

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING

6:30 p.m., Tuesday, July 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 July 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
Council Member Andrea Hattman, Ward 4

CITY COUNCIL MEMBER(S) ABSENT

PLANNING & ZONING COMMISSION MEMEBRS PRESENT

Warren Hassinger – *Via ZOOM*
Kim Hesley
Ruth Davis
James H. Rester, III

STAFF MEMBERS PRESENT

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

ELECTED OFFICIALS PRESENT

City Attorney Megan Santee
Director of Public Works & Building Services Mike Donoho
Parks & Leisure Services Director Rick Martinez
Information Technology Director Bob Argetsinger
Chief of Police Greg Stevens
Police Officer Jessie Aguilar
Police Officer Nathan Anderson

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 6:30 p.m. on Tuesday, July 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 Hattman 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.

Jeff Hutt, 2201 Prairie Road, addressed the Council and commented: It is my understanding that next Monday the Council will be starting to discuss the budget – is it possible for citizens to get a copy of the budget before the meeting. Mr. Hutt then named the persons who served on the Comprehensive Plan Committee and thanked them.

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 Regular Meeting Minutes of July 13, 2021.

5. Deliberate and act on the election of the Texas Municipal League Health Benefits Pool (TML Health) Post-65 Retiree Option for the 2022 Plan Year and authorize the City Manager to negotiate and execute all necessary documents.

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

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

Public Hearing

6. 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 6:39 p.m. on Tuesday, July 27, 2021, in the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas,

Mayor Rios opened the Public Hearings at 6:39 p.m.

7. Conduct a Joint Public Hearing with the Planning & Zoning Commission to consider a request to rezone property located at 1906 Mallard Drive; also known as 0.153 acres of land remaining out of Lot No. 38, Block No.1, West Terrace Acres Subdivision Unit 1, City of Rockport, Aransas County, Texas, to B-1 (General Business District) to develop office and warehouse space; currently zoned R-1 (1st Single Family Dwelling District).

Karen Lee Rystad, 1915 Mallard Drive, addressed the Council and commented: Purchased my property over 20 years ago and I live across the street from this property. I strongly oppose the rezoning request; do not want to live near a commercial area; will create a nuisance and there is nothing to prevent them from changing use in the future; will affect the general welfare of residents – dangerous traffic, lower values of homes; asking you to deny request.

Paul Bearden, 1915 Mallard Drive, addressed the Council and commented: Also purchased other land to keep as a buffer zone; no matter what the current plan is, it could turn into other things; before the Bypass this entire area was a residential area and then annexed – to approve this request is essentially a breach of trust. Do not approve this rezoning request.

Mayor Rios stated the Planning & Zoning Commission will consider this request at a meeting on Monday night at 5:30 p.m.

8. Conduct a Joint Public Hearing with the Planning & Zoning Commission to consider a request to rezone property located at 1502 Sixteenth Street; also known as Lot 53, Block 251, Swickheimer Subdivision, being 10.014 acres, City of Rockport, Aransas County, Texas, to R-2M (Manufactured Housing District); to allow for placement of manufactured homes, currently zoned R-1 (1st Single Family Dwelling District).

Les Selensky, 3933 Loop 1781, addressed the Council. Mr. Selensky stated he is the owner of the property and the primary engineer of WindShore Engineering. Mr. Selensky gave a Power Point presentation and distributed a handout to Council on his rezoning proposal.

Mayor Rios said he had received an email from Harry Wade, Jr. concerning this request for rezoning. Mayor Rios read the email stating Mr. Wade strongly objected to the re-zoning request

for the following reasons: Sixteenth Street will not handle the extra traffic; how would the sanitary sewage be taken care of; how many units are proposed; how will storm water be handled; and how will garbage be disposed.

Mayor Rios said the Planning & Zoning Commission will consider this request at the meeting on Monday at 5:30 p.m.

Mayor Rios closed the Public Hearings at 6:54 p.m.

