

# CITY OF PORT ARANSAS, TEXAS

## AGENDA

### CITY COUNCIL REGULAR MEETING

Thursday, March 19, 2015 @ 5:00 pm  
Port Aransas City Hall, 710 W. Avenue A  
Port Aransas, Texas 78373

Notice is hereby given of the Regular Meeting of the City Council of Port Aransas to be held on Thursday, March 19, 2015 beginning at 5:00 pm at: City Hall – Council Chamber, 710 W. Avenue A, Port Aransas, Texas, for the purpose of considering the following agenda items.

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **OPENING PRAYER**

4. **CITIZEN COMMENTS AND REPORTS:** *In accordance with the Open Meetings Act, Council is prohibited from acting or discussing (other than factual responses to specific questions) any items brought before them at this time.*

5. **CONSENT AGENDA:** *All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Information concerning consent agenda items is available for public review.*

A. Discuss and take action on Monday, February 23, 2015 Meeting Minutes as presented.

B. Discuss and take action on the Thursday, February 19, 2015 City Council Meeting Minutes as presented.

6. **ITEMS FOR CONSIDERATION**

C. Discuss and take action on a **Resolution** Casting the City's 423 Eligible Votes for Carol Sue Hipp, for Place 6 of the **Nueces County Appraisal District Board**; Directing the City Secretary to Forward a Copy of this Resolution to Ramiro "Ronnie" Canales, Chief Appraiser on or before March 26, 2015; and Providing Other Matters Relating to Said Appointment.

D. Discuss and take action a **Resolution** Approving an **Exchange of Real Estate** with Kelly and Beth Owens for the Ferry Vehicle Stacking System with Said Properties

Being Fully Described Herein; and Authorizing the City Manager to Sign any and all Contract Documents Related to this Exchange of Property.

- E. **TABLED 2/19/2015:** Discuss and take action on **Dune Permit Application #BFDP-150048 City of Port Aransas Seaweed Maintenance, Dune Permit and Beachfront Construction Certificate** which documents solutions and authorized alternatives for the removal and disposal of seaweed within the jurisdictional limits of the Port Aransas Coastal Management Plan and authorize, if needed, the modification of Exhibit B, Sheet 9 of said Application.
  
- F. Discuss and take action on **Final Plat Application FPLT#150067**, Proposed lots 5R-10R, Block 78, Aransas Holding Company Section C, Nueces County, being a replat of Lots 4-10, Block 78, Aransas Holding Company Section C, City of Port Aransas, Texas according to the plat recorded in Volume 5, Page 34, Map Records of Nueces County Texas. Request by: Tenth Street Rentals, LTD (Nick Lorette). Property Location: Tenth Street.
  
- G. Discuss and take action to confirm that **“No” Dune Permit BFDP 150035** is required for construction of improvements at Lot 2, Corder/Hall Subdivision, Port Aransas, Texas and is consistent with the City’s Coastal Management Plan. Applicant: Bob Gullacher. Property Location: 136 Dunes Drive.
  
- H. Discuss and take action on second reading of an **Ordinance Amending Chapter 27 “Public Beach”**, Article I. “Port Aransas Beach Park”, Division 1. “In General” Section 27-1 “Definitions” by Adding new definitions; adding a New Article II. “Beach Camping” to Establish Beach Camping Rules, Regulations and Recreational Vehicle Camping Permit Fees, Setting Limitations on Camping, Prohibitions, and Exemptions; and Providing For Severance, Reading, And Effective Date.
  
- I. Discuss and take action to approve first reading of an **Ordinance Amending Chapter 25 “Zoning”**, Article I. “In General”, Section 25-1 “Definitions” By Adding Definitions for Bedroom, Sleeping Rooms, Improved Parking Surface and Vehicles; Article IV. “Supplemental District Development and Use Regulations”, Division 2. “Off-Street Parking And Loading”, Section 25-161 “Number Of Off-Street Parking Spaces Required” to Clarify and Update Off-Street Parking Requirements to Provide for Health, Safety and General Welfare of the Public; Providing for Severance, Reading, and Effective Date.
  
- J. Discuss and take action to approve first reading of an **Ordinance Amending Chapter 21 “Subdivisions”**, Article IX. “Requirements for Improvements, Reservations and Design”, Division 10. “NUD Neighborhood Unit Development”, Section 21-243(f) “Minimum Requirements” and Division 11. “CUD Cottage Unit Development”, Section 21-258(f) “Minimum Requirements” to Clarify and Update Off-Street Parking Requirements to Provide for Health, Safety and General Welfare of the Public; Providing for Severance, Reading, and Effective Date.

- K. Discuss and take action on a **Resolution** approving a **contract agreement** between the City of Port Aransas, Community Presbyterian Church, and Port Aransas Softball League for use of **Jerry McDonald Field** for one-year and one five-year extension; and authorize the city manager to sign said agreement.
- L. Discuss and take action to adopt a **Resolution** Amending the **2015 Fee Schedule** by Adding an Annual Recreational Vehicle Beach Camping Permit Fee; and Providing for Severance and Setting Effective Date.
- M. Discuss and take action on an Ordinance Amending Code of **Ordinances Chapter 12 “Licenses and Business Regulations”**, Article III. “Food Establishments” By Adopting State Food Establishment Rules; Establishing Procedures for Permit Application, Plan Review, Exemptions, Suspension, Revocation, Administrative Process and Remedies; Adding Definitions to Identify Corpus Christi-Nueces County Public Health District as the Regulatory Authority; Providing for Education Requirements; and providing for severance, reading, and effective date.
- N. Discuss and take action on request to change the **3-Light Traffic Signal** at intersection of Alister and Cotter to a 4-Way Stop intersection with Red Flashing Signal light.
- O. Discuss and take action to accept the Tier 1 Partial Exemption - **2014 Racial Profile Report** as submitted by the Port Aransas Police Department.
- P. Discuss and take action to accept **Certification of Unopposed Candidates** by the City Secretary.
- Q. Discuss and take action on **Resolution Declaring That all Candidates are Unopposed** in the May 9, 2015 General City Election and are Hereby Elected to Their Respective Office; Authorizing the Cancellation of Said Election; and Providing Other Matters Relating to Said General Election.

*Considerar y adoptar medidas sobre la Resolución que declara que todos los candidatos son candidatos únicos en las Elecciones Generales del 9 de mayo de 2015 y quedan elegidos para sus respectivos cargos; autorizar la cancelación de dichas elecciones y estipular otros asuntos relacionados con dichas elecciones generales.*

- 7. **CLOSED EXECUTIVE SESSION:** - The City Council may conduct a Closed Executive Session pursuant to the provisions of Chapter 551 Texas Government Code, in accordance with the authority contained in:
  - o **SECTION 551.071(1) (A) Consultations with Attorney** – to conduct a private consultation with its attorney to seek advice about pending or contemplated litigation – *City of Port Aransas vs. Tressa Grange & Natrevan, Ltd. –collection of Hotel Occupancy Tax.*
- 8. **OPEN EXECUTIVE SESSION:** The City Council will now reconvene into Open Session pursuant to the provisions of Chapter 551 Texas Government Code and take action on item(s) discussed during Closed Executive Session as noted above.

**9. WORKSHOP ITEMS:**

- R. Presentation and general discussion of appointments/openings on the following City Boards & Commissions: Charter Review Commission, Planning & Zoning Commission, Parks and Recreation, Recreation Development Corporation, Library and Airport.
- S. Presentation and general discussion on proposal to require registration of properties used as Short-Term Rentals (STR) within the corporate city limits.

**10. STAFF REPORTS** *Presentation and general discussion of the following items including Meeting Minutes of various Boards, Commissions and Committees pursuant to Home Rule Charter and Code of Ordinances:*

- T. Monthly/Quarterly/Annual Reports and Minutes
  - i. February 2015 Monthly Reports
    - 1. Finance – Director Darla Honea
    - 2. Police – Chief Scott Burroughs
    - 3. Code Compliance
      - a. January 2015
      - b. February 2015
      - c. March (thru 3/10) 2015
  - ii. Minutes from the following City Committees, Boards/Commissions –
    - 1. Library Board – November 19, 2015 Meeting Minutes; and
    - 2. Planning & Zoning Commission – February 19, 2015 Jt. Meeting Minutes, February 23, 2015 Meeting Minutes.

**11. CITY COUNCIL COMMENTS AND ITEMS FOR FUTURE CONSIDERATION AND/OR OF COMMUNITY INTEREST** - *Expressions of thanks, congratulations or condolences; information regarding holiday schedules; honorary recognition of city officials, employees or other citizens; reminders about upcoming events sponsored by the City or other entity that are scheduled to be attended by a city official or city employee.*

**12. ADJOURNMENT**

**NOTICE**

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 361-749-4111 or fax 361-749-4101 or email [iparker@cityofportaransas.org](mailto:iparker@cityofportaransas.org) for further information. Braille is Not Available. The City of Port Aransas reserves the right to convene into Closed Session under Government Code 551.071-551-074 and 551-086.

**CERTIFICATION**

I, certify that a copy of the Thursday, March 19 , 2015 agenda of items to be considered by the Port Aransas City Council was posted on the City Hall bulletin board on Monday, March 16, 2015 @ 2:00 pm.

\_\_\_\_\_  
Irma G. Parker, City Secretary

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

By: \_\_\_\_\_ Title: \_\_\_\_\_

**CITY OF PORT ARANSAS, TEXAS**

**MINUTES**

**CITY COUNCIL SPECIAL MEETING**

**AND**

**JOINT WORKSHOP MEETING WITH THE  
PLANNING & ZONING COMMISSION**

**Monday, February 23, 2015 @ 5:00 pm  
Port Aransas City Hall, 710 W. Avenue A  
Port Aransas, Texas 78373**

On this the 23<sup>rd</sup> day of February, 2015 the Port Aransas City Council and the Planning & Zoning Commission of the City of Port Aransas, Nueces County, Texas, convened in Special Session at 5:00 p.m., at the regular meeting place in City Hall, and notice of meeting giving time, place, date and subject was posted as described in V.T.C.A., Government Code § 551.041.

**CITY COUNCIL MEMBERS PRESENT**

Mayor Keith McMullin  
Council Member Beverly Bolner, Place 2  
Council Member Glenda Balentine, Place 3  
Council Member Charles Bujan, Place 4  
Council Member Edwin Myers, Place 5

**COMMISSION MEMBER(S) PRESENT**

Chairman Becky Corder  
Co-Chairman Mike Garlough  
Commissioner Bruce Clark  
Commissioner Chuck Crawford  
Commissioner Randy D’Herde  
Commissioner Nick Lorette  
Commissioner Wendy Moore

**CITY COUNCIL MEMBER(S) ABSENT**

Mayor Pro-Tem Steven Lanoux, Place 6  
Council Member Rick Pratt, Place 1

**COMMISSION MEMBER(S) ABSENT**

N/A

**STAFF MEMBERS PRESENT**

City Manager David Parsons  
City Secretary Irma Parker  
Finance Director Darla Honea  
Police Chief Scott Burroughs  
Planning & Development Director Rick Adams  
Planning Assistant Nicole Boyer

**STAFF MEMBERS ABSENT**

City Attorney Michael Morris  
Parks & Recreation Director David Hyde  
Airport Manager Randy Hanson  
Gas Superintendent Mitch Ortiz  
Public Works Director Johnny White  
EMS Director Tim McIntosh

1. **CALL TO ORDER** - With a quorum of the Council Members present, the Special Meeting of the Port Aransas City Council was called to order by Mayor McMullin at 5:00 pm on Monday, February 23, 2015 in the Council Chambers of the Port Aransas City Hall, 710 W. Avenue A, Port Aransas, Texas.

2. **CITIZEN COMMENTS AND REPORTS:** *In accordance with the Open Meetings Act, Council is prohibited from acting or discussing (other than factual responses to specific questions) any items brought before them at this time.*

Luke Dailey, 619 E. Avenue B – wants to ensure that any expenditures to building and develop a marina would go before the voters, asked the City to do long-range planning to accommodate for future growth and development, requested the Chamber of Commerce accomplish a survey paid for by Hotel Occupancy Tax Funds to help establish need for affordable housing; Kevin Dean, 3500 Island Moorings Parkway – stated that if the City built a marina it would financially impact him since he owns Island Moorings Marina; and Michele Lorette, 413 Mustang Blvd – opined that the community needs a youth oriented recreation center.

3. **ITEMS FOR CONSIDERATION**

- A. **Discuss and take action on a Resolution nominating a representative for Place 6, Board of Directors, Nueces County Appraisal District; Directing the City Secretary forward a Certified Copy of this Resolution to Chief Appraiser Ramiro “Ronnie” Canales; and Providing other matter relating to said Appointment.**

In 2013, the City joined with the City of Aransas Pass, Aransas Pass ISD, Port Aransas ISD and Tulo-so-Midway to appoint TM Board Member Kim Johnson. The City was informed that the current Place 6 representative, Kim Johnson, is now resigning. Port Aransas ISD has nominated Carol Sue Hipp, who currently serves as Executive Director of Business and Operations for PAISD and requests that the City support Ms. Hipp’s nomination. Each of the taxing units is entitled to nominate a person for Place 6 on the Board of Directors. The participating taxing units in Place 6 include the following:

<b>Taxing Entity</b>	<b># of Votes</b>
Aransas Pass ISD	14
City of Aransas Pass	6
Calallen ISD	1,618
Flour Bluff ISD	2,567
City of Port Aransas	486
Port Aransas ISD	1,813
Tulo-so-Midway ISD	2,620
West Oso ISD	878

Mayor McMullin called for any questions or comments. Council Member Balentine asked Ms. Hipp is she lived in Port Aransas. Ms. Hipp stated she lives in Corpus Christi but travels to Port Aransas every day for her job at Business Office Manager for Port Aransas Independent School District.

**MOTION:** Council Member Bujan moved to approve Resolution nominating Carol Sue Hipp for Place 6, Board of Directors, Nueces County Appraisal District as presented. Council Member Myers seconded the motion. Motion carried by the following vote:



City's 67 acre undeveloped potential marina site, and the City's existing 25 acre Dennis Dyer Municipal Harbor. The main objectives of the study are to: (1) Complete an analysis of comparable and competitive marinas; and (2) Assess the potential market demand for additional marina capacity. Estimates of market demand for expanded berthing are reached by reviewing published databases, recently published industry studies, trade literature, and business intelligence and Extensive interviewing in the region associated with this study.

❖ *Evaluation of Port Aransas Marina Market Potential:*

- Port Aransas is a coastal city in Nueces County, Texas, and is located between Corpus Christi Bay and the Gulf of Mexico. According to the United State Census Bureau, the city has a total area of 12.1 square miles, of which 8.8 square miles of it is land and 3.3 square miles of it is water.
- Port Aransas is about 30 minutes from downtown Corpus Christi, three hours from San Antonio, and four hours from both Houston and Austin.
- The Port Aransas region is an acknowledged gateway to marine recreation-based tourism. Beaches and sport fishing are the leading tourist attractions.
- Port Aransas's prime Gulf Coast position is a major location advantage, affording a singular opportunity to fish and recreate in the Gulf of Mexico. Its proximity to major metropolitan areas is a basis for strong demand for water access to marine resource based recreation.

❖ *Texas Recreational Boating Market Situation:*

- In Texas, as throughout the Nation, the recreational boating and fishing industry has experienced cyclical expansions and contractions in recent history. Boating and fishing are complementary outdoor activities, and trends and participation in either reflect upon the other.
- Notably in Texas, while the number of recreational saltwater anglers has stayed about the same since 1996, the general population of Texas has increased during this time; indicating the per capita percentage of Texans who fish has declined.<sup>1</sup> A related trend shows (Figure 1) that the number of Texas State registered recreational watercraft has declined substantially for the past 5 years despite an increasing population.
- According to the National Marine Manufacturers Association (NMMA), in 2013 Texas ranked second nationally in total boating expenditures. While this represents a decline of 1.2% from the prior year, it is still nearly 30% above the 2009 boating expenditure level. A drop in registered boats between 2009 and 2011 was to some extent due to the reduced lake levels according to marina industry and related trade. The lake level declines were brought on by the worst one-year drought documented. It is not clear how this impacted the increased demand for marina facilities along the coastal zone not impacted by low water, but offering competitive facilities.
- The increasing demand for water access in the study area is derived by the continued growth in tourism in the region. For example, between 2012 and 2013, Port Aransas experienced increases of 12.7% in hotel/motel tax revenues, 14.2% in sales tax collected, 3.2% in ferry passenger counts, and 11.1% increase in City Harbor income. Inherent in this growth, was also an increasing demand for recreational boating, fishing, and general water access.

- Nearly 1 in 5 tourists (22.5%) identified a boating activity as the primary reason for visiting Port Aransas. Further, visitors identified additional watercraft related activities which they would like to see added to Port Aransas such as jet skiing, kayaking and paddle boarding. All such activities will add demand to existing water access infrastructure.
- The demographics of tourists visiting Port Aransas mirror the strongest market segment for recreational boating and fishing. According to tourist survey data collected by the Port Aransas Chamber of Commerce
  - Tourists visiting Port Aransas are relatively well educated with approximately two out of three individuals having at least an undergraduate degree;
  - Over 40% of the visitors live in a household that earns at least \$100,000 per year;
  - Households making less than \$50,000 comprised the smallest group at approximately 15%. The average household income fell in the range of \$75,000-99,999, slightly higher than the average household income (\$72,672) for visitors to the Corpus Christi MSA (which includes Port Aransas);
  - The vast majority of these tourists (80.6%) come from within Texas, primarily from San Antonio (22.4%); Austin (18.3%), Dallas-Fort Worth (15.9%) and Houston (15.6%), an estimated 5.5% of visitors are from the Corpus Christi area.
  - The top activities were being on the beach, fishing (various forms), dining out, attending festival/special events, and shopping;
  - Notably 16.9 % of respondents took a guided fishing trip (either small or charter boat) 14.3 sailed or boated (non- fishing) and 13.4 % fished from a non-guided boat. 4.3% of tourists participated in a fishing tournament.
    - The general increasing trend in boating related spending and the registration of larger watercraft statewide has generated a shortage of slips for the growing number of offshore fishing and cruising boats in excess of 30-40 feet.

❖ *Basis for Projected Demand:*

- This positive trend in larger boat activity in the Port Aransas region is particularly important in considering any proposed marina expansion, as most of the non-trailerable transient vessels will require dockage and related services.
- Port Aransas' strategic location places it at the center of the region's bay and offshore recreational fishing activity. In addition to the larger state registered recreational boats, there are over 10,000 federally documented recreational boats in Texas. Those vessels, typically measuring in excess of 34' in length, are in excess of 5 net tons displacement; the largest size class in the market area.
- If considering marina expansion in the region, a marketing focus upon larger recreational fishing boats would draw upon this significant and currently underserved existing pool of vessels. An expanded or newly developed marina may have a unique opportunity to differentiate itself from competitors within the region principally by virtue of a greater number of larger slip sizes available. Any proposed expansion should be consistent with the overall trend in marinas nationwide, e.g. adapting to larger slip capabilities and dry stack storage to accommodate the growing

size of sport fishing and cruising vessels. Dry stack storage complexes are now accommodating vessels up to the 30'-40' range.

❖ *Storage/Occupancy:*

- Industry sees the shift to larger slip capabilities as its future. As one marina operator indicated, by expanding the size of berths available, if needed, they could continue to be able to accommodate smaller boats in the larger slips, but current configurations limit the dockage available for increasingly larger fleet of offshore fishing and cruising craft active in the region.
- The current occupancy profile at competitive marinas was studied along with the number of wet and dry (stack) slips. The logistical situation of each marina is represented in the estimated distances to the offshore water access, or the end of the Aransas Pass Jetty.

**Regional Marina Capacity, Occupancy and Distance to Jetty**

Marina	Location	Total Wet Slips	Total Dry Slips	Overall Occupancy	Distance to the Jetty (nm)
City Marina	Corpus Christi	600		78%	20.7
Municipal Harbor Marina	Port Aransas	275		96%	2.1
Island Mooring Marina	Port Aransas	300		78%	6.3
Cove Harbor Marina	Rockport	173	412	90%	11.7
Key Allegro Marina	Rockport	157		86%	15
Redfish Bay Boat House	Aransas Pass	20	250	70%	7.8
San Patricio Navigation District	Aransas Pass	158		80%	8.2
Aransas County Navigation District	Rockport	276		85%	13.5

❖ *Rate Structures*

- Comparisons among marinas are complicated by rate structures that are based upon different size classes used by marinas to estimate the cost per foot to dock. In addition to the common offering of daily berthing rates, individual marinas increasingly offer monthly, six month and annual rates at a relative discount to the daily rates.
- In order to normalize these rates for the sake of simple comparison, respective monthly rates for specific length vessels used below to evaluate relative berthing costs. While clearly there are differences in location and access among the various Port Aransas facilities, comparing the other regional marinas essentially represents the most complete snapshot of available slips in the region.

Boat Length	Corpus Christi	Port Aransas	Island Moorings	Cove Harbor	Key Allegro	Redfish Bay	San Patricio Co. Nav. District	Aransas Co. Nav. District
30'		\$244	\$289	\$240	\$235	N/A	\$120	\$210

40'	\$284	\$325	\$361	\$300	\$270	N/A	\$138	\$260
50'	\$338	\$407	\$540	\$375	\$345	N/A	\$154	\$310
60'	\$432	\$488	\$600	\$520	\$385	N/A	\$488	\$360

## SUMMARY OF FINDINGS

Competition: Expansion of marina capacity in Port Aransas should be evaluated in the context of regional competition. Fieldwork documents the recent increase in marina slips and dry stack capacity in the region, particularly in Aransas Pass (Conn Brown Harbor) and Rockport. There is additional interest in further marina development in the Conn Brown Harbor for both in-water and increasingly popular dry stack storage. Additionally, the planned development of a large recreational boat marina on “Packery Channel” is a likely competitive risk to both existing marinas, and any other new developments targeting that market. It remains to be seen exactly what type of marina “Packery Channel” will present. Whether it is primarily residential oriented vs. a full service marina open to the public boat owners, will have significant implications for Port Aransas and the region. The fieldwork completed here documents the concerns of existing marina and dock owners in the Port Aransas region regarding the competitive locational advantage of Packery Channel to boat owners in Corpus Christi in particular.

Dry Stack Storage: The attributes of adding dry storage stacks are increasingly recognized and accepted at marinas as an alternative to increasing in-water berths. The rationale is that it is generally less expensive and perhaps more environmentally sensitive to add racks and move smaller boats into them. Thus making slip room available for larger boats that cannot fit into racks, and reducing the need for permitting the expansion of the water surface area of the marina. Such development has potential for Port Aransas. Fieldwork completed in visiting dry stack marinas in Florida, Virginia and Texas suggest that the actual cost to construct is quite variable. For the sake of example, one dry stack owner/developer estimates a cost per slip (boat) at \$12,500. This would include a three stack high capability for 136 boats per 156’ wide x 310’ building entailing 40’ eaves, 45’ peak, 20 bays 30’ wide x 36’ deep. In addition two 20,000 pound fork lifts would be required at approximately \$275,000 each. As well, additional floating piers, parking lot, water supply and marina office. Overall this would represent approximately a \$3.0 million investment without dredging, etc. or approximately \$22,000 per slip in this example.

Demand: There is reportedly excess capacity, and difficulty in renting smaller slips in the region, as newly completed dry stack options are tapping that market. Within the immediate region at the marinas surveyed there are an estimated 318 empty in-water slips. Primarily those open slips are constructed to accommodate boats of the relatively small length class of under 30’. Marinas report waiting lists for larger size boat slips and the State registration and Federal documentation data cited above indicates a significant potential for that market and the berthing of boats 40’ and over. The current average size of the regional marinas is 280 in-water slips. Given the size makeup of the larger State registered and Federally documented vessels, the overall existing fleet of boats over 30’ is estimated to be just under 2,800 (1,360 Federally documented and 1,431 State registered) in the region.

The Table below illustrates possible initial slip allocations, market rates, and revenues based upon the various databases assimilated and interviews conducted for this study. Overall effective occupancy in this example is 80%. Based upon the operating budget income and expense structure for the existing Port Aransas Municipal Harbor, the revenue estimate in this Table would be subject to approximately 35% annual operating costs; generating approximately \$.945 million for other purposes.

Slip Size (Feet)	Monthly Rate (\$)	Annual Revenue	Number of In-Water Slips in New Marina	% & # Occupancy	Revenue
30	\$300	\$3,600	40	70%	\$100,800
40	\$400	\$4,800	80	75%	\$288,000
50	\$600	\$7,200	80	80%	\$460,800
60	\$700	\$8,400	80	90%	\$604,800
			280	#224	\$1,454,400

Next Steps for waterfront development study –

1. Boundary and topographic survey;
2. Market Study to identify program for commercial marina amenity leases;
3. Detailed Master Plan (program accommodation and adjacencies, 2D/3D design, site sections, site amenities and landscape concepts, pedestrian/vehicular circulation, illustrative site plan and renders);
4. Phasing Strategy;
5. Financial Analysis (public/private partnership & finance strategies);
6. Begin Army Corps of Engineer’s Permit for Avenue I Extension; and
7. Begin Jetty Design.

**Market Analysis for Port Aransas Marina Development**

In summary, financial assessment of specific marina development or redevelopment shall carefully consider not only existing but also emerging marina and dry stack facilities.

There does appear to be potential for increasing the number of larger recreational boats locating in Port Aransas. Whether that potential is best accommodated by redeveloping exiting infrastructure or constructing an entirely new marina remains to be evaluated financially, in preparation for important public discussions.

A short question and answer period followed. Staff advised that the complete presentative would be posted on the City’s website. **Council Directive:** None

8. **ADJOURNMENT**

Upon a motion duly made and seconded, the meeting adjourned.

**CITY OF PORT ARANSAS, TEXAS**

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Keith McMullin, Mayor

**ATTEST:**

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Irma G. Parker, City Secretary

# CITY OF PORT ARANSAS, TEXAS

## MINUTES

### CITY COUNCIL REGULAR MEETING

Thursday, February 19, 2015 @ 5:00 pm  
Port Aransas City Hall, 710 W. Avenue A  
Port Aransas, Texas 78373

On this the 19<sup>th</sup> day of January, 2015 the City Council of the City of Port Aransas, Nueces County, Texas, convened in Regular Session at 5:00 p.m., at the regular meeting place in City Hall, and notice of meeting giving time, place, date and subject was posted as described in V.T.C.A., Government Code § 551.041.

#### CITY COUNCIL MEMBERS PRESENT

Mayor Keith McMullin  
Mayor Pro-Tem Steven Lanoux, Place 6  
Council Member Rick Pratt, Place 1  
Council Member Beverly Bolner, Place 2  
Council Member Glenda Balentine, Place 3  
Council Member Charles Bujan, Place 4  
Council Member Edwin Myers, Place 5

#### CITY COUNCIL MEMBER(S) ABSENT

N/A

#### STAFF MEMBERS PRESENT

City Manager David Parsons  
City Secretary Irma Parker  
Finance Director Darla Honea  
Police Chief Scott Burroughs  
Planning & Development Director Rick Adams  
EMS Director Tim McIntosh  
Planning Assistant Nicole Boyer

#### STAFF MEMBERS ABSENT

City Attorney Michael Morris  
Parks & Recreation Director David Hyde  
Airport Manager Randy Hanson  
Gas Superintendent Mitch Ortiz  
Public Works Director Johnny White

#### PLANNING & ZONING COMMISSION PRESENT

Co-Chairman Mike Garlough  
Commissioner Randy D'Herde  
Commissioner Nick Lorette  
Commissioner Wendy Moore

#### ABSENT

Chairman Becky Corder  
Commissioner Bruce Clark  
Commissioner Chuck Crawford

1. **CALL TO ORDER** - With a quorum of the Council Members present, the Regular Meeting of the Port Aransas City Council was called to order by Mayor McMullin at 5:00 pm on Thursday, February 19, 2015 in the Council Chambers of the Port Aransas City Hall, 710 W. Avenue A, Port Aransas, Texas.
2. **PLEDGE OF ALLEGIANCE** - Mayor McMullin led the Pledge of Allegiance to the Flag.

3. **OPENING PRAYER** – First Baptist Church’s Pastor William Campbell said the opening prayer.
4. **CITIZEN COMMENTS AND REPORTS:** *In accordance with the Open Meetings Act, Council is prohibited from acting or discussing (other than factual responses to specific questions) any items brought before them at this time.*

Citizens addressing the City Council were: (1) Luke Dailey, 619 E. Avenue B – Encourage council to move forward with affordable housing program on the 67 acres the city owns and requested that the City stripe Avenue G; (2)

5. **ITEMS FOR CONSIDERATION**

- A. **Discuss and take action on request from Texas Sandfest to conduct the 2015 Sandfest Festival on Port Aransas Beach between Markers 9 and 10 (Avenue G and 11th Street): (1) beginning April 13-23 for sand and festival site preparations; and (2) on the April 24-26 festival dates from 8:00am to 5:00pm.**

Mayor McMullin asked City Manager Parsons if there were any changes in this request that were different from previous years. City Manager Parsons stated there were and Council began to discuss those changes; however, since there was no representative from the Sandfest Organization to address the Council’s concerns this item was tabled. Concerns expressed were: fencing of the entire area versus only fencing the professional sand sculpture area, traffic flow, vendor participation and admission fees. City Manager Parsons reported that the Coastal Management Plan does authorize the City Council to close portions of the beach for large events.

Texas Sandfest Treasurer Scott Tanzer advised the organization did wish to enclose the entire Sandfest site and planned to charge admission of \$5.00/person, children under 12 free. Any Port Aransas resident can enter the site free of charge with identification showing them to be a Port Aransas resident. A new website has been established to give information on the event and the new entrance fee. In addition, *The South Jetty* will be promoting the event and informing the public of the changes.

Mayor McMullin asked if the vendors had been advised of the proposed entrance fee and if they had expressed any concerns since it had been free to visit the merchants, not the professional sculptures. Mr. Tanzer stated that the vendors fees had not increased and as of yet none had expressed any concern regarding the new entrance fees.

The organization exists to support the non-profit organizations in Port Aransas. All Texas Sandfest organizers are volunteers, there are no paid positions. Last years’ event donated over \$80,000 to Port Aransas Community Theatre (PACT), Port Aransas Art Center, Rotary Club, and provided scholarships to PAISD Class of 2014. He stated that this endeavor was not possible without the assistance of the City of Port Aransas who’s Employees - Public Works, EMS, Police work in preparing, providing police and medical attention and then returning the beach to previous conditions.

**MOTION:** Mayor Pro-Tem Lanoux moved to approve request from Texas Sandfest to conduct the 2015 Sandfest Festival on Port Aransas Beach between Markers 9 and 10 (Avenue G and 11th Street): (1) beginning April 13-23 for sand and festival site preparations; (2) on the April 24-26 festival dates from 8:00am to 5:00pm and the fence the entire site with assistance from the City as necessary. Council Member Bujan seconded the motion. Motion carried by the following vote:

Name	Yes	No	Abstain
Mayor McMullin	X		
Mayor Pro-Tem Lanoux	X		
Council Member Pratt	X		
Council Member Bolner	X		
Council Member Balentine	X		
Council Member Bujan	X		
Council Member Myers	X		

**B. Discuss and take action on Resolution Authorizing Renewal of Lease Agreement with the Port Aransas Preservation & Historical Association for Property Adjacent to Community Center at 408 N. Alister Street for Museum Also Known as the “Sears House”; Setting Term, Rental Fee, Use of Premises, Service and Maintenance of Facility; and Authorizing the City Manager to Execute Said Lease Amendment.**

The City entered into a ground lease agreement for the “Sears House” in 2007. The “Sears House” was donated to PAPHHA and relocated from its location on Oleander Street. This House was constructed between 1910 and 1914 is of historical significance to the City, its residents and tourists. PAPHHA has complied with the original lease agreement with no conflicts. Staff requests the City Council renew this agreement for a five (5) year period, ending in 2020.

**MOTION:** Council Member Bujan moved to approve Resolution Authorizing Renewal of Lease Agreement with the Port Aransas Preservation & Historical Association for Property Adjacent to Community Center at 408 N. Alister Street for Museum Also Known as the “Sears House”; Setting Term, Rental Fee, Use of Premises, Service and Maintenance of Facility; and Authorizing the City Manager to Execute Said Lease Amendment. Council Member Balentine seconded the motion. Motion carried by the following vote:

Name	Yes	No	Abstain
Mayor McMullin	X		
Mayor Pro-Tem Lanoux	X		
Council Member Pratt	X		
Council Member Bolner	X		
Council Member Balentine	X		
Council Member Bujan	X		
Council Member Myers	X		

**RESOLUTION NO. 2015-R06**

**A RESOLUTION OF THE PORT ARANSAS CITY COUNCIL AUTHORIZING RENEWAL OF LEASE AGREEMENT WITH THE PORT ARANSAS PRESERVATION & HISTORICAL ASSOCIATION FOR PROPERTY ADJACENT TO COMMUNITY CENTER AT 408 N. ALISTER STREET AS A MUSEUM ALSO KNOWN AS THE “SEARS HOUSE”; SETTING TERM, RENTAL FEE, USE OF PREMISES, SERVICE AND MAINTENANCE OF FACILITY; AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID LEASE AMENDMENT.**

- C. **Discuss and take action on Dune Permit Application #BFDP-150048 City of Port Aransas Seaweed Maintenance, Dune Permit and Beachfront Construction Certificate which documents solutions and authorized alternatives for the removal and disposal of seaweed within the jurisdictional limits of the Port Aransas Coastal Management Plan and authorize, if needed, the modification of Exhibit B, Sheet 9 of said Application.**

Mayor McMullin advised that this item was not ready for consideration and would be discussed at the March 2015 City Council Meeting. Mayor McMullin called for a motion to Table.

**TABLE:** Council Member Bujan moved to TABLE action on Dune Permit Application #BFDP-150048 City of Port Aransas Seaweed Maintenance, Dune Permit and Beachfront Construction Certificate. Council Member Myers seconded the motion. Motion carried by the following vote:

Name	Yes	No	Abstain
Mayor McMullin	X		
Mayor Pro-Tem Lanoux	X		
Council Member Pratt	X		
Council Member Bolner	X		
Council Member Balentine	X		
Council Member Bujan	X		
Council Member Myers	X		

\* \* \* \* \*

6. **RECESS REGULAR CITY COUNCIL MEETING** - Mayor McMullin recessed the City Council Regular Meeting at 5:20 pm.
7. **JOINT WORKSHOP MEETING** – City Council & Planning & Zoning Commission

**D. Call Workshop Meeting to Order.**

- **Mayor McMullin to Call City Council to Order and Declare a Quorum is present.** Mayor McMullin called the Joint Workshop Meeting to Order and declared the City Council was in Quorum.
- **Planning & Zoning Commission Chair to Call Commission to Order and Declare a Quorum is present.** Co-Chairman Garlough called the Planning & Zoning Commission to Order and declared a Quorum was present.

E. **Presentation and general discussion of study, “Guidance for Sustainable Stormwater Drainage on the Texas Coast”, and accompanying sample model ordinance both prepared by the Center for Research in Water Resources, University of Texas at Austin and funded by the U.S. Department of the Interior, U.S. Fish and Wildlife Service and Coastal Impact Assistance Program.**

***Presentation:*** Michael Barrett, Ph.D., P.E and Danica Adams, MSCRP, MSSD, Center for Research in Water Resources, University of Texas at Austin. At the December 18<sup>th</sup> City Council Meeting, Mayor Pro-Tem Lanoux with support from Council Member Bujan expressed interest in a discussion of Stormwater Management practices as it pertains to new and existing development. The purpose of establishing a stormwater management program requirements and controls is to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within the corporate city limits. This was also an item of interest at the 2014 Goals Workshop. The Center for Research in Water Resources, University of Texas at Austin with funding by the U.S. Department of the Interior, U.S. Fish and Wildlife Service and Coastal Impact Assistance Program have presented their findings in the “*Guidance for Sustainable Stormwater Drainage on the Texas Coast*” which was presented to the City Council. The study may be found at [www.txcoastalbmp.org](http://www.txcoastalbmp.org) and was presented at a recent workshop presented by both Mayor Pro-Tem Lanoux and Council Member Bujan. A sample ordinance is also made a part of this presentation and discussion. Study highlights include:

- ❖ An introduction of the impacts of new development on the environment with a focus on aquatic impacts, the basics of storm water runoff and factors that impact the proper functioning of aquatic systems. The goal is to provide a basic understanding of the processes and provide motivation for adopting guidance to ensure that new developments include sustainable drainage systems.
- ❖ A description of practices that local residents can adopt to reduce the impact of stormwater runoff from their own properties. It includes a variety of topics including management of domesticated animal waste, use of herbicides and insecticides, maintenance of septic systems, and other topics.
- ❖ Descriptions of site design for new development geared towards the developers, planners, and engineers. Topics included preservation of natural features, conservation design, and various practices to reduce the impacts of storm water runoff from new development.
- ❖ Technical information primarily focusing on the civil engineers involved in the design of drainage systems for new development appropriate for the Texas Coastal Zone. Many new guidance documents (e g, those adopted by Aransas and Harris Counties) are specifically focused on what has been termed Low Impact Development (LID).
- ❖ Examples of the implementation of a variety of residential, commercial, and office developments now occurring in the Coastal Zone that already includes a sustainable drainage system, although conveyance and flood control may have been the primary design considerations.

Short question and answer period followed. Council Member Bolner asked for explanation on how bad the contamination was in Port Aransas. Dr. Barrett reported that inland areas were worse but Port Aransas is in good condition primarily due to our location along the coastline of Texas. Commission Member Nick Lorette expressed his philosophical misgivings of the ‘in lieu of’ options presented from experiences he had as a builder in Austin. In addition he stated that

the city was looking into affordable housing and adoption of these regulations would increase the cost to the builder which in turn would filter down to the purchaser/consumer. Council Member Pratt inquired if phosphorous and nitrate contamination was addressed in this study. Dr. Barrett stated that it was not. **Council Directive:** None.

**F. Adjourn Joint Workshop Meeting.**

Upon a motion duly made and seconded the meeting was adjourned at 5:59 pm.

**8. RECONVENE THE REGULAR CITY COUNCIL MEETING**

\* \* \* \* \*

**9. ITEMS FOR CONSIDERATION (continued)**

**G. Discuss and take action on the Quarterly Financial Reports of for the period ending: March 31, 2014, June 30, 2015, September 30, 2014 and December 31, 2014 as presented.**

The Investment Policy adopted by the City Council requires an Internal Management Report to be submitted to Council on a quarterly basis. Investments made by the City are in TexPool and Certificates of Deposit and continue to meet all requirements set for in the Public Funds Investment Act along with the City’s Investment Policy.

2014 Quarters	Beginning Market Balance	Ending Market Balance	Interest Rate	Beginning Book Value	Ending Book Value
3/31/2014	\$14,879,535.95	\$14,423,517.13	0.03%	\$14,879,535.95	\$14,423,517.13
6/30/2014	\$14,423,517.13	\$13,238,033.46	0.03%	\$14,423,517.13	\$13,238,033.46
9/30/2014	\$13,238,033.46	\$13,674,948.55	0.04%	\$13,238,033.46	\$13,674,948.55
12/31/2014	\$13,674,948.55	\$14,801,740.21	0.03%	\$13,674,948.55	\$14,801,740.21

Mayor McMullin called for any questions and/or comments. There being none, Mayor McMullin called for a motion.

**MOTION:** Council Member Balentine moved to approve the Quarterly Financial Reports of from March 31, 2014, June 30, 2015, September 30, 2014 and December 31, 2014 as presented. Mayor Pro-Tem Lanoux seconded the motion. Motion carried by the following vote:

Name	Yes	No	Abstain
Mayor McMullin	X		
Mayor Pro-Tem Lanoux	X		
Council Member Pratt	X		
Council Member Bolner	X		
Council Member Balentine	X		
Council Member Bujan	X		

Council Member Myers	X		
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**D. Discuss and take action on Resolution Designating and Appointing Mayor Keith McMullin, Mayor Pro-Tem Steven Lanoux, City Manager David Parsons, City Secretary Irma Parker, and Director Of Planning & Development Rick Adams as Signators to the City’s Accounts Held at American Bank of Port Aransas, Texas; and Directing the City Secretary to Forward a Certified Copy of This Resolution to the Finance Director for Submittal to the Above-Named Financial Institution.**

The City has funds in American Bank of Port Aransas; however, we do not have an updated listing of those individuals who are authorized to make any withdrawals. This resolution authorizes those same individuals who are authorized at the City’s depository, ValueBank, to also serve in that capacity at American Bank. Staff requests approval.

**MOTION:** Council Member Bujan moved to approve Resolution Designating and Appointing Mayor Keith McMullin, Mayor Pro-Tem Steven Lanoux, City Manager David Parsons, City Secretary Irma Parker, and Director Of Planning & Development Rick Adams as Signators to the City’s Accounts Held at American Bank of Port Aransas, Texas; and Directing the City Secretary to Forward a Certified Copy of This Resolution to the Finance Director for Submittal to the Above-Named Financial Institution as presented. Council Member Bolner seconded the motion. Motion carried by the following vote:

Name	Yes	No	Abstain
Mayor McMullin	X		
Mayor Pro-Tem Lanoux	X		
Council Member Pratt	X		
Council Member Bolner	X		
Council Member Balentine	X		
Council Member Bujan	X		
Council Member Myers	X		

**RESOLUTION NO. 2015-R07**

**A RESOLUTION OF THE PORT ARANSAS CITY COUNCIL DESIGNATING AND APPOINTING MAYOR KEITH MCMULLIN, MAYOR PRO-TEM STEVEN LANOUX, CITY MANAGER DAVID PARSONS, CITY SECRETARY IRMA PARKER, AND DIRECTOR OF PLANNING & DEVELOPMENT RICK ADAMS AS SIGNATORS TO THE CITY’S ACCOUNTS HELD AT AMERICAN BANK OF PORT ARANSAS, TEXAS; AND DIRECTING THE CITY SECRETARY TO FORWARD A CERTIFIED COPY OF THIS RESOLUTION TO THE FINANCE DIRECTOR FOR SUBMITTAL TO THE ABOVE-NAMED FINANCIAL INSTITUTION.**

**E. Discuss and take action on the Thursday, January 15, 2015 City Council Meeting Minutes as presented.**

**MOTION:** Council Member Bujan moved to approve the Thursday, January 15, 2015 City Council Meeting Minutes as presented. Mayor Pro-Tem Lanoux seconded the motion. Motion carried by the following vote:

Name	Yes	No	Abstain
Mayor McMullin	X		
Mayor Pro-Tem Lanoux	X		
Council Member Pratt	X		
Council Member Bolner	X		
Council Member Balentine	X		
Council Member Bujan	X		
Council Member Myers	X		

**F. Discuss and take action on first reading of an Ordinance Amending Chapter 27 “Public Beach”, Article I. “Port Aransas Beach Park”, Division 1. “In General” Section 27-1 “Definitions” by Adding new definitions; adding a New Article II. “Beach Camping” to Establish Beach Camping Rules, Regulations and Recreational Vehicle Camping Permit Fees, Setting Limitations on Camping, Prohibitions, and Exemptions; and Providing For Severance, Reading, And Effective Date.**

During the 2014 Goals Workshop, Council discussed several issues and concerns regarding camping at the Beach. In addition, several citizens have addressed the City Council during the “Citizens to be Heard” to complain about the noise, trash, blocking of beach access that occurs when recreational vehicles set-up a camp at the beach. Police Chief Burroughs has identified several concerns and options for Council consideration at the November 20, 2014 City Council meeting. DRAFT ordinance language was presented at the December, 2014 and January, 2015 council meetings. The proposed ordinance included all those changes and proposals discussed at previous meetings.

Council Members Myers asked for clarification on Section 27-52(d)(1) after review and discussion it was determined that section was in error. Staff was instructed to delete Section 27-52 (d)(1) which states *‘on that portion of the beach divided by bollards’* and re-number said Section. Council Member Bolner inquired if this ordinance addressed any camping at Charlie’s Pasture? City Manager Parson advised there was no overnight camping was allowed in Charlie’s Pasture. Council Member Myers also questioned Section 27-52(b) that states *“... camping is prohibited within 25 feet of either edge of the obvious driving lane and in any location that would impede traffic or create an unsafe condition. Camping is also prohibited within 200 feet of any beach access road and within 50 feet of the water’s edge.”* He stated that with the changes in tide and times of year this would be impossible for campers to comply. City Manager Parsons concurred; however, he stated that every attempt will be made to ensure the campers are in a safe location away from the traffic. This will be enforced with some common sense used in determining an alleged violation with safety being the primary concern.

Mayor McMullin conveyed that Council Members had received many calls from residents, property owners and visitors asking that more be done to enforce the City’s beach camping rules. The City’s mantra for many years has been *“A beach for everyone”*. These measures will help the City get a handle on recreational vehicle (RV) camping and will make tent campers locate in

areas where temporary sanitation facilities are located. In addition, the enforcement of these rules will go a long way in making these rules work for the health and welfare of our community. He also stated that many have expressed a belief that the City is not far enough to fix this problem. Council Member Pratt stated that he had received comments that the City should not attempt to control any of this activity, less government rules not more.

Ms. Jan Phillips, 282 Gasparella, addressed the City Council to express her concerns with the RVs camping on the beach in front of her home. She was assured that Code Enforcement personnel would be patrolling the beach to ensure that the ordinance would be enforced.

**MOTION:** Council Member Balentine moved to approve the first reading of an Ordinance Amending Chapter 27 “Public Beach”, Article I. “Port Aransas Beach Park”, Division 1. “In General” Section 27-1; Article II. “Beach Camping” with amendment to Section 27-52 (d)(1) by deleting ‘*on that portion of the beach divided by bollards*’. Mayor Pro-Tem Lanoux seconded the motion. Motion carried by the following vote:

Name	Yes	No	Abstain
Mayor McMullin	X		
Mayor Pro-Tem Lanoux	X		
Council Member Pratt	X		
Council Member Bolner		X	
Council Member Balentine	X		
Council Member Bujan			X
Council Member Myers	X		

**G. Discuss and take action on a Resolution authorizing the Submittal of an Application for the 2015 Emergency Management Performance Grants (EMPG) Program to Assist in Enhancing and Sustaining All-Hazards Emergency Management Capabilities; Designating EMPG Grant Officials; Approving the EMPG Statement of Work; Authorizing the City Manager to Sign all Grant Documents; and Providing All Other Matters Relating to Said Grant Program.**

As appropriated by the Department of Homeland Security Appropriations Act, the Emergency Management Performance Grants (EMPG) Program provides funding to assist state and local governments in enhancing and sustain their all-hazards emergency management capabilities. While the EMPG Program is inherently a grant funding opportunity to assist stakeholders in improving emergency performance capabilities, it is also a robust and transparent program which involves both day-to-day and long-term strategic relationships. Staff requests approval.

