

# CITY OF ROCKPORT

## MINUTES

### CITY COUNCIL REGULAR MEETING

6:30 p.m., Tuesday, July 13, 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 13<sup>th</sup> day of July 2021, the City Council of the City of Rockport, Aransas County, Texas, convened in Regular Session at 6:36 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  
Council Member Andrea Hattman, Ward 4

#### CITY COUNCIL MEMBER(S) ABSENT

#### PLANNING & ZONING COMMISSION MEMEBRS PRESENT

Warren Hassinger  
Kim Hesley  
James H. Rester, III  
W. Kent Howard

#### STAFF MEMBERS PRESENT

City Manager Kevin Carruth  
Assistant to City Manager Kimberly Henry  
City Secretary Teresa Valdez

#### ELECTED OFFICIALS PRESENT

Director of Public Works & Building Services Mike Donoho  
Director of Finance Katie Griffin  
Parks & Leisure Services Director Rick Martinez  
Information Technology Director Bob Argetsinger  
Chief of Police Greg Stevens  
Police Patrol Officer Isaac Leal  
Assistant Public Works Director Gene Camargo  
Street Crew Leader Ryan Picarazzi

## **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 6:36 p.m. on Tuesday, July 13, 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 Brundrett led the Pledge of Allegiance to the U.S. flag.

### **3. 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.

Jennifer Shaw, 442 Augusta Drive, addressed the Council. Ms. Shaw stated the foundation for building Rockport is crumbling; it began in February with the winter storm event with damages to homes and then again last week with drainage of storm water and sewer plant overflow. Ms. Shaw said the proposed Comprehensive Plan is probably the worst planning documents she has seen in her career.

Jeff Hutt, 2201 Prairie Road, addressed the Council. Mr. Hutt stated he has read the Aransas County Multijurisdictional Hazard Mitigation Plan and everybody else is budgeting money to fix infrastructure, but Rockport is the only one that has no money budgeted for fixing infrastructure. Mr. Hutt said it seemed to him that we are a bunch of welfare queens that wait around for federal money to fall our way instead of making our own investments. Mr. Hutt said if you go through the Multijurisdictional Hazard Mitigation Plan it says we are going to use future bonds, but we cannot use future bonds because we decided to use anticipation notes, instead of following the letter of the law and going to the voters with the City Hall. Mr. Hutt expressed the City has spent money on trollies that we do not use, on ball fields that are not used, lost an ag grant, and had to make that money up, \$600,000 on a Boy Scout place and \$75,000 on a slide. Mr. Hutt asked why we are spending money not where we need it. Mr. Hutt stated it seemed to him the most important

thing a city can do is budget for infrastructure and asked the Council to please look at investing money wisely.

### **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.

- 4. Deliberate and act on approval of Special Meeting/Tour of City Facilities Minutes of June 14, 2021, and Regular Meeting Minutes of June 22, 2021.**
- 5. Deliberate and act on 3<sup>rd</sup> quarter report from the Rockport-Fulton Chamber of Commerce for Fiscal Year 2020-2021 marketing expenditures.**
- 6. Deliberate and act on 3<sup>rd</sup> quarter Report from Rockport Center for the Arts for Fiscal Year 2020-2021 marketing expenditures.**
- 7. Deliberate and act on 3<sup>rd</sup> quarter report from the Friends of the Fulton Mansion State Historical Site for Fiscal Year 2020-2021 marketing expenditures.**
- 8. Deliberate and act on Lease Agreement with Aransas County Community Garden, Inc.**
- 9. Deliberate and act on cancellation of October 12, 2021, Council Regular Meeting and the December 28, 2021, Council Workshop and Regular Meeting.**
- 10. Deliberate and act to confirm Mayoral appointments to Tree & Landscape Committee.**
- 11. 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 June 22 – July 27, 2021; establishing rules and regulations for the duration of the disaster; restricting certain activities; and establishing penalties for violations.**
- 12. 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 June 22 – July 27, 2021, establishing rules and regulations for the duration of the Disaster; and establishing an effective date.**
- 13. Deliberate and act on an Ordinance of the City Council of the City of Rockport, Texas, extending a Declaration of Local Disaster (July Flooding) for the period of July 15 – August 10, 2021; establishing rules and regulations for the duration of the Disaster; and establishing an effective date.**

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

Council Member Brundrett requested Items 11, 12 and 13 be removed from the Consent Agenda for separate discussion.

