

**CITY OF INGLESIDE
MINUTES
CITY COUNCIL MEETING
APRIL 12, 2011**

1. Call meeting to order

The meeting was called to order at 6:30 p.m. with Mayor Pete Perkins presiding. Council Members present: Mayor Pete Perkins, and Council Members Cynthia Wilson, Steve Diehl, Elaine Kemp, John F. Schack, Willie Vaden, and Paul Pierce. City of Ingleside Staff present: City Manager Jim Gray and City Secretary Kimberly Drysdale. There were approximately 50 guests.

2. Invocation

3. Pledge of Allegiance

4. Presentations from the Audience

Mr. Mike Hass requested speed checks in the same proximity as the previous speed checks prior to the insertion of the stop signs in order to see if there is any difference.

Mrs. Chris Seymour stated she feels the stop sign placed in her yard near the intersection of Avenue A and 12th Street is an invasion of property and privacy. She would rather see more speed limit signs or slow children at play signs than the stop sign in her yard. Mrs. Seymour stated every time someone stops, she feels obligated to wave. She feels this has devalued the value of her home. It is her understanding that the police were not involved in the decision making process and she never sees patrol cars on Avenue A anyways. She feels the speed bumps would be more productive.

Mrs. Theresa Flores invited everyone to attend the Candidate Forum scheduled for Monday, April 18, 2011 at 7:00 p.m.

Mr. Arturo Martinez gave an overview of an incident that occurred at his home a few nights ago and wanted to know why the police would not press charges on his neighbor for trespassing and assault and battery. He also complained of speeders on San Angelo and requested more stop signs or speed bumps.

5. Consideration and action of the minutes for the City Council Meeting dated March 22, 2011.

Council Member Kemp made a motion to approve the minutes of City Council Meeting dated March 22, 2011 and was seconded by Council Member Diehl.

Council Member Pierce stated he did not second the motion on agenda item # 13, that it was Council Member Schack. There were other spelling/grammatical errors noted but none were substantial changes.

Council Member Kemp amended her motion to include the changes noted and was seconded by Council Member Diehl. The motion was approved unanimously.

6. Consideration and possible action authorizing the Ingleside Volunteer Fire Department to collect funds to support the Muscular Dystrophy Association for the annual "Fill the Boot" drive in the middle of the intersection of Hwy 361 and Main Street (FM 1069) on Saturday, May 7, 2011 and Saturday, August 27, 2011.

City Manager Jim Gray stated that the Transportation Code requires approval by the local governing body in order for the Volunteer Fire Department to collect funds within the state highway.

Council Member Diehl made a motion authorizing the Ingleside Volunteer Fire Department to collect funds to support the Muscular Dystrophy Association for the annual "Fill the Boot" drive in the middle of the intersection of Hwy 361 and Main Street (FM 1069) on Saturday, May 7, 2011 and Saturday, August 27, 2011 and was seconded by Council Member Pierce. The motion was approved unanimously.

7. Consideration and possible action regarding possible sponsorship of an OLE TV Production featuring the City of Ingleside.

City Manager Jim Gray reminded the Council this is the same TV program that spoke to the Council in December 2010. They have made contracts with the Ingleside Chamber of Commerce, San Patricio County Economic Development Corporation, and Kiewit Offshore Services. They will come in to record 8-hours of film narrow it down to a 5-6 minute segment. They put the four segments together to form a 30-minute show. The cost for our portion would be \$1,875.00 and it will be broadcast on at least two Sundays. Once the video is complete, we own the video and can use it on our own website or wherever we decide.

Council Member Kemp made a motion authorizing the use of Hotel/Motel Funds for the sponsorship of an OLE TV Production featuring the City of Ingleside and was seconded by Council Member Diehl. The motion was approved unanimously.

8. Presentation by the Corpus Christi Regional Economic Development Corporation regarding My Town, My Job, My Voice and an update regarding other projects within the area.

Mr. JJ Johnson of the Corpus Christi Regional Economic Development Corporation (CCREDC) gave an overview of some of the more prominent projects they are working on at this time with the Chinese Company, TCPO, hoping to break ground over the summer. While supporting the "Green and Clean Technology" call to help the environment, the CCREDC is also playing a strong role in the surge against the Environmental Protection Agency (EPA) regarding the inundation of regulations. Last year alone, they passed 43 new major regulations. The US based oil/gas companies cannot keep up with these regulations and expect to compete with other countries non-regulated prices. Texas and Louisiana are leading the other States trying to get a handle on the EPA's over reaching of their boundaries.

Council Member Diehl suggested a joint Resolution to show support of the efforts. Mr. Johnson stated he will try to bring something back to Council at a later date. In the meantime, he offered their website of www.mytownmyjobmyvoice.com for people to get more information of how they can help.

