

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, October 27, 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 provided on the Agenda. Using the same form, citizens can also provide written comments to the City Secretary by 4:00 p.m. on the day of the meeting. The Mayor will read the comments and they will be summarized in the minutes of the meeting.

On the 27th day of October 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 Saski, Ward 1- *joined at 6:40 p.m.*
Council Member Andrea Hattman, Ward 4

CITY COUNCIL MEMBER(S) ABSENT

Council Member Bob Cunningham, Ward 3

STAFF MEMBERS PRESENT

City Manager Kevin Carruth
City Secretary Teresa Valdez
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, October 27, 2020, via video conferencing application ZOOM.

2. Pledge of Allegiance.

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

3. Proclamation: 150 Year – Sesquicentennial – of Aransas County.

Mayor Rios read the Proclamation for the Sesquicentennial of Aransas County.

4. Presentation: Friend of 4-H Award – Aransas County 4-H Ambassadors.

Mayor Rios asked Aransas County 4-H Ambassadors Kaitlyn Carruth, Elizabeth Janek, Gillian Hale to come to the front of the room; they were joined by 4-H Members Sara Janak and Madeline Janak, and County Extension Agent Ginger Easton-Smith. They presented Mayor Rios with the 2020 Friend of 4-H Award; the Ambassadors chose the City of Rockport for its strong support and dedication to the Aransas County 4-H program.

5. Presentation: Spirit of Rockport Award – Children’s Coalition of Aransas County.

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 the Children’s Coalition of Aransas County, a non-profit civic organization that was born from the need to provide childcare immediately following Hurricane Harvey. Mayor Rios said once local childcare businesses began to open, the Children’s Coalition expanded its services to create, suppose and improve care and resources for children and families in our area. Mayor Rios added that 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. Mayor Rios stated he appreciated the tremendous amount of good the Children’s Coalition has done in the community.

Council Member Hattman, Mayor Pro-Tem Villa and Council Member Saski thanked the Children’s Coalition of Aransas County.

6. Presentation: Items from 1970 Centennial Time Capsule.

Assistant to the City Manager Kimberly Henry stated this is the ninth presentation of items from the 1970 Time Capsule. Ms. Henry said the items presented this meeting are photos of families that are reuniting with their photos and letters written by relatives from 1970: Mr. & Mrs. Philip D. Baldwin, Mr. & Mrs. William J. Mitchell, Jackson Family, Mr. and Mrs. Fred Bracht, Mrs. Chas Roe, Jr., and Sarah Belle Smith. Ms. Henry commented the families were excited to see things that had been left in the Time Capsule.

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 two Citizen Participation Forms, one for the Citizens to be heard portion of the Agenda and the other one on Agenda items.

Andrew Kane, 2106 Lakeview Drive, addressed the Council. Mr. Kane informed the Council that he had attended a meeting today and Barbara Gurtner had told him there was not going to be a micro-hospital. Mr. Kane said the Proposition C on the November 3, 2020, Aransas County General Election was now incorrect, and he asked if Council Members still support Proposition C.

Mayor Rios said he had not been in attendance at the meeting today and he could not comment on this; he would have to look at it tomorrow.

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 Regular Meeting Minutes of September 22, 2020, Workshop Meeting Minutes of September 29, 2020, and Special Meeting Minutes of October 6, 2020.**
- 9. Deliberate and act on 4th quarter report from the Friends of the Fulton Mansion State Historical Site for Fiscal Year 2019-2020 marketing expenditures.**
- 10. Deliberate and act on 4th quarter report from the Texas Maritime Museum for Fiscal Year 2019-2020 marketing expenditures.**
- 11. Deliberate and act on 4th quarter report from Rockport Center for the Arts for Fiscal Year 2019-2020 marketing expenditures.**
- 12. Deliberate and act on 4th quarter report from the Rockport-Fulton Chamber of Commerce for Fiscal Year 2019-2020 marketing expenditures.**
- 13. Deliberate and act on report from Rockport-Fulton Chamber of Commerce HummerBird Committee for marketing expenditures made for 2020 HummerBird Celebration.**
- 14. Deliberate and act to ratify change of Early Voting location as listed in Amended Contract for Election Services with the Elections Administrator of Aransas County for the November 3, 2020 Election.**

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

Council Member Hattman asked that Consent Agenda Items 12 and 13 be removed for separate discussion since a citizen had asked to comment on them.

MOTION: Mayor Pro-Tem Villa moved to approve the Consent Agenda, as presented, minus Items 12 and 13, Council Member Saski seconded the motion. Motion carried unanimously.

Consent Agenda Item 12.

Kristie Rutledge, 1411 Dana Drive addressed the Council. Ms. Rutledge asked Council to pull Agenda Item 12 because there are no receipts provided as documentation. Ms. Rutledge stated the public should know what was spent during the peak of COVID.

City Secretary Teresa Valdez stated receipts for the large entities funding reports are not included in the Agenda packet because there are so many compared to a single event report. Ms. Valdez said the Council can request to review receipts.

Mayor Pro-Tem Villa stated if Ms. Rutledge wants to look at receipts, she can make that request to the Chamber.

