

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

On this the 1st day of May, 2006 the City Council of the City of Aransas Pass convened in a Regular Council Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Dorothy Roberts, Mayor Pro Tempore
Frank Hametner, Council Member
Grace Chapa, Council Member
Jay Attaway, Council Member

ABSENT: Jesus Galvan, Mayor

ADMINISTRATIVE PERSONNEL PRESENT: Scott Thompson, City Manager
Allen Lawrence, City Attorney
Ada Owens, Interim City Secretary

ADMINISTRATIVE PERSONNEL ABSENT: None

STAFF PRESENT: Gretchen Black, Assistant City Manager
Darren Gurley, Director of Public Works
Bill Haines, Assistant Police Chief
Gilbert Ritz, Fire Chief

OTHERS PRESENT: Ralph and Lu Arcemont, Sami Louise Shirley, George Denomme, Irene Irely, Brock Vardsveen, Jeanie and Donald Brummett, Mark and Bridget Mehre, Gary Thomas, Teresa Cleveland, Earl Buckmaster, James S. Jackson, George Keck, Georgette Harrison, Belinda and Gilbert Ritz, Don McTee, Ernie Torres, Marsha Wellman, Oscar Pina, Jerry Wellman, Rosemary Upton, Patty Gilden, Eva Young, Nancy Vasquez-Perez, Robert Cucuas, Tommy Knight, Margaret Garrett, Kerry Riley, Karl Lovette.

(There may have been others present who did not sign in).

ITEM 1. CALL MEETING TO ORDER.

Mayor Pro Tempore Roberts called the meeting to Order at 7:00 p.m. on May 1, 2006.

ITEM 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG AND THE TEXAS FLAG.

Council Member Hametner gave the Invocation.

Council Member Chapa led the Pledge of Allegiance to the United States Flag and the Texas Flag.

ITEM 3.

CITIZEN'S COMMENTS.

Mayor Pro Tempore Roberts stated there were questions at the last Council meeting regarding the Highland Avenue paving. She stated Highland Avenue was not paved due to the cost. Reconstruction of Highland from Wehring Lane to Rife Street with a two-course surface treatment would have cost \$2,116,000.00 and \$387,000.00 to reconstruct Highland Avenue from Rife Street to Commercial Street, that is why that project is on hold.

Mayor Pro Tempore Roberts stated the City website is now live and the address is www.aransaspasstx.gov. Mayor Pro Tempore Roberts thanked Ralph and Lu Arcemont for contributing to the history sections of the website.

Mayor Pro Tempore Roberts stated there was a question regarding the animal shelter at the last Council meeting. She stated there would be a meeting May 2, 2006 to discuss the animal shelter issues with the group of concerned citizens.

Mr. George Denomme stated he had moved to Aransas Pass three years ago, had asked questions and still did not know how the town was run, who runs it, who gets paid (Council Members), and if they are not paid-why not? Mr. Denomme stated he had heard of a community center, then it was a civic center and now it is a city hall and a civic center and asked where does all the money come from? He stated he wanted more information about the town and how it can best be served by everyone.

Mr. Denomme suggest Roosevelt Field be renamed George W. Bush Field.

Mayor Pro Tempore Roberts stated if Mr. Denomme would come to the next Council meeting his questions would be answered.

ITEM 4.

CONSENT AGENDA – “All of the Following items on the Consent Agenda are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member so requests. If discussion is desired that item will be removed from the Consent Agenda and will be considered separately”.

A. Approval of Minutes of a Regular Meeting of April 17, 2006.

B. Approval of Ordinance 2006-3892 Granting a Conditional Use Permit for an open air farmer’s market to sell fresh produce and crafts at 1160 N. Commercial, City of Aransas Pass, Texas, Subject to Condition set forth.

Council Member Hametner made the motion to approve the Consent Agenda Items A and B. Council Member Chapa seconded the motion and the motion carried unanimously.

ITEM 6.

CONSIDER AND ACT ON ASSISTING COUNTY COMMISSIONER OSCAR PENA WITH THE ANNUAL PRECINCT 1 & 1A CLEAN UP DAY.

Mr. Oscar Pena, County Commissioner Precinct 1 and 1A thanked the Council for their help with Aransas County's Annual Clean Up Day which would be May 20, 2006 from 8:00 a.m. until 2:00 p.m. at the City's collection center.

Mr. Pena introduced Mr. James Jackson, the new Director of Environmental Health Department for Aransas County.

Council Member Hametner made the motion to approve assisting County Commissioner Oscar Pena with the Annual Precinct 1 and 1A Clean Up Day. Council Member Chapa seconded the motion and the motion carried unanimously.

ITEM 7.

