

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

A Special Meeting of the Aransas Pass City Council was held on Monday, January 22, 2018 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, Janet Moore and Carrie Scruggs were present. 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 and/or Proclamations.

4. BOARD AND COMMISSION APPOINTMENTS:

There were no Board Appointment items.

5. CONSENT AGENDA:

5.I. Approval of January 2, 2018 Regular Meeting Minutes.

5.II. Extending the Disaster Declaration issued by the Mayor on August 25, 2017 in response to Hurricane Harvey and extend this Declaration until the February 22, 2018 Regular City Council Meeting.

5.III. Resolution No. 2018-844 approving Tax Resale Property, Suit No. S-13-1-38-TX, Tract No. 3, Lot 1, Block 274, Town of Aransas Pass, San Patricio County, Texas, located on N. 9th Street.

5.IV. Resolution No. 2018-845 approving Tax Resale Property, Suit No. S-13-1038-TX, Tract No. 4, Lot 11, Block 274, Town of Aransas Pass, San Patricio County, Texas, located on N. 8th Street.

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

6. PUBLIC HEARING:

There were no Public Hearings.

7. CITY MANAGER

7.I. Consider and Act on approving Resolution No. 2018-846 authorizing Hurricane Harvey Temporary Housing Removal and Placement Policies.

Gary Edwards, City Manager stated that the purpose of the proposed policy is to ensure that temporary housing as a result of Hurricane Harvey does not become permanent housing.

Council Member Moore asked that one of the requirements listed for Commercial Structures states that a permit must be issued in advance of placement and may be subject to additional conditions, and utility connections will require separate permits and approval and asked why this requirement is not required for residential structures. Ms. Katherine Comeaux, Superintendent of Development Services stated that it is not necessary for RVs outside of the FEMA program to obtain temporary permits. She added that the resolution that expires in three days removed the requirements for conditional use permit. Ms. Comeaux stated that so far, two RVs and 3 Manufactured Homes Units have been permitted through the FEMA program.

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

7.II. Consider and Act on designating a Council Member to Serve on the City's Webpage Committee.

Mr. Edwards stated that the City is due for a free re-design of the City's Website and will be creating a committee to provide input in the re-development of the website. He stated that the purpose of this item is to designate a council member to serve on the committee.

A motion was made by Council Member Moore designating Mayor Pro Tem Scruggs to serve on the City's Webpage Committee, seconded by Council Member Ellis, and the motion passed with the following vote: Gomez, Abrego, Ellis, Moore and Scruggs voting Aye.

7.III. Consider and Act on awarding Request for Proposals for Harbor Lease at 520 Bigelow (formerly known as Diamond Marine).

Mr. Edwards stated that a request for proposals was issued for a Harbor Lease at 520 Bigelow, and one proposal was received from The Chandler Project. He added that the proposal is favorable, but would need to discuss negotiations as it relates to the financial aspect at a later council meeting.

Council Member Moore stated that she recalls a similar proposal a couple of years ago as a marina type proposal and supports the proposal. Mr. Chandler stated that his objective is a marina, but would need to obtain additional harbor frontage, but currently there is not enough space.

Council Member Moore made a motion to approve Item 7.III to award the Harbor Lease proposal to Justin Chandler with the understanding that financial discussions will come in the future, seconded by Mayor Pro Tem Scruggs, and the motion passed with the following vote: Gomez, Abrego, Ellis, Moore and Scruggs voting Aye.

7.IV. Consider and Act on the issuance of a Request for Proposals for Reimbursable Expertise related to FEMA Public Assistance.

Mr. Edwards stated that this item is for the issuance of a request for proposals for expertise related to FEMA public assistance. He added that with the day to day operations of the City, it has become apparent to city staff that assistance is needed to ensure that we are not overlooking storm damage assistance available to cities.

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

8. COMMUNITY ENRICHMENT:

There were no Community Enrichment Items.

