

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, April 27, 2021 Rockport Service Center, 3751 State Highway 35 Bypass and Via Video Conferencing Application ZOOM

A temporary suspension of the Open Meetings Act to allow telephone or video conference public meetings was granted by Governor Greg Abbott. These actions were being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code.

Due to the COVID-19 pandemic, the attorney general has said: “statutes that may be interpreted to require face-to-face interaction between members of the public and public officials are suspended; provided, however, that the governmental bodies must offer alternative methods of communicating with their public officials.” Public participation is valued and citizens wishing to express their views on any topic or agenda item can electronically submit a Citizen Participation Form in order to register to speak by going to <https://rockport.seamlessdocs.com/f/CouncilCitizenParticipation> or scanning the QR code provided on the Agenda, or if attending the meeting in person register at the meeting. Using the same form, citizens can also provide written comments to the City Secretary by 4:00 p.m. on the day of the meeting. The Mayor will read the comments and they will be summarized in the minutes of the meeting.

On the 27th day of April 2021, the City Council of the City of Rockport, Aransas County, Texas, convened in Regular Session at 6:30 p.m., at the Training Room of the Rockport Service and via video conferencing application ZOOM, and notice of meeting giving time, place, date and subject was posted as described in V.T.C.A., Government Code § 551.041.

CITY COUNCIL MEMBERS PRESENT

Mayor Patrick R. Rios
Mayor Pro-Tem J.D. Villa, Ward 2
Council Member Michael Saski, Ward 1 – *Via ZOOM*
Council Member Bob Cunningham, Ward 3
Council Member Andrea Hattman, Ward 4

CITY COUNCIL MEMBER(S) ABSENT

PLANNING & ZONING COMMISSION MEMBERS PRESENT

Ric Young – *Via ZOOM*
Warren Hassinger – *Via ZOOM*
Kim Hesley – *Via ZOOM*
G. Maynard Green – *Via ZOOM*
Ruth Davis
Diana Severino-Saxon – *Via ZOOM*

STAFF MEMBERS PRESENT

City Manager Kevin Carruth
City Secretary Teresa Valdez
Director of Public Works & Building Services Mike Donoho
Community Planner Amanda Torres
Director of Finance Katie Griffin
Aquatics Manager Joe Reikers
Parks & Leisure Services Director Rick Martinez
Chief of Police Greg Stevens

ELECTED OFFICIALS PRESENT

Opening Agenda

1. Call to Order.

With a quorum of the Council Members present, the Regular Meeting of the Rockport City Council was called to order by Mayor Rios at 6:37 p.m. on Tuesday, April 27, 2021, in the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, and via video conferencing application ZOOM.

2. Pledge of Allegiance.

Council Member Cunningham led the Pledge of Allegiance to the U.S. flag.

3. Presentation: Lifeguard Rescue Awards – Joshua Lee, Allison Sanders, Kaylee Skinner & Celeste Stinson.

Mayor Rios invited Joshua Lee, Allison Sanders, Kaylee Skinner, Celeste Stinson, Aquatics Manager Joe Reikers and Parks and Leisure Services Director Rick Martinez to join him at the front of the dias.

Mayor Rios presented Joshua Lee, Allison Sanders, Kaylee Skinner & Celeste Stinson with Lifeguard Rescue Awards for the following rescues:

Joshua Lee:

On June 25, 2020, at approximately 1:03 pm, a 6-year-old and his grandfather were attempting to enter the competition pool. The grandfather had a physical disability and as he tried to enter the 6-year boy fell into the water from the steps. The 6-year-old could not swim and he was submerged for a few seconds. Lifeguard Lee entered the water, lifted him, and pulled him out of the water. The boy coughed a few times and Lifeguard Lee determined that the boy did not seem to have any further distress. The grandfather was very thankful for the quick and professional response that Lifeguard Lee demonstrated. Lifeguard Lee's quick action and professional skills prevented a potential drowning.

