

CITY OF INGLESIDE
MINUTES
REGULAR CITY COUNCIL MEETING
TUESDAY, MAY 24, 2022
6:30 P.M.

Opening Agenda

1. Call Meeting to order

The Regular Meeting of the City of Ingleside was called to order by Mayor Adame at 6:30 p.m. on Tuesday, May 24, 2022, at City Hall 2671 San Angelo Ingleside, TX and live video streaming.

2. Roll Call

With Council Members present a quorum was established.

Council Members Present: Mayor Pedro Oscar Adame and Council Members Steve Diehl, Stewart Wilson, John Salinas, David Pruitt, Tracy Long, and Julio Salinas.

3. Invocation

David Pruitt led the invocation.

4. Pledge of Allegiance

Mayor Adame led the Pledge of Allegiance to the U.S. flag.

5. Citizen Comments

Alan Dunlevey, 3203 Ave A, addressed the Council and stated he has lived there since 2007 and that his house was built in 2000. He stated he has two issues to address. The first issue is that when he moved in, the city made him pull up the septic tank and hook up to city sewage. During the two or three times per year when we get heavy rains, it back flows into his house. The first time it happened he was not home to stop it and it caused \$10,000.00 worth of damage. He stated he leaves the cleanout lids on, but leaves them loose so that when pressure builds up it blows the cleanout covers off. Since 2008 when it rains, he now gets raw sewage in his back yard. He has put a back flow device in, and the pressure is so bad it blows the back flow device open and will flow back into the house. Dunlevey stated last year with the big rain, the cleanouts were flowing for at least three days and tried to pump it out. He stated he had to buy lime to spread over the yard to get rid of the smell. He stated his concern for this being a health hazard. In addition, mentioned the substation is not able to handle the new apartment complexes.

Alan Dunlevey's second issue is drainage. Due to the codes changing and new roads being built up, he stated his house is now lower than the crown of the road and all water flows in his direction. His stated every house down the street has drainage ditches and there are none on the left side of the road due to electrical lines and fiber optics. When it rains the rain flows into the back of his property, when there is two or three inches of rain, it will sit there for six months. He stated his concern for snakes because of this situation. Dunlevey stated he needs drainage pipes from his property to the marsh behind him. He believes this will help many homes in that area.

Council Member Diehl spoke on a statement of fact that the City recently did an impact study of that area and is trying to determine if moving the lines to a different pump station would be possible and help the situation.

David Alaniz, 3207 Ave A, addressed the Council and stated he has lived there since 2001 when he retired from the Airforce. He stated there has been water issues since day one of having a house built here. There has been two to three times where we had at least three inches of sewage water in his house from the back flow. This is expensive to clean up and he stated he didn't think anyone would like this to happen to their home. Alaniz believes

that the drainage pipes to the marsh spoken of by citizen Alan Dunlevey would temporarily help the situation.

Consent Agenda

All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of the items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

7. **Deliberate and act on approval of the City of Ingleside expenditures paid over \$3,000.00 for the period of May 04, 2022 through May 17, 2022.**
8. **Deliberate and act on a request from Kiewit Offshore Services, LTD to conduct the annual firework display in recognition of the 4th of July on July 3, 2022 at 9:00 pm.**

Council Member Pruitt requested for Item 6 to be removed from the Consent Agenda.

Motion: Council Member Diehl made a motion to remove Item 6 from the Consent Agenda for separate discussion and to approve Consent Agenda Items 7 and 8. Council Member Pruitt seconded the motion. Motion carried with all present voting in favor.

Regular Agenda

6. **Deliberate and act on approval of Special Meeting Minutes of May 16, 2022.**

Council Member Pruitt stated he was not present for this meeting and cannot vote on it. This is why he requested for this item to be pulled from the consent agenda.

Motion: Council Member Long made a motion to approve the Special Meeting Minutes of May 16, 2022. Council Member John Salinas seconded the motion. Motion carried with all voting in favor with one abstention.

