CITY OF ROCKPORT

MINUTES

CITY COUNCIL REGULAR MEETING
6:30 p.m., Tuesday, May 12, 2020
Via Video Conferencing Application ZOOM

A temporary suspension of the Open Meetings Act to allow telephone or video conference public meetings was granted by Governor Greg Abbott. These actions were being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code.

Due to the COVID-19 pandemic, the attorney general has said: “statutes that may be interpreted to require face-to-face interaction between members of the public and public officials are suspended; provided, however, that the governmental bodies must offer alternative methods of communicating with their public officials.” Public participation is valued and citizens wishing to express their views on any topic or Agenda item can either electronically submit a Citizen Participation Form or provide written comments to the City Secretary by 4:00 p.m. on the day of the meeting. The Mayor will read the comments and they will be entered in the minutes of the meeting.

On the 12th day of May 2020, the City Council of the City of Rockport, Aransas County, Texas, convened in Regular Session at 6:30 p.m., via video conferencing application ZOOM and notice of meeting giving time, place, date and subject was posted as described in V.T.C.A., Government Code § 551.041.

CITY COUNCIL MEMBERS PRESENT
Mayor Patrick R. Rios
Mayor Pro-Tem J.D. Villa, Ward 2
Council Member Bob Cunningham, Ward 3
Council Member Barbara Gurtner, Ward 4

CITY COUNCIL MEMBER(S) ABSENT
Council Member Michael Sasaki, Ward 1 - was unable to log in to ZOOM meeting but did attend Executive Session via teleconference.

STAFF MEMBERS PRESENT
Assistant to City Manager Kimberly Henry
City Secretary Teresa Valdez
Public Works Director Mike Donoho
Finance Director Katie Griffin

ELECTED OFFICIALS PRESENT

Opening Agenda

1. Call to Order.

With a quorum of the Council Members present, the Regular Meeting of the Rockport City Council was called to order by Mayor Rios at 6:30 p.m. on Tuesday, May 12, 2020, via video conferencing application ZOOM.

2. Pledge of Allegiance.

Council Member Cunningham led the Pledge of Allegiance to the U.S. flag.
3. **Citizens to be heard.**
At this time, written comments received by 4:00 p.m. on the day of the meeting, on any subject matter that is not on the Agenda, will be read by the Mayor and entered in 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.

There were no citizens comments submitted.

**Consent Agenda**
All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

4. **Deliberate and act on approval of Regular Meeting Minutes of April 28, 2020.**

5. **Deliberate and act on 2nd quarter report from the Rockport Cultural Arts District for Fiscal Year 2019-2020 marketing expenditures.**

6. **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 granting a Conditional Use Permit allowing the continuation of a recreational vehicle (RV) and manufactured home (MH) park on properties located 1233 and 1301 Jim’s Smokehouse Road; also known as Lot 13-D, Block 247, Foor & Swickheimer Tracts, Charles Zenn Survey, A-226, and 22.60 acres being out of Tracts 12 & 13 out of Landblock 247 of the Foor and Swickheimer Subdivision, Volume 1, Page 28, Plat Records of Aransas County, City of Rockport, Aransas County, Texas; currently zoned R-I (1st Single Family Dwelling District); repealing all ordinances in conflict therewith; providing for severability; and providing for an effective date.**

7. **Deliberate and act on a Resolution of the City of Rockport, Texas, authorizing the Rockport Police Department to apply for and operate a Coronavirus Emergency Supplemental Funding Grant Program (CESF) administered by the Office of the Governor, Public Safety Office Criminal Justice grants division; and authorizing the Mayor to act as the Executive Officer and authorized representative in all matters pertaining to the participation in this grant program.**

8. **Deliberate and act on a request from Aransas County Independent School District for temporary closure of sections of South Ann Street, East Market Street, Austin Street, Concho Street, and Live Oak Street for the Class of 2020 vehicle parade on May 15, 2020, at 6:00 P.M.**

9. **Deliberate and act on a resolution approving an agreement with the Key Allegro Canal and Property Owners Association authorizing improvements to certain city sanitary sewer lift station locations and authorizing the City Manager to negotiate and execute all necessary documents.**

10. **Deliberate and act on a Resolution of the City Council of Rockport, Texas, repealing and replacing Resolution No. 2020-14 conditionally accepting sanitary sewer facility improvements and accepting a public utility easement related to a wastewater service**
and connection agreement with Rockport Coral Reef LLC.

