

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

On this the 19th day of February, 2007 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: Frank Hametner Mayor
Tommy Knight Mayor Pro Tempore
Grace Chapa, Council Member
Jay Attaway, Council Member
Vickie Abrego, Council Member

ABSENT: None

ADMINISTRATIVE PERSONNEL PRESENT: Mike Sullinger, Interim City Manager
Allen Lawrence, City Attorney
Ada Owens, City Secretary

ADMINISTRATIVE PERSONNEL ABSENT: None

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

OTHERS PRESENT: Ralph & Lu Arcemont, Jim & Alpha Covington, Gwenlan Sullinger, Jeanie & Don Brummett, Lorie Gillman, Marysue Eulitz, Ernie Torres, Sami Shirley, Earl & Mae Guilbeau, May Ann Cavzes, Tencha Keiser, James Hale, Patty Gilden, Eva Young, Jim Garner, Glenn Douglas, Don McTee, Hope Comingore, Adan Chapa, Belinda Ritz, Margaret Garrett

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

ITEM 1. CALL MEETING TO ORDER.

Mayor Hametner called the meeting to order at 7:00 p.m. on February 19, 2007.

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

City Manager, Mike Sullinger gave the Invocation.

Mayor Pro Tempore Knight led the Pledge of Allegiance to the United States Flag.

ITEM 3. CITIZEN'S COMMENTS.

There were none.

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 February 5, 2007.

Council Member Attaway made the motion to approve the minutes of February 9, 2007. Mayor Pro Tempore Knight seconded the motion and the motion carried unanimously.

ITEM 5. CONSIDER AND ACT ON REQUEST OF MR. TERRY ORF TO REZONE FIVE ACRES BEING TRACT 1, LANDBLOCK V, BURTON & DANFORTH, FROM R7A (RESIDENTIAL) TO RV (RECREATIONAL VEHICLE).

This item was tabled December 18, 2006.

Council Member Chapa made the motion to untable Item 5. Council Member Abrego seconded the motion and the motion carried 3 to 2 with Mayor Hametner and Council Members Chapa and Abrego voting yes and Mayor Pro Tempore Knight and Council Member Attaway voting no.

Mr. Terry Orf stated this item was tabled to wait for additional information regarding traffic on Beasley Avenue. He stated he had his engineer, Mr. Ronnie Voss, present to answer any questions about the drainage. He stated he felt that the residents were set against the development of the property, as such, because of the nature of the ground there and the drainage. Whether he developed the property as an RV park or platted

the property into 17 lots for development, the drainage problem would be solved. Mr. Orf stated he had a dedicated 25' drainage right-of-way on his property.

Mr. Voss explained the drainage plan for Mr. Orf's property to the Council citing the plan would alleviate the drainage problems.

Mayor Hametner stated the Council had a proposed Flood Damage Prevention Ordinance and thought that Mr. Voss should look at the proposed ordinance before the drainage plan was finalized.

Mr. Orf stated he would like the Council to hear from Public Works Director Darren Gurley, who had worked on the traffic count on Beasley Avenue and Mr. Frank Truitt, City Inspector regarding the development side of the issue.

Mr. Gurley stated he could go over the traffic count report again, but the traffic was not an issue. He stated the drainage would have to be approved by the City's engineers, Naismith Engineering, once Mr. Orf had his plan together. The Council had no questions about the traffic count.

Mayor Hametner asked Mr. Gurley would this project be affected by Section E - Floodways of the proposed Flood Damage Prevention Ordinance? He asked had the analysis been done as directed in Section E?

Mr. Gurley stated the analysis would not be done until after the plan was approved and Mr. Orf submitted his plan, then the City's engineers would make sure the drainage plan meets the flood standards and if it does not, Mr. Orf will not get the "notice to proceed" with his project.

Mr. Voss stated Mr. Orf's property was in a velocity zone, not a floodway. He stated the velocity zone which is wave action in the first ½ mile from the sea, then goes to "A" zone which is rising water. The project property is in a velocity zone, not in a floodway and that was why buildings had to be above the base flood elevation. Anything below that level allows building an enclosed building with break-away walls.

