

City of Ingleside
Minutes
Regular City Council Meeting
October 26, 2021
6:30 PM

1. Call meeting to order

The Regular City Council Meeting on October 26, 2021 was called to order at 6:30 pm, with Mayor Ronnie Parker presiding.

2. Roll Call

Council Members present: Council Member Diehl, Council Member Pruitt, Council Member Wilson, Council Member Schack, Council Member Tucker, Council Member Salinas, and Mayor Parker. There were approximately (11) citizens and (9) staff members in attendance.

3. Invocation

4. Pledge of Allegiance

5. Citizen comments

Gerald Gutierrez, 1614 Mooney Lane, made a citizen's comment wanting an update at a future council meeting regarding the drainage in the Mooney Lane and Morgan Avenue areas.

Martha Habluetzel, 3508 Ave A, made a citizen's comment informing the city about a grant through the Port of Corpus for beautification improvements.

Public Hearing:

6. A Public Hearing concerning an application filed by Hankins Development LLC. Garrett Carter, to replat the following property: Property ID# 53824 – PT of LTS 7 & 8 BLK 2 Downtown Ingleside Subdivision to LTS 1 & 2 BLK 1 Dollar Tree Addition Subdivision, fronting State HWY 361, City of Ingleside, San Patricio County Texas.

Mayor Parker closed the Regular City Council Meeting at 6:35 pm to proceed to the Public Hearing.

Elizabeth Brundrett, via zoom meeting spoke, that she was speaking on behalf of their client for the purposed replat. The property is more than the client is needing for the building of a Dollar Tree and the replat would give the owners the opportunity to build another commercial or residential property on the second lot.

There was no one speaking against.

7. A Public Hearing concerning an application filed by Criselda M. Freasier, to replat the following property: Property ID# 37172 – LT 8A BLK B Burton & Danforth Subdivision to LT 8-A1 & LT 8-A2 BLK B Burton & Danforth Subdivision, fronting Beasley Ave., City of Ingleside, San Patricio County Texas.

Elizabeth Brundrett, via zoom meeting spoke, that she was speaking on behalf of their client for the purposed replat. The purpose of the replat is the client is wanting to gift the one-acre Lot 8-A1 to their daughter for her homestead. Through the Texas State exception, this would not have to go through a replat, however, since this City has not adopted the exception, City guidelines require the replat. It must go to Planning and Zoning and City Council because this property was previously replated back in 2006.

Andrew Freasser, 1627 Beasley, spoke that he is currently living in Aransas Pass and hoping to move to the property at 1627 Beasley in November. Mr. Freasser requested the replat for the purpose of giving one acre to his daughter and the four remaining acres will remain his.

Gerald Guitierrez, 1614 Mooney Lane, spoke that he is neighbors with Mr. Freasser, that their properties touch each other and that he has no issues with this replat.

There was no one speaking against.

8. A Public Hearing concerning an application filed by Rick's Homes LLC., to replat the following property: Property ID# 1039283 – LT 4 BLK 1 Bell Estates Subdivision to LT 4A & 4 B BLK 1 Bell Estates Subdivision, fronting Mooney Lane, City of Ingleside, San Patricio County Texas.

Rick Mostaghasi, with Rick's Homes spoke, that his company has met all the City requirements for the replat of the purposed property. He plans to build two homes that are 2500 to 2600 square feet.

Gerald Gutierrez, 1614 Mooney Lane, spoke against the replat reporting that the replat has meet all the City requirements however, he would like council to consider the drainage issues in this area.

Martha Habluetzel, 3508 Ave A, spoke against any development of this sort due to drainage.

Mayor Parker closed the Public Hearing at 6:44 pm to return to the Regular City Council Meeting.

Action Items:

9. Discussion, consideration, and action of a Resolution, to replat the following property: Property ID# 53824 – PT of LTS 7 & 8 BLK 2 Downtown Ingleside Subdivision to LTS 1 & 2 BLK 1 Dollar Tree Addition Subdivision, fronting State HWY 361, City of Ingleside, San Patricio County Texas.

Council Member Diehl spoke, that he thinks it is great that commercial property is coming into the commercial corridor of Ingleside. Encourages Economic Development and Staff to recruit more commercial development.

Council Member Schack spoke, that this property is in a floodplain, what are the plans for a water shed?

Elizabeth Brundrett spoke, that she believes the Planning and Zoning has been involved with drainage on the project. There is a map in the packet presented showing the drainage plan.

Council Member Diehl requested clarification on whether the property is a commercial zoned property.

Staff clarified yes; the property is commercial zoned.

