

# CITY OF ROCKPORT

## MINUTES

### CITY COUNCIL REGULAR MEETING

6:30 p.m., Tuesday, April 12, 2022

Rockport Service Center, 2751 State Highway 35 Bypass

Members of the public could view the meeting via live stream. Public participation is valued and citizens wishing to express their views on any topic or agenda item could 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 could also provide written comments to the City Secretary by 4:00 p.m. on the day of the meeting. The comments were read and summarized in the minutes of the meeting.

On the 12<sup>th</sup> day of April 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 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 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  
Thomas Blazek

#### STAFF MEMBERS PRESENT

Interim City Manager Richard Morton  
Assistant to City Manager Kimberly Henry  
City Secretary Teresa Valdez  
City Attorney Allison Bastian-Rodriguez  
Director of Finance Katie Griffin  
Parks & Leisure Services Director Rick Martinez  
Director of Public Works and Building & Development Services Mike Donoho  
Assistant Public Works Director Gene Camargo  
Community Planner and Assistant Director of Building & Development Services Carey Dietrich  
Patrol Captain Nathan Garcia  
Police Lieutenant Racheal Marshman  
Investigative Assistant/Property & Evidence Technician Mandy Masch  
Information Technology Director Bob Argetsinger

#### ELECTED OFFICIALS PRESENT

## 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 6:30 p.m. on Tuesday, April 12, 2022, in the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas, and via video conferencing application ZOOM.

### **2. Posting of the Colors & Pledge of Allegiance – Rockport-Fulton High School NJROTC.**

The Rockport-Fulton High School Navy Junior Reserve Officer Training Corps posted the Colors and led the Pledge of Allegiance.

The following were in attendance:

Naval Instructors: Commander J.L. Sanchez & Chief Christian Salas  
Color Guard: C. Crisp, A. Crisp, C. Huffman, and C. Smith  
Cadet Leaders: CO - A Huffman, XO - K. Garcia, and CMC - C. McDowell  
Cadets: B. Pena, P. Shearer, N. Scholten, J. Alvarado, B. Miller, K. Lywiski, H. Lywiski, J. Arias, T. Wilson, G. Gruhn, K. Edwards, R. Dixon, K. Griffin, L. Johnson, C. Johnson, H. Courtney, I. Kutach, D. Ayala, G. Guerrero, R. Freeman and D. Watson

### **3. Proclamation: Rockport-Fulton High School NJROTC Ghost rider Team Week.**

Mayor Rios stated the NJROTC recently competed at the National Academic, Athletic and Drill Championships on April 1-2, 2022, for the first time since program history (2009) and they finished 19<sup>th</sup> overall out of 27 nationally ranked teams. Mayor Rios read the Proclamation proclaiming April 11-15, 2022, as Rockport-Fulton High School NJROTC Ghost rider Team Week in Rockport.

The NJROTC received a standing ovation.

Commander J.L. Sanchez thanked the Mayor for the Proclamation and stated they will be back next year.

### **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.

Bobby Smith, 814 Airport Boulevard, Austin, Texas, with Southwest Pipe Trades, addressed the Council and commented: The reason we are here tonight is because he was sure everyone has seen them standing on the corner at the construction site of the Rockport Center for the Arts. We are

not coming after the City and not trying to cause any problems, but we have talked to some of the workers, and we have found eight so far that claim they are not making the prevailing wage. This project received federal money and that means they have to pay the average wages for each trade. We have talked to the City and Grant Works and just wanted to introduce myself and let the Council know what they are doing and if they had any questions to please reach out to him.

Jeff, Hutt, 2201 Prairie Road, addressed the Council and commented: During the budget session if you remember what happened, you guys wanted to set a no new revenue rate and hold the budget in check. Who was your fans at that time? It was the citizens. Who tried to bully you into pushing for a higher budget? Senior staff, the Mayor, other Council Members. It was the people who stood up when you were told lies. It was us who came for you; came to your aid. I have a big fear; Mayoral candidate Tim Jayroe in his opening statement said that he is running to restore integrity, or he is running to restore this to the City Council meetings, and this came about when he was here during the budget meetings, and he saw the way Council was treated. The way the Council was treated was bad. Your Mayor and your City Manager purposely tried to manipulate you to get a budget that they wanted that you didn't want. Those are the two individuals that recruited Mr. Jayroe to come run. My fear is that his idea of returning integrity to City Council meetings is for the citizens of Rockport to sit down, shut-up and be quiet or be ball-gagged and put in a straight-jacket or be hauled off. I say this because during that time we had up to five police officers that were here during the magic budget when we found an extra \$200 in accounts when it should have been in one thing. So my fear is as we go forward that we don't return to the time when there was conflict. The individuals that have created that conflict are leaving. Be careful that when we bring somebody in that you guys have the strength and fortitude to remember who came to your aid during the budget time. We are not your enemies. A lot of times it feels like it is, but as a Council Member told me if we agree on everything than we are doing wrong. Thank you guys for your time. Good luck to the three guys who are going to be here after May and happy retirement to the guys leaving in May.