**MOTION:** Council Member Balentine moved to approve the Resolution authorizing the Submittal of an Application for the 2015 Emergency Management Performance Grants (EMPG) Program to Assist in Enhancing and Sustaining All-Hazards Emergency Management Capabilities; Designating EMPG Grant Officials; Approving the EMPG Statement of Work; Authorizing the City Manager to Sign all Grant Documents; and Providing All Other Matters Relating to Said Grant Program. Council Member Myers seconded the motion. Motion carried by the following vote:

Name	Yes	No	Abstain
Mayor McMullin	X		
Mayor Pro-Tem Lanoux	X		
Council Member Pratt	X		
Council Member Bolner		X	
Council Member Balentine	X		
Council Member Bujan			X
Council Member Myers	X		

**RESOLUTION NO. 2015-R08**

**A RESOLUTION OF THE PORT ARANSAS CITY COUNCIL AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR THE 2015 EMERGENCY MANAGEMENT PERFORMANCE GRANTS (EMPG) PROGRAM TO ASSIST IN ENHANCING AND SUSTAINING ALL-HAZARDS EMERGENCY MANAGEMENT CAPABILITIES; DESIGNATING EMPG GRANT OFFICIALS; APPROVING THE EMPG STATEMENT OF WORK AND ALLOWABLE EXPENSES FOR WHICH FUNDING IS REQUESTED; AND AUTHORIZING THE CITY MANAGER TO SIGN ALL GRANT DOCUMENTS; AND PROVIDING ALL OTHER MATTERS RELATING TO SAID GRANT PROGRAM.**

**H. Discuss and take action on Resolution Requesting the 84<sup>th</sup> Texas Legislature Support Passage of House Bill 696 and Senate Bill 302 Which Focuses to Make the Texas Windstorm Insurance Association (TWIA) Financially Stable While Making Windstorm Insurance Fair, Affordable and Available to the Residents in Texas’ 14 Coastal Counties.**

The Texas Windstorm Insurance Association (TWIA) is the state's insurer of last resort for wind and hail coverage in the fourteen (14) coastal counties and parts of Harris County (east of Highway 146). TWIA provides wind and hail coverage when insurance companies exclude it from their homeowners and other property policies sold to coastal residents. Traditional, for-profit insurance companies must assess risk differently than TWIA. Generally, when estimated risk is low, traditional markets provide windstorm coverage for high-risk areas. They may withdraw from this territory after catastrophic losses occur. When risk is higher and traditional markets withdraw, TWIA absorb policies no longer written by other carriers. Because TWIA is the provider of last resort, they do not have the most extensive coverage or the lowest prices.

The Coastal Task Force has developed a plan to increase availability of insurance through greater affordability. State Representative Todd Hunter and State Senator Juan “Chuy” Hinojosa have worked closely with the Task Force in developing these amendments to Subchapter A, Chapter 2210, Insurance Code. A copy of the Coastal Task Force Plan and HB 696 was presented for Council information.

Bill highlights are as follows: (1) restructures the TWIA board by adding coastal representation to create fairer policy and accountability; (2) restructures the financing of TWIA so it is prepared to pay claims for a 100-year storm – currently funding structure only pays claims for a 70-year storm; and (3) HB 696 also promotes participation in the voluntary market by private insurance companies by creating incentives for insurance companies to write wind & hail on the coast &

making it more difficult to opt out. Mayor McMullin serves on the Coastal Task Force and requested Council approval of this Resolution.

**MOTION:** Council Member Balentine moved to approve the Resolution Requesting the 84<sup>th</sup> Texas Legislature Support Passage of House Bill 696 and Senate Bill 302 Which Focuses to Make the Texas Windstorm Insurance Association (TWIA) Financially Stable While Making Windstorm Insurance Fair, Affordable and Available to the Residents in Texas' 14 Coastal Counties as presented. Council Member Buyan seconded the motion. Motion carried by the following vote:

Name	Yes	No	Abstain
Mayor McMullin	X		
Mayor Pro-Tem Lanoux	X		
Council Member Pratt	X		
Council Member Bolner	X		
Council Member Balentine	X		
Council Member Bujan	X		
Council Member Myers	X		

**RESOLUTION NO. 2015- R09**

**A RESOLUTION OF THE PORT ARANSAS CITY COUNCIL REQUESTING THE 84<sup>TH</sup> TEXAS LEGISLATURE SUPPORT PASSAGE OF HOUSE BILL 696 AND SENATE BILL 302 WHICH FOCUSES TO MAKE THE TEXAS WINDSTORM INSURANCE ASSOCIATION (TWIA) FINANCIALLY STABLE WHILE MAKING WINDSTORM INSURANCE FAIR, AFFORDABLE AND AVAILABLE TO THE RESIDENTS IN TEXAS' 14 COASTAL COUNTIES.**

**I. Discuss and take action on Resolution Supporting Funding of Corpus Christi District's State Highway 361 Highway Expansion Improvements Project to Improve Infrastructure, Evacuation, and Traffic Safety, With Passing and Turning Lanes, Made Necessary Due to the Growth of Tourism and Travel Along That Portion of State Highway 361 That Connects Mustang Island and Port Aransas With the Mainland.**

Funding for the Highway 361 Highway Expansion and Ferry System Improvements Project has not been approved. This Project is on the TxDOT Priority/Recommended Funding List and may be funded after the public comment period which ends on February 23. Due to the importance of these much needed improvements to this section of Highway 361, it is recommended that positive comments supporting passage of this Project be submitted to the Texas Department of Transportation.

State Highway (SH361) 361 is a two-lane highway that serves as the main traffic artery connecting Mustang Island and Port Aransas with the mainland. The opening of Schlitterbahn Water Park on Padre Island in the Corpus Christi city limits will increase tourism and traffic on along SH 361, a two-lane highway, that does not have passing or turning lanes. SH 361 currently average more than 6,000 vehicles per day or 2.2 million vehicles per year. Tourism is the largest section of the Port Aransas' economy, followed by fishing and eco-tourism. Our beaches draw thousands of visitors each weekend from Memorial Day through Labor Day

making substantial contribution to the State’s economy. With anticipated growth of tourism and travel along that portion of State Highway 361 that connects Mustang Island and Port Aransas with the mainland, we expect to exceed the capacity of SH 361. These increases will result in traffic congestion, decreased access to island businesses and tourist attractions resulting in losses of revenue for our local, state, and federal economies. Staff recommends approval.

**MOTION:** Council Member Pratt moved to approve the Resolution Supporting Funding of Corpus Christi District’s State Highway 361 Highway Expansion Improvements Project to Improve Infrastructure, Evacuation, and Traffic Safety, With Passing and Turning Lanes, Made Necessary Due to the Growth of Tourism and Travel Along That Portion of State Highway 361 That Connects Mustang Island and Port Aransas With the Mainland as presented. Council Member Buyan seconded the motion. Motion carried by the following vote:

Name	Yes	No	Abstain
Mayor McMullin	X		
Mayor Pro-Tem Lanoux	X		
Council Member Pratt	X		
Council Member Bolner	X		
Council Member Balentine	X		
Council Member Bujan	X		
Council Member Myers	X		

**RESOLUTION NO. 2015-R05**

**A RESOLUTION OF THE PORT ARANSAS CITY COUNCIL SUPPORTING FUNDING OF CORPUS CHRISTI DISTRICT’S STATE HIGHWAY (SH 361) 361 HIGHWAY EXPANSION IMPROVEMENTS PROJECT TO IMPROVE INFRASTRUCTURE, EVACUATION, AND TRAFFIC SAFETY, WITH PASSING AND TURNING LANES, MADE NECESSARY DUE TO THE GROWTH OF TOURISM AND TRAVEL ALONG THAT PORTION OF STATE HIGHWAY 361 THAT CONNECTS MUSTANG ISLAND AND PORT ARANSAS WITH THE MAINLAND.**

10. **WORKSHOP ITEMS:**

J. **Preliminary discussion on replacing internet provider – Council Member Rick Pratt. 1/28/2015.** No action/discussion.

11. **STAFF REPORTS:** *Presentation and general discussion of the following items including Meeting Minutes of various Boards, Commissions and Committees pursuant to Home Rule Charter and Code of Ordinances:*

**K. Monthly/Quarterly/Annual Reports and Minutes**

**i. January 2015 Monthly Reports**

**1. Finance – Director Darla Honea**

	FY 2014-15	FY 2013-14	Difference
Hotel Occupancy Tax Collections	\$734,972.67	\$673,194.13	\$61,778.54
Sales Tax - General Fund	\$369,038.15	\$316,570.34	\$52,467.81
Harbor Slip Rental - Monthly	\$249,977.83	\$263,332.23	(\$13,354.40)

Harbor Slip Rental - Transient	\$39,739.72	\$29,014.50	\$10,725.22
Beach Parking Permits	2,424	1,703	721

**2. EMS – Director Tim McIntosh**

2015	January	February	March	Total
Calls	54			54
Transport	33			33
Jail	6			6
Beach	3			3
Other	<u>12</u>	<u>0</u>	<u>0</u>	<u>12</u>
2014	January	February	March	Total
Calls	78	67	174	319
Transport	42	36	50	128
Jail	9	4	24	37
Beach	2	1	28	31
Other	25	26	72	123
Difference	January	February	March	Total
Calls	(24)			
Transport	(9)			
Jail	(3)			
Beach	1			
Other	(13)			

**3. Library – Director Kathy Caldwell**

Balance in Bank as of : <b>October 1, 2014</b>			\$29,951.48
<b>Receipts:</b>			
	Contributions	\$1,218.00	
	Summer Reading Program	\$0.00	
	Book Sale	\$0.00	
	Interest	\$0.76	
	CD Maturity	\$0.00	
	<b>Total Receipts</b>		<b>\$1,218.76</b>
<b>Expenditures</b>			
	Summer Reading Program	\$0.00	
	Book Sale Supplies	\$0.00	
	Advertising/Promotional	\$0.00	
	Michies Storage	\$0.00	

	Bank Charges	\$0.00
	Total Expenditures	\$0.00
Balance in Bank as of : <b>December 30, 2014</b>		\$156,199.08
<u>Breakdown:</u>		
	Certificate of Time Deposit #5	\$125,028.84
	Checking Account #42	\$31,170.24

#### 4. Police: 2014 Annual Report – Chief Scott Burroughs

This table reflects an analysis of arrests made by the Department in 2014.

2014 ARRESTS BY PORT ARANSAS POLICE DEPARTMENT	Arrests w/o Warrant	Warrant Arrests	Total Arrests	Arrest w/o Warrant %	Warrant Arrest %
2014 Total	569	148	717	79.36%	20.64%
2014 Spring Break	107	11	118	90.68%	9.32%
Annual Arrest Analysis (excluding Spring Break)	462	137	599	77.13%	22.87%

This Table reflects an analysis of all charged filed by the Port Aransas Police Department. The left side of the chart reflects an analysis of all new charges filed by type and the number of arrest warrants executed. The right side of the chart reflects only new charges filed.

2014		Total Charges	%	New Charges	
<b>Analysis by Charge</b>	Alcohol	353	40.57%	353	58.83%
	Drugs	85	9.77%	85	14.17%
	Warrants	270	31.03%		
	Traffic	35	4.02%	35	5.83%
	Assaults	73	8.39%	73	12.17%
	Property	39	4.48%	39	6.50%
	Other	15	1.72%	15	2.50%
	TOTAL	870	100.00%	600	100.00%
<b>SPRING BREAK Analysis by Charge</b>	Alcohol	74	55.64%	74	64.91%
	Drugs	16	12.03%	16	14.04%
	Warrants	19	14.29%		
	Traffic	4	3.01%	4	3.51%
	Assaults	7	5.26%	7	6.14%
	Property	9	6.77%	9	7.89%
	Other	4	3.01%	4	3.51%
	TOTAL	133	100.00%	114	100.00%

<b>Analysis by Charge Excluding SPRING BREAK</b>					
Alcohol	279	37.86%	279	57.41%	
Drugs	69	9.36%	69	14.20%	
Warrants	251	34.06%			
Traffic	31	4.21%	31	6.38%	
Assaults	66	8.96%	66	13.58%	
Property	30	4.07%	30	6.17%	
Other	11	1.49%	11	2.26%	
<b>TOTAL</b>	<b>737</b>	<b>100.00%</b>	<b>486</b>	<b>100.00%</b>	

5. **Police: January 2015 Report – Chief Scott Burroughs**

<b>2015</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>TOTAL</b>
<b>Description</b>				
Total Incidents	2,158			2,158
Total Citations	18			18
Total Charges	89			89
Total Arrests	39			39
<b>ARRESTS</b>				
Outstanding Warrants	12			12
Alcohol Related	22			22
Aggravated Assault w/deadly weapon	0			0
Aggravated Sexual Assault - Child	0			0
Assault	2			2
Misdemeanor Assaults	0			0
Property Crimes	0			0
Burglary	2			2
<b>CITATIONS</b>				
Assault				0
Camping Violation				0
Disorderly Conduct				0
Disregard Traffic Control Device	0			0
Driving in the Surf				0
Driving w/o License	4			4
Expired Inspection	1			1
Expired License Plates	4			4
Following too Close				0
Littering				0
MIP/Consumption of Alcohol				0
No Insurance	3			3

No Motor Cycle Endorsement				0
No Seat Belt				0
Open Container				0
Other	1			1
Parking Violation - Beach	1			1
Parking Violation - Other				0
Possession of Drug Paraphernalia				0
Public Intoxication				0
Run Red Light	1			1
Run STOP Sign				0
Speeding	3			3
Theft				0
Unrestrained Child				0
Willful/Wanton Disregard for Public Safety				0

ii. Minutes from the following City Committees, Boards/Commissions =

1. Parks & Recreation = 11/17/2014;
2. Planning & Zoning Commission; and
3. RTA Board = 12-3-2014

No action/discussion.

L. CITY COUNCIL COMMENTS AND ITEMS FOR FUTURE CONSIDERATION:

M. ADJOURNMENT

Upon a motion duly made and seconded, the meeting adjourned.

**CITY OF PORT ARANSAS, TEXAS**

\_\_\_\_\_  
Keith McMullin, Mayor

**ATTEST:**

\_\_\_\_\_  
Irma G. Parker, City Secretary



**CITY OF PORT ARANSAS, NUECES COUNTY, TEXAS**

**Meeting Date: Thursday, March 19, 2015**

**AGENDA ITEM: 6-C**

Discuss and take action on a Resolution Casting the City’s 423 Eligible Votes for Carol Sue Hipp, for Place 6 of the Nueces County Appraisal District Board; Directing the City Secretary to Forward a Copy of this Resolution to Ramiro “Ronnie” Canales, Chief Appraiser on or before March 26, 2015; and Providing Other Matters Relating to Said Appointment.

**SUBMITTED BY:** City Secretary Irma Parker

**APPROVED FOR AGENDA:** *City Manager David Parsons*

**COMMENTARY:** At the February 23<sup>rd</sup> Special Meeting the City Council adopted Resolution No. 2015-R10, nominating CAROL SUE HIPPI to Place 6 of the Nueces County Appraisal District Board. Notification was received indicating that ballots were cast for Carol Sue Hipp and West Oso ISD Trustee Liz Gutierrez with neither candidate receiving a majority (see below).

	2015	Gutierrez	Hipp
Taxing Entity	# of Votes		
Aransas Pass ISD	10		
City of Aransas Pass	7		
Calallen ISD	1,621		
Flour Bluff ISD	2,551		2,551
City of Port Aransas	423		423
Port Aransas ISD	1,887		1,887
Tuloso-Midway ISD	2,619		
West Oso ISD	882	882	
	10,000	882	4861
Percent of Votes		8.82%	48.61%

We now have an opportunity to cast our eligible votes for Carol Sue Hipp to Place 6, Board of Directors of the Nueces County Appraisal District Board to finish out the 2014-2015 term. A copy of the Ballot/Resolution must be mailed or delivered to the Chief Appraiser on or before March 26, 2015.

**STAFF RECOMMENDATION:** The City Council approve Resolution casting our 423 eligible votes for Carol Sue Hipp to Place 6 - Board of Directors, Nueces County Appraisal District as presented.

**RESOLUTION NO. 2015**

**A RESOLUTION OF THE PORT ARANSAS CITY COUNCIL CASTING THEIR 423 ELIGIBLE VOTES FOR CAROL SUE HIPPI, FOR PLACE 6 OF THE NUECES COUNTY APPRAISAL DISTRICT BOARD; DIRECTING THE CITY SECRETARY TO FORWARD COPY OF RESOLUTION TO RAMIRO “RONNIE” CANALES, CHIEF APPRAISER ON OR BEFORE MARCH 26, 2015; AND PROVIDING OTHER MATTERS RELATING TO SAID APPOINTMENT.**

**WHEREAS,** the City of Port Aransas along with seven other cities and school districts are represented on the Nueces County Appraisal District Board of Directors; and

**WHEREAS,** each taxing unit was given the opportunity to nominate a person to fill the unexpired term of Place 6 with the City nominating Carol Sue Hipp, an employee of the Port Aransas Independent School District; and

**WHEREAS,** a ballot was prepared based on the nominations received and each taxing entity allotted a specific number of votes.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ARANSAS, NUECES COUNTY, TEXAS:**

**Section 1.** The Port Aransas City Council meeting in Regular Session on Tuesday, March 19, 2015 cast our Four Hundred Twenty-Three (423) eligible votes for Carol Sue Hipp to Place 6 of the Nueces County Appraisal Board of Directors.

**Section 2.** The City Secretary is hereby directed to send a copy of this Resolution to the Chief Appraiser advising of the City’s nomination.

**PASSED and ADOPTED** at a meeting of the Port Aransas City Council on this the \_\_\_\_ day of \_\_\_\_\_, 2015.

**CITY OF PORT ARANSAS, TEXAS**

\_\_\_\_\_  
Keith McMullin, Mayor

**ATTEST:**

\_\_\_\_\_  
Irma G. Parker, City Secretary



Nueces County Appraisal District  
201 N. Chaparral, Ste. 206  
Corpus Christi, Texas 78401-2503

*Ramiro "Ronnie" Canales*  
Nueces County Chief Appraiser

Direct: (361) 879-0766  
Cell: (361) 765-1190  
Fax: (361) 887-6138  
[rcanales@nuecescad.net](mailto:rcanales@nuecescad.net)

March 3, 2015

City of Port Aransas  
David Parsons, City Manager  
710 W Avenue A  
Port Aransas, TX 78373

RECEIVED  
MAR - 6 2015  
City Secretary  
Port Aransas, TX

Re: Nueces County Appraisal District Board of Directors Special Election

Dear Mr. Parsons,

Pursuant to Section of the Texas Property Tax Code: Board of Directors, the Nueces County Appraisal District Voting Agreement of 1979, and Amended Agreement of 2009, enclosed you will find the ballot for the special election of the Nueces County Appraisal District Board of Directors Place 6 Board Member. The nominees for the position are as listed below:

Nominee	Nominating Entity
Liz Gutierrez	West Oso ISD
Carol Sue Hipp	Port Aransas ISD, Flour Bluff ISD, and City of Port Aransas

Please return the completed ballot by March 26, 2015. Please direct any questions on the ballot or list of candidates to Sandra Garcia, Manager of Administration, at 361/881-9978 ext. 4214. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to be "Ronnie", written over a large, stylized letter "R".

Ramiro "Ronnie" Canales, RPA, CTA  
Chief Appraiser

**Liz Gutierrez**

My name is Liz Gutierrez, I have been living in the West Oso School District for 27 years. I am married to Hector Gutierrez Sr., mother of 6 Children, 20 grandchildren and 1 Great Grandson. I am self-employed as I choose to be available to my children and my grandchildren. I have been involved in all my children's education and volunteered in their schools and I continue to be involved with my grandchildren. I have taken Business Classes at Del Mar College and have training in School Board Trainings and I attend School Board Conferences. I am on my second term as a Trustee. I am available to serve the needs of the School District and if elected I will be available for the Appraisal District.

Thank you in advance for my consideration.

Liz Gutierrez  
West Oso ISD  
School Board Trustee

## **Carol Sue Hipp, CPA**

5910 Woodmere Drive  
Corpus Christi, TX 78414  
361-992-3163

Carol Sue Hipp is a Texas A&M University-College Station graduate with a Bachelors of Business Administration degree in Accounting. After working 18 years as a Certified Public Accountant, of which ten years were as a partner in a regional public accounting firm, she has worked an additional 18 years in a position of leadership in the business offices of two public school districts. Currently, she serves as Executive Director of Business and Operations for Port Aransas Independent School District. As the person who oversees all budgeting, expenditures, investments, and tax revenues of a school district, she is no stranger to the workings of the Nueces County Appraisal District. Because of the wide variety of tax base entities she has dealt with during her school district work career, she has an understanding of property valuation in the areas of residences, industry, farm and ranch, oil and gas, utility and commercial property.

Her community services include serving as an officer and board member for the 4U Corpus Christi, Regional Transportation Authority, Leadership Corpus Christi, Del Mar College Foundation, Tuloso-Midway Education Foundation, Coastal Bend Association of School Business Officials, Corpus Christi Certified Public Accountant Society, St. James Episcopal School, Women's Shelter of the Corpus Christi Area, and Co-Manager of the Port Aransas 4-H Club. She also provides mentoring services for cancer patients in the Coastal Bend area. Carol Sue has been a member of the Rotary Club of Corpus Christi, The Corpus Christi Public Library Foundation, and is an active member of St. Philip The Apostle Catholic Church. Her community awards include Transportation Policy Development Award – 1995, Y Women in Career Award – Professional Services - 1994, Making a Difference Award – Tuloso-Midway ISD – 2006, and Leadership Texas – Class of 1990. Carol Sue is married and has two grown children.

**BALLOT FOR PLACE 6, BOARD OF DIRECTORS**  
**NUECES COUNTY APPRAISAL DISTRICT**  
**TO FINISH OUT TERM 2014-2015**

**RESOLUTION**

**BE IT RESOLVED**, by vote of the Governing Body of the City of Port Aransas that our eligible votes are cast as indicated below for Place 6, Board of Directors Nueces County Appraisal District.

Liz Gutierrez \_\_\_\_\_

Carol Sue Hipp \_\_\_\_\_

Signed:

Presiding Officer: \_\_\_\_\_

Date: \_\_\_\_\_

Secretary: \_\_\_\_\_

Date: \_\_\_\_\_

Votes eligible to be cast:

<b><u>Name of Voting Entity</u></b>	<b><u>Votes</u></b>
Aransas Pass ISD	10
City of Aransas Pass	7
Calallen ISD	1,621
Flour Bluff ISD	2,551
City of Port Aransas	423
Port Aransas ISD	1,887
Tuloso-Midway ISD	2,619
West Oso ISD	882

Mail or deliver on or before March 26, 2015 to:

Ramiro "Ronnie" Canales  
Nueces County Appraisal District  
201 N Chaparral St. Suite 206  
Corpus Christi, TX 78401



*Ramiro "Ronnie" Canales, Chief Appraiser*



**CITY OF PORT ARANSAS, NUECES COUNTY, TEXAS**

**Meeting Date: Thursday, March 19, 2015**

**AGENDA ITEM: 6-D**

Discuss and take action a Resolution Approving an Exchange of Real Estate With Kelly and Beth Owens for the Ferry Vehicle Stacking System with Said Properties Being Fully Described Herein; and Authorizing the City Manager to Sign any and all Contract Documents Related to this Exchange of Property.

**APPROVED FOR AGENDA:** *City Manager David Parsons*

**COMMENTARY:** This land swap is required to facilitate the super ferry stacking concept as approved by city council in property acquisition process. The property is owned by Beth and Kelly Owens. The reconstruction of their parking facility on the new lot is part of the trade agreement and construction costs were included in the Port Street construction price previously approved. A map is attached for Council information.

**STAFF RECOMMENDATION:** City Council approve Resolution Approving an Exchange of Real Estate With Kelly and Beth Owens for the Ferry Vehicle Stacking System as presented.

## RESOLUTION NO. 2015-R

A RESOLUTION APPROVING A CONTRACT INVOLVING AN EXCHANGE OF REAL ESTATE DESCRIBED AS (1) STARTING AT THE SOUTHEASTERN MOST CORNER OF LOT 4A, PLAT OF HARBOR SUBDIVISION, PORT ARANSAS, NUECES COUNTY, TEXAS, A POINT BORDERING THE CUT-OFF ROAD RIGHT-OF-WAY, AND THE TRUE POINT OF BEGINNING. THENCE, S37°07'47"W FOR A DISTANCE OF 196.00' TO A POINT BORDERING THE CUT-OFF ROAD RIGHT-OF-WAY, THENCE, N52°58'00"W FOR A DISTANCE OF 119.00' TO A POINT, THENCE, N37°07'47"E FOR A DISTANCE OF 196.00' TO A POINT ON THE NORTHWESTERN LOT LINE OF LOT 3, BLOCK 142, MUSTANG ISLAND STATE LAND SURVEY, THENCE, S52°58'00"E FOR A DISTANCE OF 119.00' TO A POINT BORDERING THE SOUTHERN MOST CORNER OF LOT 3, BLOCK 142, MUSTANG ISLAND STATE LAND SURVEY AND RETURNING TO THE TRUE POINT OF BEGINNING, AND (2) LOT B, WRAMBLING WRECK SUBDIVISION, PORT ARANSAS, TEXAS, WHEREBY CITY WILL CONVEY TO KELLY AND BETH OWENS THE FIRST DESCRIBED PROPERTY IN CONSIDERATION FOR KELLY AND BETH OWENS CONVEYING TO THE CITY THE SECOND DESCRIBED PROPERTY, AND AUTHORIZING THE CONTRACT TO BE SIGNED AND PERFORMED, SAID EXCHANGE BEING, FROM THE CITY'S PERSPECTIVE, FOR THE PURPOSE OF FACILITATING THE FERRY VEHICLE STACKING SYSTEM.

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ARANSAS, COUNTY OF NUECES, STATE OF TEXAS:**

**SECTION 1.** That one certain real estate exchange contract by and between the City and Kelly and Beth Owens presented to the Council for its consideration on the below date is approved. The City Manager is authorized to sign and perform same with such negotiated revisions of same as in his reasonable, good faith judgment are deemed reasonable and necessary and which do not change the identity of either of the subject properties. The property to be conveyed under the contract (1) by City to Owens is Starting at the southeastern most corner of Lot 4A, Plat of Harbor Subdivision, Port Aransas, Nueces County, Texas, a point bordering the Cut-Off Road right-of-way, and the true point of beginning. Thence, S37°07'47"W for a distance of 196.00' to a point bordering the Cut-Off Road right-of-way, Thence, N52°58'00"W for a distance of 119.00' to a point, Thence, N37°07'47"E for a distance of 196.00' to a point on the northwestern lot line of Lot 3, Block 142, Mustang Island State Land Survey, Thence, S52°58'00"E for a distance of 119.00' to a point bordering the southern most corner of Lot 3, Block 142, Mustang Island State Land Survey and returning to the true point of beginning, (2) by Owens to City is Lot B, Wrampling Wreck Subdivision, Port Aransas, Texas.

**SECTION 2. Severance:** If any part of this resolution is invalid or void or is declared to be so, then said part shall be severed from the balance of this resolution and said invalidity shall not affect the balance of this resolution, the balance of the resolution to be read as if said invalid or void portion thereof were not included.

**SECTION 3. Effective Date:** This resolution shall be effective upon adoption.

**PASSED, RESOLVED, APPROVED and ADOPTED** this \_\_\_\_\_ day of **MARCH**, 2015.

**CITY OF PORT ARANSAS, TEXAS**

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Keith McMullin, Mayor

**ATTEST:**

---

Irma G. Parker, City Secretary





**CITY OF PORT ARANSAS, NUECES COUNTY, TEXAS**

**Meeting Date: Thursday, March 19, 2015**

**AGENDA ITEM: 6-E**

**TABLED 2/29/2015:** Discuss and take action on **Dune Permit Application #BFDP-150048 City of Port Aransas Seaweed Maintenance, Dune Permit and Beachfront Construction Certificate** which documents solutions and authorized alternatives for the removal and disposal of seaweed within the jurisdictional limits of the Port Aransas Coastal Management Plan and authorize, if needed, the modification of Exhibit B, Sheet 9 of said Application.

**SUBMITTED BY:** Building/Development Services

**APPROVED FOR AGENDA:** *City Manager David Parsons*

**COMMENTARY:** Staff met in 2007 with GLO staff to discuss acceptable philosophies for beach cleaning operations as it relates to the authority under the State's beach dune rules. It is the goal of this permit application to provide authorized alternatives for the removal and disposal of seaweed within the jurisdictional limits of the Port Aransas Coastal Management Plan. In compliance with the Plan, the City will ensure protection of the critical dunes and provide for the overall balance of the beach/dune system by improving the current seaweed maintenance practices. The GLO is currently reviewing this Application to verify that it is consistent with the Coastal Management Plan. Staff does not anticipate any changes except to a modification to Exhibit B, Sheet 9.

**ENGINEERING REVIEW:** Dune permit submitted by Urban Engineering on January 23, 2015. Since the Permit is for the City regarding Seaweed Maintenance, then no alternative engineering review is necessary.

**PLANNING & ZONING COMMISSION:** Approved Application at the January 26, 2015 meeting and recommend Council approval.

**PERMITTING:** The Army Corps of Engineers (ACOE) has authority over lands seaward of the annual high tide line and also require a permit for certain activities within this area.

- ACOE Permit No. SWG-2007-01847,
- GLO renewed their lease for seaweed maintenance activities on state owned lands, valid thru 2019.

**STAFF RECOMMENDATION:** Confirm that Dune Permit application #BFDP-150048 is consistent with the Coastal Management Plan, allowing the City to modify sheet 9 as necessary if required by the GLO.

**SEAWEED MAINTENANCE**  
**City of Port Aransas**

**Application for Dune Permit  
and  
Beachfront Construction Certificate**

January 2015  
Job No. 6100.B4.04

**Engineer:**



2725 Swantner, Phone (361) 854-3101, Fax (361) 854-6001  
Corpus Christi, Texas 78404  
Firm No. 145

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### City of Port Aransas Seaweed Maintenance Dune Permit and Beachfront Construction Certificate

1. Introduction & Defining Topics
2. Dune Permit Application Requirements
3. Dune Protection Permit
4. Beachfront Construction Certificate Application
5. Beachfront Construction Certificate
6. Exhibits:
  - Exhibit A: Photographs
  - Exhibit B: Coastal Management Plan Maps 1-9  
with Erosion Rate Data for 1950s-2012 in (ft/yr)  
from the U.T. Bureau of Economic Geology
  - Exhibit C: Maintenance Profile and Details

## INTRODUCTION

The Port Aransas city staff met on June 19<sup>th</sup> 2007 with the Texas General Land Office (GLO) staff to discuss acceptable philosophies for beach cleaning operations as it relates to the authority under the State's beach dune rules.

The City and GLO recognize that The Army Corps of Engineers (ACOE) is asserting its authority over lands seaward of the annual high tide line and that a permit for certain activities within this area is required by the ACOE. In general, it is the goal of this permit application to provide authorized alternatives for the removal and disposal of seaweed within the jurisdictional limits of the Port Aransas Coastal Management Plan.

The solutions provided in this application are based on the recommendations from these discussions. It is the intent of the City and this application to protect the critical dunes, provide a public service to the residents and visitors of this stretch of beach, and enhance the overall balance of the beach/dune system by improving the current seaweed maintenance practices.

**2015 Update – The ACOE has since issued a permit (No#SWG-2007-01847) granting the City of Port Aransas permission to conduct their maintenance program as described in this application within the ACOE jurisdictional areas. This version of the permit updates the disposal areas from the previous permit and updates any pertinent information (i.e. names, dates, photographs, etc.) The GLO has renewed their lease for seaweed maintenance activities on state owned lands, valid thru 2019.**

The following information has been provided in response to the requirements outlined in the "Port Aransas Coastal Management Plan" as adopted by the City Council on 2/15/95. The information has been provided in the same order as required under Section H of the plan.

## DEFINING TOPICS

Some of the basic philosophies discussed with the GLO have been incorporated in this application and for clarity, have been described herein below.

### **Location of the Line of vegetation:**

By definition, the line of vegetation is, "The extreme seaward boundary of natural vegetation which spreads continuously inland." It is the opinion of the city staff and GLO that the "line of vegetation" is likely landward of the artificial line of vegetation which has resulted from placement of seaweed along the vegetation line over time. Based on photographs and survey information, the artificial line of vegetation has migrated seaward from 0 to 150 feet in the last 20 years. Determining the appropriate location for the LOV "line of vegetation" has not been defined by the GLO. For the purpose of this application the current depicted LOV was determined by considering various factors. Observation of

historical aerial photographs as well as interviews with city staff to establish historical seaweed disposal practices as well as by applying a 15 times the erosion rate to the line of vegetation shown on the 1991 photo atlas sheets produced with the City's coastal management plan. This, as well as giving reasonable consideration to the City's desire to consider some of its past actions as a dune restoration effort, led to the provided line.

It is also necessary to adjust this LOV to account for the natural impacts of beach erosion/accretion. The proposed boundary would be re-evaluated every 5 years to insure that the City's beach maintenance practices maintain a balance of the Dune Protection Act and The Open Beaches Act. In general, it is expected that the LOV should mirror the historical erosion rates published by the University Of Texas Bureau Of Economic Geology.

### **Restored dunes on the public beach:**

The area of dune forward of the LOV has not previously been characterized. Under the Beach dune rules and in accordance with our discussions with the GLO, the practice of placing seaweed forward of the LOV should follow section VIII B 9 "restored dunes on the public beach" of the Port Aransas Coastal Management plan. Specifically the city should not continue to place seaweed forward of the artificial line of vegetation in a manner that would restrict or interfere with the public use of the beach at normal high tide. This practice is particularly problematic in sections of eroding areas. In stable or accreting areas, the extent of the dune restoration must not extend beyond 20 seaward from the LOV without written consent from the GLO and The Attorney General's office. Based on our observations all of the area defined for restored dunes on the public beach has already been accomplished thru prior placement of seaweed along the LOV.

### **Beach maintenance storage area:**

Those areas 20 foot seaward of the projected LOV are classified as Beach Maintenance Storage Areas (BMSA). The material held in the BMSA can be moved within the beach dune system in a manner that does not harm the beach dune system. Any movement of the material should include measures to assure that the dunes remaining are not mechanically weakened. Placement of fresh seaweed or other vegetation restoration methods should be incorporated in the excavation activity. In order of preferred use, the material excavated may be used as follows.

1. Placed on the beach or at the water's edge in compliance with an approved ACOE permit. It is considered to be more favorable to move material to transects with higher erosion rates.
2. The material if taken from an accreting transect can be placed in designated disposal sites located within the beach dune system.
3. The material if taken from an accreting transect can be placed landward of the line of vegetation within the primary dune system.

## DUNE PERMIT APPLICATION REQUIREMENTS

1. For all proposed construction (large and small scale), the applicant shall submit the following items and information.

- a. The name, address, phone number, and if applicable, fax number of the applicant, and the name of the property owner, if different from the applicant:

*City of Port Aransas  
710 W. Avenue A  
Port Aransas, TX 78373-4128  
(361)749-4111  
Fax: (361)749-4723*

- b. The number of proposed structures and whether the structures are amenities or habitable structures:

*This permit pertains to seaweed maintenance and will not include the construction of any structures (amenity or habitable).*

- c. The number of parking spaces: *N/A*

- d. The approximate percentage of existing and finished open space:

*The open space percentage will not change.*

- e. The elevation of lowest habitable floor of all habitable structures and the finished floor elevation of all other structures: *N/A*

- f. The approximate duration of construction:

*This type of maintenance is mainly required during the peak seaweed season, but maintenance may be accomplished year around for the duration of the permit.*

- g. A drawing showing configuration and location of any existing or proposed walkways or dune walkovers on the tract: *Exhibit B*

- h. A grading layout (referenced to the National Oceanographic and Atmospheric Administration or NGVD datum, having a contour interval of 2 feet or less), showing existing contours for the project area and proposed final grading:

*Exhibit B*

- i. Photographs of the site which clearly show the current location of the vegetation line and the existing dunes on the tract: *Exhibit A*

- j. An accurate map or plat of the site identifying:
- (1) its size in acres or square feet: *N/A*
  - (2) the site by its legal description, including, where applicable, the subdivision, block, and lot: *N/A*
  - (3) the location of the property lines and a notation of the legal description of adjoining tracts: ***Exhibit B***
  - (4) the location of structures, the footprint or perimeter of the proposed construction on the tract: ***Exhibit B***
  - (5) proposed roadways and driveways and proposed landscaping activities on the tract: ***There are no roadways, driveways, or landscaping proposed with this application.***
  - (6) the location of any seawall or other erosion response structures on the tract and on the properties immediately adjacent to the tract:  
***There are no known seawall or erosion response structures proposed on or adjacent to the site.***
  - (7) if known, the location and extent of any manmade vegetated mounds, restored dunes, fill activities, or any other preexisting human modifications on the tract:  
***The entire area depicted as the “historical beach maintenance area” has been created by human efforts to maintain the public beach. These artificially created dunes currently extend approximately 50’ in most areas, and up to 150’ seaward of the “natural line of vegetation”.***
- k. the effects of the proposed activity on the beach/dune system which cannot be avoided should the proposed activity be permitted, including, but not limited to, damages to dune vegetation, alteration of dune size and shape, and changes in dune hydrology:

***The proposed construction will positively impact the historic beach maintenance area and the public beach by nourishing the affected and eroding areas. These efforts are designed to strengthen the beach/dune system while actively addressing the need for seaweed maintenance. Any dune vegetation damage caused by these maintenance procedures will be temporary and repaired with natural vegetation. The dune size and shape of the maintenance dunes will be continuously affected by the proposed maintenance, but should not mechanically weaken or jeopardize the protection the dune complexes provide. Additionally, dune hydrology will not be adversely affected.***

1. a comprehensive mitigation plan which includes a detailed description of the methods which will be used to avoid, minimize, mitigate and or compensate for any adverse effects on dune or dune vegetation:

*Avoidance and minimization will be met by not affecting any critical dunes outside the beach maintenance area. Dune Vegetation may be temporarily affected by the seaweed maintenance procedures, but shall be monitored for revegetation. If revegetation does not occur, the City shall be responsible for taking measures to revegetate the area.*

*Mitigation will take place by spreading the sand from the excavated maintenance dune onto the public beach to nourish the area(s):*

- *immediately seaward of the affected area, or*
- *in areas depicted by the BEG as experiencing erosion (depicted as negative values on Exhibit B), or*
- *depositing it into approved designated areas.*

*Refer to Exhibits B and C for details.*

2. For all proposed large-scale construction, the City of Port Aransas shall require applicants to submit the following items and information:

- a. If the tract is located in a subdivision and the applicant is the owner or developer of the subdivision, a certified copy of the recorded plat of the subdivision, or, if not a recorded subdivision, a plat of the subdivision certified by a licensed surveyor, and a statement of the total area of the subdivision in acres or square feet: *N/A*

- b. in the case of multiple-unit dwellings, the number of units proposed: *N/A*

- c. alternatives to the proposed location of construction on the tract or to the proposed methods of construction which would cause less impairment of beach access or cause fewer or no adverse effects on critical dunes and critical dune vegetation:

*The proposed plan has been carefully considered by the City and GLO and has been determined to cause the least affects to the beach dune system while providing the desired seaweed maintenance. Additionally, the City is constantly researching alternative construction methods to maximize the seaweed removal while minimizing the amount of sand that is collected during the process.*

- d. the proposed activity's impact on the natural drainage pattern of the site and the adjacent lots:

*The proposed construction will not adversely affect the natural drainage pattern of the disposal areas or of the adjacent lots.*

3. For all proposed construction (large and small scale), if the applicant already has the following items and information, local governments shall require them to be submitted in addition to the other information required:
  - a. a copy of a blueprint of the proposed work: *N/A*
  - b. a copy of a topographical survey of the site: *See Attachment #2*
  - c. The activity's potential impacts on coastal erosion:  
*Based on the data provided by the U.T. Bureau of Economic Geology, the mean high tide within the city limits is subject to a rate of change between -4.79 to +2.95 feet per year (1950s-2012). In general beach North of Access Road 1 is accreting while beach to the South is eroding. The maintenance authorized herein will not adversely affect coastal erosion because the affected sand will remain within the local beach-dune system and special provisions will be taken within eroding areas as described in Exhibit C.*
  - d. a copy of FEMA "ELEVATION CERTIFICATE" for any existing structure located on the site: *N/A*
  
4. Applicant's assertions:  
The applicant must include in the application the following positive assertions;
  - a. The proposed activity was designed to avoid adverse effects on critical dunes in accordance with subsection VI.F, "Requirements for Avoidance of Adverse Effects";
  - b. The proposed activity is not one of the prohibited activities listed under subsection VI.D, "Prohibited activities", of the "Port Aransas Coastal Management Plan";
  - c. The activity will not result in runoff or drainage patterns that aggravate erosion on or off the site;
  - d. The activity will not result in significant changes to dune hydrology;
  - e. The activity will not disturb unique flora or fauna;
  - f. The activity shall not significantly increase the potential for washovers or blowouts to occur;
  - g. The activity will not result in significant adverse effects to dune complexes or dune vegetation.

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_  
David Parsons, City Manager



**BEACHFRONT CONSTRUCTION CERTIFICATE APPLICATION**

A. General Information:

Name: **City of Port Aransas  
David Parsons, City Manager**  
Address: **710 W. Avenue A  
Port Aransas, Texas 78373**  
Phone: **(361) 749-4111**  
Fax: **(361) 749-4723**  
Desc: **All the area owned by the State within the jurisdictional limits  
of the Port Aransas Coastal Management Plan.**

B. Describe the Proposed Construction:

**The proposed construction consists of acceptable alternatives for beach/dune nourishment and the periodic removal and disposal of seaweed from the public beach within the jurisdictional limits of the Port Aransas Coastal Management Plan.**

C. Location of Proposed Construction:

- 1.) The entire area owned by the State within the jurisdictional limits of the City of Port Aransas Coastal Management Plan.**
- 2.) The site locations are shown on sheets 1 thru 9 of the Port Aransas Coastal Management Plan and on Attachment #2**

D. FEMA Standards:

**N/A, there are no proposed structures associated with this permit.**

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_  
David Parsons, City Manager



I, \_\_\_\_\_ as the Mayor of Port Aransas, herein certify that the City has reviewed the information presented above and any other information necessary to establish that the proposed construction is consistent with the City of Port Aransas Coastal Management Plan and that the proposed construction will not adversely affect the public access to and from the public beach.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Keith McMullin, Mayor

Certificate # \_\_\_\_\_ Expiration Date: \_\_\_\_\_

# Exhibit A: Photos

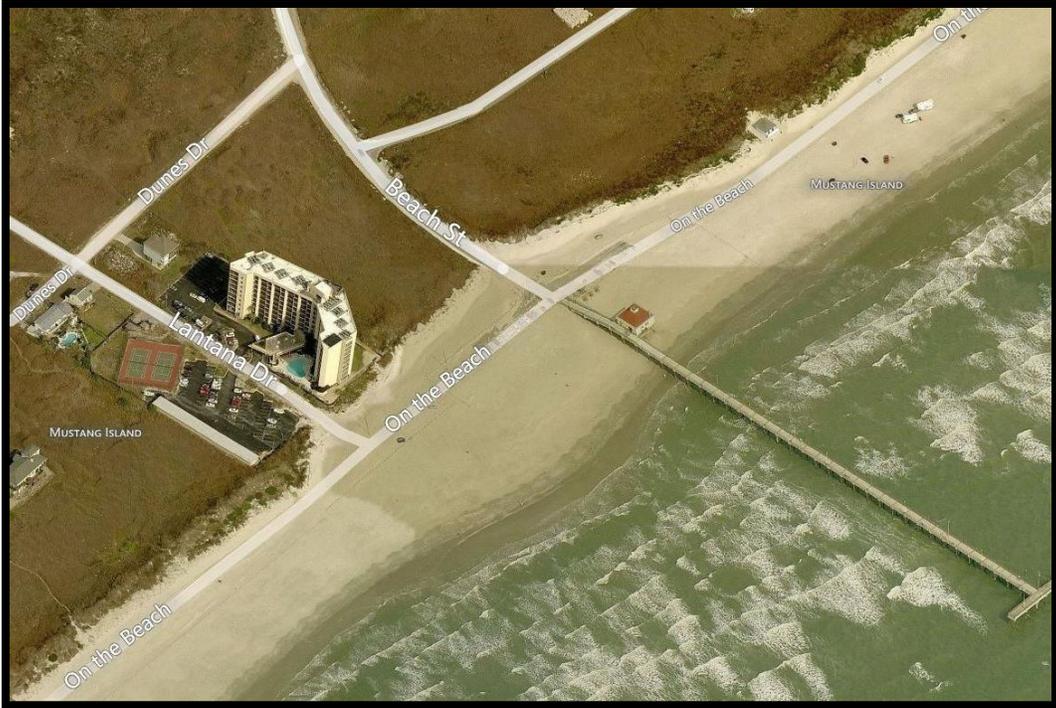
Photos via bing.com/maps (Microsoft Corporation)