Council Member Diehl made a motion, seconded by Council Member Wilson to approve Resolution 2021-42, to replat the following property: Property ID# 53824 – PT of LTS 7 & 8 BLK 2 Downtown Ingleside Subdivision to LTS 1 & 2 BLK 1 Dollar Tree Addition Subdivision, fronting State HWY 361, City of Ingleside, San Patricio County Texas. The motion carried unanimously.

10. Discussion, consideration, and action of a Resolution, to replat the following property: Property ID# 37172 – LT 8A BLK B Burton & Danforth Subdivision to LT 8-A1 & LT 8-A2 BLK B Burton & Danforth Subdivision, fronting Beasley Avenue, City of Ingleside, San Patricio County Texas.

Council Member Tucker, requested clarification from staff, that if the proposed properties are built, will drainage be affected?

Staff clarified that a plan submission does require a drainage plan before a building permit is issued.

Council Member Diehl made a motion, seconded by Council Member Wilson to approve Resolution 2021-43, to replat the following property: Property ID# 37172 – LT 8A BLK B Burton & Danforth Subdivision to LT 8-A1 & LT 8-A2 BLK B Burton & Danforth Subdivision, fronting Beasley Avenue, City of Ingleside, San Patricio County Texas. The motion carried unanimously.

11. Discussion, consideration, and action of a Resolution, to replat the following property: Property ID# 1039283 – LT 4 BLK 1 Bell Estates Subdivision to LT 4A & 4B BLK 1 Bell Estates Subdivision, fronting Mooney Lane, City of Ingleside, San Patricio County Texas.

Martha Habluetzel, 3508 Ave. A, spoke against this replat for the drainage issues. Ms. Habluetzel is also against Rick's Homes building any homes in Ingleside due to the warnings he has received against him.

Gerald Gutierrez, 1614 Mooney Ln., spoke against the replat because of the drainage issues and that this area is not ready to for multiple homes.

Earl Vickery, 7557 Vickery Ln., spoke against the replat due to the drainage issues in the area. Mr. Vickery also requested that along with the agenda he would like a copy of the maps on the resolutions in question so he can also see where the properties are located for his information.

Council Member Schack inquired, when was this lot replated last? Does staff know when this property went from one lot to three? Staff responded that they are unsure of exact time however, maybe a year ago. Council Member Schack spoke, that he will not support this replat as it is looking like a flag property.

Council Member Salinas spoke, he appreciates the citizens comments and speaking out for the city. Council Member Salinas also shared the same concerns with the drainage issues and that he was not aware of the issues or the quality of the homes that builders are bringing into the City.

Rick Mostaghasi spoke, this replat meets all the City requirements and he is building beautiful homes in the City that are bringing added value to the surrounding area.

Council Member Diehl spoke, there are certain requirements that must be adhered to by council, the replat has met all the basic minimum City requirements. Council Member Diehl spoke, that he believes in homeowner rights and that the surrounding homeowners have rights as well. Although this has met all the Planning and Zoning requirements it does not stop there, Council has the final right. The issues with drainage will have an impact on the surrounding homes in the area, the City is currently waiting on a comprehensive study on drainage, with this area being a hot spot area, we should tap the brakes and wait for the completion of the study before proceeding. Council Member Diehl spoke, that he appreciates Mr. Mostaghasi for wanting to build houses however the Council has a responsibility to the other citizens as well.

Council Member Diehl made a motion, seconded by Council Member Pruitt to deny Resolution 2021-44.

Council Member Wilson inquired, what are the rules and regulations from the state regarding council members telling citizens what they can and cannot do with their property? City Manager, Linnette Barker, read municipal code 54.125, then spoke, remember that this is a Resolution for replat and not building or construction at this time and municipal code 54.125 does not address drainage. Ms. Barker read municipal code 18.33 addressing drainage, the lot itself and building on the property. Ms. Barker spoke, that Freese and Nichols Engineering is working on the Master Drainage plan, this area is of high importance, and the City should have an update from Freese and Nichols within a month or so.

Mayor Parker inquired; will the council be in violation of the state law if they deny the replat? City Manager, Linnette Barker spoke, yes; unless there are reasons within the charter however, drainage is not part of that. Mayor Parker inquired, if at the time of construction, a builder comes in for a building permit and the drainage plan is not adequate can the City deny the permit? Ms. Barker commented yes.

Council Member Diehl inquired, if council could do a conditional approval or table the replat pending outcome of the drainage study? Ms. Barker spoke, in the building phase that is correct.

