

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, January 25, 2022 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 25th day of January 2022, 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 – *Via ZOOM at 6:50 p.m.*

Council Member Katy Jackson, Ward 1

Council Member Brad Brundrett, Ward 3

Council Member Andrea Hattman, Ward 4

CITY COUNCIL MEMBER(S) ABSENT

PLANNING & ZONING COMMISSION MEMBERS PRESENT

Ric Young

Warren Hassinger

Kim Hesley

Tom Blazek

Ruth Davis

W. Kent Howard

STAFF MEMBERS PRESENT

Interim City Manager Richard Morton

Assistant to City Manager Kimberly Henry

City Secretary Teresa Valdez

City Attorney Dan Santee

Director of Finance Katie Griffin

Parks & Leisure Services Director Rick Martinez

ELECTED OFFICIALS PRESENT

Director of Public Works and Building & Development Services Mike Donoho
Chief of Police Greg Stevens
Information Technology Director Bob Argetsinger

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 6:33 p.m. on Tuesday, January 25, 2022, 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 Brundrett 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. Presentation: Texas Municipal Clerks Recertification – Teresa Valdez, City Secretary.

Mayor Rios presented City Secretary Teresa Valdez, with her fourth Texas Municipal Clerks Certification Program fourth recertification Certificate.

4. 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 he had talked to Brad and Katy and they told him they were not aware that voting yes authorizing the intent of three debts a few weeks ago would start the time on the citizens. At that meeting Brad and Andrea stated they were not comfortable moving forward because they had only received information on it that night. Council had a workshop and neither this Council nor the citizens know where we stand on debt, the found millions not used for over a decade. I am respectfully asking y'all do the responsible thing and pull back that intent to issue more debt until someone in this this city determines our financial status. You want to issue another certificate of obligation for millions of dollars of new debt and you want to refund the tax notes you issued a year ago. What is the cost of this to taxpayers? What a waste of taxpayer money. These tax notes are just a way to skirt the

citizens. Get you ducks in a row and come to the taxpayers with a bond at an election. Do it in May.

Kristie Rutledge, 1411 Dana Drive, addressed the Council and commented the Council should pull that whole Plan of Finance and Certificate of Obligation. Ms. Rutledge said she has been asking for debt fund balance and did a public information request on November 1, 2021, and she has received no information. Ms. Rutledge asked how much money Bob Henderson is making on all these refunding bonds.

Diane Probst, 605 Bent Tree, addressed the Council and commented she wanted to bring to the Council's attention an event that is over 17 years old; the Windshield Tour. Ms. Probst said the Tour will provide a thorough look at Aransas County. Ms. Probst thanked the City for all their help.

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.

- 5. Deliberate and act on approval of Regular Meeting Minutes of January 11, 2022.**
- 6. Deliberate and act on 1st quarter report from the Rockport-Fulton Chamber of Commerce for Fiscal Year 2021-2022 marketing expenditures.**
- 7. Deliberate and act on 1st quarter report from the Rockport Center for the Arts for Fiscal Year 2021-2022 marketing expenditures.**
- 8. Deliberate and act on request from the Fulton Oysterfest for temporary closure of sections of Traylor Boulevard and South Fulton Beach Road for the Oysterfest parade on March 5, 2022, and authorization to display banners across the 2400 block of Highway 35 Business and across the 1200 block of FM 3036 for the Oysterfest event.**
- 9. Deliberate and act to confirm Mayoral appointment to Building and Standards Commission.**

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

Council Member Hattman noted a correction to the Minutes and City Secretary Teresa Valdez said they had been corrected.

MOTION: Council Member Brundrett moved to approve the Consent Agenda Item, as presented. Council Member Jackson seconded the motion. Motion carried unanimously.

Public Hearings

- 10. 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, January 25, 2022, in the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas.

Mayor Rios opened the Joint Public Hearings at 6:46 p.m.

11. Conduct a Joint Public Hearing with the Planning & Zoning Commission to consider a request for a Conditional Use Permit for development of an RV park located at 1411 West Twelfth Street; also known as 12.832 acres being a 9.50 acres tract out of Tract H and the remaining 2.33 acres out of Tract 43, Block 251, Foor & Swickheimer Subdivision, City of Rockport, Aransas County, Texas; currently zoned R-1 (1st Single Family Dwelling District).

