

CITY OF ROCKPORT

MINUTES

CITY COUNCIL SPECIAL MEETING 6:30 p.m., Tuesday, August 31, 2021 Rockport Service Center, 2751 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 31st day of August 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

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
Parks Maintenance Superintendent George Bennett
Information Technology Manager Bob Argetsinger

ELECTED OFFICIALS PRESENT

Chief of Police Greg Stevens
Police Officer Nathan Anderson
Police Commander Jerry Lawing
Police Commander Larry Sinclair

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, August 31, 2021, in the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, and via video conferencing application ZOOM.

Council Member Brad Brundrett requested a Point of Privilege and asked Police Commander Larry Sinclair to give an invocation.

Police Commander Larry Sinclair gave an Invocation.

Mayor Rios stated a Citizen Participation Form and several Appearance Before City Council cards had been received to address the Council on items that were not on this Agenda.

- 1) Laura Dominguez, 20 Mazatlan: Mayor Rios said a Citizen Participation Form had been received from Ms. Dominguez and she had marked “in opposition” but he did not know what she was referring to because there was no additional information on the form.
- 2) Ken Baron, 402 Cascades, addressed the Council and commented: I am a retired professional engineer and would like to talk about what the City is going to be doing to prevent flooding from happening again in the Rockport Country Club. Called Council attention to a display showing the different neighborhoods that drain into the Rockport Country Club – 650 acres of drainage according to the Appraisal District valued at \$636 million. Want to know what your plan is and how much money will be budgeted.
- 3) Jack Wright, 418 Cherry Hills, addressed the Council, gave his comments and pictures to the City Secretary, and commented: I have a 14-year history of negotiating contracts with the City over drainage issues in the Country Club. I want to repeat those who have spoken before me, this is not a golf course issue, it is a subdivision where people live issue. You will get the picture of a sinkhole that first surfaced about 6 years ago and is directly over the drain line that empties the north side of the subdivision, and that drain is one of only two exit points that carry the water from the subdivision through Tule to Little Bay. The sinkhole first caved in approximately two years before Harvey and because the City has essentially no maintenance budget for street issues, the fix was to fill the hold with sand; this was the exact wrong action. This sinkhole has reopened at least 6-8 times since then and each time the City’s fix was more sand; each time the sinkhole was filled with sand it stopped up the drain line. The next significant rain event would either push through the sand plug or as in this last event, found alternate routes. There are six sinkholes in the intersection of Marion and Henderson caused

by the recent major rain event and each has been filed with what appears to be caliche. My fear is the next significant rain event will completely collapse the intersection of Marion and Henderson; it is so undermined. I understand the City has engaged a reputable firm to determine the extent of the damage and the required fix. Please provide them the necessary budget before a disaster happens.

4) Jeanne Hooker, 210 Oak Bay #603, addressed the Council and commented: I am representing the Rockport Country Club. Thank you for allowing me to speak and thank you for adding \$200,000 for drainage maintenance to the budget. Is there anything left for this year? Look outside the box of the traditional means of getting funds. God bless you and thank you for your efforts.

5) Adelaide Marlatt, 456 Augusta, addressed the Council and commented: I have been involved with the Rockport Country Club flooding since 2004 and I am reading from a letter presented to Council at the March 17, 2020, Special Council Meeting, to identify capital needs; we were seeking \$500,000. The City Hall project costing \$4 million but you couldn't add \$500,000. Is there one of you who will champion this project? This area represents a large part of the *Ad Valorem* tax base - \$636.5 million. It's up to you, the time is now.

6) Sharice Williams, 5151 FM 1781, speaking on behalf of her mother Shirley Jackson, 202 Champion Drive, addressed the Council and commented: Eleven years ago, Nat Smith submitted a recommendation for Tule Creek water pond. Now is the time to budget and expediate – this 86-year-old spent 26 hours in rising water inside her home and she has been out of her home for 55 days and expensed in excess of \$40,000. You've destroyed lives.

7) Kristie Rutledge, 1411 Dana Drive, addressed the Council and commented: Want to recognize what today is and it's significance to Rockport – City Council decided to throw out a valid petition on COs that would have forced a vote. This Mayor and City Manager decided to throw out petition and passed Tax Notes. I heard Bob Henderson say taxes would not increase, would cost \$3.00 per household. Here we are on year later and you have 52% of tax revenue going to pay off debt and you can't figure out how to fund drainage. You continue to fund growth, paying our way into prosperity.

