

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, July 11, 2016 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 Adan Chapa, and Council Members Vickie Abrego, Billy Ellis, and Carrie Scruggs were present; Council Member Phillip Hyatt was absent. Also present were City Manager Sylvia Carrillo and City Attorney Allen Lawrence.

1. CALL MEETING TO ORDER.

Mayor Chapa called the meeting to order at 7:00 pm.

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.

Mayor Chapa gave the Invocation and led the Pledge of Allegiance to the United States Flag.

3. PRESENTATION/PROCLAMATIONS:

3.1. Update on July 4th Event

City Manager Carrillo provided an update and stated that the 4th of July event is one of the larger events the City hosts and stated that this year the city had a new parking plan flow; high number of attendees; mobile food vendors did well, and congratulated the staff for the time they volunteered at the event. She did inform the council that the city will need to work on a better traffic exit pattern for future years.

4. BOARD AND COMMISSION APPOINTMENTS:

There were no board appointments.

5. APPROVAL OF MINUTES:

a. Approval of Regular Meeting Minutes of May 16, 2016 and June 6, 2016.

A motion was made by Council Member Hyatt to approve Item 5a, seconded by Mayor Pro Tem Ellis, and the motion carried.

6. CITIZEN COMMENTS:

Mayor Chapa referred to Citizen Comments.

Quincy Cooper, 605 W. Matlock, commented that City employee, John Silvas in Meter Reading was doing a great job with reading his water usage consumption; and added that he did not receive the report for two days. Ms. Carrillo stated that instead of a daily report, and that Mr. Cooper should expect to receive the report on a weekly basis.

Cynthia Vasquez, 1003 W. Rhodes, presented the Council with a Certificate of Appreciation for the funds donated to Project Graduation and thanked them for their support.

Terry Orf, 300 E. Beasley, commented on the language on the agenda item regarding the disannexation, he stated that this is an industrial district area and if consideration is given for a fence to keep the subdivision intact.

Judi Miller, 1500 W. Matlock, asked when construction will begin on the contract awarded to JJ Fox Construction (13th Street).

Daniel Jimenez, 140 N. Arch, commented on the Sherwood Forest Area Zoning and stated that proper zoning notice was not provided, and type of zoning being proposed for council's approval.

Ann Melton, 1940 S. Commercial, spoke in opposition to the de-annexation of Redfish Bay Terminal due to traffic concerns.

Jay Masterson, 120 Misty Lane, spoke on the following matters: 1) thanked the Police Department for the assistance that they provide, 2) commented on development and growth of the City but has concerns with replatting, and 3) concerned with the new utility billing system.

Paula Stone, 201 W. Rhodes, thanked Mr. Allen Lawrence for the work he has done on the Library ordinance.

Steve Hall, 2186 Hwy. 35, spoke of the building next door to his business and stated that large items such as, broken toilets, hot tub, trailer, etc. are blocking his business and expressed concern that it will lower the value of his property.

Oscar Medina, Ebert Street, spoke in support of keeping Ebert Street on the Street Improvement list.

Jerry Wellman, 1869 S. Saunders, stated that residents who reside inside the city limits should have paved streets, drainage, and not a septic tank.

City Manager Carrillo informed the Council about the following matters: that the Police Department has hired a new Police Officer, Jeremy Gates; a Thank You letter received for the assistance provided to the Torch Awards; the Bond Rating increase to AA; the Regional Coalition on Domestic Violence is scheduled for July 19; and the Council Retreat is scheduled for Saturday, July 23, 2016.

7. CONSENT AGENDA:

Mayor Chapa referred to Consent Agenda Items 7.I through 7.II.

7.I Ordinance No. 2016-4153 of the City of Aransas Pass, Texas, amending sections of Chapter 16, "Library" of the Code of Ordinances of the City of Aransas Pass, providing a repealer clause and, providing an effective date.

7.II Ordinance No. 2016-4154, disannexing 18.52 acres of land from the City of Aransas Pass, Texas, as described in the attached Exhibit A; amending the Industrial District Agreement by and between the City and Redfish Bay Terminal, Inc. by adding the disannexed 18.52 acres to such Industrial District Agreement; and, providing an effective date.

