CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING
6:30 p.m., Tuesday, March 24, 2020
Rockport Service Center, 2751 State Highway 35 Bypass

On the 24th day of March 2020, the City Council of the City of Rockport, Aransas County, Texas, convened in Regular Session at 6:30 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          CITY COUNCIL MEMBER(S) ABSENT
Mayor Patrick R. Rios
Mayor Pro-Tem J.D. Villa, Ward 2
Council Member Michael Sasaki, Ward 1 – arrived at 6:45 p.m.
Council Member Bob Cunningham, Ward 3
Council Member Barbara Gurtner, Ward 4

STAFF MEMBERS PRESENT                ELECTED OFFICIALS PRESENT
City Manager Kevin Carruth
City Secretary Teresa Valdez
Police Chief Greg Stevens – arrived at 7:00 p.m.
Public Works Director Mike Donoho
Community Planner Amanda Torres

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 24, 2020, in the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas.

2. Pledge of Allegiance.

Council Member Gurtner led the Pledge of Allegiance to the U.S. flag.

3. Presentation: Texas Municipal League Institute Certified Municipal Official and Award of Excellence – Mayor Patrick R. Rios, and Award of Leadership – City of Rockport.
Mayor Rios explained the Texas Municipal League (TML) recognizes municipal elected officials participating in the Texas Municipal League Institute (TMLI) program who earned the appropriate number of continuing education units (CEUs) in the previous calendar year. Mayor Rios said TML presents the following awards:

- Certificate of Recognition – 42 CEUs
- Certificate of Achievement – 54 CEUs
- Certificate of Outstanding Accomplishment – 72 CEUs
- Certified Municipal Official – 72 CEUs including two hours of open government training (one hour of training on the Open Meetings Act and one hour on the Public Information Act).

Mayor Pro-Tem Villa stated there are approximately 14,000 elected and appointed officials in Texas; 42 earned the Certified Municipal designation in 2019 and of those 8 received the Award of Excellence. Mayor Pro-Tem Villa declared Mayor Rios received the Certified Municipal Official status and the Award of Excellence for achieving the Certified Municipal Official statue for five consecutive years.

Mayor Pro-Tem Villa presented Mayor Rios the certificate for Certified Municipal Official, and the Award of Excellence which he had received at the Texas Association of Mayors & City Council Elected Officials Conference in Frisco on March 4th.

Mayor Rios stated the City of Rockport received the TMLI Award of Leadership for recognizing the importance of continuing education to the enhancement of local governance.

Mayor Rios received applause from the audience.

4. **Citizens to be heard.**

   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 comment shall be provided in written format via email, post, or hand delivery to the City Secretary no later than 30 minutes prior to the start of the meeting. The Mayor will read the comments and they will be entered into the minutes of the meeting. 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. Verbal comments will not be received.

   There were no citizens comments submitted in written format.

**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 City Council Regular Meeting Minutes of March 10, and Special Meeting Minutes of March 17, 2020.**

6. **Deliberate and act on a Resolution of the City of Rockport, Texas, authorizing the**
Rockport Police Department to apply for and operate a Local Border Security Program (Border Star) administered by the Office of the Governor for Fiscal Year 2021; and authorizing the Mayor to act as the Executive Officer and authorized representative in all matters pertaining to the participation in this grant program.

7. Deliberate and act on 1st quarter report from the Rockport Cultural Arts District for Fiscal Year 2019-2020 marketing expenditures.

8. Deliberate and act on approval to award a contract to Mercer Construction to install a new 16" sanitary sewer force main along FM 2165/Pearl Street from Woodland Drive to the wastewater treatment plant.

9. Deliberate and act on approval to award a contract to Alcott, Inc., doing business as TCH Directional Drilling, to replace and relocate the existing water and natural gas utility lines located on the existing Key Allegro Bridge.

10. Deliberate and act on second & 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) for property located at 2202 FM 3036; also known as 16.951 acres of land out of the George K. Taggart, III, Trustee, 1108.97 acre tract in the J.W. Paup Survey A-179, City of Rockport, Aransas County, Texas, and being a portion of that property deeded by E.M. Spencer to George K. Taggart, III, Trustee, of record in Volume 248, Pages 363-426, Deed Records of Aransas County, Texas; to B-1 (General Business District) for commercial development; repealing all ordinances in conflict therewith; providing for severability, and providing for an effective date.