For Motion: Council Members Diehl, Wilson, John Salinas, Long, Julio Salinas, and Mayor Adame
 Abstained: Council Member Pruitt

9. **Deliberate and act to authorize the City Manager to enter into a Windstorm Policy agreement with Velocity for an amount of \$153,583.97 to be effective May 26, 2022 and ending May 25, 2023. Funding is available in the General Fund and Utility Fund.**

City secretary Mowles addressed the Council and explained that Belinda Wallace from Victor Insurance was on Zoom to answer any questions.

Council Member Diehl inquired if the funds were budget for this or is this was a new budget request. City Secretary Mowles confirmed the funds are budgeted for this renewal.

Council Member Julio Salinas inquired if the policies meet the windstorm requirements.

City Secretary Mowles explained the City's windstorm policy is currently with Velocity. Victor Insurance, our agent of record, went out to bid for the City and has provided two different quotes. The first option is for Velocity Windstorm Renewal with a Premium Quote of \$153,583.97 and the second option is for Mt Hawley RLI Alternative with Premium Quote of \$168,787.60. The renewal premiums from Velocity decreased from the prior year due to changes in coverages as explained in the packet. Velocity offers Wind Driven Precipitation Coverage that was not being offered through the second option. The policies meet the windstorm requirements but the difference comes down to the premiums, Wind Driven Precipitation Coverage, and deductibles.

Council Member Long asked if this includes all City properties and water towers. City Secretary Mowles referred Council to look at the schedule included in the packet. The schedule outlines all the properties that will be included for this policy.

Council Member Pruitt inquired about properties that are currently not on this schedule that are in progress of being built. City Secretary Mowles explained that any properties on the schedule that need to be removed can be removed. Pruitt explained that the Garden Center will be rebuilt and how do you know what to insure the new building for. Belinda

Wallace with Victor Insurance addressed the Council and explained that once the building is completed the new value will need to be increased on the schedule of values.

Council Member Wilson understands that the new pavilion for the basketball court is to have shade structure built. City Secretary Mowles stated she understood this has not been built at this time; therefore, cannot insure something that is not built, but can add it to the policy upon construction completion.

Council Member Diehl inquired as to when the current policy is to expire. City Secretary Mowles explained the policy is to expire in two days. Mowles asked Belinda Wallace with Victor Insurance to explain to Council why the renewal is cutting so close to the policy renewal date. Wallace explained the market has been inundated and it has become a hard market. She explained companies are pulling out of the market. Wallace went on to explain that she submitted quotes to 16 companies and was only able to get two quotes back. Carriers are hesitant to release a quote beyond 30-days.

Council Member Diehl expressed a concern for Hurricane Season. He stated there are two questions. With Hurricane Season upon us with new construction projects being built, the first question is if the new buildings will have coverage? The second question, will we have Wind Driven Precipitation Coverage. Belinda Wallace addressed the first question and stated new construction can be added to the policy after completion. City Secretary Mowles addressed the second question explaining the first quote offers the Wind Driven Precipitation Coverage.

Council Member Diehl expressed a concern that staff has not had an opportunity to double check the schedule of values and what is actually covered. City Secretary Mowles explained she plans to conduct an audit on the insurance policies to make sure all new construction is added to the policy. This audit will be conducted before the next renewal to ensure property coverage and values are correct.

Mayor Adame expressed his concern about having the audit to ensure coverage.

City Secretary Mowles recommended to select Velocity at the annual premium amount of \$153,583.97 which includes the Wind Driven Precipitation Coverage.

Motion: Council Member Long made the motion to authorize the City Manager to enter into a Windstorm Policy agreement with Velocity for an amount of \$153,583.97 to be effective May 26, 2022 and ending May 25, 2023. Council Member Pruitt seconded the motion. Motion carried with all present voting in favor.

Executive Session

10. Closed Session

City Council will meet in Closed Session pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in:

- a. Section 551.071 Consultations with Attorney regarding Cause No. 20-CV-12256 Ken Baker vs City of Ingleside**
- b. Section 551.071 Consultations with Attorney regarding 2020-21 audit status**
- c. Section 551.071 Consultation with Attorney regarding Mayoral Declaration of Disaster and Executive Order**
- d. Section 551.074 Personnel Matters regarding Interim City Manager**
- e. Section 551.074 Personnel Matters regarding Interim Finance Director**
- f. Section 551.074 Personnel Matters regarding the selection of applicants for the City Manager position**

At 7:05 p.m. Mayor Adame convened the Ingleside City Council into a closed session pursuant to provision of Chapter 551 of the Texas Government Code, in accordance with the authority contained in Section 551.071 Consultations with Attorney and Section 551.074 Personnel Matters.