Mayor Rios read the caption of the Ordinance listed as Consent Agenda Item 6.

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

**MOTION:** Mayor Pro-Tem Villa moved to approve the Consent Agenda, as presented. Council Member Gurtner seconded the motion.

Mayor Rios took a roll call vote. Motion carried unanimously.

**Public Hearing**

**11. Conduct a Public Hearing on the extension of a moratorium on the submission, acceptance, processing, and approval necessary for the creation of development plans, construction or facilities related to recreational vehicle (RV) parks for land within the City of Rockport.**

At 6:36 p.m., Mayor Rios opened the Public Hearing.

There were no public comments.

At 6:38 p.m., Mayor Rios closed the Public Hearing.

**Regular Agenda**

**12. Deliberate and act on first reading of an Ordinance extending a moratorium, for 120 days, on the submission, acceptance, processing, and approval necessary for the creation of development plats, construction or facilities related to recreational vehicle (RV) parks for land within the City of Rockport; providing a savings clause; providing a severability clause; finding and determining that the meeting at which the Ordinance was passed was open to the public as required by law; and providing an effective date.**

Mayor Rios stated this Ordinance is an extension of the current moratorium. Mayor Rios said that due to the COVID-19 disaster, things have slowed down and he is looking forward to reviewing the Comprehensive Plan update.

**MOTION:** Council Member Gurtner moved to approve the first reading of an Ordinance extending a moratorium, for 120 days, on the submission, acceptance, processing, and approval necessary for the creation of development plats, construction or facilities related to recreational vehicle (RV) parks for land within the City of Rockport; providing a savings clause; providing a severability clause; finding and determining that the meeting at which the Ordinance was passed was open to the public as required by law; and providing an effective date. Mayor Pro-Tem Villa seconded the motion.

Council Member Cunningham commented he is frustrated with the postponement of the review of the Update to the Comprehensive Plan, but he understands this is the better option.
Mayor Rios took a roll call vote. Motion carried unanimously.

13. **Deliberate and act on an Ordinance of the City Council of the City of Rockport, Texas, extending a Declaration of Local Disaster for the period of May 12 – May 26, 2020; establishing rules and regulations for the duration of the disaster; restricting certain activities; and establishing penalties for violations.**

Mayor Rios stated this Ordinance is an extension of the Disaster Declaration for the period of May 12-May 26, 2020. Mayor Rios said this is the fourth extension, to ensure the City stays in compliance and is eligible to receive FEMA monies for disaster related expenses.

Council Member Cunningham said he had sent some questions to the City Manager, but he now understands this Disaster Declaration is not equivalent to the Stay at Home Order issued.

**MOTION:** Mayor Pro-Tem Villa moved to approve an Ordinance of the City Council of the City of Rockport, Texas, extending a Declaration of Local Disaster for the period of May 12 – May 26, 2020; establishing rules and regulations for the duration of the disaster; restricting certain activities; and establishing penalties for violations. Council Member Gurtner seconded the motion.

Mayor Rios took a roll call vote. Motion carried unanimously.