Mayor Hametner stated he wanted Mr. Orf to be thoroughly familiar with the Flood Damage Prevention Ordinance before proceeding with his project.

Mr. Voss stated that would not be problem because the property is not in a floodway

Mayor Pro Tempore Knight asked what is the elevation of the property?

Mr. Voss stated about 4 ½ feet and they planned to bring in fill material.

Mayor Hametner asked would the fill material cause (drainage) problems for the other property owners?

Mr. Voss stated he did not think it would cause a problem, but he had not done the complete engineering on the property yet.

Discussion was held on the location of floodways in the area.

Mr. Truitt stated there were several small floodways, Mr. Orf's property was in the velocity zone and would only flood on a rising tide and the property had natural drainage to a pond that was shown as a floodway but the pond was not on Mr. Orf's property. The elevation was required by zoning laws.

Mr. Orf stated he would put only buildings on stilts on his property to meet the requirements of the velocity zone shown in drawings of his building. He stated he had gone through the rezoning process twice and the Council had passed the rezone as an agenda item, but the City Attorney did not turn it into an Ordinance.

Mr. Lawrence stated the notification of the rezone was defective.

Mayor Hametner asked Mr. Truitt to explain what was in the RV zoning ordinance.

Mr. Truitt stated any RV's that are in parks have three choices on being placed at the park. The RV's must be in the park less than 180 days, or fully licensed and ready for highway use or Article 3, Section C must be met which means if the RV is permanent it must be elevated on top of pilings and, in his opinion, getting a windstorm certificate for an RV on top of pilings would be very difficult. The RV must be connected with a (water) hose, must be plugged in (to electricity) and cannot have anything like a porch connected to the RV. When a storm comes, the RV's must leave the area.

Council Member Chapa made the motion to grant Mr. Orf's request to rezone five acres being Tract 1, Landblock V, Burton & Danforth, from R7A (Residential) to RV (Recreational Vehicle).

Council Member Abrego stated the only problem she had was the streets, she did not know if the City had any plans to address that, the street was very narrow.

Mayor Hametner stated E. Beasley was very narrow street. He stated he thought the right-of-way was about 40 feet wide and he did not think the City had any plans to widen the street.

When asked by Council Member Chapa, Mr. Orf stated the paved part of E. Beasley was 30 feet wide.

Mr. Orf stated the RV Park would be used in the winter, the opposite time of year from hurricane season and the RV owners would bring their RV's in, park them and leave them there, not take them in and out of the park on a daily basis. The traffic would be heavier if the property was developed as 17 separate lots.

Council Member Abrego seconded the motion

Council Member Attaway stated he saw there were property owners in the audience that were at prior Council meetings. He stated he would like to hear from the property owners, what they think about the drainage situation, whether they agree or disagree.

Mr. Earl Guilbeau stated he was a resident at Bayside Place. He stated he would like a clarification of the statement that there was no problem with the traffic on Beasley, were they talking about volume or the size of traffic?

Mayor Hametner stated volume.

Mr. Guilbeau stated situations had happened at Beasley several times already, there are semi's turning, going north on Highway 361 and turning on E. Beasley and there are normally two or three trucks that travel together and if there is traffic coming out to exit Highway 361 from Beasley those trucks cannot leave Highway 361 to get on Beasley until the traffic on Beasley clears. While the trucks are stopped the traffic down Beasley cannot see down Highway 361 in order to access Highway 361 safely and it will be worse for people in motor homes.

Mr. Guilbeau asked there is no plan to do anything about Beasley?

Mayor Hametner stated he did not think there was anything the Council could do unless the City bought more right-of-way on Beasley. He stated with a 40-foot right-of-way and a 30-foot street with ditches on the sides, there is not enough land to make a wider street.

Council Member Attaway stated he had approached the City Manager about talking to the County Commissioner and ask if it was possible to have another access into Redfish Bay Terminal to eliminate some of the truck traffic on Beasley.

The City Manager stated the County Commissioner told him that he was looking into it. He stated the Commissioner was considering going through Kenny Lane but was not sure how much traffic that route would relieve. The Commissioner told the City Manager that he would do a study.

