

**CITY OF INGLESIDE
REGULAR CHARTER REVIEW COMMISSION MEETING
MINUTES
SEPTEMBER 26, 2024**

Opening Agenda

1. Call Meeting to Order.

The Regular Charter Review Commission Meeting of the City of Ingleside was called to order by Chair Courtney Shane at 6:32 p.m. on September 26, 2024, at City Hall 2671 San Angelo Ave., Ingleside, TX and live video streaming.

2. Roll Call.

With Charter Review Commission Board Members present a quorum was established.

Board Members Present: Secretary Ricardo Trevino, Jr., Robert Vana, and Chair Courtney Shane

Absent: Co-Chair Tom Bell and Cindy Wilson

3. Pledge of Allegiance.

Chair Shane led the Pledge of Allegiance to the U.S. flag.

4. Citizen Comments and Reports.

Paul Baen, 2177 Glennwood Dr., addressed the board members by thanking the Chairman for a courtesy call, previously discussed citizens comments, and the participation of the attorney.

Regular Agenda

5. Deliberate and take appropriate action on the acceptance of the Regular Charter Review Commission Minutes of September 19, 2024.

Motion: Secretary Trevino, Jr. made a motion to approve the acceptance of the Regular Charter Review Minutes of September 19, 2024. Chair Shane seconded the motion. Motion carried with all present voting in favor.

6. Deliberate and take appropriate action on the review of the following Articles in the City of Ingleside Home Rule Charter.

- 1. ARTICLE I. Form of Government and Boundaries**
- 2. ARTICLE II. Powers of the City**
- 3. ARTICLE III. City Council**
- 4. ARTICLE IV. Administrative Services**

5. ARTICLE V. Elections
6. ARTICLE VI. Initiative, Referendum and Recall
7. **ARTICLE VII. Municipal Finance
8. ARTICLE VIII. Tax Administration
9. ARTICLE IX. Public Utilities and Franchises
10. ARTICLE X. Planning and Zoning
11. ARTICLE XI. General Provisions
12. ARTICLE XII. Transitional Provisions

** Last meeting completed the review of ARTICLE VII. Municipal Finance Section 7.08. Borrowing through ARTICLE IX. Public Utilities and Franchises Section 9.02. Power to grant franchises. This meeting will resume review with ARTICLE IX Public Utilities and Franchises Section 9.03. Ordinance granting franchises.

City Attorney McCann wanted to redirect back to Section 7.09 Purchasing and Contracting, with the Board Commission, about how it can be done, and needs to be under \$3k. Director of Finance Vela informed the Board Members that it could be taken out of Charter due to the adoption of the Purchasing Policy by Council.

City Attorney McCann wanted to redirect back to Section 8.02 Automatic levy and Section 8.03 Due date and penalties, with the Board Commission, about the failure to adopt tax law is already in place, and Section 8.03 can be completely removed from the Charter.

ARTICLE IX. PUBLIC UTILITIES AND FRANCHISES

Section 9.03. Ordinance granting franchise.

Any ordinance granting, renewing, extending or amending a franchise shall not take effect until at least twenty-eight days after its final passage. Within seven days following the first reading of the ordinance, the ordinance shall be published in its entirety or in caption form one time in the official City newspaper, and the expense of such publication shall be borne by the prospective franchisee. No franchise shall be exclusive.

Section 9.04. Transfer of franchise.

No public service franchise shall be transferable except with the approval of the City Council as expressed by ordinance. The term "Transferable," as used herein, shall not be construed in such a manner as to prevent the franchisee from pledging said franchise assets as security for a valid debt or mortgage.

Section 9.05. Franchise value not to be allowed.

Franchise granted by the City shall be considered to be of no value in considering:

- A. The rates and/or charges for utilities or service within the City; and

- B. The compensation to be paid by the City for public service property which the City may acquire by condemnation or otherwise.

Section 9.06. Right of regulation.

In granting public service franchises or in amending, renewing or extending them the City shall have the following rights:

- A. To repeal the franchise by ordinance for failure of the franchisee to comply with its terms. Included is failure of the franchisee to begin construction or operation within the time prescribed. This power shall be exercised only after the franchisee has been given due written notice and opportunity for hearing, and a reasonable time, not to exceed sixty days from hearing date to correct such failures.
- B. To require such expansion, extension, enlargement and improvements of facilities and services as are necessary to provide adequate service to the public, and maintenance of the facilities and service to the highest reasonable standard of efficiency.
- C. To impose reasonable regulation of service and quality of the product for the safe, efficient and continuous service to the public.
- D. To require the keeping of accounts in such form as will accurately reflect the cost of the property of each franchisee which is used and useful in rendering its service to the public and the expenses, receipts and profits of all kinds of such franchisees. It shall be deemed sufficient compliance with this paragraph if the franchisee keeps its accounts in accordance with the uniform system established by any federal or state agency for their service. To examine and audit accounts and records and to require annual reports on local operations of the utility.
- E. To require the franchisee to restore at the franchisee's expense, all public or private property to a condition equally as good as or better than before disturbed by construction, repair or removal. The property owner retains the right to seek action by law for damage resulting therefrom.
- F. To require every franchisee to furnish within a reasonable time to the City, without cost to the City, a general map, with updates outlining the location, character, size, length and terminals of all facilities of such franchisee in, over and under ground of property in the City and to provide detailed information on request.
- G. The City shall have the right to set rates of City owned public services.

