

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 20, 2017 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 was City Manager Sylvia Carrillo, Fernando Quintanilla, Director of Public Works and Legal Representation Jim McKibben, McKibben, Martinez, Jarvis & Wood, LLP.

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. PRESENTATIONS AND PROCLAMATIONS:

3.I. Employee Recognition – Fire Department: Juan Jose Cruz, Fire Captain and Kyle Deal, Fire Captain

Fire Captain William Cox recognized Fire Captains Juan Jose Cruz and Kyle Deal for continuing to progress forward, thanked them for their dedication and presented them with Plaques.

Mayor Chapa announced that he was deviating from the agenda and referring to Item 3.III.

3.III. Presentation by San Patricio Economic Development Corporation.

Foster Edwards, Executive Director for the San Patricio Economic Development Corporation (SPEDC) provided the Council with an Annual Report. He added that the SPEDC is a non-profit organization governed by a thirty-five member board, and that funding is provided by the Port of Corpus Christi, the County of San Patricio, nine cities, the Chamber of Commerce, and private businesses.

Mr. Edwards stated that their primary objective is business recruitment and retention, providing information on the economy, and working to ensure that San Patricio County is business friendly and discussed each in detail. He stated that the next San Patricio Economic Update is scheduled for March 29, 2017 at 11:30 am and invited the council to attend.

3.II Presentation by Neptune, Inc. regarding Water Utility System.

Rex Baxter, Representative for Neptune, Inc. stated that Neptune has been covering this area for approximately twenty-seven years, and that Aransas Pass has been a long time customer. He stated that Neptune is a meter company founded in 1892, and in 1971 the company moved to Alabama and all manufacturing occurs in Alabama. Mr. Baxter stated that they are a \$350 million dollar company and manufacture about 2 million meters a year.

Mr. Baxter stated that the Aransas Pass uses an electronic meter which involves loading the route, reads are then picked up by a laptop, followed by the utility department downloading the

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reads. He stated that the meters were installed back in 2011/2012; and recently escalated a change out in 2016.

Mayor Chapa asked how many meters does the City have, and Mr. Baxter responded that the City has about 2,500 and that 900 are the older brand (direct read). He stated that the following cities have the same meters as Aransas Pass: Three Rivers, George West, San Patricio Water Authority & District, Robstown, Odem, Mathis, El Campo, and Warden.

Council Member asked questions about training, how many people were trained, installation, how reads are taken, lifespan of the meters, testing of the meters, procedure for inaccurate reads, the location of the antenna and installation, digit codes on the meters, and how are reads conducted on meters with multiple codes.

4. BOARD AND COMMISSION APPOINTMENTS:

There were no Board Appointment items.

5. CONSENT AGENDA:

There were no Consent Agenda items.

6. PUBLIC HEARING:

6.I. Public hearing on amending the City of Aransas Pass Code of Ordinances, Chapter 24, Section 24-4(a) to be titled "Approval of Plats: Minor Plat Provision" and to change the Delegation of Approval Authority from "One or More Officers or Employees" to the "City Manager or his or her Designee."

Mr. McKibben, Legal Representative declared the public hearing open on Item 6.I.

Katherine Comeaux, City Planner stated that the Planning and Zoning Commission, considered recommendations from City Attorney Lawrence to simplify the language and clarify the location of the minor plat provision and change the language for the designation.

There being no further questions, Mr. McKibben declared the public hearing closed.

6.II. Consider and Act on amending the City of Aransas Pass Code of Ordinances, Chapter 24, Section 24-4(a) to be titled "Approval of Plats: Minor Plat Provision" and to change the Delegation of Approval Authority from "One or More Officers or Employees" to the "City Manager or his or her Designee."

A motion was made by Mayor Pro Tem Ellis to approve Item 6.II, seconded by Council Member Abrego and the motion passed with the following vote: Chapa, Abrego, Ellis, and Scruggs voting Aye; Hyatt was absent.

6.III. Public hearing on amending the City of Aransas Pass Zoning Ordinance, Part II, Section 400 – Conditional Use Permits.

Mr. McKibben, Legal Representative declared the public hearing open on Item 6.III.

Katherine Comeaux, City Planner stated that in reviewing this section, there was a large portion that needed revision to ensure that the application process was consistent for the different types of conditional use permits to clarify the permit use versus the structure.

