

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

On this the 16<sup>th</sup> day of October, 2006 the City Council of the City of Aransas Pass convened in a Regular Council Meeting immediately following a Workshop of the City Council 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: Jesus Galvan, Mayor  
Dorothy Roberts, Mayor Pro Tempore  
Frank Hametner, Council Member  
Grace Chapa, Council Member  
Tommy Knight, Council Member

ABSENT: None

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

ADMINISTRATIVE PERSONNEL ABSENT: None

STAFF PRESENT: Darren Gurley, Director of Public Works  
Frank Truitt, City Inspector  
Gilbert Ritz, Fire Chief

OTHERS PRESENT: Ralph & Lu Arcemont, Jeannie McDonald, Jim & Alpha Covington, Lupe Torres, Ester Torres, David & Pam Martin, Eva Young, James Burtleson, Mary Gene Frandolig, Del Edwardson, Beth Wilson, Donald Brummitt, Ann P. Melton, Shirley Howe, Peggy Spencer, Lou McCleese, Ernie Torres, Juan P. Torres, Mike & Gwen Sullinger, Irene Irey, Colleen Abshire, Margaret Garrett, Jay Masterson, Kenny Thompson, Robert Bronel, Patty Gilden, Rose Mary Upton, Lucille Sprigg, Cahrlie Castillo, Paul A. Young, Sr., Earl Buckmaster, Belinda Ritz, Henrie Morales

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

**ITEM 1. CALL MEETING TO ORDER.**

Mayor Galvan called the meeting to order at 7:00 p.m. on October 16<sup>th</sup>, 2006.

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

Mayor Galvan stated he and the City Council express their condolences to the family of former Council Member Jesse Lopez who had served on the City Council from October 5, 1987 to May 1995, serving twice as Mayor Pro Tempore, and passed away October 11, 2006.

Council Member Roberts gave said a prayer for Mr. Lopez and gave the Invocation.

Mayor Pro Tempore Chapa led the Pledge of Allegiance to the United States Flag and the Texas Flag.

**ITEM 3. CITIZEN'S COMMENTS.**

Mayor Galvan welcomed former Mayor Juan P. Torres.

Ms. Eva Young commented on adding addresses to the tax resale listings and suggested the Council allow parking cars for sale on residential property for up to six months.

Former Juan P. Torres stated he had moved back to Aransas Pass, thanked everyone for praying for his health and family, and he was ready to serve the community.

Ms. Jay Masterson commented on audits for government entities, passing costs along, and extensions for reports to government entities.

Ms. Margaret Garrett announced the Conn Brown Harbor Cleanup Committee, a citizen's action group, would have a cleanup day on the Harbor Saturday, October 21, 2006.

**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 the Minutes of the Regular Meeting of October 2, 2006 and October 10, 2006.**
- B. Consider and Act on request of Saint Mary Star of the Sea Catholic church to close the 300 block of S. Rife Street October 15, 2006 from 8:00 a.m. to 3:00 p.m. for the Church's Annual Youth Mass and Knight's of Columbus Family Picnic.**
- C. Consider and Act on accepting the resignation of Marilyn Rimer from the Aransas Pass Municipal Development District (APMDD) and advertising to fill the vacancy on the APMDD Board.**

Council Member Chapa made the motion to approve the Consent Agenda items A through C. Mayor Pro Tempore Roberts seconded the motion and the motion carried 4-1 with Council Member Hametner voting no.

**ITEM 5.**      **CONSIDER AND ACT ON REQUEST OF KENNY THOMPSON, I.C.W. RV PARK, FOR A TEN (10) YEAR EXTENSION ON THE LEASE OF “AIRPORT” PROPERTY DESCRIBED AS A PORTION OF OUTLOTS 24, 25, 32, AND 33 OF THE BURTON AND DANFORTH SUBDIVISION TOGETHER WITH THAT UNPLATTED LAND BETWEEN SAID OUTLOTS AND THE ORIGINAL SHORELINE OF RED FISH BAY AND FILLED LAND EASTERLY OF SAID SHORELINE CONTAINING IN EXCESS OF 25 ACRES MORE OR LESS. ADDITIONALLY, THE PROPERTY INCLUDES A PRE-ENGINEERED STEEL BUILDING CONTAINING APPROXIMATELY 8,200 SQUARE FEET.**  
**This item was tabled at the October 2, 2006 Council meeting and must be untabled before proceeding.**

Mayor Pro Tempore Roberts made the motion to untable Item 5. Council Member Knight seconded the motion and the motion carried unanimously.

