

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, September 22, 2020 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 either 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 to the right. 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 entered in the minutes of the meeting.

On the 22nd day of September 2020, the City Council of the City of Rockport, Aransas County, Texas, convened in Regular Session at 6:30 p.m., 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 Michael Sasaki, Ward 1
Council Member Bob Cunningham, Ward 3
Council Member Andrea Hattman, Ward 4

CITY COUNCIL MEMBER(S) ABSENT

STAFF MEMBERS PRESENT

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

ELECTED OFFICIALS PRESENT

Opening Agenda

1. Call to Order.

With a quorum of the Council Members present, the Regular Meeting of the Rockport City Council was called to order by Mayor Rios at 6:30 p.m. on Tuesday, September 22, 2020, via video conferencing application ZOOM.

2. Pledge of Allegiance.

Mayor Rios led the Pledge of Allegiance to the U.S. flag.

3. Proclamation: October 4-10 – National 4-H Week.

Mayor Rios read the Proclamation for National 4-H Week in the City of Rockport, Texas.

City Manager Kevin Carruth noted the following 4-H members were attending the meeting ZOOM Kaitlyn Carruth, Laigen Hillis and Elizabeth Janak. Mr. Carruth stated Virginia Easton Smith with the Aransas County Texas A& M AgriLife Extension Service, and Family and Community Health Agent Megan Glidden were also in attendance.

4. Proclamation: October - Domestic Violence Awareness and Prevention Month.

Mayor Rios read the Proclamation for Domestic Violence Awareness and Prevention Month in the City of Rockport, Texas.

5. Presentation: Spirit of Rockport Award – South Rockport Neighbors.

The "Spirit of Rockport" award was developed to recognize individuals and organizations who exemplify the unique spirit of Rockport. Nominees are those who go above and beyond to make our community a better place. Nominations are reviewed by the Sesquicentennial Committee with awards presented throughout the year at City Council meetings and other events.

Mayor Rios stated the award is going to South Rockport Neighbors, a non-profit civic organization whose involvement in the City extends beyond their geographical location. Mayor Rios said the group sponsors the annual "Night Out" program for the community; open forums on informational topics and local issues, candidate debates and more; and financial support via scholarships to local students. Mayor Rios added because of the number of honorees and the pandemic, a special Proclamation will be delivered to one of the officers of the organization to be shared at their next meeting.

6. Presentation: Items from 1970 Centennial Time Capsule.

Assistant to the City Manager Kimberly Henry stated this is the eight presentation of items from the 1970 Time Capsule. Ms. Henry said the items presented this meeting are noteworthy news items. Ms. Henry stated copies of "*The Rockport Pilot*" and various other magazines and newspapers are the items presented tonight. Ms. Henry informed the Council these items are in her office at the Rockport Service Center if anyone is interested in viewing them.

7. Citizens to be heard.

At this time, 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 entered 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.

Mayor Rios stated he had received three Citizen Participation Forms.

- 1) Jennifer Day, 902 E. Cornwall Street – Mayor Rios read Ms. Day’s comments. Ms. Day expressed appreciation for the City’s support of the Rockport Cultural Arts District and informed the Council of some grants the Cultural Arts District had received.
- 2) Kristie Rutledge, 1411 Dana Drive – Ms. Rutledge commented about tax rate increases, how she would cut the City budget, and her corrections to the minutes listed under Agenda Item 8.
- 3) Andrew Kane, 2106 Lakeview Drive – Mr. Kane commented on Agenda Item 15 voicing opposition to the City giving funding to the Rockport-Fulton Chamber of Commerce.

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.