There being no further questions, Mr. McKibben declared the public hearing closed.

6.IV. Consider and Act on amending the City of Aransas Pass Zoning Ordinance, Part II, Section 400- Conditional Use Permits.

A motion was made by Mayor Pro Tem Ellis to approve Item 6.IV, seconded by Council Member Abrego, and the motion passed with the following vote: Chapa, Abrego, Ellis, and Scruggs voting Aye; Hyatt was absent.

6.V. Public hearing on amending the City of Aransas Pass Zoning Ordinance, Part III, Section 12 – Off Street Parking Requirements, Parking Schedule 12-200, amending Minimum Parking Requirements for “Auto Laundry”.

Mr. McKibben, Legal Representative declared the public hearing open on Item 6.V.

Katherine Comeaux, City Planner stated that recently an application for a Certificate of Occupancy was received for a new car detail shop, which is classified as an “Auto Laundry”. She added that in reviewing the parking requirements, staff found them to be most restrictive with a minimum of twenty spaces. Ms. Comeaux stated that after comparing with other cities’, staff is recommending that minimum off-street parking requirements for “Auto Laundry” be set at a minimum of two spaces and an additional space per 250 square feet.

There being no further comments, Mr McKibben declared the public hearing closed.

6.VI. Consider and Act on amending the City of Aransas Pass Zoning Ordinance, Part III, Section 12 – Off Street Parking Requirements, Parking Schedule 12-200, amending Minimum Parking Requirements for “Auto Laundry”.

A motion was made by Mayor Pro Tem Ellis to approve Item 6.VI, seconded by Council Member Abrego and the motion passed with the following vote: Chapa, Abrego, Ellis and Scruggs voting Aye; Hyatt was absent.

6.VII. Public hearing on a Six-Month Plat Extension for Plat No. 1609016-P12 (Harbor Heights – Phase 1)

Mr. McKibben, Legal Representative declared the public hearing open on Item 6.VII.

Katherine Comeaux, City Planner stated that Urban Engineering is requesting an extension due to concerns that there could be a delay in recording the plat. Mayor Chapa asked about the cause of the delays, and Ms. Comeaux responded that delays were due to financing and taxes.

There being no further comments, Mr. McKibben declared the public hearing closed.

6.VIII. Consider and Act on a Six-Month Plat Extension for Plat No. 1609016-P12 (Harbor Heights – Phase 1).

A motion was made by Mayor Pro Tem Ellis to approve Item 6.VIII, seconded by Council Member Abrego, and the motion passed with the following vote: Chapa, Abrego, Ellis and Scruggs voting Aye; Hyatt was absent.

7. CITY MANAGER

7.I. Consider and Act on amending the Memorial Commission Meeting Schedule.

Fernando Quintanilla, Director of Public Works stated that the Memorial Commission met and they are requesting to change the meeting schedule to meet on a monthly basis.

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

7.II. Consider and Act on issuance of an RFP for Signage at the Seaman's Memorial Tower.

Fernando Quintanilla, Director of Public Works stated that the Memorial Commission is requesting to issue an RFP to purchase a sign at the Seaman's Memorial Tower to prohibit food and drinks and identify as a "Consecrated Ground". He added that the cost is under the amount required for an RFP, but that the Commission would like to issue an RFP.

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

7.III. Consider and Act on closing Wilson Street, from 13th Street to Avenue A for the construction of a 10-Ft. Hike and Bike Trail.

Fernando Quintanilla, Director of Public Works stated that this is for a Sidewalk Project with the Texas Department of Transportation (TxDOT). He added that TxDOT is proposing a realignment due to issues with the current plan. Mr. Quintanilla then referred to a map and discussed that the current plan is along 13th Street, turning on Nelson Avenue and would impact seventeen (17) homes in the subdivision and would affect parking, driveway and vehicles parking in the street. He stated that TxDOT is proposing going down the alley along Wilson Avenue, and that the 40 foot right-of-way is clear and is not a natural street.

Mr. Quintanilla stated that on the opposite side of Nelson Avenue, there is no right-of-way for the City, which would require acquiring right-of-way and this would increase the cost of the project.

Alfredo Flores, asked if this project was related to Goodnight, and Mr. Quintanilla responded that from 13th Street to Saunders will be on Goodnight. Mr. Flores spoke in regards to the location of the sidewalk, the purpose of the hike and bike trail, inquired about flooding in the area, trees on the easement and who will pay.