Mr. Mostaghasi spoke, the drainage plan he will provide upon construction phase is far more efficient than any of the surrounding homes built in the area in the last ten years. Rick's Homes uses professional engineers and professional drilling companies in planning to allow water to drain. Mr. Mostaghasi spoke, that he feels that council is using his case right now with no reason and there will be litigation, all requirements have been met.

Council Member Schack and Council Member Diehl asked to stop the discussion and to contact the City's attorney. Mayor Parker requested a motion be made to table this until the City talks with their attorney and to bring this matter back on a future agenda.

Council Member Diehl made a move that the prior motion to deny be amended and to table the motion until after speaking with the City Attorney, seconded by Council Member Schack. The motion carried unanimously.

12. Discussion, consideration, and action of a Resolution to appoint a new member to fill the vacancy for Place #4 on the Planning and Zoning Commission, created by Ms. Autumn Macleod's resignation. Her term expires 12/31/2022.

Council Member Diehl inquired, has it been a procedure in the past to post an opening in the newspaper or are there requirements that we post an opening on a board seat? Building Department Office Manager, Cassie Bell spoke, that the last opening was posted on the City Facebook page however, it was not posted in the newspaper.

Council Member Schack inquired; what number of people were notified of the opening? City Manager, Linnette Barker spoke, the Planning and Zoning Commission made the recommendation of the appointee. Council Member Schack spoke, the opening should be published, have applicants apply and then pick the best candidate from the applications. The citizens should have an opportunity to apply before decisions are made. Ms. Barker spoke, we can run an ad in the newspaper and on the City website and make this a procedure moving forward.

Council Member Diehl requested, that a public service announcement regarding openings be made to create a pool of interested parties that would like to serve on different boards.

Council Member Schack made a motion, seconded by Council Member Pruitt to table the vacancy for Place #4 on the Planning and Zoning Commission until an ad has run. The motion carried with Council Members Diehl, Pruitt, Schack, Tucker, Salinas and Mayor Parker voting aye and Council Member Wilson voting nay.

13. Discussion, consideration, and action regarding publishing an RFQ or contracting with Hanson Engineering for the design and construction of the Animal Control Facility.

Council Member Diehl spoke, that he requested this to be on tonight's agenda. It has been five years since hurricane Harvey, we need to proceed with opening an animal control facility. The Council adopted the current budget, and the funds are available to proceed with engineering.

Council Member Wilson made a motion, seconded by Council Member Diehl, to proceed with engineering.

Council Member Schack spoke, that he would like to wait on this project until Faith Park has started. Mayor Parker spoke that waiting on one project to finish before starting another is not idea for the citizens. Council Member Pruitt spoke, waiting on projects is going to increase the price on the projects as costs are rising. Council Member Salinas spoke, that he believes that the City is not ready to proceed on this project without further information. City Manager, Linnette Barker spoke, this is only the engineering phase, not the contract phase, the contract phase will have to come back to Council before proceeding.

The motion carried with Council Members Diehl, Pruitt, Wilson, Tucker, Salinas, and Mayor Parker voting aye and Council Member Schack voting nay.

14. Discussion, consideration, and action regarding the Collection Station.

Linnette Barker, City Manager spoke, this project started with a grant from HEB for \$100,000 for recycling cardboard and the city would broaden the station to also include brush and bulk. The station would provide a place for citizens to bring brush and bulk items for recycling. The city has budgeted the remaining \$525,000 cost of the project in the 2021-2022 budget.

Mayor Parker spoke, after storms he has noticed brush, leaves, debris in gutters and ditches which causes flooding. This project would be a great place for citizens to bring their debris to help alleviate portions of flooding. Council Member Tucker spoke, this is overdue. Council Member Schack spoke, if 30% of citizens dropped off their brush and debris it would relieve pressure from our brush trucks. Council Member Salinas inquired, does this meets requirements? Council Member Schack inquired; how do we keep from receiving violations from TECQ? Ms. Barker commented the city would permit the facility through TECQ.

Council Member Tucker made a motion, seconded by Council Member Wilson to move to design phase. The motion carried unanimously.

15. Discussion, consideration, and action regarding the SEP violation, potential clean up days.

City Manage, Linnette Barker spoke, the City has been working with TECQ on the SEP violation in the amount of \$92,000. TECQ is stating that we can contract out to have clean up days for the City however we cannot pay staff to do the cleanup. Melanie Gavlik with Hanson Engineering spoke on the process and timeline with TECQ.

Various Council members discussed different clean up actions and which items should be considered in a cleanup day.

Council Member Schack made a motion, seconded by Council Member Diehl to approve to move forward with the applications to TECQ. The motion carried unanimously.

