

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, March 7, 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. **PROCLAMATIONS/PRESENTATIONS:**

City Manager Sylvia Carrillo recognized John Calistro, Public Works Department for the exceptional work he is doing at the Public Works department and presented him with a Certificate of Appreciation.

4. **BOARD AND COMMISSION APPOINTMENTS:**

Mayor Chapa referred to Item 4a.

a. **Zoning Board of Adjustment**

City Manager Carrillo stated that the Council needs to designate a Regular Member. After nominations and voting, the council designated Mr. Randall Freeze as a Regular Voting Member.

5. **CITIZEN COMMENTS:**

Mayor Chapa referred to Citizens Comments.

Jen Rubinowitz, President of the Rialto Theater, stated that in light of the recent negative coverage in the media she launched a Facebook petition over the weekend. Ms. Rubinowitz then read the petition and a few of the positive comments that were posted.

Debbie Aylesworth, 1618 W. Nelson, stated that she recently purchased a building and thanked City Manager Sylvia Carrillo and city offices for their assistance.

Brent Casey, 2170 Bypass 35, spoke of the recent annexation and the requirement for the City to provide services within 2 to 5 years and referred to Texas law.

Simone Sander, 1179 S. Houston, (located behind the Last Pass Bar). She stated that she has dropped off protest forms and police report forms to prevent the bar from opening in that location. She also spoke on water issues she has had in the past in the area near her home and hopes it will be resolved soon.

Charles Pentland, 957 N. Whitney, spoke of action on the agenda regarding building a smaller home with a variance, and addressed vacant lots in the city, and asked the Council to consider allowing for smaller homes to be built. Ms. Carrillo responded that this item is on the agenda under public hearings.

Tom Duran, 508 Bigelow, Business Owner, thanked the current administration for the growth in Aransas Pass due to the efforts of the City Manager.

Daniel Jimenez, 140 N. Arch, asked the City to forward the required information to the County so that the residents in the newly annexed area are eligible to vote in the upcoming May 7, 2016 election.

Helen Mary Nagel, 408 Payne, asked the Council to enforce the City's current ordinances.

**6. CONSENT AGENDA:**

Mayor Chapa referred to the Consent Agenda, Items 6a and 6b.

- a. Approval of minutes of the Regular Council Meetings of February 1, 2016 and Special Council Meeting of February 8, 2016.
- b. Ordinance No. 2016-4141, amending City Code of Ordinances, Chapter 18, Article VII, Sex Offender Residence Location Restrictions, Section 18-80 through 18-83 of the Code of Ordinances; providing a repealer clause, and an effective date.

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

**7. CONSIDER AND ACT ON CITY MANAGER ITEM(S):**

Mayor Chapa referred to City Manager items.

- a. Consider and Act on request from Aransas Pass Little League for a five-year zero interest loan in the amount of \$5,000.

City Manager Carrillo stated that this item is to approve a five-year zero interest loan request from the Aransas Pass Little League in the amount of \$5,000. She added that the President of the League contacted her this afternoon and that they are requesting a \$5,000 in-kind donation instead of a cash out loan. She stated that there are some field improvements that need to be made that would require heavy equipment. Ms. Carrillo stated that she would work with the League to calculate man hours and equipment hours; and that at this time she is requesting that the Council consider an in-kind donation in the amount of \$5,000.

Council Member Abrego stated that there are some lights that are out at the field, and Ms. Carrillo responded that they would look at the lighting and fencing.

A motion was made by Mayor Pro Tem Hyatt to approve a \$5,000 in-kind donation, seconded by Council Member Scruggs, and the motion carried.

- b. Consider and Act on adjusting the speed limit on SH 35 on the northbound and southbound lanes to sixty-five (65) miles per hour within the city limits.

City Manager Carrillo stated that this item was presented by TxDOT due to a recent fatality near the Allen Samuels area. She added that a group of residents petitioned TxDOT to lower the speed limit, and they have agreed as long as the City is in support.

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

**8. CONSIDER AND ACT ON COMMUNITY ENRICHMENT ITEM(S):**

There were no Community Enrichment items.

**9. CONSIDER AND ACT ON DEVELOPMENT SERVICE ITEM(S):**

- a. Consider and Act on approving a Rental Agreement with AQUA-Zyme disposal Systems, Inc. for a Dewatering Unit.

City Manager Carrillo stated that Cheniere has purchased about 1,000 acres of Sherwin property and explained that the purpose of this item is to provide additional storage capacity for sludge at the Wastewater Treatment Plant. She stated that the total is \$19,700.

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

**10. CONSIDER AND ACT ON FINANCE ITEM(S):**

- a. Consider and Act on approving an agreement with American Express for a corporate service commercial account.

