

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, October 15, 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 Carrie Scruggs were present; Janet Moore was absent. 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/PROCLAMATIONS:

3.I. Presentation by Tim Torno, Torno Properties, LLC — “The Glades of Aransas Pass Apartments”

3.II. Presentation, Update and Discussion regarding Demolitions and Vacant, Dilapidated Structures in the City.

Roxann Cotroneo, City Attorney provided an update on demolitions that have occurred in the city over the last month. She referred to a power point presentation showing photos of structures of the following locations before and after demolition: 124 Allen Boulevard, 161 S. Arch, 1109 S. Commercial, and 1212 Hwy 35 North. She stated that the structure at 1052 S. Rife will require asbestos removal prior to demolition, and discussed 15 structures that underwent voluntary demolition. Ms. Cotroneo informed the council that the next phase of demolition includes 6 structures and further discussed the condition of these structures.

4. BOARD APPOINTMENTS:

4.I. Aransas Pass Crime Control & Prevention District

A motion was made by Council Member Abrego to reappoint Karen Mayer, Donald Brummett and Naomi Freeze to the Aransas Pass Crime Control & Prevention District, seconded by Council Member Scruggs, and the motion passed with the following vote: Gomez, Abrego, Ellis and Scruggs voting Aye; Moore was absent.

4.II. Planning and Zoning Commission

A motion was made by Mayor Pro Tem Ellis to reappoint Richard Kubek, Kathleen Sweatt and Liz Dorris, and new appointment of Myron Schroeder to the Planning & Zoning Commission, seconded by Council Member Abrego, and the motion passed with the following vote: Gomez, Abrego, Ellis and Scruggs voting Aye; Moore was absent.

4.III. Zoning Board of Adjustment

A motion was made by Mayor Pro Tem Ellis to reappoint Richard Kubek and Capt. Fred Comingore to the Zoning Board of Adjustment, seconded by Council Member Scruggs, and the motion passed with the following vote: Gomez, Abrego, Ellis and Scruggs voting Aye; Moore was absent.

5. **CONSENT AGENDA:**

5.I. Approval of the following Council Meeting Minutes: Regular Meeting of September 17, 2018, Special Meetings of September 19, 2018 and September 24, 2018, and Regular Meeting of October 1, 2018.

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

6. **PUBLIC HEARING:**

There were no Public Hearings.

7. **CITY MANAGER**

7.I. Consider and Act on the acceptance of an Economic Development Administration (EDA) grant in the amount of \$4,850,000.

Mr. Edwards stated this item is to accept and sign the EDA grant. He added that the purpose of the grant is to rebuild the road at Conn Brown Harbor, a new adjacent bike trail, and any remaining funds would be used to re-pave the parking lot at the end of Harbor Point Park.

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

7.II. Consider and Act on approving the installation of a new Street Light at the intersection of Goodnight and Sea Mist Drive.

Mr. Edwards stated that he is implementing a new process of requiring council approval on installations of new streets lights, as it involves recurring costs. He stated that the cost of this new street light to the city is approximately \$95.00 monthly.

A motion was made by Council Member Scruggs 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 was absent.

7.III. Consider and Act on request from the Women's Club of Aransas Pass to temporarily close Goodnight Street, from 9th Street to 10th Street on Sunday, October 21, 2018, from 2:00 pm to 4:00 pm for the "Advocates for Children Week" event.

Stephanie Diaz, Police Department stated that the Women's Club of Aransas Pass will be holding an event on October 21, 2018 for Advocates for Children and are requesting the temporary closure of Goodnight, from 2:00 pm to 4:00 pm on October 21, 2018. She further

stated that the Texas Federation of Women's Club is sponsoring this event and the community is invited.

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

8. COMMUNITY ENRICHMENT:

8.I. Consider and Act on awarding Request for Proposals for Aransas Pass Aquatic Center Repairs.

