

**CITY OF INGLESIDE
MINUTES
REGULAR CITY COUNCIL MEETING
FEBRUARY 12, 2019**

1. Call meeting to order

The meeting was called to order at 6:30 p.m. with Mayor Ronnie Parker presiding. Council Members present: Mayor Ronnie Parker and Council Members Ben Tucker, Dennis Knippa, Pete Perkins, and John Schack. Council Members absent: Council Members Kody Fahrenthold and Oscar Adame. Staff present: City Manager David Huseman and City Secretary Kimberly Sampson Henry. There were approximately 50 guests present

2. Roll Call

Council Members Kody Fahrenthold and Oscar Adame were not present for tonight's meeting.

3. Invocation

4. Pledge of Allegiance

5. Citizen Comments

San Patricio County Commissioner Precinct # 4, Howard Gillespie provided handouts and summary of legislative information about S.B. 2 related to Ad Valorem Taxation and similar items. He also provided a handout and left copies of postcards that the citizens can use to reachout to the Governor and Lt. Governor regarding unfunded mandates.

Presentations:

6. Council Member, Pete Perkins to provide briefing from the San Patricio Economic Development Corporation Meeting.

Council Member, Pete Perkins provided an overview of the recent San Patricio Economic Development Corporation Meeting topics: Coalition for more votes on the POCCA Executive Board, SPEDC Day at the Capital, DelMar College using a building provided by GPISD, and the growth in Mathis for a new Community Health Center.

7. Introduction of the Staff recently promoted from within and new hires.

Parks and Facilities Manager, Mariana Rodriguez introduced her new staff member: Landscaper, Danny Gaitan. Interim Police Chief, Robert Luna introduced his new staff members: Dispatchers D'Ann Parker and Brooke Philips.

8. Introduction of Public Safety Employees to council and citizens.

Interim Chief Robert Luna introduced and provided a brief back ground for Patrol Officer Joe James. Although not present, Interim Chief Luna also provided a back ground and mentioned Undercover Narcotics Officer D. Tyler.

9. Presentation by David Gosset with the U.S. Census Bureau regarding the 2020 Complete Count Committee for our community.

Mr. David Gosset with the U.S. Census Bureau explained the importance of the Census Count for grants, emergency services, and various other programs that could benefit the community. He provided an overview of privacy policies and the purpose of a Complete Count Committee; who all should be involved, and how to proceed. Mr. Gosset further explained the calendar of events regarding the U.S. Census Bureau, hiring local people to help with the process, and how the process will proceed throughout 2019 and into 2020.

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Mayor Park moved agenda item #21 (A) and (B) forward. He further removed items (C) and (D) from the agenda due to some Council Members being absent this evening.

Executive Session:

21. The Council may meet in Closed Executive Session in accordance with the Texas Government Code Section 551.071 (Consultations with Attorney) and Section 551.074 (Personnel Matters) regarding the following items:

- A) Update regarding the Port of Corpus Christi Authority's Dredge Material in Ingleside City Limits;
- B) Update regarding the Boundary Dispute with Corpus Christi;
- ~~C) Discussion of the appointment of the Municipal Court Clerk as Municipal Court Relief Judge; and~~
- ~~D) Consideration and possible action regarding the Annual Evaluation, Operations, and Procedures as well as the Reappoint of the Municipal Court Judge, Valarie Glover in accordance with the City Charter Section 4.02.B and Texas Government Code Section 29.005 for a two (2) year term to run from January 1, 2019 through December 31, 2020.~~

Mayor Parker closed the Regular Meeting to go into Closed Executive Session regarding items #21 (A) and (B) at 6:56 p.m.

Mayor Parker closed the Executive Session and reopened the Regular Meeting at 8:04 p.m.

Public Hearings: (A Public Hearing is not a forum for discussion between elected officials and the persons addressing the Council. It is intended only to allow the citizen(s) the opportunity to express their feelings and make those opinions part of the official record. Now, it would be appropriate to open the Public Hearing to allow interested parties the opportunity to voice their opinions of the project. NO action is required on these Agenda items. The action items will follow later within the Agenda.

Mayor Parker opened the Public Hearings at 8:05 p.m.

10. Public Hearing regarding an application filed by Tracy Long, to re-plat the following property, Lots 9 and 10, Block I, Burton and Danforth Subdivision to Lots 1-8, Block 1, Long Estates Subdivision, City of Ingleside, San Patricio County Texas. Property is located on North side of 4th Street across from Danforth Lane.