### **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 Workshop & Regular Meeting Minutes of March 22, 2022.**
- 6. Deliberate and act on 2<sup>nd</sup> quarter report from the Rockport-Fulton Chamber of Commerce for Fiscal Year 2021-2022 marketing expenditures.**
- 7. Deliberate and act to confirm Mayoral appointment to the Planning & Zoning Commission.**
- 8. Deliberate and act on a Resolution authorizing certain City employees to apply for regular exempt license plates for law enforcement vehicles; authorizing certain vehicles be exempt from inscription requirement; and providing for an effective date.**
- 9. Deliberate and act on approval of a license and services agreement with Tyler Technologies for SAAS Services associated with Incode Financial Software and authorizing the City Manager to negotiate and execute all necessary documents.**

- 10. Deliberate and act on approval of a Resolution of the City of Rockport, Texas, authorizing the selection of Urban Engineering as the Professional Service Provider(s) for the FEMA Hazardous Mitigation Assistance (HMA) grant and authorizing the Mayor to negotiate and execute all necessary documents.**
- 11. Deliberate and act on approval of a Resolution of the City of Rockport, Texas, appointing the Mayor as the Chief Executive Officer and authorized representative to act in all matters in connection with the FEMA Hazard Mitigation Grant (HMGP) project and committing the City to provide matching funds to secure and complete the FEMA Hazard Mitigation Grant.**
- 12. Deliberate and act on approval of a Memorandum of Agreement with Texas State University through its Meadows Center and Clean Coast Texas Collaborative program.**
- 13. Deliberate and act on approval of a Memorandum of Understanding with The Coastal Bend Collaborative for Coordinating Community Transportation.**

Mayor Rios stated he had received Citizen Participation Forms for citizens who wished to address Consent Agenda Item 7.

1) Andrew Kane, 2106 Lakeview Drive, requested Council Member Brundrett read his statement which contained comments regarding the current makeup of the Planning & Zoning Commission: current makeup of Planning & Zoning Commission is not balanced, nor does it reflect or represent the citizens as a whole; heard that no one wants to step up and volunteer – that is untrue; did a quick social media post and found about a half dozen citizens in a few hours that reside in Ward 1 and 2 that are eager to serve; advertise the need; lacking property owners that live where most of the zoning change requests are taking place, Wards 1 and 2; pull Item 7 from the Consent Agenda and let the Council Members in Ward 1 and 2 share citizens in their Wards who wish to serve and allow time for them to search for citizens; another two weeks is not too much time to allow a proper search and involvement of the Council as a whole over just an outgoing Mayor's pick.

2) Jeff Hutt, 2202 Prairie Road, addressed the Council and commented: Echo what Mr. Kane said that presently most P & Z decisions are being made about areas in Ward 1 and Ward 2. The makeup of the P & Z right now is all white, not a single person of color. I'm not one to really make a big deal about that but it is no reflection of our local government and if you look in the last several elections over the last years, the Mexicans in our community have come out and really, the numbers are big. So, what are we saying? We are saying we have large voter turnout, and we don't have those people reflected anywhere in our P & Z. Also, all the people on the P & Z, or most of them that I know, live in HOAs; they live in neighborhoods, they have lot lines, they have curbs. People who live out in Ward 1 and Ward 2, like myself, we are large acreage owners. I don't think anyone on P & Z right now owns close to the acres that I own. So, we are not represented. Please pull this item off the Consent Agenda and could you put it on the next agenda. I know you talk about how it is difficult to find people. I had to call up the City of Aransas Pass and I was put on hold and instead of music like the City of Rockport has, their City Council and City government had decided to put messages on the hold line explaining to you which boards were available and how to apply for them.

As a proud resident of Rockport, I don't like being outclassed by Aransas Pass. Advertise it and let's get some good representation.

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

Council Member Jackson asked to remove Consent Agenda Item 7 for separate discussion.

**MOTION:** Council Member Jackson moved to approve the Consent Agenda Items, minus Item 7, as presented. Council Member Brundrett seconded the motion. Motion carried unanimously.

### **Consent Agenda Item 7.**

Council Member Jackson stated she needed to echo what Mr. Kane and Mr. Hutt had said and she has seen this for the last year. Council Member Jackson said she did not realize there was a vacancy on the Planning & Zoning Commission so she could not poll her Ward and see if someone wanted to serve and submit an application. Council Member Jackson stated she did receive an application this weekend from Ms. Bemrose, which was submitted through the City's website. Council Member Jackson expressed that currently on P & Z there is nobody from Ward 1 and there is a whole lot of people making decisions for people that live south of Market and she would like to see this changed.

Mayor Rios stated as a point of information, the City runs advertisements in *The Rockport Pilot* for committee openings and also have applications on the website, and he has spoken to Council Members at times about committee openings. Mayor Rios explained we wait for people to apply, and no one actually applies, and we try to balance the representation from every Ward but it has been tough; you can see in Ward 1 and Ward 2 elections results – not the same amount of voter turnout as in Wards 3 and 4 – citizens from Ward 3 and Ward 4 volunteer more. Mayor Rios added this individual had applied several times. Mayor Rios explained we ask committee members to be open-minded, no pre-conceived notions about things and willing to listen, so every application that is received has to be treated on its own merit.

Council Member Brundrett asked if we could do more of a social media blast when there are vacancies.

Interim City Manager Richard Morton answered that could be done when there are mid-term vacancies and staff needs to communicate with Council when there are vacancies, and we need to advertise on Facebook and our website.

Mayor Rios explained that typically in May the Mayor would ask Council to bring forward volunteers willing to serve and in June there are people whose terms will be expiring. Mayor Rios added there has been difficulty convening P & Z due to lack of quorum and it is difficult to conduct business especially when the State legislature has established a timeframe for things to happen.

Council Member Brundrett stated he has asked for applications for citizens in Ward 3 to apply but the Mayor had asked him to stop looking to try and get representation from Wards 1 and 2.

Council Member Hattman stated she understood the importance of balance on the boards and

committees, and she saw no harm in waiting another two weeks to see if we get qualified applications.

Mayor Rios said the only issue he sees is that we have to have four P & Z members present out of seven, and if one of those four would be missing there would be no quorum; we have had to cancel meetings because of a lack of quorum.

Mayor Pro-Tem Villa stated he has served on the Council for 10 years and it has always been an issue with Ward 2 to get volunteers to serve on boards and committees. Mayor Pro-Tem Villa explained there have been people who have gone off and tried to come back onto the board or committee but had an attendance problem, so just because you volunteer to serve, you have to attend the meetings, or you can be removed for lack of attendance. Mayor Pro-Tem Villa wondered if Andrew Kane or Jeff Hutt understood this, he didn't see them putting in any applications.