Council Member Attaway stated it would relieve a lot of traffic if the Commissioner made it a requirement for the trucks to use Kenny Lane. He stated he thought the alternate truck route needed to be done regardless of Mr. Orf's project.

Mr. Guilbeau asked was the engineer going to have a drawing of the drainage plan available? He stated when Arch Street was built it stopped the main drainage from going through the area and he understood culverts would be put in.

Mr. Orf asked Council could he show the drainage plan again? He stated he would make the drainage plan available and had a 25 foot dedicated easement (for drainage). Mr. Orf and Mr. Voss explained the drainage plan to the residents of the area that were present.

Mr. Guilbeau asked was Mr. Orf going to have his own sewer system for the trailer park because the house on the far end of Beasley had a problem with the sewer overflowing?

Mr. Orf stated yes. He explained how the sewer system was configured in the area. He stated he was going to run a whole new system directly to the lift station that would not interconnect with the area sewer system.

Mr. Gurley explained where Mr. Orf's sewer line would be placed. He stated this was the first he had heard of any sewer problems in the area.

Council Member Attaway stated the plan sounded very organized.

Mayor Hametner called for a vote.

The motion passed 4 to 1 with Mayor Hametner, Council Members Chapa and Abrego voting yes. Council Member Attaway voting yes and stating contingent upon what he had heard and Mayor Pro Tempore Knight voting no.

ITEM 6. CONSIDER AND ACT ON APPOINTING MEMBERS TO ARANSAS PASS MUNICIPAL DEVELOPMENT DISTRICT BOARD.

Council Member Chapa asked would appointing two applicants fill the remaining seats on the Board.

Mayor Hametner stated yes.

Council Member Attaway made the motion to appoint Mr. Richard Head and Mr. James Covington to the Aransas Pass Municipal Development District Board. Mayor Pro Tempore Knight seconded the motion and the motion carried unanimously.

ITEM 7. CONSIDER AND ACT ON APPOINTING MEMBERS TO THE MEMORIAL COMMISSION.

Mayor Hametner stated the Memorial Commission called for four residents, two Council Members and one Director from the Chamber of Commerce.

After discussion, Mayor Pro Tempore Knight made the motion to appoint residents Ms. Lu Arcemont, Mr. Pete Martinez, Ms. Patty Gilden and Mr. Earl Buckmaster and, upon volunteering, Council Members Mayor Pro Tempore Knight and Council Member Chapa to the Memorial Commission. Council Member Attaway seconded the motion and the motion carried unanimously.

ITEM 8. CONSIDER AND ACT ON AGREEMENT WITH GENERAL LAND OFFICE (GLO) CONCERNING REAL ESTATE MATTERS.

The City Manager stated the City still had only a "hand shake" deal with the GLO. He had not heard from Patti Akers, the City's attorney for the purchase of the harbor property.

Mayor Hametner stated he, City Manager Mike Sullinger, Mayor Pro Tempore Knight, City Attorney Allen Lawrence, and Ms. Akers had met with the GLO Land Commissioner in Austin February 15, after a meeting with Ms. Akers on February 14. He stated the result of the discussion was the City will acquire the lands in Conn Brown Harbor, the airport property and the LWR property that the GLO had formerly claimed and for that property, the City would give up the rights of Special Award Number One. The City would not claim any GLO land as the City's and a 25 year old plus argument (with the GLO) goes away. He stated the purchase price for the "trade property," which is approximately 89 acres located just south of Garrett Construction facility on Farm to Market Road 2725, and \$6M. The City is required to pay \$3M up front and the GLO will finance the remaining \$3M over a period of five years at a nominal interest rate to be announced later.

Mayor Hametner stated they had the word of the Commissioner that this was a "done" deal and a consensus of the Council was needed to approve the "hand shake" deal as he had outlined it.