Speaking in favor of the re-plat was Mr. Tracy Long. He stated all properties have the minimum 60 ft. frontage, he will be paying over \$30,000 in permits and fees to the City and each of the eight properties will be have homes worth over \$300,000 each.

There were no speakers against this re-plat.

11. Public Hearing regarding an application filed by Apache Industrial Services for an Objectionable Use Permit within the Industrial zoned property located at the South Half of LT 5, BLK H, Burton and Danforth Subdivision also known as 1479 Sunray Road.

Speaking in favor of this Objectionable Use Permit was Apache Industrial Services Representative, Justin Davidson. He stated they have been in Ingleside since 2012. They have worked well with their neighbors and plan to continue to do so. If approved, they will be applying for the appropriate TCEQ permit.

There were no speakers against this Objectionable Use Permit.

12. Public Hearing regarding an application filed by The Rockland Investment Corporation to rezone the hereinafter described real property from its present classification of R-1 (Single Family Residential) and C-2 (General Commercial) to M (Multi-Family): Lts 1-A and 2-A Rockland Development, Ingleside, Texas. This property is located on the North side of SH-361 between Sleep Inn and Studio 6.

Speaking in favor of the rezone was Mr. Granger McDonald. He stated their company already has Portside Villa apartments (17 years) and Seaside apartments (17 months) here in Ingleside. They are a family owned business that builds, maintains, and keeps the business. The damage

caused by Hurricane Harvey was \$1.5M on Portside Villa and less than the deductible on Seaside apartments. They had a crew of 40-45 people on site immediately to repair the damages and all was complete by the end of November 2017. No tenants were removed from their homes. The property in question is between two hotels; however, due to the frontage being built up so high and the location to the cut across to the opposite side of SH-361, it is all a deterrent for commercial business and that's why it hasn't sold in the last 18 years. Even his plan is to have a 100 foot setback from SH-361.

Speaking against the rezone was Mr. Larry Ward. He explained he is not opposed to the Multi-Family housing, but he is against the frontage being rezoned. He feels the frontage should remain Commercial.

Mayor Parker closed the Public Hearing at 8:15 p.m.

Action Items:

13. Discussion, consideration, and action of an application filed by Tracy Long, to re-plat the following property, Lots 9 and 10, Block I, Burton and Danforth Subdivision to Lots 1-8, Block 1, Long Estates Subdivision, City of Ingleside, San Patricio County Texas. Property is located on North side of 4th Street across from Danforth Lane.

Council Member Schack questioned if this re-plat meets all requirements of the Ordinance and asked if there was a drainage plan submitted. Building Official, Carey Dietrich stated the re-plat is different from the engineered plans. There was additional discussion regarding the requirements and the City Code of Ordinances was brought before the Council for review.

Council Member Tucker made a motion to approve the application filed by Tracy Long, to re-plat the following property, Lots 9 and 10, Block I, Burton and Danforth Subdivision to Lots 1-8, Block 1, Long Estates Subdivision, City of Ingleside, San Patricio County Texas; and was seconded by Mayor Parker. The motion was not approved with Mayor Parker and Council Members Tucker and Perkins voting aye; and Council Members Knippa and Schack voting no.

It was questioned whether a majority vote of the five members present was allowed or not and Mayor Parker suggested the Council to act upon agenda item # 14 and then come back to item # 13 to discuss. There was no opposition.

14. Discussion, consideration, and action of a Resolution affecting the Zoning for the following property from its present Zoning of I (Industrial) to include an allowance of Objectionable Uses for Open Air Sandblasting and Coating as stated: South Half of LT 5, BLK H, Burton and Danforth Subdivision also known as 1479 Sunray Road.

Council Member Schack questioned if TCEQ would still be required for approval and Apache Industrial Services Representative, Justin Davidson stated yes.

Council Member Knippa questioned if there was a time limit imposed and Building Official, Carey Dietrich stated there was not.

Council Member Perkins made a motion to approve Resolution # 2019-07 affecting the Zoning for the following property from its present Zoning of I (Industrial) to include an allowance of Objectionable Uses for Open Air Sandblasting and Coating as stated: South Half of LT 5, BLK H, Burton and Danforth Subdivision also known as 1479 Sunray Road and was seconded by Council Member Schack.. The motion was approved unanimously.

Mayor brought back agenda item # 13 for discussion.