11. Deliberate and act on second & 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) for property located at 1385 State Highway 35 Bypass; also known as 5.87 acres out of the Paul McCombs Survey, City of Rockport, Aransas County, Texas; to I-1 (Light Industrial District) for continued use as a metal fabrication shop; repealing all ordinances in conflict therewith; providing for severability; and providing for an effective date.

12. Deliberate and act on second & 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) for property located at 1325 W. Market; also known as Lots 1-5 and 26-30, Block 3, West Terrace Unit 1; to B-1 (General Business District) for a retail location for the sale of recreational vehicles, manufactured homes, and cabins; repealing all ordinances in conflict therewith; providing for severability; and providing for an effective date.

Mayor Rios called for requests to remove any item from the Consent Agenda for separate discussion.
Mayor Rios read the captions of the Ordinances for second & final reading listed as Consent Agenda items 10, 11 and 12.

**MOTION:** Council Member Cunningham moved to remove Items 8 & 9 from the Consent Agenda for separate discussion. Council Member Gurtner seconded the motion. Motion carried unanimously.

**MOTION:** Mayor Pro-Tem Villa moved to approve the Consent Agenda, minus Items 8 & 9, as presented. Council Member Gurtner seconded the motion. Motion carried unanimously.

**Consent Agenda Item 8.**

Public Works Director Mike Donoho addressed the Council. Mr. Donoho stated the funding for this project was the topic of the Special Council Meeting last week. Mr. Donoho informed the Council bids were received and reviewed and Urban Engineering is recommending award of the contract to Mercer Construction Company in the amount of $473,705. Mr. Donoho stated this new force main line will provide service to the Pearl Pointe Project and will have additional capacity to support additional development in this area for several years. Mr. Donoho said all the easements, except the one from the church, have been recorded; the church has approved the easement and will be forwarding the signed document to the City. Mr. Donoho added once that easement is obtained the construction company will be able to pick a start date and he believes the project will be complete is 30-60 days.

Council Member Cunningham asked Mr. Donoho if the project would start early April and ending in May, will this involve boring under SH 35 Bypass, and what should the public anticipate regarding the construction along Pearl Street.

Mr. Donoho answered the goal is to start early April and ending in May, it will involve boring under FM 2165, and there will be slight traffic interruption during construction.

**MOTION:** Mayor Pro-Tem Villa moved to approve Consent Agenda Item 8. Council Member Cunningham seconded the motion. Motion carried unanimously.

**Consent Agenda Item 9.**

Public Works Director Mike Donoho addressed the Council. Mr. Donoho stated this is one of the projects staff has been diligently working on and it has taken us a long time to get to this point. Mr. Donoho said this is the first step, relocating the utilities currently hanging off the side of the bridge, in rebuilding the Key Allegro Bridge. Mr. Donoho explained they are going to bore down 38’- 40’ and under the canal and pull the utility cables through. Mr. Donoho added anything that the City can place underground is safer and not susceptible to being blown away. Mr. Donoho stated staff recommends Council approve the award of bid to Alcott, Inc., doing business as TCH Directional Drilling.

Council Member Cunningham asked if the City has all the right-of-way easements taken care of. Council Member Cunningham said the contract calls for starting 10 days after execution of the
contract and completion within 100 days, and where is TxDOT on this project. Council Member Cunningham asked if we are still anticipating 11-12 months from construction date for the completion.

Mr. Donoho answered the City has contracted with Halff & Associates on obtaining the easements and are hoping to have them all by April 15, 2020. Mr. Donoho stated staff is anticipating the 100-day completion. Mr. Donoho said there is a meeting scheduled for early next week and the engineer is working with TxDOT engineers on this project. Mr. Donoho added he believes TxDOT is being cautious about announcing a bid date. Mr. Donoho answered staff is still anticipating the 11-12 months completion date from beginning of construction.

Council Member Saski asked if the gas line size was going to be increased for future growth on the island. Council Member Saski inquired as to whether reducers would be placed on both ends so there would be no issue with pressure.