Mr. Hutt said he had not heard about it until he got a phone call a day ago.

Mayor Pro-Tem Villa stated they could hold off to see if we receive more applications and then look and see who we think the correct person would be to serve. Mayor Pro-Tem Villa said times may have changed, but he knows the entire 10 years he has been on Council, Ward 1 and Ward 2 citizens did not submit applications to serve. Mayor Pro-Tem Villa expressed that maybe a 5:30 p.m. meeting is not a good time for people who work; you get off work, you have children at home – I understand.

**MOTION:** Council Member Jackson moved to postpone to the next Council meeting the Mayoral appointment to the Planning & Zoning Commission. Council Member Brundrett seconded the motion. Motion carried: 4-1.

FOR MOTION: Council Member Jackson, Council Member Brundrett, Mayor Pro-Tem Villa and Council Member Hattman.

AGAINST MOTION: Mayor Rios.

### **Public Hearing**

With a quorum of the members present, the meeting of the Rockport Planning & Zoning Commission was called to order at 7:00 p.m., on Tuesday, April 12, 2022, in the Training Room of the Rockport Service Center, 2751 State Highway 35 Bypass, Rockport, Texas.

Mayor Rios opened the Joint Public Hearing at 7:00 p.m.

- 14. Conduct a Joint Public Hearing with the Planning & Zoning Commission on a request for a Conditional Use Permit for addition of four recreational vehicle (RV) sites located at 2328 Chaparral Street; also known as Chaparral South, Lot 1, 1.01 acres, City of Rockport, Aransas County, Texas; currently zoned B-1 (General Business District).**

Jeff Hutt, 2201 Prairie Road, addressed the Council and commented that when he looked at this it seemed like there were only a couple of properties on Chaparral zoned B-1, maybe 3-4 properties, and why is that B-1 designation on an R-1 street.

Mike Donoho, Director of Building and Development Services stated when property is annexed it comes in with a R-1 zoning designation.

Carey Dietrich, Community Planner and Assistant Director of Building and Development Services said those properties would have requested that zoning.

Joey Jenkins, 2320 Chaparral Street, addressed the Council and stated he is the owner of the property which currently has three rental cabins. Mr. Jenkins explained he wants to expand by adding four RV spots. Mr. Jenkins invited the Council to come and see the property to see how it is kept; it is probably one of the best in Rockport.

Mayor Rios stated the Planning & Zoning Commission will consider this item at their meeting on Monday, April 18, 2022, at 5:30 p.m.

Mayor Rios closed the Joint Public Hearing at 7:07 p.m.

### **Regular Agenda**

#### **15. Hear a presentation from Water Quality Specialist from the San Patricio Municipal Water District.**

Assistant Public Works Director Gene Camargo addressed the Council and introduced Brian Williams, General Manager of San Patricio Municipal Water District, Jake Krumnow, Operations & Maintenance Manager with San Patricio Municipal Water District, and Brandon Bischoff, with Thornton, Musso and Bellemin, Inc. Water Treatment Consultants. Mr. Camargo stated the presentation tonight was to address the notice of violation that the City received from the Texas Commission on Environmental Quality regarding the City's drinking water and trihalomethanes. Mr. Camargo made the following comments: What we are measuring is total trihalomethanes. All water systems that use chlorine to disinfect the water are required by federal and state law to sample for trihalomethanes on a regular basis quarterly. Drinking water standards are called maximum contaminant levels (MCLs). Some MCLs are set to limit risks from chemicals in the drinking water. Some MCLs limit the daily amount consumed. Some limit the amount averaged over a long period of time such as trihalomethanes which are mandated to be sampled quarterly. The trihalomethanes maximum contaminant level is set at a level that balances the immediate risk of bacterial contamination should the water not be adequately disinfected. You have to have chlorine in the water to prevent water borne diseases and make sure sanitary health and safety are maintained. That MCL is also balanced with the long-term health risks that are potentially associated with long term exposures of trihalomethanes. EPA & TCEQ have set the maximum contaminate level for 80 parts per billion or .08 milligrams per liter as an annual average and four quarters make up an average. We exceeded in the third and fourth quarter of 2021, but we did not bust our average until the first quarter of January 2022. We have four sampling locations within our water distribution system for trihalomethanes. Those sites are: 1) Davis Loop, 2) South Tower (Fourth Street & Kossuth Street, 3) 903 Palmetto (Old Fulton Water Tower), and 4) Sportsman Manor site on Highway 35 North. The site where we exceeded the MCL was at the South Tower at Kossuth and Fourth Street. We received the notice in the first quarter of 2022; while receiving the notice of violation, the measurement we got for trihalomethanes was within the limit at .07. We exceeded the quarterly averaging by .002 milligrams per liter. Recently, we commissioned a test to measure the trihalomethanes at the Fourth Street site and had a value of .057 milligrams per

liter, way under the MCL. We expect that the next sampling done for the second quarter should put us back in compliance with our quarterly averaging. As you are aware we receive our water from San Patricio Municipal Water District, a fully treated water supply. Mr. Krumnow is going to tell you about some of the third quarter difficulties they were facing and what they have done to ensure that we meet our MCL levels with trihalomethanes.

