

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

On this the 7th day of April, 2008 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: Tommy Knight, Mayor  
Jay Attaway, Mayor Pro Tempore  
Vickie Abrego, Council Member  
Frank Hametner, Council Member  
Karen Mayer, Council Member

ABSENT:

ADMINISTRATIVE PERSONNEL PRESENT: Tom Ginter, City Manager  
Allen Lawrence, City Attorney  
Ada Owens, City Secretary

ADMINISTRATIVE PERSONNEL ABSENT:

STAFF PRESENT: Darrell Jones, Police Chief  
Frank Truitt, City Inspector  
Don Brummett, Acting Public Works Director

OTHERS PRESENT: Ralph & Lu Arcemont, Jenifer Thomas, Nicolas Thomas, Jason Reinhart, Billy O'Farrell, Marilyn Rimer, David Underbrink, Jeanie Brummett, Patsy Aparicio, Linda Olly, Pete Martinez, Eva Young, Rita Brown

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

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

Mayor Knight called the meeting to order at 7:00 p.m. on April 7, 2008.

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

Council Member Abrego gave the invocation. Mayor Knight led the Pledge of Allegiance to the United States flag.

**ITEM 3. 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 Councilmember 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 April 7, 2008.
- B. Resolution 2008-597- a Resolution Granting application of Aransas Pass Masonic Lodge for ad valorem tax exemption pursuant to section 11.184 of the Texas Property Tax Code.

Councilmember Hametner made the motion to approve the Consent Agenda. Councilmember Abrego seconded the motion and the motion carried unanimously.

**ITEM 4. PROCLAMATION PROCLAIMING APRIL AS CHILD ABUSE PREVENTION MONTH.**

Mayor Knight read the Proclamation and presented the Proclamation to Patsy Aparicio with the Headstart Program.

**ITEM 5. PRESENTATION OF THE CITY'S 2006-2007 AUDIT BY MICHAEL A. ARNOLD, PLLC.**

Michael Arnold presented the Fiscal Year 2006-2007 audit to the Councilmembers. Mr. Arnold stated he gave the audit an unqualified opinion which stated the financial statements were fairly presented in accordance with generally accepted accounting principals. He stated the General Fund balance at the end of the fiscal year was \$1.5M,

which meant the General Fund was getting back in good shape. Mr. Arnold reviewed the fund balances with the Council. He stated the funds were in good condition. He stated recommendations were made on software improvements and capitalization. He stated the City Manager and Finance Director had already started on those recommendations and the improvements would be complete by the end of the next fiscal year.

Councilmember Hametner stated Mr. Arnold's recommendations were outstanding and he looked forward to the City Manager implementing the improvements.

**ITEM 6. CONSIDER AND ACT ON APPROVING AGREEMENT WITH NAISMITH ENGINEERING TO PROVIDE ENGINEERING, PLANNING, PERMITTING, ENVIRONMENTAL AND REGULATORY SERVICES FOR THE MARINA COMPLEX DEVELOPMENT PROJECT AND HARBOR AREA DEVELOPMENT.**

Mayor Knight stated Project Manager Mike Sullinger had meetings to develop a Request for Qualifications Proposal (RFP) for approximately two months. He stated the Proposals were sent out and the companies had 30 days to reply. He stated it was his understanding that there were three to four developers ready to make proposals for the marina complex. He stated it had been discussed at several of the meetings that it would be appropriate to hire Naismith Engineering for the project because of their vast knowledge of the harbor and the City would have to start from square one (with permitting, etc.) if Naismith was not used. He stated he recommended approving the agreement with Naismith Engineering for this project.

Councilmember Hametner made the motion to approve an agreement with Naismith Engineering to provide engineering, planning, permitting, environmental and regulatory services for the Marina Complex Development Project and Harbor Area Development. Councilmember Abrego seconded the motion and the motion carried unanimously.

David Underbrink, President of Naismith Engineering thanked the Council. He stated Naismith Engineering had agreed to forego fees for the first month's worth of work; to be careful about future billing on some of the work they would be doing and would defer some of the billing until further along in the project.