**MOTION:** Mayor Pro-Tem Villa moved to approve the Consent Agenda, minus Items 11, 12 and 13, as presented. Council Member Hattman seconded the motion. Motion carried unanimously.

### **Consent Agenda Item 11**

Council Member Brundrett asked what matrix the City is using to decide to continue extending the COVID-19 Declaration of Local Disaster. Council Member Brundrett said he understands the extensions of the Declaration ensure the City is eligible for funding, but how much longer do we think these extensions will continue.

Mayor Rios stated he had just received an email from the Texas Department of Emergency Management. Mayor Rios read the email stating: "Rockport's request for assistance for award 2021CLFRF - Coronavirus Local Fiscal Recovery Fund (CLFRF) has been approved." Mayor Rios said if the City had not kept the Declaration of Local Disaster in place, the City would be covering expenses with tax dollars that will not be recovered. Mayor Rios explained the City typically follows the State and if they continue their disaster declaration, then we continue ours and if we cut off the Declaration, then we are no longer eligible for funding.

City Manager Kevin Carruth said there is an impression that if the City turns down funding assistance, somewhere along the way we will get the funding back. Mr. Carruth stated that is incorrect, funding goes somewhere else and the option we have is to continue our disaster declaration as long as the State continues their disaster declaration or use local money.

Mayor Rios expressed it has been expensive to sanitize City facilities during the COVID pandemic, including City parks.

Mayor Pro-Tem Villa said he works for the Federal government and every Monday he has to submit a report of everything that was spent relating to COVID.

Pat Rousseau, 187 Heron Oaks, addressed the Council. Ms. Rousseau said she had intended to speak in opposition to the extension of the COVID Declaration of Disaster, but she is satisfied with the explanation that had been given.

Mayor Rios stated he had received one Citizen Participation Form to address Consent Agenda Item #11. Mayor Rios read the comments received.

Thomas Rodino, 183 Heron Oaks: Opposed to the extension of the COVID-19 Declaration of Disaster because there is no justification for citing declaring every adverse event a disaster other than to provide an excuse for continuing the "government overreach" that we have been subjected to for well over the past year.

Jeff Hutt, 2201 Prairie Road, addressed the Council. Mr. Hutt said it was his understand that a disaster declaration included the suspending of certain civil liberties and civil rights. Mr. Hutt asked if there was a way the Mayor could limit what this disaster declaration means as for as our civil liberties and rights are not being restricted.

Kristie Rutledge, 1411 Dana Drive, addressed the Council. Ms. Rutledge stated this is the 19<sup>th</sup> renewal of the COVID disaster declaration and 76% of our seniors over the age of 65 have been vaccinated and there is no need to extend it. Ms. Rutledge said this disaster declaration gives the City almost unlimited power with a loss of citizens constitutional rights. Ms. Rutledge added if you receive reimbursement generally from the Federal government it comes with strings and this Federal administration has an agenda and they are going to build in things when they give us money; separate us from that Federal administration that want to rule us. Ms. Rutledge expressed it is time to stop this disaster declaration.

**MOTION:** Mayor Pro-Tem Villa moved to adopt 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 June 22 – July 27, 2021; establishing rules and regulations for the duration of the disaster; restricting certain activities; and establishing penalties for violations. Council Member Brundrett seconded the motion. Motion failed: 2:3.

FOR MOTION: Mayor Pro-Tem Villa and Mayor Rios.

AGAINST MOTION: Council Member Jackson, Council Member Brundrett and Council Member Hattman.

### **Consent Agenda Item 12.**

Council Member Brundrett stated he understood the City is still trying to recover, but he asked if we have a timeframe on continuing this extension.

Mayor Rios answered we are following the State, so we do not jeopardize funding.

Council Member Jackson asked why the City has not been extending the Hurricane Harvey Disaster Declaration and the State is still declaring it a disaster.