Jake Krumnow, Operations and Maintenance Manager with San Patricio Municipal Water District addressed the Council. Mr. Krumnow explained the following: Trihalomethanes are formed when you introduce chlorine into the water with organics. They are called precursors and it just happens. To avoid them forming so rapidly we use chloramines as our disinfectant, which is a combination of ammonia and chlorine at a certain ratio, and you can feed that. It gives you a longer chlorine residual out of your system and it doesn't form trihalomethanes, or what we call the precursors that we fight; the biggest one is chromium compounds in our raw water. Nueces River is loaded with them, and we have to use chloramines. What happened to us in the third quarter is that it happened throughout the whole State. The whole State had a lot of rain, and all the reservoirs and rivers were flowing and the result of that was the loss of a lot of organics out of the fields and into the rivers, channels and lakes and things like that. So, when they came to the drinking water plants, we had these additional organics that we were not really anticipating. Although we were feeding chloramines during that time, chloramines will form potentially harmful metals (PHMs) over a given length of time; over time, in distribution, they continue to grow in ground storage and elevated tanks even though you have done everything you can. This was something that happened throughout the whole area. We provide water to almost everybody in San Patricio County, except for Sinton. We provide water to Rockport, Port Aransas, Ingleside, Gregory, and Portland. So, when the water that left our plant, although it wasn't above the MCLs, it was elevated to the point whereas time allowed in distribution and ground storage tanks, some of the MCLs were exceeded. Corpus Christi had the same problems. It wasn't just us; it was everybody treating water with chloramines or even chlorine. Since then, the water has come back to normal somewhat, and the trihalomethanes are coming down. We were at .057 milligrams per liter the other day. We are leaving the plant at about .030 and at Rockport's meter at about .030. The numbers are back down as a result of the change of water quality in the raw water. Through this whole procedure we have been working with TCEQ and different consultants. We have made several changes at the water treatment plant. It was not that we were doing anything wrong, but working with the consultants and TCEQ, we have changed some of the way we chlorinate the water, switched some things around, made some adjustments. We have seen changes throughout the last five, six, seven months and we are down to .028 now. It was a source water issue, and we worked our way through it; the public notices and having to do four quarter samples – you have to get a sample every month.

Mr. Camargo said the Water Department is looking at changing the residency time of water in that tower, so it has a quicker turnover. Mr. Camargo stated there were not any other sites that had an elevated amount past the MCLs, and staff is talking to engineers about aeration and turning that tower over quicker and things that we can do to make sure we are in compliance with our drinking water.

Director of Building & Development Services and Public Works Mike Donoho stated TCEQ does require public notification on any contaminant exceedance and our current levels are below the maximum exceedance level and our water continues to be safe for consumption and all other related activities. Mr. Donoho added that because of TCEQ requirements each individual that has an account with the City of Rockport will receive notice in their next bill; this notice that you get



is for this occurrence, not another occurrence. Mr. Donoho informed the Council it is going to be posted on the City's website and social media page and he is asking everyone to tell your neighbors, friends and co-workers that when they receive that notice it is not another occurrence.

Council Member Brundrett asked if there was any reason to test monthly?

Brandon Bischoff, with Thornton, Musso and Bellemin, Inc. Water Treatment Consultants, addressed Council and said that is going to be his recommendation to do additional monitoring just to make sure we don't have any areas of concern anymore.

Council Member Brundrett asked if it would be monitored at all four sites.

Mr. Camargo answered just at the Fourth Street Tower because that is where the exceedance in averaging was.

**16. Deliberate and act on the Certificate of Appropriateness Application submitted by Donnie Garcia of Magnolia Square LLC to develop a Food Truck Courtyard on the property located at 1001 East Concho Street, Rockport, Aransas County, Texas, otherwise known as Magnolia Street Square Food Court.**

Donnie Garcia, 419 Olympic Drive, addressed the Council. Mr. Garcia said this property is right across the street from the old HEB and the Carlisle's and Garcia's purchased this property in 2019 knowing the courthouse would be right across the street; didn't know the new city hall would be right across the street also. Mr. Garcia stated they were trying to figure out the best use for the property. Mr. Garcia added in 2018 they opened an event center because there was a need, and they feel this is sort of like that; there is a need. Mr. Garcia explained they want to start with six or seven local food trucks.

Bonnie Carlisle, 5105 Highway 35 North, addressed the Council. Ms. Carlisle said she also has 406 South Austin Street which is The Coastal Mercantile and has been in business for just over two years. Ms. Carlisle stated business has been successful and she sees a tremendous amount of traffic through the store, locals and tourists, but consistently what they hear is that we need family friendly opportunities for people to do things downtown and we need food. Ms. Carlisle expressed they would love to see an opportunity for people to stay downtown and have a place to feed their families; to have a driver that actually creates a reason for people to come downtown would be amazing. Ms. Carlisle said they think this could be a huge amenity and they are going to be very thoughtful on how they design this space; have looked at a number of places in Conroe, Dallas, and Austin.

Mayor Pro-Tem Villa stated he liked the concept and there is one he goes to close to Georgetown. Mayor Pro-Tem Villa said the owner turned a conex box into a bar and rotates the food vendors; he does close at 10 p.m. Mayor Pro-Tem Villa expressed the only thing he was concerned about was we would be shooting from the hip since we don't have an Ordinance for something like this. Mayor Pro-Tem Villa added he thought it will be great once it happens.

Mr. Garcia said the other good news is that there will be 100 workers working across the street for the next three years and when the Rockport Center for the Arts is finished there will be another place to go with the kids.

Ms. Carlisle expressed it has to absolutely be kid friendly, and she thinks this is a huge opportunity for the City and it's a natural spot to do it and increase overall commerce in downtown sector. Ms. Carlisle added they did not mind being the guinea pig for the City ordinance.

Mr. Garcia stated they will have bathrooms.

Council Member Brundrett stated he loved the idea and it will be nice for downtown; you can come off the beach and grab some food. Council Member Brundrett asked where staff is on developing the mobile food vendor ordinance.

Director of Building & Development Services & Public Works Mike Donoho answered there is a draft ordinance that staff has been working on for a year and one-half. Mr. Donoho explained there has to be fire protection, they have to have a food handlers permit through the County, has to have sanitary facilities, parking and that is basically what the ordinance entails. Mr. Donoho added this is a mobile food truck ordinance.