Section 9.07. Extensions.

All extensions of service within the City limits shall become a part of the aggregate property of the service, and shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this Charter. The extension of the service shall be considered as part of the original grant and shall be terminable at the same time and under the same conditions as the original grant.

Section 9.08. Regulations of rates.

Except as limited by State or Federal law, the City shall have the following rights to fix and regulate the rates and charges of all public utilities and fix the fare of all public transportation of every kind operating within the corporate limits of the City:

- A. The City Council has the power by ordinance to fix and regulate the rates and charges of all public utilities and fix the fares of all public transportation of every kind operating within the corporate limits of the City of Ingleside.
- B. ~~The~~ City Council, upon receiving a request from a public service desiring a change in rates, charges or fares, shall call a meeting for consideration of such change.
- C. The public service shall show the necessity for such change by establishing by clear, competent and convincing evidence:
 - 1. Cost of its investment properly allocable to service in the City;
 - 2. Amount and character of its expenses and revenues connected with the rendering of such service; and
 - 3. Any additional evidence required by the City Council.
- D. ~~The~~ City Council may, if not satisfied with the sufficiency of the evidence furnished by the public service, select and employ rate consultants, auditors and attorneys to investigate and, if necessary, litigate the requests for changes in rates, charges or fares. The public service shall reimburse the City for its reasonable and necessary expenses so incurred. If the City Council takes no action on the request, the new rates go into effect after thirty-five (35) days.

If the City Council needs more time to study the request, it must, before the time runs out, notify the company in writing that it needs more time to study the request and will suspend the operation of the schedule for one hundred twenty (120) days.

- E. The public service may, if not satisfied with the rate, charge or fare ordered by City Council, make a motion for rehearing within twenty (20) days of the entry of such order. Such motion will be deemed overruled if not acted upon by City Council within thirty (30) days, provided that City Council may by resolution extend such time for action on the motion to a maximum of sixty (60) days.
- F. No public service may institute legal action contesting such rate, charge or fare by City Council until such public service has exhausted all remedies provided herein.
- G. Public services and utilities subject to Vernon's Annotated Civil Statute article 1446c shall be regulated by the City Council in the manner and to the extent provided in such State Statute. (Amd. of 5-4-96)

Section 9.09. Accounts of city-owned public services.

Accounts shall be kept for each public service owned or operated by the City, in such manner as to show the true and complete financial results of each such City ownership and operation. The accounts shall show the actual capital cost to the City of each public service owned, also the cost of all extensions, additions and improvements, and the source of the fund expended for such capital purposes. They shall show as nearly as possible the cost of any service furnished to or rendered to any other City or governmental agency.

ARTICLE X. PLANNING AND ZONING

Section 10.01. Planning and ~~z~~Zoning.

There shall be a Planning and Zoning Commission whose responsibilities are to accomplish the City planning and zoning functions to effect the orderly and desired growth, development and beautification of the City. The commission shall formulate and recommend to the City Manager a ~~e~~Comprehensive Master Plan and shall consult with other ~~e~~City ~~d~~Departments regarding planning. The Commission shall recommend any proposed zoning changes to the City Council and shall act in an advisory capacity to the City Council on all matters affecting the development of the City.

Section 10.02. Organization, selection, and term of office.

The Planning and Zoning Commission shall be composed of seven (7) members appointed by the City Council. Members shall serve for a term of two (2) years with four (4) members being appointed with terms beginning on January 1 of odd-numbered years and three (3) members appointed with terms beginning on January 1 of even-numbered years. Vacancies occurring in the Commission, for whatever reason, shall be filled within sixty (60) days by appointment by the City Council, for the remainder of the unexpired term. Members appointed under this provision of the Charter may be reappointed for a second term. Under no provision shall a person serve over two (2) consecutive terms or a fraction thereof. No member of the Planning and Zoning Commission shall hold another salaried or elected City office. Three (3) successive unexcused absences from the Commission meetings shall terminate membership on the City Planning and Zoning Commission. Members of the commission shall serve without compensation but may be reimbursed for necessary expense incurred as a result of their work. The Planning and Zoning Commission shall elect a Chairman and Vice-Chairman from the membership and shall have the power to make rules, regulations and bylaws for its own government, which shall be subject to approval by the City Council.