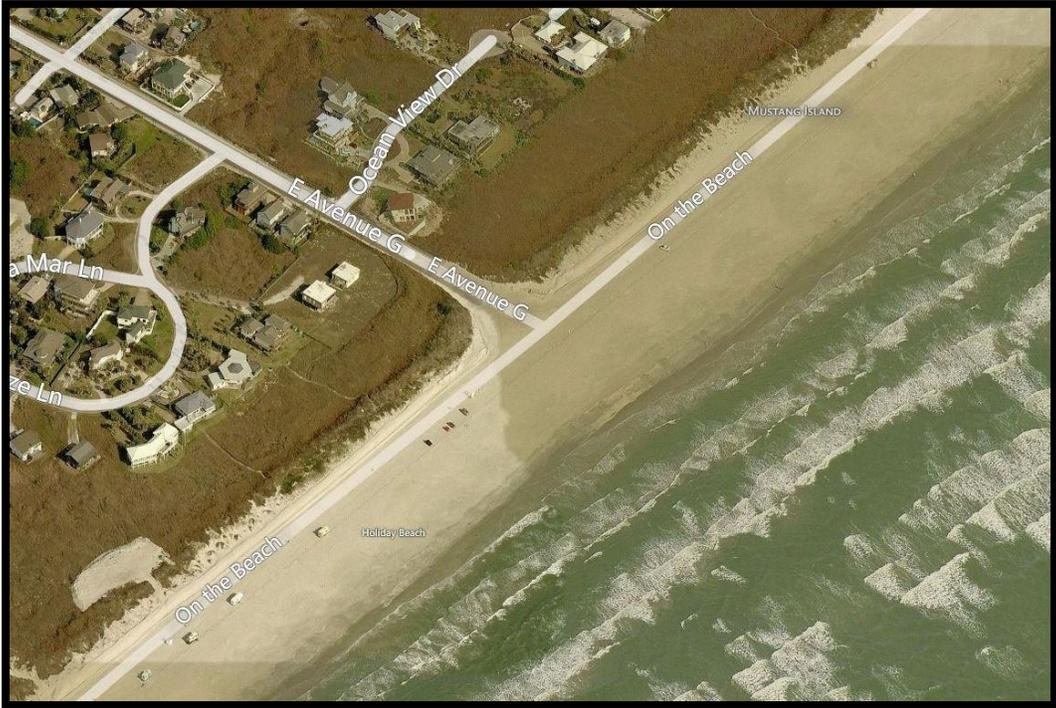
AERIAL VIEW OF PORT ARANSAS COASTLINE



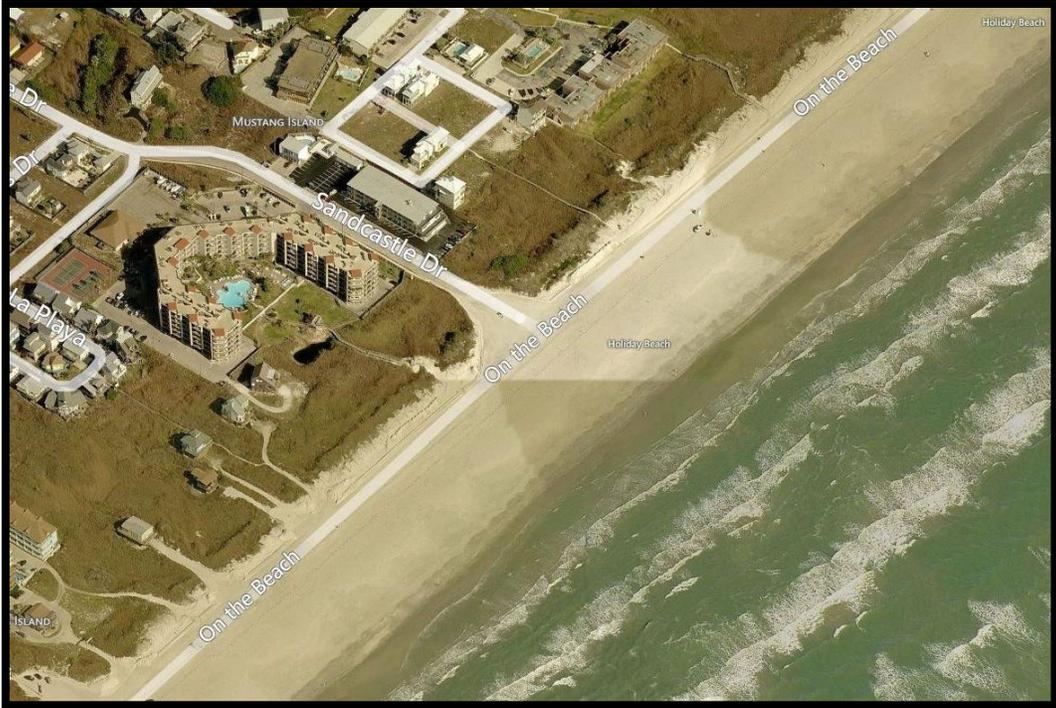
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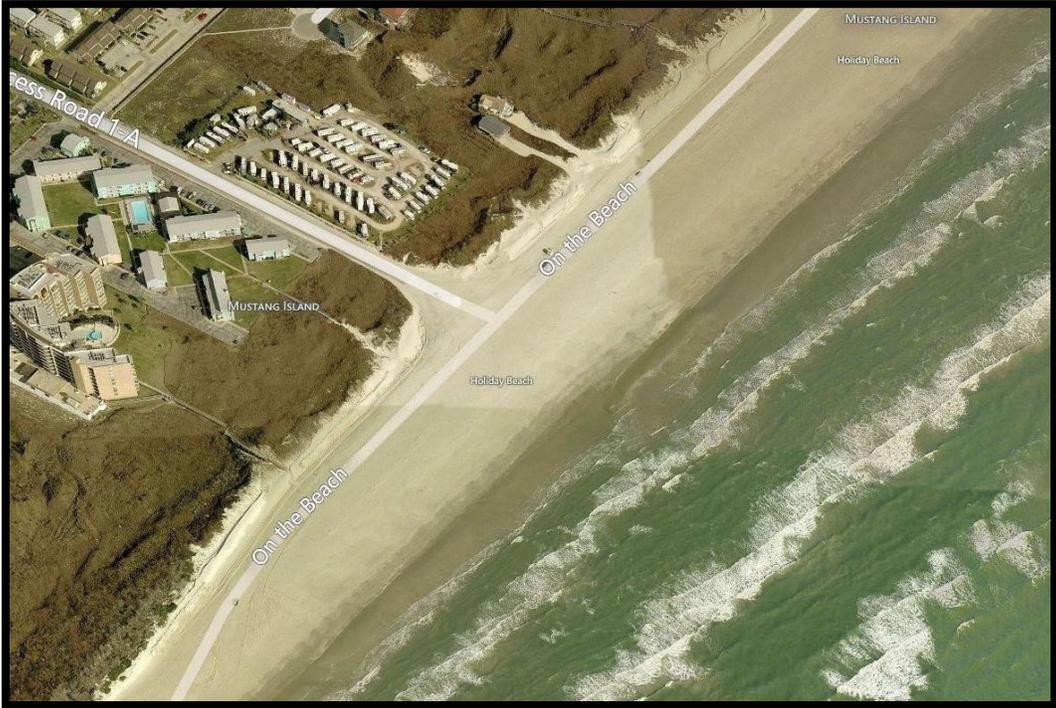
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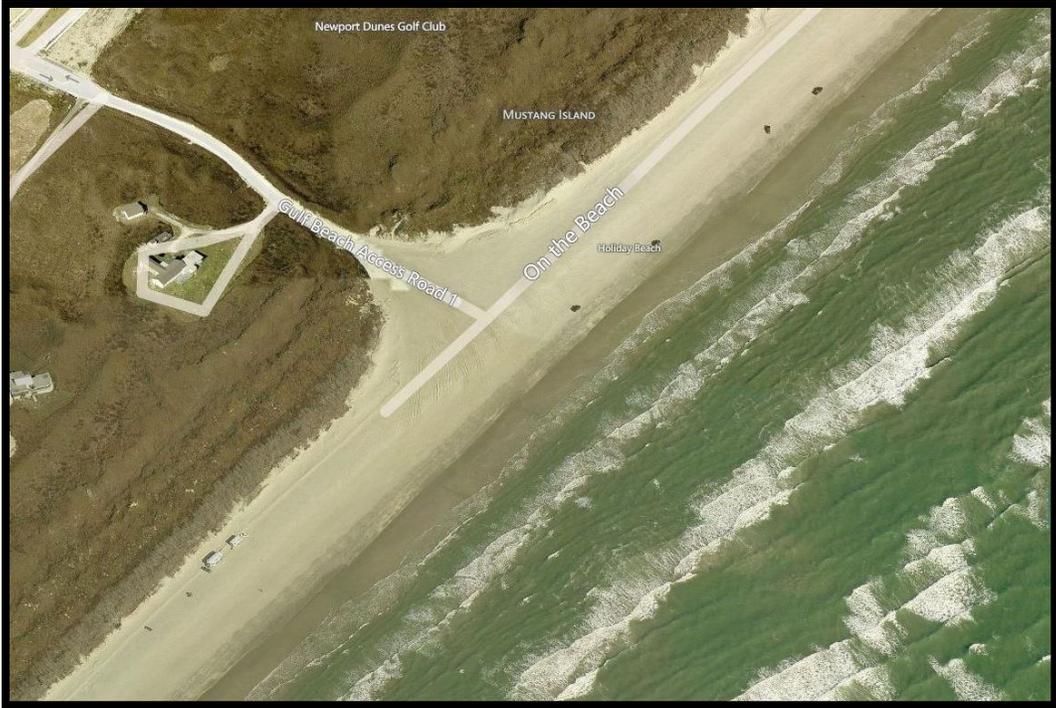
AERIAL VEIW OF RECENT CONDITIONS NEAR AVENUE G



AERIAL VEIW OF RECENT CONDITIONS NEAR SANDCASTLE DR



AERIAL VEIW OF RECENT CONDITIONS NEAR ACCESS ROAD 1-A



AERIAL VEIW OF RECENT CONDITIONS NEAR ACCESS ROAD 1

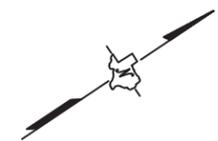




**LEGEND**

	2015 DESIGNATED DISPOSAL AREA
	BEACH ACCESS (VEHICULAR)
	1000' DUNE PROTECTION LINE
	EROSION LINE
	VEGETATION LINE
	BEG EROSION RATE 1950s-2012 (FT/YR)

- NOTES:**
1. EROSION LINE DEPICTED ON THIS DOCUMENT IS AS SHOWN ON CITY OF PORT ARANSAS CMP AND HAS NOT BEEN REVISED TO REFLECT THE NEW BEG EROSION RATES.
  2. AERIAL PHOTOGRAPHY IN THESE EXHIBITS IS FROM 2009.
  3. EROSION RATES SHOWN ARE AS ISSUED BY BEG AND HAVE NOT BEEN REVIEWED FOR CONSISTENCY OR ACCURACY.



**EXHIBIT B:**  
**CITY OF PORT ARANSAS**  
**SEAWEED MAINTENANCE AREAS (2015)**

Exhibit B:  
 Sheet 2 of 9



TBPE FIRM NO. 145, TBPLS FIRM NO. 10032400  
 2725 SWANTNER DR., CORPUS CHRISTI, TX 78404  
 PHONE: 361.854.3101 WWW.URBANENG.COM

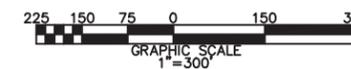
U.E. JOB NO. 40002.B5.00  
 JAN 22, 2015 DM/  
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**LEGEND**

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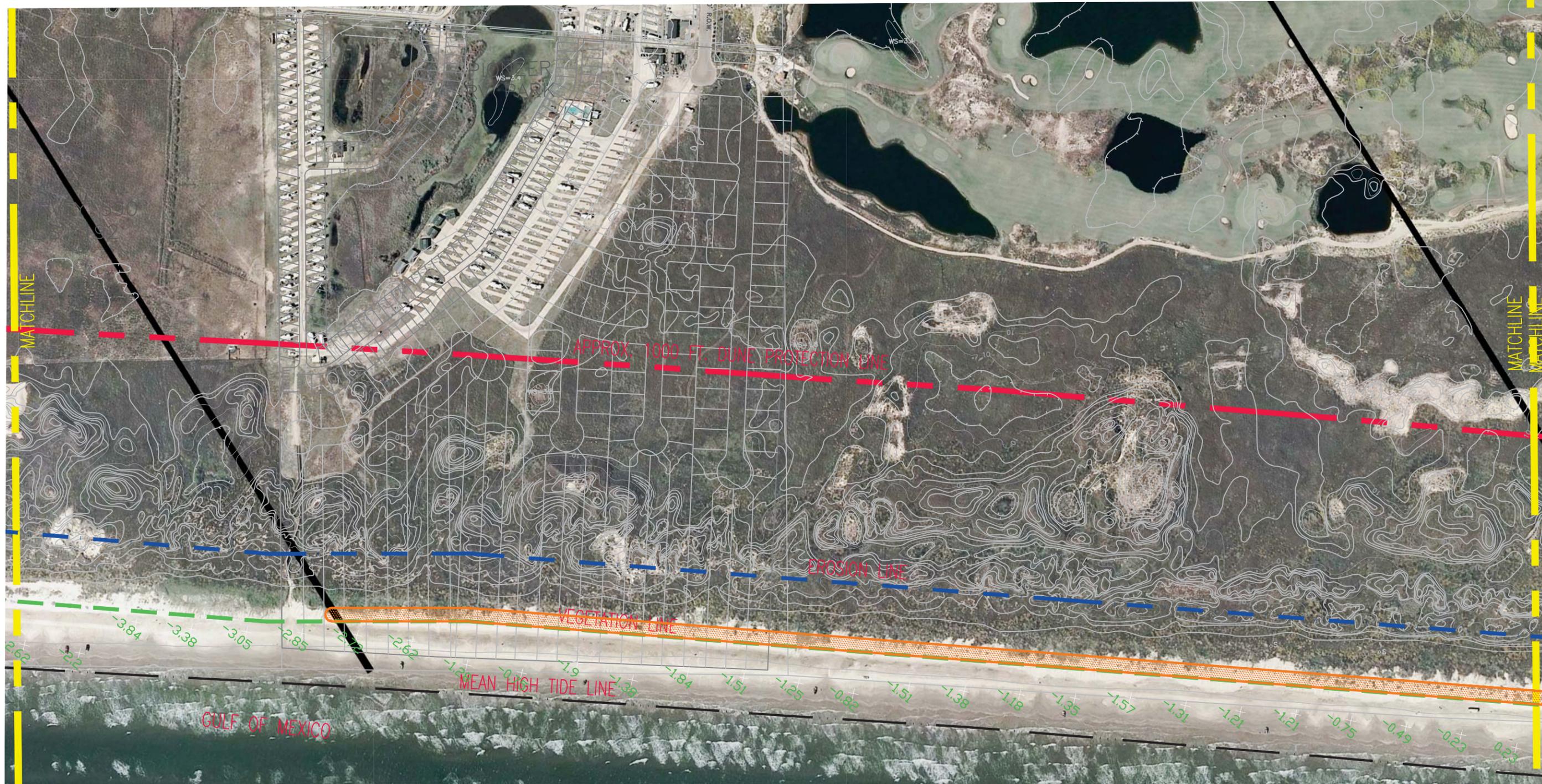
**EXHIBIT B:**  
**CITY OF PORT ARANSAS**  
**SEAWEED MAINTENANCE AREAS (2015)**

Exhibit B:  
 Sheet 3 of 9



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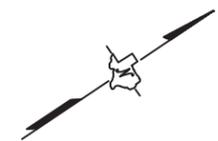
U.E. JOB NO. 40002.B5.00  
 JAN 22, 2015 DM/  
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**LEGEND**

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	VEGETATION LINE
	BEG EROSION RATE 1950s-2012 (FT/YR)

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**EXHIBIT B:**  
**CITY OF PORT ARANSAS**  
**SEAWEED MAINTENANCE AREAS (2015)**

Exhibit B:  
 Sheet 4 of 9



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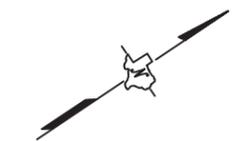
U.E. JOB NO. 40002.B5.00  
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**EXHIBIT B:**  
**CITY OF PORT ARANSAS**  
**SEAWEED MAINTENANCE AREAS (2015)**

Exhibit B:  
 Sheet 5 of 9



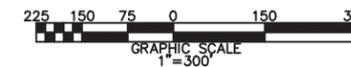
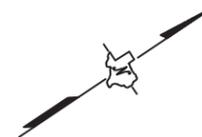
TBPE FIRM NO. 145, TBPLS FIRM NO. 10032400  
 2725 SWANWATER DR., CORPUS CHRISTI, TX 78404  
 PHONE: 361.854.3101 WWW.URBANENG.COM  
 U.E. JOB NO. 40002.B5.00  
 JAN 22, 2015 DM/  
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**LEGEND**

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**EXHIBIT B:**  
CITY OF PORT ARANSAS  
SEAWEED MAINTENANCE AREAS (2015)

Exhibit B:  
Sheet 6 of 9



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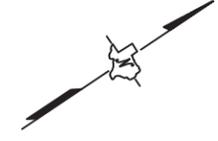
U.E. JOB NO. 40002.B5.00  
JAN 22, 2015 DM/  
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**EXHIBIT B:**  
**CITY OF PORT ARANSAS**  
**SEAWEED MAINTENANCE AREAS (2015)**

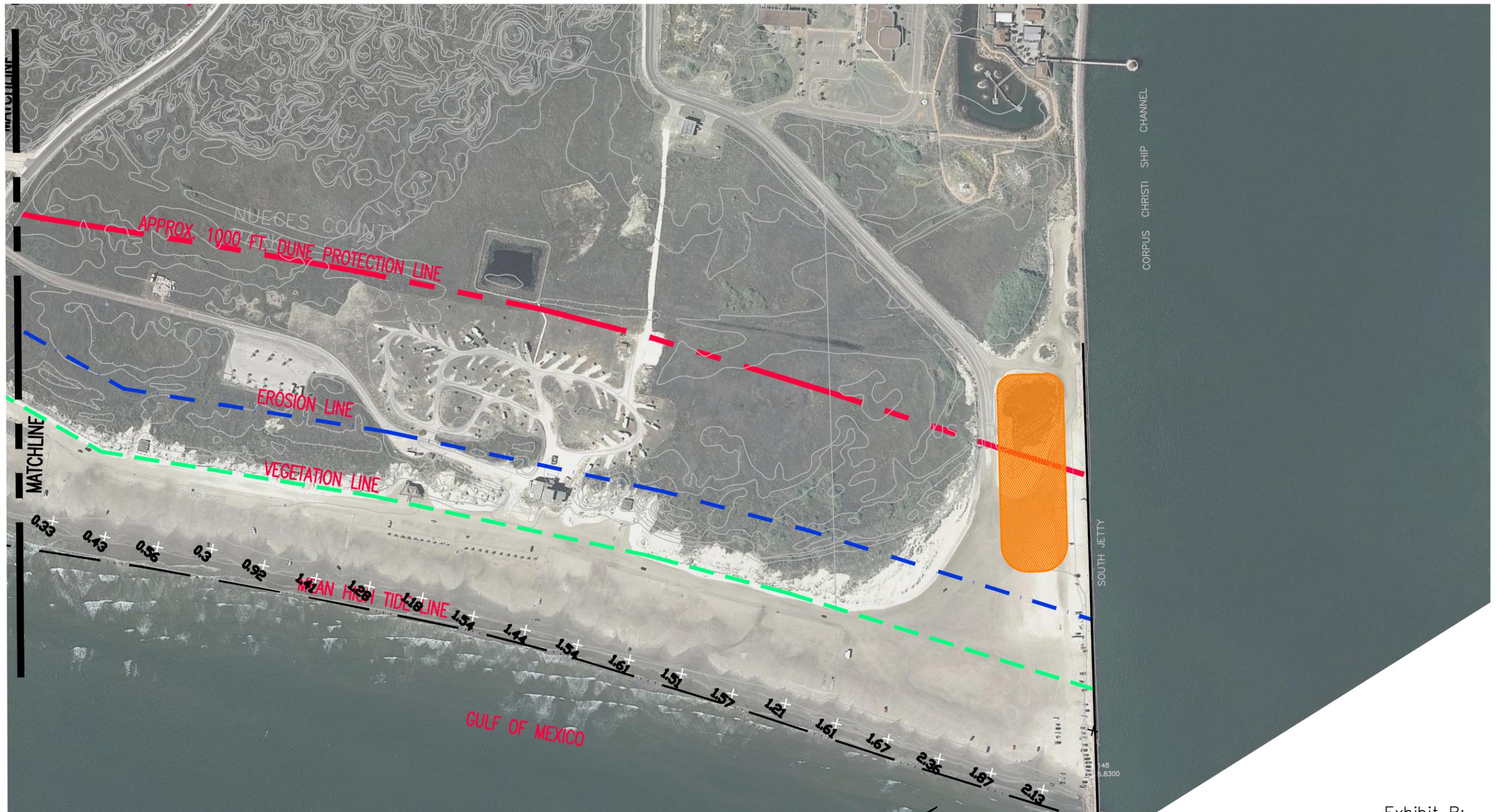
Exhibit B:  
 Sheet 7 of 9



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**LEGEND**

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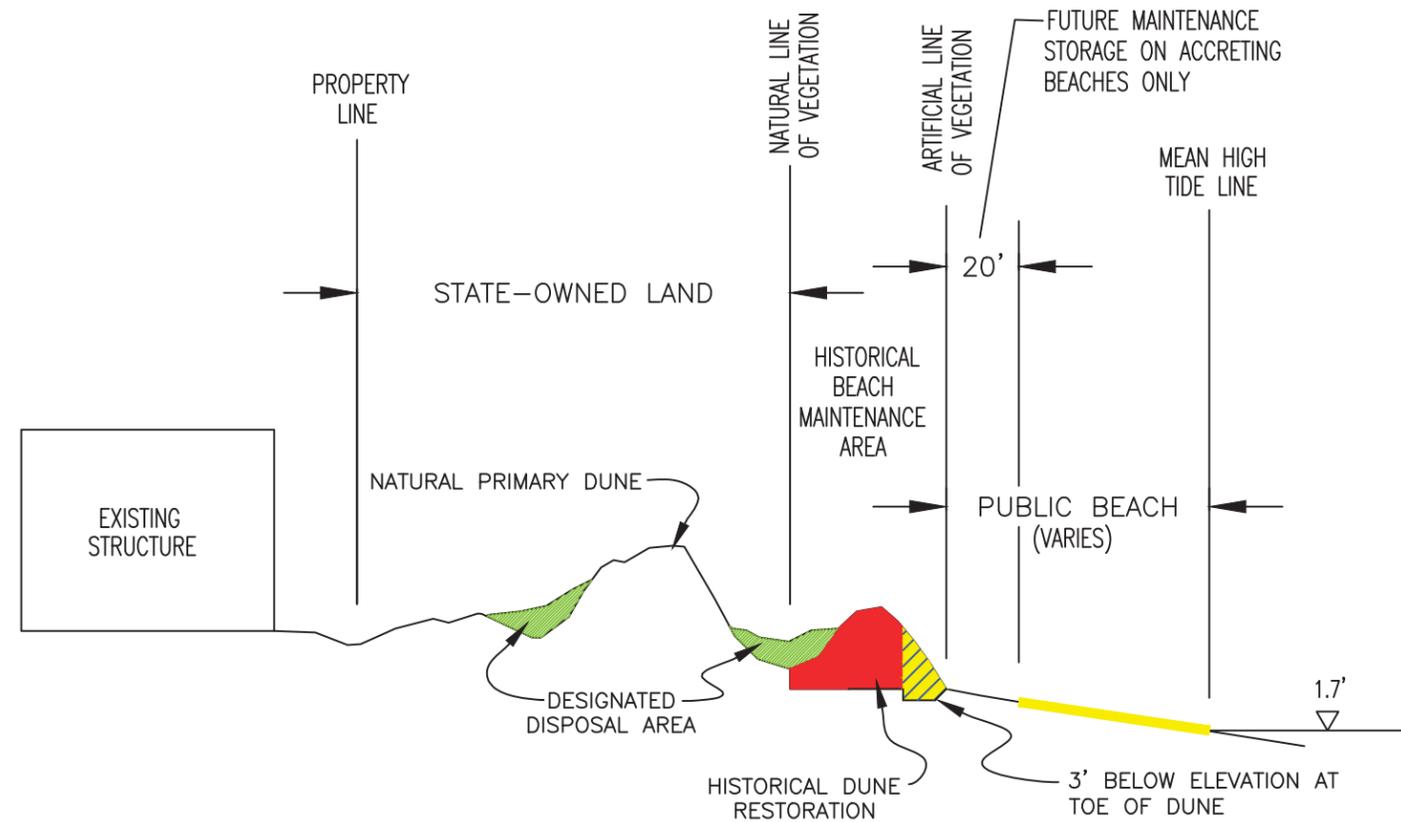
**EXHIBIT B:**  
CITY OF PORT ARANSAS  
SEAWEED MAINTENANCE AREAS (2015)

Exhibit B:  
Sheet 9 of 9

**URBAN ENGINEERING**

TBPE FIRM NO. 145, TBPLS FIRM NO. 10032400  
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PHONE: 361.854.3101 WWW.URBANENG.COM

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ACCEPTABLE METHODS FOR DEPOSITING EXCAVATED SAND:

- A. SAND FROM ACCRETING AREAS
  - 1. MAY BE DEPOSITED WITHIN ACCRETING & ERODING TRANSECTS IN THE JURISDICTIONAL AREA OF THE ACOE (BEACH & WATERS EDGE) WITH AN APPROVED CORP PERMIT.
- B. SAND FROM ERODING AREA
  - 1. WITHIN ITS OWN TRANSECT IN THE JURISDICTIONAL AREA OF THE ACOE WITH AN APPROVED CORP PERMIT.
  - 2. IF SEAWEED IS TRANSFERRED TO AREAS OUTSIDE THE JURISDICTIONAL AREA OF THE ACOE, AN EQUAL AMOUNT OF SAND MUST BE REPLACED IN THE SAME TRANSECT IT WAS REMOVED THROUGH A BEACH NOURISHMENT EFFORT.

LEGEND

- 40' OF HISTORICAL BEACH MAINTENANCE AREA TO BE EXCAVATED & CONVERTED TO NEW SEAWEED STORAGE AREA
- EXCAVATED SAND FROM HISTORICAL BEACH MAINTENANCE AREA(S) WHICH CAN BE DEPOSITED IN ACCEPTABLE METHODS IN ACCORDANCE WITH A CORP PERMIT.
- LOW AREAS OR DESIGNATED DISPOSAL AREAS WITHIN THE DUNE COMPLEXES OF THE CITY-OWNED LAND WHICH CAN BE UTILIZED TO DEPOSIT SEAWEED.

EXHIBIT C:  
SEAWEED MAINTENANCE  
PROFILE AND DETAILS

Exhibit C:



TBPE FIRM NO. 145, TBPLS FIRM NO. 10032400  
2725 SWANTNER DR., CORPUS CHRISTI, TX 78404  
PHONE: 361.854.3101 WWW.URBANENG.COM

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JAN 22, 2015 DM/

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**CITY OF PORT ARANSAS, NUECES COUNTY, TEXAS**

**Meeting Date: Thursday, March 19<sup>th</sup>, 2015**

**AGENDA ITEM: 6-F**

Discuss and take action on **Final Plat Application FPLT#150067**, Proposed lots 5R-10R, Block 78, Aransas Holding Company Section C, Nueces County, being a replat of Lots 4-10, Block 78, Aransas Holding Company Section C, City of Port Aransas, Texas according to the plat recorded in Volume 5, Page 34, Map Records of Nueces County Texas. Request by: Tenth Street Rentals, LTD (Nick Lorette). Property Location: Tenth St

**INITIATING DEPARTMENT:** Building & Development Director Rick Adams

**APPROVED FOR AGENDA:** *City Manager David Parsons*

**COMMENTARY:** Replat request submitted Tenth St Rentals, LTD (Nick Lorette)

**ENGINEERING REVIEW:** Urban Engineering reviewed the referenced plat on February 5<sup>th</sup>, 2015 and found that the subject plat meets the platting requirements outlined in Chapter 21 of the Code of Ordinances.

**UTILITY REVIEW:**

- Nueces County Water District #4—approved 2-2-15 with comments
- Centurylink of Port Aransas—approved 1-30-15
- AEP Texas Central Company
- COPA Gas Department—approved 2-3-15

**PUBLIC HEARING DATE:** Public Hearing notice published in the South Jetty on February 5<sup>th</sup>, 2015. Hearing held February 23<sup>rd</sup>, 2015.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** Approved application at the February 23<sup>rd</sup>, 2015 meeting.

**STAFF RECOMMENDATION:** Approve Final replat request #FPLT#150067, Final Plat Proposed lots 5R-10R, Block 78, Aransas Holding Company Section C, Nueces County as presented.

# CITY OF PORT ARANSAS

## APPLICATION FOR REPLAT

SECTION 1. GENERAL: The undersigned applicant (applicant is synonymous with owner) makes this application for Replat approval in accordance with Chapter 21, Port Aransas Code and in particular, Section 21-39 thereof. If there is insufficient room on this application to completely answer any item, attach an exhibit. This application has to be signed under Section 4 by the applicant.

SECTION 2. APPLICATION: Provide the following information, as required by Section 21-39, Port Aransas Code:

- (1) State the name, business addresses and telephone numbers of the owner, engineer and surveyor.

OWNER/OWNERS:

**TENTH STREET RENTALS, LTD.  
NICHOLAS B. LORETTE, JR. (MANAGER)  
PO BOX 30  
PORT ARANSAS, TX 78373  
361-229-3460**

SURVEYOR/ENGINEER:

**GRIFFITH & BRUNDRETT  
Surveying and Engineering, Inc.  
P.O. BOX 2322  
ROCKPORT, TX 78381  
OFFICE: 361-729-6479  
FAX: 361-729-7933**

- (2) Describe the legal ownership interest of all owner in the tract:

**100% OWNERSHIP**

- (3) By signing this application, you are acknowledging that you are aware that, if your property encompasses "Wetlands", as determined by the Corp of Engineers, it may be subject to certain development restrictions mandated by State and/or Federal law. No answer is required
- (4) State the source for water service, whether water well or Water District:

**WATER DISTRICT**

- (5) State the source for sewer service, whether septic or Water District:

**WATER DISTRICT**

- (6) Provide a full legal description of the property covered by the Replat and include all of applicant's contiguous property.

**Proposed Lots 5R, 6R, 7R, 8R, 9R and 10R, Block 78, Aransas Holding Company, Section C, City of Port Aransas, Nueces County, Being a Replat of Lots 4 - 10, Block 78, Aransas Holding Company, Section C, City of Port Aransas, Texas, According to the Plat Recorded in Volume 5, Page 34, Map Records of Nueces County, Texas.**

- (7) Attach to this application a written memorandum from the Water District stating that the district's authorized agent has received a Replat, that the district concurs that water and sewer is available on the lots without construction of public improvement, and either objects to or approves of the proposed Replat. No Answer is required.

**SECTION 3. MAP:** You must submit with this application a Minor Final Plat or Replat map, in compliance with and containing all information and being in the form required by Section 21-38.B, Port Aransas Code, which section requires that the Final Plat or Replat map shall include the following:

- (1) The title or name by which the Subdivision is to be identified, north arrow, the scale of the map, professional land surveyor responsible for preparation of the map.
- (2) A definite legal description and identification of the tract being subdivided. This description shall be sufficient for the requirements of title examination.
- (3) The boundaries of the subdivided property. The boundaries of the subdivision shall be indicated by a heavy line

equivalent to a No. 5 Reservoir pen and shall be tied by dimension to the established centerline of all existing boundary streets.

- (4) The location of all adjacent streets and alleys, with their names, and the names of adjoining subdivisions with exact location and designation by number of lots and blocks.
- (5) All lot, block and street boundary lines, with blocks and lots numbered or lettered consecutively. The area of each lot in square feet or acreage, building lines, required yards adjacent to streets, and easements shall be shown and shall have the bearing, and any deviations from the norm shall be indicated.
- (6) Accurate dimensions, both linear and angular, of all items on the plat. The boundary survey on the site shall close within one in ten thousand (1:10,000). Linear dimensions shall be expressed in feet and decimals of a foot. Angular dimensions may be shown by bearings. Curved boundaries shall be fully described and all essential information given. Circular curves shall be defined by actual length of radius and not by degree of curve. Complete dimensional data shall be given on fractional lots.
- (7) The location and description of all lot and block corners and permanent survey reference monuments. The plat shall reflect whether such corners or monuments have been found or set by the surveyor. All new corners and monuments shall be of three-quarter (3/4) inch iron pipe or five-eighths (5/8) inch steel re-bars and shall meet the following standards:
  - (A) Lot corners shall be twenty-four to thirty (24-30) inches long with the top set flush with ground.
  - (B) Block corners shall be twenty-four (24-30) inches long with the top set flush with ground and shall include the beginning and end of all curves within each block.
  - (C) Reference points shall be twenty-four (24-30) inches long, placed one (1) foot below the surface of the finished ground elevation at suitable locations throughout the subdivision. There shall be at least as many reference points as there are blocks in the subdivision, but not less than two, and the distance between successive monuments along any street or reference line shall not be greater than

shall not be greater than one thousand (1,000) feet.  
Reference points shall be other than and in addition  
to markers set for block or lot corners.

- (8) A certificate by the responsible surveyor in charge, duly authenticated, that the plat is true and correct and in accordance with the determination of surveys actually made on the ground. If the surveyor who prepared the plat did not make the boundary survey, this fact should be noted in the certificate. Also, the certificate should show whether or not the tract is within the City Limits or Extra Territorial Jurisdiction of Port Aransas, unless the information is shown in suitable manner elsewhere on the face of the plat.
- (9) The Minor Final Plat or Replat map shall be signed by all owners of the platted tract and their signatures shall be acknowledged in the manner required for deed recordation. Section 212.004(c), Texas Local Government Code.
- (10) The Minor Final Plat or Replat map shall be signed all lien holders in approval and their signatures shall be acknowledged in the manner required for deed recordation.
- (11) In addition to other required certificates, the following forms shall be entered on the plat following the certificates of owner, engineer, etc., and preceding the certificate of the County Clerk:

(A) STATE OF TEXAS  
COUNTY OF NUECES

This Minor Final Plat or Replat of the herein described property approved by the City Engineer for the City of Port Aransas, Texas.

This the \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
City Engineer

(B) STATE OF TEXAS  
COUNTY OF NUECES

This Minor Final Plat or Replat of the herein described property approved on behalf of the City of Port Aransas, Texas, by the City Building Official.

This the \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
City Engineer

**SECTION 4. SIGNATURES:** The undersigned, being the owners of the land, affirm that all information contained in or submitted as part of the platting process is true and correct, and that all public improvements required as part of the development will be constructed in accordance with the Minor Final Plat or Replat and in accordance with all ordinances, rules and regulations of the city governing the development, platting and subdivision of land. If an agent is signing for owner, state name and capacity. All plats reviewed by the City Engineer, regardless of whether the plat is approved, denied, or withdrawn shall be the responsibility of the applicant. If approved the fee must be received by the City of Port Aransas prior to final processing of the plat. Fee is to be paid to the City of Port Aransas.

Signed the 27 day of JANUARY, 2015.  
  
\_\_\_\_\_  
Applicant

**SECTION 5. SIGNATURES:** All plats will have a \$25.00 Administration Fee added at the end.

**PRELIMINARY PLAT:** \$300.00 + \$15.00 per lot, plus actual actual engineering cost.\*  
**FINAL PLAT:** \$300.00 + \$15.00 per lot, plus actual actual engineering cost associated with final plan reviews of development.\*  
**MINOR PLAT:** \$215.00 + plus actual engineering cost.\*

\*All plats reviewed by the City Engineer, regardless of whether the plat is approved, denied, or withdrawn shall be the responsibility of the applicant. If approved, the fee must be received by the City of Port Aransas prior to final processing of the plat. Fee to be paid to the City of Port Aransas.

---

FOR BUILDING OFFICIAL USE ONLY

The application is not filed unless and until it (including the map) complies with the requirements of Section 22-38, Port Aransas Code, and contains all information above required.

Filed on the \_\_\_\_ day of \_\_\_\_\_, 2015.

---

City of Port Aransas, Building Official

**Overall Certification**

State of Texas  
County of Harris  
TENTH STREET INDUSTRIAL, LTD.  
do hereby certify that I (We) and the members of the board of directors of the foregoing plat and the plat hereon were duly and lawfully organized and that the same were duly and lawfully approved and adopted by the board of directors of the foregoing plat and the plat hereon.

This is this \_\_\_\_ day of \_\_\_\_\_ A.D. 2014.

NICHOLAS B. LOHMEYER, JR., Manager  
State of Texas  
County of Harris  
The following are authorized officers of the  
NICHOLAS B. LOHMEYER, JR., Manager  
TENTH STREET INDUSTRIAL, LTD.  
This is this \_\_\_\_ day of \_\_\_\_\_ A.D. 2014.  
Notary Public in and for the State of Texas

**Lender Certification**  
State of Texas  
County of Harris  
AMERICAN BANK  
do hereby certify that I (We) and the members of the board of directors of the foregoing plat and the plat hereon were duly and lawfully organized and that the same were duly and lawfully approved and adopted by the board of directors of the foregoing plat and the plat hereon.

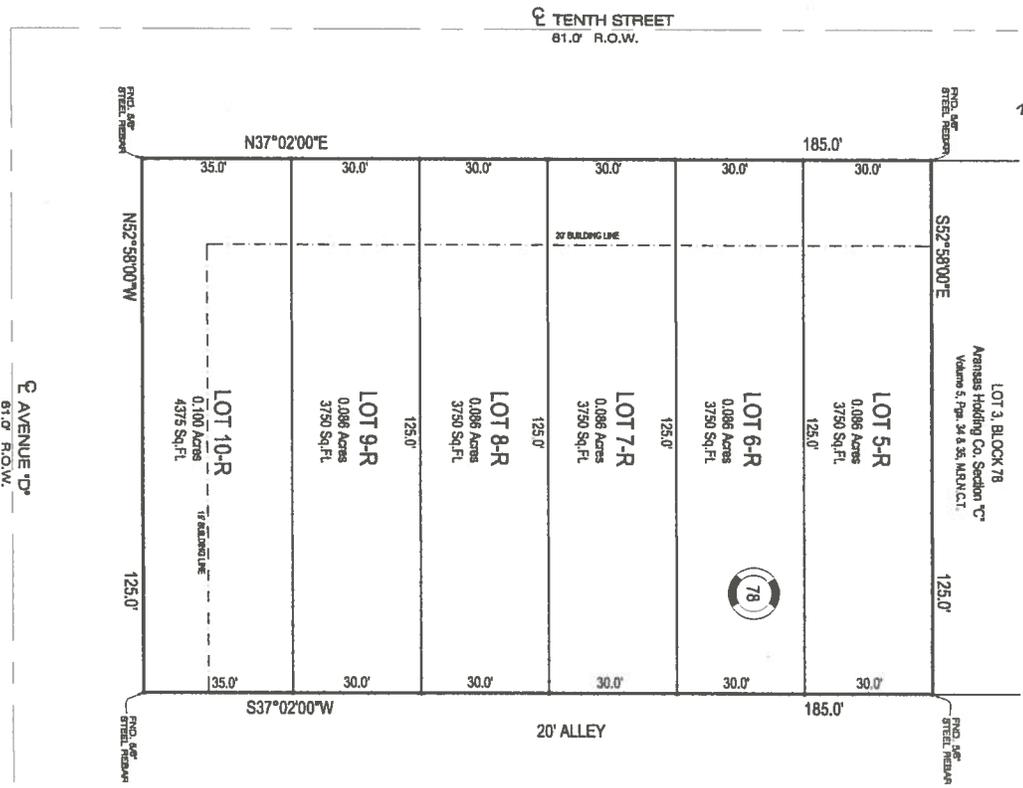
This is this \_\_\_\_ day of \_\_\_\_\_ A.D. 2014.

GEORGE HORNES, President  
AMERICAN BANK  
This is this \_\_\_\_ day of \_\_\_\_\_ A.D. 2014.  
Notary Public in and for the State of Texas

State of Texas  
County of Harris  
This plat was prepared and adopted by the  
GEORGE HORNES, President  
AMERICAN BANK  
This is this \_\_\_\_ day of \_\_\_\_\_ A.D. 2014.  
Notary Public in and for the State of Texas



Firm Name and Address  
**Orfitt & Brundrett**  
Surveying & Engineering, Inc.  
4115 West 26, P.O. Box 2122  
Houston, Texas 77071  
Tel: 281.729.4471  
Fax: 281.729.4471  
www.orfitt.com  
TENTH S. FROM NO. 1004600



**Final Plat of:**  
**LOTS 5-R, 6-R, 7-R, 8-R, 9-R AND 10-R,**  
**BLOCK 78**  
**ARANSAS HOLDING COMPANY**  
**SUBDIVISION, SECTION "C"**  
Nueces County, Texas  
City of Port Aransas

BEING A REPEAT OF LOTS 4, 5, 6, 7, 8, 9 AND 10, BLOCK 78, ARANSAS HOLDING COMPANY SUBDIVISION, SECTION "C", CITY OF PORT ARANSAS, NUECES COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 5, PAGE 34, MAP RECORDS OF NUECES COUNTY, TEXAS.



- NOTES**
- 1) 3/4" steel plates shall be used as set of all property corner stakes wherever shown.
  - 2) The following are the Distinctive Corner of all corners wherever shown: 1) 1/2" steel plate, 2) 1/2" steel plate, 3) 1/2" steel plate, 4) 1/2" steel plate.
  - 3) 1/2" steel plate, 4) 1/2" steel plate.
  - 4) Property data within the City limits of Port Aransas and rural areas shall be City, County, Neighbors and Set Backs.

**RECEIVED**  
FEB 2 2015  
BY: [Signature]

**Surveyor Certification**  
State of Texas  
County of Harris  
I, L.L. Brundrett, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that the foregoing plat was prepared from survey made on the ground under my direction and supervision, and that the same were duly and lawfully approved and adopted by the board of directors of the foregoing plat and the plat hereon.

This is this \_\_\_\_ day of \_\_\_\_\_ A.D. 2014.

L.L. Brundrett, a  
R.P.L.S.  
No. 66, 713

**City Building Official**  
State of Texas  
County of Harris  
This is this \_\_\_\_ day of \_\_\_\_\_ A.D. 2014.  
Notary Public in and for the State of Texas

**City Engineer**  
State of Texas  
County of Harris  
This is this \_\_\_\_ day of \_\_\_\_\_ A.D. 2014.  
Notary Public in and for the State of Texas

**Neices County Water Control and Improvement District No. 4**  
State of Texas  
County of Harris  
This is this \_\_\_\_ day of \_\_\_\_\_ A.D. 2014.  
Notary Public in and for the State of Texas

**Flood Data**  
This is to certify that the above described property is not in a flood hazard area as shown on the official Flood Insurance Rate Map of the United States Department of Commerce, dated \_\_\_\_\_, and that the property described herein is not in a flood hazard area as shown on the official Flood Insurance Rate Map of the United States Department of Commerce, dated \_\_\_\_\_.

**County Clerk's Certification**  
State of Texas  
County of Harris  
I, \_\_\_\_\_, County Clerk of Harris County, Texas, do hereby certify that the foregoing plat was prepared from survey made on the ground under my direction and supervision, and that the same were duly and lawfully approved and adopted by the board of directors of the foregoing plat and the plat hereon.

This is this \_\_\_\_ day of \_\_\_\_\_ A.D. 2014.

**Notary Public**  
State of Texas  
County of Harris  
This is this \_\_\_\_ day of \_\_\_\_\_ A.D. 2014.  
Notary Public in and for the State of Texas

PUBLIC HEARING

Port Aransas Planning & Zoning Commission

**NOTICE** is hereby given in accordance with Texas Local Government Code 212.04 and Port Aransas, City Code Section 25-51 (2) that the Planning & Zoning Commission will hold a Public Hearing on Monday, February 23<sup>rd</sup>, 2015 at 3:00 p.m., Port Aransas City Hall Council Chambers, 710 W Avenue A, Port Aransas, Nueces County, Texas, to consider the following item(s): Final Replat request # PROPOSED LOTS 5R, 6R, 7R, 8R, 9R, AND 10R, BLOCK 78, ARANSAS HOLDING COMPANY SECTION C, NUECES COUNTY, BEING A REPLAT OF LOTS 4-10, BLOCK 78, ARANSAS HOLDING COMPANY, SECTION C, CITY OF PORT ARANSAS, TEXAS ACCORDING TO THE PLAT RECORDED IN VOLUME 5, PAGE 34, MAP RECORDS OF NUECES COUNTY TEXAS.

The City encourages citizens to participate and make their views known at this Public Hearing. For further information on this (these) request(s) please contact the Planning & Projects Department at (361) 749-4111. This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (361) 749-4111 or FAX (361) 749-4723 or e-mail [iparker@cityofportaransas.org](mailto:iparker@cityofportaransas.org) for further information. Braille is not available.

**POSTED** this the **30th day of January, 2015** on the bulletin board at Port Aransas City Hall, 710 W Avenue A, Port Aransas, Texas and on the webpage [www.cityofportaransas.org](http://www.cityofportaransas.org) . **TIME: 1pm PUBLISHED** in *The South Jetty* in the Thursday, February 5<sup>th</sup>, 2015 Edition, in accordance with the Port Aransas Zoning Ordinance.

**CITY OF PORT ARANSAS, TEXAS**

  
Nicole Boyer, Planning Assistant



February 5, 2015

*Transmitted via email*

Nicole Boyer  
Code Compliance/Permit Clerk  
City of Port Aransas  
710 West Avenue A  
Port Aransas, Texas 78373

Subject: #FPLT-150067; Lot 5-R, 6-R, 7-R, 8-R, 9-R and 10-R, Block 78  
Aransas Holding Company Section "C", Port Aransas

Nicole,

I have reviewed the subject Plat concerning requirements established in the City of Port Aransas Codes (Chapter 21) and recommend approval.

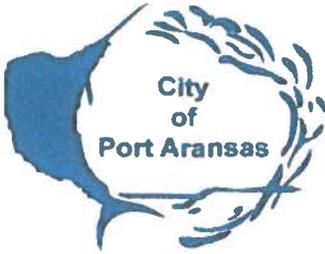
If you have any questions, please contact me at your convenience.

Sincerely,  
URBAN ENGINEERING

A handwritten signature in cursive script that reads 'Daniel Mazoch'.

Daniel Mazoch, E.I.T.

DEM/



CITY OF PORT ARANSAS  
UTILITY COMPANY RESPONSE FORM  
MINOR PLAT REQUEST  
January 30<sup>th</sup>, 2015

SCHEDULED Planning and Zoning PUBLIC HEARING DATE: Monday, February 23<sup>rd</sup>, 2015 in City Council Chambers, 710 WEST AVENUE A, PORT ARANSAS, NUECES COUNTY, TEXAS.

SUBJECT: PUBLIC COMMENT WILL BE HEARD ON FINAL PLAT APPLICATION #FPLT-150067, PROPOSED LOTS 5R, 6R, 7R, 8R, 9R, AND 10R, BLOCK 78, ARANSAS HOLDING COMPANY SECTION C, NUECES COUNTY, BEING A REPLAT OF LOTS 4-10, BLOCK 78, ARANSAS HOLDING COMPANY, SECTION C, CITY OF PORT ARANSAS, TEXAS ACCORDING TO THE PLAT RECORDED IN VOLUME 5, PAGE 34, MAP RECORDS OF NUECES COUNTY TEXAS.. REQUEST BY: Tenth Street Rental, LTD (Nick Lorette). PROPERTY LOCATION: Tenth St.

	<u>APPROVE</u>	<u>PROTEST</u>
NUECES CO. WATER DISTRICT #4	_____	_____
CENTURYLINK OF PORT ARANSAS	_____	_____
AEP TEXAS CENTRAL COMPANY	_____	_____
CITY OF PORT ARANSAS GAS DIVISION	_X_____	_____

COMMENTS: None  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BY:  DATE: January 03, 2015  
AUTHORIZED SIGNATURE



**CITY OF PORT ARANSAS  
UTILITY COMPANY RESPONSE FORM  
MINOR PLAT REQUEST  
January 30<sup>th</sup>, 2015**

**SCHEDULED Planning and Zoning PUBLIC HEARING DATE: Monday, February 23<sup>rd</sup>, 2015 in City Council Chambers, 710 WEST AVENUE A, PORT ARANSAS, NUECES COUNTY, TEXAS.**

**SUBJECT: PUBLIC COMMENT WILL BE HEARD ON FINAL PLAT APPLICATION #FPLT-150067, PROPOSED LOTS 5R, 6R, 7R, 8R, 9R, AND 10R, BLOCK 78, ARANSAS HOLDING COMPANY SECTION C, NUECES COUNTY, BEING A REPLAT OF LOTS 4-10, BLOCK 78, ARANSAS HOLDING COMPANY, SECTION C, CITY OF PORT ARANSAS, TEXAS ACCORDING TO THE PLAT RECORDED IN VOLUME 5, PAGE 34, MAP RECORDS OF NUECES COUNTY TEXAS.. REQUEST BY: Tenth Street Rental, LTD (Nick Lorette). PROPERTY LOCATION: Tenth St.**

	<u>APPROVE</u>	<u>PROTEST</u>
NUECES CO. WATER DISTRICT #4		_____
CENTURYLINK OF PORT ARANSAS	_____	_____
AEP TEXAS CENTRAL COMPANY	_____	_____
CITY OF PORT ARANSAS GAS DIVISION	_____	_____

**COMMENTS:**

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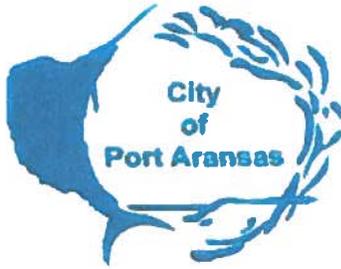


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BY:  DATE: 1/13/15  
 AUTHORIZED SIGNATURE



CITY OF PORT ARANSAS  
UTILITY COMPANY RESPONSE FORM  
MINOR PLAT REQUEST  
January 30<sup>th</sup>, 2015

SCHEDULED Planning and Zoning PUBLIC HEARING DATE: Monday, February 23<sup>rd</sup>, 2015 in City Council Chambers, 710 WEST AVENUE A, PORT ARANSAS, NUECES COUNTY, TEXAS.