MOTION: Mayor Pro-Tem Villa moved to approve Consent Agenda Item 12. Council Member Saski seconded the motion. Motion carried unanimously.

Consent Agenda Item 13.

Kristie Rutledge, 1411 Dana Drive addressed the Council. Ms. Rutledge asked Council to pull Agenda Item 13 because the HummerBird Celebration was a virtual event. Ms. Rutledge asked how that would put people in hotels and be eligible for HOT funds. Ms. Rutledge commented the Chamber of Commerce is a tax funded entity and should not be using that money to lobby against citizens.

City Manager Kevin Carruth stated if anybody has any knowledge/proof of inappropriate spending by the Chamber they should bring it to him immediately and the City will deal with it. Mr. Carruth declared the City receives an audit from the Chamber every year.

MOTION: Mayor Pro-Tem Villa moved to approve Consent Agenda Item 12. Council Member Hattman seconded the motion. Motion carried unanimously.

Regular Agenda

15. Deliberate and act on renewal of Municipal Advisory Agreement with RBC Capital Markets.

City Manager Kevin Carruth said RBC Capital Markets (or its predecessors) has successfully advised the City of Rockport on municipal securities since 1992, when Bob Henderson joined the firm. Mr. Carruth stated Mr. Henderson has been advising the City since 1984.

Bob Henderson addressed the Council and explained the current agreement expires this month and the proposed agreement is essentially the same, save for a few updates to be compliant with the latest legislation and regulations (the most significant being the G-42 Disclosure letter). Mr. Henderson added there are no changes in the fee schedule from the previous agreement. Mr. Henderson expressed it is a personal honor to work with the City of Rockport; he has been a

property owner in Rockport before 1984 and he has been an active member of the community for a very long-time.

MOTION: Council Member Hattman moved to approve the Municipal Advisor Agreement with RBC Capital Markets. Council Member Saski seconded the motion. Motion carried unanimously.

16. Deliberate and act on Professional Services Agreement with J. Schwarz & Associates, Inc. for the Concho Street Drainage Project, and authorizing the City Manager to negotiate and execute all necessary documents.

City Manager Kevin Carruth stated the Concho Street Project is a critical first step in the Downtown Anchor Project because the existing stormwater drainage pipe runs underneath some of the proposed construction for City Hall and is also part of the Master Drainage Plan. Mr. Carruth explained the scope includes approximately 3,000 linear feet of concrete box culvert installation from the low area west of Highway 35 Business, east down Concho Street, to the existing outfall box at Rockport Harbor (shown on map below).



Mr. Carruth said the 2020 Tax Not Issue includes \$2.3 million for the Concho Street Drainage Project. Mr. Carruth added that Brandi Karl with JSA was previously part of the Urban Engineering firm and she is very familiar with the drainage project.

MOTION: Mayor Pro-Tem Villa moved to approve the Professional Services Agreement with J. Schwarz & Associates, Inc. for the Concho Street Drainage Project, and authorizing the City Manager to negotiate and execute all necessary documents. Council Member Saski seconded the motion. Motion carried unanimously.

17. Deliberate and act on first reading of an Ordinance of the City of Rockport, Texas, authorizing the City Manager to sign the appropriate deed(s) and other such closing documents as required to sell the 0.55 acre of land embracing fractional lots 21 and 22, Block 28, Denver Heights, City of Rockport, Aransas County, Texas, according to the Plat recorded in Volume 1, Page 9, Plat Records of Aransas County, Texas; also known as 1628 Omohundro Street; and providing an effective date.

City Manager Kevin Carruth said Resolution No. 2020-5 was approved at the City Council Meeting dated August 25, 2020, authorizing the City Manger to prepare, post, and publish for auction the 0.55 acre of land embracing fractional Lots 21 and 22, Block 28, Denver Heights, City of Rockport, which is also known as 1628 Omohundro Street. Mr. Carruth stated this is the remaining piece of property left when Enterprise was put in and it is so small that you cannot do anything with it. Mr. Carruth said the City was approached by an adjoining land owner to see if the City would sell the property to him. Mr. Carruth explained that Texas Local Government Code Section 272.001(a) and (b) sets the guidelines for posting and publishing the notices for sealed bids and then allows the sealed bids to serve as the fair market value. Mr. Carruth stated three bids were received and the highest bid received was from Sam and Jo Bernal in the amount of \$5,200.00. Mr. Carruth said staff recommends Council approve the first reading of the Ordinance authorizing the City Manager to sign the appropriate deed(s) and other such closing documents as required to sell the 0.55 acre of land embracing fractional lots 21 and 22, Block 28, Denver Heights, City of Rockport, Aransas County, Texas, according to the Plat recorded in Volume 1, Page 9, Plat Records of Aransas County, Texas; also known as 1628 Omohundro Street; and providing for an effective date.

MOTION: Mayor Pro-Tem Villa moved to approve the first reading of the Ordinance authorizing the City Manager to sign the appropriate deed(s) and other such closing documents as required to sell the 0.55 acre of land embracing fractional lots 21 and 22, Block 28, Denver Heights, City of Rockport, Aransas County, Texas, according to the Plat recorded in Volume 1, Page 9, Plat Records of Aransas County, Texas; also known as 1628 Omohundro Street; and providing for an effective date. Council Member Hattman seconded the motion. Motion carried unanimously.

