



**REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF ARANSAS PASS
600 W. CLEVELAND, ARANSAS PASS, TEXAS
OCTOBER 3, 2016 - 7:00 PM**

- 1. CALL TO ORDER.**
- 2. INVOCATION AND PLEDGE OF ALLEGIANCE.**
- 3. PRESENTATIONS AND PROCLAMATIONS.**
- 4. BOARD AND COMMISSION APPOINTMENTS.**
- 5. CONSENT AGENDA.**

All of the following items on the Consent Agenda are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council member so requests. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

5.I. Ordinance No. 2016-4168

Ordinance annexing adjacent and contiguous territory to the City of Aransas Pass, Texas, pursuant to Article 43.028, Texas Local Government Code; finding that all necessary and required legal conditions have been satisfied; providing that such area shall become a part of the city and that owners and inhabitants thereof shall be bound by the acts and ordinances now in effect and to be hereinafter adopted; providing a severability clause; and providing an effective date.

Documents:

[ORD. NO. 2016-4168.PDF](#)

5.II. Approval Of Special Meeting Minutes Of August 29, 2016, And Regular Meeting Minutes Of September 6, 2016 And September 19, 2016.

Documents:

[08-29-16 SPECIAL.PDF](#)
[09-06-16 REGULAR.PDF](#)
[09-19-16 REGULAR.PDF](#)

6. PUBLIC HEARINGS.

6.I. Public Hearing On Text Amendments To Zoning Ordinance

Public Hearing on the following Text Amendments:

1. Amendment to the City of Aransas Pass Zoning Ordinance, Part I, Section 4, Subsection 103 by removing mobile homes in the R 7B District and updating

- Part I, Section 4, Subsection 111 by replacing "Mobile Home" with "Manufactured Home" and referencing the Development Services fees.
2. Amend the City of Aransas Pass Zoning Ordinance to update the "MH" Manufactured Home District by revising references to RV parks.

Documents:

[PZ MEMO AMEND SECTIONS 3 4 19 20.PDF](#)
[PROPOSED AMENDMENTS SECTIONS 3 4 19 20.PDF](#)
[PZ MEMO AMEND SECTION 11 MH.PDF](#)
[PROPOSED AMENDMENTS SECTION 11 MH DISTRICTORDINANCE.PDF](#)

6.II. Consider And Act On Text Amendments To Zoning Ordinance

Consider and Act on the following Text Amendments:

1. Amendment to the City of Aransas Pass Zoning Ordinance, Part I, Section 4, Subsection 103 by removing mobile homes in the R 7B District and updating Part I, Section 4, Subsection 111 by replacing "Mobile Home" with "Manufactured Home" and referencing the Development Services fees.
2. Amend the City of Aransas Pass Zoning Ordinance to update the "MH" Manufactured Home District by revising references to RV parks.

6.III. Public Hearing On Demolition Of Buildings

Public Hearing on the Demolition of the Following Buildings:

1. 640 N. Houston Street - Property I.D. 12689; Lots 26-29 & 25' of Houston, Block 476; Aransas Pass Townsite.
2. 802 N. McCampbell Street - Property I.D. 12529; Lots 9 & 5' of McCampbell, Block 408; Aransas Pass Townsite.
3. 728 S Rife Street - Property I.D. 329; Lots 25 & 26, Block 442; Aransas Pass Townsite.
4. 742 N Houston Street - Property I.D. 12673; Lots 26 - 27 & 25' of Houston, Block 475; Aransas Pass Townsite.
5. 1245 W Johnson Avenue - Property I.D. 42872; Outlot 45, Tract 4; Aransas Pass Townsite.

Documents:

[A1. AGENDA MEMO -640 N HOUSTON STREET.PDF](#)
[A1. - 640 N HOUSTON.PDF](#)
[B1. AGENDA MEMO -802 N MCCAMPBELL STREET.PDF](#)
[B1. - 802 N MCCAMPBELL.PDF](#)
[C. AGENDA MEMO -728 S RIFE STREET.PDF](#)
[C1. - 728 S RIFE.PDF](#)
[D. AGENDA MEMO - 742 N HOUSTON STREET.PDF](#)
[D1. - 742 N HOUSTON.PDF](#)
[6E1. AGENDA MEMO -1245 W JOHNSON AVENUE.PDF](#)
[61. - 1245 W JOHNSON.PDF](#)

6.IV. Consider And Act On The Demolition Of Structures

Consider and Act on the Demolition of the Following Buildings:

1. 640 N Houston Street - Property I.D. 12689; Lots 26-29 & 25'

- of Houston, Block 476; Aransas Pass Townsite.
2. 802 N McCampbell Street - Property I.D. 12529; Lots 9 & 5' of McCampbell, Block 408; Aransas Pass Townsite.
 3. 728 S Rife Street - Property I.D. 329; Lots 25 & 26, Block 442; Aransas Pass Townsite.
 4. 742 N Houston Street - Property I.D. 12673; Lots 26 - 27 & 25' of Houston, Block 475; Aransas Pass Townsite.
 5. 1245 W Johnson Avenue - Property I.D. 42872; Outlot 45, Tract 4; Aransas Pass Townsite.

7. CITY MANAGER.

- 7.I. Consider And Act On Appointing Sandra Garcia, Comptroller As An Additional Signatory For The Withdrawal Of Funds From The City Depository.

Documents:

[AGENDA MEMO - SIGNATORY.PDF](#)

- 7.II. Consider And Act On Resolution No. 2016-790 Of Support And Participation In The Floodplain Management Plan And Recognition Of The Floodplain Management Planning Committee.

Documents:

[AGENDA MEMO - FLOODPLAIN MGMT COMMITTEE.PDF](#)
[RES. 2016-790 FMP RESOLUTION OF PARTICIPATION AND COMMITTEE.PDF](#)

- 7.III. Consider And Act On An Agreement With Texas A & M University - Corpus Christi Social Science Research Center.

Documents:

[AGENDA MEMO - TAMUCC CONTRACT.PDF](#)
[2017 CONTRACT ARANSAS PASS.PDF](#)

- 7.IV. Consider And Act On Water Adjustment Of Marci Garcia.

Documents:

[AGENDA MEMO - WATER ADJUSTMENT.PDF](#)
[WATER SUMMARY.PDF](#)

8. COMMUNITY ENRICHMENT.

Community Enrichment includes the following: Parks, Civic Center, Aquatic Facility, Library, and Senior Center.

9. DEVELOPMENT SERVICES.

Development Services includes the following: Building Services, Planning, Public Works, and Maintenance.

10. FINANCE.

Finance includes the following: Utility Billing, Finance, Human Resources, and Meter Reading.

11. INFORMATION TECHNOLOGY.

12. PUBLIC SAFETY.

Public Safety includes the following: Police, Fire, EMS, Harbor, and Emergency Management

- 12.I. Ordinance Prohibiting Public Urination And Defecation.
Consider and Act on approving Section 18-13, Urinating or Defecating in Public, Prohibited, of Chapter 18, Part II, of the Aransas Pass, Texas - Code of Ordinances.

Documents:

[AGENDA MEMO - PUBLIC URINATION-DEFECATION PROHIBITED.PDF](#)
[SECS._18-13..PDF](#)

- 12.II. Renew The City Curfew Ordinance.
Consider and Act on approving the renewal of the City's curfew in Part 2, Chapter 18, Sections 18-4 and 18-7 of the Aransas Pass Code of Ordinances.

Documents:

[AGENDA MEMORANDUM - CURFEW.PDF](#)
[SEC._18_4.___CURFEW_FOR_MINORS_GENERALLY. \(1\).PDF](#)

13. CITIZEN COMMENTS.

Citizen comments is intended for matters that are not scheduled on the agenda. Please limit presentations to three minutes. A recording is made of the meeting; therefore, please speak into the microphone located at the podium and state your name and address.

14. EXECUTIVE SESSION.

- 14.I. The City Council May Recess Into Executive Session To Discuss The Following Item Pursuant To Chapter 551 Of The Texas Government Code:

a. Section 551.071: Consultation with City Attorney: Lamas Lawsuit.

Reconvene in Open Session to Consider and Act on Findings of Executive Session:

a. Section 551.071: Consultation with City Attorney: Lamas Lawsuit.

15. ADJOURNMENT.

16. POSTING STATEMENT.

I certify that the above notice of meeting was posted at the Aransas Pass City Hall located at 600 W. Cleveland, Aransas Pass, TX 78336 on _____, 2016 at _____ a.m./p.m.

**Mary Juarez
City Secretary**

Persons with disabilities planning to attend this meeting who may need auxiliary services are asked to contact the City Secretary's office at (361) 758-5301, 24 hours in advance of the meeting.

ORDINANCE NO. 2016-4168

AN ORDINANCE ANNEXING ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF ARANSAS PASS, TEXAS, PURSUANT TO ARTICLE 43.028, TEXAS LOCAL GOVERNMENT CODE; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREA SHALL BECOME A PART OF THE CITY AND THAT OWNERS AND INHABITANTS THEREOF SHALL BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREINAFTER ADOPTED; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Article 43.028, Texas Local Government Code, Gallagher Builders, Inc., owner of that certain property hereinafter described, presented its petition to the City Council of the City of Aransas Pass, Texas requesting that the said described area be annexed into the city limits of the City of Aransas Pass; and,

WHEREAS, such area is one-half mile or less in width; is contiguous to the present City of Aransas Pass boundaries; and is vacant and without residents or on which fewer than three qualified voters reside; and,

WHEREAS, after the 5th day but on or before the 30th day the petition was filed, the City Council considered the petition and heard the arguments for and against annexation and found that the petition for annexation should be granted;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARANSAS PASS, TEXAS:

Section 1: That the property described by metes and bounds in *Exhibit A*, attached hereto and referred to and incorporated herein for all purposes, be and is hereby annexed and brought into the corporate limits of the City of Aransas Pass, San Patricio County Texas; that the current city limit boundaries are hereby extended to join and encompass said property as reflected by the plat of said property marked *Exhibit B attached hereto and referred to and incorporated herein for all purposes*; and same is hereby made an integral part of the City of Aransas Pass, Texas.

Section 2: That the owners and inhabitants, if any, of the area annexed shall be entitled to all of the rights and privileges and all other legal action now in force and effect and all those which may be hereafter adopted

Section 3: That the official map and boundaries of the City, heretofore adopted and amended be and is hereby amended and the boundaries extended so as to include the aforementioned referenced territory as part of the City of Aransas Pass, Texas

Section 4: That the Mayor is hereby directed and authorized to perform or cause to be performed, all acts necessary to correct the official map of the City to include the territory hereby annexed as required by law.

Section 5: It is ordered that a certified copy of this Ordinance shall be filed of record in the office of the County Clerk of San Patricio, Texas and any counties in which such annexed area is situated.

Section 6: That this Ordinance shall become effective immediately upon its passage.

Section 7: If any section, subsection, sentence, phrase, or word of this ordinance is found to be illegal, invalid, or unconstitutional, or if any portion of said property is incapable of being annexed by the City, for any reason whatsoever, the adjudication shall not affect any other section, sentences, phrase, word, paragraph, or provision of any other ordinance of the City. The City Council declares that it would have adopted the valid portions and applications of this Ordinance and would have annexed the valid property without the invalid part, and to this end the provisions of this Ordinance are declared severable.

PASSED AND APPROVED by the City Council of the City of Aransas Pass, Texas, this _____ day of _____, 2016.

CITY OF ARANSAS PASS, TEXAS

By: _____
Adan Chapa

ATTEST:

Mary Juarez, City Secretary

APPROVED AS TO LEGAL FORM:

Allen S. Lawrence, Jr., City Attorney

**LEGAL DESCRIPTION
24.61 ACRE TRACT**

THE STATE OF TEXAS}
THE COUNTY OF SAN PATRICIO}

BEING a 24.61 acre tract of land and being a part of Farm Lots 1, 2, 3, 4, and 5, Land Block 75, and a 0.88 acre strip of land of a platted unimproved roadway, this day described, according to the Plat of the T.P. McCampbell Subdivision, recorded in Volume 11, Pages 21 and 22 of the Map Records of San Patricio County, Texas and being described by metes and bounds as follows:

BEGINNING at an existing 5/8 inch steel rod, at the south corner of Farm Lot 1, Land Block 75, and at the intersection of the northwest right-of-way line of Avenue A, and the northeast right-of-way line of said unimproved roadway, and at the east corner of said 0.88 acre tract, and at a point in the southeast line of the herein described tract;

THENCE, with the northwest right-of-way line of said Avenue A, *South 34°37'30" West*, for a distance of **20.00 feet** to a 5/8 inch steel rod set, with yellow cap stamped URBAN SURVEYING, in the centerline of said unimproved roadway for the south corner of said 0.88 acre tract and the herein described tract, said steel rod set being located, *North 34°37'30" East*, for a distance of **20.00 feet** from the east corner of Farm Lot 1, Land Block 76;

THENCE, with the centerline of said unimproved roadway, *North 55°19'56" West*, for a distance of **1261.68 feet** to a 5/8 inch steel rod set, with yellow cap, at an inside corner of said 0.88 acre tract and the herein described tract;

THENCE, *South 34°37'00" West*, for a distance of **20.00 feet** to a 5/8 inch steel rod set, with yellow cap, in the southwest right-of-way line of said unimproved roadway and at the north corner of Farm Lot 4, Land Block 76, and at the east corner of Farm Lot 5, Land Block 76, and at a corner of the herein described tract;

THENCE, with the southwest right-of-way line of said unimproved roadway and the northeast line of said Farm Lot 5, Land Block 76, *North 55°19'56" West*, for a distance of **330.00 feet** to a 5/8 inch steel rod set, with yellow cap, at the north corner of said Farm Lot 5, and at the east corner of Farm Lot 6, Land Block 76, and at the west corner of the herein described tract;

THENCE, across said unimproved roadway, *North 34°40'04" East*, at **40.00 feet pass** a 5/8 inch steel rod in the northeast right-of-way of said unimproved roadway and in the southwest line of said Land Block 75, and at the south corner of Farm Lot 6, Land Block 75, and at the west corner of said Farm Lot 5, Land Block 75, continuing for a total distance of **43.94 feet** to a 5/8 inch steel rod set, with yellow cap, in the common line of said Farm Lot 6, Land Block 75 and said Farm Lot 5, Land Block 75, and at a corner of the herein described tract;

THENCE, into said Farm Lots 5, 4, 3, 2 and 1, Land Block 75 the following bearings and distances:

South 61°30'21" East, for a distance of **48.59 feet** to a 5/8 inch steel rod set, with yellow cap, at an angle point of the herein described tract;

South 73°21'37" East, for a distance of **56.06 feet** to a 5/8 inch steel rod set, with yellow cap, at an angle point of the herein described tract;

EXHIBIT A

South 74°06'51" East, for a distance of **137.03 feet** to a 5/8 inch steel rod set, with yellow cap, at an angle point of the herein described tract;

South 68°47'58" East, for a distance of **132.49 feet** to a 5/8 inch steel rod set, with yellow cap, at a corner of the herein described tract;

North 24°00'47" East, for a distance of **125.00 feet** to a 5/8 inch steel rod set, with yellow cap, at a corner of the herein described tract in a curve to the left;

THENCE, with said curve to the left, chord bearing **North 68°06'33" West**, chord distance **109.25 feet**, radius **1475.00 feet**, arc distance **109.28 feet**, and a delta angle **04°14'41"**, to a 5/8 inch steel rod set, with yellow cap, at a corner of the herein described tract;

THENCE, continuing into said Farm Lots 5, 4, 3, 2 and 1, Land Block 75 the following bearings and distances:

North 19°46'06" East, for a distance of **50.00 feet** to a 5/8 inch steel rod set, with yellow cap, at the point of curve return of a curve to the right of the herein described tract,

THENCE, with said curve to the right, chord bearing **North 25°36'39" West**, chord distance **21.07 feet**, radius **15.00 feet**, arc distance **23.36 feet**, and a delta angle **89°14'30"**, to a 5/8 inch steel rod set, with yellow cap, at the point of a compound curve to the right of the herein described tract;

THENCE, with said curve to the right, chord bearing **North 27°28'13" East**, chord distance **51.49 feet**, radius **175.00 feet**, arc distance **51.68 feet**, and a delta angle **16°55'14"**, to a 5/8 inch steel rod set, with yellow cap, at a corner of the herein described tract;

THENCE, continuing into said Farm Lots 5, 4, 3, 2 and 1, Land Block 75 the following bearings and distances:

South 46°15'25" East, for a distance of **117.87 feet** to a 5/8 inch steel rod set, with yellow cap, at a corner of the herein described tract;

North 59°40'55" East, for a distance of **79.27 feet** to a 5/8 inch steel rod set, with yellow cap, at an angle point of the herein described tract;

North 77°59'20" East, for a distance of **81.39 feet** to a 5/8 inch steel rod set, with yellow cap, at an angle point of the herein described tract;

South 89°52'27" East, for a distance of **268.88 feet** to a 5/8 inch steel rod set, with yellow cap, at an angle point of the herein described tract;

South 89°01'39" East, for a distance of **54.18 feet** to a 5/8 inch steel rod set, with yellow cap, at an angle point of the herein described tract;

North 79°25'41" East, for a distance of **111.62 feet** to a 5/8 inch steel rod set, with yellow cap, at an angle point of the herein described tract;

North 67°50'25" East, for a distance of **111.62 feet** to a 5/8 inch steel rod set, with yellow cap, at an angle point of the herein described tract;

North 56°15'08" East, for a distance of **55.81 feet** to a 5/8 inch steel rod set, with yellow cap, at an angle point of the herein described tract;

EXHIBIT A

North 53°21'19" East, for a distance of *55.59 feet* to a 5/8 inch steel rod set, with yellow cap, at an angle point of the herein described tract;

North 47°33'41" East, for a distance of *55.59 feet* to a 5/8 inch steel rod set, with yellow cap, at an angle point of the herein described tract;

North 45°41'03" East, for a distance of *43.74 feet* to a 5/8 inch steel rod set, with yellow cap, at a corner of the herein described tract;

South 55°23'00" East, for a distance of *536.92 feet* to a 5/8 inch steel rod set, with yellow cap, at a corner of the herein described tract;

South 34°37'30" West, for a distance of *69.88 feet* to a 5/8 inch steel rod set, with yellow cap, at a corner of the herein described tract and;

South 55°22'30" East, for a distance of *190.00 feet* to a 5/8 inch steel rod set, with yellow cap, in the northwest right-of-way line of said Avenue A, and in the southeast line of said Land Block 75, and at a corner of the herein described tract;

THENCE, with the northwest right-of-way line of said Avenue A, and the southeast line of said Land Block 75, *South 34°37'30" West*, for a distance of *910.09 feet* to **THE POINT OF BEGINNING, CONTAINING 24.61 ACRES** of land more or less.