SUBJECT: PUBLIC COMMENT WILL BE HEARD ON FINAL PLAT APPLICATION #FPLT-150067, PROPOSED LOTS 5R, 6R, 7R, 8R, 9R, AND 10R, BLOCK 78, ARANSAS HOLDING COMPANY SECTION C, NUECES COUNTY, BEING A REPLAT OF LOTS 4-10, BLOCK 78, ARANSAS HOLDING COMPANY, SECTION C, CITY OF PORT ARANSAS, TEXAS ACCORDING TO THE PLAT RECORDED IN VOLUME 5, PAGE 34, MAP RECORDS OF NUECES COUNTY TEXAS.. REQUEST BY: Tenth Street Rental, LTD (Nick Lorette). PROPERTY LOCATION: Tenth St.

	<u>APPROVE</u>	<u>PROTEST</u>
NUECES CO. WATER DISTRICT #4	_____✓_____	_____
CENTURYLINK OF PORT ARANSAS	_____	_____
AEP TEXAS CENTRAL COMPANY	_____	_____
CITY OF PORT ARANSAS GAS DIVISION	_____	_____

COMMENTS:

THIS PROJECT WILL REQUIRE THE INSTALLATION OF A PUBLIC SEWER LINE TO SERVE LOTS. WE WILL NEED TO ADD A SIGNATURE BLOCK FOR THE DISTRICT TO VERIFY ALL WATER & SEWER LINES HAVE BEEN INSTALLED TO DISTRICT POLICIES

BY: [Signature] DATE: FEB 2 - 2015  
AUTHORIZED SIGNATURE



**CITY OF PORT ARANSAS, NUECES COUNTY, TEXAS**

**Meeting Date: Thursday, March 19, 2015**

**AGENDA ITEM: 6-G**

Discuss and take action to confirm that “No” Dune Permit **BFDP 150035** is required for construction of improvements at Lot 2, Corder/Hall Subdivision, Port Aransas, Texas and is consistent with the City’s Coastal Management Plan. Applicant: Bob Gullacher. Property Location: 136 Dunes Dr.

**SUBMITTED BY:** Building/Development Services

**APPROVED FOR AGENDA:** *City Manager David Parsons*

**COMMENTARY:** “No” Dune Permit request BFD#150035 was submitted by Bob Gullacher for 136 Dunes Dr.

**ENGINEERING REVIEW:** Urban Engineering reviewed the referenced dune permit on February 18<sup>th</sup>, 2015 and found that the subject application is consistent with the City’s Coastal Management Plan

**PLANNING & ZONING COMMISSION RECOMMENDATION:** Approved application at the February 23<sup>rd</sup>, 2015 meeting.

**STAFF RECOMMENDATION:** Approve “No” Dune Permit BFD#150035 as presented.

## **LOT 2, CORDER /HALL SUBDIVISION, PORT ARANSAS**

### **Request for “Finding of No Dune Permit Required”**

#### **A. Introduction**

This is the application for Isle-Be-Back, LLC (“Applicant”) to establish, that no Dune Permit is required for construction of improvements at Lot 2, Corder/Hall Subdivision, Port Aransas, Texas 78373 in accordance with the restrictions of the Application.

#### **B. Legal Description:**

Lot 2, Corder/Hall Subdivision, Port Aransas

##### **Applicant/ Owner:**

Isle-Be-Back, LLC  
c/o Bob Gullacher  
P.O. Box 3173  
Port Aransas, TX 78373  
Phone: (361) 244-9689

##### **Prepared By:**

Daniel Mazoch, E.I.T.  
Urban Engineering  
Phone: (361) 854-3101  
Email: [danielm@urbaneng.com](mailto:danielm@urbaneng.com)

#### **C. Description of Proposed Construction**

Owner seeks to construct a 12’ wide, 24’ long pool at the rear of their property. Construction shall not adversely affect any critical dunes.

#### **D. Site Map**

A site map showing anticipated limits of construction has been included as Exhibit B. A site plan or architectural plans showing the proposed improvements were not available. Distance from the rear property line of Lot 2 to the Vegetation Line is 484 ft.

#### **E. Site Photographs**

Site photographs taken December 18, 2014 are included as Exhibit A.

## NO DUNE PERMIT REQUIRED DETERMINATION

On January 20, 2015 Daniel Mazoch, E.I.T. of Urban Engineering and representative for Isle-Be-Back, LLC (applicant) submitted a request of *No Dune Permit Required* for Lot 2, Corder/Hall Subdivision, Port Aransas, Nueces County, Texas. The Port Aransas Building Official has investigated the site and determined that no critical dunes conflict with the proposed construction. The Planning and Zoning Commission, therefore, finds that no dune permit is required.

A *No Dune Permit Required Determination* remains in effect for an indefinite period of time; if at any time the City Building Official (or his delegate(s)) makes the determination that critical dunes have possibly re-established on said property, the City Building Official shall cause the property owner to submit a new Dune Permit application to the City.

Signed:

  
Applicant- Bob Gullacher

Date: 1-20-2015

Signed:

\_\_\_\_\_  
Chairman of Port Aransas Planning & Zoning Commission

Date: \_\_\_\_\_

Application# \_\_\_\_\_ 136 Dunes Drive

Signed:

\_\_\_\_\_  
Mayor- City of Port Aransas

Date: \_\_\_\_\_

**LOT 2, CORDER /HALL SUBDIVISION, PORT ARANSAS**  
**BEACHFRONT CONSTRUCTION CERTIFICATE APPLICATION**  
**(SHORT FORM PASF-1)**

A. General Information:

Name: **Isle-Be-Back, LLC c/o Urban Engineering**  
Address: **P.O. Box 3173**  
**Port Aransas, TX 78373**  
Contact: **Bob Gullacher**  
Phone: **(361) 244-9689**  
Description: **Lot 2, Corder/Hall Subdivision**  
**Port Aransas, Nueces County, Texas.**

B. Describe the Proposed Construction:

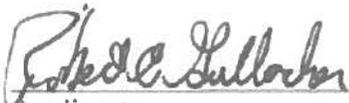
**Owner seeks to construct a 12' wide 24' long pool at the rear of their property.**  
**Construction shall not adversely affect any critical dunes.**

C. Location of Proposed Construction:

- 1.) **The distance from the most seaward building line to the line of vegetation is approximately 484 feet.**
- 2.) **The site location has been shown on a copy of sheet 8 of 9 from Attachment #2 from the Port Aransas Coastal Management Plan herein attached.**

D. FEMA Standards:

**The lowest habitable floor of the existing structure is at or above the FEMA base flood elevation for the area.**

  
Applicant: \_\_\_\_\_

1-20-2015  
Date:

**BEACHFRONT CONSTRUCTION CERTIFICATE  
(FOR PASF-1)**

The following items must be accomplished. Check box to indicate completion of item or that the statement is true.

The project has been located on a copy of Attachment #2 of the Coastal Management Plan and the location of the construction is not on an existing or future access easement. A drawing is herein attached.

The construction does not functionally support or depend on, or otherwise relate to, proposed or existing structures that encroach on the public beach.

The construction, if within 200 feet landward of the line of vegetation, does not include a retaining wall or improved surfaces.

The construction is landward of the 60 year erosion line, as depicted in Attachment #2 of the Port Aransas Coastal Management Plan.

The applicant has been informed of the need to obtain a dune permit if the construction is within 1000 feet from mean high tide.

I, \_\_\_\_\_ as the City of Port Aransas building inspection representative herein certify that I have reviewed the information presented above and any other information necessary to establish that the proposed construction is consistent with the City of Port Aransas Coastal Management Plan and that the proposed construction will not adversely affect the public access to and from the public beach.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Port Aransas Building Official

Certificate # \_\_\_\_\_ 136 Dunes Drive

Expiration Date: \_\_\_\_\_

Exhibit A: Photos



View of Lot 2 from rear facing Dunes Drive



View of Lot 2 from Dunes Drive facing the Gulf.



- LEGEND**
- PROPERTY BOUNDARY
  - BEACH ACCESS (VEHICULAR)
  - 1000' DUNE PROTECTION LINE
  - EROSION LINE
  - VEGETATION LINE
  - BEG EROSION RATE 1950s-2012 (FT/YR)



**EXHIBIT B:**  
**SITE MAP & LIMITS OF CONSTRUCTION**  
 LOT 2, CORDER/HALL SUBDIVISION  
 NUECES COUNTY, TEXAS  
 JANUARY, 2015

DISTANCE FROM NEAREST PROPERTY LINE TO	
MEAN HIGH WATER LINE	- 918 FT
VEGETATION LINE	- 484 FT
EROSION LINE	- 284 FT
DUNE PROTECTION LINE	- N/A FT

**CITY OF PORT ARKANAS**

Sheet 8 of 9 of  
 Coastal Management Plan



U.E. JOB NO. 145613.04.13  
 JAN 20, 2015 BH/  
 © 2015 by Urban Engineering



**CITY OF PORT ARANSAS, NUECES COUNTY, TEXAS**

**Meeting Date: Thursday, March 19, 2015**

**AGENDA ITEM: 6-H**

Discuss and take action on second reading of an Ordinance Amending Chapter 27 “Public Beach”, Article I. “Port Aransas Beach Park”, Division 1. “In General” Section 27-1 “Definitions” by Adding new definitions; adding a New Article II. “Beach Camping” to Establish Beach Camping Rules, Regulations and Recreational Vehicle Camping Permit Fees, Setting Limitations on Camping, Prohibitions, and Exemptions; and Providing For Severance, Reading, And Effective Date.

**SUBMITTED BY:** Development Services Director Rick Adams  
City Secretary Irma Parker

**APPROVED FOR AGENDA:** *City Manager David Parsons*

**COMMENTARY:** During the 2014 Goals Workshop, Council discussed several issues and concerns regarding camping at the Beach. In addition, several citizens have addressed the City Council during the “Citizens to be Heard” to complain about the noise, trash, blocking of beach access that occurs when recreational vehicles set-up a camp at the beach.

Police Chief Burroughs has identified several concerns and options for Council consideration at the November 20, 2014 City Council meeting. DRAFT ordinance language was presented at the December, 2014 and January, 2015 council meetings. The proposed ordinance includes all those changes and proposals discussed at previous meetings.

**1<sup>ST</sup> READING:** February 19, 2015 with amendment

**2<sup>ND</sup> READING:** **There have been no changes to form or content since 1<sup>st</sup> reading.**

**3<sup>RD</sup> READING:**

**STAFF RECOMMENDATION:** The City Council approve 2<sup>nd</sup> reading of proposed ordinance Amending Chapter 27 “Public Beach”, Article I. “Port Aransas Beach Park”, Division 1. “In General” Section 27-1 “Definitions” by Adding new definitions; adding a New Article II. “Beach Camping” to Establish Beach Camping Rules, Regulations and Recreational Vehicle Camping Permit Fees, Setting Limitations on Camping, Prohibitions, and Exemptions as presented.

ORDINANCE NO. 2015-

AN ORDINANCE OF THE PORT ARANSAS CITY COUNCIL AMENDING CHAPTER 27 "PUBLIC BEACH", ARTICLE I. "PORT ARANSAS BEACH PARK", DIVISION 1. "IN GENERAL" SECTION 27-1 "DEFINITIONS" BY ADDING NEW DEFINITIONS; ADDING A NEW ARTICLE II. "BEACH CAMPING" TO ESTABLISH BEACH CAMPING RULES, REGULATIONS AND RECREATIONAL VEHICLE CAMPING PERMIT FEES, SETTING LIMITATIONS ON CAMPING, PROHIBITIONS, AND EXEMPTIONS; AND PROVIDING FOR SEVERANCE, READING, AND EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ARANSAS, NUECES COUNTY, STATE OF TEXAS

SECTION 1. AMENDMENT

That Chapter 27 "Public Beach", Article I. "Port Aransas Beach Park", Division 1. "In General", Section 27-1. "Definitions" is hereby amended to wit:

Section 27-1. Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

\* \* \* \* \*

Camping shall mean the use of tents or other shelters, automobile trailer cars, house trailers, house cars, campers or other such vehicles for the purpose of living or sleeping quarters **and/or the act of sleeping in any public place and shall include, but is not limited to, the act of establishing or the use of any temporary shelter or conveyance, in or upon any public place, for the purpose of sleeping in or near the shelter or conveyance.**

Camper shall mean:

- 1) one that camps, such as a person lodging temporarily in a tent or cabin; or
- 2) a motor vehicle with space and equipment, either in a rear compartment or in an attached trailer, for sleeping and simple housekeeping, used for camping and recreational travel; or
- 3) the rear compartment or attached trailer of such a vehicle; or
- 4) a trucklike vehicle, van, or trailer fitted or suitable for recreational camping; and/or
- 5) each individual engaged in the act of camping to include individual(s) sleeping in any motor vehicle.

Camp Site shall mean the location and any area within fifty feet of the location used by any individual or group to camp.

\* \* \* \* \*

City beach mean the gulf beach of Mustang Island within the corporate city limits between the line of vegetation and the line of mean low tide of the Gulf of Mexico as defined in V.T.C.A., Natural Resources Code § 61.012.

\* \* \* \* \*

*Practicable alternative* means a reasonable alternative which can be put into practice and is economically and scientifically feasible

**Recreational Vehicle (RV) means a motor vehicle or trailer also identified as Class A motorhome –bus conversion, diesel pusher, Class B Motorhome – camper van, Class B+ motorhome, Class C motorhome, truck camper, pop-up camper, pop-up camper, travel trailer, teardrop trailer, hybrid trailer, fifth-wheel trailer, park model, toterhome and/or toy hauler equipped with living space and amenities found in a home and generally designed or modified for use over unimproved terrain if used for recreation or pleasure off a public way used for the purpose of living or sleeping quarters.**

*Restoration* means repairing, rehabilitating, or restoring affected dunes and dune vegetation.

\* \* \* \* \*

**RV is the abbreviation for Recreational Vehicle. See Recreational Vehicle in this Section.**

**RV Camper see Camper in this Section.**

\* \* \* \* \*

*Texas General Land Office* means the state agency constitutionally charged with the responsibility of managing our state resources for the benefit of public education. Also known as the GLO.

**Tent(s) are any awning, canopy, netting, or other temporary shelter; or any sleeping bag, bed roll or other source of cover, used to protect the user from the weather that consists of sheets of fabric or other material draped over, attached to a frame of poles or attached to a supporting rope. While smaller tents may be free-standing or attached to the ground, large tents are usually anchored using guy ropes tied to stakes or tent pegs.**

**Tent Camper see Camper.**

\* \* \* \* \*

## **SECTION 2. ADDITION.**

That Chapter 27 “Public Beach”, Article II. “Reserved”, shall be renamed as “Beach Camping” is hereby added to wit:

### **ARTICLE II. BEACH CAMPING**

#### **Section 27-50. Recreational Vehicle(s) (RV) camping permit required; permit fees established**

- (a) **Recreational Vehicle(s) camping on the beach are prohibited without a valid annual permit obtained from the City or approved vendor. The permit must be properly displayed per instructions accompanying the permit and shall be prominently displayed during the duration of the permitted stay so as to be easily visible from at least ten feet.**
- (b) **Annual camping permits may be sold by the city or any vendor approved by the city manager and the fee is set by the city council by resolution.**
- (c) **The permit is required in addition to a Beach Parking permit.**

- (d) Camping permits are non-refundable, non-transferable, revocable, licenses and may be withdrawn by order of the city manager or his designee, with or without notice or cause
- (e) The city manager or designee may waive camping permit fees for non-profit organizations.
- (f) The city council or their designee may waive camping permit fees and location restrictions for a group or organization in conjunction with a permitted event.

**Section 27-51. Limitations on camping**

**No person shall camp on the city beach for a period of time in excess of three (3) nights, during any three week period. This regulation will apply on an annual basis.**

**Section 27-52. Camping prohibitions**

- (a) Camping is prohibited in all public areas within the corporate city limits except for allowable beach camping.
- (b) Notwithstanding all other provisions contained herein, camping is prohibited within 25 feet of either edge of the obvious driving lane and in any location that would impede traffic or create an unsafe condition. Camping is also prohibited within 200 feet of any beach access road and within 50 feet of the water's edge.
- (c) No person shall erect any structure with the exception of a tent, awning, or canopy for the purpose of establishing a camp site.
- (d) Tent camping is prohibited:
  - 1. On that portion of the beach divided by bollards;<sup>1</sup>
  - 2. landward of the bollards; and
  - 3. south of the last city approved lavatory facility.
- (e) Recreational vehicle camping is prohibited in front of bollards from Memorial Day through Labor Day.

**Section 27-53. Health, safety, and sanitation of city beach**

- (a) Waste, grey or black water, from a self-contained recreational vehicle or any other portable camp toilet systems, portable showers, and kitchen or cooking waste may only be discharged at an approved facility designed for such collection.
- (b) All campsites shall be properly maintained. No trash, litter, refuse, or similar material may be visible in any campsite and all camping items shall be stored in a neat and orderly manner or outside of public view when not in use.
- (c) Any tent, awning, canopy, netting, or other temporary shelter; or any non-permitted sleeping bag, bed roll or other item left unattended on the beach or other public area for more than 24 consecutive hours shall be deemed abandoned property and may be removed and disposed of by the city, without further notice.

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<sup>1</sup> Deleted at the 2/19/2015 City Council Meeting

- (d) Any tent, awning, canopy, netting, or other temporary shelter; or any sleeping bag, bed roll or other item that is visibly broken, torn, or otherwise obviously damaged, (including damage caused by rising tides, wind, or other natural occurrences) and left unattended on the beach or other public area shall be deemed abandoned property and may be removed and disposed of by the city without further notice

**Section 27-54. Exceptions**

**This section does not apply to:**

1. Private property appropriately zoned or otherwise authorized by the city to allow for temporary, permanent, or semi-permanent, use of a(n) RV(s) for living quarters;
2. To any boat or water vessel currently registered and moored at any boat dock or lawfully anchored in any waters within the corporate city limits; and
3. Recreational Vehicle parks, resorts or campgrounds located on private property and zoned for or otherwise authorized by the city for use as a temporary camping facility.

**Sections 27-55 through 27-399 Reserved for future use.**

**SECTION 3. SEVERABILITY**

It is the intention of the City Council of the City of Port Aransas that if any phrase, sentence, section, or paragraph of this ordinance shall be declared unconstitutional or otherwise invalid by final judgment of a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remainder of this ordinance since the same would have been enacted by the City Council without the incorporation of the unconstitutional or invalid phrase, sentence, section or paragraph.

**SECTION 4. READING**

As provided by Article III, Section 13 and Article III, Section 12(b) of the Charter of the City of Port Aransas, this ordinance or the caption of it shall be read at three city council meetings with at least one week elapsing between each reading.

**SECTION 5. EFFECTIVE DATE**

As provided by Article III, Section 12.C. and by Article XII, Section 2 of the Charter of the City of Port Aransas, this ordinance shall be effective upon adoption after third and final reading and on publication in the Ordinance caption in the official newspaper of the City.

**PASSED, ORDAINED, APPROVED and ADOPTED** this the \_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, 2015.

**CITY OF PORT ARANSAS, TEXAS**

Keith McMullin, Mayor

**ATTEST:**

---

Irma G. Parker

1<sup>st</sup> Reading:

2<sup>nd</sup> Reading:

3<sup>rd</sup> Reading:



**CITY OF PORT ARANSAS, NUECES COUNTY, TEXAS**

**Meeting Date: Thursday, March 19, 2015**

**AGENDA ITEM: 6-1**

Discuss and take action to approve first reading of an Ordinance Amending Chapter 25 “Zoning”, Article I. “In General”, Section 25-1 “Definitions” By Adding Definitions for Bedroom, Sleeping Rooms, Improved Parking Surface and Vehicles; Article IV. “Supplemental District Development and Use Regulations”, Division 2. “Off-Street Parking And Loading”, Section 25-161 “Number Of Off-Street Parking Spaces Required” to Clarify and Update Off-Street Parking Requirements to Provide for Health, Safety and General Welfare of the Public; Providing for Severance, Reading, and Effective Date.

**INITIATING DEPARTMENT:** Building & Development Director Rick Adams

**APPROVED FOR AGENDA:** *City Manager David Parsons*

**COMMENTARY:** The current residential use parking requirement is generally two off street parking spaces per dwelling unit, regardless of the number of sleeping areas. Concern has been expressed in those districts allowing for transient rental of dwelling units existing parking requirement is inadequate to protect the health, welfare and safety of the general public, citizens, and visitors occupying the transient dwelling units. Staff recommends that the City should increase the requirement in all districts outside of R-1 and should consider the number of sleeping rooms in determining the number of required off-street parking spaces required. It is advisable to amend the Zoning Ordinance to require for every dwelling unit outside of an R-1, a minimum of one (1) off-street, parking space exclusive of individually owned/assigned enclosed garages, per Sleeping Area with a minimum of two (2) spaces. No required parking shall be permitted within public right-of-way or access easements as defined by City and State regulations regarding parking. It shall be unlawful for the owner, occupant or person in charge of property used for residential purposes to permit the parking, standing or storing of motor vehicles excluding recreational vehicles, on yards or lawns excluding driveways, improved parking areas, or areas screened from public view by fencing.

**1<sup>st</sup> Reading:**

**2<sup>nd</sup> Reading:**

**3<sup>rd</sup> Reading:**

**STAFF RECOMMENDATION:** City Council approve first reading of an Ordinance Amending Chapter 25 “Zoning”, Article I. Section 25-1 and Article IV. Division 2. Section 25-161 as submitted.

ORDINANCE NO. 2015-

AN ORDINANCE OF THE PORT ARANSAS CITY COUNCIL AMENDING CHAPTER 25 “ZONING”, ARTICLE I. “IN GENERAL”, SECTION 25-1 “DEFINITIONS” BY ADDING DEFINITIONS FOR BEDROOM, SLEEPING ROOMS, IMPROVED PARKING SURFACE AND VEHICLES; ARTICLE IV. “SUPPLEMENTAL DISTRICT DEVELOPMENT AND USE REGULATIONS”, DIVISION 2. “OFF-STREET PARKING AND LOADING”, SECTION 25-161 “NUMBER OF OFF-STREET PARKING SPACES REQUIRED” TO CLARIFY AND UPDATE OFF-STREET PARKING REQUIREMENTS TO PROVIDE FOR HEALTH, SAFETY AND GENERAL WELFARE OF THE PUBLIC; PROVIDING FOR SEVERANCE, READING, AND EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ARANSAS, NUECES COUNTY, STATE OF TEXAS

SECTION 1. AMENDMENT

That Chapter 25 “Zoning”, Article I. “Definitions”, Section 25-1 “Definitions” is amended to wit:

Sec. 25-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

\* \* \* \* \*

~~Bedroom unit is any room in a dwelling unit in which fixtures or furnishings are provided for sleeping. This shall not be interpreted to include a room in which furniture such as fold down beds or convertible couches are provided on a permanent basis for regular accommodation of residents, temporary or otherwise~~ See Sleeping Room.

\* \* \* \* \*

Improved Parking Surface – means an all-weather surface, such as concrete, asphalt and gravel (gravel surface must be maintained at a level of three (3”) inches), which is clearly delineated by curbs, landscaping or other feature to distinguish the parking area from the remainder of the yard.

\* \* \* \* \*

Sleeping Room means any enclosed habitable space within a dwelling unit which complies with the minimum room dimension requirements of the adopted International Residential Code and has:

- 1. A closet; or
- 2. An area that is usable as a closet; or
- 3. An area that is readily convertible for use as a closet.

This shall not be interpreted to include living rooms, family rooms and other similar rooms in which furniture such as fold-down beds or convertible couches are provided on a permanent basis for regular accommodation or residents, temporary or otherwise. Occupancy loads to be determined by administrator.

\* \* \* \* \*

Vehicle – means any conveyance in or by which people or objects are transported, especially one fitted with wheels, and propelled or drawn by mechanical power. This term includes but is not limited to motorcycles, recreational vehicles, motor homes, commercial vehicles, boats.

\* \* \* \* \*

## SECTION 2. AMENDMENT

That Chapter 25 “Zoning”, Article IV. “Supplemental District Development and Use Regulations”, Division 2. “Off-Street Parking and Loading” Section 25-161 “Number of off-street parking spaces required” is amended to wit:

### Sec. 25-161. - Number of off-street parking spaces required.

In computing the number of parking spaces required, the following rules shall govern:

- (1) ~~Parking requirements based on square footage shall be based upon the gross floor area, unless otherwise stated. Service areas such as mechanical rooms, restrooms, and closets shall be included in the calculation of "gross floor area" for determining required parking spaces;~~ Off-street parking spaces shall be provided upon the erection of any building or structure. Whenever a building or use constructed or established after the effective date of this section is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, floor area or otherwise, parking requirements shall be met on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this section is enlarged, the enlarged building or increased use shall then and thereafter comply with the parking requirements set forth herein;
- (2) ~~Where fractional spaces result in computing required parking spaces, the required number of spaces must be increased to the nearest whole number;~~ In all zoning districts off-street parking requirements are exclusive of individually owned/assigned enclosed garages. Common use covered garage spaces (example: a parking garage) in multi-family uses shall be counted towards parking requirements;
- (3) ~~In all zoning districts off street parking requirements are exclusive of individually owned/assigned enclosed garages. Common use covered garage spaces (example: a parking garage) in multi family uses shall be counted towards parking requirements;~~ The parking space requirements for a use not specifically listed shall be the same as those for the most similar to the proposed use, as determined by the administrator;
- (4) ~~The parking space requirements for a use not specifically listed shall be the same as those for the most similar to the proposed use, as determined by the administrator;~~ Where fractional spaces result in computing required parking spaces, the required number of spaces must be increased to the nearest whole number;
- (5) ~~Whenever a building or use constructed or established after the effective date of this article is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise, parking requirements shall be met on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this chapter is enlarged, the enlarged building or increased use shall then and thereafter comply with the parking requirements set forth herein;~~ In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately;
- (6) ~~In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately;~~ When a developer presents an alternative development plan (i.e. PUD, CUD, NUD) and can demonstrate that such development will require fewer parking spaces than required by the standards of this section without endangering the health, safety and general welfare of the public, the administrator may permit a reduction in the number of required parking

spaces for the development. Such a reduction in parking spaces shall be justified through the development of a parking study prepared by a professional engineer or transportation planner and submitted to the administrator. The balance of the land necessary to meet these requirements shall be held in reserve as an undeveloped area, to meet any future needs generated by an expansion of the business, a change in land use, or underestimated parking demand;

- (7) Where requirements are established on the basis of the number of seats, such requirements shall be based on the seating capacity as determined by the building official; **Stacked parking shall be permitted for residential dwelling units only, where the required parking can be assigned to a particular dwelling unit. The stacking of parking for a commercial use shall be prohibited except where expressly allowed. Additional parking approved in a separately designated area or by an approved Alternative Park Plan as described in this Division, must be within two hundred fifty (250') feet of the lot or property for which the parking is being required.**
- (8) When the developer of a large scale development can demonstrate that such development will require fewer parking spaces than required by the standards of this section the administrator may permit a reduction in the number of required parking spaces for the development. Such a reduction in parking spaces shall be justified through the development of a parking study prepared by a professional engineer or transportation planner and submitted to the administrator. The balance of the land necessary to meet these requirements shall be held in reserve as an undeveloped area, to meet any future needs generated by an expansion of the business, a change in land use, or underestimated parking demand; **Parking is expressly prohibited in any location that introduces into the public right-of-way (including sidewalks) or obstructs visibility from adjacent driveways or street corners or results in a safety issue for city emergency response vehicles;**
- (9) Stacked parking shall be permitted for residential dwelling units only, where the required parking can be assigned to a particular dwelling unit. The stacking of parking for a commercial use shall be prohibited except where expressly allowed; **Except as provided in this Division, it shall be unlawful to park, stand or store any vehicle excluding Recreational Vehicles, on an unimproved surface or vegetated landscaped area within the Front or Side Yards of a Residential Area property. The provisions of this section shall not apply to:**
- a) **Property in a Residential Area currently served by a driveway which does not constitute an Improved Parking Surface at the time this ordinance is adopted. Parking in this instance shall continue to use material similar to the existing onsite driveway material however, at such time there is a change in use or such existing residence is completely rebuilt, or improvements to the same real property constitute 50 percent or more of the property's total assessed value, compliance with this section shall be required.; or**
  - b) **Vehicles parked in the Rear Yard or located in the Side Yard completely screened from public view by the use of manmade or natural screening; or**
  - c) **Vehicles left standing for forty eight (48) hours or less due to a mechanical defect which makes it unsafe to move such Vehicle; or**
  - d) **The owner or operator of the Vehicle is in the actual course and scope of loading or unloading goods or equipment; or**
  - e) **The owner or operator is in the actual course and scope of washing or cleaning the Vehicle.**
- (10) **Parking requirements based on square footage shall be based upon the gross floor area, unless otherwise stated. Service areas such as mechanical rooms, restrooms, and closets shall be included in the calculation of "gross floor area" for determining required parking spaces; Where requirements are established on the basis of the number of seats, such requirements shall be based on the seating capacity as determined by the administrator or building official; Where the basis for parking requirements are the number of bedrooms/sleeping areas, such requirements shall be based on a determination by the administrator or building official.**

Minimum Off-Street Parking Requirements: **SA – Sleeping Area; DU – Dwelling Unit**

USE	CATEGORY	UNIT	PARKING SPACES PER UNIT	PLUS SPACES FOR: ADDITIONAL INFORMATION
<b>Residential</b>	R-1 Single-Family Dwelling	DU	2.0	<b>No transient rental allowed.</b>
	Townhouse	DU	2.0	
	Multi-Family:	-		
	1 Bedroom	BR	1.5	
	2 Bedroom	BR	2.0	
	3 Bedroom +	BR	2.25	
	Duplex Single Family Detached Condominium	DU	2.0	
	HUD-Code Manufactured Home	DU	2.0	<b>Transient rental of HUD Manufactured Home is not allowed.</b>
	Studio/One Bedroom Efficiency	per Bedroom	1.0	
	<b>All Dwelling Units (A.D.U.) Other than R-1</b>	per Bedroom <b>SA</b>	1.0	<b>2 space minimum per dwelling unit excluding ADU see section. Occupancy load to be determined by administrator.</b>
Bed & Breakfast	per Bedroom <b>SA</b>	1.0	<b>1 Additional parking space required for proprietor</b>	
<b>Commercial</b>	Arcades, Game Room		1.0	For every 250 SF of Gross Floor Space
	Airport			As determined by the Administrator
	Auto - Repair, Sales, Rentals		1.0	For every 400 SF of gross floor area.
	Auto - Service Station		2.0	Four (4) spaces for each service bay.
	Auto - Wash	Wash Bay	2.5	Each stall shall have a minimum on-site storage lane capacity of three (3) motor vehicles.
	Bank, Savings & Loan, Financial Institution	250 SF	1.0	Each drive-in teller window or ATM machine shall have a minimum on-site storage lane capacity of three (3) motor vehicles.
	Barbershop, Beauty Parlors	Each Employee Station	2.0	
	Bowling Alley			As determined by the Administrator
	Car Wash (Self-Serve)	Wash Bay	1.0	1.0 Space per Vacuum Bay

	Churches/Other Places or Public Assembly			1 space for every three (3) seats within the main auditorium OR if there are no fixed seats, 1 space for every 35 SF of Gross Floor Area within the main auditorium.
	Convalescent, Nursing Homes	Bed	0.25	
	Convenience Stores	250 SF	1.0	
	Day Care Center, Nursery Schools	250 SF	1.0	
	Driving Range - Golf	Tee Station	1.0	
	Golf Course - Regulation	Hole	6.0	
	Health Studio/Club	250 SF	1.0	
	Hospital			As determined by the Administrator
	Hotel/Motel	DU/room	1.0	1 space for every 200 SF Meeting Room
	Laundromat	250 SF	1.0	
	Lumber Yards, Nursery	250 SF	1.0	Plus 1 space for every 5,000 SF of exterior ground area.
	Manufacturing			As determined by the Administrator
	Medical, Dental, Clinic - Offices	200 SF	1.0	
	Miniature Golf	Hole	1.5	
	Mini-storage, Boat Barns			No minimum parking shall be required for the mini-storage units provided that the aisle widths between buildings are a minimum of 18 FT and through access or turnaround space is provided. Parking shall be required for the square footage devoted to other uses on the Site.
	Neighborhood Pocket Parks			Minimum 1 Handicap Parking Space per Park
	Night Clubs	75 SF	1.0	
	Office Buildings - Administrative, Business, Governmental, Utility	250 SF	1.0	
	Restaurant	Per 4 seats	1.0	Administrator may charge for open spaces that show no tables, such as deck space or space at bar showing no bar stools.
	Retail Sales & Service - Department Store	250 SF	1.0	
	Retail Sales & Service - Furniture/Appliance Store	500 SF	1.0	
	Rooming, Boarding, Bed & Breakfast		1.0	For every Room for Rent
	Shopping Strip Centers	250 SF	1.0	Covers all Tenant uses

	Theaters, Movies	Seat	0.25	Plus 1 space for each employee on biggest shift
	Theme, Amusement Parks			As determined by the Administrator
	Warehouse, Storage			1 space for every 1,000 SF of Gross Floor Area for the first 20,000 SF devoted to warehousing
	Vending Machine, Kiosk in existing Parking Lot	Per Employee	1.0	3 On-Site Stacking spaces per window (cannot take away required parking)
<b>Marine-Related</b>	Dry Boat Storage Facility	Per Boat Space	0.5	1 Parking Space for every 4 boat storage spaces. Required auto parking spaces cannot be used for wash/dry racks or for boats or trailers.
	Party Vessels: Fishing, Sight-Seeing, Dining			1 Space per 3 Seats on Boat plus 1 space for crew per boat. Stacking of vehicles is allowed, plus required parking for any other uses on the Site.
	Marinas	Per Public/Private Slip	1.5	And additional parking requirements for other uses specified herein.

**SECTION 3. SEVERABILITY**

It is the intention of the City Council of the City of Port Aransas that if any phrase, sentence, section, or paragraph of this ordinance shall be declared unconstitutional or otherwise invalid by final judgment of a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remainder of this ordinance since the same would have been enacted by the City Council without the incorporation of the unconstitutional or invalid phrase, sentence, section or paragraph.

**SECTION 4. READING**

As provided by Article III, Section 13 and Article III, Section 12(b) of the Charter of the City of Port Aransas, this ordinance or the caption of it shall be read at three city council meetings with at least one week elapsing between each reading.

**SECTION 5. EFFECTIVE DATE**

As provided by Article III, Section 12.C. and by Article XII, Section 2 of the Charter of the City of Port Aransas, this ordinance shall be effective upon adoption after third and final and after publication of the ordinance caption in the city’s official newspaper.

**PASSED, ORDAINED, APPROVED** and **ADOPTED** this the \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_ **2015.**

**CITY OF PORT ARANSAS, TEXAS**

\_\_\_\_\_  
Keith McMullin, Mayor

**ATTEST:**

\_\_\_\_\_  
Irma G. Parker, City Secretary

1<sup>st</sup> Reading:  
2<sup>nd</sup> Reading:  
3<sup>rd</sup> Reading:



**CITY OF PORT ARANSAS, NUECES COUNTY, TEXAS**

**Meeting Date: Thursday, March 19, 2015**

**AGENDA ITEM: 6-J**

Discuss and take action to approve first reading of an Ordinance Amending Chapter 21 “Subdivisions”, Article IX. “Requirements for Improvements, Reservations and Design”, Division 10. “NUD Neighborhood Unit Development”, Section 21-243(f) “Minimum Requirements” and Division 11. “CUD Cottage Unit Development”, Section 21-258(f) “Minimum Requirements” to Clarify and Update Off-Street Parking Requirements to Provide for Health, Safety and General Welfare of the Public; Providing for Severance, Reading, and Effective Date.

**INITIATING DEPARTMENT:** Building & Development Director Rick Adams

**APPROVED FOR AGENDA:** *City Manager David Parsons*

**COMMENTARY:** This ordinance compliments the previously discussed proposed ordinance amendment Chapter 25 “Zoning” which also deals with parking requirements. However, since this ordinance amends a different chapter – Chapter 21 “Subdivisions” an additional ordinance is required.

**1<sup>st</sup> Reading:**

**2<sup>nd</sup> Reading:**

**3<sup>rd</sup> Reading:**

**STAFF RECOMMENDATION:** City Council approve first reading of an Ordinance Amending Chapter 21 “Subdivisions”, Article IX. “Requirements for Improvements, Reservations and Design”, Division 10. “NUD Neighborhood Unit Development”, Section 21-243(f) “Minimum Requirements” and Division 11. “CUD Cottage Unit Development”, Section 21-258(f) “Minimum Requirements” as submitted.

ORDINANCE NO. 2015-

AN ORDINANCE OF THE PORT ARANSAS CITY COUNCIL AMENDING CHAPTER 21 "SUBDIVISIONS", ARTICLE IX. "REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS AND DESIGN", DIVISION 10. "NUD NEIGHBORHOOD UNIT DEVELOPMENT", SECTION 21-243(F) "MINIMUM REQUIREMENTS" AND DIVISION 11 "CUD COTTAGE UNIT DEVELOPMENT", SECTION 21-258(F) "MINIMUM REQUIREMENTS" TO CLARIFY AND UPDATE OFF-STREET PARKING REQUIREMENTS TO PROVIDE FOR HEALTH, SAFETY AND GENERAL WELFARE OF THE PUBLIC; PROVIDING FOR SEVERANCE, READING, AND EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ARANSAS, NUECES COUNTY, STATE OF TEXAS

**SECTION 1. AMENDMENT**

That Chapter 21 "Subdivisions", Article IX. "Requirements For Improvements, Reservations and Design", Division 10 "NUD Neighborhood Unit Development" Section 21-243 "Minimum Requirements" is amended to wit:

Division 10. "NUD - Neighborhood Unit Development Center"

\* \* \* \* \*

**Section 21-243. Minimum requirements**

\* \* \* \* \*

(f) *Interior site requirements*

\* \* \* \* \*

- (3) Parking requirements. ~~There shall be a minimum of three and one half (3.5) parking spaces for every dwelling unit within the NUD, two (2) of which shall be within the driveway or carport of a residential lot or off street. All other parking shall be on street parking or in a separately designated area so long as the area is within two hundred (200') feet of the abovementioned lot.~~ Parking shall be convenient to all dwelling units or other uses, and where appropriate, common driveways, parking areas, walks and steps shall be provided and maintained. Garages shall not be considered as parking spaces in order to meet this any parking requirements. See Chapter 25 "Zoning" for additional parking requirements.

\* \* \* \* \*

**SECTION 2. AMENDMENT**

That Chapter 21 "Subdivisions", Article IX. "Requirements For Improvements, Reservations and Design", Division 11 "CUD - Cottage Unit Development" Section 21-258 "Minimum Requirements" is amended to wit:

\* \* \* \* \*

(f) *Interior site requirements*

\* \* \* \* \*

- (4) *Parking requirements.* ~~There shall be a minimum of two (2) off street parking spaces for every dwelling unit within the CUD. All other parking shall be on street parking or in a separately~~

~~designated area as long as the area is within two hundred (200') feet of the abovementioned lot.~~ Parking shall be convenient to all dwelling units or other uses, and where appropriate, common driveways, parking areas, walks and steps shall be provided and maintained. Garages shall not be considered as parking spaces in order to meet ~~this~~ **any parking** requirements. **See Chapter 25 “Zoning” for additional parking requirements.**

\* \* \* \* \*

**SECTION 3. SEVERABILITY**

It is the intention of the City Council of the City of Port Aransas that if any phrase, sentence, section, or paragraph of this ordinance shall be declared unconstitutional or otherwise invalid by final judgment of a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remainder of this ordinance since the same would have been enacted by the City Council without the incorporation of the unconstitutional or invalid phrase, sentence, section or paragraph.

**SECTION 4. READING**

As provided by Article III, Section 13 and Article III, Section 12(b) of the Charter of the City of Port Aransas, this ordinance or the caption of it shall be read at three city council meetings with at least one week elapsing between each reading.

**SECTION 5. EFFECTIVE DATE**

As provided by Article III, Section 12.C. and by Article XII, Section 2 of the Charter of the City of Port Aransas, this ordinance shall be effective upon adoption after third and final and after publication of the ordinance caption in the city’s official newspaper.

**PASSED, ORDAINED, APPROVED and ADOPTED** this the \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_ **2015.**

**CITY OF PORT ARANSAS, TEXAS**

\_\_\_\_\_  
Keith McMullin, Mayor

**ATTEST:**

\_\_\_\_\_  
Irma G. Parker, City Secretary

1<sup>st</sup> Reading:  
2<sup>nd</sup> Reading:  
3<sup>rd</sup> Reading:



**CITY OF PORT ARANSAS, NUECES COUNTY, TEXAS**

**Meeting Date: Thursday, March 19, 2015**

**AGENDA ITEM: 6-K**

Discuss and take action on a Resolution approving a contract agreement between the City of Port Aransas, Community Presbyterian Church, and Port Aransas Softball League for use of Jerry McDonald Field for one-year and one five-year extension; and authorize the city manager to sign said agreement.

**SUBMITTED BY:** City Secretary Irma Parker

**APPROVED FOR AGENDA:** *City Manager David Parsons*

**COMMENTARY:** The current contract agreement for use of Jerry McDonald Field expired on January 15, 2015. This agreement is the same as adopted in 2009 with grammar and format modifications.

**STAFF RECOMMENDATION:** The City Council Resolution approving a contract agreement between the City Of Port Aransas, Community Presbyterian Church, and Port Aransas Softball League for use of Jerry McDonald Field as presented.

**RESOLUTION NO. 2015 –**

**A RESOLUTION OF THE PORT ARANSAS CITY APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF PORT ARANSAS, COMMUNITY PRESBYTERIAN CHURCH, AND PORT ARANSAS SOFTBALL LEAGUE FOR USE OF JERRY MCDONALD FIELD FOR ONE-YEAR AND ONE FIVE-YEAR EXTENSION; AND AUTHORIZE THE CITY MANAGER TO SIGN SAID AGREEMENT.**

**WHEREAS**, the Community Presbyterian Church (Church) of Port Aransas owns property between Alister and 9<sup>th</sup> Streets with the southwest portion of said property being the location of a softball field; and

**WHEREAS**, in service to the Port Aransas Community the Church has participated in the construction of a baseball diamond, bleachers, back-stop, fences and associated facilities for the use of the Port Aransas Softball League and other baseball teams; and

**WHEREAS**, as a partner in the Port Aransas Community, the City of Port Aransas has worked in conjunction with the Church to provide a clean and well maintained facility named in honor of Jerry Cecil McDonald the only Port Aransan who died in the Vietnam War in 1969.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ARANSAS, NUECES COUNTY, TEXAS:**

**Section 1.** The Port Aransas City Council authorizes executing this contract agreement between the City, Community Presbyterian Church and the Port Aransas Softball League for use of Jerry McDonald Field.

**Section 2.** The Port Aransas City Council authorizes the city manager to sign said contract agreement for the terms and conditions herein stated as attached hereto as Exhibit 1.

**PASSED and ADOPTED** at a meeting of the Port Aransas City Council on this the \_\_\_\_\_ day of **MARCH, 2015.**

**CITY OF PORT ARANSAS, TEXAS**

\_\_\_\_\_  
Keith McMullin, Mayor

**ATTEST:**

\_\_\_\_\_  
Irma G. Parker, City Secretary



# Jerry McDonald Field Use Agreement

**CITY OF PORT ARANSAS,  
COMMUNITY PRESBYTERIAN CHURCH,  
AND  
PORT ARANSAS SOFTBALL LEAGUE**

This AGREEMENT is made and entered into on the \_\_\_\_ day of *March*, 2015, by and between the CITY OF PORT ARANSAS, NUECES COUNTY, TEXAS hereinafter called "*CITY*", and the COMMUNITY PRESBYTERIAN CHURCH, Port Aransas, Nueces County, Texas, a duly organized Congregation of the Presbyterian Church (U.S.A.), incorporated, as a non-profit corporation in accordance with the laws of the State of Texas, hereinafter called "*CHURCH*", represented herein by the Moderator and Clerk of the Session, who have been duly authorized to enter into this agreement and

PORT ARANSAS SOFTBALL LEAGUE, an unincorporated association, organized and existing in the City of Port Aransas, Nueces County, Texas, for the purpose of organizing, financing, supervising and operating one or more adult softball leagues in the City of Port Aransas, Texas, hereinafter called "*LEAGUE*", represented herein by its President and the undersigned Directors, who have been duly authorized by the *LEAGUE* to enter into this agreement.

**WHEREAS**, *CHURCH* is the owner in fee simple of the certain tract of land in the City of Port Aransas, Nueces County, Texas, extending from Avenue B to Avenue C, between Alister Street and Ninth Street, the southwest portion of which is known as Jerry McDonald Field, on which there has been constructed a baseball diamond, bleachers, back-stop, fences and associated facilities hereinafter called the "*FIELD*"; and

**WHEREAS**, it has been customary in past years for the *CHURCH*, as a community service, to permit use of the *FIELD* by the *LEAGUE* and other baseball teams in the City of Port Aransas, during the annual baseball season upon the following terms and conditions:

1. That such use shall not result in any charge, cost or expense to the *CHURCH*;
2. That the *FIELD* be cleaned and maintained by the users;
3. That all necessary facilities, building, grading and landscaping be constructed and installed only after prior approval by the *CHURCH* and that the cost of same be borne by the user, the *CITY* or some other civic organization or source arranged for by the user;
4. That the *CHURCH* be held harmless and indemnified against all loss and against all claims for damages based upon the use of the *FIELD*

by the user.

It is further understood that use of the FIELD in prior years does not and has not created any implied or prescriptive right, title, interest or easement in favor of the public, the City of Port Aransas or any other person or entity and all such prior use, as well as the use herein permitted, has been and will be, temporary and intermittent and pursuant to a license granted by the *CHURCH*.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ARANSAS, TEXAS** for and in consideration of the mutual promises and agreements contained herein, *CHURCH* and *LEAGUE* hereby agree as follows:

## **Article I. Church**

### **Section 1.01 Term.**

The *CHURCH* hereby grants a LICENSE and PERMIT to the *LEAGUE* to use the FIELD during the period from the date hereof thru January 31, 2016 for the purpose of playing regularly scheduled league baseball games, make-up games, play-off games, practice games and tournaments, in addition to limited practice sessions. This agreement shall be automatically renewed from year to year for an additional five (5) years, unless one of the parties, including the City of Port Aransas, shall give written notice to the others of an intent not to renew not later than January 15, 2016 or January 15th of any succeeding year.

### **Section 1.02 Days and hours of authorized field use.**

The *LEAGUE* may use the FIELD for the foregoing purposes at the following times during the license period:

<b>DAY OF WEEK</b>	<b>TIMES</b>
Monday, Tuesday, Thursday, Friday	5:30 pm to 11:00 pm
Wednesday	8:00 pm to 11:00 pm
Saturday	8:00 am to 11:00 pm
Sunday (Practice Only)	1:30 pm to 6:00 pm

### **Section 1.03 Permission required**

There will be no games or practice and the *LEAGUE* has no right to use the FIELD at any time not specified above, except for necessary cleaning or maintenance, without prior permission from the *CHURCH*.

### **Section 1.04 No Sunday games**

There will be no games on Sunday. ~~and~~ Sunday use is limited to practice only.

### **Section 1.05 Game Schedules**

Scheduling of all games, play-off games, make-up games and tournaments is the responsibility of the LEAGUE. Practices may be scheduled for any period during which the LEAGUE is authorized to use the FIELD, if no games are scheduled. The CHURCH will be furnished with copies of all schedules for games and practices upon request.

