CITY OF ROCKPORT

MINUTES

CITY COUNCIL SPECIAL MEETING
4:00 p.m., Tuesday, March 17, 2020
Rockport Service Center, 2751 State Highway 35 Bypass

On the 17th day of March 2020, the City Council of the City of Rockport, Aransas County, Texas, convened in Special Session at 4:00 p.m., at the Training Room of the Rockport Service Center, 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 Pat Rios
Mayor Pro-Tem J.D. Villa, Ward 2
Council Member Bob Cunningham, Ward 3
Council Member Barbara Gurtner, Ward 4

CITY COUNCIL MEMBER(S) ABSENT
Council Member Michael Sasaki, Ward 1

STAFF MEMBERS PRESENT
City Manager Kevin Carruth
Assistant City Secretary Ruby Beaver
Finance Director Katie Griffin
Public Works Director Mike Donoho
Information Technology Director Bob Argetsinger
Parks and Leisure Services Director Rick Martinez
Police Chief Greg Stevens
Assistant to the City Manager Kimberly Henry

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 4:00 p.m. on Tuesday, March 17, 2020, in the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas.

Point of Personal Privilege

Mayor Rios stated the Agenda does not have a “Citizens to be heard” section, however, there is a citizen who wants to address the Council about an item not listed on the Agenda.
Adelaide Marlatt, 456 Augusta, addressed the Council and requested Council include funding for Rockport Country Club Subdivision drainage repairs in the 2020-2021 budget. Ms. Marlatt stated the drainage system improvement and maintenance is the responsibility of the City as indicated in the 2011 agreements of Storm-Water Drainage Easement and Exhibit 2 titled Rockport Country Club Storm Water Drainage Easement and Operation Agreement.

At the three-minute timer, both City Manager Kevin Carruth and Mayor Rios stated this is not an item on the Agenda and no deliberation or action can be taken.

Ms. Marlatt distributed packets to the council members and City Manager as follows:

March 17, 2020
To: Mayor Pat Rios
    City Council Members
    v/City Manager Kevin Carruth
    Director Mike Donoho

Subject: Request to Add RCC Subdivision Drainage Improvements/Repair to List of Identified Capital Needs

This was to be presented at Citizens to be Heard at the March 17, 2020 Special Meeting. However, because of current political conditions, it is being distributed to all members. As a property owner of our home and other residential properties in the Rockport Country Club, we ask the Project To “Add Improvements and Repair/Replace existing 1983 drainage piping serving the Southside of the RCC Subdivision” be added to the “City of Rockport - Identified Capital Needs” list and that funding be provided to carry out the project in the next Budget Year.

This Drainage system improvement and Maintenance is the responsibility of the City of Rockport. This was accepted by the City in the 2011 agreements of Storm-Water Drainage Easement and Exhibit 2 titled RCC Storm Water Drainage Easement and Operation Agreement.

A copy of the drainage agreement is attached. See #5 of agreement. Also attached is a copy of a system map showing how this intricate system works. We are making this request because the system is 37 years and the effects of age, and the effects of uprooting of 1300 trees on the Golf Course where much of the pipe was laid, the piping is cracked, crimped and just broken open in such a way that the draining of stormwater to Tule Drainageway is slow and sometimes non-existent. As a result after 3 - 4" rains, County Club home owners often have 8 - 18" of a dark, murky mixture of back up, old efficient and fresh water standing in the streets for 4 - 5 days. Now we are feeling the effects of this condition happening with regularity, and people are rejecting purchases of properties in the areas that flood. Some of you are very familiar with the System and the flooding occurrences. Rockport Country Club subdivision (630 residences, 250-300 apt /condo units) plus the Tuscan Area and Lee Circle, are served by this system. This area represents an important amount of the City of Rockport Ad Valorem Tax dollars. We hope the Council will sense the priority of doing something to FIX THE SYSTEM before homes are flooded as they have been in the past.

Background:

The North side of the Subdivision was improved about 10 years ago. The champion of that project knew interest rates were high and money was only available for one area. People on the Southside of the subdivision were told this section of the system would be addressed in a few years. As flooding of the area became more prevalent, we began asking when that time would be, then we were told, “The City does not have the Money and so we stopped back.”

However in reading a report presented by Bob Henderson (the City’s financial advisor for the last 36 years) the City has the ability to currently apply for up to $3.5 million in Certificates of Obligation without an increase in the I & S tax rate currently being collected by the City. In fact, in 4 years that amount would increase to much more. You can review excerpts of his presentation in the approved minutes of the February 4, 2020 meeting et al reported as part of your February 25, 2020 meeting packet. Pages 12-14 are attached for a quick read.