Mr. Thompson explained his problems with the uncertainty of his lease because of the pending development of the area.

Council Member Hametner stated the five year contract was an adequate period and Mr. Thompson's revenue reports should be given to the City every month as opposed to once a year. He stated an agreeable lease could be made when Mr. Thompson's lease expires.

Mayor Pro Tempore Roberts made the motion to continue Mr. Kenny Thompson's lease as it is until the end of his contract in five years. Council Member Hametner seconded the motion and the motion carried unanimously.

**ITEM 6. CONSIDER AND ACT ON AUDIT PREPARATION BY MICHAEL A. ARNOLD, PLLC FOR THE YEAR ENDED SEPTEMBER 30, 2006.**

After discussion Mayor Pro Tempore Roberts made the motion to approve audit preparation by Mr. Michael A. Arnold for the year ended September 30, 2006. Council Member Knight seconded the motion and the motion carried unanimously.

**ITEM 7. CONSIDER AND ACT ON PROPOSED INITIATIVE ELECTION ORDINANCE AS AMENDED.**

Council Member Hametner made the motion to accept the Initiative Ordinance as amended, pending the City Attorney's comments.

The City Attorney stated the only addition to the motion was that the Initiative Ordinance be placed on the ballot for the May 2007 election.

Mayor Galvan stated the State statutes reads there are not supposed to be any amendments the proposed ordinance, so the Council might want to look into that.

The City Attorney stated the City Charter provides that when the Initiative is certified by the City Secretary and presented to the Council, if the Council does not act on the Initiative or there are any changes to the Initiative Ordinance, that the ordinance shall be submitted to the voters/electors. He stated the next election would be in May 2007.

Mayor Galvan stated he would like to research that (amending the Initiative Ordinance) a little more to make sure the Council is correct on this and get another opinion on it.

The City Attorney stated there was no time, the Initiative Ordinance had to be acted on within 60 days (from the date the Certificate of Sufficiency was presented to Council, which was August 21, 2006) and all the Council would be doing is what the City Charter provides for.

Council Member Knight stated if the Council did not accept the Initiative Ordinance as amended, the Council would be in violation of the City Charter.

Mayor Galvan stated no, he thought if the Council did accept the Initiative Ordinance as amended the Council would be in violation of State statutes.

The City Attorney stated if the Council did not do accept the Initiative Ordinance as amended, the Ordinance would go on the ballot as initially presented to the Council by the Certified Petition.

Mayor Galvan stated he thought that was the way it (the Initiative Ordinance) should be, that was what they (Initiative Ordinance petitioners) want.

Council Member Hametner stated that way (if not amended) there are no defined borders of what the petitioners were talking about (the boundaries of the property that the ordinance states could not be sold without a vote of the people).

The City Attorney stated that was right, the initial Initiative Ordinance presented to Council reads "in and around Conn Brown Harbor," that could mean the whole town. That (the boundary description) was the reason the public hearing was held. The petitioners came back and suggested these parameters or boundaries to define the area.

Mayor Galvan asked how many days did the Council have left (before the 60 day restriction was up).

The City Secretary stated about one week.

The City Attorney stated he did not think it was that long.

*Note: The deadline was October 21, 2006.*

Mayor Galvan stated he would research the matter.

Council Member Hametner stated he had a motion on the floor and recommended the motion be approved with the City Attorney's suggested amendment. He stated if he could get a second, the Council could get an up or down vote on it.

Council Member Knight seconded the motion and the motion was defeated 3-2 with Mayor Galvan voting no, Mayor Pro Tempore voting no, Council Member Chapa voting no, Council Member Hametner voting yes and Council Member Knight voting yes.

**ITEM 8. PUBLIC HEARING ON SUBSTANDARD BUILDING, LOTS 26-27, BLOCK 443, 624 S. RIFE STREET, OWNER OF RECORD JOHNNIE W. DAVIS, FOR THE PURPOSE OF A FINAL DETERMINATION OF THE VIOLATIONS AND REPAIRS REQUIRED TO MEET THE CITY ORDINANCE.**

Mr. Allen Lawrence, City Attorney declared the Public Hearing open at 7:21 p.m. on substandard building, Lots 26-27, Block 443, 625 S. Rife Street, owner of record Johnnie W. Davis, for the purpose of a final determination of the violations and repairs required to meet the City ordinance.