## **Article II. LEAGUE**

### **Section 2.01 Player's Agreement**

The LEAGUE will require each player to sign a separate individual Player's Agreement which shall include:

- a) An understanding of the requirement to clean the FIELD after each game and practice session; and that CHURCH shall have the right to clean FIELD and be reimbursed by the LEAGUE for the cost of same, if after any game or practice the FIELD has not been cleaned and the LEAGUE fails to clean the field within 12 hours after notice that such cleaning is required.
- b) A release and hold harmless agreement, releasing, relieving and exonerating the CHURCH from any liability for any claim of injury or damage suffered by any player while using the FIELD, coupled with an agreement by each player not to make any such claim against the CHURCH and waiving any and all right of such player to bring suit against the CHURCH for any loss, expense or damage which occurs while using the FIELD pursuant to this agreement.
- c) The agreement of each player not to possess or use on the FIELD any beer wine, alcoholic beverage, or any illegal substance or drug and to abide by all laws, regulations and rules prohibiting the same.

### **Section 2.02 Cleaning after use**

The LEAGUE will cause the FIELD to be cleaned after each game or practice Session and all paper, cans, bottles, and other trash will be collected and deposited in trash receptacles designed for that purpose.

### **Section 2.03 Cleaning of field facilities**

The LEAGUE will be responsible for all restrooms, concessions and other facilities on the FIELD and shall insure that the same are clean and presentable after each game.

### **Section 2.04 Damage to Church building(s)**

The LEAGUE will be responsible for damage to CHURCH buildings, such as broken windows or other damage and will cause such damage to be repaired at the LEAGUE'S expense.

### **Section 2.05 General Maintenance and Repairs**

The LEAGUE will be responsible for the condition and maintenance of the FIELD and for the care and installation of all facilities and improvements necessary for the conduct of baseball games and the accommodation of spectators. Existing structures will be repaired or replaced with new facilities as necessary and new facilities will be installed at the expense of the LEAGUE and at no expense to the CHURCH. All repairs and improvements will be coordinated and approved by the CHURCH in advance.

### **Section 2.06 Civic Group Operation of Concession Stand**

The LEAGUE may permit the concession stand to be operated by civic groups under such arrangements for a division or retention of any money received as the LEAGUE in its discretion deems appropriate.

### **Section 2.07 Signage or distribution of Events on Field**

The LEAGUE may indulge in limited advertising as a fund-raising device, but any advertising on the FIELD involving the erection of signs or distribution of leaflets or flyers shall be subject to the prior approval of the CHURCH.

### **Section 2.08 Right, License and Permit**

In consideration of the right, license and permit to use the FIELD as set forth above, the LEAGUE agrees to abide by the conditions set forth on page one hereof and to assume responsibility for and to supervise and manage the formation, operation and activities of one or more adult baseball leagues and member teams during the course of play for the 2015 Season, in accordance with appropriate rules to be adopted by the LEAGUE. Such rules and supervision will include scheduling of all games, make-up games, play-off games, tournaments, championships and practice sessions and the supervision of the field and all participants, including players, coaches, managers, team personnel, umpires and spectators during all games and practices.

## **Article III. City of Port Aransas**

### **Section 3.01 Grounds and facility maintenance**

The CITY will provide grounds and facility maintenance as outlined below:

- (a) ~~City staff will m~~**M**ow, weed-eat, edge and trim ball field, outside perimeter, and sidewalk along Alister Street;
- (b) Remove infield grass growth;
- (c) Spray field for weeds and **sand or grass burs** ~~burs~~ on a scheduled contract.

#### **Building**

- ~~a. Concession stand — city will provide repairs to building.~~
- ~~b. Restrooms — City will provide general maintenance and cleaning.~~
- ~~e. Scorer's booth — City will provide general repairs to facility.~~

- (d) **Provide general repairs, cleaning and maintenance to the Concession Stand building, Restroom Facilities, and Scorer's Booth; and**
- (e) **~~Power Poles~~— City will insure and provide for replacement of Power poles (excluding general maintenance, bulb replacement and fixture repair/replacement).**

#### **Article IV. ADDITIONAL CONSIDERATION**

Notwithstanding anything to the contrary contained herein, CHURCH and LEAGUE agree and understand that this agreement is subject to the following additional terms and conditions.

##### **Section 4.01 Insurance**

LEAGUE, at its own expense, shall provide and keep in force public liability insurance for the benefit of CHURCH and LEAGUE jointly against liability for bodily injury and property damage in an amount of not less than Three Hundred Thousand and No/100ths (\$300,000.00) Dollars for injury to or death of one person in any one occurrence and in an amount of not less than Five Hundred Thousand and No/100ths (\$500,000.00) Dollars for injury to or death of more than one person in any one accident or occurrence, and in the amount of not less than One Hundred Thousand and No/100ths (\$100,000.00) Dollars per occurrence in respect to damage to property, such limits to be for any greater amounts as may be reasonably indicated by circumstances from time to time existing. LEAGUE shall furnish CHURCH with certificates of such policies within thirty (30) days of the commencement date of this Agreement and whenever required shall satisfy CHURCH that such policy is in full force and effect. Such policy shall further provide that it shall not be cancelled or altered without ten (10) days prior written notice to CHURCH. Failure to provide CHURCH the certificate of insurance as provided in this paragraph will be deemed a breach and default of this Agreement, which breach and default shall be grounds for the termination of said Agreement in accordance with the provisions contained herein below.

##### **Section 4.02 Indemnification**

LEAGUE shall indemnify and hold harmless CHURCH from and against any and all claims arising from LEAGUE'S use of the FIELD or the conduct of its business or from any activity, work, or thing done, permitted or suffered by LEAGUE in or about the FIELD, and shall further indemnify and hold harmless CHURCH against and from any and all claims arising from any breach or default in the performance of any obligation on LEAGUE'S part to be performed under the terms of this Agreement or arising from any act, neglect, fault or omission of LEAGUE, or its agents, officers, members, participants or employees, and from and against all costs, attorney fees, expenses and liabilities incurred in or about such claim or any action or proceeding brought thereon. LEAGUE, as a material part of the consideration to CHURCH, hereby assumes all risk of damage to property or injury to persons in or about the FIELD from any cause whatsoever except that which is caused by the failure of CHURCH to observe any of the terms and conditions of this Agreement. The obligations of LEAGUE under this Paragraph arising by reason of any occurrence taking place during the term of this Agreement, or any extensions thereof, shall survive any termination of this Agreement.

### **Section 4.03 Alternate Dispute Resolution**

CHURCH has adopted and has in place an Alternate Dispute Resolution Policy which is applicable to all contractual agreements that CHURCH is a party to including the Agreement with LEAGUE. This policy is as follows: "CHURCH, its members and its officers recognizes that there are many advantages to using mediation and arbitration to settle any and all legal disputes and claims, including, but not limited to, all those arising from or in the course of operating and maintaining the CHURCH and its properties. For many reasons, lawsuits and court actions are disadvantageous to both the CHURCH and the CHURCHS' customers, clients, officers, members, guest, renters, vendors, suppliers, purchasers, licensees, invitees, contractors, agents and employees ("Contractor(s)") and that the many benefits and advantages to all parties include: speed of process, cost effectiveness, use of trained and professional problem solvers, privacy and confidentiality, and complete due process and fairness to all parties. In consideration of these many benefits and other consideration, CHURCH has adopted a policy that shall govern the resolution of all claims and disputes between them. All Contractors will be required to sign a Dispute Resolution Agreement. The Agreement shall include all such claims and disputes involving CHURCH customers and clients, all agents and other employees, all subsidiaries, affiliates and parent companies and any other person or entity that has signed or agreed to the document.

Any claim or dispute between CHURCH and any Contractor or against the persons or entities named above, whether related to the operation or maintenance of the CHURCH or otherwise, including those created by constitution, practice, common law, court decision, or statute, now existing or created later, including any related to allegations of violations of state or federal statutes related to discrimination, and all disputes about the validity of the arbitration clause, shall be exclusively resolved as follows:

- 1) By attempting settlement by mediation, under the Mediation Rules of and utilizing a neutral mediator; and, failing settlement by mediation,
- 2) All claims and disputes, including those of jurisdiction and arbitrability, shall be resolved by neutral binding arbitration by the National Arbitration Forum ("NAF"), under the Agreement and Code of Procedure of NAF in effect at the time that any claim is made, which Agreement and Code are incorporated herein by reference. The parties stipulate that the Agreement involves transactions in interstate commerce, is subject to the Federal Arbitration Act, invoke its jurisdiction and agree that any award of the arbitrator(s) may be entered as a judgment in any court of competent jurisdiction.

### **Section 4.04 Legal Action**

The Agreement is a legal document and any questions or concerns about it should be discussed with legal counsel of Contractor's choice. By signing the Agreement the parties are giving up any right they may have to sue each other. Any right to trial by jury or judicial appeal is expressly waived."

**Section 4.05 Alternate Dispute Resolution Policy of CHURCH**

As additional consideration for the entering into this Agreement, LEAGUE, its officers and members, together with their heirs, successors and assigns hereby agree, that they are subject to the Alternate Dispute Resolution Policy of CHURCH. LEAGUE further agrees that no person will be allowed to participate in the activities of LEAGUE unless and until that person becomes a member of LEAGUE and executes and provides to LEAGUE a Contractor's Agreement agreeing that he is subject to the terms of this Agreement and to the Alternate Dispute Resolution Policy of CHURCH. Failure to adhere to this provision of the Agreement shall be grounds for automatic termination of the Agreement.

**Section 4.06 Termination of Agreement**

The CHURCH may, in its sole discretion, terminate the license and permit granted herein, in the event of breach of any of the provisions hereof by the LEAGUE. Such termination shall be by written notice actually delivered to a representative of the LEAGUE who has signed this agreement or his successor. In event such representative is unavailable; notice may be delivered to any player appearing on the FIELD.

**Section 4.07 Terminology**

For purposes of the Agreement the term "BASEBALL" shall include all kinds of baseball, softball, slow-pitch and similar games in which a pitched ball is hit with a bat into the field of the opposing team and runs are scored by crossing home plate after the hitter has successfully passed first, second and third base.

**Section 4.08 Permission or Consent of Church**

Whenever permission or consent of the CHURCH is required by the Agreement such permission or consent by either of the persons signing this Agreement on behalf of the CHURCH shall be sufficient.

THIS AGREEMENT IS EXECUTED IN MULTIPLE ORIGINALS and effective on the day and date set forth above.

**COMMUNITY PRESBYTERIAN CHURCH**

\_\_\_\_\_

**PORT ARANSAS SOFTBALL LEAGUE**

\_\_\_\_\_

**CITY OF PORT ARANSAS, TEXAS**

\_\_\_\_\_  
David Parsons, City Manager

\_\_\_\_\_  
Irma G. Parker, City Secretary



**CITY OF PORT ARANSAS, NUECES COUNTY, TEXAS**

**Meeting Date: Thursday, March 19, 2015**

**AGENDA ITEM: 6-L**

Discuss and take action to adopt a Resolution Amending the 2015 Fee Schedule by Adding an Annual Recreational Vehicle Beach Camping Permit Fee; and Providing for Severance and Setting Effective Date.

**INITIATING DEPARTMENT:** Various – City Secretary Irma Parker

**APPROVED FOR AGENDA:** *City Manager David Parsons*

**COMMENTARY:** The City's Code of Ordinances states that fees shall be set by the city council by resolution. Staff presented an Ordinance at the February 19 meeting to add Recreational Vehicle Beach Camping on the City Beach.

Although many complaints were received from citizens and property owners in Port Aransas, in Texas, public access to Gulf Coast beaches is not just the law, it is a constitutional right. Walking along the beach in Texas has been a privilege since Texas was a Republic, and the Texas Land Commissioner protects this public right for all Texans by enforcing the Texas Open Beaches Act. Under the Texas Open Beaches Act the public has the free and unrestricted right to access Texas beaches, which are located on what is commonly referred to as the "wet beach," from the water to the line of mean high tide. Cities and counties along the coast are required to adopt laws to protect the public's beach access rights and outline local coastal construction requirements. These local laws are adopted as a beach access and dune protection plan. The Land Office reviews local beach access plans and certifies that they meet the minimum state standards set forth in the Open Beaches Act, Dune Protection Act, and the General Land Office Beach/Dune Rules. The ordinance attempts to control this camping problem; however, since a new fee is being added, then we must amend our Fee Service Schedule.

**STAFF RECOMMENDATION:** The City Council a Resolution Amending the 2015 Fee Schedule by Adding an Annual Recreational Vehicle Beach Camping Permit Fee as presented.

**RESOLUTION NO. 2015 –**

**A RESOLUTION OF THE PORT ARANSAS CITY COUNCIL AMENDING THE 2015 FEE SCHEDULE BY ADDING ANNUAL RECREATIONAL VEHICLE BEACH CAMPING PERMIT FEE; AND PROVIDING FOR SEVERANCE AND SETTING EFFECTIVE DATE.**

**WHEREAS,** in accordance with the Code of Ordinances of the City of Port Aransas the City Council reviews fees for services each year and sets new fees as needed; and

**WHEREAS,** the City Council updated and amended the Fee for Service Schedule for the City by adoption of Resolution No. 2013-R01, 2013-R12, 2014-R06, and 2015-R02; and

**WHEREAS,** staff proposed an annual Recreational Vehicle (RV) camping fee of \$40.00 at the January 15, 2015 Meeting with approval of that new policy, a change was necessary to add camping fee to the 2015 Fee Schedule.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ARANSAS, NUECES COUNTY, TEXAS:**

**Section 1.** Upon City Council review and approval the 2015 Fees for Service Schedule dated March 19, 2015 is amended in the following category by adding an annual RV camping permit fee as shown below:

BEACH		
Beach Parking Permit - Annual Calendar Year	\$12.00	
<b><u>Beach Camping - Annual RV Camping Permit</u></b>	<b><u>\$40.00</u></b>	<b><u>Calendar Year</u></b>
Beach Events		
Small Event - Permit Fee	\$50.00	
Small Event - Clean up Deposit	\$200.00	
Large Event - Permit Fee	\$200.00	
Large Event - Security Deposit	\$1,000.00	
Bonfires (Fires) Permit	\$100.00	Issued by Police Department

**Section 2. SEVERANCE**

The amended 2015 Fees for Service Schedule dated 03/19/2015 with the changes shown above is attached hereto as Exhibit 1. Any previous adopted Fee Schedule Resolution, and any subsequent amendments, which are in conflict with this Resolution, is hereby repealed.

**Section 3. EFFECTIVE DATE**

This Resolution shall become effective upon adoption by the Port Aransas City Council.

**PASSED** and **ADOPTED** at a meeting of the Port Aransas City Council on this the \_\_\_\_ day of **MARCH, 2015.**

**CITY OF PORT ARANSAS, TEXAS**

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Keith McMullin, Mayor

**ATTEST:**

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Irma G. Parker, City Secretary



**CITY OF PORT ARANSAS, NUECES COUNTY, TEXAS**

**Meeting Date: Thursday, March 19, 2015**

**AGENDA ITEM: 6-M**

Discuss and take action on an Ordinance Amending Code of Ordinances Chapter 12 “Licenses and Business Regulations”, Article III. “Food Establishments” By Adopting State Food Establishment Rules; Establishing Procedures for Permit Application, Plan Review, Exemptions, Suspension, Revocation, Administrative Process and Remedies; Adding Definitions to Identify Corpus Christi-Nueces County Public Health District as the Regulatory Authority; Providing for Education Requirements; and providing for severance, reading, and effective date.

**SUBMITTED BY:** City Secretary Irma Parker

**APPROVED FOR AGENDA:** *City Manager David Parsons*

**COMMENTARY:** The City currently contracts with Corpus Christi-Nueces County Public Health District for food service inspections. Our current Code does not identify who the regulatory authority is nor does it set procedures for receiving a Health Permit. This section of the Code was written before 1980 and has not been reviewed and/or updated. Staff has reviewed ordinances from several neighboring cities to use as a format for updating our Code. In previous action the City Council deleted the requirement for food establishments to pay an annual fee of \$75.00 to the City for inspections.

In compliance with the Interlocal Agreement between the City and Corpus Christi-Nueces County Public Health District, Section 3(b), Staff has developed a form for submittal to the District notifying them to conduct an initial Food Service Operation inspection. Fees are set by the District with no funds retained by the City with the exception of the administrative processing fee. The City does keep record of each establishment and insure that a permit is received prior to issuing a Certificate of Occupancy.

Attached hereto is a copy of the Contract with Corpus Christi-Nueces County Public Health District dated 2006 for Council review and information.

1<sup>st</sup> READING:

2<sup>nd</sup> READING:

3<sup>rd</sup> READING:

**STAFF RECOMMENDATION:** The City Council approve Ordinance Amending Code of Ordinances Chapter 12 “Licenses and Business Regulations”, Article III. “Food Establishments” as presented.

**ORDINANCE NO. 2015-**

**AN ORDINANCE OF THE CITY OF PORT ARANSAS CODE OF ORDINANCES BY AMENDING CHAPTER 12 “LICENSES AND BUSINESS REGULATIONS”, ARTICLE III. “FOOD ESTABLISHMENTS” BY ADOPTING STATE FOOD ESTABLISHMENT RULES; ESTABLISHING PROCEDURES FOR PERMIT APPLICATION, PLAN REVIEW, EXEMPTIONS, SUSPENSION, REVOCATION, ADMINISTRATIVE PROCESS AND REMEDIES; ADDING DEFINITIONS TO IDENTIFY CORPUS CHRISTI-NUECES COUNTY PUBLIC HEALTH DISTRICT AS THE REGULATORY AUTHORITY; PROVIDING FOR EDUCATION REQUIREMENTS; AND PROVIDING FOR SEVERANCE, READING, AND EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ARANSAS, NUECES COUNTY, STATE OF TEXAS**

**SECTION 1. ADDITION**

That Chapter 12 “Licenses and Business Regulations”, Article III. “Food Establishments” is hereby amended to wit:

**Section 12-36. Adoption of state food establishment rules**

**The City of Port Aransas adopts by reference the provisions of the current rules or rules amended by the Texas Board of Health found in 25 Texas Administrative Code, ch. 229 §§ 161 through 171 and 173 through 175 regarding the regulation of food establishments in this jurisdiction, V.T.C.A., Health and Safety Code, chs. 437 and 438, and V.T.C.A., Penal Code, § 38.15(a).**

Sec. 12-~~36~~ **37**. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Food establishment* shall include any business, room, building, occupation, industry and all operations incident thereto known or described as a slaughterhouse, meat market, vegetable market, cafe, restaurant, bar, grocery store, food wholesaler, food peddler by wagon or otherwise and all similar businesses handling or having to do with foodstuff.

*Foodstuff* means any substance or thing, whether solid or liquid, and whether of animal or vegetable origin, intended to be used or commonly in use as food or drink for human beings.

*Health officer* means the director of the ~~Nueces County Corpus Christi Health Unit~~ **Corpus Christi-Nueces County Public Health District** or any person employed by the ~~unit~~ **District** as an inspector and ~~the health officer of the city or any person employed by the city as an inspector.~~

**Regulatory authority means the Corpus Christi-Nueces County Public Health District.**

*Room* shall be deemed to include any room, apartment, or place enclosed on one (1) or more sides, used for the purpose of any food establishment.

**~~Sec. 12-37. – Application of section.~~**

~~This article shall apply to every food establishment erected, operated or maintained in the city to all persons owning, conducting or employed in or about any food establishment and to each and all of the fixtures, furniture, receptacles, utensils, machinery, implements, and other things used within or without any such establishment.~~

**Sec. 12-38. - Permits required And exemptions.**

It shall be unlawful for any person to engage in, conduct or operate in any way or manner, any food establishment within the city who does not possess an unrevoked permit from the health officer.

- (a) A person may not operate a food establishment without a permit issued by the regulatory authority. Permits are not transferrable from one (1) person to another or from one (1) location to another location, except as otherwise permitted by this article. A valid permit must be posted in or on every food establishment regulated by this article.**
- (b) A food establishment operated solely by a nonprofit organization is exempt from the permitting requirements of this article, but is not exempt from compliance with state rules. The regulatory authority may require any information necessary to determine whether an organization is nonprofit for purposes of this exemption.**

**Section 12-39. - Permit issuance; term; fee. Application for permits and fees.**

- ~~(a) Permits for food establishments shall be issued by the health officer to owners or operators after an inspection by such health officer showing that they have complied with all provisions of this article. Such permits shall begin on the first day of January and end on the thirty first day of December of each year.~~
- ~~(b) After passing such inspection, each retail establishment shall pay city the sum to be set by city council by resolution as an inspection and permit fee. Each wholesale establishment shall pay the sum to be set by city council by resolution as an inspection and permit fee.~~
- (a )Any person desiring to operate a food establishment must make a written application for a permit on forms provided by the regulatory authority. The application must contain the name and address of each applicant, the location and type of the proposed food establishment and at the applicable fee. An incomplete application will not be accepted. Failure to provide all required information, or falsifying information required may result in denial or revocation of the permit. Renewals of permits are required on an annual basis and the same information in required for a renewal permit as for an initial permit.**
- (b )Prior to the approval of an initial permit or the renewal of an existing permit, the regulatory authority will inspect the proposed food establishment to determine compliance with state laws and rules. A food establishment that does not comply with state laws and rules will be denied a permit or the renewal of a permit.**
- (c) Permit fees charged by the regulatory authority is set by Nueces County Commissioners' Court per contract agreement.**
- (d) Permits are required for all temporary events such as carnivals, festivals or other related events if they sell food or beverages to the public. The regulatory authority does not differentiate between full-time and part-time employees. All food service permits are required and must be paid prior to the last day in January of each year.**

Section 12-40. ~~Permit posting.~~ **Review of plans.**

~~Every permit issued under this article shall be posted at all times in a conspicuous place in the food establishment for which it was issued.~~

- (a) **Whenever a food establishment is constructed or extensively remodeled and whenever an existing structure is converted to use as a food establishment, properly prepared plans and specifications for such construction, remodeling or conversion will be submitted to the regulatory authority for review before work is begun. Extensive remodeling means that twenty (20%) percent or greater of the area of the food establishment is to be remodeled. The plans and specifications will indicate the proposed layout, equipment arrangement, mechanical plans and construction of materials in work areas, and the type of model of proposed fixed equipment and facilities. The regulatory authority will approve the plans and specifications if they meet the requirements of rules adopted by this article. The approved plans and specifications must be followed in construction, remodeling or conversion.**
- (b) **Plans will meet all codes of the city. Failure to follow the approved plans and specifications will result in a permit denial, suspension, or revocation.**

Section 12-41. ~~Permit suspension or revocation.~~ **Suspension of permit.**

~~A permit issued under this article may be suspended by the health officer or revoked after an opportunity for a hearing by the health officer upon the violation by the holder of any terms of this article.~~

- (a) **The regulatory authority may, without warning, notice, or hearing suspended any permit to operate a food establishment if the operation of the food establishment constitutes an imminent hazard to public health. Suspension is effective upon service of the notice required by this article. When a permit is suspended, food operations will immediately cease. Whenever a permit is suspended, the holder of the permit will be afforded an opportunity for a hearing within twenty (30) days of receipt of a request for a hearing.**
- (b) **Whenever a permit is suspended, holders of the permit or the person in charge will be notified in writing that the permit is, upon service of the notice, immediately suspended, and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the regulatory authority by the holder of the permit within ten (10) days. If no written request for hearing is filed within ten (10) days, the suspension is sustained. The regulatory authority may end the suspension at any time if reasons for suspension no longer exist.**

Sec. 12-42. ~~Inspections.~~ **Revocation of permit.**

~~At least once every six (6) months, the health officer shall inspect every food establishment located within the city. In case the health officer discovers the violation of any provision of this article, he shall make a second inspection after the lapse of such time as he deems necessary for the defect to be remedied. The second inspection shall be used in determining compliance with the requirements of this article. Any violation of the same provisions of this article on two (2) consecutive inspections shall call for immediate suspension of the permit for such establishment.~~

- (a) **The regulatory authority may, after providing opportunity for a hearing, revoke a permit for serious or repeated violations of any of the requirements of these rules or for interference with regulatory authority in the performance of its duties. Prior to revocation, the regulatory authority will notify the holder for the permit or the person in charge, in writing, of the reason for which the permit is subject to revocation and that the permit will be revoked at the end of the ten (10) days following service of such notice unless a written request for a hearing is filled with the regulatory authority by the holder of the permit within this ten-day period.**

- (b) If no request for hearing is filed within the ten-day period, the revocation of the permit becomes final.

~~Sec. 12-43. - Examination of samples of food and drink; condemnation of unwholesome or adulterated food or drink.~~ Administrative process.

~~Samples of food and drink may be taken from food establishments and examined by the health officer as often as he deems necessary for the detection of unwholesomeness or adulteration. The health officer may condemn and forbid the sale of or cause to be removed or destroyed any food or drink which is unwholesome or adulterated.~~

- (a) A notice as required in these rules is properly served when it is delivered to the holder of the permit or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit. A copy of the notice will be filed in the records of the regulatory authority.
- (b) The regulatory authority will conduct the hearing provided for in these rules at a time and place designated by it. Based upon the recorded evidence of such hearing, the regulatory authority will make final findings, and will sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision will be furnished to the holder of the permit by the regulatory authority.

~~Sec. 12-44. - Sanitation requirements.~~ Remedies.

- (a) Any person who violates a provision of these rules and any person(s) who are the permit holders of or otherwise operates a food service establishment that does not comply with the requirements of these rules any responsible officer of the permit holder or those persons will be guilty of a class C misdemeanor and will be punished by a fine not exceeding Five Hundred (\$500.00) Dollars. Each day on which a violation occurs constitutes a separate offense.
- (b) The regulatory authority may seek to enjoin violations of these rules.
- (c) The regulatory authority may seek administrative penalties not to exceed Five Hundred (\$500.00) Dollars per day and each day a violation continues to or occurs is a separate violation.

~~All food establishments shall comply with all of the following items of sanitation:~~

- ~~(1) All laws of the state and all rules and regulations of the state board of health shall be observed;~~
- ~~(2) The floors, walls and ceilings of all rooms in which food or drink is stored, prepared, or handled shall be of such construction as to be easily cleaned, shall be smooth, and shall be kept clean and in good repair;~~
- ~~(3) All openings into air shall be effectively screened with screen wire of not less than sixteen (16) meshes to the inch and doors shall be self-closing, unless other effective means are provided to prevent the entrance of flies, dust, and other filth;~~
- ~~(4) Every establishment shall be provided with adequate and conveniently located toilet facilities for its employees conforming with the ordinances of the city. The doors of all toilet rooms shall be self-closing, and the toilet rooms shall be kept clean, in good repair, well-lighted and well-ventilated;~~
- ~~(5) The water supply shall be easily accessible to all rooms in which food is prepared or utensils are washed and shall be adequate and of a safe sanitary quality;~~
- ~~(6) Adequate and convenient hand-washing facilities shall be provided, including warm water, soap and approved sanitary towels;~~

- ~~(7) All wastes shall be disposed of properly. All garbage and trash shall be kept in suitable receptacles. All premises shall be kept free from litter and rubbish. None of the operations connected with the establishment shall be conducted in any room used as living or sleeping quarters. All living and sleeping quarters shall be completely closed off from the establishment with a solid partition;~~
- ~~(8) All readily perishable food or drink shall be kept at or below forty five (45) degrees Fahrenheit except when being prepared. All food and drink shall be wholesome and free from spoilage. All milk, fluid milk products, ice cream and other frozen deserts served or sold shall be from sources approved by the health officer;~~
- ~~(9) All food and drinks shall be so stored and displayed as to be protected from dust, flies, vermin, unnecessary handling, droplet infection and other contamination. No animals or fowls shall be kept or allowed in any room in which food or drink is prepared or stored.~~

**Section 12-45. Education requirements.**

- (a) **Food Handlers Certificate: Employees of food service establishments, mobile food vending units, roadside food vendors, and employees of food service facilities within a retail food store shall attend a two-hour food service sanitation course offered under the supervision or approval of the regulatory authority. Upon completion of the course, the regulatory authority will issue a food handlers certificate. The certificate will remain valid for a period of three (3) years. Prior to the expiration date of the food handlers' certificate, one is required to follow the initial steps of retaking the two-hour food handlers' certification course and repeat this process each time the certification becomes expired. A food handler's certificate shall be obtained by new employees within thirty (30) days after being hired. An employee's card may be revoked at any time by the regulatory authority if an employee demonstrates unsanitary work habits.**
- (b) **Food Managers Certificate: All owners/managers are required to complete a Texas Department of State Health Services accredited fifteen (15) hour food manager's training course recognized by the regulatory authority. This course may be taken from a certified food managers training program. Suitable certificates issued for passing an approved food managers examination must be filed and recorded with the regulatory authority. A nominal administration fee will be required at that time. A license will then be issued by the regulatory authority. The food manager's certificate holder is responsible for recertifying their certificate as required by the Department of State Health Services. Both employees and manager's certificates may be revoked if inspection reveals inadequate sanitation practices.**

**Section 12-46. Examination and condemnation of food.**

**The regulatory authority may examine food as often as necessary for the enforcement of this article and the state laws and rules. The regulatory authority may, upon written notice to the owner or person in charge, place a hold order on any food, which it believes is in violation of any state laws. A written notice must specific the reason for the hold order. The regulatory authority will tag, label, or otherwise identify any food subject to the hold order. No food subject to the hold order will be used, served or moved from the establishment. The authorized agent will permit storage of the food under conditions specified in the hold order, unless storage is not possible without risk to the public health, in which case immediate destruction will be ordered and accomplished.**

**Section 12-47. Retail food establishment inspection report.**

**The City of Port Aransas adopts the regulatory authority's retail food establishment inspection report.**

Sections 12-48 through 12-55 Reserved for future use.

**SECTION 2. SEVERABILITY**

It is the intention of the City Council of the City of Port Aransas that if any phrase, sentence, section, or paragraph of this ordinance shall be declared unconstitutional or otherwise invalid by final judgment of a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remainder of this ordinance since the same would have been enacted by the City Council without the incorporation of the unconstitutional or invalid phrase, sentence, section or paragraph.

**SECTION 3. READING**

As provided by Article III, Section 13 and Article III, Section 12(b) of the Charter of the City of Port Aransas, this ordinance or the caption of it shall be read at three city council meetings with at least one week elapsing between each reading.

**SECTION 4. EFFECTIVE DATE**

As provided by Article III, Section 12.C. and by Article XII, Section 2 of the Charter of the City of Port Aransas, this ordinance shall be effective upon adoption after third and final and after publication of the ordinance caption in the city's official newspaper.

**PASSED, ORDAINED, APPROVED and ADOPTED** this the \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_ **2015.**

**CITY OF PORT ARANSAS, TEXAS**

\_\_\_\_\_  
Keith McMullin, Mayor

**ATTEST:**

\_\_\_\_\_  
Irma G. Parker, City Secretary

1<sup>st</sup> Reading:  
2<sup>nd</sup> Reading:  
3<sup>rd</sup> Reading:

.....7=HMC: DCFH'5F5BG5G  
 .....+%\$K '5J9'5  
 .....Dcfh5fubgUgZHM Ug+, ' +'  
 ☎ 361-+(--%%) ☎ 361-+(--%%)  
**APPLICATION FOR FOOD ESTABLISHMENT PERMIT**

**Permit Number:** \_\_\_\_\_

Establishment: \_\_\_\_\_ Tax Payer ID# \_\_\_\_\_  
 Physical Address: \_\_\_\_\_ Phone \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ County \_\_\_\_\_  
 Owner/Manager: \_\_\_\_\_ Alt. Phone: \_\_\_\_\_

**Billing Information**

(The permit, renewal notices and other information will be sent to the following:)

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Contact Person: \_\_\_\_\_ Fax Number: \_\_\_\_\_

**Purpose of Application**

- New: Date Opened: \_\_\_\_\_ Permit Fee (Fee schedule on back): \_\_\_\_\_
- Change of Ownership [previous owner: \_\_\_\_\_] Effective Date: \_\_\_\_\_
- Change of Location: [previous location: \_\_\_\_\_] Effective Date: \_\_\_\_\_
- Change of Name: [previous name: \_\_\_\_\_] Effective Date: \_\_\_\_\_

\*Change of ownership or location requires a new permit and fee.

**General Information**

Type of Establishment:  Restaurant  Bar  Convenience Store  Mobile Unit  Other: \_\_\_\_\_  
 Hours of Operation: \_\_\_\_\_ Seating Capacity: \_\_\_\_\_  
 Grease Trap:  Yes  No  
 Beverage Handler TABC# \_\_\_\_\_ Federal Tax Exempt Number: \_\_\_\_\_

**Notes**

**In making application for a FOOD ESTABLISHMENT PERMIT, which is necessary to operate my business, I understand and agree to comply with all City Health Ordinances, other City Ordinances and State laws that may govern the conduct or operation of my business.**

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

**For Office Use Only:** Date Paid: \_\_\_\_\_ Received By: \_\_\_\_\_ Fee Paid: \_\_\_\_\_ Receipt #: \_\_\_\_\_ Check #: \_\_\_\_\_

**INTERLOCAL AGREEMENT  
FOR  
FOOD ESTABLISHMENT PERMITTING SERVICES**

This interlocal cooperation agreement ("**Agreement**") is entered into between the Corpus Christi-Nueces County Public Health District ("**District**"), a public health district organized under Chapter 122 of the Texas Health and Safety Code, and the City of Port Aransas ("**Port Aransas**"), a Texas home-rule municipal corporation, pursuant to the Interlocal Cooperation Act, Chapter 791, Texas Government Code.

**WHEREAS**, for the protection of the general public's health, safety, and welfare, Port Aransas wishes to procure food establishment permitting services from the District;

**WHEREAS**, the District has agreed to provide food establishment permitting services to Port Aransas;

**NOW THEREFORE**, the parties, in consideration of the mutual covenants and conditions contained in this Agreement, agree as follows:

**Section 1. Term.**

- A. The original term of this Agreement is one year beginning on the latest date of execution by the parties. This Agreement terminates on the one year anniversary of the beginning date of this Agreement ("**Termination Date**").
- B. This Agreement renews automatically each year without the necessity of further action by the District or Port Aransas for an additional term of one year ("**Extended Term**") effective immediately upon the Termination Date of the previous term, unless one of the parties desires to terminate this Agreement.
- C. If a party desires to terminate this Agreement, the terminating party must provide written notice of the terminating party's intent not to renew to the non-terminating party at least 30 days prior to the then applicable Termination Date.
- D. Each effective Extended Term will be upon the same terms and conditions as initially provided in this Agreement, unless this Agreement has been amended in accordance with the provisions of this Agreement.

**Section 2. Obligations of District.**

- A. The District shall inspect temporary and permanent food service establishments, retail food stores, mobile food units, and roadside food vendors ("**Food Service Operations**") within the corporate limits of Port Aransas, at the request of officials of Port Aransas, for the purposes of issuing an initial Food Service Operation permit, issuing a subsequent renewal of an active permit, and in order to perform random inspections of Food Service Operations.

- B. The District shall perform random inspections of both permitted and non-permitted Food Service Operations and issue field correction notices to owners and operators found in violation.
- C. Following the issuance of a field correction notice, any owner or operator of a Food Service Operation that is determined by an inspector to be operating in violation of State law will be reported to officials of Port Aransas.
- D. The District shall provide all necessary equipment and personnel in order to per-form Food Service Operation permitting services under the terms of this Agree-ment.

### **Section 3. Obligations of Port Aransas.**

- A. Port Aransas shall be responsible for requiring operators of Food Service Operations within its corporate limits to submit an initial application for a food service permit to the Port Aransas City Hall.
- B. Upon review of the application by Port Aransas personnel, Port Aransas will notify the District so that an initial Food Service Operation inspection can be scheduled and performed.
- C. Port Aransas personnel shall be responsible for the prosecution of violations of State law by Food Service Operation owners and operators occurring within the jurisdiction of Port Aransas. District inspectors will provide Port Aransas personnel with all necessary documentation that may be needed for the prosecution of violations.

### **Section 4. Inspections; Permits; Fees.**

- A. All inspections will be conducted to determine compliance with the provisions of Chapter 437 of the Texas Health & Safety Code; Title 25, Chapter 229, of the Texas Administrative Code; applicable rules promulgated by the Texas Board of Health under State law; orders adopted by the District; and all other laws, regulations, and rules applicable to the operation of food service establishments in the State of Texas.
- B. Permit fees charged by the District will be in accordance with the schedule attached to and incorporated in this Agreement as **Exhibit A**.
- C. No fee will be charged for a Food Service Operation conducted by a taxing authority, such as a school district, whether local, State, or federal.
- D. For owners of permanent food service establishments, retail food stores, mobile units, and frozen dessert vendors, the permit will remain valid for a period of one year from the date of issuance.

- E. For owners of temporary food service establishments, the permit will remain valid for a period of 14 days from the date of issuance.
- F. Permit fees will be collected directly from a food service owner or operator upon successful completion of an initial inspection and upon each subsequent renewal of an owner's active permit.

**Section 5. Notices.**

- A. All notices, demands, requests, or replies provided for or permitted by a party under this Agreement must be in writing and delivered to the other party by any one of the following methods: (1) by personal delivery; (2) by deposit with the United States Postal Service; (3) by prepaid telegram; or (4) by deposit with an overnight express delivery service.
- B. Notice deposited with the United States Postal Service in the manner described above will be deemed effective two (2) business days after deposit with the United States Postal Service. Notice by telegram or overnight express delivery service will be deemed effective one (1) business day after transmission to the telegraph company or overnight express carrier.
- C. All such communications must only be made to the following:

**If to District:**

Corpus Christi-Nueces County PHD  
Attn: Director  
P. O. Box 9277  
Corpus Christi, TX 78469-9277

(361) 851-7200

**If to Port Aransas:**

City of Port Aransas  
Attn: Inspection Dept.  
710 West Avenue A  
Port Aransas, TX 78373-4128

(361) 749-4111

- D. Any party may change the address to which notices are sent by one of the methods set out in subsection C above. A change of address notification must be sent within ten days of the change.

**Section 6. Compliance with Laws.**

All parties agree to comply with all applicable city, State, and federal laws, regulations, and rules that may pertain to each parties' performance under this Agreement.

**Section 7. Current Revenues.**

Each party paying for the performance of governmental services pursuant to this Agreement must make those payments from current revenues available to the paying

party.

**Section 8. Amendments.**

This Agreement may be amended only by written agreement signed by the Director of the Corpus Christi-Nueces County Public Health District ("Director") or the Director's designee and the City Manager of the City of Port Aransas or his designee.

**Section 9. Entirety Clause.**

This Agreement and any exhibits annexed hereto contain the entire understanding and agreement between the parties, and no oral statements or representations or prior written matter not contained in this Agreement shall have any force and effect.

**(EXECUTION PAGE AND EXHIBIT A FOLLOW)**

Executed in triplicate originals on this the 4<sup>th</sup> day of May, 2006.

CORPUS CHRISTI – NUECES COUNTY PUBLIC HEALTH DISTRICT

Annette Rodriguez, MPA  
Annette Rodriguez  
Acting Director

Approved as to legal form: May 4, 2007

Approved as to legal form: 5-2-06

*for* Lein Azulea  
Elizabeth R. Hundley  
Assistant City Attorney  
for the City Attorney

Laura Garza Jimenez  
Laura Garza-Jimenez  
County Attorney

ATTEST:

CITY OF PORT ARANSAS, TEXAS

Esther Arzola  
Esther Arzola  
City Secretary

Michael Kovacs  
Michael Kovacs  
City Manager

Approved as to legal form: \_\_\_\_\_

Michael Morris  
Michael Morris  
City Attorney

## **EXHIBIT A**

### **PERMITS AND FEES**

The following fee schedule applies to permits issued under this Agreement:

**Permanent food service or food processing establishments:**

Having more than fifty (50) employees...	\$300.00
Having twenty-six (26) through fifty (50) employees...	285.00
Having nineteen (19) through twenty-five (25) employees...	225.00
Having nine (9) through eighteen (18) employees...	170.00
Having four (4) through eight (8) employees...	140.00
Having fewer than four (4) employees...	85.00

**Retail food stores:** 85.00

**Mobile units:** 85.00

**Frozen desserts:** 70.00

**Temporary food service establishments:** 35.00



**CITY OF PORT ARANSAS, NUECES COUNTY, TEXAS**

**Meeting Date: Thursday, March 19, 2015**

**AGENDA ITEM: 6-N**

Discuss and take action on request to change the Traffic Signal at intersection of Alister and Cotter to a 4-Way Stop intersection with Red Flashing Signal Lights.

**INITIATING DEPARTMENT:** Mayor Keith McMullin and  
Council Member Edwin Myers

**APPROVED FOR AGENDA:** *City Manager David Parsons*

**COMMENTARY:** A 3-Way Traffic Light is located at the intersection of Alister and Cotter Streets and is modified to a 4-Way Stop Intersection with Red Flashing Signal Lights. Mayor McMullin and Council Member Myers requested discussing changing this intersection lighting to a 4-way Stop.

**STAFF RECOMMENDATION:** City Council may consider alternatives and direct Staff as needed.



**CITY OF PORT ARANSAS, NUECES COUNTY, TEXAS**

**Meeting Date: Thursday, March 19, 2015**

**AGENDA ITEM: 6-O**

Discuss and take action to accept the Tier 1 Partial Exemption - 2014 Racial Profile Report as submitted by the Port Aransas Police Department.

**INITIATING DEPARTMENT:** Police Chief Scott Burroughs

**APPROVED FOR AGENDA:** *City Manager David Parsons*

**COMMENTARY:** House Bill 3389 changed several portions of the Code of Criminal Procedures Article 2.131-2.138. The major change that is now in the law is that all agencies must report racial profiling data to the Texas Commission on Law Enforcement as well as their governing body. The law changed requiring reporting beginning 2011 reporting data collected during calendar year 2010. Every law enforcement agency must select the option that applies to their particular situation. These options are:

1. ***Exempt*** - Law enforcement agencies that do not routinely make motor vehicle stops can be fully exempt from reporting.
2. ***Tier 1 Partial Exemption*** - Law enforcement agencies that routinely perform traffic stops or motor vehicle stops and who have their vehicles that routinely perform these stops equipped with video and audio equipment can report under CCP 2.135 (this is called Tier 1 Reporting).
3. ***Tier 2 Fully Reporting*** - Law enforcement agencies that routinely perform traffic stops or motor vehicle stops and who do not equip their vehicles with video or audio equipment must report under CCP 2.133 and perform an analysis as required by CCP 2.134.

The City of Port Aransas is a Tier 1 Partial Exemption reporting agency.

**STAFF RECOMMENDATION:** City Council accept the Tier 1 Partial Exemption-2014 Racial Profile Report as submitted.

## TIER 1 - PARTIAL EXEMPTION RACIAL PROFILING REPORT

**Agency Name:** PORT ARANSAS POLICE DEPT.  
**Reporting Date:** 02/18/2015  
**TCOLE Agency Number:** 355205  
**Chief Administrator:** SCOTT A. BURROUGHS  
**Agency Contact Information:** Phone: 361-749-6241  
Email: [sburroughs@cityofportaransas.org](mailto:sburroughs@cityofportaransas.org)  
Mailing Address:  
PORT ARANSAS POLICE DEPT.  
705 W Avenue A  
Port Aransas, Tex 78373

This Agency claims partial racial profiling report exemption because:

Our vehicles that conduct motor vehicle stops are equipped with video and audio equipment and we maintain videos for 90 days.

### Certification to This Report 2.132 (Tier 1) – Partial Exemption

#### Article 2.132(b) CCP Law Enforcement Policy on Racial Profiling

PORT ARANSAS POLICE DEPT. has adopted a detailed written policy on racial profiling. Our policy:

- (1) clearly defines acts constituting racial profiling;
- (2) strictly prohibits peace officers employed by the PORT ARANSAS POLICE DEPT. from engaging in racial profiling;
- (3) implements a process by which an individual may file a complaint with the PORT ARANSAS POLICE DEPT. if the individual believes that a peace officer employed by the PORT ARANSAS POLICE DEPT. has engaged in racial profiling with respect to the individual;
- (4) provides public education relating to the agency's complaint process;
- (5) requires appropriate corrective action to be taken against a peace officer employed by the PORT ARANSAS POLICE DEPT. who, after an investigation, is shown to have engaged in racial profiling in violation of the PORT ARANSAS POLICE DEPT.'s policy adopted under this article;
- (6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
  - (A) the race or ethnicity of the individual detained;
  - (B) whether a search was conducted and, if so, whether the individual detained consented to the search; and

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

(A) the Commission on Law Enforcement; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

**I certify these policies are in effect.**

Executed by: **SCOTT A. BURROUGHS**

Chief Administrator

PORT ARANSAS POLICE DEPT.

Date: 02/18/2015

**PORT ARANSAS POLICE DEPT. Motor Vehicle Racial Profiling  
Information**

**Number of motor vehicle stops:**

1. **309** citation only
2. **177** arrest only
3. **13** both
4. **499 Total** (4, 11, 14 and 17 must be equal)

**Race or Ethnicity:**

5. **10** African
6. **2** Asian
7. **348** Caucasian
8. **131** Hispanic
9. **4** Middle Eastern
10. **4** Native American
11. **499 Total** (lines 4, 11, 14 and 17 must be equal)

**Race or Ethnicity known prior to stop?**

12. **12** Yes
13. **487** No
14. **499 Total** (lines 4, 11, 14 and 17 must be equal)

**Search conducted?**

15. **181** Yes
16. **318** No
17. **499 Total** (lines 4, 11, 14 and 17 must be equal)

**Was search consented?**

18. **122** Yes
19. **59** No
20. **181 Total** (must equal line 15)



**CITY OF PORT ARANSAS, NUECES COUNTY, TEXAS**

**Meeting Date: Thursday, March 19, 2015**

**AGENDA ITEM: 6-P**

Discuss and take action to accept Certification of Unopposed Candidates by the City Secretary.

**INITIATING DEPARTMENT:** City Secretary Irma Parker

**APPROVED FOR AGENDA:** *City Manager David Parsons*

**COMMENTARY:** As soon as possible after the deadline for declaration of write-in candidacy (2/27/2015), if no candidate in the election is opposed on the ballot or by a declared write-in candidate, the city secretary must deliver to the city council a certification that each candidate for office is unopposed [EC §2.052].

Upon receiving the certification, the city council may, by order or ordinance, declare the unopposed candidates elected to office, in which case the election is not held [EC §2.053(b)]. Although the statute requires that the city secretary make the certification to the city council, the city council is given discretion in declaring unopposed candidates elected. The city council may hold the election regardless of the unopposed status of the candidates.

**STAFF RECOMMENDATION:** City Council accept Certification of Unopposed Candidates from the City Secretary as presented.

# 2015 MAY GENERAL ELECTION

## Certification of Unopposed Candidates by the City Secretary

I, *Irma G. Parker*, certify that I am the city secretary of the City of Port Aransas and the authority responsible for preparing the ballot for the May 9, 2015 General City Election. I further certify that no person has made a declaration of write-in candidacy, and all of the following candidates are unopposed:

Wendy Walker Moore  
Elizabeth "Beth" Chamoux Owens  
Edwin Bailey Myers

*Irma G. Parker*  
City Secretary  
City of Port Aransas,  
Nueces County, Texas

Dated this 2<sup>nd</sup> day of March, 2014.



**CITY OF PORT ARANSAS, NUECES COUNTY, TEXAS**

**Meeting Date: Thursday, March 19, 2015**

**AGENDA ITEM: 6-Q**

**ITEM/SUBJECT:** Discuss and take action on Resolution Declaring That all Candidates are Unopposed in the May 9, 2015 General City Election and are Hereby Elected to Their Respective Office; Authorizing the Cancellation of Said Election; and Providing Other Matters Relating to Said General Election.