**ITEM 7. CONSIDER AND ACT ON APPROVING AGREEMENT WITH WELDER/LESHIN AS ADDITIONAL COUNSEL TO PROVIDE LEGAL SERVICES TO THE CITY OF ARANSAS PASS FOR SUCH ACTION AS MAY BE REASONABLY REQUIRED FOR THE DEVELOPMENT OF THE MARINA COMPLEX DEVELOPMENT PROJECT.**

Mayor Knight stated this subject was discussed in a marina meeting two weeks ago when it was suggested attorneys should look at the RFP.

Marina Complex Development Project Manager Mike Sullinger stated he felt the project needed expert help in the marina project and Cruz Haun with Welder/Leshin had the qualifications and history in maritime law. He stated Welder/Leshin was the only firm qualified for the marina project.

Cruz Haun, Attorney with Welder/Leshin gave his background and qualifications for representing cities and counties. He stated the firm had a lot of governmental experience and a maritime section, which was one of only two in the area. He stated he had experience in real estate and thought his firm was the only qualified firm to assist the City.

Mr. Sullinger stated the project would have the best maritime attorneys to assist the City Attorney.

Mayor Knight stated he wanted the City Attorney kept totally in the loop on the project.

Councilmember Mayer asked was the City Attorney considered or consulted on the agreement?

Mayor Knight stated Mr. Sullinger thought experts in maritime and real estate law were needed for the project and he agreed with Mr. Sullinger. He stated he did not know if anyone had talked to the City Attorney about this.

City Attorney Allen Lawrence stated no, his understanding was Mr. Haun was going to be hired to review the RFP which, he learned tonight, have already been sent out

Councilmember Abrego stated the City Attorney was to be kept informed of everything pertaining to the City.

Councilmember Hametner stated he thought the group was doing an outstanding job; would continue to do so. He stated the group had a lot of zeal to get the project moving

and keep it moving in the right direction, and thought there had been an oversight in informing the City Attorney. He stated he thought the City needed to hire Welder/Leshin for this particular project for their expertise, which they do have.

Councilmember Mayer asked were attorneys other than Welder/Leshin consulted?

Mr. Sullinger stated several were consulted, but only Welder/Leshin qualified.

Councilmember Hametner made the motion to approve the agreement with Welder/Leshin as additional counsel to provide legal services to the City of Aransas Pass for such action as may be reasonably required for the development of the Marina Complex Development Project. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

**ITEM 8.**      **CONSIDER AND ACT ON APPROVING AGREEMENT WITH APPLIED TECHNOLOGIES TO PROVIDE ENVIRONMENTAL SERVICES AT FORMER JBS SERVICES LEASE PROPERTY, CONN BROWN HARBOR.**

The City Manager stated since JBS left the property that they had leased from the City, the City has become responsible for the property's environmental condition. He stated Applied Petroleum Technologies (APT) had helped with the property's environmental problems in the past. He stated the environmental problems would have to be solved as agreed with the General Land Office (GLO).

The City Manager discussed the environmental procedures APT had done on the property.

Jeff Turner with APT stated his company had been working on the property's environmental problems since February 2005 and had attempted mediation.

The City Manager discussed the procedures needed to complete necessary paperwork required by the Texas Commission on Environmental Quality (TCEQ).

Councilmember Hametner made the motion to approve the agreement with Applied (Petroleum) Technologies to provide environmental services at former JBS Services lease property, Conn Brown Harbor. Councilmember Abrego seconded the motion and the motion carried unanimously.

**ITEM 9.**      **CONSIDER AND ACT ON AWARDED BID FOR CITY HALL ADDITION AND RENOVATION.**

Terry Orf with Architect TKO stated the City Hall addition and renovation had been rebid because the original bids had come in high. He stated the Council Chambers, additional restroom tile, security system, and sidewalks were made alternate items for the bid process. He stated he recommended D&SS Construction for the base bid (without any alternates) because they were the lowest bidder. He stated all the bidders were qualified for the project.