Special Agenda

- 2. Deliberate and act on second and final reading of an Ordinance extending a Moratorium for 60 days, on the submission, acceptance, processing, and approval necessary for the creation of development plats, construction or facilities related to recreational vehicle (RV) parks or manufactured housing parks for land within the City of Rockport; providing a savings clause; providing a severability clause; fixing and determining that the meetings at which the Ordinance was passed were open to the public as required by law; and providing an effective date.**

Mayor Rios said the following Citizen Participation Forms and had been received:

- 1) Andrew Kane, 2106 Lakeview Drive, addressed the Council and commented: This will

be the 19th extension. I know what is happening – government is interfering with the market. In December of last year and April of this year, staff said those were their last request for 60-day moratoriums. You are going to squeeze out our Winter Texans. Asking you to say that's enough and tired of waiting, vote "no".

2) Kristie Rutledge. 1411 Dana Drive, addressed the Council and commented: I don't have all the information on this. RV is a way of life in Rockport. Many of us are accustomed to seniors coming here in Winter. They provide a lot of sales tax revenue and tourism and to miss out on that because of growth is a shame. Workers live in RVs – to squeeze them out and the Winter Texans is a real shame. The purpose is to hold a place for the Comp Plan goals and it has not been passed. The Plan replaces RV parks with high density housing. Why shut out the snowbirds? You are trying to put a Moratorium because you are waiting an a Plan that your are not sure is going to pass.

Mayor Rios said there had been no changes in format or content since Council approved the first reading on August 24, 2021.

Council Member Hattman stated the reason this is being extended is because the proposed RV Ordinance was taken to RV owners and they had comments and asked to extend the time to adopt the RV Ordinance. Council Member Hattman said she is in contact with the RV Counsel almost every week and they are very much involved.

City Manager Kevin Carruth stated the RV Ordinance is in the last stages and staff will be meeting with the RV Counsel one last time before bringing the proposed Ordinance to Council.

Mayor Rios said at one meeting, there was a request by one of the RV park owners to make the Moratorium permanent.

Council Member Jackson asked Director of Public Works and Building & Development Services Mike Donoho how long the RV Ordinance has been sitting on his desk and ready to go.

Mr. Donoho responded staff met with the RV Counsel on August 8th and they were asked to send their comments to Mr. Donoho. Mr. Donoho said there is a meeting this Thursday with the newly hired City Planner and the comments and recommendations will be reviewed and then the proposed Ordinance will be revised and ready to present to Council.

Mayor Pro-Tem Villa reminded everyone the Moratorium can be cancelled at any time.

MOTION: Council Member Jackson moved to approve the first reading of an Ordinance extending a Moratorium for 60 days, on the submission, acceptance, processing, and approval necessary for the creation of development plats, construction or facilities related to recreational vehicle (RV) parks or manufactured housing parks for land within the City of Rockport Council Member Hattman seconded the motion.

Council Member Brundrett asked if anyone had come to the City with development plans and if so would this delay their development.

Mr. Donoho stated there had not been anyone submitting RV park development plans.

Motion carried unanimously.

3. Deliberate on Section 2-29(c) of the Code of Ordinances.

Mayor Rios said the following Citizen Participation Forms and Appearance Before City Council cards had been received:

- 1) Andrew Kane, 2106 Lakeview Drive, addressed the Council and commented: To see this is a slap; how else are we to let Council know we agree – don't see clapping is inappropriate, and I haven't seen a problem. Think this is sending wrong message to citizens. You didn't provide the rest of the Ordinance on how Council and staff has to behave. At the April 13, 2021, meeting, the Mayor read 30 comments from citizens and right before the citizens had a chance to speak Kevin Carruth remarked he did not know whether it was ignorance of the brain or malice of heart. That's how our employee talked to the citizens who showed up.
- 2) Kristie Rutledge, 1411 Dana Drive, addressed the Council and commented: Ordinance is shocking. This Council (not all) particularly the Mayor and City Manager have a history of slandering City residents. I have been documenting a long time. Records are not accurate on citizen comments. I hold the Mayor and City Manager accountable. It is my constitutional right to come speak to you; I'm a taxpayer. This is an inappropriate agenda item.
- 3) Russell Roberts, 201 Marion Drive, addressed the Council and commented: I am going to take a medium position, not having heard your intent so I am going to make some assumptions. Probably not concerned about positive feelings as you are personal attacks. I agree, this is not a place for slanderous attacks, but freedom of speech is also important, and I agree – how would you know how we feel (if we can't clap). Proper decorum is important; needs to be civil and citizens need to be able to tell you what their feelings are in regard to policies. Keep that in mind. We do have constitutional rights. Realize the Code has many sections and many deal with transparency to let us know what you are thinking.
- 4) Keith Jackson, 802 N. Terry Street, declined to comment.