Part of Bob Henderson’s presentation was the attached “City of Rockport – Identified Capital Needs” listing. The project of RCC Drainage is not a part of this list. Why not? Could it be no one cares?

Is there one of you who will Champion this project? When the North side was improved, it was not the Ward representative who championed the project or the City Manager. It was someone on the Council who understood numbers, and knew the long range effect on property values, that allowing important infrastructure to degrade and breakdown can have. (The Long Term Recovery Team told us this area was too affluent to come under their natural disaster recovery efforts they were handling.) So tell us what we need to do. . . . . Do we need a petition, do homes need to flood? Or can someone just say, this area represents a large part of the Ad Valorem tax base and a part of our dollars can be used to improve and repair the system that drains storm water from one of the largest residential areas within City Limits.

That sounds like something a Champion would say!

[This part of page left blank intentionally]
STORMWATER DRAINAGE EASEMENT

Date: John Scott, Attorney

Grantee: ROCKPORT COUNTRY CLUB MEMBERS ASSOCIATION

Grantee’s Mailing Address: P.O. Box 339, Rockport, TX 78382-0339 (Aransas County)

Grantee: CITY OF ROCKPORT

Grantee’s Mailing Address: 621 E. Market St., Rockport, TX 78382 (Aransas County)

Easement Property: Section 17, T25S R3W, SW1/4 (the "Facility"), for the collection and storage of stormwater runoff, to include but not limited to, the line and grades of said stormwater runoff systems and any other improvements thereto, as shown on the subdivision plat of the Rockport Country Club as recorded in Volume 94, Page 112 of the Real Property Records of Aransas County, Texas

Easement Purpose: To facilitate the development of the Rockport Country Club and the installation, operation, and maintenance of the facility

Duration of Easement: The duration of the Easement is perpetual.

Restrictions: The Grantor agrees not to use the easement for any purpose other than stormwater drainage unless expressly permitted in writing by the Grantee.

Acceptance by Grantee: The Grantee accepts the Easement as is and agrees to maintain and use it for the purposes stated above.

City of Rockport - Identified Capital Needs

Downtown Anchor Project: $4,000,000

FM 2165 Force Main (18") $500,000

Key Allegro Bridge $615,000

RCC Sub. Drainage Imp & Repair $100,000

Police Patrol Boat $305,000

Backup Communication Center $790,000

Memorial Park Parking Lot Overder $195,000

Memorial Park New Parking Lot $250,000

Total $3,929,000 $4,000,000

Fiber Ring $750
Special Agenda

2. Deliberate and act on funding for Pearl Street force main project.

City Manager Kevin Carruth explained there is an agreement with the developer for Pearl Point. Mr. Carruth stated the project is fast approaching completion and occupancy could be as early as April or shortly thereafter. Mr. Carruth stated the City anticipated a grant/loan last year from USDA
and after multiple attempts to obtain a response, the City finally was informed of approval last month. Mr. Carruth stated the original estimate was $777,000 with the breakdown for loan being $454,000 and for grant being $323,000. Mr. Carruth explained the stipulation is for the loan to be distributed first then the grant would follow after and the term of the loan is 40 years and is non-negotiable. Mr. Carruth stated the City’s Financial Advisor Bob Henderson advised the City could obtain a much better rate on their own instead of using USDA. Mr. Carruth informed Council the bid opening for the project was today and the lowest bid was $473,000. Mr. Carruth stated staff recommends declining the USDA offer.

Public Works Director Mike Donoho addressed the Council and stated the City waited two years to get a response from USDA and finally, after getting a response the City would only utilize up to $20,000 on grant funds. Mr. Donoho added because of waiting so long for the USDA response, the City needs to move forward with the project to keep the City’s obligation to have the force main line in the ground before end of the construction agreement. Mr. Donoho said staff recommends using the 2007 bond portion that was earmarked for sewer funds.

Mayor Rios stated USDA was supposed to have a representative present during the bid opening process today and no one was present. Mayor Rios said USDA has a higher interest rate than on the market.

Mr. Donoho explained per USDA guidelines because we had bid openings today, we are not in compliance for the loan/grant and would have to start the process over and this would take another four to six weeks. Mr. Donoho stated the City cannot wait for the process to start again, we need to move forward with the project.

Discussion was held among Council, Mr. Carruth and Mr. Donoho regarding the 2007 bond funds and the agreement.

**MOTION:** Council Member Gurtner moved to use the 2007 bond funds earmarked for sewer funds to complete the Pearl Street force main project. Mayor Pro-Tem Villa seconded the motion. Motion carried unanimously.

