

**CITY OF INGLESIDE  
MINUTES  
CITY COUNCIL MEETING  
MARCH 24, 2015**

**1. Call meeting to order**

The meeting was called to order at 6:30 p.m. with Mayor Pro-Tem Willie Vaden presiding. Council Members present: Mayor Pro-Tem Willie Vaden and Council Members Cynthia Wilson, Ben Tucker, Elaine Kemp, Kevin Robbins, and Paul Pierce. Council Members absent: Mayor Pete Perkins. Staff present: Finance Director Rosie Vela, and City Secretary Kimberly Sampson. There were approximately 30 guests.

**2. Invocation**

**3. Pledge of Allegiance**

**4. Presentations from the Audience**

Ingleside Volunteer Fire Department (IVFD) Lieutenant Donna Loving announced to the Council that the IVFD would be conducting their semi-annual "MDA Fill the Boot Drive" this Saturday during the Round-Up Parade and at the intersection of FM 1069 and SH 361 throughout the day. She gave a brief overview of the funds raised in prior years and how those funds are used to send special needs children to camp and help their families.

**5. Consideration and action of the Minutes of the Regular City Council Meeting of March 10, 2015.**

City Secretary Kimberly Drysdale noted that on agenda item # 20, the first paragraph, that Council Member "Vaden's" name was left out and has now been inserted.

Council Member Wilson made a motion to approve the Minutes of the Regular City Council Meeting of March 10, 2015 and was seconded by Council Member Kemp. The motion was approved with Mayor Pro-Tem Vaden and Council Members Wilson, Tucker, Kemp, and Robbins voting aye; and Council Member Pierce abstaining because he was not present.

**6. Public Hearings regarding:**

Mayor Pro-Tem Vaden opened the Public Hearing at 6:38 p.m.

**A) An application to rezone the North ½ of Lot 14, Block B, Burton and Danforth Subdivision also known as 1813 Beasley from R-1 (Single-Family Residential) to C-2 (General Commercial);**

Speaking in favor of this application was Mr. Eddie Ham, Mrs. Edith Ham, and Mr. Brady Redford. Mr. Ham explained that most of the noise is from cleaning the property and the work to bring the building up to code for their business. It was the City Staff that suggested the C-2 zoning. This is a small customized cabinetry business. In the 2 months they have been there, they have only had six delivery trucks; which in the future will be smaller trucks because he doesn't want to tear up the roadway. He provided before and current photos of the property to show the amount of clean-up they have already performed and what still needs to be completed. They are trying to be courteous neighbors and are willing to plant shrubbery to be a sound barrier. Mrs. Ham stated they hope to build two homes on this property as well as have their cabinet shop. They are aware they cannot have signs and customers coming and going in this residential area and that is not a problem. The County has already been contacted regarding the needs for Septic System and we are waiting for that inspection. At the City's requirements, they have already had the electrical upgrades to commercial requirements. The Police Department used their decibel meter to measure the sound and found the wind to be louder than the noise coming from their shop. Mr. Redford noted that he has known this family for about 12-13 years and knows their business to always be kept clean. They have already drastically cleaned the property for the better and have even better plans for the future. He believes they will be an asset to the community.

Speaking against this application were: Mrs. Cynthia Wilson, Ms. Heather Taylor, and Mr. Stewart Wilson. Mrs. Wilson thanked the new owners for all the work they have done to clean up the property. She stated she isn't opposed to the business itself but she is opposed to the change in zoning. Ms. Taylor explained she lives across the street (not within the City Limits) and she agrees the clean-up has been great, but it is the noise that is a concern to her and her animals. She was also upset that when she spoke with the Police that they wouldn't return her calls with the outcome of their investigation. She said she wakes up to the sound of power saws and music. She claims the noise is louder in her home than it is outside. This noise also disturbs her animals and makes them very nervous. Mr. Wilson explained he is not opposed to the cabinet business, he is opposed to the open C-2 zoning if/when the property is ever sold. He suggested a different avenue to allow this business in a R-1 zoning area.

- B) An application for a Special Permit to temporarily be allowed to reside in a Recreational Vehicle (RV), for security purposes while doing land improvements on the property located at the North ½ of Lot 14, Block B, Burton and Danforth Subdivision, also known as 1813 Beasley; and**

Speaking in favor of this Special Permit was Mr. Eddie Ham, Mr. Stewart Wilson, and Ms. Heather Taylor. Mr. Ham stated he is awaiting the outcome of this meeting for the inspection by the County for the Septic System; however his concern is to have someone on the site to deter theft or vandalism. Mr. Wilson and Ms. Taylor both agreed that an RV would help to deter crime on Mr. Ham's property as well as the neighbor's property.