Mayor Rio said the genesis of this was Council Member Jackson's comments at the last meeting about parliamentary procedure, Robert's Rules of Order and things like that; after getting a legal opinion we started looking at the Code and we came up with this Section 2-29, which is in the Code of Ordinances. Mayor Rios stated traditionally meetings have been open to the public and public comment allowed and to his knowledge the Council has never ever not allowed anyone to speak, but we have to maintain decorum in the Chamber. Mayor Rios expressed one of the things that has changed recently that there have been a lot of comments that appear to be personal attacks and some are not based on facts, are said and have no basis or truth about different things. Mayor Rios said we are trying to make sure this is an open and inviting meeting, we love doing business

in front of the public, but we also have this Ordinance we want to look at and make sure we don't lose control of the meeting. Mayor Rios stated this is an elected body and is basically voluntary and I think those people should be respected. Mayor Rios said he did not want these meetings to get out of hand on an ongoing basis; this is public business. Mayor Rios said there have been personal attacks on Council and staff, and private discussions being held during the meeting; the sound system is bad enough and this room is not made to accommodate the public – take those conversations outside of this room. Mayor Rios added comments should be made to Council and not directly to staff; there is a process and procedure. Mayor Rios stated there have been comments on social media about taking over the meeting, and we have a policy and as Chair, I will enforce these rules – we are not looking to silence anyone, we just don't want the meeting to get out of control. Mayor Rios said if he fails to enforce the rules, Council takes charge with an affirmative vote. Mayor Rios further stated the Ordinance provides that the City Manager is the sergeant-at-arms. Mayor Rios asserted this Ordinance was adopted years ago by Council.

Council Member Jackson stated because she brought up Robert's Rules of Order the Council is now looking at this, so in the City Charter under Section 4.01 it states: "the City Manager shall have the power to see that all State law or City ordinances are effectively enforced", so now we have two – one that I brought up and one brought up by whoever put this on the Agenda. Council Member Jackson said so shall we discuss the various parts of Section 6 that are not in force or Chapter 22; I have a laundry list of codes that are or not enforced – that's not our fault, it says in the City Charter whose fault it is. Ms. Jackson expressed she opened a can of worms by stating we are supposed to follow Robert's Rules of Order and I can continue with the can of worms, or I can keep my mouth shut; I was not elected to keep my mouth shut.

Council Member Hattman stated she is new on the Council, and she is here to serve the citizens and it has been hard to sit here in recent times to try and get things done and move things forward when there is so much back and forth going on; that's not just one side, it's everything. Council Member Hattman said she is okay with decorum, making sure we are doing what should be done, including the Council; we all have to remember that. Council Member Hattman expressed we are here to do what the citizens voted us in for; we all have things we are passionate about, things we care about; our own opinions about things and it is always going to be that way and as long as we can have that communicative respectful manner with each other we can start working together as a whole City, including our Council. Council Member Hattman declared we have to start working together in a respectful manner and let's start working together to get things done.

Council Member Brundrett said he values citizen input and he believes we have a civil meeting; for the most part we have done that, but he thinks everyone could do a little better job as for as respecting each other. Council Member Brundrett stated applauding can be disruptive but it does allow the Council to know when they did a good job.

Mayor Rios said he was not talking about applauding, he was talking about comments such as liar; things like that are uncalled for in this setting and it is disrespectful.

Mayor Pro-Tem Villa stated he was a firm believer in you are going to get what you give and he is sorry Kristie, Andrew and Jeff if you disrespect me, I'm going to disrespect you – that's how it's gonna go – if you don't like it, don't do it to me. Mayor Pro-Tem Villa expressed: "Yeah, I

called you all out so I'm sure I will see it tomorrow on Facebook, or there will be a big nose on somebody; you are disrespecting everybody and Kristie you think it's funny (Kristie Rutledge stated she thought it was sad), and yes it is sad, some of you have problems. Mayor Pro-Tem Villa stated there are people that do not want to come to these meetings because of you all; we had to take the tables out of here because we had somebody banging on the tables, or whatever – it's disruptive and disrespectful, so get over it.

