

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, October 26, 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 before the meeting begins. 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 26th day of October 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

Council Member Andrea Hattman, Ward 4 – *Via ZOOM until 7:10 p.m. then in person*

CITY COUNCIL MEMBER(S) ABSENT

PLANNING & ZONING COMMISSION MEMBERS PRESENT

Ric Young

Warren Hassinger

Kim Hesley

Tom Blazek

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

ELECTED OFFICIALS PRESENT

Director of Public Works and Building & Services Director Mike Donoho
Community Planner/Assistant Director of Building & Development Carey Dietrich
Police Chief Greg Stevens
Information Technology Director Bob Argetsinger
Accounting Manager Judi Yarnall
Accountant Lorenzo Lara
Parks Maintenance Superintendent George Bennett

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, October 26, 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 Jackson led the Pledge of Allegiance to the U.S. flag.

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

Chief Jayroe gave an Invocation.

3. Proclamation: National 4-H Week.

Mayor Rios proclaimed October 3-9, 2021, as National 4-H Week in Rockport, Texas. Mayor Rios read the Proclamation and presented it to 4-H Member Conner Hale.

4. Presentation: Government Finance Officers Association – Distinguished Budget Presentation Award.

Mayor Rios asked Director of Finance Katie Griffin, Account Manager Judi Yarnall and Accountant Lorenzo Lara to join him at the podium. Mayor Rios presented them with the Government Finance Officers Association Award and Certificate of Recognition for Budget Preparation for the budget developed by Ms. Griffin for the Fiscal Year beginning October 1, 2020. Mayor Rios stated this is the 18th consecutive year the City of Rockport has received this award.

5. 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.

Andrew Kane, 2106 Lakeview Drive, addressed the Council and commented: Here today to talk about the story I have been talking about for seven months – the election process. There has been a lot of talk on social media, and I want to talk about the facts, the facts that the City Council are ignoring. First fact – we all know, by admission, that Brad Brundrett admits he falsified the petition. The other fact – I submitted a contest in March to the City Secretary and the contest did not get followed as required by law. Mr. Brundrett said he did so at the advice of the Mayor and the Mayor declines having that conversation with Mr. Brundrett. So Mr. Brundrett the Mayor is calling you a liar and Mayor, Mr. Brundrett is calling you a liar. I don't know how the City Council convenes and expects respect from the citizens when we have two members basically calling each other a liar over an election process months ago, yet we continue to operate like there is nothing going on. City Council, what can you do about it? You can call for investigation. The City Secretary has the ability to subpoena me. We can get to the bottom of this, and I expect that is what we should do. If you expect the citizens of this town to respect any of our elections going forward, you have to answer my cries. This is not going away. I'm not done with the Attorney General. I'm not done with the Secretary of the State and now I'm calling on the City Council. Brad, you took bad advice, but you cannot sit on a statement from your attorney and say you took bad advice. There comes a point where you are going to have to stand up and tell the truth. Brad, are you the liar, or is it the Mayor. The citizens deserve an answer.

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.

- 6. Deliberate and act on approval of Regular Meeting Minutes of September 28, 2021.**
- 7. Deliberate and act on 4th quarter report from the Rockport Fulton Chamber of Commerce for Fiscal Year 2020-2021 marketing expenditures.**
- 8. Deliberate and act on 4th quarter Report from Rockport Center for the Arts for Fiscal Year 2020-2021 marketing expenditures.**
- 9. Deliberate and act on 4th quarter report from the Friends of the Fulton Mansion State Historical Site for Fiscal Year 2020-2021 marketing expenditures.**
- 10. Deliberate and act on report from Rockport-Fulton Chamber of Commerce HummerBird Committee for marketing expenditures made for 2021 HummerBird Celebration.**
- 11. Deliberate and act on request from Downtown Merchants for closing of Water Street from Market Street to Main Street on October 30, 2021, from 8:00 a.m. until Midnight for Rocktober Fest.**

Mayor Rios called for requests to remove any item from the Consent Agenda for separate discussion. There were none.

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

Public Hearing

12. 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, October 26, 2021, in the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas.

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

13. Conduct a Joint Public Hearing with the Planning & Zoning Commission to consider a request to rezone property located at 1130 West Market Street; also known as Oak Terrace, Lot 531, City of Rockport, Aransas County, Texas, to B-1 (General Business District) to develop office and retail space; currently zoned R-1 (1st Single Family Dwelling District).

Community Planner/Assistant Director of Building & Development Carey Dietrich addressed the Council. Ms. Dietrich stated the owner Chris Crowley is requesting rezoning to develop into commercial property. Ms. Dietrich said the surrounding properties are zoned commercial.

There were no public comments.

Mayor Rios said the Planning & Zoning Commission will consider the rezone request at the meeting on Monday, November 1, 2021, at 5:30 p.m.