9. DEVELOPMENT SERVICES:

9.I. Consider and Act on approving an agreement with LNV Engineers to complete Design and Preparation of a Request for Proposals for Rhodes/Beasley Water and Wastewater Project.

Mr. Edwards stated that this item is Phase 2 of the Bond Project extending utilities to Rhodes and Beasley, and will include a new lift station to be located near Avenue A.

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

9.II. Consider and Act on the issuance of a Request for Proposals for Roof Repairs at City Hall/Police Department.

Mr. Edwards stated that this is for the issuance of an RFP for roof repairs to City Hall and the Police Departments and that the City is working with FEMA.

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

9.III. TABLED

Consider and Act on amending the City of Aransas Pass Code of Ordinances, Chapter 5, Building and Construction, Article I – In General, Section 5-2, Amendments and Modifications of Building Code, amending requirements for Contractors who register with the City of Aransas Pass Building Department.

Katherine Comeaux, Superintendent of Development Services stated that item addresses the following issues: 1) require contractors to provide proof of liability insurance, 2) replace the license fee with a contractor registration fee, 3) clarify contractor registration exemption for homeowners, 4) amend the time period of contractor registration, and 5) adds state licensed electricians to list of contractors exempt from a registration fee.

A discussion ensued regarding the impact the liability insurance will have on general contractors; cost to citizens for minor and small repairs; assurance that once proof of liability insurance is provide to City that it will not be canceled; how many small contractors are registered with the city, and the requirements for plumbers and air conditioning. Ms. Comeaux discussed recent scams in the city.

A motion was made by Council Member Abrego to table Item 9.III., allowing staff to research the fee impact to the citizens, seconded by Council Member Moore, and the motion passed with the following vote: Abrego, Ellis, Moore and Scruggs voting Aye; Gomez abstained.

9.IV. TABLED

Consider and Act on request from Mary Ann Heimann for a variance on Floodplain Regulations.

Katherine Comeaux, Superintendent of Development Services stated that Ms. Mary Ann Heimann is requesting a variance from the requirements of Floodplain Regulations for property at 1950 Highway 361, South May Marina which was damaged by Hurricane Harvey. Ms. Comeaux added that FEMA regulations state that if you are in a special flood hazard zone and building is damaged more than 50%, in order to be permitted to rebuild or repair they must comply with code requirements as far as flood plain regulations set by the City and the NFIP. Ms. Comeaux stated that the slab was completely taken off by Hurricane Harvey, and under FEMA regulations it is considered 100% loss.

Ms. Comeaux stated that where the property is located it would require elevation of five (5) feet in order to meet the free board requirements, and that FEMA allows for dry flood proofing for commercial business but would only certify up to three (3) feet. She stated that NFIP does allow for the City to grant a variance, but due to audit concerns, staff recommends following federal policies. She further stated that FEMA does consider engineering practices to supersede the regulations, and if a variance is granted, staff would request that engineered plans be required showing that dry flood proofing would not increase the hazard and the Engineer accept the liability. Ms. Comeaux expressed concern that if the City were to be audited it could affect the NFIP community rating.

Mayor Gomez asked how much height does the building need to be raised, and Ms. Comeaux responded that the top of the slab is approximately four (4) feet above sea level, and the foot is matched to the base flood elevation level at eight (8) feet. She stated that the City's ordinance requires free boarding at an additional foot; therefore, it would have to be elevated to nine (9) feet, and since the concrete slab is currently at 4 feet, it would have to be elevated an additional five (5) feet for compliance. She added that they can dry flood proof only up to three feet, and the request is to dry flood proof for the additional 1.9 feet, but would require engineering plans to certify.

Ms. Heiman stated that the building has a 12 x 10 opening, three windows in the back side, a double door on the front side, and two windows in the front of the building, and that no flooding occurred as a result of the storm and was all wind damage. She further stated that to get the building back up, five feet is not a problem and can be engineered through her Engineer, but to raise it up five feet means she would have to dig four feet in the ground, and five feet above the ground and it is not economically.