Mark Uhr, representing Jerry Beckwith, 1411 West Twelfth Street, addressed the Council. Mr. Uhr stated they had elected to try to get a Conditional Use Permit 8-10 month ago but there had been a Moratorium on the development of RV parks. Mr. Uhr said the Moratorium has expired and they are wanting to develop a RV park with 50-75 units and the site is unique because it has its own detention pond with an artesian well. Mr. Uhr informed the Council there are rentals to the south that have a RV Park going in so this would not disrupt the neighborhood.

Council Member Jackson said she had spoken with 11 property owners and her property abuts this property. Council Member Jackson expressed their concerns are 1) huge drainage problems; 2) no plan submitted for the number of units; 3) don't know how it will affect drainage; 4) Large RV park in middle of residential area will cause property values to drop; and 5) lots of vehicles traveling the street. Council Member Jackson asked why she was not made aware of this request; maybe she could have mitigated.

Mr. Uhr stated they will go before the Planning & Zoning Commission and hear objections. Mr. Uhr said the whole area has a drainage issue. Mr. Uhr expressed he would like to see the drainage plan and how the whole area drains.

Council Member Brundrett asked how many units there will be.

Mr. Uhr answered probably 50 units on 12 acres. Mr. Uhr stated they are not going to spend a lot of money on drainage if the City is not going to approve the request.

Council Member Hattman asked why this request was different from most requests.

Director of Public Works and Building & Development Services Mike Donoho stated this process is the same process used prior to the Moratorium because the proposed RV Ordinance has not been adopted yet. Mr. Donoho explained the process: First is the Joint Public Hearing, then it goes to the Planning & Zoning Commission, and they will make a recommendation to Council, and then Council considers the request.

Mr. Beckwith stated they had gotten permits approved for the run-off process when they dug the pond. Mr. Beckwith said the tank is about 4" low and it would have to rain two weeks before it fills up. Mr. Beckwith explained the part of the property they want to build on is higher than the

rest of the property. Mr. Beckwith expressed all of this has been approved by the Texas Commission on Environmental Quality.

Mr. Uhr stated this is a unique situation and they are trying not to create any water run-off onto other properties. Mr. Uhr said they are asking for the right to come and talk to the Planning & Zoning Commission.

Jeff Hutt, 2201 Prairie Road, addressed the Council. Mr. Hutt said he thought it was great to see free enterprise taking over but he hoped this would not be a zoning change because if the property is ever sold then it doesn't return to original zoning. Mr. Hutt stated in the new RV Ordinance with R-6 zoning then everything is built that way but a Conditional Use Permit is an appropriate way of reinstating RV parks into the City and not use the R-6 RV zoning.

Mr. Donoho said the City had received several property owner letters in opposition to this request:

- 1) 1409 Twelfth Street
- 2) 2205 Monkey Road
- 3) 1418 Sixteenth Street
- 4) 1403 West Twelfth Street
- 5) 1415 West Twelfth Street
- 6) 102 Myrtle Lane
- 7) 2223 Monkey Road.

Mayor Rios stated the Planning & Zoning Commission will consider this item at their meeting on Monday, January 31, 2022, at 5:30 p.m.

12. Conduct a Joint Public Hearing with the Planning & Zoning Commission to consider a request to rezone property located at 1315 South Church Street; also known as part of Outlot 14, Doughty & Mathis Out Lots, Doughty & Mathis Division, being 2.526 acres, City of Rockport, Aransas County, Texas, to R-6 (Hotel Motel District) to allow individual beach style houses; currently zoned R-6/R-2 (Hotel Motel District/2nd Single Family Dwelling District).

John Berlet, 1315 South Church Street, addressed the Council and stated he is the property owner, and he is requesting a zoning change; the property currently has two zoning designations R-6 and R-2. Mr. Berlet said the property fronts on Church Street and has two property owners on either side; one side is zoned commercial, and the other side is zoned residential. Mr. Berlet stated he is requesting R-6 zoning throughout the property because it allows for 45' height for buildings. Mr. Berlet expressed the development of the property is in the neighborhood of \$10 million and he is not aware of anyone in opposition to his request.