Mayor Rios closed the Public Hearing at 6:48 p.m.

14. Adjourn – Rockport Planning & Zoning Commission.

At 6:48 p.m., the Rockport Planning and Zoning Commission adjourned.

Regular Agenda

15. Hear presentation from the Tourism Development Council of the Rockport Fulton Chamber of Commerce on hotel occupancy tax uses.

Board Chairman Donna Townsend of the Rockport-Fulton Chamber of Commerce addressed the City Council. Ms. Townsend introduced members of the Tourism Development Council: Jesse Pilgrim Chair of the Tourism Development Council, Aransas County Commissioner Bubba Casterline, Town of Fulton Alderwoman Mary Ann Pahmiyer, City of Rockport Council Member Andrea Hattman. Ms. Townsend introduced representatives from the business community representing various industry sectors of our community: Hotels/Accommodations - Jatin Bhakta, Intrepid Hotels; Arts - Luis Puron, Rockport Center for the Arts; History - Pam Stranahan, Friends

of the History Center; Restaurants - Craig Griffin, Charlotte Plummers; Short Term Rentals & RV Parks – Dawn Huff, Miss Kitty’s Fishing Getaways and Anglers RV Resort; Attractions – Eric Soness, Rockport Little Theatre; Attractions – Justin Parkoff, Texas Maritime Museum; Real Estate – Amy Garcia, The Coastal Team – Spears & Company Real Estate; and Retail – Hannah Miller, Goin Coastal Outfitters. Ms. Townsend expressed these members take their positions seriously and each serve an important role and volunteer on the Tourism Development Council.

Justin Bragiel, General Counsel for the Texas Hotel & Lodging Association joined the meeting via ZOOM and gave a brief presentation on hotel occupancy tax. Mr. Bragiel stated that hotel occupancy tax is different from other tax revenues and State law sets forth limitations on the use of hotel occupancy tax. Mr. Bragiel said the City can contract with a third party to do marketing and the third party has to follow the same laws as the City.

Jesse Pilgrim, Chair of the Tourism Development Council stated that due to erroneous comments previously made, the Tourism Development Council wanted to present correct information (see below).



Share Facts Presentation
Oct. 26, 2021

Discussion #1

At the September 28th meeting, a citizen made some erroneous comments about HOT Funds being used to fund all Chamber activities.



Discussion #2

The Chamber serves as both a Chamber/business oriented organization AND as the Rockport-Fulton area's Convention and Visitors Bureau. The monies are separate.



Discussion #3

Under contract, the Tourism Development Council is responsible for these programs and activities. It is comprised of a representative from each of the HOT funding sources, as well as local businesses in the hospitality, finance, restaurant, real estate and other industries.



Discussion #4

HOT Funds are used ONLY for promoting visitors to the area -- this includes the full advertising and promotion campaign and certain special events that related to bringing tourists to the area.



Discussion #5

HOT Funds are Hotel Occupancy Taxes that are generated from Hotel/Motel/B&B/Short Term Rentals and other lodging establishments.



Discussion #6

In the statute, entities receiving the tax must provide quarterly reports and supporting material to receive their monies from the City and other entities. Additionally, the Chamber DOES provide an annual audit of those funds.



Discussion #7

HOT Funds are not supported by property taxes. In fact, HOT Funds help support local taxes at \$1M-plus and state taxes at more than \$5M just in Aransas County totals alone.



Closing

HOT funds are not a burden on local taxpayers and do not affect them unless they are staying in a hotel for less than 30 days. The visitors that come to Rockport-Fulton as a result of marketing and special events generate millions of dollars in sales tax that go into the General Fund of the supporting entities. IF and only IF, visitors didn't come to R-F and spend money locally, THEN the property owners would see their taxes rise to make up for the decline in revenues.



Andrew Kane asked if questions would be allowed.

Mayor Rios answered that questions should be sent directly to the Chamber of Commerce.

16. Deliberate and act on award of construction contract for Community Develop Block Grant General Land Office Disaster Recovery #20-065-090-C252 flood and drainage facilities improvements grant.

Director of Public Works and Building & Development Mike Donoho said this project has been in the works since 2017. Mr. Donoho said staff is recommending City Council award a contract to Burnside Services, Inc. in the amount of \$6,003,736.62 to construct the Community Development Block Grant Texas General Land Office Disaster Recovery #20-065-090-C255 Flood and Drainage Improvements.

MOTION: Mayor Pro-Tem Villa moved to award a construction contract to Burnside Services, Inc. in the amount of \$6,003,736.62 for the Community Development Block Grant Texas General Land Office Disaster Recovery #20-065-090-C255 Flood and Drainage Improvements grant project. Council Member Jackson seconded the motion. Motion carried unanimously

17. Deliberate and act on second and final reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance number 1027 by changing the zoning of land 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, from R-1 (1st Single Family Dwelling District) to B-1 (General Business District) to comply with current use of property; repealing all ordinances in conflict therewith; providing for severability; and providing an effective

date.