Allison Sanders:

On September 4, 2020, at approximately 10:30 am, a disabled 80-year-old male, was attempting to enter the competition pool near the steps from a wheelchair. He was able to pull himself off the wheelchair, but he fell facedown into the water and began to struggle and was unable to turn himself upright. Lifeguard Sanders immediately entered the water to perform a water rescue. She was able to turn the distressed swimmer over and proceeded to assist in getting the swimmer to the steps, where he was able to hold onto the railing. After doing an observation, Head Lifeguard Sanders determined that there was no further distress. Her quick action and professional skills prevented a potential drowning.

Kaylie Skinner:

On September 5, 2020, at approximately 4:00 pm, Lifeguard Skinner observed a young boy enter the water from the diving board. The young boy landed on his back and was temporarily motionless. Lifeguard Skinner blew her whistle for assistance. As she attempted to enter the water, the swimmer gained motion, and attempted to swim to the side of the pool but still showed signs of distress. Lifeguard Skinner threw her lifeguard tube to the distressed swimmer and pulled him to the edge of the pool. Lifeguard Skinner made an observation for any difficulties, and other than the boy still hurting from the fall, he was able to recover quickly while under the care of Lifeguard Skinner. Her quick action and professional skills prevented a potential drowning.

Celeste Stinson:

On March 10, 2021, at approximately 4:11 pm, a 9-year-old girl jumped from the high-dive board and went underwater and after surfacing, demonstrated signs of distress and yelled for "HELP". Lifeguard Stinson immediately initiated the Emergency Alert Protocol and entered the water. Lifeguard Stinson performed an active water rescue since the young girl was panicking and not following her instructions. Lifeguard Stinson was able to get the young girl to the side of the pool and pulled out of the pool. The girl was still out of breath, and after further observation from Lifeguard Stinson, it was determined that she was exhibiting no other distress. Lifeguard Stinson's quick action and professional skills prevented a potential drowning.

Parks and Leisure Services Director Martinez expressed these young employees do a great job at the pool and have a lot of responsibility. Mr. Martinez added they have a great manager in Mr. Reikers.

Aquatic Manager Reikers said the Community Pool is the only one in the area that has a high diving board and because of that staff does not wait to see if someone makes it to the side of the pool; we immediately react. Mr. Reikers declared we are the safest pool in Texas.

The award recipients received a standing ovation.

4. Proclamation: April – Sexual Assault Awareness and Prevention Month.

Mayor Rios proclaimed April as Sexual Assault Awareness and Prevention Month in the City of Rockport. Mayor Rios read the Proclamation and presented it to Kayla Perez, Victims Advocate with The Purple Door for Aransas County and San Patricio County.

5. Citizens to be heard.

At this time, comments limited to three (3) minutes will be taken from the audience from persons who have signed the speaker's card located on the table in the back of the Training Room of the Service Center and delivered to the City Secretary before the meeting begins, or written comments received by 4:00 p.m. on the day of the meeting, on any subject matter that is not on the agenda, will be read by the Mayor and summarized in the minutes of the meeting. Persons wishing to address the Council and who have registered using the Citizen Participation Form will have up to three minutes to speak. In accordance with the Open Meetings Act, Council may not discuss or take action on any item that has not been posted on the agenda. While civil public criticism is not prohibited, disorderly conduct or disturbance of the peace as prohibited by law shall be cause for the chair to terminate the offender's time to speak.

Mayor Rios said the City had received two Citizen Participation Forms:

- 1) Irene Dubicka, 1108 South Austin Street: Mayor Rios read the comments submitted by Ms. Dubicka. Ms. Dubicka expressed displeasure with the current Future Land Use map and the designation of "tourist commercial" in the area where she lives. She also expressed disapproval of the area designated "mixed use" in the draft Comprehensive Plan.
- 2) Andrew Kane, 2106 Lakeview Drive: Mr. Kane apologized to Mayor Rios for mistakenly attributing a comment that was made at the last meeting to the Mayor, when it was made by City Manager Carruth. Mr. Kane stated he was disappointed that Mayor Rios did not correct Mr. Carruth because the attitudes and behaviors of those you lead are a direct reflection of your attitude and behavior and what you tolerate, and Mayor Rios owned that comment because he allowed it. Mr. Kane then voiced remarks regarding his accusation that Brad Brundrett falsified the petition for a place on the ballot for the City's General Election to be held on May 1, 2021.

