

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, February 9, 2021 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 9th day of February 2021, 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 Sasaki, Ward 1 – *joined the meeting at 6:43 p.m.*
Council Member Bob Cunningham, Ward 3
Council Member Andrea Hattman, Ward 4

CITY COUNCIL MEMBER(S) ABSENT

PLANNING & ZONING COMMISSION MEMBERS PRESENT

Kim Hesley
G. Maynard Green
Ruth Davis
Diana Severino-Saxon

STAFF MEMBERS PRESENT

City Manager Kevin Carruth
City Secretary Teresa Valdez
Director of Public Works & Building Services Mike Donoho
Community Planner Amanda Torres
Director of Finance Katie Griffin
Assistant to City Manager Kimberly Henry

ELECTED OFFICIALS PRESENT

Parks & Leisure Services Director Rick Martinez
Chief of Police Greg Stevens

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 6:32 p.m. on Tuesday, February 9, 2021, via video conferencing application ZOOM.

2. Pledge of Allegiance.

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

3. 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 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.

Mayor Rios said he had received one Citizen Participation Form request to speak under Citizens to be heard.

- 1) Andrew Kane, 2106 Lakeview Drive: Mr. Kane said Item #10 on the Consent Agenda addresses accepting two benches donated by the daughter and friends of Kay Duplichan. Mr. Kane stated he met Ms. Duplichan in 2017 right after Hurricane Harvey. Mr. Kane commented Ms. Duplichan was a great citizen and asset to the community.

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 January 26, 2021.

5. Deliberate and act on a Resolution approving cooperation with the cities served by AEP to review AEP Texas Inc.'s requested final reconciliation of advanced metering costs; hiring legal and consulting services to negotiate with the company and direct any necessary litigation and appeals; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to legal counsel.

6. Deliberate and act on a Resolution of the City of Rockport, Texas, authorizing the award of a professional engineering service provider contract or the 2021-2022 Texas Community Development Block Grant Fund through the Texas Department of

Agriculture.

- 7. Deliberate and act on 1st quarter Report from Friends of the Fulton Mansion State Historical Site for Fiscal Year 2020-2021 marketing expenditures.**
- 8. Deliberate and act on 1st quarter Report from the Texas Maritime Museum for Fiscal Year 2020-2021 marketing expenditures.**
- 9. Deliberate and act on 1st quarter Report from the Rockport-Fulton Chamber of Commerce for Fiscal Year 2020-2021 marketing expenditures.**
- 10. Deliberate and act on acceptance of two benches from Mrs. Donna Kouwe, daughter, and friends of Kay Duplichan.**
- 11. Deliberate and act on approval of Interlocal Contract between City of Rockport and Town of Fulton for Assistance in Law Enforcement.**

Mayor Rios stated there were two errors on the Agenda cover sheet of Item #9: In the “Fiscal Analysis” section it states the amount budgeted is \$370,000 and the correct amount is \$330,000 as stated in the “Background” information; and it states the year-to-date expenses are \$43,632.00 and that amount should be \$29,832.00.

Council Member Cunningham stated he appreciated the correction and complimented the Chamber for the expenses coming in under budget.

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, as presented. Council Member Hattman 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 6:39 p.m. on Tuesday, February 9, 2021, in the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, via video conferencing application ZOOM.

Mayor Rios opened the Public Hearing at 6:40 p.m.

- 13. Conduct a Joint Public Hearing with the Planning & Zoning Commission to consider a request to rezone property located at 345 SH 35 Bypass; also known as 28.071 acres of land out of Farm Lots 1, 2 And 3, Land Block 22, T.P. McCampbell Subdivision: a portion of the Northeast one-half of a 40.0 foot wide platted, unimproved roadway,**

adjacent to Farm Lots 1, 2, And 3, Land Block 21; and a portion of a 40.0 foot wide platted, unimproved roadway adjacent to Farm Lot 1, 2, And 3 Land Block 22, T.P. McCampbell Subdivision, City Of Rockport, Aransas County, Texas, according to the plat recorded in Volume 1, Pages 3 And 4, Plat Records Of Aransas County, Texas, and being out of a called 7.311 acre tract (Tract 3) and a called 56.463 acre tract (Tract 2), as described in a deed of record under Clerks File Number 368317, Official Public Records Of Aransas County, Texas, with said 28.071 acres of land, to B-1 (General Business District) to develop warehouse/office space; currently zoned R-6 (Hotel/Motel Dwelling District).

There were no public comments.

Mayor Rios stated the Planning and Zoning Commission will consider this item at their meeting on Monday, February 15, 2021, at 5:30 pm.

14. Adjourn – Rockport Planning & Zoning Commission.

At 6:43 p.m., the Rockport Planning & Zoning Commission adjourned.

Regular Agenda

15. Deliberate and act on second and final reading of an Ordinance amending the official zoning map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-1 (1st Single Family Dwelling District) to B-1 (General Business District) for retail and office space for property located at 309 West Market Street; also known as East 90 feet of Lots 9, 10, and 11, Block 153, Doughty and Mathis Division, City of Rockport, Aransas County, Texas; repealing all Ordinances in conflict therewith; providing for severability; and providing an effective date.

Mayor Rios said there had been no changes in format or content since Council approved the first reading of the Ordinance on January 26, 2021.

MOTION: Mayor Pro-Tem Villa moved to approve the second and final reading of an Ordinance amending the official zoning map as stipulated under Article 4.1 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land from R-1 (1st Single Family Dwelling District) to B-1 (General Business District) for retail and office space for property located at 309 West Market Street; also known as East 90 feet of Lots 9, 10, and 11, Block 153, Doughty and Mathis Division, City of Rockport, Aransas County, Texas; repealing all Ordinances in conflict therewith; providing for severability; and providing an effective date. Council Member Saski seconded the motion. Motion carried unanimously.

