

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

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A Regular Meeting of the Aransas Pass City Council was held on Monday, April 19, 2021 in the Aransas Pass City Hall, 600 W. Cleveland Blvd., Aransas Pass, Texas 78336. 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 City Manager Gary Edwards and City Attorney Roxann Pais Cotroneo.

**1. CALL MEETING TO ORDER.**

Mayor Gomez called the meeting to order at 6:00 pm.

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

Donald Volz, Crosstown Church gave the invocation and led the Pledge of Allegiance to the United States.

**3. PRESENTATIONS AND PROCLAMATIONS:**

3.I Certificate of Citizen Recognition - Ms. Ernestine Brown

Mayor Gomez presented Ms. Ernestine Brown with a Certificate of Citizen Recognition for volunteering over 32,000 hours of volunteer service at the Tri County Service Center and for being an outstanding citizen in the community.

Mayor Gomez deviated from the agenda and referred to Item 3.VII.

3.VII. Lifesaving Awards presented to Jeremy Gates, Sergeant and John Valdez, Police Officer - presented by Eric Blanchard, Director of Public Safety

Eric Blanchard, Police Chief presented lifesaving awards to Jeremy Gates, Sergeant and John Valdez, Police Officer for their involvement in saving a life in an incident that occurred on March 29, 2021 and thanked them for their commitment and dedication.

3.II Hospital Update - Jay Riggins, Care Holding, LLC

Mr. Riggins stated that the hospital remains closed after Hurricane Harvey and due to the extent of damage and moisture content, the entire interior had to be torn out. He further stated that there are different ways to be involved in a potential solution to have health care services available in Aransas Pass. Mr. Riggins stated they want to work with the City, County and State to be part of a solution.

3.III Safety Concerns at Lighthouse Lakes Trail - Kevin Pekarek, US Coast Guard

Mr. Pekarek provided an update on the safety concerns at Lighthouse Lakes Trail and discussed the three incidents that occurred in the Aransas Channel (Shrimp Channel). Mr. Pekarek recommended safety actions such as signage, floating buoy for boaters for the city to consider.

Mr. Hector Rios commented that the signage is great for the boaters, but there also needs to

be signage for kayakers to be aware of weather and water conditions.

3.IV Quarterly Update - Collection of Municipal Court Fees and Fines - Steven Saucedo, Linebarger Law Firm

Mr. Saucedo presented a quarterly update for the period January 1, 2021 through March 31, 2021 and reported that 1,342 letters were mailed to collect delinquent monies owed to the court; located 248 persons; and \$115,444 was assigned to the Linebarger Firm to collect and \$17,577 was collected. He further added that they assisted the Court with cases resolved totaling \$40,000.

3.V Update on Annexation Lawsuit, State of Texas, Ex Rel Association Against Annexation Abuse vs. City of Aransas Pass, Cause No. A-19-0368-CV-C - Presented by Mike Meyer, The McKibben law Firm

Michael Meyers, The McKibben Law Firm provided an update on the State of Texas ex rel. Association Against Annexation Abuse v. City of Aransas Pass, Texas lawsuit, and added that he would not answer any questions due to attorney client privilege or expressed an opinion on whether annexation is good or bad, and will not respond to questions from the audience. He then discussed when the lawsuit was filed, the attorney's involved on the plaintiff's side, Rockport Terminals involvement in this lawsuit, a letter dated August 14, 2019 sent by Earl & Associates regarding the continuation of existing and proposed land uses, mediation is scheduled for April 26, 2021 and the trial is scheduled is scheduled for May 25, 2021.

3.VI Update on Harbor Master Building - LNV Engineering

Mr. Fernando Quintanilla, Director of Public Works provided an update and stated they plan to prepare a final punch list to reach substantial completion. He reported that power is on, air conditioning is complete, carpet and restrooms are complete, and they will begin the flooring in the main area on Wednesday.

**4. BOARD AND COMMISSION APPOINTMENTS:**

There were no board and commission appointments.

**5. CONSENT AGENDA:**

There were no consent items.