Mayor Rios answered all of the City projects have been filed with the Federal Emergency Management Agency (FEMA) and they are in the queue for funding.

**MOTION:** Mayor Pro-Tem Villa moved to adopt 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 June 22 – July 27, 2021, establishing rules and regulations for the duration of the Disaster; and establishing an effective date. Council Member Jackson seconded the motion. Motion carried unanimously.

### **Consent Agenda Item 13.**

Council Member Brundrett stated he supports this extension, but he wanted to give Council an opportunity to discuss the flooding event from last week and the infrastructure issues the flooding created.

Mayor Rios said the City is not even at the tip of the iceberg on determining the multiple issues created by the flooding. Mayor Rios stated we do not know how many miles of street has failed and it is going to take the City a while to determine all the damage.

City Manager Kevin Carruth said the Council is having a Workshop on July 20, 2021, at 1:30 p.m.

to review the Master Drainage Plan and discuss a drainage utility district.

Mayor Rios stated the Workshop will be an open meeting which will also be held via ZOOM.

Mr. Carruth reminded everyone there is a link to the Texas Department of Emergency Management (TDEM) to do self-reporting; this helps the State determine damage and opens the door to assistance.

**MOTION:** Council Member Hattman moved to adopt an Ordinance of the City Council of the City of Rockport, Texas, extending a Declaration of Local Disaster (July Flooding) for the period of July 15 – August 10, 2021; establishing rules and regulations for the duration of the Disaster; and establishing an effective date. Council Member Jackson seconded the motion. Motion carried unanimously.

### **Public Hearing**

#### **14. 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 7:08 p.m. on Tuesday, July 13, 2021, in the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas,

#### **15. Conduct a Joint Public Hearing with the Planning & Zoning Commission to consider amendments to the City of Rockport Code of Ordinances related to adopting an amended Comprehensive Plan for the City of Rockport.**

Mayor Rios opened the Public Hearing at 7:08 p.m.

City Manager Kevin Carruth was going to show a video on the process that was used to prepare the amended Comprehensive Plan but there were technical difficulties, and the audience could not hear the video.

Here is the link for that video: <https://www.youtube.com/watch?v=Nm8cIXjnSBM>.

Mr. Carruth stated the point of showing the video was to show this was a community-based process that went on for over a year in which community stakeholders and well over 200 citizens were involved in developing the amended Comprehensive Plan. Mr. Carruth expressed if the City would have had to pay for this it would have cost well over \$200,000. Mr. Carruth said the Plan has received awards and it is not a perfect document, but like any plan it will need revisiting over the next 20 years. Mr. Carruth said the Plan has been circulated and it is now two years old and changes have already been made to it; it is not something that just popped up and was staff driven in a back room, but this was a 14-month process. Mr. Carruth stated since Council's last consideration, a clearer definition of "mixed use" has been included and the "mixed use" designation has been removed from the area of south of Market Street and east of Church Street. Mr. Carruth said it is time to adopt and the Council can always come back and tweak.

Director of Public Works and Building & Development Services Mike Donoho addressed the

Council. Mr. Donoho stated this project started in 2018 and was not 100% student driven. Mr. Donoho said in the one and one-half years this project has been in the making, three individuals submitted comments. Mr. Donoho expressed the Plan is just that, a Plan that is a living documents and is reviewed on an annual basis, and this is a roadmap that keeps the City in line to ensure the health and safety of the community.

Mayor Rios said this is a Joint Public Hearing and the Council will not be voting on it tonight. Mayor Rios stated the Planning and Zoning Commission will consider it on Monday evening.