Reference is made to that Plat accompanying this Legal Description.

Bearings based on Volume 11, Pages 21 and 22 of the Map Records of San Patricio County, Texas.

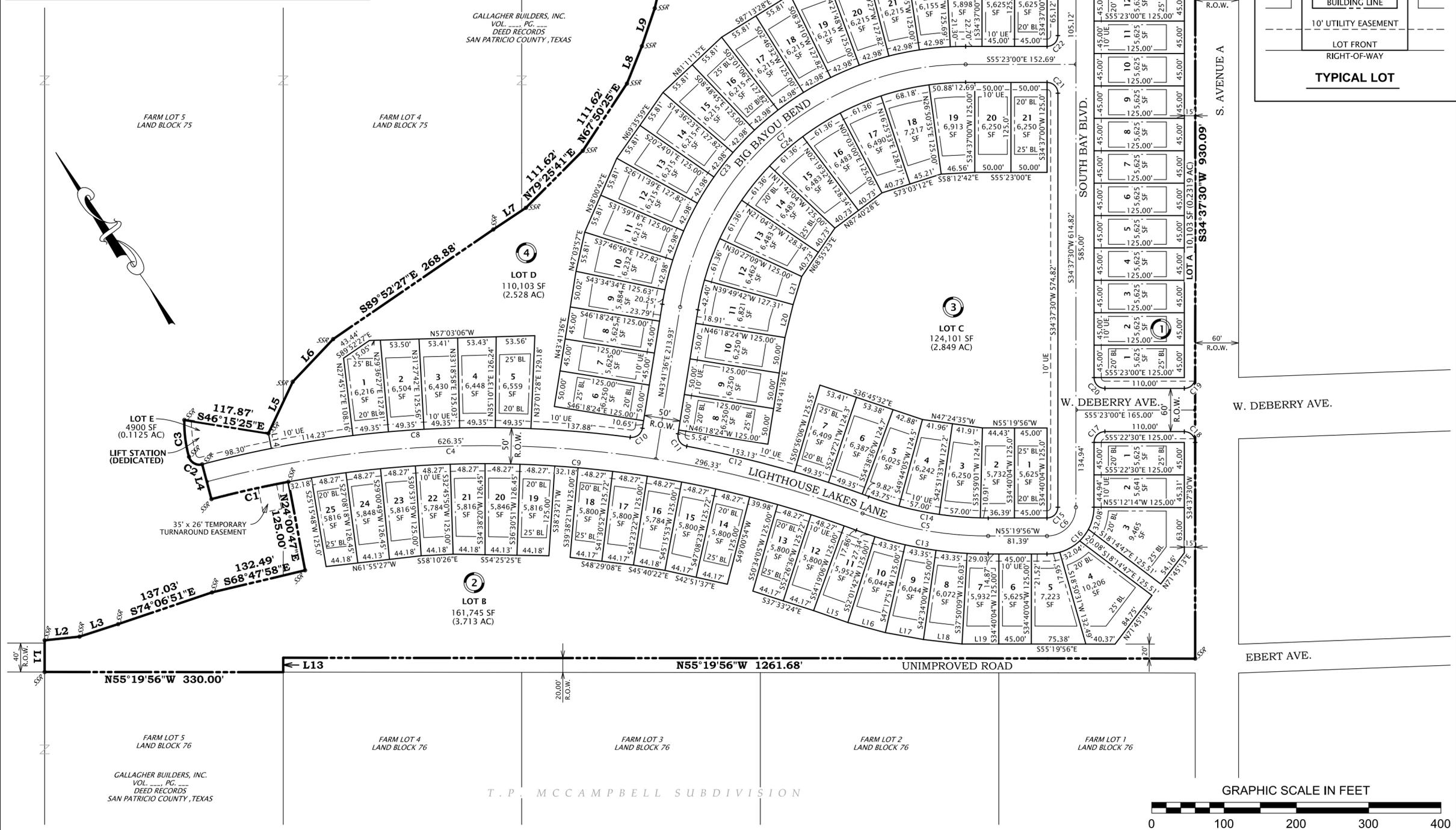
This survey was completed without the benefit of an abstract of title. There may be easements, or other matters, not described.

The above Legal Description was prepared from an actual survey made on the ground under my supervision in June 2016.


Urban Surveying, Inc.
By: Terry T. Ruddick 7/20/16
Registered Professional Land Surveyor
Texas No. 4943
E20145.1 roadway vacation and phase one 71316



CURVE DATA					LINE DATA			
CURVE	RADIUS	TANGENT	DELTA	ARC LENGTH	CHORD BEARING AND LENGTH	LINE	BEARING	DISTANCE
C1	1475.00'	54.66'	04°14'41"	109.28'	N 68°06'33" W 109.25'	L1	N 34°40'04" E	43.94'
C2	15.00'	14.80'	89°14'30"	23.36'	N 25°36'39" W 21.07'	L2	S 61°30'21" E	48.59'
C3	175.00'	26.03'	16°55'14"	51.68'	N 27°28'13" E 51.49'	L3	S 73°21'37" E	56.06'
C4	1500.00'	476.46'	35°14'38"	922.68'	S 52°36'35" E 908.20'	L4	N 19°46'06" E	50.00'
C5	500.00'	89.71'	20°20'40"	177.54'	S 45°09'36" E 176.61'	L5	N 59°40'55" E	79.27'
C6	40.00'	40.03'	90°02'34"	62.86'	N 79°38'47" E 56.59'	L6	N 77°59'20" E	81.39'
C7	400.00'	341.17'	80°55'24"	564.95'	N 84°09'18" E 519.15'	L7	S 89°01'39" E	54.18'
C8	1525.00'	302.46'	22°26'12"	597.18'	S 59°00'48" E 593.37'	L8	N 56°15'08" E	55.81'
C9	1475.00'	409.04'	30°59'56"	798.03'	S 50°29'14" E 788.33'	L9	N 53°21'19" E	55.59'
C10	15.00'	14.62'	88°30'42"	23.17'	N 87°56'57" E 20.94'	L10	N 47°33'41" E	55.59'
C11	15.00'	14.62'	88°30'42"	23.17'	N 00°33'45" W 20.94'	L11	N 45°41'03" E	43.74'
C12	1525.00'	131.15'	09°49'50"	261.65'	S 39°54'11" E 261.33'	L12	S 34°37'30" W	69.88'
C13	525.00'	94.20'	20°20'40"	186.42'	S 45°09'36" E 185.44'	L13	S 34°37'00" W	20.00'
C14	475.00'	85.23'	20°20'40"	168.66'	S 45°09'36" E 167.78'	L14	N 23°27'42" E	21.15'
C15	15.00'	15.01'	90°02'34"	23.57'	N 79°38'47" E 21.22'	L15	S 36°06'25" E	50.19'
C16	65.00'	65.05'	90°02'34"	102.15'	N 79°38'47" E 91.96'	L16	S 40°20'13" E	53.65'
C17	15.00'	15.00'	89°59'30"	23.56'	S 79°37'15" W 21.21'	L17	S 45°04'04" E	53.65'
C18	15.00'	15.00'	90°00'30"	23.56'	S 10°22'45" E 21.21'	L18	S 48°41'54" E	53.71'
C19	15.00'	15.00'	89°59'30"	23.56'	N 79°37'15" E 21.21'	L19	N 55°22'28" W	50.84'
C20	15.00'	15.00'	90°00'30"	23.56'	N 10°22'45" W 21.21'	L20	N 48°26'27" E	47.02'
C21	15.00'	15.00'	90°00'30"	23.56'	S 10°22'45" E 21.21'	L21	N 51°37'13" E	40.74'
C22	15.00'	15.00'	89°59'30"	23.56'	N 79°37'15" E 21.21'			
C23	425.00'	362.49'	80°55'24"	600.26'	N 84°09'18" E 551.60'			
C24	375.00'	319.85'	80°55'24"	529.64'	N 84°09'18" E 486.70'			



URBAN engineering

Tel (361) 578-9836
Fax (361) 576-9836
www.urbanvictoria.com

2004 N. Commerce
Victoria, Texas 77901
TREF# F-160

Harbor Heights - Phase I

FINAL PLAT

BEING A 24.61 ACRE TRACT OF LAND OUT OF LOT NOS. 1 THROUGH 7 OF LAND BLOCK NO. 75, T.P. MCCAMPBELL SUBDIVISION VOLUME 11, PAGES 21 AND 22, MAP RECORDS OF SAN PATRICIO COUNTY, TEXAS.

THIS PLAT IS CONTAINED WITHIN THE CORPORATE LIMITS OF THE CITY OF ARKANSAS PASS.

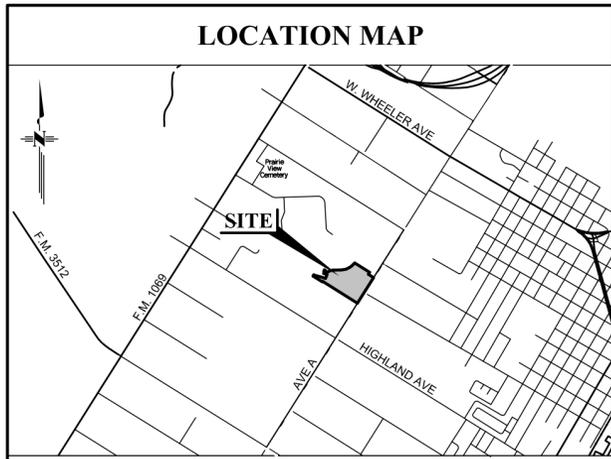
PLAT IS FILED FOR RECORD IN VOL. _____, PG. _____ OF THE PLAT RECORDS OF SAN PATRICIO COUNTY, TEXAS.

DATE 08/05/16

JOB NUMBER E20145.01

PAGE 1 OF 2

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METES AND BOUNDS DESCRIPTION

SURVEYOR'S CERTIFICATE/ ENGINEER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

THAT, I, TERRY T. RUDDICK, DO HEREBY CERTIFY THAT I MADE AN ACTUAL AND ACCURATE SURVEY OF THE PLATTED LAND, AND THAT THE CORNER MONUMENTS SHOWN ON THE FOREGOING PLAT WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION AND DEVELOPMENT ORDINANCE OF THE CITY OF ARANSAS PASS, TEXAS.

REVIEW COPY

TERRY T. RUDDICK, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 4943

URBAN SURVEYING, INC.
FIRM NO. 10021100
2004 N. COMMERCE ST.
VICTORIA, TX 77901
(361) 578-9836

KNOW ALL MEN BY THESE PRESENTS:

THAT, I, RAY M. BRIDGES, DO HEREBY CERTIFY THAT THE FOREGOING PLAT WAS PREPARED IN ACCORDANCE WITH THE SUBDIVISION AND DEVELOPMENT ORDINANCE OF THE CITY OF ARANSAS PASS, TEXAS.

REVIEW COPY

RAY M. BRIDGES, P.E., R.P.L.S.
PROFESSIONAL ENGINEER
TEXAS REGISTRATION NO. 68789

URBAN ENGINEERING
TREF NO. F-160
2004 N. COMMERCE ST.
VICTORIA, TX 77901
(361) 578-9836

CERTIFICATE OF OWNERSHIP AND DEDICATION

THE STATE OF TEXAS
COUNTY OF _____

THIS IS TO CERTIFY THAT I(WE), GALLAGHER BUILDERS, INC., AM(ARE) THE LEGAL OWNER(S) OF THE LAND SHOWN ON THIS PLAT, BEING THE TRACT OF LAND AS CONVEYED TO ME(US) BY INSTRUMENT NO. ***** OF THE OFFICIAL RECORDS OF SAN PATRICIO COUNTY, TEXAS, AND DESIGNATED HEREIN AS HARBOR HEIGHTS - PHASE I IN THE CITY OF ARANSAS PASS, TEXAS.

FURTHER, I(WE), THE UNDERSIGNED, DO HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES SHOWN ON THIS PLAT FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED.

SIGNATURE

RAYMOND GALLAGHER
PRESIDENT
141 SEA BREEZE
ARANSAS PASS, TX 78336

THE STATE OF TEXAS
THE COUNTY OF _____

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED RAYMOND GALLAGHER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SUCH PERSON EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____, 20____.

NOTARY PUBLIC, STATE OF TEXAS

GENERAL NOTES

- ZONING : PLANNED DEVELOPMENT (PD-1)
- ADDRESSES : TO BE DETERMINED
- BUILDING LINES :
FRONT - 20 FEET
SIDE - 5 FEET
REAR - 25 FEET
- STATISTICAL DATA :
A) GROSS AREA - 24.61 AC
B) GROSS LOTS - 83 LOTS
C) LIFT STATION DEDICATION - 0.1125 AC (4,901 SF)
D) COMMON AREA - 9.322 AC
D) NET AREA - 24.50 AC
- ALL CORNERS ARE MARKED WITH A SET 5/8" DIAMETER STEEL ROD WITH YELLOW PLASTIC CAP MARKED "URBAN SURVEYING, INC" UNLESS OTHERWISE NOTED.

FSR - FOUND 5/8" DIAMETER STEEL ROD
SSR - SET 5/8" DIAMETER STEEL ROD WITH YELLOW PLASTIC CAP MARKED "URBAN SURVEYING, INC"
- ABBREVIATIONS:
AC - ACRES
BL - BUILDING LINE
R.O.W. - RIGHT-OF-WAY
SF - SQUARE FEET

CERTIFICATE OF APPROVAL

THE STATE OF TEXAS
COUNTY OF SAN PATRICIO, NUECES AND ARANSAS

THIS PLAT OF _____ SUBDIVISION (ADDITION) APPROVED _____ (DATE) BY THE CITY PLANNING AND ZONING COMMISSION OF THE CITY OF ARANSAS PASS, TEXAS. THIS THE _____ DAY OF _____, 20____; PROVIDED HOWEVER, THIS APPROVAL SHALL BE INVALID, AND NULL AND VOID, UNLESS THIS PLAT IS FILED WITH THE COUNTY CLERK WITHIN SIX (6) MONTHS HEREAFTER.