Section 10.03. Comprehensive ~~m~~Master ~~p~~Plan.

The Planning and Zoning Commission shall formulate a Comprehensive Master Plan for the development of the City, containing the Commission's recommendations for growth, development and beautification of the City. This plan shall be updated on an annual basis and shall contain the planning considerations for a period of ten (10) years. This plan shall be forwarded, at least one hundred and twenty (120) days prior to the beginning of the budget year, to the City Manager who shall submit it to the City Council with ~~his/her~~the City Manager's recommendations thereon. The City Council shall hold a public hearing on the proposed Comprehensive Plan, or modification thereof, and shall thereafter adopt it by resolution with or without amendment.

Section 10.04. Plats and ~~b~~Building ~~e~~Codes.

The Planning and Zoning Commission shall approve or disapprove plats of proposed subdivisions submitted in accordance with City ordinances as adopted or herein amended. The ~~e~~Commission shall recommend to the City Council amendments, extensions or revisions of the Building Code, which shall include the minimum standards of construction for building, plumbing and wiring.

Section 10.05. Board of adjustment.

The City Council ~~shall~~ **may** appoint a Board of Adjustment, **or may serve as Board of Adjustment**, which shall have the power to hear and determine appeals from the refusal of building permits, appeals resulting from administrative decisions by City Building Inspectors, and to permit exception to or variations from the zoning regulations in classes of cases or situations in accordance with the principles, conditions and procedures specified in the zoning ordinance.

Section 10.06. Organization, selection and term of office.

The Board of Adjustment shall be composed of five **(5)** members and four **(4)** alternate members appointed by the City Council. Members and alternate members shall serve for a term of two **(2)** years with three **(3)** members and two **(2)** alternate members having terms beginning in one **(1)** year and two **(2)** members and two **(2)** alternate members having terms beginning in alternate years. All cases heard by the Board of Adjustment will be heard by a minimum of four **(4)** members and/or alternate members. Vacancies occurring in the Board of Adjustment for whatever reason shall be filled within sixty **(60)** days by the City Council for the remainder of the unexpired term. No member of the Board of Adjustment shall hold another salaried or elected City office. Three **(3)** successive unexcused absences from the meetings, after a minimum five **(5)** days' notice served by mail of the time, place and agenda of such meetings, shall constitute cause for termination of membership on the Board of Adjustment. The members of the board shall serve without compensation, but may be reimbursed for necessary expense incurred as a result of their work. The Board shall elect a chairman and vice-chairman from its membership and shall have the power to make rules, regulations and bylaws for its own government which shall be subject to approval by the City Council.

Members appointed under this provision of the Charter may be reappointed for a second term. Under no provision shall a person serve over two **(2)** consecutive terms or a fraction thereof.

Motion: Chair Shane made a motion to Amend section 7.09, 8.02 and ARTICLE IX Public Utilities and Franchises Section 9.03 through ARTICLE X Planning and Zoning, as discussed, and allow the City Secretary to strike out or amend any pronouns and allow the City Attorney to confirm compliance with State Law. Secretary Trevino, Jr. seconded the motion. Motion carries with all present voting in favor.

Motion: Chair Shane made a motion to close agenda Item 6 and reconvene the Charter Review process at the next scheduled meeting starting with Article XI. General Provisions. Secretary Trevino, Jr. seconded the motion. Motion carries with all present voting in favor.

Closing Agenda

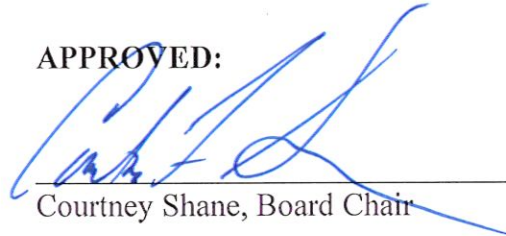
7. Items to consider for placement on future agendas.

No items presented for future agendas.

8. Adjourn.

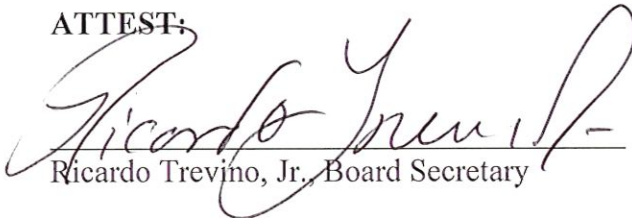
Chair Shane adjourned the Regular Charter Review Commission Meeting at 8:11 p.m.

APPROVED:



Courtney Shane, Board Chair

ATTEST:



Ricardo Trevino, Jr., Board Secretary