CONSIDER AND ACT ON APPOINTING MEMBERS TO HARBOR MANAGEMENT TASKFORCE STAKEHOLDER COMMITTEE.

After discussion Council Member Hametner made the motion to appoint Captain Fred Comingore, Mr. Earl Buckmaster, Mr. Bill Allen, Mr. Mike Frost, Dr. Delbert Edwardson and Mr. Lupe Torres to the Harbor Management Taskforce Stakeholder Committee. Council Member Chapa seconded the motion and the motion carried unanimously.

ITEM 8.

CONSIDER AND ACT ON RESIGNATION OF ARANSAS PASS MUNICIPAL DEVELOPMENT DISTRICT MEMBERS MRS. LAURA WELBORN AND MR. DON WILLIAMS AND CALLING FOR APPLICATIONS.

Council Member Chapa made the motion to accept the resignation of Mrs. Laura Wellborn and Mr. Don Williams and call for applications. Council Member Hametner seconded the motion and the motion carried unanimously.

ITEM 9.

CONSIDER AND ACT ON REQUEST OF IRON GATOR, INC. TO ANNEX ALL OF LOTS 3 THROUGH 11, LANDBLOCK 5 AND ALL OF LOTS 3 THROUGH 10, LANDBLOCK C, T, P. MCCAMPBELL SUBDIVISION AND PORTIONS OF RESENDEZ ROAD, BENTWOOD ROAD AND ROBERT ROAD LYING IN THE VICINITY OF SAID LANDBLOCK 5 AND 6 WITH SAID 171.68 ACRE TRACT AND EXTEND CURRENT CITY LIMITS TO ENCOMPASS THESE TRACTS.

Mr. Brock Vardsveen addressed the Council stating he would answer any questions the Council may have.

Council Member Hametner stated he was happy to welcome Iron Gator to the community and happy to have them expand the city limits of Aransas Pass and contribute greatly to the City's valuation.

Mr. Allen Lawrence, City Attorney, asked Mr. Vardsveen why was he only including a portion of Resendez Road in his request?

Mr. Vardsveen stated he was annexing up to the turn off into the actual park. He stated he did not own both sides of Resendez Road but he wanted to annex what he did own on both sides of the road and the rest of Resendez Road could be annexed later.

Mr. Vardsveen stated there was one more annexation phase for the end of the property. He stated the next step would be to abandon the roads that go through the golf course.

Council Member Hametner made the motion to annex all of Lots 3 through 11, Landblock C, T.P. McCambell Subdivision and portions of Resendez Road, Bentwood Road and Robert Road lying in the vicinity of said Landblock 5 and 6 with said 171.68 acre tract and extend current City limits to encompass these tracts. Council Member Attaway seconded the motion and the motion carried unanimously.

ITEM 10.

PUBLIC HEARING ON SUBSTANDARD BUILDING, LOT 4, BLOCK 506, 927 S. HOUSTON, MR. PAUL A. YATES FOR THE PURPOSE OF A FINAL DETERMINATION OF THE VIOLATIONS AND REPAIRS REQUIRED TO MEET THE CITY ORDINANCE.

City Attorney Mr. Allen Lawrence declared the Public Hearing open at 7:15 p.m. on the substandard building at 927 S. Houston, Lot 4, Block 506, Mr. Paul A. Yates.

The City Attorney asked if there was anyone present to speak for the request.

Darren Gurley, Public Works Director stated the City is now actively enforcing the demolition of the substandard buildings in town. In the past, the City would demolish approximately ten (10) houses every two years. The Public Works Department will now attempt to bring two substandard houses a month to Council for consideration to demolish. Mr. Gurley stated that the property owners have 30 days from the date that they receive notice of a substandard building to address the needed repairs and 15 days to request a public hearing if they disagree with the staff assessment of their building. He noted that the Council can grant a 30 day extension at the public hearing, however, if the property owner requests more than 30 days they must have a detailed plan to bring the building up to code. If the plan is not followed the building can be demolished by the City without staff having to return the case to City Council.

Mr. Gurley made a presentation showing the condition of the building at 927 S. Houston.

The City Attorney asked if there was anyone present to speak for the request. Seeing no one, the City Attorney declared the Public Hearing closed at 7:19 p.m.

ITEM 11.

CONSIDER AND ACT ON SUBSTANDARD BUILDING, LOT 4, BLOCK 506, 927 S. HOUSTON, MR. PAUL A. YATES FOR THE PURPOSE OF A FINAL DETERMINATION OF THE VIOLATIONS AND REPAIRS REQUIRED TO MEET THE CITY ORDINANCE.

Council Member Hametner made the motion to demolish the substandard building at Lot 4, Block 506, 927 S. Houston, Mr. Paul A. Yates. Council Member Attaway seconded the motion and the motion carried unanimously.