Council Member Jackson stated she loved the idea. Council Member Jackson asked much of a Heritage District Overlay variance are we taking in order to do this?

Community Planner Carey Dietrich answered the variances that were talked about are the 1) Build to Zone – which is to build to the property line – and they are not going to put a food truck right on the property line and the restrooms will be in the back; so that is what the City's building inspector was wondering about because there will not be a permanent structure on the Austin Street side so Ms. Dietrich does not think it applies; and 2) Sense of permanence – the restrooms will be the only structure built.

Council Member Jackson expressed the City has already done 5000 variances for spaces within the Overlay so it's just another variance request.

Ms. Dietrich stated that was the issue, staff is not really sure if the build to zone applies and if the sense of permanence applies, and the building inspector wants the Council to clarify because obviously food trucks are not permanent.

Council Member Jackson commented the restrooms, and the fence will be permanent, but does that make it permanent. Council Member Jackson said she could understand where that question comes from because to her it is just a great big lot with restrooms.

Ms. Dietrich stated staff supports the concept and thinks it would be an asset to downtown, but staff wants Council to decide if it requires a variance.

Council Member Brundrett asked if it will require a variance.

Ms. Dietrich answered that is the question staff is unsure about; it is a grey area.

Council Member Jackson stated she believes that a variance is not required at this point; we don't have a zoning code for mobile food courts.

Mayor Pro-Tem Villa said Rock Bottom had to request a variance for their fence.

Ms. Dietrich stated that required a variance because the fence exceeded 25% wood.

**MOTION:** Council Member Brundrett moved to approve the Certificate of Appropriateness submitted by Donnie Garcia of Magnolia Square LLC to develop a Food Truck Courtyard on the property located at 1001 East Concho Street, Rockport, Aransas County, Texas, otherwise known as Magnolia Street Square Food Court. Council Member Hattman seconded the motion. Motion carried unanimously.

**17. Deliberate and act on first reading of an Ordinance amending the Rockport Code of Ordinances, Chapter 66 Offenses and Miscellaneous Provisions, Article IV Sex Offender Residence and Loitering Restrictions and re-codifying same into Chapter 13; providing affirmative defenses to the Ordinance; providing for penalties and enforcement; providing for severability, repealer, and an effective date.**

Police Lieutenant Racheal Marshman and Investigative Assistant/Property & Evidence Technician Mandy Masch addressed the Council and called the Council attention to a two-year old map showing the locations of registered sex offenders within the City of Rockport. Ms. Masch stated the updated map will be posted in the lobby of the Police Department. Ms. Masch and Ms. Marshman reviewed the proposed amendment to Chapter 66, Article IV Sex Offender Residence and Loitering Restrictions.

Interim City Manager Richard Morton clarified that this does not forbid sex offenders from living within the City.

City Attorney Allison Bastian-Rodriguez stated the Ordinance provided in the Agenda Packet contained 1500' distance restrictions and that should say 1000'.

Mr. Morton stated the corrected Ordinance had been given to Council tonight.

Discussion was held among Council, Lieutenant Marshman and Ms. Masch.

**MOTION:** Mayor Pro-Tem Villa moved to approve the first reading of an Ordinance amending the Rockport Code of Ordinances, Chapter 66 Offenses and Miscellaneous Provisions, Article IV Sex Offender Residence and Loitering Restrictions and re-codifying same into Chapter 13; providing affirmative defenses to the Ordinance; providing for penalties and enforcement; providing for severability, repealer, and an effective date. Council Member Jackson seconded the motion. Motion carried unanimously.

**18. Deliberate and act on first reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 520 West Market Street; also known as Lot 8R, Block 73, Smith and Wood Division, City of Rockport, Aransas County, Texas, from R-1 (1<sup>st</sup> Single Family Dwelling District) to B-1 (General Business District); to develop an office and warehouse space; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.**

Travis Kelly, property owner, addressed the Council. Mr. Kelly stated he was present to answer any questions the Council may have.

Community Planner Carey Dietrich stated two letters of opposition were received and they stated the area was too small and did not want the trees cut down.

Brief discussion was held among Council, Mr. Kelly and Ms. Dietrich.

Council Member Hattman asked Mr. Kelly if he was planning on keeping the trees.

Mr. Kelly answered: "yes."

**MOTION:** Mayor Pro-Tem Villa moved to approve the first reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 520 West Market Street; also known as Lot 8R, Block 73, Smith and Wood Division, City of Rockport, Aransas County, Texas, from R-1 (1<sup>st</sup> Single Family Dwelling District) to B-1 (General Business District); to develop an office and warehouse space; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Council Member Jackson seconded the motion. Motion carried unanimously.

**19. Deliberate and act on first reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 1702 Eighteenth Street; also known as Lot 103, Block 250, Foor & Swickheimer Subdivision, City of Rockport, Aransas County, Texas, from R-1 (1<sup>st</sup> Single Family Dwelling District) to R-5 (2<sup>nd</sup> Multi Family Dwelling District); to allow the development of approximately six (6) long-term single-family home rentals; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date.**

Robby Varner, property owner, addressed the Council, and stated he intends to build rental places for his retirement. Mr. Varner said his personal home will be built on this property as well. Mr. Varner expressed he would like this to be a benefit to this area. Mr. Varner expressed this community has expressed there are too many RV parks and he wants to build something more permanent.

Council Member Brundrett asked staff if this could have been done through a conditional use permit so the future would not be left open, and 50 homes built there. Council Member Brundrett asked Council Member Jackson how she felt about this because it was in her Ward.

Community Planner Carey Dietrich answered Mr. Varner could have applied for a conditional use permit if that is what he would like to do.

Council Member Jackson stated this is on a 10-acre lot and there will be all kinds of space available, and there are large lots in this area; it is a beautiful area. Council Member Jackson said she supported this.

