

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, April 16, 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, and Janet Moore were present; Carrie Scruggs were 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:

3.I. Special Presentation to Allen Lawrence, City Attorney.

Gary Edwards, City Manager thanked Mr. Lawrence for his 47 years of service to the City of Aransas Pass and his accomplishments during his tenure and major contributions and presented him with a Plaque recognizing his service.

Mr. Lawrence stated that he served with many great Mayors and Council Members and it was a pleasure to serve and added that his heart is in Aransas Pass.

Ms. Roxann P. Cotroneo, the new City Attorney stated she has 23 years of experience, is eager and ready to begin her service in Aransas Pass and thank the Council for the appointment.

4. BOARD AND COMMISSION APPOINTMENTS:

4.I. Memorial Commission

Mr. Edwards stated that there is one vacancy on the Board due to the resignation of Jen Rubinowitz.

A motion was made by Council Member Abrego to appoint Mr. Tommy Knight, 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. Extending the Disaster Declaration issued on by the Mayor on August 25, 2017 in response to Hurricane Harvey and extend this Declaration until May 7, 2018 Regular City Council Meeting.

5.II. Approval of March 19, 2018 Regular Meeting, March 26, 2018 Special Meeting and April 2, 2018 Regular Meeting Minutes.

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

6. PUBLIC HEARING:

There were no Public Hearings.

7. CITY MANAGER

7.I. Consider and Act on authorizing the City Manager to apply for the Hazard Mitigation Grant.

Mr. Edwards stated that the City recently submitted Notice of Intent for five Hazard Mitigation grants for 29 generators, three storm water pumps, a permanent Emergency Operations Center, a second elevated water tower, and a citywide storm water drainage study, and that as of last Friday has received confirmation on all items, except the second water tower.

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, and Moore voting Aye; Scruggs was absent.

7.II. Consider and Act on Resolution No. 2018-856 accepting half of the Payment for the Abandonment of 30' of Right-of-Way along Saunders Street.

Mr. Edwards stated that this item is to accept half of the payment related to the abandonment of a 30' right-of-way along Saunders by Mr. Neill Amsler, and due to delayed action the city is sharing the cost.

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, and Moore voting Aye; Scruggs was absent.

7.III. Consider and Act on Resolution No. 2018-857 appointing Roxann Pais Cotroneo as City Attorney and approving Letter of Engagement setting terms and fees; and providing for an effective date of May 1, 2018.

Mr. Edwards stated that this is to confirm the appointment of Roxann Pais Cotroneo as City Attorney and approving the Letter of Engagement setting forth the terms and fees.

A motion was made by Council Member Ellis to approve Item 7.III., seconded by Council Member Moore, 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. Monthly Statistical Report for Permitting, Inspections and Planning – March 2018.

Katherine Comeaux, Superintendent of Development Services reported that they have issued a Certificate of Occupancy to Dollar Tree; the opening of Tim's In-and-Out and Little I's Snow Cones and Treats; issuance of a Conditional Use Permit to Dueling Pistols; and issued a Certificate of Occupancy for a new build home. She added that Stripes has obtained permits to begin work in June, and the Housing Authority has also obtained permits to being work on their housing units.

Ms. Comeaux stated that total permits issued for March 2018 is 135, an increase of 95% as compared to last year; and Total Revenue for March 2018 is \$32,397 an increase of 127.6% as compared to last year. She discussed the following upcoming events: AEP has received permits for the new service station; Moroles Art Company is moving their business to Aransas Pass from Rockport; streamlined the Code Enforcement for demolitions and abatements; and this week will meet with FEMA regarding the new Preliminary Maps.

9.II. Consider and Act on approving a Development Agreement with Priya Management, LP and Prayosha Construction, LLC for the extension of utilities.

Ms. Comeaux stated this item is to approve a Development Agreement with Motel 6. She added they have purchased the property next to the AEP Service Center on Wheeler and have begun moving dirt and will begin process for a friendly annexation. She added that the utility extension was included in the Tax Notes approved at the last council meeting.

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

9.III. Consider and Act on request from Mary Ann Heimann for a variance from the requirement of City of Aransas Pass Code of Ordinances, Article VIII – Flood Damage Prevention.

Ms. Comeaux stated that this item has come before the Council and they have reached a solution. She added that the Code of Federal Regulations allows for hardships based on functional dependency. She stated that this being a bait shop in which 95% of the bait is purchased as inventory is brought in by boat, it sells bait directly off the dock, a portion of the bait is caught by the owners at the business location, the developable land is less than half an acres, and the building would not increase the flooding in the area.

She added that Staff is confident that Engineer's result would satisfy the FEMA requirements. If a variance were to be granted for a functional dependency, that a study would need to be done to make sure there will be no increased flooding due to the placement of the bait shop.