ITEM 12.

PUBLIC HEARING ON SUBSTANDARD BUILDING, LOT 1, BLOCK 454, 661 N. MCCAMPBELL, MR. ALEX VINCENT FOR THE PURPOSE OF A FINAL DETERMINATION OF THE VIOLATIONS AND REPAIRS REQUIRED TO MEET THE CITY ORDINANCE.

The City Attorney declared the Public Hearing open at 7:20 p.m. on the substandard building at Lot 1, Block 454, 661 N. McCampbell, Mr. Alex Vincent at 7:21 p.m.

The City Attorney asked if there was anyone present to speak for the request.

Mr. Gurley stated a final determination to demolish this property had been ongoing for two years. He made a presentation showing the condition of the building and stated that he did not see any way possible that this building could be brought up to code.

Assistant Police Chief Bill Haines stated the Police Officers have been called to this property with reports of drug transactions, suspicious persons and prostitution. He stated the building should be demolished.

The City Attorney asked if there was anyone present to speak for the request. Seeing no one, the City Attorney declared the Public Hearing closed at 7:22 p.m.

ITEM 13.

CONSIDER AND ACT ON SUBSTANDARD BUILDING, LOT 1, BLOCK 454, 661 N. MCCAMPBELL, MR. ALEX VINCENT FOR THE PURPOSE OF A FINAL DETERMINATION OF THE VIOLATIONS AND REPAIRS REQUIRED TO MEET THE CITY ORDINANCE.

Council Member Chapa made the motion to demolish the substandard building at Lot 1, Block 454, 661 N. Houston, Mr. Alex Vincent. Council Member Attaway seconded the motion and the motion carried unanimously.

ITEM 14.

PUBLIC HEARING ON SUBSTANDARD BUILDING, LOT 13-14, BLOCK 475, 711 N. RIFE, CITY OF ARANSAS PASS, ARANSAS PASS INDEPENDENT SCHOOL DISTRICT AND ARANSAS COUNTY, FOR THE PURPOSE OF A FINAL DETERMINATION OF THE VIOLATIONS AND REPAIRS REQUIRED TO MEET THE CITY ORDINANCE.

The City Attorney declared the Public Hearing open at 7:23 p.m. on the substandard building at Lot 13-14, Block 475, 711 N. Rife, City of Aransas Pass, Aransas Pass Independent School District and Aransas County.

The City Attorney asked if there was anyone present to speak for the request.

Mr. Gurley stated this property was seized for taxes by the City of Aransas Pass, Aransas Pass Independent School District and Aransas County. He stated the School District and Aransas County have given permission to demolish the substandard building and the City Council's permission was the final approval needed to demolish the building. He stated a lien would be placed on the property after the building was

demolished and the City could recover the cost of demolition if the property was ever sold.

The City Attorney asked was there was anyone present to speak for the request. Seeing no one, the City Attorney declared the Public Hearing closed at 7:25 p.m.

ITEM 15.

CONSIDER AND ACT ON SUBSTANDARD BUILDING, LOT 13-14, BLOCK 475, 711 N. RIFE, CITY OF ARANSAS PASS, ARANSAS PASS INDEPENDENT SCHOOL DISTRICT AND ARANSAS COUNTY FOR THE PURPOSE OF A FINAL DETERMINATION OF THE VIOLATIONS AND REPAIRS REQUIRED TO MEET THE CITY ORDINANCE.

Council Member Chapa made the motion to demolish the substandard building at Lot 13-14, Block 475, 711 N. Rife, City of Aransas Pass, Aransas Pass Independent School District and Aransas County. Council Member Hametner seconded the motion and the motion carried unanimously.

ITEM 16.

PUBLIC HEARING ON THE REQUEST OF GEORGETTE KECK HARRISON FOR GEORGE WILLIAM KECK TO REPLAT 3.334 ACRES OUT OF TRACT 3, LANDBLOCK 213, 625 W. YOUNG, BURTON AND DANFORTH SUBDIVISION , INTO LOTS 3-A AND 3-B. THE PROPERTY IS ZONED RESIDENTIAL (R-7B) DISTRICT.

The City Attorney declared the Public Hearing on the request of Georgette Keck Harrison for George William Keck to replat 3,334 acres out of Tract 3, Landblock 213, 625 W. Young, Burton and Danforth Subdivision, into Lots 3-A and 3-B, at 7:26 p.m. Mr. Lawrence stated the Planning and Zoning Commission had previously met on this replat. He stated two Planning and Zoning Commissioners had come to him with some legal questions that were not answered at the Planning and Zoning meeting. The Planning and Zoning Commission did not take any action on the replat and sent it to the City Council without any recommendation. He stated since that Planning and Zoning meeting he had answers to the questions he had and talked with the title company in Rockport. He stated that at this time he would recommend approval.