Mr. Donoho answered the gas line size was going to be increased and reducers were going to be utilized.

**MOTION:** Mayor Pro-Tem Villa moved to approve Consent Agenda Item 9. Council Member Gurner seconded the motion. Motion carried unanimously.

**Public Hearings**
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 comment/input shall be provided in written format via email, post, or hand delivery to the City Secretary no later than 30 minutes prior to the start of the meeting. The written public comment/input shall be provided to members of City Council prior to voting on measures and shall be placed into the record of each meeting. These written comments/input shall serve as the required public testimony pursuant to Texas Government Code 551.007 and shall constitute a public hearing for purposes of any public hearing requirement under law. Verbal comments will not be received.

**13. Conduct and deliberate a Public Hearing for the purpose of receiving testimony and comments on the proposed re-establishment of a curfew order application to children under the age of 17.**

At 7:04 p.m., Mayor Rios opened the Public Hearing.

There were no public comments received to be read in to the Minutes.

At 7:05 p.m., Mayor Rios closed the Public Hearing.

**Regular Agenda**

14. **Deliberate and act on second & final reading of an Ordinance amending the Rockport Code of Ordinances Chapter 66 (Entitled “Offenses and Miscellaneous Provisions”) Article II (Entitled “Minors Curfew”) by reenacting the minor curfew order; providing for repeal of Ordinances in conflict therewith; providing for severability; providing for
penalty; and providing for an effective date.

Police Chief Greg Stevens addressed the Council. Chief Stevens said at the last Council meeting a discussion was held about the “School session curfew hours”. Chief Stevens said he spoke with Aransas County Independent School District Superintendent, Police Chief Zapata and Judge McGinnis and all agreed to adjusting the daytime curfew hours to 8:30 a.m. – 4:00 p.m.; it would be impracticable to have different hours for each school.

Council Member Cunningham stated Judge McGinnis was present at the last meeting when this was presented to Council. Council Member Cunningham asked if everything had been cleared up and did Judge McGinnis agree with this.

Police Chief Stevens answered Judge McGinnis had agreed to the proposed hours for the “School session curfew hours.”

**MOTION:** Mayor Pro-Tem Villa moved to approve the first reading of an Ordinance amending the Rockport Code of Ordinances Chapter 66 Entitled “Offenses and Miscellaneous Provisions”) Article II (Entitled “Minors Curfew”) by reenacting the minor curfew order; providing for repeal of Ordinances in conflict therewith; providing for severability; providing for penalty; and providing for an effective date. Council Member Cunningham seconded the motion. Motion carried unanimously.

15. 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 1740 W. Corpus Christi Street; also known as 2.613 acres out of Tract Nos. 4 and 5, Peninsula Oaks Subdivision Unit No. 3, according to the Plat recorded in Volume 3, Page 34, Plat Records of Aransas County, City of Rockport, Aransas County, Texas; to B-1 (General Business District) for an investment and potential shop space; repealing all ordinances in conflict therewith; providing for severability; and providing for an effective date.

Mayor Rios read the following written comments from Cindy Mizener, Gary Mizener and Brenda Mizener, received no later than 30 minutes prior to the start of the Council meeting:
Community Planner Amanda Torres stated this item came before the Planning & Zoning Commission and City Council in January and was denied; suggestions were made to reduce the amount of property being request as zoned to B-1 General Business. Ms. Torres said the applicant has since reduced that to 2.613 acres of the originally requested parcel with the remaining portion to be platted in the future as half-acre single-family residential tracts. Ms. Torres stated this land use is compatible with the land use associated with this area as indicated in the Future Land Use Map. Ms. Torres informed the Council the Planning & Zoning Commission voted to recommend approval of the rezoning request.

Council Member Sasaki stated he took it that we don’t have any records from TxDOT or engineers on drainage issues.

Ms. Torres explained if the rezoning request is approved the next step is plan approval and driveways plans are submitted and approved by TxDOT; the City does not have control over that.

Council Member Cunningham asked if he was correct that the Mizeners were not within the 200’ radius of the property, but it they were within that 200’ radius and the Clarks opposed the rezoning request it would take a super majority vote of Council to go against the Planning & Zoning Commission’s recommendation to approve.