13. Discussion, consideration, and action of an application filed by Tracy Long, to re-plat the following property, Lots 9 and 10, Block I, Burton and Danforth Subdivision to Lots 1-8, Block 1, Long Estates Subdivision, City of Ingleside, San Patricio County Texas. Property is located on North side of 4th Street across from Danforth Lane.

City Manager, David Huseman suggested a ten minute recess to determine the City Code of Ordinances requirement for a majority vote.

Mayor Parker recessed the Regular Meeting at 8:26 p.m.

Mayor Parker re-convened the Regular Meeting at 8:35 p.m.

City Charter Section 3.09 “.... No action of the City Council, except as provided in Sections 3.06 and 3.12 shall be valid or binding unless adopted by an affirmative vote of four or more of the members of the City Council present, except where there is a conflict of interest, the reason for which shall be stated concisely in the records.”

City Manager, David Huseman explained if there are not four votes to approve or deny, then no action is taken and it becomes approved automatically within 30-days of presentation. He suggested the Council consider tableing the action until the next meeting. If there are four votes to table it for two-weeks, that extends the action for those two weeks.

Council Member Knippa made a motion to table the application filed by Tracy Long, to re-plat the following property, Lots 9 and 10, Block I, Burton and Danforth Subdivision to Lots 1-8, Block 1, Long Estates Subdivision, City of Ingleside, San Patricio County Texas; and was seconded by Council Member Schack. The motion was approved by Council Members Tucker, Knippa, Perkins, and Schack voting aye; and Mayor Parker voting no.

15. Discussion, consideration, and action of an Ordinance changing the zoning for the following property from its present zoning of R-1 (Single Family Residential) and C-2 (General Commercial) to M (Multi-Family) and further providing for effective date, reading, severance, and publication: Lts 1-A and 2-A Rockland Development, Ingleside, Texas. This property is located on the North side of SH-361 between Sleep Inn and Studio 6. (First Reading)

Council Member Schack stated he doesn't want to see Multi-Family between two hotels. Council Member Knippa preferred to have Commercial in the front with the Multi-Family in the back and is concerned with the affect of any Multi-Family unit on our existing wastewater system.

Mr. Granger McDonald explained that they did look at two other properties in Ingleside and they did not feel they were viable options for their company. He noted that one of the reasons the commercially zoned property hasn't sold in the last 18 years is because of the location not having direct access to the cut across and the the height of the property along the frontage. He is here now with a \$15M investment for the City of Ingleside along with being ready to request a zoning change on FM 1069 for the two – one acre lots behind HEB from Multi-Family to Commercial. His other two apartment complexes stay at 100% capacity with a waiting list. This community has a need for housing and he is trying to build a 136 unit complex.

Mr. Steve Diehl reminded the Council of the Future Land Use Map.

City Manager, David Huseman stated from a planner's opinion, the Council should either abide by their Future Land Use Map or change the Map to be what they want.

Mr. Grant reiterated that the City's Master Plan allows Multi-Family zoning within Commercial area. When suggested that he allow Commercial along the frontage and Multi-Family in the back, he explained that the only way this will work for him is for 136 units and he needs up to 100 feet from the ROW.

Council Member Schack made a motion to deny the Ordinance changing the zoning for the following property from its present zoning of R-1 (Single Family Residential) and C-2 (General Commercial) to M (Multi-Family) and further providing for effective date, reading, severance, and publication: Lts 1-A and 2-A Rockland Development, Ingleside, Texas. This property is located on the North side of SH-361 between Sleep Inn and Studio 6 and was seconded by Council Member Knippa. The motion did not pass with Council Members Tucker, Knippa, and Schack voting aye; and Mayor Parker and Council Member Perkins voting no.

There was additional discussion if it automatically moves to a second reading or dies for lack an approved motion in any direction. Mr. Huseman stated the Council could table the agenda item or they could pass to a second reading and then it could still be denied or approved at the second reading. No additional motions were made.

16. Discussion, consideration, and action of an Ordinance amending the General Fund Grant Fund 2018-19 Budget for the City of Ingleside to provide for expenditures in the amount of \$45,000 for amendments to the Engineering Expense for the EDA Grant Project; and Payment Authorization. (Single Reading)

Council Member Schack made a motion to approve Ordinance # 2019-04 amending the General Fund Grant Fund 2018-19 Budget for the City of Ingleside to provide for expenditures in the amount of \$45,000 for amendments to the Engineering Expense for the EDA Grant Project; and Payment Authorization: and was seconded by Council Member Perkins. The motion was approved unanimously.