City Inspector Frank Truitt gave a Powerpoint presentation showing the violations and dangers associated with the structure at 625 S. Rife Street. The City Inspector recommended to the Council to give the owner of the property 30 days to remove the structure or if not removed by the owner, have Public Works removed the structure and place a lien on the property for payment of the demolition and cleanup.

Concerned citizens gave comments on the condition of the structure.

The City Attorney asked if there were any further questions or comments, seeing none he declared the public hearing closed at 7:31 p.m.

**ITEM 9. CONSIDER AND ACT ON SUBSTANDARD BUILDING, LOTS 26-27, BLOCK 443, 624 S. RIFE STREET, OWNER OF RECORD JOHNNIE W. DAVIS, FOR THE PURPOSE OF A FINAL DETERMINATION OF THE VIOLATIONS AND REPAIRS REQUIRED TO MEET THE CITY ORDINANCE.**

Mayor Pro Tempore Roberts made the motion to give Mr. Davis 30 days to remove the building and clean the property, if not, the City would remove the building, clean the property and a lien would be placed on the property. Council Member Knight seconded the motion and the motion carried unanimously.

**ITEM 10. PUBLIC HEARING ON SUBSTANDARD BUILDING, LOT 13, BLOCK 272, 336 N. 8<sup>TH</sup> STREET, OWNER OF RECORD EDWARD WEIGHT, FOR THE PURPOSE OF A FINAL DETERMINATION OF THE VIOLATIONS AND REPAIRS REQUIRED TO MEET THE CITY ORDINANCE.**

Mr. Allen Lawrence, City Attorney declared the Public Hearing open at 7:32 p.m. on substandard building, Lot 13, Block 272, 336 N. 8<sup>th</sup>, owner of record Edward Weight, for the purpose of a final determination of the violations and repairs required to meet the City ordinance.

City Inspector Frank Truitt gave a Powerpoint presentation showing the violations and dangers associated with the structure at 336 N. 8<sup>th</sup> Street. The City Inspector recommended to the Council to give the owner of the property 30 days to remove the structure or if not removed by the owner, have Public Works removed the structure and place a lien on the property for payment of the demolition and cleanup.

The City Attorney asked if there were any further questions or comments, seeing none he declared the public hearing closed at 7:37p.m.

**ITEM 11. CONSIDER AND ACT ON SUBSTANDARD BUILDING, LOT 13, BLOCK 272, 336 N. 8<sup>TH</sup> STREET, OWNER OF RECORD EDWARD WEIGHT, FOR THE PURPOSE OF A FINAL DETERMINATION OF THE VIOLATIONS AND REPAIRS REQUIRED TO MEET THE CITY ORDINANCE.**

Mayor Pro Tempore Roberts made the motion to give Mr. Weight 30 days to remove the building and clean the property, if not, the City would remove the building, clean the property and a lien would be placed on the property. Council Member Knight seconded the motion and the motion carried unanimously.

**ITEM 12. CONSIDER AND ACT ON RESOLUTIONS AUTHORIZING TAX RESALES:**

A. 2006-573-Richard Masto, Lot 9, Block 407

Mayor Pro Tempore Roberts made the motion to approve the resale of Lots 28-30, Block G, Mackey's First Addn. Council Member Hametner seconded the motion and the motion carried unanimously.

B. 2006-574-Evangeline D. Jones, Lots 1-3, 9, 10, 13-14, Block 2, Felket Addn.

Council Member Hametner made the motion to approve the resale of Lots 1-3, 9, 10, 13-14, Block 2, Felket Addn. Mayor Pro Tempore Roberts seconded the motion and the motion carried unanimously.

C. 2006-575-Texas 3M Properties, Lots 28-30, Block G, Mackey's First Addn.

Council Member Hametner made the motion to approve the resale of Lots 28-30, Block G, Mackey's First Addn. Council Member Knight seconded the motion and the motion carried 4-1 with Mayor Galvan voting no, Mayor Pro Tempore Roberts voting yes, Council Member Chapa voting yes, Council Member Hametner voting yes and Council Member Knight voting yes.