**6. PUBLIC HEARING:**

There were no Public Hearing items.

**7. CITY MANAGER:**

7.I Consider and Act on authorizing the City of Aransas Pass to issue a Request for Proposals for Administrative Services and Request for Qualifications for Engineering Services for the American Rescue Plan Act of 2021.

Mr. Edwards stated this grant is related to the coronavirus rescue package and the purpose of this item is to begin the procurement process so that the City can submit an application. He added that these funds can be used for infrastructure.

A motion was made by Mayor Pro Tem Moore to approve Item 7.I, seconded by Council

Member Scruggs, and the motion passed unanimously.

7.II Consider and Act creating a Task Force to recommend an Art Piece promoting local history at “Conn Brown Harbor Roundabout” and designate a Council Member to serve on the Task Force.

Mr. Edwards explained this relates to the creation of a task force to recommend an art piece at the Conn Brown Harbor Roundabout.

A motion was made by Council Member Scruggs to approve Item 7.II and designated Mayor Pro Tem Moore and Council Member Scruggs to serve on this committee, seconded by Council Member Abrego, and the motion passed unanimously.

7.III Consider and Act on designating a Council Member to serve on the City’s Budget Review Committee for the Fiscal Year 2021-2022.

A motion was made by Mayor Pro Tem Moore to designate Council Member Abrego to serve on the Budget Review Committee, seconded by Council Member Scruggs, and the motion passed unanimously.

7.IV FAILED TO PASS

Consider and Act on Resolution approving offer to purchase Tax Sale Property, Suit No. S-00-1034-TX, Lots 23 and 24, Block 684, Original Townsite, City of Aransas Pass, San Patricio County, Texas. The property is located on Alley Way. A bid offer was submitted by Robert Cooper in the amount of \$100.00

Mr. Edwards explained that staff does not recommend approval of this tax resale due to the potential need of this land as it relates to the Corps of Engineers Wet Slip permitting process. He also added that the Council had passed a resolution setting a minimum requirement of 30% of the appraised value, and this offer is less than 1%.

A motion was made by Council Member Abrego to deny Item 7.IV, seconded by Mayor Pro Tem Moore, and the motion to deny passed unanimously.

7.V TABLED

Consider and Act on Resolution approving offer to purchase Tax Sale Property, Suit No. S-05-1093-TX, Lots 25 and 26, Original Townsite of the City of Aransas Pass, San Patricio County, Texas. The property is located on Rife Street. The bid offer was submitted by Invictus Management, LLC in the amount of \$8,000.

A motion was made by Mayor Pro Tem Moore to table item 7.V, seconded by Council Member Scruggs, and the motion passed unanimously.

7.VI TABLED

Consider and Act on Resolution approving offer to purchase Tax Sale Property, Suit No. S-10-1159-TX, Lot 1, Block 425, City of Aransas Pass, San Patricio County, Texas. The property is located on W. Magnolia (corner). The bid offer was submitted by Invictus Management, LLC in the amount of \$10,000.

A motion was made by Mayor Pro Tem Moore to table Item 7.VI, seconded by Council Member Scruggs, and the motion passed unanimously.

7.VII TABLED

Consider and Act on Resolution approving offer to purchase Tax Sale Property, Suit No. S-12-10460TX, Lot 27, Block 230, 350, Original Townsite, City of Aransas Pass,

~~San Patricio and Aransas County. The property is located on Matlock. The bid offer was submitted by Travis L. Kelley in the amount of \$4,000.~~

A motion was made by Council Member Abrego to table Item 7.VII, seconded by Council Member Scruggs, and the motion passed unanimously.

7.VIII TABLED

~~Consider and Act on Resolution approving offer to purchase Tax Sale Property, Suit No. S-02-1271-TX, 1.06 acres, more or less, out of Farm Lot 1, Land Block 211, Burton and Danforth Subdivision, San Patricio County, Texas. The property is located on Avenue A. The bid offer was submitted by Nathaniel Mayfield in the amount of \$4,000.~~

A motion was made by Council Member Abrego to table Item 7.VIII, seconded by Council Member Scruggs, and the motion passed unanimously.