16. Discussion, consideration, and action regarding a Resolution of the City of Ingleside, Texas, authorizing Professional Service Provider selection for the American Rescue Plan Act (ARP ACT) Program.

Council Member Diehl made a motion, seconded by council Member Wilson to adopt Resolution 2021-46, the City of Ingleside, Texas, authorizing Professional Service Provider selection for the American Rescue Plan Act (ARP ACT) Program with Grant Works. The motion carried unanimously.

17. Discussion, consideration, and action regarding the approval of a Resolution, to amend Ingleside Code of Ordinances, Chapter 14, Article I, Section 14.43 (f) to waive pet adoption fees and microchipping fees from November 1, 2021, through November 30, 2021, for all new pet adoptions in recognition of Active Duty and Veteran Service Members.

Council Member Schack made a motion, seconded by council Member Tucker to adopt Resolution 2021-47, Ingleside Code of Ordinances, Chapter 14, Article I, Section 14.43 (f) to waive pet adoption fees and microchipping fees from November 1, 2021, through November 30, 2021, for all new pet adoptions in recognition of Active Duty and Veteran Service Members. The motion carried unanimously.

18. Discussion, consideration, and action regarding the creation of a Hospital District in San Patricio County, Texas.

Mayor Parker spoke, that he requested that this be on tonight's agenda to discuss the issue and make council aware of the situation as Dr. Mobley had sent the letter to him. Various council members gave their opinions on the matter. City Manager, Linnette Barker, advised council that this is already on the November ballot and early voting has already opened.

No action taken.

19. Discussion, consideration, and action of the City Council Minutes, dated September 22, 2021, Special City Council Meeting, and October 12, 2021, Regular City Council Meeting.

Council Member Diehl made a motion, seconded by Council Member Wilson to accept the City Council Minutes, dated September 22, 2021, Special City Council Meeting, and October 12, 2021, Regular City Council Meeting. The motion carried with Council Members Diehl, Pruitt, Wilson, Schack, Tucker Salinas voting aye and Mayor Parker abstaining from the September 22, 2021, Special City Council Meeting and voting aye on the October 12, 2021, meeting.

Other:

20. Reports from Staff:

- a) Expenditures over \$3000
- b) Quarterly Reports

- c) Project Status Update
- d) Jodi Carr appointed to the Texas Economic Development Council Board of Directors
- e) Open Meetings Act regarding videoconferencing
- f) Other Updates

Assistant City Manager and Economics Director, Jodi Carr, commented on item d), it is quite an honor to be selected to their board.

Council Member Schack, inquired on item e), are we in compliance with the Open Meeting Act? City Manager, Linnette Barker, commented yes, we are just informing council.

Council Member Diehl requested, that the project update chart be added to our website for citizens to see as well. City Manager, Linnette Barker stated, we will arrange for it to go on the website.

City Manager, Linnette Barker spoke, that she will be needing approval from Council to proceed with bids for Kenney Lane, 12th Street, Faith Park, and 4th Street projects.

City Manager, Linnette Barker spoke, that discussion is needed on the Houghton project and drainage issues. GLO has given the City an extension of one year on the grant for the Houghton Project. However, GLO is requiring the City to have answers on the drainage portion. GLO will not approve the plan unless the City states they will do the drainage portion. Melanie Gavlik with Hanson discussed the timeline and what GLO is requiring. Council Member Diehl inquired, when the council would have to decide on this? Ms. Gavlik commented by November.

Council Member Diehl requested, an update on the “cash in lieu of park” from developers. City Manager, Linnette Barker spoke, that the ordinance does state that we can accept cash in lieu of however, it does not specify who can approve the payment in lieu or require the park space. Ms. Barker stated she did not investigate the cash portion end of this, however, will research this and bring back to council.

21. Requests from Council

Council Member Wilson requested a monthly update on projects within the City, who oversees the project and a presentation.

Council Member Salinas requested the gant charts and drainage updates to be part of the regular council meetings.

Council Member Tucker requested the “maps” in discussion on replats be mailed out to citizens.

Council Member Pruitt spoke, that traffic during Live Oak Park functions has become an issue with blockage of streets and routing and requested this be addressed.

22. Adjourn

The Regular City Council Meeting held on October 26, 2021 was adjourned at 8:58 p.m.

ATTEST:

A handwritten signature in blue ink, appearing to read 'E. Higgins', written over a horizontal line.

Evanne Higgins, Interim City Secretary

APPROVED:

A handwritten signature in blue ink, appearing to read 'Ronnie Parker', written over a horizontal line.

Ronnie Parker, Mayor