

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 19, 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:

4.I. Memorial Commission

Mayor Gomez recommended the reappointments of Patty Gilden, Manuel Buentello and Aileen Jones, and a motion was made by Council Member Ellis to concur with the reappointments, seconded by Council Member Moore, and the motion passed with the following vote: Gomez, Abrego, Ellis, Moore and Scruggs voting Aye.

4.II. Zoning Board of Adjustment

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

5. CONSENT AGENDA:

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

5.II. Approval of February 5, 2018 Regular Meeting Minutes.

City Manager Edwards stated that a correction needs to be made to Item 5.1 to reflect that the Disaster Declaration is being extended until March 5, 2018. A motion was made by Council Member Ellis to approve the Consent Agenda, Items 5.I as amended and 5.II, seconded by Council Member Moore, and the motion passed with the following vote: Gomez, Abrego, Ellis, Moore and Scruggs voting Aye.

6. PUBLIC HEARING:

- 6.I. Public hearing on the request from Kevin and Samantha Simon for a Conditional Use Permit to operate a Bar, Dueling Pistols at 157 S. Commercial Street in a General Business District.

City Attorney Lawrence declared the public hearing open for renewal of Conditional Use Permit for Kevin and Samantha Simon to operate Dueling Pistols Bar at 157 S. Commercial. Mr. Lawrence stated that there have been no enforcement issues and they are in good standing with the city, and that the Planning and Zoning Commission recommended approval of the conditional use permit.

Ms. Simon stated they are moving Dueling Pistols Bar to 157 S. Commercial and that this location has a concrete parking lot and adequate parking.

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

- 6.II. Consider and Act on Ordinance No. 2018-4207 granting a Conditional Use Permit to Kevin and Samantha Simon to operate a Bar at 157 S. Commercial, being Lots 13, 14, 15 and 16, Block 548, Aransas Pass, San Patricio, Texas, subject to conditions set forth herein.

A motion was made Council Member Ellis to approve the Conditional Use Permit subject to the conditions, seconded by Mayor Pro Tem Scruggs, and the motion passed with the following vote: Gomez, Abrego, Ellis, Moore and Scruggs voting Aye.

7. CITY MANAGER

- 7.I. Consider and Act on Resolution No. 2018-850 authorizing the submission of a Grant Application to the Texas Department of Agriculture – Disaster Relief Fund and authorizing the Mayor as the City’s Chief Executive Officer and authorized Representative for all matters pertaining to the participation in this program.

Mr. Edwards stated that the purpose of this item is to apply for a grant to cover the City’s 10% of the cost for the water tower replacement.

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 request from Coastal Bend Woodcarvers, Inc. for HOT funds in the amount of \$9,000 for their Annual Wood Carving Show and Classes scheduled for February 2-8-2019.

Mr. Edwards stated that this relates to a request from the Coastal Bend Woodcarvers for HOT funds in the amount of \$9,000 for their annual Wood Carving Show in February 2019.

Mr. Jim Novotney, a representative from the Coastal Bend Woodcarvers stated that in the past this event has attracted approximately 1,000 attendees, and an estimated 250 attend classes for a five day period. He stated that about 50 local residents and winter Texans volunteer their time to help with the annual show and classes. Mr. Novotney discussed the 2019 budget which is approximately \$10,000 to cover rental cost, supplies, signs, trophies, advertisement, printing, judges and other miscellaneous costs. He stated that their supplies was stored in

their storage building and was damaged during Hurricane Harvey and this is the reason they are requesting assistance.

Mayor Pro Tem Scruggs asked if vendors pay an entry fee, and Mr. Novotney responded that there is \$30 fee per table for the three day show. Ms. Scruggs asked when is the event scheduled for, and Mr. Novotney responded February 2019.

Council Member Moore asked what can HOT funds be used for, and Mr. Edwards responded that it can be used for marketing.

A motion was made by Mayor Pro Tem Scruggs to award \$4,500 to the Coastal Bend Woodcarvers, seconded by Council Member Abrego, 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:

9.1. Presentation on National Flood Insurance Program Policy on Variance Floodplain Regulations.

Katherine Comeaux, Superintendent of Development Services introduced Jerry Fry, FEMA Representative and stated that he would address granting variances and the implications to the community.

Mr. Fry stated that FEMA does not recommend granting a variance because it opens the door to future requests. He stated that the procedure for granting a variance is on a half-acre or less as a result of two adjacent structures below base flood elevation. He pointed out that in this case it is a new construction because there is no existing structure there, and there are ways to flood proof this structure by placing on piers, post and pilings to a certain level and then dry flood proof, and requires that it be certified by an engineer.