Mayor Rios stated there had been no changes in format or content since Council approved the first reading of the Ordinance on October 12, 2021.

MOTION: Council Member Brundrett moved to approve the second and final reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance number 1027 by changing the zoning of land 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, from R-1 (1st Single Family Dwelling District) to B-1 (General Business District) to comply with current use of property; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Mayor Pro-Tem Villa seconded the motion. Motion carried unanimously.

18. Deliberate and act on second and final reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land 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, from R-1 (1st Single Family Dwelling District) to B-1 (General Business District); to allow future development and ingress, egress to existing RV park; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

Mayor Rios stated there had been no changes in format or content since Council approved the first reading of the Ordinance on October 12, 2021.

MOTION: Mayor Pro-Tem Villa moved to approve the second and final reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land 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, from R-1 (1st Single Family Dwelling District) to B-1 (General Business District); to allow future development and ingress, egress to existing RV park; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Council Member Jackson seconded the motion. Motion carried unanimously.

19. Deliberate and act on presentation by the City Attorney on the mapping phase of the redistricting process.

City Manager Kevin Carruth stated the City retained Denton, Navarro, Rocha, Bernal & Zech and Denton Navarro's GIS Consultants Doucet & Associates to review the 2020 Census Data upon its release and to advise the City on any necessary re-apportionment and re-districting. Mr. Carruth said City Attorney Matthew Longoria will give a PowerPoint presentation, via ZOOM.

Municipal Redistricting and Reapportionment Update

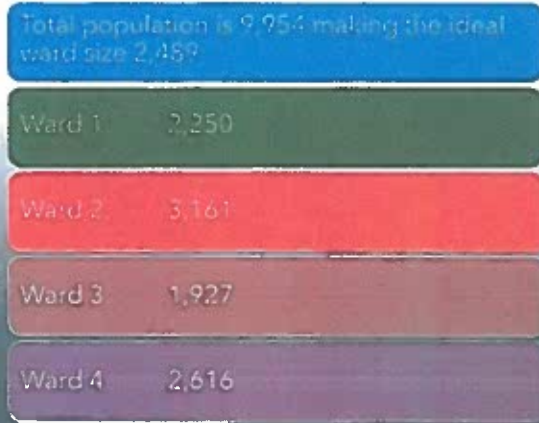
City of Rockport

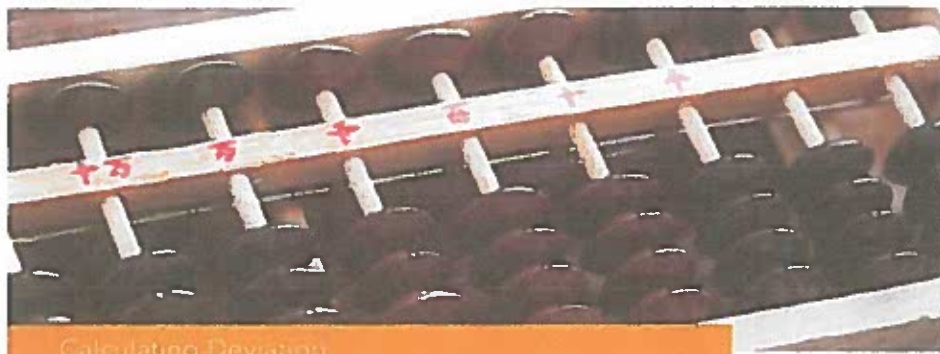
Presented by
Dustin Navarro-Rodriguez
Bernie & Zach P.C.

New Data and Current Map



Population by Ward





Calculating Deviation

Ward 1	The ideal ward population is 2,489	The current ward population is 2,250	This tells us we are 239 persons below the ideal size	That establishes a deviation of -9.6% for Ward 1
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Calculating Deviation

Ward 2	The ideal ward population is 2,489	The current ward population is 3,151	This tells us we are 662 persons above the ideal size	That establishes a deviation of +26.6% for Ward 2
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Calculating Deviation

Ward 3	The ideal ward population is 2,489	The current ward population is 1,927	This tells us we are 562 persons below the ideal size	That establishes a deviation of -22.6% for Ward 3
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Calculating Deviation

Ideal Size	Ward 1 Total Population	Ward 2 Total Population	Ward 3 Total Population	Ward 4 Total Population	Deviation
10,000	9,500	10,000	10,200	10,300	8%
	↓	↓	↓	↓	
	500 less	Exact	200 more	300 more	
	↓	↓	↓	↓	
	-5.00%	0.00%	+2.00%	+3.00%	
+3.00% + (-5.00%) = -2.00%					
Highest Positive Percent + Highest Negative Percent = Maximum Deviation (Total Population - Ideal Size) / Ideal Size * 100					

