

CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING 6:30 p.m., Tuesday, March 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 March 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 Bob Cunningham, Ward 3
Council Member Andrea Hattman, Ward 4

CITY COUNCIL MEMBER(S) ABSENT

Council Member Michael Saski, Ward 1

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

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, March 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.

There were no citizen comments.

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 February 23, 2021.**
- 5. Deliberate and act on a Resolution of the City of Rockport, Texas, authorizing the Rockport Police Department to apply for and operate an Operation Stonegarden Grant Program (OPSG) administered by the Office of the Governor, Homeland Security grants division for Fiscal Year 2020; and authorizing the Mayor to act as the Executive Officer and authorized representative in all matters pertaining to the participation in this grant program.**
- 6. Deliberate and act on 1st quarter Report from University of Texas Marine Science Institute/Mission Aransas National Estuarine Research Reserve for Fiscal Year 2020-2021 Bay Education Center marketing expenditures.**
- 7. Deliberate and act on an Ordinance of the City Council of the City of Rockport, Texas, extending a Declaration of Local Disaster (Winter Storm Uri) for the period of March 9 – April 27, 2021; establishing rules and regulations for the duration of the Disaster; and establishing an effective date.**
- 8. Deliberate and act on request from Rockport Cultural Arts District for closure of Peter Street between Austin Street and Magnolia Street on Saturday, March 27, 2021 between the hours of 8:00 a.m. and 2:00 p.m. for a fundraising event for the Rockport Railroad Depot.**

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

Mayor Rios read the caption of the Ordinances in Item 7.

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

Regular Agenda

9. **Deliberate and act on first 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) for property located at 1802 FM 2165; also known as 7.253 acres of land out of a 10.345 acre tract, out of the J.W. Paup Survey, A-179, City of Rockport, Aransas County, Texas, and said 10.345 acre tract being described in a deed of record under Clerk's File Number 339130, Official Public Records of Aransas County, Texas; to R-2 (2nd Single Family Dwelling District) to develop an over 55-years-of-age gated community; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.**

Community Planner Amanda Torres said this request was considered by the Planning and Zoning Commission on March 1, 2021. Ms. Torres stated the owner and engineer are planning an over-55 gated community. Ms. Torres informed the Council there were some concerns discussed:

- 1) Traffic, but the access would be under the jurisdiction of the Texas Department of Transportation;
- 2) Infrastructure, and they have been meeting with staff; and
- 3) Illegal tree removal, the engineer stated they had received a City permit and only trees under 6" in diameter were removed.

Council Member Hattman asked Ms. Torres if the citizens living on Augusta Street, who had opposed the request to rezone, had their questions answered. Council Member Hattman asked how the water table would be addressed.

Ms. Torres answered that Louis Oliver, 479 Augusta Drive, had made comments and a discussion was held and they came to an agreement. Ms. Torres stated any development of this scale must meet City drainage requirements.

Council Member Cunningham said there was concern whether rezoning would impede on some of the properties abutting this property, but there is no set-back difference in R-1 or R-2 zoning. Council Member Cunningham stated another concern was that the area was wooded and the wildlife, but as long as the developer is following the tree ordinance, they can use it for R-1 and R-2 zoning.

Ms. Torres stated the main difference in R-1 and R-2 zoning is density.

MOTION: Council Member Hattman moved to approve the first 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) for property located at 1802 FM 2165; also known as 7.253 acres of land out of a 10.345 acre tract, out of the J.W. Paup Survey, A-179, City of Rockport, Aransas County, Texas, and said 10.345 acre tract being described in a deed of record under Clerk's File Number 339130, Official Public Records of Aransas County, Texas; to R-2 (2nd Single Family Dwelling District) to develop an over 55-years-of-age gated community; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Mayor Pro-Tem Villa seconded the motion. Motion carried unanimously.

