

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, May 7, 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 Roxann Cotroneo.

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. BOARD AND COMMISSION APPOINTMENTS:

3.I. Certificates of Recognition for Dennis Peacock and Genie McLelland for their service to the Housing Authority of the City of Aransas Pass through March 31, 2018.

Mayor Gomez presented a Certificate of Recognition to Mr. Dennis Peacock and thanked him for his service on the Housing Authority. Ms. Genie McLelland was not present and asked that her Certificate of Recognition be mailed.

3.II. Discussion on Mayor's Appointment of Lupe Torres, Rudy Abrego and Vickie Torres to serve as Board Commissioners for a two-year term on the Housing Authority of City of Aransas Pass, Texas effective immediately and pursuant to the Texas Local Government Code, Chapter 392.

City Attorney Roxann Cotroneo reiterated on the recent Mayor's board appointments of Lupe Torres, Rudy and Vickie Torres for a two-year term and stated that no action is required.

3.III Presentation of Certificates of Appointment, swearing-in and Oaths of Office for newly appointed officials for the Housing Authority of the City of Aransas Pass, Texas: Lupe Torres, Board Commissioner; Rudy Abrego, Board Commissioner; and Vickie Torres, Board Commissioner.

Mayor Gomez presented Certificates of Appointment to Rudy Abrego, Lupe Torres and Vickie Torres to the Housing Authority, and the Swearing-in of the new members was conducted by City Secretary Mary Juarez.

4. PRESENTATIONS AND PROCLAMATIONS:

4.I. Swearing-In of Roxann Pais Cotroneo, City Attorney

The Oath of Office for the new City Attorney Roxanne Pais Cotroneo was conducted by City Secretary Mary Juarez.

4.II. Presentation of City Prosecutor Safety Program.

Ms. Cotroneo stated that as City Prosecutor she has developed a “City Prosecutor Safety Program”, and each month she will donate 40 to 50 children’s books to the City’s Library free of charge with a different topic each month. She added that the books are about traffic and neighborhood safety.

4.III. Proclamation designating the month of May 2018, as “Motorcycle Traffic Safety Awareness Month”

Mayor Gomez expressed the importance of motorcycle safety and declared the month of May 2018, as Motorcycle Traffic Safety Awareness Month.

4.IV. Presentation and filing of Annual Audit Report ending September 30, 2017 – Brenda McElwee, CPA.

Ms. McElwee stated that one of the purposes of an Audit is to make sure the financial report is readable by the people that invest in the City, and for issuance of bonds by Bond Counsel. She reported that she has verified accounts, balances are accurate, and that the City’s financial condition is fairly stated and reports are clean and issued an unmodified opinion. She discussed the following highlights following Hurricane Harvey: debt is being paid down at a rapid rate, cash position is good, and infrastructure is continuing to rebuilt, and overall has seen a lot of progress. She recognized Ms. Sandra Garcia, Director of Finance and added that she is one of the best finance director’s the City has had in a long time.

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 the June 4, 2018 Regular City Council Meeting.

5.II. Approval of April 16, 2018 Regular Meeting and April 23, 2018 Special Meeting Minutes.

A motion was made by Council Member Ellis to approve Items 5.I and 5.II, 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:

There were no Public Hearings.

7. CITY MANAGER

7.I. Consider and Act on awarding the Request for Proposals for Disaster Recovery Consulting Services.

Mr. Edwards stated that the purpose of these services will include working with the City as we go through the FEMA process, and the different areas that need FEMA financial support for repairs and recovery, and that contract is reimburseable by FEMA. He added that a Review Committee met and reviewed the RFPs that were received and recommending H2O Partners.

Eric Howard, H2O Partners added that a lot of the work has been done and that their role is to supplement the work that has already been done, apply for grants and have funds flowing and

provide the necessary expertise. He added that he will keep the City Manager informed on a monthly basis.

Council Member Moore stated that the home office for H2O is in Austin, Texas and asked if staff will be here locally, and Mr. Howard stated that staff will be in Aransas Pass as much as needed.

A motion was made by Council Member Moore to approve Item 7.I. to award the RFP to H2O Partners, seconded by Mayor Pro Tem Scruggs, and the motion passed with the following vote: Gomez, Abrego, Ellis, Moore and Scruggs voting Aye.

7.II. Consider and Act on approval for Request for Proposals for possible Grant Administration.

Mr. Edwards stated that the purpose of this RFP is for a backup proposal to be able to pursue other grant opportunities that may not be reimburseable by FEMA.

A motion was made by Council Member Abrego to approve Item 7.II, 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 Ordinance No.2018-4213 amending Chapter 2 – Boards, Commissions, Committees, etc. by adding Division 7 – Hotel Motel Tax Advisory Committee of the Code of Ordinances of the City of Aransas Pass, Texas, and providing an effective date.