Mayor Rios stated there are comments on social media and he does not know who is making up these facts, but there is so much misinformation out there; some of the comments I see about things that I have done – It's hilarious really that people make these things up. Mayor Rios expressed if you do something wrong, and it's based on fact, you should be called out for it, but all the made-up things and stories are completely uncalled for. Mayor Rios added that this last month after every one of these meetings, or one of the social media postings goes out, I get 10-12 emails or phones calls from people that know me and tell me to keep doing what I am doing and keep up the good work – you have been helping the City a long way back, and just ignore those people; it's encouraging for me to continue to do this work. Mayor Rios declared we are going to continue to make the City better and try to retain as much of the charm of the City as we can, without losing while we are all here, and folks let's base it on fact and not on emotion. Mayor Rios said he has no problem with people applauding and taking part in the meetings but there have been comments about staff from people who have never even worked with that staff; people don't know the type of work that goes on and the amount of effort. Mayor Rios stated he understands, since Hurricane Harvey we are in our ninth disaster and there is a lot of anger, hurt, financial and mental toll for people; once we quit grieving and get back to work – there's always a time for grief and we need to keep moving forward.

Mayor Pro-Tem Villa said he loves the fact that people are here; 10 years ago, there was no one, just staff, except when there was discussion about trees or plastic bags. Mayor Pro-Tem Villa stated there was never any one at the budget hearings, so it's great to see it. Mayor Pro-Tem Villa declared that we are not all going to agree, we can agree to disagree. Mayor Pro-Tem added he was not the smartest person in the world, but he relies on staff to assist him in making decisions.

Mayor Rios stated the Council's position is policy and the City Council is elected to ensure the health, safety and welfare of the community and we have professional staff that we rely on for these other issues and to help us make our decisions.

Council Member Jackson requested a brief recess.

Council took a recess from 7:37 p.m. to 7:45 p.m.

4. Deliberate on the proposed Fiscal Year 2021-2022 Budget.

Mayor Rios said he has received Citizen Participation forms and Appearance Before City Council cards from the following:

- 1) Kathy Kane, 109 Broadwalk Avenue, addressed the Council and commented: I am here to day to ask a question: Why has the City Manager not provided a revised budget based on

the twice proposed tax rate? Council gave clear direction on two occasions to lower the budget, yet we are here today without a balanced plan. This agenda item is asking the Council and citizens to go on a fishing trip to figure out requirements versus the nice to haves. Isn't it the better option for the team who will have to implement the budget to be the recommenders: I started with one question and I will end with a final statement. Mr. Carruth, do your job and present a balanced budget to this Council.

Mayor Rios asked Ms. Kane for a point of information: Can you vote in the City Ms. Kane?

Ms. Kane answered "no".

Mayor Rios stated Council asked staff to bring this back to Council and did not ask them to prepare a budget.

2) Andrew Kane, 2106 Lakeview Drive, addressed the Council and commented: For the month we've been working on this budget, I hear cut, budget cuts but let's face reality, this is not a budget cut that we are asking you to do; this budget is more than last year's budget. We are asking the City to balance the budget with the No New Revenue Tax Rate with increased revenue, but here we are again tonight. If I was you, I would make a motion, if you can't do your job what you are paid for I would propose to vote "no" on all COLA and step increases.

3) Kristie Rutledge, 1411 Dana Drive, addressed the Council and commented: This is an increase over last year. City staff does not seem to be following instructions. I've sent my recommendations. I don't find your personnel increases sustainable. This budget also proposes another \$20 million in debt for other infrastructure items – natural gas, wastewater, etc. You got \$2.6 million of TDEM money, use that on your wastewater treatment. You want 29 new employees over the next five years, how we sustain this? Where is this money coming from? It's coming from we the people, the taxpayers. You all need to balance your budget and get responsible.

4) Kimberly Forsberg, 437 Rattlesnake Point: Mayor Rios stated this address was not in the City limits so the proposed budget would not affect her. Mayor Rios read her statement: "This issues has been voted on and opposed on more than one occasion. Please respect those votes!"

5) Elizabeth Roberts, 201 Marion, addressed the Council and commented: We've been hearing for quite a while about the Comprehensive Plan but I can't find anyone to tell us if there is an inclusive plan intended to deal with the very serious drainage problem. If a serious plan is not funded by the City the residents will continue to face the potential dangers of future flooding. The drainage issues in Rockport deserve expert assessment and deciding how much to spend should be part of the assessment.

City Manager Kevin Carruth gave a Point of Information: The City did adopt a Master Drainage Plan in 2017. Mr. Carruth said currently there are five projects out for bid for a total of \$9 million.

Council Member Hattman requested staff provide her a list of those projects.