A motion was made by Council Member Hyatt to approve Items 7.I and 7.II, seconded by Mayor Pro Tem Ellis, and the motion carried.

8. PUBLIC HEARINGS:

Mayor Chapa referred to the Public Hearing items.

8.I Public hearing on a Text Amendment to Section 15, Non-Conforming Uses by adding a Time Frame for Discontinued Non-Conforming Uses.

City Attorney Lawrence declared the public hearing open on the Text Amendment regarding Non-Conforming Uses and stated that the Planning and Zoning Commission recommend approval.

Miguel Saldana, Director of Development Services discussed the proposed changes in the ordinance and stated that the ordinance is modified to allow existing nonconforming owner occupied manufactured homes to be able to replace their manufactured homes, and proposed a twelve-month time limit for requiring an inspection for a non-conforming structure if it has been vacated; and the owners if gone for twelve months and the facility is in good condition and meets building code they can continue to use the non-conforming structure. He added that in the last section of the ordinance, an owner-occupied manufactured home can be replaced by the owner, and that the Planning and Zoning Commission is recommending to change to 7 years, and not the 10 years as it is shown on the ordinance.

Daniel Jimenez, 140 N. Arch, spoke in support of the text amendment.

City Attorney Lawrence declared the public hearing closed.

8.II. Consider and Act on Ordinance to amend Section 15, Non-Conforming Uses by adding a Time Frame for Discontinued Non-Conforming Uses; providing for a repealer clause and an effective date.

City Manager Carrillo stated that if the Council concurs with reference to the manufactured home timeframe be changed from 10 years to 7 years, the motion would need to reflect this change.

A motion was made by Council Member Abrego to approve Item 8.II, and to approve Section 150 by adding the timeframe from 10 years to 7 years, seconded by Mayor Pro Tem Ellis, and the motion carried.

8.III. Public hearing on a Text Amendment to Section 3, Subsection 100 to rename the “R-7B” District to Single-Family Dwelling District 7,000 sq. ft. and to Section 10, Subsection 200 – Schedule of Uses, by removing Manufactured Home as a use subject to a Conditional Use in the “R-7B” District.

City Attorney Lawrence declared the public hearing on the Text Amendment regarding removing Manufactured Home as a use subject to a condition use in the “R-7B” District.

Miguel Saldana, Director of Development Services stated that in 2014, the Planning and Zoning Commission recommended and the City Council approved an amendment removing manufactured home in all residential districts. He added that when the ordinance was approved and changed it removed manufactured homes from residential districts, except the “R-7B” district remained as a use allowed subject to a conditional use permit.

The Planning and Zoning Commission requested that Staff bring the issue back to the commission for discussion, and in June 2016, the Planning and Zoning Commission

recommended that the manufactured home use be removed from the “R-7B” district. Mr. Saldana further stated that this would also require removal of manufacture Home from the nomenclature.

Council Member Hyatt asked if “R-7A is for Single Family Use, and Mr. Saldana responded in the affirmative; and Mr. Hyatt asked if “R-7B” is Single Family Use and Mobile Home, and Mr. Saldana responded in the affirmative, but that the Mobile Home is subject to approval of a conditional use permit.

Daniel Jimenez, 140 N. Arch, asked the Council to consider tabling this item and discussed he following matters: and asked if it would apply to the Sherwood Forest Area and how would it be enforced; use of mobile homes in the “R-7B” district; the definition allowing for mixed use; and non-conforming use.

Carol Salinas, discussed the action the Council passed in 2014 and read the motion that was approved by the city council.

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

8.IV. Consider and Act on Ordinance to amend Section 3, Subsection 100 to rename the “R-7B” District to Single-Family Dwelling District 7,000 sq. ft. and to Section 10, Subsection 200 – Schedule of Uses, by removing Manufactured Home as a use subject to a Conditional Use in the “R-7B” district; providing for a repealer clause, and an effective date.

A motion was made by Mayor Pro Tem Ellis to approve Item 8.IV, seconded by Council Member Hyatt, and the motion carried; Chapa voting “No”.

8.V. Public hearing on a Text Amendment to Section 4, Subsection 112, LI – Light Industrial to amend the purpose of the Zoning District.