3. **Hear and deliberate on statue of COVID-19 and response efforts.**

City Manager Kevin Carruth addressed the Council and stated Johns Hopkins University reports 110 confirmed cases in Texas but none in the Corpus Christi-Rockport area. Mr. Carruth discussed the Our World in Data graphs (below) for The Symptoms of coronavirus disease, Coronavirus: early-stage case fatality rates by underlying health condition in China; Case fatality rates: COVID-19 vs US Seasonal Flu; and Coronavirus: the severity of diagnosed cases in China:
Discussion was held among Council and staff regarding COVID-19 and the severity of symptoms.

Mr. Carruth stated the City has a Disaster Declaration good for seven days at a time to be preemptive for FEMA reimbursement if necessary. Mr. Carruth said the City is not mandating businesses to close and this decision will be left up to the business owners at this time. Mr. Carruth informed Council the City is following state and federal guidelines and limiting City meetings to 10 people or less and trying to separate people with spacing. Mr. Carruth expressed the City is not pro-active in shutting down business but is postponing events. Mr. Carruth stated the City has cancelled the Parks & Leisure Services Advisory Board Meeting, has temporarily closed the Community Aquatic Park, and postponed the Little League Opener, and various other events as listed in the schedule shown below:

<table>
<thead>
<tr>
<th>Date</th>
<th>City</th>
<th>Community</th>
<th>Title</th>
<th>Location</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning</td>
<td>X</td>
<td>Community</td>
<td>Community Aquatic Park</td>
<td>Community Aquatic Park</td>
<td>Until further notice</td>
</tr>
<tr>
<td>03/23/20</td>
<td>X</td>
<td>Park</td>
<td>Parks Advisory Board Meeting</td>
<td>Laurel IOffice Bldg</td>
<td>4th Monday of each Month</td>
</tr>
<tr>
<td>03/28/20</td>
<td>X</td>
<td>Park</td>
<td>Little League Opener</td>
<td>Memorial Park</td>
<td>New Date TBD</td>
</tr>
<tr>
<td>04/04/20</td>
<td>X</td>
<td>Park</td>
<td>Easter in the Park</td>
<td>Memorial Park</td>
<td>Annual City Event</td>
</tr>
<tr>
<td>04/19/20</td>
<td>X</td>
<td>Park</td>
<td>Ruck Rally - Wounded Warrious</td>
<td>Memorial Park</td>
<td>New Date TBD</td>
</tr>
<tr>
<td>04/26/20</td>
<td>X</td>
<td>Park</td>
<td>Kiewit Employee Field Day</td>
<td>Memorial Park</td>
<td>New Date TBD</td>
</tr>
<tr>
<td>04/27/20</td>
<td>X</td>
<td>Park</td>
<td>Parks Advisory Board Meeting</td>
<td>Laurel IOffice Bldg</td>
<td>4th Monday of each Month</td>
</tr>
<tr>
<td>04/27/20</td>
<td>X</td>
<td>Park</td>
<td>Pool Advisory Board Meeting</td>
<td>Laurel IOffice Bldg</td>
<td>1/4ly meetings</td>
</tr>
<tr>
<td>05/03/20</td>
<td>X</td>
<td>Park</td>
<td>Rocport Employee's Family Picnic</td>
<td>Memorial Park</td>
<td>New Date TBD</td>
</tr>
</tbody>
</table>

Discussion was held among Council and staff regarding COVID-19 testing locations, requirements for testing, and results if a City resident is tested in another county.
City Manager Kevin Carruth explained positive results will be reported directly to the doctor, then the doctor is to call the patient and the county health department, and the county health department is to contact the Emergency Management Coordinator. Mr. Carruth stated a COVID-19 Pandemic memo (below) was sent to all City staff and, this was the effort of a supervisor group discussion and provides City guidelines at this time. Mr. Carruth declared we want to make decisions, as well as share information, that are based on facts, no fear.

MEMORANDUM

To: All City Employees
From: Kevin Carruth, City Manager
Date: March 17, 2020
Re: COVID-19 Pandemic

On Friday, March 13, President Trump and Governor Abbott declared states of emergency over the coronavirus (COVID-19) virus. The City of Rockport, Texas, College Station, and Aransas County followed suit. The important thing is that the local action was taken promptly to allow us to have access to state and federal resources, the first step of which is to declare a local state of disaster. In addition, over the last few days numerous schools have extended their spring break, major retailers have begun limiting business hours, business meetings have been postponed, and sports and entertainment programs have been cancelled.