8. **Deliberate and act on approval of Special Meeting Minutes of August 31, 2020, Regular Meeting Minutes of September 8, 2020, and Special Meeting Minutes of September 15, 2020.**
9. **Deliberate and act on approval of City of Rockport holiday observance schedule for 2021.**
10. **Deliberate and act on Fiscal Year 2020-2021 Property Tax Assessment/Collection Agreement with Aransas County.**
11. **Deliberate and act on Fiscal Year 2020-2021 Hotel Occupancy Tax Agreement with the Aransas County Council on Aging for the 2020 Bountiful Bowl Pottery Fair.**
12. **Deliberate and act on Fiscal Year 2020-2021 Hotel Occupancy Tax Agreement with the Rockport Center for the Arts for advertising and tourism promotion.**
13. **Deliberate and act on Fiscal Year 2020-2021 Hotel Occupancy Tax Agreement with the Rockport Cultural Arts District for advertising and tourism promotion.**
14. **Deliberate and act on Fiscal Year 2020-2021 Hotel Occupancy Tax Agreement with the Friends of the Fulton Mansion State Historical Site for advertising and tourism promotion.**
15. **Deliberate and act on Fiscal Year 2020-2021 Hotel Occupancy Tax Agreement with the Rockport-Fulton Chamber of Commerce for advertising and tourism promotion.**
16. **Deliberate and act on Fiscal Year 2020-2021 Hotel Occupancy Tax Agreement with the Rockport-Fulton Chamber of Commerce for the 2021 HummerBird Celebration.**
17. **Deliberate and act on Fiscal Year 2020-2021 Hotel Occupancy Tax Agreement with the**

Rockport-Fulton Chamber of Commerce for the 2020 SeaFair Celebration.

- 18. Deliberate and act on Fiscal Year 2020-2021 Hotel Occupancy Tax Agreement with the Rockport Yacht Club for the 2021 Nautical Flea Market.**
- 19. Deliberate and act on Fiscal Year 2020-2021 Hotel Occupancy Tax Agreement with the Rockport Rotary Club/Rockport Center for the Arts for the 2020 Film Festival.**
- 20. Deliberate and act on Fiscal Year 2020-2021 Hotel Occupancy Tax Agreement with the Texas Maritime Museum for advertising and tourism promotion.**
- 21. Deliberate and act on Fiscal Year 2020-2021 Hotel Occupancy Tax Agreement with the University of Texas Marine Science Institute/Mission Aransas National Estuarine Research Reserve for advertising and tourism promotion for Bay Education Center.**

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

Council Member Cunningham requested Items 8, 10 and 15 be removed from the Consent Agenda for separate discussion per requests from his constituents.

MOTION: Mayor Pro-Tem Villa moved to approve the Consent Agenda, minus items 8, 10 and 15, as presented. Council Member Saski seconded the motion. Motion carried unanimously.

Item 8.

Council Member Cunningham stated he had received an email from Andrew Kane requesting a word Mr. Kane had used be corrected in the Minutes of September 15, 2020. Council Member Cunningham said Kristie Rutledge had also emailed him some corrections to the Minutes.

Mayor Rios stated the correction to the Minutes had been made and Mr. Kane had been notified of the correction. Mayor Rios expressed the Minutes are not a transcript nor a disposition.

Kristie Rutledge addressed the Council and said she had emailed corrections to the Minutes to the City Secretary and she recommended an actual transcript of the Minutes.

MOTION: Council Member Cunningham moved to approve Consent Agenda Item 8, with the corrections to the Minutes as emailed by Ms. Rutledge to the City Secretary.

Mayor Pro-Tem Villa said the Minutes are not done verbatim; the Council does not need the City Secretary to spend two days preparing Minutes.

Council Member Hattman commented she could not approve Minutes with corrections she has not seen.

Motion died for lack of second.

MOTION: Mayor Pro-Tem Villa moved to approve Consent Agenda Item 8, as presented.

Council Member Hattman seconded the motion. Motion carried 4:1.

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

AGAINST MOTION: Council Member Cunningham.

Item 10.

Council Member Cunningham stated he had asked the City Manager some questions regarding the Tax Assessment/Collection Agreement, but he thought it may be good to lay out the procedure, why we do it and why the cost increase.

City Manager Kevin Carruth stated there are 253 counties in the State of Texas and he would say that almost all of those taxes are collected by a county tax assessor collector or the appraisal district, or a combination of the two. Mr. Carruth explained in Aransas County the Tax Assessor/Collector collects taxes for all County taxing entities and this makes it more efficient and easier for the taxpayer; one point of contact. Mr. Carruth said he had spoken with the Aransas County Tax Collector/Assessor this afternoon and the City has contracted for this service since 1993 or 1994. Mr. Carruth stated the increase in cost is due to the addition of a full-time employee in that office and the increase of maintenance and operation costs.

Council Member Cunningham stated Aransas County has its own interest in keeping the costs down because they pay their own pro-rata share of the cost.

