

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING

6:30 p.m., Tuesday, June 22, 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 22nd day of June 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 Center 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 Katy Jackson, Ward 1
Council Member Brad Brundrett, Ward 3 – *Via ZOOM*
Council Member Andrea Hattman, Ward 4

CITY COUNCIL MEMBER(S) ABSENT

STAFF MEMBERS PRESENT

City Manager Kevin Carruth
Assistant to City Manager Kimberly Henry
City Secretary Teresa Valdez
Director of Public Works & Building Services Mike Donoho
Director of Finance Katie Griffin
Parks & Leisure Services Director Rick Martinez
Police Commander Jerry Lawing
Information Technology Director Bob Argetsinger
Chief of Police Greg Stevens – *Via ZOOM*

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 6:31 p.m. on Tuesday, June 22, 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.

Mayor Pro-Tem Villa led the Pledge of Allegiance to the U.S. flag.

3. Proclamation: Lemonade Day – June 26, 2021.

Mayor Rios read the Lemonade Day Proclamation proclaiming June 26, 2021, as Lemonade Day in Rockport. Mayor Rios presented the Proclamation to Melanie Head,

Melanie Head stated there will be 30 lemonade stands this year along Market Street and Business Highway 35 in front of sponsoring businesses. Ms. Head said she hoped the maps will be complete tomorrow and she wants the children to have great success.

4. Proclamation: Steve Russell Day – July 2, 2021.

Mayor Rios read a Proclamation proclaiming July 2, 2021, as Steve Russell Day in Rockport, Texas. Mayor Rios presented the Proclamation to Steve Russell.

Steve Russell thanked the Mayor for the Proclamation and said it was an honor to receive it.

Luis Purón, Executive Director of the Rockport Center for the Arts, stated it was an honor to have Mr. Russell as an artist in Rockport, Texas. Mr. Purón said he was looking forward to honoring Mr. Russell on July 2, 2021.

5. Proclamation: Park & Recreation Month – July 2021.

Mayor Rios read a Proclamation proclaiming July 2021 as Park and Recreation Month in Rockport. Mayor Rios presented the Proclamation to Rick Martinez, Director of the Parks & Leisure Services Department.

Director of Parks & Leisure Services Department, Rick Martinez thanked the Mayor for the Proclamation. Mr. Martinez expressed it was a pleasure to go to work everyday and do things that people really enjoy. Mr. Martinez thanked everyone for making his job fun.

6. 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.

There were no citizen comments.

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.

- 7. Deliberate and act on approval of Special Meeting Minutes and Regular Meeting Minutes of June 8, 2021.**
- 8. Deliberate and act on 2nd quarter report from the Friends of the Fulton Mansion State Historical Site for Fiscal Year 2020-2021 marketing expenditures.**
- 9. Deliberate and act on request from Wendell Family Fireworks for approval of hanging street banners near 2405 Highway 35 Business North and near 1202 FM 3036 for Wendell Family July 4 Fireworks from June 30, 2021, through July 5, 2021.**

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

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

Regular Agenda

- 10. Deliberate and act on second and final reading of an Ordinance of the City of Rockport, Texas, amending Chapter 70 "Parks and Recreation", Article II "Park and Leisure Services Advisory Board", Section 70-42 "Function; Organization"; providing for cumulative and conflicts and severability clauses; and providing for an effective date.**

Mayor Rios stated there had been no changes to content or format of the Ordinance since Council approved the first reading on June 8, 2021.

MOTION: Mayor Pro-Tem Villa moved to approve the second and final reading of an Ordinance of the City of Rockport, Texas, amending Chapter 70 "Parks and Recreation", Article II Park and Leisure Services Advisory Board", Section 70-42 "Function; Organization"; providing for cumulative and conflicts and severability clauses; and providing for an effective date. Council Member Jackson seconded the motion. Motion carried unanimously.

- 11. Deliberate and act on first reading an Ordinance of the City of Rockport Amending Code of Ordinances Chapter 94 "Taxation". Article IV. "Hotel Occupancy Tax"; to update Sections 94-90 and 94-92 to read Monthly reports to the director of finance; repealing all ordinances in conflict therewith; providing for severability; and providing**

an effective date.

Director of Finance Katie Griffin addressed the Council. Ms. Griffin stated this amendment provides for the monthly submission of reports to the City instead of quarterly submission. Ms. Griffin added it also changes that the submissions be given to the Finance Department instead of the City Secretary.