*Considerar y adoptar medidas sobre la Resolución que declara que todos los candidatos son candidatos únicos en las Elecciones Generales del 9 de mayo de 2015 y quedan elegidos para sus respectivos cargos; autorizar la cancelación de dichas elecciones y estipular otros asuntos relacionados con dichas elecciones generales.*

**INITIATING DEPARTMENT:** City Secretary Irma Parker

**APPROVED FOR AGENDA:** *City Manager David Parsons*

**COMMENTARY:** To cancel an election, the governing body must first receive and accept the certification that all candidates in the election are unopposed from the authority responsible for preparing the ballot. In a city election, the certifying authority is the city secretary. The cancellation resolution must be adopted in an open meeting. The candidates are not required to be present. Certificates of election will be prepared for each unopposed candidate; however, the certificates of election will not be issued until the date of the Official Canvass – Thursday, May 14, 2015. Candidates will take the Oath of Office on the Official Canvass Day. Candidates may complete the Statement of Elected Office prior to Election Day. Copies of this Resolution must be posted on Election Day at each polling place that would have been used had the election not been cancelled.

**STAFF RECOMMENDATION:** City Council approve Resolution Declaring That all Candidates are Unopposed in the May 9, 2015 General City Election and are Hereby Elected to Their Respective Office; Authorizing the Cancellation of Said Election; and Providing Other Matters Relating to Said General Election as presented.

## RESOLUTION NO. 2015-

**A RESOLUTION OF THE PORT ARANSAS CITY COUNCIL DECLARING THAT ALL CANDIDATES ARE UNOPPOSED IN THE MAY 9, 2015 GENERAL CITY ELECTION AND ARE HEREBY ELECTED TO THEIR RESPECTIVE OFFICE; AUTHORIZING THE CANCELLATION OF SAID ELECTION; AND PROVIDING OTHER MATTERS RELATING TO SAID GENERAL ELECTION.**

**WHEREAS**, an election was called for May 9, 2015 to elect a mayor and three council members to fill positions 1, 3 and 5; and

**WHEREAS**, no proposition or measure was ordered to be placed on the ballot other than the election of a mayor and three council members; no opposed race appeared on the ballot; and no candidate's name was placed on a list of write-in candidates for any office under applicable law; and

**WHEREAS**, the City Secretary has certified that there is only one candidate for mayor and only three candidates for council member and that, therefore, each candidate is unopposed for office; and

**WHEREAS**, the City Secretary has delivered a certification to the City Council certifying that no proposition will appear on the ballot at the election, no person has made a declaration of write-in candidacy, and all of the candidates identified herein are unopposed.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ARANSAS, TEXAS:**

**Section 1.** That the City Council finds that the above stated premises are true and correct.

**Section 2.** That the unopposed candidate for Council Member Place 1, **Wendy Walker Moore**, is hereby declared elected to the office and shall be issued a Certificate of Election following the time the election would have been canvassed.

**Section 3.** That the unopposed candidate for Council Member Place 3, **Elizabeth "BETH" Champoux Owens**, is hereby declared elected to the office and shall be issued a Certificate of Election following the time the election would have been canvassed.

**Section 4.** That the unopposed candidate for Council Member Place 5, **Edwin Bailey Myers**, is hereby declared elected to the office and shall be issued a Certificate of Election following the time the election would have been canvassed.

**Section 5.** That the City Secretary is directed to issue a Certificate of Election to each of the above named members of the City Council. Each person elected must qualify for the office in the manner provided by the Texas Constitution and laws of the State of Texas.

**Section 6.** That the City Council of the City of Port Aransas hereby cancels the election scheduled to be held on May 9, 2015.

**Section 7.** That a copy of this Resolution will be posted on Election Day at the Port Aransas Community Center, 408 N. Alister Street, Port Aransas, the polling place that would have been used in the election, advising the public that the election has been cancelled.

**PASSED** and **APPROVED** by the Port Aransas City Council, County of Nueces, State of Texas, on this \_\_\_\_\_ day of **MARCH**, 2015.

**CITY OF PORT ARANSAS, TEXAS**

\_\_\_\_\_  
Keith McMullin, Mayor

**ATTEST:**

\_\_\_\_\_  
Irma G. Parker, City Secretary

## RESOLUCIÓN N.º 2015

**UNA RESOLUCIÓN DEL AYUNTAMIENTO DE LA CIUDAD DE PORT ARANSAS EN LA QUE SE DECLARA QUE TODOS LOS CANDIDATOS SON CANDIDATOS ÚNICOS EN LAS ELECCIONES GENERALES MUNICIPALES DEL 10 DE MAYO DE 2014 Y QUEDAN ELECTOS PARA SU CARGO RESPECTIVO; SE AUTORIZA LA CANCELACIÓN DE DICHAS ELECCIONES; Y SE ESTIPULAN OTROS ASUNTOS RELACIONADOS CON DICHAS ELECCIONES GENERALES.**

**CONSIDERANDO QUE:** Se convocaron las elecciones para el 9 de mayo de 2015, con el fin de elegir un alcalde y tres concejales para ocupar los puestos 1, 3 y 5; y

**CONSIDERANDO QUE:** No se ordenó que apareciera ninguna proposición ni medida en la boleta de votación, además de la elección de un alcalde y tres concejales; que ningún candidato tuvo oposición en la boleta de votación; y que el nombre de ningún candidato fue parte de una lista de candidatos por escrito para ninguno de los cargos bajo la ley aplicable;

**CONSIDERANDO QUE:** La Secretaria Municipal ha certificado que sólo hay un candidato para alcalde y tres candidatos para concejales y que, por lo tanto, ningún candidato tiene oposición para su cargo; y

**CONSIDERANDO QUE:** La Secretaria Municipal ha entregado una certificación al Ayuntamiento haciendo constar que ninguna proposición aparecerá en la boleta de votación en las elecciones, que ninguna persona ha hecho una declaración para anunciar su candidatura por voto escrito, y que todos los candidatos identificados son candidatos únicos.

**AHORA, POR LO TANTO, EL CONCEJO MUNICIPAL DE LA CIUDAD DE PORT ARANSAS, TEXAS, RESUELVE QUE:**

**Sección 1.** El Concejo Municipal determina que las afirmaciones anteriores son verídicas y correctas.

**Sección 2.** La candidata única para Concejel Municipal, Puesto 1, **Wendy Walker Moore**, se declara electa para el cargo y se le expedirá un Certificado de Elección después de la hora en que se hubiera hecho el escrutinio de los votos de dichas elecciones.

**Sección 3.** El candidato único para Concejel Municipal, Puesto 3, **Elizabeth “BETH” Champoux Owens** se declara electo para el cargo y se le expedirá un Certificado de Elección después de la hora en que se hubiera hecho el escrutinio de los votos de dichas elecciones.

**Sección 4.** El candidato único para Concejel Municipal, Puesto 5, **Edwin Bailey Myers**, se declara electo para el cargo y se le expedirá un Certificado de Elección después de la hora en que se hubiera hecho el escrutinio de los votos de dichas elecciones.

**Sección 5.** La Secretaria Municipal tiene la orden de expedir un Certificado de Elección para cada uno de los miembros del Concejo Municipal mencionados anteriormente. Cada persona electa debe ser idónea para desempeñar el cargo de la manera estipulada por la Constitución de Texas y las leyes del estado de Texas.

**Sección 9.** El Ayuntamiento de la Ciudad de Port Aransas cancela las elecciones convocadas para el 9 de mayo de 2015.

**Sección 8.** Una copia de esta Resolución se publicará el día de las elecciones en el Centro Comunitario de Port Aransas, 408 N. Alister Street, Port Aransas, el sitio de votación que se hubiese usado en las elecciones, informando al público sobre la cancelación de las elecciones.

**APROBADA** por el Ayuntamiento de Port Aransas, Condado de Nueces, Estado de Texas, el día \_\_\_ de **MARZO** de **2015**.

**CIUDAD DE PORT ARANSAS, TEXAS**

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Keith McMullin, Alcalde

**DA FE:**

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Irma G. Parker, Secretaria Municipal



**CITY OF PORT ARANSAS, NUECES COUNTY, TEXAS**

**Meeting Date: Thursday, February 19, 2015**

**AGENDA ITEM: 9-R**

Presentation and general discussion of appointments/openings on the following City Boards & Commissions: Charter Review Commission, Planning & Zoning Commission, Parks and Recreation, Recreation Development Corporation, Library and Airport.

**SUBMITTED BY:** City Secretary Irma Parker

**APPROVED FOR AGENDA:** *City Manager David Parsons*

**COMMENTARY:** Staff is providing a listing of Board/Commission Membership and duties of each City Board. Letters will be sent to those individuals whose terms will expire in 2015 requesting they inform us whether they wish to be re-appointed by the City Council. These action items will be placed on the City Council agenda as indicated.

Staff is prepared to advertise in the newspaper and on-line via the City's website at the direction of Staff as has been done in the past. Those Boards with distinct differences in the normal process of appointment are as follows:

- ✓ Planning & Zoning Commission – Wendy Moore, whose position expires in July 2015, is prohibited from seeking re-appointment with her election as the Place 1 City Council Member. Ms. Moore will replace Council Member Rick Pratt.
- ✓ Charter Review Commission – A membership list from 2006 is provided for Council information along with their duties.
- ✓ Recreational Development Board – Council Member Balentine who currently serves on this Board has chosen not to run for re-election thereby voiding her appointment as a Council Representative on this Board

**STAFF REQUESTS:** This is provided for Council information and if needed any action as requested by Council.

## CHARTER REVIEW COMMISSION

### Section 30. - Charter review commission.

The city council shall appoint, at its first regular meeting in July of every fourth year after approval of this Charter, a charter review commission of five (5) citizens of the city.

#### (a) *Duties.*

1. Inquire into the operation of the city government under the Charter and determine whether any provisions require revision. To this end public hearings may be held; the commission may compel the attendance of any officer or employee of the city and require submission of any city records it deems necessary to conduct the hearings.
2. Propose any recommendations it deems desirable to insure compliance with the Charter by the departments of the city government.
3. Propose amendments to the Charter to improve the effective application to current conditions.
4. Report its findings and present its amendments, if any, to the city council.

#### (b) *Action by city council.* The city council shall:

1. Receive the commission report;
2. Maintain a copy of said report in the office of the city secretary for review by the public in such office;
3. Make copies of such report available to any citizen for reasonable cost of copying;
4. Publish a notice in the official newspaper stating that the report has been received by the city council, that it is on file in the city secretary's office, and is available for review without charge in said office, and that copies of said report are available for reasonable copying cost;
5. Consider any recommendations made by the commission;
6. Order any, all, or none of the amendments recommended by the commission and/or any other amendments which the council in its discretion desires to submit to the voters of the city in the manner provided by Texas Local Government Code, Section 9.004, et seq., as now written or hereafter amended.

#### (c) *Term of office.* The term of office of the commission shall be six (6) months, at the end of which time a report shall be presented to the city council and all records or proceedings of the commission shall be filed with the city secretary and become a public record.

(Section 30 amended by Charter election of January 21, 1984; Charter election of November 3, 1987; Charter election of May 4, 1991.

Commission Members appointed in 2006: Charles Zahn  
Charles Borders  
Betty Churgai  
Jim Atwill  
Betty Turner

**ACTION: Appointments to be made at the July 16, 2015 meeting.**

## PLANNING AND ZONING COMMISSION

*Planning and Zoning Commission.* There is hereby established a planning and zoning commission, consisting of seven (7) members whose purpose, composition, function, duties and tenure shall be as set out in article X of the Charter.

Members	Expiration Date
<u>Bruce Clark</u>	<u>July 2015</u>
<u>Becky Corder</u>	<u>July 2015</u>
Charles Crawford	July 2016
Nick Lorette	July 2016
Mike Garlough	July 2016
<u>Wendy Moore</u>	<u>July 2015</u>
Randy D'Herde	July 2016

**ACTION: Appointments to be made at the June 18, 2015 meeting.**

## PARKS AND RECREATIONS BOARD

*Parks and recreations board.* The city council shall appoint a parks and recreation board of five (5) members who shall be qualified registered voters of the city to work in an advisory capacity to the city council in the planning and development of parks and recreation facilities and regulations governing their use. Members of the board shall be appointed for two-year terms with two (2) members' terms expiring in even numbered years and three (3) members' terms expiring in odd numbered years. Members of the board shall elect a chairman from their membership and shall meet at the call of the chairman or at the request of the city council.

Member	Expiration Date
<u>Cherrie Stunz</u>	<u>May 2015</u>
<u>Wallis Starr</u>	<u>May 2015</u>
<u>Scott Holt</u>	<u>May 2015</u>
Julie Findley	May 2016
Sharon Grumbles	May 2016
Alternate	
Laura Derkits	May 2016

**ACTION: Appointments to be made at the April 16, 2015 meeting.**

## LIBRARY BOARD

*Library board.* The city council shall appoint a library board consisting of five (5) members who shall be qualified registered voters of the city and who shall serve for a term of two (2) years with two (2) members' terms expiring in even numbered years and three (3) members' terms expiring in odd numbered years. The board shall work in an advisory capacity to the city council in the planning, development, use, regulation, operation, and maintenance of the Port Aransas Library. The board shall supervise and govern the public library and shall nominate the librarian who shall be appointed by the city council. Members of the board shall elect a chairman from their membership and shall meet at the call of the chairman or at the request of the city council.

Members	Expiration Date
Rick Kalke	October 2016
Carolee Crider	October 2016
<u>Patricia Krauskopf</u>	<u>October 2015</u>
<u>Gary Ramsey</u>	<u>October 2015</u>
<u>Carolyn Grosse</u>	<u>October 2015</u>
Alternate:	
Sallie Askew	October 2016

**ACTION: Appointments for this Board will be placed on the agenda of September 17, 2015**

## BOARD OF ADJUSTMENT AND APPEALS

*Board of adjustment and appeals.* The city council shall appoint a board of adjustment and appeals of five (5) members and two (2) alternates who shall be qualified registered voters of and own real property within the city to hear and determine appeals from the refusal of building permits or from administrative decisions by the city building official. Members of the board shall be appointed for two (2) year terms with two (2) members and (1) alternate's terms expiring in even numbered years and three (3) members and one (1) alternate's terms expiring in odd numbered years. Members of the board shall elect a chairman from their membership and shall meet at the call of the chairman within thirty (30) days of receipt of written notice from anyone aggrieved as a result of the refusal of a building permit or administrative decision by the city building official. All cases to be heard by the board will be heard by five (5) members and/or alternate members. Rules and regulations shall be prescribed for the functioning of the board consistent with the laws of the State of Texas and the building codes of the City of Port Aransas.

Member	Expiration Date
<u><a href="#">Billy Gaskins</a></u>	<u><a href="#">May 2015</a></u>
<u><a href="#">Glenn Martin</a></u>	<u><a href="#">May 2015</a></u>
Flip Burleson	May 2016
Noyes Livingston	May 2016
Linda Daves	May 2015
Alternate Members	
<u><a href="#">Patricia Eggleston</a></u>	<u><a href="#">May 2015</a></u>
OPEN	

**ACTION: Appointments to be made at the April 16, 2015 meeting.**

## AIRPORT BOARD

**Sec. 2-101. - Created; appointment; term of membership.**

There is hereby created the airport advisory board of the city, to be composed of five (5) members and one (1) alternate member. At least four (4) members shall be qualified voters of the city and one may be a non-resident. Members shall be appointed for two-year terms, and shall serve until their successors are appointed by the city council. Appointments to the advisory board shall be made at the first regular meeting after the annual election or as soon thereafter as possible. Two (2) members of the board shall be appointed in even numbered years and three (3) members shall be appointed in odd numbered years. The alternate shall be appointed in even numbered years and must be a qualified voter of the city.

**Sec. 2-102. - Officers; rules and regulations.**

The airport advisory board shall select from among its members a chairman and a vice chairman, and it shall adopt, subject to the approval of the city council, such rules and regulations governing its proceedings as it may deem proper. Such rules and regulations shall not be inconsistent with the ordinances of the city. The advisory board shall appoint a secretary, who may, but need not be, a member of the board. The secretary shall keep a record of all transactions of the board. The city manager or his appointee shall provide the advisory board with all information necessary for the performance of its duties.

**Sec. 2-103. - Duties.**

The airport advisory board shall from time to time make such general studies of airport construction and operation as may be useful in keeping the municipal airport efficient and adequate for the needs of the city; it shall make recommendations to the city council in respect to construction, expansion, improvements, maintenance, and operation of such airport. It shall call the city manager's attention to any failure by city personnel to carry out any orders or policies adopted by the city council; and it shall, acting in an advisory capacity, work toward the general improvement of the airport.

**Sec. 2-104. - Eligibility.**

No person having financial interest in any commercial carrier by air or in any concession, right, or privilege to conduct any business or render any service for compensation upon the premises of the municipal airport shall be eligible for membership on the airport advisory board.

<b>Members</b>	<b>Expiration Date</b>
Mark Creighton	October, 2016
<b><u>Robert Stluka</u></b>	<b><u>October, 2015</u></b>
<b><u>Ed Wiatt</u></b>	<b><u>October, 2015</u></b>
<b><u>Claude Lamoureux</u></b>	<b><u>October, 2015</u></b>
Keith Donley	October, 2016
Alternate	
Mike Sasser	October, 2016

**Appointments for this Board will be placed on the agenda of September 17, 2015**

## Port Aransas Recreational Development Corporation

Members	Expiration Date
Francis Stokes, Chairman	2015
Keith McMullin, Mayor	2015
Sharon Grumbles, Director	2015
Sandra Little	2015
Beverly Bolner, Council	2015
<b><u>Glenda Balentine, Council</u></b>	<b><u>2015</u></b>
Steve Lanoux, Council	2015

**ACTION: Appointments to be made at the June 18, 2015 meeting.**

ARTICLES OF INCORPORATION  
OF

PORT ARANSAS RECREATIONAL DEVELOPMENT CORPORATION

FILED  
In the Office of the  
Secretary of State of Texas

NOV 27 1995

Corporations Section

We, the undersigned natural persons of the age of eighteen (18) years or more, each being a qualified voter of the City of Port Aransas, Nueces County, Texas, acting as the incorporators of a Corporation under the Texas Business Corporation Act, do hereby adopt the following Articles of Incorporation pursuant to and in compliance with Article 5190.6, Section 4B, VATS:

ARTICLE ONE

The name of the Corporation is PORT ARANSAS RECREATIONAL DEVELOPMENT CORPORATION.

ARTICLE TWO

The Corporation is a nonprofit, nonmember, non-stock Corporation governed by Article 5190.6, Section 4B, VATS, and the period of its duration is perpetual.

ARTICLE THREE

The public purposes for which the Corporation is organized and may issue bonds on behalf of the unit are as follows: the construction, development, expansion, maintenance, operation and promotion of recreational and sports facilities and programs, including, but not limited to, sports fields and stadiums, swimming pool, sports complexes, and related facilities and improvements. The City of Port Aransas by resolution passed and adopted on

November 16, 1995, specifically authorized the creation of Port Aransas Recreational Development Corporation, approved these Articles of Incorporation, appointed an initial Board of Directors to serve the Corporation, and authorized the Corporation to act on its behalf to further the public purposes stated in these Articles of Incorporation, said purposes being the same purposes as are set forth and stated in the aforesaid resolution.

#### ARTICLE FOUR

The Board of Directors is and shall be appointed by the City Council of the City of Port Aransas. Each Director shall serve a two-year term. The City Council shall have the power and authority to remove any Director at any time, with or without cause. Each director shall be a resident of the City. At least three (3) Directors shall be persons who are not City employees, officers or council members. All Board of Directors meetings shall be held in the City limits. The Directors shall serve without compensation, but are entitled to reimbursement or payment of expenses incurred in the prosecution of corporate business. All Board of Directors' meetings are subject to the Texas Open Meetings Act. The Board of Directors and the Corporation are subject to the Texas Open Records Act.

#### ARTICLE FIVE

The number of Directors constituting the initial Board of Directors is seven (7), and the names and addresses of the persons who are to serve as Directors until their successors are appointed by the City Council of the City of Port Aransas are:

Name

Address

George Horner, Chairman

PO Box 2153  
Port Aransas, Texas 78373  
(Mailing)

408 Bayside Drive  
Port Aransas, Texas 78373  
(Physical)

Sharon Gumbles

PO Box 1161  
Port Aransas, Texas 78373  
(Mailing)

1511 S. Station  
Port Aransas, Texas  
(Physical)

Nancy D'Herde

PO Box 1869  
Port Aransas, Texas 78373  
(Mailing)

303 Channelview  
Port Aransas, Texas 78373  
(Physical)

James H. Sherrill

PO Box 777  
Port Aransas, Texas 78373  
(Mailing)

241 W. Brundrett  
Port Aransas, Texas 78373  
(Physical)

John Corder

PO Box 188  
Port Aransas, Texas 78373  
(Mailing)

525 Lydia Ann Channel  
Port Aransas, Texas 78373  
(Physical)

George Crawford

PO Box 1238  
Port Aransas, Texas 78373  
(Mailing)

1000 Lantana  
Port Aransas, Texas 78373  
(Physical)

Jay Kenigsberg

PO Box 81  
Port Aransas, Texas 78373  
(Mailing)

522 South 12th  
Port Aransas, Texas 78373  
(Physical)

All seven (7) of the Directors above named are residents of the City of Port Aransas. Of the seven above named directors, George Horner, Sharon Gumbles, and Nancy D'Herde, are not City employees, officers or council members.

ARTICLE SIX

The registered agent must be an individual resident of the State of Texas and the registered office must be in the City of Port Aransas.

The street address of the initial registered office of the Corporation is Port Aransas City Hall, 710 West Avenue A, Port Aransas, Texas 78373, and the name of its initial registered agent at such address is Tom Brooks.

ARTICLE SEVEN

The Board shall appoint a president, secretary and any other officers the City Council considers necessary.

ARTICLE EIGHT

The Bylaws of the Corporation shall be adopted by the Board of Directors and approved by resolution of the City Council.

ARTICLE NINE

The names and street addresses of the incorporators are:

Name

Address

James H. Sherrill

241 W. Brundrett  
Port Aransas, Texas 78373

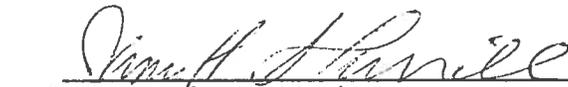
Gary Kroll

335 Marina Drive  
Port Aransas, Texas 78373

Wes Borders

535 Aransas Channel  
Port Aransas, Texas 78373

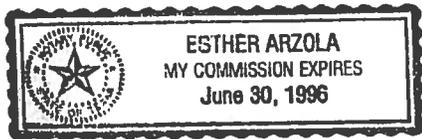
IN WITNESS WHEREOF, we have hereunto set our hands as incorporators this 20<sup>th</sup> day of NOVEMBER, 1995.

  
James H. Sherrill, Incorporator  
241 W. Brundrett  
Port Aransas, Texas 78373

  
Gary Kroll, Incorporator  
335 Marina Drive  
Port Aransas, Texas 78373

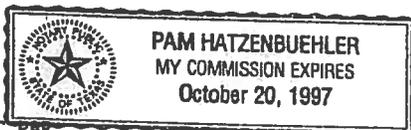
  
Wes Borders, Incorporator  
535 Aransas Channel  
Port Aransas, Texas 78373

SWORN to and subscribed before me on this the 20<sup>th</sup> day of NOVEMBER, 1995, by James H. Sherrill.



  
Notary Public

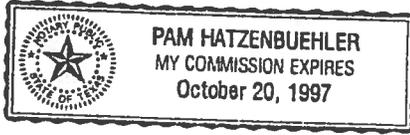
SWORN to and subscribed before me on this the 20<sup>th</sup> day of November, 1995, by Gary Kroll.



  
Notary Public

SWORN to and subscribed before me on this the 20<sup>th</sup> day of November, 1995, by Wes Borders.

Pam Hatzzenbuehler  
Notary Public



BYLAWS

PORT ARANSAS RECREATIONAL DEVELOPMENT CORPORATION

ARTICLE I.

PURPOSE AND LIMITATIONS AND FINANCING

**Section 1.01. Purposes.** The Corporation is a nonprofit, non-stock, nonmember Corporation, and is an industrial development Corporation under The Development Corporation Act of 1979, Texas Revised Civil Statutes Annotated, Article 5190.6 (The "Act"), and shall be governed by Section 4B of said Act, as now existing, or as may be hereafter amended. The Corporation is organized exclusively for the purposes of benefiting and accomplishing the following public purposes, including the issuance of bonds, on behalf of the City of Port Aransas, Texas: the construction, development, expansion, maintenance, operation, and promotion of recreational and sports facilities and programs, including but not limited to, sports fields and stadiums, swimming pool, sports complexes, and related facilities and improvements. Whenever reference is made to the "City Council" or to any "City" officer, it is a reference to the Council or to an officer of the City of Port Aransas, Texas. Whenever reference is made to the "City", it is a reference to the City of Port Aransas, Texas.

**Section 1.02. Financial - General.** As reasonable, appropriate, and necessary to perform and fulfill the public purposes of the Corporation, but only with the prior, express approval of the City Council, the Corporation, in accordance with the Act, its Articles of Incorporation, and these Bylaws, may do any of the following:

- A. Issue, deliver, approve and sell bonds, notes or other debt instruments as may be necessary, reasonable or appropriate.
- B. Make and enter into purchase, sales, loan, lease, trust, and/or other agreements.
- C. Expend, commit, and pledge funds and incur debt.
- D. Finance projects and programs.
- E. Approve and undertake projects and programs.
- F. Make contracts for the construction, maintenance, operation, repair and replacement, and financing of projects, programs and facilities.
- G. Establish a depository and make and enter into depository agreements.

H. Invest funds.

I. Make joint venture, partnership, operating or other agreements with the City whereby the City will contract to operate and manage programs, projects and facilities.

J. Make budgets.

K. Hire auditors.

The Corporation must provide, as may be required by the City Council, audits, budgets, financial statements, reports, and other documentation. At all times, the City Council and City Manager, and such others as may be designated by the City Manager or the City Council, will have access to the books and records of the Corporation. The City Council may approve expenditures, programs, and projects by category or more specifically.

**Section 1.03. Fiscal Year.** The fiscal year of the Corporation shall begin on the first day of each October and end on the last day of September of the succeeding year.

**Section 1.04. Fiscal Year Funds.** All funds collected by the Corporation during any fiscal year, including both current and delinquent revenues, shall belong to such fiscal year, and, except for funds derived to pay interest and create a sinking fund on the bonded indebtedness of the Corporation, may be applied to the payment of expenses incurred during such fiscal year, except as otherwise provided by law or in these Bylaws or the Corporation Articles. Any revenues uncollected at the end of any fiscal year, and any unencumbered funds actually on hand, shall become resources of the next succeeding fiscal year.

**Section 1.05. Budget.**

A. **Submission of Budget.** On or before the fifth (5th) day of August of each year, the Corporation manager shall submit to the board a proposed budget for the ensuing fiscal year and the budget message. The board shall review the proposed budget and make any appropriate changes prior to publishing the final budget.

B. **Budget Content.** The budget shall provide a complete financial plan of all Corporation funds and activities and, except as required by law or the Articles or Bylaws, shall be in such form as the Corporation manager deems desirable or the board may require. A budget message explaining the budget both in fiscal terms and in terms of the work programs shall be submitted with the budget. It shall outline the proposed financial policies of the Corporation for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues, with reasons for such changes. It

shall also summarize the Corporation's debt position and include such other material as the Corporation manager deems desirable. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating projected Corporation income from sales taxes, and all proposed expenditures, including debt service, for the ensuing fiscal year. The proposed budget expenditures shall not exceed the total of estimated income. The budget message shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year, compared to the estimate for the budget year. The budget shall include in separate sections:

1. A clear, general summary of contents.
2. A consolidated statement of receipts and expenditures of all funds, listed and itemized individually.
3. An analysis and itemization of all estimated income of the Corporation from surplus, miscellaneous income and sales taxes with miscellaneous income subclassified by source.
4. Income history for the preceding three (3) years.
5. An itemized statement for pending and proposed new capital projects, including but not limited to the amounts to be appropriated from the budget, the amounts to be raised by the issuance of bonds, and the amount required for the operation and maintenance of the new projects.
6. The amount required for interest on the Corporation's debts, for sinking funds and for maturing serial bonds.
7. The total amount of the Corporation's outstanding debts, with a schedule of maturity on bond issues in an attachment.
8. An itemized estimate of the expenses of operating each department, division and office or agency of the Corporation.
9. Such other information as is required by the board or deemed desirable by the Corporation manager.
10. A contingency fund must be included, not to exceed ten percent (10%) of the general fund proposed expenditures.

C. Public Notice and Hearing. The board shall post in the Corporation's registered office and publish in the official City newspaper a general summary of the proposed budget and a notice stating:

1. The times and places where copies of the message and budget are available for inspection by the public.
2. The time and place, not less than two (2) weeks after such publication, for a public hearing on the budget.

D. Board Action.

1. The board shall hold a public hearing on the budget as submitted at the time and place so advertised or at another time and place with proper notification. All interested persons shall be given an opportunity to be heard, either for or against any item of the proposed budget.

2. At a regular or special meeting not less than seven (7) days after the public hearing, the board may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income plus funds available from prior years.

3. The board shall adopt the budget by resolution on one (1) reading. Adoption of the budget will require an affirmative vote of the board. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated.

D. Failure to Adopt. If the board fails to adopt the budget by the twenty-seventh (27th) day of September, the amounts appropriated for operation during the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the board adopts a budget for the ensuing fiscal year.

E. Amendments after Adoption.

1. Supplemental Appropriations. If, during the fiscal year, the Corporation manager certifies that there are revenues available for appropriation in excess of those estimated in the budget, the board shall carry the excess into the next fiscal year; provided, however, that there

shall be three (3) limited exceptions to this mandate, which exceptions shall be optional with the board as follows:

- (a) The board may make supplemental appropriations to retire indebtedness;
- (b) The board may make supplemental appropriations to fund emergency appropriations;
- (c) The board may make supplemental appropriations to allow for the expenditure of any federal or state grant in aid funds which may be obtained during the budget year, but only to the extent of such federal or state funds and not to the extent of any local or local matching funds.

2. Reduction of Appropriations. If, at any time during the fiscal year, it appears probable to the Corporation manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the board without delay, indicating the estimated amount of deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The board shall then take such further action that it deems necessary to prevent or minimize any deficit.

3. Transfer of Appropriations. At any time during the fiscal year, the Corporation manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency. The board may require approval of these transfers within departments above a limit established by the board. Upon written request by the Corporation manager, the board may, by budget amendments, transfer part or all of any unencumbered appropriation balance from one (1) department, office or agency to another.

4. Limitations. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance.

5. Effective Date. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section shall be made effective immediately upon adoption of the appropriate resolution or budget amendment.

F. Capital Program. The Corporation manager shall submit a five (5) year capital program as an attachment to the annual budget. The program shall include:

1. A clear, general summary of its contents;
2. A list of all capital improvements which are proposed for the five (5) fiscal years succeeding the budget year, with appropriate supporting information as to the necessity for such improvements;
3. Cost estimates, method of financing and recommended time schedules for each such improvement; and
4. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

G. Lapse of Appropriations. Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned. The purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation. Any funds not expended, disbursed, or encumbered shall be deemed excess funds.

H. Purchasing. The board may, by resolution, confer upon the Corporation manager general authority to contract for expenditures without further approval of the board for all budgeted items not exceeding limits set by the board. All contracts for expenditures involving more than the set limits must be expressly approved in advance by the board. All contracts or purchases involving more than the limits set by the board shall be let to the lowest bidder whose submittal is among those most responsive to the needs of the Corporation after there has been opportunity for competitive bidding as provided by law applicable to the City; provided that the board, or Corporation manager in such cases as he is authorized to contract for the Corporation, shall have the right to reject any and all bids.

I. Administration of Budget. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the Corporation manager or his designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriations and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of the Corporation Articles or Bylaws will be void. Such action shall be the cause for removal of any officer who knowingly authorized or made such payment or incurred such obligations, and he shall also be liable to the Corporation for any amount so paid. However, this prohibition shall not be construed to

prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds, time warrants, certificates of indebtedness, or certificates of obligation, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by resolution of the board.

**Section 1.06. Depositor.** All monies received by any person, department or agency of the Corporation for, or in connection with, the affairs of the Corporation shall be deposited promptly in the Corporation depository or depositories, which shall be designated by the board in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by law. Procedures for the withdrawal of money or the disbursement of funds from the Corporation depositories shall be prescribed by resolution of the board.

**Section 1.07. Financial Report.** The Corporation manager shall periodically submit to the board the financial condition of the Corporation by budget item, budget estimate versus accruals for the preceding month and for the fiscal year to date. The financial records of the Corporation will be maintained on an accrual basis to support this type of financial management.

**Section 1.08. Independent Audit.** At the close of each fiscal year, and at such other times as it may be deemed necessary, the board shall cause an independent audit to be made of all accounts of the Corporation by a certified public accountant. The certified public accountant so selected shall have no personal interest, directly or indirectly, in the financial affairs of the Corporation or any of its officers. Upon completion of the audit, the summary thereof shall be published immediately in the official newspaper of the City and copies of the audit placed on file in the Corporation secretary's office as public record.

**Section 1.09. Public Instrumentality.** The Corporation is a constituted authority and a public instrumentality within the meaning of the regulations of the United States Treasury Department and the rulings of the Internal Revenue Service prescribed and promulgated pursuant to Sections 103 and 141 of the Internal Revenue Code of 1986, as amended, and the Corporation is authorized to act on behalf of the City as provided in the Act, its Articles of Incorporation and these Bylaws. However, except to the extent provided in the Act, the Corporation is not a political subdivision or political corporation of the State of Texas within the meaning of its constitution and laws, including without limitation, Article III, Section 52, of said constitution, and no agreements, bonds, debts or obligations of the Corporation are or shall ever be deemed to be the agreements, bonds, debts or obligations, or the lending of credit, or a grant of public money or thing of value, of or by the City, or any other political corporation, subdivision or agency

of the State of Texas, or a pledge of the faith and credit of any of them.

**Section 1.10. No Encumbrance of City Property.** In the exercise of the powers of the Corporation, the Corporation may not enter into any loan, lease, trust, or other agreement the effect of which would grant, convey, transfer, mortgage, encumber, pledge or assign a security interest or any interest in any property owned by the City. Any agreement entered into by the Corporation shall contain language substantially to the effect that any grant, conveyance, transfer, mortgage, encumbrance, pledge or assignment of property owned by the City is prohibited and void.

**Section 1.11. Check Signing.** All checks, drafts or other orders of withdrawal against the bank accounts of the Corporation shall be signed by both the Corporation manager and secretary.

## ARTICLE II.

### REGISTERED OFFICE AND AGENT

**Section 2.01. Registered Office.** The registered office of the Corporation shall be at Port Aransas City Hall, 710 W. Avenue A, Port Aransas, Nueces County, Texas 78373.

**Section 2.02. Registered Agent.** The registered agent shall be the Corporation Manager.

## ARTICLE III.

### DIRECTORS

**Section 3.01. Number.** The business and affairs of the Corporation shall be managed by a Board of Directors consisting of seven (7) persons.

**Section 3.02. Qualifications.** All directors shall be residents of the City, over the age of eighteen (18) years and qualified voters of the City. Three (3) directors shall be persons who are not City employees, officers or council members. The other four (4) directors shall be members of the City Council.

**Section 3.03. Appointments.** The Port Aransas City Council appoints the board and shall designate one of the board members as chairman.

**Section 3.04. Term.** The term of each position on the board shall be two (2) years, or less in the event of removal, resignation, or failure to meet any of the qualifications for holding the office.

**Section 3.05. Removal.** Directors serve at the will of the City Council. Any director may be removed from his position as a director, either with or without cause, at any time by the City

Council, and it shall not be necessary to give any prior notice to any director so removed.

**Section 3.06. Vacancies.** Vacancies on the Board of Directors resulting from any cause shall be filled by the City Council. A director appointed to fill a vacancy shall be appointed for the unexpired term of his predecessor in office.

**Section 3.07. Compensation of Directors.** The directors may be paid their expenses, if any, but shall be entitled to no other compensation.

**Section 3.08. Meetings of the Board of Directors.**

A. **Open Meetings.** All meetings of the board are subject to and shall be conducted in accordance with the Texas Open Meetings Act.

B. **Place.** The board shall hold all meetings, both regular and special, within the City limits of the City of Port Aransas, Texas, in the City Council Chambers at the Port Aransas City Hall, 710 W. Avenue A, Port Aransas, Nueces County, Texas, or such other place in City Hall as may be specified by the City Council.

C. **Meetings.** Meetings of the board may be called by the chairman of the board or by the president, and shall be called by the president or secretary upon the written request of any three (3) directors.

D. **Notice of Meeting.** Written notice of the date, time and place of meetings shall be given to each director and to the City Manager at their addresses appearing on the books of the Corporation, at least three (3) days before the date of the meeting. Neither the business to be transacted at nor the purpose of any meeting of the board need be specified in the notice or waiver of notice of such meeting. Notice may be given by telegram, mail, fax, or by personal delivery. Notice by mail shall be deemed to be given on the second day after deposit into an official depository of the U.S. Postal Service properly addressed and postage prepaid. Notices given by any method other than mailing via U. S. Postal Service shall be deemed given when actually received. Whenever any notice of a meeting is required to be given, a waiver thereof in writing, signed by the person or persons entitled to said notice, whether before or after the time of the meeting stated therein, shall be deemed equivalent thereto. Attendance at a meeting shall constitute a waiver of notice of such meeting except where attendance is for the express purpose of objecting to the transaction of any business on the ground that the meeting is not lawfully called or convened.

E. Quorum. Four (4) of the directors shall constitute a quorum for the transaction of any business.

F. Minutes. The board shall keep regular minutes of its proceedings. The minutes shall be placed in the minute book of the Corporation.

G. Vote. No action of the board shall be valid or binding, unless adopted by the affirmative vote of four (4) or more board members. Voting, except on procedural motions, shall be role call called by the secretary and shall be recorded in the minutes.

H. Project Public Hearing. The Corporation has been formed and chartered under and is governed by the provisions of Article 5190.6, Section 4B, VATS. The uses of the revenue derived from the additional sales and use tax to be levied by the City for the benefit of the Corporation shall be confined to the following public purposes: the construction, development, maintenance, operation and promotion of recreational and sports facilities and programs, including, but not limited to, sports fields and stadiums, swimming pool, sports complexes and related facilities and improvements. Before expending any funds to undertake a project which it is legally authorized to undertake, the board shall hold a public hearing on the proposed project. Article 5190.6, Section 4B(n), VATS. Notice of the hearing shall be published one (1) time in a newspaper of general circulation in the City no more than thirty (30) and no less than fifteen (15) days before the hearing. Written notice of the hearing shall be given to each director and to the City Manager during the same time period. The same rules as apply to notices of special board meetings also apply here with respect to the methods of giving notice and the date the notice is deemed given.

**Section 3.09. Attendance at Meetings.** If any member is absent from more than forty percent (40%) of the meetings (including regular and special meetings) in any consecutive twelve (12) month period, his position shall be declared vacant by the City Council and the vacancy shall be filled for the remainder of the unexpired term by the City Council within thirty (30) days after the vacancy occurs.

**Section 3.10. Interference with Administration.** Except for the purpose of inquiries, the board and its members shall deal with Corporation officers and employees who are subject to the direction and supervision of the Corporation manager solely through the manager, and neither the board nor its members shall give orders to any such officer or employee, either publicly or privately. Neither the board nor any of its members shall in any manner dictate the appointment or removal of any Corporation officers or employees whom the manager or any of his subordinates are empowered to appoint, but the board, at a meeting called for that purpose,

may express its view and fully and freely discuss with the manager anything pertaining to appointment and removal of such officers and employees.

#### ARTICLE IV.

##### OFFICERS

**Section 4.01. Enumeration.** Except as otherwise provided in these Bylaws, the officers of the Corporation shall be appointed by the board, and there shall be a chairman of the board, a president, a vice president, a Corporation manager, a secretary and a treasurer. Each office must be held by a different person.

**Section 4.02. General Duties.** All officers and agents of the Corporation, as between themselves and the Corporation, shall have such authority and perform such duties in the management of the Corporation as may be provided in the Bylaws, or as may be determined by resolutions of the board not inconsistent with the Bylaws.

**Section 4.03. Term of Office.** The officers of the Corporation shall serve at the will of the board and may be removed with or without cause at any time.

**Section 4.04. Chairman of the Board.** The chairman of the board shall be appointed by the City Council, shall be chosen from among the directors and shall be the ranking legislative officer of the Corporation. He shall have the power to call meetings of the board, and he shall preside at all meetings of the board. The chairman shall have the power to make and sign contracts and agreements in the name and on behalf of the Corporation.

**Section 4.05. President.** The powers and duties of the president shall be subject to the powers and duties of the chairman. The president shall be chosen by the board from among the directors. He shall, in the absence of the chairman, have and exercise the authority and powers of the chairman.

**Section 4.06. Vice President.** The vice president shall be chosen from among the directors by the board. The vice president, shall, in the absence or disability of the chairman and the president, have and exercise the powers and authority of the chairman.

**Section 4.07. Corporation Manager.** The same person who serves as City Manager shall serve as Corporation manager.

A. **Qualifications and Appointment Procedure.** The Corporation manager shall serve as chief administrative officer of the Corporation and shall be responsible to the board for the administration of all affairs of the Corporation.

B. Compensation. The Corporation manager shall receive no compensation for acting as such but shall be paid his expenses.

C. Acting Manager. The Corporation manager shall, within thirty (30) days of taking office, and at appropriate subsequent times, designate by letter, filed with the secretary, an alternate to perform the duties of the manager in the case of his absence or disability. The City Council shall ratify the manager's designated alternate. During the absence or disability of the manager the City Council may revoke such designation and appoint another person to serve as acting manager until the manager shall return or his disability shall cease. The acting manager shall be a qualified administrative officer of the City at the time of his designation. No member of the City Council or the board shall serve as acting manager.

D. Duties. The manager shall be required to:

1. Appoint, and when he deems necessary, suspend or remove all employees.
2. Direct and supervise the administration of all departments, offices and agencies of the Corporation.
3. Attend all board meetings and have the right to take part in discussions, but he shall not vote.
4. Prepare and accept items for inclusion in the official agenda of all board meetings.
5. Prepare and submit to the board the annual budget and capital program, and administer the budget as adopted by the board and approved by the City Council.
6. Prepare and submit to the board, within sixty (60) days of the end of the Corporation's fiscal year, an annual report on the finances and administrative activities of the Corporation, as of the end of the fiscal year. The report of individual audit shall be incorporated into the annual report submitted by the manager.
7. Keep the board fully advised as to the financial condition and future needs of the Corporation, and make such recommendations concerning the affairs of the Corporation as he or the board deems desirable or necessary.
8. Make reports as he or the board may require concerning the operation of the Corporation's business.

**Section 4.08. Secretary.** The same person who serves as City Secretary shall serve as secretary for the Corporation and shall keep or cause to be kept in books provided for that purpose the minutes of all meetings of the board. He shall see that all notices are duly given in accordance with the provisions of these Bylaws and as required by law. He shall be custodian of the records. In general, he shall perform all duties incident to the office of secretary and such other duties as may, from time to time be assigned to him by the board or the Corporation manager.

**Section 4.09. Treasurer.** The same person who serves as finance director for the City shall serve as treasurer for the Corporation. The treasurer shall be the financial officer of the Corporation, shall have charge and custody of, and be responsible for, all funds and securities of the Corporation; shall keep full and accurate accounts of receipts and disbursements in books belonging to the Corporation; and shall deposit all such funds and other valuable effects in the name and to the credit of the Corporation in such banks or other depositories as shall be designated by the board. In general, he shall perform all the duties incident to the office of treasurer and such other duties as, from time to time, may be designated to him by the board or the Corporation manager. He shall render to the Corporation manager and the Board of Directors, whenever the same shall be required, an account of all his transactions as treasurer and of the financial condition of the Corporation.

**Section 4.10. Bonding.** If required by the board, all or any one or more of the officers (and particularly the treasurer), shall give the Corporation a bond in such amount, with such surety or sureties, and subject to such renewal requirements, as may be ordered by the board for the faithful performance of the duties of his office and for the restoration to the Corporation, in case of his death, resignation, retirement or removal from office, of all books, papers, vouchers, money and other property of whatever kind in his possession or under his control belonging to the Corporation.

## ARTICLE V.

### GENERAL PROVISIONS -- SPECIAL CORPORATE ACTS

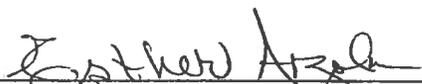
**Section 5.01. Execution of Deeds, Contracts, Etc.** Subject always to the specific directions of the Board of Directors, all deeds and mortgages made by the Corporation and all other written contracts and agreements to which the Corporation shall be a party, shall be executed in its name by the chairman or the Corporation manager, and the secretary, when necessary or required, shall attest.

**Section 5.02. Corporate Records.** All corporate records, including the minutes of the meetings of the shareholders and Board of Directors, shall be kept at the registered office of the

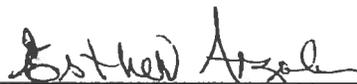
Corporation. The Corporation is subject to the Texas Open Records Act.

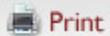
**Section 5.03. Amendment.** These Bylaws may be altered, amended, or repealed and new Bylaws may be adopted by the Board of Directors, subject to the approval of the City Council.

I CERTIFY that these Bylaws were ADOPTED on December 14, 1995, by the Board of Directors of the Corporation.

  
\_\_\_\_\_  
Esther Arzola, Corporate Secretary

I CERTIFY that these Bylaws were APPROVED on December 14, 1995, by resolution passed on said date by the Port Aransas City Council.

  
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Esther Arzola, City Secretary



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**DIVISION 3. - PLANNING AND ZONING COMMISSION AND COUNCIL** <sup>[100]</sup>

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Sec. 25-51. - Planning and zoning commission established.

Sec. 25-52. - Authority to amend ordinance.

Sec. 25-53. - Procedure.

Secs. 25-54—25-95. - Reserved.

**Sec. 25-51. - Planning and zoning commission established.**

The planning and zoning commission established by the city council in accordance with the City Charter may in this chapter be referred to as the "Commission."

*(Ord. No. 97-8, § 1, 7-17-97)*

**Sec. 25-52. - Authority to amend ordinance.**

The city council may from time to time, after receiving a recommendation thereon by the planning and zoning commission and after public hearings required by law, amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts specified on the zoning map. Any amendment to the zoning ordinance text or to zoning district boundaries may be ordered for consideration by the city council, may be initiated by the planning and zoning commission, or may be requested by the owner of real property (or his/her authorized representative).

*(Ord. No. 2010-05, § 1, 3-18-10)*

**Sec. 25-53. - Procedure.**

(a)

The commission shall make a recommendation (a "final report") to the city council regarding any amendments to the regulations applicable within any zoning district, any proposed change of the zoning district designation applicable to any property, any comprehensive revision of this chapter, the original zoning of property newly annexed to the city, any request for a special permit under article VII, and issues regarding new unlisted uses under section 25-123

(b)

The commission shall hold a public hearing on all zoning matters with respect to which it is charged with the duty to make recommendations to the city council. The hearing shall be held within sixty (60) days, or such greater amount of time as may be agreed by the commission and the applicant, after the date the application concerning such matter is filed with the building official.

