

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

On this the 5th day of May, 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

ABSENT: Karen Mayer, Council Member

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

ADMINISTRATIVE PERSONNEL ABSENT:

STAFF PRESENT: Bill Haines, Asst. Police Chief/Harbormaster
Gilbert Ritz, Fire Chief
Don Brummett, Acting Public Works Director

OTHERS PRESENT: Lu & Ralph Arcemont, Marysue Eulitz, Dennis Lemmon, Bob Wright, David Hogue/Teal Construction, Jeannie Brummett, Jim & Alpha Covington, Allen & Virginia Eubanks, James Comin, Marilyn Rimer, Belinda Ritz, Wayne Bowen, Nell & Phil Reynolds, Margaret Garrett, Sheryl Sullivan/Chamber of Commerce, Eva Young

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 May 5, 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 21, 2008.
- B. Consider and Act on Ordinance 2008-3940, an Ordinance of the City of Aransas Pass approving the rezoning of Lot 1, Parrot Island Addition, Nueces County, Texas, more commonly known as 2100 E. Highway 361 from Agriculture to General Business.
- C. Consider and Act on Ordinance 2008-3941, an Ordinance of the City of Aransas Pass, Texas Granting an extension of a Conditional Use Permit for operation of a tattoo studio business at 305 S. Commercial Street, City of Aransas Pass, Texas, subject to Conditions set forth.

Mayor Pro Tempore Attaway made the motion to approve the Consent Agenda. Councilmember Hametner seconded the motion and the motion carried unanimously.

ITEM 4. PROCLAMATION DECLARING THE MONTH OF JUNE “CHILDREN OF THE CHOCTAW NATION MONTH.”

Mayor Knight read the proclamation and the proclamation was presented to Margaret Garrett.

ITEM 8. DISCUSSION REGARDING MARINA PROJECT.

Mayor Knight asked City Attorney Allen Lawrence to read the letter written by District Attorney Patrick L. Flanigan and received from San Patricio County Attorney David Aken regarding allegations made by Kerry Riley, owner and editor of the Coastal Bend Herald newspaper, to the Mr. Aken. The letter read:

May 2, 2008

Kerry Riley
Coastal Bend Herald
Po Box 1448
Rockport, Texas 78382

Re: Correspondence to San Patricio County Attorney David Aken

Mr. Riley,

I have reviewed your letter request to San Patricio County Attorney David Aken dated April 14, 2008. I have also reviewed information and materials gathered by Mr. Aken's office related to that letter.

The provisions of the Open Meetings Act regulate deliberations and gatherings of a "governmental body". From the information provided by the County Attorney's Office it has been determined that there was no committee appointed or developed by the Aransas Pass City Council regarding harbor development nor was there any "deliberative body" that has "rulemaking or quasi-judicial power" so as to be classified as a "department, agency, or political subdivision" of the municipality. (See Government Code Sec. 551.001). As such there does not appear to be any issue within the provisions of the Open Meetings Act.

Regarding no-bid contracts, there was no information provided outside of the references in the newspaper article. Please be advised that current law sets bidding and other requirements upon any contract that requires an expenditure of more than \$50,000. (Local Government Code Sec. 252.021) Further, there is an exception for procurements made for "personal, professional, or planning services". There was no information provided regarding any contract above the statutory threshold and those regarding legal or engineering services would be considered exempted contracts for professional services.

Please feel free to call me if there are any questions regarding this letter or if there is any additional information to be considered, that has not been provided.

Respectfully

(signature)
Patrick L. Flanigan
36th District Attorney

xc: David Aken, San Patricio County Attorney

Mayor Knight stated the letter meant that the City and City Council had done nothing wrong.

Mayor Knight stated that JBS Shrimp Company left their lease in the Harbor and filed for bankruptcy, so it would cost the City more to hire an attorney to collect (the money) than the amount JBS owes the City.