Council Member Abrego made the motion to approve the agreement with the GLO to buy the Conn Brown Harbor property, the airport property and the LWR property for \$6M. Mayor Pro Tempore Knight seconded the motion and the motion passed 4 to 1 with Mayor Hametner, Mayor Pro Tempore Knight and Council Members Abrego and Attaway voting yes and Council Member Chapa voting no.

Mayor Pro Tempore Knight stated they had tried to lower the buying price to \$4M. He stated the Commissioner told them the GLO might be able to do that, but the appraisal on the property was one year old and if the City wanted to gamble that the property value had gone down, the GLO could reappraise and renegotiate. He stated the original appraisal of the GLO harbor property was \$16.6M, so it was not to the City's advantage to renegotiate.

Council Member Chapa asked where did the \$6M price come from?

Mayor Pro Tempore Knight stated that was the GLO's price and they stuck to it.

Council Member Chapa asked do we know how much this will raise taxes for people?

Mayor Hametner stated no.

Council Member Chapa asked so we are just going to raise taxes?

Mayor Hametner stated yes, if in fact, the purchase of the property causes that.

Council Member Attaway stated there may be another way around raising taxes, some option that would prevent raising taxes.

Mayor Pro Tempore Knight stated once the City has purchased the properties, he would like the City to sell the LWR property for enough money to clear the other property with cash left over for the City. He stated if it needed to go for a vote, so be it, the property was nowhere near "in or around Conn Brown Harbor." The City would go out for bids on the LWR property. He stated he thought the LWR property appraised for \$6M and thought the City might get \$10M for the property.

Council Member Chapa asked where was the City going to get the money (to pay for the GLO property)?

Mayor Hametner stated the City would issue Certificates of Obligation.

Mayor Pro Tempore Knight stated if the City financed the whole \$6M for 30 years the payment would be \$200,000.00 per year before interest.

The City Manager stated the Land Commissioner said the GLO would finance the loan for less than any bond rate right now.

Mayor Hametner stated this was a good deal for Aransas Pass, the City made a lot of money on this deal.

Mayor Pro Tempore Knight asked how much is the City paying on the Naval Housing?

The City Manager stated there was one payment left and it was approximately \$156,000.00. The payments before were \$251,000.00 per year.

Mayor Pro Tempore Knight stated \$251,000.00 per year would more than pay for the harbor property. He stated if either the airport or LWR property can be sold and that would clear (pay off) the harbor property.

ITEM 9. **CONSIDER AND ACT ON SUPPORTING THE RENAMING OF A PORTION OF STATE HIGHWAY 361 EAST OF DALE MILLER BRIDGE "REDFISH BAY CAUSEWAY."**

Council Member Attaway made the motion to support the renaming of a portion of State Highway 361 east of Dale Miller Bridge "Redfish Bay Causeway." Council Member Chapa seconded the motion and the motion carried unanimously.

ITEM 10. **CONSIDER AND ACT ON UPDATED FLOOD DAMAGE PREVENTION ORDINANCE.**

Council Member Abrego made the motion to approve the updated Flood Damage Prevention Ordinance. Mayor Pro Tempore Knight seconded the motion and the motion carried unanimously.

ITEM 11. **CONSIDER AND ACT ON ORDINANCE 2007-3913 TO AMEND CHAPTER 28, ARTICLE V, OF THE CODE OF ORDINANCES OF THE CITY OF ARANSAS PASS, TEXAS BY ADDING SECTION 28-97 "SCREENING OF STORAGE YARDS" AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Pro Tempore Knight asked was this item going to cause a hardship on any business owners?

The City Manager stated he did not think so as the Council could give the affected businesses or individuals 120 days to comply.

Council Member Chapa asked what was the penalty if they did not comply?

The City Inspector stated up to a \$500.00 fine, it was at the Judge's discretion.

After discussion, the City Attorney suggested the effective date be immediately and left to the discretion of the Judge as to the time to comply.

Council Member Abrego made the motion to approve Ordinance 2007-3913 to amend Chapter 29, Article V, of the Code of Ordinances of the City of Aransas Pass, Texas by adding Section 28-97 "Screening of Storage Yards" and making the Ordinance effective immediately. Council Member Attaway seconded the motion and the motion carried unanimously.