**MOTION:** Mayor Pro-Tem Villa moved to approve the first reading of an Ordinance amending Article 4 of the City of Rockport Zoning Ordinance Number 1027 by changing the zoning of land located at 1702 Eighteenth Street; also known as Lot 103, Block 250, Foor & Swickheimer

Subdivision, City of Rockport, Aransas County, Texas, from R-1 (1<sup>st</sup> Single Family Dwelling District) to R-5 (2<sup>nd</sup> Multi Family Dwelling District); to allow the development of approximately six (6) long-term single-family home rentals; repealing all ordinances in conflict therewith; providing for severability; and providing an effective date. Council Member Jackson seconded the motion. Motion carried unanimously.

*Council took a break from 8:01 p.m. until 8:10 p.m.*

**20. Deliberate and act on a funding request for temporary bathrooms for the Austin Street Corridor from May 26-July 25, 2022, and the one-time delivery fee, from Hotel Occupancy Tax funds.**

Interim City Manager Richard Morton stated the City received a request from the Rockport Cultural Arts District to help fund a portable toilet for the Arts District during the summer months. Mr. Motion explained the request is to fund a portion of the cost with City hotel occupancy tax funds; however, it does not appear to be a valid use of those funds. Mr. Morton added that last year, the City did participate by funding one month of the expenditure out of the City's General Fund. Mr. Morton said the request this year is to fund two months at a cost of \$5,217.50.

Mayor Rios expressed restrooms are needed downtown and asked where the funding could come from.

Director of Finance Katie Griffin answered there is money available in the City Manager's budget and also in the contingency line item in the City Council budget.

Rockport Cultural Arts District (RCAD) Executive Director Jennifer Day addressed the Council and stated the restrooms were placed downtown last year from July 6<sup>th</sup> through October 6<sup>th</sup>. Ms. Day stated the RCAD spent 100 hours by daily opening and closing the restrooms and they raised all the money from merchants to make it last. Ms. Day said they will attempt to raise funds to continue past two months.

Council Member Jackson said the City would only be paying for one-half of the costs and this is only a positive and she did not see a downside. Council Member Jackson expressed this would take a lot of burden off of the downtown merchants.

**MOTION:** Council Member Brundrett moved to fund temporary bathrooms for the Austin Street Corridor from May 26-July 25, 2022, and the one-time delivery fee, from the General Fund in the amount of \$5,217.50. Mayor Pro-Tem Villa seconded the motion. Motion carried unanimously.

**21. Deliberate and act on approval of purchasing a 2022 3634 PipeHunter Combo vector unit.**

Building & Development Services Director and Public Works Director Mike Donoho informed the Council the unit they are currently using is a rental unit. Mr. Donoho stated the City has a 2016 Vector combo unit with a tank failure and in anticipation of replacing the tank on the 2016 Vector unit, staff leased, for demonstration purposes, a 2022 3634 PipeHunter Combo unit. Mr. Donoho added the vendor will apply the rental amount of \$10,000 to the purchase price of the new unit and the funds for this purchase were approved in the 2022 Tax Notes.

Director of Finance Katie Griffin stated there were sufficient funds in the 2022 Tax Notes to cover this expenditure.

**MOTION:** Council Member Jackson moved to approve the purchase of a 2022 3634 PipeHunter Combo vactor unit. Council Member Hattman seconded the motion. Motion carried unanimously.

**22. Deliberate and act on approval of a Resolution of the City Council of the City of Rockport, Texas authorizing, establishing, and approving an Economic Development Policy; and authorizing the City Manager to process requests for economic development assistance in accordance therewith; and establishing an effective date.**

Mayor Rios said forms had been submitted to speak or have their comments read on this Agenda item:

- 1) John Jackson, 312 Olympic Drive – in support, addressed Council.
- 2) Bill Overton, 1407 West Terrace Boulevard – in support, addressed Council.
- 3) Lolly Overton, 1407 West Terrace Boulevard – in support, addressed Council.
- 4) Debra Stephens, 2005 Baywood Drive -in support, addressed the Council.
- 5) Jeff Hutt, 2202 Prairie Road-in opposition, addressed the Council.

*Point of Information: Mayor Rios stated he wanted to thank whoever posted on social media the video of him testifying at the Legislative Session. Mayor Rios said he has received numerous calls from citizens thanking him for testifying against the Texas Windstorm Insurance Association rate increase. Mayor Rios declared his testimony had nothing to do with economic development.*

- 6) John Berlet, 1307 South Live Oak -in support. Council Member Jackson read comments.
- 7) Victoria Johnson, 230 Sparks Colony Road-in opposition. Mayor Pro-Tern Villa read comments.
- 8) Patricia Stark, 1202 West Mesquite -in opposition. Mayor Pro-Tern Villa read comments.
- 9) Sherry Mangum, 118 Pecan Harbor Street -in opposition. Council Member Brundrett read comments.
- 10) Robert Mitchell, 1785 FM 1781 -in support. Council Member Hattman read comments.
- 11) Janae Evans, 30 Twelfth Street-in support. Council Member Jackson read comments.
- 12) Jatin Bhakta, 2950 Business Highway 35 North -in support. Mayor Pro-Tern Villa read comments.
- 13) Michael Meek. 359 Hunters Creek Drive, New Braunfels -in support. Council Member Brundrett read comments.
- 14) Jonathon Heffron, 210 Champions Drive -in support. Council Member Hattman read comments.
- 15) Jennifer Shaw, 442 Augusta Drive -in opposition. Council Member Jackson read comments.
- 16) Bradley Blanton, 529 Oliver Road-in support. Mayor Pro-Tern Villa read comments.
- 17) Marcella Wright, 418 Cherry Hills -in support. Council Member Brundrett read comments.