City Attorney Lawrence declared the public hearing open on the Text Amendment regarding the purpose of the “LI” Light Industrial district.

Miguel Saldana, Director of Development Services stated that currently the “LI” Light Industrial specifically states that all work will be performed inside the building. Mr. Saldana stated that certain businesses such as Welding Shops conduct most of their work outside, etc. He added that staff is recommending that changes to the purpose of the “LI” Light Industrial District allow work to be performed outside.

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

8.VI. Consider and Act on Ordinance to amend Section 4, Subsection 112, LI – Light Industrial District to amend the purpose of the Zoning District; providing for a repealer clause and an effective date.

A motion was made by Mayor Pro Tem Ellis to approve Item 8.VI, seconded by Council Member Abrego, and the motion carried.

8.VII. Public hearing on Zoning Case No. 0516-01: A request by City of Aransas Pass for a change of zoning from “AG” Agricultural District to “R-7B” Single-Family Dwelling District on Tract 1; “GB” General Business District” on Tract 2; and “LI” Light Industrial District on Tract 3, the area is generally located north of Marshall Street and State Highway 35 ByPass, west of North Avenue A and south of Robert Lane.

City Attorney Lawrence declared the public hearing open on Zoning Case No. 0516-01, regarding change of zoning in the area located north of Marshall Street and State Highway 35 Bypass.

Miguel Saldana, Director of Development Services stated that this zoning case is to change the zoning on the recently annexed Sherwood Forest area. He stated that on Tract 1, the original notices and public hearings were for the "R-7B" district; but the Planning and Zoning Commission recommended the "MH" Manufactured Home on Tract 1, and directed staff to amend the "MH" "MH" district to allow on-site built homes. Mr. Saldana then referred to Tract 2 and stated that this area is the General Business district area and is mostly developed with commercial establishments and includes the Butter Churn and the Allen Samuels Autoplex, and stated that this area was never re-zoned and is currently zoned "AG" Agricultural District. He then referred to Tract 3, which is located northwest along the curve of SH 35 and west of the highway and includes a Welding Shop, and stated that staff is recommending it remain zoned as "LI" Light Industrial.

Mr. Saldana stated that the Planning and Zoning Commission unanimously recommend Manufactured Home District on Tract 1; General Business District on Tract 2; and Light Industrial District on Tract 3.

Daniel Jimenez, 140 N. Arch, spoke in opposition to this item, and distributed information regarding State law on written notice requirements; read requirements regarding final report; "R-7B" zoning; and requested that the Council table this item.

Jerry Wellman, asked if water and sewer would be provided in this area, if not the resident needs to pay for it; and not to issue any individual sewer systems in this area.

Tracy Yeary, 627 W. Johnson, expressed concerned with home values decreasing; and if manufactured homes were to be removed would it allow RVs in the area.

Roy Vasquez, 1003 W. Rhodes Avenue, stated that there are not many manufactured home areas and this is a good example of expanding manufactured homes, and he supports this item.

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

8.VIII. Consider and Act on Zoning Case No. 0516-01: A request by City of Aransas Pass for a Change of Zoning from "AG" Agricultural District to "MH" Manufactured Home District on Tract 1; "GB" General Business District on Tract 2; and "LI" Light Industrial District on Tract 3.

A motion was made by Mayor Pro Tem Ellis to approve Item 8.VIII, seconded by Council Member Hyatt, and the motion carried.

8.IX. Public hearing on the following Plats: a. Plat No. 1607008-P05: Aransas Pass Townsite, Block 425, Lots 15R and 16R (Final - 0.386 acre); b. Plat No 1607009-P06: Wilke Estates, Block 1, Lots 1R and 5 (Final - 4.662 acres); c. Plat No. 1607010-P07: Aransas Pass Townsite, Block 262, Lots 14R, 15R and 16R (Final - 0.654 acre).

Miguel Saldana, Director of Development Services stated that Items 8.IX and 8.X were originally scheduled for July 18, 2016. No action was taken.