Lolly Overton, 1407 West Terrace Boulevard, had submitted a card to speak but chose to pass on addressing the Council.

Kristie Rutledge, 1411 Dana Drive, addressed the Council and commented this is an opportunity zone and opportunity zones receive federal subsidies. Ms. Rutledge asked if they are using federal subsidies to develop in a neighborhood that is not high density. Ms. Rutledge stated she thought everyone need to understand what an opportunity zone is. Ms. Rutledge asked if short-term rental

is a use for this property.

Mr. Berlet responded that no federal funds have been requested that he is aware of.

Council Member Brundrett asked Mr. Berlet how many separate buildings there will be.

Council Member Hattman asked if they will be short-term rental.

Mr. Berlet responded there will be 28 buildings, in a resort stand alone beach style home. Mr. Berlet stated short-term rental is the best use of this property.

Public Works and Building & Development Services Director Mike Donoho said the City had received an opposition letter from Mary Lou and Gary Del Eckerdt whose property borders this property on the North side. Mr. Donoho read the letter citing opposition to the request: 1) new construction is required to build up the site to 18' – how will this affect the current drainage in this area; 2) three story rental house would be taller than any other homes in this immediate area and impact the privacy and quiet living we currently enjoy; 3) increase the already heavy traffic on Church Street; and 4) add to the risk of future hurricane damage due to flying debris.

Mayor Rios stated the Planning & Zoning Commission will consider this item at their meeting on Monday, January 31, 2022, at 5:30 p.m.

Mayor Rios closed the Joint Public Hearings at 7:09 p.m.

13. Adjourn – Rockport Planning & Zoning Commission.

At 7:09 p.m., the Rockport Planning & Zoning Commission adjourned.

Regular Agenda

14. Hear and discuss presentation on Aransas County Partnership Economic Development Corporation 4th Quarter Report.

Kristie Rutledge, 1411 Dana Drive, addressed the Council and commented she saw this presentation given to County Commissioners and I understand we are going to be getting a quarterly update on the activities of the Aransas County Partnership Economic Development Corporation. Ms. Rutledge said she had requested information and did not get it from the EDC and was told we are not allowed to get it from them. Ms. Rutledge stated she would like for the Council to put on their next agenda that all information requests to the Aransas County Partnership Economic Development Corporation be required to be subject to public information and that all meeting be open to the public and that citizens have input at those meetings. Ms. Rutledge said if the Council chooses not to do that then put a different item on the agenda to pull all taxpayer funding from this private organization. Ms. Rutledge expressed this is a quasi-governmental agency that taxpayers are funding and it's going to change our lives.

Nancy Bolting, City appointed representative on the Aransas County Partnership Economic Development Corporation (EDC), introduced Michael Meek the Interim President of the EDC.

Mr. Meek gave a presentation (below) on the 4th quarter report from the Aransas County Partnership Economic Development Corporation.



**Quarterly Report - 4th Q 2021
(Oct.-Dec.)**



**Activity Report
October to December 2021**

From here going forward, we plan to bring you these quarterly reports at the beginning of each quarter reporting the previous quarter's activity.

This is to create an information flow of activity and progress.

Please contact the EDC with any questions at any time.



**BRE Survey
Business Retention & Expansion**

- Surveyed over 50 businesses via phone or personal visits
- Major findings include:
 - Workforce issues are top challenge
 - Drainage-flooding is #2
 - 48.5% plan to expand operations
 - 37.2% need more space to expand
 - Housing for employees is critical issue



**Aransas County Workforce
Development Center (WDC)**

- Announcement Oct. 7, 2021
- Grants reversionship stage
- Design team meeting with Del Mar College
- TRUE Grant needs temporary startup location



**Incentive Policy
Development**

*EIGHT INCENTIVE POLICIES DRAFTED FOR ARANSAS COUNTY, CITY OF ROCKPORT, AND TOWN OF FULTON

*RECOMMENDED BY LOCAL GOVERNMENT CORPORATION FOR ADOPTION

*ARANSAS COUNTY LEGAL STAFF HAS REVISED- REDRAFTED AND PRESENTED TO COMMISSIONERS COURT



Targeted Industries

- Aviation-related
- Corp-Regional Offices
- Info Tech
- Major Tourism-Entertainment Venues
- Marine-Related
- Medical
- Post-Secondary Education
- R&D
- Retail & Commercial Business Ctrs
- Workforce Housing



**Website
AransasCountyEDC.org**

To unveil revamped-updated EDC website
January 27 at Annual Meeting of the EDC.

