

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

A Regular Meeting of the Aransas Pass City Council was held on Monday, December 4, 2017 in the Aransas Pass City Hall, 600 W. Cleveland Blvd., Aransas Pass, Texas 78336. A notice of the meeting was posted 72 hours in advance in accordance with Section 551, Texas Government Code. Mayor Ramiro Gomez, and Council Members Vickie Abrego, Billy Ellis, and Janet Moore were present; Carrie Scruggs was absent. Also present was City Manager Gary Edwards and City Attorney Allen Lawrence.

1. CALL MEETING TO ORDER.

Mayor Gomez called the meeting to order at 6:00 pm.

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.

Council Member Abrego gave the Invocation and led the Pledge of Allegiance to the United States Flag.

3. PRESENTATIONS AND PROCLAMATIONS:

There were no Presentations.

4. BOARD AND COMMISSION APPOINTMENTS:

4.I. Building Board of Standards and Appeals

A motion was made by Council Member Ellis to reappoint Robert "Sandy" Kubek and Kevin Stubbs, seconded by Council Member Abrego, and the motion passed with the following vote: Gomez, Abrego, Ellis, and Moore voting Aye; Scruggs was absent.

4.II. Zoning Board of Adjustment

A motion was made by Council Member Moore to reappoint Kathleen Sweatt and Lisa Barker, seconded by Council Member Ellis, and the motion passed with the following vote: Gomez, Abrego, Ellis, and Moore voting Aye; Scruggs was absent.

5. CONSENT AGENDA:

5.I. Approval of Special Meeting Minutes of November 15, 2017 and Regular Meeting of November 20, 2017.

A motion was made by Council Member Ellis to approve Item 5.I, seconded by Council Member Abrego, and the motion passed with the following vote: Gomez, Abrego, Ellis, and Moore voting Aye; Scruggs was absent.

6. PUBLIC HEARING:

6.I. Public Hearing on Plat No. 1701106-P06 – Application to re-plat Aransas Pass Townsite, Block 422, Lots 30-32, (Final .241 Acres).

City Attorney Lawrence declared the Public Hearing open for Item 6.I., and stated that the

Zoning Board of Adjustments reviewed this plat and recommend approval of the variance. Katherine Comeaux, Superintendent of Development Services stated that the re-plat is to allow the three lots to be subdivided into two lots so that existing homes can have separate utilities for separate rental units. She added that the reason for the request for variance is because it did not meet the standard zoning requirements.

Mr. Hill, applicant stated that when he purchased the properties they were not in good shape and that he has re-habilitated the properties, and would like to do more in Aransas Pass.

Council Member Moore asked if the properties will be sold or rented, and Mr. Hill responded he plans to rent but he may also sell. Ms. Moore asked the square footage of the homes, and Mr. Hill responded 750 to 800 square feet.

Randall Freeze spoke in favor of approving this re-plat. He added that Mr. Hill has taken two homes and refurbished them, and he followed the city's process.

There being no further comments, Mr. Lawrence declared the public hearing closed.

6.II. Consider and Act on Plat No. 1701106-P06 – Application to re-plat Aransas Pass Townsite, Block 422, Lots 30-32, (Final .241 Acres).

A motion was made by Council Member Abrego to approve Item 6.II, seconded by Council Member Ellis, and the motion passed with the following vote: Gomez, Abrego, Ellis, and Moore voting Aye; Scruggs was absent.

7. CITY MANAGER

7.I. Consider and Act on Canceling/Re-scheduling the January 1, 2018 City Council Meeting due to a City Holiday.

Mr. Edwards stated that since January 1, 2018 is a City holiday, the Council has the option of canceling the meeting or re-schedule to another date.

A motion was made by Council Member Moore to re-schedule the meeting to January 2, 2018 at 6:00 pm, seconded by Council Member Abrego, and the motion passed with the following vote: Gomez, Abrego, Ellis, and Moore voting Aye; Scruggs was absent.

7.II. Consider and Act on Resolution No. 2017-840 approving the Budget Policy.

Mr. Edwards stated that the purpose of Budget Policy is to provide consistency and stability to the budget process from year-to-year.

A motion was made by Council Member Ellis to approve Item 7.II, seconded by Council Member Abrego, and the motion passed with the following vote: Gomez, Abrego, Ellis and Moore voting Aye; Scruggs was absent.

7.III. Consider and Act on Resolution No. 2017-838 nominating to the Nueces County Appraisal District Board of Directors.

