

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, September 14, 2021 Rockport Service Center, 2751 State Highway 35 Bypass and Via Video Conferencing Application ZOOM

Social distancing guidelines and the video conferencing application ZOOM are actions were taken to mitigate the spread of COVID-19. Video conferencing capabilities were utilized to allow individuals to address the City Council. 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 14th day of September 2021, the City Council of the City of Rockport, Aransas County, Texas, convened in Regular Meeting at 6:30 p.m., at the Training Room of the Rockport Service Center with social distancing guidelines and using the 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

CITY COUNCIL MEMBER(S) ABSENT

Council Member Andrea Hattman, Ward 4

PLANNING & ZONING MEMBERS PRESENT

Ric Young
Warran Hassinger
Kim Hesley
Tom Blazek
Ruth Davis
James Rester, III
W. Kent Howard

STAFF MEMBERS PRESENT

City Manager Kevin Carruth
Assistant to City Manager Kimberly Henry
City Secretary Teresa Valdez
Director of Finance Katie Griffin
Parks & Leisure Services Director Rick Martinez
Director of Public Works and Building & Services Director Mike Donoho

ELECTED OFFICIALS PRESENT

Community Planner/Assistant Director of Building & Development Carey Dietrich
Police Chief Greg Stevens
Police Commander Larry Sinclair
Police Commander Jerry Lawing
Information Technology Director Bob Argetsinger
Police Detective Michael Cramer
Police Officer Jessica Ruiz
Police Officer David Gerloff

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 6:32 p.m. on Tuesday, September 14, 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.

Council Member Brad Brundrett requested a Point of Privilege and asked retired Chief of Police Tim Jayroe Police to give an invocation.

Chief Jayroe gave an Invocation.

3. Presentation: Promotion of Detective Michael Cramer to Lieutenant; Police Officer Jessica Ruiz to Detective and Police Officer David Gerloff to Detective.

Police Chief Greg Stevens stated a great deal of sacrifice, not only for the officers, but also for their families, comes with promotion. Chief Stevens gave a brief bio of each officer receiving a promotion. Chief Stevens presented each officer with their promotion badges and congratulated them.

Each officer's family member or friend pinned their badges to their uniforms.

The officers received a standing ovation.

4. Citizens to be heard.

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

is not prohibited, disorderly conduct or disturbance of the peace as prohibited by law shall be cause for the chair to terminate the offender's time to speak.

There were no citizen comments.

Consent Agenda

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

- 5. Deliberate and act on approval of Regular Meeting Minutes of July 27, 2021, Special Meeting Minutes of August 19, 2021, Regular Meeting Minutes of August 24, 2021, Special Meeting Minutes of August 31, 2021, and Special Meeting Minutes of September 7, 2021.**
- 6. Deliberate and act on wrecker permit request from David Morin, doing business as Hook'M Up Towing, for a one-year period.**
- 7. Deliberate and act on approval of 2021-2022 Property Tax Assessment/Collection Agreement with Aransas County.**
- 8. Deliberate and act on approval to award a contract to Burnside Services, Inc. to construct the Concho Street Drainage Improvements and authorizing 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. There were none.

MOTION: Council Member Jackson moved to approve the Consent Agenda, as presented. Mayor Pro-Tem Villa seconded the motion. Motion carried unanimously, with Council Member Brundrett recusing himself from voting on Item 8 due to possible conflict of interest.

Public Hearing

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

With a quorum of the members present, the meeting of the Rockport Planning & Zoning Commission was called to order at 6:46 p.m. on Tuesday, September 14, 2021, in the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas.

Mayor Rios opened the public hearings at 6:46 p.m.

- 10. Conduct a Joint Public Hearing with the Planning & Zoning Commission to consider a request to rezone property located at 902 West Market Street; also known as Bellevue Addition, Block B, Lots 1-8, East of Steart Street & 30' closing of Liberty Street adjacent to Lots 1 & 3, City of Rockport, Aransas County, Texas, to B-1 (General Business District) to comply with current use of property; currently zoned R-1 (1st Single Family Dwelling District).**

Community Planner/Assistant Director of Building & Development Carey Dietrich addressed the Council. Ms. Dietrich stated this is known as the Moore Than Feed property and it was annexed into the City as R-1 (1st Single Family Dwelling District). Ms. Dietrich said staff recommends approval of the rezone request.

There were no public comments.

Mayor Rios said the Planning & Zoning Commission will consider the rezone request at the meeting on Monday, September 20, 2021, at 5:30 p.m.

- 11. Conduct a Joint Public Hearing with the Planning & Zoning Commission to consider a request to rezone property located at 414 Old Salt Lake Road; also known as Coleman Fulton Pasture, 9.772 acres - part of Lots 22 and 23 and 3.865 acres out of J. Hollis Survey, City of Rockport, Aransas County, Texas, to B-1 (General Business District); to allow future development and ingress, egress to existing RV park; currently zoned R-1 (1st Single Family Dwelling District).**

Community Planner/Assistant Director of Building & Development Carey Dietrich addressed the Council. Ms. Dietrich informed everyone when the Public Hearing notice was published the replat was not yet completed, so the notice was for the entire piece of property, but it is only for Lot 2.