MOTION: Council Member Cunningham moved to approve Consent Agenda Item 10. Mayor Pro-Tem Villa seconded the motion. Motion carried unanimously.

Item 15.

Council Member Cunningham said some of his constituents were interesting in commenting on this item. Council Member Cunningham asked how the City exercises Section 5.6, request for an audited financial report, of the Hotel Occupancy Tax agreements.

City Manager Kevin Carruth answered the City receives annual audits from the Rockport Center for the Arts and the Rockport-Fulton Chamber of Commerce. Mr. Carruth said with the other entities that received funds the City will request it when we need it.

Diane Probst, Chief Executive Officer and President of the Rockport-Fulton Chamber of Commerce stated they provide a full audit of the Chamber to the City each year. Ms. Probst said Chamber HOT expense reports are brought to Council quarterly and HOT funds are not released to the Chamber until approved by the Council.

Kristie Rutledge, 1411 Dana Drive, addressed the Council and asked the Council to table Consent Agenda Item 15 until a further review can take place; an independent outside review should be conducted. Ms. Rutledge commented there was an ethical/moral conflict with a government entity paying an organization to lobby against people.

Andrew Kane, 2106 Lakeview Drive, addressed the Council. Mr. Kane stated just because we've always done something that way, doesn't mean we need to continue doing it that way. Mr. Kane

asked how bad the City really needs to spend HOT funds; there are a lot of other things we can spend money on. Mr. Kane said you could not keep people away from Rockport during COVID.

Jatin Bhakta, past Chair of the Rockport-Fulton Chamber of Commerce, addressed the Council. Mr. Bhakta declared that without this marketing support, the City of Rockport would not be where it is today. Mr. Bhakta expressed he thought this was a personal attack.

Mayor Pro-Tem Villa said he agreed with Mr. Kane in that people did come to Rockport during the Governor's orders to stay at home, but it was probably because of marketing and they had cabin fever.

Council Member Saski said you could not compare this time during COVID to normal times; you are not comparing apples to apples.

Council Member Hattman stated the comments circulating are based on a lot of opinion and not facts. Council Member Hattman said the Chamber provides an expense report to the City Council each quarter and the Council is required to approve the report before funds are given to the Chamber.

Council Member Cunningham said there are other cities that do their own advertising/marketing, but then you must add that burden, expertise and expense to the budget. Council Member Cunningham stated the Council conducts a HOT Workshop in the summer where the different entities present their proposals and he welcomes anyone who has concerns or issues to attend that workshop.

MOTION: Mayor Pro-Tem Villa moved to approve Consent Agenda Item 15. Council Member Saski seconded the motion. Motion carried unanimously.

Regular Agenda

22. 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 September 22 – October 27, 2020; establishing rules and regulations for the duration of the disaster; restricting certain activities; and establishing penalties for violations.

Kristie Rutledge, 1411 Dana Drive, addressed the Council. Ms. Rutledge stated if the Council adopts the Ordinance it will be the 11th time and it gives Council the power to restrict and quarantine people. Ms. Rutledge said there was zero justification for this and requested the Council vote "no".

Mayor Rios stated this is the 11th extension of the Declaration of Local Disaster for the COVID-19 pandemic for the period of September 22 – October 27, 2020. Mayor Rios said there had been more reported COVID cases and this ensures the City stays in compliance and is eligible to receive FEMA monies for disaster related expenses.

MOTION: Mayor Pro-Tem Villa moved to adopt the Ordinance of the City Council of the City of Rockport, Texas, extending a COVID-19 pandemic Declaration of Local Disaster for the period of September 22 – October 27, 2020; establishing rules and regulations for the duration

of the disaster; restricting certain activities; and establishing penalties for violations. Council Member Hattman seconded the motion. Motion carried unanimously.

23. Deliberate and act on an Ordinance of the City Council of the City of Rockport, Texas, extending a Declaration of Local Disaster (Hurricane Hanna) for the period of September 22, – October 27, 2020; establishing rules and regulations for the duration of the disaster; and establishing an effective date.

Mayor Rios stated this is the 3rd extension of the Declaration of Local Disaster for Hurricane Hanna for the period of September 22 – October 27, 2020. Mayor Rios stated this ensures the City stays in compliance and is eligible to receive FEMA monies for disaster related expenses.