(c)

Notice of the public hearing before the commission shall be published one (1) time, no less than fifteen (15) days before the hearing, in the official city newspaper or in another newspaper of general circulation in the city. In addition, in cases involving a request for a change of zoning district designation of a particular property, or a request for a special permit, written notice of the public hearing before the commission shall be given, no less than ten (10) days before the hearing, to all owners of real property, as they appear on the current city tax roll, within two hundred (200) feet of the property on which the change or special permit is proposed. Such notice may be personally delivered or mailed. If personally delivered, it shall be deemed to have been given on the date actually received, and if mailed, it shall be deemed to have been given on the date of deposit in an envelope properly addressed, postage prepaid, in an official depository of a United States Postal Service.

(d)

After holding its public hearing, the commission shall make its final report to the city council. If an application is filed with the building official concerning a zoning matter with respect to which the commission is charged with a duty to report to the city council or with respect to which the city council cannot act without first receiving the commission's final report and the commission fails to make its final report to the city council within thirty (30) days, or such greater amount of time as may be agreed upon by the commission and the applicant, after the date of the public hearing held by the commission, then it shall be automatically deemed that the commission's final report was given to the city council and received by the city council on the day immediately following said deadline date and it shall be further deemed that the final report constitutes a recommendation by the commission to the city council to deny the application.

(e)

After receipt, whether actual or deemed, of the final report of the commission, the city council shall hold a public hearing on the matter.

(f)

Notice of the public hearing before the city council shall be published, at least fifteen (15) days prior to the hearing, one (1) time in the official city newspaper or in another newspaper of general circulation in the city. The notice shall state the time and place of the hearing.

(g)

The city council shall not make its decision until after its public hearing has been held.

(h)

With respect to matters concerning a change of a zoning classification of a property or a request for a special permit, if written protest is filed by owners of twenty (20) percent or more of the area of land covered by the proposed change or by owners of twenty (20) percent or more of the area of land within two hundred (200) feet of the subject property, an amendment or change shall not become effective except by favorable vote of at least three-fourths ( $\frac{3}{4}$ ) of all members of the city council.

*(Ord. No. 97-8, § 1, 7-17-97; Ord. No. 2000-3, § 3, 5-18-00; Ord. No. 2010-05, § 1, 3-18-10)*

**Secs. 25-54—25-95. - Reserved.**

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FOOTNOTE(S):

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<sup>(100)</sup> *Charter reference— Planning board, art. X, § 2. [\(Back\)](#)*

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**CITY OF PORT ARANSAS, NUECES COUNTY, TEXAS**

**Meeting Date: Thursday, March 19, 2015**

**AGENDA ITEM: 9-S**

Presentation and general discussion on proposal to require registration of properties used as Short-Term Rentals (STR) within the corporate city limits.

**SUBMITTED BY:** Requested by - Council Member Charlie Bujan  
Development Services Department (Planning)

**APPROVED FOR AGENDA:** *City Manager David Parsons*

**COMMENTARY:** Staff has been looking at options to better manage issues associated with short-term rentals by providing standards for life-safety and building codes, clarifying compliance with hotel/motel tax requirements and ensuring no deterioration in the quality of neighborhoods from parking, noise, trash, etc. Regulation that is sustainable and not overly burdensome has been shown to support economic development (see attached Best Practices document unanimously approved by National Council of Mayors, 2012). For consideration is requiring owners of short-term vacation rentals to complete a simple and relatively inexpensive application to obtain a certificate for rental of their dwelling where currently allowed.

**WORKSHOP:**  
**1<sup>ST</sup> READING:**  
**2<sup>nd</sup> READING:**  
**3<sup>RD</sup> READING:**

**STAFF REQUESTS direction from the Council.**



# Short Term Rental ADVOCACY CENTER

*Promoting best practices in short term rental regulation*

## The Basics: Best Practices in Short-Term Rental Regulation

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- We support local residents and short-term rental providers as they work with local authorities to advance reasonable short-term rental regulations that safeguard travelers, alleviate neighborhood concerns and allow the short-term rental (STR) marketplace to continue to thrive to the benefit of all stakeholders.
- Importantly, we believe **local regulations should be easy for residents to locate, understand and comply with.**

## STRAC Mission



- This presentation is meant to serve as **a guide** for anyone interested in crafting clear, reasonable and enforceable regulation of the short-term rental marketplace.

The basics of “good” regulation



- We define a “short-term rental” (STR) as a residential property that is rented to a visitor for less than 30 days.

## Definition of STR



## WHY DOES IT MATTER?

- Short-term rentals are not hotels. They are primarily offered by individuals.
- While some STRs are available for rent year round, others are rented only during a season or on specific occasions by short-term visitors.
- STRs are used for more than just vacations. They serve a broad variety of purposes including families remodeling their homes, business people staying for more than a few days, patients and their families in town for extended medical visits, and groups attending out-of-town functions, among others.

## Definition of STR



- Using a property as a STR does not change its status from residential to commercial.
- Regulations should **clarify the definition of residential use** to include short-term rentals.



## Zoning/Use classification



## WHY DOES IT MATTER?

- Renting a home long term does not change that home from “residential” to “commercial.”
- The type of tenant doesn’t change the structure, and should not change the zoning.
  - There is no real difference between a visitor sleeping in a bedroom and a resident sleeping in a bedroom - the use of the property doesn’t change.
- Moreover, a property offered for STR today might be offered as a long term rental tomorrow, depending on tenant needs.

Zoning/Use classification



- If a community requires registration of STRs, those requirements should be **easy to locate and follow**.
- Registration requirements should be aimed at establishing a reliable way for local authorities and neighbors to identify and contact the short-term rental owner or local property manager, not used as a tool for limiting the number of STRs in a community.

**Registration should be quick and easy**



## WHY DOES IT MATTER?

- An overly burdensome registration or permitting process most often leads to greater non-compliance.
- Importantly, **registration requirements should NOT:**
  - Apply to individuals who rent their home for less than two weeks per year.
  - Require an in-person visit to a government office, but rather be online.
  - Require payment of a fee, but if they do it should be less than \$100.
  - Require submission of official documents—rather individuals should only be required to provide these during an investigation.
  - Require reviews from other local, city or state agencies or any additional inspections or permits (e.g., fire department).
  - Change the classification of the property from residential to commercial.
  - Require approval from third parties.

**Registration should be quick and easy**



- If short-term rentals are taxed, regulations should **make any tax collection and remittance obligations clear** to the short-term rental owner.

## Taxes



## WHY DOES IT MATTER?

- Individuals listing their properties for short-term rental probably won't collect and remit taxes they don't know about.
- Clearly defining all applicable local taxes that must be collected and remitted on short-term rental income will be more easily enforceable and ensure compliance.



- Existing “good neighbor” laws—including noise ordinances, parking regulations and trash guidelines—**apply to residents and their guests alike.**
- If these regulations are properly enforced, they provide sufficient protection against disruptive behavior of any kind.
- If a community decides to build penalties for non-compliance into STR regulations, they need to be clear, reasonable and enforceable.

## Compliance with the law



## WHY DOES IT MATTER?

- We believe property owners are, and should continue to remain, responsible for ensuring that their guests are good citizens and good neighbors—whether their guests are family members visiting for an extended stay, annual tenants or visitors staying for a shorter period of time.
- Passing additional laws, aimed solely at regulating behavior of short-term visitors, would be redundant and create extra costs to the community, as they would require a separate layer of enforcement.
- One mistake should not result in penalties that effectively prevent an individual from renting their home on a short-term basis. Rather, those penalties should be reserved for those who repeatedly violate existing laws.

**Compliance with the law**



## Short Term Rental ADVOCACY CENTER

### PROMOTION OF ECONOMIC DEVELOPMENT THROUGH THE VISITORS INDUSTRY

**WHEREAS**, communities throughout the United States rely on local hotel taxes to promote travel and tourism and support the local visitors industry; and

**WHEREAS**, local hotel taxes often fund convention and visitors bureaus, convention centers, sports arenas and sports teams; and

**WHEREAS**, local hotel taxes often support local cultural programs including music, film, gaming, visual arts, dance and more; and

**WHEREAS**, short-term rental of homes can often be subject to hotel taxes; and

**WHEREAS**, short-term rental of homes can provide a flexible housing stock that allows family travelers spending longer periods of time in a community a safe accommodation while contributing to the local economy; and

**WHEREAS**, short-term rental of homes can provide homeowners an opportunity to hold property as an investment, for a better sales market, or for future planning; and

**WHEREAS**, fair regulation of short-term rentals ensures greater compliance and greater receipt of local hotel taxes; and

**WHEREAS**, regulations of short-term rentals that establish a reliable way for a municipality to identify and contact the short-term rental owner, make the tax collection and remittance obligation clear and treat the short-term rental owner the same as long-term rental owners can achieve the highest level of compliance; and

**WHEREAS**, onerous regulations of short-term rentals can drive the industry underground, thus evading local regulations and local hotel taxes;

**NOW, THEREFORE, BE IT RESOLVED**, that the U.S. Conference of Mayors urges support for economic development opportunities through the visitors industry by encouraging regulations of the short-term rental industry that (1) establish a reliable way for the municipality to identify and contact the short-term rental owner; (2) make the tax collection and remittance obligations clear to the short-term rental owner; and (3) treat short-term rental tenants the same as long-term rental tenants. Regulations that accomplish all three can achieve a high level of compliance, and are highly effective.



## US Conference of Mayors Resolution, unanimously passed June 2012

050-GENERAL FUND  
 FEBRUARY 28TH,

YEAR TO DATE COMPARISON

	2013-2014	2014-2015	INCREASE/ (DECREASE)	PERCENT CHANGE	CURRENT BUDGET	BUDGET VARIANCE
	Y-T-D ACTUAL	Y-T-D ACTUAL				
<b>REVENUES:</b>						
TAXES	3,957,501.74	4,168,801.59	211,299.85	5.34	5,615,500.00	( 1,446,698.41)
LICENSES AND PERMITS	225,667.18	302,881.40	77,214.22	34.22	649,000.00	( 346,118.60)
INTERGOVERNMENTAL	161,854.91	201,314.18	39,459.27	24.38	441,150.00	( 239,835.82)
CHARGES FOR SERVICES	51,974.45	113,921.18	61,946.73	119.19	211,000.00	( 97,078.82)
FINES AND FOREITURES	91,944.29	76,878.19	( 15,066.10)	( 16.39)	290,000.00	( 213,121.81)
OTHER REVENUES	184,520.68	34,675.78	( 149,844.90)	( 81.21)	98,200.00	( 63,524.22)
REIMBURSEMENTS	<u>633,318.01</u>	<u>556,732.12</u>	<u>( 76,585.89)</u>	<u>( 12.09)</u>	<u>2,162,900.00</u>	<u>( 1,606,167.88)</u>
TOTAL REVENUES	<u>5,306,781.26</u>	<u>5,455,204.44</u>	<u>148,423.18</u>	<u>2.80</u>	<u>9,467,750.00</u>	<u>( 4,012,545.56)</u>
<b>EXPENDITURES:</b>						
<b>CURRENT:</b>						
BEACH SERVICES	4,910.12	16,439.41	11,529.29	234.81	90,330.00	( 73,890.59)
CENTRAL OPERATING	388,233.32	850,795.82	462,562.50	119.15	1,849,300.00	( 998,504.18)
MAYOR AND COUNCIL	348.00	7,410.47	7,062.47	2,029.45	55,900.00	( 48,489.53)
MUNICIPAL COURT	45,400.07	46,226.02	825.95	1.82	115,190.00	( 68,963.98)
CITY ATTORNEY	94,365.02	28,330.50	( 66,034.52)	( 69.98)	140,000.00	( 111,669.50)
ADMINISTRATION	95,243.21	100,989.61	5,746.40	6.03	251,125.00	( 150,135.39)
CITY SECRETARY	70,858.33	71,713.23	854.90	1.21	157,050.00	( 85,336.77)
FINANCE DEPARTMENT	106,792.03	112,954.08	6,162.05	5.77	272,690.00	( 159,735.92)
PARKS & RECREATION	176,285.84	186,965.66	10,679.82	6.06	494,645.00	( 307,679.34)
POLICE DEPARTMENT	887,260.05	989,031.46	101,771.41	11.47	2,436,430.00	( 1,447,398.54)
FIRE DEPARTMENT	181,208.55	154,822.01	( 26,386.54)	( 14.56)	354,500.00	( 199,677.99)
EMERGENCY MEDICAL	335,967.89	427,267.50	91,299.61	27.18	1,099,905.00	( 672,637.50)
PUBLIC WORKS	596,299.62	594,444.93	( 1,854.69)	( 0.31)	1,567,620.00	( 973,175.07)
INSPECTIONS	58,008.01	64,705.10	6,697.09	11.55	154,260.00	( 89,554.90)
LIBRARY	105,462.12	111,831.44	6,369.32	6.04	269,125.00	( 157,293.56)
PUBLIC BUILDINGS	117,757.50	133,365.64	15,608.14	13.25	329,885.00	( 196,519.36)
REGIONAL TRANSIT	63,927.02	66,383.54	2,456.52	3.84	169,150.00	( 102,766.46)
PLANNING DEPARTMENT	68,012.71	65,956.16	( 2,056.55)	( 3.02)	220,325.00	( 154,368.84)
INFORMATION TECHNOLOGY	58,596.86	71,223.16	12,626.30	21.55	222,815.00	( 151,591.84)
OPERATING TRANSFERS	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>25,000.00</u>	<u>( 25,000.00)</u>
TOTAL EXPENDITURES	<u>3,454,936.27</u>	<u>4,100,855.74</u>	<u>645,919.47</u>	<u>18.70</u>	<u>10,275,245.00</u>	<u>( 6,174,389.26)</u>
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	<u>1,851,844.99</u>	<u>1,354,348.70</u>	<u>( 497,496.29)</u>	<u>( 26.86)</u>	<u>( 807,495.00)</u>	<u>2,161,843.70</u>
BEGINNING FUND BALANCE	<u>4,715,913.52</u>	<u>5,111,946.89</u>				
FUND BALANCE	<u>6,567,758.51</u>	<u>6,466,295.59</u>				

055-COURT TECHNOLOGY  
 FEBRUARY 28TH,

YEAR TO DATE COMPARISON

	2013-2014	2014-2015			CURRENT	BUDGET
	Y-T-D	Y-T-D	INCREASE/ (DECREASE)	PERCENT CHANGE	BUDGET	VARIANCE
	ACTUAL	ACTUAL				
<b>REVENUES:</b>						
FINES & FORFEITURES	1,161.66	1,008.95	( 152.71)	( 13.15)	4,400.00	( 3,391.05)
INTEREST REVENUE	<u>3.53</u>	<u>1.96</u>	( 1.57)	( 44.48)	<u>20.00</u>	( 18.04)
TOTAL REVENUES	<u>1,165.19</u>	<u>1,010.91</u>	( 154.28)	( 13.24)	<u>4,420.00</u>	( 3,409.09)
<b>EXPENDITURES:</b>						
<b>CURRENT:</b>						
Municipal Court	<u>2,456.53</u>	<u>2,039.16</u>	( 417.37)	( 16.99)	<u>6,550.00</u>	( 4,510.84)
TOTAL EXPENDITURES	<u>2,456.53</u>	<u>2,039.16</u>	( 417.37)	( 16.99)	<u>6,550.00</u>	( 4,510.84)
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	( 1,291.34)	( 1,028.25)	263.09	( 20.37)	( 2,130.00)	1,101.75
BEGINNING FUND BALANCE	<u>14,143.29</u>	<u>12,474.08</u>				
FUND BALANCE	<u>12,851.95</u>	<u>11,445.83</u>				

056-COURT SECURITY  
 FEBRUARY 28TH,

YEAR TO DATE COMPARISON

	2013-2014	2014-2015				
	Y-T-D	Y-T-D	INCREASE/	PERCENT	CURRENT	BUDGET
	ACTUAL	ACTUAL	(DECREASE)	CHANGE	BUDGET	VARIANCE
<b>REVENUES:</b>						
FINES & FORFEITURES	957.40	756.75	( 200.65)	( 20.96)	3,300.00	( 2,543.25)
INTEREST REVENUE	<u>1.88</u>	<u>1.64</u>	( 0.24)	( 12.77)	<u>10.00</u>	( 8.36)
TOTAL REVENUES	<u>959.28</u>	<u>758.39</u>	( 200.89)	( 20.94)	<u>3,310.00</u>	( 2,551.61)
<b>EXPENDITURES:</b>						
<b>CURRENT:</b>						
Municipal Court	<u>244.86</u>	<u>242.74</u>	( 2.12)	( 0.87)	<u>10,400.00</u>	( 10,157.26)
TOTAL EXPENDITURES	<u>244.86</u>	<u>242.74</u>	( 2.12)	( 0.87)	<u>10,400.00</u>	( 10,157.26)
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	<u>714.42</u>	<u>515.65</u>	( 198.77)	( 27.82)	<u>7,090.00</u>	<u>7,605.65</u>
BEGINNING FUND BALANCE	<u>6,397.93</u>	<u>9,108.65</u>				
FUND BALANCE	<u>7,112.35</u>	<u>9,624.30</u>				

075-NATURE PRESERVE PROJECT  
 FEBRUARY 28TH,

YEAR TO DATE COMPARISON

	2013-2014 Y-T-D ACTUAL	2014-2015 Y-T-D ACTUAL	INCREASE/ (DECREASE)	PERCENT CHANGE	CURRENT BUDGET	BUDGET VARIANCE
<b>REVENUES:</b>						
Tax Notes	0.00	0.00	0.00	0.00	0.00	0.00
Grants	0.00	0.00	0.00	0.00	0.00	0.00
Other Revenue	35.64	13,735.37	13,699.73	8,439.20	200.00	13,535.37
Miscellaneous Revenue	<u>17,162.21</u>	<u>21,503.74</u>	<u>4,341.53</u>	<u>25.30</u>	<u>59,325.00</u>	( <u>37,821.26</u> )
<b>TOTAL REVENUES</b>	<u>17,197.85</u>	<u>35,239.11</u>	<u>18,041.26</u>	<u>104.90</u>	<u>59,525.00</u>	( <u>24,285.89</u> )
<b>EXPENDITURES:</b>						
<b>CURRENT:</b>						
	17,225.18	21,503.74	4,278.56	24.84	59,325.00	( 37,821.26)
	0.00	155.88	155.88	0.00	265,000.00	( 264,844.12)
	0.00	0.00	0.00	0.00	0.00	0.00
	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<b>TOTAL EXPENDITURES</b>	<u>17,225.18</u>	<u>21,659.62</u>	<u>4,434.44</u>	<u>25.74</u>	<u>324,325.00</u>	( <u>302,665.38</u> )
<b>EXCESS OF REVENUES OVER (UNDER) EXPENDITURES</b>						
	( <u>27.33</u> )	<u>13,579.49</u>	<u>13,606.82</u>	<u>(9,787.12)</u>	( <u>264,800.00</u> )	<u>278,379.49</u>
<b>BEGINNING FUND BALANCE</b>	<u>265,643.51</u>	<u>261,282.57</u>				
<b>FUND BALANCE</b>	<u>265,616.18</u>	<u>274,862.06</u>				

100-HOTEL MOTEL  
 FEBRUARY 28TH,

YEAR TO DATE COMPARISON

	2013-2014 Y-T-D ACTUAL	2014-2015 Y-T-D ACTUAL	INCREASE/ (DECREASE)	PERCENT CHANGE	CURRENT BUDGET	BUDGET VARIANCE
<b>REVENUES:</b>						
HOTEL MOTEL TAXES	335,713.70	337,097.99	1,384.29	0.41	1,619,205.00	( 1,282,107.01)
OTHER REVENUE	<u>120.44</u>	<u>127.59</u>	<u>7.15</u>	<u>5.94</u>	<u>300.00</u>	( <u>172.41</u> )
TOTAL REVENUES	<u>335,834.14</u>	<u>337,225.58</u>	<u>1,391.44</u>	<u>0.41</u>	<u>1,619,505.00</u>	( <u>1,282,279.42</u> )
<b>EXPENDITURES:</b>						
<b>CURRENT:</b>						
TOTAL EXPENDITURES	<u>487,191.78</u>	<u>522,751.47</u>	<u>35,559.69</u>	<u>7.30</u>	<u>1,619,205.00</u>	( <u>1,096,453.53</u> )
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	( <u>151,357.64</u> )	( <u>185,525.89</u> )	( <u>34,168.25</u> )	<u>22.57</u>	<u>300.00</u>	( <u>185,825.89</u> )
BEGINNING FUND BALANCE	<u>280,557.88</u>	<u>249,645.09</u>				
FUND BALANCE	<u>129,200.24</u>	<u>64,119.20</u>				

110-HOTEL/MOTEL SPECIAL REV.  
FEBRUARY 28TH,

YEAR TO DATE COMPARISON

	2013-2014 Y-T-D ACTUAL	2014-2015 Y-T-D ACTUAL	INCREASE/ (DECREASE)	PERCENT CHANGE	CURRENT BUDGET	BUDGET VARIANCE
<b>REVENUES:</b>						
HOTEL MOTEL TAXES	77,472.40	112,366.00	34,893.60	45.04	539,735.00	( 427,369.00)
OTHER REVENUE	<u>28.25</u>	<u>39.15</u>	<u>10.90</u>	<u>38.58</u>	<u>200.00</u>	( <u>160.85</u> )
TOTAL REVENUES	<u>77,500.65</u>	<u>112,405.15</u>	<u>34,904.50</u>	<u>45.04</u>	<u>539,935.00</u>	( <u>427,529.85</u> )
<b>EXPENDITURES:</b>						
<b>CURRENT:</b>						
Supplies and Services	2,391.52	500.00	( 1,891.52)	( 79.09)	122,850.00	( 122,350.00)
Transfer to Proposed Pro	17,162.21	21,503.74	4,341.53	25.30	59,325.00	( 37,821.26)
TAX NOTE PAYMENT	<u>0.00</u>	<u>192,114.75</u>	<u>192,114.75</u>	<u>0.00</u>	<u>198,355.00</u>	( <u>6,240.25</u> )
TOTAL EXPENDITURES	<u>19,553.73</u>	<u>214,118.49</u>	<u>194,564.76</u>	<u>995.03</u>	<u>380,530.00</u>	( <u>166,411.51</u> )
<b>EXCESS OF REVENUES OVER (UNDER) EXPENDITURES</b>						
	<u>57,946.92</u>	( <u>101,713.34</u> )	( <u>159,660.26</u> )	( <u>275.53</u> )	<u>159,405.00</u>	( <u>261,118.34</u> )
<b>BEGINNING FUND BALANCE</b>						
	<u>754,196.42</u>	<u>1,061,737.33</u>				
<b>FUND BALANCE</b>						
	<u>812,143.34</u>	<u>960,023.99</u>				
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115-FACILITY FUND  
 FEBRUARY 28TH,

YEAR TO DATE COMPARISON

	2013-2014 Y-T-D ACTUAL	2014-2015 Y-T-D ACTUAL	INCREASE/ (DECREASE)	PERCENT CHANGE	CURRENT BUDGET	BUDGET VARIANCE
<b>REVENUES:</b>						
Hotel Motel Tax	51,648.25	56,182.99	4,534.74	8.78	269,870.00	( 213,687.01)
Interest	144.28	117.70	( 26.58)	( 18.42)	300.00	( 182.30)
Transfers	0.00	0.00	0.00	0.00	0.00	0.00
<b>TOTAL REVENUES</b>	<u>51,792.53</u>	<u>56,300.69</u>	<u>4,508.16</u>	<u>8.70</u>	<u>270,170.00</u>	<u>( 213,869.31)</u>
<b>EXPENDITURES:</b>						
<b>CURRENT:</b>						
Tourist Facility Maint	14,002.53	28,467.20	14,464.67	103.30	305,235.00	( 276,767.80)
<b>TOTAL EXPENDITURES</b>	<u>14,002.53</u>	<u>28,467.20</u>	<u>14,464.67</u>	<u>103.30</u>	<u>305,235.00</u>	<u>( 276,767.80)</u>
<b>EXCESS OF REVENUES OVER (UNDER) EXPENDITURES</b>	<u>37,790.00</u>	<u>27,833.49</u>	<u>( 9,956.51)</u>	<u>( 26.35)</u>	<u>35,065.00</u>	<u>62,898.49</u>
<b>BEGINNING FUND BALANCE</b>	<u>500,155.48</u>	<u>651,499.12</u>				
<b>FUND BALANCE</b>	<u>537,945.48</u>	<u>679,332.61</u>				

125-AIRPORT FUND  
 FEBRUARY 28TH,

YEAR TO DATE COMPARISON

	2013-2014	2014-2015				
	Y-T-D	Y-T-D	INCREASE/ (DECREASE)	PERCENT CHANGE	CURRENT BUDGET	BUDGET VARIANCE
	ACTUAL	ACTUAL				
<b>REVENUES:</b>						
AIRPORT REVENUE	22,613.35	61,701.90	39,088.55	172.86	140,500.00	( 78,798.10)
	0.00	0.00	0.00	0.00	30,000.00	( 30,000.00)
OTHER REVENUE	911.30	1,266.30	355.00	38.96	100.00	1,166.30
TRANSFERS & REIMBURSEMENT	0.00	0.00	0.00	0.00	86,175.00	( 86,175.00)
<b>TOTAL REVENUES</b>	<u>23,524.65</u>	<u>62,968.20</u>	<u>39,443.55</u>	<u>167.67</u>	<u>256,775.00</u>	<u>( 193,806.80)</u>
<b>EXPENDITURES:</b>						
<b>CURRENT:</b>						
	8,008.77	8,479.35	470.58	5.88	25,790.00	( 17,310.65)
	<u>44,536.74</u>	<u>40,525.21</u>	<u>( 4,011.53)</u>	<u>( 9.01)</u>	<u>526,423.00</u>	<u>( 485,897.79)</u>
<b>TOTAL EXPENDITURES</b>	<u>52,545.51</u>	<u>49,004.56</u>	<u>( 3,540.95)</u>	<u>( 6.74)</u>	<u>552,213.00</u>	<u>( 503,208.44)</u>
<b>EXCESS OF REVENUES OVER (UNDER) EXPENDITURES</b>	<u>( 29,020.86)</u>	<u>13,963.64</u>	<u>42,984.50</u>	<u>( 148.12)</u>	<u>( 295,438.00)</u>	<u>309,401.64</u>
<b>BEGINNING FUND BALANCE</b>	<u>11,080.80</u>	<u>394,280.80</u>				
<b>FUND BALANCE</b>	<u>( 17,940.06)</u>	<u>408,244.44</u>				
	=====	=====				

150-BEACH FUND  
 FEBRUARY 28TH,

YEAR TO DATE COMPARISON

	2013-2014	2014-2015	INCREASE/ (DECREASE)	PERCENT CHANGE	CURRENT BUDGET	BUDGET VARIANCE
	Y-T-D ACTUAL	Y-T-D ACTUAL				
<b>REVENUES:</b>						
HOTEL MOTEL TAXES	648,206.24	702,128.75	53,922.51	8.32	1,906,340.00	( 1,204,211.25)
BEACH PARKING PERMITS	88,320.50	( 255,397.96)	( 343,718.46)	( 389.17)	680,000.00	( 935,397.96)
INTERGOVERNMENTAL	24,459.36	29,663.48	5,204.12	21.28	221,000.00	( 191,336.52)
OTHER REVENUE	<u>218.89</u>	<u>329.78</u>	<u>110.89</u>	<u>50.66</u>	<u>750.00</u>	<u>( 420.22)</u>
TOTAL REVENUES	<u>761,204.99</u>	<u>476,724.05</u>	<u>( 284,480.94)</u>	<u>( 37.37)</u>	<u>2,808,090.00</u>	<u>( 2,331,365.95)</u>
<b>EXPENDITURES:</b>						
<b>CURRENT:</b>						
BEACH RESTROOMS	59,772.88	30,059.30	( 29,713.58)	( 49.71)	244,250.00	( 214,190.70)
BEACH IMPROVEMENTS	190,012.40	461,083.18	271,070.78	142.66	746,000.00	( 284,916.82)
BEACH SERVICES	<u>633,318.01</u>	<u>556,804.09</u>	<u>( 76,513.92)</u>	<u>( 12.08)</u>	<u>2,154,909.00</u>	<u>( 1,598,104.91)</u>
TOTAL EXPENDITURES	<u>883,103.29</u>	<u>1,047,946.57</u>	<u>164,843.28</u>	<u>18.67</u>	<u>3,145,159.00</u>	<u>( 2,097,212.43)</u>
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	<u>( 121,898.30)</u>	<u>( 571,222.52)</u>	<u>( 449,324.22)</u>	<u>368.61</u>	<u>( 337,069.00)</u>	<u>( 234,153.52)</u>
BEGINNING FUND BALANCE	<u>1,980,862.07</u>	<u>2,171,547.95</u>				
FUND BALANCE	<u>1,858,963.77</u>	<u>1,600,325.43</u>				

175-HARBOR FUND  
 FEBRUARY 28TH,

YEAR TO DATE COMPARISON

	2013-2014 Y-T-D ACTUAL	2014-2015 Y-T-D ACTUAL	INCREASE/ (DECREASE)	PERCENT CHANGE	CURRENT BUDGET	BUDGET VARIANCE
<b>REVENUES:</b>						
HARBOR FEES	0.24	0.29	0.05	20.83	0.00	0.29
HARBOR FEES	321,613.97	318,867.18	( 2,746.79)	( 0.85)	668,670.00	( 349,802.82)
OTHER REVENUE	6,184.53	6,190.72	6.19	0.10	13,750.00	( 7,559.28)
TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES	<u>327,798.74</u>	<u>325,058.19</u>	<u>( 2,740.55)</u>	<u>( 0.84)</u>	<u>682,420.00</u>	<u>( 357,361.81)</u>
<b>EXPENDITURES:</b>						
<b>CURRENT:</b>						
	152,366.84	163,861.90	11,495.06	7.54	574,790.00	( 410,928.10)
TRANS TO PROJECTE PROJ	0.00	0.00	0.00	0.00	69,175.00	( 69,175.00)
TOTAL EXPENDITURES	<u>152,366.84</u>	<u>163,861.90</u>	<u>11,495.06</u>	<u>7.54</u>	<u>643,965.00</u>	<u>( 480,103.10)</u>
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	<u>175,431.90</u>	<u>161,196.29</u>	<u>( 14,235.61)</u>	<u>( 8.11)</u>	<u>38,455.00</u>	<u>122,741.29</u>
BEGINNING FUND BALANCE	<u>1,769,875.28</u>	<u>1,826,248.70</u>				
FUND BALANCE	<u>1,945,307.18</u>	<u>1,987,444.99</u>				

200-CONSTRUCTION FUND  
FEBRUARY 28TH,

YEAR TO DATE COMPARISON

	2013-2014 Y-T-D ACTUAL	2014-2015 Y-T-D ACTUAL	INCREASE/ (DECREASE)	PERCENT CHANGE	CURRENT BUDGET	BUDGET VARIANCE
<b>REVENUES:</b>						
REVENUE	0.00	0.00	0.00	0.00	0.00	0.00
BOND PROCEEDS	0.00	1,650,000.00	1,650,000.00	0.00	0.00	1,650,000.00
GRANT PROCEEDS	0.00	372.00	372.00	0.00	0.00	372.00
OTHER REVENUE	<u>15,621.19</u>	<u>150.74</u>	( <u>15,470.45</u> )	( <u>99.04</u> )	<u>2,500.00</u>	( <u>2,349.26</u> )
TOTAL REVENUES	<u>15,621.19</u>	<u>1,650,522.74</u>	<u>1,634,901.55</u>	<u>465.92</u>	<u>2,500.00</u>	<u>1,648,022.74</u>
<b>EXPENDITURES:</b>						
<b>CURRENT:</b>						
BOND FEES	0.00	0.00	0.00	0.00	0.00	0.00
GRANT ACTIVITY	0.00	0.00	0.00	0.00	0.00	0.00
PROJECTED PROJECTS	<u>719,114.76</u>	<u>1,705,541.45</u>	<u>986,426.69</u>	<u>137.17</u>	<u>1,000,000.00</u>	<u>705,541.45</u>
TOTAL EXPENDITURES	<u>719,114.76</u>	<u>1,705,541.45</u>	<u>986,426.69</u>	<u>137.17</u>	<u>1,000,000.00</u>	<u>705,541.45</u>
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	( <u>703,493.57</u> )	( <u>55,018.71</u> )	<u>648,474.86</u>	( <u>92.18</u> )	( <u>997,500.00</u> )	<u>942,481.29</u>
BEGINNING FUND BALANCE	<u>2,706,489.33</u>	<u>859,201.62</u>				
FUND BALANCE	<u>2,002,995.76</u>	<u>804,182.91</u>				

205-IMPACT FEES ZONE 1  
FEBRUARY 28TH,

## YEAR TO DATE COMPARISON

	2013-2014 Y-T-D ACTUAL	2014-2015 Y-T-D ACTUAL	INCREASE/ (DECREASE)	PERCENT CHANGE	CURRENT BUDGET	BUDGET VARIANCE
<b>REVENUES:</b>						
LICENSES AND PERMITS	82,349.76	103,743.28	21,393.52	25.98	200,000.00	( 96,256.72)
OTHER REVENUE	<u>108.67</u>	<u>61.28</u>	( 47.39)	( 43.61)	<u>250.00</u>	( 188.72)
TOTAL REVENUES	<u>82,458.43</u>	<u>103,804.56</u>	<u>21,346.13</u>	<u>25.89</u>	<u>200,250.00</u>	( 96,445.44)
<b>EXPENDITURES:</b>						
<b>CURRENT:</b>						
PROJECTED PROJECTS	26,126.45	195,398.82	169,272.37	647.90	175,000.00	20,398.82
TRANSFERS	<u>150,000.00</u>	<u>0.00</u>	( 150,000.00)	( 100.00)	<u>150,000.00</u>	( 150,000.00)
TOTAL EXPENDITURES	<u>176,126.45</u>	<u>195,398.82</u>	<u>19,272.37</u>	<u>10.94</u>	<u>325,000.00</u>	( 129,601.18)
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	( 93,668.02)	( 91,594.26)	2,073.76	( 2.21)	( 124,750.00)	<u>33,155.74</u>
BEGINNING FUND BALANCE	<u>367,606.63</u>	<u>414,807.22</u>				
FUND BALANCE	<u>273,938.61</u>	<u>323,212.96</u>				

207-IMPACT FEES ZONE 2  
 FEBRUARY 28TH,

YEAR TO DATE COMPARISON

	2013-2014 Y-T-D ACTUAL	2014-2015 Y-T-D ACTUAL	INCREASE/ (DECREASE)	PERCENT CHANGE	CURRENT BUDGET	BUDGET VARIANCE
<b>REVENUES:</b>						
TOTAL REVENUES	0.00	0.00	0.00	0.00	0.00	0.00
<b>EXPENDITURES:</b>						
<b>CURRENT:</b>						
TOTAL EXPENDITURES	0.00	0.00	0.00	0.00	0.00	0.00
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	0.00	0.00	0.00	0.00	0.00	0.00
BEGINNING FUND BALANCE	0.00	0.00				
FUND BALANCE	0.00	0.00				

210-PARK DEDICATION FEES  
FEBRUARY 28TH,

YEAR TO DATE COMPARISON

	2013-2014 Y-T-D ACTUAL	2014-2015 Y-T-D ACTUAL	INCREASE/ (DECREASE)	PERCENT CHANGE	CURRENT BUDGET	BUDGET VARIANCE
<b>REVENUES:</b>						
LICENSES AND PERMITS	17,956.92	33,297.72	15,340.80	85.43	55,000.00	( 21,702.28)
OTHER REVENUE	<u>37.31</u>	<u>29.45</u>	( 7.86)	( 21.07)	<u>100.00</u>	( 70.55)
TOTAL REVENUES	<u>17,994.23</u>	<u>33,327.17</u>	<u>15,332.94</u>	<u>85.21</u>	<u>55,100.00</u>	( 21,772.83)
<b>EXPENDITURES:</b>						
<b>CURRENT:</b>						
TRANSFERS	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>85,000.00</u>	( 85,000.00)
TOTAL EXPENDITURES	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>85,000.00</u>	( 85,000.00)
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	<u>17,994.23</u>	<u>33,327.17</u>	<u>15,332.94</u>	<u>85.21</u>	( 29,900.00)	<u>63,227.17</u>
BEGINNING FUND BALANCE	<u>81,904.85</u>	<u>150,589.13</u>				
FUND BALANCE	<u>99,899.08</u>	<u>183,916.30</u>				

215-STREET MAINTENANCE FUND  
 FEBRUARY 28TH,

YEAR TO DATE COMPARISON

	2013-2014 Y-T-D ACTUAL	2014-2015 Y-T-D ACTUAL	INCREASE/ (DECREASE)	PERCENT CHANGE	CURRENT BUDGET	BUDGET VARIANCE
<b>REVENUES:</b>						
OTHER REVENUE	61.43	115.44	54.01	87.92	200.00	( 84.56)
TRANSFERS & REIMBURSEMENT	0.00	0.00	0.00	0.00	0.00	0.00
<b>TOTAL REVENUES</b>	<u>61.43</u>	<u>115.44</u>	<u>54.01</u>	<u>87.92</u>	<u>200.00</u>	<u>( 84.56)</u>
<b>EXPENDITURES:</b>						
<b>CURRENT:</b>						
PROJECTED PROJECTS	500.00	3,159.82	2,659.82	531.96	30,000.00	( 26,840.18)
<b>TOTAL EXPENDITURES</b>	<u>500.00</u>	<u>3,159.82</u>	<u>2,659.82</u>	<u>531.96</u>	<u>30,000.00</u>	<u>( 26,840.18)</u>
 EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	 ( 438.57)	 ( 3,044.38)	 ( 2,605.81)	 594.16	 ( 29,800.00)	 <u>26,755.62</u>
 BEGINNING FUND BALANCE	 <u>370,583.96</u>	 <u>667,391.38</u>				
FUND BALANCE	<u>370,145.39</u>	<u>664,347.00</u>				

225-RECREATIONAL DEVELOPMENT  
FEBRUARY 28TH,

YEAR TO DATE COMPARISON

	2013-2014	2014-2015	INCREASE/ (DECREASE)	PERCENT CHANGE	CURRENT BUDGET	BUDGET VARIANCE
	Y-T-D ACTUAL	Y-T-D ACTUAL				
<b>REVENUES:</b>						
TAX REVENUE	159,058.57	185,204.77	26,146.20	16.44	613,500.00	( 428,295.23)
INTERGOVERNMENTAL	0.00	0.00	0.00	0.00	0.00	0.00
OTHER REVENUE	1,626.67	3,136.39	1,509.72	92.81	14,150.00	( 11,013.61)
TRANSFERS & REIMBURSEMENT	0.00	0.00	0.00	0.00	85,000.00	( 85,000.00)
<b>TOTAL REVENUES</b>	<u>160,685.24</u>	<u>188,341.16</u>	<u>27,655.92</u>	<u>17.21</u>	<u>712,650.00</u>	<u>( 524,308.84)</u>
<b>EXPENDITURES:</b>						
<b>CURRENT:</b>						
	190,068.23	203,444.51	13,376.28	7.04	672,585.00	( 469,140.49)
	0.00	0.00	0.00	0.00	0.00	0.00
<b>TOTAL EXPENDITURES</b>	<u>190,068.23</u>	<u>203,444.51</u>	<u>13,376.28</u>	<u>7.04</u>	<u>672,585.00</u>	<u>( 469,140.49)</u>
<b>EXCESS OF REVENUES OVER (UNDER) EXPENDITURES</b>	<u>( 29,382.99)</u>	<u>( 15,103.35)</u>	<u>14,279.64</u>	<u>( 48.60)</u>	<u>40,065.00</u>	<u>( 55,168.35)</u>
<b>BEGINNING FUND BALANCE</b>	<u>376,777.14</u>	<u>480,762.17</u>				
<b>FUND BALANCE</b>	<u>347,394.15</u>	<u>465,658.82</u>				

250-GAS UTILITY FUND  
FEBRUARY 28TH,

## YEAR TO DATE COMPARISON

	2013-2014 Y-T-D ACTUAL	2014-2015 Y-T-D ACTUAL	INCREASE/ (DECREASE)	PERCENT CHANGE	CURRENT BUDGET	BUDGET VARIANCE
REVENUES:						
GRANTS	25,081.16	25,080.12	( 1.04)	0.00	175.00	24,905.12
NATURAL GAS SALES	443,141.10	467,062.91	23,921.81	5.40	1,140,800.00	( 673,737.09)
OTHER REVENUES	2,068.97	1,089.75	( 979.22)	( 47.33)	5,750.00	( 4,660.25)
TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES	<u>470,291.23</u>	<u>493,232.78</u>	<u>22,941.55</u>	<u>4.88</u>	<u>1,146,725.00</u>	<u>( 653,492.22)</u>
EXPENDITURES:						
CURRENT:						
GAS DEPARTMENT	212,739.93	235,424.84	22,684.91	10.66	647,170.00	( 411,745.16)
TRANSFERS	0.00	0.00	0.00	0.00	93,300.00	( 93,300.00)
GAS PURCHASE	<u>191,963.37</u>	<u>179,324.62</u>	<u>( 12,638.75)</u>	<u>( 6.58)</u>	<u>475,800.00</u>	<u>( 296,475.38)</u>
TOTAL EXPENDITURES	<u>404,703.30</u>	<u>414,749.46</u>	<u>10,046.16</u>	<u>2.48</u>	<u>1,216,270.00</u>	<u>( 801,520.54)</u>
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	<u>65,587.93</u>	<u>78,483.32</u>	<u>12,895.39</u>	<u>19.66</u>	<u>( 69,545.00)</u>	<u>148,028.32</u>
BEGINNING FUND BALANCE	<u>298,088.35</u>	<u>479,068.64</u>				
FUND BALANCE	<u>363,676.28</u>	<u>557,551.96</u>				

255-SANITATION FUND  
FEBRUARY 28TH,

## YEAR TO DATE COMPARISON

	2013-2014 Y-T-D ACTUAL	2014-2015 Y-T-D ACTUAL	INCREASE/ (DECREASE)	PERCENT CHANGE	CURRENT BUDGET	BUDGET VARIANCE
<b>REVENUES:</b>						
GRANTS	118.33	121.75	3.42	2.89	0.00	121.75
UTILITY ACCOUNTS	372,487.45	384,533.06	12,045.61	3.23	881,500.00	( 496,966.94)
OTHER REVENUES	<u>23.93</u>	<u>28.98</u>	<u>5.05</u>	<u>21.10</u>	<u>100.00</u>	<u>( 71.02)</u>
TOTAL REVENUES	<u>372,629.71</u>	<u>384,683.79</u>	<u>12,054.08</u>	<u>3.23</u>	<u>881,600.00</u>	<u>( 496,916.21)</u>
<b>EXPENDITURES:</b>						
<b>CURRENT:</b>						
SANITATION DEPARTMENT	274,091.30	206,082.71	( 68,008.59)	( 24.81)	885,845.00	( 679,762.29)
TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00
DEPRECIATION	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
TOTAL EXPENDITURES	<u>274,091.30</u>	<u>206,082.71</u>	<u>( 68,008.59)</u>	<u>( 24.81)</u>	<u>885,845.00</u>	<u>( 679,762.29)</u>
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	<u>98,538.41</u>	<u>178,601.08</u>	<u>80,062.67</u>	<u>81.25</u>	<u>( 4,245.00)</u>	<u>182,846.08</u>
BEGINNING FUND BALANCE	<u>62,772.66</u>	<u>132,998.90</u>				
FUND BALANCE	<u>161,311.07</u>	<u>311,599.98</u>				
	=====	=====				

CITY OF PORT ARANSAS  
 POOLED CASH REPORT  
 AS OF: FEBRUARY 28TH, 2015

FUND ACCOUNT#	ACCOUNT NAME	BEGINNING BALANCE	CURRENT ACTIVITY	CURRENT BALANCE
<b>CLAIM ON CASH</b>				
040-DEBT SERVICE FUND	10110 Claim on Cash	( 44,380.51)	159,248.02	114,867.51
050-GENERAL FUND	10110 Claim on Cash	5,719,220.88	482,592.62	6,201,813.50
055-COURT TECHNOLOGY	10110 Claim on Cash	11,329.76	116.07	11,445.83
056-COURT SECURITY	10110 Claim on Cash	9,539.16	85.14	9,624.30
075-NATURE PRESERVE PROJECT	10110 Claim on Cash	274,336.93	622.35	274,959.28
100-HOTEL MOTEL	10110 Claim On Cash	109,045.93	( 44,926.73)	64,119.20
110-HOTEL/MOTEL SPECIAL REV.	10110 Claim On Cash	1,056,731.30	3,292.69	1,060,023.99
115-FACILITY FUND	10110 Claim on Cash	683,100.52	( 3,550.72)	679,549.80
125-AIRPORT FUND	10110 Claim on Cash	389,223.99	4,405.32	393,629.31
150-BEACH FUND	10110 Claim On Cash	2,187,240.29	( 586,914.86)	1,600,325.43
175-HARBOR FUND	10110 Claim On Cash	608,477.46	( 12,339.74)	596,137.72
200-CONSTRUCTION FUND	10110 Claim On Cash	803,789.07	393.84	804,182.91
205-IMPACT FEES ZONE 1	10110 Claim on Cash	331,220.28	( 8,007.32)	323,212.96
207-IMPACT FEES ZONE 2	10110 Claim on Cash	0.00	0.00	0.00
210-PARK DEDICATION FEES	10110 Claim on Cash	172,715.21	11,201.09	183,916.30
215-STREET MAINTENANCE FUND	10110 Claim on Cash	664,386.22	( 39.22)	664,347.00
225-RECREATIONAL DEVELOPMENT	10110 Claim On Cash	467,218.88	856.11	468,074.99
250-GAS UTILITY FUND	10110 Claim On Cash	849,536.66	68,957.87	918,494.53
255-SANITATION FUND	10110 Claim on Cash	162,488.72	67,853.30	230,342.02
<b>TOTAL CLAIM ON CASH</b>		<b>14,455,220.75</b>	<b>143,845.83</b>	<b>14,599,066.58</b>

**CASH IN BANK - POOLED CASH**

010 10110	Pooled Cash - Value Bank	175,895.68	( 38,400.42)	137,495.26
010 10111	Pooled Cash - American Bank	34,102.89	( 2,975.23)	31,127.66
010 10321	Pooled Texpool	9,880,538.39	185,073.83	10,065,612.22
010 10322	Nature Preserve Project	263,203.12	8.92	263,212.04
010 10323	Hotel Motel Fund	1,074,930.85	36.39	1,074,967.24
010 10324	Beach Fund - Texpool	2,133,589.17	72.19	2,133,661.36
010 10325	Construction Projects	647,620.79	21.84	647,642.63
010 10326	Nature Preserve Investments	0.00	0.00	0.00
010 10327	Hotel Motel Investments	0.00	0.00	0.00
010 10328	Debt Service Fund	245,339.86	8.31	245,348.17
010 10350	CD's American Bank	0.00	0.00	0.00
010 10355	CD's Construction Fund	0.00	0.00	0.00
010 14040	Debt Service Fund	0.00	0.00	0.00
010 15100	CD Interest Receivable	0.00	0.00	0.00
<b>SUBTOTAL CASH IN BANK - POOLED CASH</b>		<b>14,455,220.75</b>	<b>143,845.83</b>	<b>14,599,066.58</b>

CITY OF PORT ARANSAS  
POOLED CASH REPORT  
AS OF: FEBRUARY 28TH, 2015

FUND	ACCOUNT#	ACCOUNT NAME	BEGINNING BALANCE	CURRENT ACTIVITY	CURRENT BALANCE
<u>WAGES PAYABLE</u>					
010	20400	Wages Payable	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
SUBTOTAL WAGES PAYABLE			0.00	0.00	0.00
TOTAL CASH IN BANK - POOLED CASH			<u>14,455,220.75</u>	<u>143,845.83</u>	<u>14,599,066.58</u>
<u>DUE TO OTHER FUNDS - POOLED CASH</u>					
010	20000	Due to Other Funds	<u>14,455,220.75</u>	<u>143,845.83</u>	<u>14,599,066.58</u>
TOTAL DUE TO OTHER FUNDS			<u>14,455,220.75</u>	<u>143,845.83</u>	<u>14,599,066.58</u>

CITY OF PORT ARANSAS  
 POOLED CASH REPORT  
 AS OF: FEBRUARY 28TH, 2015

FUND	ACCOUNT#	ACCOUNT NAME	BEGINNING BALANCE	CURRENT ACTIVITY	CURRENT BALANCE
<b>DUE TO POOLED CASH</b>					
040	20300	Accounts Payable (Pending)	0.00	0.00	0.00
050	20300	Accounts Payable (Pending)	63,248.71	1,280.76	64,529.47
055	20300	Accounts Payable	0.00	0.00	0.00
056	20300	Accounts Payable	0.00	0.00	0.00
075	20300	Accounts Payable (Pending)	458.02	9.58	467.60
100	20300	Accounts Payable (Pending)	0.00	0.00	0.00
110	20300	Accounts Payable	0.00	0.00	0.00
115	20300	Accounts Payable (Pending)	393.97	( 50.44)	343.53
125	20300	Accounts Payable (Pending)	0.00	0.00	0.00
150	20300	Accounts Payable	0.00	0.00	0.00
175	20300	Accounts Payable Pending)	2,268.47	( 146.05)	2,122.42
200	20300	Accounts Payable (Pending)	0.00	0.00	0.00
205	20300	Accounts Payable	0.00	0.00	0.00
207	20300	Accounts Payable	0.00	0.00	0.00
210	20300	Accounts Payable	0.00	0.00	0.00
215	20300	Accounts Payable	0.00	0.00	0.00
225	20300	Accounts Payable (Pending)	2,369.06	53.29	2,422.35
250	20300	Accounts Payable (Pending)	4,483.56	509.27	4,992.83
255	20300	Accounts Payable	493.50	( 98.70)	394.80
<b>TOTAL DUE TO POOLED CASH</b>			<b>73,715.29</b>	<b>1,557.71</b>	<b>75,273.00</b>
<b>DUE FROM OTHER FUNDS</b>					
010	14040	Debt Service Fund	0.00	0.00	0.00
010	14050	General Fund	63,248.71	1,280.76	64,529.47
010	14055	Court Technology Fund	0.00	0.00	0.00
010	14056	Court Security Fund	0.00	0.00	0.00
010	14075	Special Revenue Fund	458.02	9.58	467.60
010	14100	Hotel Motel Fund	0.00	0.00	0.00
010	14110	Hotel Motel Special Tax Fund	0.00	0.00	0.00
010	14115	Facility Fund	393.97	( 50.44)	343.53
010	14125	Airport Fund	0.00	0.00	0.00
010	14150	Beach Permit Fund	0.00	0.00	0.00
010	14175	Municipal Harbor Fund	2,268.47	( 146.05)	2,122.42
010	14200	Construction Fund	0.00	0.00	0.00
010	14205	Impact Fees Zone 1	0.00	0.00	0.00
010	14207	Impact Fees Zone 2	0.00	0.00	0.00
010	14210	Park Dedication Fees	0.00	0.00	0.00
010	14215	Street Maintenance Fund	0.00	0.00	0.00
010	14225	Recreational Developement Fund	2,369.06	53.29	2,422.35
010	14250	Gas Utility Fund	4,483.56	509.27	4,992.83
010	14255	Sanitation Fund	493.50	( 98.70)	394.80
<b>TOTAL DUE FROM OTHER FUNDS</b>			<b>73,715.29</b>	<b>1,557.71</b>	<b>75,273.00</b>

CITY OF PORT ARANSAS  
POOLED CASH REPORT  
AS OF: FEBRUARY 28TH, 2015

FUND	ACCOUNT#	ACCOUNT NAME	BEGINNING BALANCE	CURRENT ACTIVITY	CURRENT BALANCE
ACCOUNTS PAYABLE - POOLED CASH					
010	20300	Accounts Payable Account	<u>73,715.29</u>	<u>1,557.71</u>	<u>75,273.00</u>
TOTAL ACCOUNTS PAYABLE POOLED CASH			<u>73,715.29</u>	<u>1,557.71</u>	<u>75,273.00</u>

\*\*\* END OF REPORT \*\*\*

OCCUPANCY TAX COLLECTIONS

		PERCENT OF CHANGE FY 2015 TO FY 2014		PERCENT OF CHANGE FY 2015 TO FY 2013	
		MONTH	YTD	MONTH	YTD
	FY2015	FY2014		FY2013	
OCT 14	322,560.76	OCT 13	13.84%	OCT 12	244,471.54
NOV 14	217,049.46	NOV 13	-6.30%	NOV 12	177,817.02
DEC 14	117,480.72	DEC 13	12.86%	DEC 12	100,848.76
JAN 15	77,881.73	JAN 14	43.96%	JAN 13	60,236.58
FEB 15	51,589.29	FEB 14	3.42%	FEB 13	35,455.24
MAR 15	0.00	MAR 14	-100.00%	MAR 13	64,784.62
APR 15	0.00	APR 14	-100.00%	APR 13	257,832.07
MAY 15	0.00	MAY 14	-100.00%	MAY 13	184,373.97
JUN 15	0.00	JUN 14	-100.00%	JUN 13	310,628.74
JUL 15	0.00	JUL 14	-100.00%	JUL 13	637,733.01
AUG 15	0.00	AUG 14	-100.00%	AUG 13	854,947.47
SEP 15	0.00	SEP 14	-100.00%	SEP 13	629,101.10
	<u>786,561.96</u>				<u>3,558,230.12</u>

The figures have a one month lag in reporting, for example October's taxes are not collected until November, November's taxes are not collected until December etc.