Diane Flores, stated that she never sees any kids walking through the Hike and Bike Trail area that the City is considering; informed the council that there is a gasoline tank in the area and is not safe for kids, and vehicles do not stop at the stop sign.

Roy Vasquez, asked if the section from the Wilson portion, the route in front of the High School is off by a couple of 100 feet will be connected to the school, and Mr. Quintanilla responded that it will be connected to the school.

A motion was made by Mayor Pro Tem Ellis to approve Item 7.III, seconded by Council Member Scruggs, and the motion passed with the following vote: Abrego, Ellis and Scruggs voting Aye; Chapa abstained stating that he was raised by Alfredo and Diane Flores who commented on this item; Hyatt was absent.

7.IV. Consider and Act on drainage repairs on Pompano Street.

Fernando Quintanilla, Director of Public Works stated that this item is to repair a sinkhole on Pompano Street in the Pelican Cove Subdivision. He added that there is an abandoned storm

line that has caved and cause failure of the pipe and the surrounding ground, and will require hiring a contractor to assist with the repairs. Mr. Quintanilla stated that staff is recommending an RFP to allow repairs for an amount not to exceed \$100,000.

Council Member Scruggs stated that the storm drain comes out into the waterway, underneath Pompano and although it is not visible, caps off there, does the City go over two lanes and how far over to the other side. Mr. Quintanilla stated that they would over to the other side roadway and cap there, so the City can remove the section underneath the road which is the concern.

Mayor Chapa asked if this was part of the original build, and Mr. Mike Hart, Board Member, Pelican Cove Canal Association stated that pipe has been installed there for some time and the City allowed the developer to use the pipe. He added that it use to drain Aransas Pass and in 2005, the Homeowner's Association was unable to use the pipe due to canal regulations.

Mayor Chapa inquired on the funding source, and Mr. Quintanilla stated the drainage fund and that the main cost would be plugging at the bulkhead, and the rest of the work can be done by City crews.

Mayor Chapa asked what the funding balance was in the Drainage Fund to cover this project, and Mr. Quintanilla stated he would have to check on the balance and whether there is enough funds to cover.

Mayor Chapa stated that due to not knowing if the funds are there to cover the expense, he is recommending that this item be tabled to the next council meeting. Council Member Abrego stated that this project needs to go forward and that the monies should be found perhaps in the Street Fund, or pull from other funds. Council Member Scruggs added that this is just to issue an RFP. Mayor Chapa concurred.

A motion was made by Council Member Abrego to issue and RFP for drainage repairs on Pompano Street, seconded by Council Member Scruggs, and the motion passed with the following vote: Chapa, Abrego, Ellis, Scruggs voting Aye; Hyatt was absent.

7.V. Consider and Act on renewing the Softball Complex Facilities Usage Contract with Roland Pena.

Mr. Quintanilla stated that this is to renew the Softball Complex contract with Roland Pena. He added that it is basically the same contract, except for two modifications that Mr. Pena is seeking: that the City allow a discount for rain days or days when weather does not permit using the field, and for the City to provide fill-in dirt in the low spots in the field.

Mayor Chapa asked how much dirt is needed, and Ms. Pena stated that the City provided dirt last year, probably just a couple of loads.

Council Member Abrego asked about the fee amount, and Ms. Pena stated that it is \$550.

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

7.VI. Consider and Act on Utility Billing.

Mr. Quintanilla stated that this is relating to utility billing errors and to allow the City to investigate six accounts. He added that if the City approves investigating the mentioned accounts, those records would then become public.

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

Mr. Quintanilla stated that the following ten items, 7.VII through 7.XVI relate to tax resale properties that have been approved by the required entities, except for the last item where the City will be the first to approve, and all meet the 30% rule of the tax appraised value.

Council Member Abrego inquired about the meaning of cost of the sale, and Mr. Quintanilla stated that cost of sale are the court costs, i.e. service fees, publication fees, filing fees and that these will be paid first. Ms. Abrego expressed concern when the cost of the sale exceeds the amount of bid, the city will have to pay for these.

7.VII. Consider and Act on offer to purchase Tax Resale Property, Suit No. A-01-3058-TX-B, Tract No. 1, Lots 10 and 11, Block 408, City of Aransas Pass, Texas, Aransas County, located on N. McCampbell Street.