Mayor Knight complimented Mike Sullinger and the group of people who advised and assisted him (on the Conn Brown Harbor Project RFQ). He stated at some time, those that were helping Mr. Sullinger may have been called a "committee". He stated until such time the City Council appointed a committee, the City Council could call persons advising Mr. Sullinger anything they (City Council) wanted, a committee, a workshop or a sewing circle. He stated Mr. Sullinger and his advisors had accomplished a year's work in two months and did a very good job.

ITEM 5.

CONSIDER AND ACT ON APPROVING AN AGREEMENT WITH WESTON ENGINEERING TO PROVIDE ENVIRONMENTAL SERVICES FOR CONN BROWN HARBOR PROPERTY FORMERLY LEASED BY COASTLINE RESOURCES, INC.

City Manager Tom Ginter stated in June 2007, Weston Engineering performed a subsurface investigation on the former Coastline Resources property at 441 Allen Blvd. He stated that investigation reflected some environmental issues. He stated it was important to follow up on the work that was done to get the property cleaned up.

Bob Chapin with Weston Engineering stated Weston Engineering had sent a proposal to the City Manager. He stated to clean the property in accordance with the (GLO) sales contract a certificate from Texas Commission on Environmental Quality (TCEQ) that stated the property was clean, would be required. He stated the first step would be to enroll the property in the State's "Voluntary Cleanup Program". He stated Weston's proposal was to get the cleanup through the first two or three steps of the regulatory, bureaucratic process to, ultimately, get the certificate from the State. He stated a small city could now get a "Municipal Setting's Designation" in an industrial area where the city provides the drinking water. He stated a city can pass an Ordinance declaring the

ground water unusable. He stated that would mean that less soil would have to be dug out. He stated there were no water wells presently in the area.

Mayor Knight asked how much top soil would have to be removed?

Mr. Chapin stated he would guess approximately two feet.

Discussion was held on which landfill the soil would be used for disposal of the top soil and the Ordinance prohibiting water wells in certain areas.

Mayor Knight spoke in favor of hiring Weston Engineering based on their prior work on the property.

Councilmember Hametner made the motion to approve an agreement with Weston Engineering to provide environmental services for Conn Brown Harbor property formerly leased by Coastline Resources, Inc. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

ITEM 6. CONSIDER AND ACT ON APPROVING CONTRACT WITH TEAL CONSTRUCTION FOR THE CITY HALL ADDITION AND RENOVATION.

Mayor Knight stated the contract price was \$689,726.00, the contract time was substantial completion in 245 days, and retainage of 5%.

Councilmember Abrego made the motion to approve the contract with Teal Construction for the City Hall addition and renovation. Councilmember Hametner seconded the motion and the motion carried unanimously.

ITEM 7. CONSIDER AND ACT ON APPROVING AGREEMENT WITH VENUEWORKS FOR MANAGEMENT OF CIVIC CENTER.

The City Manager stated the Aransas Pass Municipal Development District (APMDD) had worked on management options for the Civic Center for two or three months and decided the best option was to open the Civic Center under VenueWork's management. Discussion was held regarding VenueWorks history, present clients, preparation needed for opening the Civic Center, recommendations for VenueWorks, and VenueWorks action plan.

Andy Long made a short presentation for VenueWorks and outlined their proposed schedule and personnel for the Civic Center.

Councilmember Abrego made the motion to approve the agreement with VenueWorks for management of the Civic Center. Councilmember Hametner seconded the motion and the motion carried unanimously.

ITEM 9. 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.*

Mayor Knight stated there were a small number of people in this community and other communities that wanted the Harbor project to fail for whatever reason. He stated the Harbor Project would not fail. He stated various Councils over the past ten years had been working on this (Harbor Development). He stated this (Harbor development) was the primary reason he ran for Mayor after being off (the Council) for the last 25 years. He stated the only thing that could stop the Harbor development was the economy and he did not think the economy was going to hurt the boating industry.

ITEM 10. ADJOURNMENT OF MEETING.

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

Mayor Knight adjourned the meeting at 7:25 p.m.

ATTEST:

Tommy Knight, Mayor

Ada Owens, City Secretary