- 18) Kerri Mitchell, 1 785 FM 1781 -in support. Council Member Hattman read comments.
- 19) Blake McDavid, 913 Patton Street -in support. Council Member Jackson read comments.
- 20) Nancy Bolting, 201 Spanish Woods Drive -in support. Mayor Pro-Tern Villa read comments.
- 21) Brett Bolting, 201 Spanish Woods Drive -in support. Council Member Brundrett read comments.
- 22) Steve Davis, 2006 Johnson Avenue -in support. Council Member Hattman read comments.
- 23) Jordan Pilgrim, 425 Augusta Drive -in support. Council Member Jackson read comments.
- 24) Karen Mella, (did not provide address) -in support. Mayor Pro-Tern Villa read comments.
- 25) Samantha Dorman, 134 Saint Peter -in support. Council Member Brundrett read comments.
- 26) Andrew Kane, 2106 Lakeview Drive -in opposition. Council Member Brundrett read comments.
- 27) Jatin Patel, 1106 Gagon Street - in support. Council Member Hattman read comments.
- 28) Kristie Rutledge, 1411 Dana Drive - in opposition. Council Member Jackson read comments.
- 29) Matt Hesley, 2003 Tule Park Drive -in support. Mayor Pro-Tern Villa read comments.
- 30) Chad Lee, 115 North Sierra Woods - in support. Council Member Brundrett read comments.
- 31) Tammy Redden, 1014 Patton Street - in support. Council Member Hattman read comments.
- 32) Peggy Mayo, 22 Bahama Drive - in support. Council Member Jackson read comments.
- 33) Donna Tovvnsend, 439 Augusta Drive - in support. Mayor Pro-Tern Villa read comments.
- 34) Tim Jayroe, 122 Cherry Hills Drive, addressed Council.
- 35) Mark Uhr, 3001 Traylor Boulevard - in support. Council Member Brundrett read comments.
- 36) Shana Brader, 703 South Verne Street - in support. Council Member Hattman read comments.
- 37) Candace Sargent, 214 Portia Avenue - in opposition. Council Member Jackson read comments.
- 38) Irene Dubicka, 1108 South Austin Street - in opposition. Mayor Pro-Tern Villa read comments.

Comments in support of approving an Economic Development Policy included: the policies will help guide the improvement of the local economy and increase the tax base by attracting additional investment in private sector commercial tax base, which takes pressure off limited public funding resources as well as the disproportionate share of taxes currently being absorbed by the residential homeowner; Aransas County adopted similar policies to better balance and grow the tax base; will allow you to control future growth and development by partnering with the private sector to help front or totally fund needed infrastructure, like drainage, bulkheads, roads, utilities, broadband,

etc.; will lead to more diversification and improvement of the local economy, while providing additional benefits like workforce housing, better paying jobs and better schools; the policies do not allow for tax funds to be used and any incentives will merely lay out the rules and expectations if granted; we are competing with 94% of Texas communities who already have such policies in place, and so we are at a disadvantage, especially those municipalities with an economic development sales tax; in order to control and achieve quality growth, these tools will be helpful in setting a high bar for quality that is compatible with our local businesses and our local values; we need to manage the growth that is coming and these tools can be a blueprint to help guide that growth in the right direction; those who are opposed are against development in this town - they own big business and are afraid of people coming in; we need reasons for kids to say in this town; it is important for this area to grow; we need our children to stay here; I cannot stand by and let social media be unchallenged - this is not an ordinance or law as portrayed on social media - it does not give the City Manager the authority to close deals behind closed doors; nothing in this Resolution approves rubberstamping tax abatements; we can put our head in the sand or we can be competitive and bring in those businesses that we need here for good paying jobs; I run two small-but-successful businesses in Rockport and I am a strong proponent for adopting the Policy; growth without a plan is reckless and lacks foresight; we should seek sustainable investors into our community who express an interest in aligning with the vision for our City whose investment dollars will help to underwrite much needed repairs to our ailing public infrastructure needs; 94% of community in Texas have these policies - if these policies were so detrimental we would see a shift away from these policies and that has not happened; having a policy gives council members and city staff the control and pro-active positioning it will require to provide citizens with needed services like drainage and street repair and other public services - it will take the pressure off of the residential taxpayer to have to fund all needs; those that say that you are subsidizing business are incorrect; the proposed Economic Development Policy is an integral part of the Long Term Recovery Plan agreed to by all local government entities and is an important part of the community's ongoing recovery from Hurricane Harvey; the Economic Development Policy is designed to lower unemployment, create new jobs, strengthen local business; attract new businesses, and increase property and sales tax revenues; the ratio of property taxes paid in the City is 87% residential versus 13% non-residential - this compares very unfavorably to the statewide average of 40% residential versus 60% non-residential - every percentage point the City can increase business taxes means a lower residential taxpayer tax burden; I have three companies I have brought into Rockport since Hurricane Harvey and a fourth possibly right around the corner - I put my heart and money in what I see as the "Shiny New Pearl of the Texas Coast" - lets adopt a policy to bring other businesses (that we can choose is best for our City) that can share the burden, and bring jobs, and families to this beautiful town; entities don't plan to fail, they just fail to plan; no tax funds will be given asway as some have been led to believe but rules and expectations are bargaining tools to assist the City when approached by developers; most of the residents that have opposed the policy have had an opportunity to move away for better employment and higher wages and they now have returned financially stable and do not see the need to provide our up and coming employment force with that same opportunity right here at home; others have moved to our community with expectations for it to remain the same which by the very nature of that move has changed; it is important that we have additional industry besides tourism as our main economic driver - look what happened with COVID when we were basically shut down and did not have the tourist coming to our community supporting our businesses - this is a very good example of why supporting a diverse economy is essential to the vitality and sustainability of our future for generations to come; I am in favor so the demographic can be controlled and grow the town to be a top tourist town in Texas which will help local small business thrive and stop them from moving