9. Consideration and possible action of Industrial Agreements with Dupont, Oxy Chem, and Air Liquide.

City Manager Jim Gray explained the negotiations have continued with the industries located within the Ingleside ETJ. The main things still remaining are the metes and bounds and signatures of appropriate individuals. These agreements are a 60/40 split in lieu of taxes, with a six year limit, and back dated to January 2011 so our first payment will be January 2012. There has also been a recent discussion regarding the inclusion of Franchise Fees which is included in some other agreements. The only area of contention at this time is the agreement for the property owned by DuPont and leased by Air Liquide. DuPont owns and pays taxes on the land itself and Air Liquide owns and pays taxes on the improvements on that land. There is some contention as to whom our agreement should be with; however, we feel this is an issue between the two entities. Staff recommends moving forward with agreement due back to the City by the April 26, 2011 meeting which will allow our Attorney and staff to review prior to the May 10, 2011 meeting for final approval.

Council Member Pierce questioned the amount of taxes versus the in lieu of funds and asked if the City should consider annexation. Mayor Perkins reminded the Council that when this was originally brought to Council in December 2010, he made a motion to annex and the Council was adamantly against it at the time and, therefore, he withdrew his motion. He and the City Manager have met with these entities several times since then and we are very close to finalizing the agreements which Council requested them to pursue.

Mayor Perkins made a motion to have all agreements brought back to the City by the April 26, 2011 Council Meeting and then again for final approval at the May 10, 2011 Council meeting and was seconded by Council Member Kemp.

Air Liquide Plan Manager, Paul LaBonne questioned why we could not postpone this to allow DuPont and Air Liquide to consider their options related to the agreement. Mr. Gray stated they needed to make their decisions soon in order to allow time for annexation during this calendar year if an agreement cannot be met.

Council Member Diehl questioned the dollar figure related to the Franchise Fees and Mr. Gray stated that number is not available at this time. It has been requested of the entities to provide us those numbers along with the metes and bounds.

Mayor Perkins amended his motion to require the entities to provide their final agreement to the City Council no later than the April 26, 2011 Council meeting to include the metes and bounds as well as the verbiage to pay franchise fees and was seconded by Council Member Diehl. The motion was approved unanimously.

10. Public Hearings regarding:

Mayor Perkins opened the Public Hearing at 8:02 p.m.

A) An application for an excavation permit for Lot 16-B, Block E, Burton and Danforth Subdivision (also known as 3274 Avenue A) to be allowed to place fill material in a portion of the pond located on this property.

Those speaking in favor of the excavation permit were Mr. Juan Covarrubias and Mr. Isaac Morra. Mr. Covarrubias stated he is attempting to build up his property to develop a residence there. Over the years, his neighbor's pond has spilled over into his property. He was brought in more than 50 loads of fill in the past and it slowly erodes away. Planning and Zoning Commission has suggested a retaining wall and he is willing to do that; however, he does have to build the property back up in order to get the equipment in there to insert a retaining wall.

There were no speakers against this request.

B) An application to rezone Lot 23, Baywood Acres from its present classification of C-1 (Local Commercial District) to C-2 (General Commercial District).

Those speaking in favor of the rezoning were Mrs. Vanessa Uribe and Mr. Uribe. They are requesting the zoning change in order for them to be able to allow for additional parking and a drive-through window. They plan to build a fence along the side and back of the property in order to keep traffic and noise from the neighborhood.

Those speaking against the zoning change were Mrs. Kelly Criddle, Mrs. Angie Fessenden, Mrs. Ilene Morris, and Mr. Mike Fessenden. Their concerns are the increase in traffic within the neighborhood as well as the traffic hazards on an existing high volume traffic area; that C-2 allows on-street parking and if the next owner does not want a fence there would be nothing the neighbors could do once it is zoned C-2; and with this being a residential neighborhood primarily consisting of shift workers they don't want an increase in noise when they are trying to sleep various hours of the day/night.

11. Consideration and possible action of an application authorizing the excavation permit for Lot 16-B, Block E, Burton and Danforth Subdivision (also known as 3274 Avenue A) to be allowed to place fill material in a portion of the pond located on this property. (single action, not an ordinance)

Council Member Kemp voiced her concern that this would cause flooding for residents on 12th Street. Building Official Robert Stoddard stated the improvements on 12th Street are what is forcing water towards this landowner's property. He has suggested and the Planning and Zoning Commission agrees that once this property is built up and dried out enough, that the landowner should build an engineered retaining wall. The water will then be forced towards the Whitney Lake drainage project.

Council Member Diehl made a motion authorizing the excavation permit for Lot 16-B, Block E, Burton and Danforth Subdivision (also known as 3274 Avenue A) to be allowed to place fill material in a portion of this property and was seconded by Council Member Schack. The motion was approved unanimously.