Mr. Edwards stated that this item is awarding the RFP for the Aquatic Center repairs. He added that the engineer, LNV, Inc. is recommending Barcom in the total amount of \$98,246, and the breakdown is as follows: \$84,246 for the base bid, and \$14,000 for new louver and framing. Mr. Edwards stated that the bid opening occurred on September 27th and bids are valid for thirty days.

A motion was made by Council Member Abrego to award the bid to Barcom for the Aquatic Center repairs in the total amount of \$98,246, seconded by Council Member Scruggs, and the motion passed with the following vote: Gomez, Abrego, Ellis and Scruggs voting Aye; Moore was absent.

9. DEVELOPMENT SERVICES:

9.I. Consider and Act on the issuance of a Request for Proposals for the Deberry Sanitary Sewer Line replacement.

Mr. Quintanilla stated that the 10" sewer line on Deberry, between McCampbell and Commercial is failing, it is a clay pipe and has been repaired several times but continues to break. He added that 2018 Tax Note funds will be utilized for this project. He stated that this is for the issuance of the RFP, and council will approve the final award.

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

9.II. Monthly Building Department Report – September 2018.

Burl Smith, Building Official was out of town on city business; therefore, this monthly report was postponed to the next regular meeting.

10. FINANCE:

10.I. Monthly Financial Report – September 2018.

Sandra Garcia, Director of Finance discussed the departments that did not meet their set goal for the month of September 2018 – Water & Sewer Fund, Aquatic Center, and Civic Center primarily due to the hurricane. She reported that the deficit for the Aquatic Center was \$135,262, Civic Center was \$201,423, and the Water and Sewer Fund was \$201,310. She then reported on the property tax and sales tax collected.

Ms. Garcia provided an update on the financial status of hurricane related projects. She stated that to date, the city has expended approximately \$7.5 million, of which \$500,000 came from

city funds and insurance monies to start the project; FEMA reimbursements are not coming in as fast as the city would like.

10.II. Fourth Quarter FY2017-2018 Investment Report (July – September).

Ms. Garcia provided the Fourth Quarter Investment Report stating that 8% was invested at Prosperity Bank, 36% in TexPool, and 56% in Texas Class. Overall, for the quarter \$6.9 million was available for investment and earned \$31,129 in interest for the quarter, with a return on investment of 1.80%, and the 3-month Treasury Bill Benchmark yield 2.07%.

11. **INFORMATION TECHNOLOGY:**

There were no Information Technology items.

12. **PUBLIC SAFETY:**

12.I. Consider and Act on approving the Police Chief to purchase two Unmarked Police Vehicles from Allen Samuels in Aransas Pass, Texas for an amount not to exceed \$90,000 from the Federal Drug Seizure Account.

Mr. Blanchard stated that this item is for the purchase of two unmarked police vehicles, 1 – Truck and 1 – Car. He added that this purchase will replace one administrative vehicle and one CID unmarked police vehicle, and only one of the replaced vehicles will be cycled out and the other will remain in use.

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

12.II. Consider and Act on approving the Chief of Police to enter into a Memorandum of Understanding with the Aransas Pass Independent School District for the School Resource Officer Program.

Mr. Blanchard stated that the purpose of this item is for a School Resource Officer. He added that the Police Department has provided an officer to Aransas Pass ISD for the past several years and funded by the Crime Control & Prevention District.

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

12.III. Monthly Public Safety Report – September 2018.

Mr. Blanchard reported the highlights for the CID Division, Patrol Division and discussed the following statistics: accident, traffic stops, assault report, burglary, criminal mischief, death investigation, fraud, theft and theft motor vehicle for the month of September 2018, and that they received 6 responses back on the Department Feedback Survey and scored all 10's. He added that the report will be posted on the city's website.

12.IV. Fire Department Report.

Nathan Borrego, Assistant Chief reported that during Fire Prevention Week they had nearly 700 children, and for Open House they had approximately 100 citizens visit and tour the station. He then provided a breakdown by Major Incident Type service calls and training hours

for firefighters. Mr. Borrego informed the council that the Texas Commission on Fire Protection conducted a surprise inspection and they reported that the Fire Department met the compliance requirements.

