

**CITY OF INGLESIDE
MINUTES
CITY COUNCIL MEETING
JULY 22, 2014**

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, Ben Tucker, Elaine Kemp, Kevin Robbins, Willie Vaden, and Paul Pierce. Staff present: City Manager, Jim Gray, Finance Director Rosie Vela, and City Secretary Kimberly Drysdale. There were approximately 40 guests.

2. Invocation

3. Pledge of Allegiance

4. Presentations from the Audience

Mr. Edward Escobar of 2346 Belair explained that he was frustrated with the City for notifying him to cut his trees that are actually in the City's ROW and for addressing the envelope to him, but within the letter quoting his neighbor's property. He has talked with Code Enforcement staff and realize it was a "cut and paste error" however it is still trees within the City's ROW. He has lived here for over 30 years and didn't ever receive a letter until 2007, at which time he was told to trim them to 12 feet. This year he is being told to cut them, but not given a necessary height. The emergency vehicles don't come next to the edge of the streets, they come down the middle of the street. He would like to know if the trees are his or the City's. If they are within the City's ROW, he expects the City to maintain them. He knows that City Manager Jim Gray and City Secretary Kimberly Drysdale have his contact information and he looks forward to hearing from the City regarding this matter.

5. Presentation of Summer Reading Program 2014's winners.

Mayor Perkins presented the awards to this year's Summer Reading Program winners. Those present were: Sage Benton, Elija Castillo, Mark Ploch and Miguel Nino. Those not present were Fabiola Flores and Kiera Hill.

6. Consideration and action of the Minutes of the City Council Meeting of July 8, 2014.

Council Member Pierce made a motion to approve the Minutes of the City Council Meeting of July 8, 2014 and was seconded by Council Member Wilson. The motion was approved unanimously.

- 7. 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) the lawsuit against the City of Ingleside made by Patricia Arnold, Laura McLaughlin, William Priday, and Kevin Robbins involving re-zoning ordinances numbered 1087, 1089, 1090, and 1091; and
 - B) the City of Ingleside vs. the City of Corpus Christi boundary lawsuit.

Mayor Perkins recessed the Regular meeting to go into Closed Executive Session at 6:50 p.m.

Mayor Perkins closed the Executive Session and reconvened the Regular meeting at 7:25 p.m.

Council Member Pierce did not attend the portion that discussed the City of Ingleside vs. the City of Corpus Christi boundary lawsuit; nor did Council Member Robbins attend the portion that discussed the lawsuit against the City of Ingleside made by Patricia Arnold, Laura McLaughlin, William Priday, and Kevin Robbins involving re-zoning ordinances numbered 1087, 1089, 1090, and 1091.

8. **Consideration and Action regarding (1) a Resolution adopting Guidelines for tax abatement under Chapter 312 Texas Tax Code and (2) an Ordinance designating as Ingleside Reinvestment Zone 2014-1, under Chapter 312 Texas Tax Code, land owned by Occidental Petroleum Corporation or a related company, consisting of about 1000 acres, including the former Naval Station Ingleside Land and adjacent land, lying south of Hwy 1069, and all being within Ingleside city limits. The Council may meet in executive, closed session pursuant to Sections 551.087 and/or 551.071 Texas Government Code in order to deliberate and discuss economic incentives which might be provided under the Guidelines and within this Zone and to confer with the City's attorneys. (First Reading)**

Council Member Kemp made a motion to approve Resolution # 1091 adopting Guidelines for tax abatement under Chapter 312 Texas Tax Code and was seconded by Mayor Perkins. The motion was approved unanimously.

Council Member Kemp made a motion to pass to a second reading an Ordinance designating as Ingleside Reinvestment Zone 2014-1, under Chapter 312 Texas Tax Code, land owned by Occidental Petroleum Corporation or a related company, consisting of about 1000 acres, including the former Naval Station Ingleside Land and adjacent land, lying south of Hwy 1069, and all being within Ingleside city limits; and was seconded by Council Member Tucker. The motion was approved unanimously.