- 12. Consideration and possible action of an Ordinance changing the zoning for the following property from its present zoning of C-1 (Local Commercial District) to C-2 (General Commercial District) and further providing for effective date, reading, severance and publication: Lot 23 Baywood Subdivision.**

Council Member Pierce made a motion to table this agenda item until all of the neighbors could be properly notified and provided the opportunity to voice their concerns regarding this zoning change and was seconded by Council Member Kemp. Mrs. Kelly Criddle indicated during the Public Hearing (agenda item # 10-B) that she lives just a few yards from the subject property but did not receive written notice and this was verified with the list of notices provided by the staff.

Building Official Robert Stoddard explained that the staff is required by Ordinance to utilize the most current year's certified tax roll. The staff goes beyond that and utilizes other sources to locate the neighbors within the required footage of any application brought before the Planning and Zoning Commission and the City Council. All measures were met to notify the neighbors. Whether notified via certified mail or not, the neighbors are present to voice their concern. Their objections do not have to be in writing; however, in order to inflict the super majority vote requirement, the objections are required to be in writing. Council Members Pierce and Kemp withdrew their motion.

Council Member Pierce made a motion to deny the zoning change from C-1 (Local Commercial District) to C-2 (General Commercial District) and was seconded by Council Member Kemp. The motion was approved unanimously.

- 13. Consideration and possible action of a Resolution changing fees contained in "Appendix A-Fee Schedule" of the Ingleside Code of Ordinances, by amending fees assessed under Chapter 18 – Buildings and Building Regulations.**

Building Official Robert Stoddard stated this is only a portion of the permit fees from within this Department. Others will be brought forward as they are researched. In the FY 2009/2010 the permits fees covered 18% of the department's expenses. Other local City's indicate as much as 28% or more. The building department fees have not been updated since 1984 and 1998.

Council Member Diehl made a motion to approve Resolution # 1012 changing fees contained in "Appendix A-Fee Schedule" of the Ingleside Code of Ordinances, by amending fees assessed under Chapter 18 – Buildings and Building Regulations and was seconded by Council Member Wilson. The motion was approved unanimously.

Mayor Perkins recessed the meeting for a short break at 8:56 p.m.

Mayor Perkins reconvened the regular meeting at 9:12 p.m.

- 14. Consideration and possible action to replenish the City Manager fund for equipment purchases back up to \$20,000.00.**

City Manager Jim Gray explained from the original \$20,000 discretionary funds provided by the Council to purchase necessary equipment/vehicles, there is a deficit balance of \$2,705. At this time he is requesting the funds be re-established. Items previously purchased were the Vac-Truck, a 12,000 lb trailer, and an air conditioning unit for the Municipal Court.

Council Member Diehl made a motion authorizing the use of Council Contingency funds to replenish the City Manager discretionary funds back up to \$20,000.00 and was seconded by Council Member Wilson. The motion was approved unanimously.

- 15. Presentation of a Proclamation recognizing the week of April 10th -16th, 2011 at Telecommunications Recognition Week.**

Mayor Perkins presented the Proclamation recognizing the week of April 10th -16th, 2011 at Telecommunications Recognition Week to Police Chief Stan Bynum and Communications Supervisor Linda Murphy.

- 16. Consideration and possible action authorizing the use of 911 Public Safety Answering Point funds received from the Council of Government to purchase of a new dispatch console at the public safety building.**

City Manager Jim Gray stated that the City of Ingleside has received unbudgeted revenues from the local Council of Governments in the amount of \$70,000.00 for the reimbursement for dispatcher and dispatcher systems known as 911 Public Safety Answering Point (PSAP) funds. The staff is seeking authorizing to utilize these funds to purchase new dispatch consoles not to exceed \$32,676.00 through the State's DIR system.

Council Member Pierce noted that the contractor noted is not a member of the DIR system and Police Chief Stan Bynum stated their parent company is a member of DIR. He will confirm that all pricing, minimum standards, and conditions apply as through the parent company.

Council Member Diehl made a motion authorizing the use of 911 Public Safety Answering Point funds received from the Council of Government to purchase of a new dispatch console at the public safety building and was seconded by Council Member Pierce. The motion was approved unanimously.

- 17. Consideration and possible action of Consent Agenda Items:**

- A. Authorizing the Mayor to sign Grant Proposals for the FY 2011 Citizen Corps grant cycle for the purpose of equipment and educational materials.**
- B. Receive the Certification from the City Secretary qualifying the May 14, 2011 General Election to be uncontested.**
- C. Resolution # 1013 declaring the unopposed candidates for the Offices of Place # 1 Council Member, Place # 3 Council Member, and Place # 5 Council Member as elected; providing that the May 14, 2011, General Election shall not be held; repealing all Resolutions or parts of Resolutions in conflict therewith; providing for a Savings Clause; providing for a Severability Clause; finding and determining that the meeting at which the Resolution was passed was open to the public as required by law; and providing for an effective date.**

Council Member Pierce made a motion approving the Consent Agenda Items above and was seconded by Council Member Diehl. The motion was approved unanimously.