8.X. Consider and Act on the following Plats: a. Plat No. 1607008-P05: Aransas Pass Townsite, Block 425, Lots 15R and 16R (Final - 0.386 acre); b. Plat No. 1607009-P06:

Wilke Estates, Block 1, Lots 1R and 5 (Final — 4.662 acres); c. Plat No. 1607010-P07: Aransas Pass Townsite, Block 262, Lots 14R, 15R and 16R (Final — 0.654 acres).

8.XI. Public hearing on a Conditional Use Permit for Kevin and Samantha Simon to operate a Bar, Lounge, or Tavern at 208 E. Wheeler Avenue (Item was tabled at the June 20, 2016 city council meeting).

A motion was made by Council Member Hyatt to remove Item 8.XI from the table, seconded by Council Member Abrego, and the motion carried.

City Attorney Lawrence declared the public hearing open on Item 8.XI regarding the Conditional Use Permit for Kevin and Samantha Simon.

Miguel Saldana, Director of Development Services stated that a question was raised by the Applicant regarding whether they would have to pave the required parking area. Mr. Saldana stated that the Planning and Zoning Commission reviewed and discussed the requirement and they have recommended the conditions set before the council, including that all required parking must be all weather surface, concrete or asphalt. He added that there is no specific requirement within the ordinance that all parking lots be paved and that this is a requirement being recommended by the Planning and Zoning Commission.

Samantha Simon, 719 Lantana, Corpus Christi, Texas stated they are concerned with the parking lot requirement. She added that they have researched under Texas Code and that all weather material is defined as crushed stone, crushed shell, asphalt or concrete, or other previous material that can anticipate the weight of a vehicle. Ms. Simon stated that they have contacted five companies, and were told that crushed shell has the ability to hold up to 2,000 pounds per square inch, as well as absorb up to 20% of the waterfall that comes from rain. Ms. Simon asked the Council to consider approving the permit for two to three years to allow them to open the business, and to qualify for a bank loan to help put in the proper drainage and pave the parking lot.

City Attorney Lawrence asked for clarification on the parking lot requirement, and Mr. Saldana replied the Planning and Zoning Commission recommended paving the parking with concrete or asphalt.

Mr. Guzman, 1124 S. Commercial, stated he owns the property in question. He stated that he owns 24 feet from his building to the easement, and from the easement to the street there is 37 feet and asked who will pave this area. He added that he is willing to pave the area that belongs to him.

Daniel Jimenez, 140 N. Arch, questioned the length of time for a Conditional Use Permit, and Mr. Lawrence responded that it was changed from two years to one year several years ago. Mr. Jimenez stated that perhaps consideration should be given to changing to two years.

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

8.XII. Consider and Act on the Conditional Use Permit for Kevin and Samantha Simon to operate a Bar, Lounge, or Tavern at 208 E. Wheeler Avenue.

A motion was made by Mayor Pro Tem Ellis to approve a Two-Year Conditional Use Permit and comply with all other conditions set forth, seconded by Council Member Hyatt, and the motion carried; Abrego abstained.

City Manager Carrillo clarified to the Council that the condition specifies that the all-weather surface must be installed prior to opening and that Condition No. 7 still remains.

A motion was made by Mayor Pro Tem Ellis to re-open discussions, seconded and the motion carried. City Attorney Lawrence stated that if the council concurs, the motion would need to be amended to give two-year conditional use permit with the stipulation that they have two years to pave or concrete the parking lot.

After further discussion, a motion to amend the motion was made by Council Member Hyatt, to approve the two-year Conditional Use Permit and, two years to comply with paving the parking lot, seconded by Mayor Pro Tem Ellis, and the motion carried.

8.XIII. Public hearing on demolition of the following properties in accordance with the City Code of Ordinances, Chapter 5, Building and Construction, Section 5.72, Minimum Standards for Buildings.

City Attorney Lawrence declared the public hearings open for the demolition of the six properties listed below:

1 ~~Located at 653 W. Matlock described as Lot 30, Block 350, Aransas Pass Townsite, Property ID 59662.~~

Dale Wells, Building Official stated that he is requesting that Item 8.XIII(1) be tabled until the next meeting. He stated that they have recently found another owner that was not on the original notice and has not been properly notified.