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

Mayor Rios said he is spending 4-5 hours a day reading and on telephone calls with other entities around the region. Mayor Rios stated there was a call yesterday with the Governor’s office detailing the CARES Act. Mayor Rios expressed there were cities who thought they would be receiving funds with no strings attached but that is not true; there are federal strings attached. Mayor Rios added the City is keeping tract of all expenses related to COVID-19 and will submit for FEMA reimbursement if the expenses are eligible. Mayor Rios stated there is a call every Wednesday at Noon with the Whitehouse briefing staff. Mayor Rios said another round of local testing is being conducted today and there are approximately 120 people scheduled for testing. Mayor Rios expressed there may be another round of testing. Mayor Rios informed everyone Aransas County received notification that two individuals identified by Nueces County, with Aransas County addresses, may have tested positive, but that has not yet been confirmed; they are being quarantined through May 21, 2020, and they have separate addresses.

Council Member Cunningham stated the money through the CARES Act is only for the increased cost for responding to COVID-19 and not for any shortfall of revenue.

Mayor Rios stated that was correct and there is no word on any type of help from the federal government on revenue shortfalls across the United States. Mayor Rios said in discussion with the City Manager and Finance they are going to wait another month and then the Council will hold a workshop to discuss revenue shortfall.

Finance Director Katie Griffin stated Sales Tax is holding steady and the information for April will be available in June. Ms. Griffin said hotel occupancy fund revenue is 25%-50% behind where we should be.
15. 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.

Mayor Pro-Tem Villa stated it is obvious that some of the restrictions have been lifted because traffic is steady, and the beach was well occupied this weekend.

Council Member Cunningham stated he attended the Commissioners’ Court meeting via YouTube. Council Member Cunningham said they authorized the Judge to move forward with the Bay Shore project. Council Member Cunningham commented that he has noticed in his one year as a Council Member that when there are multiple entities involved it takes quite some time to get projects approved and moving forward.

Mayor Rios said the Commissioners’ Court, yesterday, honored Town of Fulton Mayor Jimmy Kendrick for his service.

Council Member Gurtner said she attended a ZOOM meeting of the newly formed Aransas County Partnership Economic Development Corporation. Council Member Gurtner stated Neill Amsler has been named the new president and chief executive officer.

Executive Session

City Council will hold an executive session pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in:

16. Section 551.071(1)(A) Consultation with Attorney: Pending or contemplated litigation – Ameresco.

17. Section 551.071(2) Consultation with Attorney: On a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter – Broaddus and Associates construction manager agent agreement.

At 6:58 Mayor Rios convened the Rockport City Council into an Executive Session pursuant to the provisions of Chapter 551 of the Texas Government Code, in accordance with the authority contained in Section 551.071(1)(A) Consultation with Attorney: Pending or contemplated litigation – Ameresco; and Section 551.071(2) Consultation with Attorney: On a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter – Broaddus and Associates construction manager agent agreement.
Open Session

City Council will reconvene into open session pursuant to the provisions of Chapter 551 of the Texas Government Code to take any actions necessary related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.

At 8:24 p.m., Mayor Rios reconvened the Rockport City Council into open session pursuant to the provisions of Chapter 551 of the Texas Government Code to take any necessary actions related to the executive sessions noted herein, or regular items, noted above, and/or related items.

MOTION: Mayor Rios moved to authorize the City’s legal counsel, Denton Navarro Rocha Bernal & Zech, PC to contact Ameresco on behalf of the City of Rockport to resolve identified issues with ITRON. Mayor Pro-Tem Villa seconded the motion.

Mayor Rios took a roll call vote. Motion carried unanimously.

MOTION: Mayor Rios moved to authorize the City Manager and or Mayor to negotiate and enter into a contract with Broaddus and Associates as the Construction Manager Agent for the Downtown Anchor - City Hall project for the City of Rockport. Council Member Sasaki seconded the motion.

Mayor Rios took a roll call vote. Motion carried unanimously.

15. Adjournment.

At 8:26 p.m., Mayor Pro-Tem Villa moved to adjourn. Motion was seconded by Council Member Cunningham. Motion carried unanimously.

APPROVED:

[Signature]
Patrick R. Rios, Mayor

ATTEST:

[Signature]
Teresa Valdez, City Secretary