

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING

6:30 p.m., Tuesday, December 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 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 14th day of December 2021, the City Council of the City of Rockport, Aransas County, Texas, convened in a 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

CITY COUNCIL MEMBER(S) ABSENT

STAFF MEMBERS PRESENT

City Manager Kevin Carruth
Interim City Manager Richard Morton
Assistant to City Manager Kimberly Henry
City Secretary Teresa Valdez
City Attorney Matt Longoria
Director of Finance Katie Griffin
Parks & Leisure Services Director Rick Martinez
Director of Public Works and Building & Development Services Mike Donoho
Community Planner/Assistant Director of Building & Development Carey Dietrich
Public Works Street Superintendent Ryan Picarazzi
Chief of Police Greg Stevens
Information Technology Director Bob Argetsinger

ELECTED OFFICIALS PRESENT

Opening Agenda

1. Call meeting 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, December 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 Hattman led the Pledge of Allegiance to the U.S. flag.

Mayor Rios wished everyone a great holiday season and Merry Christmas.

3. 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.

Sandy Jumper, 4166 FM 1781, addressed the Council and stated Rockport was voted #3 in the USA 10 Best Coastal Small Towns in the United States. Ms. Jumper said this was quite an honor and we have been in the top ten six times since 2015, the only time we were not in was 2017. Ms. Jumper stated a logo has been received and she presented it to the Mayor.

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.

4. Deliberate and act on approval of Regular Meeting Minutes of November 23, 2021, and Special Meeting Minutes of December 9, 2021.

5. Deliberate and act on approval of a license and services agreement with Tyler Technologies for their Incode Public Safety system and authorizing the City Manager to negotiate and execute all necessary documents.

6. Deliberate and act on report from Rockport-Fulton Chamber of Commerce for marketing expenditures made for 2021 Seafair.

7. Deliberate and act on a Memorandum of Understanding with Aransas County Independent School District for law enforcement mutual assistance.

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

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

Public Hearing

8. Conduct a Public Hearing on an Ordinance adopting a new voting ward map thereby revising City Council Member boundaries and reapportioning population in response to the 2020 Census.

Mayor Rios opened the Public Hearing at 6:37 p.m.

Mayor Rios said maps of the proposed new voting ward map had been placed on the walls for everyone to see.

There were no public comments.

Council Member Brundrett asked if we knew what Aransas County was going to have to do since we have a population of over 10,000.

Mayor Rios answered we did not know.

Mayor Rios closed the Public Hearing at 6:38 p.m.

Point of Privilege – Mayor Rios introduced Richard Morton who will serve as the Interim City Manager beginning January 10, 2022. Mayor Rios said Mr. Morton will be here the next couple of days and he looked forward to working with Mr. Morton.

Regular Agenda

9. Deliberate and act on first reading of an Ordinance approving and adopting the new voting ward reapportionment map of the City and revising the Council Member ward boundaries in response to the 2020 Census; providing for the redistricting of the four City Council Wards within the City of Rockport, Texas; providing a savings clause, severability clause and an effective date.

Mayor Rios said the Council has received the final map with the changes discussed at prior meetings.

City Attorney Matt Longoria said the map reflects the discussion by Council and City Attorney Dan Santee at the Workshop on November 10, 2021.

Council Member Brundrett asked the amount of deviation.

City Manager Kevin Carruth answered the deviation is 8.01%.

MOTION: Mayor Pro-Tem Villa moved to approve the first reading of an Ordinance approving and adopting the new voting ward reapportionment map of the City and revising the Council Member ward boundaries in response to the 2020 Census; providing for the redistricting of the four City Council Wards within the City of Rockport, Texas; providing a savings clause, severability clause and an effective date. Council Member Brundrett seconded the motion. Motion carried unanimously.

10. Deliberate and act to accept the Utility Bill Surcharge Fund Disbursement Report, Annual Reports from Fulton, Lamar, and Rockport Volunteer Fire Departments, and authorize disbursement of funds.