Jeff Hutt, 2201 Prairie Road, addressed the Council. Mayor Rios asked Mr. Hutt if that was his residence. Mr. Hutt answered it was not, but he is the property owner. Mr. Hutt distributed copies of pages from Brad Brundrett's petition for a place on the ballot for the City's General Election. Mr. Hutt voiced comments and accusation that Brad Brundrett falsified the petition for a place on the ballot for the City's General Election, and he did not understand why the City was not doing anything about it.

Point of Clarification: City Secretary Teresa Valdez stated the Application and Petition for a Place on the Ballot for City elections are submitted to her. Ms. Valdez said when it was brought to her attention, the accusation of falsifying the petition, she contacted the Secretary of State. Ms. Valdez expressed that just like her 22+ years of training has taught her, the Secretary of State stated she was to take the petition on its face value. (NOTE: Signatures were verified to be residents of Ward #3).

Consent Agenda

All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

- 6. Deliberate and act on approval of Regular Meeting Minutes of April 13, 2021.**
- 7. Deliberate and act on 2nd quarter Report from Rockport-Fulton Chamber of Commerce for Fiscal Year 2020-2021 marketing expenditures.**
- 8. Deliberate and act on 2nd quarter from Texas Maritime Museum for Fiscal Year 2021-2021 marketing expenditures.**
- 9. Deliberate and act on an Ordinance of the City Council of the City of Rockport, Texas, extending a COVID-19 pandemic Declaration of Local Disaster for the period of April 27 – May 25, 2021; establishing rules and regulations for the duration of the disaster; restricting certain activities; and establishing penalties for violations.**
- 10. Deliberate and act on an Ordinance of the City Council of the City of Rockport, Texas, extending a Declaration of Local Disaster (Winter Storm Uri) for the period of April 27 – May 25, 2021, establishing rules and regulations for the duration of the Disaster; and establishing an effective date.**
- 11. Deliberate and act on an extension of the current Bank Depository and Finances Services Contract with Wells Fargo Bank, N.A. for a one-year period beginning May 1, 2021, and ending April 30, 2022.**

Mayor Rios called for requests to remove any item from the Consent Agenda for separate discussion.

Mayor Rios read the captions of the Ordinances under Items 9 and 10.

MOTION: Mayor Pro-Tem Villa moved to approve the Consent Agenda, as presented. Council Member Saski seconded the motion. Motion carried unanimously.

Public Hearing

12. Call to Order – Rockport Planning & Zoning Commission.

With a quorum of the member present, the meeting of the Rockport Planning & Zoning Commission was called to order at 7:02 p.m. on Tuesday, April 27, 2021, in the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas,

- 13. Conduct a Joint Public Hearing with the Planning & Zoning Commission to consider a request for a Conditional Use Permit for food and retail vending, located at 210 Seabreeze Drive; also known as approximately 80.0 acres of land out of portions of the Aransas County Navigation District No.1 Rockport Beach Park and Festival Grounds property located in the**

City of Rockport, Aransas County, Texas and being a portion of the 102.5 acres Rockport Harbor patent, Abstract 343 and revised August 12, 1953, and recorded in Volume M3, Page 499, Deed Records of Aransas County, Texas, along with a portion of Abstract 357 dated November 6, 1953, containing 604.296 acres and recorded in Volume N-3, Page 178, Deed Records of Aransas County, Texas, with said 80.0 acres being a portion of Abstracts 343 and 357; currently zoned R-1 (1st Single Family Dwelling District).

Mayor Rios opened the Public Hearing at 7:05 p.m.