Ms. Georgette Harrison stated her father, who was at the meeting with her and for whom she had power of attorney, wanted to replat his property to give a portion to her sister and sell the rest of the property.

Ms. Teresa Cleveland with Griffith and Brundrett Surveying stated due to planning ordinances in the City of Aransas Pass and Aransas County no acreage can be sold without replatting. The property would be platted into two lots.

The City Attorney asked was anyone present who opposed the replat? Seeing no one, the City Attorney declared the Public Hearing closed at 7:30 p.m.

ITEM 17.

CONSIDER AND ACT ON THE REQUEST OF GEORGETTE KECK HARRISON FOR GEORGE WILLIAM KECK TO REPLAT 3.334 ACRES OUT OF TRACT 3, LANDBLOCK 213, 625 W. YOUNG,

BURTON AND DANFORTH SUBDIVISION , INTO LOTS 3-A AND 3-B. THE PROPERTY IS ZONED RESIDENTIAL (R-7B) DISTRICT.

Council Member Hametner made the motion to approve the replat of 3.334 acres out of Tract 3, Landblock 213, 625 W. young, Burton and Danforth Subdivision, into Lots 3-A and 3-B. Council Member Attaway seconded the motion and the motion carried unanimously.

ITEM 18.

CONSIDER AND ACT ON RESOLUTION NO. 2006-556 MANIFESTING A CONN BROWN HARBOR LEASE AGREEMENT BETWEEN THE CITY OF ARANSAS PASS AND PORTO AEGEAN, INC. AND ACCEPTING CERTAIN TERMS AND CONDITIONS.

The request was withdrawn by Porto Aegean for further consideration before the Council meeting and will be resubmitted at a later date.

ITEM 19.

CONSIDER AND ACT ON ORDINANCE NO. 2006-3894 FOR APPOINTMENT OF PRESIDING JUDGE, AND PROVISION FOR PRESIDING JUDGE TO APPOINT CLERKS FOR SAID ELECTION AND PROVIDING SAME TO SERVE ON THE EARLY BALLOT BOARD FOR EARLY VOTES CAST ON VOTING MACHINE AND BY PAPER BALLOT; PROVIDING FOR APPOINTMENT OF CLERK AND DEPUTY CLERKS FOR EARLY VOTING; PROVIDING HOURS AND RATE OF PAY PER HOUR FOR JUDGES AND CLERKS.

Council Member Attaway made the motion the approve Ordinance 2006-3894 for the appointment of Presiding Judge, and provision for Presiding Judge to appoint Clerks for said election and providing same to serve on the Early Ballot Board for Early Votes cast on voting machine and by paper ballot; providing for appointment of Clerk and Deputy Clerks for Early Voting; providing hours and rate of pay per hour for Judges and Clerks. Council Member Hametner seconded the motion and the motion carried unanimously.

ITEM 5.

PROCLAMATION – DECLARING THE MONTH OF JUNE AS “CHILDREN OF THE CHOCTAW NATION MONTH”.

Mrs. Margaret Garrett accepted the Proclamation declaring the month of June as “Children of the Choctaw Nation Month” from Mayor Pro Tempore Roberts.

Mrs. Garret stated to the Mayor and Council on behalf of Mr. Pyle, the Chief of the Great Choctaw Nation, and the Elders that follow him and the children that come, we thank you.

ITEM 20.

RECESS REGULAR MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.

Section 551.074 – Personnel Matters – To discuss a staff recommendation regarding current employees who may meet requirements for a Retiree Health Insurance Option under certain circumstances.

Section 551.072 – Deliberation Regarding Real Property.

Recessed into Executive Session at 7:35 p.m.

ITEM 21.

RECONVENE IN REGULAR MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.

Reconvened at 7:50 p.m.

Section 551.074 – Personnel Matters –A staff recommendation regarding current employees who may meet requirements for a Retiree Health Insurance Option under certain circumstances.

Council Member Attaway made the motion to approve a one time opportunity for employees to retire at age 55 with 20 years of service with 100% payment of the retiree’s health insurance by the City of Aransas Pass. This opportunity would end December 31, 2006. Council Member Chapa seconded the motion and the motion carried unanimously.

Section 551.072 – Deliberation Regarding Real Property.

Mayor Pro Tempore stated there was no action needed.

ITEM 22.

ADJOURNMENT OF MEETING.

Mayor Pro Tempore Roberts adjourned the meeting at 7:52 p.m.

Dorothy Roberts, Mayor Pro Tempore

ATTEST:

Ada Owens, Interim City Secretary