Mr. Fry then referred to 60.6, Section 3 of the Code of Federal Regulations and stated that a variance should only be issued by a community upon 1) showing good and sufficient cause, 2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and 3) a determination that granting a variance will not result in increased flood heights, and additional threats to public safety, extraordinary public expense, create nuisances cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

Mr. Fry then referred to Section 59.24 of the Code of Federal Regulations stating that the City is looking to become part of the community rating system with NFIP and everyone with flood insurance receives a discount and when cities grant variances it becomes a red flag to the CRS Committee.

Council Member Abrego stated that Council was initially told that the applicant can obtain a certified engineering drawing how does this apply to the request, and Mr. Fry stated what is currently there is a slab less than one-half acre and the majority is under water so it may be necessary to contact the Army Corp of Engineers because of the proximity to the Bay but that is the applicant's responsibility.

He added that the elevation requirement is 9 feet, and can be elevated to 2 feet to reach six feet, then flood proof three feet which is allowable and would require that it be certified by an

engineer. Mr. Fry recommended not approving the variance because it can jeopardize the City's participation in the community rating system.

9.II. Consider and Act on request from Mary Ann Heimann for a Variance on Floodplain Regulations.

Ms. Comeaux stated that Ms. Heimann is hospitalized and not present. She stated that she spoke with Ms. Heimann and that she has not been able to get the engineering plans; however, she referred to Mr. Fry's comments regarding the options and that they are costly.

Council Member Moore stated Ms. Heimann would have to raise at a minimum of two feet, then place the building, and dry flood proof an additional three feet. Mr. Fry stated that his recommendation is to remove the structure out of harms way, and possibly prevent loss of life.

A motion was made by Council Member Abrego to deny the variance, 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 January 31, 2018.

Sandra Garcia, Director of Finance stated that expenditures for the month of January 2018 were \$2.4 million, and revenues were \$2.6 million. She reported that water sales are slightly down, and sales tax and property tax collection are up. She referred to the revenue graph and discussed the water revenue, and added that it shows a deficit due to a bond payment that was due in the amount of \$462,000. Ms. Garcia then referred to the expenditure graph stating they are in line and less than what was budgeted; and property tax collected is \$60,000 higher than this time last year. She then discussed the sales tax collected shows an increase of \$100,000 as compared to last year.

11. INFORMATION TECHNOLOGY:

There were no Information Technology items.

12. PUBLIC SAFETY:

12.I. Consider and Act on approving the City to hold an online auction through Rene Bates Auctioneers of old, broken, or no longer used City property; and if the property does not sale at Auction, staff may property dispose of it.

Stephanie Diaz, Police Department stated the purpose of this item is to request approval to hold an online auction to sell broken, old or no longer used city equipment, and items that do not sell is requesting approval to dispose of them properly. Ms. Diaz stated that an itemized list was provided to the council.

A motion was made by Council Member Ellis 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.

13. CITY COUNCIL AND STAFF ANNOUNCEMENT:

Mr. Edward stated that there is no council meeting scheduled on February 26, 2018.

14. CITIZEN COMMENTS:

Ron Pearson, a resident of Palm Drive, commented on the sidewalk project on Palm Drive and stated that the drainage issue has not yet been addressed.

David Coward, owner of Redfish Bay Cottages at 945 N. Commercial, spoke regarding the on-going issue with sewage backup in the area and odor affecting the cottages. He stated he is concern that this could cause problems with the rental of the cottages. He added that the City has come to clean out, but after a day or two, the sewage backup and odor returns and has been ongoing for over a month. He suggested that the City come up with a plan and a timeline to fix the problem. Mr. Edwards stated that staff will work on the issue immediately.

15. EXECUTIVE SESSION:

The meeting was recessed into Executive Session at 6:40 pm under the provisions of Section 551, Texas Government Code to discuss the authority of:

1. Section 551.074, Personnel Matters: City Attorney.

The Council returned from Executive Session at 7:00 pm.

1. Section 551.074, Personnel Matters: City Attorney.

A motion was made by Council Member Ellis to accept the resignation of City Attorney Lawrence effective April 30, 2018, and issue a Request for Qualifications to begin the process to hire a new City Attorney, 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 7:02 pm.

Ramiro Gomez
Mayor

Mary Juarez
City Secretary

Approved on: _____