Finance Director Katie Griffin addressed the Council. Ms. Griffin said utility bill surcharge funds are collected from utility customers and distributed to the three Aransas County volunteer fire departments at the end of the fiscal year. Ms. Griffin stated the total amount collected this year was just shy of \$190,000. Utility Bill Surcharge Fund Disbursement Report, and the Annual Reports from the Rockport and Lamar Volunteer Fire Departments are included in the Agenda Packet and the Fulton Volunteer Fire Department's report was received today and copies made for Council.

MOTION: Mayor Pro-Tem Villa moved to accept the Utility Bill Surcharge Fund Disbursement Report, as presented and approve disbursement of funds to the Rockport, Fulton and Lamar Volunteer Fire Departments. Council Member Jackson seconded the motion. Motion carried unanimously.

Mayor Rios presented a \$135,473.08 check to Chief Matthew Grimes, Rockport Volunteer Fire Department.

Mayor Rios presented a \$40,465.99 check to David Mays with the Fulton Volunteer Fire Department.

Mayor Rios presented a \$4,422.69 check to Chief Carl Stubbs, Lamar Volunteer Fire Department.

11. Deliberate and act on the Certificate of Appropriateness Application submitted by Tasha Martin on behalf of Derek Hurst to add a covered outdoor seating area and fencing on the southside of the property at 507 S. Austin Street, also known as Rock Bottom Park and Pub.

Tasha Martin and Bea Hulett addressed the Council. Ms. Martin said they have purchased the building and are asking for variances on the columns, fencing and roof. Ms. Martin stated they have met with Keep Aransas County Beautiful, and they are going to donate the shrubbery and the Cultural Art District is going to use the area as a geopath, and the Cultural Art District is going to apply for a grant to do a Mural on the building. Ms. Martin declared that everything they are requesting has already been done in the Downtown District.

Council Member Brundrett asked Ms. Martin if the things being asked for by staff, following the Historic District Overlay Code, are reasonable. Mr. Brundrett commented he did not want to put any more burdens on small businesses.

Ms. Martin stated that was part of the problem, those things created a 25% increase in cost overall. Ms. Martin said they did go to non-smoking after COVID and that pushed people outside and it has been quite a struggle to get where they are today.

Council Member Jackson said she has not received any pushback from anyone in Ward 1 regarding the variance requests. Council Member Jackson stated she thought it was a great idea.

Discussion was held among Council, Ms. Martin and Ms. Hulett regarding the proposed changes.

MOTION: Mayor Pro-Tem Villa moved to approve the variance for the wood fence, waiving requirements of Chapter 118-266, Section 6.1 #7 and Chapter 118-267, Section 7.3.4 ii; to the Certificate of Appropriateness Application submitted by Tasha Martin on behalf of Derek Hurst to add a covered outdoor seating area and fencing on the southside of the property at 507 S. Austin Street, also known as Rock Bottom Park and Pub; they are still required to do the wrapping of the metal posts and exhibit the Tri-partite architecture as required. Council Member Hattman seconded the motion.

AMENDED MOTION: Mayor Pro-Tem moved to amend his motion to include approval of the variance to allow the regular metal roof rather than a standing seam metal roof, waiving the requirement of Chapter 118-267, Section 7.3.1. Council Member Hattman seconded the motion. Motion carried unanimously.

12. Deliberate and act on first reading of an ordinance amending Chapter 14, (amusements and entertainments) of the City of Rockport Code of Ordinances; creating Article III, coin-operated machines; establishing an occupation tax; providing for applicable rules and regulations; providing for repealer, cumulative and severability clauses; and establishing an effective date.

City Manager Kevin Carruth stated about one and one-half years ago the City received a couple of requests to set up game rooms inside the City limits. The Council adopted a six-month moratorium while staff researched and developed a recommendation for Council. Mr. Carruth called the Council's attention to the proposed Ordinance and stated there were two revisions to the Ordinance enclosed in the Agenda Packet: in the *Coin-operated machine* definition it should say "Every machine or device..... or are transferred to the machine by **any other means** ~~of an electronic or electronmagnetic card.~~"; and "When a machine or device..... Or are transferred to the machine by **any other means** ~~of an electronic or electronmagnetic card~~, each station....."