Councilmember Hametner stated the City Hall had been inadequate for years and if they (the Council) did not do it (the base and alternates) it (City Hall) would sit for years. He stated dollars are important, but the town deserved a first class City Hall and sidewalks. He stated the whole thing needed to be done.

Mayor Knight, Councilmember Abrego and Mayer stated they agreed with Councilmember Hametner.

After discussion on funds to complete the whole project, Councilmember Hametner made the motion to table the item until the next regular City Council meeting (April 21, 2008). Councilmember Abrego seconded the motion and the motion carried unanimously.

**ITEM 10.**      **CONSIDER AND ACT ON AWARDED BID FOR TWIN DISCHARGE PIPE REPLACEMENT FOR STORM WATER PUMP STATION NO. 3.**

City Manager Tom Ginter stated he recommended Perry Construction as they were the low bidder at \$39,500.00. He stated the City had enough money from the San Patricio Drainage District to pay for the project.

Councilmember Mayer made the motion to award the bid for twin discharge pipe replacement for storm water pump station No. 3 to Perry Construction with the bid of \$39,500.00. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

**ITEM 11.**      **CONSIDER AND ACT ON APPROVING 20 MPH SPEED ZONES ON OAK GLEN**

**DRIVE, OAK HARBOR DRIVE, OAK LANDING DRIVE, AND WINDY OAKS DRIVE IN OAK HARBOR SUBDIVISION.**

The City Manager stated the City received a request from Steve Hale representing the Oak Harbor Neighborhood Watch Association to install speed limit signs in the subdivision. He stated Mr. Hale had presented a petition from residents in the subdivision. He stated Police Chief Darrell Jones has recommended a 20 mph speed zone for Oak Glen Drive, Oak Harbor Drive, Oak Landing Drive and Windy Oaks Drive and Chief Jones also submitted his request for the speed limits in Oak Harbor Subdivision and other areas of the City which would be brought before Council at a later date.

Councilmember Hametner made the motion to approve 20 MPH speed zones on Oak Glen Drive, Oak Harbor Drive, Oak Landing Drive, and Windy Oaks Drive in Oak Harbor Subdivision. Councilmember Mayer seconded the motion and the motion carried unanimously.

**ITEM 12. PUBLIC HEARING ON SUBSTANDARD BUILDING, LOTS 12 – 14, BLOCK 754, 214 N. 12<sup>TH</sup> STREET, OWNER: ANNETTE AGUILAR, FOR THE PURPOSE OF APPROVING DEMOLITION.**

Items 12 through 15 were put on the agenda prematurely and were passed over by the Council.

**ITEM 13. CONSIDER AND ACT ON SUBSTANDARD BUILDING, LOTS 12 – 14, BLOCK 754, 214 N. 12<sup>TH</sup> STREET, OWNER: ANNETTE AGUILAR, FOR THE PURPOSE OF APPROVING DEMOLITION.**

Items 12 through 15 were put on the agenda prematurely and were passed over by the Council.

**ITEM 14. PUBLIC HEARING ON SUBSTANDARD BUILDING, LOTS 19 – 21, BLOCK 755, 318 N. 12<sup>TH</sup> STREET, OWNER: HARVEY SLIDELL, FOR THE PURPOSE OF APPROVING DEMOLITION.**

Items 12 through 15 were put on the agenda prematurely and were passed over by the Council.

**ITEM 15. CONSIDER AND ACT ON SUBSTANDARD BUILDING, LOTS 19 – 21, BLOCK 755, 318 N. 12<sup>TH</sup> STREET, OWNER: HARVEY SLIDELL, FOR THE PURPOSE OF APPROVING DEMOLITION.**

Items 12 through 15 were put on the agenda prematurely and were passed over by the Council.