D. 2006-576-Alice G. Garcia, Lots 13-15, Block 354

Council Member Hametner made the motion to deny the resale of Lots 13-15, Block 354. Mayor Pro Tempore Roberts seconded the motion and the motion carried unanimously.

E. 2006-577-Jesus Galvan, 2.14 acres out of Farmlot 1 & 2, Land Block B, B&D

Mayor Pro Tempore Roberts made the motion to approve the resale of 2.14 acres out of Farmlot 1 & 2, Land Block B, B&D. Council Member Knight seconded the motion and the motion carried with Mayor Galvan abstaining.

F. 2006-578-Jeff Whitehorn, Lot 14, Block 768

Council Member Hametner made the motion to approve the resale of Lot 14, Block 768. Mayor Pro Tempore Roberts seconded the motion and the motion carried unanimously.

G. 2006-579-Alice G. Garcia, Lots 23-24, Block 2, Felket Addn.

Mayor Pro Tempore Roberts made the motion to deny the resale of Lots 23-24, Block 2, Felket Addn. Council Member Hametner seconded the motion and the motion carried unanimously.

H. 2006-580-Evangeline D. Jones, Lots 2, Block 311

Mayor Pro Tempore Roberts made the motion to approve the resale of Lots 2, Block 311. Council Member Knight seconded the motion and the motion carried unanimously.

I. 2006-581-Evangeline D. Jones, Lot 7, Block 276

Council Member Knight made the motion to approve the resale of Lot 7, Block 276. Mayor Pro Tempore Roberts seconded the motion and the motion carried unanimously.

J. 2006-582- Evangeline D. Jones, Lot 2, Block 347

Council Member Chapa made the motion to approve the resale of Lot 2, Block 347. Council Member Hametner seconded the motion and the motion carried unanimously.

K. 2006-583-Alice G. Garcia, Lot 2, Block 356

Council Member Hametner made the motion to approve the resale of Lot 2, Block 356. Council Member Chapa seconded the motion and the motion carried unanimously.

L. 2006-584-Andrew Blankenship, Lot 15, Block 544

Council Member Hametner made the motion to approve the resale of Lot 15, Block 544. Council Member Knight seconded the motion and the motion carried 4-1 with Mayor Galvan voting no, Mayor Pro Tempore Roberts voting yes, Council Member Chapa voting yes, Council Member Hametner voting yes and Council Member Knight voting yes.

M. 2006-585-Alice G. Garcia, Lot 2, Block 734

Council Member Knight made the motion to approve the resale of Lot 2, Block 734. Council Member Hametner seconded the motion and the motion carried unanimously.

N. 2006-586- Evangeline D. Jones, Lots 25-32, Block 321

Council Member Hametner made the motion to approve the resale of Lots 25-32, Block 321. Council Member Knight seconded the motion and the motion carried 4-1 with Mayor Galvan voting yes, Mayor Pro Tempore Roberts voting yes, Council Member Hametner voting yes, Council Member Knight voting yes and Council Member Chapa voting no.

O. 2006-587- Evangeline D. Jones, Lot 32, Block 322

Council Member Hametner made the motion to approve the resale of Lot 32, Block 322. Council Member Knight seconded the motion and the motion carried

P. 2006-588- Evangeline D. Jones, Lot 2, Block 323

Council Member Hametner made the motion to approve the resale of Lot 2, Block 323. Mayor Pro Tempore Roberts seconded the motion and the motion carried unanimously.

**ITEM 13. RECESS REGULAR MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.**

Recessed into Executive Session at 7:44 p.m.

- A. **SECTION 551.074, PERSONNEL MATTERS – MUNICIPAL JUDGE PEGGY SPENCER AND JUDGE MIKE SULLINGER**

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

Reconvened into Open Session at 8:04 p.m.

- A. **SECTION 551.074, PERSONNEL MATTERS – MUNICIPAL JUDGE PEGGY SPENCER AND JUDGE MIKE SULLINGER.**

Council Member Hametner made the motion the City have only one judge for the Municipal Court effective January 31, 2007. Mayor Pro Tempore Roberts seconded the motion and the motion carried unanimously.

**ITEM 15. ADJOURNMENT OF MEETING.**

Mayor Galvan adjourned the meeting at 8:05 p.m.

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Jesus R. Galvan, Mayor

ATTEST:

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Ada Owens, City Secretary