9. Adjourn – Rockport Planning & Zoning Commission.

At 6:54 p.m., the Rockport Planning & Zoning Commission adjourned.

Regular Agenda

10. Deliberate and act on first reading of an Ordinance adopting an Amended Comprehensive Plan for the City; providing that the adopted Comprehensive Plan shall supersede and replace any Comprehensive Plan previously adopted; providing a repealer clause; providing a severability clause; and providing an effective date.

City Manger Kevin Carruth stated that based on comments received at the Planning & Zoning Commission meeting and Council meeting the Planning & Zoning Commission has recommended the removal of “Co-Living” and “Mixed Use” in the Plan; the proposed “Mixed Use” areas will remain their current designations. Mr. Carruth said staff concurs with the Planning & Zoning Commission and recommend approval. Mr. Carruth informed the Council that City Attorney Megan Santee was present to answer any questions they may have.

Mayor Rios said he had received Citizen Participation Forms and emails and he read the comments from the following:

- 1) Margaret Hord, 2203 Lakeview Drive: Contrary to what we have been told by Messrs. Hassinger, Carruth, Donoho and now Ruth Davis, the Chairman of the P & Z, the Comprehensive Plan is not just a guideline or a roadmap – legal precedent will require the City to rezone according to the Plan; this document is fraught with errors and needs to be corrected before it is considered for passage; it is obvious the Plan was developed by people who are not familiar with the area and with very little input from the citizens; this Plan does nothing to help preserve our coastal wetlands, our shoreline or our bay system. Just say “no” to the Comprehensive Plan.
- 2) Jacqueline McCrea, 2522 Turkey Neck Circle: I am in support of the Comprehensive Plan for Rockport; I own business and property on South Austin Street, I was at the meeting held in 2018; I do not understand why people who have no vested interest and don’t even live in the area want to just throw this out – where were they when the meetings were being held in 2018?
- 3) Ben Smith, attorney for the Hewitt Family, who own property on Fulton Beach Road: Like to have on record we are concerned about any Comprehensive Plan that would permit high-density zoning along Fulton Beach Road, and specifically between Traylor Boulevard

and Palmetto Avenue. Please take this into consideration.

4) Kimber Clark, 510 Scott Street: We are supportive of any plan that will enforce enhances sustainable building standards and/or conservation of the natural resiliency features and habitat for all of Rockport but particularly the Ward 3 block of land bounded by Fulton Beach Road, Traylor, Scott and Henderson. One very specific item in the Future Land Use Map is that this block of land has recommendations for two different land uses – I request the whole block be identified for the same use, ideally the use that gives the City the most regulatory power. I request you add an Environmental Corridor-Conservation District Overlay to this block.

5) Darryl Zercher, 185 Shady Terrace Lane: I am opposed to any changes in the City’s current zoning rules and policies; the idea of having mixed use areas and smaller lot sizes to create more density is a terrible idea for a city that has major infrastructure problems. Spend our tax dollars on the drainage and infrastructure that need immediate attention. Your current population is tired of paying more and more taxes to get no return on our investment. Please listen to your citizens that built this City into what it is today, don’t destroy it by listening to outsiders that have no investment and just looking to make profits.

6) Kim Cate, 202 Highlands Street: Please vote no on Agenda Item #10; we need to address and act on serious infrastructure deficiencies before we consider mixed use, co-living and high density; Rockport is a gem of a coast with its oak trees, wildlife and wetlands. We are destroying everything I love about this town.

7) Kathy Kane, 109 Boardwalk Avenue: Thank you P & Z for listening to the citizens and recommending the removal of mixed uses and co-living. I encourage you to insert detailed maps replacing the current exhibits – these maps should be ambiguous and annotated with major street references. Several concepts in the plan are still alarming. Clearly an outcome of this Plan is to make changes – these changes need to be carefully examined before the Plan is approved. Asking you to table this until Council workshops the Plan.

8) Pat Rousseau, 187 Heron Oaks: Thank the P & Z for hearing and responding to the will of the residents regarding certain aspects of the proposed Comprehensive Plan. I encourage the City Council to honor the voice of the populace and the recommendation of the P & Z Commission.