Mr. Edwards stated that the Council previously discussed creating a Hotel Motel Tax Advisory Committee in a workshop meeting. He added that hotel motel funds are allocated to the AP Chamber of Commerce, and a certain amount of dollars remain in the City's budget and are available to organizations for events. He added that that process requires submitting an application and then submitted to Council for consideration by the council. Mr. Edwards stated that with the committee, the committee will first review the application process and conduct the investigated work and then submit a recommendation to Council for their consideration.

Council Member Moore stated that she would request that organizations show where and how dollars were spent, and Mr. Edwards responded that the reporting requirement will be part of the process.

A motion was made by Council Member Moore to approve Item. 7.III, 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 awarding the bids for repairs to the Fishing Pier at Harbor Point Park.

Chuck West, Harbor Master stated that bids for Fishing Pier repairs at Harbor Point Park were received, and staff recommends awarding to the low bidder, Dock Express in the amount of \$8,350.

Mayor Pro Tem Scruggs asked how long as Dock Express been in business, and Mr. West responded approximately 20 years. Council Member Ellis asked how long to complete the work, and Mr. West responded 3½ days from start to completion.

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

7.V. Consider and Act on Resolution No. 2018-858 of the City of Aransas Pass, Texas finding that AEP Texas Inc.'s application to amend its Distribution Cost Recovery Factors to increase Distribution Rates within the City should be denied; finding that the city's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the Company and Legal Counsel.

Ms. Cotroneo stated that from time to time utility companies will increase rates and in preparation of the increased rate they are required to file an application with the Public Utility Commission (PUC) of Texas. She added that cities are then given an opportunity to protest the increase and collectively get together to hire the same law firm, Lloyd Gosselink Rochelle & Townsend, PC to represent them to negotiate the rate to be lower than the increased applied rate.

Ms. Cotroneo stated that AEP is seeking to increase the electric rate for the service area and has submitted their application to the PUC, and the law firm is asking if the City of Aransas Pass wants to be represented by them to try to negotiate the rate down. She stated that there is not a charge to the City, and the fee is paid by AEP.

Council Member Moore asked if there was a negative in the matter, and Ms. Cotroneo stated that she is recommending hiring Lloyd Gosselink Rochelle & Townsend, PC to present the City. She stated that if the City does not protest the rate, the City is subject to being charged the higher rate; and if we participate in the protest and they are successful in negotiating the rate down, the City will receive the lower rate, if we don't participate we risk being subject to the higher rate.

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

8. COMMUNITY ENRICHMENT:

8.I. Consider and Act on request from Aransas Pass Project Graduation for use of the Aquatic Center Swimming Pool to be held June 1, 2018.

Sarah Lee, Director of Community Enrichment stated that Project Graduation submitted a request for the use of the Aquatic Center for use of the pool on June 1, 2018 from midnight to 3:00 am. She stated that the cost to the City is included in the agenda memo but the only concern with this request is the lighting; it may not be operable at 100%, so there is an added expense for portable lighting to accommodate the request.

Ms. Cynthia Vasquez, AP Project Graduation stated that they are a non-profit organization and the request is for no more than 80 students, and also requested a Police Officer for security, and a financial donation.

Mayor Pro Tem Scruggs stated she is concern with the lighting issue, and Ms. Lee responded that the City has portable lighting but it has not yet been tested to ensure that it would provide enough lighting.

Council Member Abrego asked the cost to rent additional lighting, and Ms. Lee responded that the lights inside the Pool are operable and the portable lighting is to light the walkways and perimeter area but will need to ensure that it is sufficient lighting.

A motion was made by Mayor Pro Tem Scruggs to approve Item 8.I to allow use of the Pool and provide the Police Officer, seconded by Council Member Ellis, and the motion passed with the following vote: Gomez, Abrego, Ellis, Moore and Scruggs voting Aye.

Ms. Vasquez asked if the request for a financial donation can be placed at the next regular meeting, and Mr. Edwards stated that the City is faced with budget challenges and that the fund balance is not where the City needs to be.

9. DEVELOPMENT SERVICES:

9.I. Consider and Act on petition from Bruce Furlow to abandon a portion of No. Houston Street.

Katherine Comeaux, City Planner stated that Mr. Bruce Furlow submitted a petition to abandon a portion of No. Houston which is currently land lock; adding that when the adjoining portions of No. Houston were abandoned this portion was not included. She added that Mr. Furlow owns the lots surrounding the area and understands if the Council grants the petition, a title search will need to be conducted to determine if the council will sell, or revert the property to him as the adjoining landowner.

Mr. Furlow provided a map depicting the area and stated the property is located in the north-end of town at the corner of No. Commercial and Giles, indicating that the property has never been rendered for taxation. Mr. Furlow stated he owns 11 to 12 acres of property fronting along the highway and Giles Street and is contiguous to this property on 3½ sides and would become the natural owners if the property goes to ownership. He added that the interest for this property is for development and would pay for the property.

Ms. Comeaux stated that the action being requested is to consider the petition to abandon the property, in order to begin the process of public notice for sale of the property, and, if deed of conveyance determines that the property has to be sold at fair market value, or the possibility the property could revert to adjoining owners. She added that staff recommends approval.