13. CITY COUNCIL OR STAFF ANNOUNCEMENT:

Fernando Quintanilla, Director of Public Works provided an update on the Water Boil Notice. He stated that since the city does not have a water tower, two storage tanks are used to supply water to the system and use pumps to maintain the pressure. He stated that last Monday the city had a power outage that affected both stations; and, subsequently the pressure dropped 1 psi. He reported that staff ran samples and results were clean.

Mr. Quintanilla stated that on Friday, October 12th, he received a call from Texas Commission on Environmental Quality (TCEQ) informing us that we are required to issue a Water Boil Notice, regardless. He immediately contacted Mr. Edwards and the notice was pushed on Facebook, Reverse 9-1-1, Channel 6 ran a Newsflash at 6:30 pm, a full report during their 10 pm News, and posted on the City's website. Mr. Quintanilla stated that TCEQ is requiring that the City flushed out 150 locations citywide to clean out the entire system, and should be completed tomorrow. TCEQ will then come in and check their pressure gauges, the City will then collect 20 new samples and forward to the lab, and he anticipates receiving notice from TCEQ by Wednesday, and hopeful that the water boil notice will be lifted. Mr. Quintanilla stated that State requirement require a drop below 20 psi, we are mandated to issue a water boil notice.

14. CITIZEN COMMENT:

Carol Salinas, asked why the Presentation on the Glades of Aransas Pass Apartments was pulled, and Mr. Edwards responded that Mr. Tim Torno's was flying in from Dallas and his flight got canceled. Ms. Salinas also informed council member that if they do not speak into the microphone, they cannot be heard over livestream and they are not being recorded.

15. EXECUTIVE SESSION:

The meeting was recessed into Executive Session at 6:50 pm under the provisions of Section 551, Texas Government Code to discuss the authority of:

1. Section 551.071, Natalia Lamas vs. City of Aransas Pass, et al, Cause No. S-16-5735-CV-C in the 343rd Judicial District Court in San Patricio County, Texas.
2. Section 551.071, Johnny Lee Davis vs. City of Aransas Pass, et al, Cause No. 13-17-00455-CV in the 13th District Court of Appeals.
3. 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.
4. Section 551.071, City's Industrial District Agreements.
5. Section 551.071, City Webpage.
6. Section 551.087 & 551.071, Letter of Intent – Torno Properties, LLC

The council reconvened in open session at 8:43 pm. Mayor Gomez announced that no action would be taken on Item 1 through 5.

1. Section 551.071, Natalia Lamas vs. City of Aransas Pass, et al, Cause No. S-16-5735-CV-C in the 343rd Judicial District Court in San Patricio County, Texas.

Mayor Gomez announced that no action would be taken on Item 15.1.

2. Section 551.071, Johnny Lee Davis vs. City of Aransas Pass, et al, Cause No. 13-17-00455-CV in the 13th District Court of Appeals.

Mayor Gomez announced that no action would be taken on Item 15.2.

3. 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.

Mayor Gomez announced that no action would be taken on Item 15.3.

4. Section 551.071, City's Industrial District Agreements.

Mayor Gomez announced that no action would be taken on Item 15.4.

5. Section 551.071, City Webpage.

Mayor Gomez announced that no action would be taken on Item 15.5.

6. Section 551.087 & 551.071, Letter of Intent – Torno Properties, LLC

A motion was made by Mayor Pro Tem Ellis approving Phase 2, Letter of Intent with Torno Properties, LLC directing the City Attorney and City Manager to continue negotiations for the Glades of Aransas Pass Apartments, seconded by Council Member Abrego, and the motion passed with the following vote: Gomez, Abrego, Ellis and Scruggs voting Aye; Moore was absent.

16. ADJOURNMENT

There being no further business to come before the Council, Mayor Gomez adjourned the meeting at 8:43 pm.

Ramiro Gomez
Mayor

Mary Juarez
City Secretary

Approved on: _____