Mr. Edwards stated that this item relates to nominations to the Nueces County Appraisal District Board of Directors and that the City has one vote, and there are two nominees.

A motion was made by Council Member Abrego to nominate Leo Gonzales, seconded by Council Member Ellis, and the motion passed with the following vote: Gomez, Abrego, Ellis and Moore voting Aye; Scruggs was absent.

7.IV. Consider and Act on Resolution No. 2017-839 nominating to the San Patricio County Appraisal District Board of Directors.

Mr. Edwards explained that this item relates to nominations to the San Patricio County Appraisal District and the voting entitlement for the City is 143 votes, and that there are five vacancies and six nominations. He explained that the City may cast vote for any one nominee or in any combination for any of the nominees.

A motion was made by Council Member Moore to divide the 143 votes among the following incumbents receiving the following vote: John Curlee (29 votes), Dr. Anne Matula (29 votes), Dalia Sanchez (29 votes), Jan Whiteley (28 votes), and Bill Wilson (28 votes), seconded by Council Member Abrego, and the motion passed with the following vote: Gomez, Abrego, Ellis, and Moore voting Aye; Scruggs was absent.

7.V. Consider and Act on renewal of Interlocal Agreement with San Patricio County.

Mr. Edwards stated that this is to renew an interlocal agreement with San Patricio County for the purpose of regulating food service rules and inspection, and for the regulatory authority of on-site sewage facilities.

A motion was made by Council Member Ellis to approve Item 7.V, seconded by Council Member Abrego, and the motion passed with the following vote: Gomez, Abrego, Ellis and Moore voting Aye; Scruggs was absent.

7.VI. Consider and Act on approving Commercial Real Estate Listing Agreement for the LWR Property.

Mr. Edwards stated that this is to approve a commercial real estate agreement with Mr. Jim Paxton for the LWR property.

A motion was made by Council Member Ellis to approve Item 7.VI., seconded by Council Member Abrego, and the motion passed with the following vote: Gomez, Abrego, Ellis and Moore voting Aye; Scruggs was absent.

7.VII. Consider and Act on approving Ordinance No. 2017-4205 providing for an automatic increase in Water Rates pursuant to Section 29-28(d) of the Code of Ordinances as a result of an increase in rates by the City Water Vendor(s); and, providing for an effective date.

Mr. Edwards stated that the San Patricio Municipal Water District has informed the City that the 2018 rate for municipal customers is increasing by .04¢, from \$3.11 to \$3.15 per thousand gallon. He added that this rate is being passed on to the customer as it would be difficult for the City to absorb this costs due to budget constraints. Mr. Edwards added that he is recommending that the 3% administrative fee allowed by the City Code be waived. Mr. Edwards stated that the .04¢ increase is not imposed by the City, but rather the San Patricio Municipal Water District.

Council Member Moore asked what the 3% fee equates to, and Mr. Edwards responded to approximately \$250.

A motion was made by Council Member Moore to approve the .04¢ increase and pass on to its water customers and that the City absorb the 3% administrative fee, seconded by Council Member Abrego, and the motion passed with the following vote: Gomez, Abrego, Ellis and Moore voting Aye; Scruggs was absent.

8. COMMUNITY ENRICHMENT:

There were no Community Enrichment Items.

9. DEVELOPMENT SERVICES:

9.I. Consider and Act on request from Hogan Homes to reduce Water and Sewer Tap Fees for the Hogan Homes Development.

Katherine Comeaux, Superintendent of Development Services stated that this request is for a reduction for both water and sewer tap fees in the amount of \$330 combined. She added that they have met with Hogan Homes and that are in agreement with this fee. Mr. Comeaux added that this amount takes in account that the developer is laying the pre-tapped lines and the costs associated with the water and sewer pre-tapped lines. She stated that the \$150 deposit will be waived for Hogan Homes Development with the understanding that once homes are sold, the homeowner will pay the deposit when an account is opened.

Council Member Moore asked if this was going to be the normal impact fee, and Ms. Comeaux responded that the City is looking at a pre-development and development process to encourage developers to the area.

Roy Vasquez, 1003 W. Rhodes Ave., stated that Hogan Homes is building about 315 homes with approximately a \$1,500 discount, which equates to about \$500,000, and that these are monies that the city can use. Mr. Quintanilla responded that the cost to the city would have been approximately \$1,200 for manpower and materials, which is work already being done by the developer, and the City is simply removing these fees.