7.IX. TABLED

~~Consider and Act on Resolution approving offer to purchase Tax Resale Property, Suit No. S-13-1038-TX, Lot 9, Block 236, Town of Aransas Pass, San Patricio County, Texas. The property is located on N. 10<sup>th</sup> Street. The bid offer was submitted by Nathaniel Mayfield in the amount of \$250.00.~~

A motion was made by Council Member Abrego to table Item 7.IX, seconded by Council Member Scruggs, and the motion passed unanimously.

7.X. Monthly Municipal Court Report - March 2021.

Mr. Edwards explained that due to COVID-19 and limited gatherings in a room, the report is being presented in written format.

**8. COMMUNITY ENRICHMENT:**

8.I. Monthly Community Enrichment Department Report - March 2021.

Mr. Edwards explained that due to COVID-19 and limited gatherings in a room, the report is being presented in written format.

**9. DEVELOPMENT SERVICES:**

9.I. Consider and Act to award the contract to J.J. Fox Construction for the Motel 6 Utility Improvement for a total amount not to exceed \$90,894.

Mr. Quintanilla stated that this relates to extending the utility lines up to the property line of Motel 6. He added that bids were issued and staff is recommending JJ Fox Construction and the bid is under budget. Council Member Abrego asked the timeframe of the project, and Mr. Quintanilla responded approximately 40 days.

A motion was made by Council Member Abrego to award the bid to JJ Fox Construction in the amount of \$90,894, seconded by Council Member Knight, and the motion passed unanimously.

9.II. Consider and Act on the issuance of a Request for Proposals for the Wehring/Wheeler Sanitary Sewer Project.

Mr. Quintanilla explained this project is in the second group of projects under the CDBG-DR grant and staff is requesting authorization to issue and request for proposals.

A motion was made by Council Member Scruggs to approve Item 9.II, seconded by Council Member Abrego, and the motion passed unanimously.

9.III. Monthly Public Works Report - March 2021.

Mr. Edwards explained that due to COVID-19 and limited gatherings in a room, the report is being presented in written format.

9.IV. Monthly Building Department Report - March 2021.

Mr. Edwards explained that due to COVID-19 and limited gatherings in a room, the report is being presented in written format.

**10. FINANCE:**

10.I. Consider and Act on Resolution approving the assignment, commitment, and restriction of fund balances in accordance with Governmental Accounting Standards Board (GASB) Statement No. 54.

Sandra Garcia, Director of Finance stated that the purpose of this item is to restrict the fund balance to comply with Section 11 of the City Charter, Contingency Appropriation which requires that 3% be set aside in the event of an emergency. She added that this was not done in previous years because there was not a fund balance that would allow to set aside these monies, but as of the last audit report there is a health fund balance. She added that this resolution is restricting about \$500,000 to complete the FEMA projects, committing \$326,432 in the Contingent Appropriation Fund to comply City Charter, Section 11 and GASB 54, and leave an unassigned balance of \$3,482,628.

10.II Monthly Finance Department Report - February 2021

Mr. Edwards explained that due to COVID-19 and limited gatherings in a room, the report is being presented in written format.

10.III FY2020-2021 Second Quarter Investment Report (January - March)

Mr. Edwards explained that due to COVID-19 and limited gatherings in a room, the report is being presented in written format.

**11. INFORMATION TECHNOLOGY:**

There were no Information Technology department items.

**12. PUBLIC SAFETY:**

12.I Consider and Act on Ordinance amendment the City Code of Ordinances by renaming Chapter 28 - Traffic, Article VI, Golf Carts; rescinding Sections 28-101 through 28-108; repealing all conflicting ordinances; providing a savings and severability clause; providing for publication in the official newspaper; and providing an effective date.

Roxann Cotroneo, City Attorney stated that the Council recently approved an ordinance authorizing golf carts, off-highway vehicles, and neighborhood electric vehicles to drive on the city roads, and decided not to have a city registry of these vehicles, but rather a state registry. This action is rescinding golf carts from registering with the city.

