

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, February 5, 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 Minutes for the Workshop Meeting of January 8, 2018 and Regular Meeting of January 22, 2018.

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

6. PUBLIC HEARING:

- 6.I. Public hearing to allow comments on the City's Pending Decision regarding Application for a Disaster Relief Grant to the Texas Department of Agriculture.

The public hearing was declared open. Betty Collier, GrantWorks stated that this public hearing is the next step in the application process to apply for grant matching funds for the Water Tower project. Ms. Collier added that the City has received approximately \$2 million in grants funds over the last twelve years, but this is the first time for a disaster relief grant. She added that the Texas Department of Agriculture Disaster Relief Fund allows cities to apply for grants to cover the match for FEMA related projects. Ms. Collier stated that at the next meeting she will have a Resolution for council approval authorizing the application and the total funding amount.

There were no comments from the audience. The public hearing was declared closed.

7. CITY MANAGER

7.I. Consider and Act on approving the Proposal submitted by LNV Engineers for an Environmental Site Assessment of the Former Coastline Resources Facility.

Mr. Edwards stated the next three items relate to remediation issues at Conn Brown Harbor.

He stated that this item is for an environmental site assessment for the Former Coastline Resources Facility. He referred to a map depicting the area and the steps being taken to remediate this property and stated that the City has consulted with the Texas General Land Office and the Texas Commission on Environmental Quality on these three remediation issues.

Council Member Abrego inquired on the costs for the remediation, and Mr. Edwards stated that the minimum is approximately \$200,000 for all three sites and anticipates the costs could be higher. Mr. Edwards stated that he and the Finance Director have worked out a funding plan for these projects.

Mayor Gomez asked what work will be done and Ms. Amy Hesseltine, LNV Engineering stated that the JBS site has contamination in the soil and will require remediation of the soil and backfilled with clean soil; however, the other two sites will not have soil removed. Mayor Pro Tem Scruggs asked how much soil will be removed, and Ms. Hesseltine stated approximately 500 cubic yards.

A motion was made by Council Member Moore 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 approving the Proposal submitted by LNV Engineers for Assessment of the Gulf King Site.

Mr. Edwards stated that the purpose of this item is for LNV Engineers to determine the current state of the Gulf King site and referred to a map depicting the affected area. He stated that following the investigation, proposals may be necessary to remediate the site toward closure of this matter.

Council Member Abrego asked if there was any paperwork from Naismith for the work they had performed, and Ms. Hesseltine stated that they have some old assessment documents but never completed; and monitoring wells that were placed are no longer at the site, and will need to assess to place new monitoring wells.

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

7.III. Consider and Act on approving the Proposal submitted by LNV Engineers for the Implementation of corrective Action Plan for the JBS Shrimp Company Site.

Mr. Edwards stated that the purpose of this item to expedite the closure of the JBS Shrimp Company, and then referred to a map depicting the affected area. He added that he anticipates an increase in the costs as they move forward with the required work that needs to be done.

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

- 7.IV. Consider and Act on approving Resolution No. 2018-847 Manifesting a lease agreement between the City of Aransas Pass and the John Weibel Post No. 2932 Veterans of Foreign Wars of the United States for use of city property.

Mr. Edwards stated that this item is for the renewal of the lease with the VFW Post 2932 for use of city property for a twenty-year period, with the lessee paying City \$20 at a rate of \$1.00 for each year for rent. Mr. Edwards added that the agreement states that they will maintain the property clean as part of the agreement.

Council Member Moore asked about the condition of the building, and Mayor Gomez stated he is aware that work had been done to the roof and will also paint. Council Member Abrego asked if the building had been assessed for any damage, and Mr. Edwards stated that the VFW is responsible for maintaining the building. Mayor Pro Tem Scruggs asked if the VFW carries liability insurance, and City Attorney Lawrence stated the agreement requires they provide liability insurance and it was confirmed that they had submitted the liability insurance.

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.

- 7.V. Consider and Act on request from Helen Smith to waive the penalty and interest for Weed Lot Liens for property located at the 100 Block of S. 10th Street, Lots 12 and 13, Aransas Pass, Texas.

Mr. Edwards stated that Ms. Smith is asking that the Council consider waiving the penalty and interest for five weed lot liens. He stated that the total amount of penalty and interest is \$1,403.23, and the amount of the actual liens is \$1,250.75. Mr. Edwards added that there are no structures on the property and once the liens have been resolved, Ms. Smith plans to sell the property.