CHAIRMAN

SECRETARY

CERTIFICATE OF APPROVAL

THE STATE OF TEXAS
COUNTY OF SAN PATRICIO, NUECES AND ARANSAS

THIS PLAT OF _____ SUBDIVISION (ADDITION) APPROVED _____ (DATE) BY THE CITY BUILDING INSPECTOR OF THE CITY OF ARANSAS PASS, TEXAS. THIS THE _____ DAY OF _____, 20____.

CITY BUILDING INSPECTOR

CERTIFICATE OF APPROVAL

THE STATE OF TEXAS
COUNTY OF SAN PATRICIO, NUECES AND ARANSAS

THIS THE _____ DAY OF _____, 20____.

CITY HEALTH OFFICER

URBAN
ENGINEERING

Tel (361) 578-9836
Fax (361) 576-9836
www.urbanvictoria.com

FINAL PLAT

Harbor Heights - Phase I

BEING A 24.61 ACRE TRACT OF LAND OUT OF LOT NOS. 1 THROUGH 7 OF LAND BLOCK NO. 75, T.P. McCAMPBELL SUBDIVISION VOLUME 11, PAGES 21 AND 22, MAP RECORDS OF SAN PATRICIO COUNTY, TEXAS.

THIS PLAT IS CONTAINED WITHIN THE CORPORATE LIMITS OF THE CITY OF ARANSAS PASS.

PLAT IS FILED FOR RECORD IN VOL. _____, PG. _____ OF THE PLAT RECORDS OF SAN PATRICIO COUNTY, TEXAS.

DATE 08/05/16

JOB NUMBER E20145.01

PAGE 2 OF 2

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

A Special Meeting of the Aransas Pass City Council was held on Monday, August 29, 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, Phillip Hyatt and Carrie Scruggs were present. 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. **PRESENTATIONS AND PROCLAMATIONS:**

There were no Presentation Items.

4. **BOARD AND COMMISSION APPOINTMENTS:**

There were no Board Appointment Items.

5. **CONSENT AGENDA:**

5.I. Ordinance No. 2016-4164, amending the Code of Ordinances by adding a new Section 2-1.1, Rules of Decorum and as part thereof adopting Robert's Rules of Order; and providing for an effective date.

5.II. Approval of minutes of August 15, 2016.

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

6. **PUBLIC HEARING:**

6.I-a Second Public Hearing on the Year 2016 Tax Rate.

City Attorney Lawrence declared the public hearing open. City Manager Carrillo stated that the valuations for the 2016 property tax year dropped to \$0.688655, and will bring in the same amount of monies as last year. She added that staff is recommending the adoption of the tax rate.

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

6.I-b ~~Ordinance No. 2016-4162 levying upon the assessed valuation of the property within the City of Aransas Pass, Texas subject to taxation, a certain sum upon each one hundred (\$100.00) dollars of valuation sufficient to raise the amount estimated to be requested in the annual budget, less the amount estimated to be received from fines, licenses, and other sources of revenues.~~

City Manager Carrillo asked that Item 6.I (b) will be postponed until the next meeting.

6.II-a Second Public Hearing on the Aransas Pass Operating Budget for FY2016-2017.

City Attorney Lawrence declared the public hearing open. City Manager Carrillo stated that there were some minor adjustments to the budget since the first public hearing. She discussed the following adjustments in the General Fund: increase in revenue in Franchise Fees, decrease in the City Secretary budget, increase in the Fire Department budget, and a modification with the Harbor Master salary.

Ms. Carrillo then provided a power point presentation and discussed the following: tax rate, the allocation due to the recent Charter Amendment, increase in health care costs, the re-creation of the Park and Mowing Division, revenues and expenditures in the General Fund, discussed budgets by Division, and the budgets for the Municipal Development District and Crime Control and Prevention District.

Ms. Carrillo then provided a power point presentation on the Capital Improvement Budget. She provided a power point presentation and stated that in 2011, the City sold bonds totaling \$4.4 million secured by the Water and Sewer Fund and discussed the project list and allocation for this fund. She then stated that in February 2014, the City sold the 2015 Series – Part 1 totaling \$9.5 million in Combination Tax and Limited Pledge Revenue Certificates of Obligation and discussed the project list and monies for these funds. Ms. Carrillo then stated that Bond Series 2015 – Part 2 totaled \$2.285 million and discussed the project list and amounts allocated for each project. Ms. Carrillo stated that in August 2016, the city approved the Bond Series 2017 in the amount of \$3 million and discussed the project list for these bonds and the amount allocated for each project.

Council Member Abrego asked if the major flood issues are being addressed in the project list and Ms. Carrillo responded in the affirmative. Mayor Chapa asked if the City has started a preventative maintenance schedule, and Ms. Carrillo stated there is a preventative maintenance program. Mr. Saldana stated that the program was instituted by Mr. Gomez for the lift stations, pump stations, basins, utility equipment, and that appropriate logs are maintained.

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

6.II-b Ordinance No. 2016-4163 adopting the Annual Budget of the City of Aransas Pass, Texas for Fiscal Year 2016-2017 estimating the revenues for said Fiscal Year; appropriating for the purposes stated the sums set forth in said budget; designating the City Manager as the individual who may make requisitions for encumbrances against appropriations; and directing the City Manager to make necessary entries upon the books and accounts of the City to show the appropriation and allocations herein provided.

City Manager Carrillo asked that Item 6.II (b) be postponed until the next meeting.

6.III. Public hearing on the Petition by Gallagher Builders, Inc. to have 24.61 acres of land annexed into the City of Aransas Pass, Texas. The 24.61 acres are out of Lots 1 through 7, Land Block 75, T.P. McCampbell Subdivision and located west of S. Avenue A and north of Highland Avenue.

City Attorney Lawrence declared the public hearing opened. Mr. Miguel Saldana, Director of Development Services stated that Gallagher Builders has submitted a petition to annex 24.61 acres of property. He added that the preliminary plat and development agreement was previously approved by the council. Mr. Saldana stated that this is Phase 1 of the development of 88 single family residential lots.

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

- 6.IV. Consider and Act on the Petition by Gallagher Builders, Inc. to have 24.61 acres of land annexed into the City of Aransas Pass, Texas. The 24.61 acres are out of Lots 1 through 7, Land Block 75, T.P. McCampbell Subdivision and located west of S. Avenue A and north of Highland Avenue.

A motion was made by Mayor Pro Tem Ellis to approve Item 6.IV, seconded by Council Member Abrego, and the motion carried.

7. CITY MANAGER

- 7.I. Consider and Act on nominations to the Texas Municipal League Intergovernmental Risk Pool Board of Trustees

City Manager Carrillo stated that since the City is a participant in Texas Municipal League, the City is required to submit nominations to the Intergovernmental Risk Pool Board of Trustees and referred to the following recommendations on behalf of the City of Aransas Pass: Place 6 – Kyle J. Jung, Place 7 – C. J. Wax, Place 8 – Jim Cox, and Place 9 – Andres Garza.

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

- 7.II. Consider and Act on awarding RFP for the Electrical/Plumbing Work Bleacher/Vendor Pad.

City Manager Carrillo stated that this is to approve the RFP for the electrical and plumbing work at Community Park for an amount not to exceed \$116,065. She added that the City requested bids and that three bids were received, the highest bid was from FSG for \$134,435 and the lowest bid was from C&I Electric for \$116,065. Council Member Hyatt asked if this was just for the Pad Site, and Ms. Carrillo responded in the affirmative.

Mr. Eli De La Cruz stated that he is familiar with these companies and is pleased with the three bidders, and that they have been in business for some time. Council Member Abrego asked what the plans are for the Pad other than Shrimporee, and Ms. Carrillo responded they are for bleachers for the soccer field. Mayor Chapa inquired on the dimensions, and Ms. Carrillo responded that the soccer field already exists and that there are no plans to expand.

A motion was made by Mayor Pro Tem Ellis to award the bid for C & I for an amount not to exceed \$116,065, seconded by Council Member Hyatt, and the motion carried.

- 7.III. Consider and Act on awarding RFP for Chain Link and Privacy Fence Work at various areas in town.

City Manager Carrillo stated that this is to approve the RFP for the Chain Link and Privacy Fence for an amount not to exceed \$254,716. She added that the City received two bids, one from S&J Fence Company for the Dog Park, Parking Lot, Skate Park Netting, Batting Cage, Ball Fields 1, 2 and 3, for a total amount of \$197,670. She added that S&J Fence Company also submitted a bid for Ball Fields 4 and 5 but the bids were high. Ms. Carrillo stated that M&M Construction submitted a bid for Ball Fields 4 and 5 for a total amount of \$57,046. Ms. Carrillo stated that Mr. Pena with M&M Construction has requested that the council waive the worker's compensation

requirement citing statutory regulations of less than five employees at the job site. Council Member Abrego asked about the ramifications in the event of an accident, and Ms. Carrillo responded that the City would be liable.

Mr. Eli De La Cruz further discussed the bid including worker's compensation specifications and requirements, project scope, and timeframe.

A motion was made by Mayor Pro Tem Ellis to approve Item 7.III and require M&M Construction to obtain worker's compensation insurance, seconded by Council Member Hyatt, and the motion carried.

8. COMMUNITY ENRICHMENT:

There were no Community Enrichment items.

9. DEVELOPMENT SERVICES:

9.I. Consider and Act on Ordinance amending the Code of Ordinances, Article VIII, Flood Damage Prevention, Section 5-116, Basis for establishing areas of Special Flood Hazard.

Mr. Miguel Saldana, Director of Development Services stated that this item is amending the Flood Damage Prevention Code to bring the City closer to the Community Rating System (CRS), and identifies the different counties in the City of Aransas Pass, and will also update the special flood hazard section to include the Flood Insurance Studies.

A motion was made by Council Member Hyatt to approve Item 9.I, seconded by Council Member Abrego, and the motion carried.

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 allowing the Police Department to seek proposals for a Camera System to monitor several remote locations in the City and improve the camera system at City Hall and the Public Safety Complex.

Eric Blanchard, Police Chief stated that this is to allow the Police department to seek proposals for a camera system to monitor several remote locations in the city and improve the camera system at City Hall and the Public Safety Complex. He stated that the proposal is for cameras to be installed at Veteran's Memorial Park, City Park (Johnson Street), Harbor Point Park, and at the City Hall Complex. He added that the cameras would be linked directly to the Police department and monitored through dispatch and will include an expansion capability for the future.

Council Member Hyatt asked how long will the data be stored, and Mr. Blanchard responded for approximately three months. Mr. Blanchard stated that the cameras are HD quality and the city will have a service agreement.

A motion was made by Council Member Hyatt to approve Item 12.I, seconded by Council Member Abrego, and the motion carried.

12.II. Consider and Act on amending the Fire Prevention Code.

William Cox, Fire Chief stated that this item is amending two sections of the Fire Prevention Code regarding annual inspections and the fire inspection fees. Mr. Cox discussed the proposed fee schedule including the permit type, and annual/biennial fee associated with the permit. He added that staff is requesting that fire inspections be required every two years, at no cost to the business.

A motion was made by Mayor Pro Tem Ellis to approve Item 12.II, seconded by Council Member Hyatt, and the motion carried.

13. **CITIZEN COMMENTS:**

Rosemary Vega, Executive Director, Aransas Pass Chamber of Commerce spoke of the upcoming Car Show Event scheduled for this weekend; and distributed information for the upcoming State of the City on September 20, 2016.

City Manager Carrillo displayed an Ad that was prepared by Site Selector Magazine that will receive national attention on the development potential at Conn Brown Harbor.

14. **EXECUTIVE SESSION:**

14.I. The meeting was recessed into Executive Session at 8:10 pm under the provisions of Section 551, Texas Government Code to discuss the authority of:

- a. Section 551.071 – Consultation with City Attorney: Lloyd W. Richardson (LWR).
- b. Section 551.071 – Consultation with City Attorney: Naismith Lawsuit.
- c. Section 551.074 – Consultation with City Attorney: City Staff.

The Council returned from Executive Session at 9:16 pm.

- a. Section 551.071 – Consultation with City Attorney: Lloyd W. Richardson (LWR).

A motion was made by Council Member Hyatt to extend the Listing Agreement with Cravey Realty with approval of the City Attorney, seconded by Council Member Abrego, and the motion carried.

- b. Section 551.071 – Consultation with City Attorney: Naismith Lawsuit.

A motion was made by Council Member Hyatt to appoint Mayor Adan Chapa for the mediation with the Naismith Lawsuit scheduled for Friday, September 2, 2016, seconded by Council Member Abrego, and the motion carried.

- c. Section 551.074 – Personnel Matters: City Staff.

Mayor Chapa announced that there was no action on this item.

15. **ADJOURNMENT**

There being no further business to come before the Council, Mayor Chapa adjourned the meeting at 9:16 pm.

Adan Chapa
Mayor

Mary Juarez
City Secretary

Approved on: _____

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, September 6, 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, Phillip Hyatt and Carrie Scruggs were present. 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. **PRESENTATIONS AND PROCLAMATIONS:**

There were no Presentation Items.

4. **BOARD AND COMMISSION APPOINTMENTS:**

a. **Building Board of Standards and Appeals**

City Manager Carrillo informed the Council that terms were expiring for Jen Rubinowitz and Michael Moore and both have expressed an interest in being reappointed.

A motion was made by Mayor Pro Tem Ellis to reappoint Jen Rubinowitz (Realtor) and Michael Moore (Business Owner), seconded Council Member Hyatt, and the motion carried.

b. **Planning and Zoning Commission**

City Manager Carrillo informed the Council that terms are expiring for Randall Freeze, Cynthia Vasquez and Carol Salinas and they have expressed an interest in being reappointed.

A motion was made Council Member Hyatt to reappoint Randall Freeze, Cynthia Vasquez and Carol Salinas, seconded by Council Member Abrego, and the motion carried.

5. **CONSENT AGENDA:**

5.I. Ordinance No. 2016-4163 annexing adjacent and contiguous territory to the City of Aransas Pass, pursuant to Article 43.028, Texas Local Government Code; finding that all necessary and required legal conditions have been satisfied; providing that such area shall become a part of the city and that owners and inhabitants thereof shall be bound by the acts and ordinances now in effect and to be hereinafter adopted; providing a severability clause; and providing an effective date.

5.II. Ordinance No. 2016-4164 amending the Code of Ordinances by revising Section 5-116, Basis for Establishing Areas of Special Flood Hazard, Article VIII – Flood Damage Prevention; providing a repealer clause; and providing for an effective date.

- 5.III. Ordinance No. 2016-4165, Ordinance of the City of Aransas Pass, Texas amending the Code of Ordinances, Section 9-20, Adoption of Fire Prevention Code, by adding provisions regarding inspections; and amending Section 5-2, "Amendments to and modification of Building Code; Building Permit Fee Schedule", Subsection M, "Annual Fire Inspection Fee"; and providing for an effective date.
- 5.IV. Approval of Minutes of August 22, 2016.

A motion was made by Council Member Hyatt to approve Items 5.I through 5.IV, seconded by Council Member Abrego, and the motion carried.

6. PUBLIC HEARING:

- 6.I-a Public hearing on the Aransas Pass Municipal Development District Budget for FY 2016-2017.

City Attorney Lawrence declared the public hearing open for the Municipal Development District budget for FY 2016-2017. City Manager Carrillo stated that the MDD has a portion of sales tax that is allocated to the District, and that the MDD funds the Aquatic Center and Civic Center. Ms. Carrillo stated that the MDD receives sales tax and interest income totaling \$843,000, and debt obligation in the amount of \$559,000, which is still paying the outstanding Certificates of Obligation for the Civic Center. In addition, they also contribute to the operating deficit for the Civic Center of approximately \$250,000, which leaves an operating balance of \$655.87 in the MDD budget.

Council Member Abrego asked if funds were already allocated for the carpet replacement in the current budget, and Ms. Carrillo responded in the affirmative.

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

- 6.I-b. Consider and Act on Resolution No. 2016-788 adopting the Aransas Pass Municipal Development District Budget for FY 2016-2017.

Mayor Chapa stated that he serves as a member of the MDD Board and would be abstaining from voting on this item. A motion was made by Council Member Hyatt to approve Item No. 6.I (b), seconded by Council Member Abrego, and the motion carried; Chapa abstained.

- 6.II-a Public hearing on the Aransas Pass Crime Control & Prevention District Budget for FY 2016-2017.

City Attorney Lawrence declared the public hearing open for the Crime Control & Prevention District for Fiscal Year 2016-2017. City Manager Carrillo stated that the CCPD receives sales tax of approximately \$807,000. She stated and that the major expense is to fund police services and that the proposed amount is \$697,000, leaving a revenue account of 109,862. She added that the fund is saving for a Building Fund for a Public Safety Building.

