

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

On this the 21st 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: Frank Truitt, City Inspector
Don Brummett, Acting Public Works Director
Gilbert Ritz, Fire Chief

OTHERS PRESENT: Lu & Ralph Arcemont, Marilyn Rimer, Tirzah Garner, Ean Garner, James S. Jackson, James Hale, Jeanie Brummett, Dorothy Morse, Oscar Pina/Aransas County Commissioner, Dennis Limon, Karen Sykes, Chris & Julie Coulter, Dick Hatch, Gerald Shedd, Ahmad Farahnaken

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 21, 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 July 7, 2008.

Council Member Mayer made the motion to approve the Consent Agenda. Council Member Hametner seconded the motion and the motion carried unanimously.

ITEM 4. CONSIDER AND ACT ON REQUEST OF ARANSAS COUNTY ENVIRONMENT HEALTH DEPARTMENT TO HOLD A FREE TRASH DAY AT THE ARANSAS PASS CITIZEN'S STATION AUGUST 16, 2008 AND AUTHORIZE ASSISTANCE FROM PUBLIC WORK EMPLOYEES.

Aransas County Commissioner Oscar Pena stated this was his 12th year for the Free Trash Day and he was asking for the same assistance from the City as in years past. He stated he would like to use the City's dump ground to collect trash and get assistance from the Public Works Department.

The Council thanked Commissioner Pena for his service to the Aransas Pass community in Aransas County.

Council Member Hametner made the motion to approve the request of Aransas County Environment Health Department to hold a free trash day at the Aransas Pass Citizen's Station August 16, 2008 and Authorize assistance from Public Work employees. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

ITEM 5. CONSIDER AND ACT ON REQUEST OF BAY HARBOR CHANNEL OWNER'S ASSOCIATION FOR SUPPORT FROM THE CITY FOR THEIR REQUEST TO THE TEXAS DEPARTMENT OF TRANSPORTATION TO INSTALL A STREET LIGHT AT

THE INTERSECTION OF STATE HIGHWAY 361 AND THE ENTRANCE TO BAY HARBOR SUBDIVISION.

The City Manager stated this was a simple request to support Bay Harbor residents' request for a street light that would be installed by the Texas Department of Transportation at no cost to the City.

After brief discussion, Council Member Hametner made the motion to approve the request of Bay Harbor Channel Owner's Association for support from the City for their request to the Texas Department of Transportation to install a street light at the intersection of State Highway 361 and the entrance to Bay Harbor Subdivision. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

ITEM 6. PUBLIC HEARING ON REQUEST OF CHRIS'S MARINE FOR A RENEWAL OF THEIR CONDITIONAL USE PERMIT FOR BOAT SALES. THE PROPERTY IS DESCRIBED AS LOTS 1 & 2, BLOCK 212, 1213 W. WHEELER, ARANSAS PASS, TEXAS, SAN PATRICIO COUNTY. THE PROPERTY IS ZONED GB (GENERAL BUSINESS) DISTRICT.

City Attorney Allen Lawrence declared the Public Hearing open at 7:07 p.m. on the request of Chris's Marine for a renewal of their Conditional Use Permit for Boat Sales at 1213 W. Wheeler, Aransas Pass, Texas. He stated the Planning and Zoning Commission had met on July 14, 2008 and approved the request, recommending a perpetual Conditional Use Permit and conditions previously approved. He asked Chris Coulter to come forward to speak for his request.

Chris Coulter, owner of Chris's Marine, stated he had kept the property clean. He stated his business had received the CSI Award from the State of Texas for outstanding customer service two years in a row. He stated the business was busy and sometimes crowded but he put all boats up at night.

Mayor Knight and Council Member Hametner stated Mr. Coulter ran a good business and kept the property clean. He stated sometimes he had to slow down on 11th Street to get by the business, but that did not bother him at all.

Council Member Hametner stated Mr. Coulter ran a good business.

The City Attorney asked if there was anyone present to speak against the request. Seeing no one, the City Attorney closed the Public Hearing at 7:11 p.m. and recommended approval of a perpetual Conditional Use Permit.

ITEM 7. CONSIDER AND ACT ON REQUEST OF CHRIS'S MARINE FOR A RENEWAL OF THEIR CONDITIONAL USE PERMIT FOR BOAT SALES. THE PROPERTY IS DESCRIBED AS LOTS 1 & 2, BLOCK 212, 1213 W. WHEELER, ARANSAS PASS, TEXAS, SAN PATRICIO COUNTY. THE PROPERTY IS ZONED GB (GENERAL BUSINESS) DISTRICT.