9) Dawn Walker, 1004 N. Moline Street: I sat in on a few of these meeting in the beginning and I saw a lot of good folks coming out to give their input and add value to seeing what direction Aransas County and Rockport should gravitate to. I know a lot of work and research was put into this project and it would be a shame if the group of individuals who never once sat in or helped research this topic caused this to be voted down. This has been publicized from the very beginning and workshops were in public area. Our surrounding cities and towns are growing, and we need to band together and decide how we would like our slice of paradise to flourish within the expansion and growth of the South Texas area. We cannot put our heads in the sand and expect things to remain the same.

10) William McCrea, 2511 Turkey Neck Circle: I am in full support of the Comprehensive Plan. I own property on South Austin Street and took part at the meetings held in 2018.

11) Lindle Krushall, 1702 FM 3036: My husband and I moved here in August 2020. We enjoy the small town feel but also appreciate the many locations to eat, shop, hike, bike and enjoy the beach. It is obvious that the town is growing, and this plan seems to address all the issues that will come along with that growth.

12) Tom Rodino, 183 Heron Oaks: I urge the Council to accept the recommendations of the Planning & Zoning Commission to remove all mention of the concepts of “mixed use” and co-living” from the proposed Comprehensive Plan and note that the Agenda Packet material states that the City staff has concurred with those recommendations. Final Council action on the Ordinance to adopt the Plan should not be taken until a final draft has been made available for public review.

13) Shana Brader, 703 S. Verne Street: I support the Comprehensive Plan for the City of Rockport.

14) John Jackson, 312 Olympic: I was on the planning committee which spent months meeting in the development of this plan. It also had significant community input. I strongly support approval and passage by the City Council.

15) Andrew Kane, 2106 Lakeview Drive, addressed the Council and commented: Please pump the breaks on the Comprehensive Plan; really need to study and understand every detail; developers should pay their own way. Don't feel staff and Council has really studied this plan and understand it.

16) Keith Allen, 129 South Verne Street: The term “living document” is being thrown around as if that makes this document acceptable. I am an expert at living documents because I have written, implemented and manage thousands of them that are currently utilized around the world. In my expert experience and observation, this City Council and the City staff are not equipped to manage this “living document.” The current document on the City website has been changed twice but yet the document being presented to the public reflects none of those changes. Last week at a meeting it was asked how the document would be updated and there were blank looks on the Council's and City Manager's faces. This Plan requires budgeting of City funds along with utilization of City staff and I don't think our City Manager is capable of properly managing such future improvements. Don't overreach your abilities, you will kill our quality.

17) Candy Fletcher, 217 Spanishwoods Drive: I approve of the Plan as is.

18) Jatin Bhakta, 2950 Business Highway 35 North: I urge the City Council to approve the Comprehensive Plan; over 200 citizens have provided their input and now a few mis-informed and absent citizens have come out against it. We don't have the time or resources to repeat the process. This is a good plan that will continue to evolve.

19) Candace Sargent, 214 Portia Avenue: Strongly oppose Agenda Item #10. We believe in growth but it needs to be done responsibly with our wetlands and bays and what makes Rockport so special ahead of special interests and outside developers in mind. Rockport currently cannot even take care of or have the current infrastructure to support our current property owners and residents. Approving the current Plan will put all R1 residential

properties in jeopardy of rezoning. This is just wrong and does not support property owners...just developers. Please take this Plan back to the drawing board. Prioritize your current property owners and residents and neighborhoods over developers that don't care and would of course want tax abatements. No tax abatements, no high density, no mixed use and no increased density by right. We did not move here to be like Austin or Corpus Christi. Keep Rockport quaint and artsy.

20) Nancy Bolting, 201 Spanish Woods Drive: Hope the Council has an open mind, other than the Plan being referred to it as a monstrosity. High Density does not necessarily mean apartments. Hope Council passes it.