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

- 6.II-b Consider and Act on Resolution No. 2016-789 adopting the Aransas Pass Crime Control & Prevention District Budget for FY 2016-2017.

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

6.III.a. Public hearing on the Year 2016 Tax Rate.

City Attorney Lawrence declared the public hearing open for the 2016 Tax Rate. City Manager Carrillo stated that the proposed tax rate is the effective rate of \$0.688655 and a no increase rate. City Attorney Lawrence stated that there have been two prior public hearings on the Tax Rate.

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

6.III.b. Consider and Act on Ordinance 2016-4166 levying upon the assessed valuation of the property within the City of Aransas Pass, Texas subject to taxation, a certain sum upon each one hundred (\$100.00) dollars of valuation sufficient to raise the amount estimated to be requested in the annual budget, less the amount estimated to be received from fines, licenses, and other sources of revenue.

A motion was made by Council Member Hyatt to approve Item No. 6.III (b), seconded by Mayor Pro Tem Ellis, and the motion carried.

6.IV-a Public hearing on the Aransas Pass Operating Budget for FY 2016-2017.

City Attorney Lawrence declared the public hearing open for the Operating Budget for FY 2016-2017 and added that this is the third public hearing for this item. City Manager Carrillo stated the changes to the annual budget from prior years, are the proposal of the 3% to the General Fund into the Reserves; the increase in staff costs, maintain the tax rate, and continue to plan for projected growth in the area. Ms. Carrillo added that the budget that is being submitted is a balanced budget, with \$9.85 million in revenues and \$9.835 million in expenditures.

Mayor Chapa asked if the budget included an increase for the City Manager, and Ms. Carrillo responded No, and added that few staff will be receiving an increase. She stated that what was incorporated are performance bonuses in \$50 increments for some departments.

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

6.IV-b Consider and Act on Ordinance No. 2016-4167 adopting the Annual Budget of the City of Aransas Pass, Texas for Fiscal Year 2016-2017 estimating the revenues for said Fiscal Year; appropriating for the purposes stated the sums set forth in said budget; designating the City Manager as the individual who may make requisitions for encumbrances against appropriations; and directing the City Manager to make necessary entries upon the books and account of the City to show the appropriation and allocations herein provided.

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

7. CITY MANAGER

- 7.I. Consider and Act on request from Destination Downtown Aransas Pass to temporarily close Houston Street, from Goodnight Avenue to Wilson Avenue on November 5, 2016, from 7:00 am to 5:00 pm for the Sea of Treasures Rummage Sale.

City Manager Carrillo stated this is a request from Destination Downtown, a 501c3 organization, to temporarily close Houston Street, from Goodnight to Wilson for the Sea of Treasures Rummage Sale Rummage Sale, which is dedicated to downtown merchants to promote businesses.

Council Member Hyatt asked if Destination Downtown would be requesting road closures on a quarterly basis, and Ms. Carrillo stated it was her understanding that this was for their big event.

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

- 7.II. Consider and Act on appointing the position of Staff Accountant as an additional signatory for the withdrawal of funds from the City Depository, and remove the position of Director of Finance and Donna Cox as a Signatory Authority.

City Manager Carrillo introduced Amber Ybarra, the new Staff Accountant and stated that the purpose of this item is to remove Donna Cox as signatory from the City's bank accounts.

Mayor Chapa stated that with this appointment, the City will have three signators, and Ms. Carrillo responded in the affirmative.

A motion was made by Council Member Abrego to approve Item 7.II, seconded by Council Member Hyatt, and the motion carried.

8. COMMUNITY ENRICHMENT:

There were no Community Enrichment items.

9. DEVELOPMENT SERVICES:

- 9.I. Consider and Act on request for reimbursement from the San Patricio County Drainage District in the amount of \$88,000.00.

City Manager Carrillo stated that this is a request for reimbursement from the San Patricio County Drainage District. Ms. Carrillo stated that residents pay a monthly fee which is included in the utility bill to San Patricio Drainage District for the purpose of maintaining ditches.

Council Member Abrego asked if this was the first time the City has requested a reimbursement from the San Patricio Drainage District, and Ms. Carrillo stated that this would be the second request. She stated that a few years ago, the City requested over \$300,000 that was used for repairs and purchase of equipment.

Council Member Hyatt asked how will the \$88,000 be used, and Ms. Carrillo stated that these funds would be used for operations expense for streets and drainage. Ms. Carrillo

added that the request should occur annually as part of the regular city budget, because it is a reimbursement coming into the City, and if not requested it remains at the district.

Council Member Abrego asked how much is contributed to the District, and Ms. Carrillo stated that residents contribute approximately \$100 on their property tax bill and only a portion comes back to the City and the District retains a portion.

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

9.II. Consider and Act on approving Change Order No. 1 for the N. 13th Street Infrastructure Replacement Project.

Fernando Quintanilla, Director of Public Works stated that this item is for a Change Order for the N. 13th Street Infrastructure project, for sewer improvements, a clay waterline that will also be replaced, and three manholes, and this will complete the road.

Mayor Chapa asked what the timeframe was for completion, and Mr. Quintanilla responded that the project should take about a month. Ms. Carrillo added that the total amount for completion of 13th Street Reconstruction is just under half a million dollars.

A motion was made Council Member Hyatt to approve Item 9.II, seconded by Council Member Abrego, and the motion carried.

9.III. Consider and Act on awarding J.J. Fox Construction the construction of new ramp and canopy at the Public Works Service Center.

Fernando Quintanilla, Director of Public works stated that the Public Works Service Center added a manufactured building with an aluminum staircase and does not comply with ADA standards. Mr. Quintanilla stated that the building includes a conference room where meetings with developers and contractors is used regularly. A bid in the amount of \$14,000 was received to bring it up to standards.

A motion was made by Council Member Hyatt to approve Item 9.III, seconded by Council Member Abrego, and the motion carried.

At this time, Mayor Chapa stated that a matter was brought to his attention and recognized the excellent work of Officer Prado during a service call. He thanked Mr. Prado and stated that public officials represent the City of Aransas Pass and thanked them for their good work.

10. FINANCE:

There were no Finance items.

11. INFORMATION TECHNOLOGY:

There were no Information Technology items.

12. PUBLIC SAFETY:

13. CITIZEN COMMENTS:

Sam De Leon spoke of two concerns: 1) interested in doing volunteering work and would like to clean up the City Hall area by painting lines around the building on the weekends, and cleanup the parking lot. Ms. Carrillo stated that Mr. De Leon would need to sign a Hold Harmless Agreement in the event of an accident that the City would not be liable; and 2) suggested that when the Police Department pulls a car over, that they get off the road and pull into a parking lot to avoid an accident.

14. EXECUTIVE SESSION:

14.I. The meeting was recessed into Executive Session at 7:26 pm under the provisions of Section 551, Texas Government Code to discuss the authority of:

- a. Section 551.071 – Consultation with City Attorney: Seagrass Mitigation.
- b. Section 551.074 – Personnel Matters: City Secretary.

The Council returned from Executive Session at 7:38 pm

- a. Section 551.071 – Consultation with City Attorney: Seagrass Mitigation.

A motion was made by Mayor Pro Tem Hyatt to appoint Bellaire Environmental for the Seagrass Mitigation not to exceed \$150,000, seconded by Mayor Pro Tem Ellis, and the motion carried.

- b. Section 551.074 – Personnel Matters: City Secretary

A motion was made by Council Member Hyatt to renew the contract with the City Secretary, Mary Juarez, seconded by Council Member Abrego, and the motion carried.

15. ADJOURNMENT

There being no further business to come before the Council, Mayor Chapa adjourned the meeting at 7:40 pm.

Adan Chapa
Mayor

Mary Juarez
City Secretary

Approved on: _____

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, September 19, 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, Phillip Hyatt and Carrie Scruggs were present. Also present was City Manager Sylvia Carrillo. City Attorney Allen Lawrence was absent.

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.

Mayor Chapa announced that he is deviating from the council agenda and moving Executive Session to beginning of the meeting.

14. EXECUTIVE SESSION:

14.I. The meeting was recessed into Executive Session at 7:04 pm under the provisions of Section 551, Texas Government Code to discuss the authority of:

- a. Section 551.071 – Consultation with City Attorney: Redfish Bay Boathouse.
- b. Section 551.071 – Consultation with City Attorney: Lamas Lawsuit.
- c. Section 551.071 – Consultation with City Attorney: Naismith Lawsuit.
- d. Section 551.074 – Personnel Matters: Harbor Master.

The Council returned from Executive Session at 8:20 pm.

- a. Section 551.071 – Consultation with City Attorney: Redfish Bay Boathouse.

A motion was made by Council Member Hyatt to approve a 50 percent temporary reduction for the Redfish Bay Boathouse lease until the permit process is approved by the U.S. Army Corps of Engineers, seconded by Mayor Pro Tem Ellis, and the motion carried.

- b. Section 551.071 – Consultation with City Attorney: Lamas Lawsuit.

Mayor Chapa announced that this item is being tabled.

- c. Section 551.071 – Consultation with City Attorney: Naismith Lawsuit.

A motion was made by Council Member Hyatt to not accept the mediator proposal for the Naismith Lawsuit, seconded by Council Member Abrego, and the motion carried.

- d. Section 551.074 – Personnel Matters: Harbor Master.

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

3. PRESENTATIONS AND PROCLAMATIONS:

There were no Presentation Items.

4. BOARD AND COMMISSION APPOINTMENTS:

There were no Board and Committee Items.

5. CONSENT AGENDA:

There were no Consent Agenda Items.

6. PUBLIC HEARING:

6.I. Public hearing on the following Plats:

1. Plat No. 1609012-P08, Burton and Danforth Subdivision, Block 214, Lots 9A and 9B (Final – 2.42 acres)

Mayor Chapa declared the public hearing open. City Manager Carrillo stated they are normal size lots, located on W. Moore Avenue between N. Avenue A and N. McCampbell Avenue and meets the requirements of the zoning and subdivision regulations. Ms. Carrillo added that staff is recommending approval of the re-plat.

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

2. Plat No. 1609013-P09, Alamo Heights, Block 755, Lot 28-R (Final – 0.26 acre).

Mayor Chapa declared the public hearing open. City Manager Carrillo stated that the applicant proposes to recreate the lot to build a personal home site. She stated that it meets the requirements of the zoning and subdivision regulations.

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

3. Plat No. 1609015-P11; Burton and Danforth Subdivision, Outlot 44, Lots 8-A, 8-B and 8-C (Final 2.73 acres)

Mayor Chapa declared the public hearing open. City Manager Carrillo stated that the applicant is proposing to re-plat the property to divide into three lots. She added that it meets the requirements of the zoning and subdivision regulations.

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

6.II. Consider and Act on the following Plats:

1. Plat No. 1609012-P08, Burton and Danforth Subdivision, Block 214, Lots 9A and 9B (Final – 2.42 acres)
2. Plat No. 1609013-P09, Alamo Heights, Block 755, Lot 28-\$ (Final – 0.26 acre)
3. Plat No. 1609015-P11; Burton and Danforth Subdivision, Outlot 44, Lots 8-A, 8-B and 8-C (Final 2.73 acres)

A motion was made by Mayor Pro Tem Ellis to approve Items 6.II, Plats 1-3, seconded by Council Member Hyatt, and the motion carried.

- 6.III. Public hearing on Zoning Case No. 1608-02: A request from Gallagher Builder's Inc. for a change of zoning from "AG" Agricultural District to "PD" Planned Development District for single-family residential development. The property is described as 24.61 acres out of T.P. McCampbell Subdivision, Block 75, Lots 1 through 7.

Mayor Chapa declared the public hearing open. City Manager Carrillo stated that a Planned Development District serves as an opportunity for a developer to present all the information required for the infrastructure and development of property, and if they meet regulations there is flexibility within the zoning and subdivision regulations. She added that the developer is requesting a reduction in lot sizes to accommodate drainage and the construction of 83 lots for this phase. Ms. Carrillo also stated that this request required a friendly annexation and is currently zoned at "AG" Agricultural, and will be located near the High School where the expected growth is expected to occur.

Council Member Hyatt asked if one of the entrances will be off of DeBerry, and Ms. Carrillo responded yes.

Richard Palmietto spoke in favor of the development but is concerned that there is only one entrance for 83 proposed homes. Ms. Carrillo referred to a map depicting the area and stated that the homes are geared for families and children.

Bill Stevens, resides on Avenue A directly across from the proposed development and expressed concern with the easement and traffic.

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

- 6.IV. Consider and Act on Zoning Case No. 1608-02: A request by Gallagher Builders, Inc. for a change of zoning from "AG" Agricultural District to "PD" Planned Development District for Single-Family Residential Development. The property is described as 24.61 acres out of T.P. McCampbell Subdivision, Block 75, Lots 1 through 7.

A motion was made by Council Member Hyatt to approve Item 6.IV, seconded by Council Member Abrego, and the motion carried.

- 6.V. Public hearing on Plat No. 1609016-P12, Harbor Heights – Phase I.

Mayor Chapa declared the public hearing open. City Manager Carrillo stated this is the plat related to the previous item. She added that the lots are smaller, from 7,000 to 5,600; the minimum side yard setback from 6-10 feet to 5 feet, and the maximum density will be no more than 4 dwelling units per acre.

Bill Stevens, resides on Avenue A asked what the sizes of the homes would be, and Ms. Carrillo responded that the minimum is 1,200 square feet, and that the drainage plans are available for inspection at the Public Works department.

Council Member Hyatt asked if there was retention ponds, and Greg Bridges, Engineer, Urban Engineering responded that it would include two retention ponds that would be built in along with the four phases.

Council Member Scruggs asked if Ebert Street would be built out, and Ms. Carrillo responded that Ebert Street is included in the Capital Improvement Plan.

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

6.VI. Consider and Act on Plat No. 1609016-P12, Harbor Heights – Phase I.

A motion was made by Mayor Pro Tem Ellis to approve Item 6.VI., seconded by Council Member Hyatt, and the motion carried.

6.VII. Public hearing on the 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:

Mayor Chapa declared the public hearing open on Items 1 through 6.

1. 545 S. 13th Street, described as Lot 6, Block 748, Aransas Pass Townsite; Property ID 71289.

Dale Wells, Building Official stated that at the June 29, 2016, city council asked that Staff attempt to contact family members. He added that they located family members Mr. Yale and Mr. West and both stated that they have no interest in the property. Mr. Wells stated that the building is partially open on one side and in bad condition, and that the Board recommended that the structure be demolish.

2. 648 S. McCampbell Street, described as Lots 20 and 21, Block 421, Aransas Pass Townsite, Property ID 36111.

Dale Wells, Building Official stated that the existing structure is abandoned, the roof has collapsed and falling apart, windows broken, and the structure is open around the building. The city has attempted to contact the property owners by mail and no response has been received. The board has recommended that the structure be demolish.

3. 1102 S. McCampbell Street, described as Lots 1 and 2 (part of each), Block 212, Field and Porter Subdivision; Property ID 69735.

Dale Wells, Building Official stated that the owners have come forward and want to repair and sell the property. The property has been removed by the Board for recommendation. The property was cleaned. Mr. Wells stated that the new owners have contacted the City and that they will either clean or demolish the property.

Council Member Abrego asked if a timeframe was given to the new property owners to repair the property and stated that six months was reasonable, and Mr. Wells responded that the Board had also given a six month timeframe.

4. 334 S. 11th Street, described as Lot 12, Block 214, Aransas Pass Townsite; Property ID 35310.

Dale Wells, Building Official stated a new owner has purchased the property and they intend to demolish the property. He added that the Board recommended a time frame of six month to take action. Mr. Wells stated that they will follow up with the new owners.

5. 503 S. 13th Street, described as Lot 1, Block 748, Aransas Pass Townsite; Property ID 36659.

Mr. Wells stated that the structure is abandoned, siding is coming apart, rotting, windows are broken, structure is open and there appears to be illegal activity. He stated that staff has attempted to contact the property owners and no responses have been received. Mr. Wells stated that the board is recommending that the structure be demolished.

6. 412 N. Railroad Street, described as Lots 19 through 21, Block 594, Aransas Pass Townsite; Property ID 12772.

Dale Wells, Building Official stated that the structure has been abandoned for some time. He added that notices have been sent out and notices have been received unclaimed. Mr. Wells stated that the board is recommending that the structure be demolish. Mr. Wells discussed the boat at the property, and if the Council moves forward with the demolition, staff will attempt to locate the owners of the boat to have it removed.