Ginger Patterson, Homeowner, stated that she built her home in April and paid all fees, and connected to all the lines, and that as a citizen it is not fair.

Mr. Edwards stated that a recent Standards & Poors hearing, one issue that was raised was citizens leaving the community due to Hurricane Harvey and the impact to the economy, and encourage the City to rebuild, and this is a step in that direction.

A motion was made by Council Member Abrego to approve Item 9.I., seconded by Council Member Moore, and the motion passed with the following vote: Gomez, Abrego, Ellis and Moore voting Aye; Scruggs was absent.

9.II. Consider and Act on Resolution No. 2017-841 suspending some Zoning Requirements and some Floodplain Regulations for Recreational Vehicles and Manufactured Home Units to accommodate Temporary Housing Funded by FEMA as part of recovery from Hurricane Harvey.

Ms. Comeaux stated that the purpose of this Resolution is for the placement of FEMA temporary housing in flood zones (these are areas that have the potential for shallow flooding but not coastal flooding) and to suspend zoning regulations to accommodate temporary housing through April 30, 2019. Ms. Comeaux then referred to Section 10 of the resolution and discussed the zoning requirements, the timeline set by FEMA for the temporary housing program, and the accommodations for the long term recovery groups.

Council Member Abrego stated that after the April 30, 2019 deadline, what process does the City have in place to keep track of residents that were pulled in, and Ms. Comeaux responded that the City has not yet received a complete list from FEMA; however, they are keeping track internally. She added that until the GLO and FEMA have the process in place, the city can make sure the permitting process, deadlines are met, and re-enforce regulating zoning code once deadlines have passed.

Council Member Abrego suggested reaching out to AEP, since it is a requirement that before electricity is hooked up the City must first inspect, and Ms. Comeaux responded that this is correct as long as FEMA informs the City that the trailers are here. Ms. Comeaux stated that she is aware of two manufactured homes coming into the area and placed in an MH district. Mr. Edwards added that once they receive the information, the City will monitor the matter.

Council Member Abrego reiterated that it is important that five years from now, neighborhoods where RVs that were brought for temporary housing are still there, and added that the City has worked very hard at keeping neighborhoods clean, and what was placed there was allowed by the City's zoning requirements. Ms. Abrego stressed the importance of having a plan in place to keep neighborhoods clean. Ms. Comeaux stated that RVs being brought in by FEMA still need to renew annually through the city. Mr. Edwards informed the council that the city will work on a plan of keeping track and monitor and bring to Council for approval.

Council Member Moore asked if the RVs that are being brought in will have a pump out, and Ms. Comeaux responded that the RV permit requires that the person contain and properly dispose of their black water. Ms. Moore stated that she is concerned that pump out may be an issue during the period. Ms. Comeaux added that as addresses are given out, the City will monitor this matter.

Council Member Moore asked if the council would consider tabling this item until the City has a plan in place, and Ms. Comeaux responded since manufactured home units are being delivered and anticipates gettings RVs, she asked if the council would consider the Resolution and the Plan at a later time. Mr. Edwards stated that staff will work on bringing the Plan by December 18th or January 2nd.

Mayor Gomez asked if there were any comments from the audience.

Ginger Patterson, asked about MH homes coming into restricted areas and buy small lots, and Ms. Comeaux responded that to qualify for an MH or RV, a requirement is that they had to own the property prior to the storm.

Richard Patterson, stated he agrees with the concerns on the control of sewage and asked to look at long term impact to the environment and to the city.

Howard Gillespie, San Patricio County Commissioner, commented on the process of receiving the manufactured home and RV units, and the requirements. He referred to a recent meeting on Rebuild Texas where these questions were discussed.

Council Member Moore asked when the trailers were coming in, and Ms. Comeaux responded that to her knowledge it will be after January 1st; there are two locations but they are not yet licensed; and the City does not have a timeline or a list of potential addresses and they are handling them on a case by case basis.

Marilyn Hall, asked the council to consider the pump out and watch the water system to prevent contamination.

Dr. Laura Pagott, 1659 W. Deberry, stated her property is located next to the Jehovah Witness Church, and added that there are three motor homes in the Jehovah Witness parking lot looking into her backyard and has seen raw sewage. She stated that since they obtained permits from the City there is nothing she can do. She is opposed to the trailer homes in the parking lot. Ms. Comeaux responded that the Jehovah Witness Church has a disaster response team that assist parishoners and have obtained the proper permits. Ms. Comeaux added that the City is working with groups who are willing to come in and provide residents with their unmet needs.