21) Jennifer Shaw, 442 Augusta: Focusing on form, not on substance. Property owners complaining about maps being too small; handwritten changes – if we can't see it, it's a secret change. Make maps bigger, make changes, put on hold and put on website. Let everyone see it in final form.

22) Kristie Rutledge, 1411 Dana Drive: Distributed a handout to Council. Oppose the Comprehensive Plan. I have particular expertise at reading contract documents. I have changes on almost every single page of the Plan. Fuzzy language can cause lawsuits. A lot of ambiguity in this plan are concerning to me. Less is more. Let's get it right, back to the drawing board. This will be used against you if you keep inclusionary language in the Plan.

23) Jeff Hutt, 2201 Prairie Road: Problems with this Plan; send back to citizens. Don't pass tonight. Key terms are not defined. Need a stormwater runoff plan; Rockport is more than Downtown; the higher the density-the higher the taxes. This Plan is not good.

24) Donna Townsend, 439 Augusta Drive: We have had a lot of problems for a long time. This may not be perfect, but we need to start somewhere; we can adjust as we go. The people involved in the process were very diverse, all walks of life. Review it a little further and not just blow it out of the water. As a resident I want to see growth, but I want to see it done right; get schools back, bring families back.

Council Member Jackson said she has issues with: 1) A Plan has goals, actions and milestones – I see goals, actions not necessarily meeting goals and no milestones; Plan does not have an end; 2) Language – has buzz words, happy and modal verbs like shall, must, might, may, will – think about this the next time you read this. There is a lot of good stuff in here, but it was written after Harvey and that is from three years ago; Don't want high density, in fill, small lot sizes and small living houses – we don't want to become Port Aransas; 3) Some parts are “you should do this” but later on it says “don't you do this” – contradictions. Council Member Jackson stated she thought putting a committee should be formed and a rewrite done.

Council Member Brundrett said he had a legal concern: Should we as Council adopt something that is being sent back for corrections, etc.

City Attorney Megan Santee stated the best practice is to adopt a clean document.

Council Member Hattman stated we have a dire need for housing and we need to find a way to fix that – it should go into the Plan; please consider that. Council Member Hattman thanked the

committee who worked on this and everyone should understand that people worked hard and this should not be thrown out.

City Manager Kevin Carruth said the Plan was brought to Council over one year ago and at Council's request approval was delayed.

Mayor Rios stated it takes over one to one and one-half years to write documents such as this Plan and it is a 20-year plan. Mayor Rios expressed it is written to be reviewed every ten years. Mayor Rios suggested Council convene into Execution Session to discuss the legalities regarding adopting of the Plan.

Executive Session

At 7:45 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 551.071 – Consultations with Attorney seeking the advice of attorney about pending or contemplated litigation or a settlement offer; and on a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

Open Session

At 8:26 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 session.

No action was taken.

Mayor Rios said he did not see Ms. Dubicka's comments until 7:42 p.m. Mayor Rios read Ms. Dubicka's comments:

25) Irene Dubicka, 1108 South Austin: My neighbors in South Rockport and I cannot support the second draft of the Comprehensive Plan unless and until all references to inappropriate and unacceptable terms are deleted and presented again for public review and City Council approval as the third draft. Ms. Dubicka listed page numbers of the areas she had concerns.

Mayor Pro-Tem Villa said he was the lucky Council person to attend the Planning & Zoning Commission meeting and they voted to remove the "mixed use" from the proposed Comprehensive Plan. Mayor Pro-Tem Villa stated the Joint Public Hearing was well attended, as well as the Planning & Zoning meeting and they are not all in attendance tonight. Mayor Pro-Tem Villa expressed the persons in attendance at the Planning & Zoning meeting were happy with the Planning & Zoning Commission recommendation and it seems as the process worked. Mayor Pro-Tem Villa expressed: "We are not going to make everyone happy."