City Manager Carrillo stated that the City is shifting from Value Bank to American Express to allow for processing payments electronically. She added that there are no fees associated with American Express and that problems with Value Bank prompted the change to American Express.

A motion was made by Council Member Ellis to approve Item 10a, seconded by Mayor Pro Tem Hyatt, and the motion carried; Council Member Abrego abstained.

**11. CONSIDER AND ACT ON PUBLIC SAFETY ITEM(S):**

- a. Consider and Act on modifying the City's Policy on allowing City employees to exercise the Texas License to Carry (LTC) privilege while on-duty for the City.

Mr. Eric Blanchard, Police Chief stated this is a modification to City policy on permitting city employees to carry a firearm or exercise the privilege while on the clock. He added that currently City employees can carry a firearm in the open as long as it is properly holstered, but administrative staff is recommending that the weapon remain concealed. Mr. Blanchard stated that this recommendation will require that all city employees permitted to carry a firearm at work, do so with a concealed firearm.

A motion was made by Council Member Ellis to approve Item 11a, seconded by Council Member Abrego, and the motion carried.

**12. CONSIDER AND ACT ON INFORMATION TECHNOLOGY ITEM(S):**

There were no Information Technology items.

**13. PUBLIC HEARING(S):**

Mayor Chapa referred to the Public Hearings.

- a. Public hearing on amending Zoning Ordinance, Part IV, Section 15, Non-Conforming Uses by adding a time frame for discontinued non-conforming uses. (TABLED)

City Attorney Lawrence stated that staff is recommending that Items 13a and 13b be tabled.

- b. Consider and Act on Ordinance amending Ordinance No. 1308, Zoning Ordinance, by amending Part IV, Section 15, Non-Conforming Uses, and providing for a repealer clause. (TABLED) **Staff Recommendation:** Table until the April 4, 2016 Council Meeting.

A motion was made by Council Member Ellis to table Items 13a and 13b, seconded by Mayor Pro Tem Hyatt, and the motion carried.

- c. Public hearing on amending Zoning Ordinance, Part III, Section 12, Off-Street Parking Requirements, by amending the dimensions of the standard parking stall and requiring a minimum width for a two-way drive aisle.

City Attorney Lawrence declared the public hearing open on amending Zoning Ordinance, Part III, Section 12, Off-Street Parking Requirements.

Miguel Saldana, Director of Development Services stated that this item came before the Council several weeks ago and stated that the issue was the size of parking stalls. Mr. Saldana stated that staff concurs with the recommendation as proposed by the Planning and Zoning Commission to leave the parking stalls 10 x 20 and other recommended changes. Mr. Lawrence then read the Planning and Zoning Commission recommendation.

Carol Salinas, stated that she is pleased that staff concurs with the Planning and Zoning Commission and that the parking spaces are reasonable.

Daniel Jimenez, stated that he supports the staff recommendation to concur with the Planning and Zoning Commission.

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

- d. Consider and Act on Ordinance amending Ordinance No. 1308, Zoning Ordinance, by amending Part III, Section 12, Off-Street Parking Requirements, by amending the dimensions of a parking stall and the off-street loading space; providing for a repealer clause and an effective date.

**Planning and Zoning Commission's Recommendation:** Leave the parking stalls at 10 feet wide and 20 feet deep, require two-way drive aisles to be a minimum of 24 feet, exclusive of drive-thru aisles, and change the size of the loading space to 12 feet wide and 35 feet deep.

A motion was made by Council Member Ellis to approve Item 13d, seconded by Council Member Abrego, and the motion carried.

- e. Public hearing on amending Zoning Ordinance, Part III, Section 11, by eliminating the required minimum floor space and minimum masonry in the residential district and references in the non-residential districts.

City Attorney Lawrence declared the public hearing open on amending the Zoning Ordinance by eliminating the required minimum floor space and minimum masonry in the residential district and references in the non-residential district.

Miguel Saldana, Director of Development Services stated that this proposed amendment is to eliminate the minimum required floor area and added that these types of requirements tend to be described as exclusionary zoning. Mr. Saldana stated that the Planning and Zoning Commission has reviewed this proposed amendment and they are recommending that fiber cement board (Hardi Board) be also allowed as masonry; that the floor area in the "R-16" district be modified to just 1,600 square feet, whether it is single or multiple story building; and the "R-10", "R-7A" and "D" districts, modify the floor area to 1,000 square feet. Mr. Saldana added that staff concurs on the masonry requirement, and on the floor area they are recommending to eliminate this requirement.

Council discussion ensued on the Hardi board and Masonry requirements, compliance with the law, floor plan requirement, the building of smaller homes and planned development.