9. **Consideration and action of an Ordinance of the City of Ingleside, Texas amending Chapter 78, Article I, by amending Section 78-3 Definitions; and Article II, Division 4 by adding Section 78-72 thereto; allowing for Application for Communication/Cell Towers by Special Permit Only; and providing for effective date, reading, severance, and publication. (First Reading)**

City Manager Jim Gray explained that the staff has received several inquiries regarding cellular/radio towers recently and therefore we are bringing this forward to Council. It has been sent to the City Attorney for review; however, the Attorney is still reviewing this Ordinance and has not provided his final decision. This Ordinance addresses height, setbacks, limited to certain areas of town, landscaping, etc. City Attorney Michael Morris suggested the Council not take action regarding this ordinance and bring it back to a first reading at the next meeting. There were no objections from Council.

10. **Consideration and action of a request by San Patricio County for a new Radio Tower on approximately seven acres to be located on the Oxy Ingleside Energy Center property.**

City Manager Jim Gray stated this was one of the recent requests for a cellular/radio towers. The San Patricio County Sheriff's Department contacted some time ago about putting a new tower in our area. They have tried two different locations in Ingleside, and another location in Aransas Pass. The Oxy Ingleside Energy, LLC (Oxy) property is the first location that has worked out for all parties. It was noted this request does meet the guidelines the previous agenda item # 9 was trying to incorporate.

San Patricio County Chief Deputy Oscar Rivera explained that only the minimal vegetation will be removed for the fence, tower, small building, roadway, and guide wires. The roadway into the tower/building will be along one of the guide wires to minimize the impact. When working with Oxy to find a location, they had to move and survey three different areas to mitigate around the wetlands area.

Council Member Pierce made a motion to approve the request by San Patricio County for a new Radio Tower on approximately seven acres to be located on the Oxy Ingleside Energy Center property; and was seconded by Council Member Wilson. The motion was approved unanimously.

11. **Consideration and action of an Ordinance amending Chapter 70 Vegetation Article II trees, Division 5 – Maintenance of the Ingleside Code of Ordinances, to amend Section 70-86 Obstruction; Trees Pruned, in an attempt to give specific height requirement of trees above streets, right-of-ways, and sidewalks for citizens and providing for effective date, reading, severance, and publication. (First Reading)**

City Manager Jim Gray stated that currently the City Code does not provide a set height restriction for city streets. Most bridges and overpasses in Texas use a minimum of 13.6 feet. Our Fire Trucks are approximately 12.3 to 12.6 feet in height. The various other city vehicles and garbage trucks are shorter than our tallest Fire Truck. This Ordinance requires adherence from edge of pavement to edge of pavement.

Mayor Perkins made a motion to pass to a second reading the Ordinance amending Chapter 70 Vegetation Article II trees, Division 5 – Maintenance of the Ingleside Code of Ordinances, to amend Section 70-86 Obstruction; Trees Pruned, in an attempt to give specific height requirement of trees above streets, right-of-ways, and sidewalks for citizens and providing for effective date, reading, severance, and publication; and was seconded by Council Member Kemp. The motion was approved unanimously.

- 12. Public Hearing regarding Unsafe Structures and/or Nonconforming Use to make a determination if the structure listed below meets the minimum standards of adopted codes or shall be demolished and removed from the property: Owner Mr. Carl Dibble of 3110 Kelly Lane.**

Mayor Perkins opened the Public Hearing at 7:53 p.m.

There were no speakers for or against this unsafe structure.

Mayor Perkins closed the Public Hearing and reopened the Regular Meeting at 7:55 p.m.

- 13. Consideration and action to make a determination if the following structure meets the minimum standards of adopted codes or shall be demolished and removed from the property – Owner: Mr. Carl Dibble of 3110 Kelly Lane.**

Code Enforcement Officer Carey Dietrich stated Mr. Carl Dibble and his wife have both passed away and there have been differing stories regarding who the heirs are. All heirs of property have been notified of the unsafe structure. There have been no responses from the heirs. There are back taxes owed and it is already in the process of being sold at the County level for back taxes.

