

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

On this the 7<sup>th</sup> day of July, 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: Mike Sullinger, Interim City Manager  
Allen Lawrence, City Attorney  
Ada Owens, City Secretary

ADMINISTRATIVE PERSONNEL ABSENT:

STAFF PRESENT: Darrell Jones, Police Chief  
Gilbert Ritz, Fire Chief  
Don Brummett Acting Public Works Director

OTHERS PRESENT: Ralph & Lu Arcemont, Rosemary Vega/Chamber of Commerce, Ann P. Melton, Jessica Schroder/AP Progress, Eva Young, Buck Shedd, Dennis & Beatrice Limon, Denise & Duane Ebert, Jim & Alpha Covington, Jeannie Brummett, Mary Rimer/Herald, Jim Garner, Tray Bates/Bates & Branscomb, Olivia & Bobby Cohen

*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 July 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 June 16, 2008.

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

**ITEM 4. CONSIDER AND ACT ON APPOINTMENT OF ARANSAS PASS MUNICIPAL DEVELOPMENT DISTRICT MEMBERS.**

After discussion and confirming all applicants were reappointments, Mayor Pro Tempore Attaway made the motion to appoint Annabel Seals, Randall Freeze, Richard Head, James (Jim) Covington, and Harlan Roberts to the Aransas Pass Municipal Development District. Council Member Mayer seconded the motion and the motion carried unanimously.

**ITEM 5. CONSIDER AND ACT ON APPROVING HARBOR LEASE 2008-004 FOR GULF KING SERVICES, INC.**

Mayor Knight stated Mark Herndon of Gulf King Services, Inc. had request a month-to-month lease on two buildings and two hundred linear feet of property located on Section 4, Block 1, Lots 33 through 40, 322 Huff Street in Conn Brown Harbor. He stated the monthly rental rate would be \$1,109.00 and conditions applied that were in the standard Harbor Lease. He stated Mr. Herndon had expressed an interest in leasing in the future

harbor development.

Mayor Pro Tempore Attaway expressed his concern regarding the junk on the property placed there by Gulf King Services

Interim City Manager Mike Sullinger stated Gulf King was supposed to clean up all their lease areas. He stated Mr. Herndon had assured him that the properties would be cleaned.

Council Member Hametner made the motion to approve Harbor Lease 2008-004 for Gulf King Services, Inc. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

**ITEM 6. CONSIDER AND ACT ON REQUEST OF ROBERT COHEN TO RESEARCH AND DEVELOP A FUEL CATALYST AND PLACE A 1,000 GALLON ABOVE-GROUND TANK AT 405 BIGELOW STREET, LOT 76, BLOCK R, CONN BROWN HARBOR.**

Council Member Hametner stated the City Manager and Fire Chief were on record as opposing the request.

Mr. Cohen stated he, with others, were attempting to market a fuel additive. He stated he wanted to bottle the fuel additive, which was almost pure diesel fuel, with a small amount of crystals added. He stated he wanted a 1,000 gallon fuel tank because the fuel would be cheaper in volume. He stated the product would be mixed three gallons at one time.

Mayor Knight asked was Mr. Cohen going to operate the seafood market any more?

Mr. Cohen stated he was going to operate the wholesale shrimp business out of the building.

Council Member Mayer asked would the fuel additive be sold from the building?

Mr. Cohen stated no, the fuel additive would be given away for testing. He stated the product would be bottled and distributed by a plant in San Antonio or Laredo. He stated right now, he wanted a store front and a small research area. He stated he would operate the wholesale shrimp business and he still had the freezer to store shrimp brought in by local shrimpers.

Council Member Mayer asked was Mr. Cohen current on his lease payment and insurance?

Mr. Cohen stated yes, but he had not received the certificate for his insurance. He stated he would deliver the certificate of insurance to the City when he received it.

Mayor Pro Tempore Attaway stated in his opinion, the City did not want fuel storage on the east side of the Harbor. He asked Mr. Cohen had he thought about storing fuel at Erikson & Jensen?

Mr. Cohen stated the Department of Transportation said he could put a fuel tank in the back of his truck. He stated if the Council was worried about the (1,000 gallon) fuel tank at the Harbor, he could put a 105 gallon tank in the back of his truck.

Mayor Knight stated the City was very concerned about fuel spills.

Mr. Cohen stated if the Council would let him work with three gallons (of diesel fuel) at a time, he would be happy with that.

Mayor Pro Tempore Attaway stated he did not think the Council had a problem with that, the Council did not want a 1,000 gallon fuel tank on the Harbor.

Mayor Knight stated if Mr. Cohen's project met the fire codes, he did not think the Council would have a problem with Mr. Cohen's project.

Mayor Pro Tempore Attaway made the motion to deny the request of Robert Cohen to research and develop a fuel catalyst and place a 1,000 gallon above-ground tank at 405 Bigelow Street, Lot 76, Block R, Conn Brown Harbor. Council Member Hametner seconded the motion and the motion carried unanimously.

**ITEM 7. CONSIDER AND ACT ON APPROVING TEAL CONSTRUCTION PAY APPLICATION NO. 1 (CITY HALL).**

Council Member Mayer requested Item 7 and Item 8 be voted together.