MOTION: Mayor Pro-Tem Villa moved to approve the first reading of an Ordinance adopting an Amended Comprehensive Plan for the City with the removal of the "mixed use" and "co-living" as recommended by the Planning & Zoning Commission, and clearer maps; providing that the adopted Comprehensive Plan shall supersede and replace any Comprehensive Plan previously

adopted; providing a repealer clause; providing a severability clause; and providing an effective date. Mayor Rios seconded the motion. Motion carried 4:1.

FOR MOTION: Mayor Pro-Tem Villa, Mayor Rios, Council Member Brundrett and Council Member Hattman.

AGAINST MOTION: Council Member Jackson.

11. Deliberate and act on continuation of ZOOM application for Council Meetings.

City Manager Kevin Carruth said the Governor has allowed, since COVID, Council to attend meetings via ZOOM but that ends on September 1, 2021. Mr. Carruth asked if Council wants to continue to broadcast the meetings via ZOOM. Mr. Carruth stated when the new City Hall is complete, better technology will be incorporated, but until then we would have to continue to utilize ZOOM.

Council Member Hattman stated she liked ZOOM, it allows participation and is a good option.

Mayor Pro-Tem Villa said the way things are going, the DELTA variant of COVID may be keeping some people away from meetings because they feel safer – especially with a room full of people. Mayor Pro-Tem Villa expressed it was great to have participation.

MOTION: Council Member Hattman moved for the City to continue ZOOM application for Council meetings. Mayor Pro-Tem Villa seconded the motion. Motion carried unanimously.

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

Mayor Rios said he had received a Citizen Participation form from Patricia Arnold with Aransas County Medical Service, Inc.:

Patricia Arnold: We have an uptick in COVID 19 and DELTA Variant here in Rockport. I'm here to encourage all individuals who are not vaccinated to go get the vaccines, for those of you who are vaccinated use caution by following the CDC guidelines of wearing a mask and social distant. This pandemic is not over and is important that we stay ahead of these new variants.

Mayor Rios said he believed the vaccinations were available as most pharmacies. Mayor Rios asked if the vaccination will be required before children can attend school.

Ms. Arnold said the vaccinations were available Wal Mart, Walgreens, HEB and at the South Texas Family Planning Clinic. Ms. Arnold encouraged persons 12+ years of age to get vaccinated., but it is not required for them to attend school.

Mr. Carruth added you can also contact the Department of State Health Services and set-up a vaccination clinic. Mr. Carruth informed the Council within the last 10 days, the City had three employees with confirmed COVID, three more quarantined and one hospitalized. Mr. Carruth said the City has re-started sanitization procedures and this meeting room will be set-up with social distancing to make it as safe as possible.

Mayor Pro-Tem Villa stated he has a nurse friend and she has seen an abundance of Rockport

citizens with COVID. Mayor Pro-Tem Villa said he is worried and encourages everyone to get the vaccine; be careful.

13. 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 Pro-Tem Villa said he attended the Parks & Leisure Services Advisory Board meeting yesterday. Mayor Pro-Tem Villa stated a Movie in the Park is scheduled for Thursday at 8:30 p.m. and there will be popcorn and 150 free snow cones. Mayor Pro-Tem Villa stated he also attended the Swimming Pool Operations Committee meeting yesterday and the pool is hanging in there – have to figure something else out to get more money from County – operating in the red and the City picks that up and that money could be used somewhere else.

Mayor Rios reminded everyone the Council Budget Workshop is scheduled for Monday and possibly Tuesday, if the Council does not get everything done on Monday.

Mayor Pro-Tem Villa said Mr. Hutt had asked about getting a copy of the Budget before the Workshop.

City Manager Kevin Carruth stated changes are still being made the morning of the Workshop and the next thing you know if there is a document that has been changed and people do not know that. Mr. Carruth expressed it will not be ready until Monday morning.

14. Adjournment.


At 8:48 p.m., Council Member Hattman moved to adjourn. Motion was seconded by Council Member Jackson. Motion carried unanimously.



ATTEST:


Teresa Valdez, City Secretary

APPROVED:


Patrick R. Rios, Mayor