MOTION: Mayor Pro-Tem Villa moved to adopt the Ordinance of the City Council of the City of Rockport, Texas, extending a Declaration of Local Disaster (Hurricane Hanna) for the period of September 22 – October 27, 2020; establishing rules and regulations for the duration of the disaster; and establishing an effective date. Council Member Saski seconded the motion. Motion carried unanimously.

24. Deliberate and act on second and final reading of an Ordinance amending the City of Rockport Code of Ordinances, Chapter 82 “Solid Waste” Article II. “Refuse Collection”, Section 82.39 “Fee Schedule”; repealing all prior ordinances in conflict herewith; and providing for publication and an effective date.


Mayor Rios stated there had been no changes in format or content of the Ordinance since Council approved the first reading on September 8, 2020.

MOTION: Council Member Saski moved to approve the second and final reading of an Ordinance amending the City of Rockport Code of Ordinances, Chapter 82 “Solid Waste” Article II. “Refuse Collection”, Section 82.39 “Fee Schedule”; repealing all prior ordinances in conflict herewith; and providing for publication and an effective date. Council Member Hattman seconded the motion. Motion carried unanimously.

25. Hear and deliberate on Mayor’s 2020 State of the City presentation.

Mayor Rios reviewed the State of the City presentation (below) he gave at the September 8, 2020 Chamber of Commerce luncheon.






Pearl Point - Phase I (aka Harvey Housing, LLC)

- 13.739 Acres out of 28,157 total
- 2018 Valuations = \$560,130
- 2018 Taxes = \$12,079.30
 - City - \$2,532
 - County - \$2,665
 - ACISD - \$6,521
 - ACND - \$515
- Construction cost = \$14,984,880
- Estimated City taxes at completion = \$65,493 based on current value and construction cost only
- 216 Units of 1, 2, & 3 Bedroom, plus amenities
- Estimated Completion Date 2022
- Checkout Food Store to go on Pearl & Bypass corner

Villages at Logan's Crossing



- 50.5 Acres
- 2018 Valuations = \$206,660
- 2018 Taxes = \$4,453.18
 - City - \$934
 - County - \$991
 - ACISD - \$2,405
 - ACND - \$124
- Currently building infrastructure
- 67 Single Family units
- Each lot approximately 1/2 acre
- Recently changed owners, this plan may change

Kokomo Subdivision



- 16.083 Acres
- 2018 Valuations = \$725,000
- 2018 Taxes = \$15,622.52 Total
 - City - \$3,277
 - County - \$3,474
 - ACISD - \$8,438
 - ACND - \$434
- Currently in the platting process
- To be built in 4 Phases
- 6 Commercial facing Bypass 35 and FM 3036
- 126 Single Family Residential

Gulf Shore Villas



- 8,247 Acres
- 2019 Valuations = \$356,270
- 2019 Taxes = \$7,017,983 Total
 - City - \$1,509
 - County - \$1,622
 - ACISD - \$1,700
 - ACND - \$187
- Preparing Construction Plan for Submission
- Low Income, Multi Family Housing
- Phase I is about 50 units and 5 amenities



Drainage Projects

CTBKC-DR Grants

- | | |
|--------------------------|-------------|
| 1) Market/Church | \$478,362 |
| 2) Market/Bus 35 | \$1,261,031 |
| 3) Pearl/Orleans/Sabinal | \$4,417,042 |
| 4) Traylor/Tule Creek | \$1,416,197 |
| 5) Nassau Dr Bulkhead | \$284,575 |
| 6) NW1781 Crossing | \$463,488 |

FEMA - Mitigation Grant

- | | |
|---------------------|-----------|
| 7) Enterprise/Maple | \$242,750 |
|---------------------|-----------|

2020 Tax Note

- | | |
|-----------|-------------|
| 8) Concho | \$2,300,000 |
|-----------|-------------|

TCEQ Restore Act

- | | |
|---|-------------|
| 9) Bay Shore Drive/ Shoreline Stabilization | \$2,400,000 |
|---|-------------|