Mayor Rios said he had received the following Citizen Participation Forms and comments and he will read them:

- 1) Margaret Hord, 2203 Lakeview Drive: Opposed the approval of the Comprehensive Plan as written and asked the Council to do the same. The Plan does not provide for protection and preservation of our wetlands, shorelines, trees, and historical areas as outlined by the mixed-use designations and transportation obstacles. The Plan as written does not follow Texas Local Government Code Section 211.004.
- 2) Lorrie Allemand, 1120 South Austin Street: Strongly opposed to the mixed use rezoning of our little charming neighborhood. Please consider keeping the mixed use of property for downtown and not in our south Rockport neighborhood. Will there ever be follow through or accountability for updating or tearing the Oceanview hotel – such an eye sore.
- 3) Mary Lynn Rhodes, 9 St. Andrews Place: Do not feel the current zoning for residential areas needs to be changed. This term multi-use can mean anything; there are no guidelines. Too early to vote on this; needs to be discussion with the community. We have flooding in our community that needs to be addressed long before we discuss this item. The study is vague and can and will be interpreted by whoever is in office.

Pat Rousseau, 187 Heron Oaks, addressed the Council. Ms. Rousseau stated the proposed Comprehensive Plan has many flaws and should be shelved. Ms. Rousseau said the concept of co-living may be acceptable to the college students who helped prepare this report but it is a concept that is not attractive to the population living in our rural community. Ms. Rousseau expressed we need to implement the viable suggestions found in previous plans that would address and correct flooding and drainage issues before we adopt another plan.

Mayor Rios said he had received the following Citizen Participation Form and comments from Andrew Kane who had requested his Council representative Brad Brundrett read them:

Andrew Kane, 2106 Lakeview Drive: I have been told by City and elected officials recently that the Comprehensive Plan is just a recommendation and carry's no final decisions. That current and future City Council member will have the final say on zoning and other growth issues. Well that is just not true and I hope you will take my comments with all seriousness. In Section 211 of the state property code under compliance with comprehensive plan it clearly states "zoning regulations must be adopted in accordance with the comprehensive plan." This state law does not say may, it says must. Mixed use in current R1 single family home zoning can be changed to just about anything because we do not have a legal zoning ordinance

defining mixed use. I recommend stalling the entire action on this plan until everyone; citizens, city staff and Council all have read and completely agree with every detail of this plan.

Mayor Rios read the comments received from the following:

1) Irene Dubicka, 1108 South Austin Street: Coastal South Rockport: Cannot survive “mixed-use” development, high density, or an “Opportunity Zone,” as proposed, just south of the downtown area. Cannot handle more paving, parking lots, traffic, crowds, large ground-level construction, or apartment type housing. Cannot accommodate new construction of housing as “co-living” urban style social experiments for large numbers of unrelated low-income individuals. Has R-1, R-2 & R-6 zones that should remain residential and not be devalued by wholesale rezoning to mixed-use. Will not only survive but thrive if and when the revised and thoughtful Future Land Use map becomes the overarching directive and guiding vision for promoting continued construction of single-family homes (but no mixed-use).

2) Kathy Kane, 109 Broadwalk Avenue: Asking you to vote against the proposed Comprehensive Plan as it has been presented. Received an email from a sitting Planning and Zoning Commission member that stated the Comprehensive Plan is just a suggestion and is not binding for future developments. I can tell you the Comprehensive Plan is absolutely binding. Please take the time to thoroughly review this plan, remove the high density and big city urban ideas. Insert guidelines to encourage developers to preserve the natural habitats and wetlands and require developers to mitigate storm runoff. Plan for a city and potential ETJ areas that preserves the unique characteristics that makes Rockport desirable to residents and visitors – boating, bird watching, and a slower-paced living.

3) David Murrah, 2108 Lakeview Drive: My property backs up to a large single owner tract. I did not buy my house in Harbor Oaks to be bordered by apartments or hotels or a shopping center. I strongly object to the proposed change and fully expect the proposal to be changed to make that tract single-family residence.

Scott Hime, 611 N. Fulton Beach Road, Fulton, addressed the Council. Mr. Hime stated he owns two homes in Rockport and it was good that the “mixed-use” designation had been taken out of South Rockport. Mr. Hime said we all have to play together nicely; citizens are angry, and Council should have heard that people here do not want mixed-use zoning. Mr. Hime expressed he respects what has been said that the Plan is a guideline, but the mixed-use zoning it is not wanted; the idea of walkable neighborhoods will not work here. Mr. Hime asked the Council to please listen.

