

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

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A Special Meeting of the Aransas Pass City Council was held on Wednesday, January 13, 2021 via Video Conferencing livestreamed at <http://youtube.com/user/cityofaransaspas>, as allowed by the Governor's Order issued on March 16, 2020 in an effort to mitigate the spread of COVID-10. A notice of the meeting was posted 72 hours in advance in accordance with Section 551, Texas Government Code. Mayor Ramiro Gomez and Council Members Vickie Abrego, Jason Knight, Janet Moore and Carrie Scruggs were present. Also present was Interim City Manager Sandra Garcia and City Attorney Roxann Pais Cotroneo.

1. **CALL MEETING TO ORDER.**

Mayor Gomez called the meeting to order at 5:32 pm.

Mayor Gomez deviated from the agenda and referred to Executive Session.

3. **EXECUTIVE SESSION.**

The meeting was recessed into Executive Session at 5:32 pm under the provision of Section 551, of the Texas Government Code to discuss the authority of:

3.1 Section 551.074, City Manager Search

The council reconvened in open session at 5:47 pm. No action was taken.

2. **DISCUSSION ITEMS.**

2.1 Panhandling

Sandra Garcia, Interim City Manager stated this item was placed on the agenda due to recent complaints of panhandling in the city. Eric Blanchard, Police Chief stated that there is a problem with panhandling directly across from City Hall, at the "Y", adding that there have been several complaints on this matter but there is no evidence of aggressive panhandling. He also stated that the panhandlers have been cited for illegal littering and this issue has been resolved, but panhandling is still occurring. Mr. Blanchard stated with the information at hand, panhandling is a matter of free speech, and to go beyond this the city would require legal input.

Council Member Knight stated he researched several ordinances, and added that if you single out panhandling, is going against state law. Mr. Knight stated the Panhandling Ordinance for the City of Abilene states that if you are in a median sidewalk, walking on a curb, you cannot stop to sit down, you have to keep moving; he stated that this ordinance applies to everyone and does not single out a particular group. He added that another City that has such an ordinance is the City of Galveston, and neither ordinance directly targets panhandling.

Mr. Blanchard stated that it a behavior matter. Council Members discussed how this would apply to local events held in the city where citizens are standing such as the parade, school fundraisers such as car wash, girl scout, etc., and that exceptions would need to be made for these events. Ms. Cotroneo stated that when a city begins to enact ordinances there is always a risk of unintended consequences, and while the city may be trying to reduce aggressive solicitation it could also be interpreted as impeding infringement for someone to stand still on a sidewalk. She further stated that whatever the city decides to do, it needs to be prepared to be sued on this particular ordinance. Ms. Cotroneo stated that if there is a widespread problem in

the community, staff can research the matter and bring back a recommendation. Council Members stated that there are panhandlers also at Wal-Mart/Lowe's, HEB area, and Wheeler/Commercial.

City Secretary Juarez read the following comment. Kristian Freeze - Corpus has panhandling awareness sign on SPID underpasses.

There was a general consensus from the Council to research the matter and bring back recommendations.

## 2.II Utility Terrain Vehicles (UTVs)

Mr. Blanchard stated that the State has paved the way on Golf Carts and it is now being expanded to UTVs/ATVs, also known as "Off Road Vehicles". He referred to changes that went into effect in 2019, and that the city will also have to update golf cart ordinance basically saying that all off highway vehicles are permitted to be driven in the city, if the city allows it. Mr. Blanchard further stated that if the city allow these vehicles, they will be required to get a license from the Department of Motor Vehicle. Mr. Blanchard stated he supports these type of vehicles in the city, as long as we follow the law.

Ms. Cotroneo stated that these type of vehicles can be authorized to be on city streets, but the street can be no more than 35 MPH, cannot be a major highway, a major street, it has to be under 35 MPH, and the UTV/Golf Cart does not have to be registered with the State, but they do have to obtain a license from the Department of Motor Vehicles. She further added that the license that is obtained, does not expire and it is not transferrable, and also requires that the vehicle have "slow-moving" emblems on the vehicle, with the critical point being that they can be allowed, but only in streets that are under 35 MPH.

Council Member Scruggs asked for clarification that these type of vehicles can only cross a major street to get to the other side, and Mr. Blanchard responded that is correct. Ms. Garcia stated that these vehicles (Golf Carts) must register with the city on an annual basis and pay a fee. Council Member Knight stated he spoke with City of Ingleside Mayor Parker to inquire if they had had any issues regarding this matter, and he responded, and he indicated they had not had any complaints. Mr. Blanchard indicated that he does not see value in having a city registration, and recommends on a State registration only, and remove the city registration.

Ms. Garcia asked if the consensus of the council was to move forward to amend the Golf Cart Ordinance to allow UTVs in city streets. Mayor Gomez asked if any comments from the public were submitted. Ms. Juarez stated that one comment was submitted and read as follows: Mr. Fred Austin, "I would like to ask the council if they would please consider making the utility vehicles, such as mine (Polaris Ranger Crew UTV) legal to drive on our streets of Aransas Pass. I would like to start by saying that they are legal to drive in Ingleside and Woodsboro, and have been for years. I have shopped around, and you are able to get insurance on these vehicles. State Farm has given me a quote that would insure it for the road. These utility vehicles have working tail lights, brake lights, and head lights (bright and dim). They come with the same kind of seat belts that everyone uses that drives (shoulder and waist restraints). DOT (Department of Transportation) approved tires are even sold for them. They all come with speedometers. They are much safer than the golf carts that have been approved to drive around town. The city could collect revenue on these vehicles such as tags, registration, and even tickets if they were issued. In closing, I would really appreciate it if you would approve utility vehicles to be legal here in Aransas Pass. Thank you for your time on this matter."