Frank Simmons, 414 Old Salt Lake Road, addressed the Council. Mr. Simmons stated Lot 1 will remain R-1 (1st Single Family Dwelling District) and Lot 2 is the lot being requested to be rezoned. Mr. Simmons said he just wanted to make sure the legal description was clear.

Mayor Rios said the Planning & Zoning Commission will consider the rezone request at the meeting on Monday, September 20, 2021, at 5:30 p.m.

Mayor Rios closed the Public Hearings at 6:51 p.m.

- 12. Adjourn – Rockport Planning & Zoning Commission.**

At 6:51 p.m., the Rockport Planning & Zoning Commission adjourned.

Regular Agenda

- 13. Deliberate and act on first and only reading of an Ordinance of the City of Rockport, Texas, adopting a budget and appropriating resources for Fiscal Year 2021-2022, beginning October 1, 2021, and ending September 30, 2022; in accordance with existing statutory requirements; repealing all conflicting ordinances; containing a severability clause; and providing for an effective date.**

Russ Roberts, 201 Marion Drive, addressed the Council. Mr. Roberts congratulated Council, staff, and citizens who appeared before Council, on civil discourse; it's refreshing to see the cooperation between all of us. Mr. Roberts urged a dialogue on how the money on drainage is spent and what

the studies are showing; so we can know what is happening.

Director of Finance Katie Griffin addressed the Council and stated this is the first and only reading of the adoption of the Fiscal Year 2021-2022 Budget. Ms. Griffin said it is exactly the same as what was presented to the Council on September 7, 2021.

MOTION: Council Member Brundrett moved to approve the first and only reading of an Ordinance of the City of Rockport, Texas, adopting a budget and appropriating resources for Fiscal Year 2021-2022, beginning October 1, 2021, and ending September 30, 2022; in accordance with existing statutory requirements; repealing all conflicting ordinances; containing a severability clause; and providing for an effective date. Council Member Jackson seconded the motion.

Mayor Rios stated he would like to go on record saying he is concerned about the budget process this year and the fact that last month's inflation was up by 8% almost one-half percent of that was the cost of food and he is not sure was the MCI was last month, but it is increasing, and he hopes that we have enough fore sight and planning to hold to the City budget. Mayor Rios said we have to have a balanced budget, but he is concerned about the potential degradation of City services. Mayor Rios expressed with that being said he does recognize the consensus of the City Council, and this is what the majority of City Council has agreed to.

FOR MOTION: Council Member Jackson, Council Member Brundrett & Mayor Rios.
AGAINST MOTION: Mayor Pro-Tem Villa.
ABSENT: Council Member Hattman.

Motion carried 3:1.

15. Deliberate and act to ratify the property tax rate reflected in the 2021-2022 Annual Budget and Capital Improvement Plan.

Director of Finance Katie Griffin said this is part of the process for adoption of the budget. Ms. Griffin explained the ratification gives permission to bring in additional property tax revenue, which is the new added property value, within the adopted budget.

MOTION: Council Member Jackson moved to ratify the property tax rate reflected in the 2021-2022 Annual Budget and Capital Improvement Plan. Council Member Brundrett seconded the motion.

Mayor Rios stated his comments are the same, he is concerned about the ability of the City to go forward in future years based on the revenue we are going to generate; I hope we don't see a degradation of services.

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

Motion carried 3:1.

- 14. Deliberate and act on second and final reading of an Ordinance of the City of Rockport approving the assessment and renditions for the 2021 taxable property as submitted by the Appraisal District; levying a tax rate for \$100.00 valuation for the City of Rockport, Aransas County, Texas, for the Tax Year 2021 of \$0.208434 for the purposes of Maintenance and Operation, \$0.184286 for the payment of Principal and Interest on debt of the City for a total tax rate of \$0.392720; and providing an effective date.**

Director of Finance Katie Griffin addressed the Council. Ms. Griffin explained this formalizes the adoption of the Tax Rate in two pieces: the Maintenance and Operation and the Principal and Interest on debt. Ms. Griffin added the adoption of this Ordinance approves the assessment and renditions for the 2021 taxable property as submitted by the Appraisal District.

MOTION: Council Member Brundrett moved to approve the second and final reading of an Ordinance of the City of Rockport approving the assessment and renditions for the 2021 taxable property as submitted by the Appraisal District; levying a tax rate for \$100.00 valuation for the City of Rockport, Aransas County, Texas, for the Tax Year 2021 of \$0.208434 for the purposes of Maintenance and Operation, \$0.184286 for the payment of Principal and Interest on debt of the City for a total tax rate of \$0.392720; providing for a lien on all real and personal property to secure payment of taxes dues thereon; containing a severability clause; repealing all ordinances and parts thereof in conflict herewith; and providing an effective date. Council Member Jackson seconded the motion.

Mayor Rios expressed his comments are the same and he hopes we will be able to provide the level of services the community needs.

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

Motion carried 3:1.