Mayor Rios read the comments received from the following:

1) Candace Sargent, 214 Portia Avenue: Do not ruin South Rockport with this Comprehensive Plan. In fact the whole plan needs to be re-done. Put high density housing, apartments and offices where it belongs on the Bypass for starters. Keep Rockport charming and not big city “bs” with big city developers. Let the residents of Ward 1 decide their neighborhood and not out of town students and developers with



special interests which are not our interests.

Kristie Rutledge, 1411 Dana Drive, addressed the Council and commented as follows: I asked that my notes be entered into the record as they are, but was told that is not how comments are recorded into the Minutes. I am very concerned about the proposed Comprehensive Plan; do not want “mixed use”. This plan is something for New York or Chicago and it does not belong here. I do not understand what “co-living” is; is that socialism where we share living areas? This plan is geared for future developers and for your insatiable to increase our tax base; it is not representative of the people who fought like crazy to come back from Hurricane Harvey. Scrape “mixed-use” and “co-living” and put this Plan on a shelf. Preserve what we have, protect it, build your infrastructure and then look at a comprehensive plan.

George Reikers, 802 East Market Street said he did not need to address the Council since the ‘mixed-use’ zoning had been removed for South Rockport.

Michaela Alston, 403 Traylor Boulevard, addressed the Council and commented as follows: I am Vice President of Aransas County Independent School District (ACISD), but I am here as a resident. I am opposed to the proposed Comprehensive Plan. The Comprehensive Plan encourages our elected officials to create an efficient, equitable, safe and sustainable community. If it is approved, you are not doing that. You are continuing to cater to the needs and wants of our tourists. Developing Rockport based off the three current scenarios presented in the Comprehensive Plan will put the locals of Rockport looking for affordable housing in our neighboring areas. With the loss of these families comes the loss of students that are enrolled in ACISD and losing these students will continue to raise the recapture rate known as Robinhood that ACISD has to pay back to the State each year using the local taxpayers dollars. Why have only three people given comments: I had to search for it and it was just recently put on the City’s website. Based on Mr. Carruth’s comments and changes it sounds like the Plan should be tabled.

Kathy Henderson, 1205 East Tern Lane, addressed the Council and commented as follows: I am a 4<sup>th</sup> generation Rockport and Aransas County resident. I am asking for your consideration in not rubber-stamping approval of the Comprehensive Plan development. I have particular interest in where the “mixed use” zoning areas will be approved. If they are approved in the middle of existing residential areas that is not right or fair for the residents who have made their homes there. A “mixed use” facility will bring in traffic, noise and changed environment where people have made their homes. I am asking that you look at any zoning changes as the City has in the past, each one individually. Review who the changes will affect, the environment the changes will affect and the overall beauty of Rockport that is known for. There are plenty of properties in the City has a “mixed use” facility would be a plus, that is not a residential area. I make the recommendation that the rezoning of “mixed use” facilities be looked at closely at where they are located.

Kathy Marx, 445 Augusta, addressed the Council and commented as follows: I want to highlight a few things I read in the Comprehensive Plan; in 2016 over 65% of vacant housing was recreational and seasonal and in the Comprehensive Plan it states that the continuing development of these units drives up housing and land prices and it challenges the development of affordable units for year-round residents. Per HUD affording housing has to be less than 30% of annual household income and according to the Comprehensive Plan the

annual household income for Rockport is \$48,000 and if we break that down to less than 30% that is \$1,100 a month, so the average citizen should not be paying more than \$1,100 a month. 16.3% of our residents are under poverty level. Our infrastructure is failing, and we know our wastewater treatment plant is aged and our infrastructure needs work in my opinion. What I saw in the Comprehensive Plan is let's promote more eco-tourism, let's make some more RV parks and I guess we could because that is where we are going to have to live. My point is I am not against the Plan as a whole but I feel we need to focus on our residents. Look at what our affordable housing is now and see what people have to make to afford that affordable housing.

