

**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 18, 2019 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. PRESENTATIONS AND PROCLAMATIONS:

3.1. Recognition of Milagros Medina, Municipal Court Clerk for Completing Level 1 Certification for Municipal Court Clerk.

Henri Morales, Municipal Court Judge recognized Milagros "Milly" Medina for completing Level 1 Certification through the Texas Court Clerk Association and presented her with a Plaque. She further explained that Ms. Medina completed 1 of 3 certifications and explained the qualifications for the program.

4. BOARD APPOINTMENTS:

There were no board appointments.

5. CONSENT AGENDA:

5.1. Approval of Regular Meeting Minutes of January 22, 2019 and February 4, 2019.

A motion was made by Council Member Moore to approve Item 5.1, seconded by Council Member Scruggs, and the motion passed with the following vote: Gomez, Abrego, Ellis, Moore and Scruggs voting Aye.

6. PUBLIC HEARING:

6.1. Public hearing on Proposed Rezoning of Lot 1, Block 1, Triple 7 Subdivision from "GB" General Business District to "MH" Manufactured Home District.

Mayor Gomez declared the public hearing open. Miguel Saldaña, Interim City Planner stated that the applicant, Mark and Geraldine Marlow are requesting a zoning change from General Business "GB" to Manufactured Home "MH" to develop an RV park. He added that the property is located on the east side of No. Avenue A, and north of the Public Works yard. Mr. Saldaña commented that there is concern with having an RV park at the entrance to the city, and during the Planning and Zoning Commission hearing the applicant agreed to leave the front 300 feet zoned as GB and have the RV park at

the rear portion of the property, leaving the front portion of the property open for commercial development.

Mr. Saldaña stated that the Planning and Zoning Commission and staff recommend approval of the rezoning from GB to MH for the purposes of building an RV park, with the exception of the front 300 feet of the property. Council Member Moore asked if two different zonings are allowed in one piece of property and does it have to be re-platted, and Mr. Saldaña responded that a re-plat is only required when there are multiple owners.

A discussion ensued and council members asked questions regarding the traffic on the bypass, setback requirements, traffic in the area, and ingress and egress for future development. Council Member Abrego stated that there are too many questions and would like to postpone the item.

Mark Marlow, Applicant stated that the proposed RV park will be a first class RV park adding that an additional exit can be added. He stated that the concept of the park will include a water slide, splash pad, covered tennis courts, and pool. Mr. Edwards stated that if the City is being asked to help with the cost involving Lenora Street, it would be difficult for the city but there could be options.

Carol Salinas, Planning and Zoning Commission Member commented that the concerns that are being discussed at this meeting were also discussed at the Planning and Zoning meeting, but at this time, the only issue is the request for rezoning. The design, entrances, exits, size of parking pads need to be reviewed and revised.

There being no further comments, Mayor Gomez declared the public hearing closed.

6.II. Consider and Act on Ordinance No. 2019-4231 approving the rezoning of a portion of Lot 1, Block 1, Triple 7 Subdivision, San Patricio County, Texas, from "GB" General Business District to "MH" Manufactured Home District.

A motion was made by Council Member Scruggs to approve Item 6.II, excluding the west 300 feet of the property, seconded by Mayor Pro Tem Ellis, and the motion passed with the following vote: Gomez, Abrego, Ellis, Moore and Scruggs voting Aye.

6.III. Public hearing on Proposed Text Amendments to the City of Aransas Pass Zoning Ordinance, Part I, Section 10-200 – Schedule of Uses and Section 10-300 – Definition and Explanations Applicable to Use Schedule to define and designate Zoning Regulations for "Home Occupation," and "Conex Box as an Accessory Structure" land use within the Aransas Pass Zoning Ordinance.

Mayor Gomez declared the public hearing open. Mr. Saldaña stated that this text amendments references Home Occupation and Conex Box as an Accessory Structure that the home occupation amendment is not ready to move forward and will not be considered at today's meeting. He added that it is included in the public hearing because this is the way it was published.

Mr. Saldaña stated that recently, they have received request, especially after the Hurricane for the use of shipping containers as accessory structures, and there was no ordinance in place to permit them. He added that the commission reviewed the request and recommended approval to allow the shipping containers as accessory structures in Heavy Industrial District, Light Industrial District, Heavy Industrial District, and in General Business District subject to a conditional use permit. The commission did not recommend them in a residential district.

Council Member Moore asked if a certain piece of property located at the Harbor is in industrial district, and Mr. Saldaña stated he was not familiar with that property but would look into the matter. Council Member Moore asked if there was going to be a certain amount of time given to property owners who are not authorized to have a conex box, and Mr. Saldaña explained the process including allowing time to remove the box.

Council Member Abrego asked if a business applied for a Conditional Use Permit for a Conex Box with no plans to have a business but rather conduct business out of the Conex Box is this allowed, and Mr. Saldaña stated that a main use has to be at the location before they can have an accessory use. Mr. Saldaña added that in Port Aransas they are using shipping containers as businesses, and if they are bringing in shipping containers to be used as an office, they will need to meet the office requirements.

There being no further comments, Mayor Gomez declared the public hearing closed.

- 6.IV. Consider and Act on Ordinance No. 2019-4232 amending the Aransas Pass Zoning Ordinance, Part I, Section 10-300 – Definition and Explanation, to add Subsection 11.1 – Shipping Container Accessory Building; repealing all ordinances or parts of ordinances in conflict herewith; providing a severability clause; providing for inclusion in the code; providing for penalties.