There being no further comments, Mayor Chapa declared the public hearings closed for Items 1 through 6.

- 6.VIII. Consider and Act on the 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:

Mayor Chapa stated that action would need to be taken on Items 1, 2, 5 and 6.

1. 545 S. 13th Street, described as Lot 6, Block 748, Aransas Pass Townsite; Property ID 71289.

A motion was made by Council Member Hyatt to approve Item 6.VIII (1), seconded by Mayor Pro Tem Ellis, and the motion carried.

2. 648 S. McCampbell Street, described as Lots 20 and 21, Block 421, Aransas Pass Townsite, Property ID 36111.

A motion was made by Council Member Hyatt to approve Item 6.VIII (2), seconded by Mayor Pro Tem Ellis, and the motion carried.

3. 1102 S. McCampbell Street, described as Lots 1 and 2 (part of each), Block 212, Field and Porter Subdivision; Property ID 69735.

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

4. 334 S. 11th Street, described as Lot 12, Block 214, Aransas Pass Townsite; Property ID 35310.

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

5. 503 S. 13th Street, described as Lot 1, Block 748, Aransas Pass Townsite; Property ID 36659.

A motion was made by Council Member Hyatt to approve Item 6.VIII (5), seconded by Mayor Pro Tem Ellis, and the motion carried.

6. 412 N. Railroad Street, described as Lots 19 through 21, Block 594, Aransas Pass Townsite; Property ID 12772.

A motion was made by Council Member Hyatt to approve Item 6.VIII (6), seconded by Mayor Pro Tem Ellis, and the motion carried.

7. CITY MANAGER

7.I. Consider and Act on renewal of Interlocal Agreement with San Patricio County.

City Manager Carrillo stated that this is the Interlocal Agreement with San Patricio County for the regulation of food service establishments and mobile food vendors.

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

7.II. Consider and Act on renewal of Collateral Agreement between the City of Aransas Pass, Prosperity Bank and the Federal Home Loan Bank of Dallas.

City Manager Carrillo stated that the Council previously entered into a 36-month agreement with Prosperity Bank for the bank of records for the City. She stated that the contract is due to expire, but allows for two one-year extensions to equal two years, subject to council approval. Ms. Carrillo stated that she is recommending the two-year extension.

A motion was made by Council Member Hyatt to approve a two-year extension with Prosperity Bank, seconded by Mayor Pro Tem Ellis, and the motion carried; Abrego abstained.

7.III. Consider and Act on offer to purchase Tax Resale Property, Suit No. S-11-1102-TX, Account No. 0011-0419-0031-002; Lots 31 and 32, Block 419, City of Aransas Pass, San Patricio County, Texas.

City Manager Carrillo informed the Council that previously the City accepted a bid by Mr. Ochoa for this property; however, the bidding process remains open until all entities have acted and approved the bid. During the bidding process, a higher bid was submitted by Bay Harbor Apartments in the amount of \$17,000. Mr. Ochoa's previous bid was for \$16,000.

A motion was made by Council Member Scruggs to remain with the bid submitted by Mr. Edgar Ochoa, seconded by Mayor Pro Tem Ellis, and the motion carried. Abrego and Hyatt voting "No".

7.IV. Consider and Act on awarding an Emergency Payment to Irving Electric for Air Conditioning Repairs to the Aransas Pass Civic Center.

City Manager Carrillo stated that this relates to emergency air conditioning repairs that occurred in between city council meetings. The city was in the process of accepting bids for one air condition unit at the Civic Center and during this time, the second air condition unit went out as well as the first unit. Ms. Carrillo stated that the Municipal Development District is scheduled to take action tomorrow for reimbursement to the City. In the event that the MDD does not approve the reimbursement, the City will need to absorb the cost.

Mr. Carrillo stated that bid were received for the first air condition unit and Irving Electric was the low bidder and during the bidding process, the second unit went out.

Council Member Scruggs referred to the bids received and bid amount by Irving Electric, Foss Enterprises, and Ken-Air, and Ms. Lee explained what each bid covered for each unit.

A motion was made by Council Member Hyatt to approve Item 7.IV, seconded by Mayor Pro Tem Ellis, and the motion carried. Chapa abstained.

7.V. Consider and Act on council direction to Staff regarding Live-Aboards in the Harbor District.

City Manager Carrillo stated that this item relates to Live-Aboards and will still require the normal process through the Planning and Zoning Commission. She stated that there is a request to allow Live-Aboards in the Conn Brown Harbor.

Council Member Scruggs expressed concern in allowing live-boards in the Conn Brown Harbor. She stated that weekends, periodically, and the transient dock but not twenty-four seven stay.

Ms. Carrillo stated that since it is in the Harbor District area, the normal course would be to take to Planning and Zoning Commission to amend the planning use tables if that was the community and council supported.

A motion was made by Council Member Hyatt directing staff to conduct more research on the subject, seconded by Council Member Abrego, and the motion carried.

8. **COMMUNITY ENRICHMENT:**

There were no Community Enrichment Items.

9. **DEVELOPMENT SERVICES:**

There were no Development Services Items.

10. **FINANCE:**

There were no Finance items.

11. **INFORMATION TECHNOLOGY:**

There were no Information Technology items.

12. **PUBLIC SAFETY:**

12.I. Police Department Stats for August 2016.

Police Chief Blanchard provided a report on the statistics for the month of August 2016. He discussed the traffic stops, citations issued, violations cited, arrests, juvenile detentions, and code enforcement. In addition, he reported that in the month of August there was 6 complaints filed, 3 internal and 3 external. He added that there were seven staff recognitions, and a total of 516 training hours. Mr. Blanchard also discussed highlights for the Patrol Division, CID Division, Training Division, EMC Division and Animal Control Division.

13. **CITIZEN COMMENTS:**

Howard Gillespie, spoke of his platform for his candidacy for San Patricio County Commissioner - Precinct 4 and offered his assistance and stated that he is available to assist the city.

Walter Minet, resides on W. Giles, commented on problems he has with the U.S. Postal Service with his mail getting lost and not receiving in a timely manner, and high weeds near his property.

Steven Warren, commented on problems with not receiving the city council agenda and accessing the council agenda electronically.

Bill Stevens, commented on late fees related to water utility bill and problems with the utility billing system.

Donald Brummet, 902 S. Rife, recognized the City's street department is doing a good job.

15. ADJOURNMENT

There being no further business to come before the Council, Mayor Chapa adjourned the meeting at 9:25 pm.

Adan Chapa
Mayor

Mary Juarez
City Secretary

Approved on: _____



CITY OF ARANSAS PASS

AGENDA MEMORANDUM

for the Planning and Zoning Commission Meeting of **September 12, 2016**

DATE: August 24, 2016
TO: Planning and Zoning Commission
FROM: **Development Services Staff**

Agenda Item (Public Hearing)

C. TEXT AMENDMENT

a. Amendment to SECTION 3, Zoning Districts Established, by renaming "MH" to Manufactured Home District; SECTION 4, Purpose of Zoning Districts, by amending Subsection 103, R-7A and B, Single-Family Dwelling District and SUBSECTION 111, "MH" Manufactured Home District; PART IV, SECTION 19, Procedures for Changes and Amendments, by amending Subsection 100, by deleting the fees and SECTION 20, General Definitions, Subsection 159, Manufactured Home; providing for a repealer clause and an effective date.

PURPOSE:

To amend the Zoning Ordinance in order to correct inconsistencies in the ordinance created by recent Zoning Ordinance text amendments.

BACKGROUND AND FINDINGS:

In the past year, amendments have reviewed and approved that have created some inconsistencies in the Zoning Ordinance. In Section 3 of the Zoning Ordinance, the "MH" District is still identified as Mobile Home District. Other parts of the Zoning Ordinance, the "MH" District is identified as Manufactured Home District. Since the City does not allow mobile homes, The proposed amendment would rename the "MH" District to Manufactured Home District.

The proposed amendment to Section 4, Subsection 103 would amend the purpose of the "R-7A" and "R-7B" Districts. Since manufactured homes are no longer permitted in

the “R-7A” and “R-7B” Districts, the wording at the end of their purpose is no longer appropriate. In Subsection 111, the proposed amendment would change the title for “Mobile Home” to “Manufactured Home.” The end of the “MH” purpose statement is no applicable since manufactured homes are no longer permitted in commercial or industrial districts.

The proposed amendment to Section 19, Subsection 100 would remove the fees shown in the Zoning Ordinance and refer to the fees in the City’s Code of Ordinances. The amendment to the fees was approved in October 2015.

The proposed amendment to Section 20, Subsection 159 would make the definition of a manufactured home consistent with the definition stated in Section 300, Subsection 10-201(9) of the Zoning Ordinance. The definition of manufactured home was amended in February 2016.

ALTERNATIVES:

Deny the proposed amendments which leave inconsistencies in the Zoning Ordinance.

RECOMMENDATION:

Approval of the proposed text amendments.

Attachment: Draft Ordinance (Proposed Amendments)

ORDINANCE _____

ORDINANCE AMENDING ORDINANCE NO. 1308, ZONING ORDINANCE, BY AMENDING PART I, SECTION 3, ZONING DISTRICTS ESTABLISHED, BY RENAMING “MH” TO MANUFACTURED HOME DISTRICT; SECTION 4, PURPOSE OF ZONING DISTRICTS, BY AMENDING SUBSECTION 103, R-7A AND B, SINGLE-FAMILY DWELLING DISTRICT AND SUBSECTION 111, “MH” MANUFACTURED HOME DISTRICT; PART IV, SECTION 19, PROCEDURES FOR CHANGES AND AMENDMENTS, BY AMENDING SUBSECTION 100, BY DELETING THE FEES AND SECTION 20, GENERAL DEFINITIONS, SUBSECTION 159, MANUFACTURED HOME; PROVIDING FOR A REPEALER CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission has forwarded to the City Council its final report and recommendation regarding the amendment to the City of Aransas Pass Zoning Ordinance;

WHEREAS, with proper notice to the public, public hearings were held on Monday, **September 12, 2016**, during a meeting of the Planning and Zoning Commission, and on Monday, **October 3, 2016**, during a meeting of the City Council, during which all interested persons were allowed to appear and be heard; and

WHEREAS, the City Council has determined that this amendment would best serve the public health, necessity, convenience and general welfare of the City of Aransas Pass and its citizens.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARANSAS PASS, TEXAS:

SECTION 1. The official Zoning Ordinance is amended to state the following.

SECTION 3

ZONING DISTRICTS ESTABLISHED

-100 THE CITY OF ARANSAS PASS, TEXAS, IS HEREBY DIVIDED INTO EIGHTEEN (18) ZONING DISTRICT WHICH ARE FURTHER SUBDIVIDED INTO SUBDISTRICTS WHERE APPROPRIATE. THE USE, HEIGHT, AREA, AND PARKING REGULATIONS AS SET OUT HEREIN ARE UNIFORM IN EACH DISTRICT. THE EIGHTEEN (18) DISTRICTS HEREIN ESTABLISHED SHALL BE KNOWN AND CITED AS:

* * * * *

MH

Manufactured Mobile Home District

SECTION 4

PURPOSE OF ZONING DISTRICTS

* * * * *

-103

R-7A and B, Single-Family Dwelling District: This district is intended to be composed of single-family dwellings together with the public and parochial schools, churches and public parks essential to create basic neighborhood unites. Limited portions of such neighborhood units may consist of denser residential zoning classifications that are shown on the Zoning District Map or which later may be created by amendments to such map. ~~To provide for the increasing demand to locate mobile homes in single-family residential areas, an R-7A and R-7B Single-Family Dwelling District is established. The principal distinction between the two being that mobile homes are permitted in an R-7B District and are prohibited in the R-7A District. It is anticipated that the R-7A District will have a similar residential characteristic as is found in the R-1, R-16 and R-10 Districts. In the R-7B District, a mixture of permanent type single-family dwellings and mobile homes will be permitted, thus making possible mobile home living in a setting much like any other residential area. This type of mixed development is particularly important in Aransas Pass. Considering also that there will be fewer dropouts with much more emphasis on school attendance it is anticipated that by 1985 the total school enrollment will represent approximately 28% of the total population. These projections of the future school enrollment are shown on the following table by five-year intervals with the corresponding anticipated enrollment for senior high, junior high and elementary schools.~~

* * * * *

-111

MH, Manufactured Mobile Home District: The manufactured home is recognized as a specific form of housing for which accommodations should be provided. To provide appropriate standards as to density, spacing and use, a separate district is created and designated for the specific purpose of providing, at appropriate locations, area for the development of manufactured home parks or subdivisions. ~~In certain commercial and industrial districts, a manufactured home development may be provided for by amending the Zoning District Map, where such projects are appropriate, by approval of a conditional Use Permit. The standards for commercial manufactured home development for transient occupancy differ from those of a manufactured home subdivision where more or less permanent occupancy is anticipated.~~

* * * * *

SECTION 19

PROCEDURE FOR CHANGES AND AMENDMENTS

-100

Any person or corporation or group of persons having a proprietary interest in any property, upon proof of such interest, may petition the governing body for a change or amendment to the provisions of this ordinance or the City Planning and Zoning Plan Commission may on its own motion, institute proposals for change and amendment in the public interest. All petitions for the amendment of this ordinance shall bear the signature of the owners of all property within the area of request and be accompanied by the appropriate fee as stated in Section 24-27 – Development Services Fees, City of Aransas Pass Code of Ordinances. ~~from the following schedule:~~

<u>Number of Lots Involved:</u>	<u>Fee:</u>
4-15	\$120.00
16-20	\$175.00
21 or more	\$200.00
Acreage Tracts	\$200.00

SECTION 20

GENERAL DEFINITIONS

-100 CERTAIN WORDS IN THIS ORDINANCE NOT HERETOFORE DEFINED ARE DEFINED AS FOLLOW:

Words used in the present tense include the future; words in the singular number include the plural number and words in the plural number include the singular number; the word "building" includes the word "structure"; the word "lot" includes the words "plot" or "tract"; and the word "shall" is mandatory and not discretionary.

* * * * *

-159 Manufactured Home: A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development Title 6 construction standards commonly known as "the HUD-code." The red Certification Label (sometimes called the HUD Label) can be located on the tail end of each transportable section of the home. The Data Plate will be located inside of the home. Regulation states that the Data Plate be affixed inside the home on or near the main electrical breaker box, or other readily visible/accessible location. The unit is transportable in one or more sections, which, in the traveling mode, are 8 feet or more in width or 40 feet or more in length, or, when erected on site, are 320 or more square feet, and which are built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities for plumbing, heating, air-conditioning, and electrical systems. The term does not include recreational vehicles. Any building or structure which is erected in its entirety, inside and out, save and except connection of outside utilities, at one location either inside or outside the City of Aransas Pass and then is transferred to another as a complete unit or multiple units that are assembled to form one unit, either under its own power or is towed or trailered in by an alternate source of power and which in its completed condition measures wider than eight (8) feet and longer than forty (40) feet.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall be effective upon approval and passage.

Passed and Approved on the ____ day of _____, 2016.

CITY OF ARANSAS PASS,
TEXAS

Mayor Adan Chapa

ATTEST:

Mary Juarez
Interim City Secretary

APPROVED AS TO LEGAL FORM:

Allen S. Lawrence, Jr.
City Attorney



CITY OF ARANSAS PASS

AGENDA MEMORANDUM

for the Planning and Zoning Commission Meeting of **September 12, 2016**

DATE: August 24, 2016
TO: Planning and Zoning Commission
FROM: **Development Services Staff**

Agenda Item (Public Hearing)

- C. TEXT AMENDMENT
 - a. Amendment to PART III, SECTION 11-MH, "MH" Manufactured Home District.
-

PURPOSE:

To amend the Zoning Ordinance in order to correct inconsistencies in the "MH" Manufactured Home District created by the RV Park ordinance.

BACKGROUND AND FINDINGS:

The RV Park ordinance was adopted in August 2015. The RV Park ordinance is very specific on various requirements. RV Parks are allowed in the "MH" Manufactured Home District. However the current "MH" District sets requirements on the RV Parks that conflict with the RV Park ordinance. In order to address the inconsistencies, an amendment to the "MH" District is proposed. The first part of the ordinance would correct the title from Types of Manufactured Homes to Types of Pre-Fabricated Homes. The list in this section includes recreational vehicles. Recreational vehicles are not classified as manufactured homes. The definition for each type is identified in Section 10 instead of Section 20. Recreational Vehicle Park is referenced to the City Code of Ordinances.