Key Allegro Bridge

City to move Utilities under Bay

TIA Grant \$285,000

2020 Tax Note 2650,000

TxDOT to build bridge

TxDOT Grant \$2,981,229

TOTAL \$2,986,229

ROW secured on 3 Lots

Pending Condemnation of 1 Lot

Utility Contractor secured

TxDOT to let RFP upon completion of Utilities being moved



City Hall

Insurance Proceeds	\$702,786
FEMA Grant Funds	\$1,937,566
Rebuild Texas Grant Funds	\$20,748
2020 Tax Note	\$11,770,000
TOTAL	\$14,431,101

2 Story - 28,000 square feet
Scheduled Completion Fall 2022



Comprehensive Plan



- Began in Summer 2018 with help from Texas A&M University
- Held 4 Public Meetings reaching over 40 different organizations & over 150 citizens
- Also met with the Downtown Area group & more than 100 High School Students
- Presented to Council 2/25/20 to kick-off Public Comment period
- During 120-day Public Comment Period, one comment received
- Presented to Council 7/14/20
- Additional comments now received from 14 individuals
- Planning to bring back to Council following a virtual town hall meeting (date to be determined)

Questions?



Council Member Cunningham said he was confused about the FEMA allocations for City Hall; on the website it shows an amount committed to City Hall and then on the other hand it shows insurance. Council Member Cunningham asked if that was all the money the City was going to get, will there be additional monies and is it all going toward City Hall?

Mayor Rios answered the insurance amount is the money received for the old city hall and the money received from FEMA can only be put back to where it was; strictly City Hall. Mayor Rios said there are numerous FEMA projects, but each project has a separate allocation.

Finance Director Katie Griffin stated at one time the City has 109 separate projects and they are all subject to single audits.

Kristie Rutledge, 1411 Dana Drive, commented that current homeowners can expect increases in their appraisals and taxes. Ms. Rutledge said she would like to see more transparency; we are building outside our means and wherever you can cut seems like a good idea – doesn't seem practical for City to take on more debt.

Council Member Cunningham stated Gulf Shores Villa is a competitive housing project and Council Member Hattman has been keeping the Council up-to-date on that process.

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

Mayor Rios said there have been an increase in cases, but we have not seen a spike. Mayor Rios stated the Governor has increased occupancy requirements for some areas.

Council Member Saski thanked everyone for wearing their masks and protecting one another.

27. 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; Park & Leisure Services Advisory Board; Planning & Zoning Commission; Rockport-Fulton Chamber of Commerce; Aransas County Storm Water Management Advisory Committee; Rockport Cultural Arts District, Swimming Pool Operations Advisory Committee; Tourism Development Council; Tree & Landscape Committee; YMCA Development Committee; Texas Maritime Museum, Fulton Mansion, Rockport Center for the Arts, Aransas County, Aransas County Independent School District, Aransas County Navigation District, Town of Fulton, and Texas Municipal League. No formal action can be taken on these items at this time.

Council Member Saski said the citizens and businesses in Downtown manages to keep their heads above water after this last storm; it got close. Council Member Saski stated he is looking forward to the day we can get road work done and drainage issues corrected in Downtown. Council Member Saski thanked everyone who came and helped clear debris off the streets; it was a great community effort.

Mayor Pro-Tem Villa said he will be sworn in tomorrow, by Justice Jimmy Blacklock, as a member of the Texas Commission on Lawyer Discipline. Mayor Pro-Tem Villa stated he will serve a 3-year term.

Council Member Cunningham said he attended the following: TWIA rate setting conference today and the Aransas County Navigation District – had a report from engineer on Little Bay Circulation Study. Council Member Cunningham announced there will be a meeting on October 7, 2020, at the beach pavilion, with a presentation by Jeff Turner on water quality.

Council Member Hattman said the Rockport Country Club did not get too much water during the last storm.

Mayor Rios thanked staff for all the time spent this weekend attending the National Weather Service briefings regarding the storm. Mayor Rios said a micro version of the emergency operations center was established. Mayor Rios commented everyone gave up a lot of personal time and the City had a crew on standby checking drains and roads. Mayor Rios expressed it was a long weekend.

8. Adjournment.

At 8:07 p.m., Mayor Pro-Tem Villa moved to adjourn. Motion was seconded by Council Member Hattman Motion carried unanimously.



ATTEST:


Teresa Valdez, City Secretary

APPROVED:


Patrick R. Rios, Mayor