2 Located at 405 N. 12th Street, described as Lots 7 and 8, Block 208, Aransas Pass Townsite, Property ID 51002.

Dale Wells, Building Official stated that Item 8.XIII(2) is located at 405 N. 12th Street and has a substandard structure which is a garage and is open. He added that the house was demolished but not the garage. Mr. Wells further added that proper notice was given and no responses were received.

3 Located at 959 S. Whitney, described as Lot 8, Block 424, Aransas Pass Townsite, Property ID 36132.

Dale Wells, Building Official stated that Item 8.XIII(3) is located at 959 S. Whitney, and that the building is open, ceiling are falling down, has mold and is in bad condition. He added that the property has been inspected, notification was sent, and a title search was conducted. Mr. Wells further added that proper notice was given and no responses were received.

4 ~~Located at 545 S. 13th Street, Lot 6, Block 748, Aransas Pass Townsite, Property ID 71289.~~

Dale Wells, Building Official stated that Item 8.XIII(4) is located at 545 S. 13th Street, and that half of the building is falling down and in very bad shape. Mr. Wells further added that proper notice was given and no responses were received. Council Member Abrego stated that the owner had passed away and that she had a family relative. City Attorney Lawrence advised that based on this new information that this item be held pending notification to heir.

5 Located at 1126 N. McCampbell, described as Lot 1, Block 212, Burton and Danforth, Property ID 49682.

Dale Wells, Building Official stated that Item 8.XIII(5) is located at 1126 N. McCampbell and that the building has two structures that are both dilapidated. Mr. Wells stated that notice was given and no responses were received.

- 6 Located at 336 N. 11th, described as Lot 13, Block 209, Aransas Pass Townsite, Property ID 51090.

Dale Wells, Building Official stated that Item 8.XIII(6) is located at 336 N. 11th Street and that the structure has broken doors and windows, and that the roof and porch have collapsed, and people tend to be staying at the property at night. He stated that proper notice was given. There being no further comments, City Attorney Lawrence declared the public hearings closed.

- 8.XIV. Consider and Act on demolition of the following properties in accordance with the City Code of Ordinances, Chapter 5, Building and Construction, Section 5-72, Minimum Standards for Buildings:

City Attorney Lawrence recommended that the Council proceed with the demolition of Items 8.XIII(2, 3, 5, and 6).

- 2 Located at 405 N. 12th Street, described as Lots 7 and 8, Block 208, Aransas Pass Townsite, Property ID 51002.

A motion was made by Council Member Abrego to approve Item 8.XIII(2), seconded by Council Member Hyatt, and the motion carried.

- 3 Located at 959 S. Whitney, described as Lot 8, Block 424, Aransas Pass Townsite, Property ID 36132.

A motion was made by Council Member Abrego to approve Item 8.XIII(3), seconded by Council Member Hyatt, and the motion carried.

- 5 Located at 1126 N. McCampbell, described as Lot 1, Block 212, Burton and Danforth, Property ID 49682.

A motion was made by Council Member Abrego to approve Item 8.XIII(5), seconded by Council Member Hyatt, and the motion carried.

- 6 Located at 336 N. 11th Street, described as Lot 13, Block 209, Aransas Pass Townsite, Property ID 51090.

A motion was made by Council Member Abrego to approve Item 8.XIII(6), seconded by Council Member Hyatt, and the motion carried.

9. CITY MANAGER:

- 9.I. Consider and Act on Purchasing Advertising from Site Selector Magazine.

City Manager Carrillo stated that this is for an advertisement in the National Site Selectors Magazine to market Conn Brown Harbor and other commercial corridors and will utilize 2016-2017 HOT funds. Ms. Carrillo added that it will be a two phased approach: one in the early Fall Guide and the late Spring Guide and are geared to national tourism sites. She stated that it would be an encumbrance in the amount of \$22,450 from the FY2016-17 HOT funds.

In response to a question from Council Member Scruggs, Ms. Carrillo responded that they are monthly ads to subscribers and trade shows and would reach approximately 15,000 over the two advertisements.

Mayor Chapa asked how does the City currently advertise, and Ms. Carrillo responded that we rely on the AP Chamber of Commerce.