**ITEM 16. PRESENTATION PERTAINING TO TRAIL GRANT APPLICATION FOR COMMUNITY PARK.**

The City Manager stated Administrative Assistant Yvonne Stonebraker, Acting Public Director Don Brummett and Utility Superintendent Candelario Torres worked together on a Trails Grant application

Administrative Assistant Yvonne Stonebraker presented the grant application for a Texas Parks & Wildlife Department (TPWD) recreational Trail Grant. Ms. Stonebraker presented four scenarios for the trail with number one being a 1,830 foot trail with a scenic view by the birding and kayak trails with access to restrooms; number two went 200 yards then ran into a marsh; number three would go around the Shrimporee grounds and the trail would be subject to vehicle traffic with no special features and the restrooms not readily accessible; number four would go around the Shrimporee grounds and softball fields with no scenic views and the trail would be subject to vehicle traffic. She stated the trail would be used for biking, rollerblading, jogging and pet exercise; would be wheel chair accessible and have gazebos, park benches, stretching posts, picnic tables, trash receptacles and pet stations along the trail. She stated the committee recommended scenario No 1 with the scenic views.

Ms. Stonebraker stated the grant would be paid 80% by the TPWD and 20% by the City with in-kind work. She stated the grants ranged from 44,000.00 to \$200,000.00 and the City's proposed trail would cost approximately \$94,587.00.

There was discussion regarding lighting the trail for night time use.

The City Council thanked Ms. Stonebraker, Mr. Brummett and Mr. Torres for their work on the grant application and commended them on the good job they did putting the application and presentation together.

**ITEM 17. CONSIDER AND ACT ON APPROVING PAYMENT APPLICATION NO. 2 AND NO. 3 TO TEAL CONSTRUCTION.**

The City Manager stated the Aransas Pass Municipal Development District had recommended payment of application No. 2 for \$334,675.71 and No. 3 for \$259,749.00 to Teal Construction for the Civic Center.

Councilmember Mayer made the motion to approve payment application No. 2 for \$334,675.71 and No. 3 for \$259,749.00 to Teal Construction. Councilmember Abrego seconded the motion and the motion carried unanimously.

**ITEM 18. CONSIDER AND ACT ON ACCEPTING DONATION OF PROPERTY.**

The City Manager stated Doris Davis would like to donate property to the City. He stated she owned the property (Lots 2-5, Block 1, Field & Potts) which was near the Senior Softball field.

Discussion followed regarding location and condition of the property.

The City Attorney recommended the City have a title search done on the property before accepting the donation.

Councilmember Abrego made the motion to table the Item until title work was completed on the property. Councilmember Mayer seconded the motion and the motion carried unanimously.

**ITEM 8. REPORTS FROM CITY MANAGER AND STAFF AND PUBLIC COMMENTS:** *At this time the Mayor, City Council, Staff and Public comments may be given. Reports or updates on any assignments which include but are not limited to grants, building and development, budgets, financial reports and any other projects may be given. No formal action can be taken on any of these items at this time. Comments will be limited to 3 minutes each.*

The City Manager stated the City had received signed paperwork for the vessel "Capt. Billy" and the vessel "Warlock" was out of the water at the Harbor. He stated Assistant Police Chief Bill Haines had picked up the free boat for the Harbor from the General Land Office (GLO). He stated there would be an "animal adoption day" at the Animal Control Facility this Saturday.

Eva Young complained the City mowing her property after she received a letter stating she was not in compliance with City Code.

Rita Brown at 847 S. McCampbell Street had complaints about high and fluctuating water pressure, dirty water and bad odor from the water.

Jeannie Brummett, who also lives on S. McCampbell Street, stated she had the same complaints.

The City Manager assured Ms. Brown that the Water Department would investigate the cause of the problem with her water.

**ITEM 11. ADJOURNMENT OF MEETING.**

Mayor Pro Tempore Attaway made the motion to adjourn the meeting. Council Member Mayer seconded the motion and the motion carried unanimously.

Mayor Knight adjourned the meeting at 8:00 p.m.

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Tommy Knight, Mayor

ATTEST:

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Ada Owens, City Secretary