Council Member Moore asked for clarification that Ms. Smith is asking that only the interest amount be waived, and has agreed to pay the original amount of the weed lot liens totaling \$1,250.75, and Mr. Edwards stated that this correct.

A motion as made by Council Member Abrego to waive the penalty and interest only, seconded by Mayor Pro Tem Scruggs, and the motion passed with the following vote: Gomez, Abrego, Ellis, Moore and Scruggs voting Aye.

- 7.VI. Consider and Act on approving Resolution No. 2018-848 ordering an election to be held in the City of Aransas pass on May 5, 2018 for the purpose of electing Council Members to Places 2 and 4 of the City Council; authorizing a joint agreement with San Patricio County Elections Administrator for the conduct of the election; providing for procedures for holding such election; providing for Notice of Election and Publication; providing for establishment of Early Voting Polling Place and designating Election Day Polling Place location; providing a severability clause; and providing an effective date.

Mr. Edwards stated that the purpose of this item is to order the General Election to be held on May 5, 2018 for Council Places 2 and 4.

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

7.VII. Consider and Act on Resolution No. 2018-849 approving Capital Improvement Plan Policy.

Mr. Edwards explained that this policy is part of the implementation of ongoing financial policies as mandated by the City Charter.

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

7.VIII. Consider and Act on the issuance of a Request for Proposals for Shrimporee Grounds Lighting.

Mr. Edwards stated that the purpose of this item to for approval to issue a request for proposals for lighting at the Shrimporee Grounds in the event it is necessary. He stated that the lighting was damaged during the storm and the approximate amount to repair the lighting is \$200,000, which is reimbursable through FEMA.

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

7.IX. Consider and Act on designating a Council Member to serve on the Public Assistance FEMA Selection Committee.

Mr. Edward stated he is in the process of finalizing the RFP for FEMA Public Assistance and one of the requirements is that an elected official serve on the Selection Committee.

A motion was made by Council Member Ellis nominating Mayor Pro Tem Carrie Scruggs to serve on the Selection Committee, seconded by Council Member Moore, 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:

Mr. Edwards stated that Ms. Heimann contacted the office today and stated that due to health reason she is requesting that the Council consider postponing until the next council meeting on February 19, 2018.

A motion was made by Mayor Pro Tem Scruggs that Items 9.I. and 9.II. be postponed until February 19, 2018, seconded by Council Member Ellis, and the motion passed with the following vote: Gomez, Abrego, Ellis, Moore and Scruggs voting Aye.

9.I. POSTPONED until February 19, 2018

Presentation on National Flood Insurance Program (NFIP) Policy on Floodplain Regulations.

- 9.II. POSTPONED until February 19, 2018
Consider and Act on request from Mary Ann Heimann for a variance on Floodplain Regulations. (Tabled — January 22, 2018)

10. FINANCE:

There were no Finance items.

11. INFORMATION TECHNOLOGY:

There were no Information Technology items.

12. PUBLIC SAFETY:

- 12.I. Consider and Act on approving the Chief of Police to donate two surplused, unused Dell computers to the City of Sinton Police Department.

Stephanie Diaz, Police Department stated that the City of Sinton Police Department is in need of two computers for their Patrol Department, and that the Aransas Pass Police Department has two surplused computers that can be temporarily loaned to the City of Sinton.

A motion was made by Council Member Abrego to approve Item 12.I, seconded by Mayor Pro Tem Scruggs, and the motion passed with the following vote: Gomez, Abrego, Ellis, Moore and Scruggs voting Aye.

- 12.II. Consider and Act on the issuance of a Request for Proposals for Public Safety Structure on the Shrimporee Grounds.

Stephanie Diaz, Police Department stated this is for the issuance of an RFP for a safety structure on the Shrimporee Grounds to repair or rebuild.

Council Member Moore asked if the City is responsible for the rebuilding of the structure, and Katherine Comeaux, Superintendent of Development Services/EOC responded that this project is on the damage inventory list and the purpose of the request for proposals is to determine whether it is cost effective to demolish or repair.

A motion was made by Council Member Abrego to approve Item 12.II, seconded by Council Member Moore, and the motion passed with the following vote: Gomez, Abrego, Ellis, Moore and Scruggs voting Aye.

- 12.III. Presentation of Annual Public Safety Report for 2017.

Stephanie Diaz, Police Department provided the Council with a review of the 2017 Public Safety Annual Report and stated that the report would also be posted on the City's website. Ms. Diaz discussed calls and event for Communications, Fire/EMS and Police department; Tickets and Arrest; Criminal Investigations, Stolen/Recovered Property; Narcotics Seized; Open Records Requests, Asset Forfeiture; Training; and Online Activity. Ms. Diaz also discussed the division highlights for 2017 and the Annual Use of Force Report.