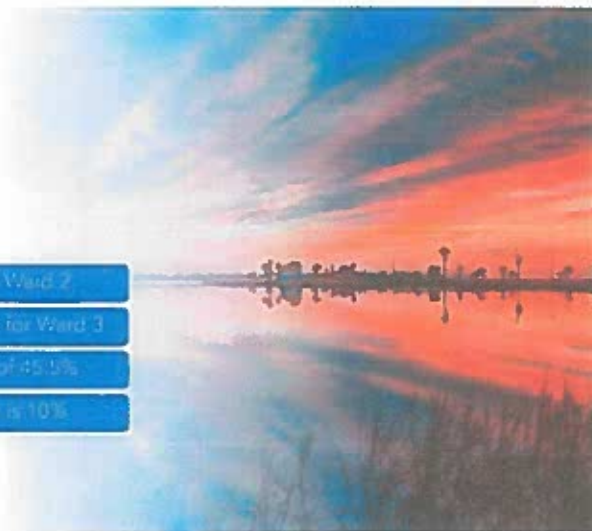


Calculating Deviation

Ward 4	
The ideal ward population is 2,400	
The actual ward population is 2,576	
The total ward is 172 persons above the ideal size	
It is equal to a deviation of 7.2% for Ward 4	

Rockport Maximum Deviation Calculation

- Take the deviation of +26.9% for Ward 2
- Add it to the deviation of -27.6% for Ward 3
- Using as a maximum deviation of -45.3%
- The maximum deviation allowed is 10%



Application of Mandatory Criteria

No Discrimination

Not packed: Doesn't push minority voters into few super-concentrated wards to dilute voice

Not cracked: Doesn't split minorities into small pieces across several wards to dilute voice

Application of Discretionary Criteria

Contiguity

- A ward is contiguous if all the lines that create it are connected
- A ward consisting of two or more unconnected areas is not contiguous

Compactness

- Geographic - shape of the ward
- Functional - based on factors
- Following Lines of Political Units
- Following Geographical Boundaries
- Communities of Interest
- Travel within the Ward



Next Steps

- Maps of the current ward will be reviewed with the new census data
- New proposed maps will be drawn based upon census data and council input following the mandatory and discretionary criteria
- City Council will adopt new ward maps by ordinance
- A change in a boundary of a territorial unit of a political subdivision other than a county from which an office of the political subdivision is elected is not effective for an election unless the date of the order or other action adopting the boundary change is more than three months before election day. Tex. Elec. Code, § 276.006

Mr. Longoria stated it is the City Council's obligation to approve maps by ordinance three months prior to the election in May. Mr. Longoria said he is proposing Council have a Workshop to work through the mapping process with the GIS consultant. Mr. Longoria added he would like to provide the Council some proposed maps and if possible have multiple options.

Mayor Rios said the proposed dates for the Workshop are November 3, 10, 17, 19 and 24th.

MOTION: Council Member Jackson moved to schedule a Council Workshop on November 10, 2021, at 9:00 a.m. Council Member Hattman seconded the motion. Motion carried unanimously.

Council Member Brundrett commented it would be helpful if lines could be adjusted as it is discussed in Workshop.

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

City Manager Kevin Carruth gave the following statistics for Aransas County: 28 active cases, 66 fatalities and 593 probable cases. Mr. Carruth stated that since the last Council meeting there have been 10 fatalities, the single largest number since the beginning.

Mayor Rios said all three booster shots have been approved and local pharmacies have them.

21. 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.

Council Member Jackson said the Rocktober Fest is this weekend. Council Member Jackson stated the Rockport Cultural Arts District is doing tremendous work on the restoration of the Depot.

Mayor Pro-Tem Villa said TxDOT has cleaned out ditches on Business 35 and in some areas on the Bypass.

Council Member Brundrett stated the Key Allegro Bridge is still under construction and he hopes this time next year it will be finished.

Council Member Hattman said the Fulton Fall Festival is Saturday and there is a ribbon cutting in Fulton on Saturday as well.

Mayor Rios said the City is tying up a lot of loose ends with projects. Mayor Rios announced the passing of General Warren Phipps who was instrumental in a lot of good work in the coastal bend region.

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:

26. Section 551.074 Personnel Matters – deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: City Manager Evaluation.

At 7:37 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 551.074 Personnel Matters – deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: City Manager Evaluation.

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 8:53 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.

23. Adjournment.

At 8:54 p.m., Mayor Pro-Tem Villa moved to adjourn. Motion was seconded by Council Member Jackson. Motion carried 4:1.

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

AGAINST MOTION: Council Member Brundrett.



APPROVED:


Patrick R. Rios, Mayor

ATTEST:


Teresa Valdez, City Secretary