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

7.VIII. Consider and Act on offer to purchase Tax Resale Property, Suit No. A-02-3071-TX-C, Lots 25 and 26, Block 454, Original Townsite, City of Aransas Pass, Aransas County, Texas located on 638 N. Rife Street.

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

7.IX. ~~FAILED - Consider and Act on offer to purchase Tax Resale Property, Suit No. A-05-3062-TX-C, Lot 3, Block 474, Original Townsite, City of Aransas Pass, Aransas County, Texas, located on 845 N. Rife Street.~~

A motion was made by Council Member Abrego to reject the bid for Item 7.IX due to the cost of sale exceeding the amount of bid, seconded by Mayor Pro Tem Ellis, and the motion passed with the following vote: Chapa, Abrego, Ellis and Scruggs voting Aye; Hyatt was absent.

7.X. ~~FAILED - Consider and Act on offer to purchase Tax Resale Property, Suit No. A-07-3063, TX-A, Tract 3, Lots 13 and 14, Block 389, City of Aransas Pass, Texas, located on Lament Street.~~

A motion was made by Council Member Abrego to reject the bid for Item 7.X. due to the cost of sale exceeding the amount of bid, seconded by Mayor Pro Tem Ellis, and the motion passed with the following vote: Chapa, Abrego, Ellis and Scruggs voting Aye; Hyatt was absent.

7.XI. ~~FAILED - Consider and Act on offer to purchase Tax Resale Property, Suit No. A-7-3063-TX-A, Tract No. 1, Lot 2, Block 389, City of Aransas Pass, Texas, located on Lament Street.~~

A motion was made by Council Member Abrego to reject the bid for Item 7.XI. due to the cost of sale exceeding the amount of bid, seconded by Mayor Pro Tem Ellis, and the motion passed with the following vote: Chapa, Abrego, Ellis and Scruggs voting Aye; Hyatt was absent.

7.XII. Consider and Act on offer to purchase Tax Resale Property, Suit No. A-95-0004-TX-C, Lots 13 and 14, Block 475, City of Aransas Pass, Aransas County, Texas, located on 711 N. Rife Street.

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

7.XIII. Consider and Act on offer to purchase Tax Resale Property, Suit No. S-07-3063-TX-A, Tract No. 2, Lots 4, 5, 6, 7, 8 and 9, Block 389, City of Aransas Pass, Texas, located on Lamont Street.

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

7.XIV. Consider and Act on offer to purchase Tax Resale Property, Suit No. T-255-A, Lots 17 and 18, Block 455, Original Townsite, City of Aransas Pass, Aransas County, Texas, located on 702 W. Lenoir Avenue.

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

7.XV. ~~FAILED - Consider and Act on offer to purchase Tax Resale Property, Suit No. T-81-A, Tract 18, Lots 28 and 29, Block 619, City of Aransas Pass, Aransas County, Texas, located on Pacific Street.~~

A motion was made by Council Member Abrego to reject the bid for Item 7.XV. due to the cost of sale exceeding the amount of bid, seconded by Mayor Pro Tem Ellis, and the motion passed with the following vote: Chapa, Abrego, Ellis and Scruggs voting Aye; Hyatt was absent.

7.XVI. Consider and Act on offer to purchase Tax Resale Property, Suit No. S-05-1097-TX, Lots 13, 14, 15 and 16, Block 'G' (NCB 571) Makey's First Addition.

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

8. COMMUNITY ENRICHMENT:

There were no Community Enrichment Items.

9. DEVELOPMENT SERVICES:

There were no Development Service items.

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 City to go out for Bids on new Local and Long Distance Phone Service, to include services for fax lines.

Eric Blanchard, Police Chief stated that this item is to approve the issuance of an RFP for new phone services (local and long distance) for the City, and a potential savings of approximately 50%.

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

12.II. Fire Department Stats – January 2017.

William Cox, Fire Chief provided a report on the statistics for the month of January 2017. He discussed the total responses, business occupancies added into ERS, annual fire inspections completed, no reported injuries, total hours of formal training and in-house training, fire hydrants indexed and fire hydrants flow tested. He referred to a map depicting a chart breakdown by Major Incident Types. He reported that no grant monies were received in the month of January.

12.III. Police Department Stats – January 2017.