A motion was made by Council Member Ellis to approve Item 9.II., seconded by Council Member Abrego, and the motion passed with the following vote: Gomez, Abrego, Ellis and Moore voting Aye; Scruggs was absent.

9.III. Consider and Act on Change Order No. 1 with JJ Fox Construction Contractors for the Highland Avenue Storm Pipe Replacement Project.

Mr. Quintanilla stated that this item relates to the Highland Storm project, and added that the Contractor has located some existing lines along Highland Avenue that need to be connected to the new storm pipe using junction boxes. He added that this change order is for a total of six junction boxes for an increased amount of \$22,700. Mr. Quintanilla stated that the contractor has already done the mapping of the lines and that they will be added to the new maps.

A motion was made by Council Member Abrego to approve Item 9.III, seconded by Council Member Ellis, and the motion passed with the following vote: Gomez, Abrego, Ellis and Moore voting Aye; Scruggs was absent.

Mr. Quintanilla stated that the next three items, 9.IV, 9.V, and 9.VI are for the issuance of a request for proposals. He stated that FEMA inspections have been conducted and that the RFP is to get pricing on the repairs.

Council Member Abrego asked what the repairs involved, and Mr. Quintanilla responded that at Conn Brown Harbors the repairs include the pier and lighting; Lighthouse Lakes repairs include the pier, outlooks, Ballers and Cable; and at the Softball Fields repairs include fencing, lighting, scoreboards, concession stand and the bleachers.

9.IV. Consider and Act on the issuance of a Request for Proposals for repairs at Conn Brown Harbor.

A motion was made by Council Member Moore to approve Item 9.IV, seconded by Council Member Abrego, and the motion passed with the following vote: Gomez, Abrego, Ellis, and Moore voting Aye; Scruggs was absent.

9.V. Consider and Act on the issuance of a Request for Proposals for repairs at Lighthouse Lakes.

A motion was made by Council Member Moore to approve Item 9.V., seconded by Council Member Abrego, and the motion passed with the following vote: Gomez, Abrego, Ellis, and Moore voting Aye; Scruggs was absent.

9.VI. Consider and Act on the issuance of a Request for Proposals for repairs at the Ball Fields.

A motion was made by Council Member Moore to approve Item 9.VI., seconded by Council Member Abrego, and the motion passed with the following vote: Gomez, Abrego, Ellis and Moore voting Aye; Scruggs was absent.

9.VII. Consider and Act on extending the Disaster Declaration issued on by the Mayor on August 25, 2017 in response to Hurricane Harvey and extend this Declaration until the December 18, 2017 Regular City Council Meeting.

Mr. Edwards stated this is a routine item to extend the Disaster Declaration until December 18, 2017.

A motion was made by Council Member Ellis to approve Item 9.VII., seconded by Council Member Moore, and the motion passed with the following vote: Gomez, Abrego, Ellis and Moore voting Aye; Scruggs was absent.

10. FINANCE:

There were no Finance items.

11. INFORMATION TECHNOLOGY:

There were no Information Technology items.

12. PUBLIC SAFETY:

There were no Public Safety items.

13. CITY COUNCIL OR STAFF ANNOUNCEMENT:

Mr. Edwards informed the Council that he is suggesting Council Work Sessions on alternate Monday's, when needed, preferably one work session a month. Council Member Abrego asked if these work sessions would be open to the public, and Mr. Edwards responded that they would be open to the public. The general consensus from the Council was that it was a good idea and to consider holding these sessions in the evening.

Katherine Comeaux, Superintendent of Development Services informed the Council that staff is working on streamlining the permitting, inspection and plan review process for pre-development and development projects to make more efficient. She added they hope to have this process ready to bring to Council by February for approval. Ms. Comeaux also added that they plan to bring codes for adoption in January.

13. CITIZEN COMMENTS:

Dr. Laura Pagott, asked about the process to have a permit revoked due to no consideration given to residents in the area.

14. EXECUTIVE SESSION:

There were no Executive Session items.

15. ADJOURNMENT

There being no further business to come before the Council, Mayor Gomez adjourned the meeting at 7:10 pm.

Ramiro Gomez
Mayor

Mary Juarez
City Secretary

Approved on: _____