The proposed ordinance sets densities for a manufactured home park and manufactured home and RV subdivisions. The current ordinance does not have maximum densities. The proposed Ordinance would set the maximum density for an MH Park at 12 units per acre and the MH or RV subdivision at 8 units per acre.

The current ordinance requires a minimum site area of five (5) acres for the park and subdivision. Staff proposes that site area for the MH Park remain at 5 acres but the MH and RV subdivision be increased to eight (8) acres. The increase in acreage for the subdivision will generate the number of units equal to the number of units in a park development.

The required lot area for a manufactured home park and subdivision are currently at 4,500 square feet. In the current ordinance, there is a different requirement for double wide manufactured homes. In a MH park, the homes are usually placed on pad sites as opposed to lots. Staff recommends that in a MH park the minimum pad site have not less than 1,750 square feet with a minimum pad site width of 25 feet. The lot area in a MH or RV subdivision is not less than 4,500 square feet with a minimum lot width of 45 feet. Different requirements for double wide manufactured homes is not necessary because there are minimum building separation requirements and setbacks.

Staff is of the opinion that different development standards for manufactured homes and recreational vehicle subdivisions should be the same. Having the same development standards, an RV subdivision could be easily converted into a manufactured home subdivision. The plat for the subdivision must indicate whether it is for an RV subdivision or a MH subdivision.

The proposed ordinance allows single-family dwellings in a manufactured home subdivision. However to keep a developer from platting in accordance to the manufactured home subdivision development standards and developing it with single-family dwellings, the proposed ordinance places a limit on the number of single-family dwelling units would be allowed. The proposed limit on the number of single-family dwelling units is 20 percent. This means that a manufactured home subdivision of 8 acres and a density of 8 units per acre would allow a maximum of 12 single-family dwelling units.

ALTERNATIVES:

Deny the proposed amendments which leave inconsistencies in the Zoning Ordinance.

RECOMMENDATION:

Approval of the proposed text amendment to Section 11-MH.

Attachment: Draft Ordinance (Proposed Amendment)

ORDINANCE _____

ORDINANCE AMENDING ORDINANCE NO. 1308, ZONING ORDINANCE, BY AMENDING PART III, SECTION 11-MH, "MH" MANUFACTURED HOME DISTRICT; PROVIDING FOR A REPEALER CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission has forwarded to the City Council its final report and recommendation regarding the amendment to the City of Aransas Pass Zoning Ordinance;

WHEREAS, with proper notice to the public, public hearings were held on Monday, **September 12, 2016**, during a meeting of the Planning and Zoning Commission, and on Monday, **October 3, 2016**, during a meeting of the City Council, during which all interested persons were allowed to appear and be heard; and

WHEREAS, the City Council has determined that this amendment would best serve the public health, necessity, convenience and general welfare of the City of Aransas Pass and its citizens.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARANSAS PASS, TEXAS:

SECTION 1. The official Zoning Ordinance is amended to state the following.

SECTION 11-MH

MH MANUFACTURED HOME DISTRICT

- 100 The manufactured home is recognized as a special form of housing and is therefore subject to the specific and special standards as herein provided.
- 200 TYPES OF PRE-FABRICATED MANUFACTURED HOMES
- 201 ~~Two~~ Types Pre-fabricated Manufactured Homes are recognized by this ordinance as follows:
- A. Manufactured Homes, hereinafter sometime referred to MH, as defined in Section 10-201(9) ~~20-159~~
 - B. Modular Home, herein classified same as a single-family dwelling and as defined in Section 10-201(9.2)

C. Recreational Vehicle, hereinafter sometimes referred to as RV, as defined in Section 10-201(10) 20-148

202 TYPES OF PRE-FABRICATED ~~MANUFACTURED~~ HOME DEVELOPMENT

Four types of Pre-Fabricated ~~Manufactured~~ Home Development are provided for by this ordinance as follows:

- A. A Manufactured Home Park is a unified development of Manufactured Home sites, plats or transient stands arranged on a large tract under single ownership.
- B. A Manufactured Home Subdivision shown on a subdivision plat approved by the City's Planning and Zoning Commission and filed for record designed specifically for MH development. This type of development allows for the separate ownership of each lot.
- C. A Recreational Vehicle Park – See Chapter 5, Article X, Sections 5-140 through 5-180 of the City's Code of Ordinances. Same as "A" above. This type of development is arranged on a large tract under single ownership.
- D. A Recreational Vehicle Subdivision – Same as "B" above.

-300 APPLICATION

-301 Prior to issuance of any building permit for a Manufactured Home, ~~or Recreational Vehicle~~ Park a site plan shall be approved by the City's Planning and Zoning Commission and City Council.

-302 Prior to issuance of any building permit on a Manufactured Home or Recreational Vehicle Subdivision, such subdivision shall be approved by the City's Planning and Zoning Commission and City Council and shall comply with the normal requirements for platting and with the provisions of this ordinance.

-303 Once approved, Manufactured Homes, Parks and Subdivisions and Recreational Vehicle ~~Parks and~~ Subdivisions must comply with City's Subdivision Ordinance regarding street standards, drainage, utilities, etc.

-400 USES PERMITTED

-401 The uses designated as permitted in the Manufactured Home District in Section 10-200 shall be permitted in a Manufactured Home ~~and RV~~ Park. In addition to such uses a caretaker's home and office shall be permitted, but only one such facility shall be permitted for each Manufactured Home ~~and Recreational Vehicle~~ Park development, except as otherwise provided in Section 11-902 hereof.

-402 Only the uses designated as permitted in the MH District in Section 10-200 shall be permitted in the MH and RV Subdivision.

-500 MANUFACTURED HOME AND RECREATIONAL VEHICLE DEVELOPMENT STANDARDS

-501 No MH, RV or other structure permitted in the MH District may be erected, altered, placed, moved or converted on any lot or tract unless it is in conformity with all minimum area regulations specified in this subsection.

-502

	<u>Manufactured Home Park</u>	<u>Manufactured Home or RV Subdivision</u>
<u>Max Density (units/gross ac.)</u>	<u>12</u>	<u>8</u>
<u>Min. Open Space (sq. ft./unit)</u>	<u>280</u>	<u>---</u>
<u>Min. Site Area (ac.)</u>	<u>5</u>	<u>8</u>
<u>Min. Site Width (ft.)</u>	<u>300</u>	<u>300</u>
Minimum Pad/Lot Area	<u>1,750</u> 4,500 sq. ft.	4,500 sq. ft.
Minimum Pad/Lot Width	<u>25</u> 45 ft.	45 ft.
<u>Lot Depth</u>	<u>100</u> ft.	100 ft.
<u>Min. Front Yard</u>		
<u>Street</u>	<u>20</u> 40 ft.	20 ft.
<u>Street (corner)</u>	<u>20</u> ft.	<u>20</u> ft.
<u>Side (single) Yard</u>	10 ft.	<u>5</u> 40 ft.
<u>Side (total)</u>	<u>20</u> ft.	<u>20</u> ft.
<u>Rear Yard</u>	10 ft.	10 ft.
<u>Min. Building Separation</u>		
<u>Broad side to broad side</u>	<u>20</u> ft.	<u>---</u>
<u>Narrow side to narrow side</u>	<u>10</u> ft.	<u>---</u>
<u>Building to access drive</u>	<u>5</u> ft.	<u>---</u>
<u>Min. Internal Access Drive</u>	<u>25</u> ft.	<u>---</u>
Coverage	30%	30%
Off-Street Parking	See Sec. 12-200	See Sec. 12-200

~~-503 RESERVED LOT PROVISIONS FOR DOUBLE WIDE
MANUFACTURED HOMES~~

Minimum Lot Area	5,600 sq. ft.	5,600 sq. ft.
Lot Width	80 ft.	80 ft.
Lot Depth	70 ft.	70 ft.
Front Yard	10 ft.	20 ft.
Side Yard	10 ft.	10 ft.
Rear Yard	10 ft.	10 ft.
Coverage	30%	30%
Off-Street Parking	Same as 502	Same as 502

~~-504 Recreational Vehicle Subdivision – must comply with the same standards as indicated for a manufactured home subdivision shown in Section -502 above.~~

	<u>Recreational Vehicle Park</u>	<u>Recreational Vehicle Subdivision</u>
Minimum Lot Area	1,375 sq. ft.	2,100 sq. ft.
Lot Width	25 ft.	35 ft.
Lot Depth	55 ft.	60 ft.
Front Yard	10 ft.	10 ft.
Side Yard	5 ft.	10 ft.
Rear Yard	3 ft.	7.5 ft.
Off-Street Parking	Same as 502	Same as 502

~~-505 RESERVED MH or RV structures may be situated on lots so that there is a 3 ft. side yard to one side and 10 ft. side yard on the other side. However, systematic uniformity is required throughout the development i.e., all structures must be to same side of lot throughout subdivision. In the event this method is used, the 10 ft. side yard must remain free and unobstructed and may not be improved except for landscaping with natural vegetation (i.e., grass, trees, shrubs). Absolutely no asphalt, concrete, etc.~~

~~-506 The tongue or towing device of a structure shall not be included in determining the structure's length dimension.~~

- 507 It is recognized by this ordinance that some RV structures are modified versions and have tip-outs, tilt-outs or slide-outs which enlarge the width of the structure when activated. (The parked dimension is larger than the traveling dimension). In the case of such structures, lot requirements outlined in Section 504 shall be complied with and moveable portions of the RV shall not infringe upon the side yard setback requirements or percentage coverage requirements, nor shall it cause any obstruction, i.e., movement of storage building, car, boat, etc., into the side yard setback.
- 508 Developers shall designate parts of development by name listed on plat plan (i.e., Manufactured Home Subdivision, Manufactured Home Park, Recreational Vehicle Subdivision, Recreational Vehicle Park).
- 509 ~~A RV Park or Subdivisions shall not be permitted on less than five (5) acres of property.~~
- 510 ~~A MH Park or Subdivision shall not be permitted on less than five (5) acres of property.~~
- 600 ~~SINGLE FAMILY DEVELOPMENT STANDARDS~~
- 601 ~~Single-family residential development in the "MH" District is limited to no more than twenty (20%) percent of the total lots in a manufactured home subdivision. Single-family residential development is not allowed in an MH park or RV park or subdivision For any Single Family Dwelling other than a Manufactured Home and for any Single Family Dwelling other than for Manufactured Homes in the MH District see Section 10-200 Schedule of Uses.~~
- 602 Sanitation, fire protection and utility services shall be provided to each lot, tract, plot or stand in the MH or RV developments in accordance with the City Health Department requirements or any ordinances or codes of the City regulating sanitation, fire protection and utility service to MH or RV developments.
- 603 Open playground space within the MH Park or Subdivision shall be provided at a ratio of 250 sq. ft. for each of the first twenty (20) units or lots provided and at a ratio of 125 sq. ft. for each additional unit or lot spaces provided. RV Parks and Subdivisions shall provide open playground space of not less than ten percent (10%) of the total square footage of the RV Park or Subdivision.
- 604 Street and drive surfacing, drainage and garbage collection right-of-ways, fire lanes and utility easements shall be provided as may be required by the City.

- 700 DEFINITIONS – See Section 20
- 800 SITE REQUIREMENTS
- 801 All interior side setback requirements shall be free and unobstructed except for normal vegetation including trees, shrubbery, etc. Improvements such as asphalt, concrete, etc., shall not be permitted in easement areas, ~~the 10 ft. side yard of MH parks and subdivisions, or in the 7 ft. side yard of RV subdivisions when lot offset method is used. (Refer to Section 11-505).~~
- 802 RESERVED ~~When the offset method is used in the MH and RV park or subdivision, the three (3) ft. lot line may contain air conditioning equipment and also one set of steps at the rear door for emergency egress. The steps may not be wider than five (5) feet.~~
- 900 GENERAL PROVISIONS
- 901 Carports shall not be included as coverage in MH District. Carports in MH or RV developments ~~Districts~~ must have a minimum of two sides open and may not be enclosed at any time. Construction of carports must comply with all applicable City codes. At no time shall carports, or any portion thereof, be constructed in any setback area.
- 902 A community or activity building may be constructed for use as a meeting hall, washateria, mailbox area, office, etc. Such building shall comply with all applicable City codes. At no time shall such building be used as a dwelling.
- 903 Portable or accessory buildings shall be permitted, however, said buildings shall be included in percentage coverage computation. Utilities may be connected to such building. At no time may said building be altered to be used as a dwelling unit either temporary or permanent. (See definition of dwelling unit in Section 20-120)
- 904 For purposes of this ordinance there shall be one single family dwelling unit, MH or RV per lot and the dwelling, MH or RV shall comply with the development standards outlined in Section 11-MH-500. Multiple lots may be purchased and replatted to make one large lot. However, until a replat is approved and accepted by the City Planning Commission and City Council, placement of dwelling unit, MH, or RV on said lots must comply with 11-MH-500. ~~Once a replat is accepted and approved it may not be subdivided again.~~

-905 An RV (as defined in Section 20-148) may be placed in a MH park or subdivision, however, a MH is not allowed in a RV park subdivision.

-906 Restroom facilities shall be required in ~~RV Parks and~~ RV Subdivisions. Restroom facilities are defined as a separate unit for male and female person, which shall consist of a commode, shower and lavatory for each sex. The term means unit for both sexes and pair of units constitutes one restroom facility. The number of restroom facilities required shall be determined by the following scale:

1 – 20 spaces	1 restroom facility
20 – 50 spaces	2 restroom facilities
50 – 100 spaces	3 restroom facilities
100 – 200 spaces	4 restroom facilities
1 restroom facility per 100 spaces thereafter	

-908 Utility easements may not be infringed upon by improvements of any type, but may be used in satisfying setback requirements.

-1000 NON-CONFORMING USE

All Mobile Home Parks or Subdivisions and all Recreational Vehicle Parks or Subdivisions in existence on the effective date hereof which have been duly permitted and approved prior to such date shall be deemed to be in compliance herewith, provided however, that all terms, requirements and provisions of this ordinance shall be applicable to any extension, alteration or addition to such pre-existing park or subdivision.

-1100 PERMIT REQUIRED

Any person seeking to alter or expand a Mobile Home Park or Subdivision or Recreational Vehicle Park or Subdivision or construct a new Park or Subdivision under the provisions hereof shall obtain a written permit from the City Building Inspector of the City of Aransas Pass for the specific purposes proposed and shall comply with all applicable rules and regulations for the City of Aransas Pass Sections 301 through 303 hereof.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall be effective upon approval and passage.

Passed and Approved on the ____ day of _____, 2016.

CITY OF ARANSAS PASS,
TEXAS

Mayor Adan Chapa

ATTEST:

Mary Juarez
Interim City Secretary

APPROVED AS TO LEGAL FORM:

Allen S. Lawrence, Jr.
City Attorney



CITY OF ARANSAS PASS

AGENDA MEMORANDUM

City Council Meeting of October 03, 2016

DATE: October 03, 2016
TO: Sylvia Carrillo, City Manager
FROM: Dale Wells, Building Official
dwells@aransaspasstx.gov

Agenda Item #a: Public Hearing on violation of the Code of Ordinances, Chapter 5 – Buildings & Construction, Section 5-72 – Minimum standards for buildings: Structures are in such a state of condition as to constitute a violation for which the owners are chargeable: **640 N. Houston Avenue**

Agenda Item #a: Consider and Act on same.

PURPOSE:

To require property owner to either bring the structure up to current code or have the structure demolished

BACKGROUND AND FINDINGS:

640 N Houston Avenue – Property I.D. #12689; Lots 26-29 & 25 foot of Houston Block 476, Aransas Pass Townsite.

CONFORMITY TO CITY POLICY:

This conforms to city policy.

DEPARTMENTAL CLEARANCES:

BBSA; City Council

BUILDING BOARD OF STANDARDS & APPEALS RECOMMENDATION (09/27/16)

Denied removal of commercial sub-standard structure on **640 N. Houston Avenue**.

640 N Houston





CITY OF ARANSAS PASS

AGENDA MEMORANDUM

City Council Meeting of October 03, 2016

DATE: October 03, 2016
TO: Sylvia Carrillo, City Manager
FROM: Dale Wells, Building Official
dwells@aransaspasstx.gov

Agenda Item #b: Public Hearing on violation of the Code of Ordinances, Chapter 5 – Buildings & Construction, Section 5-72 – Minimum standards for buildings: Structures are in such a state of condition as to constitute a violation for which the owners are chargeable: **802 N McCampbell Street**

Agenda Item #b: Consider and Act on same.