Police Chief Blanchard provided a report on the statistics for the month of January 2017. He discussed the traffic stops, citations issued, violations cited, arrests, juvenile detentions, and code enforcement. In addition, he reported that in the month of September there were no complaints filed. He added that there were six staff recognitions, and a total of approximately 300 training hours. Mr. Blanchard also discussed highlights for the Patrol Division, CID Division, Training Division, EMC Division and Animal Control Division.

12.IV. Presentation of Police Department Annual Report for 2016.

Police Chief Blanchard Eric Blanchard, Police Chief provided the Council with a review of the 2016 Public Safety Annual Report and stated that the report would also be posted on the City's website. He discussed calls and events for Communications, Fire/EMS and Police department; Tickets and Arrest; Criminal Investigations, Stolen/Recovered Property; Narcotics Seized; Open Records Requests, Asset Forfeiture; Training; and Online Activity.

13. CITIZEN COMMENTS:

Carol Salinas, stated that she was not able to hear the council's comments at today's meeting, and asked who was filling in for the City Attorney. Mr. Jim McKibben was then introduced. She added that she agreed with Ms. Flores' comments regarding Item 7.III, the Hike and Bike project; she then thanked Mr. Quintanilla.

Howard Gillespie, San Patricio County Commissioner, Precinct 4, commented on the results of the 2016 underfunded mandates and State Senate Bill issues, specifically Senate Bill 4.

Liz Bralley, referred to the earlier presentation by Neptune and commented that the meters are not invaluable.

Bill Killian, stated that he is an RFP responder for the Garbage and referred to the three referral letters in their proposal; commented on strong communication participation, community events, and willing to offer free service for sixty days; 27 years of experience, and asked the Council to consider changing the postponement of 120 days to one month.

Roy Vasquez, asked if the current garbage contract is not renewed, would the contractor renew for another three years. Comments were made that it would increase. Also, added that the Sidewalk project is a good idea for the kids.

Cynthia Vasquez, stated that some of the residents would rather not continue relationship with Republic Services; added that they are selective on what they want to comply; and not follow their contractual responsibility.

Melissa Esquivel (Advocate for Thomas Dutton), spoke on the following matters: referred to the executive session item and action taken regarding the City Attorney during the February 16, 2017 City Council Meeting stating that the agenda did not provide sufficient notice to the public; spoke in opposition to motion awarding the City Attorney lifetime insurance benefit and questioned if spouse is receiving this benefit; is City Attorney an Employee or Contract Employee; read a section of the Texas Open Meeting Act distributed by Attorney General Ken Paxton pertaining to open meeting requirements; referred to a case challenged in court pertaining to a contested item; commented that past items on the agenda did not provide sufficient description about the item. Mr. Dutton submitted a request that the Council place on the City's agenda an item to rescind the vote taken on February 16, 2017 to provide health insurance to the City Attorney until he expires, and to seek outside legal counsel regarding the legality of granting the health insurance benefit to City Attorney, and advice regarding sufficient notice requirements for city agendas.

14. EXECUTIVE SESSION:

The meeting was recessed into Executive Session at 9:02 pm under the provisions of Section 551, Texas Government Code to discuss the authority of:

1. Section 551.071, Consultation with City Attorney: Harbor Lease – Captain Baitshack.
2. Section 551.071, Consultation with City Attorney: Harbor Lease – Aransas Pass Seafood Packers.
3. Section 551.074, Personnel Matters: City Manager Recruitment.

The Council returned from Executive Session at 9:55 pm.

1. Section 551.071, Consultation with City Attorney: Harbor Lease – Captain Baitshack.

Mayor Chapa announced that no action would be taken on this item.

2. Section 551.071, Consultation with City Attorney: Harbor Lease – Aransas Pass Seafood Packers.

A motion was made by Mayor Pro Tem Ellis to add a sentence to the lease to read as follows, "however, such increase shall not exceed the percentage increases charged to all other tenants in the general area", seconded by Council Member Abrego, and the motion passed with the following vote: Chapa, Abrego, Ellis and Scruggs voting Aye; Hyatt was absent.

3. Section 551.074, Personnel Matters: City Manager Recruitment.


Mayor Chapa announced that no action would be taken on this item.

15. ADJOURNMENT

There being no further business to come before the Council, Mayor Chapa adjourned the meeting at 10:00 pm.



Adan Chapa
Mayor



Mary Juarez
City Secretary

Approved on: March 20, 2017