11. Open Session

City Council will reconvene in Open Session at which time action on the matter(s) discussed in Closed Session may be considered.

- a. Section 551.071 Consultations with Attorney regarding Cause No. 20-CV-12256 Ken Baker vs City of Ingleside**

- b. **Section 551.071 Consultations with Attorney regarding 2020-21 audit status**
- c. **Section 551.071 Consultation with Attorney regarding Mayoral Declaration of Disaster and Executive Order**
- d. **Section 551.074 Personnel Matters regarding Interim City Manager**
- e. **Section 551.074 Personnel Matters regarding Interim Finance Director**
- f. **Section 551.074 Personnel Matters regarding the selection of applicants for the City Manager position**

At 9:23 p.m. Mayor Adame reconvened the Ingleside City Council into an open session pursuant to provision of Chapter 551 of the Texas Government Code to take any action necessary related to the executive session noted herein, or regular agenda items, noted above, and/or related items.

Item A Motion: Council Member Diehl made the motion for Attorney Ken Baker to continue negotiations regarding Cause No. 20-CV-12256. Council Member Wilson seconded the motion. Motion carried with all present voting in favor.

Item B Motion 1: Council Member Diehl made the motion for the Mayor to direct staff to work with City Auditor Earnest Garza for an amended contract for the Fiscal Year 2020-21 audit. Council Member Wilson seconded the motion. Motion carried with all present voting in favor.

Item B Motion 2: Council Member Diehl made the motion for the Mayor to direct staff to contact TML for assistance with the Fiscal Year 2020-21 audit. Council Member John Salinas seconded the motion. Motion carried with all present voting in favor.

Item C Motion: Council Member Diehl made the motion for the Mayor to direct staff to work with the City Attorney for final draft of the Mayoral Declaration of Disaster and Executive Order for next council meeting. Council Member Wilson seconded the motion. Motion carried with all present voting in favor.

Item D Motion: Council Member Long made the motion for current City Secretary Mowles to be acting Interim City Manager, continue City Secretary duties, be given a weekly stipend of \$600 to be effective immediately and continue till new City Manager is hired. Council Member Pruitt seconded the motion. Motion carried with all present voting in favor.

Item E: No action taken.

Item F Motion: Council Member Diehl made the motion to direct staff to schedule a Special City Council Meeting for potential City Manager Interview for Saturday, May 28, 2022 at 9:00 A.M. Council Member Wilson seconded the motion. Motion carried with all present voting in favor.

12. Discuss and possible action on the 2021-22 current budget status.

Council Member Diehl stated that since the Fiscal Year 2020-21 audit has not been certified and he was not going to support going to vote for any additional unbudgeted items. The City Council was in agreement with Council Member Diehl's statement.

Not action taken.

13. Deliberate and act on a presentation encompassing all currently funded Capital Improvement Projects and their status.

John Shrier, Project Manager, addressed the council and presented the Capital Improvement Projects and current status. Shrier outlined the projects projected start and finish dates, project designs and if under construction, and original budget allocation vs. projected actual cost, and funding sources for projects.

Council Member Diehl stated we missed the step where twenty streets are presented for Street Maintenance for City Council to choose the streets for repair. Council Member Diehl asked staff to get the City back to running like a well smooth running machine.

Motion: Council Member Diehl made the motion to approve the item as presented. Council Member Wilson seconded the motion. No roll call was conducted.

Council Member Diehl withdrew his motion since the Capital Improvement Projects have already been funded.

No action taken.

14. Deliberate and act to approve final design contract amendment with Hanson Professional Services for the Houghton Drainage Project. Design amendment amount is \$122,919 for a total design cost of \$293,149.

John Shrier, Project Manager, addressed the council and presented the final design contract for Houghton Drainage Project the amendment amount was presented for \$122,919. The design cost total is now \$293,149.