10. Deliberate and act on first 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) for property located at 1802 FM 2165; also known as 1.343 acres of land out of a 10.345 acre tract, out of the J.W. Paup Survey, A-179, City of Rockport, Aransas County, Texas, and said 10.345 acre tract being described in a deed of record under Clerk's File Number 339130, Official Public Records of Aransas County, Texas, to B-1 (General Business District) to serve as a buffer between housing development, known as Pearl Street Square; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

Community Planner Amanda Torres stated the developer wants to create a commercial type zone which will be a buffer between FM 2165 and the residential area just approved by Council. Ms. Torres said a lengthy discussion was held at the Planning and Zoning Commission meeting and the Planning and Zoning Commission reached the conclusion that the preferable zoning would be R-7 (Residential and Office District). Ms. Torres added it is up to the Council to make the final decision, but the Planning and Zoning Commission is recommending approval of a rezone to R-7.

Applicant Donnie Garcia addressed the Council. Mr. Garcia said he did not understand why the Planning and Zoning Commission wanted to change to R-7 when you look at the map, most of all the areas around this property are zoned B-1. Mr. Garcia asked why he was singled out for the R-7 zoning which would mean he would lose the opportunity for retail space and that is a big deal to him.

Council Member Hattman stated she was concerned about traffic control and not knowing what was planned to be built. Council Member Hattman said R-7 zoning gives more structure. Council Member Hattman asked if the Council approved the R-7 zoning now, in the future could they come back and change it.

Mr. Garcia stated the property on both sides are not that big; concerns about a bar or auto/tire shop (was told a tire shop would be loud and he went to Craigs and it is not loud at all) – no one is going to put a bar there. Mr. Garcia said a concern about traffic was voiced – Pearl Street has turn lanes and is much safer than the street in front of Tackle Town.

Ms. Torres said the zoning can be changed in the future, they would have to go through the process again.

Council Member Cunningham stated the difference between B-1 and R-7 zoning is the height of buildings and R-7 zoning retains control for setbacks and such that you do not have in B-1 zoning. Council Member Cunningham said R-7 zoning included appropriate R-6 zoning uses and that includes retail shops with a Conditional Use Permit.

Ms. Torres said that was correct and R-7 zoning tightens up what types of land uses are involved.

Council Member Cunningham said R-6 zoning says retail shops, restaurants, clubs and lounges when not established within a hotel/motel building, by a Conditional Use Permit. Council Member Cunningham asked Mr. Garcia if that helped alleviate his concerns.

Mr. Garcia answered “yes, that’s fair enough.”

Mayor Pro-Tem Villa said he agreed with Council Member Hattman in respect to not knowing what was planned to be built; Council could approve B-1 zoning and then the property is sold. Mayor Pro-Tem Villa said he thinks the R-7 zoning should work for the applicant.

MOTION: Council Member Hattman moved to approve the first 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) for property located at 1802 FM 2165; also known as 1.343 acres of land out of a 10.345 acre tract, out of the J.W. Paup Survey, A-179, City of Rockport, Aransas County, Texas, and said 10.345 acre tract being described in a deed of record under Clerk’s File Number 339130, Official Public Records of Aransas County, Texas, to R-7 (Residential and Office District) to serve as a buffer between housing development, known as Pearl Street Square; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Mayor Pro-Tem Villa seconded the motion. Motion carried unanimously.

11. 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-6 (Hotel/Motel District) for 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, to B-1 (General Business District) to develop office space and retail space; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.

Mayor Rios stated there had been not changes in format or content since Council approved the first reading of the Ordinance on February 23, 2021.

Council Member Hattman stated she had filed a Conflict of Interest Affidavit and she would not be voting on this item.

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-6 (Hotel/Motel District) for 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, to B-1 (General Business District) to develop office space and retail space; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Council Member Cunningham seconded the motion. Motion carried unanimously.