Brief discussion was held among Council and Mr. Carruth.

MOTION: Council Member Brundrett moved to approve the first reading of an ordinance with the revisions noted by Mr. Carruth, amending Chapter 14, (amusements and entertainments) of the

City of Rockport Code of Ordinances; creating Article III, coin-operated machines; establishing an occupation tax; providing for applicable rules and regulations; providing for repealer, cumulative and severability clauses; and establishing an effective date. Council Member Jackson seconded the motion. Motion carried unanimously.

13. Hear and deliberate on presentation of status of drainage maintenance and repair projects.

Ken Barron, 402 Cascades, addressed the Council and commented he hoped this discussion was about repairs to the storm sewer in the Rockport Country Club. Mr. Barron requested the City to prepare a plan of activities and schedule for repairs to the storm sewer in the Country Club. Mr. Barron commented a lot of people have vested interest in this and they need to know.

Adelaide Marlatt, 456 Augusta, addressed the Council and said she had an accounting question: Why are the liquidated damages of \$5,000 a day being charged to the Drainage Maintenance account and not to the Concho Street project. Ms. Marlatt stated she did not understand it being charged to the maintenance and it seemed you could find the money somewhere.

Mayor Rios answered the liquidated damages are being charged because the Aransas County Navigation District has placed a cease and desist on the project and all projects are possibly in jeopardy. Mayor Rios said there is no money anywhere else to pay for this.

Director of Public Works and Building & Development Services Mike Donoho said the City talked to the contractor and they have found an alternative location to work on so at the present we are not incurring liquidated damages charges.

Mayor Pro-Tem Villa told Ms. Marlatt to call the Navigation District.

Mayor Rios explained this is taxpayer money and other projects are grant money and if the Federal or State governments get wind of this, there is a potential to lose this money; he has attempted to talk to them.

Ms. Marlatt said if the City could find a place to put those costs otherwise it is going to eat all that money up.

Mayor Rios responded: "Help us and call the Aransas County Navigation District Commissioners."

Ms. Marlatt commented: "Good luck and thank you for making us aware."

Mr. Donoho stated a list of projects completed and a map of the areas where work is going to be conducted was included in the Agenda Packet. Mr. Donoho said in reference to Mr. Barron's request, the City has two contractors working all over town; a camera to run in the drainage pipe along the golf course will be used to locate areas of damage/concern and then we will come up with a scope of work. Mr. Donoho expressed he hoped everyone understands that if we complete these projects, water will flow down more rapidly during a normal rain event. Mr. Donoho added

then we will have to have a maintenance program to continue it; we are diligently working everyday – contractors working, and we are doing the best we can to spend the money wisely.

Public Works Street Superintendent Ryan Picarazzi addressed the Council. Mr. Picarazzi stated the engineer on the project is looking for options; mowing is being done around the T-box at the Rockport Country Club golf course and it is important for them (Country Club maintenance) to do their work. Mr. Picarazzi said this is not on a backburner and the City is not turning a blind eye; it's just one of the moving parts right now.

Council Member Jackson asked about Balderree Lane, Shell Ridge, Lamar Drive, Spring Lane and Portia.

Mr. Picarazzi said the best maintenance we can do at Balderree Lane is ditch cleaning on both sides to allow water to go to the ditch along Highway 35. Mr. Picarazzi stated Shell Ridge is a County project. Mr. Picarazzi explained in the last 5-10 years Lamar Drive, Spring Lane and Portia have had noted problems; narrow roads. Mr. Picarazzi said \$165,000 rollover to dig out ditches has been identified by Finance; Coastal Wildwood is looking with their engineers to try and convey water from there to the City right-of-way on Lamar Drive – plans in place, just need to connect the issue.

Mayor Pro-Tem Villa stated the ditch at Fuqua and Hackberry floods constantly and the State just dug it out; there is a house directly across that floods out.

Mr. Picarazzi explained how far the water has to flow and there is a problem at Loop 70; this needs to drain into Salt Flats but property would have to be purchased to convey the water where it needs to go. Mr. Picarazzi stated this has not been brought to upper management, but it is on the Master Drainage Plan.