PURPOSE:

To require property owner to either bring the structure up to current code or have the structure demolished

BACKGROUND AND FINDINGS:

802 N McCampbell Street – Property I.D. #12529; Lots 9 & 5 of McCampbell Street, Aransas Pass Townsite.

CONFORMITY TO CITY POLICY:

This conforms to city policy.

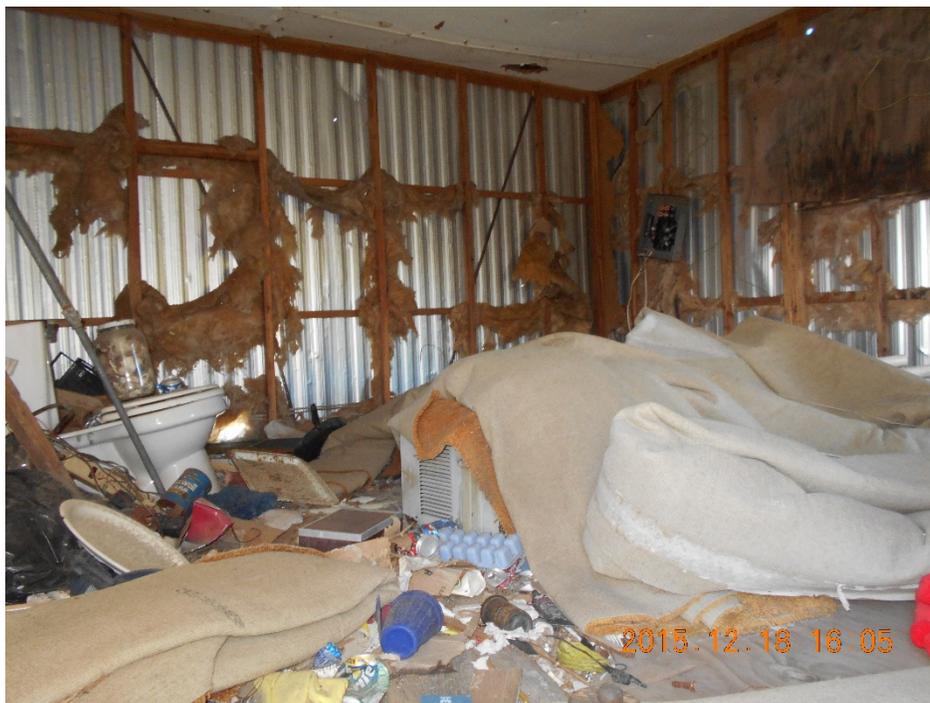
DEPARTMENTAL CLEARANCES:

BBSA; City Council

BUILDING BOARD OF STANDARDS & APPEALS RECOMMENDATION (09/27/16)

Denied removal of commercial sub-standard structure on 802 N McCampbell Street.

802 N McCampbell





CITY OF ARANSAS PASS

AGENDA MEMORANDUM

City Council Meeting of October 03, 2016

DATE: October 03, 2016
TO: Sylvia Carrillo, City Manager
FROM: Dale Wells, Building Official
dwells@aransaspasstx.gov

Agenda Item #c: Public Hearing on violation of the Code of Ordinances, Chapter 5 – Buildings & Construction, Section 5-72 – Minimum standards for buildings: Structures are in such a state of condition as to constitute a violation for which the owners are chargeable: **728 S Rife Street**

Agenda Item #c: Consider and Act on same.

PURPOSE:

To require property owner to either bring the structure up to current code or have the structure demolished

BACKGROUND AND FINDINGS:

728 S Rife Street – Property I.D. #329; Lots 25 & 26, Block 442, Aransas Pass Townsite.

CONFORMITY TO CITY POLICY:

This conforms to city policy.

DEPARTMENTAL CLEARANCES:

BBSA; City Council

BUILDING BOARD OF STANDARDS & APPEALS RECOMMENDATION (09/27/16)

Denied removal of commercial sub-standard structure on **728 S Rife Street**.

728 S Rife





CITY OF ARANSAS PASS

AGENDA MEMORANDUM

City Council Meeting of October 03, 2016

DATE: October 03, 2016

TO: Sylvia Carrillo, City Manager

FROM: Dale Wells, Building Official
dwells@aransaspasstx.gov

Agenda Item #d: Public Hearing on violation of the Code of Ordinances, Chapter 5 – Buildings & Construction, Section 5-72 – Minimum standards for buildings: Structures are in such a state of condition as to constitute a violation for which the owners are chargeable: **742 N Houston Street**

Agenda Item #d: Consider and Act on same.

PURPOSE:

To require property owner to either bring the structure up to current code or have the structure demolished

BACKGROUND AND FINDINGS:

742 N Houston Street – Property I.D. #12673; Lots 26-27 & 25 foot of Houston Street Block 475, Aransas Pass Townsite.

CONFORMITY TO CITY POLICY:

This conforms to city policy.

DEPARTMENTAL CLEARANCES:

BBSA; City Council

BUILDING BOARD OF STANDARDS & APPEALS RECOMMENDATION (09/27/16)

Denied removal of commercial sub-standard structure on **742 N Houston Street**.

742 N Houston





CITY OF ARANSAS PASS

AGENDA MEMORANDUM

City Council Meeting of October 03, 2016

DATE: October 03, 2016

TO: Sylvia Carrillo, City Manager

FROM: Dale Wells, Building Official
dwells@aransaspasstx.gov

Agenda Item #e: Public Hearing on violation of the Code of Ordinances, Chapter 5 – Buildings & Construction, Section 5-72 – Minimum standards for buildings: Structures are in such a state of condition as to constitute a violation for which the owners are chargeable: 1245 W Johnson Avenue

Agenda Item #e: Consider and Act on same.

PURPOSE:

To require property owner to either bring the structure up to current code or have the structure demolished

BACKGROUND AND FINDINGS:

1245 W Johnson Avenue – Property I.D. #42872; Lots Outlot 45 Tract 4, Aransas Pass Townsite.

CONFORMITY TO CITY POLICY:

This conforms to city policy.

DEPARTMENTAL CLEARANCES:

BBSA; City Council

BUILDING BOARD OF STANDARDS & APPEALS RECOMMENDATION (08/23/16)

Denied removal of commercial sub-standard structure on 1245 W Johnson Avenue.

1245 W Johnson





CITY OF ARANSAS PASS

AGENDA MEMORANDUM

City Council Meeting of October 3, 2016

Date: September 29, 2016
To: Mayor and Council
From: Sylvia Carrillo, City Manager
scarrillo@aransaspasstx.gov

Title: Signatory for the Withdrawal of Funds

PURPOSE:

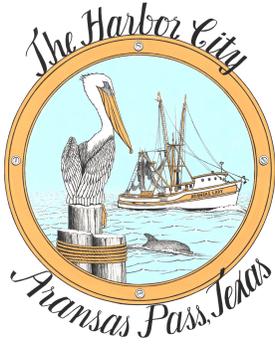
Consider and Act on appointing Sandra Garcia, Director of Finance as an additional signatory for the withdrawal of funds from the City Depository.

BACKGROUND AND FINDINGS:

Below is a list of the signators for the withdrawal of funds from the City's Depository: Sandra Garcia, Director of Finance, Mary Juarez, City Secretary, Henrietta Morales, Municipal Court Judge, and Amber Ybarra, Staff Accountant.

RECOMMENDATION:

City staff is recommending the additional appointment of Sandra Garcia, Comptroller, as a signatory authority.



CITY OF ARANSAS PASS

AGENDA MEMORANDUM

City Council Meeting of October 3, 2016

Date: September 29, 2016

To: Mayor Chapa and Council Members

From: Sylvia Carrillo, City Manager
scarrillo@aransaspasstx.gov

Title: Consider and Act on Resolution No. 2016-790 of support and participation in the Floodplain Management Plan and recognition of the Floodplain Management Planning Committee

PURPOSE:

Resolution of support and participation in the Floodplain Management Plan and recognition of the Floodplain Management Planning Committee.

BACKGROUND AND FINDINGS:

The Aransas County Commissioners' Court has approved a Resolution to formally create the Multi-Jurisdictional Floodplain Management Plan Committee for the County. In order for the City of Aransas Pass to receive credit for the Floodplain Management Plan under the Community Rating System (CRS), a formal planning committee will need to be established.

The Executive Committee is mostly composed of the existing Stormwater Advisory Committee, but the City will still need to appoint two additional members. Staff is recommending Katherine Comeaux, City Planner and Fernando Quintanilla, Director of Public Works or to be appointed by the city council. The City had previously appointed Randy Hunter to serve on the Stormwater Advisory Committee.

In addition to the Executive Committee, the City will also form a 14-member Planning Subcommittee, nine will be members from the public, and five members from city staff. The city is recommending that the nine members from the public be the members of the

Planning and Zoning Commission. Following is a list of the members being proposed for your approval and included in the Resolution:

Katherine Comeaux, City Planner - Chair
Randall Freeze, Public Representative – Vice Chair
Sylvia Carrillo, City Manager
Dale Wells, Building Official
Fernando Quintanilla, Public Works Director
Lynn Pearce, Emergency Management Coordinator
Richard (Sandy) Kubek, Public Representative
Lisa Barker, Public Representative
Elizabeth Dorris, Public Representative
Pat Fenton, Public Representative
Shirley Gallagher, Public Representative
Carol Salinas, Public Representative
Kathleen Sweatt, Public Representative
Cynthia Vasquez, Public Representative

ALTERNATIVES:

Do not approve the Resolution

DEPARTMENTAL CLEARANCES:

Public Works

LIST OF SUPPORTING DOCUMENTS:

Resolution

RESOLUTION NO. 2016-790

**A RESOLUTION OF SUPPORT AND PARTICIPATION IN THE FLOODPLAIN
MANAGEMENT PLAN AND RECOGNITION OF THE FLOODPLAIN MANAGEMENT
PLANNING COMMITTEE**

WHEREAS, the National Flood Insurance Program (NFIP) provides federally supported flood insurance to communities that regulate development in their floodplains, and the Community Rating System (CRS) reduces flood insurance premiums in those communities that do more than implement the minimum regulatory requirements; and,

WHEREAS, by being a full participant in the development of the Aransas County Multi-Jurisdictional Floodplain Management Plan, to include the City of Rockport, the City of Aransas Pass, the Town of Fulton, and Aransas County, the City of Aransas Pass will be eligible to receive credit for Activity 510 of the Community Rating System, which would contribute to lowering flood insurance premiums in the City, if and when they are admitted into the Community Rating System program; and,

WHEREAS, the City of Aransas Pass recognizes that in order to receive credit for the Floodplain Management Plan under the Community Rating System, a formal planning committee will need to be established.

NOW, THEREFORE, BE IT RESOLVED THAT BY THE CITY COUNCIL OF THE CITY OF ARANSAS PASS, ARANSAS COUNTY, TEXAS:

A. **THAT** The City of Aransas Pass, will adhere to the following criteria:

1. The City of Aransas Pass will use its best efforts to participate in the Aransas County Multi-Jurisdictional Floodplain Management Plan in an effort to reduce flood risk and flood insurance premiums throughout the City.
2. The City of Aransas Pass will designate two governmental members to represent the City on the Multi-Jurisdictional Executive Planning Committee, as well as one representative from the public. Its members shall be:
 - (Council Appointee or Staff Liaison)
 - Katherine Comeaux, City Planner
 - Randy Hunter (Public Representative)
3. The City of Aransas Pass will form a 14 member Planning Sub-Committee. Nine of these members will be from the public, with an additional five members from City staff. Its members shall be:
 - Katherine Comeaux, City Planner - Chair
 - Randall Freeze, Public Representative – Vice-Chair

- Dale Wells, Building Official
- Fernando Quintanilla, Public Works Director
- Lynn Pearce, Emergency Management Coordinator
- Sylvia Carrillo, City Manager
- Richard (Sandy) Kubek, Public Representative
- Lisa Barker, Public Representative
- Elizabeth Dorris, Public Representative
- Pat Fenton, Public Representative
- Shirley Gallagher, Public Representative
- Carol Salinas, Public Representative
- Kathleen Sweatt, Public Representative
- Cynthia Vasquez, Public Representative

4. The City of Aransas Pass' Development Services office will be responsible for overseeing the development of the plan, to be completed no later than January 1, 2018.

B. This resolution will be effective upon passage.

Passed and approved on the ____ day of _____, 2016.

CITY OF ARANSAS PASS, TEXAS

Adan Chapa, Mayor

ATTEST:

Mary Juarez, City Secretary

APPROVED AS TO LEGAL FORM:

Allen S. Lawrence, Jr., City Attorney



CITY OF ARANSAS PASS

AGENDA MEMORANDUM

City Council Meeting of October 3, 2016

Date: October 3, 2016

To: City Council

From: Sylvia Carrillo, City Manager

Title: Texas A&M Corpus Christi

PURPOSE: The purpose of this agreement is for the Texas A&M University-Corpus Christi (TAMUCC) Social Science Research Center to analyze body-worn camera footage collected by the Aransas Pass Police Department in order to (1) develop a training video and protocol outlining “best” and “worst” practices during police-citizen encounters and (2) provide a clear picture of the number and nature of police-citizen encounters that occur within the city of Aransas Pass

BACKGROUND AND FINDINGS:

The Aransas Pass Police Department is ahead of its time in the use of body cameras. Dr. Scott and Texas A&M Corpus Christi will assist the City of Aransas Pass and police departments nationwide to:

- a. Review, code, and analyze body-worn camera footage provided by the City of Aransas Pass Police Department.
- b. Create a training video and protocol based on the footage that outlines “best” and “worst” practices during police-citizen encounters.
- c. Provide a report that describes the number and nature of police-citizen encounters in Aransas Pass.

- d. Provide a summary of the current legal issues related to police use of body-worn cameras and related footage.

ALTERNATIVES:

Do Not Approve the Request

CONFORMITY TO CITY POLICY:

EMERGENCY/NON-EMERGENCY:

DEPARTMENTAL CLEARANCES:

FINANCIAL IMPACT:

Operating Revenue Capital Not applicable

Fiscal Year: 2013-2014	Project to Date Expenditures (CIP only)	Current Year	Future Years	TOTALS
Line Item Budget	\$10,000			
Encumbered/ Expended Amount				
This item				
BALANCE				

Fund(s):

Comments: Police Department will pay a portion of the cost from drug seizure funds.

RECOMMENDATION: Staff recommends entering into the contract.

LIST OF SUPPORTING DOCUMENTS: Contract

**AGREEMENT
BETWEEN
TEXAS A&M UNIVERSITY-CORPUS CHRISTI
AND
CITY OF ARANSAS PASS**

- 1. PURPOSE.** The purpose of this agreement is for the Texas A&M University-Corpus Christi (TAMUCC) Social Science Research Center to analyze body-worn camera footage collected by the Aransas Pass Police Department in order to (1) develop a training video and protocol outlining “best” and “worst” practices during police-citizen encounters and (2) provide a clear picture of the number and nature of police-citizen encounters that occur within the city of Aransas Pass.
- 2. STATEMENT OF WORK.** TAMUCC agrees to perform the research services as listed below:

 - a. Review, code, and analyze body-worn camera footage provided by the City of Aransas Pass Police Department.
 - b. Create a training video and protocol based on the footage that outlines “best” and “worst” practices during police-citizen encounters.
 - c. Provide a report that describes the number and nature of police-citizen encounters in Aransas Pass.
 - d. Provide a summary of the current legal issues related to police use of body-worn cameras and related footage.
- 3. PRINCIPALS.** The work will be supervised by Dr. Sarah Scott and Dr. Wendi Pollock, who will be engaged by TAMUCC. If for any reason Dr. Scott or Dr. Pollock are unable to continue to serve, a successor acceptable to both TAMUCC and the City of Aransas Pass will be selected. TAMUCC will be responsible for compensating any persons engaged by TAMUCC to perform the work.
- 4. PERIOD OF PERFORMANCE.** The work described in Part 2 above shall be conducted from October 1, 2016 to September 30, 2017 or until all required reports and data have been received by the City of Aransas Pass.
- 5. PRICE AND PAYMENT.**

 - a. As compensation for the performance of the agreement, the City of Aransas Pass agrees to pay TAMUCC twenty thousand dollars (\$20,000), as itemized in Exhibit A.