12. Hear and deliberate on Texas Department of Agriculture Downtown Revitalization Program grant application.

City Manager Kevin Carruth stated this is a re-submission of an earlier grant application that was turned down due to a technicality. Mr. Carruth said the project would provide streetlight, pathways, and sidewalks along Magnolia Street and cross streets connecting Magnolia Street to Austin and Live Oak Streets. Mr. Carruth explained since the grant is so competitive it is imperative that the City maximize the points available through matching funds and the maximum points available for matching funds is 15 for a 15% match (\$52,500). Mr. Carruth said this expense would not begin until Fiscal Year 2021-2022 and probably would not end until Fiscal Year 2022-2023; Council must commit to the match now without knowledge of the revenues and expenses of the next two budget years.

Mayor Pro-Tem Villa asked Mr. Carruth where the \$52,500 would come from.

Mr. Carruth answered the General Fund.

Rockport Cultural Arts District Executive Director Jennifer Day addressed the Council. Ms. Day said Magnolia Street does not have sidewalks on either side and this would complete sidewalks in a pedestrian walkway. Ms. Day said this is an opportunity and has worked with several groups for months to make this happen.

Council Member Hattman asked if this walkway would connect to the Railroad Depot.

Ms. Day answered “absolutely, will be part of that connection.”

Mr. Carruth said the match can be cash or in-kind services.

Council Member Cunningham commented that it seems to him that as much attention and funding is being given to Downtown, we would defeat ourselves to have Magnolia Street detached.

Council Member Hattman asked about the timeline of the grant.

Ms. Day answered she did not have a timeline in front of her, but just like any other project, we want to get it done as soon as possible.

It was the consensus of Council that the City Manager place the approval of the application and resolution of support on the City Council Agenda for the second meeting in April.

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

Assistant to the City Manager Kimberly Henry stated there were over 1600 people contacted on Monday and Tuesday. Ms. Henry said 15 vaccinators, 15 registers and 15 people to screen, will be working on Wednesday.

Mayor Rios said today's vaccination event was handled by the Texas Department of Emergency Management and their Save Our Seniors program. Mayor Rios stated Wednesday's event will be handled by the Department of State Health Services.

City Manager Carruth stated the State called on Monday to let us know there would be vaccinations coming on Tuesday and Wednesday. Mr. Carruth said Patricia Arnold and Kimberly Henry did great work on rounding up volunteers and getting a phone bank of 21 phones set up at the Emergency Operations Center.

Mayor Rios reiterated that we only had a 24-hour notice, but we still pulled it off successfully. Mayor Rios said we made it through 3000 names on the list and a lot of people are not sitting and waiting, they are getting their shots where ever they can.

Mayor Pro-Tem Villa comments some people are waiting for the one-shot vaccine.

Mayor Pro-Tem Villa stated Governor Abbott is lifting mask mandates and restrictions on Wednesday.

City Manager Carruth said City employees and visitors to City buildings will still be required to wear masks and maintain social distancing. Mr. Carruth stated the Rockport Service Center Lobby will open on Monday with social distancing and require masks, but the Lobby at the offices on Laurel will remain closed because it is so small. Mr. Carruth asked the Council if they want to continue ZOOM meetings or if they want to resume in-person meetings.

Discussion was held among Council and Mr. Carruth.

It was the consensus of Council to resume in-person meetings but also continue the ZOOM meetings for a while.

14. 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.

Mayor Pro-Tem Villa said he and the Mayor have been attending the vaccination sites and things are going well. Mayor Pro-Tem Villa stated people are excited to receive the shot. Mayor Pro-Tem Villa expressed he was glad to see the National Guard at the site on Tuesday.

Council Member Hattman said she attended the Chamber Luncheon today and appreciated the report from the Aransas County Navigation District regarding the clean-up of dead fish in the Bays.

15. Adjournment.

At 7:25 p.m., Mayor Pr-Tem Villa moved to adjourn. Motion was seconded by Council Member Hattman. Motion carried unanimously.

APPROVED:



Patrick R. Rios, Mayor

ATTEST:





Teresa Valdez, City Secretary