- 18. Consideration and possible action authorizing funds for the printing and mailing of the brochures for providing factual information regarding the Street Repair/Maintenance Tax Fund Election.**

City Manager Jim Gray stated the staff has worked with the City Attorney regarding the wording of the educational pamphlet that can be mailed to the registered voters, placed in the local newspaper, put on the city's website, and handed out at random.

Council Member Schack made a motion to not utilize any educational materials and was seconded by Council Member Kemp. The motion was approved with Council Members Wilson, Diehl, Kemp, Schack and Pierce voting aye; and Mayor Perkins voting no.

- 19. Consideration and possible action authorizing the staff to renew the employee insurance plan(s) with Texas Municipal League - Intergovernmental Employee Benefits Pool (TML-IEBP).**

City Manager Jim Gray explained that the staff does not have all the details regarding the various options available by TML-IEPB at this time; however, the staff does request the authorization from Council to move forward with TML-IEBP in an effort to bring back options to the Council for approval at the next regular meeting to determine the fees.

Council Member Vaden made a motion authorizing the staff to renew the employee insurance plan(s) with Texas Municipal League - Intergovernmental Employee Benefits Pool (TML-IEBP); and was seconded by Council Member Pierce. The motion was approved unanimously.

- 20. Discussion and possible action regarding the sale by the Port of Corpus Christi of the former Naval Station Ingleside facility and the future use of the facility,**

including direction by the Council to the City Manager and/or Mayor with respect to the Manager and/or Mayors contacts and dealings with possible purchasers and with respect to their contacts and dealings with the Port of Corpus Christi.

City Manager Jim Gray reported that the Port of Corpus Christi and Canyon Supply and Logistics continue to work out the contract details. They are planning to have a Special Meeting later this month. There is discussion that they may be able to provide a presentation to the Council at the April 26, 2011 regular Council Meeting.

21. Receive and discuss Monthly Departmental Reports for March 2011.

Council Member Wilson requested the Library reports revert back to the more detailed information previously provided.

Council Member Pierce asked what the average utility bill was for the city buildings that are connected to the wind turbines and Finance Director Paul Baen stated anywhere from \$300-\$500 per month.

22. Consideration and possible action authorizing the City Manager and Mayor to travel to Washington, D.C. to meet with Congressional Representatives and Staff as well as members of the Office of Economic Adjustment.

Mayor Pete Perkins requested authorization for the City Manager and him, as the Mayor, to travel to Washington, D.C. to meeting with Congressman Farenthold's staff as well as Senators Cornyn and Hutchison along with staff from the OEA and EDA in an attempt to get additional funding for various projects within the City.

Council Member Diehl made a motion authorizing the use of Council Contingency funds for the Mayor and City Manager to travel to Washington, D.C. to meet with Congressional Representatives and Staff as well as members of the Office of Economic Adjustment not to exceed \$2,500.00 and was seconded by Council Member Pierce. The motion was approved unanimously.

23. Reports from Staff

City Manager Jim Gray stated we have received notice of the completion of the Texas Capital Fund – Helix Grant and we are moving forward with the Home Grant to the point that we will be going out for bids for the construction. Congressman Blake Farenthold's staff has contacted us for a "Breakfast with Blake" to be on Thursday, April 28, 2011 at 7:30 a.m. at the Humble Recreational Facility.

24. Requests from Council

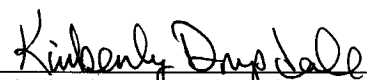
Council Member Diehl requested a Joint meeting with the LRA for May 10, 2011 to include Bylaw updates. He also requested a future agenda item for April 26, 2011 regarding the Corridor Phase II status and if possible to invite the County Judge, local County Commissioner, and the County's representative to the Port of Corpus Christi Authority to all speak regarding this agenda item.

Council Member Pierce requested a future agenda item from the Municipal Court Judge as requested during their evaluation and to include information regarding the Warrant Round-Up, progress of hiring a Warrant Officer, and the Ordinance, all previously requested by the Council. City Secretary Kimberly Drysdale stated all these items are planned for the April 26, 2011 agenda including the quarterly report of January through March information requested during the Judge's evaluation.

25. Adjourn

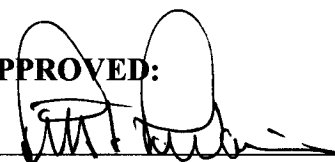
There being no further business, the meeting was adjourned at 10:05 p.m.

ATTEST:



 Kimberly Drysdale, City Secretary

APPROVED:



 Mayor, Pete Perkins