18. Deliberate and act on the Heritage District Certificate of Appropriateness Application submitted for 106 S. Austin – Demolition (rear add-on structure).

Rockport Center for the Arts Director Luis Purón addressed the Council and said Mr. Ron Meyeres will be doing the demolition and he is available if Council has any questions.

Ron Meyeres addressed the Council and stated the rear add-on structure is not very old and there is no way to move it along with the Kline building.

Community Planner Amanda Torres said Mr. Ron Meyeres has submitted a Certificate of Appropriateness Application for demolition of an add-on structure attached to the former Kline's Café building located at 106 S. Austin and explained the Kline's Café is slated to be moved to another location within the Heritage District. Mr. Torres stated this portion is proposed to not be included as part of the structure move and according to the application contents and supporting documentation, the add-on structure proposed for demolition is not a contributing part of the building that has the potential to be historic and staff recommends that the Council approve this Certificate of Appropriateness Application given that the add-on is not a contributing part of the structure.

MOTION: Mayor Pro-Tem Villa moved to approve the demolition of the rear add-on structure at 106 S. Austin Street. Council Member Hattman seconded the motion. Motion carried unanimously.

19. 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 October 27 – November 24, 2020; establishing rules and regulations for the duration of the disaster; restricting certain activities; and establishing penalties for violations.

Mayor Rios said he had received a Citizen Participation Form for this Agenda item.

Kristie Rutledge, 1411 Dana Drive, addressed the Council. Ms. Rutledge urged the Council to vote “no” on this Ordinance because it gives the Council extraordinary power to restrict and even authority to bypass voters. Ms. Rutledge expressed there was no justification to renew this Declaration.

Mayor Rios stated this is the 12th extension of the Declaration of Local Disaster for the COVID-19 pandemic for the period of October 27 – November 24, 2020. Mayor Rios said this ensures the City stays in compliance and is eligible to receive FEMA monies for disaster related expenses.

City Manager Kevin Carruth declared there are no restrictions from the City; they come entirely from the Governor and the only reason the City is extending the Declaration is to be eligible for FEMA monies for disaster related expenses. Mr. Carruth expressed if Ms. Rutledge would have done her home-work she would see that the things posted on the City’s website match the Orders of the Governor because the Governor’s Orders prevail.

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 October 27 – November 24, 2020; establishing rules and regulations for the duration of the disaster; restricting certain activities; and establishing penalties for violations. Council Member Saski seconded the motion. Motion carried unanimously.

20. 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 October 27 – November 24, 2020; establishing rules and regulations for the duration of the disaster; and establishing an effective date.

Mayor Rios stated this is the 4th 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 October 27 – November 24, 2020; establishing rules and regulations for the duration of the disaster; and establishing an effective date. Council Member Hattman seconded the motion. Motion Carried unanimously.

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

Mayor Rios stated the City had been discussing opening the City facilities, but it is being re-evaluated; several cities are shutting down again and we need to be very careful.

Mayor Pro-Tem Villa said people are asking why some of the ballfields at Memorial Park are lock and then there are people on the soccer fields.

City Manager Kevin Carruth stated the simple answer is there is not a fence around the soccer fields and the City does not have the resources to fence them or the resources to have someone there to monitor that. Mr. Carruth said we would trust that people use common sense and not engage in activities that put them at risk.

Council Member Hattman asked why the school is okay with the children playing sports.

Mayor Rios answered that is a school district decision

Mr. Carruth stated the school has resources and they have greater control over their teams and fields.

Parks and Leisure Services Director Rick Martinez stated his staff has discouraged groups and talked to them about social distancing, but it seems they need to be reminded.

Mr. Carruth said the City appreciates the desire to get out and expend pent-up energy, but we must be vigilant because the alternative is worse.

22. 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 he was involved with the Rockport Little Theater Haunted House and it was very successful, and they took good caution to protect against COVID. Council Member Saski stated it was nice to see everyone enjoying themselves.

Mayor Pro-Tem Villa informed the Council the circular bench provided by the Hispanic leaders had been placed Downtown in front of the sea shell shop.

Council Member Hattman said her children volunteered at the Haunted House and they enjoyed it. Council Member Hattman reminded everyone Whistler's Cove has their Halloween event this weekend.

Mayor Rios reminded everyone to be safe, maintain social distancing and sanitize. Mayor Rios said the City is working on FEMA projects and the Key Allegro bridge project. Mayor Rios added the City has a really good chance of getting an extended deadline for the Texas Agriculture grant

for relocation of the utilities for the Key Allegro bridge project.

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:

- 23. 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 7:40 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: 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 7:51 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 items.

No action was taken.

24. Adjournment.

At 7:42 p.m., Mayor Pro-Tem Villa moved to adjourn. Motion was seconded by Council Member Saski. Motion carried unanimously.



ATTEST:

Teresa Valdez
Teresa Valdez, City Secretary

APPROVED:
Patrick R. Rios
Patrick R. Rios, Mayor