6) Russell Roberts, 201 Marion, addressed the Council and commented: The relevance of Elizabeth's comments is that we don't feel enough is being budgeted on drainage. My understanding is there is \$1.3 million left in CDL money and what better manner of expenditure than drainage management. If it appears we need money for capital expenditures put that before the voters. Thank you for what you do.

Discussion was held among Council, City Manager Kevin Carruth and Director of Finance Griffin regarding the proposed budget.

It was the consensus of Council:

- 1) Fund the Accountant position out of utility funds;
- 2) Take the \$100,000 building abatement out of the CDL funds;
- 3) Cut the \$25,000 for the Market Street Study and use that for the body cameras and then move the \$30,000 previously for the body cameras to streets and drainage;
- 4) Take \$975,000 out of CDL for streets and drainage contract and/or maintenance;
- 5) Fund two full time employees in the Street Department and 1 full time employee in the Parks Department;
- 6) Fund the Human Resources Manager beginning January 2022;
- 7) Fund Receptionist out of utility funds;
- 8) Fund Utility Technician out of utility funds - This equates to 1 full time employee in Water Department, 1 full time employee in Wastewater Department, and 1 full time employee in Gas Department;
- 9) Fund City Float out of HOT funds;
- 10) Take out the shade canopies;
- 11) Take out mobile surveillance cameras;
- 12) Keep the COLA and merit increases for employees;
- 13) Keep Utility Billing Technician funded at 6 months; and
- 14) Use the American Recovery Act funds for capital projects – Wastewater Treatment and sewer projects. – Future discussion and agenda item, not included in the actual 21-22 budget.

Ms. Griffin said she wanted to point out that the Public Hearing notice states the City has \$213,981 in tax revenue and that is because we have added new properties to the *ad valorem* taxes, and not because tax has increased on existing homes.

Mayor Rios said the numbers being stated in social media are incorrect.

Ms. Griffin stated there are incorrect statements on social media and she should like to share some facts: the shade structures for \$50,000 is correct; the matching grant for \$25,000 is correct; the parade float at \$25,000 is a correct number, but that will come out of HOT funds; personnel pay raises and such – don't know where those numbers on social media are coming from, there are not an actual number for what Council has been presented; new personnel – number is distorted lower by \$15,000; Receptionist at \$48,000 – is only \$44,600; Two parks employees at \$82,000 – is actually \$99,000; \$174,000 for software – HR software only \$30,000 and can be paid for out of the CDL funds – same thing for the Agenda software; contingency in City Manager Budget – he can only spend \$49,999 without Council permission. Ms. Griffin expressed she did not know

where the numbers on social media were coming from but if Council will call her she can tell you the amounts. Ms. Griffin expressed the COLA was important because it is the message that goes with it; gas and insurance for employees has gone up and the COLA is way too important. Ms. Griffin said she wanted Council to have solid facts.

Mayor Rios stated 6-7 years ago the City was losing employees, so a company was engaged to do a wage compensation study. Mayor Rios said we were losing employees to our neighboring cities and the cost to recruit, hire and train employees takes a certain amount of time.

Council Member Brundrett asked Ms. Griffin to expand on what is left in the CDL funds.

Ms. Griffin stated there would be approximately \$250,000 - \$300,000 left to use in the future years; that is assuming they accept our requested reimbursements. Ms. Griffin said we are asking for loan forgiveness; that shows we have a decrease in revenues. Ms. Griffin added she would be able to give Council a hard core number in the next couple of weeks.

Mr. Carruth stated that to the extent that we use the one-time CDL money for recurring expenses for employees, that burden balloons and if growth goes away, that will have to be looked at.

Council Member Brundrett stated he received the email from Mr. Carruth today stating we have about 20 vacancies and it looks like we are under budget on a lot of things. Council Member Brundrett asked if we can utilize those funds for anywhere else next year.

Mr. Carruth answered the remaining funds go into Fund Balance. Mr. Carruth stated historically we are very conservative on budgeting revenues and almost always come in under budget.

Brief discussion was held among Council and staff regarding personnel.

Council Member Brundrett asked if the recommendations presented tonight by Council are workable to move us on down the road.

Ms. Griffin stated we can make it work and she will go back and work the numbers to present to Council at the Public Hearing.

5. Adjournment.

At 8:57 p.m., Mayor Pro-Tem Villa moved to adjourn. Council Member Jackson seconded the motion. Motion carried unanimously.

ATTEST:


Teresa Valdez, City Secretary



APPROVED:


Patrick R. Rios, Mayor