Council Member Pruitt inquired as to why the fee went up? Melanie Gavlik, Hanson Professional Services, addressed the council and stated the fee went up because of the redirection of outfall to Ave B route.

Motion: Council Member Diehl made the motion to approve final design contract amendment with Hanson Professional Services for the Houghton Drainage Project. Design amendment amount is \$122,919 for a total design cost of \$293,149. Council Member Wilson seconded the motion. Motion carried 6:1.

For Motion: Council Members Diehl, Wilson, John Salinas, Pruitt, Long, and Mayor Adame

Against Motion: Council Member Julio Salinas

15. Deliberate and act on a presentation by Mike Barnard of Shelter Planners of America and Hanson Engineering on the construction of an Animal Shelter and authorization to proceed with final design. Funding for this project is available from the 2021 Bond.

Melanie Gavlik, Hanson Professional services, addressed the Council to present the presentation on the Animal Shelter along with Mike Barnard, Shelter Planners of America, who joined via phone. The presentation explained the conceptual design of the floor plan and building elevation, site plan, and budget. In regard to the budget, the final design will run \$350,752 over budget.

Discussion held among the Council, Melanie Gavlik, and Mike Barnard about the \$350,752 being unfunded, bond funding, building square footage, already reduced design, fencing, and areas air-conditioned vs non air-conditioned.

Council Member Diehl inquired if we could approve the design and take no further action. Melanie Gavlik stated yes, the Council could approve and then take no further action and then go to bid at a later date when the City was ready. Gavlik explained the only expense at this time is the engineering fees as contracted.

Motion: Council Member Diehl made the motion to approve to proceed up to and including the final design on the construction of an Animal Shelter. Council Member John Salinas seconded the motion. Motion carried 4:3.

For Motion: Council Members Diehl, Wilson, John Salinas, and Pruitt

Against Motion: Council Members Long, Julio Salinas, and Mayor Adame

16. Deliberate and act on a Resolution authorizing acceptance of a grant from the State of Texas, Department of Transportation for the FY 2022 OPERATION SLOW DOWN Program for the Ingleside Police Department in the amount of \$3,848.17 with a city cash match of \$1,030.54 for overtime and fringe benefits with funding available from the General Fund; and appropriating \$4,878.71 in the Grant Fund (FUND 25).

Council Member Diehl inquired if the Police Department had the city cash match already in the budget. Chief Burr addressed the Council and confirmed she did.

Motion: Council Member Julio Salinas made the motion to approve Resolution 2022-14, a Resolution authorizing acceptance of a grant from the State of Texas, Department of Transportation for the FY 2022 OPERATION SLOW DOWN Program for the Ingleside Police Department in the amount of \$3,848.17 with a city cash match of \$1,030.54 for overtime and fringe benefits with funding available from the General Fund; and appropriating \$4,878.71 in the Grant Fund (FUND 25). Mayor Adame seconded the motion. Motion carried with all present voting in favor.

17. Deliberate and act on a Resolution authorizing Animal Control Officers to waive the pet adoption fees and microchipping fees for all new pet adoptions in recognition of the Memorial Day holiday beginning May 27, 2022 and lasting through May 31, 2022.

Motion: Council Member Julio Salinas made the motion to approve Resolution 2022-15, a Resolution authorizing Animal Control Officers to waive the pet adoption fees and microchipping fees for all new pet adoptions in recognition of the Memorial Day holiday beginning May 27, 2022 and lasting through May 31, 2022. Council Member Pruitt seconded the motion. Motion carried with all present voting in favor.

18. Tabled 02/08/2022 Deliberate and act on a second reading of an Ordinance amending Chapter 1 – General Provision, Section 1-14. – General Penalty for Violations of Code, Ingleside Code of Ordinances and Providing for Effective Date, Reading, Severance, and Publication. Staff recommends no action be taken on this item and discontinued from further consideration.

No action taken.

19. Deliberate and act to award a 12 month contract to Bright View as the lowest responsible bidder to provide mowing services for City Parks for an amount not to exceed \$133,500.