Council Member Kemp made a motion to make a determination that the following structure does not meet the minimum standards of adopted codes and shall be demolished and removed from the property – Owner: Mr. Carl Dibble of 3110 Kelly Lane; and was seconded by Council Member Tucker. The motion was approved unanimously.

- 14. Consideration and action of a Resolution authorizing the Tax Resale of Lot 13, Block 2, Frank Phelps Garden Tracts Subdivision, San Patricio County, Texas as described in Volume 192, Page 292, Deed Records of San Patricio County, Texas.**

There was some discussion among the Council Members regarding properties being put back on the tax rolls vs. the individuals purchasing the properties but never paying off the liens and then passing the liens onto the next property owner. The liens continue with the property until they are either paid off or waived. It was also noted that this is prime commercial property located on Main Street (FM 1069).

Council Member Kemp made a motion to approve Resolution # 1092 authorizing the Tax Resale of Lot 13, Block 2, Frank Phelps Garden Tracts Subdivision, San Patricio County, Texas as described in Volume 192, Page 292, Deed Records of San Patricio County, Texas; and was seconded by Council Member Tucker. The motion was denied with Mayor Perkins and Council Members Tucker and Kemp voting aye; and Council Members Wilson, Robbins, Vaden, and Pierce voting no.

- 15. Consideration and action regarding the public hearings and proposed tax rate with regards to the FY 2014/2015 Budget.**

City Manager Jim Gray explained the Council needs to take action to set a "not to exceed" tax rate as well as set the dates/times for the required public hearings. Finance Director Rosie Vela explained the budget calendar, debt model, Truth in Taxation rates, and the Certified Rolls. The staff's recommended "not to exceed" tax rate is \$0.625/\$100 value, which is lower than the effective rate of \$0.632934. Mayor Perkins encouraged the Council Members to meet with the staff with any questions regarding the budget in the weeks ahead.

Mayor Perkins made a motion to set the "not to exceed" tax rate at \$0.625 and the public hearings for the Regular City Council Meetings of August 26 and September 9, 2014 at 6:30 p.m. and was seconded by Council Member Kemp. The motion was approved unanimously.

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

Finance Director Rosie Vela provided a brief overview of the City's financial position and there were no additional questions from the Council.

17. Staff Reports

City Manager Jim Gray announced that the water tower is currently scheduled to be raised on Thursday, July 24, 2014. The staff will alert the Council if there are any changes to that date. He also noted there is an Ingleside Development Corporation meeting on Thursday, July 24, 2014 at 6:00 p.m. here at City Hall.

18. Requests from Council Members

Council Member Pierce asked if there had been any traffic studies done for the SH 361 or Avenue A in order to have a base-line prior to their construction and development of the new apartment complex. City Manager Jim Gray stated that other traffic counts have been ongoing; however, the staff will make sure that is a priority.

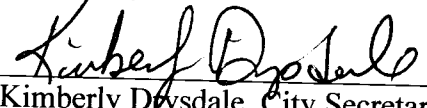
Mayor Perkins asked that the single School Zone sign on Church Street be removed and questioned if there were in fact one or two School Zone signs on Waco Street. Mr. Gray stated there are two signs on Waco and he will make sure the single sign on Church Street is removed.

Council Member Tucker questioned when construction on FM 1069 between HEB and Walmart would begin. Mr. Gray stated it will probably be about 60-days after August (when they receive bids). The City may be required to move some utility lines or lower some manholes. We are currently in discussion with TxDOT regarding these needs.


19. Adjourn

There being no further business, the meeting was adjourned at 8:28 p.m.

ATTEST:


 Kimberly Drysdale, City Secretary

APPROVED:


 Mayor Pete Perkins