Local Company - Persona Digital Marketing



WORKPLAN 2022-25

- *5 Priorities
 - Existing businesses
 - Workforce
 - Large investments in Rockport and Fulton downtowns
 - Marketing to targets
 - Building space
- *30 action strategies

Thank you for your support

Barbara Gurner
Marketing Coordinator
361-463-1606

Michael Meek
Meek & Associates, LLC
830-620-8019



Council Member Brundrett asked if the Council could received some feedback from the annual meeting. Council Member Brundrett asked about Ms. Rutledge's concern; this is not a government entity.

Mr. Meeks answered Council Member Brundrett and stated the items discussed at the annual meeting included Del Mar, the Council of Governments Broadband project and the unveiling of the new EDC website. Mr. Meeks stated the EDC has no powers and can only make recommendations and they have not authority; they are only promotion in consultation with the Aransas County Alliance Local Government Corporation (LGC). Mr. Meeks expressed the work plan is out there and there is nothing to hide.

Council Member Brundrett asked Ms. Bolting if there is something she can present to Council in order to be more transparent.

Ms. Bolting asked if the Council had any object to her using the format that was used to provide information to the Town of Fulton.

Mr. Meeks stated when the EDC goes before the LGC those are open meetings. Mr. Meeks said when he was in New Braunfels, he would provide a summary of meeting to the Mayor and then sent to the Council.

Council Member Brundrett stated he thought that may help with the concerns.

Council Member Jackson asked if anyone knew when the EDC policy documents would be brought to Council.

Interim City Manager Morton stated he had received them, and the goal is to have Council workshop or have a briefing on this. Mr. Morton said he will send out the documents in advance and will not ask Council to see them and then vote on them; you should have some time to see them and digest the information.

Council Member Jackson stated she did watch the presentation to the County Commissioners where Mr. Meek brought up money leaving instead of staying here. Council Member Jackson said she understands we want sales tax to stay here, but the first thing she heard was "big box stores" coming into my City. Council Member Jackson expressed that she knew there is a large percentage of citizens of Rockport that would like this town to stay a small coastal town with

coastal charm. Council Member Jackson said she could think of one large chain realtor that could come in here and we could make a lot of money, but it would completely kill an industry in Rockport; that being Tackle Town along with everybody else who sells fishing equipment. Council Member Jackson expressed that we need to be careful on what kind of competition we are bringing in for these people who have been doing business here for years.

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 said she nominated the City of Rockport as a Purple Heart City and she is working with the Department of Texas Military Order of Purple Heart Association President. Council Member Jackson stated there is no cost to use but we all support our veterans and are very proud of them and that will be coming in the near future.

Mayor Pro-Tem Villa said he is sorry he came in late, but he is at the San Patricio and Aransas County Agricultural and Homemakers Show with his daughter Lexi and this will be her last lamb show. Mayor Pro-Tem stated Aransas County did outstanding with poultry today and the show will continue through Saturday.

Council Member Brundrett said Ward 3 has a lot of drainage projects going on so watch out for things happening on roads. Council Member Brundrett thanked the Public Works Department for getting us moving on down the road.

Mayor Rios said he was happy to report that this afternoon we received approval from FEMA to move forward with the bid for City Hall from Teal Construction Company. Mayor Rios stated we will be trying to get that going as soon as possible.

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.**

At 7:31 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; and (b) ACISD CNG Facility Agreement.

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 8:36 p.m., Mayor Rios reconvened the Rockport City Council into open session pursuant to the provisions of Chapter 551 of the Texas Government Code.

13. Adjournment.

At 8:36 p.m., Council Member Hattman moved to adjourn. Motion was seconded by Council Member Jackson. Motion carried unanimously.



APPROVED:



Patrick R. Rios, Mayor

ATTEST:



Teresa Valdez, City Secretary