Ms. Torres double checked the properties within the 200’ radius of this property and she answered the Mizeners were not included in that 200’ radius.

Council Member Cunningham stated he listened to the audio tape of the Planning & Zoning Commission meeting and he thinks they felt constrained; the Comprehensive Plan leaves it up to the City Council to make decisions.

Discussion was held among Council and Ms. Torres regarding the concerns voiced about safety.

Council Member Cunningham stated he presumed access to this property would be from Corpus Christi Street and he did not know how the applicant would place the driveways.

Ms. Torres deferred the question to Mr. Farnsworth.
Mr. Farnsworth stated access will be off Corpus Christi street but there is already an entrance approved by TxDOT. Mr. Farnsworth expressed he cannot do anything about the safety concerns, that is a TxDOT issue.

Public Works Director Mike Donoho stated TxDOT looks at statistics and growth and development along major roads; this gives them numbers to look at and sometimes they will make changes. Mr. Donoho expressed the issues can all be resolves by TxDOT’s plan to build an overpass at the Corpus Christi Street intersection.

City Manager Kevin Carruth stated the highest and best use for land like this is commercial; and this area is on TxDOT’s scope for a future overpass. Mr. Carruth added when the applicant goes to TxDOT to get the driveway permit they are likely not to get it; they will have to prove it will not have a negative impact.

Discussion followed among Council and Mr. Carruth.

Mr. Carruth stated the emotion should be taken out of the decision. Mr. Carruth said the data supplied to the City was there has only been one fatality at that intersection 12 years ago.

Police Chief Stevens addressed the Council and said since June he was not aware of any accidents at that location. Police Chief Stevens stated the simplest solution is to work with TxDOT; possibly put yield signs or stop signs. Police Chief Stevens added he could pull the data for Council, but emotions get involved and everyone should look at the hard data instead.

Further discussion was held among Council and Ms. Torres.

Council Member Saski stated the caveat is “what TxDOT is going to do. Someone could get killed.”

Mayor Rios responded the City could do nothing and someone could get killed tomorrow. Mayor Rios said there has been one fatality in 2012 and people make bad decisions at that intersection and the Council cannot take that into their decision.

Mr. Carruth stated this neighborhood was developed before the Bypass was developed and commerce follows major transportation; portions are residential now and it will all be commercial because that is what happens when property abuts traffic flow. Mr. Carruth expressed a house built on this corner, that’s not quality.

**MOTION:** Mayor Pro-Tem Villa 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 1740 W. Corpus Christi Street; also known as 2.613 acres out of Tract Nos. 4 and 5, Peninsula Oaks Subdivision Unit No. 3, according to the Plat recorded in Volume 3, Page 34, Plat Records of Aransas County, City of Rockport, Aransas County, Texas; to B-1 (General Business District) for an investment and potential shop space; repealing all ordinances in conflict therewith; providing for severability; and providing for an effective date. Council Member Gurtner seconded the motion. Motion carried 3:2.
FOR MOTION: Mayor Pro-Tem Villa, Council Member Gurtner and Mayor Rios.
AGAINST MOTION: Council Member Saski and Council Member Cunningham.

16. Deliberate and act on option to postpone May 2, 2020, City of Rockport General Election to the November 3, 2020, uniform election date.

Mayor Pro-Tem Villa read the following written comment received via email from Keith Allen: “Hello Mrs. Valdez, Will you please enter my comments to the city council to be read in concerns to item 16 on Monday, March 24th Agenda? My comment is as follows: Due to the COVID 19 impact on our community and the health risk it carries, I feel that proper campaigning tactics have been rendered unachievable during this time. I ask that in all fairness to both Mr. Rios and myself Mr. Allen, that the May 2nd, 2020 election be moved to November 3rd as recommended by the Texas State Governor. Regards, Keith Allen.”