ITEM 12. **CONSIDER AND ACT ON APPROVING A CONTRACT FOR ELECTION SERVICES WITH SAN PATRICIO COUNTY.**

Council Member Attaway made the motion to approve the contract for Election services with San Patricio County. Council Member Abrego seconded the motion and the motion carried unanimously.

ITEM 13. CONSIDER AND ACT ON SUBMITTING A LETTER TO THE COASTAL COORDINATION COUNCIL (CCC) AND TEXAS GENERAL LAND OFFICE INFORMING THEM THAT, AT THIS TIME, THE CITY CANNOT ACCEPT THE GRANT THEY AWARDED FOR THE "MARINA PARK AND CITY DOCK RELOCATION AND IMPROVEMENT PROJECT," TO INFORM THEM OF THE CITY'S INTENT TO SUBMIT ADDITIONAL GRANT APPLICATIONS FOR HARBOR REDEVELOPMENT PROJECTS INCLUDING FUNDS TO HELP WITH HARBOR CLEANUP AND WATERFRONT REVITALIZATION, AND TO THANK THE CCC FOR THEIR PAST AND CONTINUED ASSISTANCE.

Mayor Hametner stated the City was no longer going to move the Harbor Park. The grant was to be used only to move the City park.

The City Manager stated the grant could not be used for anything else, the time is running out and Dave Sullivan, Naismith Engineering, advised that the City decline the grant. The City applied for the grant so APDG could move the City park.

Mayor Pro Tempore Knight made the motion to submit a letter to the Coastal Coordination Council and Texas General Land Office informing them that , at this time, the City cannot accept the grant they awarded for the "Marina Park and City Dock Relocation and Improvement Project," to inform them of the City's intent to submit additional grant applications for Harbor redevelopment projects including funds to help with Harbor cleanup and waterfront revitalization, and to thank the CCC for their past and continued assistance. Council Member Attaway seconded the motion and the motion carried unanimously.

ITEM 14. DISCUSSION REGARDING CONN BROWN HARBOR.

There was none.

ITEM 15. CITY MANAGER'S REPORT.

The City Manager stated he and Public Works Director Darren Gurley had completed a hurricane plan as requested by the Mayor. In March the Department Heads will have a hurricane drill and the Council could have a workshop to participate in the drill for the hurricane preparedness and evacuation plan.

The City Manager stated work had started on the inner Harbor and cleanup had started on two more boats.

Mr. Gurley stated Public Works had been cleaning up the Harbor for two weeks, spending 572 man hours so far, and he plans to have cleanup of Coastline finished next week. He stated the crews have hauled 6,560 cubic yards of rubbish and trash and approximately 500 tires off the site. Manifests must be filled out to get rid of the old paint and profiles must be done on the trash-filled dirt being hauled off. There were also eight buildings he would like to demolish on the site.

Mayor Pro Tempore Knight stated that Mr. Gurley and his crews were doing a very good job cleaning up the Coastline property and that he sees the progress because he goes to the site every day to check on it.

The City Manager stated that was in addition to the million pounds of iron that has been hauled from the site. He stated Public Works crews have worked very hard and have also cleaned around the Seaman's Memorial. Allied Waste has been giving their services free of charge to help with the cleanup.

Mr. Ralph Arcemont reported on the funeral service for Second Lieutenant Dudley Ives.

ITEM 16. RECESS REGULAR MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.

Recessed into Executive Session in Municipal Court Room at 8:10 p.m.

A. SECTION 551.074 PERSONNEL MATTERS – REGARDING AND EFFICIENCY EXPERT TO EVALUATE CITY DEPARTMENTS.

ITEM 17. RECONVENE IN REGULAR MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.

Reconvened into Open Session at 8:23 p.m.

A. SECTION 551.074 PERSONNEL MATTERS – REGARDING AND EFFICIENCY EXPERT TO EVALUATE CITY DEPARTMENTS.

Council Member Attaway made the motion to hire an efficiency expert to evaluate City departments, staying within the City budget. Mayor Pro Tempore Knight seconded the motion and the motion carried unanimously.