Jennifer Shaw, 442 Augusta Drive, addressed the Council and commented as follows: I looked at Rockport Zoning Code and we do not have an Ordinance that spells out "mixed-use". We have protection in R-1 zoning and Conditional Use Permits. You are asking for trouble by enacting a plan category with no matching zoning and if we want Federal money for housing we have to repeal our R-1 zoning because it is in the Legislature right now that R-1 zoning is racial.

Doug Webb, 110 Lamar Drive, addressed the Council and commented as follows: My son attended Texas A&M University and turned in a paper on his beliefs, his professor had advised him against doing that and he failed the course. I think many of these A&M students say what their professors want them to say. A couple of weeks ago I went and talked to Dr. Garcia at the High School and gave him some information that I hoped he would give to the School Board. In the 30-year plan, not sure it is in this Comprehensive Plan, it talks about we needed low-income housing and we would go out to other cities and advertise for others to come to these low-income places. They said the average person in those low-income places was a 38-year-old woman with two school children and if we did that it would bring in 3,800 students, an 140% increase to our school district. How could we have possibly been paying attention to this for 18 months when we had our own wars going on after the hurricane and with the pandemic. Asking Council to table this to have more time to study.

Mayor Rios said the Planning and Zoning Commission will consider this at their meeting on Monday, July 19, 2021, at 5:30 p.m. Mayor Rios thanked everyone who spoke and sent comments.

Mayor Rios closed the Public Hearing at 8:04 p.m.

#### **16. Adjourn – Rockport Planning & Zoning Commission.**

At 8:04 p.m., the Rockport Planning & Zoning Commission adjourned.

#### **Regular Agenda**

#### **17. Deliberate and act on second and final 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.**

Mayor Rios said there have been no changes in format or content since Council approved the first

reading of the Ordinance on June 22, 2021.

**MOTION:** Mayor Pro-Tem Villa moved to approve the second and final 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.

**18. Deliberate and act on a Resolution directing the Aransas County Tax Assessor-Collector to calculate the voter-approval tax rate of the City of Rockport in the manner provided for a special taxing unit due to the Governor’s state-wide declaration of disaster in response to the COVID-19 Pandemic; and declaring an effective date.**

City Manager Kevin Carruth said as noted on the Agenda briefing sheet for this item, this is not a decision on the tax rate. Mr. Carruth stated the budget process has not been completed and every year the Council looks at the impact of different rates. Mr. Carruth recommended the Council take no action on this item because Senate Bill 2 allows for exceeding 3.5% cap in the case of a disaster and it also allows the establishment of a De minimis tax rate of 8.99% , so this Resolution is really mute, because we can go with the De minimis rate which is already allowed by State statute.

Council Member Brundrett stated the tax rate comes back to Council for approval and this item is not to vote on the tax rate.

Mr. Carruth stated the Council does not need this Resolution because the Council can adopt the De minimis rate if they choose to do so after the budget process is complete.

Mayor Rios read the comments received from the following:

- 1) Chelsea Smith, 101 Highwood Drive: The City should adopt Option 1 – 3.5% no new revenue rate per Texas Property Tax Code Section 26.04(c)(2)(B).
- 2) Candace Sargent, 214 Portia Avenue: Whenever we hear the words “Disaster Declaration” we cringe. It seems it is always used to forward an agenda without over approval. Why is it never to help the taxpayer/residents during these disasters? During the COVID lockdowns the labor force, small businesses and the business owners of Rockport suffered from loss of income, losing their businesses while getting hit with higher appraisals. Stretching the dollar and cutting way back was what they had to do. You know who was not affected by the shut-down? City employees, county employees and our government all got a paycheck. How about doing something for the taxpayers during these disasters like lowering tax rates or lowering property taxes, or at least hold off tax increases...something/anything to help your residents during these disasters. We don’t have faith it will happen...it is to easy to forward an agenda without pesky voter approval.
- 3) Thomas Rodino, 183 Heron Oaks: Opposed to yet another tax increase. And here, too, I especially object to the disaster excuse being invoked to justify an increase.

Kristie Rutledge, 1411 Dana Drive, addressed the Council and commented as follows: Agenda item is invalid – we just did away with the extension of the COVID disaster declaration. In the Agenda packet it says Winter Storm Uri. You cannot figure out what disaster to use. You do not get to default and bypass voters. In 2012 the tax rate was .325824 and it has doubled in 15-20 years. Stop it, figure out what you get to do within budget and stop bypassing voters. Pick Option 1, 3.5% that is allowed by law.

