

# CITY OF ROCKPORT

## MINUTES

### CITY COUNCIL SPECIAL MEETING 6:30 p.m., Wednesday, November 3, 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 3<sup>rd</sup> day of November 2021, the City Council of the City of Rockport, Aransas County, Texas, convened in Special 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

#### CITY COUNCIL MEMBER(S) ABSENT

#### STAFF MEMBERS PRESENT

City Manager Kevin Carruth  
Assistant to City Manager Kimberly Henry  
City Secretary Teresa Valdez  
Director of Finance Katie Griffin – *Via ZOOM*  
Parks & Leisure Services Director Rick Martinez  
Director of Public Works and Building & Services Mike Donoho  
Police Chief Greg Stevens  
Information Technology Director Bob Argetsinger

#### ELECTED OFFICIALS PRESENT

#### Opening Agenda

##### 1. Call to Order.

With a quorum of the Council Members present, the Special Meeting of the Rockport City Council was called to order by Mayor Rios at 6:33 p.m. on Wednesday, November 3, 2021, in the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, and via video conferencing application ZOOM.

## **2. 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.

Jennifer Shaw, 442 Augusta Drive, addressed the Council, gave the City Secretary copies of Ordinance No. 1747, and commented: I had a frustrating experience trying to use Ordinance passed right after the hurricane that was amended in 2018 that required contractors to register with the City. After the freeze my house was destroyed internally and I knew about the City's list of contractors, so I tried to check the contractors and I could not get a return call from the City. I ended up hiring a nephew of a prominent contractor here in town and by October 15<sup>th</sup>, I was wiped out. I tried to determine if he was on the City's list by calling the City and my calls were never returned. I even went to City Hall and was told someone would call me back and no one called me. I used the internet and found out the person had convictions. He was in my house; clearly you would not have checked out his criminal record. This is a breach of the Ordinance on staff's part.

Vicki Pitluk, 402 Cherry Hills, addressed the Council and commented: Tonight, I'm speaking from two different perspectives. One, as a marketing and communications consultant who has worked with the City for 12 years. In fact, I've been with the City longer than anyone on Council or Senior Management, with the exception of Rick Martinez. I've also been a resident for more than 17 years. I've worked for and with major corporations, non-profits, and state government for almost 50 years, 20 with my own business. I've served as a volunteer on various local boards and two different City committees. I'm taken aback by what is happening supposedly behind closed doors – a request made for the City Manager's resignation. I heard about it last Tuesday from a friend before that day's City Council meeting or Executive Session. Very unsettling. Was there a campaign underway prior to the meeting? Or a walking quorum in violation of the Open Meetings Act? Only questions, not accusations. It is odd to hear something before meeting takes place. However, if there was a problem with the City Manager, it should have been addressed privately as part of the evaluation last week with specifics, guidelines for improvement, and mutually agreed upon deadlines. I'm not a Human Resources expert, but this is what's done in the real world-and is the City's process when dealing with its own employee issues. On a professional level I'd like to say that Kevin understands the importance of communicating with our constituency – like utilizing Facebook, which seems to be the major news source for our residents. He set up programs to produce greater transparency of City finances and operations. In fact, the City received the State's top honors the first year we entered the program. I don't think anyone except Kevin's wife, the Mayor and some City staffers know the extent of what he does, and the time involved and the massive increase in work since the hurricane. Everyone at the City has had

to do more. Recovery, restoration and moving forward on bridge, drainage, reconstruction, and new construction – all amid eight disasters in four years. Kevin has steered the City through difficult times and the recovery process. I'm not sure many could have handled the challenges and kept our bottom line and reputation intact. Folks have been coming to this podium asking you to do the right thing when it comes to their concerns. Your actions tonight may cause irreparable harm to the City when it comes to hiring, retaining employees, and the future of our community.

Kristie Rutledge, 1411 Dana Drive, addressed the Council and commented: Thank you for all you're doing tonight. For taking a thorough evaluation of all things that have transpired and I only date back in history, as far as watching the City government, to the time of the petition for City Hall and the Tax Notes. I can say what I have seen, what I have experienced, and what I have documented have been very rough. All these things you need to consider come from the leadership of the City government; not all City Council representatives, but some. Ms. Pitluk is correct, Facebook is a major source of dialogue for the community. Since these taxing proposals were put forward, a lot of the struggles we have had have to do with the hurricane recovery. Issues have been brought before us, debt proposals, that citizens want to be involved with, and we have been blocked out of the process on many occasions and we have had City staffers, such as Ms. Pitluk, even Code Enforcement, employees of the City Manager, actually coming against the citizens on Facebook. Our dialogue is our dialogue and its our way to communicate and say what is going on in City government that might affect us, that we may not hear about through these meetings and some of the conversations that are had. I have no idea what you are going to discuss today; it is not my business, but I want to thank you for taking the step. I want you to understand that whatever happens with your employment matters tonight, it is just the first step because there are a lot of policies and procedures and the way things are done within this City government that stem from the management, have gone on down through the employees and affect us equally. We've all worked hard to come back after Harvey and we all deserve a say and participation in all events, not just one sector of the community. Thank you for taking this step, it's the first step of many.

### Executive Session

**3. The City Council will meet in closed session pursuant to Government Code Sections 551.071 (Consultation with Attorney) and 551.074 (Personnel) to deliberate the continued employment, evaluation, duties, discipline, and or dismissal of a public officer or employee; to wit: City Manager Kevin Carruth, Discussion in closed session will include legal issues related to the relevant City Charter, statutory and contract provisions involved with terminations and renewals, as well as performance appraisal related questions and issues. (City Manager Carruth may request the non-legal discussion and deliberation occur in open session).**

At 6:47 p.m., Mayor Rios convened the Rockport City Council into an executive session pursuant to Government Code Sections 551.071 (Consultation with Attorney) and 551.074 (Personnel) to deliberate the continued employment, evaluation, duties, discipline, and or dismissal of a public officer or employee; to wit: City Manager Kevin Carruth, Discussion in closed session will include legal issues related to the relevant City Charter, statutory and contract provisions involved with terminations and renewals, as well as performance appraisal related questions and issues.

**Open Session**

4. **Following the closed session, the City Council will convene into open session to take any action necessary regarding the subject discussed in closed session.**

At 9:14 p.m., the City Council convened into open session to take any action necessary regarding the subject discussed in closed session.

**MOTION:** Council Member Jackson moved to accept the City Manager resignation effective January 7, 2022, and authorize the City Attorney to work with City staff and the City Manager finalizing the agreement for the next City Council meeting on November 9, 2021. Council Member Hattman seconded the motion. Motion carried 4:1.

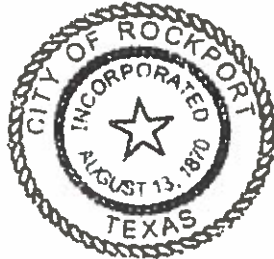
FOR MOTION: Council Member Jackson, Council Member Hattman, Mayor Pro-Tem Villa, and Council Member Brundrett.

AGAINST MOTION: Mayor Rios.

5. **Adjournment.**

At 9:16 p.m., Council Member Hattman moved to adjourn. Motion was seconded by Mayor Pro-Tem Villa. Motion carried unanimously.

**APPROVED:**



  
Patrick R. Rios, Mayor

**ATTEST:**

  
Teresa Valdez, City Secretary