Tommy Moore, Aransas County Navigation District, 911 Navigation Circle, addressed the Council. Mr. Moore said he wanted to make sure there was nothing to hold up this request. Mr. Moore stated he hoped the Planning and Zoning Commission recommend approval.

Planning and Zoning Chair Ruth Davis stated this was a request for a Conditional Use Permit and not rezoning.

Mayor Rios explained a Conditional Use Permit is specific for this request. Mayor Rios stated the Planning and Zoning Commission will discuss the request at their meeting on Monday, May 3, 2021, at 5:30 p.m.

Mayor Rios closed the Public Hearing at 7:07 p.m.

14. Adjourn – Rockport Planning & Zoning Commission.

At 7:07 p.m., the Rockport Planning & Zoning Commission adjourned.

Regular Agenda

- 15. Deliberate and act on first reading of an Ordinance amending the official zoning map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-2 (2nd Single Family Dwelling District) for property located at 3361 Loop 1781; also known as 1.628 acres out of 23.462 acres, out of the northerly portion of a 258.53 acre tract, lying West of Loop 1781 and South of Copano Ridge Road, South of and adjacent to Copano Campsite Subdivision, according to the plat recorded in Volume 2, Page 50, plat records of Aransas County, Texas, and being out of the westerly portion of the Old Modessett Ranch, Joseph Hollis Survey, A-76, City of Rockport, Aransas County, Texas; and 23.462 acres being the same tract described in a deed of record under Clerks File Number 369271, Official Public Records of Aransas County, Texas, to B-1 (General Business District) to build a family-friendly restaurant with a bar and other entertainment amenities; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.**

Michael Lee, 229 Dead Ends Drive, addressed the Council. Mr. Lee stated this was a very dangerous intersection and he was opposed to the rezoning request.

Rebecca Bagby, 218 Dead Ends Drive, addressed the Council. Ms. Bagby stated she was opposed to the rezoning request and allowing a little over 1.5 acres to be zoned commercial.

Mayor Rios stated the Planning and Zoning Commission have recommended denial of the rezoning request.

Mayor Pro-Tem Villa said he attended the Planning and Zoning Commission meeting and like the Joint Public Hearing held on April 13, 2021, numerous citizens attended and were opposed to the rezoning request.

MOTION: Mayor Pro-Tem Villa moved to deny the request for a change in zoning from R-2 (2nd Single Family Dwelling District) for property located at 3361 Loop 1781; also known as 1.628 acres out of 23.462 acres, out of the northerly portion of a 258.53 acre tract, lying West of Loop 1781 and South of Copano Ridge Road, South of and adjacent to Copano Campsite Subdivision, according to the plat recorded in Volume 2, Page 50, plat records of Aransas County, Texas, and being out of the westerly portion of the Old Modessett Ranch, Joseph Hollis Survey, A-76, City of Rockport, Aransas County, Texas; and 23.462 acres being the same tract described in a deed of record under Clerks File Number 369271, Official Public Records of Aransas County, Texas, to B-1 (General Business District) to build a family-friendly restaurant with a bar and other entertainment amenities. Council Member Saski seconded the motion. Motion carried unanimously.

16. Deliberate and act on request from Aransas County Sesquicentennial Committee for temporary closure of South Ann Street between East Market Street and North Street, Market Street from South Ann Street to South Austin Street, and South Austin Street from Market Street to Concho Street. on Saturday, June 19, 2021, from 9:00 a.m. to 11:00 a.m., for the Aransas County Sesquicentennial Parade.

Mayor Rios stated this is a request from the Aransas County Sesquicentennial Committee and a couple of years ago the City quit allowing parade routes down Austin Street because of safety issues. Mayor Rios said the businesses along the parade route were polled and are in support of the parade.

MOTION: Mayor Pro-Tem Villa moved to grant permission to the Aransas County Sesquicentennial Committee for temporary closure of South Ann Street between East Market Street and North Street, Market Street from South Ann Street to South Austin Street, and South Austin Street from Market Street to Concho Street. on Saturday, June 19, 2021, from 9:00 a.m. to 11:00 a.m., for the Aransas County Sesquicentennial Parade. Council Member Hattman seconded the motion. Motion carried unanimously.

