to the lateness of the meeting, no other items were discussed.

- 16. Consideration to award a contract In the amount of \$628,995 to Garrett Construction to build baseball fields at Live Oak Park. Three bids were received and Garrett Construction was the lowest responsible bid. Funding in the amount of \$848,625 is available to award this contract from the 2015 Bond Program. The concession stand/restroom building, lighting and scoreboard are not part of this contract. Additional funding in the amount of approximately \$560,000 is needed to build a concession stand/restroom building, lighting, scoreboard and additional engineering.**

Acting City Manager Florencio Pena explained there are two parts to this agenda item. This first being to award the contract for the baseball fields at Live Oak Park and the second is to discuss the lights, concession stand, restrooms, storage, and scoreboard and their funding options. He stated there were three bids received for the baseball fields and Garret Construction was the lowest bid at \$628,995 which is within the budget provided as part of the 2015 Bond projects. The remaining items will have to be bid separately and the estimated funding for that is approximately \$560,000 including engineering fees. The options for funding are 4-B tax funds, reduce some of the other work already scheduled at N.O. Simmons Park (Shade Structure), or the remaining undesignated 2015 bond funds.

Council Member Diehl questioned why this was split into separate items and stated that in the future all projects should be bundled together with a single funding source.

John Michael of Naismith/Hanson Engineering stated this was all one original project until the Little League started making changes and we were trying to get the fields ready for them to play on as soon as possible.

Council Member Tucker questioned if the current plans provide enough separate storage for both Little League and Pony League and Parks and Building Maintenance Manager, Mariana Garcia stated these are the same size the leagues have now and no additional storage has been requested. The concession stand is also the same size the Little League has now and they have not requested anything larger.

Council Member Schack questioned only have three (3) bathroom stalls for each boys/girls restroom and felt this needs to be doubled for the size of crowds they expect to bring in.

Council Member Diehl made a motion to award the contract for the building of the baseball fields to Garrett construction in the amount of \$628,995; and was seconded by Council Member Schack. The motion was approved unanimously.

Council Member Diehl made a motion directing staff to apply to the Ingleside Development Corporation for the use of 4-B funds for park improvements in the amount of \$560,000; and was seconded by Council Member Schack. The motion was approved unanimously.

- 17. Consideration and action to approve the plans and specifications and authority for the City Manager to request bids for the construction of Concession Stand/Restrooms at Live Oak Baseball Fields.**

Council Member Schack made a motion to approve the plans and specifications and authority for the City Manager to request bids for the construction of Concession Stand/Restrooms at Live Oak Baseball Fields and to provide for an alternate bid with an increase of the bathrooms from three stalls each to six stalls each for boys/girls restrooms; and was seconded by Council Member Diehl. The motion was approved unanimously.

- 18. Consideration and action of an Ordinance changing the zoning for the following property from its present zoning of R-1 (Single Family Residential) to T1-A (Travel Trailer/RV Park) and further providing for effective date, reading, severance and publication: Lots 6 & 7 block P Burton & Danforth Subdivision (Fronting Sunray Road). (Final Reading)**

Council Member Underbrink stated he did a survey of his neighbors on Pace Avenue regarding this proposed zoning change fronting Sunray Road. All of his neighbors on Pace Avenue are against this rezoning.

Council Member Underbrink made a motion to deny the Ordinance changing the zoning for the following property from its present zoning of R-1 (Single Family Residential) to T1-A (Travel

Trailer/RV Park) and further providing for effective date, reading, severance and publication: Lots 6 & 7 block P Burton & Danforth Subdivision (Fronting Sunray Road); and was seconded by Council Member Knippa. The motion was approved Council Members Tucker, Underbrink, Adame, Knippa, and Diehl voting aye; and Mayor Lamas and Council Member Schack voting no.

**19. Consideration and action of an Ordinance ordering an Election to be held on May 6, 2017 in the City of Ingleside for the purpose of submitting amendments to the Ingleside City Charter; designating the place of holding such Election, naming the officers thereof; prescribing the form of ballot; providing for notices; providing a severability clause; and declaring an effective date. (Final reading)**

Council Member Tucker made a motion to approve the Ordinance ordering an Election to be held on May 6, 2017 in the City of Ingleside for the purpose of submitting amendments to the Ingleside City Charter; designating the place of holding such Election, naming the officers thereof; prescribing the form of ballot; providing for notices; providing a severability clause; and declaring an effective date; and was seconded by Council Member Underbrink.