There were no speakers against this request.

- C) A request for rezone of Lots 1 through 9 and 13 through 26 of Block 12; Lots 14, 15, 16 of Block 17; Lot 1 and Lots 6 through 23 of Block 18; Lots 1 through 6 of Block 24; Lots 1 through 7 and Lots 11 through 14 of Block 25; Lots 36 through 39 of Block 26, all in the R.J. Williams Subdivision from the present classification of R-1 (Single-Family Residential) to C-2 (General Commercial).**

Speaking for the Planning and Zoning Commission was Elizabeth Beebe who stated this was to bring all of property facing Main Street (also known as FM 1069) to the same zoning of C-2. The Appraisal District has explained if the property is used as a single family home, it will be appraised/taxed as a single family home and therefore will not be taxed at the higher C-2 zoning.

There were no speakers against this request for rezone.

The Public Hearing was closed at 7:16 p.m.

- 7. Consideration and action of an Ordinance changing the zoning for the following property from its present zoning of R-1 (Single-Family Residential) to C-2 (General Commercial) and further providing for effective date, reading, severance, and publication: North ½ of Lot 14, Block B, Burton and Danforth Subdivision, also known as 1813 Beasley. (First Reading)**

Building Official John Davis stated that the Planning and Zoning Commission recommended denial of this zoning change and due to the amount of letters against this request, a Super Majority vote in favor of the Ordinance would be required for approval. He further explained there was not intentional misdirection; however, certain steps had to be followed. If this request for rezoning is denied, then the City Ordinance allows the property owner to request a Special Permit more specific to their exact needs/use. The City Manager and Mayor, who couldn't be here tonight, are both aware of the situation and agree that would be the next proper step.

Mayor Pro-Tem Vaden stated that he had the property owner start all of their equipment at once and he stood at the roadway and didn't have an issue with the noise from the shop. Because it is a rural area, there were constant dogs, roosters, and other farm animal noises. The previous owner had large trucks, trailers, and heavy equipment on a regular basis and the current trucks the shop would use are smaller than the garbage truck used weekly. He welcomed a future request for a Special Permit.

Mr. Eddie Ham stated that the staff and Council have all been very nice and helpful and his family is willing to further install the walls, fence, bushes, or whatever is needed to get along with the neighbors.

Ms. Heather Taylor invited anyone who wants to listen to enter her house and see how loud it is in her home.

Council Member Pierce 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 C-2 (General Commercial) and further providing for effective date, reading, severance, and publication: North ½ of Lot 14, Block B, Burton and Danforth Subdivision, also known as 1813 Beasley and for the staff to work with the property owner to bring back as a Special Permit; and was seconded by Council Member Kemp.

Council Member Robbins questioned if the property owner could continue his business while this matter is being considered and that may the neighbor hearing things louder within their own home than outside should consider better insulation. Mr. Davis stated that until this matter is resolved, they have not forced a cease work order on the property owner because it is their livelihood.

The motion deny the Ordinance and bring back as a Special Permit was approved with Mayor Pro-Tem Vaden and Council Members Tucker, Kemp, Robbins, and Pierce voting aye; and Council Member Wilson abstaining because she owns property within 200 feet of this property.

- 8. Consideration and action of an Ordinance granting a Special Permit to temporarily be allowed to reside in a Recreational Vehicle (RV), for security purposes while doing land improvements on the property located at the North ½ of Lot 14, Block B, Burton and Danforth Subdivision, also known as 1813 Beasley; and further providing for effective date, reading, severance, and publication. (First Reading)**

Council Member Kemp made a motion to pass to a second reading the Ordinance granting a Special Permit to temporarily be allowed to reside in a Recreational Vehicle (RV), for security purposes while doing land improvements on the property located at the North ½ of Lot 14, Block B, Burton and Danforth Subdivision, also known as 1813 Beasley; and further providing for effective date, reading, severance, and publication; and was seconded by Council Member Pierce. The motion was approved with Mayor Pro-Tem Vaden and Council Members Tucker, Kemp, Robbins, and Pierce voting aye; and Council Member Wilson abstaining because she owns property within 200 feet of this property.