A motion was made by Council Member Ellis to approve Item 9.III approving the variance for Mary Ann Heimann, seconded by Council Member Abrego, and the motion passed with the following vote: Gomez, Abrego, Ellis, and Moore; Scruggs was absent.

10. FINANCE:

10.I. Monthly Financial Report for March 2018.

Sandra Garcia, Director of Finance stated that the Water/Sewer Fund, Aquatics Center and Civic Center did not meet the 50% mark in revenues for the month of March, but added that the Aquatic Center is not open yet, and the Civic Center sustained extensive hurricane damage; and in the Water department the customers are slowly coming back, and year-to-date we are in good standing. She then referred to Expenditures and stated that there is a

decrease, with the exception of the Water and Sewer Fund had more expenditures than projected, but year-to-date in good standing.

Ms. Garcia then referred to Property Tax collected year-to-date is at \$69,410 an increase from this time last year; and Sales Tax collected is at \$213,875 an increase from this time last year.

10.II. Second Quarter FY2017-2018 Investment Report (January – March).

Ms. Garcia provided the Second Quarter Investment Report stating that 11% was invested at Prosperity Bank, 48% in TexPool, and 41% in Texas Class. Overall, for the quarter \$8.9 million was available for investment and earned \$29,050 in interest for the quarter, with a return on investment of 1.29%, and the 3-month Treasury Bill Benchmark yield 1.58%.

11. INFORMATION TECHNOLOGY:

There were no Information Technology items.

12. PUBLIC SAFETY:

12.I. Consider and Act on authorizing the Police Chief to purchase department cell phones and service from Verizon Wireless and Samsung for an upfront cost not to exceed \$20,000 and an annual cost just under \$35,000.

Mr. Blanchard stated that this item relates to the purchase of cell phones for an upfront cost not to exceed \$20,000 and an annual cost just under \$35,000, a savings of \$2,092.86 and paid through Federal Asset Forfeiture Funds.

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

12.II. Consider and Act on extending the contract with Texas A&M University to September 30, 2018 for the completion of their Body Camera Study of the Police Department.

Mr. Blanchard explained that this item is only to extend the contract with Texas A&M University until September 30, 2018 to complete the body camera study for the Police Department, and added that there is no additional cost.

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

12.III. Presentation of the March 2018 Public Safety Report.

Eric Blanchard, Police Department 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 March 2018. He added that the report will be posted on the City's website.

13. CITY COUNCIL AND STAFF ANNOUNCEMENT:

Mr. Edwards stated that a Special and Workshop Meeting is planned for April 23, 2018 at 6:00 pm.

14. CITIZEN COMMENTS:

Ms. Roxann Cotroneo, newly appointed City Attorney recognized and thanked the Fairfield Inn Hotel for welcoming her to stay at the hotel during her service as City Attorney.

Richard Gonzales, Spanish and Science Network informed the Council of the upcoming Adopt-a-Beach cleanup at Lighthouse Lakes, and asked for support to purchase T-shirt for the World Seagrass Day event.

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 551.071, Consultation with City Attorney: The Baitshack.
2. Section 551.071, Consultation with City Attorney: Falman Acres Lift Station.
3. Section 551.071, Consultation with City Attorney: Waivers related to Fire Protection.
4. Section 551.071, Consultation with City Attorney: Conn Brown Harbor
5. Section 551.071, Consultation with City Attorney: Gulf Marine Fabricators.

The Council returned from Executive Session at 7:45 pm.

1. Section 551.071, Consultation with City Attorney: The Baitshack.

City Attorney Lawrence stated that no action will be taken on Item No. 1.

2. Section 551.071, Consultation with City Attorney: Falman Acres Lift Station.

City Attorney Lawrence stated that no action will be taken on Item No. 2.

3. Section 551.071, Consultation with City Attorney: Waivers related to Fire Protection.

A motion was made by Council Member Ellis granting a waiver upon an Indemnity Agreement for the northside infrastructure loop of Moore, Gile and Young, seconded by Council Member Moore, and the motion passed with the following vote: Gomez, Abrego, Ellis and Moore voting Aye; Scruggs was absent.

4. Section 551.071, Consultation with City Attorney: Conn Brown Harbor

City Attorney Lawrence stated that no action will be taken on Item No. 4.

5. Section 551.071, Consultation with City Attorney: Gulf Marine Fabricators.

City Attorney Lawrence stated that no action will be taken on Item No. 5.

16. ADJOURNMENT

There being no further business to come before the Council, Mayor Gomez adjourned the meeting at 7:47 pm.

Ramiro Gomez
Mayor

Mary Juarez
City Secretary

Approved on: _____