Before the vote was taken on this item, Council Member Scruggs asked why General Business was included instead of only the industrial uses, and Mr. Saldaña stated that general business includes auto parts, Wal-Mart, HEB that require storage. Council Member Moore asked when the ordinance will become effective, and Mr. Saldaña responded upon publication which will occur next Wednesday.

A motion was made by Council Member Scruggs to approve Item 6.IV, seconded by Mayor Pro Tem Ellis, and the motion passed with the following vote: Gomez, Ellis, Moore and Scruggs voting Aye; Abrego voting No.

7. CITY MANAGER:

- 7.I. Consider and Act on approving Task Order 10 to the contract with LNV, Inc. for City Hall, Fire and Police Station Roof Replacement and Repairs in the amount of \$34,750.

Mr. Edwards stated that Task Order 10 relates to the design of the work for the repairs to the roof at City Hall, Police and Fire departments damaged by Hurricane Harvey. Council Member Scruggs asked if this was FEMA reimburseable, and Mr. Edwards responded it is 90% reimburseable.

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

- 7.II. Consider and Act on request from Spirit of Aransas Pass for Hotel Motel funds for Rock the Dock Boat Show 2019 in the amount of \$10,000 scheduled for May 3-5, 2019.

Mr. Edwards stated that the Hotel Motel Tax Committee met and reviewed the request for Rock the Dock in the amount of \$10,000 and recommended approval. Mr. Mike Moore stated that the funds are used to market the event.

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

7.III. Consider and Act on request from Spirit of Aransas Pass for Hotel Motel funds for Vets Fishing with Vets in the amount of \$10,000 scheduled for April 26-27, 2019.

Mr. Edwards stated that the Hotel Motel Tax Committee met and reviewed the request for Vets Fishing with Vets in the amount of \$10,000 and recommended approval.

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

8. **COMMUNITY ENRICHMENT:**

There were no Community Enrichment items.

9. **DEVELOPMENT SERVICES:**

9.I. Monthly Building Department Report – January 2019.

Burl Smith, Building Official provided the monthly department report for the month of January and discussed the permit volume, fees, work valuation, and comparison between January 2018 and January 2019, and the year to date permit volume. Mr. Smith stated he received plans today for the former Hawthorne Suites for Candlewood Suites.

10. **FINANCE:**

10.I. Monthly Financial Report – January 2019.

Mr. Edwards provided the monthly financial report in the absence of the Director of Finance. He stated that revenues did not meet projections for the month, however, expenditures were less than budgeted. He then discussed the Revenues – budgeted vs. actual, Expenditures – budgeted vs. actual and distributed a revised chart for Property Tax Collected. Mr. Edwards then discussed the Sales Tax Collected stating that sales tax has been down two months in a row and the third month numbers are in and they are down indicating a trend. However, after further review, the comparisons have been between 2019 and 2018, and 2018 is an anomaly year and when the numbers are compared to 2017 there is an increase of approximately \$18,463.00, and stated that future reports will also show the year 2017.

11. **INFORMATION TECHNOLOGY:**

There were no Information Technology items.

12. **PUBLIC SAFETY:**

12.I. Monthly Public Safety Report – January 2019.

Eric Blanchard, Director of Public Safety 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 vehicles for the month of January, and reported that for the department feedback they received 8 responses, 1 negative feedback. He then added that the report will be posted on the city's website.

12.II. Annual Public Safety Report – 2018.

Mr. Blanchard provided the council with a review of the 2018 Public Safety Annual Report and stated that the report would be posted on the city's website. He added that Type 1 crime are down for the third year and that total training hours for 2018 are 4,065. Mr. Blanchard then discussed the Use of Force Annual Report and the Tri County EMS Report and provided an update on the Body Cam Report.

12.III. Annual Fire Department Report – January 2019.

Nathan Kelley, Fire Chief, reported that in January 2019, the Fire Department responded to 50 calls, 5 of which were fire calls, and a total of 26 inspections, and 113 training hours. Mr. Kelley reported that the new brush truck is 90% complete.

13. CITY COUNCIL OR STAFF ANNOUNCEMENT:

Mr. Edwards announced that a Workshop Meeting is scheduled for February 25, 2019, and then provided a post update on the recent City Wide Clean Up.

14. CITIZEN COMMENT:

Steve Knight announced that he will be retiring from Tri-County EMS and thanked the council and citizens of Aransas Pass for their support.

Howard Gillespie, San Patricio County Commissioner provided an update on Senate Bill 2, relating to Ad Valorem Taxation.

14. EXECUTIVE SESSION:

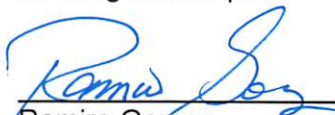
The meeting was recessed into Executive Session at 7:14 pm under the provisions of Section 551, Texas Government Code to discuss the authority of:

1. Section 551.074, Deliberate the appointment, employment evaluation, reassignment, duties, discipline or dismissal of a Public Officer of Employee – Municipal Court Judge.
2. Section 551.071, Conn Brown Harbor.
3. Section 551.071, Hal Jones Development.
4. Section 551.071, City of Aransas Pass vs. J.M. Davidson, Ltd., RLI Insurance Company, and Naismith Engineering, Cause No. S-14-6278-CV-C in the 343rd Judicial District Court in San Patricio County, Texas.


The council reconvened in open session at 8:06 pm. 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 8:07 pm.



Ramiro Gomez
Mayor



Mary Juarez
City Secretary

Approved on: 3/4/19