Michaela Alston, 403 Traylor Boulevard, addressed the Council and commented as follows: I am opposed to consideration of a tax increase. Rockport was inundated with tourists during the COVID, I imagine our sales tax was higher than any normal year during pandemic months and I find it hard to believe we suffered loss. Based on property tax collection rate, there was no loss here. Our school district has spent numerous hours crunching numbers trying to figure out how to give our teachers competitive raises in order to keep them in the community in which they work. This is hard when the City raised taxes after Hurricane Harvey and now looking to raise them again. You are driving the largest employment in Aransas County out of this town if you continue to raise taxes; not to mention the families of the 3000+ students we serve – this is over 25% of the population of Rockport. Please consider and act on what is best for the locals and table both items I spoke on tonight.

Mayor Rios thanked everyone for their comments.

No action was taken.

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

Mayor Rios said he had mentioned earlier that he had received an email from the Texas Department of Emergency Management that the City's Coronavirus Local Fiscal Recovery Fund (CLFRF) request had been approved.

City Manager Kevin Carruth stated vaccination rates in Aransas County are ahead of State vaccination rates. Mr. Carruth said he has not yet seen local numbers regarding the Delta Variant but the State numbers are up 41%.

Council Member Brundrett asked if vaccines are widely available.

Mr. Carruth answered a person can call a number listed on the City's website if you have a group of five or more people and schedule a mobile vaccine clinic.

#### **20. 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.

Mayor Rios announced former Mayor Pro-Tem Frank Reilly passed away yesterday. Mayor Rios stated Mr. Reilly was a real gentleman and he had learned a lot from him.

Council Member Hattman thanked everyone for attending the meeting tonight and giving comments. Council Member Hattman said the City is looking at the Rockport Country Club and Whistler's Cove flooding to see if anything can be done.

Council Member Brundrett expressed he appreciated City staff for what they had to go through with the flooding event. Council Member Brundrett commented he knew as a city employee that it is not much fun. Council Member Brundrett encourages people to attend the Council Workshop on drainage next week; drainage is an issue in Aransas County and somethings are cost prohibitive. Council Member Brundrett thanked everyone for their participation tonight.

Mayor Pro-Tem Villa thanked the State for sending three different task force teams to assist Rockport during the flooding event. Mayor Pro-Tem Villa encouraged citizens to attend the Council Workshop next week and also the Budget Workshops scheduled for August 2 and 3, 2021.

Council Member Jackson said the Rockport Center for the Arts Art Festival was an amazing success. Council Member Jackson stated there are drainage and flooding problems in Ward 1 and there are still spots that are flooded so please be careful. Council Member Jackson encouraged citizens to attend the upcoming Council Workshops. Council Member Jackson said she appreciated everyone's comments tonight.

Mayor Rios thanked City staff for their work during the flooding event.

Director of Public Works & Building and Development Services Mike Donoho said City parks were closed due to the flooding and he wanted to point out that all City crews work together. Mr. Donoho stated the Streets & Drainage Department has a crew of five and the Parks Department assisted them during the flooding event.

Mayor Rios said he had received comments from citizens complaining of fire trucks driving in the water. Mayor Rios expressed those citizens did not realize the fire truck was on the way to rescue someone from drowning.

Mayor Rios thanked everyone for attending the meeting.

Mayor Rios commented that a \$.01 increase in the tax rate generates approximately \$90,000 to \$100,000 revenue for the City and a \$.03 increase generates about \$200,000. A lift station cost about \$250,000 - \$300,000 and drainage projects are millions of dollars.

## **21. Adjournment.**

At 8: 29 p.m., Mayor Pro-Tem Villa moved to adjourn. Motion was seconded by Council Member Hattman. Motion carried unanimously.



ATTEST:

Teresa Valdez  
Teresa Valdez, City Secretary

APPROVED:

Patrick R. Rios  
Patrick R. Rios, Mayor