16. Deliberate and act on first reading of an Ordinance amending Chapter 58, Article II (Unclaimed Property) to add the collection of reasonable expenses in circumstances where the rightful owner of abandoned and unclaimed property valued \$500.00 or more claims the property before the lawful sale and disposition of such property; providing

for cumulative and conflicts and severability clauses; and providing an effective date.

City Manager Kevin Carruth said last fall the City received some property and went through the statutory process and could not find the owner of the property. Mr. Carruth stated the court gave the property to the City and then the owner claimed the property; the City gave the property back to the owner, but this did identify a weakness in our current Ordinance – there is no way to recover expenses (advertising, legal notices, handling fees, etc.) Mr. Carruth explained staff would like for taxpayers to be reimbursed for these costs and the proposed Ordinance allows for this. Mr. Carruth added the owner in the case he mentioned did indicate he would pay the costs.

Mayor Rios said he did see where this could be an issue and a weakness is our current ordinance had been uncovered.

Mayor Pro-Tem Villa asked what happens if the expenses are more than the property is worth. Mayor Pro-Tem asked if there was a statute of limitations on this.

Mr. Carruth answered once the City has gone through the statutory redemption period, it is the City's property. Mr. Carruth said the City does not have to give the property back to the owner if the owner does not want to pay for the expenses incurred.

Council Member Cunningham said the wording in the Ordinance states the Chief of Police shall collect. Council Member Cunningham asked if we want to use the word “may” collect.

Chief of Police Stevens stated his preference is the “may” discretion not be given. Chief Stevens said this cause equity issues and he recommended the “shall” be left as is in the Ordinance.

Council Member Hattman stated she agreed.

MOTION: Council Member Hattman moved to approve the first reading of an Ordinance amending Chapter 58, Article II (Unclaimed Property) to add the collection of reasonable expenses in circumstances where the rightful owner of abandoned and unclaimed property valued \$500.00 or more claims the property before the lawful sale and disposition of such property; providing for cumulative and conflicts and severability clauses; and providing an effective date. Mayor Pro-Tem Villa seconded the motion. Motion carried unanimously.

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

Council Member Cunningham said he received a notice from the Director of Public Affairs, late this afternoon, that Wal Mart Pharmacies in Texas will be receiving vaccines and the Rockport Wal Mart is on that list. Council Member Cunningham stated the City may want to add that link to the information on the City's website.

Mayor Pro-Tem Villa said he had also received this notice.

Mayor Rios said the City and County is starting to prepare for the administration of the second COVID shots which should be coming up in another week or two. Mayor Rios stated there has

been some chatter about the Rockport Service Center being closed to the public, but the City is still doing business on a day-to-day basis and he has not received any complaints. Mayor Rios added if someone has a complaint they should contact him.

Director of Public Works Mike Donoho said the Service Center is receiving items from developers through electronic means, telephone or making an appointment to drop things off. Mr. Donoho stated to his knowledge there have not been any complaints about developers not being able to conduct business. Mr. Donoho expressed the ladies at the Utility office on Laurel street are doing a great job. Mr. Donoho said he understood the offices being closed is an inconvenience, but a customer can call and schedule an appointment if necessary.

Mayor Rios said there has been an up-tick of the second round on injections that were to be given in Robstown this Thursday or Friday due to the inclement weather forecast. Mayor Rios expressed the County and City received good checkmarks from the Texas Department of Emergency Management and the Department of State Health Services for the event that had been held at the Paws and Taws Convention Center. Mayor Rios stated he hoped this will lead to more vaccines being sent to Aransas County; he cannot promise that, and he encourages everyone if you can get the vaccine elsewhere to do so.

Parks and Leisure Services Director Rick Martinez addressed the Council. Mr. Martinez said he met with the spokesperson for the Little League, Spencer Craig, and they had a good meeting. Mr. Martinez they are working on moving forward with opening the fields at Memorial Park if COVID protocols are adhered to. Mr. Martinez stated the Little League's interest is safety and that is at the top of the list. Mr. Martinez added he did not see any issues why the City cannot allow them to do their tryouts. Mr. Martinez said the concession stand will not be open.

Mr. Carruth said the City and the Little League have a common understanding and protocols regarding COVID.

Mayor Pro-Tem Villa commended Patricia Arnold and her staff and volunteers with Aransas County; they can only do so much, and they are doing a great job. Mayor Pro-Tem Villa expressed after the vaccination event in Fulton people contacted the regional office in Arlington and complained and this could have hurt us badly.

Mayor Rios said a planning meeting for the second shot event is coming up soon and Mr. Donoho and his team will provide logistical help, as well as the City Police Department. Mayor Rios added there is no cause for negativity; we are going to get it done – it is just going to take some time and this is the reality we have to deal with.

City Manager Kevin Carruth encouraged people to go to the YouTube video of the Aransas County Commissioners Court meeting of February 9, 2021, and watch the presentation given by Patricia Arnold and Rick McLester. Mr. Carruth said they gave a good recap of what has been done; most people do not see this and somehow this information does not make it to social media. Mr. Carruth added government entities do not get enough credit for the things they do.

Mayor Rios commented there are City staff that put in blood, sweat and tears working on the

COVID disaster and that does not go unrecognized by him.

18. 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; 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 did not address this Agenda item.

19. Adjournment.

At 7:07 p.m., Mayor Pro-Tem Villa moved to adjourn. Motion was seconded by Council Member Cunningham. Motion carried unanimously.



ATTEST:


Teresa Valdez, City Secretary

APPROVED:


Patrick R. Rios, Mayor