to another town to support their family; I believe this action serves to enhance Rockport's capacity to attract and engender safe, responsible growth and will at the same time resist encroachment of potentially irresponsible or environmentally harmful enterprise; we do not need heavy industry and our citizens need to make sure that they elect council representatives that reflect that majority view -we need light industry to enhance our economy that is heavily dependent on tourism; we need to start somewhere, our growth is here and I would like it done right and not after the fact - you now have the tools; the City of Rockport has, for years, maintained an ad valorem tax rate significantly lower than that of the majority cities in our area - while the tax rate has stayed comparatively low overall the tax burden on residential property owners has traditionally been much higher than the State average and this has been the case due to the slow growth of business development and lack of success in attracting significant numbers of new businesses to our area; attracting new businesses to our City that benefit our people and compliment the businesses that serve us already will serve as a long-term asset and help lower the share of ad valorem taxes paid by home owners; without the benefit of the Pearl Point Chapter 380 agreement, it would have hindered our ability to secure favorable financing terms – the project helped increase the value of the land and the adjoining land - the improvements are taxed separately and over time will add exponentially to the tax base; and if there is no development the land value remains the same and no increase to the tax base.

Comments in opposition to approving an Economic Development Policy included: It is not your job to bring young people to Rockport; it is not your job to bring housing; it is your job to provide the roads, the drainage, the park - stay in your lane; we don't want the government picking and choosing who comes in; government cannot manage economies; if you look at this development package, it is tax incentives; the promise to taxpayers is that tax incentives is going to spread the burden of taxes amongst all of us - tax incentives will drive people out and raise tax rates and appraisals; no tax abatement; this should be a vote on the ballot not City Council; if you agree to these rip-off-the-taxpayer economic development deals you will be forced to give them to every business with even a little-bit-of muscle which darkens our doors - if you don't they will sue the City; there is no rush to adopt this weeks before the citizens cast their vote in the upcoming City election to pass something of such importance - let's not be guilty of pushing the final pieces of an outgoing administration's plan in at the last minute before the citizen's vote; why have the economic development policies been withheld from the public; you have a responsibility to protect the citizens who are already here before catering to new development; if Rockport real estate is in such great demand, as many in the Chamber claim, you should not be putting favored developers on life support because they shouldn't need special treatment - they should be treated tax-wise like the rest of us; we, the public are already overburdened by City and County property taxes and are getting outraged by your earlier putsch to impose high-density construction and traffic congestion on our beloved coastal town; it's time you start thinking about supporting quality of life for our residents and second-homeowners, instead of just overdeveloping short-term rentals for weekend tourists; and we certainly don't want the city manager to be in charge of deciding who should win special treatment and who should be left out.

Council Member Brundrett said when the County adopted the Economic Development Policy, they had a 30-day waiting period for approving a tax abatement. Council Member Brundrett asked if that could be added to the City's Economic Development Policy.

Interim City Manager Richard Morton answered that can certainly be added to the Policy. Mr. Morton added this is a Policy the State allows communities to offer and technically you do not

need a policy because State law specifically allows cities to offer economic incentives. Mr. Morton explained this policy identifies four different incentives: 1) Chapter 312 Tax Abatement Agreements; 2) Chapter 380 Tax Rebate Agreements; 3) Chapter 372 Public Improvement Districts; and 4) Chapter 311 Tax Increment Financing.

**MOTION:** Mayor Pro-Tern Villa moved to approve the Resolution of the City Council of the City of Rockport, Texas authorizing, establishing, and approving an Economic Development Policy with the addition of the 30-day waiting period mirroring the verbiage contained in the Aransas County Economic Development Policy; and authorizing the City Manager to process requests for economic development assistance in accordance therewith; and establishing an effective date. Council Member Hattman seconded the motion. Motion carried unanimously.

***Point of Privilege:*** Mayor Rios stated he inadvertently missed a request from Diane Probst to speak during the Citizen to be heard portion of the Agenda, so he was going to ask her to do that now.

Diane Probst, 319 Broadway Street, addressed the Council. Ms. Probst stated she wanted to inform everyone of the Find Yourself on the Rockport-Fulton Foodie Trail. Ms. Probst explained you sign up for the Foodie Trail pass which includes over 30-plus local eateries featuring seafood, discounts and more. Ms. Probst added you unlock prizes by eating and checking in at restaurants April 1-30 and you can get more information by visiting [www.rockport-fulton.org](http://www.rockport-fulton.org) and clicking on Restaurant Weeks-Taste of Rockport-Fulton.

### 23. 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 stated the Second Saturday in the Heritage District went off very well: Council Member Jackson expressed she was proud of the NJROTC; very impressive.

Mayor Pro-Tern Villa said the Easter egg hunt at the park this past weekend was well attended. Mayor Pro-Tern Villa stated he was also proud of the NJROTC, and they rock; they are a good group of children, and they are real ambassadors for the City.

Council Member Brundrett extended congratulations to the NJROTC stating they make the City of Rockport look good. Council Member Brundrett said there are quite a few drainage projects going on in Ward 3. Council Member Brundrett stated he is working with Police Chief Stevens on having a neighborhood conversation about the recent crimes.

Council Member Hattman reminded everyone Lemonade Day is May 7, 2022. Council Member Hattman stated the Business Expo for small businesses is April 28, 2022, and encouraged everyone to come and support them.

Mayor Rios stated last Thursday he and his wife Patty attended a movie and dinner at the Children's Coalition of Aransas County which is an extremely needed component in the County. Mayor Rios wished everyone Happy Easter.

24. Adjournment.

At 9:18 p.m., Mayor Pro-Tern Villa moved to adjourn. Motion was seconded by Council Member Brundrett. Motion carried unanimously.



APPROVED:

  
Patrick R. Rios, Mayor

ATTEST:

  
Teresa Valdez, City Secretary