- b. The parties agree that all expenditures under this agreement shall be paid with current revenues of the paying party.
- c. The parties acknowledge that continuation of this agreement beyond the current time frame is subject to renegotiation and/or creation of a new agreement.
- d. Invoices from TAMUCC shall be submitted monthly with the first invoice to occur in October, 2016 and the final invoice to occur no later than September 30, 2017.
- e. Invoices for compensation shall be submitted to the following address:

City of Aransas Pass
P.O. Box 2000
Aransas Pass, TX 78335-2200

- 6. DELIVERABLES.** The deliverables required under this agreement are specified in Part 2 above. The City of Aransas Pass retains ownership of all deliverables provided under this agreement. The City grants TAMUCC the right to utilize the data (information) collected in Part 2 and the deliverables provided under this agreement for the purposes of research, instruction, and public education with appropriate citation to the City of Aransas Pass as a funding source. TAMUCC may publish data, information, and results related to the research services. The City acknowledges that because of the nature of the services provided, the outcome is inherently uncertain and unpredictable. The City understands that TAMUCC makes no representation, guarantee, or warranty, express or implied, about the outcome of the services.
- 7. TERMINATION.** Performance under this agreement may be terminated by the City of Aransas Pass with or without cause upon sixty days written notice. Performance may be terminated by TAMUCC, if circumstances beyond its control preclude continuation of the program. Upon termination by the City without cause, TAMUCC will be reimbursed as specified in paragraph 5 of all costs and non-cancelable commitments incurred in the performance of the program that are reimbursable under the grant.
- 8. NOTICES.** All notices to parties under this agreement shall be in writing and sent to the names and addresses stated below. Either party to the agreement may change the name and address by notice to the other in accordance herewith and any change shall take effect immediately upon receipt of the notice.

TAMUCC
Texas A&M University-Corpus Christi
6300 Ocean Drive, #5826
Corpus Christi, TX 78412
Attn: Dr. Sarah Scott
Telephone: (361) 825-2733

CITY OF ARANSAS PASS
P.O. Box 2000
Aransas Pass, TX 78335-2200
Attn: Sylvia Carrillo
Telephone: (361) 758-5301

- 9. LIABILITY.** It is understood that, to the extent authorized under the Constitution and the laws of the State of Texas, the City shall not be liable for any claims against TAMUCC, its employees, or third persons, other than City of Aransas Pass employees, for damage resulting from or arising out of the activities of TAMUCC personnel under this agreement, and TAMUCC agrees, to the extent permitted by Section 49, Article III of the Constitution of the State of Texas, to hold the City harmless from any and all claims. It is also understood that TAMUCC shall not be held liable for any claims against City of Aransas Pass employees, of damage resulting from or arising out of activities of the City, its employees, or third persons, other than TAMUCC employees, and the City agrees, to the extent permitted by Section 49, Article III of the Constitution of the State of Texas, to hold TAMUCC harmless from any and all claims.
- 10. INDEPENDENT CONTRACTOR.** For the purposes of the agreement and all services to be provided under this agreement, the parties shall be, and shall be deemed to be, independent contractors and not agents or employees of the other party. Neither party shall have authority to make any statements, representations or commitments of any kind, or to take action which shall be binding on the other party, except as may be explicitly provided for in this agreement or authorized in writing.
- 11. AMENDMENTS AUTHORIZED.** The representatives who were authorized to sign this agreement are authorized to execute minor amendments to this agreement, such as changes in deadlines and minor changes in the scope of work.
- 12. SEVERABILITY.** If any of the provisions of the agreement in the application thereof to any person or circumstance, is rendered or declared illegal for any reason, or shall be invalid or unenforceable, the remainder of the agreement and the application of the provision to other persons or circumstances shall not be affected thereby, but shall be enforced to the greatest extent by applicable law. The City of Aransas Pass and TAMUCC agree that this agreement shall be reformed to replace the stricken provision or part thereof with a valid and

enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

13. DISPUTE RESOLUTION PROCESS.

- a. To the extent applicable, the dispute resolution procedures provided in Chapter 2260 of the Texas Government Code will be used to resolve contract claims under this contract.
- b. If the Chapter 2260 procedures are utilized both parties agree that the TCEQ may intervene in the proceedings as an interested party.
- c. The Director of Purchasing, TAMUCC, is designated as the officer designated under §2260.052, Texas Government Code, to examine claims and counterclaims, negotiate, and resolve any claims on behalf of TAMUCC.

14. VENUE. TAMUCC acknowledges and agrees that because this agreement has been executed, and will be administered in Nueces County, Texas, the agreement is to be performed in Nueces County. TAMUCC acknowledges and agrees that any permissible cause of action involving this agreement will arise solely in Nueces County. If a legal action related to this claim is permissible and there are two (2) or more counties of proper venue under the rules of mandatory, general, or permissive venue, and one of the counties is Nueces County, TAMUCC agrees to venue in Nueces County.

15. FORCE MAJUERE. The City of Aransas Pass shall excuse any breach of this agreement by TAMUCC which is proximately caused by government regulation, war, strike, act of God, or similar circumstance normally deemed outside the control of well-managed business

16. MISCELLANEOUS. This agreement constitutes the entire agreement between the parties relative to the subject matter, and may only be modified or amended by a written agreement signed by both parties. It shall be construed in accordance with the laws of the State of Texas.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed by their authorized representative.

TEXAS A&M UNIVERSITY-CORPUS CHRISTI

By: _____

Date: _____

THE CITY OF ARANSAS PASS

By: _____

Date: _____



CITY OF ARANSAS PASS

AGENDA MEMORANDUM

City Council Meeting of October 3, 2016

Date: September 29, 2016
To: City Council
From: Sylvia Carrillo, City Manager
scarrillo@aransaspasstx.gov

Title: Consider and Act on Water Adjustment of Marci Garcia

PURPOSE:

To consider and act on water adjustment for Utility Account 14-0038-00 in the amount of \$876.89. If the council approves the sewer adjustment, Ms. Garcia will make payment of \$876.89 immediately.

BACKGROUND: Ms. Garcia is handling the estate of her deceased mother, Mary Henke. There are multiple residential units on one lot. The staff has identified a leak on the property but it has not been fully identified nor properly rectified.

However, Ms. Garcia's bill has dropped to lower levels although still higher than the average bill due to a constant leak on the property. She has engaged a plumber and is seeking the sewer portion of the prior high bills to be waived. She can not explain the extra high bill. Our records show it was a leak of some magnitude. The meter was checked and changed out. Meter tested fine and new meter still shows a leak, although not as high. No real explanation for the difference in leak amounts. Ms. Garcia has paid \$600 towards the more than \$2400 balance and is seeking \$876.19 to be waived. The remaining 876.19 will be due immediately per her request at resolution.

ALTERNATIVES:

Do not waive any portion.

RECOMMENDATION:

Council direction.

LIST OF SUPPORTING DOCUMENTS:

Billing info

Bill Date	Read	Consumption
09/01/2015	7826	36,600
10/01/2015	8276	45,000
11/01/2015	8608	33,200
12/01/2015	9045	43,700
01/01/2016	9387	34,200
02/01/2016	9645	25,800
03/01/2016	9932	28,700
04/01/2016	11515	158,300
05/01/2016	12868	135,300
06/01/2016	13110	24,200
07/01/2016	13332	22,200
08/01/2016	0	14,500
09/01/2016	183	18,300

Account Number: 14-00038-00



Confidential

- Service Location

Address: FM 2725CR 140

Aransas Pass TX 78336

Subject To

Late Charges:

Interest:

Tax:

Cycle:

Class:

Status:

- Owner
- Metered Services
- Nonmetered Services
- Unbilled NonRecurring Charges
- Deposits
- Actions
- Service Orders
- Other Information
- TDL Transaction History

Account #:

Transaction

Reading/Receipt

Date	Amount	Balance	Number	TP	Date	Cons/Ref #	CR
09/02/16	157.38	157.38	183	A	8/8/16	18300	
08/03/16	128.61	128.61	0	A	7/8/16	14500	
07/05/16	186.90	186.90	13332	A	6/8/16	22200	
06/03/16	202.04	202.04	13110	A	5/8/16	24200	
06/01/16	1,043.07	939.64	12868	A	4/8/16	135300	
05/30/16	1,217.18	0.00	11515	A	3/8/16	158300	
05/24/16	236.11	0.00	9932	A	2/7/16	28700	
04/19/16	214.16	0.00	9645		1/8/16	25800	
	3,385.45	1,614.57					

ber - 14-0038-00 HENKE, MARY A Service Address: FM 2

RO2 RES OUT 1 IN MTR Meter: 52645444

Read		Total		Den
Date	Previous	Current	Consumption	Read
a15				
/07/2016	12868	13110	242	
/07/2016	11515	12868	1353	
/08/2016	9932	11515	1583	
/07/2016	9645	9932	287	
/08/2016	9387	9645	258	

a112

/09/2015	9045	9387	342	
/09/2015	8608	9045	437	
/10/2015	8276	8608	332	
/04/2015	7826	8276	450	



CITY OF ARANSAS PASS

AGENDA MEMORANDUM

First Reading Item for the City Council Meeting of [10/3/2016]
Second Reading Item for the City Council Meeting of [10/17/2016]

Date: Tuesday, September 06, 2016
To: Sylvia Carrillo, City Manager
From: Chief Eric Blanchard
chief@ap-police.com

Agenda Item #:
Title: Urinating or defecating in public.

CAPTION:

Consider and act on approving section 18-13 Urinating or Defecating in Public, Prohibited, of Chapter 18, Part II of the Aransas Pass, Texas – Code of Ordinances

PURPOSE:

The general purpose is to criminalize micturating or defecating in public. Currently, there isn't a law against such activity, unless certain parts of the body are exposed.

BACKGROUND AND FINDINGS:

There are several reasons for requesting this ordinance. I will share the three main issues staff has experienced in the past:

1. We do, on occasion, receive calls on folks urinating in public. This activity has been found to be offensive to some. Not to mention, the areas used tend to receive other pedestrian traffic.
2. Camping sites usually are not equipped with a restroom or near a publicly positioned urinal. Some who camp will designate a portion of land as their restroom. This soils the area for others who will later use that same area.

3. In some of the public restrooms provided by the city, we have people that refuse to use the toilets. For unknown reasons, some folks will defecate directly on the floor instead inside the toilet.

Enactment of this ordinance will allow staff to enforce the prohibition on public urination and defecation. Further, those who witness the event will also have the ability to sign complaints against violators, even if officers are not able to enforce it immediately.

A violation of the proposed ordinance will become a citable/arrestable offense enforceable under the *Aransas Pass Code of Ordinances, Part II, Chapter 1, Section 1-5 – General penalty for violation of Code; continuing violations*. The offense is a misdemeanor.

ALTERNATIVES:

Leave as is.

EMERGENCY/NON-EMERGENCY:

Not an emergency.

DEPARTMENTAL CLEARANCES:

Police,
Legal

RECOMMENDATION:

Staff recommends adoption of the modified ordinances.

LIST OF SUPPORTING DOCUMENTS:

Proposed Ordinance

Sec. 18-13 Urinating or Defecating in Public, Prohibited

- (A) A person commits an offense if the person urinates or defecates in or on a public place or within public view.
- (B) It is an exception to this section that the person used a receptacle designed to collect human waste inside a designated restroom.

Secs. 18-14—18-19. - Reserved.



CITY OF ARANSAS PASS

AGENDA MEMORANDUM

First Reading Item for the City Council Meeting of [10/3/2016]
Second Reading Item for the City Council Meeting of [10/17/2016]

Date: Friday, September 30, 2016
To: Sylvia Carrillo, City Manager
From: Chief Eric Blanchard
chief@ap-police.com

Agenda Item #:
Title: Renew the city curfew ordinance.

CAPTION:

Consider and act on approving the renewal of the city's curfew ordinance in Part 2, Chapter 18, sections 18-4 through 18-7 of the Aransas Pass Code of Ordinances.

PURPOSE:

Every three years the city is required to review and renew the curfew ordinance.

BACKGROUND AND FINDINGS:

Since its last renewal, the Aransas Pass Police Department issued 139 curfew violation citations. Further, we have found on several occasions when handling some of these minors during curfew they are involved in other mischievous activities. We feel the ordinance is necessary and vital in keeping our community's children and residents safe.

ALTERNATIVES:

Repeal the ordinance

DEPARTMENTAL CLEARANCES:

Public Safety,
Legal

RECOMMENDATION:

Staff recommends approving this ordinance renewal.

LIST OF SUPPORTING DOCUMENTS:

Marked-up ordinance

Sec. 18-4. - Curfew for minors—Generally.

(a) In sections 18-4 through 18-7 of this Code:

Emergency shall include, but not be limited to, fire, natural disaster, automobile accident, or an incident requiring the need of immediate medical care for another person.

Guardian shall mean any person to whom custody of a minor has been given by a court order.

Minor means a person under the age of seventeen (17) years and who is at least six (6) years of age, or is younger than six (6) years of age and has previously been enrolled in first grade, or a person who is enrolled in high primary or secondary educational schooling and who has not yet reached eighteen (18) years of age.

Parent means a person who is the natural or adoptive parent of a minor. As used herein, "parent" shall also include a court appointed guardian or other person eighteen (18) years of age or older, authorized by the parent, by a court order, or by the court appointed guardian to have the care and custody of the minor.

Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops, but does not include a lot containing and used with a residential dwelling if the minor is there with consent of his parent and the owner or tenant who occupies the residential premises.

(b) A person commits an offense hereunder if he or she:

(1) Is a minor; and

- a. Knowingly appears in a public place in the city between the hours of 11:00 p.m. and 6:00 a.m.; or
- b. Knowingly appears in a public place in the city between the hours of 8:00 a.m. and 2:50 p.m., during a weekday while Aransas Pass Independent School District is in regular session.

(c) It is a defense to prosecution under this section if at the time the minor appeared in a public place:

- (1) The minor was accompanied by a parent;
- (2) The minor was on an emergency errand;
- (3) The minor, with parental consent, was in attendance of a meeting, dance, theater, sporting event, or other activity supervised by adults and sponsored by a school, church, civic organization, or other similar entity;
- (4) The minor was engaged in lawful employment or volunteer work or going to or coming from such activity without detour or stop;
- (5) The minor was in the yard of the place where the minor resides or in the yard of a place where the minor had permission from a parent or guardian to be;
- (6) The minor was acting at the direction of a peace officer;
- (7) The minor was in a motor vehicle involved in intrastate or interstate transportation with approval from a parent or guardian;
- (98) The minor was emancipated at the time of the offense.

(d) Before making an arrest under this article, a peace officer shall inquire of the apparent offender's age and reason for being in the public place, and shall not arrest unless the officer reasonably believes that an offense has occurred, and that, based on any response and other circumstances, that one (1) of the defenses in subsection (c) above is not present.

(Ord. No. 3502, § 2, 9-21-92; Ord. No. 3682, § 1, 9-8-98; Ord. No. 3765, § 1, 3-4-02; Ord. No. 3824-A, § 1, 3-1-04; Ord. No. 3925, § 2, 10-15-07; [Ord. No. 3985](#), § 1, 10-18-10; [Ord. No. 4049, § 1\(Exh. A\), 10-21-13](#))

Sec. 18-5. - Same—Duty of parents, etc.

A natural or adoptive parent, a legal guardian, person in loco parentis, or other person with legal custody or control of a minor commits an offense if he knowingly permits, or by criminally negligent control, allows the minor to appear in a public place in violation of section 18-4 of this Code.

(Ord. No. 3502, § 2, 9-21-92; Ord. No. 3765, § 1, 3-4-02; [Ord. No. 3985](#), § 1, 10-18-10; [Ord. No. 4049, § 1\(Exh. A\), 10-21-13](#))

Sec. 18-6. - Same—Inducement of violation.

A person commits an offense if he knowingly induces, encourages, or assists a minor to appear in a public place in violation of section 18-4 of this Code.

(Ord. No. 3502, § 2, 9-21-92; Ord. No. 3765, § 1, 3-4-02; Ord. No. 3925, § 3, 10-15-07; [Ord. No. 3985](#), § 1, 10-18-10; [Ord. No. 4049, § 1\(Exh. A\), 10-21-13](#))

Sec. 18-7. - Same—Permitting curfew violation on premises.

(a) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to enter or remain upon the premises of the establishment in violation of section 18-4 of this Code.

(b) In this section:

Establishment means any privately owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.

Operator means any individual firm, association, partnership, or corporation operating, managing, or conducting any establishment, including the members or partners of an association or partnership and the officers of a corporation.

Premises means the structure within which the establishment is housed.

(Ord. No. 3502, § 2, 9-21-92; Ord. No. 3765, § 1, 3-4-02; [Ord. No. 3985](#), § 1, 10-18-10; [Ord. No. 4049, § 1\(Exh. A\), 10-21-13](#))