John Shrier, Project Manager, addressed the Council and explained the City went out for advertisement for mowing of City parks. He stated there was \$133,500 appropriated for this contract in an effort to help offset personnel needs. Budget limitations would allow for NO Simmons and Live Oak Parks since these are the two largest parks. Staff recommendation is for Bright View to be awarded the contract for NO Simmons and Live Oak Parks for forty-four (44) annual mows for a contractual value of \$118,937.28.

Discussion held among the Council and John Shrier, Project Manager about the forty (40) times a year current staff is mowing, contractual mowing on an as needed basis, and the cost effectiveness of hiring on more staff members for this contractual amount.

Council Member Diehl inquired if this was a priority and if current staff could continue to mow the parks for an additional six (6) months till next budget. John Shrier indicated the parks department is struggling with growth, and the addition of new parks, but the current staff could hold off for six (6) months.

Mayor Adame stated he could not support this expense.

No action taken.

20. Deliberate and act on a possible extension of the Mayoral Executive Order #110.

Council Member Diehl inquired to when the current order expires. City Secretary Mowles confirmed the order expires on May 29, 2022.

Motion: Council Member Julio Salinas made the motion to approve the extension of the Mayoral Executive Order #110. Council Member John Salinas seconded the motion. Motion carried 6:1.

For Motion:	Council Members Diehl, Wilson, John Salinas, Pruitt, Julio Salinas, and Mayor Adame
Against Motion:	Council Member Long

21. Deliberate and act on a resolution appointing members to the Coastal Bend Council of Governments Board of Directors.

Motion: Council Member Diehl made the motion to approve Resolution 2022-16, a resolution appointing members to the Coastal Bend Council of Governments Board of Directors with appointment for Mayor Adame as the voting representative and appointment for Council Member John Salinas as the alternate representative. Council Member Long seconded the motion. Motion carried with all present voting in favor.

22. Deliberate and act on a resolution appointing members to the San Patricio County Industrial Master Plan Participating Governments Board.

Motion: Council Member Diehl made the motion to approve Resolution 2022-17, a resolution appointing members to the San Patricio County Industrial Master Plan Participating Governments Board with appointment for Council Member Julio Salinas as the primary member and appointment for Mayor Adame as the alternate member. Mayor Adame seconded the motion. Motion carried with all present voting in favor.

23. Announcements of Community Interest and/or upcoming events.

Mayor Adame stated he will be meeting with other mayors at Ingleside on the Bay in June. In addition, stated the San Patricio Water District reached out and wants to meet.

Council Member Julio Salinas would like an update on the grand re-opening of the swimming pool facility. John Shrier, Project Manager, stated there is no hard date set but will notify Council when this has been set.

24. Items to consider for placement on future agendas.

Council Member Long stated he is aware there is an issue with Inflow and Infiltration (I&I) and he understands that five (5) or six (6) years ago the City had a map made and 65% of the City has clay pipes. Long is requesting to have a copy of the map.

Mayor requested for discussion item on agenda for an Inflow and Infiltration (I&I) study since a lot of water is going into our sewer system.

Mayor requested a presentation from Public Works for vehicle and equipment operational status report.

Mayor requested an action item to appoint an Emergency Management Coordinator.

Council Member Diehl requested for Chief Burr to relay compliments to the staff for interaction with the community and the Police Force with the respect being developed. In addition, the prompt communication being published on the website.

Council Member Diehl requested for Interim City Manager Mowles to relay compliments to the staff that we know there is a shortage of people and staff is stepping up to the plate and doing a darn good job under the circumstances. In addition, asked to have staff look into the council chamber microphone ongoing volume issue.

Council Member Diehl requested to have an update on proceeding with SH 200 in regards to funding since TX Dot eminent domain negates the grant.

Council Member John Salinas stated he was involved with some grants for fixing parks. He stated he thinks the Chamber may have been involved in this. He would like to find out if these grants are still available to us.

Mayor Adame requested for a discussion and action item on drainage.

25. Adjourn

Mayor Adame adjourned the Regular Meeting of the City of Ingleside at 10:51 p.m.

APPROVED:



Pedro Oscar Adame, Mayor

ATTEST:



Ruby Mowles, City Secretary