Council Member Hattman said the original submission was quarterly and this changes it to the same submission as the State requires, monthly.

City Manager Kevin Carruth said the City has been accepting monthly submissions from those properties who had asked to submit monthly. Mr. Carruth stated this revision will make budget preparation easier.

MOTION: Mayor Pro-Tem Villa moved to approve the first reading an Ordinance of the City of Rockport Amending Code of Ordinances Chapter 94 "Taxation". Article IV. "Hotel Occupancy Tax"; to update Sections 94-90 and 94-92 to read Monthly reports to the director of finance; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Council Member Jackson seconded the motion. Motion carried unanimously.

12. Deliberate and act on the Texas Municipal League Health Benefits Rerate Notice for active employees and Pre-65 retired employees not eligible for Medicare.

City Manager Kevin Carruth said the City's cost for employee insurance is going down by about \$10,000; there is a change from United Health Care to Blue Cross Blue Shield. Mr. Carruth explained in previous years, Pre-65 retiree premiums were set at 195% of the active employee premiums and this year the Pre-65 retiree premiums will match that of active employees.

Mayor Rios stated he reviewed the proposal and Texas Municipal League Health has decided to forego all COVID expenses. Mayor Rios explained if they had calculated those COVID expenses into this, the cost would have been worse.

MOTION: Mayor Pro-Tem Villa moved to approve the Texas Municipal League Health Benefits Rerate Notice for active employees and Pre-65 retired employees not eligible for Medicare. Council Member Hattman seconded the motion. Motion carried unanimously.

13. Deliberate and act on an interlocal agreement with Aransas County to utilize CDBG-DR grant funds for flood and drainage improvements in the East Linden Street, Ruby Allen Ditch, and Traylor Ditch Target Areas, street improvements in the Loop 1781 Target Area, and authorizing the City Manager to negotiate and execute all necessary documents.

City Manager Kevin Carruth stated Aransas County was awarded \$48 million in Community Development Block Grant-Disaster Related funds and there were able to allocate a portion of those funds to be used in the City; \$7.5 million total. Mr. Carruth explained the total projects costs will be covered 100% by the grant with no local match required.

Mayor Rios stated the areas for these drainage improvements had been targeted in the City's

drainage plans for years.

Mr. Carruth added that Ruby Allen and Traylor ditches drain a huge portion of the City's drainage.

MOTION: Mayor Pro-Tem Villa moved to approve an interlocal agreement with Aransas County to utilize CDBG-DR grant funds for flood and drainage improvements in the East Linden Street, Ruby Allen Ditch, and Traylor Ditch Target Areas, street improvements in the Loop 1781 Target Area, and authorizing the City Manager to negotiate and execute all necessary documents. Council Member Jackson seconded the motion. Motion carried unanimously.

14. Deliberate and act to authorize the City of Rockport's participation in the Steering Committee of Cities Served by AEP Texas' review of AEP's 2022 Energy Efficiency Cost Recovery Factor and authorizing the City Manager to negotiate and execute all necessary documents

Kristie Rutledge, 1411 Dana Drive, addressed the Council. Ms. Rutledge stated she did not know what this was all about, but she asked that the documents that the City Manager is asking to negotiate and execute be provided so citizens can review before Council approves this action.

City Manager Kevin Carruth stated there are no documents, and this did not need Council approval, but on the advice of the City Attorney he brought it to Council. Mr. Carruth explained this will facilitate the process if documents are brought forward. Mr. Carruth added there is no costs to the City and any expense related to the intervention will be reimbursed.

Mayor Rios stated the intent is to review AEP's rate increase and the City does this year after year. Mayor Rios said the City is truly trying to protect citizens and has been successful each year.

Council Member Jackson asked if the results will be brought to Council. Council Member Jackson asked what EM&V meant.

Mr. Carruth answered the results will be given to Council and EM&V stood for Evaluation, Measurement and Verification.

MOTION: Mayor Pro-Tem Villa moved to authorize the City of Rockport's participation in the Steering Committee of Cities Served by AEP Texas' review of AEP's 2022 Energy Efficiency Cost Recovery Factor and authorizing the City Manager to negotiate and execute all necessary documents. Council Member Jackson seconded the motion. Motion carried unanimously.