As of this meeting, Johns Hopkins University reports 87 confirmed COVID-19 cases in Texas but none in the Corpus Christi-Rockport area. Nonetheless, you have probably observed public hoarding in local stores. Just as during the Hurricane responses and recoveries, I have not deployed city employees to once again be the heroes in the storm, leading our community through this difficult time.

The City of Rockport is continuously monitoring the situation and coordinating with our local, state, and federal partners. We want to make decisions, as well as share information, that are fact-based, not fear. This is a community-evolving, fluid environment that changes by the hour. Consequently, the policies and practices outlined below are effective immediately but subject to change at any time.

1. School Closures

If you must be away from work to care for your children due to a school closure, you:
- May accrue leave time (i.e., sick, vacation) as needed and may also accrue a negative balance up to 40 hours. This have also apply to dependent care (please contact Human Resources for more information).
- Should talk to your supervisor about working remotely, if that’s possible. This will require both Department Director and IP approval.
- Should talk to your supervisor about flexing your schedule.
- Should be mindful of your activity balance. Think long-term as we are uncertain how long the pandemic may last. Should you be on leave without pay, be aware that you may be responsible for making payments for your medical insurance, including the partial premium paid by the City. Contact Human Resources for more information.

2. Business Travel

Effective immediately and until further notice, all non-essential business travel (e.g., conferences, external training, large meetings, etc.) is prohibited. If there is a question whether or not upcoming travel is essential, please contact your Department Director.

3. Personal Travel

If you have traveled to an area of concern based on the CDC’s current travel restrictions and advisories, you are required to disclose this information to your supervisor or Human Resources.
- Supervisors shall not ask specifically where someone has traveled but are permitted to ask employees if they have traveled to the areas of concern based on the CDC’s current travel restrictions and advisories only.
- You are encouraged to make your personal travel decisions, for the sake of yourself, your family, your coworkers, and the community.

4. Sick Employees

Employees who have symptoms of acute respiratory illness (fevers) shall not come to work until they get fever-free (100.4°F and below) for 48 hours without the use of fever-reducing medications.
- Employees exhibiting signs of illness may be sent home by a supervisor. You will be required to use your personal accrued leave as necessary.
- Employees should consult their healthcare provider before seeking medical treatment. You are not required by the City to use a healthcare provider (except in FMLA situations – contact HR). You should consult a healthcare provider (except in FMLA situations – contact HR).
- Consider taking Tylenol options. Call (903) 852-2342.

5. Supervisors

- Employees that encourage any behavior when sick, cough and sneeze etiquette, and hand hygiene at the entrance to the workplace and in other common workplace areas.
- Instruct employees to clean hands often with hand sanitizer that contains at least 60% alcohol or wash hands with soap and water for at least 20 seconds.
- Do not require a healthcare provider’s note for employees who are sick with acute respiratory illness to isolate their illness or to return to work, as healthcare provider offices and medical facilities may be extremely busy and not able to provide such documentation in a timely way.
- Consider HR for further guidance.
- Track all expenses related to the causality of the COVID-19 pandemic. Use fund code 70, followed by your three-digit department code and then the five-digit line item expense code (e.g., the code to charge an expense for contract services to our department would be 70-5000240). Assign one person in your department to coordinate with the Finance Department on COVID-19-related purchases. Additional guidance will follow from the Finance Department by tomorrow. As we learn from Harvey, these steps are critical for the City to receive reimbursement from the federal government.
- If an employee is continued to be in COVID-19, follow employees will be informed of their possible exposure to COVID-19 in the workplace, but confidentiality shall be maintained as required by ADA and HIPAA.

6. Preventive Measures

Employees should enhance cleaning standards. Frequent touched surfaces in the workplace such as workstations, countertops, and doorframes should routinely be cleaned often, at midday and at the end of the day or at minimum.
- Continue utilizing good personal hygiene practices (e.g., washing your hands, covering your sneeze cough, refrain from handshaking, etc.).
- Consider Tylenol options if you are feeling ill. Call (903) 852-2342.

7. Municipal Court

- Municipal Court will operate with a limited court dockets as of March 18, 2020.

City of Rockport COVID-19 Pandemic Memo

City of Rockport COVID-19 Pandemic Memos  Page 2 of 3

City of Rockport, Texas
March 17, 2020 City Council Special Meeting Minutes  Page 7 of 8 Pages
4. **Adjournment**

At 4:48 p.m., Mayor Pro-Tem Villa moved to adjourn. Motion was seconded by Council Member Gurtner. Motion carried unanimously.

**APPROVED:**

Patrick R. Rios, Mayor

**ATTEST:**

Teresa Valdez, City Secretary