13. CITY COUNCIL AND STAFF ANNOUNCEMENT:

Henri Morales, Municipal Court Judge announced that the City of Aransas Pass will be participating in the Texas Warrant Roundup. She added that the amnesty period begins February 9, 2018 and goes until February 23, 2018, and encouraged citizens with outstanding warrants to come in during this period to make arrangements. She reiterated that they will not be arrested and in some cases fees will be waived based on the amount owed.

City Manager Edwards stated that the next Workshop Session is scheduled for Tuesday, February 13, 2018.

14. CITIZEN COMMENTS:

Roy Dubois, 1630 Palm Drive commented on the ongoing construction of the 10 foot wide sidewalk project on the back alley and the placement of the barricades. He also commented on the route the high school students will now take as a result of the sidewalk, and asked the Council to consider suspending the project and prepare the road to support vehicular traffic.

Art Owen, 1414 Palm Drive stated he is concerned with the sidewalk project and that it will eliminate access to the back of his property. He added that he has an RV and is concerned he will not have access, and other residents may not be able to access their garages either. Mr. Owen also stated he has drainage concerns.

Carol Salinas, commented on the sidewalk project and stated she recalls that when council considered the project, there were several citizens that spoke against the project because they didn't understand the purpose and the layout.

Ron Pearson, 1330 Palm Drive stated he has concerns with the project; the height may create a dam, and the environmental impact and asked the Council to reconsider the project.

Chris De Los Santos, 1622 Palm Drive, commented on the sidewalk project and spoke of concerns with the alley access, and that emergency and utility services would also not be accessible and asked the council to postpone the project to address these concerns.

Rod Spivey, 404 S. Avenue A, commented on the street lines and walkways for the high school students and asked the council to make the corner safer for the students and to better control the traffic.

Tamiko Exford, FEMA Representative spoke and stated that the transitional sheltering program has been extended until March 12th, and that citizens affected by the storm can appeal for the assistance program if there were extenuating circumstances to get the assistance they need, or they can visit the closest Disaster Recovery Center.

15. EXECUTIVE SESSION:

The meeting was recessed into Executive Session at 7:00 pm under the provisions of Section 551, Texas Government Code to discuss the authority of:

1. Section 551.071, Consultation with City Attorney: Industrial District Agreement – P&R Development, LLC.
2. Section 551.071, Consultation with City Attorney: Industrial District Agreement – Dagger Island Partners, Ltd.
3. Section 551.071, Consultation with City Attorney: Harbor Lease – Pirate Towing & Salvage.
4. Section 551.071, Consultation with City Attorney: Harbor Lease – Chandler Project.

The Council returned from Executive Session at 8:09 pm.

1. Section 551.071, Consultation with City Attorney: Industrial District Agreement – P&R Development, LLC.

A motion was made by Council Member Ellis to accept the request to extend the Industrial District Agreement payment for P&R Development, LLC until July 31, 2018, with such payment subject to 12% penalty beginning February 1, 2018, seconded by Council Member Moore, and the motion passed with the following vote: Gomez, Abrego, Ellis, Moore and Scruggs voting Aye.

2. Section 551.071, Consultation with City Attorney: Industrial District Agreement – Dagger Island Partners, Ltd.

A motion was made by Council Member Ellis to accept the request to extend the Industrial District Agreement payment for Dagger Island Partners, Ltd. until July 31, 2018, with such payment subject to 12% penalty beginning February 1, 2018, seconded by Council Member Moore, and the motion passed with the following vote: Gomez, Abrego, Ellis, Moore and Scruggs voting Aye.

3. Section 551.071, Consultation with City Attorney: Harbor Lease – Pirate Towing & Salvage.

A motion was made by Council Member Ellis to terminate the lease with Pirate Towing & Salvage and give ten days to vacate the property, seconded by Council Member Moore, and the motion passed with the following vote: Gomez, Abrego, Ellis, Moore and Scruggs voting Aye.

4. Section 551.071, Consultation with City Attorney: Harbor Lease – Chandler Project.

A motion was made by Council Member Ellis to accept the offer from Joseph Chandler subject to the agreement as to project phases, seconded by Council Member Abrego, 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 8:11 pm.

Ramiro Gomez
Mayor

Mary Juarez
City Secretary

Approved on: _____