A motion was made by Council Member Abrego to approve Item 9.I, and seconded by Mayor Pro Tem Ellis, and the motion carried.

9.II. Consider and Act on Regulation of Food Establishments.

City Manager Carrillo stated that this item is aligning mobile food and roadside vendors with San Patricio County, and other housekeeping changes, including the education requirement, new inspection forms, cleanup of Chapter 228, and additional food manager language.

A motion was made by Mayor Pro Tem Ellis to approve Item 9.II, seconded by Council Member Abrego, and the motion carried.

9.III. Consider and Act on Change Order No. 1 for Community Park Improvements.

City Manager Carrillo stated that this item is for approval of Change Order No. 1 to the Skate Park. She added that council previously approved the slab, and this is for the addition of a concrete apron to transition from the Parking Lot to the Skate Park.

Mayor Chapa asked if netting was included, and Ms. Carrillo responded that it did not include the netting.

A motion was made by Council Member Abrego to approve Item 9.III, seconded by Mayor Pro Tem Ellis, and the motion carried.

9.IV. Consider and Act on Emergency Infrastructure Repairs with JJ Fox Construction.

City Manager Carrillo stated that during the last rain event, there were infiltration and collapses, in need of repairs. She stated that work performed on a pipe collapsed that caused sink holes at the dead end on North Houston Street totaled \$26,100; the project cost for a manhole on Greenwood and Rife, total cost in repairs was \$22,500, and project cost for a manhole on Gile and North Commercial total cost in repairs was \$41,000, for a grand total of \$89,600. Ms. Carrillo stated that the work at North Houston and Greenwood have already been completed.

A motion was made by Council Member Abrego to approve Item 9.IV, seconded by Mayor Pro Tem Ellis, and the motion carried.

9.V. Update on Council Retreat.

City Manager Carrillo stated that she had previously provided two dates for a Council Retreat, and that she is recommending to hold a Council Retreat on July 16 and plans to discuss Street Survey, Rehabilitation, Storm Water Plan, Budget Process, the impact of the Charter Amendment, Bond Rating, and Tax Rate. There was a consensus to hold a Council Workshop on July 16, 2016, from 7:00 am to 11:00 am.

10. COMMUNITY ENRICHMENT:

There were no Community Enrichment items.

11. DEVELOPMENT SERVICES:

11.I. Consider and Act on approving Change Order No. 2 for the FM 2725 Waterline Project.

City Manager Carrillo stated that that item is for approval of Change Order No. 2 with Bridges Specialties in the amount of \$26,262.50 and relates to existing connections on the old waterline owned by the City that were not identified on the original plans to a 12 inch waterline.

A motion was made by Council Member Abrego to approve Item 11.I, seconded by Mayor Pro Tem Ellis, and the motion carried.

12. **FINANCE:**

There were no Information Technology items.

13. **INFORMATION TECHNOLOGY:**

There were no Information Technology items.

14. **PUBLIC SAFETY:**

14.I. Consider and Act on approving the Mayor to enter into a Memorandum of Understanding (MOU) between the City of Aransas Pass and DRC Emergency Services for debris removal.

Lynn Pearce, Police Department stated that this item is for renewal of the Cooperative Agreement for debris removal. He added that DRC will be called for removal of heavy debris throughout the city after a major disaster.

A motion was made by Council Member Abrego to approve Item 14.I, seconded by Mayor Pro Tem Ellis, and the motion carried.

14.II. Consider and Act on allowing the Police Chief to enter into an agreement with Brazos/Taylor Technologies for the purpose of 8 new Android ticket writers.

David Perkins, Police Department stated that the currently system is antiquated, and are requesting approval to update with Tyler Technologies and upgrade to a better system and purchase 8 ticket writers, and will include a five year warranty, along with accessories, and will be funded from the Federal Drug Fund.

A motion was made by Council Member Hyatt to approve Item 14.II, seconded by Council Member Abrego, and the motion carried.

15. **EXECUTIVE SESSION:**

There were no Executive Session items.

16. **ADJOURNMENT:**

There being no further business to come before the Council, Mayor Chapa adjourned the meeting at 9:24 pm.

Adan Chapa
Mayor

Mary Juarez
City Secretary

Approved on: _____