- 16. Deliberate and act on first reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 22 adopting the 2018 International Building Code, with amendments adopting the 2018 International Residential Code, with amendments; adopting the 2018 International Mechanical Code, with amendments; adopting the 2018 International Plumbing Code, with amendments; adopting the 2018 International Fuel/Gas Code, with amendments; adopting the 2018 International Existing Building Code, with amendments adopting the 2018 International Wildland – Urban Interface Code, with amendments; adopting 2018 International Energy Conservation Code, with amendments; adopting the 2018 International Swimming Pool and Spa Code, with amendments; and adopting the 2017 Edition of the National Electrical Code; Repealing All Prior Ordinances In Conflict Herewith; Providing for Severability; and Providing for an Effective Date.**

Director of Public Works and Building and Development Services Mike Donoho addressed the Council. Mr. Donoho stated the purpose of the International Code “is to establish minimum requirements to safeguard the public, safety, health and general welfare through affordability,

structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.” Ms. Donoho said the City is currently using 2012 International Building Codes and we are now three update cycles behind, and he gave several reasons for updating to the 2018 IBC codes. Mr. Donoho added it was normal and recommended to be one cycle behind and staff recommends approval. Mr. Donoho said the effective date will be January 31, 2022.

MOTION: Mayor Pro-Tem Villa moved to approve the first reading of an Ordinance amending the City of Rockport Code of Ordinances Chapter 22 adopting the 2018 International Building Code, with amendments adopting the 2018 International Residential Code, with amendments; adopting the 2018 International Mechanical Code, with amendments; adopting the 2018 International Plumbing Code, with amendments; adopting the 2018 International Fuel/Gas Code, with amendments; adopting the 2018 International Existing Building Code, with amendments adopting the 2018 International Wildland – Urban Interface Code, with amendments; adopting 2018 International Energy Conservation Code, with amendments; adopting the 2018 International Swimming Pool and Spa Code, with amendments; and adopting the 2017 Edition of the National Electrical Code; Repealing All Prior Ordinances In Conflict Herewith; Providing for Severability; and Providing for an Effective Date. Council Member Jackson seconded the motion. Motion carried unanimously.

17. Deliberate and act on second and final reading of an Ordinance of the City Council of the City of Rockport, Texas, authorizing the City to close and exchange certain portions of unimproved Sweet Bay Avenue with the owner of the abutting properties for 2403 Patton Street; and establishing an effective date.

City Manager Kevin Carruth said there had been no changes in substance or format since Council approved the first reading of the Ordinance on August 24, 2021.

MOTION: Council Member Brundrett moved to approve the second and final reading of an Ordinance of the City Council of the City of Rockport, Texas, authorizing the City to close and exchange certain portions of unimproved Sweet Bay Avenue with the owner of the abutting properties for 2403 Patton Street; and establishing an effective date. Mayor Pro-Tem Villa seconded the motion. Motion carried unanimously.

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

City Manager Kevin Carruth stated since last week there have been 170 news cases in Aransas County. Mr. Carruth gave the following statistics for Aransas County:

- 1798 total confirmed cases
- 381 active cases
- 52 fatalities
- 525 probable cases

Mr. Carruth said there had been several confirmed cases within City staff; several have come back to work, and several have family members with confirmed cases. Mr. Carruth asked that people be vigilant.

Mayor Rios asked everyone to stay safe.

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 thanked staff and Mayor Pro-Tem Villa for participating in the tracking and emergency operations center for the storm (Hurricane Nicholas). Mayor Rios stated we were very fortunate to have dodged this storm; it could have been bad.

Director of Public Works and Building and Development Services Mike Donoho said staff used this as an opportunity to exercise our emergency plan; making sure all staff was ready and placement of pumps and generators ready to execute the plan if necessary.

Mayor Rios said areas of the City are being evaluated. Mayor Rios thanked everyone for doing what they are doing.

Executive Session

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

20. Section 551.071(2) Consultations with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter – Texas Opioid Settlement Agreement.

At 7:18 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(2) Consultations with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter – Texas Opioid Settlement Agreement.

Open Session

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

At 7:40 p.m., Mayor Rios reconvened the Rockport City Council into open session pursuant to the provisions of Chapter 551 of the Texas Government Code to take any necessary actions related to

the executive sessions noted herein, or regular agenda items, noted above, and/or related it.

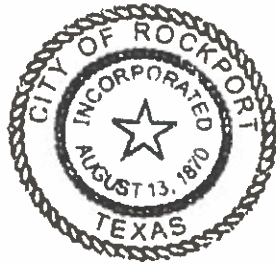
No action was taken.

21. Deliberate and act on a Resolution of the City Council of the City of Rockport, Texas, joining with the State of Texas and political subdivisions of the State as a party in the Texas opioid settlement agreements secured by the Office of the Attorney General; authorizing the Mayor to execute settlement participation forms; and establishing an effective date.

Council did not address this item.

22. Adjournment.

At 7:40 p.m., Mayor Pro-Tem Villa moved to adjourn. Motion was seconded by Council Member Jackson. Motion carried unanimously.



APPROVED:



Patrick R. Rios, Mayor

ATTEST:



Teresa Valdez, City Secretary