17. Discussion, consideration, and action of a Resolution of the City of Ingleside, Texas, accepting amended contract and budget and authorizing the use of the 2016 Parks and Recreation Bond Funds in an amount not to exceed \$210,159.28 with the contract awarded at the January 22, 2019 Council Meeting to Gourley Contractors, LLC for the Live Oak Park Ball Field Electrical Work.

City Manager, David Huseman reminded the Council from the previous meeting the staff was asked to value engineer the project out to find areas for cost savings. A total savings of \$23,684.72 was found with a change from Stainless Steel Panels to Painted Steel Panels, a step down from XHHW-2 Wiring Sheathing to THWN/THHN Wiring Sheathing, and a reducing in the size of the pullboxes. The staff has added a \$10,000 contingency into the contract and therefore the new total is \$210,159.28.

Council Member Schack made a motion to approve Resolution # 2019-08 of the City of Ingleside, Texas, accepting amended contract and budget and authorizing the use of the 2016 Parks and Recreation Bond Funds in an amount not to exceed \$210,159.28 with the contract awarded at the January 22, 2019 Council Meeting to Gourley Contractors, LLC for the Live Oak Park Ball Field Electrical Work and was seconded by Council Member Perkins. The motion was approved unanimously.

18. Discussion, consideration, and action to reject all bids for the Restrooms at Cove Park, reduce the scope of the project, and authorizing the Staff to act as the General Contractor for this project.

City Manager, David Huseman explained that at Council's request, the staff have looked into removing certain items from this bid process and allow the City to act as the General Contractor and hire the appropriate contractors to replace the roof on the Cove Park Restroom facility.

Council Member Tucker made a motion to reject all bids for the Restrooms at Cove Park, reduce the scope of the project, and authorizing the Staff to act as the General Contractor for this project: and was seconded by Council Member Knippa. The motion was approved unanimously.

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.)

19. Discussion, consideration, and action to approve the Ordinance # 2019-05 of the City Council of the City of Ingleside, Texas, ordering and calling a Special Election pursuant to Section 327.007 of the Texas Tax Code to determine whether the citizens desire to reauthorize the Local Sales and Use Tax to continue providing Revenue for Maintenance and Repair of Municipal Street; prescribing the form of ballot; providing for notices; providing a severability clause; and declaring an effective date. (Final Reading)

20. Approval of City Council Minutes dated January 19 and January 22, 2019.

City Secretary, Kimberly Sampson Henry questioned if any items needed to be removed from the Consent Agenda and none were requested.

After reading the agenda item Council Member Schack stated he wasn't at the January 19, 2019 meeting and Council Members Knippa and Perkins stated they weren't at the January 22, 2019 meeting. Mrs. Henry explained that there is no law that requires you to abstain from approving the minutes of the meeting you did not attend; that is a personal choice.

Council Member Tucker made a motion to approve the Consent Agenda and was seconded by Mayor Parker. The motion as approved unanimously.

Other:

22. Reports from Staff

- A) City of Ingleside expenditures to be paid
- B) Report of City Hall Contract Contingency total to date
- C) City Manager's Monthly Report

City Manager, David Huseman announced that staff are planning to be back in the renovated City Hall on March 11, 2019.

City Secretary, Kimberly Sampson Henry reminded the Council of the Oyster Fest event this weekend and asked who was planning to attend the TML Region 11 meeting in Port Lavaca February 21, 2019.

23. Requests from Council Members

Council Member Tucker asked where the staff was with regards to SH-200 and City Manager, David Huseman explained he is working with land owners for donations and he hopes to have those finalized within the next 30-60 days.

Council Member Schack questioned why the BBQ event at N.O. Simmons Park last weekend was not publicized by the City and Mr. Huseman stated the City only advertises events the City sponsors.

Council Member Knippa requested an Ordinance change because the notice he received from Code Enforcement only allows five-days to respond and that isn't enough time. Mr. Huseman stated he would look into it.


Council Member Schack asked if anyone is working with the School regarding bus traffic while they are working on Henrietta. Mr. Huseman explained that usually they don't shut traffic down during bus traffic time; however he stated he would look into that.

Council Member Knippa requested more Police presence on Avenue A, Morgan, and Mooney. Mr. Huseman explained he would talk with the Police Chief; however, he reminded the Council that an increase in contacts with drivers does not always mean an increase in tickets. That is still officer discretion.

24. Adjourn

There being no further business, the meeting was adjourned at 9:18 p.m.

ATTEST:


Kimberly Sampson Henry, City Secretary

APPROVED:


Mayor, Ronnie Parker