Discussion was held among Council and Mr. Picarazzi regarding other areas of concern.

Ms. Marlatt said she receives calls from the ladies in the Rockport Country Club whose homes were flooded and what is she supposed to tell these ladies.

Mr. Barron asked when the camera work would begin.

Mr. Picarazzi said we do not currently have a plan of action but are working with the engineer. Mr. Picarazzi expressed when he has a date for work to be done in the Country Club, he will let Mr. Barron know.

Mayor Rios declared these questions cannot be answered at this time and inquiries will not work.

Mayor Rios thanked Mr. Picarazzi for the information he provided.

14. Hear and deliberate on proposed revision to city council meeting agenda process.

City Manager Kevin Carruth informed the Council the City Attorney has requested he review the Agenda packet prior to it being finalized and posted; if changes are to be made, staff needs time to do this. Mr. Carruth said the City Attorney wants everything by Noon on the Thursday before the following Tuesday Council meeting; as a result, the deadline for getting requests for being placed on an agenda will be 14 days prior to the meeting date, effective December 15, 2021. Mr. Carruth added staff will continue to have a seven day deadline.

Mayor Rios stated it is still anticipated that the Agenda and Agenda Packet will be posted on Friday afternoons.

Council Member Brundrett stated this did not seem to unreasonable but was it a burden on staff or the citizenry.

Mayor Rios answered “no”.

15. 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 thanked the Parks Department for a fabulous job on Tropical Christmas; a good time was had by all. Council Member Jackson stated Christmas in the District was successful and the merchants appreciate everyone who came and supported them. Council Member Jackson wished everyone a Merry Christmas.

Mayor Pro-Tem Villa said it is coming into the holidays and everyone will be going and enjoying families; want everyone to come back safely.

Council Member Brundrett said Tropical Christmas was well attended and he heard fantastic things about it, especially the fireworks. Council Member Brundrett stated Christmas in the District was well attended. Council Member Brundrett wished everyone a Merry Christmas, Happy New Year; be safe and see you in 2022.

Council Member Hattman said the Tropical Christmas and Christmas in the District were great event. Council Member Hattman asked everyone to be careful because there have been some thefts in the Rockport Country Club. Council Member Hattman reminded everyone of Christmas on the Beach and encouraged everyone to visit it and support the non-profits. Council Member Hattman wished everyone a Merry Christmas and to stay safe; she appreciates everyone.

Mayor Rios stated the Wreaths Across America ceremony is Saturday at 11:00 a.m. at Veterans Park and he encouraged everyone to attend. Mayor Rios said this is City Manager Kevin Carruth's last meeting and it has been a privilege to work with him and he wishes him well in future

endeavors; Mr. Carruth always worked with the best intentions for the City and citizens.

Council Member Brundrett and Hattman thanked Kevin.

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:

- 16. Section 551.071 Consultations with Attorney seeking the advice of attorney about pending or contemplated litigation or a settlement offer; and on a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the chapter: (a) Concho Street Drainage Project.; (b) ACISD CNG Facility Agreement.**
- 17. Section 551.074 Personnel Matters – deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: City Secretary evaluation.**

At 7:54 p.m., Mayor Rios convened the Rockport City Council into an executive session pursuant to Government Code Sections 551.071 (Consultations with Attorney) seeking the advice of attorney about pending or contemplated litigation or a settlement offer; and on a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the chapter: (a) Concho Street Drainage Project; (b) ACISD CNG Facility Agreement; and Section 551.074 (Personnel Matters) deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: City Secretary 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 9:07 p.m., Mayor Rios reconvened the Rockport City Council into open session pursuant to the provisions of Chapter 551 of the Texas Government Code.

MOTION: Council Member Jackson moved to form a Litigation Committee consisting of Mayor, Mayor Pro-Tem and City Manager in regard to possible litigation with regards to Concho Street Drainage Project. Council Member Hattman seconded the motion. Motion carried unanimously.

18. Adjournment.

At 9:08 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