After further discussion, Council Member Abrego made a motion to table Item 9.IV., pending the submission of an Engineering Certification until the next council meeting on February 5, 2018, seconded by Mayor Pro Tem Scruggs, and the motion passed with the following vote: Gomez, Abrego, Ellis, Moore and Scruggs voting Aye.

10. FINANCE:

10.I. Financial Report for the month ending December 31, 2017.

Sandra Garcia, Director of Finance referred to an expenditure graph depicting budgeted versus actual expenses, and overall departments are below the budgeted amount. She then referred to revenues and added that most departments are above, with the exception of the Water Department not collecting what was anticipated; the Civic Center closed for repairs, and the Aquatic Center has not opened for the season. She stated that sales tax is slowing increasing and anticipates the growth in the sales tax progress.

10.II. First Quarter FY 2017-2018 Investment Report.

Ms. Garcia provided the First Quarter Investment Report stating that 29% was invested at Prosperity Bank, 29% in TexPool, and 42% in Texas Class. Overall, for the quarter \$9.6 million was available for investment and earned \$22,053 in interest for the quarter, with a return on investment of .91%, and the 3-month Treasury Bill Benchmark was at 1.23%. She reported that Prosperity Bank provided sufficient collateral in the amount of \$4,451,972, and the City has \$1,304,083 in the bank.

11. **INFORMATION TECHNOLOGY:**

There were no Information Technology items.

12. **PUBLIC SAFETY:**

12.I. Presentation of Department Status for the month of December 2017.

Eric Blanchard, Police Department introduced the following three new employees in the Police Department: Alvin Luker, Officer; Dee Simpson, Dispatcher; and Troy Poe, Officer. He then reported the highlights for the CID Division, Patrol Division and discussed the following statistics: accidents, traffic stops, assault report, burglary, criminal mischief, death investigation, fraud, theft and theft motor vehicle for the month of December 2017. He added that the report will be posted on the City's website.

12.II. Presentation of 2017 Racial Profiling Report.

Mr. Blanchard, Police Chief stated that the police department is required to report traffic stops where a citation or arrest were issued. He added that the police department did not receive any racial profiling complaints, and they are meeting all the criteria for policy and state law. He added that the report will be posted on the City's website.

13. **CITY COUNCIL AND STAFF ANNOUNCEMENT:**

Mr. Edwards reported that the next Council Workshop Meeting is scheduled for February 13th and will include the following topics for discussion: Credit Card Fee, Camping Permits, Comprehensive Plan and an update on the Harrison Boulevard Extension.

14. **CITIZEN COMMENTS:**

There were no Citizen Comments.

15. **EXECUTIVE SESSION:**

The meeting was recessed into Executive Session at 7:05 pm under the provisions of Section 551, Texas Government Code to discuss the authority of:

1. Section 551.071, Real Estate Matters: Conn Brown Harbor.

2. Section 551.072, Consultation with City Attorney: Kohootz, LLC.

The Council returned from Executive Session at 7:54 pm.

1. Section 551.071, Real Estate Matters: Conn Brown Harbor.

Mayor Gomez announced that no action would be taken on this item.

2. Section 551.071, Consultation with City Attorney: Kohootz, LLC.

Council Member Ellis made a motion to approve the voluntary termination of the Harbor Lease with Gary Bridges, Kohootz, LLC and to authorize the Harbor Master to issue a Request for Proposals for the property, seconded by Council Member Moore, and the motion passed with the following vote: Gomez, Abrego, Ellis, Moore and Scruggs voting Aye.

16. ADJOURNMENT

There being no further business to come before the Council, Mayor Gomez adjourned the meeting at 7:55 pm.

Ramiro Gomez
Mayor

Mary Juarez
City Secretary

Approved on: _____