17. Deliberate and act on engagement of Denton Navarro Rocha Bernal & Zech and Doucet & Associates for redistricting/reapportionment professional services and authorizing the City Manager to negotiate and execute all necessary documents.

Mayor Rios said it is likely that Rockport's population will exceed 10,000, which will place redistricting requirements on the City and the County. Mayor Rios stated the City's legal counsel, Denton Navarro Rocha Bernal and their associate firm, Doucet & Associates are experienced at this task.

Sharon Hicks, Attorney representing Denton Navarro Rocha Bernal, addressed the Council. Ms. Hicks stated she had prepared a presentation on municipal redistricting which had been included in the Council Agenda packet. Ms. Hicks expressed the basic premise is “one person, one vote” and protection of racial minorities. Ms. Hicks explained if the census numbers are not received by February 22, 2022, then the redistricting would not apply to the May 2022 election, it would apply to the May 2023 election. Ms. Hicks stated Texas Election Code Section 276.006 states: “A change in a boundary of a territorial unit of a political subdivision other than a county from which an office of the political subdivision is elected is not effective for an election unless the date of the order or other action adopting the boundary change is more than three months before election day.”

Discussion was held among Council, Ms. Hicks, and City Manager Carruth.

MOTION: Mayor Pro-Tem Villa moved to approve the engagement of Denton Navarro Rocha Bernal & Zech and Doucet & Associates for redistricting/reapportionment professional services and authorize the City Manager to negotiate and execute all necessary documents. Council Member Saski seconded the motion. Motion carried unanimously.

18. Hear and deliberate on status of COVID-19 and response efforts.

Mayor Rios stated in Aransas County, 70.4% of the 65 years of age and older population have received the first vaccination and almost 61% have been fully vaccinated. Mayor Rios said the vaccines are making way to local pharmacies and clinics. Mayor Rios added the push now is to get 30 year old persons vaccinated.

19. Reports from Council.

Mayor Pro-Tem Villa stated the Swimming Pool Operations Advisory Committee met on Monday and things are looking very challenging; a lot of questions and another meeting will be held soon. Mayor Pro-Tem Villa said he attended the High School Shining Stars event on Sunday. Mayor Pro-Tem Villa announced that yesterday the girls softball team defeated Sinton; and the Rockport-Fulton girls softball team is ranked #1 in the State.

Mayor Rios said he attended the First Responders luncheon at Camp Aranzazu today along with the Police Chief and some of his staff.

Police Chief Stevens stated the Coastal Bend Police Departments Association has been created and this will get them a seat on the executive board of the Texas Police Chiefs Association. Chief Stevens added this is good for the City and the area.

Council Member Cunningham stated early voting ended today and election day is Saturday. Council Member Cunningham said the Texas Maritime Museum presentation to Aransas County Commissioners Court yesterday was interesting and informative.

Council Member Hattman said there was an unfortunate fire at Ngo’s Restaurant, in her Ward this morning, and she asked everyone to keep them in their thoughts. Council Member Hattman stated

she also had attended the High School Shining Stars event, as well as a fund raising event for animal control and the humane society.

City Manager Kevin Carruth informed the Council a private company that was boring on South Church Street had hit a 6-inch water main and City crews were working on repairing it.

Mr. Carruth asked Council if June 8, 2021, at 1:30 p.m. was a good time to schedule a Council Workshop to hear Hotel Occupancy Tax (HOT) Fund requests.

It was the consensus of Council to schedule the HOT workshop for June 8, 2021, at 1:30 p.m.

20. Adjournment.

At 7:40 p.m., Council Member Villa moved to adjourn. Motion was seconded by Council Member Cunningham. Motion carried unanimously.



ATTEST:


Teresa Valdez, City Secretary

APPROVED:


Patrick R. Rios, Mayor