Mayor Pro Tem Moore asked the amount of revenue that the city collects from registration for golf carts, and Ms. Garcia responded in the Year 2021 the city budgeted revenue is \$2,100 and in the Year 2020, the city collected \$1,950. Mayor Pro Tem Moore inquired what action is

necessary to remove the city registrations, and Ms. Cotroneo responded that there is no action scheduled for today, it is simply for direction. There was a consensus from the Council to draft an ordinance.

### 2.III Parking in Unimproved Areas

Ms. Garcia explained that this matter was raised at a recent Planning and Zoning Commission meeting. Osei Amo-Mensah, City Planner stated that an issue was raised by Elizabeth Wilburn regarding property on No. McCampbell where neighbors were parking on front yard. Mr. Mensah referred to the Zoning Ordinance, Section 12 states that no required off-street parking space shall be located in the front yard in any single duplex, zoned A-1, A-2, or Agricultural District (AG), therefore, it was legally not permitted for any resident to park in the front yard. Mr. Mensah further stated that Code Enforcement resolved this matter, but the issue before the Council today is whether to add more restrictions on front yard parking on unimproved areas, or leave as is.

Council Member discussed the complaint and the wrecker service company in proximity to the property, legal case (139 N. McCampbell) involving the wrecker company. Cory Elrod, Code Enforcement Officer further explained the nature of the complaint.

Mr. Mensah then discussed an upcoming request for the placement of an 18 wheeler on an unimproved area. He stated that the Zoning Ordinance allows for one commercial but not sure if this commercial size vehicle, i.e. 18 wheeler is allowed to be parked in residential property. Mayor Gomez asked if this vehicle is used daily for work purposes, and Mr. Mensah responded yes. Mr. Mensah stated he would conduct further research on this matter.

After further discussion, there was a consensus of the council to leave the ordinance as is.

### 2.IV Basketball Courts

Ms. Garcia stated she received request from council members on the possibility of basketball courts. Fernando Quintanilla, Director of Public Works stated that the concrete slab for a full size court is approximately \$40,000, and for a half size court is approximately \$19,000, and discussed amounts for top surface, ground leveling, basketball hoops, and painting stripes. He added that there is a small basketball court at Veterans Memorial Park (concrete only). Mr. Quintanilla stated other items to consider are lighting, fencing, sitting/bleachers, and roof covering.

Mayor Gomez recommended a court size of 24 x 50 and covered, and Council Member Scruggs concurred. Mayor Gomez stated he recalled a grant for a pavilion and asked what the status of the grants, and Mr. Quintanilla responded that after the completion of the dog park and the skate park there were not enough funds for a basketball court.

There was a consensus of the council for a full basketball court with covering, and to also get cost estimates on fencing.

### 2.V Logo - Ground Water Tank (Avenue A)

Ms. Garcia stated that a council member requested the placement of this item on the agenda. Ms. Garcia added that this item has been discussed in the past, and has been cost prohibited for the city, costing approximately \$20,000 - \$40,000 for the logo and does not include removal of the current logo or re-coating.

Council Member Knight referred to a photo he submitted and stated he would like for this to move forward. In response to a question from Council Member Knight, Mr. Quintanilla

responded that the tank is in good condition and was last rehabbed in late 2014 and repainted. Mayor Pro Tem Moore indicated that when the logo was previously discussed the cost estimate was \$20,000 to \$40,000, and at that time the budget could not support this cost and asked if there are any suggestions. Mayor Gomez asked if we are redoing or changing the logo, and Council Member Knight responded changing the logo.

Council Member Scruggs stated she supports changing to the logo to the “Panther Logo”, but the major obstacle is funding and the FY2020-2021 budget is set. She added that in 2019 she raised this issue and provided a brief history on what transpired with the logo in 2019 and suggested that Council Member Knight form a committee to oversee funding for this project and suggested organizations who could assist in this project. Mayor Gomez stated that if funds are not available this fiscal year, perhaps next fiscal year. Council Member Scruggs stated the logo on the water tower that was destroyed by Hurricane Harvey was not paid using city funds.

Mayor Gomez asked if any comments were submitted. City Secretary Juarez read the following comments: Mary Gunn stated, “the community was asked, they voted and something completely different was put on..”; and Aislyn Mauch stated, “it should’nt be put on the school to fund it - it should be paid by the city”.

Mayor Pro Tem Moore agreed with the idea that Council Member Knight spearhead funding for the logo on the Water Tank on Avenue A. Council Member Knight stated he would like to first have a quote. Mr. Quintanilla responded that he would gather information and provide an approximate quote.

There was a consensus from the council to get a quote and bring back to the council.

#### 2.VI Little League and Softball Fields

Mr. Quintanilla stated that these contracts are done annually, and the last contract expired in December and asked for direction from the council. Mayor Gomez suggested that at some point, the city should take responsibility for the little league field instead of placing the responsibility on volunteers. Mayor Pro Tem Moore stated she agreed since this is city property and should be maintained by the city. Ms. Garcia stated that this would be considered during the next budget cycle.

There were a consensus from the council to move forward with the issuance of a request for proposals for the softball fields.

#### 4. **ADJOURNMENT:**

There being no further business to come before the Council, Mayor Gomez adjourned the meeting at 7:00 pm.

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Ramiro Gomez  
Mayor

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Mary Juarez  
City Secretary

Approved on: \_\_\_\_\_