Roy Vasquez, asked that the City make sure that this property has not abandoned in the past.

A motion was made by Mayor Pro Tem Scruggs 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 request from Grant Erickson for a variance on Floodplain Regulations at 420 Bigelow Street, Aransas Pass, Texas.

Ms. Comeaux stated that this is a request for a floodplain variance as a functional necessity, adding that the location would have functional dependency on its location in the water. She added that the elevation certificate shows that the top of the bottom floor is currently at 5.76 feet above mean sea level, and the BFE for this area is 8 feet and with the City's one-foot freeboard requirement, this puts the required elevation point at 9 feet, just a few inches short of the required FEMA certified of dry flood proofing.

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 Scruggs voting Aye; Moore abstained.

9.III. Consider and Act on approving Resolution No. 2018-859 supporting the Aransas County Navigation District's Request to annex the Aransas County Hazard Mitigation Plan.

Ms. Comeaux stated that the Council previously adopted the Aransas County Hazard Mitigation Plan and this amendment is to include the Aransas County Navigation District in order to be eligible for hazard mitigation grant funding through the State.

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

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 Police Chief to receive a transfer of Patrol Rifles from the Southern Methodist University Police Department.

Eric Blanchard, Police Chief stated that this item was tabled at the last meeting and he has provided additional information to Council. He added that this item would allow the Police Department to accept a donation from the Southern Methodist University Police Department to accept patrol rifles.

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

12.II. Consider and Act on approving the Fire Chief to receive a transfer of Laptop Computers from Gulf South Pipeline Company, LP.

Nathan Kelley, Fire Chief stated that the purpose of this item is to accept a donation of laptop computers from Gulf South Pipeline Company.

A motion was made by Council Member Ellis to approve Item 12.II, 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 OR STAFF ANNOUNCEMENT:

- Special and Workshop Meeting on May 14, 2018.
- City Clean-up Day on May 13, 2018.

Mr. Edwards stated that there is a need to hold a Special Council Meeting on May 14, 2018; and that the next City Clean-up Day is scheduled for Saturday, May 13, 2018.

Ms. Katherine Comeaux, City Planner announced that FEMA is hosting an Open House on May 16, 2018 at the Aransas Pass Civic Center from 2 pm to 7 pm.

14. CITIZEN COMMENT:

Maria Morales, resides on N. Whitney, commented that her neighbor has placed posts on both ends of the property, which she believes is in city property, and distributed photos to the Council showing where the poles were placed.

Steve Pham, Baitshack in Conn Brown Harbor, commented on the work that he has done to the seawall, which belongs to the City and stated he is unable to do the full repairs; also discussed the condition of the failing bulkhead. He also stated that after Hurricane Harvey the whole wall came down and his business is two feet in water, and needs assistance. Mr. Edwards stated City is working on this matter and would have a third independent party look into this matter.

Donald Brummett, commented on the flooding that occurs on McClung Street; and when the City has three inches of rain, that causes about 2 inches of water into his garage.

14. EXECUTIVE SESSION:

The meeting was recessed into Executive Session at 7:20 pm under the provisions of Section 551, Texas Government Code to discuss the authority of:

1. Section 551.071, Consultation with City Attorney: City of Aransas Pass vs. J.M. Davidson, Ltd. RLI Insurance Company, and Naismith Engineering, Cause No. S-14-6278CV-C in the 343rd Judicial District Court in San Patricio County, Texas.
2. Section 551.071, Consultation with City Attorney: Naismith Engineering, Inc. vs. Sylvia Carrillo and Adan Chapa, Cause No. 2014-CCV-60566-4 in Nueces County Court No. 4.
3. Section 551.071, Daniel Jimenez and Paul Harrison vs. City of Aransas Pass, Cause No. S-15-6059CV-C.
4. Section 551.071, Johnny Lee Davis vs. City of Aransas Pass, Eric Blanchard, Kyle Rhodes and Leo Martinez, Cause No. 13-17-00455-CV in the 13th District Court of Appeals of Texas.
5. Section 551.071, Natalia Lamas vs. City of Aransas Pass and Board of Adjustment of the City of Aransas Pass, Texas, Cause No. S-16-5735CV-C in the 343 Judicial District of San Patricio County, Texas
6. Section 551.071, Voluntary Annexation of Motel 6, 2705 W. Wheeler Ave., Aransas Pass, Texas
7. Section 551.071, Tax Abatement Agreement with Fairfield Inn & Suites by Marriott, 2679 Texas35 Business, Aransas Pass, Texas
8. Section 551.072, Deliberations regarding Real Property related to LWR.
9. Section 551.087, Deliberations regarding Economic Development Negotiations related to Conn Brown Harbor.

The council returned from Executive Session at 9:10pm.

Mayor Gomez announced that no action would be taken on the executive session items.

15. ADJOURNMENT

There being no further business to come before the Council, Mayor Gomez adjourned the meeting at 9:10 pm.

Ramiro Gomez
Mayor

Mary Juarez
City Secretary

Approved on: _____