Mayor Pro Tempore Attaway made the motion to approve the request of Chris's Marine for a renewal of a Perpetual Conditional Use Permit for Boat Sales at 1213 W. Wheeler, Aransas Pass, Texas, San Patricio County. Council Member Hametner seconded the motion and the motion carried unanimously.

ITEM 8. PUBLIC HEARING ON REQUEST OF DR. BOB'S SMALL ENGINE REPAIR/LARRY REQUILMAN FOR A CONDITIONAL USE PERMIT TO PLACE LAWN AND GARDEN EQUIPMENT FOR DISPLAY. THE PROPERTY IS DESCRIBED AS LOTS 10B, BLOCK 207, 1746 W. WHEELER, ARANSAS PASS, TEXAS, SAN PATRICIO COUNTY. THE PROPERTY IS ZONED GB (GENERAL BUSINESS) DISTRICT.

City Attorney Allen Lawrence declared the Public Hearing open at 7:12 p.m. on the request of Dr. Bob's Small Engine Repair/Larry Requilman for a Conditional Use Permit to place lawn and garden equipment for display. The property is described as Lots 10B, Block 207, 1746 W. Wheeler, Aransas Pass, Texas, San Patricio County. He stated the Planning and Zoning Commission had met and approved the request. He asked if there was anyone present to speak for the request.

Tom Morse, owner of the property, stated Mr. Requilman, his tenant, had a prior commitment and he would speak for Mr. Requilman. He stated Mr. Requilman kept the property clean and neat. He stated Mr. Requilman was not told by the former owner that the display that had been on the property for twelve years needed a Conditional Use Permit.

The City Attorney asked if there was anyone present to speak against the request. Seeing no one, the City Attorney closed the Public Hearing at 7:13 p.m. and recommended approval of the Conditional Use Permit.

ITEM 9. CONSIDER AND ACT ON REQUEST OF DR. BOB'S SMALL ENGINE REPAIR/LARRY REQUILMAN FOR A CONDITIONAL USE PERMIT TO PLACE

LAWN AND GARDEN EQUIPMENT FOR DISPLAY. THE PROPERTY IS DESCRIBED AS LOTS 10B, BLOCK 207, 1746 W. WHEELER, ARANSAS PASS, TEXAS, SAN PATRICIO COUNTY. THE PROPERTY IS ZONED GB (GENERAL BUSINESS) DISTRICT.

Mayor Pro Tempore Attaway made the motion to approve the request of Dr. Bob's Small Engine Repair/Larry Requilman for a Conditional Use Permit for two years to place lawn and garden equipment for display at 1746 W. Wheeler, Aransas Pass, Texas. Council Member Abrego seconded the motion and the motion carried unanimously.

ITEM 10. CONSIDER AND ACT ON APPOINTMENT OF A REPRESENTATIVE TO THE ARANSAS COUNTY COMMISSIONERS' COURT'S NEWLY FORMED STORM WATER MANAGEMENT ADVISORY COMMITTEE.

After a brief discussion, Council Member Hametner made the motion to appoint the only applicant, Curtis Attaway, as representative to the Aransas County Commissioners' Court's newly formed Storm Water Management Advisory Committee. Council Member Abrego seconded the motion and the motion carried unanimously.

ITEM 11. CONSIDER AND ACT ON APPROVING TEAL CONSTRUCTION PAY APPLICATION NO. 6 (CIVIC CENTER) FOR \$368,550.00.

Council Member Mayer made the motion to approve Teal Construction Pay Application No. 6 (Civic Center) for \$368,550.00. Council Member Hametner seconded the motion and the motion carried unanimously.

ITEM 12. CONSIDER AND ACT ON ORDINANCE 2008-3942 AUTHORIZING SUBMISSION OF A PROPOSED CHARTER AMENDMENT CONCERNING RESIDENCY REQUIREMENTS OF THE MUNICIPAL COURT JUDGE

Mayor Knight stated the City Charter requires the Municipal Judge to be a resident of the City of Aransas Pass. He stated Mayor Pro Tempore Attaway had suggested changing the Charter to allow the Municipal Judge to reside in the three counties that are included in the City.