GENERAL FUND SALES TAX COMPARISON

<u>DATE OF SALE</u>	<u>STATE PMT TO CITY</u>	<u>FY 2015</u>	<u>FY 2014</u>	<u>CHANGE</u>	<u>YTD</u>
SEPT 14	NOV 14	116,174.78	100,285.96	15.84%	15.84%
OCT 14	DEC 14	97,002.03	83,415.45	16.29%	16.05%
NOV 14	JAN 15	65,888.57	61,080.93	7.87%	14.01%
DEC 14	FEB 15	89,972.77	71,788.00	25.33%	16.57%
JAN 15	MARCH 15	0.00	62,715.78	-100.00%	-2.70%
FEB 15	APRIL 15	0.00	64,227.31	-100.00%	-16.79%
MARCH 15	MAY 15	0.00	116,820.37	-100.00%	-34.14%
APRIL 15	JUNE 15	0.00	97,399.94	-100.00%	-43.89%
MAY 15	JULY 15	0.00	120,530.07	-100.00%	-52.58%
JUNE 15	AUG 15	0.00	158,075.70	-100.00%	-60.59%
JULY 15	SEPT 15	0.00	184,652.31	-100.00%	-67.08%
AUG 15	OCT 15	0.00	143,628.98	-100.00%	-70.82%
TOTAL		369,038.15	1,264,620.80		

Month of sale two months earlier than payment to City by State. (If \$ received from State in October, actual sale of goods occurred in August)

Oct. Jan. April and July include quarterly reports.

Jan. also includes annual reports.

SALES TAX COLLECTIONS

	<u>FY 2015 TOTAL</u>	<u>FY 2015</u>		<u>FY 2014 TOTAL</u>	<u>INCREASE (DECREASE)</u>
		<u>G.F.</u>	<u>RDC</u>		
OCT 14	174,262.17	116,174.78	58,087.39	150,428.94	23,833.23
NOV 14	145,503.04	97,002.03	48,501.01	125,123.17	20,379.87
DEC 14	98,832.86	65,888.57	32,944.29	91,621.39	7,211.47
JAN 15	134,959.16	89,972.77	44,986.39	107,682.00	27,277.16
FEB 15	0.00	0.00	0.00	94,073.67	-94,073.67
MAR 15	0.00	0.00	0.00	96,340.97	-96,340.97
APR 15	0.00	0.00	0.00	175,230.55	-175,230.55
MAY 15	0.00	0.00	0.00	146,099.91	-146,099.91
JUN 15	0.00	0.00	0.00	180,795.11	-180,795.11
JUL 15	0.00	0.00	0.00	237,113.55	-237,113.55
AUG 15	0.00	0.00	0.00	276,978.46	-276,978.46
SEPT 15	0.00	0.00	0.00	215,443.47	-215,443.47
TOTAL	553,557.23	369,038.15	184,519.08	1,896,931.19	-1,343,373.96

HARBOR SLIP RENTAL

PERCENT OF CHANGE

FY2015 MONTHLY RENTALS

FY2014 MONTHLY RENTALS

MONTH

YTD

OCT 14	120,038.93	OCT 13	126,214.33	-4.89%	-4.89%
NOV 14	4,590.12	NOV 13	3,703.38	23.94%	-4.07%
DEC 14	120,434.44	DEC 13	127,742.20	-5.72%	-4.89%
JAN 15	4,914.34	JAN 14	5,672.32	-13.36%	-5.07%
FEB 15	3,796.11	FEB 14	4,701.64	-19.26%	-5.32%
MAR 15	0.00	MAR 14	126,649.93	-100.00%	-35.70%
APR 15	0.00	APR 14	4,778.20	-100.00%	-36.47%
MAY 15	0.00	MAY 14	2,495.51	-100.00%	-36.87%
JUN 15	0.00	JUN 14	126,752.09	-100.00%	-52.00%
JUL 15	0.00	JUL 14	5,569.07	-100.00%	-52.50%
AUG 15	0.00	AUG 14	5,135.41	-100.00%	-52.95%
SEP 15	0.00	SEP 14	3,909.32	-100.00%	-53.29%
	<u>253,773.94</u>		<u>543,323.40</u>		

PERCENT OF CHANGE

FY2015 TRANSIENT RENTALS

FY2014 TRANSIENT RENTALS

MONTH

YTD

OCT 14	19,896.77	OCT 13	16,954.80	17.35%	17.35%
NOV 14	7,997.44	NOV 13	5,506.25	45.24%	24.19%
DEC 14	5,999.67	DEC 13	2,857.50	109.96%	33.87%
JAN 15	5,845.84	JAN 14	3,695.95	58.17%	36.97%
FEB 15	4,424.72	FEB 14	5,581.10	-20.72%	27.66%
MAR 15	0.00	MAR 14	7,751.82	-100.00%	4.29%
APR 15	0.00	APR 14	4,875.68	-100.00%	-6.48%
MAY 15	0.00	MAY 14	10,374.55	-100.00%	-23.32%
JUN 15	0.00	JUN 14	32,115.94	-100.00%	-50.77%
JUL 15	0.00	JUL 14	21,753.15	-100.00%	-60.38%
AUG 15	0.00	AUG 14	18,169.80	-100.00%	-65.93%
SEP 15	0.00	SEP 14	12,365.20	-100.00%	-68.90%
	<u>44,164.44</u>		<u>142,001.74</u>		

**CITY OF PORT ARANSAS, TEXAS**  
**Beach Parking Permits Sold**  
**2015 compared to 2014**

	2014	2014 Year to Date	2014	2014 Year to Date	Increase (Decrease) 2015 vs 2014	% Increase (Decrease) 2015 vs 2014
December	764	764	471	471	293	62.21%
January	1,660	2,424	1,232	1,703	721	42.34%
February	2,585	5,009	1,006	2,709	2,300	84.90%
March	0	5,009	6,845	9,554	(4,545)	-47.57%
April	0	5,009	5,158	14,712	(9,703)	-65.95%
May	0	5,009	9,939	24,651	(19,642)	-79.68%
June	0	5,009	18,212	42,863	(37,854)	-88.31%
July	0	5,009	20,796	63,659	(58,650)	-92.13%
August	0	5,009	17,251	80,910	(75,901)	-93.81%
September	0	5,009	9,695	90,605	(85,596)	-94.47%
October	0	5,009	2,896	93,501	(88,492)	-94.64%
November	0	5,009	1,979	95,480	(90,471)	-94.75%



# **Port Aransas Police Department**

Scott Burroughs, Chief of Police

## **Inter-Departmental Memorandum**

**Date:** March 15, 2015,  
**To:** David Parsons, City Manager  
**From:** Scott Burroughs, Chief of Police  
**RE:** February 2015 Summary Report

The following is a summary of activity for the Port Aransas Police Department during the month of February 2015.

Total incidents: 1,829  
Municipal Citations (includes all charges filed by the court): 175 charges  
Total Arrests: 58

### **Arrests**

The Port Aransas Police Department arrested 58 people including 13 that were arrested for outstanding warrants. Twenty-seven of the arrests were for alcohol related offenses. There were five arrests for assault and one for sexual assault

### **Citations** (Summary of traffic charges filed through the Municipal Court by police department)

Disregard Traffic Control Device – 0, Driving W/O License, While License Suspended, or Invalid – 5, Expired Inspection – 2, Expired License Plates - 3, Parking Violation (Beach) – 1, Parking Violations (Other) - 0, No Insurance – 1, No Seat Belt/Unrestrained child – 0, Open Container – 0, Ran Red light/stop sign – 0, Speeding 10, Willful And Wanton Disregard For Public Safety – 1, Other - 1.

### **Significant Events:**

02/19 A 23 year old Port Aransas man was arrested for sexually assaulting a Port Aransas woman. The suspect was the boyfriend of the victim's roommate. She was sexually assaulted while unconscious due to voluntary intoxication.

**JANUARY 2015  
Beach Code Report**

Date	Time	Mile Marker (Location)	Issue	Action Taken
1/10/2015	10:15am	B	Small 5th Wheel Trailer	no action taken
1/10/2015	10:20am	B-C	RV camped	no action taken
1/10/2015	10:25am	C	tent camped	no one present, may be abandoned
1/10/2015	10:30am	C-28	no cars parked without permit	
1/12/2015	3:20pm	B	Small 5th Wheel Trailer	no action taken
1/12/2015	3:30pm	C-28	no cars parked without permit	
1/15/2015	12:25pm	B	Small 5th Wheel Trailer	Day 5, attempted contact, no one present
1/15/2015	12:30pm	C (North)	RV parked	no action taken
1/15/2015	12:30pm	C (South)	5th Wheel Parked (blue truck)	no action taken
1/15/2015	12:30pm	10	RV parked	no action taken
1/15/2015	12:30pm	11.5	5th Wheel parked (no vehicle)	no action taken
1/15/2015	12:30pm	14.5	5th Wheel parked (white truck)	no action taken
1/15/2015	12:30pm	18.5	RV parked	no action taken
1/17/2015	5:40pm	20	RV Parked	no action taken
1/17/2015	5:40pm	24	RV parked with Black SUV	no action taken
1/17/2015	5:40pm	19	Trailer parked with White SUV & car	no action taken
1/17/2015	5:40pm	17	Trailer parked with Grey Truck	no action taken
1/17/2015	5:40pm	14.5	5th Wheel parked (white truck)	Day 3, Notified Resident
1/17/2015	5:40pm	B	Tent camped (Blue w/ white car)	no action taken
1/17/2015	5:40pm	1	Black Trailer (black suv)	no action taken
1/17/2015	5:40pm	3	small 2wheel trailer (green suv)	no action taken
1/17/2015	5:40pm	3	small RV (van-like)	no action taken
1/17/2015	5:40pm	6	Trailer parked (red truck)	no action taken
1/17/2015	5:40pm	10	trailer parked (no vehivle present)	no action taken
1/17/2015	5:40pm	10	RV parked	no action taken
1/17/2015	5:40pm	12	Trailer parked (maroon truck)	no action taken
1/17/2015	5:40pm	14	RV parked (white SUV)	no action taken
1/19/2015	4:15pm	14.5	5th Wheel parked (white truck)	Day 4, talked to owners, leaving today.
1/19/2015	4:15pm	17	trailer parked (blue truck)	no action taken
1/19/2015	4:15pm	3	small 2wheel trailer	Day 3, no one present
1/19/2015	4:15pm	3	small RV (van-like)	Day 3, no one present
1/19/2015	4:15pm	6	Trailer parked (red truck)	Day 3, no one present
1/19/2015	4:15pm	12	trailer parked (red suv)	no action taken
1/19/2015	4:15pm	20	RV Parked	Day 3, no one present
1/19/2015	4:15pm	25	RV Parked	no action taken
1/21/2015	3:00pm	18	RV Parked (moved from MM 25)	Day 3, no one present
1/21/2015	3:00pm	14	RV parked (white SUV)	Gone on 1/19, back today, no action taken
1/21/2015	3:00pm	3	small 2wheel trailer	Day 5, no one present, notified police for night patrol
1/21/2015	3:00pm	3	small RV (van-like)	Day 5, no one present, notified police for night patrol
1/21/2015	3:00pm	20	RV parked (unique golf cart)	Day 5, no one present, notified police for night patrol
1/24/2015	12:44PM	20	RV parked (unique golf cart)	Day 8, notified owner, will be moving
1/24/2015	12:44PM	17	RV parked	no action taken
1/24/2015	12:44PM	16	5th Wheel (black truck)	no action taken
1/24/2015	12:44PM	12	5th wheel (grey truck)	no action taken
1/24/2015	12:44PM	B	pop-up	no action taken
1/27/2015	2:45pm	24	RV parked (maroon truck)	no action taken
1/27/2015	2:45pm	23	RV parked (black suv)	no action taken
1/27/2015	2:45pm	22	RV parked (white car)	no action taken
1/27/2015	2:45pm	20	RV parked (unique golf car)	returned, no one present, notified police for night patrol
1/27/2015	2:45pm	16	5th Wheel (no truck present)	no action taken
1/27/2015	2:45pm	1	RV (Zanzibar, White Tiger Mural)	no action taken
1/27/2015	2:45pm	1	RV parked	no action taken
1/27/2015	2:45pm	A	5th Wheel (black truck)	no action taken
1/27/2015	2:45pm	B-C	11 Rv's/5th wheels/pop-up Caravan	no action taken

**JANUARY 2015  
Beach Code Report**

<b>Date</b>	<b>Time</b>	<b>Mile Marker (Location)</b>	<b>Issue</b>	<b>Action Taken</b>
1/28/2015	5:30pm	24	5th wheel (black truck/near water)	no action taken
1/28/2015	5:30pm	22	RV pulling black trailer	no action taken
1/28/2015	5:30pm	22	RV parked	no action taken
1/28/2015	5:30pm	21	RV parked	no action taken
1/28/2015	5:30pm	21	RV parked	no action taken
1/28/2015	5:30pm	20	RV parked (white truck)	no action taken
1/28/2015	5:30pm	20	RV parked (unique golf car)	returned Day 2, placed notice, notified police for night patrol
1/28/2015	5:30pm	19	RV parked	no action taken
1/28/2015	5:30pm	28	School Bus	no action taken
1/28/2015	5:30pm	1	RV (Zanzibar, White Tiger Mural)	no action taken
1/28/2015	5:30pm	0	RV parked	no action taken
1/28/2015	5:30pm	B-C	12 Rv's/5th wheels/Pop-up caravan	no action taken

**FEBRUARY 2015**  
**Code Report - Beach**

Date	Time	Mile Marker (Location)	Issue	Action Taken
2/1/2015	5:30pm	25	Trailer (silver truck)	no action taken
2/1/2015	5:30pm	23	Trailer (grey truck)	no action taken
2/1/2015	5:30pm	20	Trailer	no action taken
2/1/2015	5:30pm	28	School Bus	Day 4, owner notified, notified police for night patrol
2/1/2015	5:30pm	17	RV (ladder on back)	no action taken
2/1/2015	5:30pm	1	RV (Zanzibar, White Tiger Mural)	4th day, no one present, notified police for night patrol
2/1/2015	5:30pm	0	RV (red chairs)	no action taken
2/1/2015	5:30pm	B	pop-up	Day 5, notified owner, will be moving today
2/4/2015	2:40pm	A	trailer (blue suv)	no action taken
2/4/2015	2:40pm	0	RV	no action taken
2/4/2015	2:40pm	0	small trailer (white truck)	no action taken
2/4/2015	2:40pm	1	tent camped (orange tent, white car)	no action taken
2/4/2015	2:40pm	1	blue tent camped	no action taken
2/4/2015	2:40pm	1	RV (Zanzibar, White Tiger Mural)	7th day, no one present (no footprints anywhere), contacted police,
2/4/2015	2:40pm	22	RV (green car)	possibly moved, owner not present
2/4/2015	2:40pm	23	Trailer (grey truck)	Day 3, owner notified
2/4/2015	2:40pm	25	Trailer (silver truck)	Day 3, no one present
2/4/2015	2:40pm	28	School Bus	No one present (Night: Police made contact, owner taken to hospital)
2/5/2015	10:45am	28	School Bus	owner in hospital
2/5/2015	10:45am	25	Trailer (grey truck)	Day 4, owner notified, will be leaving
2/5/2015	10:45am	23	Trailer	Day 4, owner notified, will be leaving
2/5/2015	10:45am	21	RV (generator, golf cart)	Moved, not the same people staying in it.
2/5/2015	10:45am	16	Van (w/sleeper hatch)	no action taken
2/5/2015	10:45am	14	Airstream (grey truck)	no action taken
2/5/2015	10:45am	1	blue tent camped	no action taken
2/5/2015	10:45am	1	tent camped (orange tent, white car)	no action taken
2/5/2015	10:45am	1	RV (Zanzibar, White Tiger Mural)	8th day, (Police made entry for welfare check, no personal items) tagged
2/5/2015	10:45am	0	trailer	no action taken
2/5/2015	10:45am	A	trailer (blue suv)	no action taken
2/6/2015	1:05pm	28	School Bus	owner in hospital (has not returned)
2/6/2015	1:05pm	27	tent camped (black truck, black suv)	no action taken
2/6/2015	1:05pm	21	RV (generator, golf cart)	New people in it, confused about the ordinance, clarified, will be moving
2/6/2015	1:05pm	16	tent camped	no action taken
2/6/2015	1:05pm	1	tent camped (orange tent, white car)	Day 3, no one present
2/6/2015	1:05pm	1	RV (Zanzibar, White Tiger Mural)	9th day, orange tag for abandoned removal
2/6/2015	1:05pm	0	small trailer (white truck)	Day 3, no one present
2/6/2015	1:05pm	A	trailer (bikes on back)	no action taken
2/7/2015		28	School Bus	Police made contact, owner taken to hospital again, arrested on warrants
2/7/2015		1	RV (Zanzibar, White Tiger Mural)	10th day, orange tag for abandoned removal (48hrs)
2/9/2015		1	RV (Zanzibar, White Tiger Mural)	deemed abandoned, removed by Apollo Towing
2/12/2015	4:15pm	26	Green Truck, wooden lean-to	no action taken
2/12/2015	4:15pm	23	RV, golf cart, Fifth Wheel, Black Truck	no action taken ***
2/12/2015	4:15pm	22	RV, White SUV	no action taken
2/12/2015	4:15pm	19	RV, Black trailer attached	no action taken
2/12/2015	4:15pm	18	RV Black Jeep, 2 kayaks	no action taken
2/12/2015	4:15pm	16	RV, wheelchair	no action taken
2/12/2015	4:15pm	14	small trailer	no action taken
2/12/2015	4:15pm	12	small RV	no action taken
2/12/2015	4:15pm	A	trailer (blue SUV)	returned from county beach, no one present
2/12/2015	4:15pm	A	small RV	no action taken
2/19/2015	5:38pm	24	trailer, dark orange SUV	no action taken
2/19/2015	5:38pm	22	RV, White SUV	6th day, owners informed of ordinance, will be leaving
2/19/2015	5:38pm	21	Red Van with Roof Pop-up	no action taken
2/19/2015	5:38pm	20	RV w/unique golf cart	returned, in violation, notified Police
2/19/2015	5:38pm	19	Trailer, Red Truck	no action taken
2/19/2015	5:38pm	17	RV	no action taken

**FEBRUARY 2015**  
**Code Report - Beach**

Date	Time	Mile Marker (Location)	Issue	Action Taken
2/19/2015	5:38pm	14	RV	no action taken
2/19/2015	5:38pm	0	small trailer, lawnmower	no action taken (have been here before)
2/19/2015	5:38pm	D	Fifth wheel, maroon truck	no action taken
2/19/2015	5:38pm	A	trailer, blue SUV	returned from county beach Day 2, no one present
2/23/2015	1:15pm	28	RV (blue)	no action taken
2/23/2015	1:15pm	24	trailer, dark orange SUV	Day 3, no action taken
2/23/2015	1:15pm	17	RV, Black SUV	Day 3, no action taken
2/23/2015	1:15pm	14	RV, Black SUV	Day 3, no action taken
2/23/2015	1:15pm	13	Fifth Wheel, Red Bike	no action taken
2/23/2015	1:15pm	5	RV (dolphins)	no action taken
2/23/2015	1:15pm	4	Fifth Wheel	no action taken
2/23/2015	1:15pm	D	2 small RVs	no action taken
2/23/2015	1:15pm	A	trailer, blue SUV	returned from county beach Day 3, no one present
2/25/2015	12:30pm	A	trailer, blue SUV	returned from county beach Day 4, no one present
2/25/2015	12:30pm	B	unique golf cart left parked (RV gone)	no action taken
2/25/2015	12:30pm	D	2 small RVs	Day 2, no action taken
2/25/2015	12:30pm	1	RV (blue)	Day 2, moved down from MM 28
2/25/2015	12:30pm	1	tan trailer (red generator)	no action taken
2/25/2015	12:30pm	9	spray painted black RV w/ tarp on front	no action taken
2/25/2015	12:30pm	14	RV, white Jeep	Day 4, let owners know about ordinance, would be leaving next day
2/25/2015	12:30pm	18	RV, black jeep, silver SUV	no action taken
2/25/2015	12:30pm	22	Trailer, Red SUV	no action taken
2/25/2015	12:30pm	23	RV	no action taken
2/25/2015	12:30pm	27	Fifth Wheel	no action taken
2/26/2015	1:10pm	27	Fifth Wheel	Day 2, no action taken
2/26/2015	1:10pm	23	RV	Day 2, no action taken
2/26/2015	1:10pm	20	Black pick-up w/on cab camper	no action taken
2/26/2015	1:10pm	18	RV	Day 2, no action taken
2/26/2015	1:10pm	19	trailer, dark orange SUV	Day 4 ***left for a day, moved
2/26/2015	1:10pm	16	RV, blue van, white car	no action taken
2/26/2015	1:10pm	14	RV, white Jeep	Day 5, will be leaving today
2/26/2015	1:10pm	1	tan trailer, red generator	Day 2, no action taken
2/26/2015	1:10pm	B	RV, unique golf cart	returned to beach, in violation, notified police who went out and spoke with him
2/26/2015	1:10pm	A	trailer, blue SUV	returned from county beach, Day 5, no one present

**MARCH 2015  
Beach Code Report**

<b>Date</b>	<b>Time</b>	<b>Mile Marker (Location)</b>	<b>Issue</b>	<b>Action Taken</b>
3/5/2015	3:00pm	MM 27	spray painted black RV w/ tarp on front	returned, Day 2, no action taken
3/5/2015	3:00pm	MM 16	Black pick-up w/on cab camper	moved, Day 2, no action taken
3/5/2015	3:00pm	MM 1	RV w/ wolves painted on back	no action taken
3/5/2015	3:00pm	MM 0	trailer w/lawn mower	returned, at least Day 2, have been here before
3/5/2015	3:00pm	MM D	trailer w/ blue SUV	in violation, spoke with owner, will leave next day, wasn't aware of ordinance
3/10/2015	3:45pm	MM 21	Green tent, black truck	no action taken
3/10/2015	3:45pm	MM 21	pop-up camper, black flag	no action taken
3/10/2015	3:45pm	MM 0	trailer w/lawn mower	returned, at least Day 3, have been here before, notified police
3/10/2015	3:45pm	MM C	Black pick-up w/on cab camper	moved, Day 3, no action taken

Please Note: An updated (with complete listing of March dates) will be presented at the April 16 City Council Meeting. Report prepared for Agenda Packet of 3/16/2015.

- 1. ADMINISTRATION OF OATH OF OFFICE AND STATEMENT OF APPOINTED OFFICER TO EACH NEW MEMBER OF THE LIBRARY BOARD BY CITY EXECUTIVE ASSISTANT FRANCESCA NIXON

**NEW MEMBERS:**

Rick Kalke  
Carolee Crider  
Patsy Krauskopf  
Sallie Askew

- 2. **CALL TO ORDER:** The Library Advisory Board meeting was called to order by Chairman Rick Kalke at 5:30 PM, Wednesday, November 19, 2014, at the Bill Ellis Memorial Library, 700 W. Avenue A, Port Aransas, Nueces County, Texas with the following members present; to wit:

**BOARD MEMBERS PRESENT**

Rick Kalke  
Carolee Crider  
Gary Ramsey  
Carolyn Grosse  
Patsy Krauskopf  
Sallie Askew

**BOARD MEMBER(S) ABSENT**

**STAFF MEMBERS PRESENT**

Kathy Caldwell, Library Director  
Toby De La Rosa

**STAFF MEMBER(S) ABSENT**

- 3. **APPROVAL OF MINUTES:** August 27, 2014

**MOTION:** A motion to approve the minutes was made by Carolee Crider and seconded by Gary Ramsey. Motion carried by the following vote:

Name	Yes	No	Abstain	Absent
Rick Kalke	x			
Carolee Crider	x			
Patsy Krauskopf	x			
Gary Ramsey	x			
Carolyn Grosse	x			
Sallie Askew (Alternate)	x			

#### 4. LIBRARIAN'S REPORT

##### A. Monthly Circulation and Library Utilization Reports

- a. August 2014: Total circulation for August 2014 was 2,730. This includes 17 interlibrary loan items and 250 downloaded e-books and audiobooks from the Overdrive website. Attendance was 1,814. There were 30 new registrations and 1 new or renewed non-resident card. 265 people signed up to use the Internet computers or wireless. Fees and fines collected totaled \$416.28.
- b. September 2014: Total circulation for September 2014 was 2,490. This includes 12 interlibrary loan items and 216 downloaded e-books and audiobooks from the OverDrive website. Attendance was 1,693. There were 21 new registrations and 1 new or renewed non-resident card. 213 people signed up to use the Internet computers or wireless. Fees and fines collected totaled \$334.40.
- c. October 2014: Total circulation for October 2014 was 2,710. This includes 20 interlibrary loan items and 228 downloaded e-books and audiobooks from the Overdrive website. Attendance was 2,710. There were 23 new registrations and 7 new or renewed non-resident cards. 220 people signed up to use the Internet computers or wireless. Fees and fines collected totaled \$404.87.

##### B. Monthly Trust Fund Financial Reports

- a. August 2014: At the end of August, the Trust Fund checking account balance was \$20,802.91. Total income was \$0.18 in interest. There were no expenses for the month.
- b. September 2014: At the end of September, the Trust Fund checking account balance was \$29,951.48. Total income was \$9,368.57. This included a check from the Carol Woodfin estate for \$9,368.36 and \$0.21 in interest. Total expense was \$220.00 for Michies Storage Unit #337.
- c. October 2014: At the end of October, the Trust Fund checking account balance was \$29,985.73. Total income was \$34.00 in patron donations and \$0.18 in interest. There were no expenses for the month.

##### C. Trust Fund Quarterly Report, 4th Quarter

July 1, 2014 – September 30, 2014. The Library Trust Fund balance as of September 30, 2014 is \$154,980.32 Total receipts were \$9,480.93 Total expenditures were \$470.00. This includes the checking account balance of \$29,951.48 and the Certificate of Deposit balance of \$125,028.84.

##### D. Auto-Graphics Update (Library Catalog Verso 4)

Due to a multitude of issues/errors reported from various libraries using the new Verso4 catalog interface, Auto-Graphics, Inc. has delayed the final transition from the Classic interface to the new catalog interface until after January 31, 2015.

##### E. Friends of the Library

The Friends of the Library elected new officers in October. Sarah Jane Wise is now president; Jo Leta Gavit, vice-president; Ida Pauken, treasurer; Joyce Walters, secretary.

##### F. Book Sale Preparations

Starting in December all donations for the book sale will go into the Meeting Room. Chairman, Patsy Krauskopf and volunteer, Bob Morford will begin sorting and boxing up donations. Publicity for the sale will begin. It was decided to not have a silent auction this year but to have a special table showcasing "coffee table" books that will be priced higher. Kathy Caldwell will research each book to determine a fair price.

##### G. Mango Languages

As of November the library is offering access to Mango Languages through the library website. The company offers over 60 foreign language courses featuring native speakers. All library patrons will need to access the website is their library card number and user i.d.

5. **REVIEW AND TAKE ACTION ON LIBRARY BYLAWS**

**MOTION:** A motion to nominate Carolee Crider as Co-Chairman of the Library Advisory Board was made by Patsy Krauskopf and seconded by Gary Ramsey. Motion carried by the following vote:

Name	Yes	No	Abstain	Absent
Rick Kalke	x			
Carolee Crider	x			
Patsy Krauskopf	x			
Gary Ramsey	x			
Carolyn Grosse	x			
Sallie Askew (Alternate)	x			

6. **REVIEW 2015 LIBRARY FEE SCHEDULE**

The Board reviewed the fee schedule. All were in agreement to keep current fees as they are.

7. **REVIEW AND TAKE ACTION ON LIBRARY IPAD USAGE POLICY**

The board reviewed the iPad Usage Policy written by Library Director, Kathy Caldwell. The iPad Air was purchased in October by the Friends of the Library. The iPad will be for use by children aged 10 and under in the library.

**MOTION:** A motion to approve the iPad Policy as is was made by Gary Ramsey and seconded by Carolee Crider. Motion carried by the following vote:

Name	Yes	No	Abstain	Absent
Rick Kalke	x			
Carolee Crider	x			
Patsy Krauskopf	x			
Gary Ramsey	x			
Carolyn Grosse	x			
Sallie Askew (Alternate)	x			

8. **ADJOURNMENT**

Upon completion of the posted agenda, the meeting was adjourned at 6:50 pm.

CITY OF PORT ARANSAS, TEXAS

\_\_\_\_\_  
Rick Kalke, Acting Chairman

\_\_\_\_\_  
Library Advisory Board Secretary



**CITY OF PORT ARANSAS, TEXAS**

**MINUTES OF**

**PLANNING AND ZONING COMMISSION  
REGULAR MEETING/PUBLIC HEARING  
Monday, February 23<sup>rd</sup>, 2015 @ 3:00pm  
Port Aransas City Hall, 710 W. Avenue A  
Port Aransas, Texas 78373**

1. **CALL TO ORDER:** With a quorum of the Planning and Zoning Members present, the Regular Meeting of the Port Aransas Planning & Zoning Commission was called to order by Chair Becky Corder at 3:02 pm on Monday, February 23<sup>rd</sup>, 2015 in the Council Chambers of the Port Aransas City Hall, 710 W Avenue A, Port Aransas, Texas.

**PLANNING & ZONING MEMBERS PRESENT**

P&Z Chairman Becky Corder  
P&Z Commissioner Bruce Clark  
P&Z Commissioner Chuck Crawford  
P&Z Co-Chairman Mike Garlough  
P&Z Commissioner Wendy Moore  
P&Z Commissioner Nick Lorette  
P&Z Commissioner Randy D'Herde (3:05)

**STAFF MEMBERS PRESENT**

Development Services Director Rick Adams  
Planning Assistant Nicole Hammock

**PLANNING & ZONING MEMBERS ABSENT**

None

2. **CITIZEN COMMENTS:** *In accordance with the Open Meeting Act, Planning and Zoning Commission is prohibited from acting or discussing (other than factual responses to specific questions) any items brought before them at this time. Comments will be limited to three (3) minutes or less.*

**No citizens signed up to speak.**

3. **ITEMS FOR DISCUSSION AND ACTION:**

- A. Discussion and take appropriate action on the Monday January 26<sup>th</sup>, 2015, Planning and Zoning Regular Meeting Minutes.

**MOTION: Commissioner Bruce Clark made the motion to approve minutes. Seconded by Commissioner Mike Garlough and carried with the following vote:**

Name	Yes	No	Abstain	Absent
Chairman Corder	x			
Co-Chairman Garlough	x			
Commissioner Moore	x			
Commissioner D’Herde				x
Commissioner Clark	x			
Commissioner Lorette			x	
Commissioner Crawford	x			

B. Discuss and take action to confirm that the “No” Dune Permit BFDP 150035 is consistent with the City’s Coastal Management Plan. The dune permit seeks to establish that no Dune Permit is required for construction of improvements at Lot 2, Corder/Hall Subdivision, Port Aransas, Texas. Applicant: Bob Gullacher. Property Location: 136 Dunes Dr.

Director of Development Rick Adams presented the application for the “No” Dune Permit. He stated that it was pretty straightforward and obviously no dunes are present. Chairman Corder pointed out that when they come to get a building permit, that special attention needs to be paid to the engineering given how close this pool will be to the water table.

**MOTION: Commissioner Bruce Clark made the motion to approve BFDP 150035. Seconded by Commissioner Nick Lorette and carried with the following vote:**

Name	Yes	No	Abstain	Absent
Chairman Corder	x			
Co-Chairman Garlough	x			
Commissioner Moore	x			
Commissioner D’Herde			x	
Commissioner Clark	x			
Commissioner Lorette	x			
Commissioner Crawford	x			

C. Discuss and take action on Final Plat Application FPLT#150067, Proposed lots 5R-10R, Block 78, Aransas Holding Company Section C, Nueces County, being a replat of Lots 4-10, Block 78, Aransas Holding Company Section C, City of Port Aransas, Texas according to the plat recorded in Volume 5, Page 34, Map Records of Nueces County Texas. Request by: Tenth Street Rentals, LTD (Nick Lorette). Property Location: Tenth St.

Development Director Rick Adams presented FPLT#150067. The reason it is coming to P&Z instead of a regular Building Department Public Hearing is that the replat involves more than 5 lots. The replat is pretty straightforward and the only comment was from the water department requesting a signature block since the development requires sewer utilities. The signature block has been added.

**MOTION: Commissioner Bruce Clark made the motion to approve FPLT 150067. Seconded by Commissioner Chuck Crawford and carried with the following vote:**

Name	Yes	No	Abstain	Absent
Chairman Corder	x			
Co-Chairman Garlough	x			
Commissioner Moore	x			
Commissioner D’Herde	x			
Commissioner Clark	x			
Commissioner Lorette			x	
Commissioner Crawford	x			

D. Discuss and take action on proposed revisions to Port Aransas City Code, Chapter 25 with regards to off-site parking requirements.

Commissioner Bruce Clark mentioned that enforcement by the Port Aransas Police Department is fundamental in helping curtail the problem. Rick informed the Commission that both Carla Vanzant and Sandy Fuentes have both attended Code Enforcement Training and are beginning to take on some of those responsibilities. City staff is proposing “one parking space per sleeping area” based on previous discussions with the Commission. Commissioner Nick Lorette asked if PUD’s (like Kingstone Beach) would be exempt. Rick Adams said that while it is ultimately the Council and P&Z’s decision, he and David Parsons had discussed it and their thoughts were that since a PUD was typically created with some flexibility with city ordinances, and since a PUD’s parking issues are essentially contained within the PUD itself, the city should still work to ensure safety and emergency response access, but it would be acceptable for PUD’s to present different parking plan ideas. Commissioner Nick Lorette asked about people that are purchasing R-2 and above lots due to the lack of R-1 lots available and wanting to build permanent residences with no intention of short-term renting. Rick Adams mentioned that he spoke with a title company and they made it very clear that owners could deed restrict it to not allow short-term rentals and he believes that concessions could be made regarding parking requirements for properties that did this. Commissioner Bruce Clark asked if a property had an addition of two rooms, would they have to meet the additional parking requirements. The Commission agreed that a situation like that should be held to the parking requirement standards. Alternative Parking areas, such as schools and churches in the summertime, were also discussed as options for properties that don’t have enough parking on-site. Awareness Campaigns that begin letting visitors of vacation rentals know about limited parking when they rent a property was mentioned as another good idea to help combat parking issues. Commissioner Nick Lorette questioned the need for a maximum limit on the number of

parking spaces. The consensus was to remove the language about the maximum limit. Short-term rental registration was discussed as an important step forward to knowing how many rental units we have and would provide us with data to help combat many of our issues, including parking. The leftover area at the new ferry stacking lanes was discussed as a good spot for a “city” parking lot for additional off-site parking. Commissioner Randy D’Herde told the commission that the “one per bedroom, plus one” was even a better idea for the parking requirements. The commission for the most part agreed but it was decided that a requirement that high was probably going to be a lot harder to defend and pass than what is being presented.

**MOTION: Commissioner Bruce Clark made the motion to pass the parking requirements with the striking of “and a maximum not to exceed the number of sleeping areas plus one”. Seconded by Commissioner Randy D’Herde and carried with the following vote:**

Name	Yes	No	Abstain	Absent
Chairman Corder	x			
Co-Chairman Garlough	x			
Commissioner Moore	x			
Commissioner D’Herde	x			
Commissioner Clark	x			
Commissioner Lorette	x			
Commissioner Crawford	x			

**6. PLANNING AND ZONING COMMENTS AND ITEMS FOR FUTURE CONSIDERATION:**

A. Sustainable Storm Water Drainage will be on next month’s agenda.

**7. ADJOURNMENT OF REGULAR MEETING:** Upon completion of the posted agenda, Chair Becky Corder adjourned the meeting at 4:20 pm.

**CITY OF PORT ARANSAS, TEXAS**

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Becky Corder, Chair

\_\_\_\_\_  
Planning and Zoning Secretary

**CITY OF PORT ARANSAS, TEXAS**

**MINUTES**

**PLANNING & ZONING COMMISSION  
and  
CITY COUNCIL REGULAR JOINT MEETING**

**Thursday, February 19, 2015 @ 5:00 pm  
Port Aransas City Hall, 710 W. Avenue A  
Port Aransas, Texas 78373**

On this the 19<sup>th</sup> day of February, 2015 the Planning & Zoning Commission and the Port Aransas City Council, convened in a Joint Workshop Session at 5:00 p.m., at the regular meeting place in City Hall, and notice of meeting giving time, place, date and subject was posted as described in V.T.C.A., Government Code § 551.041.

**PLANNING & ZONING COMMISSION**

**PRESENT**

Co-Chairman Mike Garlough  
Commissioner Randy D’Herde  
Commissioner Nick Lorette  
Commissioner Wendy Moore

**ABSENT**

Chairman Becky Corder  
Commissioner Bruce Clark  
Commissioner Chuck Crawford

**CITY COUNCIL MEMBERS PRESENT**

Mayor Keith McMullin  
Mayor Pro-Tem Steven Lanoux, Place 6  
Council Member Rick Pratt, Place 1  
Council Member Beverly Bolner, Place 2  
Council Member Glenda Balentine, Place 3  
Council Member Charles Bujan, Place 4  
Council Member Edwin Myers, Place 5

**CITY COUNCIL MEMBER(S) ABSENT**

N/A

**STAFF MEMBERS PRESENT**

City Manager David Parsons  
City Secretary Irma Parker  
Finance Director Darla Honea  
Police Chief Scott Burroughs  
Planning & Development Director Rick Adams  
EMS Director Tim McIntosh  
Planning Assistant Nicole Boyers

**STAFF MEMBERS ABSENT**

City Attorney Michael Morris  
Parks & Recreation Director David Hyde  
Airport Manager Randy Hanson  
Gas Superintendent Mitch Ortiz  
Public Works Director Johnny White

1. **CALL TO ORDER**

- ❖ **Mayor McMullin to Call City Council to Order and Declare a Quorum is present.** Mayor McMullin called the Joint Workshop Meeting to Order and declared the City Council was in Quorum.

- ❖ **Planning & Zoning Commission Chair to Call Commission to Order and Declare a Quorum is present.** Co-Chairman Garlough called the Planning & Zoning Commission to Order and declared a Quorum was present.

2. **Presentation and general discussion of study, “Guidance for Sustainable Stormwater Drainage on the Texas Coast”, and accompanying sample model ordinance both prepared by the Center for Research in Water Resources, University of Texas at Austin and funded by the U.S. Department of the Interior, U.S. Fish and Wildlife Service and Coastal Impact Assistance Program.**

***Presentation:*** Michael Barrett, Ph.D., P.E and Danica Adams, MSCRP, MSSD, Center for Research in Water Resources, University of Texas at Austin. At the December 18<sup>th</sup> City Council Meeting, Mayor Pro-Tem Lanoux with support from Council Member Bujan expressed interest in a discussion of Stormwater Management practices as it pertains to new and existing development. The purpose of establishing a stormwater management program requirements and controls is to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within the corporate city limits. This was also an item of interest at the 2014 Goals Workshop. The Center for Research in Water Resources, University of Texas at Austin with funding by the U.S. Department of the Interior, U.S. Fish and Wildlife Service and Coastal Impact Assistance Program have presented their findings in the “*Guidance for Sustainable Stormwater Drainage on the Texas Coast*” which was presented to the City Council. The study may be found at [www.txcoastalbmp.org](http://www.txcoastalbmp.org) and was presented at a recent workshop presented by both Mayor Pro-Tem Lanoux and Council Member Bujan. A sample ordinance is also made a part of this presentation and discussion. Study highlights include:

- ❖ An introduction of the impacts of new development on the environment with a focus on aquatic impacts, the basics of storm water runoff and factors that impact the proper functioning of aquatic systems. The goal is to provide a basic understanding of the processes and provide motivation for adopting guidance to ensure that new developments include sustainable drainage systems.
- ❖ A description of practices that local residents can adopt to reduce the impact of stormwater runoff from their own properties. It includes a variety of topics including management of domesticated animal waste, use of herbicides and insecticides, maintenance of septic systems, and other topics.
- ❖ Descriptions of site design for new development geared towards the developers, planners, and engineers. Topics included preservation of natural features, conservation design, and various practices to reduce the impacts of storm water runoff from new development.
- ❖ Technical information primarily focusing on the civil engineers involved in the design of drainage systems for new development appropriate for the Texas Coastal Zone. Many new guidance documents (e g, those adopted by Aransas and Harris Counties) are specifically focused on what has been termed Low Impact Development (LID).
- ❖ Examples of the implementation of a variety of residential, commercial, and office developments now occurring in the Coastal Zone that already includes a sustainable drainage system, although conveyance and flood control may have been the primary design considerations.

Short question and answer period followed. Council Member Bolner asked for explanation on how bad the contamination was in Port Aransas. Dr. Barrett reported that inland areas were worse but Port Aransas is in good condition primarily due to our location along the coastline of Texas. Commission Member Nick Lorette expressed his philosophical misgivings of the ‘in lieu of’ options presented from experiences he had as a builder in Austin. In addition he stated that the city was looking into affordable housing and adoption of these regulations would increase the cost to the builder which in turn would filter down to the purchaser/consumer. Council Member Pratt inquired if phosphorous and nitrate contamination was addressed in this study. Dr. Barrett stated that it was not. ***Council Directive:*** None.

**3. ADJOURN JOINT WORKSHOP MEETING**

Upon a motion duly made and seconded the meeting was adjourned at 5:59 pm.

**CITY OF PORT ARANSAS, TEXAS**

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Becky Corder, Chairman

**ATTEST:**

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Irma G. Parker, City Secretary