A motion was made by Council Member Knight to approve Item 12.I, seconded by Council Member Scruggs, and the motion passed unanimously.

12.II Consider and Act on approving the issuance of a Request for Proposals for a new City-Wide PBX Phone System

Mr. Blanchard stated this is requesting approval to issue a request for proposals for a new city-wide phone system. He added that the current system is at the end of its life. Mr. Blanchard stated that COVID funds will be used to pay for the system.

A motion was made by Council Member Abrego to approve Item 12.II, seconded by Council Member Scruggs, and the motion passed unanimously.

12.III Consider and Act on approving the Fire Department to use Shrimporee Grounds for a sanction BBQ contest on Saturday, September 25, 2021.

Nathan Borrego, Assistant Fire Chief stated the event is scheduled for September 25, 2021 at the Shrimporee Grounds. He added the setup for the event will begin on Friday, September 24, 2021. Mayor Pro Tem Moore stated that a Firefighter's ball is also planned and is being sponsored by Spirit of Aransas Pass.

A motion was made by Council Member Scruggs to approve the event for September 24-25, 2021, seconded by Council Member Abrego, and the motion passed unanimously.

12.IV Monthly Public Safety Report -March 2021

Mr. Edwards explained that due to COVID-19 and limited gatherings in a room, the report is being presented in written format.

12.V Monthly Fire Department Report - March 2021

Mr. Edwards explained that due to COVID-19 and limited gatherings in a room, the report is being presented in written format.

**13. CITY COUNCIL OR STAFF ANNOUNCEMENT:**

Mr. Edwards announced that a Special Meeting is scheduled for April 21, 2021, and Special Meeting on April 26, 2021. He then discussed the items scheduled to be discussed at these meetings.

**14. CITIZEN COMMENTS:**

Chuck West, Harbor Master informed the public that on May 21, 2021 there will be a Charity Fishing Tournament by the Gulf Coast Anglers League at Conn Brown Harbor Boat Ramp to benefit HALO flight.

Dennis Peacock expressed concerns about a home that burned at 503 Nelson and 10<sup>th</sup> Street last year. He added the burned structure is still there and is an eyesore. Mr. Peacock recommended eminent domain. City Attorney Cotroneo stated that this property is on the demolition docket and is moving forward and would look into the matter.

Hector Rios, thanked the council for their work on the tax property resales for considering not to sell the property at a low cost.

Irma Elizondo, stated that she built a home at 312 McClung Street, but the issue is connecting water lines. She added the existing pipe is 2 inches but is tapped out, and there needs to be a large size water line. Mr. Edwards responded that the city is working on estimates to provide utility lines. He added that with the action taken today on the American Rescue Plan, the city plans to use this as a source to provide utility service to certain areas in the city.

**15. EXECUTIVE SESSION:**

Mayor Gomez announced that Item 15.III.1 is being removed from the agenda and will not be discussed in executive session. The meeting was recessed into Executive Session at 7:55 pm under the provision of Section 551, Texas Government Code to discuss the authority of:

- 15.I Section 551.071 and 551.087 - Deliberations on Economic Negotiations and discussion of due diligence pertaining to LWR proposed project with Ransom Island Partners, LLC.
- 15.II Section 551.074, Municipal Court Judge
- 15.III.1 Section 551.071, the State of Texas, ex rel Association Against Annexation Abuse vs. City of Aransas Pass, Cause No. A-19-0368-CV-C in the 343<sup>rd</sup> District Court of Aransas County, Texas
- 15.III.2 Section 551.071, Conn Brown Harbor Lease - G&S Marine, Inc.
- 15.III.3 Section 551.071, Conn Brown Harbor Lease - Underwater Services, Inc.

The council reconvened in open session at 9:57 pm. No action was taken.

**16. ADJOURNMENT:**

There being no further business to come before the Council, Mayor Gomez adjourned the meeting at 9.58 pm.

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Ramiro Gomez  
Mayor

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Mary Juarez  
City Secretary

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