Mayor Pro Tempore Attaway stated the City Attorney further modified that suggestion by recommending the residence requirement in the Charter be removed.

Council Member Hametner made the motion to approve Ordinance 2008-3942 Authorizing submission of a proposed Charter amendment concerning residency requirements of the Municipal Court Judge. Council Member Mayer seconded the motion and the motion carried unanimously.

ITEM 13. CONSIDER AND ACT ON APPROVING RESOLUTION 2008-602, A RESOLUTION CONCERNING EMERGENCY MANAGEMENT COORDINATOR.

Mayor Knight stated the City Manager was the Emergency Management Coordinator (EMC) in most cities.

The City Attorney stated this Resolution was mainly to move the City away from San Patricio County as the City's EMC.

Council Member Hametner made the motion to approve Resolution 2008-602, a Resolution Concerning Emergency Management Coordinator. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

ITEM 14. CONSIDER AND ACT ON INCLUDING THE CITY OF ARANSAS PASS IN THE CLASS ACTION SUIT, CITY OF SAN ANTONIO, ET AL VS HOTELS.COM, L.P.

The City Attorney stated the City of San Antonio had filed suit on Hotels.com and various other online companies offering discount hotel rates. He stated the online companies would take reservations at a lower rate for the hotels, but then add their fee onto that rate. He stated the online companies would then collect the Hotel/Motel Tax on the lower rate, but not on their fee. He stated the City of San Antonio filed suit against the online companies to collect the unpaid Hotel/Motel Tax. He stated the City of Aransas Pass was included in that class action suit and had the choice of opting out of the suit, staying in the suite with the City's own attorney, or staying in the suit with the original attorneys. He stated he recommended the City stay in the class action suit with the original attorneys because it was not going to cost the City anything and there was a possibility the City would collect more Hotel/Motel Tax out of the suit.

Council Member Hametner made the motion to include the City of Aransas Pass in the Class Action Suit, City of San Antonio, et al vs Hotels.com, L.P. Council Member Abrego seconded the motion and the motion carried unanimously.

ITEM 15.

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 when fireworks are used on holidays along the causeway, a large amount of trash was left for the City to clean up. He stated trash also accumulated from everyday litter. He stated the Public Works Department had cleaned trash for three days after the Fourth of July, putting in more than 300 man-hours and collecting over 139 55-gallon trash bags of trash. He stated signs would be placed along the causeway to prohibit littering in the hopes people would pick up their trash on the property along the causeway. He stated a lot of man-hours are wasted cleaning the litter from the causeway.

The City Manager stated two eyesores, Mr. Lamas' orange sea buoys had been removed from the City's right-of-way and the old RV in front of Buck's Tires had been moved from the front of the station.

The City Manager stated the City had moved 128 yards (which is) 16 loads to Tenshia Keiser's property in the last two years. He stated the City took another 16 loads to her property today. He stated every time there is a new City Manager or Council Member the process (Ms. Keiser claiming the City owes her dirt to fill a low area on her property) starts over again. He stated the dirt was put on her property although Don Brummett (Acting Public Works Director) and Mr. Perry (who had done work on the adjacent properties) said the City had never taken any dirt off her property.

Mayor Pro Tempore Attaway stated he had seen her property, the City had smoothed the dirt out and she was supposed to be happy.

Mayor Knight stated he agreed.

The City Manager stated the City was done with Ms. Keiser's property, the City was not going to put any more dirt on her property.

Mayor Pro Tempore Attaway stated no more dirt (would be placed on Ms. Keiser's property).

Council Member Hametner stated the City had bent over backwards to accommodate Ms. Keiser.

The consensus of the Council was the City would not place any more dirt on Ms. Keiser's property.

The City Manager stated he and Council Member Hametner had met with the Tax Attorneys (Linebarger, Goggan, Blair & Sampson) and the attorneys had agreed that they would make a "push" in August in an attempt to collect back taxes owed to the City. He stated approximately \$1M in back taxes were owed to the City. He stated the tax attorneys would use newspaper ads and signs on delinquent properties to help collect back taxes.

The City Manager stated the City was ready for the tropical storm or hurricane. He stated the Police, Fire and Public Works were coordinated and prepared for the storm. He stated the sea gates were ready to install and the buses were on standby (for evacuation).

There were no public comments.

ITEM 16.

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.

Tommy Knight, Mayor

ATTEST:

Ada Owens, City Secretary