Council Member Mayer made the motion to approve Teal Construction Pay Application No. 1 for \$38,445.55 and No. 2 for \$74,005.00 (City Hall). Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

**ITEM 8. CONSIDER AND ACT ON APPROVING TEAL CONSTRUCTION PAY APPLICATION NO. 2 (CITY HALL).**

Approved under Item 7.

**ITEM 9. CONSIDER AND ACT ON RESOLUTION 2008-599 – AUTHORIZING THE TAX RESALE OF LOT 9, BLOCK 203, MYRTLE AVE. AND N. 11<sup>TH</sup> STREET RIGHT-OF-WAY.**

Mayor Knight stated he did not think the bid on the property was high enough. He stated he would like to see an offer for \$800.00 to \$1,000.00.

After discussion, Council Member Mayer made the motion to table Item 9 until the July 21, 2008 Council meeting. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

**ITEM 10. CONSIDER AND ACT ON RESOLUTION 2008-600 – AUTHORIZING THE TAX RESALE OF LOTS 17 & 18, BLOCK 455, 700 BLOCK OF N. RIFE.**

After discussion regarding two liens on the property and hearing advice from the City Attorney, Council Member Hametner made the motion to approve authorizing the tax resale of Lots 17 and 18, Block 455 subject to both liens being paid in full. . Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

**ITEM 11. CONSIDER AND ACT ON RESOLUTION 2008-601 – AUTHORIZING THE TAX RESALE OF TRACT 7, LANDBLOCK 211, ADJACENT TO MYRTLE AVE. RIGHT-OF-WAY.**

After discussion, Council Member Hametner made the motion to approve authorizing the tax resale of Tract 7, Landblock 211. Council Member Mayer seconded the motion and the motion carried 4 to 1 with Mayor Knight, Mayor Pro Tempore Attaway, Council Members Hametner and Mayer voting yes and Council Member Abrego voting no.

Council Member Abrego stated she thought the bid was too low.

**ITEM 12. CONSIDER AND ACT ON APPROVING FINANCIAL ADJUSTMENTS FOR FISCAL YEAR 2007-2008.**

Mr. Sullinger stated the debt owed by JBS Shrimping (\$45,000.00) and Porto Aegean (\$3,295.00) on their former Harbor leases should be written off as bad debts to bring the City's financial data up to date. He stated the City Attorney had been advised of the request.

Council Member Hametner made the motion to approve financial adjustments for fiscal year 2007-2008 by writing off debts owed by JBS Shrimping and Porto Aegean. Council Member Mayer seconded the motion and the motion carried unanimously.

Council Member Hametner stated the debts do not go away (forgiven) because they are written off the City's financial records.

**ITEM 13. CONSIDER AND ACT ON AUTHORIZING THE CITY MANAGER TO CREATE AN EMERGENCY MANAGEMENT PLAN FOR THE CITY OF ARANSAS PASS BASED UPON THE PRESENTATION AND INFORMATION FROM JUNE 30, 2008 COUNCIL WORKSHOP.**

Mayor Knight stated after the hurricane scare last year, there was discussion about forming the City's own emergency management plan. He stated the City should not rely on San Patricio County for emergency management. He stated there was grant money available for emergency management.

The City Manager stated the City could do a better job of emergency management for the City, get grant money for the City, and do a better job of protecting our citizens than San Patricio County has done. He stated that was also the opinion of the City's first responders and the State's emergency management coordinator.

Council Member Hametner made the motion to authorize the City Manager to create an emergency management plan for the City of Aransas Pass based upon the presentation and information from the June 30, 2008 Council Workshop. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

**ITEM 14.**      **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 Council had received paperwork for any special requests they had for the next budget. He requested the Council review and complete the paperwork for any special projects they might have for the coming year and return the paperwork by July 17 so costs could be calculated for those projects.

The City Manager stated he had given the Council six resumes for the City Manager position.

The City Manager stated when Gillespie Lane is dry it would be paved.

Mayor Pro Tempore Attaway stated he was informed by Aransas County Commissioner Casterline that the Aransas County Commissioner's Court was forming a Drainage District Advisory Board. He stated Mr. Casterline had requested that the Council appoint a Board Member to represent the City of Aransas Pass.

Eva Young discussed paving liens on her property.

Council Member Abrego asked Police Chief Jones for information about burglaries in a certain area of the City.

Chief Jones stated several arrests had been made and warrants were issued for more suspects. He stated the burglaries are occurring when people are at home asleep.

Council Member Abrego stated concerning the write offs for Harbor leases, the Council should take a proactive approach and not let lessees get so far behind on their Harbor leases before the City takes a loss. She stated the Council is responsible to their citizens.

Dennis Limon discussed using grant money to purchase buses to take people to the ferry landing in Port Aransas.

The City Manager stated the Texas Department of Transportation (TXDOT) palm tree project, which was paid completely by TXDOT, would start next March. He stated the City would be improving Newbury Park at that time also.

**ITEM 15.**      **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 7:42 p.m.

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Tommy Knight, Mayor

ATTEST:

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Ada Owens, City Secretary