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

City Manager Kevin Carruth said Aransas County vaccination statistics are still running ahead of State statistics:

	Aransas County	State
65+ years old	75.3%	72.4%
12+ years old	48.5%	47.8%

Mayor Rios stated he is receiving calls from out-of-town people about the wearing of face masks. Mayor Rios said restaurants and businesses can set their own policies but the City is following

State guidelines.

16. Reports from Council.

At this time, the City Council will report/update on all committee assignments, which may include the following: Aransas County Alliance Local Government Corporation; Aransas Pathways Steering Committee; Building and Standards Commission; Coastal Bend Bays and Estuaries Program; Coastal Bend Council of Government; Coastal Bend Mayors Group; Park & Leisure Services Advisory Board; Planning & Zoning Commission; Rockport-Fulton Chamber of Commerce; Aransas County Storm Water Management Advisory Committee; Swimming Pool Operations Advisory Committee; Tourism Development Council; Tree & Landscape Committee; YMCA Development Committee; Texas Maritime Museum, Fulton Mansion, Rockport Center for the Arts, Aransas County, Aransas County Independent School District, Aransas County Navigation District, Town of Fulton, and Texas Municipal League. No formal action can be taken on these items at this time.

Council Member Jackson said she attended the meeting held by City staff with RV park owners. Council Member Jackson commented most of the RV park owners in her Ward are quite interested in the proposed Ordinance. Council Member Jackson expressed she was glad to see the funding for drainage issues in Ward 1.

Mayor Rios read a report from Council Member Brundrett. Mr. Brundrett's report thanked staff and TxDOT for working on the Key Allegro Bridge project traffic issues. Mr. Brundrett's report stated he had attended an Aransas Pathways meeting and he thanked Council Member Jackson for attending the meeting with the RV park owners.

Council Member Hattman said she rode the City float in the Aransas County Sesquicentennial Parade on Saturday. Council Member Hattman reminded everyone of the Tule Park Trail clean-up scheduled for June 26, 2021.

Mayor Rios said the City is very aware of the traffic issues and concerns regarding the Key Allegro Bridge project. Mayor Rios explained the City is not allowed to move barricades and such without written approval from TxDOT. Mayor Rios expressed the City is doing the best it can. Mayor Rios commented he had received a complaint that it had taken someone seven (7) more minutes to get to their destination because of the traffic issues.

Mayor Rios stated there has been some chatter about the lack of Council presence at the meeting between staff and the RV park owners. Mayor Rios informed everyone this was not a City Council meeting, and a quorum of the Council could not have been present because of the Texas Open Meetings Act. Mayor Rios encouraged everyone to take the Open Meeting Act training available online by the Texas Secretary of State.

Mayor Rios said he attended a conference in Corpus Christi for the results of Senate Bill 1448; action by the Texas Legislature - Texas Windstorm Insurance Association (TWIA) is now required to have a 2/3 vote of the Board to increase rates and is required to re-authorize interim study of rates. Mayor Rios added that House Bill 769 disallows the TWIA Board to vote with vacancies at a meeting and disallows insurance brokers from advising TWIA on catastrophic models. Mayor Rios commented these were positive moves and there will be a hearing on re-rates in August.

Executive Session

City Council will hold an executive session pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in:

17. Section 551.074 Personnel Matters – Re-appointment of Alternate Municipal Court Judge.

At 7:21 p.m., Mayor Rios convened the Rockport City Council into an executive session pursuant to provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in Section 551.074 Personnel Matters – Re-appointment of Alternate Municipal Court Judge.

Open Session

City Council will reconvene into open session pursuant to the provisions of Chapter 551 of the Texas Government Code to take any actions necessary related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.

Council Member Brundrett left the Council Meeting.

At 7:33 p.m., Mayor Rios reconvened the Rockport City Council into open session pursuant to the provisions of Chapter 551 of the Texas Government Code to take any necessary actions related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.

18. Deliberate and act on re-appointment of Alternate Municipal Court Judge.

MOTION: Mayor Rios moved to re-appoint Diane Dupnik as Alternate Municipal Court Judge for a term of two years beginning June 26, 2021, and ending June 25, 2023. Mayor Pro-Tem Villa seconded the motion. Motion carried unanimously.

19. Adjournment.

At 7:34 p.m., Mayor Pro-Tem Villa moved to adjourn. Motion was seconded by Council Member Hattman. Motion carried unanimously.

ATTEST:


Teresa Valdez, City Secretary



APPROVED:


Patrick R. Rios, Mayor