- 9. Consideration and action of an Ordinance changing the zoning for the following property from its present zoning of R-1 (Single-Family Residential) to C-2 (General Commercial) and further providing for effective date, reading, severance, and publication: Lots 1 through 9 and 13 through 26 of Block 12; Lots 14, 15, 16 of Block 17; Lot 1 and Lots 6 through 23 of Block 18; Lots 1 through 6 of Block 24; Lots 1 through 7 and Lots 11 through 14 of Block 25; Lots 36 through 39 of Block 26, all in the R.J. Williams Subdivision. (First Reading)**

Council Member Kemp made a motion to pass to a second reading the Ordinance changing the zoning for the following property from its present zoning of R-1 (Single-Family Residential) to C-2 (General Commercial) and further providing for effective date, reading, severance, and publication: Lots 1 through 9 and 13 through 26 of Block 12; Lots 14, 15, 16 of Block 17; Lot 1 and Lots 6 through 23 of Block 18; Lots 1 through 6 of Block 24; Lots 1 through 7 and Lots 11 through 14 of Block 25; Lots 36 through 39 of Block 26, all in the R.J. Williams Subdivision; and was seconded by Council Member Tucker.

Council Member Pierce questioned how this came about. Building Official John Davis explained that the idea was discussed at Planning and Zoning Commission and the main concern was the taxing of the property. San Patricio County Appraisal District's Chief Appraiser, Rufino Lozano explained that the property is valued at its use first and zoning last before the tax rate is applied. If the property is a single family home, it is appraised as a single family home. If the property is vacant, it is valued at the zoning purpose. If it was originally a home that is used as a business, it is appraised as the business is valued; once it reverts back to a single family home, the appraised value returns to a single family home value. The tax rate is the same, no matter what the property is zoned as; it all depends on the valuation of the property as a single family home, commercial, etc.

The motion to pass to a second reading of this Ordinance was approved unanimously.

**10. Consideration and action of an Ordinance amending Chapter 66 Utilities, Article VI Backflow Prevention, Division 2 Authority and Responsibility, Section 66-141 Authority of the City Water System, Subsection (d), and adding Section 66-145 Establishment of Fees, and further providing for effective date, reading, severance, and publication. (Final Reading)**

Council Member Pierce questioned why this being done and Building Official John Davis explained it is a TCEQ unfunded mandate.

Mayor Pro-Tem Vaden made a motion to approve Ordinance # 2015-11 amending Chapter 66 Utilities, Article VI Backflow Prevention, Division 2 Authority and Responsibility, Section 66-141 Authority of the City Water System, Subsection (d), and adding Section 66-145 Establishment of Fees, and further providing for effective date, reading, severance, and publication; and was seconded by Council Member Kemp. The motion was approved unanimously.

**11. Consideration and action of a Resolution introducing various fees contained in Appendix "A" Fee Schedule of the Ingleside Code of Ordinances and in particular those Annual Registration Fees to be paid by licensed BFP testers and a Filing Fee to be paid with each testing report filed.**

Council Member Kemp made a motion to approve Resolution # 2015-04 introducing various fees contained in Appendix "A" Fee Schedule of the Ingleside Code of Ordinances and in particular those Annual Registration Fees to be paid by licensed BFP testers and a Filing Fee to be paid with each testing report filed; and was seconded by Council Member Tucker. The motion was approved unanimously.

**12. Receive and discuss the City's financial situation, including but not limited to its budget, revenues, expenses, assets and debts.**

Finance Director Rosie Vela provided a brief overview of the finances and stated there was a city-wide net increase of \$1,409,594 during the month of February. There were no additional questions from Council.

**13. Staff Reports**

City Secretary Kimberly Sampson reminded the Council that Mayor Perkins and City Manager Jim Gray were in Washington, DC. Ms. Sampson stated there will be about 20 oversized and super loads coming through the City on their way to OxyChem/DuPont and we will provide additional information to Council as it is made available to us. She also announced that through the City Manager Funds that the Police Department has purchased a Humvee to be used to get into the hard to reach areas for illegal dumping, following suspected illegal activity, and other police related searches. If the paint job is complete this week, the vehicle will be in the Round-Up Parade this weekend.

**14. Requests from Council Members**

Mayor Pro-Tem Vaden requested that the Police Department patrol the cut through streets more during the high traffic times because there is a lot of high speed traffic cutting through the neighborhoods to avoid FM 1069 to get to SH 361.

Council Member Wilson reminded everyone to come enjoy the parade this weekend.

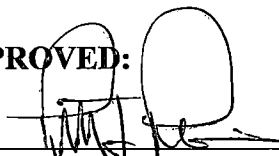
**15. Adjourn**

There being no further business, the meeting was adjourned at 8:00 p.m.

ATTEST:

  
Kimberly Sampson, City Secretary

APPROVED:

  
Mayor Pro-Tem Willie Vaden