

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. 13<sup>th</sup> 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. 11<sup>th</sup> 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. 13<sup>th</sup> 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. 13<sup>th</sup> 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. 11<sup>th</sup> 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. 13<sup>th</sup> 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.

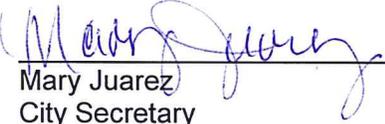
Bill Stevens, commented on late fees related to water utility bill and problems with the utility billing system.

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.

  
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Adan Chapa  
Mayor

  
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Mary Juarez  
City Secretary

Approved on: October 3, 2016