City Secretary Teresa Valdez addressed the Council. Ms. Valdez stated the Texas Secretary of State Elections issued an advisory on March 18, 2020, that Governor Greg Abbott had authorized all political subdivisions holding general or special elections on May 2, 2020, the option to postpone their election to the November 3, 2020, uniform election date. Ms. Valdez said the City of Rockport has a contract with the Aransas County Elections Administrator to conduct the May 2, 2020, General Election, and Aransas County Elections Administrator Michele Carew contacted her on March 18, 2020, and notified her the Aransas County Elections office would not be conducting the May 2, 2020, General Election. Ms. Valdez stated Ms. Carew requested the City respond to her email with their decision of action as soon as possible. Ms. Valdez informed the Council she contacted Ms. Carew on March 19, 2020, and asked about the possibility of the Elections office leasing the voting equipment to the City if the City Council chose not to postpone the May 2 General Election and Ms. Carew responded that her office would not lease the voting equipment to the City. Ms. Valdez stated she had contacted a voting equipment vendor regarding the leasing of voting equipment and the first estimated quote received was $19,438 and the second quote received was $13,000, which is the approximate estimate provided by the Aransas County Elections Administrator to conduct the City Election. Ms. Valdez declared the two estimates are for the voting equipment only; this not does include the cost for hiring election judges and clerks, election supplies, and mailing ballots; additionally, getting commitments for election judges and clerks may be a challenge due to the COVID-19 threat. Ms. Valdez added she has been tracking cities and most are postponing their May elections. Ms. Valdez expressed if Aransas County or the City of Rockport enacts a shelter-in-place order, we would have to move the election; otherwise we are putting the election as risk of an election contest due to voters not being able to exercise their right to vote. Ms. Valdez stated if Council chooses to postpone the scheduled May 2 General Election, the Aransas County Elections office will conduct the election and the current Contract would be modified.

MOTION: Council Member Cunningham moved to postpone the May 2, 2020, City of Rockport General Election to the November 3, 2020, uniform election date. Council Member Saski seconded the motion. Motion carried unanimously.


Mayor Rios stated this has been all hands on deck, hours and hours on a daily basis watching the progress of COVID-19 and constant communication with Aransas County, Town of Fulton and
the Rockport-Fulton Chamber of Commerce. Mayor Rios said there was a minor crisis yesterday with Port Aransas discussing the closing of the beach, RV Parks and hotels. Mayor Rios stated a conference call was held with Port Aransas, Ingleside on the Bay, Ingleside and the Town of Fulton, and during Port Aransas’ Emergency City Council Meeting yesterday Judge Canales said she would do something to supersede Port Aransas’ order, so no action was taken by Port Aransas. Mayor Rios expressed there are no confirmed cases in Rockport, and there are people stating they are self-quarantined, but he does not know if it is for COVID-19. Mayor Rios stated the last conversation he had with Aransas County Judge Mills they decided we are going to wait and see what happens; reality is we will probably not be able to do testing and that would have to be done in Corpus Christi. Mayor Rios expressed one of the potential issues is people coming here from the hot spots; we are trying to get the word out that there are no supplies here, we do not have a hospital and the one emergency room we have is already stretched to its limits – it is not a good idea to come here. Mayor Rios declared information distributed must contain “Facts – Not Fear.”

Discussion was held among Council.

City Manager Kevin Carruth informed the City’s speed trailer has been placed with a message.

Police Chief Greg Stevens said the message states: “Stay home, Don’t roam. Travel spreads COVID-19.”

Council Member Gurtner stated Greg Braden has a very Good presentation on the internet. Council Member Gurtner said his presentation is from the scientific side, and he provides information on things that help.

Mayor Rios stated if something develops he will update everyone by email.

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; 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 Member Cunningham said he is staying at home to be safe and protect against the COVID-19 pandemic.

Mayor Pro-Tem Villa stated the COVID-19 pandemic needs to go away; he has painted rooms and hung up blinds. Mayor Pro-Tem Villa said his daughter started school on-line yesterday and he gave kudos to Aransas County Independent School District for the great job done on getting students on-line so quickly.

Council Member Gurtner stated her back hurts from working in her yard since she is staying at
home to protect against the COVID-19 pandemic.

19. Adjournment.

At 8:13 p.m., Council Member Cunningham moved to adjourn. Motion was seconded by Council Member Sasaki. Motion carried unanimously.

APPROVED:

[Signature]
Patrick R. Rios, Mayor

ATTEST:

[Signature]
Teresa Valdez, City Secretary