There was some discussion regarding whether the Council could still change to the November election. City Secretary Kimberly Sampson stated the window of opportunity is sometime in 2016 but she is not sure of the date. She would need to bring that back to Council. She did note that within each city there are different pros and cons regarding moving the elections to November.

Council Member Tucker withdrew his motion to approve.

Council Member Diehl made a motion to table this Ordinance until January 10, 2017; and was seconded by Council Member Schack. The motion was approved unanimously.

If the Council wants to change the date of the election from May to November, it will need to be changed within the Charter as well.

**20. Presentation of Financial Report for November 2016.**

There were no questions from the Council

**21. Authorize the City Manager to submit an application for a grant with the Assistance to Firefighters (AFG) in the amount of \$342,766 to purchase radios for the Fire Department. If approved, a city match of 5% or \$17,188 will be required.**

Council member Diehl made a motion authorizing the City Manager to submit an application for a grant with the Assistance to Firefighters (AFG) in the amount of \$342,766 to purchase radios for the Fire Department; and was seconded by Council Member Adame. The motion as approved unanimously.

**22. Consideration to award a contract to Xylem out of Corpus Christi, Texas for a 6 inch diesel pump in the amount of \$26,800 for use by the Public Works Department. Three informal bids were received and Xylem is the lowest responsible bidder. Funds are available for this purchase in the General Fund Capital Outlay fund.**

Council Member Tucker questioned what this is used for and Acting City Manager Florencio Pena explained it is to pump water out of flooded areas.

Council Member Adame made a motion to award a contract to Xylem out of Corpus Christi, Texas for a 6 inch diesel pump in the amount of \$26,800 for use by the Public Works Department; and was seconded by Council Member Underbrink. The motion was approved unanimously.

**23. Discussion regarding the review of Health/Dental/Vision/Life insurance and the potential revamp of the Personnel Policy and Procedure Manual, the Employee Pay Scale, the Job Descriptions, and overall Organizational Flow Chart of the staff.**

Council Member Diehl made a motion to table this agenda item and was seconded by Council Member Adame. The motion was approved unanimously.

## 24. Staff Reports

- A) **Mosquito Control Program and Vehicles** – Public Works Director Donald Paty explained that before a second vehicle could be purchased for Vector Control, the first truck broke down. Therefore, he shifted the truck he was driving to Vector while we are trying to repair the first truck. The staff is still attempting to purchase a used truck, but now the next vehicle purchased will need to be for his office.
- B) **Potential Animal Control Facility update** – Naismith/Hanson Engineering has provided the City with a set of plans used by the City of Alpine. The estimated cost in the CIP for a new facility is approximately \$600,000. The funds needed for preliminary work to review land and adapting plans to a future site would be about \$25-\$35,000. Council Member Diehl stated this is about 3-5 years away from being built, but would like to make sure the project stays alive. John Michael of Naismith/Hanson stated the City of Alpine's cost to construct was about \$1.2Million.
- C) **Flashing Yellow/Red Light at 8<sup>th</sup> Street/Main Street (FM 1069)** – Acting City Manager Florencio Pena stated the request has been submitted to TxDOT and we are awaiting their response.

## 25. Requests from Council Members

Council Member Knippa questioned if there is a potential encroachment by the curb and driveway on Avenue A by the Oaks by the Bay Apartments and Acting City Manager Florencio Pena stated he would look into that.

Council Member Schack requested if there is an option to move to the November election that it be placed on the January 10, 2017 agenda.

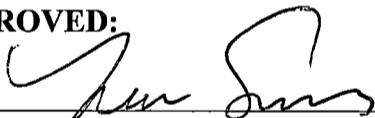
## 26. Adjourn

There being no further business, the meeting was adjourned at 12:24 a.m. on Wednesday, December, 14, 2016

ATTEST:

  
 \_\_\_\_\_  
 Kimberly Sampson, City Secretary

APPROVED:

  
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 Mayor Luis Lamas