Daniel Jimenez, 140 N. Arch stated that he does not support this amendment and that this ordinance has been in existence for fifty years. He then read excerpts of the ordinance and law.

Carol Salinas, Planning and Zoning Commission Board Member commented on the revisions to the limitations as outlined in the ordinance and the changes to duplexes and reduction.

Daniel Jimenez, 140 N. Arch commented that the ordinance being proposed does not address planned development.

There were no further comments. City Attorney declared the public hearing closed.

- f. Consider and Act on Ordinance amending Ordinance No. 1308, Zoning Ordinance, by amending Part III, Sections 11-R16, 11-R10, 11-R-7A, and 11-D, by modifying reference to minimum floor area and minimum masonry requirements, providing for a repealer clause and an effective date.

A motion was made by Council Member Abrego to approve the Planning and Zoning Commission recommendation, seconded by Council Member Ellis; and the motion carried; Chapa voting Nay.

- g. Public hearing regarding the submission of an application to the Texas Department of Agriculture for a Texas Community Development Block Grant Program (TxCDBG) grant.

City Attorney Lawrence declared the public hearing open for the Texas Community Development Block Grant Program (TxCDBG) grant. Ms. Betty Collier, GrantWorks' stated that this is for an application for an opportunity to apply for a planning study for a ten-year comprehensive plan. She stated that the first step in the application process is to hold a public hearing for citizen participation.

Ms. Collier stated that the application would give the City a base mapping study for future planning efforts – streets, water, wastewater, capital improvement program, parks and recreation, zoning, subdivision and other categories in the amount of \$55,000 with a 15% match.

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

- h. Consider and Act on a Resolution of the City of Aransas Pass, Texas authorizing the filing of a 2016 Texas Community Block Grnt program application to the Texas Department of Agriculture under the Planning/Capacity Building Fund; and authorizing the Mayor to act as the city's executive officer and authorized representative in all matters pertaining to the City's participation in the Texas Community Development Block grant program (\$55,000 – Comprehensive Planning)

A motion was made by Council Member Ellis to approve Item 13h, seconded by Council Member Abrego, and the motion carried.

**14. CITY MANAGER UPDATE(S):**

City manager Carrillo provided an update on the following: Trash Take Back program had a variety of dumpsters throughout the town servicing the MyAp2; City will issue a Request for Proposals for the Harbor Lighting; City received Thank You letters from the Rotary Club of Aransas Pass and Vets Fishing with Vets; and announced that Aransas Pass High School is inviting the Council and Citizens to a Community Wide Pep Rally on March 8<sup>th</sup> to send the Aransas Pass Panthers to the State Championship. The following new Police department employees were recognized: Donald Volz, Crystal Bath and Aaron Veuleman.

Ms. Carrillo expressed her gratitude to the Council and the community for their prayers and support during the hospitalization of her daughter.

**15. DEPARTMENT UPDATE(S):**

a. End of 2015 Police Stats

Eric Blanchard, Police Chief provided the Council with a review of the 2015 Public Safety Annual Report and stated that the report would also be posted on the City's website. He discussed calls and events for Communications, Fire/EMS and Police department; Tickets and Arrest; Criminal Investigations, Stolen/Recovered Property; Narcotics Seized; Open Records Requests, Asset Forfeiture; Training; and Online Activity.

Before the City council went into executive session, Mayor Chapa thanked the City of Aransas Pass and city staff for their public service and for coming together to take care of city business and for their hard work under the circumstances.

**16. EXECUTIVE SESSION(S):**

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: Pirate Towing & Salvage
- b. Section 551.071, Consultation with City Attorney: La Costa Development
- c. Section 551.071, Consultation with City Attorney: Industrial District Agreements

The council returned from executive session at 9:47 pm.

a. Section 551.071, Consultation with City Attorney: Pirate Towing & Salvage

A motion was made by Mayor Pro Tem Hyatt to allow Pirate Towing & Salvage to lease property on Conn Brown Harbor for three years with a three-year option; seconded by Council Member Abrego, and the motion carried.

b. Section 551.071, Consultation with City Attorney: La Costa Development

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

c. Section 551.071, Consultation with City Attorney: Industrial District Agreements

A motion was made Mayor Pro Tem Hyatt to authorize the City Manager to disburse industrial district agreements for review and signature; seconded by Council Member Abrego, and the motion carried

17. ADJOURNMENT:

There being no further business to come before the Council, Mayor Chapa adjourned the meeting at 9:48 pm.

  
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Adan Chapa  
Mayor

  
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Mary Juarez  
City Secretary

Approved on: April 4, 2016